

## The European Community as a Promoter of Human Rights in Africa and Latin America, 1970-80

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For several years now, historians have been paying increasing attention to the European Community's role in the promotion of human rights abroad. The focus has mostly been on the activity carried out by the EC in its own territory, with regard to Central-Eastern Europe on the one hand (especially with the 1975 Helsinki Final Act) and to Greece, Spain and Portugal on the other.<sup>1</sup> Historiography has so far neglected the EC's engagement with human rights in countries outside of Europe, which also began in the 1970s. Studies have considered the activities of individual countries and actors in Africa and Latin America, but little attention has been paid to the activity of the EC specifically – that is to say to the joint actions carried out by the EC member states, either through the Community institutions, the European Council, or the system of European Political Cooperation.<sup>2</sup>

In this article I show that, even in its early period, the EC's engagement for the promotion of human rights did not concern Europe only: the main instances of such an engagement in countries outside Europe during the 1970s are analysed here. I argue that the EC's engagement with the issue of human rights started as a reaction to the pressures exerted by the European civil society and by third countries. Initially, the focus was put on the EC's relations with Augusto Pinochet's Chile and with the white regimes in southern Africa. In the second half of the 1970s the EC adopted a more proactive attitude, and it started to target human rights violations occurring in other African countries, for instance suspending the provision of development aid to them. However, in none of the cases considered were the EC's initiatives very forceful or incisive. Their scope and effectiveness were mainly hindered by the divergences in the EC member states' interests and views.

The limited influence of the EC's activity in favour of human rights outside Europe is one of the reasons why it has so far been neglected by historians. However, its analysis is important because it shows that the much-discussed EC's activity of human rights promotion in its neighbourhood was actually part of a broader process, involv-

1. The historiography on the EC's role in the Mediterranean transitions is vast. With specific regard to the human rights issue, see V. FERNANDEZ SORIANO, *Le Fusil et l'olivier. Les droits de l'homme en Europe face aux dictatures méditerranéennes (1949-1977)*, Éds de l'Université Libre de Bruxelles, 2015. On the EC's role in the promotion of human rights in the CSCE context, see A. ROMANO, *From Détente in Europe to European Détente. How the West Shaped the Helsinki Final Act*, Peter Lang, Brussels, 2009.
2. See for instance: G. DUFNER, *Partner im Kalten Krieg. Die politischen Beziehungen zwischen der Bundesrepublik Deutschland und Chile*, Campus, Frankfurt a. M., 2014; M. ROSSI, *Tutela dei diritti umani e realpolitik. L'Italia alle Nazioni Unite (1955-1976)*, CEDAM, Padova, 2011; R. FIELDHOUSE, *Anti-Apartheid: A History of the Movement in Britain, 1959-1994*, The Merlin Press, London, 2005; P. BAEHR, M. CASTERMANS-HOLLEMAN, F. GRÜNFELD (eds), *Human Rights in the Foreign Policy of the Netherlands*, Intersentia, Antwerp-Oxford, 2002.

ing a larger spectrum of cases. To take into account such a broader context it is important to appreciate the roots of some fundamental features of the successive human rights policies of the EC/EU, such as the establishment of a connection between the provision of development aid and the respect of human rights. Moreover, some light can be shed on the reasons for the limited effectiveness of the initiatives taken, as well as on the process of assertion of the EC as an international political actor, and in particular on the attempt to characterize it as a “force for good”.

### The EC and human rights violations in Pinochet's Chile

The EC's engagement with human rights outside Europe started largely as a reaction to attacks targeting the EC's relations with countries such as Portugal and its empire, Augusto Pinochet's Chile, and South Africa. These countries were frequently violating their subjects' rights.<sup>3</sup> Criticism against these states' behaviour was often expressed by the developing world and the Soviet countries, but it was also expressed by some Western European actors, such as the left-wing parties, the trade unions, some pressure groups, and sectors of the press. They did not only blame the individual EC member states for their relations with those countries violating human rights, but they also targeted the EC as a whole. With the entry into force of the common commercial policy, it was the Community which managed trade with foreign countries, and possibly also the economic sanctions against them.

Since Pinochet's coup in 1973, the Western European socialist and communist parties called for the EC to act against human rights violations in Chile. In the European Parliament, socialists promoted questions, resolutions and the envoy of a mission to Chile.<sup>4</sup> Trade unions also invited the EC to take initiatives.<sup>5</sup> In order to respond to the pressure exerted by third countries and European actors, the EC released several declarations and the European Parliament approved a few resolutions.<sup>6</sup> Declarations were useful for domestic European purposes, but they were not expected to be very effective in bringing about actual change in Chile. Instead, hope was put in the exertion of discreet pressure on the Chilean government through confidential diplomatic

3. Even if the expression “human rights” became popular only in the late 1970s, in this paper I use it retrospectively, with regard to the whole decade.
4. ACCE [Archives Centrales de la Commission Européenne, Brussels], BAC 48/1984 1055, Fellermaier to Ortoli on Chile, 29.07.1975; ACCE, BAC 48/1984 1055, Boselli to Renner on the works by the political committee of the European Parliament, 21.10.1976.
5. TNA [The National Archives, London], FCO 30/1684, Brussels secretariat of the permanent CGT–CGIL committee to the President of the EC Council, 04.10.1973; ACCE, BAC 48/1984 1055, European Trade Unions Confederation to Ortoli, 09.09.1974.
6. See for instance ACCE, BAC 48/1984 1055, Resolution by the European Parliament on the military coup in Chile, 17.10.1973; ACCE, BAC 48/1984 1055, Resolution of the European Parliament on the violation of human rights in Chile, 15.10.1976; ACCE, BAC 48/1984 1055, Resolution of the European Parliament on the displacement of political personalities and trade unionists in Chile, 19.01.1978.

