ABSTRACT  The EU’s identity construction as a normative power has often been described as a practice by which the EU portrays itself as a force for good while at the same time depicting other actors as inferior, thereby disempowering them rhetorically. In contrast to this, our findings indicate that in its relations to Sub-Saharan Africa, the EU intends to empower African countries by referring to them in a framework of solidarity and partnership. We trace this mechanism of empowering by analysing how the EU promoted the International Criminal Court (ICC) and the Kyoto Protocol to African countries while at the same time trying to enable these countries to play an active role in the negotiations related to these institutions as well as in the institutions themselves. At the same time, though, this attempt to empower Africa displays crucial limits concerning the effectiveness of the EU’s attempts to promote norms and the international image of the EU itself. We argue that these limits might constrain the process of EU identity construction as a normative power.

KEY WORDS  Africa; climate change; ESDP/CFSP; human rights; normative power; othering.

‘Europe has a strong interest in a peaceful, prosperous and democratic Africa. Our strategy is intended to help Africa achieve this.’

(Council of the European Union 2005)

1. INTRODUCTION

Africa is often referred to as the ‘forgotten continent’ in which most international actors do not have a vested interest. Its Sub-Saharan part is the poorest and least developed area in the world. Moreover, it is the world’s most conflict-ridden region. Against this background, the European Union’s (EU’s) role in Africa is outstanding: the EU is the biggest export market for African products and the biggest donor of development aid. Since the adoption of the Lomé Convention in 1975, the EU has a formal relationship with Sub-Saharan African (SSA) states...
within the larger framework of the African, Caribbean and Pacific countries (ACP).\(^2\) In recent years, however, the EU has increased its efforts to build stronger ties with Africa beyond the ACP framework. In 2000, the first EU–Africa Summit took place in Cairo. A second summit was scheduled for 2007 in Lisbon. In addition, in 2005 the Council of the European Union published the ‘EU–Africa Strategy’ in which it set out a framework for reaching the United Nations (UN) Millennium Development Goals in Africa.

The EU’s conduct of its foreign policy has been analysed as an attempt to construct its image as a normative power in international relations (Manners 2002). The theoretical conceptualization and the empirical research on normative power Europe tended to emphasize – and criticize – the EU’s missionary zeal and its propensity to ‘inferiorize’ outsiders in order to bolster its self-esteem (Diez 2005). Yet the EU engages in a discourse of partnership, solidarity and dialogue towards SSA (cf. Hilpold 2002). Thus, EU–Africa relations are an excellent framework in which to investigate an aspect of the EU’s normative power that has not received much attention yet: the EU’s efforts to empower others while endeavouring to promote its core values internationally.

The aim of our article is to investigate the EU’s attempts at empowering SSA countries and provide an assessment of its limits. We will focus on two cases in which the EU attempts to advance its values internationally. First, the EU promotes the International Criminal Court (ICC) within the framework of its common foreign and security policy (CFSP), thereby emphasizing its commitment to human rights. Second, the EU aims to disseminate the norm of environmental protection by supporting the Kyoto Protocol. We will provide empirical evidence that, in both cases, the EU made efforts to empower SSA countries at three levels. The identity level seems to be most crucial in that support for both international institutions on the part of African states may contribute to providing SSA countries with international recognition and legitimacy. Second, at the knowledge level, the EU supports SSA states by providing legal and technical expertise in order to enable them to participate in international negotiations and to implement international agreements. Finally, the EU provides material incentives (material level) within the framework of conditionality arrangements. However, whereas the first two levels are part of the EU’s official self-portrayal, it tends to keep quiet about the provision of material incentives, since they seem to contradict its discourse of EU–Africa relations as a partnership on an equal footing. Moreover, although the EU is more committed than other actors, notably the US, to promoting ratification of international treaties by African governments, it appears only partially effective in this effort.

The remainder of this article is structured as follows: the next section is devoted to a critical discussion of the concept of normative power with a particular view to the modes of identity construction it involves. We then move on to our case studies on the ICC (part 3) and on the Kyoto Protocol (part 4). In the fifth part, we summarize our findings and discuss what insights the investigation of EU–Africa relations offers with respect to our understanding of the EU as a normative power.
2. NORMATIVE POWER EU: DISEMPOWERING AND EMPOWERING

The EU’s normative power is understood as a practice by which the EU seeks to spread its core norms, such as human rights, democracy, rule of law and environmental protection, internationally. According to Ian Manners, the distinctive feature of the concept of normative power is that it refers to a specific form of power: “power over opinion”, idée force, or “ideological power” (2002: 239). Normative power is thus defined as the ‘ability to shape conceptions of “normal” in international relations’ (Manners 2002: 239). The concept of normative power shares some traits of the older notion of ‘civilian power’ (cf. Maull 1990; Hill 1990; Duchène 1973) in that it indicates a predisposition to the use of non-military instruments in foreign policy, a preference for non-coercive means – ‘carrots’ rather than ‘sticks’ – and a firm commitment to multilateralism (cf. Sjursen 2006b: 172). 3 Even though the EU acquired military capabilities within the framework of the European security and defence policy (ESDP), this does not necessarily undermine its role as a normative power – as long as military means are not prioritized over non-military ones (Manners 2006a).

