

David Rodin: Human rights must be the basis for the use of force by EU member states

Background information on existing regulations/policy issues/initiatives

Keywords: *Common Security and Defense Policy (CSDP); CSDP and human rights; military force EU; EU military operations and human rights; human rights and military action; human rights policy EU*

Topic: The EU should make human rights the basis for all use of military force by member states

Overview

- In official EU statements and the justification for military operations with EU involvement abroad, the Union's support and advocacy of human rights is usually highlighted
- On a practical level, however, EU military strategy and operations are first and foremost governed by the EU's Common Security and Defense Policy (CSDP)¹
 - In the CSDP, human rights only play an indirect role. It is primarily aimed at promoting human security and stability
 - Moreover, the applicability of international human rights norms and instruments to CSDP-operations is subject to debate, because unlike its member states, the EU is no party to these instruments²

In detail

- Any EU military operations governed by the CSDP are, according to EU strategy, primarily concerned with³ ...
 - ...contributing to a stable and secure environment
 - ...mentoring, training and advising on reforming state institutions in accordance with the rule of law and international standards
 - ...monitoring peace plans
 - ...contributing to non-EU-led operations such as support to the UN or regional organizations
- While the notion of human rights might be implicit in these goals, it is not openly expressed in strategic military documents. Rather, the importance of human rights has been repeatedly highlighted in non-military external communication:

¹ https://eeas.europa.eu/topics/common-security-and-defence-policy-csdp_en

²

[www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/130712/LDM_BRI\(2014\)130712_REV2_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/130712/LDM_BRI(2014)130712_REV2_EN.pdf)

³ <http://www.asser.nl/media/1635/cleer-working-paper.pdf>

- Outlining the three CSDP missions in the Sahel region (EUTM Mali; EUCAP SAHEL Mali and EUCAP SAHEL NIGER), the European External Action Service states that the missions are aimed “to restore constitutional and democratic order, the authority of rule of law and human rights”⁴
- Likewise, in the European Security Strategy Framework it is stated that “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.”⁵
- When it comes to making human rights the basis for the use of military force, the most notable development of the recent past is the engagement of the EU’s Crisis Management and Planning Directorate (CMPD) in drafting “a comprehensive policy framework to ensure that human rights and gender are reflected in the mandates and work of Common Security and Defence Policy (CSDP) missions and operations”⁶
The baseline study⁷ states that”Human rights and gender equality are fundamental principles of the European Union (EU), and of its foreign and defence policies”

But also acknowledges that ...

- „Human rights abuses are part of the conflict and crisis dynamics in all the different contexts in which CSDP missions and operations are currently active. Human rights abuses, and, especially, patterns of abuse such as illegal detention, lack of due process and torture, have a direct impact on the legitimacy of the institutions that CSDP missions support through advice, capacity-building and training and which they partner to provide direct security“.
Full Document: https://eeas.europa.eu/sites/eeas/files/baseline_study_report.pdf
- Reviewing the materials published by the EU itself, it seems that there is a rift between the Unions verbal commitment to human rights and the concrete actions taken to ensure the safeguarding of human rights within its military operations (a notion that is also echoed in the baseline study)

⁴ https://eeas.europa.eu/headquarters/headquarters-homepage/5392/csdp-structure-instruments-and-agencies_en

⁵ https://eeas.europa.eu/sites/eeas/files/guidelines_en.pdf

⁶ <https://www.bic-rhr.com/the-eus-baseline-study-on-csdp-missions-and-operations-mainstreaming-human-rights-and-gender-perspectives/>

⁷ https://eeas.europa.eu/sites/eeas/files/baseline_study_report.pdf

Further reading

- https://europa.eu/european-union/topics/foreign-security-policy_en
- https://eeas.europa.eu/sites/eeas/files/baseline_study_report.pdf
- <https://www.utwente.nl/en/bms/pa/research/wessel/wessel94.pdf>
- <http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=3801849&fileId=3801866>
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- [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/130712/LDM_BRI\(2014\)130712_REV2_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/130712/LDM_BRI(2014)130712_REV2_EN.pdf)