



Deposited via The University of Leeds.

White Rose Research Online URL for this paper:

<https://eprints.whiterose.ac.uk/id/eprint/146585/>

Version: Accepted Version

Book Section:

Newman, E and Stefan, CG (2019) Europe's engagement with R2P in a transitional international order. In: Jacob, C and Mennecke, M, (eds.) *Implementing the Responsibility to Protect: A Future Agenda*. Global Politics and the Responsibility to Protect. Routledge, Abingdon, UK, pp. 124-138. ISBN: 978-0-367-26553-3.

<https://doi.org/10.4324/9780429293795-7>

© 2020 selection and editorial matter, Cecilia Jacob and Martin Mennecke; individual chapters, the contributors. This is an author produced version of an chapter published in *Implementing the Responsibility to Protect: A Future Agenda*. Uploaded in accordance with the publisher's self-archiving policy.

Reuse

Items deposited in White Rose Research Online are protected by copyright, with all rights reserved unless indicated otherwise. They may be downloaded and/or printed for private study, or other acts as permitted by national copyright laws. The publisher or other rights holders may allow further reproduction and re-use of the full text version. This is indicated by the licence information on the White Rose Research Online record for the item.

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.

Chapter 6

Europe's contested engagement with R2P in a transitional international order

Edward Newman and Cristina Stefan

Introduction

In 2013 the European Parliament launched a major initiative to solidify and operationalize the European Union's (EU's) support for the Responsibility to Protect (R2P) doctrine and to formulate a "European consensus" on the issue. In 2016 the EU appointed a Focal Point to coordinate its activities in this area, the first regional organization to do so. The European External Action Service (EEAS) launched its 'Toolkit for Atrocity Prevention' in January 2019, designed to coordinate European responses to atrocities in a proactive and coherent manner. These initiatives are taking place in parallel with broader efforts on the part of European foreign policy elites to project a more active global role for the EU in conflict resolution, security, and normative leadership, as reflected in the EU's 2016 "Global Strategy."¹

However, these moves follow signs of collective ambivalence within the EU towards the R2P principle since it was established in 2005. The slow pace with which the EU has engaged with R2P, in spite of the support of key individual members, is indicative of political tensions, uncertainties and bureaucratic path dependency in the organization, at a time when there are also doubts about the international role of the EU. This chapter explores the EU's engagement with the R2P principle and considers whether this can form an important aspect of its external engagement, including its international normative role. Our analysis focuses on two layers of concurrent normative contestation which problematize the EU's role in this area: first, at the global level, and second, internally, within the EU. In the first section, we introduce the theoretical context of global normative contestation around issues such as R2P, often associated with liberal, Western values. We set this against the background of the "normative power Europe" debate in international perspective in order to assess the EU's role in promoting R2P globally, at a time when many argue that the EU's normative authority is in decline and rising powers are

increasingly resisting aspects of the liberal international order. The second section focuses on internal normative contestation processes taking place within the EU. Despite support for R2P among key European states, the collective internalization of R2P in Europe has been slow. The third section explores the EU's potential to take a meaningful leadership role on R2P, despite the challenges identified within each of the two layers of contestation. We explore whether there is potential for the EU to speak with one voice on R2P-related issues, further to the 2013 European Parliament's call for consensus. As a test, the response of the EU to the contemporary refugee "crisis" does not augur well both for European collective action around R2P, or in terms of normative credibility in global perspective. Can the latest attempt of the EU to marshal a collective European response to the R2P initiative—after a decade of ambivalence—be successful, and what are the implications of this for the EU's normative leadership globally?

R2P and the EU

At the World Summit in 2005, United Nations (UN) member states agreed upon a responsibility to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, and to prevent such crimes, including their incitement. The World Summit outcome document stipulated that the international community should encourage and help states to exercise this responsibility and support the UN in establishing an early warning capability. The agreement stated that the international community, through the UN, also has the responsibility to help to protect populations from these atrocities where national authorities are manifestly failing to do so.²

European states have been fundamentally important in driving the R2P movement internationally, both in terms of its contested normative emergence and its controversial operationalization. There is a close normative and political fit between the EU and R2P in line with the Union's constitutive values, its international activities, and the commitment of its members—in theory at least—to the highest standards of human rights and justice.³ The substance of R2P resonates strongly with the themes of justice, liberalism, and cosmopolitanism which lie at the heart of the European political tradition. R2P's Pillar One

calls for states to meet their existing commitments to international human rights with respect to human protection—rights that European states have been at the forefront of codifying and promoting since the end of the Second World War. These are at the core of the EU’s founding treaties, underpinned by the EU Charter of Fundamental Rights of 2000, and form the core of European society. There is wide European commitment to the idea that “in the twenty-first century, more than ever, sovereignty entails responsibility,” and that the responsibility to protect populations from egregious human rights abuses is a shared and a transboundary one.⁴