contacts. For instance, the EC repeatedly urged Pinochet “to use clemency and to suspend the execution of death penalties, as well as of possible future death sentences”.<sup>7</sup>

Deeming these initiatives insufficient, some European actors – including the Dutch government – called for the EC to enforce economic sanctions against Chile.<sup>8</sup> In particular, calls aimed at cutting European provisions of aid to the country. The Community's aid to Chile at this time mostly consisted of food aid benefiting the poorest sectors of the population. The Council of the EC decided not to cut it, but to channel aid through the churches rather than through the Chilean government itself.<sup>9</sup> This decision set a blueprint for later Community debates on the use of sanctions against human rights violations: aid transfers would preferably not be cut, but measures would be taken to ensure that they reached the poor and that the recipient government did not use the funds to strengthen its grip upon the people.

Besides economic sanctions, the EC discussed the utility of making symbolic gestures to signal its concern with the human rights situation in Chile. In particular, the possibility of moving the headquarters of the EC Commission's representation office in Latin America away from Chile was discussed. The office had been based in Santiago because many Latin American organizations and conferences were hosted there, therefore Commission officials initially resisted pressures to move the office.<sup>10</sup> However, later in the decade, the main headquarters of the EC's activity in Latin America were established in Caracas. The EC Commission made a few other symbolic gestures to signal its concern. For instance, several meetings were held between commissioners and leaders of the Chilean opposition, often at the encouragement of the Commission itself.<sup>11</sup>

During the 1970s, the EC took a few steps to signal its concern with the human rights situation in Chile. However, the adopted measures were disproportionately small with regard to the alleged concern of the EC member states. The Chilean situation was not thoroughly discussed in the system of European Political Cooperation, where the EC member states exchanged views and coordinated positions on international political affairs. Adopted measures mainly concerned the Community sphere of European cooperation, and in this regard the measures were in fact quite remark-

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7. AMAEF [Archives du Ministère des Affaires Etrangères, Paris], Aff. politiques, CE 3803, Draft telegram by the President of the European Political Cooperation to Pinochet, 1974. See also ACCE, BAC 48/1984 1056, Boselli to Cecchini on a visit by the Chilean Ambassador, 06.11.1975.

8. TNA, FCO 30/1684, Douglas-Home to the British Ambassador in Chile on food aid, 26.10.1973.

9. *Ibid.*; HAEU [Historical Archives of the European Union, Florence], EN 1141, Report by Reuter on H. Allende's visit to the Commission, 06.09.1977.

10. Churchill Archives, Cambridge, Soames, 48/25, Renner on the location of the Commission delegation for Latin America, 17.10.1973; ACCE, BAC 48/1984 1056, Boselli to Cecchini on a visit by the Chilean Ambassador, 06.11.1975.

11. ACCE, BAC 25/1980 1889, Renner to Cohen on a visit of Aylwin in Europe, 26.08.1975; ACCE, BAC 48/1984 1058, Renner to DG I on Precht's visit to Brussels, 02.09.1976; ACCE, BAC 48/1984 1058, Boselli to Renner on a visit of Precht to the Commission, 24.09.1976; ACCE, BAC 48/1984 1058, Note by Beinhardt on Silva Henriquez's visit to the Commission, 10.10.1976; HAEU, EN 1141, Report by Reuter on H. Allende's visit to the Commission, 06.09.1977.

able. Never before had the Community discussed the enforcement of sanctions for human rights violations outside Europe, nor had it modified its development aid policies to address human rights issues. The EC Commission itself took quite explicit political positions with regard to Chile, which it had rarely previously done.

### The EC and human rights violations in southern Africa

During the 1970s, the political situation in southern Africa sparked growing international concern. There were the Portuguese colonies, which were fighting for independence first and then struggling to overcome deep internal divisions and heavy foreign interferences. There was South Africa, with its domestic apartheid regime and with its aggressive foreign policy towards its neighbours. There was the ongoing crisis in Rhodesia, where a white minority government defied widespread internal and external opposition. Some of these issues were not altogether new, but in the early 1970s they started to acquire new salience, undergoing an increasing politicization and attracting more and more international attention.

In these southern African cases, the problem of human rights violations involved white and Western regimes. As a consequence, the Western European countries were attacked by the developing and Soviet countries for their alleged support to these white regimes.<sup>12</sup> Behaviour such as Portugal's was causing an "embarras croissant" to the European governments, as the French Foreign ministry recognized.<sup>13</sup> According to European actors like the West German Foreign Minister Hans-Dietrich Genscher, "il fallait veiller à ce que l'URSS et Cuba n'apparaissent pas comme les défenseurs de l'Afrique contre le colonialisme. Les Neuf devraient se ranger délibérément du côté de l'indépendance des Africains".<sup>14</sup> The adoption of European initiatives was thus deemed necessary "to remove the causes of further communist opportunism".<sup>15</sup>

