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**Article:**

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<https://doi.org/10.1111/jcms.12953>

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This is the peer reviewed version of the following article: Newman, E., and Stefan, C. G. (2019) Normative Power Europe? The EU's Embrace of the 'Responsibility to Protect' in a Transitional International Order. *JCMS: Journal of Common Market Studies*, which has been published in final form at <https://doi.org/10.1111/jcms.12953>. This article may be used for non-commercial purposes in accordance with Wiley Terms and Conditions for Use of Self-Archived Versions.

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# NORMATIVE POWER EUROPE? THE EU'S EMBRACE OF THE 'RESPONSIBILITY TO PROTECT' IN A TRANSITIONAL INTERNATIONAL ORDER

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## Introduction

In 2013 the European Parliament (2013) launched a major initiative to consolidate and operationalize the EU's support for the international 'Responsibility to Protect' (R2P) – a principle agreed by UN members in 2005 to prevent and respond to atrocities – and to formulate a 'European consensus' on the issue. In 2016 the EU appointed an R2P Focal Point to coordinate its activities in this area – the first, and only, regional organization to date to do so. The European External Action Service (EEAS 2018) officially launched its 'Toolkit for Atrocity Prevention' in January 2019, designed to coordinate European responses to atrocities in a proactive and coherent manner. These initiatives have taken 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 the EU High Representative (2018) stated, 'The Responsibility to Protect is a principle that the EU has integrated in its policies and we are closely working together with international partners, in particular with the United Nations and the International Criminal Court, and civil society organisations, to end impunity...and to establish effective prevention schemes'.

However, these developments follow signs of collective EU ambivalence towards R2P since the norm was established. 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. The EU released its *Global Strategy* in 2016, soon after the UK's Brexit vote, and amidst deep divisions between its members triggered by refugee inflows and the rise of populist nationalist parties. Recent assessments of the EU as a global actor explore the EU's role as either a diplomatic, security, trade, or regional actor, or a combination of these (Pomorska and Vanhoonaeker, 2016; Dinan et al., 2017; Novotna, 2017; Wallace, 2017; Wivel and Wæver, 2018). What is missing is a fresh assessment of the EU's *normative* role in the world, in the context of these parallel global and regional challenges. In this article, we explore the question of the EU's international normative authority with respect to one principle – the Responsibility to Protect.

Whilst others have looked at this topic from the perspective of EU member state politics and the bureaucratic ethos of the EU machinery (Brockmeier *et al.*, 2014; De Franco *et al.*, 2015; Smith 2018), in contrast we assess it in the context of the EU's normative role in international relations more broadly, at a time when the international order is in transition and Western normative authority is arguably in retreat. Despite the heyday of the Normative Power Europe (NPE) debates being in the past, important new developments amply justify revisiting it as a framework for exploring the EU's engagement with R2P, and NPE provides a natural framework for doing this because international leadership in relation to R2P requires legitimacy and

credibility. Building upon existing work (De Franco *et al.*, 2015) this article explores the ‘R2P through NPE’ thesis – the idea that the EU’s engagement with R2P is a demonstration of its external normative influence. Therefore, how, and with what effect, is the EU’s engagement with R2P a test of its normative leadership in the context of internal and external political challenges to its authority?

This article draws upon semi-structured interview data gathered in Brussels, New York and The Hague, as well as EU documentary material.<sup>[1]</sup> We first introduce the core elements of our analysis, namely NPE, R2P, and the EU’s engagement with R2P to date. The following two sections focus on what we identify as the two key challenges to the ‘NPE through R2P’ thesis at the global and regional levels. In global perspective, we explore prospects for EU normative leadership at a time when its normative authority is arguably in decline, and rising powers increasingly resist key aspects of the liberal international agenda or openly contest principles such as R2P. At the regional level, we discuss forms of contestation that explain the EU’s limited implementation of R2P. Both are equally important in shaping the EU’s engagement with R2P, and in determining whether this can form a credible platform for the EU’s external engagement. The EU’s – and its members’ – own internalization of R2P is an important dimension of this, since the extent to which the EU lives by example, and supports the spirit and letter of R2P internally, is an important determinant of its credibility in international perspective. As Smith (2018, p.2) has suggested, the EU’s credibility as an ethical international actor is at stake, and its engagement with R2P is a significant test of this credibility.

The methodology uses interview data and EU documentary material to explore how EU policy practitioners conceptualize the EU’s activities in relation to R2P, why the EU has been slow to explicitly internalize R2P, and to make the case that the EU faces substantial international constraints to using R2P as a normative device and as a policy platform. In conclusion, we argue that the EU’s potential for normative leadership and for speaking with one voice on R2P-related issues is limited as a result of internal and external pressures and constraints, which may have broader implications for the EU’s future role in international politics.

