The Politics of Normative Power Europe: Norm Entrepreneurs and Contestation in the Making of EU External Human Rights Policy

1 Introduction

Since Ian Manners (2002) first introduced 'Normative Power Europe' (NPE), the concept has been widely debated in research on EU external relations (for an overview, see Pollack 2016; Sicurelli 2016; Whitman 2013). One of the core ideas of NPE is that the EU is distinctive from traditional powers due to its normative character. It places norms and values, such as peace, liberty, democracy, the rule of law and respect for human rights, at the centre of its relations with the rest of the world, building its power and 'greater legitimacy,' according to Manners (2002: 244), upon these 'fundamental norms.' Most subsequent research on NPE has focused on assessing the validity of Manners' argument. The preceding question, by contrast, of why the EU chooses to focus on specific norms and values in the first place has largely been neglected.[1]

This article addresses NPE's blind spot of norm selection through a theory-driven empirical investigation of two case studies in the context of the EU's external human rights policy: the adoption of the Guidelines to promote and protect the enjoyment of all human rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons (Council of the European Union 2013a) and the Guidelines on the promotion and protection of freedom of religion or belief (Council of the European Union 2013b). These two guidelines are particularly interesting cases when grappling with the concept of NPE, because they do not only focus on the EU's normative foundation – human rights – but on specific human rights that are internally contested. On the one hand, it is puzzling that the EU decided to emphasize exactly these rights, next to ten other guidelines that focus on internally less contested rights, like children's rights

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[1] It is important to note here that in his original conceptualization Manners did not only want to contribute to a better understanding of how the EU acts and with what impact, he also sought to 'examine the constitutive principles of the EU and *how they become promoted* as aims and objectives of the EU in world politics' (Manners 2008: 55; my emphasis). In the scholarly reception of his concept, however, the latter question has not figured prominently anymore.

or the abolition of the death penalty and of torture. On the other hand, the two cases are particularly suitable to highlight the existence of opposition and resistances that supporters of norms often have to overcome when advocating certain rights.

This article is part of what Whitman (2013: 173) calls the '"third wave" in normative theorising on the EU which takes a critical approach to Manners's concept as a starting point, rather than attempting to operationalise the notion of normative power Europe which has occupied many scholars over the last decade.' Building on calls for a more nuanced and flexible approach to NPE (Birchfield 2013; Diez 2013; Wagner 2017) and following requests to address issues of politicization and political contestation in studies on EU integration and external relations (Costa 2019; Manners and Whitman 2016: 8-9), I argue that a more politics-oriented perspective is needed, i.e. a perspective that takes the – often conflictual – interactions between external and internal supporters and opponents of certain norms or their interpretations seriously. Such a perspective will help to address important questions in the research on the EU's external promotion of norms that have not sufficiently been answered yet, including the here addressed question of norm selection; but also the question of why the EU sometimes follows its normative considerations and at other times prioritizes commercial or other interests, because policy formation shapes policy implementation and effectiveness, and thus studying norm selection and contestation also contributes to a better understanding of the conditions which enable and constrain the EU's normative power. In other words, this article contributes to a more comprehensive understanding of the EU's normative *identity*, in terms of its formation and development, from which implications for its normative *power*, in terms of political influence, can be derived.

To better capture these political struggles in the shaping of the EU's international normative identity, I am borrowing concepts from constructivist International Relations (IR) research on norms, such as norm entrepreneurs and norm contestation. The two illustrative case studies demonstrate the importance of norm entrepreneurs in making the EU aware of international political developments, such as the persecution of religious and sexual minorities in other parts of the world, and in overcoming internal resistances by, for example, invoking a

positive self-image of the EU in the world and international obligations of its member states. The two case studies, however, also reveal how contestation can contribute to the weakening of human rights instruments, their implementation and, eventually, effectiveness – thus, of the EU's normative power.

Methodologically, the two case studies are based on the analysis of EU documents and secondary literature. In addition, I conducted ten semi-structured interviews with EU and national officials and representatives of non-governmental organizations in Brussels and Vienna to reconstruct the policy process leading to the adoption of the human rights guidelines on freedom of religion or belief (FoRB). For the case study on LGBTI rights, I rely on fieldwork conducted by Malmedie (2016), who had already reconstructed the policy process, though from a differing theoretical perspective.

