

Building justice into EU security policy



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Summary

The European Union seeks to adapt itself to a world where national sovereignty increasingly trumps collective action, where material self-interest outweighs normative values and where the ‘universality’ of human rights is increasingly relativised. In reviewing the Union’s pursuit of global political justice in the field of conflict resolution, we identify a shift away from a traditional approach rooted in the multilateral application of agreed rules and values, towards very different models: one which privileges sovereignty and states’ rights and one which prioritises an inclusive and consensus-driven model of justice. Within this rebalancing, we identify key contradictions and challenges which result in acute dilemmas and threaten policy coherence. Based on the evidence presented, we suggest that the Union and its member states have the option to promote the (re)creation of a values-based global order which is designed and governed in a more inclusive fashion and which requires substantially more critical self-reflection from the Union on its own role and responsibilities.

The EU in conflict resolution

The EU is committed to playing a major role in global security governance. It has developed ‘operational capacity drawing on civilian and military assets’ to be deployed on ‘missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter’.¹ This policy brief draws some conclusions from the research conducted within the project Reconsidering European Contributions to Global Justice – GLOBUS (2016-2020). Furthermore, this brief addresses the principles, strengths and weaknesses the EU brings to international security operations, how these have developed over recent years across several policy areas, such as humanitarian intervention, conflict resolution and in dealing with ethno-national conflict and finally how this may be understood in relation to the Union’s pursuit of global justice.²

Across our case studies (Chad, Kosovo, Syria, Ukraine and within the thematic area of gender), the Union has demonstrated its strong commitment to several key principles and values, including a rules-based global order, support for multilateral governance (notably the UN and regional associations of states such as the African Union) and the peaceful

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016M042&from=EN>

² Eriksen, E (2016) ‘Three Conceptions of Global Political Justice’, [GLOBUS Research Paper 1/2016](#); Sjursen, H. (2017) ‘Global Justice and Foreign Policy: The Case of the European Union’, [GLOBUS Research Paper 2/2017](#).

resolution of disputes. The Union also remains committed to the concept of the universality of human rights. This is visible in its defence and promotion of democratic values and practice, its support for minority ethno-national rights and in the promotion of gender rights – and the integration of the latter into the Union’s own security practice. In respect of this starting position, the Union therefore very much reflects an approach to global justice which is rooted in the authority of multilateral institutions impartially to apply agreed international norms in pursuit of justice – even when this countermands the sovereignty of state actors.

While these principles and practices remain central to an understanding of the Union as a security actor (what within the GLOBUS project framework has been termed as ‘justice as impartiality’), they have in recent years been ‘balanced’, ‘qualified’ and/or ‘compromised’ by considerations of national sovereignty and what might loosely be described as ‘nation states’ rights. This implies something of a shift towards a concept of justice which is more firmly rooted in state sovereignty and non-interference in domestic affairs – or what the GLOBUS framework has defined as ‘justice as non-domination’. Three factors may be seen to have driven this change: 1) frustration with the lack of EU foreign policy success in certain critical areas; 2) the shifting sands of geopolitics; and 3) an associated weakening of multilateral institutions and multilateralism more generally.

Driving forces of change

In looking at the Union’s track record across the security/conflict resolution area, the extent of self-criticism among EU policy actors is remarkable. Repeatedly and across all our cases, these actors are acutely self-reflective of policy failures and

inconsistencies. Such weakness is often ascribed to a certain naiveté within the Union itself – that in too many ways the Union aspires to values and practices which simply do not work in the jungle of global politics and that the Union needs to ‘get real’ – or even more realistic – about the pursuit of its security goals. The Union’s failure to have a common view on the recognition of Kosovo and its inability to make headway in resolving the Syrian crisis illustrate the EU’s underperformance on important global security issues. This is frequently framed as a need for the Union to be more decisive and united in its decision-making, to fill perceived gaps in its policy toolbox (especially regarding military capacity) and to be more robust in the pursuit of its interests.

This sense of inadequacy is reinforced by the perception that the global commons is now a less hospitable place for the Union and its values. Whether that is ascribed to a general crisis of globalism and the liberal world order, the rise or return of powers that contest the values upon which that order was based, and/or the populist introspection of the Union’s major democratic partners (most especially the United States) and even among some of its own members, the world is now widely seen as a cold place for the Union.

These developments, it is argued, necessitates a revaluation of the Union’s basic foreign and security policy orientation – and most especially a recognition that the Union must equip itself to play a new geopolitical game, one which is perhaps more redolent of 19th century European power politics than late 20th century new world orders. This has given rise to demands for a more interventionist posture in Africa, for example, and the more effective use of sanctions and conditionality in dealing with recalcitrant security partners.