Western European governments were also starting to be increasingly pressured to act by their own domestic public opinion, which had become more attuned to human rights issues. Starting from the early 1970s, the mobilization of pressure groups throughout Europe increased considerably.<sup>16</sup> The role played by Amnesty Interna-

12. AMAEF, Aff. politiques, Portugal 3516, De Guiringaud to Jobert on the territories ruled by Portugal, 29.10.1973; AMAEF, Aff. politiques, Portugal 3519, De Guiringaud to Jobert on the illegal occupation of Guinea-Bissau by Portugal, 12.11.1973; A. ALMADA E SANTOS, *The Role of the Decolonization Committee of the United Nations Organization in the Struggle against Portuguese Colonialism in Africa: 1961–1974*, in: *The Journal of Pan African Studies*, 10(2012).
13. AMAEF, Aff. politiques, CE, Groupes d'experts Afrique CPE, Note by the directorate of African and Malagasy affairs on the Portuguese territories in Africa, 10.04.1974.
14. Genscher quoted in AMAEF, Aff. politiques, Portugal 3523, EPC meeting on Angola, 24.02.1976.
15. Genscher quoted in TNA, FCO 98/6, Report on a EPC meeting on Angola, 25.02.1976.
16. A. IRIYE, *Global Community. The Role of International Organizations in the Making of the Contemporary World*, University of California Press, Berkeley-Los Angeles, 2004, pp.126–138.

tional was especially striking, but a number of other groups were active. Dutch public opinion was particularly attentive to human rights issues: the Dutch media devoted considerable attention to the problems of Portuguese colonialism, and pressure groups organized demonstrations and boycotts.<sup>17</sup> Growing citizens' concern also exerted significant pressure on the British and German left-wing parties.<sup>18</sup>

There were a number of reasons why it became desirable for the EC member states to address the problem of white regimes' violations of human rights in southern Africa together. First of all, the adoption of a common approach would give more leverage to the Western European governments, substantially increasing the costs for rogue countries and third countries to exert pressure upon them.<sup>19</sup> It would become harder for them to exploit divergences in policy lines and the particular exposure of individual EC countries on some issues. Another motive favouring coordination at the EC level was the fact that the EC's engagement in development cooperation had endowed it with a capital of credibility in Africa. The EC could not present itself as a committed partner of African peoples on the one hand, and support white regimes oppressing them on the other hand.<sup>20</sup>

One more motive behind favouring EC coordination on human rights issues in southern Africa was linked to the more general development of EC coordination in international affairs. Countries attached to it, such as Britain, favoured cooperation on human rights because it would be an opportunity to strengthen European Political Cooperation and to lead to a rapprochement between the EPC and the Community structures, since EPC diplomatic initiatives could complement the Community's measures in the domains of trade and development cooperation.<sup>21</sup> However, these developments were opposed by France, whose government was wary of the adoption

17. AMAEF, Aff. politiques, Portugal 3520, Tiné on Portuguese difficulties with Northern European countries, 07.04.1972; AMAEF, Aff. politiques, Portugal 3518, Senard on the situation in Mozambique, 19.07.1973; R.M. PONTE VIEIRA LOPES, *Between Cold War and Colonial Wars. The Making of West German Policy towards the Portuguese Dictatorship, 1968–1974*, PhD, London School of Economics, 2011, pp.62–63. The Dutch foreign policy was traditionally affected by a “sense of moral obligation in world politics” (E.H. ARENS, *Multilateral Institution-Building and National Interest: Dutch Development Policy in the 1960s*, in: *Contemporary European History*, 12(2003). See also P.R. BAEHR, *Trials and Errors: The Netherlands and Human Rights*, in: D.P. FORSYTHE (ed.), *Human Rights and Comparative Foreign Policy*, United Nations University Press, Tokyo, 2000, p.57).
18. A.M. FONSECA, D. MARCOS, *Cold War Constraints: France, West Germany and Portuguese Decolonization*, in: *Portuguese Studies*, 29(2013), p.224; P. AIRES OLIVEIRA, *The United Kingdom and the Independence of Portuguese Africa (1974–1976): Stakes, Perceptions and Policy Options*, in: *Revue française de civilisation britannique*, 18(2013), p.108.
19. TNA, FCO 58/970, Brief by UN department of FCO on human rights at the UN, 09.03.1976; TNA, FCO 58/1143, Note by Palliser on human rights and foreign policy, 29.04.1977.
20. AMAEF, Aff. politiques, CE 3775, EPC presidency on the political implications of aid to Austral African countries, 31.03.1976; A. HEWITT, K. WHITEMAN, *The Commission and Development Policy: Bureaucratic Politics in EU Aid – From the Lomé Leap Forwards to the Difficulties of Adapting to the Twenty-First Century*, in: K. ARTS, A.K. DICKSON (eds), *EU Development Cooperation: From Model to Symbol*, Manchester University Press, Manchester, 2004, p.142.
21. TNA, FCO 58/1146, Hibbert on coordination with the Nine on human rights questions, 12.1977.

of common initiatives on human rights in southern Africa.<sup>22</sup> France was especially afraid that coordination in this field could lead to an increasing harmonization of the EC member states' African policies as a whole, which was deemed an undesirable development.<sup>23</sup>