The concept of normative power Europe has been challenged, since ‘it is very similar to [the concept] used by EU officials when describing the EU’s international role’ (Sjursen 2006b: 170). It has been argued that analysing the EU’s external relationships using the concept of normative power thus entails the risk of being co-opted by the EU official discourse and of uncritically reproducing it (Sjursen 2006b: 170; Diez 2005). As a matter of fact, officials of the European Commission and representatives of the member states tend to portray the EU as an actor committed to promote norms internationally (and as being successful in doing so). This is particularly evident in the case of human rights and environmental protection, while there are areas of European foreign policy, such as the fight against terrorism, where ideas on what the EU should do internationally are more controversial.

Owing to the parallelism with EU official discourse, literature on normative power has been criticized for its implicit normative stand. Part of the contributions on this topic ‘promote normative approaches to the EU’ and ‘reflect on what the EU should be [doing] in world politics’ (Manners 2006b: 168; italics in original). While the discourse of EU officials tends to stress the positive connotation of the model of normative power, from an analytical perspective this concept appears neutral. The ability to promote norms internationally may have either morally desirable or undesirable implications both for the norm promoter and for the receiver of these norms. A normative inquiry into the implications of EU commitment to norm diffusion either for Europe or for Africa is not the aim of this article. Rather than engaging in the normative debate, we use the concept of normative power in order to understand how the EU’s identity construction both opens opportunities and places limits on the EU’s conduct of its foreign relations.
The mechanism of ‘othering’ is central in the construction of the EU’s identity as a normative power in its external relations. The practice of ‘othering’ has received much attention as an activity by which EU officials construct the EU’s identity as a normative power while at the same time exerting power in its external relations. ‘Othering’ refers to the demarcation of the self against a threatening, inferior or simply different other (Diez 2005: 628; Rumelili 2004). Thus, othering is a practice by which the EU constructs its identity, but it is also a transformative action with very ‘real’ consequences. Securitization, i.e. the continued depiction of an ‘other’ as a threat to the own political community, may result in military action (Waever 1995). The EU’s policy towards Turkey is underpinned by the notion that Turkey represents the EU’s ‘other’ inasmuch as its human rights record does not live up to the standards and requirements set out in the Copenhagen criteria (Diez 2005: 632; 2004). The EU’s behaviour on the matter of the Kyoto Protocol and the ICC in transatlantic relations is guided by the idea that the US is lagging behind in the implementation of universal values of human rights and environmental protection (Scheipers and Sicurelli 2007). Finally, as Manners (2005: 15) argues, the EU’s ‘other’ does not necessarily have to be a political entity outside the EU. EU officials frequently depict the EU’s ‘self’ as its ‘other’ as a way of criticizing aspects or situations within the EU itself as not living up to the EU’s intrinsic aspirations.

In all the examples quoted above, othering has a strong connotation of disempowering the other while at the same time empowering the self – the EU – inasmuch as the other is depicted as inferior. This, however, is only one form in which othering can occur. The aim of our article is to investigate a different practice in the context of the EU’s role as, and its exertion of, normative power; namely, the extent to which the EU empowers other actors. The concept of empowering has a strong link with social relations of constitution. It is related to the idea of ‘power to’ rather than ‘power over’, and thus considers ‘how social relations define who the actors are and what capacities and practices they are socially empowered to undertake’ (Barnett and Duvall 2005: 46).

As with othering in general, empowering is identity-based, but in contrast to disempowering the ‘other’, it aims at increasing the recognition and the status of an actor by, for instance, depicting it as equal or even similar to the ‘self’. The practice of empowering is not restricted to discourses of identity construction. Rather, it involves a variety of practices and power resources, such as the transfer of knowledge and expertise, the provision of enhanced development chances and/or trade opportunities and the transfer of material resources. Moreover, empowering others does not happen for merely altruistic reasons. Most often it empowers the providing as well as the receiving end. A donor of development aid, for instance, also profits from providing aid in that their international recognition increases. Empowering others can also be pursued for strategic reasons; for instance, an actor A can aim at increasing the stability of a country or a region B, the instability of which would be detrimental to A’s interest. Finally, as already noted above, empowering others is not necessarily a
morally good thing. Ultimately, it all depends on the purpose for which the capacities that a third party is provided with are used.

