

Akdeniz University

University of Hamburg

Institute of Social Sciences

School of Business, Economics and Social Sciences

Mahtab DADARSEFATMAHBOOB

The Role of Human Rights Principle in EU Relation with Third Countries

Case Study: Iran

Joint Master's Programme European Studies Master Thesis

Antalya / Hamburg, 2014

Akdeniz University

University of Hamburg

Institute of Social Sciences

School of Business, Economics and Social Sciences

Mahtab DADARSEFATMAHBOOB

The Role of Human Rights Principle in EU Relation with Third Countries

Case Study: Iran

Supervisors

Prof. Dr. Wolfgang Voegeli

Prof. Dr. Harun Gümrukçü

Joint Master's Programme European Studies Master Thesis

Antalya / Hamburg, 2014

Akdeniz Üniversitesi
Sosyal Bilimler Enstitüsü Müdürlüğüne,

Mahtab DADARSEFATMAHBOOB'un bu çalışması jürimiz tarafından Uluslararası İlişkiler Ana Bilim Dalı Avrupa Çalışmaları Ortak Yüksek Lisans Programı tezi olarak kabul edilmiştir.

Başkan : Prof. Dr. Can Deniz KÖKSAL (İmza)

Üye (Danışmanı) : Prof. Dr. Wolfgang VOEGELI (İmza)

Üye : Prof. Dr. Harun GÜMRÜKÇÜ (İmza)

Tez Başlığı : Üçüncü Ülkelerle İlişkisi Kapsamında İnsan Hakları
Prensiplerinin Avrupa Birliği İçindeki Rolü: İran Örneği

The Role of Human Rights Principle in EU Relation with Third
Countries Case Study: Iran

Onay : Yukarıdaki imzaların, adı geçen öğretim üyelerine ait olduğunu onaylarım.

Tez Savunma Tarihi : 21/03/2014

Mezuniyet Tarihi : 10/04/2014

Prof. Dr. Zekeriya KARADAVUT
Müdür

TABLE OF CONTENTS

LIST OF TABLES	iii
ACKNOWLEDGEMENTS.....	iii
SUMMARY.....	iv
ÖZET	v
ABBREVIATIONS.....	vi
INTRODUCTION.....	1

CHAPTER 1

HUMAN RIGHTS IN EU'S EXTERNAL RELATIONS

1.1. Human rights principle in EC and EU Legislation.....	10
1.2. Human rights strategies, policies and instruments of EU external relations	12
1.2.1. Candidate countries.....	14
1.2.1.1. EU human rights policies in Central and Eastern European countries.....	14
1.2.1.2. EU Human Rights Policies in relation with Turkey.....	16
1.2.1.3. Inconsistencies?.....	17
1.2.2. The EU and its Neighbors	17
1.2.2.1. Policies in the Mediterranean.....	19
1.2.2.2. Keeping the status quo.....	21
1.2.3. ACP countries: Development Cooperation, Conditionality and Sanctions	22
1.2.3.1. Case of EU autonomous sanctions on Zimbabwe.....	24
1.2.3.2. Are sanctions normative?.....	26
1.2.4. EU's strategic partners.....	27
1.2.4.1. China	27
1.2.4.2. Russia.....	27
1.2.4.3. Energy interests prevail.....	29
1.2.5. Policies towards a regional organization: ASEAN.....	29
1.2.5.1. Sanction against Burma.....	30

1.2.5.2. The question of efficiency.....	31
--	----

CHAPTER 2

HUMAN RIGHTS VALUES IN IRAN-EU RELATION

2.1. EU and Iran: An overview of an unstable relationship	33
2.1.1. Economic Relations	33
2.1.2. Political Relations	34
2.1.3. EU foreign policy agenda dominator: the nuclear issue	36
2.1.4. Sanctions and their impact on human rights.....	40
2.2. Human rights related measures	42
2.2.1. “Critical Dialogue”.....	42
2.2.2. Resolutions and Sanctions	44
2.2.3. Sakharov Prize for freedom of thought (2012)	46
2.3. Security concerns, non-proliferation norm or human rights value?	48

CHAPTER 3

RESULTS AND CONCLUSIONS

REFERENCES.....	59
CURRICULUM VITAE.....	71
DECLARATION OF AUTHORSHIP	73

LIST OF TABLES

Table 2.1 Foreign Policy Outcomes..... 49
Table 3.1 EU Policies towards Iran..... 57

ACKNOWLEDGEMENTS

I would like to express my gratitude to Prof. Wolfgang Voegeli, for all his encouragement, academic support and insightful comments all through my studies. I would also like to thank Prof. Harun Gümrukçü and Mr. Tamer Ilbuga in Akdeniz University who were very patient and helpful to me. I am as well very grateful to my husband, Adnan Habibipour, for the constructive conversations that enlightened my way of thinking and to my mother, Mahdokht Aghighi, whose struggle for free thinking has always inspired me.

This thesis is dedicated to the memory of those individuals who lost their invaluable lives to advance democracy and human rights in Iran.

Mahtab DADARSEFATMAHBOOB

Antalya, 2014

SUMMARY

The Role of Human Rights Principle in EU Relation with Third Countries

Case Study: Iran

European Union is known as an international actor claiming a normative human rights dimension in its foreign policy and the literature on EU external policies is increasingly leaning towards normative power Europe approach. Considering some norms such as human rights principle in planning foreign policy is in many cases in conflict with other norms or interests of the EU. This study scrutinizes EU's human rights legislation and policies in its relation with third countries and explores the efficiency of these policies as well as the criticisms on them. Additionally, the inclusivity of normative power Europe approach in explaining the Union's external policies is tested. The groups of countries in relation with which the role of human rights principles has been studied are candidate countries, EU's neighbors, ACP countries, EU's strategic partners and other third countries. Iran was chosen as a case study where some of the main external relations concerns of the EU naming the norms of human rights and non-proliferation and the interest of security (nuclear issue) coincide. The contrasting effects of the policies inspired by these concerns on the human rights situation in Iran are demonstrated and EU's power based on the outcome of these policies is categorized. This is done through studying the human rights related measures taken by the EU in its relation with Iran including the Critical Dialogue and the Sakharov Prize (2012) awarded to two Iranian dissidents, along with the sanctions both on nuclear issue and human rights violators in Iran. In addition, it is concluded that these policies and their effects would confirm that to judge EU's position in international relations, it should be viewed in light of the dynamics between its normative power and its strategic interests.

Keywords: Foreign Policy, Human Rights, Normative Power, Security Strategic Interests, Political Conditionality, European Union, Iran

ÖZET

İnsan Hakları Prensibinin Avrupa Birliği ve Üçüncü Ülke İlişkileri Üzerindeki Rolü Örnek Olay Çalışması: İran

Avrupa Birliği, dış politikasında ve bununla ilgili literatür de normatif insan hakları boyutunun, Avrupa yaklaşımı normatif güce giderek daha sıcak baktığını iddia eden uluslararası bir aktör olarak bilinir. Dış politikasını planlarken insan hakları prensibi gibi bazı normları göz önüne alması, birçok durumda, diğer normlar ve AB'nin çıkarları ile ters düşmektedir. Bu çalışma üçüncü ülkelerle ilişkilerinde AB'nin insan hakları mevzuatını ve politikalarını inceler ve onları eleştirmenin yanında bu politikaların etkinliğini de araştırır. Bununla birlikte, birliğin dış politikalarını açıklarken, Avrupa yaklaşımı normatif gücün kapsayıcılığını test edilmektedir.

İnsan hakları prensiplerinin rolü incelenmesiyle ilgili olan ülke grupları: aday ülkeler, AB'nin komşuları, AKP ülkeleri, AB'nin stratejik ortakları ve diğer üçüncü ülkelerdir. İran, temel dış ilişkilerinin bazısı AB'yi ilgilendiren ve AB ile insan hakları normları, silahsızlanma ve güvenlik meselesi (nükleer sorunu) çakışan bir vaka çalışması olarak seçildi. İran'daki insan hakları durumuyla oluşan bu endişelerce teşvik edilen politikaların çelişkili etkilerini gösterilmekte ve bu politikaların sonucuna dayalı olarak AB'nin gücünü sınıflandırılmaktadır.

Bu, hem İran'daki insan hakları ihlalcileri hem de nükleer sorun ile ilgili yaptırımlarla birlikte, iki İranlı muhalife verilen Sakharov Ödülü (2012) ve Kritik Diyalogu içeren, İran ile ilişkilerinde AB tarafından alınan insan haklarıyla alakalı önlemler çalışılarak yapılmıştır. Buna ek olarak, bu politikaların ve bunların etkilerinin şu sonucu doğrulaması gerektiğine varılmıştır: Uluslararası ilişkilerde AB'nin pozisyonunu yargılamak için onun normatif gücü ile stratejik çıkarları arasındaki dinamiklerin göz önüne alınması gereklidir.

Anahtar kelimeler: Dış Politika, İnsan Hakları, Normatif Güç, Güvenlik Stratejisi Çıkarları, Siyasi Çerçevesi, Avrupa Birliği, İran.

LIST OF ABBREVIATIONS

ACP	African, Caribbean and Pacific countries
ASEAN	Association of South Asian Nations
CEECs	Central and Eastern European Countries
CFSP	Common Foreign and Security Policy
EMP	Euro-Mediterranean Partnership
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
EDF	European Development Fund
EEC	European Economic Community
EUEA	European Union External Action
EEAS	European External Action Service
EIB	European Investment Bank
HRDN	Human Right and Democracy Network
FDD	Foundation for Defence od Democracies
JHA	Justice and Home Affairs
MEDA	Mediterranean and Middle Eastern Countries
UfM	Union for the Mediterranean
NPT	Non-Proliferation Treaty
EU	The European Union
TFEU	Treaty on the Functioning of the European Union
IR	International Relation
MEP	Member of European Parliament
IfS	Instrument for Stability

EDF	European Development Fund
UNSC	United Nations Security Council
OSCE	Organization for Security and Cooperation in Europe

INTRODUCTION

In the international arena, human rights have gained prominence especially during the second half of the 20th century with the verification of Universal Declaration of Human Rights (1948) in the context of the United Nations along with other human rights related treaties to which many countries are signatories. These international treaties, despite their often non-legally binding status, are indicators of the global actors' intention to uphold an upper stand for individuals' human rights in an era marked by the principle of states' non-intervention. However, not all the actors have played the same roles in this scene.

Europe, ever since the English Magna Carta of 1215, has historically been home to the notion of human rights as well as the most effective regimes including and institutions to promote it after the World War II. Those include the Council of Europe with the European Convention on Human Rights and Fundamental Freedoms (1950) and the European Court of Human Rights where individual petitions can be filed along with the Organization for Security and Cooperation in Europe (OSCE) and the European Union (EU) with its supranational judicial review potential in the European Court of Justice (ECJ). The EU in a sense has even defined itself as a liberal club by just allowing states with good human rights records to join.

According to Andrew Moravcsik this success can be explained through a liberal analysis where institutional practices rely on domestic traditions of the participating states. In the West European experience, it is the domestic civil society already existing in these old industrial democracies that responds to the pressure of human rights regimes and influences representative political institutions and the judiciary (Moravcsik 1995). But for the European Union guaranteeing human rights at home was not sufficient. It defined promotion of democracy and human rights among its foreign policy objectives. European citizens expect human rights to be one of the EU top priorities in external relations. In a survey on "What Funding for EU external action after 2013?" (EC & EEAS 2013), 90.83% of the EU citizens consulted believed that "investing in long-term stability, human rights and economic development" was an effective tool

for increasing the impact of EU funding for preserving peace, preventing conflicts and strengthening international security.

EU's concern for human rights in its external relations is not limited to judicial means and reinforcement of hard laws and mainstreaming them as norms but also involves political means for promotion of democracy, human rights and good governance in its external policy. In context of its treaties and legislations, the Common Foreign and Security Policy along with other external policy frameworks, the EU has mechanisms to promote human rights beyond its borders.

However, the Union as any other political actor has its own economic, political and security interests to follow around the globe and implements policies appropriate to achieve them. Such policies and their effects on the third countries in question may sometimes grow into conflict with EU's agenda for promoting human rights.

In this study I will try to touch upon the legislative as well as strategic and political aspects of the Union's external policies with respect to the human rights promotion principle. I will try to shed a light on the cases of conflict between EU's normative behavior to promote human rights and following its strategic interests. To this end I will examine Iran as a case study and test if any of the existing IR theories and in particular the normative power Europe approach with its constructivist features provide the necessary apparatus for the interpretation of EU's behavior in these cases.

In order to analyze the development of EU external policy through time and in relation with different groups of countries and regional organizations in the world I am considering this set of questions:

- What are the bases for human rights external policy in EU legislation?
- How have these ambitions been translated into policies, strategies and instruments? Have these policies reached the goal of human rights promotion?
- Are EU human rights related measures explainable through a normative power approach to the EU or through more traditional realist approaches?
- In EU-Iran relations, what were EU's priorities in terms of interests and norms?

- How have these interests and norms interacted and influenced each other?
- Is EU as a normative power an inclusive framework for interpreting the Union's behavior in the case of Iran?

In order to find the answer to these questions I have applied the following methodology.

Methodology

My study is built on the theories exploring the role of norms and principles in international relations. So the methodology most suitable for this kind of research was qualitative research in order to provide an explanation on why and how the EU as a specific actor behaves as it does in its foreign relations. I have benefited mainly from the secondary literature as well as the academic debates among different schools of IR. Analyzing treaty articles, statements made by various EU institutions as well as other officials (e.g. in case of Iran) the position of these actors on the issue of human rights is portrayed and for a more independent image on the human rights situation inside different countries I rely on reports and statements from non-governmental organizations (NGOs).

The cases presented here are not of course including all EU external policies and frameworks, but just a selection of the most controversial ones in terms of human rights. For each case a short summary of the status of EU external relation with that specific third partner is presented and an analysis of the weight given to human rights in those relations is provided. The strategic interests at stake, the measures and methods for policy implementation and the normativity of EU's engagements are analyzed, too. Furthermore a deductive argument is applied in conclusion of all the cases studied, in order to examine if EU human rights policies were identifiable with its Normative Power.

As for the case of Iran, a history of EU-Iran relations as well as main issues on the agenda is provided as a background for the analysis of EU's norms and interests involved. Evaluating EU policies against the theoretical framework proposed by Natalie Tocci (N. Tocci 2008) conclusions are drawn on the kind of actor EU has been in promoting human rights values, non-proliferation norms and its security interests.

Theoretical background

In order to review the literature on the role of norms, values, principles and identities in the foreign policy of a state or any global actor it is first necessary to answer this question: What forms states' foreign policy in the first place and how do principles, values and images of states influence it? The main theoretical traditions which have tried to provide the answer are realism, liberalism and more recent trends of the English School, constructivism.

All these theories are built on some assumptions. The assumption shared by the two first ones is that political agents are present in an international political scene which is not governed by a specific polity nor an authority owing the monopolist legitimate use of force, i.e. they exist in a world of anarchy. In this absence of a sense of security, realists and liberals define states to be the main actors who perceive security in self-interested terms. In these theories, foreign policy would mean securing benefits *provided by (or avoiding costs imposed by) actors outside of the borders* through rational calculations to seek *the most cost-effective means to achieve whatever their ends (preferences) may be.* (Moravcsik 2008) Taking the rational choice theory as a presumption and not problematizing it, has been one of the reasons behind the three more contemporary trends of IR's criticism of realism and liberalism.

So in realism, foreign policy is shaped in reaction to *outer actors' threats and opportunities* and thus interests and identities of states are defined exogenously. The analytical scope here is dynamics of behavior of rational exogenously constituted actors, that is to say power-interest dynamics. Hans Morgenthau, among the classic realists, emphasizes on politics, *power (as the essence of politics)* and *the national interest* and that through foreign policy *states will always do their utmost to further what is perceived to be in their national interest.* Yet here morality, religion and ethics are not as absent as they seem to be. Each country has a collective sense of what kind of a country it conceives itself to be. Accordingly, this self-image is mirrored in the *principles* that the country chooses to follow. There is also a growing interest to examine the transaction of international structures and the conduct of foreign policy with a focus on non-material and domestic factors. Figures such as Samuel Huntington (1993) have linked realism with a nonmaterial issue like the "cultural factor". With these trends post-neorealism

demonstrate the potential to relate classic notions of *'interest' and 'power'* in state's foreign policy to nonmaterial factors of *'ethics' and 'identity'* (Jørgensen 2006, 49).

As For liberals, states act in a globalized world. They are rooted in both their domestic societies and in the transnational society that offers incentives for interactions among states. Domestically the groups benefiting from such interactions push for them while those harmed push the government to refrain from them. "State preferences" in foreign policy are formed as a result of these social pressures which motivate states either to engage or refrain from cooperation or conflict in world politics. However the focus here is on reaching the goals sat by state preferences and not on the methods to reach them. Focusing the factors determining state preferences the liberal tradition is divided to three trends: *Ideational liberalism viewing domestic social identities and values as basic determinants of state preferences; Commercial liberal theories seeking to explain the international behavior of states based on the domestic and global market position of domestic firms, workers, and owners of assets and Republican Liberalism basing state Preferences on systems of domestic representation.* Republican liberalism is able to explain the "democratic peace" not through the military power of democracies as realism would do but through the assumption that wars impose net costs on the society as a whole so all stakeholders would push the government not to get into a war which becomes the state preference. However, Moravcsik argues that in world politics today the strongest influence comes from *the quiet transformation of the domestic and transnational social values, interests, and institutions* and not from military powers (Moravcsik 2008).