Finally, the Union also faces the reality that the basic multilateral infrastructure of world politics is not what it once was. In the security realm there is growing recognition that the institutional pillars of that order, such as the UN, NATO, OSCE and the observance of international law and treaty obligations more generally, is weakened and weakening. This further underscores the perceived need for the Union to construct more self-interested thematic coalitions, ‘mini-lateral’ structures and even ad hoc groupings of states to tackle general or specific security issues. It has resulted in a focus on ‘contact groups’ and leadership coalitions within the Union itself (such as on Syria and Ukraine) and a more ambitious approach towards ‘strategic autonomy’ in the specific field of defence.

A new strategy in challenging times

All of the above suggests that the Union’s traditional policies and approaches towards conflict resolution and security need to be reassessed, even that its model for the pursuit of global political justice needs to be recalibrated. This process can be mapped against the evolution of the Union’s own security strategy to date. This was initially framed (first in 2003 and then again in 2008) as an effort to legitimise and strengthen the EU’s role in security and conflict resolution within a broader multilateral framework and in partnership with actors such as the UN and NATO – very much in line with the traditional profile of the Union’s approach to justice. Of late, however, the focus has shifted to encompass a consolidation of the EU’s role as a security actor and the pursuit of strategic autonomy. The 2016 Global Strategy is characterised by a stronger emphasis on ensuring the resilience of neighbouring states and in the EU itself, as well as a more nuanced approach to the EU’s partners and adversaries. Here

it suggests relying more on tailored approaches than one-size-fits-all strategies. This shift is illustrated by a new focus on ‘principled pragmatism’ and local ownership.³

Principled pragmatism and local ownership

Principled pragmatism argues that while liberal principles remain part of the Union’s DNA, their pursuit in any given situation or in any relationship must take cognisance of where partners are coming from and the context of that specific relationship. This can be – and has been – read as the Union being more ‘real’ about global politics. It speaks to a foreign policy strategy that measures success in relative rather than in absolute terms. In the security realm it also at times privileges stability over the risks associated with change.

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Principled pragmatism also entails close attention to local ownership and active engagement with partners. If policies are to be tailored to the extent suggested, the Union and its agencies must work closely with its interlocutors to ensure that associated policies are grounded in local conditions and needs. Bilateral socio-economic partnerships must therefore be constructed from where a partner is, rather than from where the Union would wish that partner to be. This suggests a tentative move towards a third model

³ See Tomic, N. and Tonra, B. (2018) ‘The Pursuit of Justice Through EU Security Strategies’, [GLOBUS Research Paper 2/2018](#).

of global political justice – one which privileges the rights and voice of all parties in any particular dispute – and which has been identified in the GLOBUS project as ‘justice as mutual recognition’.

The obvious danger here is that such tailoring leads to overall policy incoherence and internal contradiction – with substantive policy goals (on sustainable development, democracy promotion, gender, minority rights etc.) compromised in the pursuit of local buy-in. The upside is that the Union ensures that the needs of all partners are identified, respected and reflected in practice. The greatest challenge to this approach is when local buy-in is non-existent, as in the case of Syria or where a dispute engages actors which are not moral equals. The Union’s full commitment to such model of mutual recognition would suggest that the EU would have to positively engage with state regimes and non-state actors that it deemed to be illegitimate or immoral. Of this we see no evidence to date.

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Policy tailoring is indeed evident in the (sometimes partial) engagement with the domestic constituencies of EU security partners – in Kosovo, in Syria and particularly with women’s groups in areas of conflict such as was evident in Chad. It manifests itself as a desire to vest conflict resolution in ‘local ownership’

rather than cookie-cutter approaches to conflict resolution or ‘one-size-fits-all’ programmes of democracy and human rights promotion. Within our cases this has been evidenced by the focus on gender in the Chad ‘bridging’ operation,⁴ the EU’s prioritisation and operationalisation of UNSCR 1325 in its own security and policy infrastructure (Hoewer and Riley 2020) and in the (failed) efforts to generate local support and engagement through EULEX in Kosovo.⁵

At the same time as we see a shift to tailoring – and a declared desire for local ownership – we also witness within these cases an ambition to strengthen state actors – even at the expense of the rights of sub state actors. This is underlined by a heightened concern with respecting state parties, with strengthening the resilience of states and an anxiety with pressing too hard on ‘values’ issues. Indeed the latter is often presented as making ineffectual normative demands at the cost of substantive policy agreement. It is this which arguably creates a dilemma at the heart of the EU’s approach to conflict resolution – the contradictory attractions of justice as mutual recognition versus justice as non-domination. This is most acutely observed in the stark conflict between the rights, security and stability of state parties versus the security and stability of substate actors. In both the Kosovo and Syrian cases, for example, we witness a Union that finds itself unable and largely unwilling either to challenge state actors (as impartiality would demand) or to accept the legitimacy, rights and voice of all state actors regardless of what the Union would view the most egregious behaviour (as mutual recognition would suggest). Thus, while

⁴ Tonra, B. (2018) ‘The (In)Justices of Peacekeeping: EUFOR Tchad/RCA’, [GLOBUS Research Paper 3/2018](#).

