

INTERESTS AND NORMS IN EU'S POLICY TOWARDS PAKISTAN AFTER 9/11

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Abstract

The European Union is generally conceptualized as a civilian and normative/ethical power which exudes 'soft power' rather than coercion. As a 'normative power' it is defined as a politico-legal arrangement, which characterizes a hybrid polity. According to rationalists, EU's external policy results from a series of rational choices made by the national governments, especially stronger ones, guided by the "logic of consequences." On the other hand, constructivists see EU's external behaviour as shaped by the 'socially constructed' ideas and norms, guided by the "logic of appropriateness". However, Discursive Institutionalism (DI) represents reconciliation between the two schools of thoughts.

Although after 9/11 the EU prioritized its security interests in its relations with Pakistan, it did not lose interest in the promotion of norms. This paper discusses the importance of interests and norms in the EU's external policy particularly towards Pakistan within the framework of Discursive Institutionalism.

Keywords: European Union, Pakistan, Discursive Institutionalism, Terrorism, Democratic Governance, Human Rights

European Union stands by Pakistan in struggle to combat violent extremists and terrorism as Pakistan has suffered from extremism more than any other country. We need to work together to combat the menace of extremism – by *Andris Piebalgs (Former EU Commissioner for Development)*

Introduction

For years, the EU kept a low-profile in relations with Pakistan, both economically and politically. However, Pakistan's decision to abandon the Taliban regime after 9/11 and support the international coalition against

terrorism resulted in an increased cooperation with the EU. Pakistan's geographical proximity to Afghanistan and its contribution in the war against terrorism, made it strategically important for the US and its allies, including the EU. It extended multilateral cooperation to the coalition forces in Afghanistan and opened its airspace by permitting the use of three small airports for logistics, communication and emergency purposes to support military operations in Afghanistan. Furthermore, Islamabad deployed a large number of troops at its western border and conducted numerous military operations against militants inside its territory. More importantly, about 80% of NATO's non-lethal supplies for international forces in Afghanistan passes through Pakistan. All in all, Pakistan has gained a considerable image of a crucial partner for cooperation to bring a lasting peace in Afghanistan. In return, Pakistan was rewarded the status of a non-NATO ally in June 2004.

Against this backdrop, the contours of relationship between the EU and Pakistan are largely set by the latter's crucial role in the war against terrorism. Although, all the five "key threats" outlined in the European Security Strategy (ESS) – terrorism, nuclear proliferation, regional conflicts, state failure and organized crime – more or less have relevance to Pakistan, the EU has chiefly focused on terrorism. Nevertheless, EU-Pakistan relations are multi-layered. It covers terrorism, trade, governance, human rights, regional conflicts and nuclear non-proliferation. The EU's policy towards Pakistan centres on its soft-power approach – the use of diplomacy, backed by trade and aid incentives tied with soft conditionalities. This paper focuses on the EU's relations with Pakistan in terms of Global War on Terrorism (GWoT) and democratic principles, defined as major interest-based and normative criteria respectively.

Theoretical framework

This research study draws theoretical inspiration from *Discursive Institutionalism*, developed through the work of different authors which is summarized and labeled by Vivien Schmidt.¹ Discursive institutionalism conjoined the role of ideas and the rational choices (or institutions) in the political discourse. It focuses on the "discourse in which actors engage in the process of generating, deliberating, and/or legitimizing ideas about

¹ Vivien A. Schmidt, "Reconciling Ideas and Institutions through Discursive Institutionalism," in Daniel Beland, and Robert H. Cox (eds.), *Ideas and Politics in Social Science Research* (New York: Oxford University Press, 2011), 47-64.

political action in institutional context according to the logic of communication".² Discursive institutionalists, therefore, insist on the correlations among the variables of ideas, discourse and institutions. Schmidt theorizes that ideas are the substantive content or subject matter of discourse. She classified ideas in two types: cognitive ideas that justify policies and programmes in terms of interest-based logic and necessity, and normative ideas that simply attach values to political action. In discursive institutionalism, discourse is the interactive process of conveying ideas, which takes place in two forms: the coordinative discourse among policy actors; and the communicative discourse among political actors and the public.³ For discursive institutionalists, institutions serve as "structures" that constrain actors' action as well as "constructs" that caused construction of actions and changes by the same actors.

Discursive institutionalism emphasizes that social reality is internal or endogenous to actors, yet it admits that certain things are 'out there' exogenously given. It does not deny the existence of material reality or interests. Discursive institutionalists argue that ideas have causal influence when they are developed and conveyed in institutional explanations. They should be convincing in cognitive terms, appropriate in normative terms, and sense-making in view of the surrounding environment.

In accordance with the discursive institutionalism, the European Union can be seen in the parameters of discourse in which actors' cognitive and normative ideas expressed in a huge institutional set up simultaneously. Such a discourse views the EU both as a structure that limits the behaviour of actors and a construct that enables actors to change the existing state of affairs in emerging strategic challenges. Schmidt asserts that the EU's external policy is shaped by the "strategic discourse". This discourse defines the EU's strategic interests not just in terms of a pragmatic approach aimed at the promotion of free trade and regional security but

² Ibid, 47.

