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The EU as an external promoter of its internal values

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THE EU AS AN EXTERNAL PROMOTER OF ITS INTERNAL VALUES

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LIST OF ABBREVIATIONS

AA	Association Agreement
ACP	African, Caribbean and Pacific group of states
AFSJ	Area of Freedom, Security and Justice
CCP	Common Commercial Policy
CFR	Charter of Fundamental Rights
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
CVM	Cooperation and Verification Mechanism
DCFTA	Deep and Comprehensive Free Trade Agreement
EC	European Commission
EEAS	European External Action Service
ENI	European Neighbourhood Instrument
ENP	European Neighbourhood Policy
EU	European Union
EUGS	EU Global Strategy
FTA	Free Trade Agreement
HR/VP	High Representative of the European Union for Foreign Affairs and Security Policy/Vice-President of the European Commission
IO	International Organization
LCD	Least Developed Country
MS	Member States
NPE	Normative Power Europe
PTA	Preferential Trade Agreement
SAA	Stabilization and Association Agreements
TEC	Treaty Establishing the European Community
TEU	Treaty of the European Union
TFEU	Treaty on the Functioning of the European Union
WMD	Weapons of Mass Destruction
WTO	World Trade Organization

EXECUTIVE SUMMARY

In June 2016 the European Union presented its new ‘Global Strategy on Foreign and Security Policy for the European Union’. This document lays down the EU’s approach for its foreign relations for the upcoming years. EU values and their promotion play a pivotal role in the strategy. This, in combination with the EU’s expanded powers in foreign policy, led to the question in what legal and political ways the EU makes its internal values part of its external relations. Because values are of high importance for the EU, the Union is often perceived as a normative actor. The academic publications on this topic appeared to be abstract and fragmented. Although scholars generally agreed that the EU is a normative power, they all tended to focus on diverging aspects. Nevertheless, the analysis of academic publications led to the identification of 11 theoretical ways in which the EU can promote its values (defined by Börzel and Risse (2009) and Manners (2002)). The aim of the research was therefore to concretize the ways in which the EU can promote its values.

The EU is obliged to uphold and to promote its values in its relations with the wider world. These obligations are laid down in articles 2, 3(5) and 21 of the Treaty on the European Union. The main values laid down in these treaty articles were human rights (also for persons belonging to minorities), democracy, the rule of law, respect for human dignity, equality, freedom and fundamental freedoms. In order to research which values are promoted and in what ways, the research focused on six policy areas and on one or two instruments per policy. It was necessary to make selections, because of the limited scope of the research. The selected policy areas were trade policy, development policy, the Common Foreign and Security Policy (CFSP), the Common Security and Defence Policy (CSDP), the European Neighbourhood Policy (ENP) and the EU’s enlargement policy.

The conclusions based on the analysis of these policy areas are interesting and provide insights in the practical ways in which the EU promotes its values. First, it became clear that the EU has found different legal and political ways to promote its values. Second, the policy instruments used by the EU vary in terms of format, objective and enforcement (strength). Third, human rights, democracy and the rule of law are the EU values that are predominantly promoted through the instruments. Fourth, enlargement policy can be considered as the strongest policy, followed by the ENP, development policy, trade policy and the CSDP, whereas the CFSP is the weakest. Fifth, the use of essential elements in agreements, which include EU values, seems to be

preferred by the EU. Sixth, the EU has created financial incentives to motivate countries to comply with and to integrate EU values and helps ‘on the ground’ by Twinning projects and CSDP missions. These research results were compared to the 11 theoretical ways that were identified in the academic publications. The research concretized coercion, transference, the manipulation of utility calculations, socialization, informational diffusion and overt diffusion. Some of these promotion mechanisms were used in multiple policy areas or mixed with other instruments.

In conclusion, the EU has found different legal and political ways to make its internal values part of its external relations, and the research created a clear and indicative picture of the EU as a normative actor.

PART A: INTRODUCTION

CHAPTER 1: INTRODUCTION

This chapter has the overall aim to introduce you to the research topic. Once is explained why the topic is currently a hot issue and relevant in section 1.1, the academic state of the art (1.2) will explain what is already known about the topic. This analysis will make clear which gaps the research should and aims to fill. Based on these findings the main research question and corresponding sub questions are formulated and explained (1.3). The research goal is mentioned in section 3 as well. Finally, section 1.4 explains how this research is conducted and justifies why particular choices were made. The chapter ends by explaining the structure of the research.

1.1 INTRODUCTION TO THE RESEARCH TOPIC

When the European project was created, it was mainly focused on its own Member States, but over the years the European Union (EU) has developed its foreign policy and external relations extensively. It started with the European Economic Community (EEC), in which there was some form of external policy in the form of a common trade tariff. In the 1992 Maastricht Treaty a big step forward was taken by the establishment of the ‘Common Foreign and Security Policy’ (CFSP). After this, in the 1997 Amsterdam Treaty, it became clear that the EU should have more power and greater responsibilities in its foreign policy and external affairs. As a logical step, the Lisbon Treaty (2009) granted the EU with some extra powers and responsibility in these fields. The most important change was that the EU officially gained ‘legal personality’ (Article 47 of the Treaty on European Union, TEU), allowing the EU to act as a legal actor, by itself or on behalf of its twenty-eight Member States, also in its external policies.

In June 2016 the EU presented its new ‘Global Strategy on Foreign and Security Policy for the European Union’. This strategy is a follow-up to its 2003 Strategy and sets out the EU’s approach towards the world for the coming years. It reveals that not only migration and trade or counterterrorism and energy security are important, but the promotion and the export of its values and principles as well. The strategy, among other things, states the following about this: “the ambition of strategic autonomy for the European Union (...) is necessary to promote the common interest of our citizens, as well as our principles and values” (EEAS, 2016b, p. 4). This implies that EU values, norms and principles have taken a very central place in the EU’s external policies.

Since the EU aims to promote and export its values and norms to non-EU countries, the EU is often perceived as a normative actor (Hoang, 2016; Langan, 2011; Manners, 2002; Orbie &

Khorana, 2015). This, in combination with the new Global Strategy, triggers the question of which values the EU aims to promote and in what ways. In order to get a clear picture of the current debates on 'Normative Power Europe' (NPE), the next section will take a deeper look into the academic literature.

1.2 ACADEMIC STATE OF THE ART

This section will give an analysis of the EU as a normative power, as described in academic publications. It not only describes how the EU is perceived, but also different ways in which the EU can promote its values and how 'conditionality' can be used.

The existing academic literature often tends to describe the EU as a normative actor (Börzel & Risse, 2009; Dijkstra & Vanhoonacker, 2017; Herlin-Karnell, 2012; Koch, 2015; Manners, 2002; Metreveli, n.d.; Schimmelfennig & Sedelmeier, 2004). In addition to this, Manners (2002) argues that the EU cannot only be viewed as a civilian actor, but also as a military actor. The trend of viewing the EU as a military actor is based on the Common Security and Defence Policy (CSDP). Still, the overall perspective of the EU as a normative actor seems to be dominant in the academic literature. The concept of the EU as a 'normative power' is generally accepted as a power that wants to work in a 'normative' way (Manners, 2002). This means that the EU's action shall be guided by its own values and that it has the ambition to influence or change political 'temperaments'. Dijkstra and Vanhoonacker (2017) argue that the EU is quite successful as a normative actor.

Over the years the EU has developed a catalogue of norms which it wants to promote in the outside world. These are, for example, human rights, peace and democracy (Börzel & Risse, 2009; Manners, 2002; Metreveli, n.d.). To be more specific, Koch (2015) defines three categories of human rights the EU promotes: civil and political rights (first generation), economic and social rights (second generation) and environmental rights (third generation). The expansion of these rights would be the result of a process of globalization. In addition to this, Manners (2002) focuses on five main norms and four minor norms of the EU. The main norms are peace, liberty, human rights, the rule of law and democracy, while the minor norms are social solidarity, anti-discrimination, sustainable development and good governance. Herlin-Karnell (2012) has a legal perspective and focuses on the values that are mentioned in the treaties. She states that the EU wants to promote, as included in the Treaty of the European Union, human rights, democracy,

equality, sustainable development, human dignity, freedom and the rule of law. She also explains that articles 3(5) and 21 TEU are guiding the EU's external affairs. These Treaty articles include the EU's values and they state that the EU should uphold and promote its values in its relations with the wider world (these treaty articles will be explained in more detail in chapter 2).

Another question is, in what ways the EU can act in a normative sense. Schimmelfennig and Sedelmeier (2004) explain this by making a distinction between the export (promotion) of the "EU systems of governance as such" (p. 662) ('what') and in which ways ('how') the EU can transfer its values and norms. It seems that there are diverging approaches and perspectives regarding the question how the EU does this. For example, Börzel and Risse (2009) focus explicitly on the diffusion of ideas and norms. They argue that both the EU's primary (constitutional) and secondary law reflect the EU's values and norms. They also argue that there are five ways in which values can be diffused. The first way is 'coercion', meaning that the EU can require countries to comply with EU law, e.g. by the threat for physical violence. The second way is the 'manipulation of utility calculations' by providing positive or negative incentives. The third way in which the EU can diffuse its norms and ideas is 'socialization', meaning that countries "learn to internalize norms and rules in order to become members of (international) society" (Börzel & Risse, 2009, p. 10). The fourth way is 'persuasion', meaning that the EU wants to persuade countries of the need for legally binding standards, e.g. by signing the Kyoto Protocol. The fifth way is 'emulation', which is indirect influence. The EU might, with its policies, serve as an example for other countries with similar problems, since the EU policies generally have shown to be effective.

Next to these interesting ideas of Börzel and Risse (2009) about the diffusion of norms and values, Manners (2002) defined six different ways in which the EU can promote and export its values. The first way is contagion, which basically means that the EU unconsciously serves as an example for other countries, e.g. because of a very effective policy. The second way is informational diffusion, which might happen by publishing strategic communications or making public statements. The third way is procedural diffusion, which might happen through the EU's membership of an International Organization (IO). The fourth way is transference, for example by using the notion of 'conditionality'. The fifth way to promote EU values is overt diffusion, which happens when the EU is physically present in a third state or IO. The sixth way is the cultural filter, which focuses on the impact of EU norms, since the recipient state's culture might have an influence on this.

One of the instruments where scholars mostly pay their attention to is the use of the notion of ‘conditionality’. They can be described as requirements that need to be fulfilled in order to get something (e.g. funding). Koch (2015) distinguishes between ex-ante conditionality (conditions that have to be met beforehand) and ex-post conditionality (conditions need to be met during the contractual relationship). In addition to this, Koch (2015) makes a distinction between positive (for giving incentives) and negative (punishments) conditionality. When it comes to ex-post, negative conditionality, Metreveli (n.d.) states that the EU might stop its funding in case the EU’s values are violated. In case of positive conditionality there is ‘reinforcement by reward’, which means that the EU creates (extra) incentives to ensure compliance with EU conditionality by the target governments. The EU can thus decide to give a reward when target governments comply with EU conditionality or it can withhold it when they do not (Schimmelfennig & Sedelmeier, 2004). A few examples of situations in which conditionality can be used as an instrument are: development aid, trade agreements and Free Trade Agreements (FTAs). In some cases conditionality is presented as an ‘essential element’ in agreements (Hafner-Burton, 2008; Koch, 2015).