Constructivism, English School and the critical theory are non-rationalist approaches that emphasize among other issues the appropriate means-end relationships. In the constructivists approach to IR, 'brute facts' are differentiated from 'social facts' and when mistaken, natural status is attributed to socially constructed conditions. The prominent example is the assumption of the condition of "anarchy" which is portrayed as a given condition in which states act and is not subject to change by states behavior. When phenomena in the world politics are not taken for granted and are subject to agent's behavior, the identity of an actor gains importance; e.g. US hegemony after 1945 rather than that of the USSR, cannot be *captured by those who simply portray 'hegemony' as an abstract requirement for a particular kind of cooperative regime.*

Furthermore, if there is not only one ‘anarchy problematic’, the constructivists envisage the possibility that within an anarchical framework, norms can emerge and so may an “anarchical society”. This anarchical society or the “international society” as English School theorists call it has two implications: first, their scope of focus is not on the state but on the *world of states* and second, *states when they interact do not simply form an international system, rather they form a norm-governed relationship whose members accept that they have at least limited responsibilities towards one another and to the society as a whole*. So states are limited in a framework when wishing to follow their interests, thus they behave normatively in the international society based on norms that have built themselves and avoid order dependent on hierarchy (Brown and Ainley 2005).

As for EU, there is a growing literature on the EU’s external policy as a non-state, novel global actor and on the *distinctiveness* of its power compared to other actors. Emerging from François Duchêne’s 1972 article where he conceptualizes the European Community as a ‘*civilian power Europe*’, many other scholars have emphasized the role of non-military sources of EU’ power along with its special policies, norms, values and identity. Among the predominant ideational focused formularization of EU external policy, Ian Manners’ “Normative Power Europe: A Contradiction in Terms?” have absorbed the utmost attention. Also constructivist approaches in particular have sought to capture how the pursuit of value-oriented policies forms actors’ normative identities (Youngs 2004). The co-existence between strategic and ideational dynamics, between interests and norms is the topic this study will focus on. To this end the two theoretic approaches of normative power Europe and realism –as theories at the extremes of the spectrum of international relations- will be tested for their efficiency in explaining EU’s behavior.

Why Iran?

The case of Iran was chosen as a case study for some reasons. First, unlike the United States which was a close ally to the former king of Iran (*Shah*), Europeans never cut their political and economic ties with Iran after the 1979 revolution, although these ties were reduced to minimum in many phases? The EU is the first trading partner of Iran which gives it leverage for economic sanctions and thus the capacity to put pressure on the Iranian regime in order to

influence domestic policies indirectly (EU-Iran Trade picture 2013). It is also the same polity that has been deeply involved with Iran's controversial nuclear issue since its discovery in 2002 up until today. EU's High Representatives for Foreign Affairs and Security Policy have been chairing the meetings of the E3/EU+3 (aka P5+1) with Iranian negotiators for the nuclear issue. This has been a fundamental test for the efficiency of European external policies and so were EU autonomous sanctions on Iran in bringing this country to the negotiation table another test for efficiency of such sanctions. A success in the settling Iran's nuclear issue would prove EU to a civilian power.

Iran used to be a partner for the European's Critical Dialogue in two phases which makes it worth investigating whether any progresses were made in the field of human right through that means. More recently, the EU has imposed sanctions on human rights violators and their associates in Iran, the efficiency of which has not been researched yet.

Furthermore, located in the already difficult region of Middle-East, Iran is where the security and economic concerns of the EU in the oil-rich region are linked with its non-proliferation norm diffusion and human rights promotion. Accordingly Iran was chosen for a case study.

Thesis structure

This thesis is structured as follows. The first chapter will start with demonstrating the developments in human right in EU's external policies both at the legislative and policy level specially. Then EU human rights policies in dealing with cases of countries, groups of countries and a regional organization are investigated. At the end of each case and drawing on the objectives, means and results of these policies an assessment of the normativity of EU's approach is provided. The second chapter is dedicated to test the validity of the "normative Europe" approach in interpreting EU's relations with Iran. For this purpose, first a historical context is set based on the main indicators of economic and political relation as well as the nuclear issue which since 2002 has been the main issue on EU's foreign policy agenda with Iran. In this context sanctions against Iran's nuclear issue and their normativity is evaluated. I proceed to investigate the specific human rights policies applied by the EU and their impacts. It is then analyzed if the normative approach is a proper one to explain EU's behavior in this relation. The

chapter ends with exploring the potentials and obstacles for further EU engagement in promotion of human rights in Iran. The last chapter is on concluding remarks.

CHAPTER 1

HUMAN RIGHTS IN EU'S EXTERNAL RELATIONS

Despite the absence of the specific attention to human rights in the European treaties between 1960s and 1990s, it is important to mention that back in 1952 one of the founding fathers of the EU, Altiero Spinelli, mentioned in the Comité d'études pour la constitution européenne that "human rights and fundamental freedoms" should be paid attention in the emerging polity (Búrca 2011). However, the European Economic Community followed another path and it was later in 1990s that human rights strongly got back to the agenda of the EU both internally and externally. It was in the same years that the EU as a global actor had to respond to the collapse of communism in Eastern bloc which meant chaos in its eastern neighbors and the wars in former Yugoslavia following it but also meant a potential for expansion of EU's values, a potential non-existing during the Cold War era. Responding to the emergence of the need for more foreign policy cooperation, the process of foreign policy coordination of the EC -European Political Cooperation (EPC) (1970) - was replaced by the Common Foreign and Security Policy (CFSP). The CFSP is mostly an intergovernmental framework in nature established through the Treaty on the European Union (TEU) (1992). Meanwhile member states' common concern for human rights was finding its way into EU's identity as well as its external relations.

The following chapter will first follow the evolution of legislation on human rights principle in the European Community (EC) and then the European Union (EU). I will subsequently elaborate on how these norms were interpreted into policies particularly in the past fifteen years, in relation with the selected third countries/ groups of countries: For candidate countries through integrating the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) in the *acquis communautaire*, political dialogue in the framework of European Neighborhood Policy (ENP) and in particular with its Mediterranean neighbors, conditionality and in some cases sanctions in EU's development aid and through other means in relation with its strategic partner. The cases chosen are believed to be those in which EU contribution has been substantial enough to provide the tools for its assessment either in cases of success or in recognizing its shortcomings. The normative behavior of the EU in each

case is assessed as well as the strategic interests at stake and the dynamics between the two will be examined.

1.1 Human rights principle in EC and EU Legislation

Until 1970s the external policy of the European Economic Community (EEC) was never engaged with human rights principle in its external relation. However in Birkelbach Report (1962) the conditions for states wishing to join the EC were set as guaranteeing “*truly democratic practices and respect for fundamental rights and freedoms*” (Balducci 2008). Later in the Declaration on the European Identity issued by the European Community in 1973, the then nine member states declared that the “European Identity” is based on the fundamental principles of *representative democracy, of the rule of law, of social justice — which is the ultimate goal of economic progress — and of respect for human rights* (Bulletin of the European Communities 2013). They also declared the need for more *common positions in the sphere of foreign policy*. In 1977, the Parliament, the Commission and the Council adopted a Joint Declaration on Fundamental Rights, in which they *stress the prime importance they attach to the protection of fundamental rights* as has been defined in the European Convention for the Protection of Human Rights and Fundamental Freedoms and undertake to respect such rights in exercising their power (EUR-Lex 1977).

The anomaly of absence of human rights values in EC treaties was compensated in the 1992 as the EC was transforming into the EU through Maastricht Treaty (TEU). Similar to the wording of 1977 Declaration, in Article F.2 of that treaty it was stated that “*the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms . . . and as they result from the constitutional traditions common to the Member States, as general principles of Community law.*”

It is in Article 3.5 (ex Article 2 TEU) that the role of protection of human rights in EU’s foreign policy is more clearly stated: the Union is to “*uphold and promote its values and interests and contribute to the protection of its citizens*” in its relation with third countries. The article continues to stress that the EU “*shall contribute to peace, security,... and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the*

development of international law, including respect for the principles of the United Nations Charter.”

As the Common Foreign and Security Policy was launched by the TEU, it was in line with J.1.2 provision of the same treaty, given the mandate to *safeguard the common values, the fundamental interests, and the independence of the Union; to strengthen its security and its member states in all ways; to preserve peace and strengthen international security; to promote international cooperation; to develop and consolidate democracy and the rule of law, respect for human rights and fundamental freedoms* (Bindi 2010).

In 2007, the Lisbon treaty amended the TEU and in its article (1a), defines the Union to have been founded “*on the values of respect for human dignity, freedom, democracy, quality, the rule of law and respect for human rights*”. Article 188 H of the Lisbon treaty also indicates a framework for all its cooperation measure especially *financial assistance, with third countries other than developing countries*: they shall be implemented according to the *principles and objectives of its external action* meaning in consideration of democracy and human rights situation in them among other values. The treaty also made EU’s accession to the ECHR an obligation.

Additionally the Union’s external relations policies would be guided by its own founding principles naming “... the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law”(Article 21.1, TEU).

As was demonstrated the main legal frameworks for mainstreaming human rights promotion into EU’s external policy was started in the TEU and evolved into provisions in the Lisbon treaty. Among many other documents the Commission’s 2001 communication with the Council and the EP on EU Role in Promoting Human Rights and Democratization in Third Countries is of great importance as an attempt to integrate human rights policies into the Commission’s overall strategy. It sets the instruments available for more coherent and consistent EU approach including traditional diplomacy and foreign policy or dialogue and cooperation agreements (COMMISSION Press 252 2001).

The role of the European Parliament and its resolutions and declarations as the most vocal human rights promoter of the institutions has largely been acknowledged in the scholarship, too.

1.2. Human rights strategies, policies and instruments of EU external relations

Built on the legal bases mentioned above, the Union has developed strategic, policies, instruments and even new political bodies to deepen and widen the human rights dimension of its external relations. In June 2010, the EU's High Representative for Foreign Affairs and Security Policy, Catherine Ashton, informed the EP about her determination for shaping a novel and ambitious human right strategy to demonstrate EU's commitment to this cause. She also proposed a new position in the EEAS as an EU Special Representative on Human rights as a unified voice of EU human rights policy in external relations. (HRDN 2010) Two years later, Stavros Lambrinidis, a former Minister of Foreign Affairs of Greece and a former Vice-President of the European Parliament was appointed the first EU Special Representative for Human Rights (COUNCIL PRESSE 351 2012).

According to the FACTSHEET of EU Strategic Framework on Human Rights and Democracy (2012), the first unified strategic framework for this policy, the EU contributes to human rights promotion in its external relations through *financial instruments* and in *practical ways* (EU Strategic Framework on Human Rights and Democracy 2012).

The financial instruments supporting human rights promotion policies included the European Initiative for Democracy and Human Rights (2000-2006) followed by the European Instrument for Democracy & Human Rights (EIDHR) (2007-2013) - with the countries of Central, Eastern and South-Eastern Europe and the Newly Independent States receiving the lion's share (Balfour 2006)- , Instrument for Stability (IfS), European Neighborhood and Partnership Instrument (ENPI), Development Cooperation Instrument, European Development Fund (EDF) and the CFSP budget.

Assigning policy guidelines on thematic issues such as death penalty, the fight against torture, freedom of religion or belief, child rights, the rights of women, or sexual orientation is one of the practical ways by which the Union promotes human rights in the wider world. Besides, focal points in EU Delegations have special sections for human rights. In EU agreement

the human rights clause is inserted as a condition for sustained cooperation and human rights dialogues and consultations are practiced with specific countries. Such dialogues are held locally at the level of Heads of EU missions with capitals of countries such as Egypt, Tunisia, Israel and the Palestinian Authority (EEAS 2013).

EEAS annually reports on EU's human rights activities in non-EU countries, delegations are sent on elections observation missions and technical and financial assistance is provided for elections (EEAS, Election Observation and Assistance 2013).

As can be concluded from this list of policies, when trying to promote its normative objectives, the EU institutions prefer to use '*socialization*' through engaging in political dialogue with both governmental and civil society actors. It is done either through bilateral or regional relations including even those countries that do not have good records on criteria valued by the EU. The Union is reluctant to invoke coercive measures as long as a prospect of a more fruitful path of engagement is envisaged. (Balfour 2006) However it preserves itself the right to restrictive measures or sanctions to be employed in pursuit of the goals of the CFSP, usually in responding to UN Security Council decisions – as on Haiti and former Yugoslavia and sometimes autonomously. Sanctions on the ground of human rights breaches may include arms embargoes, financial or trade restrictions or travel bans and any other appropriate measure (EEAS, Sanctions or restrictive measures 2008). The logic here is linking sustained economic or political benefits in relations with the EU to partner countries' records on promoting human rights and democracy.

In this sense incentives are offered for reforms to promote human rights (positive conditionality) and penalties are imposed for breaching them (negative conditionality). While engagement through dialogue and other political means is *more of a bottom-up strategy* to generate domestic reforms in a third country, *conditionality more of a top-down strategy* (Smith 2005).

What interest us here are particular policies implemented in EU relation with specific countries/ groups of countries. The cases presented here are limited to specific geographical groups as of course testing all external policies of the EU was beyond the limits of this research.

1.2.1. Candidate countries

The Enlargement process is identified as the one in which the EU has the most leverage in influencing the internal human rights situation of candidate countries. The European Council in Copenhagen (1993) conditioned EU membership on *stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy; and the ability to take on the obligations of membership*. Another condition was later added to membership criteria: the implementation of and adaptation to the *acquis communautaire*. (Bindi 2010, 30) Two trends can be identified in EU's enlargement: its attitude towards the Central and Eastern European Countries (CEEC) and towards Turkey.

1.2.1.1. EU human rights policies in Central and Eastern European countries

Dealing with countries in CEEC after the fall of Berlin wall, the EU used the unique opportunity to expand its norms and values over new European territories. It soon launched negotiations with the Czech Republic, Estonia, Hungary, Poland, Slovenia, and Cyprus in 1998, all of which -except for Slovakia- were categorized as 'free' based on the Freedom House indicators. (Schimmelfennig 2001) Malta, Cyprus, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, and Slovenia in 2004 and so did two eastern countries of Bulgaria and Romania in 2007.

The Poland and Hungary: Assistance for Restructuring their Economies (PHARE) aid was allocated between 1990 and 2000 mainly to restructuring the economic infrastructure, administration and public institutions with 1% of the aid allocated to human rights and democratization including *development of NGOs, awareness building and independent media* in candidate countries. The EU's exercise of conditionality in this process was also evolving through the PHARE aid, the Europe Agreements negotiated from 1994 onwards, the evaluations of the Commission in its annual Regular since 1997 and the 1999 Accession Partnerships indicating priorities for each country whose weaknesses in implementing the *acquis* was to be tackled through the PHARE. Despite the availability of negative conditionality since 1998 (cutting assistance when not enough progress was made) the Commission never used this option. (Balfour 2006)

Interpretations on the role of EU value of human rights in this enlargement range widely. For the “EU as a normative power” approach this process serves as a successful example of voluntary domestic transformation and reshaping of the CEEC authoritarian systems to more liberal ones. In an analysis by Gergana Noutcheva, these trends are recognized: normative goals of democratization and economic modernization, normative means of conditionality (principle of ‘carrots and sticks’), ‘reinforcement by reward’ for those performing better in compliance with EU acquis, use of publically shaming the candidates’ shortcomings by the Commission along with policy recommendations and involving other international actors (e.g. multinational businesses) in reform processes, socialization and contact between EU institutions and national administrations; and the normative results of establishment of the institutional foundations of modern states and their transformation into liberal democracies with established market economies (N. Tocci 2008, 26-29).

As for the rationalist institutionalism, this enlargement integrating non-liberal countries into the EU would strongly jeopardize the Union’s homogeneity and thus increases the cost of decision makings. So this approach is unable to explain the reasons behind these accessions as the EU does not profit from any specific economic or security benefits (Schimmelfennig 2001).

According to Youngs in this enlargement an important strategic interest was at stake: *“reducing the risk of central European states slipping back into Russia’s sphere of influence”*. Since the end of the Cold War, the West has been preaching the narrative that presents human rights to be at the heart of tackling security problems of international instability and regional fragmentation. In the CEECs, human rights promotion as required by the EU was believed to be an endogenous factor for stabilization of a region in immediate neighborhood of Russia. This interest was of course coexisting with the idea of strengthening EU’s own values and self-identity (Youngs 2004).

In sum the Eastern enlargement was viewed as driven by both the need for remaking a foundation for EU’s identity on its values and principles (*procedural diffusion* of its norms) along with its strategic interest to establish stability in its eastern countries through the emphasis on human rights.

1.2.1.2. EU Human Rights Policies in relation with Turkey

Ever since her accession application in 1987, Turkey has been waiting behind EU's walls. Three months before its application, Turkey had ratified Article 25 of the European Convention for the protection of human rights and fundamental freedom which gave the right of individual petitions to the ECHR to its citizens. However, it was no sooner than 1966 and in the context of the Mediterranean Agreements (MEDA) program that human rights clause was mentioned and appropriate measures were to be taken in cases of human rights violation of the partner countries. The 1998 Commission report on application of Copenhagen criteria mentioned grave violations and the need for resolving the problems. In spite of the same conclusion of the Commission for Slovakia, the Council opened negotiation with this country along with the others (Turkeş 2011).