³ Vivien Schmidt, "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse", *Annual Review of Political Science* (January 2008), online available at media.library.ku.edu.tr/reserve/resfall09_10/intl355_CBakir/week4.pdf.

also in terms of a normative approach that project norms and principles of human rights and democracy in its foreign policy.⁴

EU stance on Global War on Terrorism

After 9/11, the EU strongly stood by the US and undertook multiple anti-terrorism initiatives. In its extraordinary meeting on September 21, 2001, the European Council decided to adopt a legal framework for dealing with terrorism. On October 17, 2001, the EU adopted a far-reaching anti-terrorism action plan. It included such specific measures as, 'judicial cooperation, cooperation between police and intelligence services, preventing the finances of terrorism, and enhanced border controls'.⁵ The terrorist attacks in Madrid and London in March 2004 and July 2005 respectively added a sense of urgency to the EU's anti-terrorism campaign. After Madrid attacks, the EU governments signed a 'solidarity clause' designed to help each other in the wake of a terrorist attack. They also agreed upon and approved a number of anti-terrorism measures. Following the London attacks, the EU decided to implement the counter-terrorism steps as early as possible, including measures targeted to address the root-causes of terrorism. Throughout the years since 9/11, the EU has been an important partner of the US in the war against terrorism. It projects itself as a key global actor, equipped with a range of effective resources and instruments for tackling the menace of global terrorism.

EU's counter-terrorism strategy

EU's counter-terrorism policy draws 'reference framework' from three documents. The first is the European Security Strategy (ESS) officially entitled, 'A Secure Europe in a Better World'. It adopted in December 2003 in recognition of globalization and its effects on global security. In the words of Sven Biscop, "[European Security] Strategy is a policy-making tool which, on the basis of the values and interests of the EU, outlines the long-term overall policy objectives to be achieved and the basic categories of instruments to be applied to that end".⁶ ESS identifies five key non-

⁴ Vivien Schmidt, "Democracy and Legitimacy in the European Union Revisited: Input, Output and Throughput", *KFG Working Paper Series* 21 (Berlin, 2011). Available at <http://nbn-resolving.de/urn:nbn:de:0168-ssoar-371014>.

⁵ Adam Daniel Rotfeld, "Global Security after 11 September 2001," in *SIPRI Year Book: Armaments, Disarmament and International Security* (London: Oxford University Press, 2002), 10.

⁶ Sven Biscop, *The European Security Strategy: A Global Agenda for Positive Power* (England: Ashgate, 2005), 1.

traditional security threats, including terrorism. The strategy proposes the instruments to reassess the security problems that emerged in the post-cold war scenario, and emphasizes the need to go beyond the approaches of traditional realists. As Biscop opined that “the use of politico-military instruments can deal effectively with immediate security threats, by ending violence or preventing its eruption, but the underlying causes of instability, conflict and terrorism demand a much broader, long-term and permanent policy of conflict prevention”.⁷

Thus, ESS embraces a comprehensive approach to security, distinguished by the characteristics of integration, prevention, global scope, and multilateralism. It is ‘integrative’ in the sense that it recognizes various dimensions of security and diverse underlying causes of security threats. Therefore, in order to address security threats comprehensively, it aims to integrate a range of external policies, including trade, development and humanitarian cooperation, immigration policy, diplomacy, and the politico-military options. As the European Commission has stated that “development is crucial for collective and individual long-term security ... and sustainable development is the best structural response to the deep-rooted causes of violent conflicts and the rise of terrorism, often linked to poverty, bad governance and the deterioration and lack of access to natural resources”.⁸

The ESS is ‘preventive’ in the sense that it is dynamic and proactive, keeps an eye on instability and conflict, and urges for a long-term ‘meaningful engagement’. It prefers prevention over reactive or curative approach, by addressing the root causes of threats. It states that “security is the precondition of development”⁹, but this is also true the other way around. The Strategy is ‘global’ in scope as it emphasizes that “in an era of globalization, distant threats may be as much a concern as those that are near at hand”.¹⁰ Therefore, it highlights the importance of an effective system of governance at global, regional, and national levels in order to

⁷ Ibid, 3.

⁸ Quoted in Sven Biscop, “The European Security Strategy in Context: A Comprehensive Trend,” in Sven Biscop and Jan Joel Andersson (eds.), *The EU and the European Security Strategy* (London: Routledge, 2008), 11.

⁹ Ibid.

¹⁰ *The European Security Strategy*, available at <http://www.delpak.ec.europa.eu/WHATSNEW/European%20Security%20Strategy-12-03.htm>.

ward off security threats. It is ‘multilateral’ as it seeks peace and conflict resolution through dialogue, cooperation and partnership, carried out via multilateral institutions like the United Nations Organization.

