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**Normative Power Europe:
The International Role of the EU**

Hedley Bull's searing 1982 critique of the European Community's 'civilian power' in international affairs serves as the point of departure for my discussion of the European Union's 'normative power' in contemporary international and world society. The idea of using Bull's examination of civilian power Europe as an entry point to a discussion on the value of using English School terms to study the EU may strike many as problematic. I will attempt to use this paper to argue that the methodological pluralism of the English School provokes us into thinking beyond traditional conceptions of the EU's international role and towards the idea of the EU's international role being primarily normative, not civilian or military.

Panel 1D (Thursday, 31 May 2001, 8:30-10:15 am)

The European Union between International and World Society

Chair: Ian Manners (University of Kent at Canterbury)

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Normative Power Europe: The International Role of the EU¹

*Europe is not an actor in international affairs,
and does not seem likely to become one...* (Bull, 1982)

With these now renowned words Hedley Bull, the pre-eminent writer of the 'English School'² of international relations, dismissed the suggestion that the European Community represented a 'civilian power' in international relations and endeared himself to a generation of European Studies scholars. Bull was responding to the suggestions of writers such as François Duchêne who claimed that traditional military power had given way to progressive civilian power as the means to exert influence in international relations (Duchêne, 1972, 1973).

Bull's argument, and the position which it represents within the English School, form the starting point for my discussion of the international role of the European Union as a promoter of norms in the solidarist tradition. I will suggest that Bull was correct to argue that 'from the perspective of "the return to power politics" of the 1980s' the civilian power of the European Community *was* conditional upon the military power of states, as the pluralist tradition within the English School would expect. However, I will further claim that the developments of the 1990s in international relations have led the European Union to transcend both notions of military power and civilian power to become a normative power in international and world society. The idea of using Bull's examination of civilian power Europe as an entry point to a discussion on the value of using English School terms to study the international role of the EU may strike many as problematic. In this paper I will first attempt to argue that the methodological pluralism of the English School (Little, 2000) is a valuable basis for provoking us into thinking beyond traditional conceptions of the EU's international role. This thinking then leads me to the idea of the EU's international role being primarily normative, not civilian or military. Finally I conclude by suggesting that the 'intertwining' of international and world society (Diez, 2001) provides the shared meanings and discourses through which the international role of the EU is best understood as representing a normative power Europe.

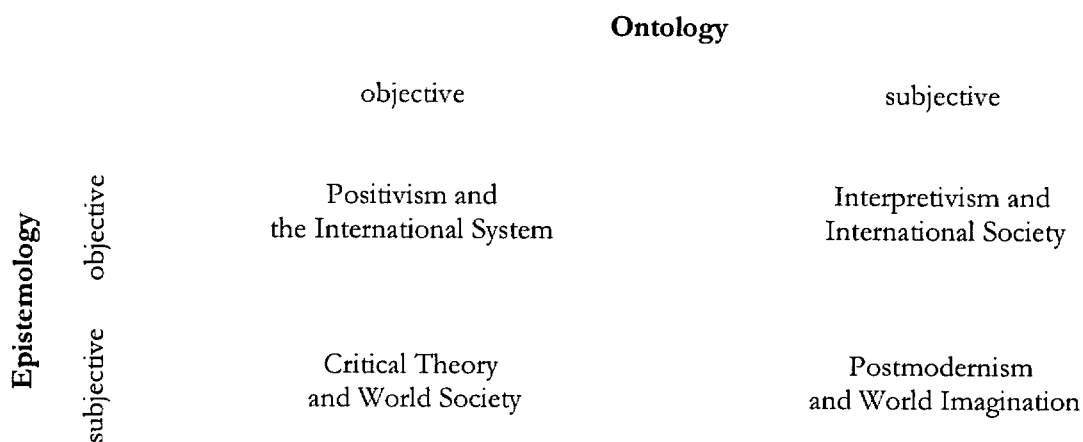
Richard Little's examination of the pluralistic approach to Martin Wight's three traditions within the English School (Little, 2000), together with my previous suggestion for balancing the School with the introduction of a 'missing tradition' (Manners, 2000b: 10-14), lead me to the observation that the School's most important contribution to the study of international relations is the way in which it provokes us into a conversation about and between the four diverse traditions of international theory. This conversation is not merely entertaining, but is essential if we are to come to terms with thinking about the EU in a sophisticated way. In terms of looking at the international role of the EU, this pluralism provides a means for us to interrogate both the international society of the EU (as found in the realm of the Common Foreign and Security Policy) and the world society of the EC (as found in the realm of External Relations). The four traditions discussed here are those of positivism, Critical Theory, interpretivism, and postmodernism (Little, 2000; Manners 2000b). Positivist methodology is founded on the belief that there is a world out there which can be measured and analysed through scientific means. In the English School approach this tradition calls upon us to look at the international

¹ This paper is a second draft of chapter 5 for a book project on 'International and World Society & the European Union', co-authored with Thomas Diez and Richard G. Whitman. I am very grateful to Ruth Abbey, Mathias Albert, Barry Buzan, Thomas Diez, Mervyn Frost, Stefano Guzzini, Anna Home, Anna Leander, Ben Rosamond, Thomas Saalfeld, Karen Smith, Hidemi Suganami and Richard Whitman for comments on previous drafts. The paper represents part of a wider project to reconsider the utility of 'English School' thinking for a variety of areas in the study of international relations (Buzan, 1999). For further information, consult <http://www.ukc.ac.uk/politics/englishschool/>.

² For some of the early works in the school see Manning (1937, 1962), Carr (1939), Butterfield and Wight (1966). For some later reflections on the school, see Fawn and Larkin (1996), Roberson (1998). For competing stories about the school, see Dunne (1998) or Knudsen (2000a, 2000b). For more recent contributions see Buzan (1999), Wæver (1999), and Little (2000).

system of the EU, as found in the rational-institutionalist work of the ‘Harvard School’ (Manners, 2000a: 19-20). The positivist approach of the international system is thus based on the twin assumptions of an objective ontology (‘there is a world out there’) and an objective epistemology (‘which can be measured and analysed’). Interpretivist methodology is constructed through the belief that the world is the product of our social interaction which can be measured and analysed through scientific means. This is the central tradition in the English School approach with its focus on the international society of the EU, as found for example in the social constructivism of the Copenhagen School such as Christiansen, Jørgensen and Wiener, 2001 (Manners, 2000a: 21). The interpretivist approach of international society is built on the assumptions of a subjective ontology (‘the world is socially constructed’) and an objective epistemology (‘which can be measured and analysed’). Critical Theory methodology is the product of the belief that there is a world out there which cannot be easily measured and analysed because of the contested nature of knowledge production. In the English School approach this tradition places it emphasis on the world society of the EU, as represented by a few examples such as Habermas (1992, 2000) or Linklater (1998). The Critical Theory approach of world society is therefore based on the assumptions of an objective ontology (‘there is a world out there’) and a subjective epistemology (‘the contested nature of knowledge production’). Finally, postmodern methodology is located in the belief that the world is the product of our social interaction and which cannot be easily measured and analysed because of the contested nature of knowledge production (see Manners, 2000b: 12-13). In the English School approach this tradition would represent the antithesis of the international system with its emphasis instead on the world imagination of the EU, examples of which might include Diez (1997, 2001), Huysmans (1996, 2000), or Larsen (1997, 2000). The postmodern approach of world imagination could be thought to be found in the assumptions of a subjective ontology (‘the contested nature of knowledge production’) and a subjective epistemology (‘the contested nature of knowledge production’). These four approaches or traditions may be represented figuratively through reference to their ontological and epistemological views, as figure one illustrates.

Figure One: Ontology, Epistemology and Methodology³



[adapted from Manners, 2000b]

These four traditions of the English School broadly represent four approaches to international theory which provoke me into rethinking to what extent it is necessary to move away from thinking of the EU purely in positivist terms and towards introducing the other three discourses. This rethink involves reflecting on the utility of the two previous conventional representations of the international role of the

³ Note that there are no lines on the figure - the notions of subjective and objective are relative to each other, not absolutes.

EU (civilian power or military power) and introducing the innovative representation of normative power Europe with its competing discourses.

Civilian Power Europe

On the 9th May 2000, to celebrate the fiftieth anniversary of the Schuman Declaration on 'Europe Day', the European Union issued publicity material declaring '50 Years of Solidarity, Prosperity and Peace'. Although the claim to being solely responsible for the achievement of peace is questionable, the slogans do reflect the fact that since the creation of the European Coal and Steel Community, the ECs/EC/EU have 'domesticated' relations between member states. As François Duchêne was to suggest in the early 1970s, Europe at age 20 represented a 'civilian power' which was 'long on economic power and relatively short on armed force' (Duchêne, 1972, 1973). In the intervening two decades Duchêne's civilian power concept has been much debated by scholars of the international role of the EU,⁴ although by 1991 'the demise of a two-bloc Europe removed the primary constraint upon the development of the European Union understood as a civilian power' (Whitman, 1998: 144).

However, as Romano Prodi has recently pronounced, the concept still holds much power in the minds of Euro-elite:

'We must aim to become a global civil power at the service of sustainable global development. After all, only by ensuring sustainable global development can Europe guarantee its own strategy security' (Prodi, 2000: 3).