In order to assert itself as a supporter of the African people's rights, the EC deployed a number of initiatives during the 1970s. The European Council and the EPC released a series of joint declarations on topics ranging from Angolan independence to the Rhodesian problem, and from apartheid to the status of Namibia.<sup>24</sup> They tried to present the EC as a supporter of the independence of the African peoples and of racial equality. Indeed, the release of these declarations was intended as a "manifestation de 'bonne volonté' exploitable devant les opinions publiques nationales et auprès des gouvernements africains".<sup>25</sup> The release of joint declarations was often followed by the promotion of confidential diplomatic communications with the main actors involved and by the pursuit of a consistent voting behaviour at the UN.<sup>26</sup>

Besides purely verbal initiatives, the EC provided some aid to the victims of apartheid, to South Africa's neighbours and to some liberation movements active in the region.<sup>27</sup> This aid was seen as the price for the EC to pay "pour assurer sa présence en Afrique australe et en même temps sauvegarder ses intérêts politiques et économiques".<sup>28</sup> The EC observed the arms embargo against South Africa approved by the UN, and it introduced some additional restraints concerning sporting and cultural contacts. In September 1977 the EC approved a code of conduct for European companies that were active in South Africa, which was aimed at overcoming some apartheid practices.<sup>29</sup> However, its implementation was assigned to the individual EC member states and it was far from being perfect.

22. TNA, FCO 98/6, Report on EPC meeting on Angola, 25.02.1976; TNA, FCO 58/973, Note on Southern Africa by the British embassy in Paris, 04.05.1976.

23. AMAEF, Aff. politiques, CE 4149, Martin de Guiringaud, 03.10.1977.

24. See for instance TNA, FCO 58/897, Message of the Council of the EC to the UN Secretary General on the occasion of Namibia Day, 26.08.1975; AMAEF, Aff. politiques, Portugal 3522, Declaration of the Ministers of Foreign affairs on Angola, 23.02.1976; AMAEF, Aff. politiques, CE 4149, Common intervention of the EPC at the Lagos conference against apartheid, 27.07.1977; ACCE, BAC 48/1984 129, EPC declaration to the UN world conference on the fight against racism and discrimination, 15.08.1978.

25. AMAEF, Aff. politiques, CE, Groupes d'experts Afrique CPE, Note on the Portuguese territories in Africa, 10.04.1974.

26. See for instance AMAEF, Aff. politiques, Portugal 3522, Note on the démarche for the retreat of South-African forces from Angola, 13.03.1976.

27. AMAEF, Aff. politiques, CE 4149, Common EPC intervention at the Lagos conference against apartheid, 27.7.1977; PAAA [Politisches Archiv des Auswärtigen Amts], B 200, 121704, EC-relations with conflict states in Austral Africa, 10.02.1978.

28. AMAEF, Aff. politiques, CE 3775, EPC presidency on the political implications of aid to Austral African countries, 31.03.1976.

29. ACCE, BAC 39/1986 535, Code of conduct for companies with interests in South Africa, 20.09.1977. For a detailed analysis of the code, see M. HOLLAND, *Disinvestment, Sanctions and the European Community's Code of Conduct in South Africa*, in: *African Affairs*, 88(1989).

### **The limits of common actions on southern Africa**

Some Western European governments deemed the EC initiatives on southern Africa insufficient. This was especially the case with the Netherlands and Denmark, but it was also true of Ireland and Italy to some extent. These countries did not have significant material interests in that region, while they had influential domestic pressure groups calling for the adoption of strong measures on human rights.<sup>30</sup> The adoption of much more vocal and stringent initiatives by the EC was envisaged by them: they argued that public pressures should be exerted upon the rogue governments, a more confrontational voting behaviour should be adopted at the UN, stronger support should be given to the African liberation movements, and comprehensive trade sanctions should be introduced.<sup>31</sup> The expulsion of Portugal and South Africa from NATO and the UN was even contemplated.<sup>32</sup>

According to their EC partners, these governments were more interested in improving their own image than in effectively bringing about real change in Austral Africa:

“Pour les Irlandais et les Danois, soutenus pas les Italiens et les Hollandais, il faut que les Neuf prennent à l'égard de l'Afrique du Sud des initiatives dans le seul but d'afficher leur hostilité à l'apartheid, et cela indépendamment des événements qui peuvent survenir. [...] Il s'agit de leur part d'une attitude de principe qui, du reste, se justifie plus par le désir de manifester leur intérêt pour la défense des droits de l'homme et d'afficher des positions 'anticolonialistes' que par le souci de provoquer des changements réels”.<sup>33</sup>

France, Germany and Britain argued that confidential pressure would be much more effective than the adoption of public positions, given the “extrême susceptibilité” of the Portuguese and South African governments.<sup>34</sup> It was particularly important not

30. TNA, FCO 58/977, Dalton to Reith on the Community coordination on Namibia, 21.12.1976; TNA, FCO 98/400, Note on Southern Africa, 30.03.1978.

31. AMAEF, Aff. politiques, Portugal 3516, Note by the French UN delegation on Portuguese territories in Africa, 03.12.1971; AMAEF, Aff. politiques, Portugal 3519, Note by Senard on the Netherlands and Guinea-Bissau, 14.02.1974; AMAEF, Aff. politiques, CE, EPC, Groups of experts for Africa, Report by the EPC presidency on a joint meeting of the groups of experts for Africa and the United Nations, 28.06.1976; TNA, FCO 58/977, Dalton to Reith on the Community coordination on Namibia, 21.12.1976; TNA, FCO 98/400, Report on the EPC meeting on South Africa, 17.03.1978; H. KVALE SVENBALRUD, *Apartheid and NATO: Britain, Scandinavia, and the Southern Africa Question in the 1970s*, in: *Diplomacy & Statecraft*, 23(2012), p.753.