## **I. The EU’s Engagement with the R2P Norm**

### *Normative Power Europe*

The concept of ‘normative power’ emerged in the field of EU studies to explore the EU’s ability to shape international politics. From this perspective, the EU’s constitutive principles and its commitment to human rights mean that certain values are internalized within collective European society and policy (Manners, 2002; Weiler and Wind, 2003; Sjursen, 2006; Laidi, 2009). In particular, peace, freedom, democracy, the rule of law and respect for human rights are considered to be foundational and indivisible to the European identity, and in turn provide a normative worldview which has an impact externally through European external policy and through various forms of diffusion (Manners, 2006; Tocci, 2008; Börzel and Risse, 2013). As Manners argues

(2002, p.252), ‘the most important factor shaping the international role of the EU is not what it does or what it says, but what it is.’

Some scholars have critiqued the ‘normative power’ concept, seeing it as an assumption of superiority over ‘others’ who are to be ‘civilized’ (Diez, 2005; Pace, 2007). Moreover, the internal diversity of the EU, after waves of enlargement, presents a wide range of values and interests which defy the idea of a fixed, coherent value system. There are also tensions between the interests of the most powerful European states and their commitment to a common European position in external action (Hyde-Price, 2006). In addition, NPE is faced with internal contradictions, given the rise of illiberal political movements across Europe. In turn, NPE is challenged by a changing international order and a global push back against liberal internationalism. Nevertheless, NPE continues to attract considerable attention as a concept, with scholars exploring its theoretical value as well as applying it – often critically – to the EU’s international engagement in multiple policy areas (Gordon and Pardo 2015; Manners 2015; Hansen and Marsh 2015; Del Sarto 2016; Veebel 2018).

This debate is relevant to the EU’s engagement with R2P since the norm’s success rests, in part, upon the normative traction of those actors which promote it. The NPE concept assumes both a power of attraction – based upon constitutive values and behaviour – as well as normative authority in terms of promoting certain standards, in this case in relation to human rights. For the EU to be a credible international leader in terms of R2P, both of these NPE dynamics must be operational. Effective support of R2P rests not only upon what the EU *is*, but also what it *does*. If the EU has the ‘ability to shape conceptions of the “normal” in international relations’ (Manners, 2002, p.239), then its embrace of R2P requires credibility. As De Franco *et al.* argue (2015, p.3), the normative influence of the EU in relation to R2P draws in large part on the ‘living by example’ principle, given that European states and the EU have all endorsed R2P and showed support for the norm at the UN. Normative power and leadership are not synonymous; in some ways normative power can operate without much active leadership: it is the power of attraction, assimilation, and living by example. But we assume that the promotion of norms such as R2P requires credibility and legitimacy, akin to the normative power idea. Therefore, if the EU is to make R2P a key policy platform for its global role, this will need to be underpinned by Europe’s normative reach and credibility in a broader sense. This demands a certain level of consistency in terms of practice in the human rights field, as well as technical competency as a foreign policy actor. The EU’s apparent renewed interest in R2P provides a significant opportunity to explore an important foreign policy area, as well as the broader prospects for the EU’s normative role in international politics. The subject is important for the future of R2P, since the EU – in the context of significant challenges to the international human rights movement globally – can be seen as a critically important guardian of the principle. In turn, this is significant to the EU’s international engagement since it provides a test of its normative traction, at a time when it too faces many challenges.

*The EU’s Engagement with R2P*

The R2P norm has been discussed extensively since its endorsement at the 2005 UN World Summit (Badescu, 2009; Badescu, 2010; Bellamy, 2015a; Stefan, 2017). This agreement commits states to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and to prevent such crimes, including their incitement (Badescu, 2014). It also obliges the international community to assist states to meet their responsibility to protect, and establishes that the international community, through the UN, has the responsibility to help to protect populations from these atrocities where national authorities are manifestly failing to do so (United Nations, 2005, paras.138-139). Thus, R2P is first and foremost about state responsibilities to protect their own populations, but it also strengthens the international community's overall responsibility to protect, through the UN and regional organisations (Badescu and Bergholm, 2010; United Nations, 2011; Fisher and Stefan, 2016).

The Annual Reports of the UN Secretary-General on the R2P emphasize the 'vital role' regional organizations play in implementing the principle (United Nations, 2015, p.18). 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 (Knudsen, 2013). The first pillar of R2P 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, and which are at the core of the EU founding treaties. 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 transboundary one (European Union, 2008, p.12). Specific EU milestones such as the 2001 EU Programme for the Prevention of Violent Conflicts (Gothenburg Programme), the European Consensus on Development of 2005, and the European Consensus on Humanitarian Aid of 2008 form the broader background for European support for R2P, 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 normative identity.

European countries played a leading role in facilitating consensus prior to R2P's endorsement at the UN, and in drafting the relevant passages in the 2005 World Summit (Badescu, 2011, p.127). Subsequently, R2P has had some 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, and was referenced in particular in the 2008 Progress Report on the Implementation of the European Security Strategy (European Union, 2008). The Common Foreign and Security Policy, and the Common Security and Defence Policy made explicit references to R2P as part of a broader commitment to international law (European Parliament, 2011, para. 5a). The Council of the European Union (2009) has also explicitly endorsed R2P, in particular in relation to preventive action. And yet, most of the endorsements of R2P between 2005 and 2013 were quite cursory or insubstantial. R2P did not represent a key policy platform for the EU during this period. As others (Brockmeier *et al.*, 2014; De Franco *et al.*, 2015; Smith 2018) have noted, R2P has not been

internalized into the foreign policy apparatus of the EU or indeed that of EU member states. It is important to distinguish the EU as a collective entity from its individual member states and institutions. From this perspective, the EU's engagement with R2P has not been coherent or altogether coordinated.

