

Volume 1, Issue 1, March 2017

## **Principled Pragmatism's Possible Implications for Human Rights Promotion**

*Gergana Tzvetkova*

### **Research Articles\***

#### **DOI:**

10.14658/pupj-phrg-2017- 1-4

#### **How to cite:**

Tzvetkova, G., (2017), Principled Pragmatism's Possible Implications for Human Rights Promotion, *Peace Human Rights Governance*, 1(1), 67-86.

#### **Article first published online**

March 2017

\*All research articles published in PHRG undergo a rigorous double-blind review process by at least two independent, anonymous expert reviewers

# Principled Pragmatism's Possible Implications for Human Rights Promotion

*Gergana Tzvetkova\**

## Abstract

This paper discusses the attempts of the European Union and the United States of America to find a middle ground between isolationism and interventionism, between realism and idealism, between hard power and soft power. More specifically, we study principled pragmatism as an approach to foreign policy formulation and implementation. Our first aim is to present the main tenets of principled pragmatism, as defined and operationalized by the United States and the European Union. Our second aim is to discuss if and how its application could affect the place of human rights promotion in foreign policy. This is done through the introduction of additional ideas which appear to be closely linked to principled pragmatism, mutually informing and reinforcing one other. In relation to each of these four ideas, we further identify possible challenges, risks and criticisms which decision- and policy-making informed by principled pragmatism might encounter.

**Key-words:** *Human Rights; Foreign Policy; European Union (EU); United States of America (USA); Principled Pragmatism*

\* Ph.D student, Scuola Superiore Sant'Anna, Pisa, Italy, PhD Programme in Politics, Human Rights and Sustainability, e-mail: g.tzvetkova@sssup.it.

## Introduction

A now famous speech delivered in 1821 by John Quincy Adams, at that time Secretary of State and a few years later the sixth president of the United States of America, signalled the country's intention to withdraw from world affairs. Adams' (1821) passionate words warned against the new-born country pursuing imperial ambitions or meddling in the affairs of others, by going 'abroad in search of monsters to destroy'. Ever since its creation, the United States (US) has swung between interventionism and isolationism, as its leaders were trying to establish their country's place in the world. So far, President Donald Trump seems to be leaning on the isolationist side but the uncertainties surrounding his programme and strategic priorities preclude any early conclusions.

On the other side of the Atlantic, the European Union (EU)<sup>1</sup> is struggling with problems of its own. In a perfect storm of financial and refugee crises, a wave of populism and a BREXIT decision, it is trying to find the most suitable way forward. An important step in this direction was the adoption of the 2016 Global Strategy on Foreign and Security Policy for the European Union (EUGS). The document takes on the difficult but important task to sketch EU's future role in the world and elaborate on the rules to steer its actions.

This paper discusses one of the attempts made by the EU and the US to find a middle ground between isolationism and interventionism, between realism and idealism, between hard power and soft power. Namely, we study *principled pragmatism* as an approach to foreign policy formulation and implementation. The focus falls specifically on the application of this approach during the presidency of Barack Obama and on its recent inclusion as a guiding principle in the EUGS. Our first aim is to present the main tenets of principled pragmatism, as defined and operationalized by the United States and the European Union. Our second aim is to discuss if and how its application could affect the place of human rights in foreign policy. This is done through the introduction of concepts and ideas which appear to be closely linked to principled pragmatism, mutually informing and reinforcing one other. These are: the need for a comprehensive approach to international problems, the calls for more multilateral partnerships, the preferences for a tailored approach and the need to strike a balance between goals and means.

For the identification of these concepts and ideas, as well as of the key accounts of principled pragmatism, we rely on strategic documents and

---

<sup>1</sup> In this paper, America and American are used interchangeably with USA/US, while Europe/European is used interchangeably with European Union/EU.

discourse, originating in the US and the EU. We limit ourselves to the examination of the final versions of official documents of state institutions and public remarks and statements. It is essential to clarify that more documents should be considered in order to produce a full and comprehensive view of the implications of principled pragmatism for human rights. At the same time, we hope that the present analysis will be a useful contribution to such an endeavour. Our selection of the documents originates from their significance for the formulation and implementation of foreign policy at a particular point in time. Therefore, we consider them a good starting point for an analysis of principled pragmatism's intersection with the concept of human rights.

The first section of the paper presents definitions of pragmatism and principled pragmatism found in literature. These are complemented by our reading of the strategic documents specified above. The second part of the paper touches upon the place of human rights in foreign policy and international relations. The main section discusses the concepts and ideas that could be related to both principled pragmatism and its intersection with human rights. These are illustrated by reference to specific cases and foreign policy decisions of the two analysed actors or to situations that necessitated such decisions. The aim is to pinpoint potential positive and negative aspects of principled pragmatism's employment with respect to human rights promotion and protection. At the end, we offer general conclusions about human rights-principled pragmatism nexus and possible future courses of research.

## 1. Main Tenets of Principled Pragmatism

The two ingredients of the phrase *principled pragmatism* underwrite a sufficient and reliable understanding of this notion. According to Oxford Living Dictionaries, a principle(s) is (are): 'A fundamental truth or proposition that serves as the foundation for a system of belief or behaviour or for a chain of reasoning'. Therefore, a principled approach to decision- or policy-making would be the one guided by a defined set of rules, usually stemming from morality. According to the same dictionary, an approach is pragmatic when it deals 'with things sensibly and realistically in a way that is based on practical rather than theoretical considerations'.