32. AMAEF, Aff. politiques, Portugal 3520, Note by Tiné on the Portuguese difficulties with Northern European countries, 07.04.1972.

33. AMAEF, Aff. politiques, CE 4150, Note on measures to be taken against South Africa, 17.05.1978. See also TNA, FCO 58/977, Dalton to Reith on Community coordination on Namibia, 21.12.1976; TNA, FCO 49/727, Paper on the future British policy towards South Africa, 29.03.1977; D. OWEN, *Human Rights*, Jonathan Cape, London, 1978, p.94.

34. AMAEF, Aff. politiques, Portugal 3519, Note on the European démarche to Lisbon, 04.03.1974. See also AMAEF, Aff. politiques, Portugal 3520, Note by Tiné on the Portuguese difficulties with Northern European countries, 07.04.1972; AMAEF, Aff. politiques, CE 3803, Note by the Auswärtige Amt on problems with the Portuguese territories in Africa, 03.04.1974. See also TNA, FCO 49/727, Paper on the future British policy towards South Africa, 29.03.1977.

to alienate South Africa, because dialogue with it was necessary to address the Angolan, Namibian and Rhodesian crises.<sup>35</sup> The cautious attitude of France, Germany and Britain was due to geopolitical concerns on the one hand, and to economic interests on the other: concern with human rights could enter the picture, but it had to be balanced with other foreign policy considerations.

Geopolitical concerns were closely linked to the confrontation with the Soviet bloc. Change in southern Africa should occur gradually, ensuring the preservation of stability and Western influence in the region.<sup>36</sup> Even if Portugal and South Africa were uncomfortable allies, they were strongly opposing the expansion of Soviet influence in Austral Africa. With Portugal being a NATO member, it was appealing to solidarity from partners and it was successful in exerting pressures on the US.<sup>37</sup> France, Germany and Britain also had strong material interests in southern Africa. South Africa was an important market for some of their industries as well as an important supplier of commodities.<sup>38</sup> According to British estimates, a universal trade embargo against South Africa could cost Britain 1 percent of its GDP.<sup>39</sup>

EC member states had different interests at stake in southern Africa, as well as different views on the role of human rights in foreign policy. For this reason, their common initiatives in favour of human rights in southern Africa usually resulted from a compromise. Most of the efforts were directed at “achieving the minimum of divergence of views among the Nine, rather than a joint policy”.<sup>40</sup> As a result, even when common initiatives could be agreed upon, they were often “insufficiently robust in substance and insipid in tone”, as a British official recognized.<sup>41</sup> Ambivalent positions were often adopted: for instance, the EC countries tried to preserve military and commercial relations with Portugal, but at the same time they criticized its colonial policy and cultivated contacts with African liberation movements fighting against

35. TNA, FCO 98/400, Brief on Southern Africa, 30.03.1978; AMAEF, Aff. politiques, CE 4150, Note on measures to be taken against South Africa, 17.05.1978.

36. AMAEF, Aff. politiques, Portugal 3519, Note on France and on Portugal's prospects in Africa, 10.03.1971; TNA, FCO 49/727, Paper on the future British policy towards South Africa, 29.03.1977; TNA, FCO 98/400, Brief on Southern Africa, 30.03.1978.

37. M. DEL PERO, *I limiti della distensione: gli Stati Uniti e l'implosione del regime portoghese*, in: A. VARSORI (ed.), *Alle origini del presente: l'Europa occidentale nella crisi degli anni Settanta*, Franco Angeli, Milano, 2007; B. CARDOSO REIS, *Portugal and the UN: A Rogue State Resisting the Norm of Decolonization*, in: *Portuguese Studies*, 29(2013), p.273; L. NUNO RODRIGUES, *The United States and Portuguese Decolonization*, in: *Portuguese Studies*, 29(2013).

38. TNA, FCO 49/727, Paper on the future British policy towards South Africa, 29.03.1977; ACCE, BAC 39/1986 535, UN press release on the visit of Harriman to Brussels, 21.06.1978; ACCE, BAC 39/1986 535, Briefing note for a visit by Harriman to the Commission, 22.06.1978; R.M. PONTE VIEIRA LOPES, op.cit., pp.33–38. For figures on trade flows between South Africa and the EC member states see M. HOLLAND, *The European Community and South Africa. European Political Cooperation under Strain*, Pinter, London-New York, p.53.

39. TNA, FCO 49/727, Paper on the future British policy towards South Africa, 29.03.1977; AMAEF, Aff. politiques, CE 4150, Note on measures against South-Africa, 17.05.1978.

40. TNA, FCO 58/1286, Thorpe to Fell on coordination of the policies of the Nine at the 33<sup>rd</sup> UN General Assembly, 04.1978.

41. TNA, FCO 58/977, Dalton to Reith on Community coordination on Namibia, 21.12.1976.

its rule.<sup>42</sup> As a result, a coherent image of the overall EC's stance on human rights could hardly be projected.

