“An idea whose time has come”:
The origins of the new EU Strategic Framework on Human Rights and Democracy

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Abstract

The new EU Strategic Framework on Human Rights and Democracy represents the first-ever joint strategic document to promote human rights across every area of EU external action. The several challenges that in the last years confronted the EU capability to promote human rights in third countries made the times right to launch the first unified strategy in this area or, quoting Kingdon (1996), they simply set the stage for an “idea whose time has come”. The goal of this paper is to explain how the new Framework’s time has come and its origins. By applying Kingdon’s multi-stream model, the paper argues that the new strategy came to emerge thanks to the entrepreneurial role of the European Parliament and to the coupling of three different streams: the problem stream embodied by the “focusing event” of the Arab Spring; the policy stream rooted in the general process of formal and informal consultations on the revision of the EU’s human rights strategy which started in 2010; and the political momentum represented by the inputs provided by the Lisbon Treaty and the positive attitude of the Danish EU Presidency.
I. Introduction

“At this very moment it is inspiring to act: the Lisbon Treaty reinforces the importance of human rights in EU policies - both inside and outside”\(^1\) (Heidi Hautala, 2010).

"Following the Arab spring and the Jasmine revolution in China, the appointment of a special representative on human rights does not come a day too early"\(^2\) (Edward McMillan Scott, 2012).

Within the long established EU human rights policy, the EU Strategic Framework on Human Rights and Democracy, which was adopted by the Council in June 2012, came to emerge as the first-ever joint strategic document to promote human rights across every area of EU external action. The Framework, which sets out principles, objectives and priorities to improve EU human rights policy, is complemented by a specific Action Plan and by the appointment of the first EU Special Representative for human rights. The relevance of the document, therefore, lies not only in its content but also in its novelty, as in many years of long-standing EU human rights policy it is the first time that a unified strategic framework is endorsed in this policy area\(^3\).

It is indeed significant that, in spite of the wide range of instruments, declarations, guidelines and communications which have shaped EU human rights strategy since the 90s, a comprehensive human rights package is only now being adopted. The reason lies in the Lisbon Treaty’s political momentum and in the multiple challenges that in the recent years confronted the EU capability to promote human rights. This opened a new policy window and made the time right to launch the first unified strategy in this area; quoting Kingdon (1995:1), the stage was simply set for an “idea whose time has come”.

The goal of this paper is to explain how the new Framework’s time has come and its origins. By relying on Kingdon’s multi-stream model (1995), it is argued that if this new initiative is now emerging, this is because of the decisive coupling of three different streams in terms of problems, politics and policy. The problem stream is embodied by the “focusing event” of the Arab Spring that inevitably influenced the EU human rights agenda and urged to do more. The political stream is the political momentum represented by the Lisbon Treaty, which reinforced the importance of

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human rights in internal and external EU policies; and the positive attitude of the Danish EU Presidency. The policy stream is rooted in the general process of formal and informal consultations on the revision of the EU’s human rights strategy which has been ongoing since 2010. In this context, the European Parliament (EP) played a fundamental role as a skillful entrepreneur able to persuade other actors to perceive specific problems in its own way. In particular, by pushing its pet solutions and problems, the EP successfully prompted the appointment of the Special Representative and contributed to shape the content of the new Framework.

The paper is organized as follows: the first part analyzes the content of the new initiative and its added value while the second part is focused on the multi-stream analysis to understand the origins of the Framework and the entrepreneurial role of the European Parliament.

II. The new Strategic Framework on Human Rights and Democracy: what added value for the EU human rights strategy?

The adoption of the new Strategic Framework on Human Rights and Democracy is the result of a long process of revision to make human rights the “silver thread” running through EU external policies. The new human rights package, which aims to address the shortcomings of the traditional EU toolbox, is composed of a Strategic Framework setting out the EU general vision, goals and guidelines; an Action Plan with 36 key objectives and the appointment of the first ever Special thematic Representative for human rights. What is the added value of this new “human rights based approach” vis-à-vis the traditional EU strategy?