European countries played a leading role in facilitating the emergence of the R2P principle and in achieving broad commitment to it from states at the UN World Summit.⁵ In subsequent years R2P has had some limited visibility in key EU external action realms, including humanitarian aid, European security strategy, and development assistance. It has also been a minor reference point in EU debates about its security and foreign policy. The Common Foreign and Security Policy, and the Common Security and Defense Policy have made explicit reference to R2P as part of a broader commitment to international law. The European Council has also explicitly endorsed the R2P principle, in particular in relation to preventive action.⁶ Specific EU milestones such as the EU Programme for the Prevention of Violent Conflicts (the Gothenburg Programme, 2001), the European Consensus on Development (2005), and the European Consensus on Humanitarian Aid (2008) form the broader background for European support of the R2P principle, as well as the Lisbon Treaty agenda which gave rise to external action and “European foreign policy” as a key aspect of the EU’s identity.

R2P has not, however, been a key policy platform for the EU and most of the institutional endorsements of R2P between 2005 and 2013 have been quite cursory or insubstantial. As others have observed, R2P has not been internalized into the foreign policy apparatus of the EU or indeed that of the EU member states (see below).⁷ There has been, therefore, good reason for skepticism as to whether the R2P principle would or could be a focus in the EU’s pursuit of a global role in the promotion of justice and normative change. This is

underpinned by the changing global context: the rise in prominence of non-liberal states, a retreat in liberal internationalism in the West, and doubts about the global reach of the EU following the UK's decision to exit the union.

However, in 2013, the European Parliament produced the most substantive European statement on R2P to date,⁸ and in 2016 an EU Focal Point on R2P was established. In 2019 the Toolkit for Atrocity Prevention was launched, which makes specific reference to R2P and represents a clear step towards operationalization. These measures have firmly put R2P back on the radar of the EU, at a time when the EU has faced major challenges in terms of responding to humanitarian crises overseas—including in Iraq, Libya, and Syria—and an unprecedented humanitarian refugee crisis. The European Parliament's statement called for stronger European coordination on R2P and for a number of actions which would integrate R2P into the different areas of activity of the EU, including conflict prevention, international trade, and development assistance. It also situated R2P in the context of the EU's collective identity and its aspirations as a global actor. The key question that this development poses is therefore whether this renewed vision of Europe's support of R2P is politically feasible, and whether it can overcome the divisions which have hampered Europe's internalization of R2P since 2005. In turn, in a transitional international order characterized by normative contestation and the relative decline of the reach of Western authority, what are the prospects for European normative leadership with reference to R2P?

R2P and European normative leadership

An examination of the EU's approach toward R2P provides an interesting focus for broader questions about Europe's increasingly active—but often controversial—foreign policy and its role within the evolving international order. The European Parliament observed that “the EU has always been an active promoter of R2P on the international stage” and simultaneously that “it needs to strengthen its role as a global political actor, upholding human rights and humanitarian law and also reflecting that political support in its own policies.”⁹ In its consideration of R2P, the European Parliament also made note of “expectations as to its future engagement for a more peaceful world order based on the

rules of international law” and the fundamental importance of the “further development and the legitimacy of the principle of R2P.”¹⁰ In this context, the EU’s responses to humanitarian challenges in cases such as Libya, Iraq, Mali, and Syria and the associated refugee crisis will play a critical part in defining the EU’s place in the world. This comes at a time when the EU is attempting to project an assertive political presence in international affairs, following the Lisbon Treaty and the establishment of the European External Action Service.

The European Parliament’s request for a “Consensus on R2P” reflected a number of important features which provide an insight into the EU’s fledgling attempts to form an international political role, as well as the region’s collective political culture.¹¹ First, in terms of the normative context, R2P is approached from the perspective of European constitutive values, objectives, and policies, as enshrined in the Treaty on European Union, as well as with reference to core international agreements such as the UN Charter, the Universal Declaration of Human Rights, the Genocide Convention, and the Rome Statute of the International Criminal Court. Thus, R2P is seen as an emerging international norm within the liberal tradition and as part of the evolving international legal apparatus designed to protect human rights, including the interlinkages between R2P and the International Criminal Court,¹² another international initiative of which European countries have been at the forefront.¹³ The EU goes further than many other actors in seeing the R2P principle as a legal doctrine, and not only as a political concept. Moreover, the European conceptualization of R2P also places it firmly in the context of broader processes and norms relating to international justice, even though the specific focus of R2P relates to a narrow range of crimes. Thus, the emerging European conception of R2P is not confined to the obligation to respond to war crimes, crimes against humanity, and genocide, but is embedded in broader, interlinked, political, social and legal norms. The fundamental significance of this relates to the belief—inherent in European society—that individual security, liberty, and human rights are the bedrock of a stable order.