The article is structured as follows: After briefly outlining some recent discussions of NPE, constructivist IR research on norm diffusion is introduced and linked with the call for a more politics-oriented perspective. I then illustrate the added-value of such a perspective, using LGBTI rights and FoRB in the EU's external human rights policy as case studies. The article ends with a concluding discussion of the findings' implications for the implementation and effectiveness of these guidelines and for future research on the EU as a normative power.

2 NPE from an IR norm perspective

My argument builds on relatively recent calls for a further development or reformulation of NPE to capture the nuances of the EU's international normative identity in a more differentiated view. Birchfield (2013) and Costa (2019), for instance, call for a correction of the presumption that the external promotion of norms is always based on shared internal values. However, that does not mean that NPE becomes obsolete as Birchfield (2013: 910-911) emphasizes:

> '[A]ccepting the normative basis of the EU does not mean that the EU always acts in a normative way, nor that the norms it seeks to promote are necessarily or always consistent with its own, very unique internal principles. This is precisely why NPE is

more than a concept; it is a theoretical grounding that guides analytical work attempting to make sense of and explain the role of the EU as a global actor.'

Inconsistent behaviour as a result of contested norms or of competing interests, in such a view, does not undermine normative power, it is an important part of it. Many empirical applications of NPE and research on EU external relations in general, however, presume that the Union's international actions are guided by a given set of norms and values (Costa 2019). Yet, the selection and negotiation of norms to be promoted externally are highly political processes, which involve a wide range of actors and political struggles (Diez 2013; Wagner 2017).

Birchfield (2013), therefore, calls for a policy perspective on NPE. Drawing on Manners (2008), she argues that not only policy implementation and evaluation are of central concern to the NPE research programme but also policy formation, which however need more complex models than usually used in this research. She particularly sees 'complementarities between the multi-level governance and NPE approaches' (Birchfield 2013: 917) to grasp the diversity of actors operating at different levels in an attempt to wield influence on EU foreign policy. Diez (2013), by contrast, draws on Gramsci's concept of hegemony and underlines that 'power' in NPE relates to the power of ideas and consensus (rather than to material power capabilities as in traditional realist conceptualizations). Social forces engage in constant struggles over hegemony and can acquire hegemonic status if they provide leadership in economic and broader social discursive terms. Focussing on political struggles, argues Diez, makes more attention necessary for EU foreign policy *practice* and the involvement of non-state actors. Wagner (2017), finally, in his reformulation of NPE as 'Liberal Power Europe' draws on a liberal research programme. Alongside institutional rules, he identifies interest groups, including business and non-governmental organizations (NGOs), and public opinion as domestic sources that constrain the behaviour of EU decision-makers. Accordingly, he highlights that 'EU policies do not emanate directly from a set of core liberal norms. Instead, they are the result of political struggles that pit coalitions of Member States and non-state actors against each other' (Wagner 2017: 1406).

All three interventions into the debate on NPE emphasize the interaction between a variety of actors and the political struggles that accompany the adoption and implementation of norms – hence the *politics* of normative power. Such a politics-oriented perspective helps to conceptualize the EU's external relations in a more nuanced and realistic way. They do imply explanations – namely lobbying and contestation – for the questions of why the EU chooses to focus on particular norms in the first place, why it adopts certain instruments to implement these norms and why their implementation often is inconsistent. But they do not offer a sufficient theoretical framework to conceptualize norm selection. Such a framework requires a change of perspective from the EU as norm promoter, which engages in the diffusion of its norms in third countries, to the EU as 'norm consumer', which itself adopts and implements global norms (Park 2006). The EU often chooses to promote international rules abroad when these appear to have more legitimacy than specific EU rules (Barbé et al. 2009). However, that also means that the EU first has to select them before it starts promoting them. I argue that constructivist IR literature on norm diffusion offers some interesting theoretical insights for the exploration of norm selection at the level of the EU. But first international norms have to be defined. From a constructivist perspective, norms can be understood as 'collective expectations for the proper behaviour of actors with a given identity' (Finnemore and Sikkink 1998: 891). When spreading globally, these norms can be understood as international; and when accepted at the international level, they often become codified as international legal norms, for example in international treaties, such as the UN's human rights conventions. Norms evolve in a dynamic process. They emerge, spread and become internalized by states and their citizens (Finnemore and Sikkink 1998). But even after successful internalization, norms remain subject to change. They can become contested and therefore continue to evolve, leading to their strengthening, weakening, reformulation or even erosion (Krook and True 2012; Sandholtz and Stiles 2009; Stimmer 2019; van Kersbergen and Verbeek 2007).