As this academic state of the art has shown there is the general idea that the EU is a normative power. It also shows that there are several values the EU wants to promote and identifies 11 ways to do this (based on the theory of Manners and Börzel&Risse). In addition to this, the scholarly debate focuses on the use of the notion of conditionality. Although one could argue that the academic literature provides an overall picture of the EU as a normative actor, this is only true to a very little extent. The academic literature on NPE is quite abstract. Although different ways for the promotion of EU values are mentioned, it still does not make clear how it exactly and concretely happens and in which policy areas. Next to this, as mentioned before, only the notion of conditionality is mentioned as an instrument, while it can be assumed that the EU has more instruments at its disposal to promote values. In addition to this, scholars tend to focus on very divergent issues, which makes the literature fragmented. Because of the abstractness and fragmentation in the academic publications on this topic, it becomes clear that a concrete and comprehensive analysis of the ways in which the EU promotes its values as a normative actor is needed.

1.3 RESEARCH QUESTIONS

As the previous sections have shown, there are general ideas about the ways in which the EU can promote its values. However, at the same time, there is a lack of concreteness and comprehensiveness, which makes the overall picture of NPE very abstract and limited. The gradual expansion of EU competences in its foreign policy field and the recent publication of the EU global strategy triggered the question how the EU can promote its values, which is strengthened by the outcomes of the academic state of the art. Based on these observations, the main goal and relevance of this research is to look at different policy areas (which will be selected in chapter 2) and to find out which specific instruments the EU uses within these policy areas to promote its values. In order to research this, the following central research question is formulated:

In what legal and political ways does the EU make its internal values part of its external relations?

The answer to this question will allow for a better and more practical understanding of the ways in which the EU promotes its values in different policy areas. In order to be able to answer the main research question, two sub questions were formulated:

1. What explicitly value-based policies are key to the EU's external relations?

In order to get a clear picture of the EU as a normative actor it is necessary to look at policy areas with a strong external component. In addition to this, it is interesting to analyse to what extent these policy areas have a strong link with EU values, since values form the topic of this research. Chapter 2 on the 'key value-based policy areas of the EU's external relations' will combine these two criteria and selects six policy areas that meet these criteria. The relevance of this chapter is thus to define the policy areas that will serve as a basis for the rest of the research. The function of chapter 2 is also to introduce the basics of EU external relations and the different policy areas by providing a clear and short analysis.

The second sub question is the following:

2. *Which policy instruments does the EU use within these policy areas and how do these instruments function in practice?*

Based on the selected policies in chapter 2 a more extensive analysis will be conducted in the chapters answering this sub question. This sub question not only has the aim to assess the instruments the EU uses to promote its values, but also examines how these instruments function in practice. Because of the scope of this research, only a selection of policy instruments per policy area is analysed (as will be explained in the methodology section). The sub question is answered in the following chapters: Trade and Aid (3), the CFSP and CSDP (4) and Neighbourhood and Enlargement (5). The next section on methodology will explain more about the ways in which policy areas and instruments are selected and explains the structure of this research.

1.4 METHODOLOGY

This research aims to provide a comprehensive and concrete analysis of the ways in which the EU externally promotes its values. This goal was formulated on the basis of the introduction (e.g. EU global strategy) and the outcomes of the academic state of the art. In order to achieve this goal one central research question and two sub questions were formulated. The aim of this section is to discuss how this research will be conducted.

The type of research is an in-depth qualitative research with a strong focus on literature and document analysis. The research exists of six different chapters. The first chapter is the introduction (this chapter). The next chapter, chapter 2, starts with a clear introduction to the EU's external relations. The chapter also explains that the EU is a normative actor, based on the definition of Manners (2002). The chapter further sets out which values the EU wants to promote. This demarcation of values is crucial for the rest of the research, since this will keep the research feasible. In order to measure whether values are present in the documents, there will first be an analysis on whether they are mentioned and if so, it will be analysed in which context they are mentioned. In addition to this, chapter 2 selects the policy areas that are analysed in chapter 3, 4 and 5. The selection criteria for these policies are the following: the policies have to be considered key policies of EU external affairs, and they should be explicitly based on EU values.

The analytical chapters are built up in the following way: first the literature about the specific policy area will be analysed on the presence of values and on specific policy instruments

to promote them. After this literature analysis, several documents are analysed to ‘test’ whether the statements made in the literature are right. In addition to this, the documents were used to find out in which concrete ways (how) the EU promotes its values. Specific quotes of the documents are displayed in specific textboxes. The combination of theory and documents (e.g. agreements or declarations) makes the (sub)conclusions very strong, since the literature is applied to and checked with the documents. This combination increases the reliability and the validity of this research. It depends on the policy area and the size of the documents how many policy documents were analysed. It was necessary to make a selection of documents, because of the scope of this research. The following scheme gives a clear overview of the documents that were analysed:

Chapter	Documents
Chapter 3 (Trade and Aid)	<ul style="list-style-type: none"> - The Cotonou Agreement (development) - EU-Korea Free Trade Agreement (trade) - EU Trade Agreement with Colombia and Peru (trade)
Chapter 4 (CFSP and CSDP)	<ul style="list-style-type: none"> - 10 CFSP Declarations (CFSP) - The EU Global Strategy (CFSP) - 6 Civilian and Military missions (CSDP)
Chapter 5 (Neighbourhood and Enlargement)	<ul style="list-style-type: none"> - 3 Association Agreements (neighbourhood policy) - The Copenhagen Criteria + Article 49 TEU (enlargement policy)

The reason why especially these documents were selected is clearly explained in the corresponding chapters.

During the setting up of the research design the decision was made to analyse a variety of policy areas with a (as a consequence of this) limited amount of policy instruments per policy. The other option was to select 1 policy area including all instruments related to that policy. The line of reasoning behind choosing the first option, is that focusing on one policy area again creates a very limited picture, which is undesirable, whereas focusing on more policy areas creates a better and completer picture. This is especially the case because the EU does not have equal powers in each policy area, which automatically suggests that the EU has to use different instruments in different policies.

The research consists of three parts. Together with chapter 1, chapter 2 falls under ‘part A’ of the research, which means that they are both introductory chapters. As mentioned before, chapter 3, 4 and 5 are based on the selected policies in chapter 2. These three analytical chapters together form ‘part B’, which means that it is the analytical part of the research. Finally, there is chapter 6,

which represents the conclusion and hence gives the answer to the central research question. The findings of the analytical chapters will be compared to each other. In this way it is possible to conclude what values the EU promotes in practice, in which ways the EU promotes these values, in which policy areas the EU uses similar instruments and the policy areas will be ranked on the basis of forcefulness (enforcement and power).

So, the outline of the thesis is the following:

- Part A: Introduction (H1+H2)
- Part B: Analysis (H3+H4+H5)
- Part C: Conclusions (H6)

CHAPTER 2: KEY VALUE-BASED POLICY AREAS OF THE EU'S EXTERNAL RELATIONS

This chapter is the second part of the introduction to this research. Before moving on to the three analytical chapters it is important to understand how EU external relations work, which values it aims to promote, which policy areas have a strong external focus and what role values in general play in these policies. Section 2.1 starts with an introduction and gives an overview of EU values, whereas section 2.2 focuses on the selection of policy areas.

2.1 AN INTRODUCTION TO THE EU'S EXTERNAL RELATIONS

In order to understand how the EU can be a normative power, it is first necessary to give a clear introduction to the EU's external relations. If it is clear how foreign policy is conducted, it also becomes clear how and why the EU can act as a (normative) actor. Next to a clear introduction, this section will provide the reader with a clear overview of EU values, as included in the Treaties. These values will form the main basis for the next three analytical chapters.

As mentioned before in the introduction of chapter 1, the EU has relations with countries all over the world in very diverging policy areas. These relations have developed significantly over the years with the entering into force of different treaties, often expanding the EU's competences in this field. After the entering into force of the Lisbon Treaty (2009), the EU officially gained the status of a 'legal personality' (Article 47 TEU). This means that the European Union now "exists legally distinct from its Member States" (Van Vooren & Wessel, 2014, p. 7), which makes it possible for the EU to develop its own external relations. Next to this, the post for a 'High Representative of the Union for Foreign Affairs and Security Policy' (HR/VP) was created (Article 27 TEU). The HR/VP is responsible for the CFSP and should represent the EU in matters relating to the CFSP (Article 27(1)(2) TEU). In matters not relating to the CFSP, but to the external dimension of internal policies (for example energy and environment) and to policy areas that were not transferred to the European External Action Service (EEAS), the European Commission (EC) still is the key player (Van Vooren & Wessel, 2014). In order to ensure consistency in the EU's external action, the HR is at the same time the Vice President of the European Commission. The HR/VP is, in order to achieve this consistency, assisted by the EEAS (Article 27(3) TEU).

There are two Treaties which govern the EU's (external) action, these are the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). In the

TEU there are a few principles that govern EU action in general: the principle of sincere cooperation (Article 4 TEU), the principle of conferral (Article 5 TEU), the principle of institutional balance (Article 13 TEU), consistency (Article 21(3) TEU) and unity (Kuijper, Wouters, Hoffmeister, De Baere, & Ramopoulos, 2015; Van Vooren & Wessel, 2014). In addition to this, there are specifically three treaty articles that focus on values and the EU’s foreign affairs, which are 2 TEU, 3(5) TEU and 21 TEU. Since article 2 serves as a basis for both article 3(5) and 21 TEU, it is useful to include it in this chapter:

‘The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.’

Source: Article 2 of the Treaty on the European Union

In addition to this, article 3(5) states that ‘in its relations with the wider world, the Union shall uphold and promote its values and interests (...)’. This is stated almost in the same way in Article 21: ‘the Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law’. The main difference between these two articles, is that article 3 TEU falls under ‘common provisions’, whereas article 21 TEU falls under ‘EU external action’. The latter article is thus important, since it refers to values as well as to EU foreign affairs. Based on these three treaty articles it becomes clear that the following values are the most important for the EU to promote in its relations with the wider world (randomly put in the overview):

Human Rights (also for persons belonging to minorities)
Democracy
The rule of law
Respect for human dignity
Equality
Freedom and fundamental freedoms

The other treaty is the TFEU, which focuses, among other things, on the division of competences, which might have important implications for the EU's powers in a specific policy area. Articles 2 - 6 TFEU lay down which competences are with the EU (Article 3 TFEU), which are shared between the EU and the Member States (Article 4 TFEU), which are coordinative (Article 5 TFEU) and which are supportive (Article 6 TFEU). It is impossible to determine in which areas the EU has the (exclusive) right to act in the international scene. This is explained in article 2(6) TFEU, which states that "the scope of and arrangements for exercising the Union's competences shall be determined by the provisions of the Treaties relating to each area". So, it depends on the specific policy provisions.

Based on the foregoing information about the EU's competence to conduct foreign policy and its strong focus on EU values in relation to its foreign affairs one can see that the EU is a typical example of a normative actor (based on the definition of Manners (2002)). The next section will select six policy areas that have an external component and that are value-based.

2.2 EU POLICY AREAS SUBJECT TO EXTERNAL RELATIONS

There are many EU policy areas that have an external component, but there are only a few policy areas that have a very strong or almost solely external focus. For example, employment policy or education policy are merely internal policies, whereas the policies presented below are mainly focused on countries outside the EU. Since this research focuses on the EU as an external promoter, it is logical to focus on externally oriented policies. In addition to this, because the EU is a normative actor, the analysis will also focus on the presence of values in these policy areas. The next few paragraphs will explain which policy areas were selected and for what reasons.

2.2.1. *The Common Commercial Policy (CCP)*

The EU's CCP can be considered as the external part of the EU's internal market and is better known as the EU's trade policy (European Commission, 2016f; Van Vooren & Wessel, 2014). As mentioned in the introduction of chapter 1 it all started with a common tariff for external trade. This shows that trade policy has historically been part of the EU's foreign affairs (European Commission, 2016d). In October 2015 the EU presented a new trade strategy in which it focuses on trade and investment. One of the objectives of this new strategy is to explicitly base trade policy on EU values, such as human rights, sustainable development and fair trade. By making it one of the strategy's objectives, the EU clearly shows the importance of the promotion of values within

this field. The EU is potentially quite effective in this, since it is the biggest trading bloc in the world (European Commission, 2014a). Next to this, trade policy is often mixed or linked to other policy areas, such as development, which makes it a powerful foreign policy instrument. Further, the CCP is the only substantive policy that is mentioned in the preamble of the TEU, and it is one of the few substantive policies mentioned under Part V of the TFEU on EU external action.