Delivering on the promise of the Lisbon Treaty, one of the key messages of the new document is “human rights throughout EU policy” and in all the areas its external action “without exception”. The underlining rationale is to adopt an integrated and coherent approach able to make human rights the *noyau dur* of the entire range of EU policies, from the CFSP to communication technology.

A second key message of the document is implementing EU priorities on human rights in “joint responsibility” with Member States and in cooperation with partner countries. The EU affirms that it will speak out against any attempt to undermine the respect of human rights and will prevent their violation. The interesting point is that the commitment to place human rights at the center of the relations with third countries includes also the “strategic partners”.

In line with the comprehensive nature of the new approach, the goal is to include human rights in all the forms of political dialogues at all levels, from the highest official to civil society. Furthermore, drawing lessons from the Arab Spring, flexibility is stressed as a key principle in order to swiftly adapt to new circumstances.

Overall, the language of the document is strong and underpinning EU determination to step up for human rights. Sentences such as “The EU and its Member States are committed to be exemplary” and “The EU will raise human rights issues vigorously” are a case in point.

To implement the general goals of the document, the Action Plan sets out 97 actions under 36 key headings and identifies time-spans and responsible actors for each action. In the wake of the spirit of the Strategic Framework, the Plan covers a broad range of actions, from the internal training of EU officials to human rights countries strategies; from the conflict prevention to impact assessment of the EU performance.

Finally, the Special Representative finalizes the package by providing a face to the new EU human rights policy and ensuring that the EU speaks with one voice. The mandate tasks him to be the “guardian” of the new human rights policy and to increase “visibility, coherence, and effectiveness”.

Generally speaking, the package adds a new value to the traditional EU strategy, as an ambitious approach fully determined to make human rights and foreign policy complementary goals. In comparison with the past patchwork of instruments and scattered set of documents, the new Framework and its Action Plan are the first unified attempt to develop a comprehensive human rights strategy tout court, in both goals and implementation.

III. “An idea whose time has come”: the origins of the new Strategic Framework

As the only unified human rights strategy across EU external action, the Council welcomed the adoption of the new Strategic Framework on Human Rights and Democracy as a “watershed in EU policy-making”. The Framework is indeed the first initiative of its kind within the well-established EU human rights policy. Why, after several years of familiarity with the human rights issues and engagement in their promotion, did the Framework’s idea take off at this particular time? What

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5 Intervention by EU Special Representative for Human Rights Lambridis, Brussels, 3 September 2012.
6 Ibid.
actors and underlying events impinged upon the renewal of the EU human rights strategy in this sense?

Kingdon (1995) argues that policy innovation is the consequence of the coupling of three independent streams of problems, politics and alternatives, and of policy entrepreneurs willing to push their pet proposals. The problem stream is the recognition of problems that press on the system and attract official concern through major crises or “focusing events” (p. 16). This recognition is fundamental as policy proposals have greater chances to rise the agenda when they are connected to important problems (p. 207). The political stream refers to political factors that influence the agenda, such as swings in national mood or changes in the administration. Potential agenda items that are congruent with the national climate or with the interest of the current administration are more likely to gain prominence (p. 20). The policy stream is the evolutionary process through which proposals are generated. The alternatives originate in a “policy primeval soup” containing ideas that are floated, combined, and revised (p. 209-210). The three streams are separate and independent but in certain specific moments, when a policy window is open, they can be coupled, increasing the chances for policy change. The policy entrepreneur is fundamental to this process, as an actor pushing for his pet solutions, persuading people on the relevance of specific problems and waiting for a policy window in order to couple the separate streams (p. 214).

As a model combining both actors and processes in order to explore policy change, Kingdon’s multi-stream analysis is useful to analyze the origins of the new EU strategic initiative and the way its human rights agenda evolved.