According to constructivist norm research, norms spread through socialization, i.e. through a 'process by which principled ideas held by individuals become norms in the sense of collective understandings about appropriate behaviour which then lead to changes in identities,

interests and behaviour' (Risse, Ropp and Sikkink 1999: 11). In this research, states are usually seen as the main norm recipients. However, as Park (2006) points out, also the identities of international organizations, defined as 'the organization's bureaucratic culture based on its dominant profession, which informs how its mandate is undertaken, and how the organization is perceived' (ibid.: 346), are not fixed. International organizations, such as the EU, themselves first internalize norms before they start promoting them.

Constructivist norm research largely agrees that norm entrepreneurs – 'individual and collective actors who eagerly strive to promote the establishment, diffusion, and institutionalization of norms' (Wunderlich 2020: 22) – are the main driving forces behind norm socialization processes (Finnemore and Sikkink 1998; Risse, Ropp and Sikkink 1999; Wunderlich 2020). Norm entrepreneurs can be individual activists, including philanthropic personalities, scientists, intellectuals and celebrities, as well as research and advocacy NGOs, local social movements, foundations, the media, churches, trade unions, or parts of governments and international organizations, which often work together in transnational advocacy networks (Keck and Sikkink 1998). Even though most research focuses on non-state actors, states can also act as norm entrepreneurs (Wunderlich 2020: 24-28). The latter is particularly true for norm socialization processes within international organizations, which are shaped by both member states and non-state actors. Non-state actors in these contexts attempt to influence the international organization directly, as well as indirectly by lobbying member states so that they socialize the organization. According to Park (2006), both forms are necessary to change the identity of an international organization.

Norm socialization, however, is no simple process. It should rather be understood as an 'ongoing negotiation process' (Elgström 2000: 459) about competing meanings of the norm itself, for example, whether religious freedom is primarily understood as an individual or also as a collective right, and the norm's positioning within a particular normative framework, for instance, whether LGBTI rights are framed in the context of human rights or anti-discrimination (Krook and True 2012). Different norm entrepreneurs compete with each other over varying interpretations of the norm and its application and have to grapple with 'norm

antipreneurs' which resist their efforts and defend the normative status quo (Bloomfield 2016). From the perspective of the entrepreneur pushing for the norm, such battles, which do not only take place in the domestic politics of the EU (van Kersbergen and Verbeek 2007) but also in its foreign policy, in the best case, lead to the recognition or clarification of the norm (Stimmer 2019). In the worst case, they lead to 'norm polarization' when a candidate norm, such as LGBTI rights, is supported by some states and resisted by others (Symans and Altman 2015) and 'norm immunization' in opposing states if governments block the ability of local actors to advocate for the norm (Nuñez-Mietz and Iommi 2017).

The discussed agentic theories of norm diffusion and contestation connect well with the call for a more politics-oriented perspective on the EU's normative identity and power. They provide a coherent explanation of why the EU chooses to focus on particular norms in the first place, namely because norm entrepreneurs have successfully socialized the EU accordingly and have succeeded in the internal norm contest. Remains the question of how norm entrepreneurs succeed in overcoming resistance. A range of factors have been identified that shape the tactics and achievements of norm entrepreneurs in international politics (see, for example, Dellmuth and Bloodgood 2019; Tallberg et al. 2015; Wunderlich 2020: 39-42). Not all of them seem to fit the question of norm selection by the EU. The following, therefore, is just a selective list of factors that I consider most relevant for the question at hand:

(1) External structural factors, such as crises or political upheavals, may open space for alternative notions of how the normative order should look like (Sandholtz and Stiles 2009: 323-325). Such events create windows of opportunity that norm entrepreneurs can seize to create awareness and urgency for their concerns (Wunderlich 2020: 40).

(2) Characteristics of the normative and institutional context: Transnational advocacy networks and their ideas, for example, 'are more likely to be influential if they fit well with existing ideas and ideologies in a particular historical setting' (Keck and Sikkink 1998: 204), i.e. if there is a 'cultural match' (Cortell and Davis 2000: 73) between candidate norm and

institutional setting, for example, through the existence of matching policy legacies that norm entrepreneurs can connect their concerns with (Jenichen, Joachim and Schneiker 2019).[2]

(3) Strategies of norm entrepreneurs: Three strategies are primarily discussed in the literature – coalition-building, information-access exchange and framing. Accordingly, norm entrepreneurs can compensate for individual weaknesses if they build coalitions and pool resources with others (Dellmuth and Bloodgood 2019: 261; Keck and Sikkink 1998; Tallberg et al. 2015). It is also more likely that they be able to influence international organizations if they engage in a mutually beneficial exchange of information against access granted by decision-makers (Tallberg et al. 2015). Lastly, it can be expected that norm entrepreneurs are more successful if they are able to frame their ideas in ways that resonate with larger belief systems and real-life contexts and thus create linkages to already established norms or normative contexts (Finnemore and Sikkink 1998: 908; Keck and Sikkink 1998: 26-28; Risse, Ropp and Sikkink 1999: 2).