The second framework that guides the EU counter-terrorism policy is the European Union Counter-Terrorism Strategy adopted in December 2005 by the European Council. Acknowledging the assertion of the ESS that ‘the internal and external aspects of security are indissolubly interlinked’, it stresses upon tackling terrorism both internally and externally. It lays out following four measures to tackle the issue of terrorism: prevent, protect, pursue, and respond.¹¹ ‘Prevent’ refers to the measures which aim at preventing people from turning to terrorism by addressing its root causes. ‘Protect’ refers to the task of protecting people and infrastructure by reducing their vulnerability to terrorist attacks. ‘Pursue’ is about obstructing the planning, communication, travel and funding of terrorists, and bringing them to justice. ‘Respond’ stresses on managing and minimizing the challenges of victims of terrorism.¹²

The third document which provides basis for the EU’s counter-terrorism policy is the UN framework on counter-terrorism comprised of several terrorism-related resolutions of the UN Security Council and the UN Global Counter-Terrorism Strategy of 2006. It binds all the UN member states to undertake counter-terrorism measures at all levels by strengthening their legal and institutional capacities through civil-military cooperative means.¹³ In pursuance of counter-terrorism measures, the resolution includes several anti-terrorist moves ranging from preventing the financing of terrorist networks, improving the exchange of information, and controlling the borders to stop the movement of terrorists and weapons. For the purpose, the UN promotes the prevention of money laundering, arms trafficking, and the proliferation of nuclear, chemical and biological materials.

These ‘reference frameworks’ highlight three important features of the EU counter-terrorism strategy. First, the EU takes terrorism essentially as a law

¹¹ Peter Wennerholm, Erik Brattberg and Mark Rhinard, “The EU as a Counter-Terrorism Actor Abroad: Finding Opportunities, Overcoming Constraints”, *EPC Issue Paper*, No. 60 (September 2010), 10.

¹² *Ibid.*

¹³ Visit at www.un.org/en/counterterrorism/.

enforcement issue rather than a military issue. Second, the EU views terrorism as a problem having root causes that need to be addressed. Third, the EU tends to believe that any action against international terrorism requires approval of a multilateral framework like the UN.

EU's counter-terrorism cooperation with Pakistan

Following 9/11 terrorist attacks, Pakistan's willingness to become a frontline ally in international war against terrorism in Afghanistan changed the dynamics of the EU-Pakistan relationship. EU policy towards Pakistan, like the American one, was redefined in the light of Pakistan's key role in the fight against terrorism. During 2001-2008, the EU recognized Pakistan's importance in the war against terrorism; however, its counter-terrorism related dialogue and assistance towards Pakistan have been very limited. As Daniel Korski observed, "the EU's role in Pakistan bears all the hallmarks of the pre-Maastricht polity it no longer wants to be: technocratic, apolitical, and marginalized by the US... Pakistan is nowhere to be found in the EU's Security Strategy".¹⁴ In the said period, Pakistan has been viewed by the EU primarily through the lens of the Afghan war. Its trade concessions and development assistance were mainly aimed at strengthening Pakistan's capacity to play its role as an effective partner in war on terrorism. For the reason, the EU and its national governments initiated engagement plan for Pakistan to support its socio-economic development. It is noted that the EU's country strategy papers on Pakistan for 2002-06 and 2007-13 contain little information about terrorism specific assistance to Pakistan.¹⁵ The focal areas were poverty elimination, rural development, natural resource management, higher education and human resource development.¹⁶

Given the EU's comprehensive approach to counter-terrorism, the entire area of EU's external relations is relevant to counter-terrorism policy, though 'targeted technical assistance' remains important. 'Targeted technical assistance' is defined by the European Court of Auditors as "experts contracted for the transfer of know-how and skills and the

¹⁴ Daniel Korski, "In Search of the EU's Pakistan Policy," *European Council on Foreign Relations*, 22 October 2007, http://ecfr.eu/content/entry/in_search_of_the_eus_pakistan_policy (accessed 12 July 2016).

¹⁵ Wennerholm, Brattberg and Rhinard, "The EU as a Counter-Terrorism Actor Abroad", 20.

¹⁶ Visit at http://eeas.europa.eu/archives/docs/pakistan/csp/07_13_en.pdf.

creation and strengthening of institutions”.¹⁷ Such assistance focuses on institutional and capacity-building in a range of areas, including justice, police and border management.

The EU provides technical assistance to Pakistan under different instruments, for instance, the Instrument for Stability (IfS), the European Instrument for Democracy and Human Rights (EIDHR), and the Development Cooperation Instrument (DCI).

The IfS, launched in 2007 as a follow up to the Rapid Reaction Mechanism, has been playing a significant role in countering terrorism. It consists of two components. The first component, ‘crisis response and preparedness’ operates on short-term basis, providing timely financial help for conflict prevention, post-conflict political stabilization and early rehabilitation after crises and disasters. The second feature has long-term preferences and operates in more stable conditions, providing assistance for strengthening capacity of civil, judicial and law-enforcement authorities to firmly fight terrorism and organized crimes. EIDHR, also introduced in 2007 to promote democracy and human rights worldwide, is seen partly relevant to the fight against terrorism. Promotion of democracy and human rights is viewed as a key long-term strategy for countering radicalization and terrorism. The promotion of democracy and human rights addresses the underlying reasons for militancy and it fills the vacuum created by the lack of good governance that militants exploit. The main objective of DCI, which initiated in 2007, is to provide aid to developing countries in areas such as education, health, poverty eradication, governance, democracy, human rights, food security, and migration/asylum related issues. All these areas have direct or indirect relevance to counter-terrorism.