Common initiatives adopted by the EC lacked the broad political support that was vital to sustain them. Because they were compromises, no member state was ready to strongly defend such initiatives, and many of them rather focused on stressing their own distinctive views. The EC member states often broke with the agreed common positions, either by adopting stronger bilateral initiatives or by withdrawing from the common initiatives themselves.<sup>43</sup> For instance, the Netherlands and Denmark were very eager to differentiate their position from the common European one, in order to increase their credit among the developing countries.<sup>44</sup> In other cases, states paid mere lip-service to the EC common positions, while not substantially changing their actual foreign policy line.

### **The EC takes the offensive on human rights**

In the cases of Portugal, Chile and South Africa, the EC had mostly confined itself to a defensive position on human rights. It was attacked because of its links with those countries, and it tried to react to the pressures exerted upon it. However, human rights violations also occurred in other countries: in the late 1970s the EC adopted a more proactive stance on human rights, paying increasing attention to their violation by some non-Western, developing countries. The adoption of this stance was largely a reaction to the shift in the US human rights policy promoted by the Carter administration. In early 1976 it was still possible for EC diplomats at the UN to claim that “Western delegations as a whole now look to the Nine for a lead on the entire range of human rights questions”, but a few months later it was the EC that had to catch up with the new American activism on human rights.<sup>45</sup>

The adoption of a more proactive stance by the EC was also linked with the increasing concern with human rights amongst the wider European public. Amnesty International was awarded the Nobel Peace Prize in 1977, and the pressure exerted on the Community by NGOs and individual citizens grew to such an extent that in 1978 the EC Commission had to establish a standing *ad hoc* group to answer their appeals and enquiries on humanitarian questions.<sup>46</sup> In placing human rights on the EC's agenda, a role was also played by the European Parliament. The Parliament was trying to assert itself as “the forum which best stood for European values” and as “the conscience and the critical voice of Europe”, and to focus on human rights issues was

42. N. MACQUEEN, *The Decolonization of Portuguese Africa. Metropolitan Revolution and the Dissolution of Empire*, Longman, London-New York, 1997, p.55.

43. AMAEF, Aff. politiques, CE 3794, Report on a EPC meeting on Austral Africa, 05.05.1976.

44. AMAEF, Aff. politiques, CE 3803, Note on the Portuguese territories in Africa, 22.04.1974.

45. TNA, FCO 58/1009, Note of the UN British delegation on human rights at the UN, 03.05.1976.

46. HAEU, EN 298, Proceedings of the first meeting of the inter-services group in charge of examining the answers given to letters addressed by humanitarian organisations, 06.12.1978.

useful to strengthen the Parliament's profile in the wake of the first European elections.<sup>47</sup>

The adoption of a proactive stance on human rights by the EC was also promoted by the new British Foreign Secretary, David Owen. He even published a book about human rights in 1978, in which he argued that “a concern for human rights should permeate our whole foreign policy”.<sup>48</sup> Attention to this issue was also paid by the new President of the EC Commission, Roy Jenkins, and by the new EC Commissioner for External relations, Wilhelm Haferkamp, both of whom took office in January 1977. The latter described himself as a convinced supporter of Amnesty International, and close relations existed between Amnesty and his cabinet and the Commission's directorate-general for external relations.<sup>49</sup>

Despite this drive towards more proactive initiatives on human rights, there were in fact few cases where the EC could target human rights violations in third countries without putting the interests of some of its member states at stake.<sup>50</sup> As a result, the EC followed a double strategy. On the one hand, a particular focus would be put on a few rogue states and direct pressures would be exerted upon them. On the other hand, the EC efforts would mainly focus on spreading general awareness of human rights, trying to gradually turn their respect into a widespread international norm. To this end, in 1977 the EC member states agreed to draft a general annual report on human rights, and their Ambassadors in third countries were required to provide a regular assessment of the human rights situation in their host countries.<sup>51</sup>

### The inclusion of human rights in the Lomé Convention

The more proactive stance on human rights adopted by the EC in the late 1970s mostly concerned its policies of cooperation with the developing countries, which constituted an important aspect of the Community external policies. The provision of development aid to countries grossly violating human rights came increasingly under fire by

47. A.É. GFELLER, *Champion of Human Rights: The European Parliament and the Helsinki Process*, in: *Journal of Contemporary History*, 49(2014), p.395. See also E. DE ANGELIS, *The Political Discourse of the European Parliament, Enlargement, and the Construction of a European Identity, 1962–2004*, PhD, London School of Economics, 2011; G. Bersani quoted in A.É. GFELLER, op.cit., p.407.

48. D. OWEN, op.cit., p.2.

49. HAEU, EN 1092, Haferkamp to Baichère on Amnesty International, 25.11.1977.

50. TNA, FCO 58/114, Note by Hibbert on human rights, 15.07.1977; TNA, FCO 58/1146, Note by Murray on human rights and foreign policy, 15.09.1977.