The two following case studies will illustrate the relevance of these strategies of norm entrepreneurs when contesting the status quo in the EU's external human rights policy.

3   The adoption of EU guidelines on contested human rights norms

The Foreign Affairs Council adopted the EU Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and the EU Guidelines on the promotion and protection of freedom of religion or belief in 2013. They are part of a collection of twelve guidelines adopted since 2008, which provide guidance to EU institutions and member states with respect to their human rights promotion. As the EU explains itself: 'EU Guidelines are not legally binding, but because they have been adopted at

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[2] Further institutional arrangements within the organization, such as membership structure, mandate, formal and informal decision-making procedures and possibilities for participation of civil society actors also shape the strategies of norm entrepreneurs targeting international organizations (Jenichen, Joachim and Schneiker 2019). However, they hold more explanatory power when different international organizations or at least policy fields within one organization are compared and, therefore, are not further considered in the case studies later.

ministerial level, the Guidelines represent a strong political signal that they are priorities for the EU and its Member States.'[3]

3.1 Mainstreaming a controversial norm: the case of LGBTI rights

The promotion of LGBTI rights is the most controversial principle in the EU's external human rights policy. Equality of LGBTI people is not only contested internationally (Symons and Altman 2015), but also within the EU. Reservations, discrimination, harassment and violence against LGBTI people continue to be widespread and levels are considerably higher in some, primarily Eastern European, member states (European Commission 2019; FRA 2020; ILGA Europe 2020). There are considerable legal and policy differences among member states with respect to anti-discrimination, criminal law, marriage, parenting rights, equal sexual offenses provisions, gay pride marches and national action plans to improve the security, welfare and equal opportunities for LGBTI persons (Ayoub 2015; FRA 2019: 67; Mos 2013: 84, 2020).[4] Political opposition to LGBTI rights also manifests in the Council of the EU. For instance, a 2008 Commission proposal for a more comprehensive anti-discrimination directive extending protection to other areas beyond the workplace has been stalled by reluctant national governments in the Council. One argument, among others, has been that national anti-discrimination laws offered enough safeguards to LGBTI people (Casinge 2014). Another example is the discussion on how to endorse a list of actions to advance LGBTI rights within and outside of the EU that the Commission published in December 2015. In 2016, the Dutch Presidency tabled several drafts for Council conclusions, which were primarily opposed by Hungary and Poland (initially also by other member states, such as Latvia and Lithuania). It took four months until a compromise was found in the Council so that the Council conclusions could be adopted (Council of the European Union 2016), but only after some significant

watering down of the initial proposal ((compare Permanent Representatives Committee 2016a, b, c).

Given the public and political opposition against LGBTI rights in parts of the EU, including in its main intergovernmental decision-making body, it is surprising that the Council adopted its first foreign policy instruments in the area of LGBTI rights in 2010 and 2013: First a Toolkit, whose aim was to 'help the EU institutions, EU member state capitals, EU Delegations, Representations and Embassies to react proactively to violations of the human rights of LGBT people, and to address structural causes behind these violations' (Council of the European Union 2010: para 2); then – based on the Toolkit – the Guidelines, which ask EU Delegations and member states in third countries to actively work towards non-discrimination and equality of LGBTI people through monitoring the situation, supporting activists and victims of discrimination and violence, and engaging in a political dialogue with governments, in consultation with the local LGBTI community. The Guidelines provide definitions, specify priority areas of action and operational tools which officials of EU institutions and member states should use to implement the Guidelines (Council of the European Union 2013a).