However, despite no specific improvement Turkey was recognized as a candidate in 1999 Helsinki summit. However between 2002 and 2004, 8 reform packages (including abolition of death penalty during peace time) was approved by the Turkish parliament. Despite the legislative reform, the Commission lacks the proper monitoring mechanism to evaluate their practice on the ground and does not possess the capacity to influence more reforms firmly. The Union can potentially generate domestic change in Turkey as long as they have ties, so the negative conditionality of suspending negotiations or reducing ties is not a rational option for EU.(Turkeş 2011) So far these reforms are indicators of the normative power of the EU in its relation with Turkey.

Later in 2005 when EU accession negotiations were opened with Turkey, according to the Freedom House indicators, the human right situation was almost like the one in Romania with which the same negotiations had opened five years earlier and led to its membership in 2007 while Turkey is still behind the walls (Turkeş 2011). What explains the flexibility the EU has demonstrated towards the human rights situations in some of the CEECs but not towards Turkey?

1.2.1.3. Inconsistencies?

Helene Sjursen finds the enlargement difficult to be perceived as simply an attempt to promote human rights and democracy and she evaluates EU's attitude in the process as "problem-solving" (Sjursen 2002). Even before the 1990s, EU's relation with the CEECs has been marked with *a special responsibility*. In dealing with these countries the legitimacy of EU's decisions is not simply attributed to their efficiency in realistic terms, but here *identity and justice* are considered as well. These countries are easterners of the same entity/identity that the EU was representing its western part so they are one of "us" and the enlargement was to have them rejoin Europe. Commissioner Hans van den Broek has in many occasions addressed them as being profoundly European. Sjursen thus concludes that it is the sense of "kinship-based duty" that explains the enlargement (Sjursen 2006). As normative as EU's behavior has been here it is more relying on its identity than the accomplishments on human rights and democracy grounds.

The inconsistency then can be explained through the shared historical and cultural values –including human rights of course- that constitute the "European" identity that is not fully shared between EU and Turkey.

1.2.2. The EU and its Neighbors

"The objective of the ENP is to share the benefits of the EU's 2004 enlargement with neighboring countries ... It is designed ... to offer them the chance to participate in various EU activities ... The privileged relationship will build on mutual commitment to common values principally within the fields of the rule of laws, good governance, their respect for human rights, the principle of market economy and sustainable development" (COM (2004) 373 final).

For its more immediate neighbors, while the EU offered the prospect of membership to some of the newly independent republics of the collapsed USSR, the others¹ signed the Partnership and Cooperation Agreements (PCA) and having already started transformation into

¹EC-Russia PCA, [1997] OJ L327/1; EC-Ukraine PCA, [1998] OJ L49/1; EC-Moldova PCA, [1998] OJL181/1; EC-Armenia PCA, [1999] OJ L239/1; EC-Azerbaijan PCA, [1999] OJ L246/1; EC-Georgia PCA, [1999] OJ L205/1; EC-Republic of Kazakhstan PCA, [1999] OJ L196/1; EC-Kyrgyz Republic PCA, [1999] OJ L196/46; EC-Uzbekistan PCA, [1999] OJ L229/1; EC-Belarus PCA, COM (95) 137 final, signed in 1995, but in 1996 EU-Belarus relations were stalled following political setbacks; EC-Turkmenistan PCA, COM (97) 693 final.

market economies requested more comprehensive cooperation with the EU. Thus the Union launched the European Neighborhood Policy (ENP) in 2003 as an ‘umbrella’ policy of bilateral agreements between the EU and each partner country which included the southern Mediterranean countries (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria, Tunisia and the Palestinian Authority) and ‘Western’ PCA countries (Ukraine and Moldova), excluding Russia. Considering security and energy values at stake for the EU in Caucasus, the policy framework expanded to Georgia, Armenia and Azerbaijan in 2006 (Leino and Petrov 2009). Libya and Syria remain outside most of the structures of ENP and ratification of the Agreement with Belarus has been frozen since 1997 due to violations of electoral standards in Belarus' presidential elections (2010) and suppression of the civil society (EEAS 2014). However, through the Union for the Mediterranean in 2008 and the Eastern Partnership in 2009 the EU developed new regional frameworks for these very different regions.

While in ENP Action Plans no conditionality is applied, they draw on the *need for the neighboring countries to adhere to common values as a precondition for further enhancement of bilateral relations with the EU*. The Action Plans recognize that the values of democracy and respect for human rights are all essential prerequisites for political stability, as well as for peaceful and sustained social and economic development and *are effectively shared between the parties*. This claim for countries which have had autocratic regimes for long periods in their history reveals EU's presumption that they will be learning from the European model (Leino and Petrov 2009).

The EU added “the more-for-more” principle (EEAS, European Neighbourhood Policy (ENP) Overview 2014) to the ENP framework in 2010-11. Accordingly *the EU will develop stronger partnerships and offer greater incentives to countries that make more progress towards democratic reform – free and fair elections, freedom of expression, of assembly and of association, judicial independence, fight against corruption and democratic control over the armed forces*.

Drawing on the case of Ukraine, the country has experienced the pro-EU 2004-05 Orange Revolution and has been facing a grave political violence between the supporters of further

cooperation with the Union and the government opposing it since December 2013 which has resulted in enormous cases of human rights violations (Klitschko 2013). Through the PCA, Ukraine was invited to converge to European norms and approximation of EU laws. Despite the demand of Ukraine for membership back in 2004, the EU just launched the ENP and set up the Eastern Partnership in 2009 (which includes dialogue and cooperation in the field of human rights). In a response Russia launched its own integration project, a Eurasian customs union, in 2011. In the meanwhile Ukraine and the Commission completed negotiations on Deep and Comprehensive Free Trade Agreements (DCFTAs); the Eastern neighbors of the EU were then to choose between the DCFTA and membership in the Eurasian customs union. Before signing the DCFTA by Ukraine officials, Russia *employed trade sanctions, threatened to cut off energy supplies* which resulted in the withdrawal of Ukraine from the DCFTA. In December 2013, Putin rewarded Kiev's decision not to sign the DCFTA with a massive package of benefits including a lower gas price. It seemed that normative approach of the EU has lost to the coercive realist approach of Russia. Despite the government's position, a large part of the Ukrainian population, if not the majority, *feels that association with the EU offers a far better path to modernization* (Lehne 2014). This case shows the frustration and drawbacks a neighboring country has experienced without the carrot of membership as it was expecting. Additionally the Ukrainians' enthusiasm for more integration with the EU is testifying to the attraction of EU's soft power as a model for democracy and respect for human rights.

1.2.2.1. Policies in the Mediterranean

As for the Mediterranean neighbors, the Barcelona Process (1995) - Euro-Mediterranean Partnership (EMP) - was agreed on to be the regional framework for cooperation with peace being the first priority along with EU's concern for stability. The areas of cooperation were indicated as economic and financial, political stability and security (including measures for human rights promotion) and social, cultural and humanitarian issues. The schemes were funded by the Mediterranean Development Assistance (MEDA) and signatories subscribed to the Copenhagen criteria. The MEDA Association Agreement included provisions on human rights and a suspension clause on such bases. (Börzel and Risse 2005, 16-17) In addition to supporting MEDA program, *EIDHR aid and political dialogue through the meetings at various levels to*

discuss the three baskets of the Partnership were other available tools for human rights and democracy promotion.

It is important to mention the policy shift in the fields of democracy and human rights that the event of 9/11 indirectly brought to the EU approach to this region. The attack was widely interpreted as an expression of repressed social unrest in authoritarian regimes of the Middle East who the West had strongly supported to gain stability while ignoring democracy. Relying on the theories of the democratic peace and the mentioned logic, the US attacked 2003 Iraq while the EU used the normative means of reforming its cooperation policies in the region. Nevertheless, despite the EMP's focus on norms of democracy and respect for human rights, the process remain top-down and unsuccessful in fully realizing what reforms were practically needed in these countries. (Tocci and Cassarino 2011)

In 2008 the EMP was replaced by the Union for the Mediterranean (UfM) Projects to be implemented by this cooperation –as listed on the website- are to be in fields such as economy, environment, energy, health, migration and culture(Euro-Mediterranean Partnership 2013).*The underlying logic of the UfM was that of compartmentalizing Euro-Med relations, by sidelining political questions and proceeding unabated with economic cooperation through the promotion of specific projects. Sidelined was thus not only the traditional thorn of Euro-Med multilateralism - i.e., the Israeli-Arab conflict - but also democracy and human rights issues within the southern partners.*(Tocci and Cassarino 2011, 6)

Later in March 2011 and in a more direct response to the uprisings in its Southern Mediterranean neighbors, the EU launched Partnership for Democracy and Shared Prosperity. In this joint communication on this partnership, the need for a joint commitment to common values has been mentioned as well as EU's willingness to support economic and political reforms which have been called for in the Arab spring. The Union is to consider differentiated approaches in response to specialties of each country in the region. Referring to more for more principle, the incentive for the partner countries is resuming negotiations on *Association Agreements* which offers them *deeper engagement on mobility and improved market access to the EU*(COMMISSION Press 200 2011). Apart from the many economic options for more

cooperation and EU financial assistance, the document includes expanding support to civil society, establishing a civil society neighborhood facility and support social dialogue forum as its instruments for democracy and institution building.

Considering the still unstable situation of the countries concerned, the effects of this initiative incentive-based initiative is still to be witnessed.

1.2.2.2. Keeping the status quo

EU's policies toward authoritarian regimes in the MENA region have heavily been criticized –even by the European public- as policies not going beyond the classic power-interest relations. The Union viewed those regimes with terrible human rights record, as being at least less dangerous than Islamist extremism - perceived to be on the rise- and capable of stopping the migration flow into the EU. The famous President Chirac's quote during his visit to Tunis in 2003 (“the first human right is the right to eat and from this point of view, Tunisia is far ahead of other countries in the region”) which coincided with an opposition leader's fiftieth day on hunger strike, demonstrates the degree of ignorance of democracy and human rights in that region. It is also worth mentioning that even in 2004-5, non-reforming states of Syria, Egypt and Tunisia were receiving huge aids either through the Commission or bilaterally through different cooperation frameworks with member states which sometimes included security equipment. (Youngs 2008)

Despite the formal attachment of importance to such values in the Barcelona process as well as bilateral Association Agreements signed with the individual countries, the human rights clause which gave each party the right to *take appropriate measures, including suspending the agreement, in the event that the other party fails to comply with specified human rights norms*, was never invoked by the EU (Baracani 2007).

The geographical proximity of this region to the EU's soil brings the prominent realpolitik question of ‘stability’ to the scene, even more so for some countries such as Italy or Spain in southern Europe. The Arab Spring testified to the nature of the Mediterranean regimes which the EU was cooperating with to pursue its interest in *commercial, energy, migratory or anti-terrorism domains* while turning a blind eye on the performance of those regimes in human

rights and democracy reforms (Tocci and Cassarino 2011). The energy concerns also prevail in other ENP relation; an e.g. *despite considerable human rights shortcomings, Azerbaijan, an important energy partner, was treated with considerable leniency* while Belarus with almost the same record and no strategic interest for the EU suffers sanctions and denial of ENP benefits. (Lehne 2014) It has been argued as well that the *EU* is very tolerant with some states' democracy and human rights behavior, the states that are economically attractive to it such as *Algeria or Libya* (Tilley 2012).

Another problem in EU's normative behavior to human rights in MENA countries is its selective approach in dealing with cases of political oppositions. In 2000s the Union's institutions were responding strongly were figures of the liberal front were imprisoned or harassed in Egypt but were silent when *the wave of arrests of Egyptian Muslim Brotherhood activists in the aftermath of the 2005 legislative elections, happened. The same case happened in April 2008 when Tunisian authorities violently repressed protesters in the phosphate mining area of Gafsa, despite the vocal denunciations by numerous human rights groups and trade unions* (Tocci and Cassarino 2011, 5-6).

Of course the endogenous factors in Mediterranean politics are to blame for the failure of Barcelona process's objective to promote human rights, too. Yet Mediterranean, along with EU's other neighbors, would remain regions for the EU in which to reconcile the dilemma of its strategic economic, counterterrorism, migration and stability with its norms and values in external policy: democracy and human rights.

1.2.3. ACP countries: Development Cooperation, Conditionality and Sanctions

EC cooperation with ACP countries is one of its oldest agreements dating back to the first two Lomé Convention (1975-80 and 1980-5) which did not refer to human rights in any forms. The EEC back then was just an economic association and it was refraining from applying any conditionality with the newly de-colonized nations. The fear that conditioning economic agreements would be interpreted as neo-colonialist attempts paralyzed EC in responding to human right violations happening in the ACP countries. So in Lomé III (1982) the two parties declared their 'deep attachment to human integrity' in an attachment to the main agreement and in Article 4 of Lomé III the promotion of human rights was explicitly stated among the

agreement objectives. However in the years of the Cold War the Europeans were more supportive of anti-Soviet states turning a blind eye on their human rights situation. At the end of the Cold War and the shift in political priorities of the EU along with the decreased bargaining power of the ACP countries, the two parties launched the Lomé IV in 1995. (Gropas 1999) Back in 1991 with the declaration on human rights, democracy, and development which the European Council issued, human rights considerations were made an explicit part of the Community's development policy and since 1995 the Council decided that *“respect for human rights and democratic principles are essential elements of the agreements and if they are violated the EC could take appropriate action.”* (Hill and Smith 2000, 443) So Article 5 of the new agreement mentioned “man” as “the main protagonist and beneficiary of development, which thus entails respect for and promotion of all human rights” and that this cooperation was to be “conceived as a contribution to the promotion of these rights” (Agreement Amending the Fourth ACP-EC Convention of Lomé 1995).

Yet a resolution later adopted to the Lomé IV framework, *endorsed both a positive (proactive measures) and a negative (graduated reactive responses) approach to linking human rights and democracy to the development process. It applied political conditionality to its worldwide development co-operation policy (i.e., not just limited to EC-ACP relations), and represented an agreement in principle of the Member States to co-ordinate aspects of their individual development policies.* (Gropas 1999) Here the EC dedicated a special budget for reforms leading to democratization and strengthening the rule of law (Börzel and Risse 2005).

The 2000 Cotonou agreement replaced Lomé IV with financial assistance provided by the European Development Fund (EDF). In Cotonou, the parties are committed to *“undertake to promote and protect all fundamental freedoms and human rights...”* These principles are supported through *a political dialogue designed to share information, to cultivate mutual understanding, and to facilitate the formation of shared priorities, including those concerning the respect for human rights.* The conditionality is put into practice through a variety of actions including *the threat or act of withdrawal of membership* or financial protocols, as well as the

enforcement of economic or political sanctions when members are perceived to violate agreement terms (Article 96 of the Cotonou accord²).

The EU has been successful in influencing the domestic human rights policies in some ACP members through invoking conditionality. I will present the three cases of reforms in Rwanda, Togo and Fiji.

Under the Lomé IV Treaty, *Rwanda was a nonreciprocal trade member*. Despite the agreement's lack of mechanisms to address the causes of the genocide in 1994 in Rwanda, the EC froze Lomé benefits to the Rwandan government. The Community conditioned the allocation of funds for reconstruction to the respect basic human rights and operation under rule of law of the new Rwandan government. Before any such transfer, another case of human rights violations happened by the army: forceful evacuation of a refugee camp. Suspending the transfer of the funds, EC asked the new government to investigate the massacre and hold those responsible accountable. After the government's agreement *the Commission conditionally reinstated payments under Lomé* (Hafner-Burton 2005).

In Togo in 1998 after unfruitful political dialogues and in response to violation of human rights principle, the suspension clause of the Lomé IV Convention was operationalized by the EC. It was relaunched only after the government in Togo took the necessary steps to reform in criteria such as the electoral code. In Fiji the suspension was invoked after the democratically elected government was toppled. Using the threat of sanctioning Article 96 of Cotonou, *the EC postponed financing of investment projects under the 9th EDF until political reforms were undertaken to secure democracy and respect for human rights*. As a result human rights reforms were initiated (Hafner-Burton 2005).

1.2.3.1 Case of EU autonomous sanctions on Zimbabwe

The Union has used its potential to economically and politically sanction some of the ACP states with terrible human rights records as a measure to influence their performance in a wider context than just the development agreements. The case of Zimbabwe is examined here.

² The "appropriate measures" referred to in this Article are measures taken in accordance with international law, and proportional to the violation. In the selection of these measures, priority must be given to those which least disrupt the application of this agreement.

The EU became very vocal against the human rights abuse in Zimbabwe especially after the undemocratic election in 2002. With the aim of paving the way for a more democratic opposition to replace Robert Mugabe's ruling party of *Zimbabwe African National Union-Patriotic Front (ZANU-PF)*, in power since 1980, the EU launched its sanctions along with other policies. The first round of sanctions included an arms embargo, *freezing the accounts of Mugabe's closest associates, family members and supporters and prohibiting them from travelling in the EU*. Mugabe however visited Rome for an international summit just four months after the ratification of sanctions. *The travel ban list included only 20 individuals in its initial version but was constantly updated and extended to over 240 targets*. After five years of sanctions and deterioration of economic situation the opposition party led by Morgan Tsvangirai, supported by the EU and the international community, joined the government in 2008 elections and was given a share in power. Consequently, the sanctions changed the targets. They were then following the aim of *coercing the listed actors into aligning their behavior with the new ruling elite, with the specific exceptions of Mugabe and his family members, whose participation in ruling Zimbabwe is strongly opposed by the EU and its member states*. More sanctions were lifted as the constitutional referendum of 2013 was implemented successful (Giumelli 2013). In 2014, the EU is lifting more sanctions but leaving the arms embargo and the travel ban and asset freeze on President Robert Mugabe and his wife, in place. The Union has invited Mugabe to attend the *EU-Africa summit in Brussels in April and granting him an exemption from sanctions to visit Europe*, a normative measure to promote engagement and multilateralism. Zimbabwe will be receiving aid from EU fund for developing countries for the period until 2020. Since 2002, direct aid to government was suspended under Cotonou Agreement but the humanitarian aid was never cut and was channeled through charities (Mail&Guardian 2014).