Problem Stream

The Arab Springs wave of protests that has shaken the Arab world since 2011 represents a fundamental “focusing event” that propelled the problem of democracy and human rights’ protection up onto EU agenda. A “focusing event” is a sudden shock leading to attention and potential policy change (Birkland and DeYoung, 2013: 175), by signaling the existence of specific problems. The events in the Arab world have illustrated the central importance of human rights and democracy and demonstrated the ambiguity of the EU approach in this field. For long time, the EU supported authoritarian regimes as a bulwark of stability and turned a blind eye to their human rights violation and non democratic practices. The Arab Spring was an “eye-opener”
(Bossuyt, 2012) that inevitably focused the attention on the need to revise the “hierarchy of priorities” (Cassarino, 2012) informing EU agenda.

The Arab upheavals emerged as a crisis that could be defined as rare, unpredictable, and that “becomes known to the mass public and policy elites virtually simultaneously” (Birkland, 1997: 3). The EU was indeed caught off guards by the events and forced to respond swiftly to the new challenges (Khader 2013). The Tunisia Revolution and, above all, the following upheavals in Egypt and Libya were each what Brecher (1993) calls “crisis triggers” in decision-making, i.e. “impetuses” during the course of a crisis, triggering a “decision occasion” to review the EU approach. After all as suggested by Kingdon (1995: 98), the awareness of a problem sometimes comes only with a second or repeated crisis, as this is the only way for the events not to be dismissed as an isolated fluke. Faced with an uncontrollable chain of uprisings, the EU reacted with self-blame, by admitting that it had not been vocal enough in defending human rights and local democratic forces in the region (Fule, 2011) and by recognizing the need to take a “qualitative step forward”.

On this point of view, sometimes problems are so “pressing that they set agendas all by themselves” (Kingdon, 1995: 207). With its historic proportions and long lasting consequence, the Arab Spring inevitably and comprehensively influenced EU agenda in the wide range of its external activities, not only in the specific relations with the Mediterranean but also in the general approach to human rights and democracy. As said by Barbara Lochbihler (2011), chair of the EP human rights subcommittee, the Arab Spring was a “key event shaping the human rights agenda” and providing a “reminder of the fact that the European Union could do more in terms of human rights protection”.

Analytically speaking we could say that the Arab Spring represents what Dente (2011) calls the “right moment”, the time when actors’ goals and perceptions are changed by an external event and there is the need to deal with problems that are “urgent and not to be postponed” (ibid). The need to act, after all, is what distinguishes a “problem” from a mere “condition”. As suggested by Kingdon (1995: 207), a condition is a situation people are used to live with, and that, as such, does not rise to prominent places on the agenda. The condition is transformed into a problem when it is urgent to react and to do something (ibid). The development of the new Strategic Framework on

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Human Rights and Democracy is mainly rooted in these processes of problems stream\(^9\) unfolding with the Arab Spring.

Crisis and focusing events, anyway, “rarely carry a subject to policy agenda prominence by themselves” but “they may reinforce a preexisting perception of a problem that was already in the back of people’s mind” (ibid. :198). This is particularly true in the case of the new Strategic Framework, as the general stage set by the Arab Spring simply reinforced the pre-existing process of formal and informal consultations on the renewal of the EU human rights strategy that had been launched in 2010.

**Policy Stream**

The renewal of the EU human rights strategy which eventually came up with the adoption of the Strategic Framework is the result of a lengthy process of formal and informal consultation dating back to 2010, when in June High Representative (HR) Ashton announced her intention to revise and inform a new EU human rights strategy\(^10\). Since then, a variegated set of speeches, recommendations, communications, letters, EP reports and hearings has fostered a process of “gradual accumulation of knowledge” (Kingdon, 1995: 17) for the generation of new policy alternatives. Several ideas circulated and floated, waiting to be combined and revised.

Since the beginning, the EP championed the idea to anchor human rights in the future structure of the European External Action Service (EEAS) and to appoint a Special Representative for human rights. For this purpose, in its December 2010\(^11\) Resolution built upon the previous Andrikiene Report, it advocated the setting up of a specific Human Rights and Democracy Directorate within the EEAS and the creation of several EU Special Representatives in different human rights areas (international justice, human rights defenders, women’s rights). It also called for an improvement of the EU flexibility and capability to respond rapidly to breaches of human rights abroad and for the development of specific country strategies.