The main driver of bringing LGBTI rights onto the agenda of the EU was the international gay and lesbian movement, with the European branch of the International Lesbian and Gay Association (ILGA) as the main norm entrepreneur (Ayoub and Paternotte 2019; Swiebel 2009). They were instrumental in introducing non-discrimination on grounds of sexual orientation into the Treaty of Amsterdam (1997), the Employment Equality Framework Directive (2000), and the Charter of Fundamental Rights (2000). The European LGBTI movement, furthermore, contributed to bringing LGBTI rights onto the enlargement agenda and promoted these rights in EU foreign policy (Swiebel 2009).The main advocates of both the Toolkit and the Guidelines were ILGA Europe and some national LGBTI NGOs (Malmedie 2016). They made EU institutions aware of a considerable backlash against LGBTI rights in many countries worldwide, including Russia, Uganda, Nigeria, Algeria, Ukraine, Moldova, Armenia and Kazakhstan, where governments considered – and in some cases adopted – new legislation to curtail the rights of LGBTI people and activists (Nuñez-Mietz and Iommi 2017:

197). Particularly the legal reforms in Russia in 2006, which received considerable media attention, served as a window of opportunity for the LGBTI movement to push for clearer guidelines for the promotion and protection of LGBTI rights in the EU's foreign relations.The main ally of the LGBTI norm entrepreneurs has been the European Parliament (EP), which has become an active supporter of LGBTI rights, both inside and outside of Europe, primarily through the Intergroup on LGBTI Rights (Ayoub and Paternotte 2019; Mos 2013).[5] For example, it repeatedly called 'on the Council to work towards binding guidelines in this area' (European Parliament 2011a: para 114; 2012: para 113) Framing LGBTI-related issues as human rights issues has enabled this coalition because 'human rights rhetoric appears on a very regular basis and is considered pivotal to all MEPs and parties' (Beger 2004: 80). Unlike in the Council, conflict on LGBTI issues in the EP plays out primarily along party lines with the political groups on the centre-left overwhelmingly supportive of LGBTI rights, the Conservatives divided and far right groups primarily opposed (LGBTI Intergroup 2019). The record of the Commission is more mixed. It has helped to bring matters of sexual orientation under a European purview, especially in relation to employment, and it also provides funding to NGOs that are part of the LGBTI movement, but it has done so only after extensive lobbying from NGOs and the EP (Mos 2013; Swiebel 2009). Individual staff members within the EU Commission supported the LGBTI norm entrepreneurs when pushing for the Toolkit and the Guidelines. However, these norm entrepreneurs had to overcome the reluctance of many other staff members within the Commission's Directorate-General for External Relations (RELEX), where nobody wanted to work on the LGBTI file, because 'colleagues thought that their stance on this reflected on them personally', and where first 'it provoked sexist comments' and 'sex-jokes' (interview in Malmedie 2016: 39).

Beside the EU and the Commission, LGBTI NGOs also lobbied member states, of which some became important supporters of the Toolkit and the Guidelines. The Dutch

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[5] With over 130 members, the Intergroup on LGBTI Rights is the largest of the Intergroups in the European Parliament. Its work 'consists in monitoring the work of the European Union; monitoring the situation of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in EU Member States and beyond; and liaising with civil society groups to relay their concerns at the European level' (https://lgbti-ep.eu/, last access: 18 April 2020).

government, for example, officially proposed the Toolkit; Sweden and Spain pushed for the creation of the Toolkit during their EU Presidencies (Malmedie 2016).

Within this coalition a mutually beneficial exchange between information and access took place. ILGA Europe offered its expertise on LGBTI rights and in exchange was involved in consultations. They used, for example, a consultation on the adoption of the EU Strategic Framework and Action Plan on Human Rights and Democracy in June 2012 to suggest the inclusion of the Guidelines into the Action Plan, which in the end was the main reason why the Guidelines were developed; and together with the LGBTI Intergroup of the EP, they were involved in the formulation of the Guidelines (Malmedie 2016).

After being pushed onto the agenda, the Toolkit and Guidelines did not receive any open opposition within the Council anymore, which can be explained by a few strategic decisions taken by their supporters. First, the Toolkit was negotiated in a Task Force which was an informal sub-group within the Council's Working Party on Human Rights (COHOM) that did not involve any potential antipreneurs (Malmedie 2016: 40).Second, it helped that the Task Force decided to frame LGBTI rights as a human rights issue and not as a separate topic, thus linking it closely with foundational values of the EU that were difficult to argue against by opposing member states. Third, the LGBTI Guidelines were adopted in a package together with the Guidelines on Freedom of Religion or Belief (FoRB), which many conservative governments desired. According to Malmedie (2016: 44), 'it would have been hard for some member-state representatives to argue why there should not be Guidelines on LGBTI but on Freedom of Religion and Belief.'