The EU granted assistance to Pakistan under the same technical assistance programmes. Pakistan received up to €100 million in 2001-2002 in recognition of its significant role in global war on terrorism. Considering the determination of the Musharraf government to return to democracy, the European Commission reiterated many times that it would continue to support Pakistan in its efforts to eradicate terrorism and its promise for good governance. However, it is highlighted by some sources that this assistance to Islamabad has been remained minimal during 2001-08. A

¹⁷ Wennerholm, Brattberg and Rhinard, “The EU as a Counter-Terrorism Actor,” 11.

review of Commission-funded activities under the EIDHR 2000-06, reveals that “out of 30 projects in Pakistan, only three can be considered as having counter-terrorism relevance: Capacity-building and social rehabilitation of victims of torture in NWFP, Rehabilitation programme for victims of torture, and Provincial level capacity-building of relevant stakeholders on counter-trafficking”.¹⁸

Fortunately, from 2009 onward, EU-Pakistan relations have been raised to the summit level* largely because of the rise of terrorism factor. The EU-Pakistan summit meetings initiated strategic dialogue under the 5-year Engagement Plan in 2012. The EU assistance to Pakistan under DCI for the period 2007-2013 amounts to €425 million, while under EIDHR, it provided €900.000 per annum during 2011-2013.¹⁹ The EU also contributed €51 million under the IfS during 2009-2013 for seven social support programmes – support to electoral reforms, to post-crisis needs assessment, multi donor trust fund, to strengthen local governance, rehabilitation of IDPs, free media, capacity building for law enforcement and procurement of equipments.²⁰ The current EU-Pakistan Multi-annual Indicative Programme (MIP) 2014-2020, underscores a comprehensive approach towards development extended from politico-economic measures to security challenges and crises. It allocated a Multi-annual Indicative Programme (MIP) budget of €653 million to bring a drastic change in Pakistan through development cooperation.

A number of factors account for the positive change in EU-Pakistan cooperation on counter-terrorism. First, security community in Brussels has influenced the EU's approach towards Pakistan. In 2009, the EU Terrorism Situation and Trend Report (TE-SAT) prepared by the Europol has noted that Pakistan and Afghanistan had superseded Iraq for being the most preferred places for those who voluntarily wanted to engage in militant/radical Islamist organizations.²¹ Same report has identified that

¹⁸ Ibid, 20.

* Editor's note: However, only two summits were held between EU and Pakistan till June 2017, while in 2016 EU and India held their 13th summit.

¹⁹ “The EU Ready to Increase its Assistance to Pakistan and Urges Continued Reform,” European Commission. Visit at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/741&format=HTML&aged=0&language=EN&guiLanguage=en>.

²⁰ “Summary of EU Projects in Pakistan,” *Delegation of the European Union to Pakistan*, available at <http://www.delpak.ec.europa.eu/home.htm>.

²¹ Visit at https://www.europol.europa.eu/sites/default/files/publications/tesat2009_0.pdf.

“the threat emanating from Islamist terrorism inside the EU is linked, to a certain extent, to the developments in conflict zones and politically unstable countries, such as North Africa, the Sahel region, Iraq, Somalia, Pakistan, and also India”.²²

Second, the EU became alarmed over the rising incidents of terrorist attacks in Pakistan from 2007 onwards. It revealed the political instability and security flaws of an important ally coupled with a lack of socio-economic development, which naturally drew attention of the EU. Third, Pakistan’s military operations against militants since 2009 and the resulting humanitarian crisis in the form of IDPs (Internally Displaced Persons) have also created sympathy and appreciation for Pakistan in the EU policy making circles. Lastly, the EU Action Plan for Pakistan and Afghanistan followed by the US. Af-Pak policy indicates that the US has also played a major role in changing EU’s approach towards Pakistan.

EU’s trade cooperation with Pakistan

The shift in Pakistan’s Afghan policy and its serious military action to eradicate terrorist networks at home have convinced the EU to provide a comprehensive package of assistance to Pakistan. The trade dimension of this package comprised Pakistan’s inclusion in the EU GSP+ arrangement, which covers drug control activities, an increase of 15% in Pakistan’s quota for textiles and clothing (T&C), and termination of anti-dumping duty levied on the import of bed linen.²³ Pakistan ‘in an exceptional situation’, earned a tremendous benefit from the EU trade package.

Its exports to the EU-15 increased from 2.91 billion Euros in 2002 to 3.25 billion Euros in 2004.²⁴ Exports of T&C from Pakistan almost doubled from €480 million to €810 million in the same period.²⁵ Pakistan’s utilization rate of preferential access to the EU market for its T&C sector exports was more

²² Ibid.

²³ “Pakistan-EC Country Strategy Paper (2002-2006),” *Delegation of the European Union to Pakistan*, 6-7, http://eeas.europa.eu/archives/docs/pakistan/csp/02_06_en.pdf.

²⁴ Newsletter, *Delegation of the European Union to Pakistan*, vol. 2 (August 2010). Visit http://reliefweb.int/sites/reliefweb.int/files/resources/5EF4251E33E89223492578090022AC24-Full_Report.pdf.