Second, the European approach to R2P reflected in the European Parliament document is embedded in an evolving and increasingly conditional sovereignty norm in which the needs and rights of people are gradually transcending the conventional Westphalian model of international society. Again, this reflects the liberal political and social heritage of Western Europe. It is therefore very notable that the European Parliament aligned itself to the earlier, more radical, expression of R2P found in the International Commission on Intervention and State Sovereignty's (ICISS's) report,¹⁴ and not only the 2005 UN World Summit outcome which outlined a more conservative vision. The ICISS report argued that a “modern” understanding of state sovereignty is evolving in the context of changing norms: the world is moving from a territorial-based sovereignty—where those in power control sovereignty—to popular sovereignty, in the context of principles of democratic entitlement and solidarism. Accordingly, “sovereignty implies a dual responsibility: externally—to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all the people within the state ... Sovereignty as responsibility has become the minimum content of good international citizenship.”¹⁵

Notably, the ICISS version of R2P did not rule out international action outside the UN—if the Security Council “fails to discharge its responsibility to protect in conscience-shocking situations crying out for action”¹⁶—whereas this was explicitly ruled out in the 2005 world summit agreement. The European Parliament—unlike many other global actors—sees a clear thread of continuity between the ICISS's agenda which was a response to atrocities in the 1990s, and the twenty-first century R2P agenda.¹⁷ In contrast, most, or all non-Western support for R2P has stressed the pluralist, Westphalian framework of the 2005 agreement.¹⁸ The EU's apparent position on R2P—at least in the Parliament—will therefore likely fuel international normative contestation around humanitarianism and human protection, if it is projected in an assertive manner.

The EU approach to R2P also emphasizes the prevention of atrocities, in line with the broader EU apparatus that is designed to prevent conflict.¹⁹ In this context, war crimes, crimes against humanity, and genocide are seen as crimes that tend to occur in situations of

armed conflict, and a strong conflict prevention capacity is something tangible that the EU can contribute to R2P, based upon its comprehensive approach to external conflict. The Gothenburg Programme and many subsequent developments within the EU's external affairs machinery have provided the EU with a leadership role globally in preventing intrastate armed conflict, and this experience and capacity provides an important basis for the EU engagement in support of R2P. This also means that the EU's approach to upholding R2P can be applied to a broad range of issues which are known to be relevant to the onset of violent conflict, relating to governance, economic development, poverty and inequality, gender equality, and democratic rights.

Indeed, the European Parliament advocated in favour of approaching R2P in the context of a broad range of directly or indirectly relevant policy areas, including development cooperation, and aid and crisis management.²⁰ This represents a shift in R2P debates more broadly, because it focuses upon the underlying sources and driving forces of instability and armed conflict, all of which the EU has considerable international experience in addressing. At the same time it does raise a challenge of policy coherence, since there is a real potential for conflicts of interests and tensions between different norms across these broad policy areas.

Despite contributing to international normative contestation, the EU did not get involved, collectively, in any significant attempt to promote and operationalize R2P post-2013. This was regardless of calls by the UN Secretary-General for an increased role to be played by regional actors. According to the normative aspirations that the EU has adopted, the effectiveness and legitimacy of the European response to atrocities will play a major role in defining the region's collective stature and credibility as a "responsible" global actor, and in affirming Europe's commitment to justice. Yet fundamental questions remain about the extent to which the EU can meaningfully embrace R2P as an external action platform, and whether the principle can contribute to the EU's troubled normative identity. While we tackle the lack of internal consensus in a later section, we focus now on the "normative power Europe" debates.

Normative power Europe?

The concept of “normative power” has been a focus of earlier discussions about Europe’s capacity to shape norms related to human rights and justice, and it provides a useful context for an analysis of the EU’s potential to play a leadership role in support of R2P. According to this, the EU’s constitutive principles—reflected in a history of European agreements and a commitment to international human rights instruments—mean that certain values are internalized within collective European society and policy.²¹ In particular, peace, freedom, democracy, the rule of law, and respect for human rights are considered to be foundational and indivisible to the collective European identity, and in turn provide a normative worldview which has an impact externally through European external policy and through various forms of diffusion.²² As Ian Manners argues, “the most important factor shaping the international role of the EU is not what it does or what it says, but what it is.”²³

These values not only constitute the European identity, but in theory they contribute to a worldview that guides Europe’s interaction with external partners—for example, in promoting and supporting democracy, human rights, and good governance—and that represents a standard of practice to which those who wish to do business with Europe aspire. For those societies in the European neighborhood who wish to join the EU community, these standards constitute a necessary benchmark. From this perspective, Europe’s role as a global actor takes into account—in theory—not only the interests of Europe and European states, but a cosmopolitan commitment to certain standards of human welfare globally.