Hence the status of the EU as a global civil power or civilian power is one which still is central to a discussion of its role in international relations. Kenneth Twitchett and Hans Maull have both defined civilian power as involving three key features which I interpret as being the primacy of diplomatic cooperation to solve international problems; the centrality of economic power to achieve national goals; and the willingness to use legally-binding supranational institutions to achieve international progress (Twitchett, 1976: 1-2, and Maull, 1990: 92-93). In his recent research project on civilian power, Maull goes further to introduce the three new features of a national interest defined by citizen's concerns; a foreign policy based on national values; and stringent conditions regarding the use of force (Maull, 1998).⁵ Karen Smith has been one of the most consistent advocates of the benefits of a civilian power Europe and its contribution to 'a different kind of international relations' based on renouncing force between its members (K. Smith, 2000: 28).⁶ As Smith makes clear, echoing Wight and Bull's words, the movement away from a civilian power and towards a military power 'would represent the culmination of a 'state-building' project. Integration would recreate the state on a grander scale' (K. Smith, 2000: 27).

It was this notion of civilian power which Bull criticised in 1982 for its ineffectiveness and lack of self-sufficiency in military power. Bull's remedy was to suggest three reasons why the EC should become more self sufficient in defence and security: the divergence of interest with American policy; to retain the balance of military power with the Soviet threat; and to regenerate itself through an independent military posture. This self sufficiency was to be achieved through seven steps: the provision of nuclear deterrent forces; the improvement of conventional forces; a greater role played by West Germany; more involvement of France; a change of policy in Britain; careful co-existence with the Soviet Union;

⁴ See Schonfield (1974), Pijpers (1988), Tsakaloyannis (1989), Hill (1990), Laursen (1991), Lodge (1993), Zielonka (1998), and Larsen (2000).

⁵ The foreign policy role conception of 'civilian power' is defined by the project as including six main areas: cooperative leadership, national interest, attempts to civilize the international system, foreign policy based on national values, foreign policy style/culture, and condition on the use of force (Maull, 1998).

⁶ See also K. Smith (1998a, 1998b, 1998c) for studies on the use of civilian power in EU relations with eastern Europe and third countries.

and careful co-existence with the United States. Bull's solution, unimaginable in the second Cold War of the 1980s, was to turn the EC into a military power Europe.⁷

Military Power Europe

Since the defeat of the European Defence Community by the French national assembly in 1954, the question of the EU assuming a military dimension had remained taboo until the agreeing of the Treaty on European Union (TEU) in 1991. As Whitman has suggested, 'the TEU had signalled the intent of the Member States of the Union to move beyond a civilian power Europe and to develop a defence dimension to the international identity of the Union' (1998: 135-6). Article J.4.1 of the new treaty shattered the taboo by boldly proclaiming that:

'The common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common foreign policy which might in time lead to a common defence.'⁸

The expectation was that the move from the single structure of the EC to the three pillar structure of the EU was part of a fundamental shift from civilian to military power, assuming that the development of a common foreign and security policy was towards a fourth pillar of defence policy (Manners, 1994). However, for the next seven years the expectations of foreign policy and military power were not matched by the hoped-for achievements of the EU, a disappointment which Christopher Hill felt was a 'capabilities-expectation gap' grounded on unreal expectations which Helene Sjursen termed an 'eternal fantasy' (Sjursen, 1998).⁹ A counter-balance to these analyses of the failure of military power Europe has been provided by Wæver (1996), Trine Flockhart and Wyn Rees (1998), and Jørgensen (1998), who question how best to measure the success of the EU and suggest that perhaps it should be evaluated on the basis of what has not happened, rather than what has happened.

However, the trend towards military power Europe appears to be moving from symbolic to substantial achievements as the June 1999 Cologne European Council committed the EU to having a 60,000 person Rapid Reaction Force (RRF) ready to react by the end of 2003 (Whitman, 1999).¹⁰ While the formal preparation for the Petersberg Tasks of the RRF might be seen by some as evidence of movement towards a military power Europe, others have argued that these tasks are still within the remit of a civilian power as the questions of defence and nuclear capability still remain within the remit of NATO (Jørgensen, 1997; K. Smith, 2000).¹¹ Duchêne argued convincingly that 'the one thing Europe cannot be is a major military power' because of the questionable value and use of nuclear weapons, which would have to be controlled by 'a European President' (Duchêne, 1972: 37). This militarisation of the EU is not without criticism, with Jan Zielonka arguing that it weakens the EU's 'distinct profile' of having a civilian international identity (Zielonka, 1998: 229) while Jan Oberg claims that militarisation represents a 'civilisational mistake' (Oberg, 2000).

Bull's discussion of the utility of military power, and the futility of civilian power, was predicated on an understanding of the EC as being centred somewhere between the capitals of France, Germany and Britain and the bureaucrats of Brussels. His article was built on two assumptions - that the ability to

⁷ Dominique Moisi commented that in his Gaullist European vision 'Bull described the world as it should be and not as it is' (Moisi, 1983: 165).

⁸ At Amsterdam the article was altered to 'The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, in accordance with the second subparagraph, which might lead to a common defence, should the European Council so decide' and renumbered to Article 17.

⁹ For a discussion of the 'capabilities-expectations gap' see Hill (1993, 1998); Holland (1995), and Ginsberg (2000).

¹⁰ For an extended discussion of the relationship between the symbolic agreements of Maastricht and the substantial agreements of Cologne see: 'Negotiation of a Defence Component to the Common Foreign and Security Policy' in Manners (2000b) *Substance and Symbolism: An Anatomy of Cooperation in the New Europe*, pp. 189-229.

¹¹ The 1992 Petersberg Declaration by the WEU is now referred to in Article 17.2 of the TEU: humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.

become a powerful actor in international affairs involves the exercise of military power; and that this actorness involves a movement from intergovernmental cooperation towards supranational integration through 'an appropriate form of political and strategic unity' (Bull, 1982). This second assumption is similar to the simple dichotomy which presupposes the 'debate' between the California and Harvard Schools on the relative strength/merits of supranational versus intergovernmental governance within the positivist tradition of international theory (see Manners, 2000a: 19-21 and 2000b: 21-22 for a fuller discussion). Although both of Bull's assumptions may have been sustainable during the Cold War, but with the transformations in international relations since his death we have to look beyond notions of civilian and military power in order to conceptualise the EU as normative power Europe.

Normative Power Europe

The European Community must be a force for the international diffusion of civilian and democratic standards or it will itself be more or less the victim of power politics run by powers stronger and more cohesive than itself. (Duchêne, 1973: 20)

Returning to Duchêne we can see that although he was broadly concerned with the limitations of a civilian power located in an economic framework, he was also aware that the 'international diffusion of civilian and democratic standards' was crucial in order for the EC to avoid become a 'victim of power politics'. In particular he was interested in the normative power of the EC as an *idée force*, starting with the beliefs of the 'founding fathers' and extending through its appeal to widely differing political temperaments (Duchêne, 1973: 2 and 7). The idea of normative power in the international sphere is not new, in 1939 E.H. Carr drew on Bertrand Russell's 1938 distinction between economic power, military power and power over opinion (Russell, 1938 in Carr, 1946: 108). Elements of this normative power can also be found in the critical perspective of Johan Galtung when he says that the 'ideological power is the power of ideas' (Galtung, 1973: 33). Galtung argues that ideological power is 'powerful because the power-sender's ideas penetrate and shape the will of the power-recipient' and comes through culture. He differentiates between channels of power (ideological power, remunerative power and punitive power) and sources of power (resource power and structural power), a distinction he argues is 'fundamental, because it is on the latter that the European Community is particularly strong, even more so than the United States' (Galtung, 1973: 36).

One of the problems with notions of civilian power and military power was highlighted in the debates during the late 1970s and 1980s following Gunner Sjöstedt's attempt to formulate a means of assessing the actorness of the EC using seven properties (Sjöstedt, 1977).¹² The focus here was on agency in the international system and the capabilities for the EC to act in international relations. Undoubtedly one of the factors behind this focus on actorness were the developments within the EC to strengthen European Political Cooperation (EPC) following the 1981 London Report, the 1983 Solemn Declaration on European Union, and the 1986 Single European Act which gave EPC a treaty basis. This search for actorness was to continue in the 1990s with Hill's 'capabilities' (Hill, 1993) and Bretherton and Vogler's 'requisites' (Bretherton and Vogler, 1999) as the EU was created.¹³

However, one of the problems with this actorness debate and the focus on civilian versus military power was the unhealthy concentration on how much like a state the EU looked. During the 1990s two groups of scholars tried to overcome this tendency to try to measure 'stateness' by using the concepts of 'presence' and 'international identity'. David Allen and Michael Smith developed the notion of 'presence' as means of moving the debate beyond institutional analysis and towards a focus on western Europe's tangible and intangible presence in the international arena (Allen and Smith, 1990, 1998).¹⁴

¹² The properties were: a community of interests; a decision-making system; a system for crisis management; a system for the management of interdependence; a system for implementation; external communication channels and external representation; community resources and mobilisation system.

¹³ The requisites are: shared commitment to values and principles; ability to identify policy priorities; ability to negotiate with others; use of policy instruments; and domestic legitimacy.

¹⁴ The strands of the presence are: initiator, shaper, barrier, filter, to which they later added facilitator and manager.

Building on Allen and Smith's work, the concept of 'international identity' was introduced in an attempt to come to terms with the complex processes and interactions through which the EU is 'being' or 'becoming' determined by both similarities and differences among/between its multiple identities and others (Whitman, 1994, 1997, 1998; Manners, 1997; Manners and Whitman, 1998).