²⁵ Huma Fakhar, “The Political Economy of the EU GSP Scheme: Implications for Pakistan,” in *South Asian Yearbook of Trade and Development 2005* (New Delhi: Centre for Trade and Development, 2005), 407.

than 80% in 2002.²⁶ However, in 2002, India challenged the legality of the EU's drug arrangement before the Dispute Settlement Body (DSB) of the WTO which declared it inconsistent with the principal of non-discrimination. Consequently, twelve developing countries, including Pakistan, lost the preferential benefits under this arrangement. Pakistan faced not only normal MFN duties of around 11% but also anti-dumping duty of 13.1% on cotton bed linen. Except Pakistan, all the countries benefiting from the former drug arrangement qualified for the EU's revised GSP+ scheme in January 2006. Pakistan could not qualify as it did not meet economic and political criteria of GSP plus.

However, Pakistan continues to benefit by exporting to the EU market at 3.5 percent reduced tariff and 20 percent export with zero tariff under the normal GSP scheme. It was also facilitated by a reduction in the anti-dumping duty on bed linen. Pakistan's exports to EU were €3.6 billion in 2008 which fell to €3.3 billion in 2009. Similarly, the EU exports to Pakistan shrunk from €3.7 billion in 2008 to €3.5 b in 2009.²⁷ The trade between the two sides fell in subsequent years, largely due to economic slowdown in Europe and production shortfalls caused by power crisis in Pakistan.

From 2007 onwards, Pakistan undertook diplomatic efforts for acquiring GSP+ on the basis of two arguments. First, after qualification of smaller SAARC countries to the EU's preferential scheme, except Pakistan and India, being beneficiaries of GSP+ or LDC categories, would bring trade imbalance and economic destabilization in the South Asian region. Second, Pakistan argued that it could be included in GSP+ by giving it a special dispensation on account of its role in war against terrorism and the sacrifices it had made. Pakistan's politico-diplomatic efforts had an impact on decision makers in Brussels but it did not achieve the desired results. Here, the EU's policy of not granting GSP+ to Pakistan focused on normative approach, as the country has not classified as a vulnerable state by the World Bank and also not ratified the UN Convention on Civil and Political Rights, the Convention Against Torture and the Cartagena Protocol on Biosafety.²⁸

²⁶ Ibid, 399.

²⁷ Newsletter, *Delegation of the European Union to Pakistan*.

²⁸ <http://aaj.tv/2009/01/access-to-eu-markets-pakistan-continues-to-enjoy-gsp-preferences/>.

However, the 2010 devastating floods in Pakistan which affected 20 million people and 20% of land, led to a major shift in EU's approach towards Pakistan. In the wake of this disaster, the EU along with its member states decided to provide humanitarian assistance worth €423 million and a trade-aid package to Pakistan. The package comprised duty-free access to the EU market for 75 products from Pakistan, amounting to almost €900 million in import value and accounting for about 27% of Pakistani exports to the EU.²⁹ It was limited to two years with a third year conditional on an assessment. It needed a waiver from WTO's Council for Trade in Goods before its implementation with effect from January 1, 2011. Nevertheless, the package met with opposition from the competing textile-exporting countries such as India, Bangladesh, Brazil and Indonesia. The EU approved an amended trade package in February 2012, by applying tariff rate quotas on 20 products from Pakistan.

Ultimately, Pakistan qualified for EU's revised GSP+ scheme in January 2014 after meeting the necessary criteria. It ratified all the UN conventions required for admission to the scheme. According to the revised criteria, a country is eligible for the GSP+ benefits if its GSP-listed exports to the EU represent less than 2% of total EU's GSP imports. Pakistan easily met the criteria as its GSP-covered export share in the EU market was hardly above 1.5% at the time of application. Following the GSP+ status, the EU-Pakistan trade balance has increased from €8.37 billion in 2013 to €11.56 billion in 2016 with trade benefits in favour of Pakistan.³⁰ Currently, the EU accounts for 12.8% of Pakistan's overall trade and 23.7% of its total exports.³¹

Norms promotion in the EU external policy

Norms are defined as "collective expectations about proper behavior for a given identity".³² The EU's external policy discourse bears ample evidence

²⁹ European Commission, "EU-Pakistan WTO Waiver Request", Directorate-General for Trade, 18 November 2010, See at http://trade.ec.europa.eu/doclib/docs/2010/november/tradoc_147026.pdf (accessed July 20, 2016).

³⁰ "European Union, Trade in Goods with Pakistan", available from http://trade.ec.europa.eu/doclib/docs/2006/september/trade_113431.pdf (accessed 25 April 2017).

³¹ "Countries and Regions – Pakistan", available from <http://ec.europa.eu/trade/policy/countries-and-regions/countries/pakistan/> (accessed 25 April 2017).

³² Ronald L. Jepperson *et al*, "Norms, Identity and Culture in National Security," in P. J. Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), 54.

that the normative principles based on democracy, human rights and rule of law carry significant weightage in its relations with external world. The EU's foreign policy gives equal importance to the normative and interest-based approach that emphasis on a notion of mutual benefits. In contrast, it is widely believed that the US foreign policy discourse indicates the subordination of norms to its national interests.