Furthermore, we must note the relevance of the philosophical tradition of pragmatism which was born in late 19<sup>th</sup> c. United States. A central idea of pragmatism is that 'the meaning of a proposition is to be found in the practical consequences of accepting it, and that unpractical ideas are to be rejected' (McDermid n.d.). Recently, fruitful debates were launched on the

potential contribution of pragmatism to the study of international relations and its points of contact with constructivism and discourse analysis<sup>2</sup>. This renewed and reinforced the focus on practice and experience in the course of decision-making and its analysis.

Pragmatism and principle do not appear to be inherently conflicting in theory. The contradiction arises when individuals have to choose between staying true to their principles and achieving good practical results, which are in their best interest. This is a choice that political actors are also confronted with – be it in relation to domestic policy, or foreign affairs. This results in the need to eliminate this contradiction. Principled pragmatism as applied to policy making could be seen as one such response to this need. Shane J. Ralston (2011, 82) considers pragmatism to be ‘a flexible policy making approach’ that helps ‘practitioners craft tools to resolve or ameliorate particular global problems’. Mark Sanders (2011, 40) sees the ‘cornerstone of pragmatism to be the connection between thought and action’. The three sources of decision making guided by principled pragmatism appear to be thinking, reliance on experience and a firm system of beliefs.

Pragmatism and the attempts to reconcile it with principles are not new to American foreign policy<sup>3</sup> or to foreign policy as a whole. Here we study President Obama’s efforts in this direction, but it should be noted that his predecessor also considered bringing principle and pragmatism closer together. The 2006 National Security Strategy adopted under the second administration of President George W. Bush refers to pragmatism only once, but the reference deserves mentioning. The document has a section entitled ‘How We Will Advance Freedom: Principled in Goals and Pragmatic in Means’ (White House 2006, 3). Under this title, the text outlines the foundations of a comprehensive approach through which America will use all tools at its disposal to end tyranny and promote effective democracy (ibid., 3-5). The document, however, does not provide a detailed recipe about how the unison of goals and means is to be achieved.

President Obama’s principled pragmatism is better crystallised. Analysing some of Obama’s speeches, Sanders (2011, 40) argues that the President demonstrated belief in meliorism and fallibility, deliberation and flexibility, and consensus-building – which could be described as both pragmatic and democratic principles.

<sup>2</sup> See Bauer, H. and Brighi, E. (2009) *Pragmatism in International Relations*. Oxon and New York: Routledge.

<sup>3</sup> See for example: Wittkopf, E.R., Jones, C.M. and Kegley, Jr., C.W. (2008) *American Foreign Policy: Pattern and Process*. Seventh edn. Belmont: Thomson Higher Education and McCormick, J.M. (2010) *American Foreign Policy and Process*. Fifth edn. Boston: Wadsworth, Cengage Learning.

The two National Security Strategies adopted during the Obama presidency – in 2010 and 2015 respectively – do not mention principled pragmatism specifically. However, the first one states that the US will practice ‘Principled Engagement with Non-Democratic Regimes’ seeking to advance human rights through dialogue (White House 2010, 38). The United States must never forget its principles and values, but it also cannot isolate those who do not adhere to them. Rather, it should look for creative ways to promote its values. The 2015 National Security Strategy stresses the importance of being principled two times, both of which in relation to the use of force. In the beginning of the text, it is stated that America’s ‘first line of action is principled and clear-eyed diplomacy, combined with the central role of development in the forward defence and promotion of America’s interests’ (White House 2015, 4) The US will not be hasty to intervene but at the same time, it will not lose its ability to think clearly – a meaning conveyed by the adjective *clear-eyed*. Further down, the strategy asserts that the country ‘will be principled and selective in the use of force’ and elaborates on that as it talks about international partnerships, feasible objectives, consistency with the rule of law and legitimacy. The text depicts an America which seems more cautious about its interventions and would decide on the use of force on a case-by-case basis, after a careful evaluation of the situation.

The clearest conceptualisation of principled pragmatism as understood by the Obama government was delivered by the State Secretary Hillary Clinton. That was done in a 2009 presentation of the U.S. Human Rights Agenda for 21st Century. In the speech, Secretary Clinton introduces principled pragmatism as one of the four aspects of the new American approach to human rights, along with accountability, partnering from the bottom up and keeping a wide focus where rights are at stake. Being pragmatic, according to the State Secretary, means being ‘agile in pursuit of our human rights agenda – not compromising on our principles, but doing what is most likely to make them real’ (Secretary Clinton 2009). Hillary Clinton then stresses that this would entail being creative, using all available instruments and letting go of the one-size-fits-all approach. Principled pragmatism is the guarantee that means and goals will not disassociate too much.

Still in the same speech, the US Secretary of State makes a very important point, relevant to the cases of both the US and the EU. She asserts that the ‘assumption that we must either pursue human rights or our “national interests” is wrong’ (ibid.). This statement reminds of the long-standing discussion about the rivalry between material interests and non-material values as motivators of action. It is also related to the idea of the US as a ‘smart power’, endorsed by both State Secretary Clinton and President Obama. Smart power consists in using ‘the full range of tools at our disposal,

diplomatic, economic, military, political, legal and cultural, picking the right tool or combination of tools for each situation' (Clinton Cabinet Confirmation Hearing 2009) The foreign policy of the US should be 'based on a marriage of principles and pragmatism, not rigid ideology' (ibid.).