This move has been important for the simple reason that it shifts the focus of analysis away from the empirical emphasis on the EU's institutions and towards an admission of the need to include cognitive processes, including both tangible and intangible components (i.e. both substance and symbolism). If the TEU declares that the EU is resolved to reinforce 'the European identity' and 'assert its identity on the international scene' in order to 'promote peace, security and progress in Europe and in the world' then we need to seriously consider the core norms through which such an identity is internationally constructed. As Karen Smith has argued, 'the normative dimension' is important because 'the debate about civilian power involves fundamental choices about the EU's international identity' (K. Smith, 2000: 27).

Thus the notion of a normative power Europe is located in a discussion of the *idée force*, 'power over opinion', 'ideological power', or 'symbolic power' and the desire to move beyond the debate over state-like actorness through an understanding of the EU's international identity. In order to clarify these three different representations of the EU's power in international relations, it is worth comparing civilian, military and normative power Europe:

Figure Two: Civilian, Military and Normative Power Europe

	Civilian	Military	Normative
Carr	economic	military	opinion
Galtung	remunerative	punitive	ideational
Manners	ability to use civilian instruments	ability to use military instruments	ability to shape conceptions of 'normal'

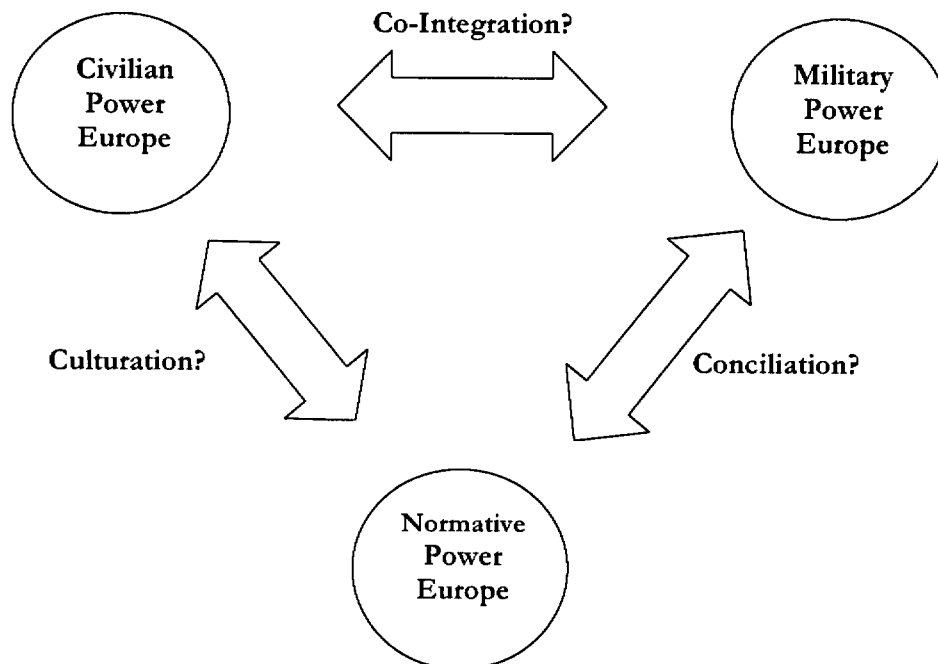
What I am suggesting here is that the European Union represents neither a civilian power of an intergovernmental nature utilising economic tools and international diplomacy, nor a military power of a supranational nature using armed force and international intervention, but a normative power of an ideational nature characterised by common principles and a willingness to disregard notions of 'state' or 'international'.

The addition of the concept of normative power to the current debate over the international role of the European Union allows us to add an all important new dimension to the one-dimensional debates over whether the EU is primarily a civilian actor or is becoming a military actor. These debates have tended to oscillate on what Christopher Hill calls 'the federal question' – the extent to which the EU is becoming a federal polity capable of utilising military force, rather than remaining a confederal polity capable only of using civilian instruments. At one end of this debate is the assumption that a EC which is built on economic integration, but with military capabilities reserved for intergovernmental cooperation (within NATO) of its member states, will always remain a civilian power. At the other end is the assumption that if the EU develops military capabilities then it will become more federal (or vice-versa) and will thus become a military power. The exact position of the EU along this intergovernmental cooperation – supranational integration line is the subject of much debate, particularly in the US where opposing camps tend to situate themselves at the two most extreme

positions. Hence Branch, Øhrgaard and W. Wallace have described these two-dimensional scholars as being ‘trapped in the supranational-intergovernmental dichotomy’ (Branch and Øhrgaard, 1999) by ‘insisting that the EU must conform to one overall conceptual model or another’ (W. Wallace, 2000).

What these approaches miss is the extent to which the EU is a fairly unique example of ‘co-integration’ possessing elements of both intergovernmental and supranational decision making (Manners, 2000a: 28-29). The introduction of the idea that the EU represents a normative power in international relations allows us to escape the ‘dichotomy trap’ by considering the extent to which its ‘co-integration’ allows the development of characteristics of governance and international identity which transcend the limitations of states and international society. This added dimension helps us to explore how a normative power Europe is different to a civilian power Europe or a military power Europe, as figure three illustrates below. As mentioned previously, the differences between a civilian power Europe and a military power Europe tend to focus on the cooperation vs. integration questions of whether the EU primarily represents a civilian form of governance or is becoming a state-like form of government (co-integration?). The differences between a civilian power Europe and a normative power Europe focus, in my mind, on the extent to which the EU is either using civilian power as an extension of ‘national interest’ or is changing the notion what ‘national interest’ and ‘international relations’ actually constitute. In civilian power terms the centrality of ‘national’ interest is maintained whether in a state (e.g. Germany) or super-state (e.g. EU) context, whereas in normative power terms what is more important is the degree to which national interest and international relations with their emphases on security and order are cultivated into discourses regarding distributive justice and human-centric concerns. In contrast, the differences between a military power Europe and a normative power Europe are over the extent to which the EU is primarily using military power as a form of coercion or is primarily changing notions of the role of force in international relations. In Torgny Segerstedt’s terms, this is similar to the differentiation between ‘direct physical power’ and ‘the sphere of symbolic control’ (Segerstedt, 1966: 94; Sohlberg, 2000). In military power terms the instrumental role of military power is central to the approach, whereas in normative power terms what is more important is the way in which international violence is conciliated into discourses about structural violence. These three differences of co-integration, culturation and conciliation can be thought about in this way:

Figure Three: Tri-Power Europe



The concept of normative power is an attempt to suggest that not only is the EU constructed on a normative basis (see below), but importantly that this predisposes it to act in a normative way in international relations. It is built on the crucial, and usually overlooked observation, that the most important factor shaping the international role of the EU is not what it does or what it says, but what it is - a unique international entity which transcends notions of state and international in way which demands an analysis of competing discourses of international and world society. Thus my presentation of the EU as a normative power has an ontological quality to it - that the EU can be best *conceptualised* as a changer of norms in the international system; a positivist quantity to it - that the EU *does* act to extend its norms into the international system, and a normative quality to it - that the EU *should* act to extend its norms into the international system. The ontological quality is a meta-theoretical challenge - existing ways of thinking about the EU pre-dispose our analytical approach and distort the value of European Studies. The positivist quantity is a problem-solving theory - 'it takes the worlds as it finds it, with the prevailing social and power relationships and the institutions into which they are organized, as the given framework for action' (Cox, 1981). This leads me to attempt to explain what norms the EU is projecting and how. In contrast, the normative quality is a value theory - 'we attempt the complicated task of explaining the meaning of, setting out the relationships which hold between, and seeking to evaluate different comprehensive patterns of core normative concepts' (Frost, 1994: 110).¹⁵ This therefore leads me to understand the value of the norms the EU is projecting and why. In order to achieve these two goals, it is necessary to ask 'what is normative power?'

What is Normative Power?

The study of international norms in academic circles has exploded over the past ten years, a reflection of both the impact of the end of the Cold War and the popularity of social constructivism (in its IR variant). There are several surveys of this literature which give a sense of the way in which the debate has developed, for example Ann Florini, 'The Evolution of International Norms' (1996), Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change' (1998), Vaughn Shannon, 'Norms Are What States Make of Them' (2000); and Hendrik Spruyt, 'The Normative Basis of the Modern State Order' (2000). What is strange about much of this literature is the tendency to overlook the centrality of international norms in the study of international relations prior to the mid-1980s, and in particular the concern which the English School placed on solidarist international norms in international law, humanitarian intervention and human rights.¹⁶

Discussion on international norms tends to consider three relatively distinct groups which can be expressed as moral norms, social norms and utilitarian norms. **Utilitarian norms** (or regulative norms) are those which 'help states coordinate and collaborate so as to maximise utilities' (Keohane, 1984 and Goertz and Diehl, 1989 in Shannon, 2000: 295), assist 'order and constrain behaviour' (Finnemore and Sikkink, 1998: 891) and which 'serve functional purposes: they regulate behaviour, reduce uncertainty by institutionalising conventions, signal expectations, and reveal information' (Spruyt, 2000: 69). **Social norms** (or constitutive norms) are those which are 'constitutive of actor identity and interests' (Jepperson *et al*, 1996 in Shannon, 2000: 294-5), help 'create new actors, interests, or categories of action' (Finnemore and Sikkink, 1998: 891) and which can be 'understood as a matrix of constitutive principles that govern the behaviours of members of a given social group' (Spruyt, 2000: 68). **Moral norms** (or prescriptive norms) are those which are 'irreducible to rationality or indeed to any other form of optimising mechanism' (Kratochwil, 1984 and Ester, 1989 in Shannon, 2000: 295), represent

¹⁵ On normative theory in international relations see Frost (1986, 1996), Brown (1992), Cochran (2000), Lensu and Fritz (2000).