2.2.2. Development policy

The EU's development policy is considered a cornerstone of the EU's foreign affairs (European Commission, 2016a). The aim of this policy is "to eradicate poverty in a context of sustainable development" (European Commission, 2016a). Not unsurprisingly EU values are a core part of this policy, which is reflected in the fact that the EU wants to fight against poverty. In addition to this, the policy aims to develop countries in a very broad sense: among other things, it wants to help countries to become democratic and it wants to achieve that human rights are respected and guaranteed. The aim of this approach is that countries will develop in a sustainable way. In order to being able to help the countries or basically to export its values, the EU provides them with development aid. Because the EU provides more than 50% of the world's total amount of development aid (European Parliament, 2016), the EU might be quite successful in doing this. Next to this, the EU uses the principle of coherence (208 TFEU). This means that the EU wants to adjust all its policies to its development policy to "increase the effectiveness of development cooperation" (European Commission, 2016c), which shows how important development policy is for the EU. Next to this, like the CCP, the EU's development policy is mentioned under Part V of the TFEU on external action.

2.2.3. The Common Foreign and Security Policy (CFSP)

The CFSP is a very special policy area. Together with the Common Security and Defence Policy, it is the only policy located in the TEU, which is the result of historical developments (Van Vooren & Wessel, 2014). As the policy's title already gives away, this is a pure and key external (foreign) policy. The CFSP's goal is "to preserve peace, reinforce international security and promote international cooperation, democracy, the rule of law, respect for human rights and fundamental freedoms" (EUR-Lex, n.d.). This CFSP objective clearly shows the high importance of the promotion and export of values in this policy. In addition to this, Article 23 TEU states that the EU's action under the CFSP should be guided by common provisions, which are, among other things, article 2 and 3(5) TEU. Although one would expect that the EU is very powerful in the

CFSP in terms of competences, it is an intergovernmental policy, which makes it quite complicated. Next to this, like trade and development policy the CFSP also has connections with other policies. This is reflected in the following quote of Article 24(1) TEU: “the Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security (...)”. The CSDP is part of the CFSP, as the next paragraph will explain.

2.2.4. The Common Security and Defence Policy (CSDP)

The CSDP is an integral part of the CFSP and therefore also externally focused (European Commission, 2016a). Like the CFSP it also has a very special place in the TEU. The goal of the CSDP is “to take a leading role in peace-keeping operations, conflict prevention and in the strengthening of the international security” (EEAS, 2016c). This means that, basically, the EU wants to assist non-EU countries in order to keep or to establish peace. Although it is not very clear what is exactly meant by ‘security’ in article 42 TEU, it is clear what is meant with the ‘defence’ part of the CSDP (article 42(7) TEU). It means that, if an EU member state is threatened, other EU Member States (MS) should help this Member State. This is reflected in the solidarity and mutual assistance clauses (EEAS, n.d.-a). However, this is the only internal part of the CSDP. In its external part, the way in which the CSDP works is quite unique. Member States provide the EU with “civil and military assets” (Van Vooren & Wessel, 2014, p. 402). The EU can then use these assets for missions taking place outside the EU. One example of a current mission, is the EU mission to Afghanistan, which has, among other things, the aim to create “an improved rule of law framework and (...) human rights” (EEAS, 2016a, p. 1). This example shows that, next to the fact that creating peace is an objective of the CSDP, values form an important part of CSDP missions.

2.2.5. The European Neighbourhood Policy (ENP)

The European Neighbourhood Policy is the EU’s policy focusing on countries that are not considered potential candidate states or as eligible for EU accession. This means that it solely has an external focus. For the EU this policy is a “key part of the European Union’s foreign policy” (EEAS, n.d.-b). In the ENP the EU does not aim to transform its neighbours into EU Member States, but the EU would rather like “to achieve the closest possible political association and the greatest possible degree of economic integration” (EEAS, n.d.-b). To be more specific, article 8(1) TEU describes very clearly what the purpose of the ENP is: “the Union shall develop a special

relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation”. This quote particularly shows how important values are within the ENP, since the EU implicitly argues that these neighbours will become stable and peaceful if they respect and live up to the EU values. The EU adds to this that the relation between the EU and its neighbours will be on the basis of common interest (European Commission, 2016b). A few examples of countries currently falling under the ENP are Moldova, Azerbaijan and Ukraine.

2.2.6. Enlargement Policy

The EU’s enlargement policy focuses on countries that wish to become member of the EU, which makes this policy purely external. The candidate countries have to be able to fulfil all requirements and obligations as requested by a full membership of the European Union (European Commission, 2016d). These requirements and obligations entail “complying with all the EU’s standards and rules, having the consent of the EU institutions and EU member states” and “having the consent of their citizens – as expressed through approval in their national parliament or by referendum” (European Commission, 2016e). In order to make this manageable and feasible for the candidate, the EU has divided its *acquis* into 35 different chapters (European Commission, 2016d). The main legal basis for enlargement policy is article 49 TEU, which states that “any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union (...)”. As mentioned in the previous section, article 2 TEU clearly explains on which values the EU is founded. It should not come as a surprise that values are extremely important in this policy area, since the respect for and the integration of the EU values are a condition for EU membership.

So, this chapter made clear which values the EU wants to promote and which value-based policy areas are key to the EU’s foreign affairs. The next three chapters will analyse what policy instruments the EU uses to promote its values within these policy areas and they will examine how these instruments function in practice. The next chapter (chapter 3) will focus on development and trade, since these policies are often linked to each other.

PART B: ANALYSIS

CHAPTER 3: TRADE AND AID

This chapter will focus on the EU's development and trade policy. It is the first of the three analytical chapters of this research. Collectively these chapters will answer the following sub question: *which policy instruments does the EU use within these policy areas and how do these instruments function in practice?* The structure of the chapter is as follows: the first part of the chapter will focus on development policy, whereas the second part focuses on trade policy. Based on the information presented in the chapter a sub conclusion will be drawn, which includes a clear and summarizing scheme.

3.1 DEVELOPMENT POLICY

Literature on the EU's development policy tends to predominantly focus on the Cotonou Agreement with the African, Caribbean and Pacific (ACP) group of states. This agreement governs the contemporary relations between the EU and Africa (Bountagkidis, Fragkos, & Frangos, 2015; Heron, 2014). The EU's explicit focus on the ACP group of states can be explained by the fact that the ACP states are former colonies of Western Europe (Birchfield, 2011). In addition to this, the EU tends to focus on the Least Developed Countries (LDCs) of the world (European Commission, 2016a). Since most LDCs are the same as the ACP countries, it is not unsurprising that the EU focuses on this area. Because of the literature's and the EU's strong focus on the ACP countries and the Cotonou Agreement, the next few paragraphs will examine how this agreement was designed and to what extent values are present.

The Cotonou Agreement with the ACP states is considered successful with regard to political conditionality (Molenaers, Dellepiane, & Faust, 2015). It was the first EU Agreement which included EU values as 'essential elements' and the first agreement that has a 'human rights clause' (Del Biondo, 2011, 2015). The strong focus on EU values is confirmed by Smith (2013), who argues that the Cotonou Agreement has a strong overtone of political conditionality. The EU values 'democracy', 'human rights', 'good governance' and 'the rule of law' are the ones that get special attention in the agreement (Bountagkidis et al., 2015; Del Biondo, 2011; Del Biondo & Orbie, 2014). Further "the Cotonou Agreement combines traditional development methods with new political objectives, such as trade liberalization, prevention of migration and the promotion of security" (Bountagkidis et al., 2015, p. 91).

In order to find out how the promotion of EU values through the Cotonou Agreement works in practice, several parts of the agreement will be highlighted and explained. It starts with an interesting part of the preamble of the agreement, which makes a clear reference to EU values:

“ACKNOWLEDGING that a political environment guaranteeing peace, security and stability, respect for human rights, democratic principles and the rule of law, and good governance is part and parcel of long term development; acknowledging that responsibility for establishing such an environment rests primarily with the countries concerned.”

Source: Preamble of the Cotonou Agreement

This part of the preamble of the Cotonou Agreement is interesting, because the EU emphasizes that EU values form an *essential* part of long term development. It also refers to ‘a political environment’, which shall be based on EU values. This implies that the EU wants to ‘transform’ the ACP countries into states based on EU values. In order to discover how the EU wants to achieve this, a profound analysis of the agreement’s articles will be conducted.

Article 1 about the ‘objectives of the partnership’ states, like the preamble, that “contributing to peace and security and to promoting a stable democratic political environment” is an important objective of the EU-ACP partnership. In addition to this, Article 9 on ‘essential elements regarding human rights, democratic principles and the rule of law, and fundamental element regarding good governance’ lists the most *essential* and *fundamental* elements of the agreement (Del Biondo & Orbie, 2014). In order to find out what these elements look like, the following two parts of Article 9 are quoted:

“Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.”

Source: Article 9(1) of the Cotonou Agreement

“The Partnership shall actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance.”

Source: Article 9(4) of the Cotonou Agreement

As these two parts of Article 9 of the Cotonou Agreement show, the EU places its core values, which are human rights, democracy, good governance and the rule of law, on the foreground. In order to make sure that the ACP states make progress in respecting and integrating these values,

the EU has included an article on ‘political dialogue’ (Article 8) (Del Biondo & Orbie, 2014). Article 8 states, among other things, the following:

“(…) The dialogue shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance.”

Source: Article 8(4) of the Cotonou Agreement

The EU thus wants, by regularly having political dialogues, to assess the ACP countries on their progress with regard to the EU’s core values. If the EU considers this process of development as insufficient, or if political dialogue is not possible or it falls short, then the agreement has articles on the next steps that should be taken. These are articles 96 and 97 of the agreement (Del Biondo, 2011, 2015; Molenaers et al., 2015). In order to find out how these articles exactly work, the following part of article 96 is quoted:

“If, despite the political dialogue conducted regularly between the Parties, a Party considers that the other Party has failed to fulfil an obligation stemming from respect for human rights, democratic principles and the rule of law (...) it shall invite the other Party to consultations that focus on the measures taken or to be taken by the party concerned to remedy the situation.”

Source: Article 96(2a) of the Cotonou Agreement

So, Article 96 on ‘essential elements: consultation procedure and appropriate measures as regards human rights, democratic principles and the rule of law’ already shows the importance of the essential elements in this partnership. This part of Article 96 basically means that, if the political dialogue does not lead to a satisfying result for different reasons, a consultation procedure will be started. If this process of consultations also does not lead to a satisfying result, then Article 96 offers the next step of enforcement:

“If the consultations do not lead to a solution acceptable to both Parties, if consultation is refused, or in cases of special urgency, appropriate measures may be taken. These measures shall be revoked as soon as the reasons for taking them have disappeared.”

Source: Article 96(2a) of the Cotonou Agreement

This part of Article 96 provides the EU with the right to take ‘appropriate measures’ if the political dialogue and the consultations did not lead to an acceptable solution. Article 96(2c) explains that

these measures should be in line with international law and priority should be given to the measures that disrupt the application of the Cotonou Agreement the least. Nevertheless, the EU is allowed to take ‘aid sanctions’ (Molenaers et al., 2015) or to take a measure that leads to “a partial or full suspension of aid” (Del Biondo, 2011, pp. 667-668). The same procedure is included in Article 97, which focuses on cases of corruption. The fact why the EU ‘punishes’ corruption in the same way as a violation of the *fundamental* and *essential* elements, may be that corruption stands in direct opposition of EU values.