⁵ Tomic, N. (2020) ‘Between Border Dispute and Ethnic Conflict: The EU as a Just mediator in the Serbia-Kosovo Stalemate’, [GLOBUS Research Paper 5/2020](#).

there is rebalancing evident in the way that the Union pursues global political justice, it is not decisive and is arguably more confused and less coherent.

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While the pursuit of resilience, local ownership and a more heterodox approach to conflict resolution is seen to hold promise, it also reveals significant pitfalls. In several of our cases, for example, the EU has implied that poor local ownership of conflict resolution is at the root of security failures. This has been read in some quarters, such as in the Balkans, as tending towards victim-blaming – hardly conducive to conflict resolution. Moreover, the implication of a shift towards mutual recognition would also entail a culture of reflective and self-critical security-building between all justice contestants. The Union certainly did not, for example, in the case of Chad, acknowledge, let alone challenge, the European roots of that conflict which grew from colonial and post-imperial commitments of its own member states. Such an approach would undoubtedly be challenging. Moreover, as in the case of Syria, mutual recognition would demand dialogue with, and recognition of, actors with which the Union has thus far steadfastly refused to engage.

The EU as a global power

In the field of conflict resolution, we do see evidence of rebalancing away from a traditional model pursuing global political justice through impartiality. What is not yet clear is whether that shift is decisively towards a more state-centric model (of non-domination) or a more all-encompassing model (mutual recognition) where the Union brackets its own norms and values in favour of consensus-driven solutions. Our engagement with EU policy makers, civil society and the scholarly literature suggests that in the realm of security and conflict resolution, the Union starts from a strong base. Across its major global partners, the Union is clearly seen as a global ‘power’ – whether that power is viewed positively or negatively. That sense of power is largely vested in perceptions of the Union as a regulatory, economic and trade entity. In the security realm there is less visibility of the Union, but even here, as in the case of the conflicts in the Balkans, or in relation to Syria and the associated migration crisis, ‘Europe’ is visible as an actor.

Within that admittedly qualified perception of actorness and power, there is also acknowledgement – at least among policy elites – that the Union and its member states have a particular normative character. Again, setting aside any judgement as to whether such norms are shared, tolerated or contested, the Union is seen from the outside to be a visible advocate for its normative worldview. Strikingly, as in the case of Kosovo, Syria and Chad and in the field of gender, it is precisely that normative character to which policy actors in all these realms react. The Union is not, however, visible as a military ‘power’ in the way that the United States, Russia or China may be perceived. Indeed, in the military realm it is more often that the member states themselves are visible. At the same time, protagonists in conflicts

see the Union as having both material capacity (in diplomatic, trade and economic terms) and normative purpose.

Internal contestation

Shaping and directing that capacity and purpose, however, remains problematic. Arguably, for the first time in its history, the Union's defence of its material and ideational interests requires it to go on the offence. This is a double challenge. First, the Union lacks confidence in its existing policy tool set and has embarked on an ambitious programme to acquire and develop greater security and defence capacity. It is not yet clear what return this investment will deliver in terms of actual capacity nor is the scale of that investment yet determined. The second challenge is that the Union now also faces internal normative contestation. This is not simply a function of reconciling different geo-strategic profiles nor of profound policy disagreement among member states. Rather, these are conditions in which a small subset of member states question the basic values-orientation of the Union and, on occasion, set out consciously to frustrate collective foreign policy and security action. In these conditions, antagonists of the EU abroad do reference the EU's inability to uphold its values 'at home'. If the EU is to maintain – never mind to strengthen – its legitimacy, it must reflect on why such internal contestation occurs and confront it openly and decisively.

Where does the Union go from here? We would suggest a basic orientation that builds on existing strengths rather than obsessing over axiomatic weaknesses. The Union has a comparatively clear normative identity. It has a suite of policy mechanisms and tools – such as in conflict prevention, emergency relief, conflict resolution, mediation, and economic assistance which, when

deployed coherently and decisively, can bring substantial power to addressing security threats. The Union should thus not qualify or temper its normative message or weaken its pursuit of ideational interests. Instead it should double down and reinforce its identity as a pole of attraction for the values which it espouses.⁶ Such an endeavour must of course begin at home and be actively projected externally. To that end it might usefully engage even more actively with sub-state actors and other global partners in civil society in pursuit of those goals.