According to this, Europe is therefore inherently normative as a function of its constitutive principles, and there is ample evidence of the diffusion effect of liberal values in a range of policy areas, in particular in the near abroad and the European neighborhood, but also further afield. Moreover, these values have been shown to play a role in areas such as conflict resolution,²⁴ promoting the abolition of the death penalty, democracy promotion, and other movements. This debate is relevant to the EU’s engagement with R2P since the

success of the principle rests, in part, upon its normative traction in international politics, and its promotion by normative leaders. However, an effective role in support of R2P would clearly rest not only upon what the EU is, but also what it does. If the EU is to make this a key policy platform for its global role, it will need to be underpinned by the normative reach and credibility of Europe.

The concept of “normative power Europe” is relevant to R2P in a number of ways, and especially in terms of the emphasis placed by the EU upon atrocity prevention. Norm diffusion is at the heart of the concept, and in so far as the success of R2P will rest in large part upon its emergence as a norm, the EU has the potential to contribute to this process if its “normative power” has meaning and can be used as a vehicle for R2P. R2P seeks, above all, to normalize the idea that states have a responsibility to prevent egregious human rights abuses within their territory, and to accept an *international* responsibility to protect in certain circumstances. If the EU has the “ability to shape conceptions of the ‘normal’ in international relations,”²⁵ then its embrace of R2P could signal a leadership role in promoting these twin concepts. If R2P is to gain normative traction globally, the support of a unified Europe will be important—or even decisive—given that the most powerful and the emerging states are ambivalent about the concept.

However, the idea of the normative power of Europe has been challenged on many fronts, and these challenges remain valid in terms of Europe’s promotion of R2P. The concept of normative power—how to define and measure it—has been questioned.²⁶ The internal diversity of the European Union, in particular after waves of enlargement, presents a wide range of values and interests which defy the idea of a fixed, coherent, value system. From a realist perspective, questions have similarly been raised about the tension between the interests of the most powerful European states and their commitment to a common European position in external action,²⁷ something clearly in evidence when the EU has attempted to respond to humanitarian crises.

Many scholars have also raised concerns about the legitimacy of the “normative power” concept, whether promoted by example or through policies. It is all too easy to see in Europe’s “normative power” an assumption of superiority over “other” systems of justice and politics which it seeks to “civilize.”²⁸ The history of Europe and its engagement with regions across the globe—including colonization—raises sensitivities in terms of its own capacity to proselytize in relation to political and social organization, and this legacy must be taken into account by European stakeholders in any attempt to promote the EU’s role in global debates about justice and R2P.

Challenges pertaining to internal contestation

In addition to the global normative contestation which divides states, there is also evidence of normative contestation *within* Europe in terms of how to respond to egregious human rights abuse. The experience of the EU’s engagement in sensitive foreign policy challenges in Libya, Iraq, Syria, and Ukraine, amongst others, and especially in the refugee “crisis” of 2015–16, provides ample evidence of this. As a result, the EU has arguably not been a global normative leader in promoting the responsibility to protect framework, despite the leadership of some European powers in promoting human rights internationally. These internal challenges relate both to the institutional machinery and political dynamics of the EU, and to differences amongst members in relation to international humanitarian action. Such challenges speak directly to the difficulties of norm localization *within* a liberal community, which is not commonly discussed in the relevant norm contestation literature. It is therefore far from certain whether the EU can overcome the internal differences and embrace R2P as a coherent policy platform. We identify six challenges as defining the EU’s engagement with R2P. These internal challenges explain many of the difficulties that the organization has experienced in terms of engaging with the R2P principle.

First, there remain divisions across and within EU members regarding the scope and operationalization of R2P, in particular the role of military force in preventing or stopping egregious human rights violations; European states have arguably never reached a consensus on this.²⁹ Some leading EU countries—notably the UK and France—actively

support the concept of military humanitarian intervention, whether within the framework of R2P or not, whilst others, such as Germany and other north European countries, have major reservations about military intervention. Some states believe that, whilst R2P is something to be supported in principle, they prefer to retain autonomy to act according to their own view of humanitarian necessity. This has led to situations where the UK and France have been essentially outside the European framework in undertaking or supporting military action, and other European countries have adopted very different stances. Germany's abstention from the 2011 UN Security Council resolution which authorized armed force in Libya is one such illustration. The R2P agreement and its operationalization has therefore exposed internal European divisions relating to global justice more broadly, and doubts remain as to whether the principle is something that Europe can engage with to strengthen its normative reach and global presence.