The wish and ambition to achieve harmony between values and interests is reflected in the core messages of the EUGS as well. The document reads 'Our interests and values go hand in hand. We have an interest in promoting our values in the world. At the same time, our fundamental values are embedded in our interests' (Shared Vision 2016, 13). Therefore, the EU will be guided by principled pragmatism – the reliance on clear principles that 'stem as much from a realistic assessment of the strategic environment as from an idealistic aspiration to advance a better world' (ibid., 16). The document then applies a very suitable metaphor comparing this middle ground with a path between 'the Scylla of isolationism and the Charybdis of rash interventionism' (ibid., 16). In a December 2016 speech, the High Representative Federica Mogherini pointed out that protection of human rights, freedoms and pluralism is not just a matter of values but also of interest for the EU and called power built on principled pragmatism an indispensable power.

The purpose of this section was to present how the United States and the European Union conceptualised principled pragmatism. As we demonstrated, human rights and freedom are often recalled to explain the usefulness of principled pragmatism and its essence. The reason behind frequent references to human rights should probably be sought in the wish to reply to accusations of double standards and hypocrisy that the two actors face. Mostly the US, but also the EU, has been blamed for promoting human rights in words but failing to act in some cases when they have been gravely violated. This leads us to a discussion about the insertion of the concept of human rights in international relations discourse and practice.

## **2. Human Rights in Foreign Policy**

The upsurge of human rights began after World War II with the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations (UN). Although occasionally hampered by Cold War sentiments, the upsurge continued with the acceptance of numerous international human rights treaties. After the Cold War, there was a new push for human rights promotion. The terminology associated with human rights grew richer by the introduction of the rights as interrelated, interdependent and indivisible. However, despite the existence of international and national institutions and instruments protecting human rights, some contentions remain. There are countries that refute the universality of all human rights,

arguing that religious and cultural peculiarities must be taken into account when justifying and promulgating rights. Others go even further and claim that human rights are a Western invention, through which the West is trying to impose its worldview and way of life (Donnelly 2013; Forsythe 2012).

Similar claims often support opposition to foreign interventions in case of conflicts. An excellent example are the criticisms directed at the United States, which is accused of using promotion of democracy and human rights to cloak a hidden agenda of military intervention and domination. These criticisms reached their peak before and after the 2003 war in Iraq. However, Western initiatives that are traditionally related to soft power are also under increasing attacks. NGOs and think tanks (both foreign and domestic) are pressured and scrutinized in both Russia and China. In Russia, under the respective legislation, was drafted a list of civil society organisation that are said to perform undesirable activities<sup>4</sup>. In China, a recent law requires civil society to accept stricter and greater government control (Reuters 2016). Measures like these create hostile environments that challenge international and local civil society's efforts to promote human rights and their universality.

The inviolability of rights is not immune to problems even in the West, where this idea is said to originate from. In Europe, the opposition to refugees and migrants and the fear of terrorism has reintroduced long-forgotten xenophobic messages. In the US, the election of Donald Trump signals (so far) hard times ahead for human rights both abroad and at home. These are troubling developments because they put to question and threaten the liberal conception of human rights as we know it. Words and acts from all over the world deliver heavy blows to the idea that human rights are universal, indivisible and inalienable.

Regardless of how grim the situation might occasionally seem, it cannot be denied that the promotion of human rights is now embedded in both the discourse about foreign policy and its actual practice. And the connection between rights and policy goes both ways. Discussions about the scope and content of human rights form an important part of the agenda of state and non-state, international and domestic actors (Forsythe 2012, Vincent 1986). Therefore, rights do shape policy-making. The presentation of principled pragmatism in the first section is a good example for this. We see that those responsible for foreign policy in the US and the EU try to reconcile human rights with the pursuit of material interests and to weave them into the fabric of their actions abroad. Simultaneously, when actors talk about rights and act upon them, they sometimes influence the meaning associated with the concept. The still predominant idea that rights are inalienable would have

---

<sup>4</sup> See the 2015 Russian undesirable organisations law and the 2012 Russian foreign agent law.



stayed in the philosophical realm if it were not for including it in popular messages and in concrete political actions.

Here we should turn to philosophy because the existing debate about the moral vs the political conception of rights might inspire some solutions to current challenges faced by the promoters of human rights. The moral conception is well embodied in what John Tasioulas refers to as the Orthodox View of human rights as ‘universal moral rights possessed by all human beings simply in virtue of their humanity’ (Ernst and Heilinger 2012, xi). According to supporters of the political conception of rights, the essence of rights stems from ‘their having a specific political function, e.g. to limit the sovereignty of states’ (ibid., x). Both conceptions are convincing and well-supported with arguments. Therefore, to further clarify what human rights are, attempts were made to combine the two conceptions. For instance, a suggestion for a mixed conception holds that ‘human rights can only be ascribed the role they have in international practice today if many of the central claims of adherents of the moral conceptions are true’ (Mayr 2012, 78).

