

### **Do human rights still matter in EU-Russia relations?**

The idea to create a ‘union of peace’ based on the principles of democracy and the respect of human rights lies at the heart of the foundation of the European Union. This has inspired its strategy to promote democracy and human rights within its own neighbourhood and in relations with third countries since its creation. The two principles are thereby regarded as inseparable since democracy is generally perceived as a precondition for the respect of human rights. While there is no unanimous and universally accepted definition of human rights, the liberal Western doctrine of human rights as represented by the European Union, tends to emphasize political and civil liberties in particular by placing the individual at the forefront. This approach, focusing in particular on the promotion of political and civil rights, has also primarily shaped European efforts to support democracy and human rights in Russia.

Current negotiations for a new Partnership and Cooperation Agreement between Russia and the European Union can be seen as an opportunity for both sides to rethink and reshape their relationship.<sup>1</sup> The EU policy of democracy and human rights promotion which has been the cornerstone of the EU’s strategy towards its “strategic partner” Russia is regarded as a failure by many who argue that developments since the fall of the Soviet Union have contradicted the European hope for a democratic Russia. The European strategy has been challenged by crucial events such as large scale human rights violations during the wars in Chechnya but has also been questioned by internal divides within the EU and the interference of economic and energy interests jeopardizing the European focus on human rights issues.

Furthermore, Russian distrust in the European strategy, as well as divergent views on the concept of democracy and human rights, have caused mutual misunderstanding between the two partners leading to the formation of two opposing strategies. On the background of the opportunity to rethink the EU’s strategy of democracy and human rights promotion in the context of negotiations for a new partnership agreement, several questions will be crucial to the future development of the European strategy: Is the EU approach still valid and legitimate today? Does such an approach endanger the establishment of a renewed and stable partnership? What are possible ways to improve EU-Russia relations in the future?

## **Democracy and human rights promotion- conflicting views and visions**

The EU strategy of human rights and democracy promotion in Russia is embedded within the European vision to act as a stabilizing force and to extend its “zone of peace” throughout its neighbourhood: however, since the beginning of EU-Russia relations, the EU strategy has experienced serious setbacks and has been put into question.

Controversy over democracy and human rights promotion in Russia tends to characterize the powerlessness of the European “soft power” faced with an emerging Russian “hard power”. However, this simplistic characterisation falls short of explaining conflicting views and visions creating mutual misunderstandings.

### *European intentions and the EU’s strategy towards Russia*

With the emergence of the European Union as an important actor in the international community, attempts to describe the EU in terms of power relations have classified it as a “soft” or a “normative” power. Both concepts are frequently used to explain the EU’s success in promoting democracy and human rights in its neighbourhood. The notion of “soft power”, as made famous by Joseph Nye, underlines the EU’s capability of influencing upon other actors without employing the use of force. Furthermore, the concept emphasizes the ability of a “soft power” to attract others who will be willing to voluntarily apply to its standards. The definition of the EU as a “normative power”<sup>2</sup> focuses more on the EU’s ability to persuade other actors in the international area with its values and ideas. Defenders of these concepts tend to stress the EU’s attractiveness and success by pointing to its successive enlargements.

The EU strategy towards Russia reveals a high amount of self-confidence within the European Community in its own attractiveness and the intention to influence upon Russia by spreading its “European” norms and values. After the dissolution of the Soviet regime, the European Union seemed optimistic that it could impact Russia’s transition into a market-based economy and a democratic society, which lay at the heart of its assistance through the financial instrument TACIS (Technical Assistance to the Commonwealth of Independent States) to the newly emerging states. The launching of the European Initiative for Democracy and the Protection of Human Rights (EIDHR) complemented European financial assistance through TACIS by focussing more specifically on the support for human rights initiatives such as

sponsoring local NGOs active in the field of democratization and human rights promotion. Since 1997, over 250 Russian projects have been financed by the EIDHR<sup>3</sup> and two yearly consultations to strengthen dialogue at the official level have been initiated in 2005 with the launching of a Human Rights Dialogue. In addition to these specific initiatives, the European Union's strategy towards Russia has been embedded within their own general approach towards human rights promotion, relying primarily on the following measures<sup>4</sup>:

1. *Naming and shaming*: The constant blaming of human rights violations creating a critical public opinion
2. *Positive and negative conditionality*: Offering or withdrawing assistance (financial, logistic, association agreements, etc.) in response to the partner's commitment to human rights standards
3. *Cooptation*: Steady and limited engagement of actors from the partner state in the EU policy-making procedure leading to positive externalities (socialisation process)

These measures have been complemented by diplomatic means and the monitoring of the general situation in Russia (information through the contact to local NGOs, visits by EU delegations, scrutiny by the Council of Europe, etc.). However, this overall strategy and the results of its practical application in Russia have been criticised at numerous times for being largely unsuccessful and the successive rounds of Human Rights Dialogue in particular are viewed by many as a mere farce. An analysis of EU-Russia relations thus seems to reveal the limits of the EU's "normative" or "soft" power.

### *The Russian alternative*

The development of Russia since the fall of the Soviet regime does not seem to indicate that the country is willing to follow the European example by adopting its norms and values. Russia has become a member of several international organizations charged with the promotion of democracy and human rights and has signed numerous international treaties in this domain, notably in the framework of its membership in the Council of Europe. However, the adjustments of its legal code do not seem to reflect the same commitment to human rights norms and democratic values at the cultural level. Controversy over the definition and the scope of human rights has created tensions between the two partners and has provoked mutual misunderstanding. The European approach which particularly emphasizes political and civil

rights, such as the freedom of expression, diverges from the Russian perspective which seems to give more weight to economic and social rights.<sup>5</sup> This different weighing of human rights seems to be a remnant of the Soviet past, in which political and civil rights were viewed as secondary in comparison to economic and social rights that could contribute to fulfilling basic needs. Furthermore, the Western belief in the universality of human rights is questioned by a vision that proposes a relativistic view of human rights. Russian conservatives, especially members of the Orthodox Church, do not agree to the notion of human rights by blaming it to be an ideological term seeking to justify Western imperialism.

Russia refuses “Western-style democracy” and remains highly sceptical of the Western normative agenda, which it believes to challenge its own sovereignty and domestic legitimacy. The steady economic development spurred by increased income through energy exports has given rise to a renewed sense of self-confidence, which was only strengthened by the relative loss of U.S. authority after the war in Iraq and the weakness of the EU as an external actor. The rejection of the European normative agenda became especially visible in the development of a “new” political discourse under Putin’s second presidency. This new rhetoric relies on identifying Western countries as enemies utilizing the term “democracy” for ideological purposes in order to weaken Russia. The EU concept of “naming and shaming” is thereby viewed by Russia as a way to demonstrate European superiority, which only increases Russian distrust in European democracy and human rights promotion by creating a deep sense of humiliation. Russia’s response to the “naming and shaming” policy, consisting of repeated criticism of European double standards, became particularly apparent with the announcement of the creation of a Russian institute to expose and report human rights violations in EU member states.

The policy of conditionality which had much success regarding EU accession countries seems equally inept to incite Russian compliance with EU standards. The “carrot-or-stick” principle in the past attracted countries with the most powerful promise- ultimate EU membership- cannot seduce Russia, which decisively asserts its distinct identity and for whom membership is not a desirable option. The same argument seems to hold true for the strategy of cooptation, which relies on a certain amount of willingness of the actors involved to engage in a process of socialization. In the Russian case, this estimation seems highly optimistic since there are no obvious signs that Russia is willing to engage in a closer socialization process that would imply the adoption of EU standards. A brief overview over the opposing views and visions of the concept of democracy and human rights promotion thus point to a deadlock situation revealing a high potential for mutual misunderstanding and conflict.