It is nevertheless important to evaluate what were the options available to the EU as a normative power. While more sanctions would have resulted in graver humanitarian and economic deterioration, the removal of sanctions would have been interpreted as EU's ignorance to human rights and democracy. They were mainly a political signal for EU's commitment to its values and an instrument to prevent Mugabe's rule to continue so smoothly. After the coalitional government was formed, the sanctions were more to encourage former supporters of Mugabe, those able to "switch sides", to join forces with the new government and avoid the costs of

sanctions on themselves or their businesses. Additionally, the sudden lifting of all sanctions while many human rights violations still happening, would have been an indicator of EU's ignorance, increasing them would have provided more domestic support for Mugabe's call for Zimbabwe's independence from foreign interventionism (Giumelli 2013).

A closer examination of the sanctions in this case and comparing them with their alternatives, reveals the use of "not so normative power" of sanctions in pursuit of more political and civil liberties in an ACP third country by the EU which led to the normative result of forcing a dictator to share power (at least to some extent) with a more liberal opposition party.

1.2.3.2 Are sanctions normative?

As Nathalie Tocci explains there is no clear line to draw between the foreign policy means that are considered normative and those that are not as in specific cases an economic sanction might harm a country more than conducting a war against it (N. Tocci 2008, 10). In this sense, studying the effects of sanction measures imposed on each specific case is of value.

As was demonstrated in the case of Rwanda, Togo and Fiji EU enacted its restrictive measures under the Cotonou agreement and followed them coercively and actively which resulted in its preferred reforms.

While *Brummer* argues that the EU has only imposed sanctions on "weak, authoritarian and politically isolated states" such as Zimbabwe (Tilley 2012), an extensive study of sanctions imposed on ACP countries by Hadewych Hazelzet demonstrates that *EU sanctions tended to be harsher for more serious human rights violations, often despite the economic importance of the country concerned.* (Hazelzet 2005)

However in the case of ACP countries, it is important to bear in mind that political dialogue as defined in Article 8 of the Cotonou accord, a very normative measure, provides the potential for persuasion and preventing sanctions.

This issue will be dealt with more deeply when the case of Iran is considered in chapter 2.

1.2.4. EU's strategic partners

The EU has strategic partnership with China, Russia, India, Brazil, Canada, Japan, Mexico, South Africa, South Korea and the United States. I will be focusing on *Russia* and *China* as the most controversial ones with one of the worst human rights records. Additionally the rising influence of Russia in Central Asia and of China in Africa and Asia has complicated the international environment for the EU to pressure non-democratic states to reform.

1.2.4.1 China

Since 1989 and in reaction to the state violence in Tiananmen Square, the EU imposed an arms embargo, punitive economic sanctions and interrupted military cooperation between the Member States and China, suspended bilateral ministerial meetings and froze government loans. Minor changes in China's human rights laws led to the lifting of almost all the sanctions one year later. The EU however continued to criticize the situation in China in the UNCHR until 1997 when even that collapsed due to disagreements among member states. (Casarini 2006)

The EU-China human rights dialogue set up in 1995 and executed since 1998 was a framework for the EU to address thematic issues such as the death penalty and discuss them with Chinese officials. The result as has the Council evaluate in 2004 is "a mixed picture of progress in some areas and continued concern in others". Despite the EP's increased role and harsh criticisms of Chinese performance in the field of human rights as the CFSP is mostly decided by the member states the issue is usually shyed away from by the EU. This can be interpreted as a result of the strong link between the political and business elite in China and the member states' economic relations with Beijing (Casarini 2006).

Now all the sanctions except the arms embargo are lifted not due to improvement of human rights situation in China but to strategic interests of the member states.

1.2.4.2 Russia

Russia is the EU's biggest neighbor and third biggest trading partner, with Russian supplies of oil and gas making up a large percentage of its exports to Europe. Russia-EU relation is defined in their Partnership and Cooperation Agreement signed in 1994. They cooperate in 4 main areas: economy & environment, freedom, security & justice, external security and research & education (EEAS, EU relations with Russia 2014). Human rights

concerns of the both parties are discussed in six-monthly human rights dialogue meetings. EU also engages in dialogue with international and Russian NGOs particularly declaring its concern over the 2012 laws forcing them to declare themselves “foreign agents” in cases of receiving foreign funding(OSCE Permanent Council Nr 920 2012). Additionally, the EU contributes to the development of the Russian civil society through the European Initiative for Democracy and Human Rights (EIDHR)(EU Delegation to Russia 2014) .

However, despite being a signatory to all relevant UN conventions the situation of human rights in Russia is among the worst. According to Freedom House report 2014, Russia has been categorized as a “not free” country (with a score of 26/70) lagging behind Kyrgyzstan and Armenia (Freedom in the world 2013 2014). In the report of Reporters Without Borders’ 2013, Russia is ranking 148th out of the 180 countries studied (world press Freedom Index 2013). This index also marks the country by “*unacceptable failure to punish all those who have murdered or attacked journalists.*”

While the cooperation in the fields of democracy and human rights were optimistic during the 1990s with a prospect of integrating Russia into Europe imaginable, such hopes have disappeared with Russia gaining its economic power back with increase in energy prices; Kremlin is now claiming to be promoting traditional values as alternatives for European liberal ones. As the Carnegie foundation analyst has put it the human rights dialogues have turned into “loveless rendezvous” for both parties (Carnegie Moscow Center 2014). In such meetings, Russia nonetheless does not cease the opportunity to criticize the human rights abuses happening in the EU in cases such as “non-citizenship status of Russian-speaking population in Baltic countries” (Romanova 2009).

Additionally, Russia’s definition of itself as a very “realistic” actor for which acting on mere “interest” is the “norm” poses an important conceptual barrier on EU’s normative measure. According to the realist/ Russian interpretation, normative behavior is a *rational exercise by the EU which masks its real intentions.*(Romanova 2009)Extremist as this claim might be, in its relation with Russia EU has actually given the upper hand to its strategic energy interest in Russia and their economic interdependence and have sidelined its normative goals for human rights and democracy promotion. EU’s position regarding the conflict in Chechen would serve as

an example where the Russia rejected international intervention and the EU accepted it (N. Tocci 2008, 37-41). In Chechen another strategic interest can be traced too: securing stability in EU's neighborhood.

1.2.4.3. Energy interests prevail

Despite the grave human rights violations in these two world powers, the European Union has not been successful in pursuing its normative goals of democracy and human rights promotion in them.

Reaching consensus among member states for more active condemnation of human rights abuses in Russia has proved difficult. Russia was the source for more than 31% of EU's import of crude oil. In the absence of Russia's engagement with the EU for regulation in the energy market, member states opt to sign bilateral energy agreements to secure their national interests which in turn undermine a unified approach to this country. So a part of EU's frustration in pursuing its normative rhetoric about human rights promotion in Russia is due to its own lack of solidarity among the member states (N. Tocci 2008, 37-41).

In short, the strictly realpolitik character of Russian foreign policy, its proximity to the European soil which keeps the interest of stability on EU's agenda, its dominance in the energy market while an external unified energy policy of EU is non-existing and EU's own lack of solidarity and commitment to the normative value of human rights promotion, lead to interpreting EU's attitude towards Russia as a non-normative one.

1.2.5. Policies towards a regional organization: ASEAN

EU has relations with regional organizations such as ASEAN with Myanmar / Burma as a member sanctioned by the EU. It also engages with countries in Central Asia and Latin America either multilaterally or bilaterally. Here I will examine the specific features of EU's relation with these regions/ countries in terms of human rights policies in order to trace the normativity, realism or a combined approach of both in its external policy.

ASEAN is an intergovernmental organization for economic cooperation and with great tendency to detach human rights from the dialogues in its framework and a stress on the non-interventionism principle. It has signed its first agreement with the EU in 1980 which no

reference to human rights and democracy principles. While EU had tried to put such principles on the agenda in its Asian Strategy of 1994, the issues were ignored by the Asian countries. In bilateral relations though the EU managed to insert the human rights clause in cooperation agreements while China, South Korea, Laos, Philippine and Malaysia such conditionality (Börzel and Risse 2005).

Between the years 1994 and 1996 the two economic actors engaged in increased trade and demonstrated their interest in enriching the level of their investment for mutual economic benefits. The relationship deteriorated as Myanmar supported economically by China, a rogue state as EU called it *with terrible human rights records*, joined ASEAN in 1997; this deterioration has kept the Asian side pessimist about the relationship with the EU (Hwee 2013). In addition to the sanctions already in place, the Union tried to convince ASEAN members to collaborate in the pursuit of human rights promotion and restrict their relations with that country. These efforts had minor achievements such as the regional pressure for *giving up Burma's chairmanship of ASEAN scheduled for 2006* (Giumelli and Ivan 2013). The case of sanctions on Myanmar/Burma will be scrutinized in more details here.

It is important to mention that in the case of ASEAN, as with other economic powers in the world, the national economic interest of each member state makes regulating a normative behavior towards such powers more unlikely. Nevertheless, EU has kept its normative engagement with this organization: in the eighteenth AEMM, human rights promotion was highlighted *as a key aim of the dialogue and relationship* (ASEAN 2010) and the Asia-Europe Meetings (ASEM), held informal seminars on the same topic (Tilley 2012).

1.2.5.1. Sanction against Burma

Dating back to 1991, EU sanctions on Myanmar were a response to rejection of the 1990 election result by the *State Peace and Development Council (SPDC)*. National League for Democracy (NLD) had won the election but power was not transferred to them and their leader, Aung San Suu Kyi, was arrested. However, they sanctions were made legally binding only after an honorary council of several European nations died in 1996 when *in detention having been charged with unauthorised use of fax machines*. Then the Union added *a travel ban on the individuals responsible for the death of the consul, on the authorities blocking the democratic*

transition in the country and on those supporting the regime to the arms embargo and the ejection from EU's GSP. No restriction was imposed on trade or investment yet. Later the military junta their relatives and their supporters were incrementally included in the sanctions list. After the Burmese government used violence against Buddhist-led protests in 2007, the EU imposed more sanctions on trade of goods such as timber and gold which were resources for the military junta. Tighter sanctions implemented in 2010 and more entities and individuals were added to the list (Giumelli and Ivan 2013, Youngs 2008).

Surprisingly, after the election in 2010 ruling party launched reforms both economically and politically and handed power to civilian parties. In response, the EU lifted sanctions as an incentive for more progress. With the election of Aung San Suu Kyi's into the parliament, all sanction but the arms embargo was suspended. As the decision for opening up the political sphere was made inside the governing elite, it is very difficult to assess the role of Western sanctions (Giumelli and Ivan 2013). Although they definitely played a role in convincing the Burmese military that, without reform, it would never match the economic development of its ASEAN neighbors and will remain dependent on China.

1.2.5.2. The question of efficiency

As Amnesty International has documented despite some developments, the situation of human rights remains very critical with cases of unlawful killings, excessive use of force, arbitrary arrests and torture. The country has experienced cases of communal violence from the Buddhist majority against the Muslim Rohingyas which has left more than 200 people dead and many displaced (Amnesty International Annual Report 2013). Even the NLD's Aung San Suu Kyi has been reluctant in condemning such violence as human rights violations.

This draws attention to the rush in lifting of sanctions before concrete improvement has happened. European started high-profile visits to Burma and embraced the new government without ensuring that actual reforms in the field of human rights has taken place; this in turn has decreased their leverage in influencing more political development. (HRW 2013) Despite the normative goal of promoting human rights through putting the military junta under pressure, the Union's *eagerness to wrest Burma from China's influence* (HRW 2013) have denied it the achieving its normative goal more effectively.

CHAPTER 2

HUMAN RIGHTS VALUES IN IRAN-EU RELATION

The “normative power Europe” as Manners has conceptualized it, has the critical aim of “promoting normative approaches to the study of the EU in world politics” in order to discover the reasons behind its behavior and the method to best judge what the polity should implement in its external relations. This approach categorizes EU as an actor upholding normative values as formulized under the UN system to be applicable to the whole world (Manners 2008). Moreover, this approach focuses on “*how rather than which policy instruments are deployed*” and for a foreign policy to be normative it needs to be so both in objectives and in means (N. Tocci 2008, 10). This case study is an attempt to test if such an approach is the proper theoretical framework for explaining EU attitude towards Iran since the 1979 revolution with a focus on human rights as a principle acknowledged in the UN charter.

So I will first provide a background of the relations between Iran and the EU in economic and political fields. Then as Iran’s nuclear issues moves up the agenda in EU’s relation with this country, the history and achievements of the measures taken in this field including the sanctions are briefed. Then I move on to investigate the legality of sanctions as a foreign policy tool in the UN framework and in what ways have they impacted the principle of human rights in Iran. The two parties have engaged in human rights dialogues in two phases which are of important as examples of normative behavior so the process and the probable results are demonstrated here. Additionally as a response to human rights violations EU has ratified autonomous sanctions on some individuals and entities along with declarations and awarding the Sakharov prize to two Iranian. The prize and its value in human rights promotion are researched. In this context the normativity of EU’s policies towards Iran is analyzed and as concluding remarks the potential for more engagement in Iran’s human rights situation is explores.

2.1. EU and Iran: An overview of an unstable relationship

In order to comprehend the motives shaping the political actors' behavior today, it is of essence to be aware of the status of their relations, conflicts and cooperation in the past. This is even more legitimate when dealing with a country in which a revolution has happened just three decades ago and has resulted in changes in foreign policy agendas which were subject to change frequently in this “revolutionary republic in transition” as Rouzbeh Parsi (Parsi 2012) has termed it. This chapter is designed to provide a review of the main issues on agenda of European Union and Iran's relations.

2.1.1. Economic Relations

Right after the revolution and in the next ten years, Iran had the revolutionary foreign policy paradigm with the motto of “neither West nor East”, anti-Israel and anti-American discourse which led it to expand economic relations mainly with the Eastern bloc and the Far East. Western Europe, although interested in expanding economic and energy ties with Iran as an oil producer, preferred to keep its alliance with the US which was very hostile against the new regime in Iran. During the war with Iraq (1980-88) and after the hostage crisis at the American embassy, the EC joined the US arms embargo on Iran. As for the war despite claiming neutrality, most member states -except for Germany that kept its neutrality and economic ties with Iran- were supporting Saddam in Iraq. (Moshaver 2003)

However after Khomeini's death in 1989 and with the moderate president Rafsanjani in office, Iran engaged in a process of economic rapprochement to the EU and with the consensus in the EU that Iran was tending towards moderation.(EUCE March 2008)Given Iran's oil and gas resources, the fast reconciliation is more comprehensible. With the election of President Khatami in 1997 the relations with the EU deepened economically with foreign investment from Europe flowing to Iran to replace American investors which had left due to unilateral sanctions by the US. In the framework of a “comprehensive dialogues” with the prominence of trade and energy –but also including negotiations on human rights and proliferation- EU imports from Iran, primarily oil, nearly doubled in one year from 1999 to 2000. (Moshaver 2003)

In the years 2002 imports from the EU were 41.86% of the total imports to Iran while this rate decreased to 33.45% in 2006. The Iranian exports to the EU are 22.76% in 2002 and 23.94%

in 2006 which were mainly mineral fuel (crude oil). (EUCE March 2008) Later in 2010 just 21% of the total imports to Iran were from the European Union while 17.8% of Iran's total exports were sent to the EU. With a balance of 19.3%, the EU was the still first trade partner of Iran. Close to 90% of EU imports from Iran are energy related. Iran ranks as 6th supplier of energy products for the EU. EU export to Iran is mainly Machinery and transport equipment (52%) followed by chemicals and related products (17%) (DG TRADE 2012).

The share of the EU in both imports to and exports from Iran has declined in the past ten years. This decline can be explained by the sanctions against Iran due to its controversial nuclear program and also to a lesser extent entrance of new buyers into international market such as China, India and Turkey.

