

GEM-STONES AGORA© FORUM, MARCH 2020

## THE EU AND THE RESPONSIBILITY TO PROTECT: FROM PUBLIC ENDORSEMENTS TO IMPLEMENTATION?

Jochem Rietveld

### SUMMARY

This executive briefing examines the EU's engagement with the norm of the Responsibility to Protect (R2P). Adopted during the 2005 UN World Summit, the norm of R2P holds that states have the primary responsibility to protect their populations from mass atrocity crimes. The international community can assist states, as appropriate, and, in cases where they manifestly fail to protect their populations, it should be ready to take action to remedy the situation. Internationally, the EU quickly emerged as one of the most important advocates of R2P, using international fora to publicly endorse the norm.

The crisis in Libya, however, showed that the norm can also be a divisive issue for the EU, with France and the UK actively contributing to the NATO-mission authorised by Security Council Resolution 1973, whereas Germany abstained. In recent years, the EU has started to engage more with R2P on the policy level, evidenced by the appointment of an EU Focal Point on R2P in 2016, the creation of a division within the EEAS that has R2P as one of its focus areas (2017) and the creation of the Atrocity Prevention Toolkit (2019). The next step will be to see how much these initiatives will actually change practices on the ground.



Christian Leffler (left) has served as the EU's first R2P Focal Point since 2016

### INTRODUCTION

This executive briefing focuses on the EU's engagement with the norm of the Responsibility to Protect (R2P). R2P was adopted at the UN-level at the 2005 World Summit. Here, states subscribed to the notion that "each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (UN 2005). Second, the international community should, as appropriate, assist states to exercise this responsibility and, in case national authorities would manifestly fail to protect their populations from mass atrocity crimes, it should be ready to take action to remedy the situation, with all necessary means at its disposal (UN 2005)."

R2P was developed against the backdrop of the heated debate on humanitarian intervention in the 1990s. This decade was characterized by both inaction in the face of genocide, such as in Rwanda, and by intervention outside the UN legal framework, such as in Kosovo (Schrijver

2013). The UN has given regional organisations a central role in implementing R2P, as they are important building blocks for achieving international peace and security and protecting populations against atrocity crimes. This makes it interesting to assess how and to what extent the EU has implemented the norm of R2P.

## KEY FINDINGS

Accounts of EU action on R2P show a mixed picture. Whereas some authors see the EU as supportive of the norm, evidenced by endorsements of R2P in international fora (Brockmeier et al. 2014), others argue it received the norm with considerable scepticism, especially as its emergence coincided with the US' War On Terror (Widmaier et al. 2015). On the policy level, it seems that the EU has chosen to implement R2P through external rather than internal policies (focusing on protecting populations in non-EU countries to avoid sensitive internal political debate) and, at least initially, to subsume mass atrocity prevention under a general conflict prevention approach (De Franco et al. 2016).

Concerning specific cases, the EU played some role in the Kenyan post-election crisis in early 2008, when EU election observers refused to sign off on an election they saw as flawed (Crossley 2016, 155). The handling of the crisis was seen as a first successful case of 'R2P-prevention', but the EU as such was not very active in it. In the Libyan crisis in 2011, an early common EU approach ended when the debate about the use of more forceful measures divided EU-member states. Notably, Germany abstained from UNSC1973, which called for the enforcement of a no-fly zone, while the UK and France actively contributed to the subsequent mission (Brockmeier et al. 2014, 447). In 2013, the European Parliament (EP) endorsed R2P in a recommendation to the Council, with seemingly limited follow-up (De Franco et al. 2016).

In 2016, however, the EU was the first regional organisation to appoint an R2P Focal Point (Christian Leffler), the EP called upon the Council to continue to work on the operationalisation of R2P and the EU Global Strategy referred to the norm (EU Global Strategy 2016, 42). The European External Action Service (EEAS) has also become more active in the implementation of R2P in recent years. In January 2017, the PRISM (Prevention of conflicts, Rule of Law/Security Sector Reform, Integrated Approach, Stabilization and Mediation) division was set up in the EEAS. The division helps "the delivery of an integrated EU

response in fragile and conflict/crisis-affected areas" and has R2P as one of its focus areas (Newman and Stefan 2019, 7). Together with their colleagues from the EEAS' Global Division, the PRISM policy officers support the EU R2P focal point (in March 2019, PRISM changed into the Directorate Integrated Approach for Security & Defence Policy, or ISP). In January 2019, the EEAS launched the Atrocity Prevention Toolkit. According to Newman and Stefan (2019), the toolkit is designed to support EU practitioners, through specific hands-on knowledge on how they can contribute to atrocity prevention through existing work strands, such as political reporting, or project design and implementation. The Toolkit includes structural risk indicators and imminent warning signs that atrocities may occur. It also provides guidance as to how the EU should respond in these situations (Newman and Stefan 2019, 9).