### **Human rights getting in the way?**

Tensions over human rights abuses have marked EU-Russia relations from the beginning. The successive wars in Chechnya in 1994 and 1997 confronted the European Union with a dilemma- on the one hand the EU had to sanction Russia and condemn the flagrant human rights violations while trying to proceed in the negotiations of a new partnership agreement. Moreover, recent events such as repeated murders of political journalists and human rights activists, the most prominent example being the murder of Anna Politkovskaja in 2006, as well as the increased repression of NGOs<sup>6</sup> and the imprisonment of Mikael Khodorchovsky, (former CEO of the Russian oil company Yukos), have mounted criticism amongst human rights organizations, NGOs and within the European Union member states. Reactions to the outbreak of the war in Georgia in summer 2008 included a periodic suspension in negotiations for a new partnership agreement revealed once again the difficult nature of the partnership and were reminiscent of Cold War rhetoric.

In this context, Western observers portrayed the war in Georgia as a prominent example of Russian aggression and criticized human rights violations by largely ignoring the Georgian role in the conflict and by interpreting the outbreak of the war as a direct Russian response to NATO enlargement plans. Russian commentators have on the other hand challenged this view by stressing the necessity and right to intervene in the conflict in order to prevent “genocide” of the Russian population of the region and by blaming Georgia alone for the outbreak of the war. These opposing representations expose the simple stereotypical images that still dominate in EU-Russia relations.

#### *Looking into the future- several obstacles to overcome...*

Differences between the European and Russian concepts can partially explain the relative failure of the European efforts to strengthen democracy and human rights in Russia; however, several other obstacles which have led to a destabilization or even deterioration of EU-Russia relations must be taken into account. Successive rounds of NATO enlargements towards the East have complicated EU-Russia relations since they were perceived by the Russian partner as a blatant demonstration of Western interventionism in its traditional sphere of influence. The European Union has on the other hand downplayed the importance of these enlargements by failing to understand their symbolic meaning. The determined rejection of NATO membership for Georgia and the Ukraine by several European heads of states on the occasion

of the NATO summit in April 2008 have however pointed to a rising sense of sensitivity concerning NATO enlargements' importance for Russia.

Moreover, the European Union was often not only faced with a reluctant Russian partner who did not agree on European standards or values but also had to deal with diverging interests and standpoints amongst member states. Absolute priority for human rights issues and democracy promotion was promoted frequently by the so-called "anti-Russian bloc"<sup>7</sup> as well as the Nordic countries while economic interests were given absolute priority by several countries known as being particularly "pro-Russian"<sup>8</sup>. This internal divide has on several occasions prevented an agreement on a coherent European position allowed Russia to identify and to exploit weaknesses in European decision-making by playing out the diverging interests amongst member states against each other.

This internal weakness caused by the enormous heterogeneity of opinions and interests amongst member states has discredited the European Union as an international actor and has led to the formulation of a Russian strategy that relies upon avoiding negotiations at EU level whenever possible.

It seems as though the Western strategy calling for democratization and promoting human rights consequently reinforced a sense of marginalization and domination in Russia rather than having led to a congruence of Russian and European norms and values. Thus, in order to improve the EU strategy towards Russia it seems to be high time to radically rethink the EU approach.

#### *Ideas for a new EU strategy*

The first step towards a more coherent European strategy on Russia would be to overcome the internal divide within the European Union which has allowed Russia to pursue its strategy of "cherry-picking" and to prefer negotiations with individual member states rather than at the EU level. Within this context it seems fundamental that the two blocks ("anti-Russian" and "pro-Russian") engage in closer dialogue regarding their Russia policy in order to conciliate their opposing concepts. The experience and expertise of some new member states, which were previously part of the Soviet regime, could thereby serve other member states to better understand the legacies of the past. This would isolate complications which have often hampered good relations between EU countries and Russia, helping in designing a new strategy without falling into the trap of subjectivity and one-sided approaches. Another indirect element which could improve the EU's ability to act in a coherent manner towards

Russia could be the ratification of the Lisbon Treaty, which would strengthen the European diplomatic service and could potentially turn the European Union into a more credible partner by establishing a 2 ½ years lasting Council Presidency.