Against this background, our article aims at systematically answering the following questions: What policy instruments does the EU use in empowering others? How are the practices of disempowering and empowering related to each other? And, finally, what are the limits of the EU’s normative power to empower others?

The following case studies are based on different types of data. We took into account official publications on the part of the EU and the ACP–EU Joint Parliamentary Assembly in order to investigate the identity level of the relationship between the EU and SSA. In addition, we conducted a number of interviews with EU officials, African representatives and non-governmental organizations (NGOs) with the objective of analysing the knowledge transfer measures and the material incentives used by the EU to promote the ICC as well as the Kyoto Protocol to SSA states.

3. THE INTERNATIONAL CRIMINAL COURT (ICC)

The establishment of an ICC is widely regarded as one of the most ambitious projects within the framework of the international human rights regime. Throughout the twentieth century there were repeated attempts to bring to justice perpetrators of war crimes and crimes against humanity through ad hoc tribunals such as in Nuremberg and Tokyo after the Second World War and Yugoslavia and Rwanda in the 1990s. In contrast to those geographically and temporarily limited institutions, the ICC is a permanent court with global jurisdiction.

After preparatory work on the court’s statute by the UN International Law Commission (ILC) and negotiations in preparatory committees, the UN held a Diplomatic Conference of Plenipotentiaries in Rome (DipCon) in 1998. At the Rome conference, the final draft of the ICC Statute was approved by a large majority of states. The Court itself came into existence in 2002 and subsequently took up its work in The Hague. It is charged with prosecuting perpetrators of genocide, war crimes and crimes against humanity.

The drafting stage

During the drafting stage, the major problem of African states was their lack of expertise and resources. They were often unable to send delegations to the pre-Rome negotiations or to prepare detailed positions on contested issues before the negotiations (Pace 1999: 193; Deitelhoff 2004: 13). Therefore, some NGOs provided experts for a number of African delegations (Glasius 2002: 151). Apart from the lack of expertise, there was also the problem of the general suspicion against the ICC as a ‘western court for Africa’ on the part of a number of African countries (Tine 1998: 11).
In Rome itself, however, a majority of SSA states came to support the positions of the Like-Minded Group (LMG), of which most European states were members. The LMG proposed an independent court to which all states and their citizens would submit equally, i.e. they envisaged an institutional design for the ICC based on *reciprocity*. From the perspective of SSA countries, this proposal seemed to allay the concern that the ICC would evolve as a ‘western court for Africa’ (cf. Deitelhoff 2004: 27).

**The ratification and implementation stage**

Since both France and the UK came to support the LMG’s positions rather late in the negotiations, the EU as such had no unified negotiating stance on the Court at the Rome conference. This changed, however, after the Rome conference (cf. Deitelhoff 2005). The promotion of the ICC developed into an explicit objective of the EU’s CFSP (Council of the European Union 2001, 2003). Reference to the promotion of the ICC was also included in the revised Cotonou Agreement (2005). The EU uses a variety of *policy instruments* in order to promote the ICC in general and to persuade African countries to ratify and to implement the ICC Statute in particular. Generally, the EU is working towards universal ratification of the ICC Statute by *raising the issue in multilateral and bilateral frameworks and political dialogues* (Council of the European Union 2004). In addition, the revised Cotonou Agreement envisages the *provision of legal expertise and assistance* in order to help ACP states with the ratification and implementation of the ICC Statute. Moreover, the EU is *funding civil society organizations* that promote the ICC. These detailed measures are linked to and amplified by the *provision of more general and diffuse non-material, identity-related rewards*. Support for the ICC leads to an increased recognition by the EU, inasmuch as the ICC is said to reflect values that the ‘international community should share’ (ACP–EU Joint Parliamentary Assembly 2003). As one NGO representative put it, ‘ratifying the ICC is for a number of countries ... a bid to gain recognition from the EU’ (Interview NGO, Brussels, 06/02/07).

It is hard to say to what extent the EU’s efforts to promote the ICC led to an increased number of African countries ratifying the ICC. Since Africa saw a wave of ratifications shortly after the Rome conference – before the EU adopted the Council Conclusions on the ICC – the influence of NGOs and peer pressure among African states themselves were probably more decisive in the years directly after the Rome conference. Yet in the case of Chad, which ratified the ICC Statute in 2006, even NGO representatives hold that this was mainly due to EU efforts to promote the ICC (NGO, unpublished communication, 2006).