Second, the EU has been slow to internalize R2P into external action machinery, as others have suggested.³⁰ According to this argument, low levels of bureaucratic receptivity within the EU explain why the Union has not been more active in promoting the R2P principle. Existing foreign policy directives and policies, developed over some years and through long political negotiations, have resulted in a focus upon conflict prevention, development assistance, human rights, and democracy promotion. A reformulation of external action framed around the principle of R2P is not readily achieved, or not necessarily welcome amongst the European Commission's foreign policy technocrats. Even within the EU, the added value of R2P is therefore not universally accepted. European External Action Service staff believe they are working fully in support of R2P on a daily basis, even if they do not label it as such, and they are quite surprised that anyone would doubt this.³¹ The "Global Strategy" included just one indirect reference to R2P, with no attempt to indicate how the principle might be operationalized through the various policy programmes of the EU. This occurred just a few years after the European Parliament outlined a substantive strategy for the EU's engagement with R2P. The European Genocide Network is further illustration of this mentality. Following a 2002 European Council decision, this network of national contact points was established to investigate genocide, crimes against humanity, and war

crimes. The network meets regularly, issues reports, and is the driving force behind initiatives such as the EU Action Plan on Impunity, but notably does not reference R2P in its work, and apparently does not have R2P on its radar.³²

Third, the EU's credibility in terms of its leadership role in promoting humanitarian values—including R2P—can be questioned in relation to “internal” standards and practices, and this has resulted in some reluctance on the part of European leaders and officials to project R2P as a strategy.³³ The EU's fledgling R2P position is directed outward to external humanitarian tragedies, without much introspection or consideration of the policies and standards within European countries. Minority rights, attitudes towards hate crimes and incitement, and policies—including asylum and resettlement—towards people feeling egregious deprivation have all raised questions about Europe's commitment to humanitarianism, if not its double standards. Do European policies towards those seeking asylum from R2P crimes live up to the political commitment to R2P, for example? In this sense, Europe's role as a normative actor globally in relation to R2P is potentially in tension with the policies or standards of justice within European countries, and this affects the credibility and legitimacy of its role. The “EU's enduring power of attraction” and the “soft power” that the High Representative of the Union for Foreign Affairs and Security Policy speaks of is not fully convincing,³⁴ and in reality there is—unofficially, of course—hesitation amongst European foreign policy technocrats about projecting normative leadership globally.³⁵ In a transitional order characterized by normative contestation and the relative decline of the reach of liberalism—underscored by the UK's Brexit vote and the election of US President Donald J. Trump—questions are raised about the prospects for European normative leadership with reference to R2P. The European Council President suggested that “the challenges currently facing the European Union are more dangerous than ever before in the time since the signature of the Treaty of Rome”;³⁶ European confidence in terms of global normative leadership is in retreat.

Fourth, it is far from certain if European citizens are engaged with Europe's role as a normative actor with respect to R2P, or whether this represents an area of democratic

deficit. A further challenge in terms of Europe's normative power and its standing as a global actor therefore relates to "internal" legitimacy, in particular related to the views of citizens in European countries. Public opinion forms the basis of democratic policymaking, but there are real doubts about the level of public support for the EU's humanitarian role, particularly if it involves the use of armed force. During consultations for the new "Global Strategy," R2P was simply not on the radar of most member state representatives, suggesting a low level of visibility for R2P at the national level.

Fifth, there is ample evidence that "external" EU geopolitical interests and national interests within EU members displace normative values—including those relating to R2P—when these come into conflict. This, again, raises questions about policy coherence and credibility. European trade and energy ties to the Middle East and Russia, for example, are arguably often in tension with—and transcend—the EU's human rights commitments.

Finally, the EU's engagement with R2P, in the context of its broader external policies, raises significant problems related to policy coherence. Recent experience has demonstrated how these political and institutional challenges have made it difficult to formulate a coherent and consistent European response to pressing humanitarian crises. Integrating R2P into EU development assistance, conflict prevention, and humanitarian activities, and the EU's work in strengthening and promoting international human rights compliance, generates multiple tensions. European missions such as the EU Rule of Law Mission in Kosovo and the EU Military Operation in Bosnia and Herzegovina have also demonstrated the difficulties of aligning the EU's normative values—in terms of justice promotion—with strategic goals. It is not certain that EU members individually and the Union collectively are upholding—and contributing to—standards of global justice in their response to severe human rights abuse.

Europe's prospects for taking up a meaningful leadership role on R2P

In this section we discuss the prospects for Europe's leadership role making an impact on the promotion of norms relating to human protection, despite the two sets of challenges

identified above. We argue that there is potential for the EU to speak with one voice on R2P-related issues, if it picks up from where the European Parliament left it in 2013. This was the most significant moment when the European Parliament placed R2P on the EU's radar, calling for "consensus" on the topic.