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Different proposals were instead sponsored by the HR, in the lines of action inspiring her work of revision. While sharing with the EP the need to develop local human rights strategies tailored to individual situations, she avoided to include both the idea of a Special Representative and of a specific directorate within the EEAS. Rather, she simply proposed to anchor human rights in the EEAS through the existing headquarters and delegations.

Other similar and alternative recommendations were supported by civil society such as the Human Rights and Democracy Network. Whereas emphasizing the importance of an integrated approach across the broad EU external action, it stressed the need to protect human rights at home and to address violations also within the EU.

In most cases, policy proposals are not generated as solutions to specific problems, but wait for problems to be attached to (Kingdon, 1995: 213). When the Arab Spring in 2011 focused the attention on democracy and human rights, many of the floating proposals were “attached” to the new problems. On this point of view, the EP urged the EU to draw lessons from the events by recommending to improve the monitoring mechanisms and the application of conditionality.

The first combination of all these ideas floating in this human rights review “primeval soup” occurred with the publication, in December 2011, of the Commission and HR’s Joint Communication titled “Human Rights and Democracy at the heart of EU external action- Towards a more effective approach”. Even though the Communication had much been awaited, it fell short of the expected goal to deliver a new EU human rights strategy, as it was merely aimed at opening a discussion with the other European institutions on how to make the EU’s human rights policy more effective (Faracik, 2012; Gorska, 2012).

The main reason why the document remained a simple draft is that it was not able to survive what Kingdon (1995: 210) calls the “softening-up process”, i.e. the creation of a favorable climate to accept a certain proposal. The earlier version of the document indeed had already been criticized by the EP since October (Faracik, 2012). The EP denounced the lack of innovation, the failure to consider the appointment of a special representative and addressed new

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13 http://www.apt.ch/content/files/region/eca/HRDN_EU_HR_Strategy.pdf
14 On this point, Kingdon relies on March and Olsen’s garbage can model, p. 19.
recommendations to the HR to be included in the final version\textsuperscript{18}. Even though in these recommendations the EP championed the idea of an Action Plan that could point out clear actions, actors and time-frames, the document published in December did not even mention such a point.

Overall, the early attempt to draft a new EU human rights strategy was criticized for the low quality, insufficient considerations of the EP’s role and recommendations, and doubts on the real capability to raise effectiveness. The proposal, therefore, was not sufficiently softened-up, as it was unable to achieve the “legitimacy” that could make it a “viable alternative” (Zahariadis, 2003: 46).

Following these developments, during the first half of 2012, many of the previous ideas were recombined, some were discarded and other gained consensus through their gradual diffusion. In particular, the EP discarded its idea of having several human rights special officials but continued to champion the appointment of a thematic special Representative; at the same time the HR showed an unprecedented openness to finally proceed in this sense\textsuperscript{19}. During the last months of consultations, “the institutions coming together to adopt a common strategy”\textsuperscript{20} were finally able to develop an alternative sufficiently refined “to enter a serious decision stage” (Kingdon, 1995: 124).

\textit{Political Stream}

According to Kingdon (1995: 207), the political stream is composed of political events, such as swings in the national mood and changes in the administration, that flow independently from the recognition of specific problems or proposals, according to their own dynamics and rules.

There are two main political factors that influenced EU human rights agenda and that set a favorable stage for the adoption of the EU Strategic Framework on Human Rights and Democracy, i.e. the political momentum represented by the ratification of the Lisbon Treaty and the role played by the Danish Presidency.