However, in 2013 the European Parliament (EP) produced the most substantive European statement on R2P to date. The Parliament's request (2013) for a 'Consensus on R2P' reflected a number of important features which provide an insight into the EU's attempts to form an international political role. Firstly, in terms of normative context, R2P is approached from the perspective of European constitutive values, objectives, and policies. R2P is thus seen as an emerging international norm within the liberal tradition and a part of the evolving international legal apparatus designed to protect human rights. Secondly, the European approach to R2P as reflected in the 2013 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. The EP resolution has no binding effect, and it does not necessarily reflect the agreement of EU member states or other parts of the EU – such as the Commission or the Council – which have greater impact on EU policy. Nevertheless, the EP statement is very substantive, and it projected interesting insights in terms of how parts of the European policy community approach R2P.

Despite the European Parliament's call for consensus and coordination across the EU on R2P, a significant EU attempt to implement R2P in this sense has not yet materialized. As Smith (2018) has demonstrated, the response of the EU to atrocities in cases such as Central African Republic, South Sudan, and Myanmar has tended to be rather late, reactive, and without significant political backing. Nevertheless, there has been progress towards the advancement of the R2P in the European context, as seen both in New York and in Brussels. If one scrutinizes the EU as a normative power at the UN, the EU Delegation has been a key supporter of the R2P in UN circles, 'fighting for it politically and financially'.<sup>[2]</sup> The EU Delegation has regularly listed R2P as a priority, and uses the explicit 'Responsibility to Protect' terminology in press releases and statements. Normatively, this is important, since a norm cannot advance without being specifically referenced; it is the 'meaning-in-use' (Wiener, 2009) that counts towards the promotion of a norm. The EU has been the only regional organization to contribute to each of the nine UN General Assembly (GA) Informal Interactive Dialogues on R2P, which take place each September in New York. EU members have also provided input toward each of the nine Annual Reports of the UN Secretary-General on the topic. Furthermore, the EU Delegation to the UN has actively participated in the activities and meetings of the 'Group of Friends of R2P' in New York, a group of state supporters of R2P, whose co-chair has always been a European country. The appointment of an EU R2P Focal Point also marked an important step in its collective endorsement of the norm.<sup>[3]</sup> The appointment does not in itself signal a political acceptance of R2P in Europe; if the R2P Focal Point is not persuasive with EU members in policy terms, or able to promote administrative reform within the Commission, then the appointment of the Focal Point could

transpire to illustrate the difficulties of engagement with R2P. Nevertheless, the February 2016 appointment of the Deputy Secretary-General of the EEAS to act as the EU R2P Focal Point occurred with national agreement. Programmatic initiatives have followed from the appointment, and so arguably this marked a significant institutional commitment.

There have been instances when the EU Delegation at the UN advanced the R2P label normatively. For example, as the penholder on the GA resolution on the Democratic People's Republic of Korea (DPRK) it was the EU Delegation that initiated and drafted the resolution's text, consulted with member states on the topic, included the reference to the DPRK's responsibility to protect its population, and introduced the International Criminal Court (ICC) referral into the resolution. In November 2014, the Third Committee of the UN General Assembly passed this resolution that referred to R2P and called on the UN Security Council to refer the situation in the DPRK to the ICC and to adopt targeted sanctions.<sup>[4]</sup> The timing of the EU Delegation's support for R2P is noteworthy since the human rights situation in the DPRK had not gathered much attention from organizations concerned with the implementation of R2P until 2015. However, overall, the role of the EU Delegation at the UN is rather limited in terms of normative endeavours, not least because it depends on commitment and instructions from the EU's headquarters, and the EU Delegation does not have a voice in the UN Security Council. In this context efforts from individual European states to advance the R2P agenda normatively in New York (such as those of Denmark and The Netherlands) count, especially through their work within the 'Group of Friends of R2P'. EU representatives at the UN have also been involved in developing a draft UNGA resolution on R2P (Stefan, 2017).<sup>[5]</sup>

At face value, the EU has been taking significant steps to advance R2P: it now has an active group of national R2P Focal Points and it is the first and only regional organization to date to appoint an R2P Focal Point. The African Union has also taken substantial steps to institutionalize atrocity prevention and response – including a principle, captured in Article 4 of the AU's constitutive act, that the AU can intervene into members in response to war crimes, genocide, and crimes against humanity (Badescu and Bergholm, 2010) – although it has not established a R2P focal point, and the language of R2P is not embedded into diplomatic language as it increasingly is in the EU. However, the levels of engagement with R2P in Brussels have been quite different from the EU Delegation's activism in New York. There is thus some inconsistency across the EU about its role in promoting principles such as R2P – not just between the Commission and national stakeholders, which may be expected, but between officials based in New York and Brussels. EU officials in New York are naturally more embedded and invested in debates about global norms such as R2P – and thus more enthusiastic about them – compared to those in Brussels, who reflect a somewhat different bureaucratic mentality which has shown some resistance to R2P. In Brussels, the EU's expressions of commitment to the norm through direct references to the R2P 'label' have been much more limited. In general, references to R2P are typically made in the UN context, and the norm is mostly discussed in Brussels at the expert level in the United Nations Working Party (CONUN), which develops common EU position on UN issues of common interest to EU member states. As officials from several R2P-committed countries have argued, R2P needs to be discussed

not only at the CONUN expert level, but at the ministerial level, in order to signal EU commitment.<sup>[6]</sup>