¹⁶ None of the authors mentioned seriously consider any literature written prior to 1983, most seem to agree that the study of international norms began with Stephen Krasner, Friedrich Kratochwil, or Robert Keohane in about 1983 or 1984. Interestingly, this roughly ties in with the ending of the British Committee of the English School which had explicitly studied international norms for the previous twenty-five years.

the 'prescriptive quality of 'oughtness'' (Finnemore and Sikkink, 1998: 891) and which 'refer to rules that distinguish moral from immoral actions and behaviours' (Spruyt, 2000: 67). Thus, these three groups suggest that it might be possible to distinguish between utilitarian norms situated in a rational context, social norms situated in an intersubjective context, and moral norms situated in a judgemental context. If we accept that these three norms are valid then it might be possible to suggest they may be combined into a definition of a norm as being:

A principle or standard of correctness that reflects people's expectation of behaviour, is binding upon the members of a group, and serves to regulate action and judgement (Longman Dictionary).

However, there is a problem here, for the most obvious definition of 'norm' tends to be overlooked, as it is primarily taken to be an 'abbreviation for normal' (Longman Dictionary). This is an immensely important claim, for as Roland Bleiker argues, 'the ability to define normality interferes with virtually all aspects of the international' (Bleiker, 1998: 447). Finnemore and Sikkink appear to recognise this when they suggest that 'one logical corollary to the prescriptive [moral] quality of norms is that, by definition, there are no bad norms from the vantage point of those who promote the norm' (Finnemore and Sikkink, 1998: 892), thus bad norms are not normal. Florini puts this well when she argues that it doesn't really matter how a norm arises, what is important is that it arises: 'No matter how a norm arises, it must take on an aura of legitimacy before it can be considered a norm' (Florini, 1996: 365). Thus I would suggest that one more norm needs to be introduced into the discussion of international norms - that of **narrative norms** (or legitimisation norms) which legitimate certain narratives, such as the metanarrative of scientific knowledge, but delegitimize other narratives, such as the paradoxes and incommensurabilities of social knowledge.¹⁷ The recognition of narrative norms allows us to acknowledge that grand narratives are just that, and 'that the activities of thought have another vocation: that of bearing witness to *diferends* [silences]' (Lyotard, 1993: 10).¹⁸

Thus an international norm is probably best understood as being a shorthand way of expressing what passes for 'normal' in international relations, with all the problems of contestation which this provokes. Normative power, as understood here, is therefore the ability to shape or change what passes for normal in international relations, and which will undoubtedly have utilitarian, social, moral, and narrative dimensions to it, just as it will undoubtedly be disputed.

The EU's Normative Basis

The broad normative basis of the European Union has been developed over the past fifty years through a series of declarations, treaties, policies, criteria and conditions.¹⁹ It is possible to identify five 'core' norms within this vast body of Union laws and policies which comprise the *acquis communautaire* and *acquis politique*. The first of these is the centrality of **peace** found in key symbolic declarations such as that by Robert Schuman in 1950, as well as the preambles to the European Coal and Steel Treaty in 1951 and the Treaty establishing the European Communities (TEC) of 1957. The second is the idea of **liberty** found in the preambles of the TEC and the Treaty on European Union (TEU) of 1991, and in Article 6 of the TEU which sets out four foundational principles of the Union. The third, fourth and fifth norms are **democracy**, the **rule of law**, and respect for **human rights** and fundamental freedoms,

¹⁷ The notion of postmodern norms is massively problematic given the philosophical basis of relativism. However, I read Lyotard's 'incredulity towards metanarratives', 'war on totality', 'witnesses to the unrepresentable', and activation of 'the differences' as claims to equality of knowledge, presences, differences, and persons. (Lyotard, 1984: xxiv and 53-60).

¹⁸ Lyotard's fifty years of political writings have sought to unveil narrative norms which repress the voices of 'young people, immigrants, women, homosexuals, prisoners, or the people of the third world' in a search for 'justice in politics' (Lyotard, 1993: 169 and 29).

¹⁹ See Thomas Christiansen's discussion of the 'normative foundations of European Integration' (Christiansen, 1997) and Brigid Laffan, Rory O'Donnell and Michael Smith's discussion of 'the founding values of the EU system' (Laffan *et al.*, 2000: 203-207).

all of which are expressed in the preamble and founding principles of the TEU, the development cooperation policy of the Community (TEC, Article 177), the common foreign and security provisions of the Union (TEU, Article 11), and the membership criteria adopted at the Copenhagen European Council in 1993.

In addition to these core norms, it is also possible to suggest four 'minor' norms within the constitution and practices of the EU, although these are far more contested. The first minor norm is the notion of **social progress** found throughout the *acquis communautaire et politique* of the EU, but in particular the preambles of the TEC and TEU, the objectives of Article 2 (TEU) and Article 2 (TEC), and the central focus of both the EC's social policy and the Economic and Social Committee (ESC). The second minor norm is combating **discrimination** found in Article 13 and Title XI of the TEC, as well as the protection of minorities found in the Copenhagen criteria. The third minor norm is that of **sustainable development** enshrined in Article 2 (TEU), Article 2 (TEC) and the all-encompassing Article 6 (TEC). The fourth minor norm is the most recent and has yet to find any formal expression in Treaty form, but is implicit in the Copenhagen criteria. This norm is the principle of **good governance** as found in recent Commission papers on 'EU Election Assistance and Observation' (COM(2000) 191 final) and 'European Governance' (SEC(2000)154/7 final), as well as Romano Prodi's inaugural speech to the European Parliament (Prodi, 2000a).

Figure Four: The EU's Normative Basis

Founding Principles	Tasks and Objectives	Stable Institutions	Fundamental Rights
<ul style="list-style-type: none"> ● Liberty ● Democracy ● Respect for human rights and fundamental freedoms ● Rule of law 	<ul style="list-style-type: none"> ● Social progress ● Discrimination ● Sustainable development 	<ul style="list-style-type: none"> ● Guarantee of democracy ● Rule of law ● Human rights and fundamental freedoms ● Protection of minorities 	<ul style="list-style-type: none"> ● Dignity ● Freedoms ● Equality ● Solidarity ● Citizenship ● Justice
Treaty Base - set out in Article 6 of the Treaty on European Union	Treaty Base - set out in Articles 2 of TEC and TEU, Articles 6 and 13 of TEC	Copenhagen Criteria - set out in the conclusions of the June 1993 European Council	Draft Charter of Fundamental Rights of the European Union

These norms clearly have a historical context to them, thus peace and liberty were defining features of west European politics in the immediate post-war period. The norms of democracy, rule of law and human rights grew later when it was important to distinguish democratic western Europe from communist eastern Europe. These became defining features of transition from communist rule in the immediate post-Cold War period as the Copenhagen criteria demonstrate. The norm of social progress became an important counter measure to the drive for liberalisation in the Single European Act (SEA) and Economic and Monetary Union (EMU). The desire to combat discrimination also arose from progressive social legislation and the concerns regarding racism and persecution of minorities in the early 1990s. The norm of sustainable development became important following the Rio Earth Summit when it was included in the treaties through the Treaty of Amsterdam (ToA). Finally the norm of good governance is becoming vital in the aftermath of the resignation of the Commission in 1999 and the concern for double standards in pursuing the EU's demands for democratic reforms in the Central and Eastern European Countries (CEECs).

The norms suggested above are not simply declaratory aims of a system of governance (such as the preamble to republican constitutions), but represent crucial constitutive features of a polity which creates its identity as being more than a state. In the post-Cold War era, it is no longer enough for the EU to present itself as 'merely' a form of economic government for the management of global

economics, as the increasing resistance by its citizens to economic liberalisation suggests. The reinforcement and expansion of distinctive norms allows the EU to present and legitimate itself as being more than the sum of its parts. This desire for greater legitimacy through the fundamental rights which the EU represents has most recently found expression in the Charter of Fundamental Rights of the European Union adopted at the Nice European Council in December 2000. The Charter restates and re-emphasises the core and minor norms, with the exception of good governance, with the aim of ensuring that basic political and social rights become more widely known to the EU citizenship. All of these rights were previously 'hidden away' within the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the European Social Charter of 1961, Community Charter of the Fundamental Social Rights of Workers of 1989, and the lesser known principles and provisions of the EC/EU treaties. Because of this 'the charter does not establish any new power or task' (Article 49) and will not form part of the EC/EU treaty base. This new normative direction for the EU in human rights and fundamental freedoms has been questioned in those member states with more internationalist orientations. The debate in Sweden over the Charter on Fundamental Rights of the European Union has asked why this role is necessary, given the roles of the Council of Europe and the United Nations in these areas.²⁰

There are important reservations to be expressed here regarding the presentation of the EU's norms as being all good. It is clear that several of these norms are contested within the EU, as well as without. Thus while the core norms are generally universal within the EU, there are a number of important exceptions, particularly within the norm of human rights. However, it is in the area of minor norms that the greatest contestation of their universality is found. The norm of social progress may be weak in those member states embracing neo-liberal economic philosophies, problems of discrimination are endemic throughout most of the EU, the norm of sustainable development is really only found in northern Europe, while the norm of good governance is supposed to be weakest within the EU itself. It is often humorously suggested that if the EU applied to join itself it would be turned down for being undemocratic. There are three reasons why this is so, first the EC was originally conceived as being technocratic rather than democratic by its six founding member states. Second the case for transparency is routinely suppressed by its member states, as in the Solana secrecy case.²¹ Third the precondition for effective multi-level governance, subsidiarity, remains largely ignored by the Union's member states, hence obvious candidates for local decisions (e.g. agriculture and culture) are decided at the Union level, while equally obvious candidates for European decisions (e.g. foreign policy and Euro-zone taxation) are decided at the state level. In all three cases the reason why the EU is undemocratic is because its member states like it to be so.