The Lisbon Treaty introduced significant changes to EU human rights protection, as it provided the EU Charter of Fundamental Rights a legally binding status\textsuperscript{21} and affirmed EU commitment to

\textsuperscript{18} Letter from Barbara Lochbihler to High Representative Catherine Ashton.
\textsuperscript{20} Ibid.
join the European Convention on Human Rights (Douglas-Scott, 2011). The Treaty, furthermore, declared solemnly the commitment to human rights in all the spheres, strengthening the EU role in this field. The goal is to put democracy, human rights and the rule of law at the core of the EU external action and to ensure consistency between the different areas.\textsuperscript{22} Delivering on this promise, the discussion was open in order to revisit the EU human rights strategy and the EP defined the entry into force of the Treaty as a “historic opportunity to address the remaining gaps in the EU’s human rights and democracy policy”\textsuperscript{23}. Paraphrasing Kingdon (1995: 146), we could say that Lisbon inevitably reinforced the “climate” in the EU for the protection of human rights.

The second political factor that favored the adoption of the new Strategic Framework is the role played by the Danish EU Presidency. Changes in the administration can be a powerful agenda-setter, as new politicians taking office bring their priorities into the agenda (\textit{ibid}: 17-18). This is particularly true for Denmark, which replaced Poland in the EU rotating Presidency at the beginning of 2012. Unlike its predecessor, whose program did not mention any priority concerning EU human rights policy\textsuperscript{24}, Danish Presidency provided strong inputs for the renewal of the EU strategy in this area. In line with its tradition to speak out vigorously on human rights issues (King, 1991: 315), Denmark defined human rights as “the internal and external guiding principle” of its Presidency\textsuperscript{25}, and expressed a favorable attitude, warmly welcomed by the EP\textsuperscript{26}, to develop and implement an EU human rights strategy. For this purpose, during the Gymnich informal meeting of ministers of foreign affairs organized in March 2012, the Presidency discussed how to strengthen the EU human rights policy and it expressed the formal will to adopt a concrete Action Plan by the end of the Presidency\textsuperscript{27}. The Action Plan was actually adopted in June 2012, together with the Strategic Framework, right before heading over the rotating role to Cyprus. The change of Presidency, therefore, provided the opportunity to push for the general review of the EU human


rights strategy and eventually for the Strategic Framework, as shifts “in climate make some proposals viable that would not have been viable before” (*ibid*: 149).

*Coupling the Streams*

The streams usually are independent of each other and develop according to their own dynamics. Problems exist independently, proposals are developed regardless to the problems and political events flow according to their own rules (Kingdon, 1995: 205-206). Nevertheless, the three streams come together at certain critical junctures and their coupling is the key to understand policy change (*ibid.* : 88). Solutions become joined to problems and both are coupled to favorable political forces.

The Strategic Framework can be interpreted as the result of the different streams coupled. When the Arab Spring in 2011 focused the attention on democracy and human rights, the pre-existing floating proposals generated to inform a new EU human rights Strategy were attached to the emerging pressing problems. At the same time, they coupled with the favorable political climate as already paved by the Lisbon Treaty and then reinforced by the Danish Presidency’s favorable attitude and political receptivity.

The coupling of the streams is more likely to occur when windows of opportunity are open by problems or happenings in the political stream. In the case of the Strategic Framework, the coupling was favored by both the “predictable” political window as opened by Lisbon and the “unpredictable” problem window of the Arab Spring. This powerful joint effect set the stage for an idea whose time had eventually come.

**IV. The Entrepreneurial Role of the European Parliament**

The EP played a significant role in the review process of the EU human rights strategy. By pushing its “pet solutions” and “persuading other actors to perceive problems in its own way” (Kingdon, 1995: 214), the EP acted as a policy entrepreneur28 able to exploit the political and problem windows of opportunity, in order to influence policy outcomes and “promote policy change” (Mintrom and Norman, 2009). Indeed, the EP successfully prompted the appointment of the Special Representative and contributed to shape the new Framework.