It is significant that the R2P label has been invoked in a new division, PRISM (Prevention of conflicts, Rule of Law/Security Sector Reform, Integrated Approach, Stabilization and Mediation), and in particular in the drafting of the new EU *Atrocity Prevention Toolkit* for practitioners.<sup>[7]</sup> PRISM was established in January 2017 as a focal point within the EEAS, a ‘specialized service provider helping the delivery of an integrated EU response in fragile and conflict/crisis-affected areas’, and the ‘catalyst for the integrated approach’.<sup>[8]</sup> Within PRISM’s five sectors of work, there are officers assigned to cross cutting issues, including R2P, gender, women peace and security, and human rights issues, who coordinate the policy on these issues and support the EU R2P focal point, in cooperation with the EEAS’ Global division. The EU diplomats and policy-makers in Brussels we interviewed for this study argued that the EU ‘is certainly committed to R2P’, despite not always labelling it as such, with commitment shown through the EU’s work on conflict prevention, mediation, human rights and accountability promotion, as well as development cooperation. The fact that the EEAS and the European Commission will co-host the 2019 Annual meeting of the global network of R2P Focal Points in Brussels is also encouraging in terms of showing initiative. This will mark the first time in nine years that a regional organization co-organizes the annual R2P Focal Points network meeting. However, the remaining gap in thinking between the EU in New York and Brussels suggests that R2P is not fully internalized into the EU bureaucratic mindset.

### *Internalizing R2P*

An important indication of how various EU stakeholders approach R2P is how language is invoked. R2P can be promoted under an assortment of labels. However, if these labels do not incorporate the R2P terminology *specifically*, the normative advancement of the norm itself – that is, R2P as a broader framework for action – is halted (Badescu, 2011; Badescu, 2014). This is particularly the case if those agents who are expected to ‘live by example’ choose alternative labels in their commitments, policies and actions. The EU Global Strategy referred to ‘an integrated approach to conflicts and crises’ as one of the EU’s key priorities, and placed a solid emphasis on ‘prevention’ and conflict sensitivity (European Union, 2016). Europe, collectively, remains the most substantial donor of international assistance, with some policies and programs tackling specifically ‘atrocity prevention’, early assistance and early action. The ‘integrated approach’ concept reflects the EU’s habit of switching amongst several preferred labels in the past, including ‘human security’, ‘conflict prevention’, and ‘comprehensive approach’, which are all directly or indirectly supportive of the R2P principle. Some of the major policy documents the EU advanced recently reference ‘atrocity prevention’ in particular, but not R2P, such as the *Strategic Approach to Resilience* (European Commission, 2017, p.20). In this regard, the new *Atrocity Prevention Toolkit*, which is explicitly linked with R2P, is a significant step forward.



A solid policy background related to these issues has then been developed, with ‘many areas of EU policy playing a significant role in mitigating the risk and protecting populations from atrocity crimes’.<sup>[91]</sup> This supports a widely-heard theme in Brussels, which is that the EU is actively and supportively engaged with R2P, even though it does not always use specific R2P terminology. An official from the EEAS’ Global Division we interviewed also pointed out further work that is relevant to atrocity prevention, and therefore to R2P: the EU’s conflict Early Warning System – which builds in a link between early warning information and decision-making structures – integrates atrocity prevention indicators and works on mitigating risks for violent conflict at an early stage. The EU’s Common Security and Defence Policy missions and operations are working to protect civilians, and to build up more accountable and effective security sectors and transitional justice. At the same time, the EU’s development cooperation supports atrocity prevention, including ongoing capacity building programmes in Africa, Asia, Latin America and the European Neighbourhood. The EEAS is working towards increasing internal awareness and knowledge sharing, in order to integrate atrocity prevention reflexes in the daily work of EEAS bureaucrats, notably those working with countries of concern, and in order to establish linkages between crisis management and atrocity prevention.<sup>[101]</sup> But it is the labels PRISM focuses on, across its five areas of expertise, that are the ones informing the EU’s common vocabulary going forward. This reflects how processes capture a norm’s ‘meaning-in-use’ (Wiener, 2009).

Recently, the R2P label has specifically been referenced in several policy documents, including the EU’s *New Consensus for Development* (2017, para. 66) and in the 2016 *European Union Global Strategy on Foreign and Security Policy* (EUGS). Since the latter captures the vision for the EU’s engagement in the world, it had the potential to reflect substantial normative commitment to R2P. However, there is only one indirect reference to R2P in the EUGS, in the section on ‘Global Governance for the 21st Century’, where the label is mentioned alongside other issues (European Union, 2016, p. 42). The EUGS mentions ‘global norms’, and the importance of widening ‘the reach of international norms’ (Ibid., p.41), and a commitment that ‘the EU will lead by example on global governance’ (Ibid., p.43). Yet the underlying tone reflects circumspection and pragmatism rather than an ambition to project norms, and a commitment to conflict prevention rather than R2P specifically. This one indirect reference to R2P in the EUGS is in stark contrast to the elaborate 2013 agenda the European Parliament envisioned for the EU, including clear action points for all its main organs and programmes.