The refugee crisis of 2015–16 arguably presented a test for the EU to demonstrate a leadership role in humanitarian assistance relevant to R2P through prioritizing Pillar Two, the responsibility to assist those escaping mass atrocity situations by seeking asylum in Europe. It provided the revival of the normative power Europe concept, triggered by a global crisis that Europe was forced to address given that it occurred in its backyard. "Normative power Europe" *in practice* develops from Manners' conceptualization as the ability to persuade others through processes of norm diffusion,³⁷ except that it is *inward-looking*; it implies persuading its own Schengen member states to reach a common European foreign policy on the issue of refugees. Europe's claim of authority is directly related to the competence level it has shown, collectively, in addressing the biggest crisis that Europe faces at the moment, which is the essence of social processes of normative power in practice. Competence in this sense emphasizes locally generated resources to find long-term resettlement places for those displaced by past and ongoing crises.

The refugee crisis has provided the EU with the one "window of opportunity" to show leadership on issues to which it has long been committed, in line with the liberal values it embraces. The EU can take up a meaningful role in implementing R2P through prioritizing Pillar Two. If the EU fails to seize it though, its "normative power" will likely diminish considerably. Indeed, providing a collective response to the refugee crisis *is* one key way to exercise the responsibility to protect. The UN Secretary-General argued that full implementation of international refugee law was required in order to fulfill R2P: "protection of refugees and the internally displaced," "by supporting requests for asylum or protecting refugees in safe facilities ... by regional or international actors" represents one way to fulfil the responsibility to assist, under R2P's Pillar Two.³⁸ In 2008, others suggested that "there may be no easier way for the international community to meet its

responsibility to protect than by providing asylum and other international protection on adequate terms.”³⁹

While the EU is not very likely to experience any of the four core crimes covered by the R2P framework, it can certainly respond to refugee and asylum seekers escaping such crimes in their countries. The leadership needed in this case is one “based on values” of the type Austria and Germany showed when they opened their borders to allow in thousands of refugees from Hungary. Focusing on the discourse of assisting refugees as part of the R2P prescriptions could translate into socializing more EU officials into embracing R2P, through policy first and then practice. However, the refugee crisis triggered very sparse references to R2P among government officials, practitioners, and diplomats. Some academics, however, have argued that safe passage and granting asylum are both key to fulfilling R2P.⁴⁰

While the EU has indeed seen the refugee crisis as quite distinct—conceptually—from R2P and therefore has refrained from referring to the principle in this context, several references to R2P in recent EU policy documents are more encouraging. For instance, the R2P principle was referenced in the EU’s “New European Consensus on Development.”⁴¹ Nevertheless, the response to the refugee crisis has generated controversy and has implications for the EU’s credibility as a humanitarian actor in normative terms. A key aspect of the interdiction efforts was agreements with third countries to take in or prevent the onward journey of large numbers of refugees as a way of diverting them from Europe. An agreement with Turkey in March 2016 to accommodate approximately 2 million Syrians who were currently there – and thus block onward transit – in return for financial and political incentives was particularly controversial. Irrespective of the necessity of such measures, the response has raised questions regarding the ‘normative power’ of Europe.

Conclusions

The EU is facing broad challenges which raise doubts about its capacity and desire to promote norms, and this has implications for R2P. A more active external action profile

does not necessarily mean more actively promoting normative principles. While the EU cannot be expected to be the savior of the norm, there is still significant potential for it to provide R2P with global traction, but only if the regional body assumes leadership by speaking with one voice on promoting norms related to human protection, starting with responsibilities to assist refugees from Syria, in accordance with Pillar Two.

The principal problem relevant to the EU's engagement with R2P is that norms are more likely to play a role for EU *external* action when they align with traditional policy goals and when the EU is dealing with relatively weak regions and countries. This pragmatism surely problematizes the attraction of Europe's soft power and exposes the inherent contradictions between external policies which seek to balance norms and political self-interests at the same time, and the conflict between collective principles and national political agendas. Thus, the issue is not just normative versus material interests, but also conflicts between norms, especially between conflict prevention and democracy promotion.

As this debate has evolved it has generated more reflective, sometimes self-critical viewpoints on Europe's normative contribution to international order, which has acknowledged the limitations and constraints of the EU's foreign policy more broadly. It is widely believed that there is no single, monolithic, European identity or value system, and the development of Europe's normative role should not be thought of as cumulative and linear.

Similarly, it is not universally assumed that Europe's influence and contributions to global norms of justice are progressively strengthening or that the EU necessarily "does good" in terms of its contributions to global justice. On the contrary, there is evidence that the normative influence of Europe—on issues related to justice as well as a wide range of policy areas—is at a crossroads, or even in decline. The question of what the European Union should represent in international politics—in terms of peace, justice, and international order—needs to be revisited in light of a multifaceted transformation within Europe and the world.