According to Ian Manners, the EU's external relations based on five 'core norms' – peace, liberty, democracy, human rights and rule of law.³³ The last three norms are explicitly articulated in the EU foreign policy documents and its partnership agreements with developing countries. These norms are instrumentally integrated into the legal and political frameworks of the UN. The agenda for democracy and human rights were just a part of the Community's declaratory diplomacy and dialogue till it acquired a tangible substance in the EU's foreign policy in the post-cold war world order. Moreover, Alston and Weiler argue that "the development of human rights in the EU was an erratic move from 'negative' to 'positive' integration, evolving from an emphasis on prohibitions towards the implementation of more proactive initiatives".³⁴

By the late 1980s, the European Community included references to the human rights in its agreements with third countries. Lomé IV between the Community and the African-Caribbean and Pacific (ACP) states, signed in 1989, was the first external agreement that had a reference to human rights written in the text rather than in the preamble. From 1990s onward, human rights and democracy are considered as 'essential elements' of the EU's agreements with the developing countries.³⁵ In June 1991, the Luxembourg European Council issued a 'declaration on human rights', which not only repeated the affirmation that the European Community would promote and safeguard human rights worldwide but also indicated that human rights clauses could be included in economic and cooperation agreements with third countries.³⁶

³³ Quoted in Georg Wiessala, *Re-Orienting the Fundamentals: Human Rights and New Connections in EU-Asia Relations* (London: Ashgate Publishing Limited, 2006), 56.

³⁴ *Ibid*, 57.

³⁵ *Ibid*, 170.

³⁶ "Declaration on Human Rights," *European Council in Luxembourg*, (28-29 June 1991), available at http://www.europarl.europa.eu/summits/luxembourg/lu2_en.pdf.

In November 1991, the Council adopted a resolution on human rights, democracy and development which stated that “the Community and its Member States will give high priority to a positive approach that stimulates respect for human rights and encourages democracy. An open and constructive dialogue between them and the governments of developing countries can make a very important contribution to the promotion of human rights and democracy... [While] in the event of grave and persistent human rights violations and or serious interruption of democratic processes, the Community will consider appropriate responses”.³⁷ In May 1995, the Council of Ministers devised a suspension mechanism in all agreements with third countries, enabling the Community to react in the event of violation of essential elements by the signatory partner states of the agreements.³⁸

In addition, the EU consolidated its principles as ‘universal values’ by incorporating them into the EU treaties. The Treaty on European Union (TEU), signed in 1992, declared human rights, democracy and rule of law as the Union’s foundation and made respect for these principles a condition for the EU’s agreements with third countries. The 1997 Amsterdam Treaty laid stress on a more active engagement for the protection and promotion of these principles. The 2000 Nice Treaty introduced the term ‘economic sanctions’ against third countries in case of serious violations of human rights.³⁹ The three main EU institutions – the European Commission, the European Parliament and Council of Ministers – have played a key role in elevating the legal and political status of human rights and democratic agenda in the EU foreign policy. The EU applies three types of instruments to achieve norms compliance: conditionality, assistance and political dialogue.

Conceptually, the ‘progressive institutionalization’ of human rights and democratic norms in the EU foreign policy was facilitated by important political developments at the end of 20th century. For instance, the events in Eastern Europe, which challenged the Soviet-style governance, encouraged the EC to imbibe democracy projection as a foreign policy tool. Also, the war in Yugoslavia directed the attention of European leaders

³⁷ Resolution on Human Rights, Democracy and Development, November 28, 1991, available from http://archive.idea.int/lome/bgr_docs/resolution.html.

³⁸ Council Press Release 7481/95, 29 May 1995.

³⁹ Georg Wiessala, *Re-Orienting the Fundamentals*, 58.

towards the security implications of human rights violations occurring in their own backyard. Under the consideration of pursuing security objectives, the dual processes of EU reforms and enlargement sought the promotion of human rights and democracy. Most importantly, the transition of the European Community to the European Union, and strengthening of the supranational policy-structure of the Union which led to the diminishing role of national governments to pursue their interests individually.⁴⁰

In general, four factors account for EU moves of norms promotion via its foreign policy: identity, responsibility, development and security. Firstly, the EU promotes its European identity on the basis of its values as defined in Article 6 of the TEU that, "the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law".⁴¹ Theoretically, three accounts exist to explain the impact of EU identity on its foreign policy. Constructivists view that the EU foreign policy objectives are in accordance with the "logic of appropriateness", implying that the EU can be identify as a normative power. Rationalists believe that the EU leaders use normative arguments instrumentally in the pursuit of their self-interests. Discursive institutionalists find "logic of arguing" – a communicative consensus developed to understand relations between normative justifications and material interests of the EU.

Secondly, the EU has special responsibility to promote universal norms of human rights, democracy and rule of law in third countries. Its enormous economic capacity enables it to provide assistance and trade concessions to third countries and, in return, the EU gets political leverage to push them to norms compliance. This is coupled with a consent factor as it wants to recognize as a responsible foreign policy actor in world politics. The EU reached agreements with the non-European world after a common consent to bring certain reforms in the signatories' societies like improving human rights situation or governance and so on.

⁴⁰ Ibid, 175.

⁴¹ "Consolidated Version of the Treaty on European Union," *Official Journal of the European Communities*, see at http://eur-lex.europa.eu/en/treaties/dat/12002M/pdf/12002M_EN.pdf.