By including strong enforcement mechanisms in the agreement, the EU is able to put pressure on the ACP states to respect and integrate the *essential* and *fundamental* elements of the agreement, which reflect the EU’s core values (democracy, rule of law, human rights and good governance).

3.2 TRADE POLICY

The literature on the EU’s trade policy focuses on a variety of trade agreements. It focuses on the content of different types of agreements, such as Free Trade Agreements (FTAs) and the standard bilateral trade agreements. In order to conduct a clear and qualitative comparison of EU value promotion in trade, two trade agreements with different geographical applications and nature are analysed. These are the Free Trade Agreement with the Republic of Korea and the EU trade agreement with Colombia and Peru. These two agreements were chosen for several reasons. First of all, both agreements do not fall under the EU’s neighbourhood policy, which is important, since agreements falling under that policy area will be analysed in chapter 5. Second, development policy already specifically focuses on Africa, which makes it more interesting to focus on countries or continents that do not fall under development or neighbourhood policy. The third reason for particularly focusing on an Asian country, is that the literature argues that the promotion of values in Asia is very difficult for the EU. Before starting with the analysis of the agreements there will first be a literature analysis on the core elements of trade agreements.

Bartels (2013) argues that the EU has been including human rights clauses for several years now, which is also argued by Sicurelli (2015) and Molenaers et al. (2015). Often, these clauses are presented as ‘*essential* clauses’ in trade agreements (Bartels, 2013). The reason for their inclusion is probably that human rights are one of the EU’s policy objectives (Dolle, 2015). Next to human rights, worker’s rights clauses are also included in trade agreements. Orbie and Van den Putte (2015) argue that the inclusion of these labour provisions has intensified over the years. These

labour provisions are also presented as (social) human rights. Although the inclusion of these clauses has intensified, “so far, no agreements concluded by the EU with a developed country includes a Human Rights clause” (Dolle, 2015, p. 220). Next to human rights clauses and labour provisions, the EU recently started to include chapters on sustainable development, which focus on environmental and labour standards (Bartels, 2013). Poletti and Sicurelli (2016) argue that the EU increasingly uses trade agreements for spreading environmental norms in its international trade relations.

In order to make sure that these clauses are respected, there are several options for enforcement mechanisms, which have expanded over the years (Orbie & Van den Putte, 2015). Dolle (2015) explains the two ways in which human rights clauses can be enforced: “the first option consists of a resolution of the issue through consultations. The second option refers to an approach based on coercion (the agreement or parts of the agreement may be suspended, trade preferences granted or withdrawn)” (p. 221). Hoang (2016) confirms the possibility to use coercion by stating that the EU “does not exclude the use of coercive instruments, such as embargoes or boycotts, delaying or suspending agreement/trade preferences, increasing tariffs and quotas and threatening or bringing the trade partners to an international dispute settlement mechanism (...)” (p. 185). These restrictive and punitive measures should, like in development policy, be in line with the international standards (Bartels, 2013; Hoang, 2016).

Not all trade agreements have elaborate human rights clauses, because trading partners strongly oppose this or when the agreement solely focuses on trade (Dolle, 2015). Two examples are India and China. In the case of India the EU has tried to include a human rights clause (including labour rights), but India rejected this (Orbie & Khorana, 2015). Maher (2016) explains that, like India, China rejects the norms and values that the EU seeks to promote in the world. Orbie and Khorana (2015) argue that this is a ‘test’ of the EU’s capability to export its norms through trade agreements.

This following part of this section will examine the FTA with Korea and the trade agreement with Colombia and Peru. Starting with the preamble of the FTA with Korea, there are many references to values, such as human rights and sustainable development. These are the most important elements with regard to EU values:

“RECOGNISING their longstanding and strong partnership based on the common principles and values reflected in the Framework Agreement;”, and

“DESIRING to strengthen the development and enforcement of labour and environmental laws and policies, promote basic worker’s rights and sustainable development and implement this Agreement in a manner consistent with these objectives;”.

Source: Preamble of the EU-Korea Free Trade Agreement

Similar to the preamble of the FTA with Korea is the preamble of the trade agreement with Colombia and Peru, which also links to EU values. The preamble of this agreement links, for example, to the United Nations Charter and the Universal Declaration of Human Rights. More interesting is Article 1 of the trade agreement with Colombia and Peru. Article 1 states, among other things, the following:

“Respect for democratic principles and fundamental human rights, as laid down in the Universal Declaration of Human Rights, and for the principle of the rule of law, underpins the internal and international policies of the Parties. Respect for these principles constitutes an *essential* element of this Agreement.”

Source: Article 1 of the EU trade agreement with Colombia and Peru

This means that EU values, such as democracy, human rights and the rule of law are an *essential* element of the agreement. Article 2 adds disarmament and the non-proliferation of weapons of mass destruction to these essential elements. Next to these essential elements, there is also a statement on sustainable development in Article 4. When analysing the other agreement, the FTA with Korea, it appears that there is no essential elements clause, but there is a reference to sustainable development in Article 1.

In the FTA with Korea, there is, next to the preamble, only one relevant chapter referring to EU values, namely Chapter 13 on ‘trade and sustainable development’. The following quote shows what the agreement intends to achieve on sustainable development:

“(…) the Parties reaffirm their commitments to promoting the development of international trade in such a way as to contribute to the objective of sustainable development and will strive to ensure that this objective is integrated and reflected at every level of their trade relationship”.

Source: Article 13.1 of the EU-Korea Free Trade Agreement

Thus sustainable development shall be integrated in the trade relationship, but this is not the only matter covered by the agreement. In another part of Article 13, namely 13.3, there is a clear reference to environmental and labour protection, which reflect EU values. It states that the Parties want to encourage high levels of labour and environmental protection and that it wants to improve laws and policies. Basically this is almost exactly the same in the trade agreement with Colombia and Peru, there are only some textual differences. The chapter namely also focuses on the integration of sustainable development in the trade relation, and it focuses on the strengthening of the Parties' compliance and commitment to labour and environmental laws. So, in both agreements there are clear references to sustainable development and to labour and environmental provisions.

The enforcement of these chapters also happens in a similar way. In the FTA with Korea the Parties shall establish Domestic Advisory Groups, which will conduct a dialogue on a regular basis. These groups will discuss about the sustainable development aspects of the trade relationship (Article 13.13). If there is an issue that leads to dissatisfaction consultations may be started:

“A Party may request consultations with the other Party regarding any matter of mutual interest arising under this Chapter, including the communications of the Domestic Advisory Group(s) (...) by delivering a written request (...).”

Source: Article 13.14 of the EU-Korea Free Trade Agreement

If these consultations also do not lead to a satisfying result, there is one last step that can be taken:

“(...) A party may (...) request that a Panel of Experts be convened to examine the matter that has not been satisfactorily addressed through government consultations.”

Source: Article 13.15 of the EU-Korea Free Trade Agreement

This Panel of Experts then has to draw up a report including recommendations and advice, based on their expertise. The implementation of this report is then monitored by the Committee on Trade and Sustainable Development. This is the last step of enforcement, since dispute settlement is not possible (Article 13.16).

The trade agreement with Colombia and Peru has a similar way of enforcement. There is a committee on Trade and Sustainable Development, which shall convene once a year and which shall conduct dialogue with civil society (Article 282). If an issue arises, government consultations can be started (Article 283). If the issuing Party still thinks that the matter should be further discussed, then the Sub-committee on Trade and Sustainable Development ‘shall convene promptly

and endeavour to agree on a resolution of the matter’ (Article 283). If there is still no solution, then a ‘group of experts’ has to write a report including advice and recommendations (Articles 284 and 285). Article 286 finally states that dispute settlement is not possible. One difference between the agreements is that the trade agreement with Colombia and Peru includes an *essential* elements clause, which has its own enforcement procedure. There is a general article on enforcement, applicable to all rights and obligations under the agreement, focussing on the possibility of dispute settlement (Article 8(2)). However, more interesting is that there is a specific part that deals with enforcement in case of violations of the essential elements clause:

“Without prejudice to the existing mechanisms for political dialogue between the Parties, any Party may immediately adopt appropriate measures in accordance with international law in case of violation by another Party of the *essential* elements (...). The measures will be proportional to the violation. Priority will be given to those which least disturb the functioning of this Agreement”.

Source: Article 8(3) of the EU trade agreement with Colombia and Peru

This means that appropriate measures may immediately be adopted in case of a violation. This is an important difference with the chapters on trade and sustainable development, where appropriate measures do not fall under the enforcement options.

3.3 CONCLUSION

This chapter had the aim to discover how the EU can promote its values within its development and trade policy. In order to achieve this, the following sub question was formulated: *which policy instruments does the EU use within these policy areas and how do these instruments function in practice?* Based on a thorough analysis of literature and three different agreements the following clear and summarizing scheme was developed:

Country	Type of Agreement	Important parts	Values/issues represented	Final step of enforcement
African, Caribbean and Pacific Group of States	Partnership Agreement (development)	Essential Elements	Democracy, human rights, rule of law, good governance	Appropriate measures
Republic of Korea	Free Trade Agreement	Chapter on Trade and Sustainable Development	Sustainable development, environmental issues, labour rights	Report of a group of experts including

				recommendations and advice
Colombia and Peru	Trade Agreement	Essential Elements	Human rights, democracy, rule of law, disarmament, non-proliferation of weapons of mass destruction	Appropriate measures and dispute settlement
		Chapter on Trade and Sustainable Development	Sustainable development, environmental issues, labour rights	Report of a group of experts including recommendations and advice

There are a few conclusions that can be drawn. First of all, only 2 of the 3 agreements have an *essential* element clause. The enforcement of these clauses is strong, since appropriate measures are allowed (e.g. sanctions). Second, the chapters on trade and sustainable development, which are also present in two of the three agreements, have another form of enforcement. The last step of enforcement of these chapters is a report including recommendations and advice, which has to be implemented by the Parties. Third, although the *essential* element clauses and chapters on trade and sustainable development are included in different agreements, it is noticeable that the text of these clauses and chapters is very similar in terms of formulation and enforcement. This implies that the EU has a standard format for these clauses and chapters. So, the EU uses development and trade agreements with specific clauses and chapters, reflecting EU values, and strong enforcement mechanisms, to internationally promote its values.

CHAPTER 4: COMMON FOREIGN, SECURITY AND DEFENCE POLICY

This chapter will focus on the EU's Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP). This is the second of the three analytical chapters of this research. Like chapter 3 it aims to answer the following sub question: *which policy instruments does the EU use within these policy areas and how do these instruments function in practice?* The first part of the chapter focuses on the CFSP and the second part of the CSDP. At the end of the chapter a sub conclusion will be drawn, which includes a clear scheme.

4.1 COMMON FOREIGN AND SECURITY POLICY (CFSP)

The Common Foreign and Security Policy of the European Union is a broad policy focusing on states, regions and individuals outside the EU. Very recently, in June 2016, the EU has presented a new strategy for its CFSP, which is called 'shared vision, common action: a stronger Europe'. This strategy will be the guiding document for EU foreign affairs in the upcoming years. That is why there will be special attention for the EU's Global Strategy in this section, next to another mainstream CFSP instrument.

Within the CFSP there are several instruments available. One often used instrument is CFSP declarations (European Commission, 2014b). Regarding Cardwell (2016) they "have become one of the main ways in which the European Union (EU) makes its voice heard on the global stage" (p. 601). He argues that these declarations do not have a legal basis, but that they are developed over time. These declarations can have different functions, but overall they reflect the EU's concerns regarding situations linked to human rights and democracy (European Commission, 2014b). For example, Verdonck (2015) states that "the EU issues public declarations to encourage third countries to continue positive progress on the human rights front" (p. 391). In addition to this, they can also be used to promote human rights and to support democracy (European Commission, 2014b).