51. TNA, FCO 58/1146, Note by Simpson-Orlebar on human rights, 19.09.1977; TNA, FCO 58/1146, Note by Simpson-Orlebar on human rights and foreign policy, 07.12.1977.

the European press, parliaments and pressure groups, especially in Britain.<sup>52</sup> Calls were made to tie the provision of aid to a country's human rights performance, using aid cuts as a form of political sanction. Developmental experts were wary of cuts and suggested forms of positive conditionality instead, but their proposals achieved little success.<sup>53</sup>

It was with reference to Uganda that the relationship between aid and human rights was first discussed at the EC level. As a signatory of the Lomé Convention between the EC and the so-called Africa, Caribbean and Pacific (ACP) countries, Uganda received some aid from the Community.<sup>54</sup> The Ugandan government was committing patent gross violations of human rights, but the Convention did not allow for aid to be suspended for political reasons. As a consequence, in 1976 the British government asked the EC Commission to reduce and delay aid to Uganda as much as possible.<sup>55</sup> Aid was indeed heavily delayed, so that by March 1977 only 0.2 percent of the available funds had been spent.<sup>56</sup> In June 1977 the Council of the EC approved the so-called Uganda guidelines: steps would be taken "to ensure that any assistance given by the Community to Uganda does not in any way have as its effect a reinforcement or prolongation of the denial of basic human rights to its people".<sup>57</sup>

The case of Uganda was the very first instance where the EC used aid cuts as a form of political sanction. A similar *de facto* suspension of aid for human rights reasons was decided with regard to Equatorial Guinea in 1978, the Central African Republic in 1979, and Liberia in 1980.<sup>58</sup> However, this suspension rested on weak legal grounds: in order to codify the possibility of cutting aid in case of gross human rights violations, the British government called for the inclusion of dedicated provisions in the new Lomé Convention, which was due to be signed in 1979. According

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52. See for instance ACCE, BAC 39/1986 535, Resolution of the British Council of the European Movement, 18.03.1978; TNA, FCO 98/331, United Nations Association of Great Britain and Northern Ireland to Owen, 19.05.1978; TNA, FCO 98/332, Resolution of Amnesty International on the renewal of the Lomé Convention, 10.06.1978. See also TNA, FCO 49/689, Note by Hart on human rights and aid, 08.09.1976; TNA, FCO 98/330, Coles to Jenkins on the Lomé renegotiation, 18.01.1978.

53. TNA, FCO 49/689, Note by Hart on human rights and aid, 08.09.1976; TNA, FCO 58/1144, Paper by Luard on human rights and foreign policy, 23.05.1977; TNA, FCO 58/1414, Note by Luard on human rights policy, 02.08.1978.

54. African, Caribbean and Pacific countries. The Lomé Convention was a development cooperation agreement signed in February 1975 between the EEC and almost fifty developing countries, mostly former European colonies.

55. TNA, FCO 98/331, Note on human rights and difficulties caused by current practice, 06.1978. The only legal option available was the outright denunciation of the Convention, which was not deemed desirable.

56. A. YOUNG-ANAWATY, *Human Rights and the ACP-EEC Lomé II Convention: Business as Usual at the EEC*, in: *New York University Journal of International Law and Politics*, 13(1980), p.65n.

57. TNA, FCO 98/604, Uganda guidelines of the Council of the EC, 21.06.1977.

58. K. ARTS, *Integrating Human Rights into Development Cooperation: The Case of the Lomé Convention*, Kluwer Law International, The Hague, p.324; K. ARTS, *European Community Development Cooperation, Human Rights, Democracy and Good Governance: At Odds or at Ease with Each Other?*, in: K. GINTHER, E. DENTERS, P. DE WAART (eds), *Sustainable Development and Good Governance*, Martinus Nijhoff, Dordrecht, 1995, pp.267-268.

to the British, the Convention should include a reference to human rights in the preamble as well as a clause allowing the reduction or suspension of aid in case of gross and persistent violations of human rights.<sup>59</sup>

The ACP group of countries opposed the British proposal, claiming that the EC should not interfere with their internal affairs.<sup>60</sup> Even if some ACP states did criticize human rights violations committed by their partners, “when others outside Africa took this question up, the automatic African reaction was to close ranks”.<sup>61</sup> The British proposal also encountered French and German opposition. France did not want to give its EC partners a chance to interfere with its African policy and with the dubious policies of its African clients, while Germany worried that tense relations between the EC and the ACP countries could lead to an increase of Soviet influence on the latter.<sup>62</sup> Germany was also wary of the counterparts that the ACP would demand in return for the inclusion of a human rights provision in the Convention.<sup>63</sup> Only the Netherlands supported the British proposal, but its support was not very effective for domestic political reasons.<sup>64</sup>

Britain insisted that “only an operative provision in the Convention would give the Community a totally watertight position” for the suspension of aid in case of human rights violations.<sup>65</sup> However, even the EC Commission did not envisage any such clause in the memorandum for the negotiation of the new Convention.<sup>66</sup> The Commission did not expect it to be acceptable to the ACP states, and it was keen to preserve the security and stability of the trade and aid provisions of the Convention. According to the Commission, in case of human rights violations aid should not be suspended, but it should rather be provided in a special way, as with Chile. Additionally, the Commission proposed to tie aid to the observance of some norms on

59. TNA, FCO 98/330, Note by Jenkins on the Lomé renegotiation, 22.02.1978; TNA, FCO 98/330, Note on human rights and the Lomé Convention, 03.03.1978.

60. ACCE, BAC 39/1986 535, Reuter to Tickell on human rights in the Lomé context, 05.09.1977; TNA, FCO 98/307, Resolution of the Council of ACP ministers on human rights, 12.1977; TNA, FCO 98/330, Note on human rights and the Lomé Convention, 03.03.1978; ACCE, BAC 39/1986 535, Speech of the President of the Council of ACP Ministers at the opening of negotiations with the EEC, 24.07.1978; A. YOUNG-ANAWATY, *op.cit.*, p.81.