The EU’s efforts to promote the ICC gained particular importance against the background of US opposition to the Court. The final draft of the ICC Statute reflected to a large extent LMG positions and thus envisaged a rather independent Court. This induced the US, which had initially opted for granting
the Security Council a large degree of control over the ICC, to vote against the Statute. After the ICC was established in 2002, the US pressed third countries to sign and ratify a so-called Bilateral Immunity Agreement (BIA) in order to prevent them from extraditing US citizens to the ICC. In doing so, the US threatened third countries with cutting military and economic aid. The EU reacted by heavily criticizing the US policy and by drafting legal guidelines on the question of the compatibility of the BIAs with the ICC Statute (Council of the European Union 2002; cf. Scheipers and Sicurelli 2007).

Despite the EU’s efforts, only seven out of 49 SSA countries publicly refused to sign a BIA. On the one hand, poor African countries were particularly susceptible to the US financial pressure (Interview NGO, Brussels, 13/02/2007); on the other, a number of countries simply did not want to jeopardize their good diplomatic relationships with the US (Interview NGO, Brussels, 05/02/2007). South Africa and Benin, which lost US military and economic aid subsequent to their refusal to sign a BIA, turned to the EU and asked for compensation for the lost aid (ACP–EU Joint Parliamentary Assembly 2004). This request was supported by some Members of the European Parliament (MEPs) (ACP–EU Joint Parliamentary Assembly 2004), but eventually the EU’s public position on this question was that it would not compensate African states for the lost aid (Interview EU Council, 12/02/2007; also Interview DG Relex, 14/02/2007). Despite this public line, however, the EU quietly established a framework that allows it to provide extra funds to countries that had lost US aid as a result of their rejection of a BIA (Interview EU Council, 06/02/2007).

Regarding the provision of legal assistance, both the EU and individual member states implemented a number of measures geared towards helping African countries with meeting the extensive and highly technical requirements related to the ratification and implementation of the ICC Statute. They organized and co-organized (together with NGOs) a number of seminars, workshops and conferences in Africa on legal questions surrounding the ICC. In addition, the EU Council established a pool of legal experts who could be seconded to African countries in order to assist with the legal procedures on the spot.

The previous sections indicate that the EU acquired a clear profile as both an advocate of the ICC and a supporter of African countries in the context of the Court, in particular in the years after the establishment of the ICC. Yet it also shows that the EU’s normative power is limited. First, the ICC was no genuine EU project. Rather, the EU’s efforts to promote it started late. As a result, it is not easy to tell whether the SSA countries’ acceptance and support of the ICC can be credited to the EU or to the work of NGOs. Second, the EU’s profile became much clearer when the US increased its opposition to the ICC and exerted pressure on African countries to sign BIAs. Yet in this phase it is not clear whether it was the EU’s genuine attraction that induced some African countries to refuse to sign a BIA or whether they were alienated by the US policy rather than attracted by the EU. Third, the EU’s normative power is not all-pervasive. A significant number of African countries have ratified the
ICC Statute while at the same time signing a BIA with the US. In those cases, the EU might have been more successful exerting more pressure in order to induce those countries to refrain from concluding a BIA – it could have threatened to withhold aid on its part, for instance. This option, however, would have been contrary to the EU’s self-portrayal as a normative power that does not rely on coercive measures. Finally, a number of SSA countries have not yet signed and ratified the ICC Statute at all. Among them are mainly states with highly repressive regimes, such as Somalia and Sudan, which fear to become the ICC’s next target if they sign up to the Court. This indicates that, for the EU’s normative power to work, the targeted countries have to accept the norms and values that the EU is trying to promote at least to a certain extent. With notorious human rights violators, the EU’s efforts fall on deaf ears.

4. THE KYOTO PROTOCOL

Negotiations for a Protocol to the United Nations Framework Convention on Climate Change (UNFCCC) began in 1995. The Protocol (signed in 1997) set binding targets for the reduction of greenhouse emissions solely for industrialized countries. Although exempted from reducing emissions, developing countries that ratify the agreement are required to implement measures to address climate change. Several conferences of the UNFCCC followed the signature of the Kyoto Protocol in an attempt to achieve its goals and set targets for the post-Kyoto period. The Protocol entered into force in 2005 and, by August 2007, 174 states had ratified it, while the US remained the most crucial opponent of the agreement.

The drafting stage

The EU contributed to shaping the positions of the group of Sub-Saharan countries in the negotiations for the Kyoto Protocol.