Nevertheless, the *Atrocity Prevention Toolkit*, officially launched by the EEAS in January 2019, in Brussels, is the most comprehensive policy document that references the R2P framework for action.<sup>[111]</sup> It 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* (EEAS 2018) identifies structural risk indicators, imminent warning signs that atrocities may occur, and identifies how the EU should respond. It places emphasis upon prevention – in line with the EU’s experience in conflict prevention more broadly – rather than reaction, in order to consider how development, governance, civil society and human rights are all relevant to reducing the risk of atrocities occurring. It also

links atrocity prevention to existing EU programmes, such as the EEAS Crisis Response Mechanism, PRISM, and the R2P Focal Point office. If the *Toolkit* is effectively implemented, with the required political support from EU members, it would address a major weakness in the EU response to atrocities described by Smith (2018), which is that the EU has tended to be reactive, only after major violence has occurred, rather than preventive and proactive. The *Toolkit*'s emphasis upon structural risk factors is an indication that the organisation intends to make an impact at a much earlier stage.

The *Toolkit*, together with the newest internal set of guidelines for EU national R2P Focal Points – entitled *Recommendations on R2P* – are the closest the EEAS has come so far to producing R2P-related policy guidelines. Yet the *Toolkit* – unlike the Global Strategy – is targeted primarily at EU officials, not international political stakeholders. It is not intended to signal global normative leadership or positioning. What then are the main hurdles preventing R2P from being a key EU policy platform for its global role? Our investigation pointed towards two key challenges constraining the EU's normative leadership in regard to R2P, at two separate levels of analysis: at the global level, and at the regional (European) level. We start with an assessment of the changing global context and the current transitional order characterized by normative contestation, a retreat in liberal internationalism in the West, the rise in influence of non-liberal states, as well as growing doubts about the EU's global reach.

## **II. Challenges at the Global Level**

### *The Transitional International Order*

The last decade has seen a series of political, military, and economic transformations which have triggered global challenges. These include the global financial crisis, instability related to the Arab Spring and military intervention in Afghanistan and Iraq, the 'refugee crisis', renewed tensions between Western Europe and Russia, the economic and political rise of the BRICS, and more recently, the election of US President Donald Trump, bringing into question traditional alliances. Some of the challenges – such as the UK's decision to leave the EU, the rise of populist nationalist movements in some European countries, and Russia's annexation of Crimea – pose an immediate threat to the integrity of the EU.

These economic, security, and migration challenges have had a direct and multifaceted impact upon Europe (Dinan *et al.*, 2017; Wivel and Wæver, 2018). Wallace (2017, p.9) has thus argued that 'Europe is no longer the centre of the world and certainly not the anchor of the global system'. These developments are important to consider when assessing the relevance of NPE in the context of the R2P norm. Rising powers have increasingly resisted key aspects of the liberal international order (Badescu, 2009; Badescu, 2014). They often and openly contest principles such as R2P, which are associated with Western normative initiatives and values (Newman 2013). This reflects a normative tension, and in particular a resurgence of conservative interpretations of state

sovereignty, and also the perception amongst some states that norms related to civilian protection are a pretext for Western attempts to maintain hegemony (Fisher and Stefan, 2016, p.249).

While non-Western contestation has increased, international cooperation around liberal values and norms has been problematized since Donald Trump took office, leading a shift towards American mercantilism and neo-isolationism. The UK, France and the US, formerly close partners in sponsoring liberal institutions and multilateralism generally, are fragmenting as a cohesive bloc. With three resurgent states now in the Security Council (USA, China, Russia), the UK's Brexit vote to leave the EU further weakens Europe's voice and normative footprint at the UN. In this context, Brexit 'comes at a bad time for Europe at the UN' (Gowan, 2018, p.1), as it will further restrict European normative commitment and coordination on protection, development and human rights, and implicitly the Franco-British cooperation in the Security Council.

One of the key milestones in the normative trajectory of R2P captures these changes in power and influence in the UN setting. The 2011 NATO-led military intervention in Libya triggered renewed waves of criticism of the R2P norm, with the BRICS being particularly critical in their condemnation of the way in which the intervening forces pursued regime change. The context within the Security Council was quite unique, since all the BRICS were present in the Council (Kenkel and Stefan, 2016). Triggered by suspicions of Western hegemony, Brazil proposed 'Responsibility while Protecting' to demand greater control of, and accountability for, military humanitarian operations. China, in a semi-official position paper on 'Responsible Protection', denounced the Western manipulation of the R2P agenda as a neo-colonial exercise in regime change and abuse (Badescu, 2014). In an increasingly pluralistic normative world, these are examples of the emerging powers' willingness to engage with, and ability to lead on, issues related to R2P, human rights, and intervention (Stefan, 2017). In this context, the attempts by some EU stakeholders to embrace R2P more actively are at odds with the global power shift and the change in norms that are emerging from this.