The focus of the toolkit is on prevention, which fits in with the extensive experience the EU has built up in conflict prevention over the years. This preventive emphasis allows it to consider how issues like development and governance all have a role to play in reducing the risk of atrocities occurring. The EEAS has ensured the toolkit is institutionally embedded, as it links atrocity prevention to existing bodies and programmes, such as the EEAS Crisis Response Mechanism, PRISM, and the R2P Focal Point office (Newman and Stefan 2019, 9).

The toolkit's explicit focus on mass atrocities could address concerns voiced earlier in the academic community that the EU tends to conflate mass atrocity prevention with its more general conflict prevention approach (De Franco et al. 2016). According to Schmidt (2019, 321), R2P now forms one of the dimensions of the EU Conflict Early Warning System through the inclusion of indicators for atrocity prevention and it is part of the whole conflict response cycle. The prevention of atrocities has now also been integrated into the EU's CSDP missions and operations and into the EU's capacity building programmes, based on the New European Consensus on Development (Schmidt 2019, 321). This specific attention for atrocity prevention is important for the implementation of R2P, as it enables the EU to detect early warning signals of atrocities in a way that was much more challenging under its more general conflict prevention approach.

All in all, it seems justified to conclude that EU action on R2P initially mostly consisted of public endorsements of the norm in international fora. In more recent years, the

EU has started to engage with the norm on the policy level, most visibly with the appointment of a regional focal point on R2P and the creation of a division within the EEAS that has R2P as one of its focus areas. The launch of the Atrocity Prevention Toolkit is a promising concrete example of R2P policy output that has resulted from these institutional changes. The next step will be to see how much the Toolkit is actually being used by those 'working on the ground', such as the EU delegations worldwide.

## POLICY RECOMMENDATIONS

- Keep working on intra-EU consensus on R2P and its underpinning principles such as 'human security', 'mass atrocity prevention' and 'civilian protection'.
- Ensure that the improvements that the EEAS has made in distinguishing between mass atrocity prevention and conflict prevention in general are also reflected by practices 'on the ground' (i.e. in the work of EU delegations)
- Explore how an internal 'protection-agenda' can be developed in a constructive way and through which institutional channels this should be initiated. An emphasis on prevention is key to enable progress in this area.

## SUGGESTED READING

Brockmeier, Sarah, Gerrit Kurtz and Julian Junk. 2014. "Emerging norm and rhetorical tool: Europe and a responsibility to protect." *Conflict, Security & Development* 14 (4): 429-460.

De Franco, Chairò, Christoph Meyer and Karen Smith. 2016. "Europe and the European Union." In *The Oxford Handbook of the Responsibility to Protect*, eds. Alex Bellamy and Tim Dunne. Oxford: Oxford University Press, 391-408.

European Union. 2016. *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign And Security Policy.*

Newman, Edward and Christina Stefan. 2019. "Normative Power Europe? The EU's Embrace of the 'Responsibility to Protect' in a Transitional International Order." *Journal of Common Market Studies*, accepted article.

Schmidt, Julia. 2019. "The European Union and the Responsibility to Protect." *European Foreign Affairs Review* 24 (3): 309-326

**Jochem Rietveld** is completing his thesis within the framework of an MSCA-funded GEM-STONES European Joint Doctorate between the LUISS Guido Carli di Roma (IT) and the University of Warwick (UK).  
[jochem.rietveld@gem-stones.eu](mailto:jochem.rietveld@gem-stones.eu)

For permission to cite or reproduce any part of this publication, please contact the author.

Photo: [Christian Leffler/Twitter](#)

More about the programme: [www.gem-stones.eu](http://www.gem-stones.eu)