EU's drive towards norms promotion also associated with a new perspective of development cooperation with third countries. In the post-cold war period, it was realized that the IMF and WB's structural adjustment programmes became ineffective to bring socio-economic development in the developing countries because they missed the link between development policy and good governance. Consequently, the November 1991 European Council's resolution clearly established a conditionality of fostering human rights and democracy as policy objective of EU's development cooperation with the rest of the world.⁴²

Lastly, the security factor also guided EU's policy of norms advocacy as it is inevitably significant for international peace and European security. The European Security Strategy in 2003 stressed that, "the best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order."⁴³

Normative approach in EU's relations with Pakistan

The EU has been critical of human rights violations and lack of democracy in Pakistan. However, its record of practical reactions has not been straightforward. The EU-Pakistan Third Generation Agreement (TGA) which initialed in April 1998, but not signed until November 2001 due to the EU's reaction to Pakistan's nuclear tests in May 1998, Kargil skirmishes, and the military coup of October 1999 and concerns over human rights violations. The Union made it clear that it would not sign the Agreement until a democratic government was installed. Earlier, the EU threatened to take punitive action against Pakistan following its nuclear tests in response to India's. The Council withdrew its request to the Commission to expedite the Agreement with Pakistan and asked for an examination of the possible suspension of the GSP and attempted to delay World Bank loans.⁴⁴ Although, the EU's GSP schemes do not provide for the withdrawal of preferential benefits if any country conducts nuclear tests, the Union can lawfully do so as a unilateral action. However, neither the GSP was

⁴² Olav Stokke (ed.), *Aid and Political Conditionality* (London: Frank Cass, 2006), 22-26.

⁴³ *The European Security Strategy*.

⁴⁴ Urfan Khaliq, *Ethical Dimensions of the Foreign Policy of the European Union: A Legal Appraisal* (UK: Cambridge University Press, 2008), 229.

suspended nor the World Bank loans were delayed, but the signing of the TGA remained off the agenda.

As the military government of Pakistan joined the 'global coalition against terrorism', the EU reformulated its policy in favour of Pakistan. This policy shift from punitive to supportive can be understood in the background of joint international efforts made to counter terrorism. A purely political decision was taken, irrespective of normative considerations of EU. Pakistan gestured its credibility in a way that the EU included it in drugs-related GSP scheme and signed the delayed TGA in 2001, which was ratified in 2004.⁴⁵ It was not the first time when the European Union engaged with a military government in development projects in Pakistan. It had inked the Second Generation Agreement during General Zia's military regime in 1986. In General Musharraf's case, the EU also expressed concerns on the seizure of power by military but at the same time, Brussels became interested in Musharraf's commitment to return the country to democracy and his notion of 'enlightened moderation'.⁴⁶

Furthermore, the European Union's Election Observation Mission (EU EOM) monitored Pakistan's general elections 2002 which noted 'reports of manipulation'. The EU EOM expressed serious concerns on the Legal Framework Order (LFO) in August 2002, under which general elections were held on 10 October 2002. The EOM, in a report presented to the European Parliament, found several aspects of LFO undemocratic like empowering of president and the provincial governors to dismiss the assemblies and concentration of power in the hands of the president. For this reason, the EU claimed the elections an instrument of a 'guided democracy' and not a true democracy.⁴⁷ In response of Musharraf's retaliatory remarks against EU observer mission, the EU Council Presidency issued a declaration on 15 October, which stated, "The European Union welcomes the completion of multi-party National and Provincial elections

⁴⁵ "Joint Statement: EU – Pakistan Cooperation Agreement", available at http://trade.ec.europa.eu/doclib/docs/2008/july/tradeoc_139806.pdf (accessed 8 September 2016).

⁴⁶ "Musharraf Assures Power and Gas Supply to Investors", *Business Recorder*, 14 September 2006.

⁴⁷ http://www.europarl.europa.eu/intcoop/election_observation/missions/20021010_pakistan_en.pdf.

in Pakistan. The elections are a step in the gradual transition to full democracy in Pakistan".⁴⁸

In September 2006, President Musharraf visited Brussels and met with the then Secretary-General of the Council of the European Union and High Representative for Common Foreign and Security Policy, Javier Solana, President of the European Parliament, Josep Fontelles and the Belgian business community to ensure beneficial environment for foreign trade and investment in Pakistan.⁴⁹ Subsequently, the EU-Pakistan joint commission revived its economic and political activities in April 2007.⁵⁰

Despite being appreciative of many positive moves and reforms under Musharraf's regime, the EU had been wary of his refusal to quit the post of army chief, until October 2007.⁵¹ In January 2008, he paid another visit to the EU states soon after controversial reelection as president and the murder of the strongest opposition leader Benazir Bhutto. The EU, however, did not hesitate to remind him of ensuring proper conduct of coming general elections in Pakistan.⁵²

During the 2007 judicial crisis in Pakistan, the European Commission and the European governments built up credibility among Pakistan's political class and masses by demanding the restoration of rule of law, holding of elections, and independence of media and judiciary. The EU deployed a large EOM to monitor the Pakistan's 2008 general elections, which it found largely free and fair.⁵³ This lent credibility to the return of democracy in Pakistan. Consequently, it boosted the EU's commitment to build a strong and long-term partnership with a democratic Pakistan.