EU-Russia relations have been marked by deep misunderstandings and misinterpretations. A new European strategy needs to take into account Russia's vulnerabilities by seeking to understand the reasons that made Russia reject the European approach. In a recent article by former International Crisis Group President Gareth Evans, he proposes that NATO representatives should find a new form of rhetoric regarding Russia which should stress the openness of the military union in order to show Russia that NATO membership is an option for everyone including Russia itself<sup>9</sup>. This suggestion to change Western rhetoric towards Russia could also be applied in the European context. The Russian characterization of democracy and human rights promotion as an ideology justifying Western imperialism is deeply linked to the fear of Western dominance through constant EU and NATO enlargements. In order to improve EU-Russia relations it will be of utmost importance that Russia will feel treated as an equal partner and that democracy and human rights promotion will no longer be directly associated with Western expansionism and be seen as a security threat. A new strategy should therefore put more emphasis on reciprocity in order to build up Russian trust.

Several experts estimate that the EU should cease pressuring Russia to adopt Western political culture and embrace democracy and instead emphasize that respecting the rule of law and human rights would be favourable for Russia's development and would be ultimately in its own interest. The loosening of the inextricable link between democracy and human rights promotion could have a positive impact since Russia might in this way no longer associate human rights promotion directly with Western imperialism and might be open for increased cooperation. However, it seems questionable how Russia could be convinced of its own benefits from adopting European human rights standards and differing views over the interpretation of the rule of law and human rights could provoke new normative conflicts.

## **Conclusion**

Despite some positive examples of Russian cooperation with European institutions leading to considerable human rights improvements in Russia, notably through membership in international organizations promoting democracy and human rights, the European Union's strategy has been subject to a lot of criticism. The critiques are normally pointing to the



powerlessness of the European Union faced with the recent development of Russia towards an authoritarian regime and after having witnessed reoccurring human rights violations in the country. A new European strategy will need to overcome serious difficulties and succeed in establishing a renewed partnership based on trust and understanding by acknowledging the Russian plead for an equal partnership. Ideas for a new European strategy give an indication of how the current strategy could be improved without contradicting the European aim to promote and strengthen human rights. In order to address Russian distrust of the European strategy that has previously prevented the formation of a stable partnership, the European Union should avoid normative benchmarking while upholding up its values and exerting pressure upon Russia in cases of obvious human rights violations.

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<sup>1</sup> See Kömen, Janina: “EU-Russia relations- where are we now”?, Euro-power, March 2009

<sup>2</sup> See Ian Manners: “Normative Power Europe: A Contradiction in Terms?”, Journal of Common Market Studies, June 2002

<sup>3</sup> Klitsounova, E. : Promoting Human Rights in Russia by Supporting NGOs, April 2008, p.16

<sup>4</sup> Klitsounova, E. : Promoting Human Rights in Russia by Supporting NGOs, April 2008, p.12

<sup>5</sup> See survey results: Gerber, T.; Mandelson, S.: “Russian Public Opinion on Human Rights and the War in Chechnya”, Post-Soviet Affairs, Vol. 18, No.4, October-December 2002, p. 275-277

<sup>6</sup> Russia has implemented a NGO law which introduced several amendments to the Civil Code, for example creating stricter rules regarding registration for NGOs, and which went into effect on 10 January 2006. The NGO law has been subject to major criticism from NGOs, human rights organizations and the international community for having a negative impact on the work of local NGOs by introducing tight control mechanisms and a greater possibility to interfere directly in the affairs of NGOs.

<sup>7</sup> Notably the Baltic States and Poland

<sup>8</sup> Notably Germany, Italy and France

<sup>9</sup> Evans, G.; Délétriz, A. : “NATO and Russia: In Need of a Bold Step”, International Crisis Group Comment, 2.4.1009