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To be successful, policy entrepreneurs must have mainly two qualities: to own some claim to a hearing and to be persistent (Kingdon, 1995: 180). As to the hearing, in the field of human rights the EP has definitely a strong claim to be heard given its long-established expertise and watchdog action. Since its origins, the EP has tried to act as a “norm entrepreneur” (Smith, 2004) speaking out against human rights violations, challenging EU policy on human rights (King, 1999) and adopting an Annual report. This vocal action and determination is partly related to the perceived importance of the EP identity as the only elected communitarian body (Rack and Lausegger, 1999). Furthermore, the traditional links with NGOs in many countries have always provided important channels of information (Viola, 1991: 58) that increase the EP expertise and leverage. It is true that legally the EP role in EU foreign policy is limited. Still, as the review process leading to the Strategic Framework has demonstrated, its informal ability to shape EU agenda and policy should not be neglected (Collins et al. 1998).

For what concerns the persistence, the EP has shown a strong and sustained interest in the protection of human rights. In its December 2010 Resolution29, it stresses the “strong determination” and its “long-term efforts to defend human rights and democracy in the world through the development of a strong and effective EU human rights policy”.

All these qualities contributed to foster the EP entrepreneurial role in prompting the attention on specific concerns, pushing pet proposals and exploiting policy windows. As to problems, the EP has repeatedly tried to capture the official attention, through reports, resolutions and hearings, about the need to have an effective and coherent human rights policy. In the Hautala Report of May 201030, which even preceded the HR’s official Statement about the intention to renew EU human rights strategy, the EP framed the problem of EU credibility and efficiency as the need to develop a “holistic approach” to human rights. Similarly, in the Resolution of December 201031, it called for the “absolute priority” to promote democracy and human rights in EU foreign policy. After the Arab Spring, these perspectives were further reinforced by the new issues raised by the events. The De Keyser report32 denounced the traditional “security vs. democracy” dilemma and stressed the importance for a real paradigm shift committed to democracy and human rights. By the same token, during the plenary session of December 201133 when the HR presented the first draft of the review, the MPEs highlighted the necessity to draw real lessons from the Arab Spring,

29 Note 11.
31 Note 11.
32 Note 15.
33 Note 26.
by putting human rights at the center of the relations with strategic partners (including Russia) and by developing an actual innovative strategy.

As to proposals, the EP was crucial in softening-up the other actors about the creation of a Special Representative on Human Rights. The EP has championed the idea since 2010, trying to persuade on the relevance of this proposal as a way to provide high level face and voice to EU human rights policies. The idea was constantly sponsored as “necessary”, even against the HR’s fear to have a proliferation of Special Representatives. When the proposal finally entered the decisional agenda, as it was up for a serious decision, the HR praised the EP for successfully championing the idea.

As to policy windows, the EP was able to exploit both the political and problem windows of opportunity before they could be closed. In particular, as said by the MPE Howitt, “the human rights review is our chance as Parliament to have inputs as the new human rights policy won’t be reviewed very often”.

Conclusions

The goal of this paper was to analyze how the new Strategic Framework’s time has come. By reconstructing Kingdon’s multi-stream theoretical model, it is argued that the stage for the new initiative was set by the coupling of three different streams of problems, policy and politics. The Arab Spring, the undergoing process of EU human rights revision, and the ripe political climate of the Lisbon Treaty as reinforced by the Danish Presidency produced a receptivity to the Framework’s idea that eventually became up to serious consideration. In this process, the EP played an important entrepreneurial role by successfully prompting the appointment of the EU Special Representative for human rights and by influencing the content of the new human rights strategy.

The new package inevitably reinforces the EU actorness in the field of human rights. The commitment to ensure consistency and to speak with one voice through the appointment of the Special Representative increase EU cohesion, while the ambitious goals of the Strategic Framework improve the EU traditional authority in the human rights area. Nevertheless, only through the effective implementation of the Action Plan the EU can seriously put into practice its

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34 Letter by the DROIT Chair, Heidi Hautala to HR Catherine Ashton. 22 June 2011.
35 Note 14.
new determinant strategy. At this stage, therefore, what should be asked is no more how an idea’s time comes, but how and when the time is right for implementation.

References