The EU proposed a ‘differentiation mechanism’ based on the principle of common but differentiated responsibilities. According to this mechanism, developing countries should not be required to cut their emissions, since limitations on industrial production would undermine their economic development. At the same time, the EU suggested that the Protocol set the basis for the voluntary use of alternative means of production in developing countries not considered harmful to the climate. The idea behind the differentiation mechanism is that it is the only way to have developing countries on board in the attempt to solve the problem of global warming. The US, on the contrary, was in favour of a uniform universal commitment. The US feared that the differentiation mechanism, by contributing to the empowerment of developing economies such as China and India, would affect its relative economic power. The differentiation mechanism was ultimately included in the Protocol, providing the US with a major argument for opposing ratification.
The group representing developing countries in the Kyoto negotiations gave full support to the EU proposal, which they considered to be consistent with their development interest. As with the case of the ICC, SSA countries did not have a clear-cut position during the first stage of the negotiations. Most of these countries did not even have the resources to participate in international negotiations, and those countries which did participate were represented by a very small number of officials (Interview NGO, Brussels, 14/02/2007). South Africa stands out as the most prominent in terms of environmental expertise as compared to the other SSA states. Nevertheless, the South African government began to play a role in the negotiations on climate change, during the 2005 negotiations for the UNFCCC agreement on ‘Sustainable development policies and measures’ (Interview European Commission, Brussels, 09/02/2007). Until the mid-1990s, South Africa had been marginalized in international negotiations owing to its apartheid regime (Interview NGO, Brussels, 07/02/2007).

Thus, Sub-Saharan countries had to rely on the expertise of Western NGOs and industrialized countries to define their position in the negotiations on climate change. In the first stage of the Kyoto negotiations, the group of Sub-Saharan countries supported the proposal of the British NGO Global Commons Institute on the ‘contraction and convergence mechanism’, which distributes rights and obligations by establishing per capita emission rights for all countries on the basis of the principle of equity (Interview NGO, Brussels, 14/02/2007). In the Kyoto negotiations, Sub-Saharan countries supported the EU differentiation mechanism, since it was the proposal that appeared closer to the contraction and convergence mechanism in terms of relative responsibilities of developing and developed countries.

After the Kyoto negotiations, the difference between the EU and the US positions on climate change polarized the international debate on global warming. During the fourth UNFCCC Conference in Buenos Aires (November 1998) three distinct groups emerged. The first group was the so-called ‘umbrella group’, comprising the US, Australia, Canada, Iceland, Japan, New Zealand, Norway, the Russian Federation and Ukraine, and opposing binding targets and preferring flexible market-based mechanisms. The second group was composed of the EU (comprising 15 member states at that time), plus Switzerland and East European countries, which preferred stricter rules for emissions trading to make more ambitious targets available after 2012 (the deadline for the Kyoto commitments). The third group – ‘the G77 plus China Group’ – was composed of developing countries. This group was clearly closer to the EU’s position than to that of the US, being in favour of a reduced use of flexibility mechanisms.

The ratification and implementation stage

While the EU did succeed in influencing the positions of Sub-Saharan countries in the Kyoto negotiations, the attempt to push these countries to ratify and implement the Protocol had mixed results.
The EU tried to persuade Sub-Saharan countries to ratify the agreement, even if ratification by these countries was not crucial for the enforcement of the Protocol. A major difference between the EU and the US in their relations with Sub-Saharan countries was that the EU tried to include them in a multi-lateral effort to tackle the problem of climate change, while the US did not propose any alternative agreement. In July 2005, the US proposed a multi-lateral agreement to fight climate change, the ‘Asia-Pacific Partnership on Clean Development and Climate’, which did not include African countries. The only major bilateral agreement proposed by the US that took into account the African continent was that with South Africa, but this co-operation did not prevent South Africa from ratifying the Kyoto Protocol.

So far, 40 out of 49 SSA countries have ratified the agreement. One reason why nine African states have not ratified the Protocol is that ratification of international treaties in African states is cumbersome, especially in the states where ratification requires parliamentary approval (Interview African Union, Brussels, 13/02/2007). Problems of ratification are particularly evident with respect to issues with low political salience, such as environmental protection.