This case study on LGBTI rights in the EU's external human rights policy makes clear how essential norm entrepreneurs are when persuading the EU to institutionalize a contested norm. The European LGBTI movement successfully lobbied EU institutions and member states, was able to seize the backlash against LGBTI rights in many countries as window of opportunity, engaged – based on a well-established relationship – in mutually beneficial exchange of information for access, and deliberately linked its concern to the EU's foundational value of human rights. These strategies enabled the LGBTI coalition, despite

opposition, to push its concern onto the EU's external agenda. However, that does not mean that all member states and staff members of the EU have truly internalized this contested norm now, which negatively affects the Guidelines' implementation. A resolution by the European Parliament (2017) 'on the implementation of the Council's LGBTI Guidelines', for example, suggests a lack of strategic and systematic implementation, therefore, calling for 'awareness raising and training of EU staff in third countries' as well as 'clear benchmarks' to assess implementation. On the other hand, the strict implementation of the Guidelines could 'potentially politicize LGBTI rights, which may backfire on the populations concerned in third countries' (Thiel 2019: 47). Instead, 'framing the issue (…) less in terms of a normative prescription for the countries of the Global South, but rather as a matter of self-interest for those, may present a useful avenue for progress' (Thiel 2019: 48). Hence, even though mainstreamed into the EU's external human rights policy now, the controversial nature of LGBTI rights, both within and outside of the EU makes it challenging for the EU to implement a coherent and potentially effective external policy on LGBTI rights. Similar concerns apply to the promotion of freedom of religion or belief (FoRB) by the EU.

3.2 Politicizing a neglected norm: the case of FoRB

The Guidelines on FoRB were adopted by the Council on the same day as the LGBTI Guidelines. They are another example of when norm entrepreneurs significantly contributed to introducing a contested norm to the EU's external human rights policy. However, there are also some significant differences to the LGBTI case which will be described throughout the case study.

The FoRB Guidelines comprehensively define FoRB and specify priority areas of action as well as tools EU institutions can use to promote and protect FoRB in third countries (Council of the European Union 2013b). A telling difference to the LGBTI guidelines is that the FoRB guidelines also specify EU financial instruments, like the European Instrument for Democracy and Human Rights, that could be used to assist individuals under threat or to fund

projects in third countries, suggesting a political choice that more resources will be made available for the protection of FoRB than for LGBTI rights (Annicchino 2013).

The main norm entrepreneurs in the EU in the case of FoRB were religious interest groups, such as the Conference of European Churches (KEK-CEC), the Commission of the Bishops' Conferences of the European Community (COMECE) and Christian Solidarity Worldwide, of which some work together under the European Platform against Religious Intolerance and Discrimination (EPRID). They used the intensification of discrimination and violence against Christians in countries like Egypt, Syria, Iraq, Nigeria, and Pakistan to make the EU aware of the necessity to promote and protect the security and rights of religious minorities in third countries. Unlike in the case of the LGBTI Guidelines, where norm entrepreneurs could rely on contacts with EU institutions that they had established since the 1990s when they pushed LGBTI rights onto the EU's internal agenda, religious norm entrepreneurs had to build relationships on FoRB almost from scratch. Therefore, they primarily issued information through reports on their websites and letters, but also personal communications in the EP and the European External Action Service (EEAS) (interviews, Brussels, June 2016). In this process, they benefitted from the fact that the EU had already been sensitized for issues of religion through the Danish Cartoon crisis[6], which contributed to the awareness that a stronger human rights focus and more engagement with religious communities would be necessary in the EU's external relations (Bilde 2015; interview, Brussels, June 2016). Moreover, EU member states had already been involved in negotiations on issues of religious freedom with members of the Organization of Islamic Cooperation (OIC) within the UN Human Rights Council, which further raised awareness for the issue within the EU (Wouters and Meuwissen 2014: 21-22).