If it is accepted, for now at least, that the EU has a normative basis to it, then where does this place it within the English School's approach to the study of international order? On first examination the EU appears to fall broadly within the pluralist tradition of rationalism as portrayed by the English School. Most of the norms previously discussed reflect rights and duties which citizens hold in respect of their respective member states. The preservation of the first four core norms would appear to be the responsibility of the member states alone, while the EU has as its task the role of ensuring that member states do not destabilise international order by challenging these norms.

However, a second examination reveals that the EU actually serves to protect the norms of both its member states and its citizens. The practice of the European Court of Justice has steadily extended the fundamental rights of Community citizens through case law which ensures that they are equivalent to the primary law in the Community legal hierarchy. Additionally, the enshrining of fundamental rights in the treaties through article 6 of the TEU ensures that basic rights for EU citizens are no longer

²⁰ Nils Gunnar Nilsson, 'Vad är egentligen "europeiska värderingar"?', *Sydsvenska Dagbladet*, 14-11-00, p. A4; Bibi Häggström, 'Stada om medborgerliga rättigheter möter kritik', *Sydsvenska Dagbladet*, 15-11-00, p. A10.

²¹ On 26th July 2000 12 members of the COREPER adopted the Solana secrecy decision to classify all documents concerning security, defence, military, and non-military crisis management issues as 'secret'. This blanket move was opposed by the Netherlands, Sweden and Finland. See Statewatch News - <http://www.statewatch.org/news/>

overlooked. In particular, the norms of human rights and fundamental freedoms, liberty and non-discrimination have been developed through forty years of case law including the rights of human dignity (*Casagrande* [1974] ECR 773), freedom of association (*Gewerkschaftsbund, Massa et al* [1974] ECR 917, 925), and non-discrimination (*Klückner-Werke AG* [1962] ECR 650). Thus a deeper analysis demonstrates that the EU falls within the solidarist tradition of the English School with its fundamental freedoms focussed on the legal rights of the citizens in respect of the Community itself.

Where does Normative Power come from?

Just because we might accept the normative basis of the EU, this does not make it a normative power so we need to ask where normative power comes from. I suggest that the EU's normative power stems from a variety of different factors shaping norm diffusion in international relations which represent a combination of power by example (symbolic normative power) and power by relations (substantial normative power). These six factors, drawn from Whitehead (1996), Whitman (1998), Manners and Whitman (1998), and Kinnvall (1995) are:

- Contagion - unintentional diffusion by EU
- Informational - strategic and declaratory communications by EU
- Procedural - institutionalisation of relationship by EU
- Transference - exchange of benefits by EU and third parties
- Overt - physical presence of EU in third states and organisations
- Cultural Filter - cultural diffusion and political learning in third states and organisations

Contagion diffusion of norms is entirely symbolic normative power resulting from the unintentional diffusion of ideas from the EU to other political actors (Whitehead, 1996: 6). Examples of this are to be found in David Coombes discussion of how the EU leads by 'virtuous example' in exporting its experiment in regional integration (Coombes, 1998: 237-238). Such regional replication or mimétisme can clearly be seen in the attempts at integration currently taking place in Mercosur. **Informational** diffusion is the result of largely symbolic normative power found in the range of strategic communications, such as new policy initiatives by the EU, and declaratory communications, such as Presidency *démarches* from the Presidency of the EU (such as Sweden) or the President of the Commission (currently Romano Prodi). **Procedural** diffusion involving symbolic and substantial normative power involves the institutionalisation of a relationship between the EU and a third party, such as an interregional cooperation agreement, membership of an international organisation or enlargement of the EU itself. Examples of these three procedural factors might be the inter-regional dialogue with Southern African Development Community since 1994, or the membership of the EU in the World Trade Organisation, or the current enlargement negotiations taking place with the accession countries of central and eastern Europe and the Mediterranean.

Transference diffusion takes place when the EU exchanges goods, trade, aid or technical assistance with third parties through largely substantial normative power. Such transference may be the result of the exportation of community norms and standards (Cremona, 1998: 86-90) or the 'carrot and stickism' of financial rewards and economic sanctions. Examples of transference diffusion can be seen in the impact of the PHARE and TACIS programmes to the countries to the east of Europe, as well as the European Development Fund to the Lomé states. Both procedural and transference diffusion are now facilitated by the conditionality which is required in all EC agreements with third countries (K. Smith, 1998; Cremona, 1998: 81-86). **Overt** diffusion occurs as a result of the physical presence of the EU in third states and international organisations. Overt diffusion involves both symbolic and substantial normative power, examples of which include the role of Commission delegations and embassies of member states, or it may involve the presence of the troika of foreign ministers, the President of the Commission, or even monitoring missions like those deployed in the former Yugoslavia. The final

factor shaping norm diffusion is the **cultural filter** which shapes the impact of international norms and political learning in third states and organisations leading to learning, adaptation or rejection of norms (Kinnvall, 1995: 61-71). The cultural filter is not so much symbolic or substantial as it is based on the interplay between the construction of knowledge and the creation of social and political identity by the subjects of norm diffusion. Examples of the cultural filter at work include the diffusion of democratic norms in China, human rights diffusion in Turkey, or environmental norms in Britain. These six factors contribute to the way in which the EU norms are diffused, but in order to get a sense of the extent to which these factors work it is worth looking at what common interests, or norms, the EU seeks to 'normalise' in international relations.

The EU's Common Interests

The Member States of the Union have many *common interests*. The Union must increase its influence in world affairs, promote values such as peace and security, democracy and human rights, provide aid for the least developed countries, ... [and] prevent major damage to the environment. (Commission, 1997)

According to this declaration, the common interests of the EU's member states may be read as being centred around the promotion of values such as 'peace and security', 'democracy', 'human rights', 'development aid', and 'environmental protection'. On the basis of these common interests and values I intend examining the extent to which the EU promotes these normative values in international relations through looking briefly at five examples which, I would argue, may serve as cases studies of the use of normative power. Drawing on Barry Buzan's suggestion of examining five sectors of security for a more complete analysis, these five case studies might be seen to fall into the areas of military concerns (peace and security), political concerns (democracy), societal concerns (human rights), economic concerns (development aid), and environmental concerns (environmental protection). Although these case studies are by no means chosen at random, it is hoped that their wide distribution across a broad pattern of EU international action will allow some insights to be gained about the EU's pursuit of international norms.

Over the past five years the EU has increasingly been exercising normative power in its areas of common interest as it seeks to shape international norms in its own image. In the area of peace and security the EU has played an important role in the campaign against antipersonnel landmines (APL) which led to the Ottawa Convention. The EU is at the forefront of the fight against landmines, with more than 60 million mines lying hidden and a stockpile estimated at some 250 million. In 1999 the total EU contribution to external mine action amounted to €103 million, making the Union the largest contributor world-wide (Commission, 2000b). In the area of peace rather than security the EU has been playing a central role in the negotiations to create the International Criminal Court (ICC), including building the momentum that carried along its more 'reluctant governments' - Britain and France (Human Rights Watch, 1999). In the area of democratisation the EU has been an active agent in the provision of election assistance and observation (EAO) and has recently developed guidelines which go beyond simple observations and towards the principles of good governance. In the area of human rights the EU has developed a pro-active policy of being at the vanguard of the abolitionist movement against capital punishment and the death penalty (DP) (see below). In terms of development aid the EU followed the lead of the Jubilee 2000 movement in its demands to drop the debt for the world's poorest countries and to revise the highly indebted poor countries initiative. This has resulted in the recent everything but arms (EBA) commitment by the EU to open up its markets to these countries for tariff-free trade in all areas except arms. Finally, the EU has developed a European climate change programme (CCP) to take to the COP6 (conference of the parties) negotiations held in the Netherlands during 2000 to move beyond the commitments given at Rio and Kyoto - although this is now rendered problematic by the financially-induced opposition of the 'president' of the US, George W. Bush.

These six examples help illustrate the extent to which the EU is a different kind of international actor, a normative power, for five reasons:

- State Sovereignty – EU impinges with impunity
- Solidarist Society – EU intervenes in support of individual
- Non-material Benefits – EU action is costly, not beneficial
- The Unusual Suspects – EU often faces international opposition from the strangest partners
- Normative Power - EU does not behave as a state or a super-state

The EU impinges on **state sovereignty** with impunity because it is not a state and is founded on the notion that sovereignty is flexible rather than rigid. Thus the EU seeks to intervene in the domestic concerns of states in violation of principles of international sovereignty, as demonstrated in the case of the death penalty. Because of its solidarist basis, the EU sees nothing wrong with intervening in support or persecution of individuals in a **solidarist society** of international actors, for example in the case of the international criminal court. This six examples suggest that the EU seeks **non-material benefits** in its international relations in the way that is not often understood in politics - indeed its actions in the climate change negotiations and the debt reduction initiatives suggest that its normative power is often costly, not beneficial in these terms.