The President of the European Commission's 2016 State of the Union address suggested that "our European Union is, at least in part, in an existential crisis."⁴² The "Global Strategy" similarly stated that "we live in times of existential crisis, within and beyond the European Union. Our Union is under threat. Our European project, which has brought unprecedented peace, prosperity and democracy, is being questioned."⁴³ The reasons for this alarm are clear for all to see.

The attitude in the EU amongst members and policy staff is one of "pulling ourselves together," and preventing the unraveling of the European project in an inhospitable environment. This involves focusing upon core European interests, not global norms, and toughening up on security. Even if the EU was not facing severe internal crises, the changing international order is less and less conducive to Europe playing a global leadership role. If "normative power Europe" ever had traction, it is certainly in retreat, in the context of global norm contestation and a changing power constellation. The "Global Strategy" emphasized the need for a "rules-based global order ... guided by clear principles" and an "idealistic aspiration," but the sub-text seems to increasingly reflect a power-political worldview.⁴⁴

The prioritization of, and preoccupation with, hard economic interests, the desire to avoid political conflict with partners *and* adversaries—including the US, Russia, India, and China—has brought the realization that principles such as R2P are something of a luxury. Moreover, from the external perspective, the persuasion of the EU as a normative actor is in doubt within this transitional international order in which liberal internationalism is in retreat—although it is in any case questionable if the EU remains serious about this.

On the face of it, the EU has already moved towards the operationalization of R2P—with the appointment of an R2P focal point, a very active group of national focal points, and the drafting of its own *Atrocity Prevention Tool Kit*—but in the context of broader pressures and changes, we have to be realistic about what can be achieved.

Notes

¹ European Commission, “Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union’s Foreign and Security Policy” (Brussels: European External Action Service, 2016).

² United Nations General Assembly, “2005 World Summit Outcome,” A/RES/60/1, October 24, 2005, paras. 138, 139.

³ Tonny Brems Knudsen, “The Responsibility to Protect: European Contributions in a Changing World Order,” in Knud Erik Jørgensen and Katie Verlin Laatikainen, eds., *Routledge Handbook on the European Union and International Institutions: Performance, Policy, Power* (Abingdon: Routledge, 2013), 157–70.

⁴ European Commission, “Report on the Implementation of the European Security Strategy: Providing Security in a Changing World,” S407/08 (Brussels: European Commission, December 11, 2008), 12.

⁵ Cristina Gabriela Badescu, *Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights* (Abingdon: Routledge, 2011), 106–27.

⁶ Council of the European Union, “EU Priorities for the 64th UN General Assembly,” 10809/09 (Brussels: Council of the European Union, June 9, 2009).

⁷ Sarah Brockmeier, Gerrit Kurtz, and Julian Junk, “Emerging Norm and Rhetorical Tool: Europe and a Responsibility to Protect,” *Conflict, Security and Development* 14, no. 4 (2014): 429–60; Chiara De Franco, Christoph O. Meyer, and Karen E. Smith, “‘Living by Example?’ The European Union and the Implementation of the Responsibility to Protect (R2P),” *Journal of Common Market Studies* 53, no. 5 (2015): 994–1009.

⁸ European Parliament, “European Parliament Recommendation to the Council of 18 April 2013 on the UN Principle of the ‘Responsibility to Protect’ (‘R2P’),” 2012/2143(INI) (Brussels: European Parliament, 2013).

⁹ *Ibid.*, para. T.

¹⁰ *Ibid.*, preamble and para I.

¹¹ *Ibid.*

¹² On the advantages and disadvantages of linking R2P to the International Criminal Court, see Kirsten J. Fisher and Cristina G. Stefan, “The Ethics of International Criminal ‘Lawfare’,” *International Criminal Law Review* 16, no. 2 (2016): 237–57.

¹³ European Parliament, “European Parliament Recommendation,” para. R.

¹⁴ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001).

¹⁵ *Ibid.*, 8.

¹⁶ *Ibid.*, 55.

¹⁷ European Parliament, “European Parliament Recommendation,” paras. C and G.

¹⁸ Cristina G. Stefan, “On Non-Western Norm Shapers: Brazil and the Responsibility while Protecting,” *European Journal of International Security* 2, no. 1 (2017): 88–110.

¹⁹ European Parliament, “European Parliament Recommendation,” paras. H, N, O.

²⁰ *Ibid.*, para. M.

²¹ Ian Manners, “Normative Power Europe: A Contradiction in Terms?” *Journal of Common Market Studies* 40, no. 2 (2002): 235–58; J. H. H. Weiler and Marlene Wind, eds., *European Constitutionalism beyond the State* (Cambridge: Cambridge University Press, 2003); Helene Sjursen, “The EU as a ‘Normative’ Power: How Can This Be?” *Journal of European Public Policy* 13, no. 2 (2006): 235–51.