The EU initiated strategic dialogues with Pakistan by holding strategic summits in 2009 and 2010. The EU Action Plan for Afghanistan and Pakistan placed the latter as an important strategic player in a quest to stabilize the region.

⁴⁸ Ibid.

⁴⁹ "Musharraf Assures Power and Gas".

⁵⁰ "EU-Pakistan Commission being Revived", *Dawn*, 25 April 2007.

⁵¹ www.cbsnews.com/news/musharraf-relinquishes-army-post/.

⁵² "EU in Pakistan Election Warning", *BBC News*, 21 January 2008.

⁵³ EU EoM Pakistan 2008, Final Report (18 February 2008), available at www.eods.eu/library/FR%Pakistan%2016.04.2008_en.pdf.

Brussels has pushed Islamabad through positive conditionality, by persuading Pakistani leadership to sign International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture (UNCAT) to comply with the GSP plus conditions. Thus, Pakistan ratified these conventions in June 2010 and was granted GSP+ in December 2013.⁵⁴

A 110-member elections observer team of the EU took part in monitoring the 2013 general elections of Pakistan. The EOM praised the polls and turnout ratio but also pointed out some shortcomings in the electoral process required to be improved. The High Representative for Foreign Affairs and Security Policy Catherine Ashton called the election an "historic victory" for democracy in the country despite an extremely difficult security environment and threats from extremists.⁵⁵ The EU activities in all realms have been increasing since then.

It is worth noting that the European Parliament with its Committee on Foreign Affairs and the Sub-Committee on Human Rights has repeatedly been expressing concerns about violations of minorities' and women's rights in Pakistan and urging appropriate legislative changes.

The third EU – Pakistan strategic dialogue held in October 2016 in which the two sides agreed to replace the Engagement Plan with a new Strategic Engagement Plan. Under the EU – Pakistan Multi-Annual Indicative Programme (MIP) 2014-2020, the EIDHR assistance for Pakistan has been raised to about €14 million per annum, totaling €98 million for a period of seven years.⁵⁶ This indicates that the EU has not only elevated its relations with Pakistan in terms of trade and security issues but has also been supportive in areas of democracy, human rights and the rule of law.

Conclusion

Despite concerns over democracy and human rights, the EU decided to shift its policy towards Pakistan due to the security imperatives in the post-

⁵⁴ "EU Grants GSP Plus Status to Pakistan", *Dawn*, 12 December 2013.

⁵⁵ Ashton quoted in Shada Islam, "EU Can Help", 18 May 2013, available from www.dawn.com/news/1012038.

⁵⁶ European Commission, "EU – Pakistan Multi-Annual Indicative Programme (MIP) 2014-2020", visit at http://ec.europa.eu/europeaid/eu-pakistan-multi-annual-indicative-programme-mip-2014-2020_en.

9/11 scenario. Given Pakistan's geographical proximity to Afghanistan and its previous support for the Taliban regime, the EU and NATO saw an essential role for Pakistan to win war against terrorist networks and bring peace in Afghanistan. The EU through massive aid and support programmes gave incentives to Pakistan in return of its cooperation in global war against terrorism.

Notwithstanding the security compulsions, the democratic norms have also impacted on the scope of the EU – Pakistan relations. Pakistan's return to democracy in 2008 marked the starting point of a qualitative shift in the EU's cooperation with it. The EU not only expanded its political engagement with Islamabad but also encouraged the civilian governments to deepen democratic values in the society. It extended its appreciation to the Sharif government on holding of the Local Bodies' election in February 2016.

Precisely, the study draws three conclusions regarding EU's normative and interest-based approaches towards Pakistan:

First, the EU pursues interests as well as norms promotion in relations with the third countries. However, in case of clash between the two, the tilt will possibly be in favour of interests. Before 9/11, the EU-Pakistan relations had reached their lowest ebb due to the EU's concerns on human rights, nuclear tests and military take over. After September 11, a political imperative led to a rapid change in EU's policy towards Pakistan. Similarly, the EU has undertaken significant measures to help stabilize a democratic Pakistan since 2008 despite its criticism on the poor performance in addressing issues of human rights and good governance.

Second, although the EU may tend to prefer interests over norms, it is difficult for it to ignore the norms and principles as they are deeply imbedded in its structure. Despite a speedy change in its policy towards Pakistan after 9/11, the EU delayed ratification of cooperation agreement for two and half years due to reservations on the 2002 parliamentary elections. It did not grant the GSP+ to Pakistan until the latter signed all the required UN conventions.

Last, as the EU supplies more assistance and trade preferences to third countries, it demands deeper compliance with norms and principles for

eligibility. After granting GSP+ status to Pakistan, the EU has increasingly demanded to implement the 27 UN conventions pertaining to human rights. To this end, the Sharif government established the Treaty Implementation Cell (TIC) in June 2014 to guide provinces to adapt its laws on human rights along the lines of the international conventions on human rights.⁵⁷ The provincial assemblies have already taken initial steps towards women safety and empowerment. The EU remains hopeful for an improvement in human rights and law and order situation as it would justify Brussels' approach towards Pakistan.

⁵⁷ www.cabinet.gov.pk/cabinet/userfiles1/file/TORs-TIC-06-09-2016.pdf.