An example of the translation of philosophic deliberations about moral, political and mixed conceptions of human rights to policy level and international relations comes in the form of questions like where, when and how sovereignty claims yield in the face of human rights concerns. Let us consider here the Responsibility to Protect (R2P) and issues associated with it. The R2P reflects a shift in the understanding of sovereignty triggered by universal human rights – from sovereignty as freedom from outside interference to sovereignty as responsibility to abstain from and prevent gross violations of rights of one’s citizens (Pattison 2010, 3). In case an actor disregards this responsibility, the international community is entitled to step in, since mass atrocities and genocide attack the very core of our humanity and should be stopped at all costs. However, one of the most acute problems related to R2P is establishing who has the right to intervene, as the term ‘international community’ appears to be rather vague (ibid., 4). Thus, actors (including the two analysed here) have been subjected to criticisms also in this regard – why didn’t they intervene when they had the responsibility to do so or why did they intervene when their right to do so was disputed?

This is just one demonstration of the constant attempts to crystalize the concept of human rights and the equally constant challenges to those attempts – at both philosophical and political level. In a way, the formulation of differing understandings of human rights – moral and political – and the desire for arrival at a mixed conception is reminiscent of the goals of principled pragmatism. As we underlined above, it includes a quest for rapprochement between value and interests, between principle and consequence. The next

section is devoted entirely to such discussions. It further hypothesizes how these features could benefit or obstruct human rights promotion pursued by political bodies. The arguments are substantiated through references to international events and phenomena which, in one way or another, had challenged the concept of human rights and had led to calls for international intervention.

### 3. Comprehensiveness

The search for comprehensiveness and coherence appears to be a desired outcome of decisions guided by principled pragmatism. This is demonstrated through the continuing elaboration of the notion of a comprehensive, integrated or multi-faceted approach by both analysed actors. Thus, the EUGS promises a “comprehensive approach to conflicts and crises” through a coherent use of all policies at the EU’s disposal’ (Shared Vision 2016, 9). This statement was preceded by the very detailed ‘EU’s comprehensive approach to external conflict and crises’. According to this document, comprehensiveness lies in the ‘joined-up deployment of EU instruments and resources, but also to the shared responsibility of EU-level actors and Member States’ (EC and HR 2013, 3).

The comprehensive approach is not new to the US either. During the Obama presidency it was frequently pursued, in congruence with Secretary Clinton’s appeals that the US employs all tools at its disposal, and a combination thereof, when devising foreign policy solutions. In a speech at the Global Counterterrorism forum, Hillary Clinton (2012) pointed out the need for a ‘strategic, comprehensive approach to counterterrorism that integrates both military and civilian power that uses intelligence, law enforcement, diplomacy, development, humanitarian assistance, and every possible partner and asset’. During the two Obama terms, comprehensive approach was pursued with respect to a variety of issues – from worldwide gender equality (White House, 2013) to the Sudan crisis (White House, 2009).

The complexity of the problems that States, societies and people face today both necessitates the comprehensive approach and makes it sound logical and attractive. It is almost impossible to imagine that a global crisis will be resolved *effectively* and in the *long-term* through a unilateral, one-track solution or by a military intervention alone. It is clear that the swift overthrow of a dictator is not enough for a full-fledged democracy to flourish. Sadly, this was illustrated by the outcome of the Arab Spring. It is also clear that sometimes short-term measures to appease a conflict might create great threats to human rights and freedoms in the more distant future.

Consequently, one of the advantages of the comprehensive approach is its suitability to the new reality, where problems are increasingly multidimensional, involving a myriad of state and non-state actors. Therefore, besides a detailed analysis of the issue at hand, arriving at a solution requires not only creativity, as European and American official documents suggest, but also resourcefulness. Furthermore, shaping the most adequate combination of instruments in any particular case requires an excellent knowledge of these same instruments. Then, the elaboration of a comprehensive approach could mean rediscovery of old instruments of foreign policy or designing new ones. Consequently, the actor could become more cognizant of its opportunities and limits. In the best case scenario, this could also increase its self-confidence and persuasiveness.

The formulation and implementation of a comprehensive approach has the potential of creating favourable conditions for human rights protection. If carried out as declared, it will contain a human rights/rule of law component, an already important development. The notion of mainstreaming of human rights in all policies, programmes and activities attempted at the UN and EU level could be seen as a related step. The inclusion of human rights considerations and actions could also contribute to a better understanding about the concept of human rights, achieved through its interaction with security concerns, economic development measures, etc.

However, the push for comprehensiveness might lead to unexpected obstacles. The consideration of all available instruments, the inclusion of all relevant stakeholders and the inspection of all suitable combinations of tools might prove a burdensome task. Here we have to remember the third model for understanding foreign policy making suggested by Graham T. Allison. According to this model, each organisation's leader is a player at its own right in bureaucratic politics, which is essentially 'bargaining along regularized channels among players positioned hierarchically within the government' (Allison 1969, 707).