There are roughly 5 types of declarations: 'support of international institutions' (the EU shows that it supports International Organizations (IOs), pieces of international law or agreements), 'complimentary' (the EU focuses on third states by commending them for a specific action), 'limited or mixed criticism' (the EU expresses concerns about a state's behaviour or specific events), 'strongly critical' (the EU shows its criticism towards situations, such as human rights violations) and 'third country sanctions' (the EU imposes restrictive measures) (Cardwell, 2016). The most used type of declaration focuses on restrictive measures and sanctions (Cardwell, 2016;

European Commission, 2014b; European Parliament, 2014; Verdonck, 2015). These measures can be implemented on the basis of Articles 25 and 29 TEU (European Parliament, 2014). One reason to use these measures is in case of human rights violations (Cardwell, 2016; European Commission, 2014b). By using these measures the EU hopes, by making use of its economic involvement with states and regions, to bring about change (European Parliament, 2014).

In order to discover how these CFSP declarations look like and whether and to what extent the EU refers to values, ten declarations were analysed. This relatively high amount of documents is chosen, since CFSP declarations generally consist of only 1-2 pages. The selected declarations focus on different topics, on different areas and fall under different categories as defined by Cardwell (2016). All CFSP declarations were published in 2016, which makes them very interesting because of their actuality.

In general, there are a few things in these declarations that are noticeable: all declarations mention human rights, humanitarian aid or democracy. Further it is noticeable that the EU tends to refer to the UN or other international fora. Another interesting point is that the EU refers to political dialogue and restrictive measures in several declarations (as enforcement mechanisms). The next few quotes show some parts of EU declarations:

“(...) the European Union as a whole will continue to play a leading role in promoting a rules-based global order, with respect for human rights at its core.”

Source: Declaration on Human Rights Day (09-12-2016)

“The EU condemns the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law.”

Source: Declaration on Aleppo (09-12-2016)

“The EU repeats its call to all Governments around the world to abide by their international human rights commitments, to repudiate intolerance and to promote equality as enshrined in the Universal Declaration on Human Rights and other instruments.”

Source: Declaration on the International Day Against Homophobia, Transphobia And Biphobia (16-05-2016)

“The EU remains ready to impose sanctions against any individual responsible for undermining the peace process in South Sudan, and - noting that the EU has long maintained an arms embargo on South Sudan - supports the UN Security Council's willingness to consider additional measures, including an arms embargo, should obstruction of UNMISS continue.”

Source: Declaration on South Sudan (20-09-2016)

As these quotes show the EU uses different types of phrases to express itself. The quotes show that the EU promotes its values by explicitly naming it or by condemning violations of it. Especially human rights and democracy seem to be very important values for the EU. Although the declarations refer to values, reflect the EU's opinion and refer to political dialogues and restrictive measures, they are quite general. There are no requirements or clauses with enforcement mechanisms. Therefore, these declarations seem to be a CFSP instrument with which the EU can show its opinion to the respective country and the rest of the world. By focusing so strongly on its values, almost making a comparison between another state and itself, it seems that the EU uses itself as a yardstick for the rest of the world.

Next to declarations the EU adopts human rights guidelines under the CFSP, which are now part of the Human Rights Country Strategies. Wouters and Hermez (2016) argue that these guidelines have a signalling function and are used as practical guidelines by EU delegations and MS missions. These guidelines often focus on issues like torture and the death penalty (European Commission, 2014b). Next to these guidelines there are political dialogues, démarches, common positions, decisions, mandates for CSDP missions and common strategies (European Commission, 2014b; Verdonck, 2015; Wouters & Hermez, 2016).

It is also interesting to analyse the new EU Global Strategy (EUGS) on the presence and place of EU values, since this will be the guiding document for EU foreign affairs in the upcoming years. There is only a very limited amount of scholars that have already written about the Global Strategy from the perspective of EU values. Therefore, it is even more interesting to have an in-depth look at this promising document. Already in the first couple of pages the EU makes clear how important the EU values are in the Global Strategy:

“Grounded in the values enshrined in the Treaties and building on our many strengths and historic achievements, we will stand united in building a stronger Union, playing its collective role in the world.”

Source: page 7 of the EU Global Strategy

Based on this quote one can argue that EU values will be very prominent in EU foreign affairs, which are laid down in Article 21 TEU. That is the reason why it is interesting to have a closer look at EU values in the Global Strategy. Counting words is a very basic, not explaining, method of discovering how often a certain word is mentioned in the document. Nevertheless, based on this method it appears that some words are mentioned quite often in the document, such as resilient or resilience (more than 40 times), “human rights (31 times), democracy/democratic/democratization (23 times) and human security (4 times)” (Wagner & Anholt, 2016, p. 414). It is not surprising that these values have such a central place in the strategy, since the EU argues that living up to democratic values has a positive effect on the EU’s influence and external credibility in the world (p. 8 EUGS). These democratic values encompass rule of law, human rights, justice, fundamental freedoms, diversity, solidarity, non-discrimination and equality (Mälksoo, 2016). In addition to this, Biscop (2016) states that the EUGS defines certain values as being vital. The following quote shows which values these are:

“Peace and security, prosperity, democracy and a rule-based global order are the vital interests underpinning our external action”.

Source: page 13 of the EU Global Strategy

In addition to this, the EU focuses on human rights a lot. It is mentioned in different contexts, such as that the EU wants “to champion the indivisibility and universality of human rights” (p. 18), to “strengthen (...) security and defence in full compliance with human rights and the rule of law” (p. 19) and to further develop “human rights-compliant anti-terrorism cooperation with North Africa, the Middle East, the Western Balkans and Turkey (...)” (p. 21). Almost every section of the EUGS links to human rights.

Coming back to the term ‘resilience’, there is a link to the EU’s core values as well. Following the EU global strategy resilience is “the ability of states and societies to reform, thus withstanding and recovering from internal and external crisis” (p. 23 EUGS). In addition to this, the EU Global Strategy also states that “at the heart of a resilient state” there is a resilient society.

This society is typified as “featuring democracy, trust in institutions, and sustainable development” (Wagner & Anholt, 2016). Next to this, the scope of the EUGS is very broad, since the EU focuses on countries “stretching into Central Asia, and south down to Central Africa” (p. 23). With regard to this topic in relation to its direct neighbours the EU states the following:

“Any European state which respects and promotes the values enshrined in our Treaties may apply to become a member of the Union. A credible enlargement policy grounded on strict and fair conditionality is an irreplaceable tool to enhance resilience within the countries concerned, ensuring that modernisations and democratisation proceed in line with the accession criteria”.

Source: page 24 of the EU Global Strategy

This quote is interesting, because it makes some things relatively concrete. It points at fair conditionality, which both reflects an EU value (fair) and points at requirements the candidate country has to fulfil in order to become a member. Next to this, the accession criteria, reflecting EU values, are used as an instrument to create a resilient country. In addition to this, the EU states in the EUGS that it wants to support human rights in its neighbourhood by giving these countries support, sharing best practices and by conducting dialogue (p. 26 EUGS).

In order to make sure that the EU’s values promotion is effective it decided to use its development as well as its economic relations and agreements with countries (p. 27 EUGS). As the previous chapter has shown, the EU can include *essential* elements in agreements and enforcement mechanisms. However, this is only mentioned once on page 26 focusing on the resilience of states. The rest of the Global Strategy does not refer to any type of enforcement mechanism to make sure that the EU’s approach is effective. However, ironically, the EU states the following:

“Without the global norms and the means to enforce them, peace and security, prosperity and democracy – our vital interests – are at risk.”

Source: page 39 of the EU Global Strategy

In the Global Strategy there are many promising and strong statements about what the EU wants to achieve. However, they still are very general statements not referring to concrete measures or enforcement mechanisms. Tocci (2016) also argues that the EUGS should have been concrete in the sense that it had to be actionable, so that it would not only be a vision. When analyzing the global strategy, it seems that the EU has failed to make an actionable and concrete strategy.

Therefore, this strategy seems to have a similar function as the aforementioned declarations, namely showing how the EU sees the world by making strong and value-based statements.

4.2 COMMON SECURITY AND DEFENCE POLICY (CSDP)

The Common Security and Defence Policy is an integral part of the CFSP. The CSDP focuses on different kinds of threats, such as weapons of mass destruction and terrorism. In order to be able to fight against these threats there are several CSDP instruments available. Scholars focusing on the EU as a normative actor in relation to the CSPD have predominantly written about two instruments: CSDP missions and operations and on the non-proliferation clause. Therefore, this section will examine in what ways EU values are promoted through these instruments.

Some scholars argue that CSDP missions and operations and the non-proliferation clause are ‘just’ a small part of a larger package, which is called ‘the EU’s comprehensive approach’ (Kirchner, 2013; Merlingen, 2013). Other instruments falling under the EU’s comprehensive approach are, among other things, political dialogue and restrictive measures. Thus, when analysing CSDP missions and operations and the non-proliferation clause it is important to keep in mind that it is very likely a part of a larger whole.

As mentioned before there are CSDP missions and operations. The distinction between these two words is that ‘missions’ are related to civilian activities, whereas ‘operations’ are related to military activities (Kirchner, 2013; Tardy, 2015). Most deployments are either civilian or military, which means that they are very rarely mixed. Only the EULEX mission in Kosovo is mixed, because it is both a rule of law and police mission (Kirchner, 2013; Moore, 2014). Missions and operations can also be very different in terms of scope and nature. The objectives of missions and operations can vary from peace-keeping and conflict prevention to strengthening international security in accordance with the principles of the United Nations Charter’ (Article 42(1) TEU), which is confirmed by Lavallée and Völkel (2015) and Stumbaum (2015). To be more specific, Argomaniz (2012) states that the EU’s “civilian crisis management aims to contribute to ‘increase the ability of a state to meet the range of both internal and external security needs in a manner consistent with democratic norms and sound principles of good governance, human rights, transparency and the rule of law’” (p. 43). This implies on the one hand that the EU exports its norms through civilian missions by providing value-based assistance to a third state to reform in such a way that it is consistent with EU values, but on the other hand the hosting country accepts this on a voluntary basis. So, the country seems to be willing that the export of values happens,

since it formally accepts the EU’s help, which is also mentioned in the mission’s mandate. Now that is clear what missions are and that values are important in these missions, it is time to look at different mission mandates.

When looking deeper into a few mission mandates in order to examine if EU values are present, it becomes clear that values are not always as clearly mentioned as expected. Several scholars focus on mission mandates, which are adopted in the form of a Council Decision or Joint Action, based on Article 43 TEU. When focusing on the presence of EU values in missions and operations Carrasco, Muguruza, and Sánchez (2016) state that “in responding to threats of a different nature and complexity, human rights, gender and the principles of democracy and the rule of law may have varying implications and significance in the framework of the specific mission mandates and activities” (p. 25). Next to this, there are several factors that determine different aspects of CSDP missions (e.g. degree of risk and the length of the operation). These factors also determine the extent to which EU values, such as democracy, human rights and the rule of law, are present and mentioned in the CSDP mission. Next to this, Carrasco (2015) states that there are many principles and values that have a strong link with EU missions, e.g. the prohibition of inhuman treatment or the repression and prevention of violence. Most of the principles are related to “the administration of justice”, which “is reflected in (...) the EU civilian missions’ work in supporting and strengthening law enforcement structures in the host countries” (p. 67). In addition to this, Carrasco (2015) argues that human rights are an integral part of EU missions and operations and that missions are not established to purely promote human rights. In the execution of the mission or operation, the EU should respect human rights (Carrasco, 2015).