### *EU's Normative Leadership within the Transitional International Order*

Recent assessments of the EU's role as a global actor take into account such challenges. What we are interested in, however, is the EU's *normative* role in the world, in light of these challenges at the global level. Stefan conducted interviews with officials from the EU Delegation at the UN in New York and in Brussels, over two consecutive years. Two main observations emerged from these interviews, both significant for our NPE question. First, various officials argued that the EU 'is doing R2P without necessarily *labelling* it as such', through its work on conflict resolution, atrocity prevention, early warning systems, and preventive diplomacy. In UN statements, reports and briefings, the EU Delegation therefore 'repackages information from Brussels through the R2P label, for the UN'.<sup>[12]</sup> Yet R2P is currently a difficult message for Europe to introduce at the UN, in particular after the 2011 intervention in Libya, which provides 'the easiest and most convenient way for critics at the UN to reject the agenda', and to point to the 'design fault in R2P'.<sup>[13]</sup> The EU officials Stefan interviewed fully recognize that R2P can be very controversial and that some

member states are now trying to push back against the UN commitment to R2P they agreed to in 2005. In light of these challenges, the preference seems to be towards pushing ‘elements’ of the R2P agenda further and ‘losing focus on the R2P’ label *per se*, as this makes it more feasible for the EU Delegation and some keen European member state supporters of R2P to actually advance issues at the UN, such as early warning, more coherent peacekeeping mandates, and conflict prevention.<sup>[14]</sup>

The second key observation emerging from Stefan’s interviews at the UN point to the biggest challenge the EU is currently facing in the current, transitional order. While the US administration has publicly stated that international human rights are no longer a priority, the EU remains deeply committed to human rights norms. However, this generates challenges to Europe’s normative authority in terms of its association with R2P, because the principle is now so controversial. Attempts at normative leadership can therefore be problematic and contested. Arguably, what is needed to advance the norm globally is greater engagement by the Global South countries with this agenda, and ‘leading by example’, through the kind of engagement Brazil demonstrated with its involvement in the cross-regional group tasked with producing a GA resolution on R2P (Stefan, 2017, p.99-102).<sup>[15]</sup> 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’ (2013, para. T) – but attempts at leadership may generate friction rather than consensus.

The changing global environment is reflected in the Global Strategy. Juncker’s State of the Union Address (2016) portrayed the EU ‘in an existential crisis’, and the Global Strategy similarly observed that ‘We live in times of existential crisis, within and beyond the European Union. Our Union is under threat.’ (European Union, 2016, p.7). While the Global Strategy emphasized the need for a ‘rules based global order...guided by principles’ and an ‘idealistic aspiration’ (European Union, 2016), the sub-text seems to increasingly reflect a power-political worldview. Unsurprisingly, the focus is on a more programmatic, strategic approach to tackling global challenges, rather than one driven by normative liberal commitments.

Initiatives coming from the West, and from Europe in particular, are likely to encounter increased resistance in UN circles, and this raises doubts about the extent to which the EU can meaningfully embrace R2P as an external action platform, and whether the norm can indeed contribute to the EU’s troubled normative identity. After evaluating the main challenges to NPE through R2P in an increasingly pluralistic, transitional global order, we now turn towards the main challenges at the regional level.

### **III. Challenges at the European Level**

#### *Normative Disagreement within Europe*

In addition to the global normative contestation in relation to R2P – which problematizes the EU’s engagement with the principle – there is also evidence of normative contestation *within* Europe. These internal challenges relate both to the institutional machinery and political dynamics of the EU, and differences amongst members in relation to international humanitarian action.

First, divisions remain across and within EU members regarding the scope and operationalization of R2P, in particular regarding the role of military force in preventing or stopping egregious human rights violations, and European states have arguably never reached a consensus on this (Brockmeier *et al.*, 2014). Some powerful European countries – notably the UK and France – actively support the concept of military intervention, whether within the framework of R2P or not, whilst others, such as Germany, have major reservations about military intervention. This has led to situations where the UK and France have been essentially outside of 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 an illustration of this. The operationalization of R2P has therefore exposed internal European divisions relating to global justice more broadly, and doubts remain as to whether R2P is something that Europe can engage with to strengthen its normative reach and global presence.

Secondly, the EU has been slow to internalize R2P into external action machinery, as others observe (Task Force on the EU Prevention of Mass Atrocities 2013; De Franco *et al.*, 2015). According to this, low levels of bureaucratic receptivity within the EU explain why the Union has not been more active in promoting R2P. 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 R2P is something that is not readily achieved, or not necessarily welcome amongst the Commission’s foreign policy technocrats. EEAS staff we interviewed in Brussels 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.<sup>[16]</sup> However, the 2016 EUGS included just one indirect reference to R2P, with no attempt to indicate how it might be operationalized through the various EU policy programmes. The European Genocide Network – which investigates genocide, crimes against humanity and war crimes, further to a 2002 European Council decision – also illustrates this mindset. 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 at all in its work, and apparently does not have R2P on its radar.<sup>[17]</sup> It remains to be seen if the *Toolkit* can promote greater coordination and coherence amongst European actors working in this area.