For instance, in 2012 President Obama created an Atrocities Prevention Board<sup>5</sup> with the purpose of providing 'a comprehensive whole-of-government approach' for atrocities prevention. The Board works with newly introduced tools but at the same time its membership includes eleven US agencies. Furthermore, their representatives that attend the meetings are at the Assistant Secretary level or higher. In this and other similar cases, it is fairly easy to imagine that each participating department or agency will

---

<sup>5</sup> For more information on the Atrocities Prevention Board, please visit: <http://endgenocide.org/learn/preventing-future-genocides/the-atrocities-prevention-board/> (unofficial website).

come to the discussion table carrying its own priorities, mandates, budgets and expected outputs. This presents an even greater risk for the EU, whose administration and decision-making bodies are younger than those of the US and take into account the opinions of (still) 28 Member States.

In direct relation to this is another possible disadvantage that a comprehensive approach might generate for human rights, namely the danger of them being 'watered down'. The presence of different stakeholders could be productive, but it might turn out to be counterproductive as well. Numerous and diametrically opposed understandings of what human rights are could clash. Evidently, such a risk exists as we remember previously mentioned debates about moral vs political conceptions of human rights and the unknowns surrounding an R2P intervention.

On a positive note, better synchronization between stakeholders is possible through the continuous practice of working together. The clear and detailed definition of (national) interests might also make the coordination of stakeholders' priorities and goals easier.

#### **4. Multilateral Partnerships and Shared Responsibilities**

The idea that common problems with international implications should be resolved through multilateral partnerships is frequently mentioned in documents referring to comprehensive approach and principled pragmatism. In the case of the US, this could be reflecting Obama's relative reluctance to let America act alone and suffer possible negative consequences. The 2015 National Security Strategy states that the US will lead but together with its partners 'to share the burdens of maintaining global security and prosperity and to uphold the norms that govern responsible international behavior' (White House 2015, 3). The building of partnerships is also linked to American and European wish to not isolate certain countries but instead, establish creative dialogues with them. A central point made in the EUGS is: 'The EU will be a responsible global stakeholder, but responsibility must be shared and requires investing in our partnerships.' (Shared Vision 2016, 18) As shown in the preceding section, a key factor for attaining comprehensiveness is the feeling of shared responsibility among all EU Member States.

As an example, we turn to the Contact Group on Piracy off the Coast of Somalia<sup>6</sup> – a multilateral formation formed pursuant to a UN Security Council Resolution, but not a UN body. The United States was the main motor of its creation, while both it and the EU chaired the group at different points of

---

<sup>6</sup> For more information on the Contact Group on Piracy of the Coast of Somalia, please visit the website of the Lessons Learnt Project at <http://www.lessonsfrompiracy.net/>.

time. In general, the Contact Group is considered a success due to some of its outputs – the opening of an international Trust Fund for combatting piracy and the drafting of guidelines for prosecution of captured pirates. It is not far-fetched to view the Contact Group as motivated by principled pragmatism in the case of both studied actors. On one hand, its establishment reflects the understanding that piracy is an international problem. Therefore, the best way to defeat it is through concerted international efforts. On the other hand, the group's creation is in the spirit of the principle of multilateralism and international cooperation.

Human rights also entered the group's discussions. First, a major motive behind this and other counter-piracy initiatives was the fact that piracy attacks were hampering the delivery of humanitarian aid to Somalia. The second way human rights become part of discourse was in relation to the rights of pirates. Those captured should be prosecuted and imprisoned if found guilty. However, this was to be done with respect to human rights – right to fair trial, due process and others. The EU and the US signed Memoranda of Understanding with those African States that agreed to prosecute pirates due to Somalia's inability to do so. Importantly, these agreements featured a human rights clause(s)<sup>7</sup>. Hence, we can suggest that if used appropriately and adequately, multilateral partnerships could serve as fora for dissemination of values and principles. This, combined with the actors' refusal to self-isolate and isolate others and with the pursuit of shared responsibility, could further improve the level and intensity of human rights promotion.

---

<sup>7</sup> The full titles of the US Memoranda of Understanding are as follows: The full titles of the two documents are as follows: Memorandum of Understanding Between the United States of America and the Republic of Kenya Concerning the Conditions of Transfer of Suspected Pirates and Armed Robbers and Seized Property in the Western Indian Ocean, the Gulf of Aden, and the Red Sea' US-Kenya (16 January 2009) and Memorandum of Understanding Between the United States of America and the Republic of Seychelles Concerning the Conditions of Transfer of Suspected Pirates and Armed Robbers and Seized Property in the Western Indian Ocean, the Gulf of Aden, and the Red Sea' signed at Victoria (10 July 2010). The full title of the EU Memoranda of Understanding are as follows: Exchange of Letters between the European Union and the Government of Kenya on the conditions and modalities for the transfer of persons suspected of having committed acts of piracy and detained by the European Union-led naval force (EUNAVFOR), and seized property in the possession of EUNAVFOR, from EUNAVFOR to Kenya and for their treatment after such transfer, AGREEMENT between the European Union and the Republic of Mauritius on the conditions of transfer of suspected pirates and associated seized property from the European Union-led naval force to the Republic of Mauritius and on the conditions of suspected pirates after transfer and Exchange of Letters between the European Union and the Republic of Seychelles on the Conditions and Modalities for the Transfer of Suspected Pirates and Armed Robbers from EUNAVFOR to the Republic of Seychelles and for their Treatment after such Transfer.