2.1.2. Political Relations

During the 80s, in many occasions EC criticized Tehran for its support for militant Shia groups in Lebanon responsible for taking Western hostages between 1982 and 1992 (Moshaver 2003) as well as its involvement in assassinations of Iranian dissidents in Europe. In his chapter on terrorism as a main issue in EU-Iran relations, Seyyed Hossein Mousavian, Iran's former ambassador to Germany and Spokesman of the Iranian nuclear negotiation team (2003-2005), lists 69 cases of assassination of Iranian dissidents between 1979 and 1996. These are just the cases that either by law enforcement officials or in the media, Iranian government has been accused. (Mousavian 2008, 218-222) Before considering the effect of these incidents on Iran-EU relations politically, it is important to mention Khomeini's death fatwa against British-Indian writer Salman Rushdie in February 1989 for his book *Satanic Verses* which was alleged of insulting Islam's prophet. As the British government refused to censure the writer, *Iran broke off diplomatic relations and other EC Member States withdrew their heads of mission from Tehran.* With Khomeini's death in June the same year, Rafsanjani, the president made the necessary moves to push Iran out of isolation both politically and economically. This paved the way for the parties to start exploring *mutual functional interests.* (Moshaver 2003) However, this was by no means a smooth path. Three years after the fatwa, 4 Kurdish leaders including the exiled Secretary-General of the Kurdistan Democratic Party of Iran (KDPI), Sadegh Sharafkandi, were murdered in Berlin in a restaurant named Mykonos. He had succeeded Abdul Rahman Qassemlou, assassinated in Vienna three years earlier in similar circumstances. This time a

German court issued a verdict in 1997 condemning several high-level Iranian officials, including Rafsanjani for having been involved in the case. EU withdrew its ambassadors in protest but declared that they could return to Tehran in 20 days. However as Iran's leader insisted on penalizing the German ambassador to come back the last and EU rejected it, the absence of ambassadors lasted for six months (Mousavian 2008).

With Khatami's presidency in 1997 a reformist discourse took the upper hand. He had three bases in his foreign policy: dignity, wisdom and prudence and had designed the core of his policy on détente especially with Arabs and Western countries. Recently coming out of an 8-year war Iran was in great need of foreign economic investments, technology and science for reconstruction project and this was what the EU could offer it. With the positive response from the EU delegations supporting this more moderate government in Iran, new rounds of constructive negotiations between high-ranking delegates from both sides started. Khatami administration also organized visits to many EU states in 1999 which were first visits of this kind after the Islamic revolution. The political visits had great economic bases of course with Italian, French, British and other EU big companies signing contracts in different sections in Tehran. Other issues discussed in these talks were human rights and Iran's role in Middle East peace process. With more pressure from INGOs on EU institutions about human rights issues in Iran, the EU put some preconditions for further negotiations with Iran (Sabet-Saeidi 2008, 64). I will elaborate on this later in this chapter.

After Khatami's 2001 re-election, the EU moved to further intensify the relationship. Meanwhile EU-Iran relations expanded in all levels— economic, social, academic and cultural.

On the occasion of a Trade and Cooperation Agreement signed in February 2001, Chris Patten, Commissioner for External Relations, noted: 'This proposal makes the case for developing relations with Iran in order to support and reinforce the reform movement process there' (Moshaver 2003). However an AIEA report changed the European's agenda. Iran is an NPT signatory and thus subject to IAEA's investigations. In February 2003, an IAEA team visited Tehran and their experts found enough evidence to suspect that Iran might have already introduced nuclear material into the centrifuges in order to test them which without informing the agency was a violation of the safeguards agreement (Kile 2005, 3). In June of the same year the European Commission was instructed to freeze talks on an EU–Iran Trade and Cooperation

Agreement (TCA) because of concerns about Iran's nuclear program. These negotiations were never resumed again.

Although other political issues such as former president Ahmadinejad's claims on denial of the Holocaust and abolition of Israel or detention of several employees of the British Embassy in Tehran after the 2009 controversial election jeopardized the diplomatic relations, it was the nuclear issue that was dominating the Iran-EU relations.

2.1.3 EU foreign policy agenda dominator: the nuclear issue

Before moving forwards, it is of importance to consider the strategic interests as well as norms of EU which caused its concern over Iran's nuclear issue. *At least since the publication of the EU Strategy against Proliferation of Weapons of Mass Destruction in December 2003, the EU has a very clear and strong commitment to non-proliferation in the world* (Kienzle 2012) If Iran improved the non-civilian dimension of its nuclear program, this would "*alter the balance of power in the strategic Gulf area and seriously weaken the NPT, to which Iran is a party as a non-nuclear state.*" (Alcaro 2012, 115) Another issue is that Iran accessing nuclear weapons would definitely cause reaction in the significantly strategic region of the Middle East which has traditionally been a source of energy export to the EU. Regional players like Turkey, Saudi Arabia or Syria would then be provoked to go nuclear as a strategic response to a new security dilemma. (Smolnikov December 2007, 2) With EU uncooperative attitude towards the US in its war on Iraq on accusation of possessing WMD, Iran's nuclear issue had turned into a litmus test for the EU foreign policy credibility *vis-à-vis* the United States. Secondly, if it could persuade Iran to comply with the IAEA requirements, the European approach of persuasion and constructive engagement will weaken the voices preferring military invasion to Iran. Thirdly, it would prove the aim of the European Union as a civilian power and promoter of democracy and human rights in the region (Dominguez 2007). Moreover the three largest EU states – Britain, France, and Germany the EU High Representative were the only actors with the necessary credibility in Iran to negotiate over the nuclear issue which they held between 2003 and 2005. It was just later in 2006 that China, Russia, and the United States joined and formed the EU3+3 or P5+1.

EU launched its diplomatic efforts to negotiate with Iran in October 2003. Negotiations continued for many rounds of negotiations in the following years and proposing packages including technical assistance for civilian use of nuclear energy and mediation of countries such as Turkey and Brazil did not serve as an incentive Iran for to cooperate (EEAS, Iran's nuclear programme 2013). However under the pressure of referring Iran's dossier to the UNSC by the IAEA, Paris Agreement was signed in 2004 with EU guaranteeing its support for resumption of enrichment after a solution was reached through negotiations and offered some other incentives and Iran agreeing to voluntary suspension of enrichment activities. However, the further cooperation much hoped for never actually happened.

The EU's official mantra was a *dual-track strategy of sanctions and negotiation* and in practice it resisted against sending Iran's dossier to the UNSC until 2006 when Iran resumed uranium enrichment again. UNSC passed the two resolutions against Iran's nuclear program in 2006. EU3+3's diplomatic efforts through offering a new package of incentives were no successful.

With Iran resisting the resolutions and claiming enrichment as its "sovereign rights", a process to impose sanctions started which seemed an inevitable result in the frustrating circumstances of negotiations. Though the UNSC had passed another sanction in March 2007 (1747) including arms exports and travel bans on organizations and individuals affected, the EU remained open to reengage with Iran in 2007, with the EU foreign policy-chief Javier Solana regularly meeting with Iranian negotiators. At the same time when neither Russia nor China were willing to tighten sanctions, French and British pressure in the EU for unilateral sanctions were being opposed by a coalition of countries including Germany, Italy and Austria. (EUCR March 2008). After another UNSC resolution in March 2008, E3+3 proposed a new package of several economic and diplomatic incentives. EU's condition for negotiations to begin: *a six-week "freeze-for-freeze" period* in which Iran had to stop developing its enrichment program while the six countries would agree not to follow more sanctions against Tehran. Tehran rejected the package.

With the IAEA report showing Iran's LEU stockpile would be enough for a nuclear weapon in July 2010, the EU ratified tighter sanctions on Iran to make it comply with the UNSC

Resolution 1929 of 2010. In the Council Regulation No, 961, restrictions were expanded to investment in the Iranian oil and gas industry and to transfers of funds to and from Iran as well as to Iran's access to the insurance of Iranian ships and cargo aircraft(Council Regulation (EU) No 961/2010 2010).

In January 2012, the Council Decision 2012/35/CFSP declared that among other restrictive measures “purchase, import or transport from Iran of crude oil and petroleum products, as well as of petro-chemical products, should be prohibited” and “restrictive measures should be imposed against the Central Bank of Iran in view of its involvement in activities to circumvent sanctions imposed against Iran”(Council Decision 2012/35/CFSP 2012). EU froze assets belonging to the Central Bank of Iran, and banned all trade in gold and other precious metals with the bank and other public bodies. *In March 2012, in a Council move with extraterritorial elements, 19 Iranian banks which were already on the EU sanctions list were disconnected from SWIFT, the organization which manages international wire transfers, in order to stop their transactions with other banks in the world.*

Just in the case of embargo on import of oil from Iran, according to DG Energy in the European Commission, while Iran supplies almost 6% of EU’s crude oil in 2011, with the entry of sanctions in 2012 this rate dropped to 1,33 %. This gains more significance when we notice that oil exports constitute for 50% of Iran’s government expenditures and, by late 2013, Iran’s oil exports had dropped to 1 million barrels per day—far below the 2.5 million exported during 2011(Katzman 2014).

Even in the light of these sanctions and the emphasis that they would be lifted in exchange of clear steps from Tehran to stop its nuclear program, none of the negotiations in 2012 in Istanbul, Baghdad and Moscow brought any tangible results.

In the Council Decision 270 of 6 June 2013, the EU sanctioned about 350 targets beyond the UN listing, including the Islamic Revolutionary Guard Corps (IRGC) which had a dominant role in *developing Iran’s energy sector, developing Iran’s WMD programs particularly by procuring* as well as in suppressing dissidents and the Islamic Republic of Iran Shipping Lines (IRISL) (Council Decision 2013/270/CFSP 2013).

However, after election in Iran in June 2013 with Hassan Rouhani's presidency and the change in the negotiating team, in November 2013, E3+3 and Iran signed an interim "Joint Plan of Action" (E3/EU +3 nuclear negotiations with Iran 2014).

While the normativity of EU's approach will be discussed later in this chapter, it is important to follow the goals and the political means used by EU to what the Union achieved as a result which was a constructive dialogue with Iran to find a solution for the nuclear issue. That is to ask how effective were the sanctions in Iran's position shift? Before answering this question, we need to elaborate more on how the sanctions worked.

Sanctions work by coercing, constraining or signaling a target. *The goal of coercion is to modify the target's cost-benefit calculation of pursuing a certain policy, while constraint restricts a target's capabilities. Both goals are intended to encourage a target to change the direction of a current policy. Sanctions also allow the EU to signal that it is seized of a matter.* (Esfandiary 2013) In this sense the EU has not been able to coerce Iranian leadership into leaving their nuclear ambitions but has succeeded to constrain (and slow down) the nuclear program through increasing the cost of following it by imposing sanctions that would limit Iran's economic capabilities and in turn access to technologies for advancing its nuclear program. Furthermore, the consequences met by Iran are signaling to other countries wishing to go nuclear that EU is absolutely commitment to NPT regime. It also signals to Israel that had shown willingness for attacking Iran that the European solution of sanctions has worked (Giumelli and Ivan 2013).

So although sanctions did not change Iran's leadership ambitions on the nuclear issue as was the strategic goal of the EU, they contributed indirectly to the position shift in Iran.

They definitely put the political elite and their benefits under tremendous economic pressure and the openness to compromise even before Rouhani's election were observed during presidential debates where several of the candidates strongly criticized the negotiation strategies. So the hardliners in the political elite were isolated and there opened a space for moderates (Nader 2013).

2.1.4. Sanctions and their impact on human rights

The effect of sanctions on the economy already weakened by mismanagements especially since 2009 was devastating. This has been documented in studies by Giumelli and Ivan, 2013 and Katzman, 2014 (Katzman 2014, Giumelli and Ivan 2013) as well as in the report of the UNSR on the situation of human rights in Iran (Shaheed 2013).

Iranian economy shrank by almost 3% in 2012 compared to its situation in 2010. Iranian currency lost two thirds of *its value since late 2011 and prices of basic food items such as bread, milk, vegetables, and cooking oil rose by 47% between 2011 and 2012*. Unofficial reports estimate the unemployment rate to be around 25%. (Giumelli and Ivan 2013) Just in one case with EU sanctioning the export of basic metals to Iran, including steel (Gordon 2013), the price of steel doubled and consequently the production of automobiles in 2011 was 40 percent less than in 2010. The International Campaign for Human Rights in Iran found that some two million workers involved in the automobile industry had been laid off due to plant closures (ICHRI 2013).

An extensive study by the same Campaign has demonstrated that although government policies and inefficiencies have outweighed the impact of sanctions in the past thirty years, since 2012, sanctions claiming to be due to noncompliance with UNSC resolutions on Iran's nuclear issue, have led to deterioration of civilians' lives in Iran. *Increasingly, the Iranian people have become unable to pursue their basic economic and social rights to employment, food, shelter, healthcare, and employment* (ICHRI 2013).

I will only draw on the right to access medical care as guaranteed under Article 25³ of Universal Declaration of Human Rights. The Guardian has reported the first civilian death of a patient due to lack of access after the sanctions: a 15-year old Haemophiliac Iranian boy from a nomadic family in Khuzestan (Dehghan 2012). According to the director of Iran's hemophilia society, 75% of the medicines for the treatment of hamophilia are imported from the US and the

³Article 25 (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

EU which makes Iranian patients very vulnerable to such sanctions. Medicines such as tetanus vaccine have become scarce in the Iranian market (The Guardian).

In addition to unavailability of the medicine the rate of inflation in Iran's medical sector was running at 350 percent in late 2012 and insurance companies have passed on the increasing cost to the patients. Many patients choose to stop the treatment and anticipate their death due to inability to pay the treatment cost. The situation of six million patients afflicted by cancers, AIDS, hemophilia, thalassaemia, multiple sclerosis, and heart and kidney disease, deteriorates with sanctions as Iran heavily relies on the import of the required medicine as well as medical equipment and machinery (ICHRI 2013).

Despite the exemption of medicines from the sanctions, restriction on money transfer through SWIFT and other banking channels and insurance have left only one option for Iranian pharmaceutical companies: that is to have to pay cash in advance for imports of medicines and raw materials or to secure offshore funds at very high risks. This has resulted in the reduction of availability of lifesaving medicine as well as their high prices (Cheraghali 2013).

What should not be overlooked here is of course the role of internal factors in not allocating enough funds to the health sector during this hard time. As former minister of health in the Ahmadinejad administration, put it very boldly: the sanction could be circumvented *“by unconventional means (establishing companies in third countries such as Turkey, using their banking system to transfer funds, having goods delivered to Turkey, re-exporting to Iran, and passing the additional costs to Iranian customers and patients), But we cannot circumvent the issue of fund allocation from the central bank.”*

Despite repeated remarks by the EU officials about the sanctions being targeted and thus minimizing the unintended consequences on the population, Iranian civilians suffered heavily while the political elite was busy finding ways to circumvent sanctions and provide funds and material for the nuclear program.

Iran of course is not the first case of such unintended negative effects of economic sanctions. The literature on humanitarian consequences of economic coercion is overwhelmed with examples of greater poverty, higher levels of unemployment, and poor health conditions for

ordinary citizens caused by the sanctions. In his cross-national empirical study of effects of economic sanctions on human rights over the period between 1981 and 2000, Dursun Peksen concludes that economic sanctions unintentionally push human rights conditions in target countries into deterioration. He advises entities imposing sanctions to be aware of the delicate balance between using economic coercion to induce targets to change a policy and the unintended damage of worsening human rights conditions (Peksen 2009).

2.2. Human rights related measures

Despite the nuclear issue having been in the spotlight in the past 12 years, EU has been engaged with Iran in the field of human rights in some phases although not always consistently and persistently. Here I will investigate the critical dialogue that was focused on human rights in Iran in two phases, then move on review what sanctions, resolutions and declarations have been passed in direct reaction to human rights situation in Iran. I will also investigate if and how allocation of the prestigious Sakharov prize, as normative incentive to the civil society, has contributed to promotion of human right and how it was received by the Iranian officials. Analysis of these policies would provide me the opportunity to evaluate if EU's measures in this field are explainable through the normative power Europe.

2.2.1. "Critical Dialogue"

In 1992, EU countries already engaged in the Iranian market and viewing president Rafsanjani as a pragmatist, who could normalize relations with the West, launched the "critical dialogue" as a means for persuasive diplomacy and in order to strengthen the moderates in Iran. The title was chosen as so to demonstrate that Iran did not meet the EU's preconditions for the holding the conventional "political dialogue". On these grounds this policy has been criticized as being hypocritical: *Europe expressing its disapproval of some of Iran's positions without losing the benefits of a commercial relationship* and furthermore it was viewed as "cynical" serving the objective of *sheltering Europe from Iranian-government-sponsored terrorist activities* rather than as *a principled policy*. (Mousavian 2008)

The dialogue was to address four criteria: human rights, terrorism, regional stability and weapons of mass destruction, however it remained limited to the first one. It involved meetings

between the EU Troika and Iranian officials twice a year to discuss the situation of human rights in Iran.

To evaluate the success of this policy in influencing Iran's behavior in the field of human rights, some instances of tangible change could be mentioned. Iran started to put up institutions to address the European concerns: the "Islamic Human Rights Commission (IHRC)" in 1995, the Parliament's "Committee on Human Rights" and the Foreign Ministry's "department of human rights." Furthermore Iran finally allowed the UNSR to visit the country in February 1996 which it had denied in the earlier 4 years. Despite Iran's refusal to permit him a second visit, his report in February 1997 acknowledged the improvement of the situation of human rights, particularly in women's rights and press freedom. After the Mykonos verdict, alleging that the Iranian authorities had been directly involved in the assassination of the four Kurds in Berlin, the EU openly condemned Iran in a declaration issued by the European Council of Ministers on April 10, 1997. The EU took the stand that there could be no progress in constructive relations with Iran while Tehran, as the EU statement claimed, *flouted international norms and indulged in acts of terrorism* (Mousavian 2008).

In this round, negotiations were using pure persuasive approach unaccompanied with any conditionality or threat of restrictive measures. The logic of persuasion, a purely normative method, however became a tradition in Iran-EU relation with the reaction to Mykonos trial verdict being the only exception of using political sanctions (Kienzle 2012).