For this research the following mission mandates were analysed on the presence of EU values:

Mission	Type	Year	EU values
EUAM Ukraine	Civilian (Advisory Mission for Civilian Security Sector Reform Ukraine)	2014	The rule of law, human rights
EUBAM Libya	Civilian (Integrated Border Management Assistance Mission)	2013	None
EUCAP Sahel	Civilian (CSDP Mission)	2012	Human rights, sustainability, the rule of law
EUTM RCA Central African Republic	Military (Military Training Mission in the Central African Republic)	2016	Democracy, rule of law

EUNAVFOR Mediterranean	Military (military operation in the Southern Central Mediterranean)	2015	Human rights
EUTM Mali	Military (military mission to contribute to the training of the Malian Armed Forces)	2013	Democracy, rule of law, human rights

These missions and operations were selected on the basis of their starting dates (most recent). In addition to this, these missions and operations are still ongoing. Next to this, in order to create a good balance, the decision was made to analyse three mission mandates per type (civilian/military). The classification of these missions (civilian or military) is made by the EEAS. As the overview shows five out of six mandates mention, explicitly or implicitly, at least one EU value. It appeared that, in these mandates, human rights and the rule of law are the most mentioned values. Carrasco et al. (2016) explains the logic behind the prominence of rule of law in mission mandates: there are some conditions which are important to establish and keep peace and to achieve sustainable development. These conditions are development, security and human rights, which can only be achieved by focusing on and reinforcing the rule of law of a country. The strengthening and enforcement of the rule of law is therefore the special goal of ‘strengthening missions’ (Carrasco et al., 2016; Tardy, 2015).

It seems that the ‘transference’ of these values happens through the specific activities linked to these missions. A few examples of these activities are the mentoring, education, training and advising of staff in the host country. These activities are mentioned in the selected mission mandates. As mentioned before, the host country formally accepts the EU’s help and thereby, consciously or unconsciously, also the transference of the EU values. However, when searching for enforcement mechanisms to make sure that the host country keeps contributing to the EU mission (in a broad sense), it seems that no information is made available to the public. Each mission has its own website, but except an exchange of letters, there are no documents that are signed by the host country as well. Therefore, it is not possible to draw a conclusion on whether or not there are enforcement mechanisms in place. However, it is plausible that the EU can decide to terminate a mission when the host country fails to cooperate.

The observation of EU values in mission mandates in this research is different than what is argued in the literature. Carrasco (2015) and Carrasco et al. (2016) namely argue that mission mandates do not often include explicit references to human rights. This difference may be explained by the fact that the selected missions have started recently, whereas the literature might

have focused on missions that started earlier. In addition to this, it is important to mention that a mandate is only one document of a larger whole, so there might be explicit references to EU values in other planning documents. However, not mentioning values in the mandate is dangerous, since it might lead to problems at the practical side of the mission (Carrasco, 2015). In case of the EUBAM mission mandate, where no explicit reference was made to EU values, it is possible that there are factors and priorities that were more important. However, also in this case “it is unquestionable that the EU has to respect human rights when establishing and deploying a CSDP mission or operation” (Carrasco et al., 2016, p. 106), which is also stated in Article 21 TEU.

The second instrument is the non-proliferation clause, which is used by the EU in mixed bilateral agreements (Quille, 2013). One could thus argue that the EU uses its economic and political relations with third states to achieve this. The main strategy of which the non-proliferation clause is part is the EU’s Strategy Against the Proliferation of Weapons of Mass Destruction (WMD), which was launched in 2003 (Cottey, 2014; Renard, 2016). Within this strategy the EU refers to several instruments, such as sanctions and political dialogue (Cottey, 2014).

The non-proliferation clause can be divided into two parts. The first part of the clause is presented as an ‘*essential element*’ and can be seen as the parties showing a general commitment of supporting non-proliferation (Cottey, 2014). The text of this part is the following:

“The Parties consider that the proliferation of weapons of mass destruction and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security. The Parties therefore agree to co-operate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery through full compliance with and national implementation of their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations” (the EU’s non-proliferation clause – 19-11-2013).

The second part will only be included on a case-by-case basis (Cottey, 2014). Cottey (2014) and Quille (2013) both explain that this part is focused on additional commitments. This means that the third state has to “take steps to sign, ratify, or accede to, as appropriate, and fully implement all other relevant international instruments” and “establish and effective system of national export controls, controlling the exports as well as transit of WMD related goods, including a WMD end-use control on dual use technologies and containing effective sanctions for braches of export controls” (p. 239). In order to ensure enforcement the EU makes use of its political and economic

relations with third countries by using “the threat of withholding enhanced political and economic relations with the Union from states that refuse to accept such a clause or suspending relations with states deemed to have violated the clause” (Cotter, 2014, p. 54). As the previous chapter also has shown, in the trade agreement with Colombia and Peru, there was a non-proliferation clause presented as an essential element. In that agreement the final steps of enforcement were appropriate measures and dispute settlement, which are quite strong.

4.3 CONCLUSION

This chapter had the aim to investigate in what ways the EU promotes its values within the CFSP and CSDP. This was done by the following sub question: *which policy instruments does the EU use within these policy areas and how do these instruments function in practice?* The research led to some interesting results, which will be discussed below.

Instruments falling under the CFSP appear to solely have signalling functions. The CFSP declarations, Human Rights Guidelines and the EU Global Strategy often refer to values, but only reflect the EU’s opinion, vision and strategy for certain topics. The non-proliferation clause, falling under the CSDP, combines defence matters with other policy areas. The EU incorporates the clause in its mixed bilateral agreements, which means that, if the whole clause is included, it can put strong enforcement mechanisms in place. The last instrument, CSDP missions and operations, exports values through specific mission activities. The host country formally accepts EU assistance with its value-based approach to, for example, train and educate the country’s staff.

So, within the CFSP the EU mainly uses ‘soft’ instruments which are political and signalling, whereas the CSDP has more concrete and ‘hard’ instruments available. The following scheme will give a clear analytical overview of most important elements of the presented instruments:

CFSP	Function	CSDP	Function
Declarations	Signalling/Expressing the EU’s view	Missions and operations	Providing assistance/exporting values through its approach and activities
Human Rights Guidelines	Signalling/Expressing the EU’s view	Non-proliferation clause	Ensuring compliance and commitment by, if the clause is fully incorporated, the threat of enforcement mechanisms

EU Global Strategy	Signalling/Showing the EU's strategy for foreign affairs for the coming years		
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CHAPTER 5:

NEIGHBOURHOOD AND ENLARGEMENT

This chapter on neighbourhood and enlargement policy is the last of the three analytical chapters. It aims to answer the following sub question: *which policy instruments does the EU use within these policy areas and how do these instruments function in practice?* The first part of the chapter focuses on neighbourhood policy, whereas the second part focuses on enlargement policy. Like the other chapters, a sub conclusion, including a clear scheme, will be drawn at the end of the chapter.

5.1 THE EUROPEAN NEIGHBOURHOOD POLICY (ENP)

The European Neighbourhood Policy is the EU's policy focused on countries that are close to the borders of the enlarged EU. It is important to make clear that the ENP does not aim to attract potential candidate states, since there might be some confusion on this. The EU rather aims at creating neighbours that are 'like' the EU (Nilsson & Silander, 2016). Basically, the EU wants to create a 'ring' of neighbouring countries that are peaceful, prosperous and stable. In order to achieve this, the EU wants to promote its values, which are predominantly democracy, human rights and the rule of law (Buşcaneanu, 2015; Nilsson & Silander, 2016; Raik & Dinesen, 2015). The EU's line of reasoning that democratic countries are more peaceful, prosperous and stable is also known as the democracy-security nexus. To make sure that ENP countries are motivated to comply with these values, the EU uses 'carrots and sticks' to create incentives for reforms. Within the ENP framework there are several instruments and incentives that can be used by the EU, such as ENP action plans, progress reports, the European Neighbourhood Instrument (ENI), Association Agreements (AAs) and Deep and Comprehensive Free Trade Agreements (DCFTAs). However, most scholars focus on the following instruments: AAs (including DCFTAs), ENP action plans, the ENI and Twinning. Therefore, this section will have a closer look at these instruments.

Before looking deeper into these agreements, it is interesting to have a more general look at the ENP in relation to values. As the previous paragraph has shown the EU wants to influence its neighbours. In order to do this the EU wants to establish 'contractual obligations' with its neighbouring countries. These obligations would then relate to the EU's values. In order to make sure that the ENP countries respect these obligations, the EU uses the notion of political conditionality (Poli, 2015). In its relations with ENP countries there is a lot of variation in terms of integration and substance: with some countries the EU only has a FTA, whereas it has reached levels of integration with some countries that come close to membership (Kochenov & Basheska, 2015). These different levels of integration are also known as 'differentiation'. Differentiation

exists, since the EU is not in every country equally successful in imposing conditionality, which can be explained by the fact that some countries are just not willing or able to create a contractual relationship with the EU.

Coming back to the Association Agreements and DCFTAs, they can be considered as a decent level of integration with the EU. The EU's association agreements "cover the development of political, trade, social, cultural, and security links, combine diplomatic and economic tools and are supported by different financial instruments" (Raik & Dinesen, 2015, p. 905). In addition to this, the scope of AAs might indicate the level of integration of the neighbour country with the EU. The broader the scope (in terms of policy areas) of the agreement, the higher the level of integration of that country will be (Rieker, 2014). AAs and DCFTAs are binding instruments that encourage ENP countries to adapt to and comply with the EU's norms, values and *acquis* (Delcour, 2013). The EU incentivises these ENP countries by giving them the prospect to get a 'stake' in the EU's internal market. In addition to this, the EU also uses other incentives, such as the prospect of visa liberalization. The EU has developed a set of 'milestones' to measure the progress of ENP countries.

The EU has relations with different ENP countries. Ukraine, Georgia and Moldova are a few examples of countries currently falling under the ENP. The EU has concluded Association Agreements with them, including a DCFTA (Nilsson & Silander, 2016; Poli, 2015). These countries were selected for this research, because the academic literature predominantly focuses on these three countries. Their agreements are analysed below. The EU's cooperation with these countries also falls within the CFSP and Area of Freedom, Security and Justice (AFSJ). In AAs there is a strong focus on *ex post* conditionality, which means that the country has to respect the values after signing the agreement (instead of on the beforehand). Some other examples of ENP countries are Belarus, Armenia and Azerbaijan, but they do not have an association agreement with the EU at all. In the EU's 'Southern Neighbourhood' the EU only has extensive relations with Morocco and Tunisia. This is the case, since one "aspect that differentiates Tunisia and Morocco from other Southern neighbours concerns the setting up of sub-committees in which respect for human rights, democratization and governance and discussed" (Poli, 2015, p. 153). The EU is currently negotiating a DCFTA with Morocco and Tunisia (Langan, 2015).

Since the EU has association agreements with Georgia, Moldova and Ukraine, which are often mentioned by scholars, the agreements with these countries will be analysed on the presence

of values. Starting with the preambles of the three agreements it is noticeable that all preambles contain specific references to EU values and DCFTAs. Here are some examples:

“Recognizing that the common values on which the EU is built – democracy, respect for human rights and fundamental freedoms, and the rule of law – lie also at the heart of political association and economic integration as envisaged in this agreement.”

Source: preamble of the Association Agreements with Ukraine and Georgia

“Committed to a close and lasting relationship that is based on common values, namely respect for democratic principles, the rule of law, good governance, human rights and fundamental freedoms (...) which would facilitate the participation of Ukraine in European policies.”

Source: preamble of the Association Agreement with Ukraine

Although statements in preambles are important and signalling, it is also important to look to the agreement’s articles. It is noteworthy that the three agreements use the same type of language, which means that there are only small differences. When analysing the objectives of all three agreements, which are laid down in Article 1, one can find again a lot of references to different EU values, such as democracy, respect for human rights and the rule of law. Article 2 of the three agreements on ‘general provisions’ makes the position of EU values more clear. Since the text in the three agreements is almost identical, only one example will be given:

“Respect for the democratic principles, human rights and fundamental freedoms (...) shall form the basis of the domestic and external policies of the Parties and constitutes an *essential* element of this Agreement. Countering the proliferation of weapons of mass destruction, related materials and their means of delivery also constitute essential elements of this agreement.”