A negative possible outcome on human rights brought by multilateral partnerships under the umbrella of principled pragmatism is essentially an upgrade of the concern expressed in the previous section. The priorities of stakeholders could be immensely different, although ideally, their interest is shared, as in the presented case where it obviously is the elimination of piracy off the coast of Somalia. Engaging in a big multinational group could also lead to a delayed response, which will be critical in the case of serious violations of human rights, like for instance in Syria. Furthermore, the actors might have to make compromises on their road to achieving a specific result. In certain cases, human rights might end up being the point of the agenda that the actors compromise with.

There are no easy solutions to these problems but they could not and should not be used as an excuse for non-participation in multilateral initiatives. Some immediate solutions to be considered by actors have to do with better prioritizing and fruitful networking and track II diplomacy. These and similar steps might transform the concessions an actor is forced to make into more manageable ones.

## **5. Case-by-case Solutions**

The relinquishment of the one-size-fits-all approach to solving problems abroad was also emphasized by the American and European documents quoted in the first section of this paper. The tailoring of the approach in accordance with each country's needs and peculiarities or each issue's essence is to be based on their adequate analysis and assessment. This would lead to the setting of realistic and feasible goals and the formulation of suitable means for their achievement. The definition of goals and means is conditional upon the excellent knowledge about the country or the issue that require action. In this regard, the preparation of annual human rights reports by both the EU and the US is a positive development. The reports allow the creation of a fuller picture of human rights in the world – with respect to both separate countries and specific issues. Strategies that have worked in one case or in one country or region might turn out to be completely futile in other situations. Their failure might be a consequence of poor planning but might also be brought by a variety of cultural, economic, social or even historical factors.

The perspective of principled pragmatism might improve the chances for success of a tailored approach. Guided by the pragmatic component, the actor effectively articulates objectives, based on the deep country- or issue-specific knowledge accumulated through practice and experience. The principled component ensures that the actor stays focused when figuring how to use

this knowledge. Guided by principles, the actor could try and choose the best possible means to achieve the realistic goal(s). The formulation of goals and the selection of means might become even easier when the element of comprehensive approach is added. The input of all relevant stakeholders in decision-making *and* implementation could benefit highly the processes of goals and means definition. The greatest success in this regard will be achieving the unison of pragmatic goals and principled means, much desired by the 2006 US National Security Strategy.

An interesting example of the duality 'one-size-fits-all vs case-by-case' comes from the European Union. As rightly noted, during the accession negotiations with former Communist States the EU used the former, while the European Neighbourhood Policy relies on the latter (Casier 2012, 102). This difference is well-grounded in the fact that the end goal of the first exercise is full membership in the EU, while a one-size-fits-all approach is more rational when accession is at stake. Ideally, its application might even speed up the accession process if countries learn from each other. Since in the second case, the end goal is stimulating change in the Eastern Neighbourhood, the employment of an approach that considers country characteristics is more than desirable (*ibid.*). This demonstrates that in some cases, the one-size-fits-all, or at least some aspects of it, are preferred to a tailored approach which might be costly. Naturally, pragmatism could be the appropriate lens through which to define and measure the pros and cons when deciding between the two strategies.

Just like in the case of comprehensiveness and multilateral partnerships, a possible drawback of choosing a case-by-case approach is the risk of a delayed response. The actor might miss the moment or the opportunity to act while waiting to gather all the relevant information or consult all expert opinions. Sadly, an example that emerges here is again the Syrian war. The need for a tailored approach there is undisputable, due to the complexity of the situation and the high stakes it holds for the Middle East. However, the involvement of too many actors (state, non-state, national and international), the significant incompatibility between the interests, priorities and values of the main foreign actors and the general instability in the country make tailoring very burdensome and so far, unsuccessful. This comes at the cost of huge violations of both humanitarian and human rights law.

We believe that the greatest challenges still faced by the tailored approach's promoters are accusations in double standards. Why was a particular policy pursued in one case but not in the other? Why was military intervention immediate in one case but delayed in the other? Unfortunately, these questions are often asked in the wake of human rights violations. Unfortunately also, very often the reply lies in the trumping of humanitarian concerns by vital



national interests or in the lack of political will at national and international levels. In these cases, we might say, the pragmatic element has completely taken over the principled one. However, at least in those cases where no such takeover has taken place, the justification of a given tailored approach should be as clear, precise and well-grounded in law and policy as possible.

## **6. The Need for a Balance**

This last observation serves as a natural introduction of the last, but very important, point to be made about principled pragmatism. It concerns the risk of pragmatic and result-oriented considerations overriding those related to principles and values when applied in practice. Undoubtedly, such a development would be reminiscent of the old saying that the end justifies the means. It also reminds us of the seminal discussion by James G. March and Johan P. Olsen (1989) about the opposing logic of appropriateness and logic of consequences. When decision-making is directed by the logic of appropriateness, it relies on established norms and trusted rules. The logic of consequences is based on the belief in the primacy of cost-benefit calculations of the outcomes of all considered actions.

Starting from this perspective, we could view principled pragmatism as an attempt for harmonization. On one side of the spectrum, we have an actor striving to achieve as many agenda points as possible. On the other side of the spectrum, we have an actor who double and triple checks each planned action against a set of proclaimed and embraced principles. A strategy guided by principled pragmatism is adopted by an actor who tries to combine what is best and most effective of the two approaches.