The information provided by religious interest groups was absorbed by Members of the European Parliament (MEPs), first primarily from Christian Democratic parties, later also from

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[6] In 2005, the Danish newspaper Jyllands-Posten published twelve editorial cartoons, most of which depicted Muhammad, the principal figure of the religion of Islam. Muslim groups in Denmark complained, and the issue eventually led to protests around the world, including violent demonstrations and riots in some Muslim countries.

a wider group of MEPs interested in human rights and FoRB. The European People's Party (EPP) established a Group on Intercultural Dialogue which started to organize a range of activities to advocate protection for persecuted Christians, including a resolution on the 'Situation of Christians in the context of freedom of religion' (European Parliament 2011b). Later, like-minded MEPs established a Working Group, which in 2015 became the Intergroup on FoRB and Religious Tolerance, 'dedicated to ensuring the EU, in its external actions, promotes and protects the right to freedom of religion or belief.'[7] Besides the EP, norm entrepreneurs found allies within the EEAS, who drafted the Guidelines (Bolvin 2013), and among member states, such as Austria, the UK and the Netherlands, which were instrumental in overcoming initial scepticism to emphasize this particular human right by other member states, such as France and Sweden (interviews, Brussels, June 2016, and Vienna, April 2017).

A significant part of the interaction within this coalition was the exchange of information for access. Unlike in the case of the LGBTI Guidelines, there had not been much expertise on FoRB within EU institutions, because the issue had not been established in internal politics first (Foret 2017). Religious interest groups provided this much needed expertise and in exchange some of them were involved in two public consultations on the Guidelines, where they, for example, made sure that the community element of FoRB was considered besides its individual dimension (interview, Brussels, June 2016).

In their framing, supporters of FoRB could, on the one hand, benefit from the 'cultural match' between FoRB as an internationally established human right and the EU's human rights focus. Moreover, they could argue that promoting FoRB is an international obligation for all EU member states since all of them have ratified the International Covenant on Civil and Political Rights and the European Convention on Human Rights, which both include articles on FoRB. Unlike in the case of the internationally contested LGBTI rights, the international legal codification of FoRB made it difficult to argue against the Guidelines, which is why no antipreneurs openly opposed them. On the other hand, this cultural match was only partial due to the secular character of Europe (Davie 2002) and the secularist bias of EU foreign policy

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[7] Website of the Intergroup: http://www.religiousfreedom.eu/home/ (last access: 4 May 2020).

(Hurd 2008; Jenichen 2019). Initially, many EU and member state officials therefore were sceptical about emphasizing this particular right and about engaging with religious interest groups, or were worried about a privileging of the rights of Christians over those of other groups (interviews, Brussels, June 2016). Emphasizing FoRB as a universal human right helped to overcome these concerns. In addition, norm entrepreneurs with their exclusive focus on the EU's external relations, framed FoRB as a human rights issue of 'others' outside of Europe, implying FoRB was a non-issue within the EU, despite the ongoing politicization of religion in the context of immigration and security within EU member states. Even though this was occasionally criticized – from the left, for example, as double-standard[8], from the right as ignorance towards the violation of religious freedoms of Christians within Europe[9] – this framing resonated well with the European self-image of a modern, civilized and secular community of values and guardian of human rights abroad.

Competing interpretations of FoRB within the EU were revealed during the two debates in the EP on the Guidelines and on a controversial report to propose recommendations on the draft Guidelines to the Council tabled by a Lithuanian MEP from the EPP.[10] On the one hand, a more 'religious' interpretation, favoured by centre-right MEPs, privileging the rights of religious people. Centre-right MEPs at the committee stage, for example, tried to introduce the right of religious health-care workers to refuse participating in an abortion and unrestricted freedom of parents and guardians to ensure religious and moral education of their children (amendments 40 and 57 on the draft report, 13 May 2013).[11] On the other hand, a more 'secular' interpretation, favoured by the centre-left and liberal groups, embracing the 'negative' dimension of religious freedom, i.e. the right not to be religious (see debate and statements on

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[8] "This report is a matter of deep cynicism and it is a shame that the EEAS requires in third countries those that the European Union itself does not fulfil" (Willy Meyer, GUE/NGL, Spain, written statement on vote, 13 June 2013).

[9] "At the same time, I hope that similarly critical the Parliament once commented on the violations of freedom of religious rights on European soil. The ideology of anti-discrimination led to the fact that right in the EU, Christians are disciplined for their faith and its symbols" (Anna Záborská, EPP, Slovakia, oral statement on vote, 13 June 2013).

[10] That these recommendations were contested is already evidenced by the fact that they eventually were accepted by only 372 MEPs of the 611 MEPs in total.

[11] These amendments created much opposition in the centre-left groups and therefore did not make it into the final recommendations.

the vote on 12 and 13 June 2013). The more 'secular' interpretation in the end prevailed. Emphasizing the universality of FoRB and extending its scope also to non-religious and atheist convictions was more easily compatible with both secular and religious worldviews and therefore increased political support for the Guidelines.

