

André Gattolin, French Senator

Time for France to take over the baton

André Gattolin is a French Senator from the EELV, the ecology party. He is a member of the Committee on European Affairs in the French Senate. He's one of ten French lawmakers who signed an official petition asking the Russian government to bring those responsible of the murder of Sergei Magnitsky to justice.

If there is one image France is happy to adopt, it is that of the “land of human rights”. And yet this is one of the areas that has undergone the most about-turns over the decades! This is true insofar as the administrative bodies regularly find themselves practising a form of realpolitik on principles that are unanimously viewed as important, but also particularly difficult to defend in practice. The reasons given for this differ, but, in short, range from respect for sovereignty and national sensitivities to the need to reach a compromise with states that sometimes play a major role on the global stage, bringing in the question of legitimacy, or even practical tools, to encourage the application of human rights abroad. These difficulties are exacerbated in times of crisis when the government concentrates its efforts on the need to develop economic dialogue, commercial opportunities and the jobs and resources it hopes these will bring. On the evening of his election, Nicolas Sarkozy addressed some powerful words to “the world’s oppressed”, only for his five-year term to be filled with toings and froings on the human rights question. And, today, François Hollande seems to be grappling with similar issues.

Faced with such ambivalence, French politicians have very little room for manoeuvre and, at an institutional level, their role in international relations is practically non-existent, or, in any case, not recognised. In fact, it is the President of the Republic, the government and, perhaps even more so, the Ministry of Foreign and European Affairs at the Quai d’Orsay, that is conservative by nature since its job is to uphold a particular image of the

government in an ever-changing world, who hold the few levers for action still available to them in this world. Other states have developed a true culture of “parliamentary diplomacy”, setting up committees and sub-committees for public liberties and human rights within their parliaments, and recognise the right of their elected representatives to travel, in their own right and on behalf of their states, to help reinforce and diversify their foreign policy.

In France, any members of the *Assemblée Nationale* or the *Sénat* interested in such matters seem to be faced with three options: partisan criticism, when they are in the opposition - which only rarely moves matters forward - supporting a government that gives them no scope for action, or developing their own networks based on methods and objectives that are not always very clear. One way they can express an interest in a particular country is via the Transpartisan “Friendship Alliances” within France’s *Assemblée Nationale* and *Sénat* and this is often the first step forward. Politicians sign up voluntarily according to their interests, personal histories and the importance the countries in question hold for them in world affairs. For example, almost 100 politicians in the *Sénat* belong to the friendship alliance with China, over 60 to that with the United States and 50 are members of the friendship alliance with Russia. It goes without saying that (although it does happen) very few members of these groups develop a critical dialogue with the country concerned on the subject of its relations with France or its government policies. And when you consider that a mere 30 or so politicians are involved in the “Tibet study group”, you understand that the defenders of minority rights in the People’s Republic of China still have a long journey ahead.

However, on the plus side, and despite these institutional difficulties, it is their very imperative nature that drives politicians to work hard on these issues and pay increasing attention to the expectations of citizens and organised society. This may of course seem paradoxical: people (logically) expect their politicians to legislate first and foremost on national matters. A politician who focuses exclusively on international affairs lays himself open to criticism equally from his constituents as from the Ministry of Foreign Affairs. The fact remains that even if human rights may not be the number one priority according to French public opinion, the French people still have an ardent interest in the matter. And this is corroborated by several recent studies and events. At the time of François Hollande’s first trip to China, a poll conducted

by the French Institute of Public Opinion (IFOP) showed that 92 percent of people interviewed considered the human rights situation in China to be unsatisfactory, and an even greater number (94 percent) were unhappy about the situation in Tibet. Moved by the wave of self-immolations in the region, 83 percent expressed their support for the people of Tibet and 66 percent wanted the French President to approach the matter directly with his Chinese counterpart, Xi Jinping. As for Russia, another IFOP poll recently showed that 86 percent of people interviewed considered the human rights situation there was unsatisfactory and 72 percent wanted François Hollande to raise the issue with Vladimir Putin. And all this with these very same people also expressing concern that France should strengthen its economic ties with these two powers!

Contrary to their representatives, whose vision is perhaps a little too fatalistic - if not indeed, simplistic - here we see the people of France expressing a view that human rights and civil liberties should not be at the other end of the spectrum from economic growth, but that the two should go hand-in-hand. The same applies in terms of the French people's desire for more transparency and a stronger anti-corruption message in our exchanges with China and Russia. So it is in the interest of politicians and other parties responsible for foreign policy to tighten up a link that they themselves loosened. For their international credibility depends just as much on the consistency of their principles, statements and decisions as the consensus they command in their own country. Civil movements have succeeded in influencing foreign policy decisions in the past; think about France and Germany's opposition to the war George W. Bush declared on Iraq.

More recently, a petition launched by the *Peuples Solidaires* association that gathered near on 80,000 signatures, led the brand *Camaïeu* to contribute to the compensation paid to the victims of the Rana Plaza tragedy in Bangladesh, where a building collapsed on top of thousands of textile workers working for French and international companies. When you consider the influence that the French market, and to an even greater extent the European market, exerts on the economic stage (where the European Union is still the most important global power and the number one customer of many countries), it is difficult to comprehend why France and Europe should remain passive observers for much longer. Perhaps, in some ways, traditional diplomatic

tools are now outmoded. However, a strong commitment on the part of the elected representatives and the European parliaments, with a particular focus on the movements so important to civil society, would be a powerful tool for promoting and defending human rights.

On this basis, adopting a Magnitsky Law, which would target those responsible for the crimes which led to the death of Sergei Magnitsky, seems to be both logical and necessary. Logical, because freezing the assets and visas in Europe for those involved, until they have been brought to a fair and independent hearing, would certainly be a way for politicians to use their freedom and powers to make an effective contribution to the defence of human rights and the repression of those who violate them. Necessary, because such a precedent would play a part in implementing a new international standard on the matter and, at the same time, would send out a strong message to those people the world over who are guilty of similar behaviour and who still remain unpunished.

A decision by Congress in the US has shown Europe the way forward but, today, these criminals are in fact coming to Europe and even seeking refuge there, for reasons of both geographical proximity and cultural habit. So it is now time for France, the UK, Germany and the whole of Europe to take over the baton.