Furthermore, a balance within principled pragmatism as a notion and an approach should be reached. This could minimise criticisms and the questioning of decisions informed and inspired by principled pragmatism. The balance should be established between its two ingredients. It is easier to imagine the pragmatic component taking over the principled one: many negative cases from the human rights sphere could be provided. But it is equally possible that the principled component overrides the pragmatic one, leading to too hasty, ill-thought and ill-planned interventions. Being pragmatic means keeping your feet on the ground and a clear vision. The adherence to principles guarantees not succumbing to the temptation to be guided by ends and results only. Hence, principled pragmatism is also about a balanced approach, an approach that stays away from excessive rationalism and never succumbs to extreme ideology.

In her recent speech, the High Representative Mogherini also touches upon the difficulty of finding a balance. She claims that one of the biggest



challenges is the achievement of consistency, 'keeping vision and action strictly bound one to the other' (Mogherini 2016, n.p.) To reiterate, the need to do that is pressing in relation to human rights, especially today when basic human rights like women's rights, LGBTI rights, the freedom of belief and the freedom of expression are contested at many levels. In the equation which principled pragmatism is trying to come up with, human rights should be present as both a consequence and a norm, as both an interest and a value, as both a concrete action and an important element of vision.

The establishment of balance could be made easier by utilizing some of principled pragmatism's constitutive elements discussed in the beginning. Both in theory and in practice, an approach driven by principled pragmatism relies on flexibility, deliberation and experience achieved through practice.

## **7. Conclusion**

This paper concentrated on the attempts of two major international actors – the United States of America and the European Union – to find innovative perspectives from which they could formulate and implement a more coherent and consistent foreign policy. In particular, we examined principled pragmatism as an approach to foreign policy, which was conceptualised and discussed by some of the highest-ranking representatives of the two actors.

First, we presented central characteristics of principled pragmatism, as extracted from its presence in discourse – key strategic and policy documents, as well as official speeches. Then, we examined how these features, in combination with four additional trends, could affect human rights promotion. The four trends were: the need for a comprehensive approach to international problems, the calls for more multilateral partnerships, the preferences for a tailored approach and the need to strike a balance between goals and means. These were not chosen randomly, but were found to be co-existent with principled pragmatism in the studied documents, sometimes mutually reinforcing and complementing one-another. Thus, the concepts and the approaches we discussed are not new or strictly related to principled pragmatism. Instead, we relied on their usefulness and relatedness to this approach, when we set to examine some of its pillars.

In relation to each of the four trends, we further identified possible challenges, risks and criticisms which decision- and policy-making informed by principled pragmatism might encounter. The primary risks we identified have to do with delayed responses. Timely interventions of any sort and adequate and feasible strategies are crucial in case of crises involving grave violations of human rights. We also pinpointed as a potential threat to human rights promotion the 'watering down' of human rights-related demands. This

is an especially relevant concern in case of crises with a lot of negotiating and compromising stakeholder, where multilateral solutions are sought and the stakes are high. This is also related to the last identified risk, the one that could affect the very core of principled pragmatism. If an actor embraces principled pragmatism and makes decisions and acts on the basis of this approach, the actor should not allow one of the components – pragmatism and principle – to completely overrule the other. The balance between the two components, between practice and theory, between interest and value should be encouraged and pursued to ensure consistency of principled pragmatism. Achieving balance could be made easier through reflection, development of flexibility and pursuit of improvement through practice.

We do not suggest that multilateral partnerships, integrated approaches and case-by-case solutions should be avoided or that consequences should be disregarded. On the contrary, all these, and principled pragmatism itself, have a potential for making foreign policy more flexible, more efficient and more creative. We believe that the promotion of human rights could only benefit from such developments in foreign policy. To reiterate, boosting the support for human rights and reinforcing their safeguarding mechanisms is especially needed today, when they face increased contestation. For one reason or another, the United States and the European Union are still regarded as the keepers of the liberal order, of which human rights form an important part. Therefore, each and every European or American move, be it domestic or international, which affects human rights, is deeply scrutinized or even mimicked by other actors. A decline in the human rights record of either the EU or the US could have a negative effect on the concept of human rights as a whole.

This paper does not claim to be comprehensive. The decision-making processes in both Europe and America are complex enough to require a case-by-case analysis of each major foreign policy decision. Differences between leadership styles, changes in the party affiliation of leaders and administrations, as well as the specificities of the international situation at any given point should be taken into serious account.

Principled pragmatism has the potential of motivating an innovative type of foreign policy. This is more relevant in the case of the EU, where its journey seems to be just beginning. In order to receive a good final grade, those inspired by principled pragmatism should not allow it to become another buzzword, an overexploited concept attached to everything that needs to be made attractive.