Because of the cost-free commitment to the Protocol for developing countries and because of the lack of strong US opposition, one may argue that it was relatively easy for the EU to persuade developing countries to ratify the agreement. At the same time, there is evidence that the EU succeeded, at least partially, in the attempt to construct a positive image of the EU climate change policy in the eyes of African representatives. Representatives of the ACP Secretariat and of the African Union (AU) argued that they share with the EU the idea of the need to fight the problem of climate change through binding commitments. They stressed that most SSA countries ratified the Kyoto Protocol because they believe that there is a need to reduce the process of global warming, which, through increasing desertification in Africa, has dangerous effects on African agriculture. They believe that the EU approach is more appropriate to this purpose than the American approach (Interviews AU, Brussels, 13/02/2007 and ACP Secretariat Headquarters, Brussels, 07/02/2007). According to a representative of the ACP Secretariat, ‘the US is only thinking for itself. The US believes that climate change can be tackled nationally. It relies too much on the Environmental Protection Agency in the solution of global problems. Plus, the US is one country, although influential, while the EU is a powerful block’ (Interview ACP Secretariat Headquarters, Brussels, 07/02/2007). The self-representation of the EU as the leader of the Kyoto Protocol and the depiction, by the EU authorities, of the US as the major opponent (Scheipers and Sicurelli 2007) appear to be largely shared by SSA countries.

Despite this success, the EU’s attempt to persuade African countries to ratify the Protocol is not without contradictions. In the attempt to persuade the developing countries that have not ratified the Protocol to do it as soon as possible, the EU has applied a conditionality scheme. In June 2005, the EU adopted the ‘GSP Plus’ programme, stating that it would provide development aid within the Generalized System of Preferences under the condition that developing
countries have ratified a number of agreements, including the Kyoto Protocol. According to a representative of a Brussels-based NGO, ‘through this structural aid measure, the EU helps African countries to develop their capacities to be involved in the negotiations’ (Interview NGO, Brussels, 07/02/2007). At the same time, the programme has raised suspicions among representatives of African states, who consider the EU conditions an expression of ‘new colonialism’ (Interview ACP Secretariat Headquarters, Brussels, 08/02/2007).

Following the proposal of the European Commission, on 22 November 2004, the General Affairs and External Relations Council adopted an Action Plan on Climate Change in the Context of Development Co-operation. The Plan aims to assist EU partner countries in implementing the Kyoto Protocol and to provide them with funds to tackle the problem of climate change. It is too early to assess the results of this plan, but problems in testing its implementation have already emerged. Most African countries, for example, do not publish their implementation records, which makes monitoring the final destination of EU funds a difficult task.

The EU continues to provide Sub-Saharan countries with expertise after the enforcement of the Kyoto Protocol. In 2005, the EU contributed with money from the European Development Fund to the UN project on ‘Advancing capacity, partnership and knowledge to support climate change adaptation in Africa and Asia’. Moreover, the EU has established a dialogue with the ACP Secretariat and the AU in order to include the African countries in the EU-led ‘coalition of the willing’ in the fight against global warming. One of the outcomes of this dialogue is that climate change has appeared on the agenda of the meetings of the ACP Secretariat and of the AU. During the first meeting of the ACP Ministers of the Environment held in Brussels on 10 December 2004, the ministers welcomed the imminent coming into force of the Kyoto Protocol and ‘they urged countries that had not yet done so to ratify the Agreements without further delay’ (ACP Secretariat 2004). In June 2006, the EU and the ACP countries opened a debate on global warming, which led to the ‘Joint ACP–EU Declaration on Climate Change and Development’. At the Eighth Ordinary Session of the Assembly of the AU, held in Addis Ababa on 29–30 January 2007, the AU drafted a document on ‘Climate Change and Development’, stressing the need to link the two policies. These meetings show that climate change has become an increasingly relevant issue for SSA countries and that the EU considers the ACP and the AU as interlocutors in drafting post-Kyoto commitments.

5. EU NORMATIVE POWER THROUGH EMPOWERING

The relationship between the EU and SSA provides an arena for the process of EU identity-building. The EU’s self-representation as the force for good is an expression of its attempt to construct its image as a normative power. In order to promote its norms internationally, the EU tries to build an image of itself as an altruistic actor. In contrast to existing research which stresses
the EU’s propensity to disempower others while constructing its identity as a force for good, the case of EU–Africa relations is intriguing inasmuch as the EU refers to the African continent through a solidarity-based discourse, thereby aiming to empower SSA countries.

Besides ‘self-representation’, the process of identity-building through external relations comprises two further dimensions: the actual behaviour of the actor (foreign policy) and the perceptions of relevant others. This article has analysed the EU’s alleged normative power in action. Consistent with Lucarelli and Manners’ (2006) assumption, we argue that looking at what the EU does may contribute to – although it does not exactly correspond to – what the EU appears to be in the eyes of the others, the external image of the EU.