Source: article 2 of the Association Agreement with Georgia

So, as was the case in chapter 3 on trade and aid there are several ‘*essential*’ elements in the three association agreements. One thing that is worth to mention is that all agreements have a specific article on ‘weapons of mass destruction’, which again states that the fight against these weapons is an *essential* element. The other parts of the agreements focus on several topics and policy areas, such as the Area of Freedom, Security and Justice (AFSJ) and trade. All three agreements also make references to visa liberalization, trade and economic integration (by concluding DCFTAs) and sustainable development. Before moving on to the restrictive measures, it is interesting to

mention that there are also articles on the approximation of domestic law to EU law. The country's progress in this field is monitored by the EU. This is interesting, since it is argued that EU acquis is a reflection of EU values as well.

When looking at enforcement mechanisms, it becomes clear that all three agreements contain an almost identical article on restrictive measures. In general, restrictive measures can be taken three months after 'the date of notification of a formal request for dispute settlement'. In case of a violation of the essential elements this 3-months period is not applicable. This article states the following about appropriate measures:

"In the selection of appropriate measures, priority shall be given to those which least disturb the functioning of this Agreement. Except in cases described in paragraph 3 of this Article, such measures may not include the suspension of any rights or obligations provided for under provisions of this Agreement set out in Title IV (Trade and Trade-related Matters)."

Source: article on 'appropriate measures in case of non-fulfilment of obligations' of the Association Agreements with Georgia, Ukraine and Moldova

As this part of the article describes, these measures are applicable to general violations of the agreement, which are not related to the *essential* elements (which is paragraph 3). However, in case of a violation of the essential elements of the agreement (paragraph 3), reflecting EU values, the EU can immediately take appropriate and strong measures to punish and to ensure compliance. Some concrete examples of restrictive measures are the freezing of funds, travel bans and measures against specific people. Poli (2015) argues that, although the EU's relations with neighbouring countries vary from country to country, the restrictive measures are uniform when it comes to their application.

Next to AAs and DCFTAs there are 'ENP action plans'. These action plans are also known as 'association agendas' and focus on the EU's Eastern neighbours. They focus, among other things, on reforms in the agreed areas of cooperation and the EU's interests. These plans build on the provisions of the AAs. Therefore, the ENP action plans of Georgia, Moldova and Ukraine are analysed. With regard to values it is remarkable that each action plan contains a section on 'political dialogue and reform'. Within these sections there are very strong references to democracy, the rule of law, human rights and fundamental freedoms. For example, in the action plan of Georgia there are action points with regard to the reform of the judicial system, in Moldova's action plan there are action points with regard to its fight against corruption, and in the action plan of Ukraine there

are action plans for the independence of (democratic) institutions. In order to make it possible for these countries to comply with the action points as set out in the ENP action plans, the EU provides them with financial assistance, which will be explained in the next paragraph.

The EU's financial instrument under the ENP is the European Neighbourhood Instrument (ENI). The ENI is a positive incentive and has the aim to motivate the ENP countries that are making good progress. The ENI is, among other things, applicable to the ENP action plans. The EU uses a 'more for more' rule, which means that countries that comply with EU norms and values and that are willing to reform get more financial support than countries that are not (Buşcaneanu, 2015; Nilsson & Silander, 2016; Rieker, 2014). This means that there is variation in the amounts of money the countries receive, since it depends on their progress with regard to the EU values.

This section will end with another innovative and creative instrument under the ENP called 'twinning'. "Twinning fosters a two- to three-year partnership between public administrations of EU member states and their counterpart institutions from the ENP in pursuit of a set of objectives, jointly agreed upon by the partners" (Panchuk, Bossuyt, & Orbie, 2017, p. 2). The goal of twinning is to assist the ENP country with reforming institutionally and with complying and adapting to the EU's 'acquis communautaire' and bilateral treaties. By using the twinning instrument, which happens mainly in its Eastern Neighbourhood, the EU is able to diffuse norms and values linked to democratic governance (Buşcaneanu, 2015). This diffusion has an impact on the 'middle' layer of government, e.g. on agencies, ministries and regulatory bodies. By triggering this layer of government the EU hopes that the entire polity will transform. When the EU and neighbouring country agree to set up a twinning project, a twinning contract will be signed (European Commission, n.d.). In this contract mandatory results are defined as well as additional obligations. The host country receives money in order to being able to transform and to meet the results and objectives. If the host country breaches the obligations as laid down in the twinning contract, the EU can decide to withhold the funding.

5.2 THE EU'S ENLARGEMENT POLICY

The EU's enlargement policy is often perceived as the most effective foreign policy tool of the EU. In addition to this, it is also perceived as the most effective democracy promotion policy that was ever implemented by an external party. However, it seems that most scholars do not focus on *how* the EU promotes its values within the enlargement policy. Scholars rather focus on domestic factors that might influence the impact of the EU's value promotion. Although this might be interesting, it

does not fall within the scope of this research. One possible explanation why the literature does not focus on value promotion, is that it is too obvious that candidate countries have to comply with EU values. The striking difference between enlargement policy and other policies is thus that it does not focus on *how* values are promoted, but it just presents the criteria that have to be fulfilled. This is not illogical, since enlargement represents the highest level of integration that is possible for a third state.

The EU's constitutional norms, reflecting values, can be traced back in, among other things, the Treaties (TEU and TFEU) and accession agreements (Börzel, 2015). The EU prioritizes the rule of law in its enlargement process, since it serves as a fundamental basis for other reforms (Börzel, 2015). In addition to this, enlargement policy is also successful in the promotion of human rights (Hughes & Sasse, 2015). However, in general, the EU's "influence on democracy and governance is much more limited than on laws and policies" (Grabbe, 2014, p. 45). This may be the case, since laws and policies are concrete and tangible and can be adopted relatively easy by a candidate, whereas democracy and governance are profound processes.

In order to export its values, the EU uses 'accession conditionality' to ensure that candidate countries comply with the EU's accession criteria (Böhmelt & Freyburg, 2015; Börzel, 2015; Wunsch, 2016). Article 49 TEU is the EU's main article laying down the criteria that have to be met by the candidate state. It states the following:

"Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. (...) The conditions of eligibility agreed upon by the European Council shall be taken into account.

The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements."

Source: article 49 of the Treaty on the European Union

This Treaty article states that each candidate has to comply with EU values, as laid down in Article 2, before it can become a member of the EU. These values are, among other things, "the respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights" (Article 2 TEU). In principle, this treaty article is very strong: if the candidate does not comply with EU values, it cannot become a member of the EU. Next to this, the literature often refers to

the Copenhagen Criteria. Also in this case, scholars argue that the EU has incorporated its values in these criteria (Hughes & Sasse, 2015). The Copenhagen criteria are as follows:

1. stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
2. a functioning market economy and the ability to cope with competitive pressure and market forces within the EU;
3. ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the 'acquis'), and adherence to the aims of political, economic and monetary union.

Source: the EU's website on enlargement policy

One can see that the first Copenhagen criterion is very much focused on EU values, which is again presented as a very strong conditionality for EU membership. Next to this, the third criterion refers to the obligations of the membership. These obligations include, among other things, the adoption of the EU's *acquis communautaire*, which reflects EU values. The process of adopting and complying with Article 2 and 49 TEU and the Copenhagen criteria, whereby the candidate, among other things, has to adopt the EU's *acquis communautaire* is often described as 'Europanization'. This is a process "whereby 'recipient states' adopt values, standards and practices, and procedures of the EU and its Member States and thus, in short, become 'European'" (Economides & Ker-Lindsay, 2015, p. 1028).

The EU's *acquis communautaire* exists of approximately 80000 pages and includes laws and regulations on administrative and economic matters (Hughes & Sasse, 2015). To be more specific, it is divided into 35 chapters, which are negotiated during the accession process. The chapters focus on different topics, such as energy, transport and fisheries. To be more specific, chapter 23 on the 'judiciary and fundamental rights' seems to be to most relevant chapter for this research. As the chapter's title already suggests, it focuses on fundamental rights, which reflect the EU's values. In addition to this, it aims to create and establish an independent judicial system, which is important for safeguarding the rule of law and enforcing human rights. The fight against corruption is another very important element, since otherwise the stability of democratic institutions (and the rule of law) is threatened. The last essential topic in chapter 23 focuses on fundamental rights and the rights of EU citizens, which are included in the EU's Charter of Fundamental Rights (CFR) and the *acquis communautaire*. So, the importance of values in the EU's enlargement process is high, since the EU has created a separate chapter for them.

In order to measure progress in the different fields as covered by the chapters, the EU ‘screens’ how the adoption and implementation of EU *acquis* goes. On the basis of this the European Commission writes an annual report. For new candidates it is more demanding to adopt the EU’s *acquis* in comparison to the existing EU Member States, since *acquis* is under development and increases all the time. At the beginning or during the process of accession to the EU, the EU has the power to impose a certain condition(ality), which has to be fulfilled before the process of integration will continue (Economides & Ker-Lindsay, 2015). These conditions are known as (opening) benchmarks. In order to help the candidates to comply with accession conditionality, the EU provides them with technical and financial assistance (Börzel, 2015).

Until the moment the candidate actually accedes to the Union, which is also known as the pre-accession period, there are several procedures and rules in place (Vachudova, 2014). Some scholars argue that the EU is more effective in value promotion during the pre-accession period than when the candidate has become a member (Grabbe, 2014; Vachudova, 2014). This might be the case, because the EU only gives a ‘credible membership perspective’ if the candidate already sufficiently complies with democratic governance (Börzel, 2015). To remain effective after the accession of a candidate, it seems to be necessary to have longer conditionality periods in certain areas, since some countries had a backslide in the field of democracy after their accession.

In terms of instruments under the enlargement policy, scholars refer to, among other things, Stabilization and Association Agreements (SAAs), the Cooperation and Verification Mechanism (CVM), accession partnerships and accession treaties (Börzel, 2015; Dimitrova, 2015; Economides & Ker-Lindsay, 2015; Hillion, 2014; O’ Brennan, 2014). These instruments help candidate states to make progress towards the accession conditions. In general, they specify how the candidate should reform its, among other things, judicial system. The final ‘goal’ is the signing of an accession treaty. Within these accession agreements, there might be “arrangements with derogations from the full and immediate validity of EU rules” (Schimmelfennig, 2014, p. 682). These derogations mean that the EU and the candidate agree about a period of time in which certain rules do not apply. One example of an accession treaty without permanent derogations is the one with Croatia. Grabbe (2014) argues that Croatia might be the last country which is a ‘full’ member of the EU. She explains that EU already stated in 2005 that ‘new joiners’ might face permanent derogations in some fields (e.g. free movement of people), which would mean that these ‘new joiners’ do not have a full membership of the EU. Based on this, the idea was to analyse accession

treaties on the presence values. However, surprisingly, it seems that accession treaties are more of a technical nature. In the accession treaties of Croatia, Bulgaria and Romania there are no explicit references to values like democracy, human rights and the rule of law.

So, for the EU’s enlargement policy Articles 2 and 49 TEU and the Copenhagen criteria are the main ‘conditions’ to become a member of the EU. There are some instruments that provide the candidates with assistance in their reforms, but in the end it is up to the candidate countries to comply with them. Basically, the possibility that the country’s membership application will be rejected is an extremely strong enforcement mechanism.