Thirdly, 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.<sup>[18]</sup> 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 towards people fleeing human rights abuse have all raised questions about Europe's commitment to humanitarianism, if not double standards. In this sense, Europe's role as a global normative actor in relation to R2P is potentially in tension with the policies or standards of justice within European countries, which affects the credibility and legitimacy of its role. So, the 'EU's enduring power of attraction' and the 'soft power' that the High Representative (Mogherini, 2016) speaks of is not fully convincing, and in reality there is – unofficially – hesitation amongst European foreign policy technocrats about projecting normative leadership globally.<sup>[19]</sup>

The EU's response to the refugee crisis has arguably provided a negative test of its normative credibility, by raising serious questions about the EU's capacity to overcome internal differences on humanitarian challenges relevant to R2P, and its capacity to 'live by example' (Newman, 2018). Indeed, this response was generally characterized by political in-fighting amongst EU members as to sharing the 'burden' of accommodating forcibly displaced people, and attempts to obstruct their arrival. The refugee crisis triggered few if any references to R2P among government officials, practitioners and diplomats. In fact, some EU officials interviewed for this study, both in Brussels and in New York at the EU Delegation to the UN, rejected the idea of a direct link between the refugee crisis and R2P.<sup>[20]</sup> Some of the strongest R2P supporters are the very same states that have resisted extending protection to individuals fleeing atrocity crimes, through adopting tougher restrictions to deter asylum seekers, such as arbitrary detention and financial penalties. This is in tension with the UN Secretary-General's 2014 report, amongst others, which stated that asylum and protection of forcibly displaced people is a means of meeting R2P commitments (United Nations, 2014, para. 65). Others agree that R2P implies an inherent responsibility to provide safe flight and asylum to those fleeing atrocity crimes (e.g. Bellamy, 2015b; Barbour and Gorlick, 2008). Welsh's 'Fortress Europe' argument (2014) thus paints the EU's approach to protection as an 'outward-looking' foreign policy issue, something that pertains to occurrences outside of European borders. The EU's handling of the crisis provides further evidence against the troubled NPE concept. In this context, the EU's collective response to the refugee crisis within its borders does not augur well both for the European collective action around R2P *and* its normative credibility in global perspective. Whilst this broader context has been relevant for some time, the response to the recent refugee 'crisis' has provided a particularly acute illustration of the tensions which exist between Europe's liberal humanitarian credentials and its practices.

Fourth, the EU's engagement with R2P, in the context of its broader external policies, raises significant concerns related to policy coherence. 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 EULEX in Kosovo and EUFOR in Bosnia and Herzegovina have also demonstrated the difficulties of aligning the EU's normative values – in terms of justice promotion – with strategic goals.

Fifth, another obstacle to the EU ‘living by example’ has been the European member states collective ambivalence towards R2P. This is something that goes beyond ‘low levels of bureaucratic receptivity’ observed by others (De Franco *et al.*, 2015, p.994). This ambivalence was illustrated by the apparent lack of interest in R2P during the consultations that took place prior to the drafting of the Global Strategy. R2P was simply not on the radar of most member state representatives, which in turn reflects a low level of visibility for R2P at national levels (Tocci, 2016; Interviews, Brussels, November 2016). Despite having some very keen R2P national focal points in various European countries (particularly in Denmark, Slovenia, Switzerland, and the Netherlands), the topic had triggered little interest during the Global Strategy consultations, which also raises questions about public engagement with R2P. Given that ‘normative power’ is stronger if it has a foundation in national public support, and not just at the European Commission or the EEAS, this is a constraint on the idea of European leadership for R2P. The lack of any reference to R2P in the 2017 and 2018 Progress Reports – *Implementing the EU Global Strategy Year 1*, and *Year 2*, respectively (European Union, 2017, 2018) – is also instructive in this regard.

## Conclusions

The EU’s engagement with R2P is a complex test case for exploring the organization’s role in an evolving international system. The normative influence and authority of Europe – on issues related to human rights, human protection and justice – are arguably in decline. It is therefore important to revisit the question of what the EU should or could represent in international politics in light of a multifaceted transformation within Europe and the world. We addressed this by assessing the broad challenges the EU is currently facing, which raise serious doubts about its capacity and desire to promote norms. This has important implications for R2P, at a time when global human rights norms are under pressure, and some analysts (Smith 2018) have questioned if the EU might be the saviour of the principle.

The prioritization of hard economic and security interests, and the desire to avoid political conflict with strategic partners, allies and adversaries, mean that norms such as the R2P have become something of a luxury. As such, there is a clear gap between ‘progressive’ experts within the EU system and national political elites who are more pragmatic about many human rights principles. This pragmatism problematizes the attraction of Europe’s soft power since it exposes inherent contradictions between norms and political self-interests, and a conflict between collective norms and national political agendas. Thus, the issue is not just normative versus material interests, but also conflicts between norms. On the face of it, the EU is stepping up to take a leadership role in R2P and to better align its existing external action with the norm – with the appointment of the R2P Focal Point, an active group of national Focal Points, and the release of the EEAS Atrocity Prevention Toolkit and Recommendations on R2P. But this must be weighed against broader pressures and changes which problematize the EU’s international role. 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. In response to internal

and external pressures, the attitude in the EU, amongst members and policy staff, tends to focus upon core European interests, not global norms, and hedging in relation to security and economic imperatives. 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.