In sum, in the cases of the ICC and the Kyoto Protocol the EU tries to empower SSA countries at three different levels:

- **Identity level**: The ratification of the ICC Statute and the Kyoto Protocol by African countries results in an increased recognition by the EU.
- **Knowledge level**: In the case of the ICC, the EU provides legal technical expertise about the ICC and the requirements for ratifying and implementing its Statute in the framework of conferences and seminars. Legal assistance was also provided in an indirect way, i.e. by funding NGOs. Regarding the Kyoto Protocol, the EU supported the UN-run knowledge transfer programme on climate change.
- **Material level**: In the Kyoto case, the EU made the provision of parts of its development aid conditional on the ratification of the Kyoto Protocol. In the ICC case, the EU partly compensates African countries which refuse to sign a BIA with the US for lost aid.

Curiously, whilst the first two levels of empowering are part of the EU’s self-depiction as a normative power, the level of material rewards or, rather, compensations is excluded from the EU’s public self-portrayal in the case of the ICC. Although EU officials saw the pragmatic need for compensation measures, the latter were not made public. Thus, in the construction of its external relations, the EU emphasizes non-material measures and at times keeps quiet about the material ones. This self-portrayal is in line with the ‘emphasis on the normative power of non-material exemplification found in the contagion of norms through imitation and attraction’ (Manners 2006b: 176). It indicates, however, that the EU is at times merely ‘miming’ normative power, since self-portrayal and actions differ. It is also a sign of a specific paradox of the mechanism of empowering: whilst empowering aims at treating the other on an equal footing, it actually emerges from a relationship of inequality. The ‘empowerer’ has both the initiative and superior (symbolic and material) resources – without the latter, empowering would not work. In order for it to work, however, this inequality has to be concealed as far as possible.

The attempt to ‘empower’ Sub-Saharan countries in the ICC and Kyoto cases is a manifestation of the process of identity-building in the framework of a solidarity-based normative power. By promoting **reciprocal institutional arrangements**
and shared but differentiated responsibilities, and by assisting Sub-Saharan states in their participation in international negotiations and in the ratification and implementation of international treaties, the EU has committed itself to empowering states that are typically considered weak parties.

This attempt to empower SSA is related to the EU attitude towards the US. The way in which the EU relates to relevant ‘others’ in its external relations sheds light on the type of actor the EU claims to be. While the EU authorities’ discourse shows an attempt to weaken the US in international eyes by depicting it as the major opponent of international law and as a laggard in fulfilling international obligations, the way in which the EU relates with SSA shows the opposite picture, that of depicting developing countries as partners in international negotiations and as potential allies in the implementation of international law. Although opposite processes, both practices of othering (disempowering and empowering) are the expression of the same attempt of the EU to appear as the force for good.

The EU’s international behaviour appears consistent with its identity-building process, but an assessment of the EU’s attempt to construct its image as a normative power leads to mixed results. Both the ICC and the Kyoto cases show that the EU has been able to build its profile as an advocate of international law and as a supporter of developing countries. In this respect, the EU’s self-representation seems to match its external image. Nevertheless, in both cases, limits in the EU’s normative power become evident. In the ICC case, it is unclear to what extent the EU exerted influence on the SSA countries that ratified the ICC Statute, since the promotion of the ICC is not only an EU project. Moreover, several African countries that have ratified the ICC have also signed BIAs with the US. Thus, if the EU faces a competing power threatening to use coercive measures in order to achieve its objectives, it is difficult for the EU to prevail. Finally, the EU’s normative power in the ICC case proved to be limited when confronted with hard cases, since many African countries known for human rights violations have not ratified the ICC. In the case of climate change, most SSA countries have ratified the Kyoto Protocol and the representatives of SSA countries in the ACP Secretariat have started to carry out joint projects with the EU to tackle the problem of climate change. Nevertheless, the EU is facing problems in testing the effectiveness of the implementation of the Kyoto Protocol in developing countries. Moreover, the use of conditionality measures by the EU to promote the implementation of the Kyoto Protocol has raised resistance and criticism among the African authorities. By criticizing conditionality measures, SSA representatives suggest that, although they consider the EU as a privileged partner, they recognize limits in the effectiveness – and sincere altruism – of its empowering mission. These criticisms echo the concern of several scholars about the EU’s self-interest with respect to other issues of its involvement in Africa, such as trade and security. Faust and Messner (2005), Manners (2006c) and Storey (2006) suggest that the interests motivating the EU’s trade and security policies towards Africa may undermine its commitment to development co-operation.
In the case of the ICC and the Kyoto Protocol, the clash between the EU’s interest in promoting international law and the development interests of SSA countries is not that evident. Nevertheless, if the fears of SSA representatives for a new European colonialism prevail over the image of the EU as a political partner, the EU’s effort to appear as the champion of solidarity towards developing countries may be hindered. The limits of the EU’s impact may affect its relationship with third countries in the long run and, ultimately, undermine its international identity as a normative power.