All six examples suggest that the notion of international norms representing another means for the West to repress the Rest is somewhat misleading here. The notion of the West being the rich, developed, capitalist states of the OECD is rejected as the USA, South Korea, and Japan find themselves at odds with the other OECD states led by the EU. Thus the EU often finds its normative power resisted by the **unusual suspects** such as the US, China, Congo, Iran and Saudi Arabia in the example of the death penalty (Economist, 2000: 23). Finally, the EU appears to be, very slowly, reshaping 'normal' in the international system, because it does not behave as a state or a super-state. Thus the process of norm diffusion is assisted by such factors as contagion and the cultural filter when the EU works with civil society and NGOs to go beyond 'traditional' tools such as economic and military power. In particular the important role of NGOs such as the International Red Cross (APL), Human Rights Watch (ICC and DP), Amnesty International (DP), Oxfam and Jubilee 2000 (EBA), as well as Greenpeace and the World-Wide Fund for Nature (CCP) have all served to amplify and shape the normative power of the EU. In order to further illustrate the way in which the EU is pursuing a solidaristic international society through the use of normative power, I will now consider one of the case studies in greater depth – the EU's fight against the death penalty.

The EU's International Pursuit of Human Rights: the Abolition of the Death Penalty

Although Article 3 of the 1948 UN Declaration on Human Rights, and Article 2 of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), both affirmed the right of everybody to life, it was to take over thirty years before European states were to attempt to enshrine this right in international law through the 1983 Protocol No. 6 to the ECHR on the abolition of the death penalty. Only six years later the UN was attempting to follow this lead through the 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aimed at the abolition of the death penalty (OPT2). By the time Protocol No. 6 entered into force in 1985 (with five ratifications), only nine of the current fifteen members of the EU had abolished the death penalty for all crimes, and 23 out of the 41 current members of the Council of Europe still had the death penalty on their statues (Council of Europe, 2000; and Amnesty International, 2000c). The story of the abolition of the death penalty is therefore a relatively short and recent one, concerning itself with how the idea that the death penalty was not a sovereign issue of criminal justice, but an international issue of human rights, became the norm.

There are three factors which led the EU to work towards the international abolition of the death penalty, all of which are rooted firmly in the human rights discourses of the late 1980s and early 1990s. Firstly, the role of the Council of Europe was instrumental in ensuring that from the mid-1980s onwards the abolition of the death penalty had become a significant norm in western Europe. However, it is important to remember that prior to 1990 only six of the twelve EC states had abolished the death penalty and only eight of the twelve EC states had ratified Protocol No. 6 of the ECHR, thus the norm was symbolically important, but had not been substantiated in law by half of the EC. The second factor was not just the Council of Europe, but the end of the Cold War which was to provide the impetus for a rethinking of what it meant to be a democratic, liberal European state. This rethink involved both western and eastern European states in a reinforcement of the principles of the ECHR as prerequisite membership conditions for joining the first of western Europe's three clubs (the others being NATO and the EU). In June 1996 the Council of Europe made immediate moratoria and ratification of protocol no. 6 explicit prerequisites for membership, as well as calling for those member states who retained the death penalty but did not use it to abolish it in law.²² Thus between 1989 and 2000 the six outstanding EU states and eleven of the applicant states abolished the death penalty and ratified Protocol No. 6 (see appendix one: death penalty record). The finale to this period occurred with the 1998 abolition of the death penalty and the 1999 ratification of protocol no. 6 by the final EU state, the UK, following the election of a progressive government in 1997.²³

The third factor was the crisis of confidence in the EU which characterised the period 1992 to 1997 and provided an opportunity for EU institutions and member states to reflect on how best to revitalise the EU in order to recover from the 'post-Maastricht blues'. One route was to try to strengthen the EU's commitment to human rights through the EC acceding to the ECHR, but in March 1996 this path was blocked by an ECJ ruling that the Community was not competent to 'adopt rules or conclude international agreements on human rights.'²⁴ The insertion of new 'founding principles' in Article 6, together with corresponding references to applicant states (Article 49) and sanctions for failing to respect these principles (Article 7), demonstrates the extent to which the Treaty of Amsterdam agreed in June 1997 marked a move towards greater importance for these principles in the EU. Specifically, the Declaration to the Final Act on the abolition of the death penalty spelt out that this was one principle on which all member states were in agreement:

The Conference notes that the death penalty, the abolition of which is provided for in the above mentioned protocol [protocol no. 6] signed in Strasbourg on 28 April 1983 and which entered into force on 1 March 1985, is no longer applied in any of the Member States of the Union, a large majority of which have signed and ratified the Protocol in question. (Declaration to the Final Act, Treaty of Amsterdam)

Thus, with the signing in 1997 of the Treaty of Amsterdam, the EU was in a stronger position to pursue the abolition of the death penalty as a broader international policy initiative. This coincided with momentum building within the European Parliament (EP) in April 1997 for greater respect for human rights including a European declaration on fundamental rights and the abolition of the death penalty by member states (at this time only Britain).²⁵ In June 1997 the EP adopted a resolution on the abolition of the death penalty aimed at all European states and calling on them to ratify OPT2. In addition the Parliament suggested the EU should table a resolution at the UN General Assembly on the universal moratorium on executions.²⁶ By the end of 1997 it was clear that the EU had changed direction on the question of human rights, giving a treaty basis for the first time and taking a route away from the

²² Council of Europe Parliamentary Assembly, resolution 1097 (1996), 28 June 1996. At the time Albania, Bulgaria, Cyprus, Estonia, Malta, Poland, Turkey and the UK still had the death penalty in law, but did not use it.

²³ Amnesty International also argue that the change of government facilitated the Declaration on the Abolition of the Death Penalty at Amsterdam as the previous government 'would have blocked the inclusion of any such language in an EU treaty' (Amnesty International, 1998).

²⁴ Opinion 2/94 of 28 March 1996 (Full Court), *Bulletin of the EU*, No. 4, 1996, point 1.8.25.

²⁵ Observance of human rights in the European Union, *Bulletin of the EU*, No. 4, 1997, point 1.2.1.

²⁶ Parliament resolution on the abolition of the death penalty, *Bulletin of the EU*, No. 6, 1997, point. 1.2.11.

ECHR and towards an independent pursuit of a universal moratorium. This change was summed up in the Declaration annexed to the Presidency's conclusions following the Luxembourg European Council summit in December 1997 regarding the forthcoming celebrations to mark the 50th anniversary of the Universal Declaration of Human Rights during 1998.²⁷

For the European Union 1998 was 'Human Rights Year', marked by three important developments on the abolition of the death penalty which were to place the issue at the forefront of its pursuit of international norms. The first was the June 1998 guidelines for EU policy towards third countries on the death penalty issued by the Council of Ministers which set out the objectives and means of intervention in third countries.²⁸ These guidelines set the tone for a vast expansion of tasks including démarches from the Presidency, involvement in individual cases,²⁹ human rights reporting on the death penalty, and the general pursuit of an abolitionist international norm.³⁰ The next development grew out of the operational guides when the Presidency began issuing démarches, starting with the Austrian presidency writing to George W. Bush on the case of Stan Faulder v. Texas in December 1998. This pattern of addressing directly the parties involved followed one already established by the Parliament, in particular the EP delegation for relations with the US congress. The final development was the decision by the Council to begin presenting an EU annual report on human rights which would systematically report and assess human rights in the EU and EU action on human rights in international affairs. After the 'Human Rights Year' the EU's abolitionist policy became more overt through the extensive use of declaratory measures and the inclusion of references in its human rights communications. Following the Austrian Presidency's single declaration in 1998, the German Presidency made two declarations, the Portuguese seven, the French six, and the Swedish six declarations.³¹

Although it is probably too early to accurately assess the full impact of the EU's normative power on this subject, it is possible to make three broad observations on its exercise of power. Firstly the EU is clearly trying to symbolically reorder the discourse of international society through its engagement with the super-executioners, China and the USA. With both these states the EU is using informational and overt means to raise the issue of the death penalty through Presidential and Parliamentary statements, démarches, and dialogue (Patten, 2000a), as well the use of the delegation offices such as in Washington. What is self evident about this engagement is the extent to which the EU is clearly not going to change the minds of the governments, but contributes towards raising the issue to the international level. Secondly, the EU has sought to raise the issue on a bilateral and multilateral basis as a means of shaping the dialogue between other states. During the presidencies of Finland and Portugal (July 1999 - July 2000) the EU raised issue of the death penalty on a bilateral basis with over twenty countries (Patten, 2000c).³² The EU has also raised the issue multilaterally in the UN through a memorandum and speech by the Finnish Foreign Minister, Tarja Halonen, to the 54th UN General Assembly in September 1999; and the introduction of a 'Resolution on the Death Penalty' to the 55th, 56th, and 57th sessions of the UN Commission on Human Rights (CHR) in 1999 and 2000 (UN ESC, 1999, 2000, 2001). In the 55th session the resolution on the death penalty was adopted by 30 in favour to 11 against with 12 abstentions with the voting as follows:

²⁷ Declaration by the European Council at the beginning of the year of the 50th anniversary of the Universal Declaration of Human Rights, *Bulletin of the EU*, No. 12, 1997, Annex 3.

²⁸ Guidelines for EU policy towards third countries on the death penalty, Council of the European Union, 3 June 1998.

²⁹ The EU has committed itself to raising individual cases where the death penalty is imposed contrary to the minimum standards set out in OPT2.

³⁰ EU interventions are to include encouraging states to ratify and comply with international human rights instruments; raising the issue in multilateral fora; encouraging international organisations to take action; encouraging bilateral and multilateral cooperation and collaboration with civil society.

³¹ EU policy and action on the death penalty, Delegation of the European Commission to the United States. <http://www.eurunion.org/>

³² Including Antigua and Barbuda, Burundi, the Bahamas, China, Guyana, India, Iran, Kyrgyzstan, the Palestinian Authority, Pakistan, the Philippines, Saudi Arabia, Tajikistan, Thailand, Trinidad and Tobago, Turkey, Turkmenistan, the United Arab Emirates, the United States, Uzbekistan, the Yemen, and Zimbabwe.