Despite the agreement reached, FoRB remains a contested issue in the EU with negative repercussions for the implementation of the Guidelines. Despite a broadening of activities on FoRB, research suggests that following the adoption of the Guidelines, 'no substantial change in policy practices is discernible' (Foret 2017: 19). Furthermore, a recent resolution of the European Parliament (2019) indicates dissatisfaction with the Guideline's implementation, calling 'as a matter of urgency for the effective implementation of the EU Guidelines on FoRB', stressing 'the need for broader and more systematic training programmes which would raise awareness of and increase the use of the EU Guidelines among the EU's and Member States' officials and diplomats', and demanding regular reporting and evaluations to be made public. This comprehensive criticism by the main champion of human rights and FoRB among EU institutions suggests a lack of implementation and, thus, effectiveness of the Guidelines, reflecting their still controversial status within the EU's external human rights policy.

4 Conclusions

The two case studies on LGBTI rights and the promotion of FoRB in the EU's external human rights policy demonstrate that the external promotion of norms by the EU is preceded by a socialization process through which the EU selects a norm before starting to promote it in its external relations. They illustrate too that introducing the norm into its policies does not mean all members of the organization's bureaucracy have also internalized it, which has negative repercussions for the implementation and effectiveness of the policy – hence, the EU's normative power.

These socialization processes are driven by norm entrepreneurs which seize windows of opportunity, build coalitions with EU actors, engage in a mutually beneficial information-

access exchange with them and frame their concerns in ways that connect well with the organization's normative context to overcome internal resistances and negotiate competing interpretations. These strategies and the type and location of contestation can vary depending on the specific context of the norm. For example, due to the international and European polarization regarding LGBTI rights it was impossible for norm entrepreneurs to invoke international obligations. So they had to find other ways to nevertheless define LGBTI rights as a human right and defend this interpretation against the opposition of some member states. Contestation over LGBTI rights, therefore, has taken place primarily in the Council whereas the EP has become an overwhelming supporter of these rights. This looked quite differently in the other case where norm entrepreneurs could draw on FoRB's codification as both an international and European legal norm and therefore did not face outright opposition by member states (some initial scepticism notwithstanding). Instead, they had to navigate competing secular and religious interpretations of the norm based on varying narratives of the EU as either a secular community of values or an organization following its Judeo-Christian tradition (Hurd 2008) negotiated primarily within the EP. Norm contestation as in the context of the EU's human rights guidelines, consequently, also provides competing norm entrepreneurs with the opportunity to 'deepening a common understanding on a particular fundamental right' (Wouters and Hermez 2016: 7) and 'to settle disputes over norms within the EU' (Diez 2013: 203).

Constructivist IR norm research offers a useful perspective to better understand these processes. It provides us with a theoretical framework to explain why the EU chooses to promote specific norms in the first place and also furthers our understanding of why the application of these norms often is inconsistent. If officials of EU member states and EU institutions themselves have not internalized a contested norm, even though norm entrepreneurs succeeded in pushing their interpretation of it onto the organization's external agenda, they may not actively engage in implementing it. In addition, constructivist IR norm research also makes us aware that the struggles do not end with the adoption of norms. Ongoing contestation about their application determines whether norms thrive, alter or die. Contestation

about the implementation of LGBTI rights and FoRB in the EU's external relations, for instance, about the question of which degree of politicization is necessary or counter-productive when trying to influence the behaviour of third states, will accordingly shape the future of these norms in the context of the EU's external human rights policy. Furthermore, taking the 'politics' of NPE seriously also requires taking conflicts between norms into account. What happens, for instance, if the combined promotion of LGBTI rights and FoRB produces conflicts? The guidelines do not include a clear line to resolve potential clashes (Annicchino 2013: 630). Research on best practices and lessons learned of the external promotion of LGBTI rights and FoRB therefore is urgently needed.

Future research on the EU's normative power should conceptualize the EU not only as a norm promoter but also a 'norm consumer' and consider the role of norm entrepreneurs and contestation in norm socialization processes within the EU. Such a more politics-oriented perspective could usefully complement research on the coherence of the EU's human rights promotion (e.g. Lerch and Schwellnus 2006). But more research is needed to refine the here introduced framework, for example, by systematically applying it to less controversial guidelines in the EU's external human rights policy or to other policies at the centre of the EU's normative power, such as peace, democracy and the rule of law. Taking the politics of Normative Power Europe into account when analysing the EU's external relations will help us make sense of the sometimes seemingly erratic behaviour of the EU.

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