6. CONCLUSION

The relationship between the EU and SSA in the fields of human rights and environmental protection provides evidence that the EU is constructing (or is trying to construct) its identity as a normative power.

In its attempt to persuade SSA states to ratify the ICC Statute and the Kyoto Protocol, the EU shows its commitment to diffusing the norms of human rights and environmental protection beyond its borders. The policy instruments the EU has selected for this purpose are consistent with the model of a normative power as far as recognition and expertise are concerned. In particular, the EU has tried to empower African states through proposing the principle of reciprocity in the ICC negotiations and the principle of common but differentiated responsibilities in the fight against climate change. These instruments, aimed at improving the international position of these countries, have – at least partially – helped the EU to build its image of solidarity-based normative power.

Empowering developing countries appears as a dimension of the EU’s identity. This dimension flanks a second dimension, that of disempowering. While the EU tries to empower developing countries as actors in international relations, it engages in disempowering the US, depicting it as the opponent of international law. Empowering and disempowering are two aspects of othering, a central process in identity construction.

Thus the instruments the EU uses in its external relations confirm the thesis of normative power Europe. Nevertheless, the attitude of the EU to material resources of influence and the results of EU foreign policy provide a mixed image of the EU. As far as the use of material resources is concerned, the EU does not openly recognize the use of compensation measures and it uses conditionality measures to diffuse its norms, which shows possible contradictions between how the EU represents itself and what the EU does. If these contradictions are considered relevant internationally, they may affect the international image of the EU. With respect to results, the EU succeeded in affecting the position of the group of developing countries in the negotiations for the Kyoto Protocol, while in the negotiations for the ICC this influence appears less evident. Finally, in the case of the Kyoto Protocol the EU is facing problems in testing the effectiveness of the implementation of international environmental law in SSA.
What EU policy with respect to the ICC and climate change shows, therefore, is that there is evidence of EU normative commitment, which distinguishes the EU for its attempt to spread norms internationally by empowering developing countries. A closer look at what the EU does and what the EU achieves, though, reveals that the EU is still far from playing the role of an effective normative power.

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NOTES
1 According to 2006 UN Development Programme Human Development Ranking, 38 out of the 50 least developed states in the world are located in Sub-Saharan Africa; URL http://hdr.undp.org/hdr2006/statistics/ (accessed 26/04/2007).
2 We restricted the geographical scope of our investigation to SSA states, which are part of the ACP framework, whereas most North African states are part of a different framework, the Euro-Mediterranean Partnership (EMP). This is arguably not without difficulties. Most notably, African states themselves are not particularly happy about this artificial boundary.
3 The debate about normative power encompasses different views on how normative power and civilian power are related. Manners stresses that normative power is different from civilian power, because the latter neglects the importance of ideas and norms (2006b: 175ff.; 2002: 240). Diez argues that ‘civilian power can be read as one specific form of normative power in that at its heart lie particular kinds of norms (namely civilian)’ (2005: 617), whereas Sjursen uses the terms normative power and civilian power almost interchangeably (2006a, 2006b).
4 In the case of the ‘self’ as ‘other’, this is a process of devaluing certain EU identity constructions and promoting others instead. It should be noted, however, that discourses of othering have a dynamic of their own and can therefore also result in empowering rather than disempowering the other. If Turkey improves its human rights record, for instance, it can in turn demand to be granted access to the EU (cf. Diez 2005: 633).
5 In November 2006, President Bush issued a waiver for the economic aid restrictions for some Latin American and African countries, since the effects of both the American Servicemembers’ Protection Act (ASPA) and the Nethercutt Amendment were perceived as detrimental to the US national interest, in particular in the framework of its counter-terrorism efforts abroad. In addition, Congress adopted the ‘John Warner National Defense Authorization Act for Fiscal Year 2007’, according to
which parts of the restrictions included in the ASPA will be lifted for all states. Cf. Mazzetti (2006).

6 The ICC currently investigates the situation in Darfur, Sudan, but this is because of a referral of the UN Security Council and is contrary to the preference of the government in Khartoum.

7 The EU’s normative commitment to environmental protection and development co-operation does not exclude interests as a guiding force of EU foreign environmental policy. As Falkner (2007: 521) suggests, the role of the EU in the climate change negotiations may be ‘closely connected with the political economy of energy production, manufacturing and consumption in Europe’.

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