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Finally, it must engage its partners with openness in order to build trust. 'Getting real' must not become 'getting Realist'. The EU must not become perceived as yet another Western 'hard power', but instead can reshape its 'normative power' identity as an understanding partner in global politics.

In its relations with states, the Union might usefully consider undertaking its own strategic pivot to create and reinforce partnerships based on shared ideational interests and coalitions based on shared material interests. In both sets of relationships, the Union can pursue active listening and learning. It can also create incentive structures to promote the

⁶ Maher, R. (2020) 'EU Foreign Policy and Humanitarian Intervention: Justice in a Disordered World', GLOBUS Research Paper 8/2020

migration of states from material interest coalitions towards ideational interest partnerships.

Conclusion

All of the above suggests that in our analysis of key security issues, we have witnessed a shift in the Union's centre of gravity at least as far as security is concerned. The Union seeks to adapt itself to a world where national sovereignty trumps collective action, where material self-interest outweighs more normative values and where the 'universality' of human rights becomes increasingly conditional and culturally contextualised. The challenge to EU foreign policy in the realm of security is the extent to which the Union and its members are in fact prepared to respond to these changes – while pursuing their ideational and material interests. This does not necessarily require a wholesale shift away from impartiality towards either non-domination or mutual recognition. Instead, it does imply a Union that must work much harder to incentivise the (re) creation of a values-based normative order which is designed and governed in a more inclusive fashion and which requires substantially more critical self-reflection from the Union on its own role and responsibilities.

Does the Union have the capacity to create and sustain a network of global partnerships and coalitions which are based on local ownership, listening and critical self-reflection? It would certainly be pathbreaking for the Union if it were to engage deeply with third states and substate actors in this way and such an approach is clearly – at least in principle – one for which the Union's own Global Strategy provides some direction, as in its references to resilience.⁷ It would also allow the Union to remain true to its DNA as a continental peace project and its

transformational ambitions for global governance. While our evidence is limited, we therefore see the potential for the Union – in pursuit of a just global order based on a reengineered model of impartiality – to work at the micro- and meso-levels in keeping lit the flame of the ideals and interests that still define its nature.

The obstacles in the Union's path towards such a destination are formidable. Internally contested and externally challenged, the Union also suffers from a crisis of both conscience and confidence. The Siren calls of the Westphalian orchestra – for the Union to abandon its postmodern pretensions and embrace its inner Realist – are pervasive. It plays both to a traditional critique of the Union as a superpower manqué and to more contemporary adversaries that imply either that the Union's nature and principles are somehow passé, to be abandoned as nation states and ethno-nationalism reassert themselves or that a liberal global order is simply a cultural artefact of little or relevance to a diverse global community. To our minds, as the evidence suggests, the Union indeed has another path, one that builds on its innate strengths, that responds to the clear aspiration of so many of its global partners and which does not, by implication or design, seek either to return to the literal dead ends of the first half of the twentieth century or to a foundationless future of relativized values. That policy choice is available, but it must be pursued.

⁷Tonra, B. (2020) 'Resilience and the EU's Global Strategy: The Potential Promise of Justice', [GLOBUS Research Paper 4/2020](#).

Further reading

Erik O. Eriksen (2016) 'Three Conceptions of Global Political Justice', [GLOBUS Research Paper 1/2016](#).

Heidi Riley (2020) 'Shifting Conceptions of Gender Justice in EU Policy on Women Peace and Security', [GLOBUS Research Paper 9/2020](#).

Helene Sjursen (2017) 'Global Justice and Foreign Policy: The Case of the European Union', [GLOBUS Research Paper 2/2017](#).

Nikola Tomic (2020) 'Global Justice and Its Challenges. The Case of the EU's Approach to the Syrian Crisis', *GLOBUS Research Paper 12/2020*.

Ben Tonra (2018) 'The (In) Justices of Peacekeeping: EUFOR Tchad/RCA', [GLOBUS Research Paper 3/2018](#).

Policy recommendations

1. Pursue local ownership and resilience in conflict resolution
2. Pursue the creation of global security partnerships with state and civil society actors based on the defence and promotion of shared values
3. Pursue the creation of global security coalitions with state and multilateral actors based on shared interests in conflict resolution and humanitarian relief
4. Ensure internal-external consistency when it comes to promotion of values
5. Act as a pole of attraction in the pursuit of conflict resolution

Reconsidering European Contributions to Global Justice (GLOBUS) is a research project that critically examines the EU's contribution to global justice.

GLOBUS studies the contents and conduct of the EU's external policies with a focus on climate justice, migration, trade and development, peace and conflict resolution, gender and human rights.

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