In favour [30] - Latvia, Lithuania, Luxembourg, Mauritius, Mexico, Mozambique, Nepal, Niger, Norway, Peru, Poland, Romania, Russian Federation, South Africa, United Kingdom, Uruguay and Venezuela.

Against [11] - Bangladesh, Botswana, China, Indonesia, Japan, Pakistan, Qatar, Republic of Korea, Rwanda, Sudan and the United States.

Abstentions [12] - Bhutan, Botswana, Democratic Republic of the Congo, Guatemala, India, Liberia, Madagascar, Morocco, Philippines, Senegal, Sri Lanka and Tunisia.

Given that, out of the 147 countries that have ratified the International Covenant on Civil and Political Rights, only 43 have ratified the second optional protocol (OPT2) aimed at the abolition of the death penalty, the success of this resolution was quite remarkable. It would be expected that the super-executioners, China and the US, would vote against the resolution, but what is more remarkable is that the Russian Federation voted in favour, and that the Democratic Republic of the Congo and India abstained. This was despite the fact that both Russia and India retain the death penalty, while the Democratic Republic of the Congo is one of the world's worst executors, almost on par with the five super-executioners.³³ During the discussion on a draft resolution submitted by Finland on behalf of the EU on a moratorium on the application of the death penalty, the EU was denounced by Singapore, Japan, Antigua and Barbuda, Egypt, and Pakistan.³⁴ Following significant revisions of the draft resolution by retentionist states, Finland and the EU realised that it was better to withdraw the initiative rather than pass a 'fatally flawed text' (Patten, 2000c). Finally it does appear that, broadly speaking, the international pursuit of the abolitionist norms is having an effect as the last four years have seen 15 countries abolish the death penalty for all crimes (Azerbaijan, Bulgaria, Canada, Cote D'Ivoire, East Timor, Estonia, Georgia, Lithuania, Malta, Nepal, Poland, South Africa, Turkmenistan, Ukraine, UK) and 3 countries abolish the death penalty for ordinary crimes (Bolivia, Bosnia-Herzegovina, Latvia). This compares well with the 44 countries who abolished the death penalty in the previous 30 years from 1976-1996 (see appendix 1 and Amnesty International, 2000c). Clearly it is not possible to attribute all these abolitions to the normative power of the EU alone, as the role of the Council of Europe (CoE) and the Organisation of American States are obviously important,³⁵ although neither of these organisations has a mandate to pursue abolition outside of their membership.³⁶ However, I would suggest that there have a number of cases where the EU has played an important, if not crucial, role in bringing about abolition in five different types of situation.

The first situation is the cases of Cyprus and Poland, both members of the CoE and applicant states to the EU, but both of whom have only ratified protocol no. 6 of the ECHR in the last 16 months (Cyprus in January 2000 and Poland in October 2000).³⁷ In the case of Cyprus it is difficult to argue that the abolition was a response to joining the CoE in 1961, or the response to signing the CCPR in 1969. In Poland the case is less clear cut as it only joined the CoE in November 1991, and signed the CCPR in March 1977, but this raises the question of why it only ratified protocol no. 6 in October 2000, eight years after its near neighbours the Czech Rep., Slovakia, and Hungary. I would argue in both these cases (and Malta) that abolition of the death penalty was related to procedural factors

³³ Amnesty International report that 88% of the world's 1,457 known executions in 2000 were carried out in just four countries - China, Iran, Saudi Arabia, and the USA. The fifth country is Iraq where numbers are reported to be in the 'hundreds', but the exact figures are unknown (Amnesty, 2001e).

³⁴ UN Press Release GA/SHC/3544, 3 November 1999.

³⁵ The Organisation of American States adopted the 'Protocol to the American Convention on Human Rights to Abolish the Death Penalty' in 1990. So far Brazil, Costa Rica, Ecuador, Nicaragua, Panama, Uruguay and Venezuela have ratified the protocol, and Paraguay has signed but not ratified (Amnesty International, 2000d).

³⁶ Although the CoE has recently threatened to revoke the observer status of Japan for its use of the death penalty, a week after the EU formally petitioned Japan to abolish the death penalty - Jonathan Watts, 'Japan in Dock for 'inhuman' treatment on death row', *The Guardian*, 26 February 2001, p. 14.

³⁷ Cyprus acceded to OPT2 in September 1999 and Poland signed OPT2 in May 2000.

introduced in EU pre-accession negotiations from 1998 onwards, not joining the CoE over ten years earlier.³⁸

The second situation is the case of Albania and Ukraine, both members of the CoE but neither applicant states to the EU, although they have also both ceased using the death penalty for ordinary crimes and ratified protocol no. 6 in the last nine months (Ukraine in April 2000 and Albania in September 2000). In the case of the Ukraine, the CoE managed to get President Kuchma to issue a moratorium on executions when joining in November 1995, but it still conducted 167 executions in 1996, second only to China (Checkel, 1999b). It was only after the EU Declaration and Guidelines setting out the importance of abolition in June 1998, and the EU Common Strategy on Ukraine adopted in December 1999 restating this objective, that the Ukraine finally abolished the death penalty legally in December 1999.³⁹ Similarly, Albania also committed to abolish the death penalty when joining the CoE in July 1995, but did not do so despite repeated warnings from the CoE and a visit from the Human Rights Watch Committee for the Prevention of Torture.⁴⁰ Again, it was only after the pressure brought to bear by the EU as part of the Stability Pact for South Eastern Asia in June 1999, and the threat of removing support for legal reforms, that the Albanian government finally removed the death penalty for ordinary crimes from the statutes (although retaining it for exceptional crimes) in October 2000. In both these cases I would argue that direct EU pressure led to action on the death penalty in 2000, not joining the CoE five years earlier.⁴¹

The third situation is that of the cases of Azerbaijan and Turkmenistan neither of which are members of the CoE or the EU, and both of which have abolished the death penalty in the last three years (Azerbaijan in 1998 and Turkmenistan in 1999). It is not possible to argue that the EU action led directly to these abolitions, but in both cases the EU norm played a role in shaping the activities of the governments. The parliament of Azerbaijan adopted a law abolishing the death penalty in February 1998, a move that was formally welcomed by the EU, however on accession to OPT2 of the CCPR with reservations in January 1999, the governments of France, Germany, Finland, Sweden, and the Netherlands all formally registered their objections to the reservations.⁴² A contrasting recognition of abolition was received by the Turkmenistan government following its abolition of the death penalty and accession to COP2 in January 2000.⁴³ Although neither of these actions provide proof of direct EU involvement, I would suggest that EU norms passed by contagion, informational and transference means through the Technical Assistance for CIS (TACIS) programme contact and participation in the Partnership and Cooperation Agreements (Azerbaijan's PCA entered into force July 1999 and Turkmenistan signed, but did not ratify its PCA in May 1998).

The fourth situation is that of Nepal and the Philippines, both of which took actions on the death penalty in the last two years, and neither of which are even remotely European (Nepal abolished the death penalty in June 1999 and the Philippines introduced a moratorium on executions in April 2000). I would suggest that both these cases are examples of norm diffusion by contagion and information as their participation and voting record in the 55th session of UN CHR in April 1999 appears to indicate. After voting in favour of the EU resolution Nepal abolished the penalty two months later, while the Philippines abstained from voting even though it still retained the penalty, but a year later it introduced

³⁸ Presidency statement on abolition of death penalty in Cyprus, *Bulletin of EU*, 1/2-2000, point 1.6.10.

³⁹ Presidency statement on decision by Ukraine's constitutional court on the death penalty, CFSP 5038/00, Brussels, 11 January 2000; Ukraine / Death Penalty – Declaration by the EU Presidency, Press Release, Embassy of Portugal, Washington D.C., 29 February 2000.

⁴⁰ Human Rights Watch, 'Europe and Central Asia Overview', *World Report 2000*. <http://www.hrw.org/hrw/wr2k/Eca.htm>

⁴¹ Neither the Ukraine or Albania has yet acceded to OPT2.

⁴² Presidency statement on abolition of the death penalty in Azerbaijan, CFSP 6056/98, Brussels, 19 February 1998; Declarations and Reservations to the Second Optional Protocol to the International Covenant on Civil and Political Rights, UN High Commission for Human Rights. http://www.unhcr.ch/html/menu3/treaty19_asp.htm

⁴³ Presidency statement on abolition of death penalty in Turkmenistan, CFSP 5557/00, Brussels, 24 January 2000;

a moratorium.⁴⁴ During the same period similar cases of South Africa and Cote D'Ivoire reinforce the suggestion that as abolition becomes a norm, so countries with which the EU has little direct contact feel the need to conform.