With Khatami's presidency in 1997, the EU not wanting to confront the oil-rich country directly on human rights grounds established Working Groups with Iran on energy and trade and investment as well as ad hoc expert meetings on drugs after 1998. In Khatami's second round of presidency Iran-EU relations had elevated to comprehensive dialogue including negotiation of a TCA and PDA and the establishment of a specific human rights dialogue. Inserting a human rights clause into the TCA was also among the topic negotiated in the Comprehensive Dialogue (Kienzle 2012).

Delegations of both sides comprised of experts, representatives of the civil society, and state officials. Progress of the human rights dialogue was monitored according to previously agreed benchmarks such as Iranian adhesion to international human rights agreements or

improvements in certain areas; e.g. among topics discussed were Iran's ratification and implementation of key international human rights conventions; its co-operation with the UN human rights mechanisms and the implementation of their recommendations; access for international observers and international NGOs. In June 2004, one week before the end of the fourth roundtable dialogue, the EU issued a statement: despite four rounds of talks with the Iranian officials, widespread breaches of human rights continued in the country. The EU had reached the conclusion that no progress was made in that regard. This coincided with IAEA's anti-Iran resolution and subsequent stances taken by the European countries on Iran's nuclear dossier. The new parliament and government of Iran accordingly changed their interaction with the European countries. So conservatives having won the parliamentary election in February 2004 and the presidential elections in June the same year, changed their relations with the EU into more hostile ones compared to Khatami's reformist government. Despite EU willingness to proceed, the dialogue stalled in 2004 due to Iran's lack of engagement (Mousavian 2008, Kienzle 2012).

The incentives offered in terms of trade and political agreements were signs of integrating positive conditionality into EU's approach compared to the first round. In addition, EU's focus on international conventions and the framework of the UN along with involving the civil society for the dialogue were means of a strong normative approach. The result however was influenced by many other factors such as the rise of conservatives in Iran. This was the first time the nuclear dossier paved the way for disruption of human rights dialogue which was never taken up again.

2.2.2. Resolutions and Sanctions

Although the EU refrained from issuing CFSP statements to put pressure on the Iranian government for human rights promotion before 2005, it started issuing documents addressing the situation inside Iran and co-sponsored resolution in the UN General Assembly against that country with the EP playing a very active role. The European parliament's resolution, dated January 13, 2004 was the first resolution after disruption of the Critical Dialogue. EU statement on human rights breaches in Iran (June 20, 2004) followed by *EU statement on detentions in Iran (2004)*; *the EU statement on freedom of expression in Iran (2005)*; *the EU statement on*

Iran (November 10, 2005); the European parliament's resolution on human rights breaches in Iran (November 16, 2006).

Later in reaction to wide human rights violations in the aftermath of presidential election on 12 June, 2009 EU presidency issued a Declaration, stressing EU's commitment to human rights and expressing their deep concern about the imprisonment of activists, mass trials, death sentences and the increase in death sentences in post-electoral Iran (Declaration by the Presidency 2009).

The current EP has passed 10 HR resolutions on different themes (e.g. minority rights) as well as specific cases between September 2009 and February 2014 (European Parliament 2014).

Following the violent repression of the 2010/2011 protests in Iran, the Council decided to impose a travel ban and a freeze of assets with Council decision 235 of 12 April 2011 on individuals and entities responsible for the repression and a ban on export of equipment that could have been used by the government to that end (COUNCIL DECISION 2011/235/CFSP 2011) . In October 2011, 29 cases were added to the sanction list through council decision no. 670(COUNCIL IMPLEMENTING DECISION 2011/670/CFSP 2011). The Council added 17 more persons in March 2012(Council Press 119 2012). The individuals sanctioned were revolutionary court judges and prosecutors, ministry bureaucrats, IRG officers, head of prisons and individuals such as head of Iran Broadcasting.

The legal bases for this measure was Article 215(2) of the TFEU which refers to acting in accordance with the Chapter 2 of Title V of the TEU where Union's actions are to be designed and implemented as to achieve the objectives the provisions laid down in Chapter 1 including protection of human rights.

As the EU is preparing to add more names to this list (FDD 2014) the effects of these sanctions have remained ambiguous. Nevertheless, according to executive director of International Campaign for Human Rights in Iran *targeted sanctions are effective tools for naming and shaming Iranian authorities and keeping the spotlight on human rights abuses. "It's the best way to show that the international community cares"*(Council on Foreign Relations 2014).

As for the implementation of the sanctions, the EU has behaved quite inconsistently granting visas to almost all officials having wished to travel to Europe. In one example, Mohammad Mustafa Najjar, Iranian Interior Minister who was sanctioned by the EU in 2011, visited Geneva in January 2013 having been invited by the UNHCR. He was the third Iranian minister on the sanction list to have entered the EU (BBC Persian 2013). Such inconsistencies would undermine EU's image for the civil society either in or outside Europe.

However, decision-making on such issues is done in consultation by NGOs and members of civil society and this easy access of such organization to the politicians in EU hierarchy is a specific normative feature that differentiates EU from traditional powers.

2.2.3. Sakharov Prize for freedom of thought (2012)

The Sakharov prize, named after the Russian dissident scientist, is viewed by the EP to have a great potential for 'branding' the EP as a leading actor in the field of human rights. In 2012, the prize was awarded to two Iranian dissident: Nasrin Sotoudeh, lawyer and Jafar Panahi, filmmaker. None were present at the ceremony; while Nasrin was in prison, Jafar was banned from travelling abroad. The European Parliament acknowledges the two Iranian's plight and their outstanding efforts in their incessant struggle for human dignity, fundamental freedoms and political change in Iran. In October 2012, MEPs cancelled Iran visit after *Tehran refused to let them visit two jailed activists recently awarded the Sakharov Prize* (European Parliament News 2012)

Nasrin Sotoudeh, lawyer and mother of two was arrested in 2010 on suspicion of spreading propaganda and conspiring to harm state security, and Jafar Panahi, filmmaker was found guilty of making anti-government propaganda, denied of writing, making films or doing interviews for 20 years.

In response, the Iranian Foreign Ministry spokesman at the time, Ramin Mehmanparast said the decision to honor Sotoudeh and Panahi was a "political move". He said the EU took a "selective (and instrumental) attitude" towards human rights, failing, for example, to take action when Israel attacked Palestinians. He added that the EP would better pay attention to vast number of human rights violations in European countries including the miserable situation of

asylum seekers and immigrants, discrimination against Muslims and suppression of rightful social and political demands of European citizens(Hamshahri online 2012) .

Taking this prize as a signal of “support and involvement of the EP with the Iranian civil society” as EP President Schulz had put it, the effect of the prize on the laureate’s situation could be an indicator of the extent of the success of this support. For Nasrin Sotoudeh she was awarded the prize, she was on an unlimited hunger strike to protest against the harassment by the Iranian authorities suffered by her family. The Sakharov Prize helped increase pressure on the government. She became a more influential figure than many others who were free at the time. Her husband, Reza Khandan, stressed in an interview that the Sakharov Prize *contributed to raising awareness about Ms Sotoudeh’s case internationally*, and that the prize would be seen differently in Iran among *activists and officials* from then on. Sotoudeh felt that the prize helped channel the efforts of her supporters both at home and internationally, providing them as much as herself with invaluable moral support. She was also among the first political prisoners that were freed on the eve of Iranian President Rouhani’s visit to the United Nations in September 2013 after his election in June.

Later in December 2013, an EP delegation finally visited Iran and met the two laureates unofficially discussing human rights related issues and their own situation. The delegation also met with counterparts in the parliament and other official visits already arranged. While according to the MEPs the Iranians knew that there would be a meeting with the Sakharov Prize Laureates(Sakharov Prize Network 2014), reactions from Iranian conservatives officials on this meeting with according to them “2009 sedition activists” started from extreme conservatives in the parliament, then Chairman of the Iranian Parliament’s National Security Commission reacted, asking Foreign Minister to appear before the Commission in order to answer questions about the visit(Lenziran Newsvideo 2013). Two Weeks after this meeting Nasrin Sotoudeh’s home raided and looted

Acceptance of the EP delegation’s visit and condemning their visit with the laureates later, has political implications for foreign policy decision makers of the EU in its relations with Iran. This will be discussed when mentioning challenges for more engagements at the end of this chapter.

Awarding the prize to the Iranian laureates had the normative object of appreciating endeavors for human rights, through the normative mean of offering the positive incentives of the prize fund and the international recognition. As for its impact, the prize was received warmly by activists in Iran as a message of solidarity with their cause but how it influenced the civil society in Iran at large has remained unsearched.

2.3. Security concerns, non-proliferation norm or human rights value?

After this review of EU policies towards Iran which had human right dimensions either directly or indirectly, I will test these policies in terms of their measurability in the “normative power Europe” and also to assess which concern was prioritized by the EU. For this purpose I will adopt the framework suggested by Tocci (N. Tocci 2008) which has been built on Manner’s reflections (Manners 2002,2006, 2008) in this field.

Assessment criteria for normativity of a foreign policy are based on the goal, the measure and its final impact on the target country. Normative goals are the ones that shape the international environment through regulation by means of establishing and reaffirming international regimes, institutions, treaties and conventions. Such laws and their reinforcing systems, structure relations among states in a “normative framework” within which the risk of *imposing one’s chosen definition of norms on others through the sheer exercise of power, as well as of acting inconsistently and selectively in world affairs* is reduced. To achieve such goals normative means priorities *economic, social, diplomatic and cultural instruments to military ones*. Normative means usually range from softer methods of *persuasion, moving to the granting or promising of rewards, to the threat or infliction of punishments, ending with the hard methods of the use of force*. In other words soft methods such as *engagement, dialogue, persuasion and cooperation* are classified as normative in contrast with *coercive methods such as conditionality, sanctions or military action*. A normative impact is identifiable when a direct line links the goals and measure taken by the player to *building and entrenchment (or deterioration) of an international rule-bound environment on the other*. In this sense a normative actor applying normative measures to achieve a normative goal either manages to make normative tangible changes (*intended*) or fails to do so due to e.g. external factors (*unintended*). The same argument of an impact being intended or unintended is true not

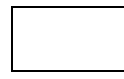
just for normative actors but also for all other ones. (N. Tocci 2008) According to this background this matrix is suggested to classify actors.

Table 2.1 Foreign Policy Outcomes

Type of actor	Normative		Realpolitik		Imperial		Status Quo	
	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended
Goals								
Means								
Impacts								



Non-normative



Normative

Source: N. Tocci, Profiling Normative Foreign Policy: The European Union and its Global Partners 2008

Drawing on EU's policies towards Iran as was portrayed in this study, three main policy fields are traceable: first EU's security and energy interests which motivate it to stop Iran from going nuclear in a geopolitically important region, second EU claiming to be a promoter of non-proliferation in the world in particular since 1994 with their joint action to include this principle in the CFSP mechanisms and thirdly EU's policies in the field of human rights.

In the first policy I argue that the interests at stake were achieving security and stability in an energy resource-rich region so the goal to be achieved had a totally realpolitik nature. In order to achieve these aims, since 2006 EU supported UN sanctions and especially since 2012 put embargos on oil, gas, banking sector and other sanctions which are coercive measures. The impact of constraining Iran's nuclear program was achieved as intended. However, some aspects of EU's changes of attitude to the issue should be strongly stressed. The first steps of negotiations over Iran's nuclear issue were based on more normative measures of persuasion and

offering incentives; it was only later in response to Iranian's resilience towards the proliferation objective that extensive sanctions were ratified. Moreover, EU's method of engagement through multilateralism in this issue *prevented a military escalation of the conflict* despite Israeli and American threats of such operations. However, pursuing an interest through diplomatic, non-military measures does not necessarily make EU's behavior non-realpolitik because as rational actor an military strike on Iran would escalate the crisis in an already difficult region and would put EU's interest in the region in even a greater danger.

With regard to the promotion of non-proliferation as a normative goal with an emphasis on the implementation of the NPT that EU has put on its agenda, the coercive measures of sanctions were used and the result as intended was the agreement of the two parties on a joint action plan. The Union thus has defended an international treaty and has signaled that breaching it would burden costs on the country attempting to do so. However the Union has also committed itself *to observance and the development of international law, including respect for the principles of the United Nations Charter*. (Article 3.5 TEU) Nevertheless the imposed unilateral sanctions are in total breach of international treaties such as the Charter of the United Nations and the Universal Declaration of Human Rights which are ratified to structure the milieu. *According to Para. 2, Article 1 as well as Article 55 of the Charter of the United Nations, unilateral sanctions affect the rights of the target country's citizens to self-determination. Sanctions also leave their mark on the right of the target country to development and pose both short- and long-term threats to it.*(Golshanpazhooh 2013)

Additionally according to Manners for a normative power to be promoting a principle it needs to be doing so by virtue of the principles of 'living by example'; by duty of its actions in 'being reasonable'; and by consequence of its impact in 'doing least harm' (Manners 2008) To begin with, two EU member states are nuclear powers: the UK and France which do not seem to have a plan for shutting down their facilities. This reality turns EU's attitude in this sense into an imperialistic one with pressuring the others to international norms which the Union itself is not bounded by. Since the EU had put the aim of coercing Iran into abandoning its nuclear ambitions, it was less inclined to understand Iran's security concerns which were in some cases understandable due to among other reasons EU's behavior during Iran-Iraq war. Had it done so, it could have been more reasonable and might have been able to manipulated Iran's security interests into ones

acceptable to both sides. Although in the absence of alternative scenarios it is difficult to judge if EU sanctions were doing the least harm, one fact is proved: the sanctions were extremely harmful to ordinary civilians in Iran.

Considering the human rights policy of the EU towards Iran, the two phases show distinctive features: on one hand engagement with president Khatami's reformist government between 2002 and 2004 and on the other hand more recent years specially after the grave human rights violations in 2009 after the allegedly rigged elections until now. Promotion of human rights is an absolute normative goal which in the first phase was implemented through dialogue, persuasion and indirect positive economic incentives (TCA). However, until 2010 there was almost no concrete measure against human rights violations happening in Iran. For instance, even when Iranian personnel of EU Member States were arrested during the days of post-election protests the Union just condemned the violence through statements but did not restore to either political protests such as withdrawing the ambassadors from Tehran –which it had already done in Mykonos case- or to any forceful measure. (Kienzle 2012) Nevertheless, EU used the Sakharov prize and sanctions on human rights violators as normative measures to diffuse human rights principle.

Despite such efforts, the concrete reality is deterioration of human rights in Iran as a result of government repressions and consequences of the sanctions. So a conflict is raised on another principle that the EU is seeking to advance: indivisibility of human rights. (Article 21, TEU) While promoting political rights through giving international recognition to Iranian human rights defenders, economic and social rights are deteriorating as an unintended consequence of the sanctions. In this sense EU has not reached its normative intended goal.

In short, in the case of Iran where EU was struggling to promote a security strategic interest and two competing norms, human rights appeared to take the backseat to the other two. Furthermore, in understanding EU's behavior in this case the realist view still had a lot to offer in combination with the normative approach.

CHAPTER 3

RESULTS AND CONCLUSIONS

Amazingly but not surprisingly 70% of interested persons and stakeholders believe that in EU external policies, its own interests are sufficiently taken into account and a majority of them believe that such policies should increasingly be based on EU's values and principles such as human rights (EC & EEAS 2013). This study was an attempt to evaluate the role of human rights values in EU external relations. The literature in the field is increasing expressing concerns that traditional theories of IR are insufficient to explain EU's behavior in its external relations and EU as a "normative power" –as defined by Manners 2002- is increasingly referred to. Thus I tried to test if such an approach would provide the necessary apparatus for interpretation of EU's behavior. I selected cases of EU's external policies in the wider world and a case study exclusively focusing on Iran. In each case I will additionally consider whether there is a dynamic between EU's norms (e.g. human rights promotion) and interests in practice.

Firstly, through studying the role of human rights in accession of CEECs into the EU, the normativity of EU's behavior is detected. It was also argued that human rights promotion there was dynamically linked to preserving stability in Eastern Europe and preventing the CEECs from falling into Russia's influence again. The inconsistency in EU's attitude towards the CEECs and Turkey despite their nearly the same records of human rights was also explained through the normative factor of "identity" and the sense of "kinship-based duty" that EU shares with its Eastern neighbors/ members but not yet with Turkey.

Secondly, European neighborhood policy (ENP) was studied by dividing it into EU's human rights policies towards its eastern neighbors and in Caucasia which were not offered the membership and Mediterranean ones. The ENP action plan does impose any conditionality on human rights grounds for more economic cooperation. However the inconsistency in referring to human rights for coercive actions is observed; e.g. while Belarus is sanctioned, Azerbaijan where EU has energy interest, is not. Drawing on the case of Ukraine, it was concluded that in the

absence of the carrot of membership and in the presence of strategic energy interests countries shift sides; nevertheless the protests supporting more engagement with the EU, still draw attention to the normative power of Europe as a model of democracy and respect for human rights. In Mediterranean, the Union's attitude was motivated by strategic security and stability interest and thus it was turning a blind eye on the human rights situation in the authoritarian regimes in that region. Despite the existence of a clause in which enabled EU to suspend relations with those states in cases of non-compliance with human rights norms, it was never invoked. In response to the Arab Spring, EU has launched a new partnership relying on the "more-for-more" principle. New as this initiative is and in the still unstable situation of these countries, the impacts of the initiative are yet to be researched. In short, in these cases EU did not follow a particular norm but had prioritized its strategic interests which it has achieved; not through coercive non-normative measures but through acting just in line with its legal obligations.