This analysis is not able to provide a definitive conclusion as to whether the EU's recent activities in support of R2P amount to a successful demonstration of Europe's normative traction in global perspective. This question can be assessed once the EU's external action activities in this area are more fully pursued, and the inherent tensions and challenges are exposed. In this, the perception and response of external audiences will be a key measure. However, this analysis does allow for conclusions in terms of the general relationship between R2P and NPE, and its implications for the EU's global R2P role. The EU has embraced R2P as a platform in order to strengthen coherence across different policy areas aimed at preventing atrocities. This is based, in part, upon the assumption of Europe's inherent normative attraction. The EU has much to trade upon historically in terms of normative authority, but its stock is in decline in the context of a changing international order, as this analysis has demonstrated. However, the constraints upon Europe's normative power come not just from evolving geopolitical pressures, but also from political fragmentation and self-imposed circumspection within Europe. Despite the apparent increase in activities around R2P and genuine efforts to strengthen coordination of the EU's activities in support of the principle, there is simultaneously the acceptance amongst many foreign policy elites that Europe's normative traction is on the wane and that a more realist outlook is necessary. Key features of the EU's renewed R2P activism are primarily aimed at strengthening *internal* responses rather than shaping *global* norms. From this perspective, the EU's engagement with R2P reflects an evolution of European normative power towards a more contingent vision, balanced against economic and political interests in an ever-challenging international environment. This does not undermine the value of the EU's operational role in engaging with R2P, something that is proving important to keeping R2P alive as a policy framework. It does, however, impose constraints on its promotion of the norm, while also contributing to the ongoing critique of the NPE concept both in theory and in practice.

The EU may develop greater capacity in atrocity prevention by aligning its considerable resources and policy programmes in support of R2P. However, the promotion of the R2P framework as a norm remains problematic in global perspective. And so, whilst the R2P norm needs renewed leadership, it is doubtful that this will come from the EU in the near future. Even if the 'problem' of political will within Europe could be overcome in support of a more decisive approach to atrocity prevention, it is unlikely that this would gain greater traction internationally as long as the international political climate remains inhospitable to emerging human rights norms.

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<sup>[1]</sup> Data was gathered from ten interviews plus several other informal discussions, as follows: interviews conducted in Brussels with EEAS staff (Newman, Stefan), an interview with The European Genocide Network at The Hague (Newman), interviews conducted in New York with staff at the EU’s Mission to the UN (Stefan), and interviews at two EU member state UN missions (Stefan).

<sup>[2]</sup> Interview, EU Delegation to the UN, New York, May 2017.

<sup>[3]</sup> A R2P Focal Point is a senior level official responsible for promoting R2P at the national level and for supporting cooperation on R2P at the international level. Appointing a Focal Point usually marks a state’s commitment to R2P. 23 EU member states have R2P Focal Points.

<sup>[4]</sup> Interview, EU Delegation to the UN, 24 June 2016, New York.

<sup>[5]</sup> Interviews with Western diplomats from two European Permanent Missions, part of the eight-country cross-regional group that worked on the draft UNGA resolution on R2P in 2015–16, New York, June 2016.

<sup>[6]</sup> Interviews with several officials from three Permanent Missions in New York, representing three EU members, New York, July 2016.

<sup>[7]</sup> Interview with EEAS official from PRISM, New York, 26 March 2018.

<sup>[8]</sup> Based on summary from EEAS PRISM internal document, entitled ‘PRISM: A Catalyst for the Integrated Approach’, 2017.

<sup>[9]</sup> Interview with EEAS officials from the Global Division in EEAS, within the ‘Human rights, global and multilateral issues’ area, December 2017.

<sup>[10]</sup> Ibid.

<sup>[11]</sup> The *EU Responsibility to Protect: Atrocity Prevention Toolkit* document (EEAS, Draft September 2018) was shared internally upon completion. It was officially launched internally at the EEAS in Brussels on 17 January 2019.

<sup>[12]</sup> Interviews with different officials from the EU Delegation to the UN, New York, June-July 2016.

<sup>[13]</sup> Interview with official from the EU Delegation, New York, May 2017.

<sup>[14]</sup> Ibid.

<sup>[15]</sup> This point arose in two interviews with officials from the EU Delegation to the UN, as well as with officials from European Permanent Missions in New York, New York, in June and July 2016, and May 2017.

<sup>[16]</sup> This point came up in all our interviews in Brussels and The Hague, November 2016.

<sup>[17]</sup> Interview, The Hague, November 2016.

<sup>[18]</sup> Interviews with European Permanent Missions in New York, June 2016, and with EEAS officials in Brussels, November 2016.

<sup>[19]</sup> Interviews with EEAS officials, November 2016.

<sup>[20]</sup> Interviews in New York, June 2016, and in Brussels, November 2016.