²² Manners, “Normative Power Europe: A Contradiction in Terms?”; Ian Manners, “Normative Power Europe Reconsidered: Beyond the Crossroads,” *Journal of European Public Policy* 13, no. 2 (2006): 182–99.

²³ Manners, “Normative Power Europe: A Contradiction in Terms?” 252.

²⁴ Nathalie Tocci, *The EU and Conflict Resolution: Promoting Peace in the Backyard* (Abingdon: Routledge, 2007).

²⁵ Manners, “Normative Power Europe: A Contradiction in Terms?” 239.

²⁶ Tuomas Forsberg, “Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type,” *Journal of Common Market Studies* 49, no. 6 (2011): 1183–204; Emilian Kavalski, “The Struggle for Recognition of Normative Powers: Normative Power Europe and Normative Power China in Context,” *Cooperation and Conflict* 48, no. 2 (2013): 247–

67; Zaki Laïdi, ed., *EU Foreign Policy in a Globalized World: Normative Power and Social Preferences* (Abingdon: Routledge, 2008).

²⁷ Adrian Hyde-Price, “‘Normative’ Power Europe: A Realist Critique,” *Journal of European Public Policy* 13, no. 2 (2006): 217–34.

²⁸ Thomas Diez, “Constructing the Self and Changing Others: Reconsidering ‘Normative Power Europe’,” *Millennium: Journal of International Studies* 33, no. 3 (2005): 613–36; Michelle Pace, 2007 “The Construction of EU Normative Power,” *Journal of Common Market Studies* 45, no. 5 (2007): 1041–64; Laïdi, *EU Foreign Policy*.

²⁹ Brockmeier, Kurtz, and Junk, “Emerging Norm and Rhetorical Tool.”

³⁰ Task Force on the EU Prevention of Mass Atrocities, “The EU and the Prevention of Mass Atrocities: An Assessment of Strengths and Weaknesses” (Budapest: Budapest Centre for the International Prevention of Genocide and Mass Atrocities, 2013); De Franco, Meyer, and Smith, “‘Living by Example?’”

³¹ Interviews, New York, June 2016, and Brussels, November 2016.

³² Interview, The Hague, November 2016.

³³ Interviews, New York, June 2016, and Brussels, July 2016.

³⁴ Federica Mogherini, “Statement by HR/VP Federica Mogherini on the Occasion of the International Day of Democracy,” Brussels, September 26, 2016, https://eeas.europa.eu/headquarters/headquarters-homepage/32212/statement-hrvp-federica-mogherini-occasion-international-day-democracy_en.

³⁵ Interviews, Brussels, July 2016.

³⁶ Donald Tusk, “‘United We Stand, Divided We Fall’: Letter by President Donald Tusk to the 27 EU Heads of State or Government on the Future of the EU before the Malta Summit,” January 31, 2017, www.consilium.europa.eu/en/press/press-releases/2017/01/31-tusk-letter-future-europe/?utm_source=dsms-auto&utm_medium=email&utm_campaign=%22United+we+stand%2c+divided+we+fall%22%3a+letter+by+President+Donald+Tusk+to+the+27+EU+heads+of+state+or+government+on+the+future+of+the+EU+before+the+Malta+summit.

³⁷ Manners, “Normative Power Europe: A Contradiction in Terms?”

³⁸ Ban Ki-moon, “Fulfilling our Collective Responsibility: International Assistance and the Responsibility to Protect: Report of the Secretary-General,” A/68/947–S/2014/449, July 11, 2014, para. 65.

³⁹ Brian Barbour and Brian Gorlick, “Embracing the ‘Responsibility to Protect’: A Repertoire of Measures Including Asylum for Potential Victims,” *International Journal of Refugee Law* 20, no. 4 (2008): 533–66, at 532.

⁴⁰ For example, Alex J. Bellamy, “Safe Passage and Asylum Key to Fulfilling the Responsibility to Protect,” *IPI Global Observatory*, September 8, 2015, <http://theglobalobservatory.org/2015/09/syria-refugees-unhcr-aylan-kurdi/>; Edward Newman, “The Limits of Liberal Humanitarianism in Europe: The ‘Responsibility to Protect’ and Forced Migration,” *European Review of International Studies* 4, nos. 2–3 (2018): 59–77.

⁴¹ European Commission, “The New European Consensus on Development: ‘Our World, Our Dignity, Our Future’” (Brussels: European Commission, June 8, 2017), para. 66.

⁴² Jean-Claude Juncker, “State of the Union Address 2016: Towards a Better Europe – A Europe that Protects, Empowers and Defends,” Strasbourg, September 14, 2016, http://europa.eu/rapid/press-release_SPEECH-16-3043_en.htm.

⁴³ European Commission, “Shared Vision, Common Action,” 7.

⁴⁴ *Ibid.*, 8.