Thirdly, the case of EU development cooperation with ACP countries was considered. Here political conditionality is used to promote human rights in these countries. Through examples of Rwanda, Fiji and Togo it was demonstrated that EU had reached its human rights goal when acting actively and coercively. In the case of Zimbabwe, where EU imposed sanctions to promote political liberties, the use of this "not so normative power" means resulted in Mugabe having to share power with the opposition party. The sanctions were not immediately lifted as a sign of EU's continued engagement with human rights promotion there, and were not intensified to prevent Mugabe from gaining more support for his call for independence from foreign intervention.

Nevertheless, it was concluded that economic and political sanctions are not always exclusively normative or non-normative and it is necessary to study their circumstances and effects in each case.

In EU's relations with its two strategic partners, naming China and Russia, despite their human rights violation records, the lack of consensus among member states has deprived EU from taking some action against them. It was detected that EU had a realpolitik approach to these

countries and its dependence on economic transactions with China and energy resources of Russia prevails all its other principled foreign policy goals.

In EU-ASEAN relations EU's economic interests and ASEAN's non-interventionist nature has made more cooperation and engagement in human rights unlikely. However, EU's sanctions on Burma/ Myanmar, as ASEAN member, affected the relationship negatively, too. Although it is difficult to thoroughly explain why the military junta in Burma handed power to civilian parties in 2010, it can be said that EU sanctions since 1996 which intensified since 2007, demonstrated to the political elite that the country could have no economic development like their neighbors as long as it was sanctioned. EU's policies here followed the normative goal of promoting democracy and human rights, through coercive measure of sanctions. Nevertheless, EU rushed to lift sanctions before making sure that any institutional fundamental change in the human rights situations has happened. The underlying interest for this rush was seizing Burma from Chinese influence which had supported it all through the sanctions. In this sense EU's strategic interest prevented it from achieving its normative goal of promoting human rights more effectively.

In sum it should be mentioned that in interpreting EU's behavior in these cases, an approach that considers dynamism between the strategic interests at stake (e.g. stability, energy and economic interests) and human rights norms diffused has been more explanatory than the pure "EU as a normative power" approach. For instance, in the most well-known case of a totally normative approach in its enlargement to the CEECs, the EU had integrated human rights diffusion into its stability strategy in these countries formerly dominated by Russia. Despite the human rights clause and conditionality available and deficiencies in this field, they were not harshly invoked by the EU as it would jeopardize their inclination towards Europe and they might have turned into Russian peripheries again. The exceptions to this attitude of the EU are the cases of Latvia and Slovakia where the governments' attitude towards minorities changed under EU pressure.

In the case study of Iran, EU's relation with this country since the 1979 revolution was studied. Through elaborating on the history of their relationship, phases of more cooperation and those of more hostility between the two parties were identified. Before sensitive nuclear

activities in Iran was discovered in 2002-3, EU was engaged in human rights dialogue with Iran (1992-97) and had never resorted to conditionality or coercive measures on human rights ground and had resisted on its normative method of persuasion in order to generate change and also avoid damaging its economic relations with the country. The cooperation reached its peak during reformist president Khatami's era, with a comprehensive dialogue, negotiations on TCA and human rights dialogue. Despite deploying positive incentives of more trade and political cooperation, EU's statement in 2004 declared that no progress was achieved in the field of human rights. Coinciding with the dominance of the nuclear issue such negotiations never resumed. EU3's concerns with Iran's nuclear issue was on one hand due to their strategic interest in keeping the balance of power and security in the Gulf which has traditionally been an energy resource for Europe and on the other hand due to their concerns with undermining NPT as an international convention. Additionally with EU's uncooperative attitude towards the US over its pre-emptive invasion to Iraq, had EU's method of negotiations and persuasion succeeded in preventing Iran from enriching uranium for non-civilian purposes, EU would have proved itself as a civilian power. So in the negotiations were designed with EU's HR leading the EU3+3 team and Iranian negotiators.

EU's attitude in the nuclear issue following its strategic interests of securing the energy intensive region of the Gulf, can be divided into two phases of positive incentives until 2006 and coercive measures and sanctions after that. With Iran insisting on following its nuclear ambitions, EU used first more restricted sanctions and then moved on to expand them to oil and gas embargo. After one and a half years of extensive sanctions, EU3+3 reached the goal of bringing Iran to the negotiating table for fruitful dialogue with tangible results. Although Iran's policy shift in the nuclear issue could not be a direct result of the sanctions, the devastating economic effects of such measures along with Iran's more political isolation have definitely contributed to Iran's policy shift. The trend of EU's behavior here is just as normal *realpolitik* one.

For reaching the normative goal of promoting the legitimate non-proliferation principle and defending an international treaty (NPT), EU has used sanctions and has signaled that breaching this international norm would burden costs on the country attempting to do so.

Nevertheless, as was demonstrated above sanctions were in conflict with EU's other commitments to international laws such as those in the UN Charter and UNDHR. Additionally EU is focusing on the implementation of a treaty that is binding to the other countries but not two of its own member states (France, the UK).

As for its human rights policy, the EU, before the nuclear issue, engaged the Iranian reformist government in dialogue through normative means of persuasion and indirect economic incentives. The dialogue was never resumed after 2004 despite EU's interest. EU's measures meanwhile were as symbolic as awarding Sakharov prize to Iranians and sanctioning human rights violators. While condemning Iran for its restrictions on political liberties, EU's sanctions on the nuclear issue have resulted in deterioration of the situation of economic and civil rights of Iranians. In other words, this has undermined EU's commitment to upholding to indivisibility of human rights in the world. According to the normative power framework, while following the normative goals of promoting human rights through normative measures such as giving international recognition to Iranians' endeavor for human rights, the unintended consequences of the sanctions have led to the non-normative deterioration of such rights in Iran.

To sum up, in EU's attitude towards Iran over the nuclear issue and human rights, it was human rights norm promotion that was forced to take the back seat to the norm of non-proliferation and the strategic interest of securing the flow of energy and balance of power in the Gulf.

Table 3.1 EU Policies towards Iran

Type of actor	Normative		Real politik		Imperial	
	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended
Goals						
Means						
Impacts						
Policy field	Promotion of human rights values		Security interests		Promotion of non-proliferation norm	

**Non-Normative****Normative****Source:** Adapted by Author from Table 1

However, this conclusion by no means underestimates the emancipatory dimension of the normative approach. As Manners has borrowed from critical theory “theory constitutes as well as explains the questions it asks (and those it does not ask)” and the normative power theory is problematizing the criteria based on which we can *best judge what the EU should be doing in world politics* (Manners 2008). Bringing this question to the forefront, reflecting on the possibility of other-empowering, linking sustainability of foreign policies to their legitimacy and the constant focus on the methods through which the EU promotes its principles keeps the potentiality for international relations other than those experienced by now, in the spotlight.

Desperate as the situation in Iran may seem, EU as an actor having been engaged with this country for many years is aware of its complexities and is the only actor straightforwardly interested in promoting human rights in Iran. The biggest challenge for engagement with Iran continues to be the nature of the regime’s political structure with its multiple and parallel centers of power (Moshaver 2003). As was demonstrated in the case of MEPs visit to Iran, after their visit, members of the same Parliament that had invited them –and later other institutions- started criticizing their meeting with the Sakharov laureates. There is a constant competition over power by the Supreme leader which has absolute control over economic, political and legal affairs and the presidency institution which is elected. With Rouhani’s government successfully leading the nuclear negotiations, there is an opportunity for the EU to launch its critical dialogue again.

Additionally, Rouhani's difference with other candidates also critical of the former nuclear policy was his political promises for more democratic freedoms including release of political prisoners, promises that have not been fulfilled by now. This worries Iranian civil society about EU prioritizing nuclear agreement over human rights as it did back in 2004. As for the Iranian government as Javad Zarif, foreign minister mentioned on the margins of the Munich Security Conference, Iran is open to relaunching a "human rights dialogue" with the EU but he added "for the time being, our priority is the nuclear issue and the removal of nuclear-related sanctions." With the shadow of sanctions still present, conditionality on some trade issues and linking them to human rights could be a strategy for promoting this norm. Another necessary measure is facilitating engagement of civil society activists of both parties. Initiatives for civil society empowering on the grounds politically less sensitive for the government can contribute to the empowerment of activists and Iranian civil society in general.

REFERENCES

- n.d. In *Regions and Crises: New Challenges for Contemporary Regionalisms*.
1999. In *The Power of Human Rights: International Norms and Domestic Change*, edited by Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, 270. CAMBRIDGE UNIVERSITY PRESS.
1995. *Agreement Amending the Fourth ACP-EC Convention of Lomé*. Brussels: Official Journal of the European Communities, 10. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:156:0003:0003:EN:PDF>.
- Alcaro, Riccardo. 2012. "Learning From a Troubled Experience –Transatlantic Lessons from the Nuclear Standoff with Iran." *The International Spectator: Italian Journal of International Affairs*, January 05: 115-136. <http://dx.doi.org/10.1080/03932729.2011.628102>.
2013. *Amnesty International Annual Report* . Accessed 02 18, 2014. <http://www.amnesty.org/en/region/myanmar/report-2013>.
- Balducci, Giuseppe. 2008. "The study of the EU promotion of human rights: the importance of international and internal factors." *GARNET Working Paper No: 61/08* . University of Warwick and College of Europe. Bruges, October.
- Balfour, Rosa. 2006. "Principles of democracy and human right: A review of the European Union's strategies towards its neighbours." In *Values and Principles in European Union Foreign Policy*, by sonia Lucarelli and Ian Manners, 114-130. New York: Routledge.
- Baracani, Elena. 2007. "From the EMP to the ENP: New European Pressure of Democratisation." *Journal of Contemporary European Research* 1 (2): 54-66. <http://www.jcer.net>.
2013. *BBC Persian*. London, 01 12. http://www.bbc.co.uk/persian/iran/2013/01/130112_123_iran_mustafa_najjar_eu_sanction_nuclear.shtml.
2009. "Between 'Common Values' and Competing Universals—The Promotion of the EU's Common Values through the European Neighbourhood Policy." *European Law Journal* (Blackwell Publishing Ltd) 15 (5): 654–671.

- Bindi, Federiga. 2010. "European Union Foreign Policy: A Historical Overview." In *The foreign policy of the European Union : assessing Europe's role in the world*, edited by Federiga Bindi, 13-40. Washington, DC: THE BROOKINGS INSTITUTION.
- Börzel, Tanja A., and Thomas Risse. 2005. "One Size Fits All! EU Policies for the Promotion of Human Rights, Democracy and the Rule of Law." *Prepared for the Workshop on Democracy Promotion, Oct. 4-5, 2004*. Center for Development, Democracy, and the Rule of Law, Stanford University. 1-25. Accessed November 2013. www.eu-newgov.org/.../P23000-02-CLU302_One_size_fits_all.pdf.
- Brandtner, Barbara , and Allan Rosas. 1998. "Human Rights and the External Relations of the European Community." *European Journal of International Law* (9): 468-490.
- Brown, Chris, and Kirsten Ainley. 2005. "International Relations Theory Today." In *Understanding International Relations*, 40-58. Houndmills, Basingstoke, Hampshire RG21 6XS and 175 Fifth Avenue, New York, N.Y. 10010: PALGRAVE MACMILLAN.
- . 2005. *Understanding international relations*. Third. New York: PALGRAVE MACMILLAN.
- Brown, Chris, and Kirsten Ainsley. 2005. "The International Politics of Identity." In *Understanding International Relations*, 185-206. New York: PALGRAVE MACMILLAN.
- Brummer, Klaus. 2009. "Imposing Sanctions: The Not So 'Normative Power Europe'." *European Foreign Affairs Review* (Kluwer Law International BV) 14: 191–207. Accessed December 2013.
2013. "Bulletin of the European Communities." *Declaration on European Identity (Copenhagen, 14 December 1973)*. Luxembourg, 12 18. http://www.cvce.eu/content/publication/1999/1/1/02798dc9-9c69-4b7d-b2c9-f03a8db7da32/publishable_en.pdf.
- Búrca, Gráinne de. 2011. "The Road Not Taken: The European Union as a Global Humanrights Actor." *The American Journal of International Law*, 105 (4): 649-693. Accessed 02 2014. <http://www.jstor.org/stable/10.5305/amerjintlaw.105.4.0649> .
2014. *Carnegie Moscow Center*. Accessed 02 18, 2014. <http://carnegie.ru/about/?lang=en>.

- Casarini, Nicola. 2006. "The evolution of EU-China relationship: from constructive engagement to strategic partnership." *Occasional Paper, No 64*. European Institute for Security Studies. Paris, October.
- Chalmers , Damian, Gareth Davies , and Giorgio Monti. 2010. *European Union Law Cases and Materials*. New York, Cambridge University Press: Cambridge University Press.
- Cheraghali, Abdol Majid. 2013. "Impacts of international sanctions on Iranian pharmaceutical market." *DARU Journal of Pharmaceutical Sciences* 21 (64).
2011. "COMMISSION Press 200." *A PARTNERSHIP FOR DEMOCRACY AND SHARED PROSPERITY WITH THE SOUTHERN MEDITERRANEAN*. Brussels, 03 08.
http://eeas.europa.eu/euromed/docs/com2011_200_en.pdf.
2001. "COMMISSION Press 252." *The European Union's role in promoting Human Rights and Democratisation in Third Countries*. Brussels, 05 08. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0252:FIN:EN:PDF>.
2011. "COUNCIL DECISION 2011/235/CFSP." *concerning restrictive measures directed against certain persons and entities in view of the situation in Iran*. THE COUNCIL OF THE EUROPEAN UNION: Official Journal of the European Union, 04 12.
2012. *Council Decision 2012/35/CFSP*. Official Journal of the European Union, 01 24. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:019:0022:0030:EN:PDF>.
2013. *Council Decision 2013/270/CFSP*. Official Journal of the European Union, 06 06. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:156:0010:0014:EN:PDF>.
2011. "COUNCIL IMPLEMENTING DECISION 2011/670/CFSP." *implementing Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran*. THE COUNCIL OF THE EUROPEAN UNION: Official Journal of the European Union, 10 10.
- Council of the European Union. 2012. *Stavros Lambrinidis appointed first EU Special Representative for Human Rights*. Brussels, 07 25.
http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/132029.pdf.

2014. "Council on Foreign Relations." *Human Rights in Iran*. New York.
<http://www.cfr.org/about/contact.html>.
2012. "Council Press 119." *Human rights violations: Council tightens sanctions against Iran*. Brussels: COUNCIL OF THE EUROPEAN UNION, 03 23.
2012. "COUNCIL PRESSE 351." *Stavros Lambrinidis appointed first EU Special Representative for Human Rights*. Brussels, 07 25.
http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/132029.pdf.
2010. *Council Regulation (EU) No 961/2010*. Official Journal of the European Union, 10 27. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:281:0001:0077:EN:PDF>.
- Crail, Peter. 2011. "History of Official Proposals on the Iranian Nuclear Issue." *Arms Control Association*. Accessed April 2012.
http://www.armscontrol.org/factsheets/Iran_Nuclear_Proposals.
2009. "Declaration by the Presidency ." *Declaration by the Presidency on behalf of the EU concerning the human rights situation in the aftermath of the presidential elections in Iran*. Brussels: COUCIL OF the European Union, 10 26.
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/110753.pdf.
- Dehghan, Saeed Kamali. 2012. *Haemophilic Iranian boy 'dies after sanctions disrupt medicine supplies'*. 11 14. <http://www.theguardian.com/world/2012/nov/14/sanctions-stop-medicines-reaching-sick-iranians>.
- Dominguez, Roberto. 2007. *Iran: A New Challenge to EU Foreign Policy*. Miami- Florida, August 20. Accessed April 2012. <http://aei.pitt.edu/9009/1/DominguezIranLong2007edi.pdf>.
2014. *E3/EU +3 nuclear negotiations with Iran*. Brussels: European Union External Action, 01 17.
http://eeas.europa.eu/statements/docs/2013/131219_02_en.pdf.
2013. "EC & EEAS." *Report of the Public Consultation: 'What Funding for EU external action after 2013?'*.
http://ec.europa.eu/europeaid/documents/consultations/5240_eu_external_action_after_2013_funding_en.pdf.
2014. *EEAS*. European Union External Action. http://eeas.europa.eu/enp/index_en.htm.

- EEAS. 2013. *Election Observation and Assistance*.
http://www.eeas.europa.eu/human_rights/election_observation/index_en.htm.
- . 2014. *EU relations with Russia*. Accessed 02 17, 2014. http://eeas.europa.eu/russia/index_en.htm.
- . 2014. *European Neighbourhood Policy (ENP) Overview*. http://eeas.europa.eu/enp/index_en.htm.
- . 2013. *Iran's nuclear programme*. Accessed 02 22, 2014. http://eeas.europa.eu/iran/nuclear_en.htm.
- EEAS. 2008. *Sanctions or restrictive measures*. European Commission – Restrictive measures. Brussels.
http://eeas.europa.eu/cfsp/sanctions/docs/index_en.pdf.
- . 2013. *The EU's Human Rights dialogues - How does it work?*
http://eeas.europa.eu/_human_rights/dialogues/how/index_en.htm.
- Esfandiary, Dina. 2013. "ASSESSING THE EUROPEAN UNION'S SANCTIONS POLICY: IRAN AS A CASE STUDY." *NON-PROLIFERATION PAPERS*, No. 34. Prod. EU NON-PROLIFERATION CONSORTIUM. December. Accessed 02 2014.
<http://www.nonproliferation.eu/documents/nonproliferationpapers/dinaesfandiary52b41ff5cbaf6.pdf>.
- EU Council. 2013. *EU Annual Report on Human Rights and Democracy in the World in 2012 (Country Reports)*. Brussels: Council of the European Union.
2014. *EU Delegation to Russia*. Accessed 02 17, 2014.
http://eeas.europa.eu/delegations/russia/index_en.htm.
2012. *EU Strategic Framework on Human Rights and Democracy*. Luxembourg, 06 25.
http://eeas.europa.eu/delegations/haiti/documents/eu_haiti/human_rights_fr.pdf.
- EUCE. March 2008. *Europe's Iran Diplomacy*. North Carolina: The European Union Center of Excellence of the University of North Carolina.
- EUfocus. 2009. *Advancing Human Rights Worldwide*. European Union, The Delegation of the European Commission to the USA. Accessed December 1, 2013.
2013. *EU-Iran Trade picture*. 11 19. <http://ec.europa.eu/trade/policy/countries-and-regions/countries/iran/>.