61. TNA, FCO 98/330, Coles to Jenkins on the Lomé renegotiation, 18.01.1978.

62. AMAEF, Aff. politiques, CE 4087, Note on the dangers of a global European policy towards Africa, 29.11.1977.

63. PAAA, B 200, 121706, Draft speech of Ref. 410, 10.05.1978; ACCE, BAC 39/1986 535, Cheysson to Wistrich, 12.04.1978; TNA, FCO 98/330, Report on a Coreper meeting on the renegotiation of the Lomé Convention, 13.04.1978; TNA, FCO 98/331, Note by Hart on EDF aid to Uganda, 13.04.1978; A. YOUNG-ANAWATY, *op.cit.*, p.95.

64. TNA, FCO 98/333, Budd to Coles on the Lomé renegotiation, 14.11.1978; TNA, FCO 98/614, Shepherd to FitzHerbert on Lomé II, 09.03.1979.

65. TNA, FCO 98/330, Note by Jenkins on the Lomé renegotiation, 22.02.1978. See also TNA, FCO 98/330, Note on human rights and the Lomé Convention, 04.1978.

66. ACCE, BAC 39/1986 535, Note of the Council of the EC on texts on human rights, 17.11.1978.

people's working conditions, but the proposal was received with little enthusiasm and it was dropped.<sup>67</sup>

Despite its proclaimed attachment to human rights, the European Parliament failed to exert any strong pressure on this issue during the renegotiation of the Lomé Convention. In fact, it expressed serious doubts about the legitimacy of aid cuts as an instrument for the promotion of political goals by the EC.<sup>68</sup> In the end, no human rights clause was included in the new Convention, but in June 1979 the EC ministers agreed to take an internal Community decision, so that aid would have to be used for objectives consistent with human rights.<sup>69</sup> The Council of the EC adopted the internal decision in November 1979, but watered down its commitment: the decision merely stated that in case of consistent denial of the dignity of man, the Community would "consider the necessary action".<sup>70</sup>

## Conclusions

This article has shown that the EC's promotion of human rights during the 1970s did not only consider its European neighbourhood, as is implicitly assumed by most of the literature. Attention to human rights violations outside Europe started with Pinochet's coup in Chile in 1973 and with the increasingly troublesome behaviour of white regimes in southern Africa. Later in the decade, the EC started to pay increasing attention to the human rights violations committed by other African governments. To be sure, the EC's engagement in Africa and Latin America did not produce particularly tangible results, but instead led to mere declarations and rhetorical statements, as well as a few measures mainly concerning a diversion or a cut in aid provisions in order to punish human rights violations.

The main reason why the EC sought to promote human rights outside Europe was to respond to domestic and external pressure. A very important pressure was exerted by the mobilization of public opinion in most EC member states and by the initiatives taken by a number of civil society actors. It was the first case where NGOs, social movements and groups of citizens managed to exert a strong influence on some EC's external policies. It was also one of the first cases where the European Parliament managed to exert such an influence, asserting its political role. However, pressures from below could exert significant influence only when they met with quite a receptive attitude by the EC leaders. Some parties and leaders were ready to embrace the

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67. TNA, FCO 98/614, Note by FitzHerbert on the Commission proposal on working conditions, 07.02.1979.

68. See for instance TNA, FCO 98/334, Resolution of the European Liberals and Democrats on the Lomé Convention, 02.12.1978; HAEU, PE0 2955, Report of the development and cooperation committee of the European Parliament on development cooperation and the respect of some international norms on working conditions, 02.05.1979.

69. TNA, FCO 98/615, Report on the ACP/EEC negotiating conference, 27.06.1979.

70. TNA, FCO 98/615, Decision of the Council of the EC on the Lomé Convention, 20.11.1979.

human rights agenda for their own reasons, such as many socialist parties, the Dutch governmental majority or politicians like David Owen.

Another reason behind the EC's promotion of human rights was to contribute to the assertion of the EC as a distinctive international actor, endowed with an original and liberal character. According to David Chandler, an ethical foreign policy provides "a sense of self-identity, purpose and self-belief", which was precisely what the EC was seeking in the 1970s.<sup>71</sup> It is not by chance that the EC started to express concern with human rights at the same time as it sought to assert itself as an international actor, through a strengthening and deepening of many different aspects of its international activity. To identify with original, "trendy" causes was helpful for the EC to heighten and differentiate its profile as an international actor. This was extremely clear with regard to the European Parliament, but it was a mechanism employed more in general by the EC as a whole.

While a shift in favour of human rights concerns could be detected in the EC's discourse in the 1970s, the shift was much more blurred at the level of actual policies. A clear cleavage existed between rhetoric and deeds. Since common initiatives were often the result of difficult compromises between divergent interests, they were often timid and uncertain, and no EC member state was ready to defend them strongly. Actual results were particularly poor in the case of southern Africa. Policies implemented in the case of Chile were limited, but they were important since for the first time development aid was diverted due to human rights concerns. Building upon this experience, aid cuts were used as a sanction against Uganda and other African countries later on: even though negative conditionality was not introduced into the second Lomé Convention, it was affirmed as a strategy which could be used.

71. D. CHANDLER, *Rhetoric without Responsibility: The Attraction of "Ethical" Foreign Policy*, in: *British Journal of Politics and International Relations*, 5(2003), p.300. See also J. DONNELLY, *Universal Human Rights in Theory and Practice*, Cornell University Press, Ithaca-London, 2003, p.159.