5.3 CONCLUSION

The aim of this chapter was to analyse in what ways the EU promotes its values in its neighbourhood and enlargement policy. The guiding question for this was the following: *which policy instruments does the EU use within these policy areas and how do these instruments function in practice?* It became clear that the EU is quite powerful in both policy areas. The following scheme will give a clear overview and analysis of the policy instruments:

Neighbourhood	Enforcement/method	Enlargement	Enforcement/method
Association Agreements + Deep and Comprehensive Free Trade Agreements	EU values and the fight against WMD are presented as essential elements. In case of a violation, the EU can immediately take appropriate measures	Articles 2 and 49 TEU	Compliance of candidate required; otherwise the membership application will be rejected.
The European Neighbourhood Instrument	Financial incentives. The EU rewards (ex-post) good progress of neighbouring states in the field of EU norms, values and acquis.	Copenhagen Criteria	Compliance of candidate required; otherwise the membership application will be rejected.

Twinning	<p>Assisting the candidate with complying and adapting EU acquis and institutional reforms. The EU helps, so that the candidate can achieve its end goal (= compliance).</p> <p>EU funding will not be granted if contractual obligations under the Twinning Contract are breached</p>		
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Based on this profound analysis the conclusion can be drawn that the EU is incredibly strong in the field of enlargement. The possible acceptance or rejection of a membership application based on the candidate's compliance or non-compliance with EU values and conditionality creates a lot of pressure for candidates. Therefore, one could argue that enlargement has the strongest enforcement mechanism of all EU policy areas. Nevertheless, one should not forget that the EU is also very powerful in its neighbourhood policy. EU values and the fight against WMD are *essential* elements of AAs, which can be enforced by restrictive measures. In addition to this, the EU rewards good progress by providing the candidate with more financial assistance and gives tangible and concrete assistance through its 'twinning' mechanism. In conclusion, this chapter made one thing very clear: both policy areas explicitly focus on the export of the EU's *acquis communautaire* and corresponding norms and values to neighbours and candidate states.

PART C: CONCLUSIONS

CHAPTER 6: THE FINAL CONCLUSIONS

This chapter has the aim to answer the main research question. This will be done in section 6.1. In addition to this, the chapter will discuss the limitations of this research (6.2) and it will give suggestions for further research in this field (6.3).

6.1 THE EU AS AN EXTERNAL PROMOTER OF ITS INTERNAL VALUES: THE FINAL CONCLUSIONS

In this chapter all information and sub conclusions will be brought together in order to give a clear and structured answer to the main research question. For this research the following main research question was formulated:

In what legal and political ways does the EU make its internal values part of its external relations?

The research started with defining the research topic, which is the EU as a normative power. This topic was chosen because of the recent publication of the EU's new Global Strategy in combination with the EU's expanded powers in foreign policy. After this introduction, the academic literature on Normative Power Europe was analysed. It became clear that the literature on this topic is very abstract and fragmented. Therefore, the goal of this research was concretizing the promotion mechanisms that were identified in the academic literature in a comprehensive manner. Börzel and Risse (2009) and Manners (2002) defined 11 different (theoretical) ways in which the EU can promote its values. In order to research this, six policy areas were selected. These policies had to be key to the EU's foreign affairs and value-based. In addition to this, because of the scope of the research, 1 or 2 instruments per policy were selected. The reason behind these selections was that focusing on multiple policy areas would create a complete picture of NPE, whereas focusing on one policy, including all related instruments, would create a very limited picture. Based on the information in the introductory chapters the analytical chapters were conducted. These chapters first analysed academic literature on the specific policies, after which several documents (strategies, declarations, agreements, mission mandates and treaties) were analysed. The aim of these chapters was to search for concrete ways in which the promotion of values happens.

In the research it became clear that the EU's powers in its foreign policy field have expanded over the years. One of the most important changes was that the EU now more clearly exists as a legal entity distinct from its Member States (Article 47 TEU). It also became clear that the EU is a typical example of a normative actor (based on the definition of Manners (2002)).

Namely, the EU has three treaty articles that explicitly focus on values and/or the EU's external relations. These articles are 2, 3(5) and 21 TEU, which also state that the EU should live up to its own values and that the EU should promote them in its relations with the wider world. The analysis of these articles made clear that human rights, democracy, the rule of law, respect for human dignity, equality, freedom and fundamental freedoms are core values of the EU. Next to this, six value-based and key policies in the EU's foreign affairs were selected. These are trade policy, development policy, the CFSP, the CSDP, the ENP and enlargement policy.

The analytical part of this research exists of three chapters, which focus on trade and aid (3), the CFSP and CSDP (4) and the ENP and enlargement (5). All chapters were built up in the same way (theory and documents) and each chapter ended with a clear sub conclusion. In this final conclusion, all sub conclusions will be merged and all policy areas will be compared to each other. Since the findings in the chapters were presented in a clear overview (table), this final conclusion will present the main findings in the same way. The next page will present a table in which it becomes clear 1. which instruments the EU uses in the selected policy areas, 2. how these instruments function in practice, 3. how strong the enforcement mechanisms of specific instruments are, and 4. how the policy areas can be ranked on the basis of strength in terms of their ability to promote, transfer and export EU values to non-EU states.

Policy	Instruments	How	Enforcement
1. Enlargement	Article 2 and 49 TEU Copenhagen criteria	There are instruments and programs to help candidates to comply with the accession criteria	Compliance of candidate required; otherwise the membership application will be rejected.
2. ENP	Essential elements clauses (AAs/DCTFAs)	The country has to sign an agreement in which it agrees that EU values are an essential element	Appropriate measures
	Financial reward after progress (ENI)	The country has to make progress in the field of EU norms, values and acquis (in ENP action plans) in order to get money (financial incentive)	Financial reward if progress is already made (ex-post), if no or too little progress: withholding of the funding
	Twinning (assistance)	The EU helps the country with close cooperation to achieve mandatory results	Withholding of funding if contractual obligations under the Twinning Contract are breached
3. Development	Essential elements	The country has to sign an agreement in which it	Appropriate measures

		agrees that EU values are an essential element	
4. Trade	Essential elements	The country has to sign an agreement in which it agrees that EU values are an essential element	Appropriate measures
	Chapter on Sustainable Development	The country has to sign an agreement in which it agrees with the idea of sustainable development	Report of a group of experts including recommendations and advice
5. CSDP	CSDP missions and operations	Host country formally accepts EU help. The EU helps the country, e.g. by training or educating staff of the host country	Unknown
	Non-proliferation clause/essential element	The country has to sign an agreement in which it agrees that the non-proliferation clause is an essential element	Appropriate measures
6. CFSP	CFSP declarations	The EU expresses its view and opinion by making (positive or negative) statements about certain situations, events or countries	None
	EU Global Strategy	The EU shows what it wants to do and achieve with its foreign policy in the coming years	None

Before drawing conclusions from the information as presented in the table, there is another remarkable result of this research that needs some attention. As mentioned before, there are several values that the EU wants to promote, as defined in articles 2, 3(5) and 21 TEU. However, in this research it became clear that the EU mainly focuses on democracy, human rights and the rule of law instead of focusing on all values as mentioned in the treaty articles. One could explain this in the following way: the respect for human rights might include the respect for human dignity, fundamental freedoms and equality, whereas democracy has a strong cause-effect relation with freedom. The rule of law is an autonomous value: it is part of a well-functioning democracy and it guarantees and enforces human rights. This would mean that, if the EU focuses on democracy, human rights and the rule of law, the other values will be respected automatically as well.

As mentioned before, the main findings of this research are presented in the table on the previous page. Based on this table important conclusions can be drawn. First of all, one can identify striking differences between the policy areas. Whereas the instruments in the CFSP have no enforcement in place, it is the opposite in the EU's enlargement policy. The ranking of the policy areas is based on the strength of enforcement mechanisms, since enforcement very likely leads to a higher compliance of the non-EU state with EU values. The ENP is the second strongest policy area, since it combines multiple instruments, and AA's are more comprehensive than a development or trade agreement. The order of development and trade in the table is chosen, because the EU provides the development countries with development funding, which makes it a little stronger than a trade agreement. On the fifth place is the CSDP, since it uses essential elements, but in case of CSDP missions and operations it is unclear whether the EU has included some form of enforcement.

Second, the information in the table also makes clear that the EU has a strong preference for using essential elements with strong enforcement mechanisms. The EU uses them in areas in which it might be quite powerful: trade (EU is the biggest trading bloc in the world), development (EU provides more than 50% of the world's development aid), ENP (these countries have clear interests in the EU) and CSDP (non-proliferation clause is included in mixed bilateral agreements). The essential elements often include EU values (human rights, democracy, rule of law) and the non-proliferation of weapons. These essential elements can be considered as conditionality, since the EU presents them as conditions that have to be fulfilled and respected in order to, among other things, get funding or to get trade benefits. Next to essential elements, the EU also uses financial incentives (ENI and Twinning). Further, it helps 'on the ground' by its CSDP missions and operations and again Twinning. It also assists candidate countries to comply with the accession conditionality, but it is up to the candidate to comply with the accession criteria. In the CFSP, the EU only uses 'soft' power by expressing its opinion and view on certain events, situations and countries.

Third, since the goal of this research was to concretize the ways that were described by scholars in the academic literature, the following table will show which theoretical ways were concretized by this research:

Scholar	Promotion mechanism	Instrument	Policy Area
Börzel and Risse (2009) Manners (2002)	Coercion Transference	Essential elements	Trade, development, ENP, CSDP
Börzel and Risse (2009)	Manipulation of utility calculations	ENI and Twinning	ENP
Börzel and Risse (2009) Manners (2002)	Socialization Informational diffusion	EU accession criteria CFSP declarations and EU Global Strategy	Enlargement CFSP
Manners (2002)	Overt diffusion	Twinning and CSDP missions/operations	ENP and CSDP

The final conclusion of this research is that the EU has found different legal and political ways to promote its internal values in its external relations. The instruments used by the EU in trade policy, development policy, the CFSP, the CSDP, the ENP and enlargement policy are varied in terms of format, objective and enforcement. Nevertheless, all instruments have the aim to, in one way or another, promote EU values.

6.2 LIMITATIONS OF THIS RESEARCH

This research aimed at finding out in which political and legal ways the EU makes its values part of its external relations. Although the research was able to identify different political and legal ways in which the EU can promote its values, the final conclusion is only indicative. In addition to this, the research was not able to cover all theoretical ways (as defined in the academic state of the art), because of the scope of the research. The final conclusion of this research is indicative because of several reasons. First, because of the scope of this (master) thesis, it was necessary to select policy areas. Second, only 1 or 2 policy instruments per policy area could be analysed. However, in comparison to and within the limits of the scope of this research, a fair and feasible amount of documents was analysed. Nevertheless, in order to increase the reliability of this research, it would be better to raise the number of documents significantly. Another limitation of the research, is that most documents were selected on the basis of their starting date. This means that in most cases the most recent documents were chosen for this research. In order to get a clearer and more comprehensive picture of the EU's developments as a normative actor, it might be useful to compare older documents with newer ones. Another limitation of the research is that it did not measure effectiveness. Although the research focused on theory (literature) and the practice (documents) one could not easily argue whether the EU is effective as a normative actor or not.

6.3 SUGGESTIONS FOR FURTHER RESEARCH

Based on the results of the research and the limitations of the research, it became clear that not all theoretical perspectives (of the academic state of the art) were analysed in this research. That is why the first suggestion for further research is to focus on the theoretical perspectives that were not covered by this research. Second, one could look deeper into one or multiple policy areas and focus on the wide array of policy instruments that the EU has at its disposal. Because of the focus on all instruments the EU has within a policy area, a comprehensive picture of NPE in that field will be created. The third suggestion for further research is to focus on other foreign policy areas or on policies that have an external component to a lesser extent. The last suggestion for further research is examining the effectiveness of the different policy instruments, since that did not fall within the scope of this research.

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