1977. "EUR-Lex." *Joint Declaration by the European Parliament, the Council and the Commission: CONCERNING THE PROTECTION OF FUNDAMENTAL RIGHTS AND THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS*. Official Journal C 103, 04 27. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31977Y0427%2801%29:EN:HTML>.
2013. *Euro-Mediterranean Partnership*. Accessed 02 11, 2014. http://eeas.europa.eu/euromed/index_en.htm.
2014. *European Parliament* . Accessed 02 26, 2014. <http://www.europarl.europa.eu/committees/en/droi/publications.html#menuzone>.
2012. "European Parliament News." *EP visit to Iran cancelled after refusal Iranian authorities to meet Sakharov Prize winners*. 10 27. <http://www.europarl.europa.eu/news/en/news-room/content/20121027IPR54702/html/EP-cancels-visit-to-Iran>.
- Farrar-Wellman, Ariel. 2010. "European Union-Iran Relations." *AEI IRAN TRACKER*. July. Accessed April 2012. <http://www.irantracker.org/foreign-relations/european-union-iran-relations>.
2014. "FDD." *EU to Discuss Sanctions Against Over 80 Iranian Officials*. Washington D.C: Foundation for Defence of democracies . <http://www.defenddemocracy.org/media-hit/eu-to-discuss-sanctions-against-over-80-iranian-officials/>.
- Ferguson , Chaka. 2010. "The Strategic Use of Normative Power Capabilities in EU-Iranian Nuclear Energy Negotiations: A Realist Perspective." *Paper submitted to SGIR Pan-European Conference*. European International Studies Association (EISA). Stockholm: SGIR Pan-European Conference, September 9-11. Accessed 02 2014. <http://www.eisa-net.org/be-bruga/eisa/files/events/stockholm/The%20Strategic%20Use%20of%20Norms.pdf>.
- Forsythe, David P. 2006. *Human Rights in International Relations*. 2nd. Cambridge, UK: Cambridge University Press.
2014. "Freedom in the word 2013." *Freedom House*. <http://freedomhouse.org/sites/default/files/Eurasia%20Fact%20Sheet.pdf>.
- Giumelli, Francesco. 2013. "How EU Sanctions Work: A New Narrative." *Chaillot Papers*. Vol. 129. Paris: EU Institute for Security Studies, May. doi:10.2815/32791.

- Golshanpazhooh, Mahmoud Reza. 2013. "Iran Spectrum." *Sanctions Imposed against Iran and Their Incompatibility with International Norms of Human Rights*. 19 03. Accessed 03 01, 2014. http://www.iranreview.org/content/Iran_Spectrum/Sanctions-Imposed-against-Iran-and-Their-Incompatibility-with-International-Norms-of-Human-Rights.htm.
- Gordon, Joy. 2013. *The human costs of Iran sanctions*. Foreign Policy. 10 08. Accessed 02 28, 2014. http://mideastafrica.foreignpolicy.com/posts/2013/10/18/the_human_costs_of_the_iran_sanctions.
- Gropas, Ruby. 1999. "Is a Human Rights Foreign Policy Possible? The case of the European Union." *16th Annual Graduate Student Conference: 'The Changing Face of Europe'*. New York: Institute on Western Europe, Columbia University. 1-28.
- Hafner-Burton, Emilie M. . 2005. "Trading Human Rights: How Preferential Trade Agreements Influence Government Repression." *International Organization* (Cambridge University Press) 59 (3): 593-629. <http://www.jstor.org/stable/3877810>.
- Author, trans. 2012. *Hamshahri online*. Tehran, 12 16.
- Hazelzet, Hadewych. 2005. "Suspension of Development Cooperation: An Instrument to Promote Human Rights and Democracy?" *Discussion Paper No. 64B*. European Centre for Development Policy Management. August.
- Hettne, Björn, and Fredrik Söderbaum. 2005. "Civilian Power or Soft Imperialism? The EU as a Global Actor and the Role of Interregionalism." *European Foreign Affairs Review* (Kluwer Law International.) 10: 535–552.
- Hettne, Björn, and Fredrik Söderbaum. 2005. "Civilian Power or Soft Imperialism? The EU as a Global Actor and the Role of Interregionalism." *European Foreign Affairs Review* (Kluwer Law International.) 10: 535–552.
- Hill, Christopher, and Karen Elizabeth Smith. 2000. London: Routledge.
- HRDN. 2010. *Moving Towards an Ambitious EU Human Rights Policy*. 06 16. http://www.apr.ch/content/files/region/eca/HRDN_EU_HR_Strategy.pdf.
- HRW. 2013. *World Report 2013, Events of 2012*. United States of America: Human Rights Watch. www.hrw.org.

Hwee , Yeo Lay. 2013.

"How should ASEAN engage the EU? Reflections on ASEAN's external relations ."
Working Paper No. 13. EU Center in Singapore. April.

ICHRI. 2013. *A Growing Crisis: The Impact of Sanctions and Regime Policies on Iranians' Economic and Social Rights.* the International Campaign for Human Rights in Iran. Accessed November 2013. www.iranhumanrights.org.

Jørgensen, Knud Erik. 2006. "Theoretical perspectives on the role of values, images and principles in foreign policy." In *Values and Principles in European Union Foreign Policy*, 42-59. Routledge.

Katzman, Kenneth. 2014. *Iran Sanctions.* Congressional Research Service, 01 31.
<https://www.fas.org/sgp/crs/mideast/RS20871.pdf>.

Kienzle, Benjamin. 2012. "BETWEEN HUMAN RIGHTS AND NON-PROLIFERATION: NORM COMPETITION IN THE EU'S IRAN POLICY." *UNISCI Discussion Papers.* Madrid: Universidad Complutense de Madrid España, October 30. Accessed 02 2014.
 doi:<http://www.redalyc.org/pdf/767/76724482006.pdf>.

Kile, Shannon N. 2005. *Europe and Iran, Perspectives on Non-proliferation.* SIPRI Research Report No. 21, Stockholm International Peace Research Institute.

Klitschko, Vitali, interview by Markus Reher. 2013. (12 08). <http://www.dw.de/political-turmoil-in-ukraine-his-toughest-fight-yet/a-17278938>.

Lehne, Stefan. 2014. *TIME TO RESET THE EUROPEAN NEIGHBORHOOD POLICY.* Prod. Carnegie Europe. Brussels: Carnegie Endowment for International Peace, February. CarnegieEurope.eu.

Leino, Päivi, and Roman Petrov. 2009. "Between 'Common Values' and Competing Universals—The Promotion of the EU's Common Values through the European Neighbourhood Policy." *European Law Journal* (Blackwell Publishing Ltd) 15 (5): 654–671.

2013. "Lenziran Newsvideo." *Youtube.* 12 16. Accessed 02 27, 2014.
https://www.youtube.com/watch?v=gZsZ3_uDMPI.

Lucarelli, Sonia, and Ian Manners, . 2006. *VALUES AND PRINCIPLES IN EUROPEAN UNION FOREIGN POLICY.* New York: Routledge. Accessed 2013.

- Mail&Guardian. 2014. *EU takes it easy on Zimbabwe, not Mugabe*. Newspaper. 02 12. Accessed 02 20, 2014. <http://mg.co.za/article/2014-02-12-eu-takes-it-easy-on-zimbabwe-not-mugabe/%20,%20http://mg.co.za/article/2013-10-11-00-eu-unmoved-by-zims-objections>.
- Manners, Ian. 2002. "Normative Power Europe: A Contradiction in Terms?" *Common Market Studies* 40: 235-58.
- Manners, Ian. 2008. "The normative ethics of the European Union." *International Affairs* 84 (1): 65-80.
- Moravcsik, Andrew. 1995. "Explaining International Human Rights Regimes: Liberal Theory and Western Europe." *European Journal of International Relations* 1(2): 157-189. Accessed December 2013.
- Moravcsik, Andrew. 2008. "The New Liberalism." In *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit and Duncan Snidal, 234-254. Princeton University.
- Moravcsik, Andrew. 2000. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe." *International Organization* (The IO Foundation and the Massachusetts Institute of Technology) 54 (2): 217–252.
- Moshaver, Ziba. 2003. "Revolution, Theocratic Leadership and Iran's Foreign Policy: Implications for Iran-EU Relation." *The Review of International Affairs* (Taylor & Francis Ltd.) 3 (2): 283 – 305. doi:10.1080/1475355032000240711.
- Mousavian, Seyyed Hossein . 2008. *Iran–Europe relations : challenges and opportunities*. 1st . New York, NY: Routledge. Accessed 2013.
- Nader , Alireza. 2013. *Rouhani's Election: Regime Retrenchment in the Face of Pressure*. Prod. RAND Corporation. June 18.
2012. "OSCE Permanent Council Nr 920 ." *EU statement on amendments to the Russian NGO law*. EU-OSCE Permanent Council. Vienna, 07 12. http://eeas.europa.eu/delegations/vienna/documents/eu_osce/permanent_council/2012/pc_920_eu_on_rf_ngo_law.pdf.
- Pakfar, Shirin. 2010. *DEALING WITH IRAN: HOW CAN THE EU ACHIEVE ITS STRATEGIC OBJECTIVES?* Copenhagen: DANISH INSTITUTE FOR INTERNATIONAL STUDIES.

- Parsi, Rouzbeh. 2012. *Iran: A Revolutionary Republic in Transition* . Chaillot Papers, Paris: Institute for Security Studies.
- Peksen, Dursun. 2009. "Better or Worse? The Effect of Economic Sanctions on Human Rights." *Peace Research* (Saga Publications) 46 (1): 59-77. doi:10.1177/0022343308098404.
- Posch, Walter. 2010. "Iran and the European Union." *United States Institute of Peace, The Iran Primer*. Accessed April 25, 2012. <http://iranprimer.usip.org/resource/iran-and-european-union>.
- Romanova, Tatiana. 2009. "Normative Power Europe: A Russian View." In *Normative Europe in a Changing World: A Discussion*, edited by Andre Gerrits, 51-66. The Hague: Netherlands Institute of International Relations.
- Sabet-Saeidi, Shariar. 2008. "Iranian-European Relations: A Strategic Partnership ." In *Iran's Foreign Policy: From Khatami to Ahmadinejad* , by Anoushiravan Ehteshami, 54-73. Ithaca Press.
2014. *Sakharov Prize Network*. 01 15. Accessed 02 28, 2014.
http://www.europarl.europa.eu/intcoop/sakharov/articles/20140123_ep-delegation-debriefs-mep-iran-visit_en.html.
2013. *Sanctions and Regime Policies Cause Growing Crisis in Iran*. International Campaign for Human Rights. 04 29. www.iranhumanrights.org/2013/04/growing_crisis/.
- Schimmelfennig, Frank. 2001. "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union." *International Organization / Volume 55 / Issue 01 / December 2001* 55 (01): 47 - 80. doi: 10.1162/002081801551414.
- Sedelmeier, Ulrich. 2006. "The European Union's Roles in International Politics: Concepts and Analysis." Edited by Ole Elgström and Michael Smith, 118-135. Routledge.
- Shaheed, Ahmed. 2013. *UN Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*. 10. Accessed 02 28, 2014. <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/october-2013-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran-2/#sect8>.
- Simmons , Peter. 2011. "The State of the Art in the EU Democracy Promotion Literature." *Contemporary European Research* 7 (1): 129-142. Accessed 02 2014.
<http://www.jcer.net/ojs/index.php/jcer/article/view/363/259> .

- Sjursen, Helene, ed. 2006. *Questioning EU Enlargement: Europe in search of identity*. New York: Routledge.
- Sjursen, Helene. 2006. "The EU as a 'normative' power: how can this be?" *Journal of European Public Policy* (Routledge) 13 (2): 235–251. doi:10.1080/13501760500451667.
- Smith, Karen E. 2005. "Engagement and conditionality: incompatible or mutually reinforcing?" *Report 2: New Terms of Engagement*. Edited by Richard Youngs. Prod. The British Council, The European Commission In association with Wilton Park The Foreign Policy Centre. London: The Foreign Policy Centre, May.
- Smolnikov, Sergey. December 2007. "Neither Submission, Nor War: Conceiving the EU's Policy to the Iranian Challenge." *Strategic Insights*.
- Sonboli, Nabi . 2013. "Economic Sanctions and Human Rights: What Western Societies Need to Know?" *Iran Review* . 01 08. Accessed 12 08, 2013.
- Staff, Newsteam. 2013. "The Lengthening List of Iran Sanctions." *The Council on Foreign Relations (CFR)*. 10 14. Accessed 12 01, 2013. <http://www.cfr.org/iran/lengthening-list-iran-sanctions/p20258>.
2001. *The European Union's role in promoting Human Rights and Democratisation in Third Countries* . Brussels, 05 08. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0252:FIN:EN:PDF>.
- Tilley, Ryan. 2012. "Normative Power Europe and Human Rights: A Critical Analysis." *POLIS* (University of Leeds) 7: 450-494.
- Tocci, Nathalie. 2008. "Profiling Normative Foreign Policy: The European Union and its Global Partners." In *Who is a Normative Foreign Policy Actor? The European Union and its Global Partners*, edited by Natalie Tocci, 1-23. Brussels: CENTRE FOR EUROPEAN POLICY STUDIES.
- Tocci, Nathalie. 2008. "The European Union as a Normative Foreign Policy Actor." In *Who is a Normative Foreign Policy Actor? The European Union and its Global Partners*, edited by Natalie Tocci, 24-72. Brussels: CENTRE FOR EUROPEAN POLICY STUDIES.
- Tocci, Nathalie, and Jean-Pierre Cassarino . 2011. "Rethinking the EU's Mediterranean Policies Post - 1/11." *IAI WORKING PAPERS 1106*. Istituto Affari Internazionali . Rome, March 06.

- Turkeş, Selin Merzuka. 2011. "Human rights in European Union's foreign policy: Universal in discourse, flexible in practice." *RECON online working paper2011/21*. Prod. ARENA - Centre for European Studies. Oslo, August. <http://reconproject.eu/>.
2013. *world press Freedom Index*. Paris: Reporters without borders.
- Youngs, Richard. 2008. "Is European Democracy Promotion on the Wane?" *Center for European Policy Studies (CEPS) Working Document No. 292*. May. <http://www.ceps.eu>.
- Youngs, Richard. 2004. "Normative Dynamics and Strategic Interests in EU's External Identity." *JCMS* (Blackwell Publishing Ltd 2004, 9600 Garsington Road, Oxford OX4 2DQ, UK and 350 Main Street, Malden, MA 02148, USA) 42 (2): 415–35.
- Zogby, Research Services. 2013. *IRANIAN ATTITUDES September 2013*. Washington DC, 10. Accessed 12 06, 2013. www.zogbyresearchservices.com.

CURRICULUM VITAE

PERSONAL INFORMATION

First name / Surname : Mahtab DADARSEFATMAHBOOB
Date of Birth and Place : 07/02/1984 – Kermanshah, IRAN
Marital Status : Married

EDUCATION

Graduated High School : 2000-2001 Qods high school, Tehran, Iran

Bachelor Diploma : 2002 – 2010 Bachelor's Degree in English Language and Literature, Faculty of Humanities, Payam e Noor State University, Tehran, Iran

Master Diploma : 2011 – 2014 Master Degree at International Relations/ European Studies Joint Master Program between Akdeniz University (Antalya, Turkey) and University of Hamburg (Hamburg, Germany)

Theme of the Thesis : The Role of Human Rights Principle in EU Relation with Third Countries, Case Study: Iran

LANGUAGE SKILLS

Persian : Native
English : Fluent
French : B1

SCIENTIFIC WORKS

EU as a Normative Power or a Realist Player?The case of Human rights Policies in Iran-EU
Relation:accepted presentation at 13th international conference on International Relations in
Middle East Technical University, June 2014

WORK EXPERIENCES

01/03/2013 – 01/08/2013

Human Rights Action Unit, European Parliament, Brussels

Position

Intern

E-Mail

: mahtab.dadarsefat@gmail.com

DECLARATION OF AUTHORSHIP

I declare that this thesis and the work presented in it are my own and have been generated by me as the result of my original research.

None of the part of this thesis has previously been submitted for a degree of any other qualification at this University or any other institution

The written Document matches completely to the CD version.

Where I have quoted tom the wort of others, the source is always given within the reference part of my thesis.

Place

Antalya

Date

21.03.2014

Signature