The final situation is that of Turkey and Russia, both of which present the Council of Europe and the European Union with extremely difficult challenges on the question of human rights and the death penalty. I would argue that although neither has ratified the protocol no. 2 to the ECHR, or acceded to OPT2 of the CCPR, the CoE and the EU have played an important external role in bringing pressure to bear on these two countries. The first process of overt norm diffusion has been through a joint CoE-EU public awareness campaign established in 1999 at a cost of 670,000 Euros over two years to provide information for the general public, legal experts and parliamentarians in Albania, Turkey, Russia and the Ukraine (Patten, 2000c). The second process has been procedural norm diffusion in the accession process for Turkey and the informational norm diffusion for Russia in the Common Strategy. Since the 1998 process of accession talks began with the twelve associated countries, Turkey has been made constantly aware that its human rights standards present the largest barrier to entry, particularly in the case of the EP. The EU Presidency, and especially the EP, was exceptionally active in suggesting that the death sentence on PKK leader Abdullah Öcalan be suspended and that the PKK give up its armed struggle (Council, 1999: 41). It is absolutely clear that Turkey will have to move beyond its 1984 moratorium and abolish the death penalty before it can even begin to negotiate membership. In the case of Russia the EU's Common Strategy adopted in June 1999 explicitly states that 'The European Union shall focus on the following areas of action in implementing this Common Strategy: by enhancing programmes to promote the abolition of the death penalty'.⁴⁵ However, although Russia continued to execute until 1999, but then ceased in 2000 (Amnesty International, 2000b, 2001) and remains relatively impervious to norm diffusion, which leads to the suggestion that 'the most consistent efforts to apply normative pressure on rights/citizenship issues in Russia come from outside' including INGOs, the CoE and the EU (Checkel, 1999a). Clearly in these two cases Kinnvall's 'cultural filter' is leading to very slow adaptation in the cases of Turkey and Russia, as the construction of knowledge is shaped by the social and political identity, in the case of Russia, as being another 'super-executor' along with the USA and China, rather than a 'normal' European state – it is now one of only two countries in Europe to retain the death penalty (along with Belarus).

It is clearly wrong to argue that the pursuit of abolitionist norms in international relations is for the benefit of a domestic audience or to serve domestic interests as the EU recognises when it admits that in some member states 'the political decision towards abolition was not taken with the support of the majority of public opinion.'⁴⁶ Indeed I would argue that the vast majority of EU citizens are completely unaware of its campaign to abolish the death penalty, which wholly undermines a domestic audience argument. It may be the case that the EU seeks to be in the 'abolitionist vanguard' in order to emphasise its distinctive international identity in contrast to 'the other' - in particular the US and China. As the writings on identity in EU international and world society would lead us to expect, the process of constructing the other in the European Union is an important part of constituting the self as a different, and principled being. The 1999 Annual Human on Human Rights supports this analysis when it says that 'opposition to the death penalty has become one of the most visible elements in the EU's human rights policy globally' (Council, 1999: 41).

This brief study of the EU's pursuit of the international norm of death penalty moratorium helps illustrate the way in which the EU represents a normative power in world politics. In this case its

⁴⁴ Presidency statement on abolition of the death penalty in Nepal, CFSP 8663/99, Brussels, 2 June 1999; Presidency statement on the introduction of moratorium on executions in the Philippines, *Bulletin of the EU*, 4-2000, point. 1.6.16.

⁴⁵ Common Strategy of the European Union on Russia (1999/414/CFSP), of 4 June 1999.

http://europa.eu.int/comm/external_relations/russia/common_strategy/index.htm

⁴⁶ EU memorandum of the death penalty, Council of the European Union, 25 February 2000.

normative power can be seen in the way in which it shapes the norms surrounding the question of the death penalty, nicely summed up in this extract from the 2000 Annual Report on Human Rights:

Capital punishment raises a range of philosophical, religious, political and criminological questions. The EU countries have all concluded that the death penalty is a uniquely inhuman and irreversible punishment. (Council, 2000: 46)

The EU's utilitarian norms are situated in a discussion of the criminology of the issue, with the use of discourses focussing on 'miscarriages of justice', 'lack of scientific evidence', 'incapability of rehabilitation', and 'irreversibility'. These norms focus on the science and usefulness of capital punishment as part of a discussion about the functionality of the death penalty in law. The EU's social norms instead reinforce the 'common values', 'common heritage', and common ground' of human rights and dignity. The emphasis in this discourse is on the social constitution of a political order, of which the EU and the 'international community' are an important part. The EU's moral norms involve invocation of 'moral authority', 'humanity', and 'principles' as part of a prescriptive discourse which is situated in claims to 'humanistic values'. Finally, narrative norms speak of 'progressive legislation', 'advanced legal systems', and 'progressive development of human rights' in a discourse rich in references to enlightenment values and references to counter-claims of 'backwardness'. In this way the EU seeks to shape the normative discourse by invoking four patterns of language which help to reconstitute what passes for normal in international relations. This normative power is not inconsequential, in the past ten years it has helped accelerate an abolitionist movement which has attracted forty new converts swelling the number of abolitionist states to 108 and reducing the number of retentionist states to 87 (Amnesty International, 2000c). The near future appears to herald an intensification of the normative drive to abolition as the Charter of Fundamental Rights of the EU has the right to life as its second article - 'No one shall be condemned to the death penalty, or executed'. Although the charter will remain outside the *acquis communautaire* in the immediate future, it is inevitable that the ECJ will draw on it for inspiration when rules of cases on human rights and individual liberties - and we all know what happen to a charter with a similar status in 1991 (the social charter).

Conclusion: The International Role of the EU

'Europe's attainment is normative rather than empirical... It is perhaps a paradox to note that the continent which once ruled the world through the physical impositions of imperialism is now coming to set world standards in normative terms' (Rosecrance, 1998: 22).

Richard Rosecrance has argued that Europe's attainment is normative rather than empirical - I would agree with that interpretation, but this raises the question of 'how can we understand the international role of the EU?' This paper has argued that the methodological pluralism of the English School, and in particular the opportunity it offers to disaggregate international society and world society discourses, encourages us rethink the international constitution, behaviour and policies of the EU. I have attempted to argue that by moving the focus away from debates over governance and instrumentality, it is possible to think of the ideational impact of the EU's international identity/role as being a normative power. Besides Rosecrance, a few other writers have also briefly considered the normative power of the EU, but have failed to make the intellectual leap away from looking at what the EU says and does towards looking at what the EU is, as these passages illustrate:

'[W]ithout the backing of force and a willingness to use it, 'Europe' is unlikely to become a normative power, telling other parts of the world what political, economic and social institutions they should have' (Therborn, 1997: 380).

'Through deepening, the Union can become more coherent, robust, and strategically purposeful, but it might lose a part of its normative power of attraction...' (Zielonka, 1997: 12).

'[T]he EU has serious problems in transforming its normative strength into operational capacity; it is ineffective in shaping the international environment in any instrumental way' (Ojanen, 2000: 374).

Implicit in the work of all three writers is the assumption that normative power requires strategic purpose (Zielonka), operational capacity (Ojanen), and a willingness to use force (Therborn). I reject this assumption and the instrumentality which accompanies it - in my formulation the central component of normative power Europe is that it exists as being different to pre-existing political forms. This existence is located in, and can be explored through, the intertwining of international and world society discourses, which in turn provides an understanding of the international role of the EU.

Appendix One: Death Penalty Record

State	Abolition	Protocol No 6	OP2 Ratified	1984 OPT2	1989 OPT2	2000 Executions
Germany	1949	1989	1992	Y (FRG)	Y (FRG)	0
Austria	1968	1985	1993	Y	Y	0
Finland	before 1972	1990	1991	Y	Y	0
Sweden	1972	1985	1990	Y	Y	0
Portugal	1976	1986	1990	Y	Y	0
Denmark	1978	1985	1994	Y	Y	0
Luxembourg	1979	1985	1992	Y	Y	0
France	1981	1986	-	Y	Y	0
Netherlands	1982	1986	1991	Y	Y	0
Cyprus	1983 *	2000	1999	Y	Y	0
Romania	1989	1994	1991	-	A	0
Slovenia	1989	1994	1994	A (Yugoslavia)	Y (Yugoslavia)	0
Croatia	1990	1997	1995	A (Yugoslavia)	Y (Yugoslavia)	0
Czech Rep. #	1990	1993	1993	A	Y	0
Slovak Rep. #	1990	1993	1999	A	Y	0
Hungary	1990	1992	1994	A	Y	0
Ireland	1990	1994	1993	Y	Y	0
Greece	1993	1998	1997	Y	Y	0
Italy	1994	1989	1995	Y	Y	0
Moldova	1995	1997		A (USSR)	Y (USSR)	0
Spain	1995	1985	1991	Y	Y	0
Belgium	1996	1999	1998	Y	Y	0
Poland	1997	2000	2000	A	Y	0
Bosnia-Herz.	1997 *		2000	A (Yugoslavia)	Y (Yugoslavia)	0
Bulgaria	1998	1999	1999	A	Y	0
Estonia	1998	1998	-	A (USSR)	Y (USSR)	0
Lithuania	1998	1999	2000	A (USSR)	Y (USSR)	0
UK	1998	1999	1999	Y	Y	0
Latvia	1999 *	1999	1994	A (USSR)	Y (USSR)	0
Ukraine	1999	2000	-	A	Y	0
Malta	2000	1991	1994	Y	Y	0
Albania	2000 *	2000		-	-	0
Turkey	AiP	-	-	Y	A	0
Russia	retained	1997 †	-	A (USSR)	Y (USSR)	✗
India	retained		-	A	A	✗
South Korea	retained					✗
Japan	retained		-	Y	N	✓
Iran	retained		-	N	N	75
USA	retained		-	Y	N	85
Saudi Arabia	retained		-	N	N	123
China	retained		-	A	N	1,000

* Abolished for ordinary crimes (not all crimes)

AiP Abolitionist in Practice (retained but not used)

Czech Rep. and Slovak Rep. separated in 1993

ψ As part of Yugoslavia

† Russia has signed but not ratified Protocol No. 6

OPT2 aiming at abolition of death penalty - votes in UN in 1984 and 1989 - Yes, No, Abstain

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