## References

- Adams, J.Q. (1821) *Speech on Independence Day*. Available at: <http://teachingamericanhistory.org/library/document/speech-on-independence-day/> (Accessed: 24 January 2017).
- Allison, G.T. (1969) 'Conceptual Models and The Cuban Missile Crisis', *The American Political Science Review*, LXIII(3), 689–719.
- Bauer, H. and Brighi, E. (eds.) (2009) *Pragmatism in International Relations*, Oxon and New York: Routledge.
- Casier, T. (2012) 'European Neighborhood Policy: Living Up to Regional Ambitions', in Bindi, F. and Angelescu, I. (eds.) *The Foreign Policy of the European Union: Assessing Europe's Role in the World*, Washington DC: Brookings Institution Press, 99–116.
- Clinton Cabinet Confirmation Hearing; *Hillary Clinton Hearing* (2009) Available at: <http://edition.cnn.com/TRANSCRIPTS/0901/13/cnr.02.html> (Accessed: 24 January 2017).
- Clinton, H. (2012) *Opening Remarks at the Global Counterterrorism Forum*. Available at: <https://2009-2017.state.gov/secretary/20092013clinton/rm/2012/06/191912.htm> (Accessed: 9 March 2017).
- Donnelly, J. (2009) *Universal Human Rights in Theory and Practice*, 3rd ed. Ithaca and London: Cornell University Press.
- Ernst, G. and Heilinger, J.-C. (2012) 'Introduction', in Ernst, G. and Heilinger, J.-C. (eds.) *The Philosophy of Human Rights*, Berlin/Boston: De Gruyter, VII–XIV.
- European Commission and High Representative of the European Union for Foreign Affairs and Security Policy (2013) *The EU's comprehensive approach to external conflict and crises*. Available at: [http://www.eeas.europa.eu/statements/docs/2013/131211\\_03\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2013/131211_03_en.pdf) (Accessed: 26 January 2017).
- Forsythe, D. (2012) *Human Rights in International Relations*, 3rd ed., Cambridge: Cambridge University Press.
- March, J.G. and Olsen, J.P. (1989) *Rediscovering Institutions: The Organizational Basis of Politics*, New York: The Free Press.
- Mayr, E. (2012) 'The political and moral conceptions of human rights - a mixed account', in Ernst, G. and Heilinger, J.-C. (eds.) *The Philosophy of Human Rights*, Berlin/Boston: De Gruyter, 73–106.

- McDermid, D. (no date) 'Pragmatism', in *Internet Encyclopedia of Philosophy*. Available at: <http://www.iep.utm.edu/pragmati/> (Accessed: 24 January 2017).
- Mogherini, F. (2016) *Speech by the High Representative/Vice-President Federica Mogherini*, Willy Brandt Lecture 2016, 7 December. Available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/16719/speech-high-representativevice-president-federica-mogherini-willy-brandt-lecture-2016\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/16719/speech-high-representativevice-president-federica-mogherini-willy-brandt-lecture-2016_en) (Accessed: 24 January 2017).
- OxfordLivingDictionaries(nodate) Available at: <https://en.oxforddictionaries.com/definition/principle> (Accessed: 24 January 2017).
- OxfordLivingDictionaries(nodate.) Available at: <https://en.oxforddictionaries.com/definition/pragmatic> (Accessed: 24 January 2017).
- Pattison, J. (2010) *Humanitarian Intervention and the Responsibility to Protect*, Oxford: Oxford University Press.
- Ralston, S. J. (2011) 'Obama's Pragmatism in International Affairs', *Contemporary Pragmatism*, 8(2), 81-98.
- Reuters (2016) *China details operating areas for foreign NGOs under new law*. [online] Available at: <http://edition.cnn.com/TRANSCRIPTS/0901/13/cnr.02.html> (Accessed: 9 March 2017).
- Sanders, M. (2011) 'Obama's Principled Pragmatism', *Contemporary Pragmatism*, 8(2), 31-42.
- Secretary Clinton on U.S. Human rights agenda for 21st century (2009) Available at: <https://geneva.usmission.gov/2009/12/14/clintonhragenda/> (Accessed: 24 January 2017).
- Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union's Foreign And Security Policy* (2016). Available at: [https://eeas.europa.eu/top\\_stories/pdf/eugs\\_review\\_web.pdf](https://eeas.europa.eu/top_stories/pdf/eugs_review_web.pdf) (Accessed: 24 January 2017).
- The White House (2006) *The National Security Strategy of the United States of America*. Available at: <http://nssarchive.us/NSSR/2006.pdf> (Accessed: 24 January 2017).
- The White House (2009) *A Comprehensive Strategy for Sudan*. Available at: <https://obamawhitehouse.archives.gov/blog/A-Comprehensive-Strategy-for-Sudan> (Accessed: 3 March 2017).
- The White House (2010) *National Security Strategy*. Available at: <http://nssarchive.us/NSSR/2010.pdf> (Accessed: 24 January 2017).
- The White House (2011) *Presidential Study Directive on Mass Atrocities*. Available at: <https://obamawhitehouse.archives.gov/the-press->

- office/2011/08/04/presidential-study-directive-mass-atrocities (Accessed: 26 January 2017).
- The White House (2013) *Fact Sheet: The Obama Administration's Comprehensive Efforts to Promote Gender Equality and Empower Women and Girls Worldwide*. Available at: <https://obamawhitehouse.archives.gov/the-press-office/2013/04/19/fact-sheet-obama-administration-s-comprehensive-efforts-promote-gender-e> (Accessed: 3 March 2017).
- The White House (2015) *National Security Strategy*. Available at: <http://nssarchive.us/wp-content/uploads/2015/02/2015.pdf> (Accessed: 24 January 2017).
- Vincent, R. J. (1986) *Human Rights and International Relations*, Cambridge: Cambridge University Press.