The Responsibility to Protect and the European Union

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1. Achievements to date

In 2005, EU member states were at the forefront of the successful diplomacy that resulted in the UN World Summit accepting the 'responsibility… to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity'. In the run-up to the Summit, EU states worked closely with members of the African Union whose own Constitutive Act had declared their 'non-indifference' to these mass atrocities. This diplomatic success was an important step in Europe and Africa's growing partnership on peace and security.

EU members' support for the Responsibility to Protect reflected one of the main objectives of the European Security Strategy (ESS) agreed in 2003, to help build a 'rule-based international order…upholding and developing International Law.' Member states' Responsibility to Protect (R2P) upheld and built on their existing obligation, as parties to the Geneva Conventions, to ensure respect for international humanitarian law worldwide.

EU members also reflected the ESS's analysis that 'Europe should be ready to share in the responsibility for global security… [because] in an era of globalisation, distant threats may be as much a concern as those that are near at hand.' Since then indeed, it has become even clearer that the mass atrocities that R2P focuses upon can fuel the terrorism, state fragility[1] and regional conflicts that the ESS rightly identified as among the key threats to the EU. The vicious cycle of killing, raping, forced displacement and other war crimes against civilians can fuel the fear and hostility that sustains conflicts from the Middle East to the DRC.

Since 2003, the EU has deployed 16 missions to support national governments and other regional organisations to reduce conflict. It has developed its Strategic Partnership with the AU, with substantial though ultimately inconsistent financial and technical support to its force in Darfur, and now agreed its first Action Plan to commit greater support for the AU's Peace and Security Architecture in 2008-10.

The EU has already demonstrated that it can play a useful role in helping to reduce conflict and protect civilians. In 2007 and 2008, amidst wider international indifference, it has shown an important willingness to respond to the crisis in Chad. At the same time, the hesitancy of its response, and its difficulty in matching the military resources of EUFOR with the diplomatic effort necessary to address the underlying political crisis in Chad, reflects how much more must be done before the EU has fully realised its potential to help protect civilians from mass atrocities around the world.

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[1] In 2003, 'state failure' was a more common term, and this was used in the ESS.

2. <u>Current Challenges</u>

As the ESS stated in 2003, 'if we are to make a contribution that matches our potential, we need to be more active, more coherent and more capable.' Progress on all those 3 fronts has only been moderate.

The EU must now fulfil its potential, with a higher focus on protecting civilians, in order to:

- Tackle the threats from regional conflicts and terrorism often fuelled by mass atrocities;
- Demonstrate to Europe's citizens and the world that the EU has an added value in upholding Europe's values of human rights and humanitarian law across the globe; and
- Develop its role as a global political actor – rather than being left behind in a 'multipolar' world in which China, India and others are developing theirs

To fulfil that potential, there appear to be 3 broad challenges:

A) More active and consistent response to specific crises:

Firstly, there remains a stark gap in some areas between policy and delivery. In 2005, EU members were world leaders in developing the 'rule-based international order' in helping to win the international argument for the Responsibility to Protect. They have not built on that success, failing to make the most of the potential impact of co-ordinated European responses, providing at times inconsistent financial and diplomatic support to major crises, and developing major initiatives in Europe (like the 'battlegroups') that so far appear to have had little practical use.

-       Governments of the global South must have the will and the capacity to uphold their own Responsibility to Protect. It is because many still do not have that capacity that the EU has such a vital role in helping to build this up.

-       It has provided more than 500 million euros to AMIS, the AU mission in Darfur; however the sporadic, short-term nature of that financing made it difficult for AMIS to forward plan or equip itself adequately. Further, no capacity training was given to the AU on how to comply with the administrative requirements of the funding, causing frustration and long delays.

        Subsequently the EU has not pushed strongly enough against the Government of Sudan's obstructions to the deployment of AMIS' successor, UNAMID. These problems, among many others beyond the control of the EU, contributed to the decline in the AU mission's performance in protecting civilians, and to a weakening of the AU's confidence in the R2P principle.

-       Though the EU's first battlegroups were operational from January 2007, there appeared to be little serious discussion of using them as EU member states slowly struggled to come up with troops to send to Chad in 2007 and 2008. At the same time, no EU members are substantial contributors of personnel to UN peacekeeping missions.

B) Greater coherence and consistency in the use of the EU's tools:

Secondly, there appears to be a continuing failure to join up the different instruments to protect civilians. This might be the EU's single most important added value – as the world's largest provider of international assistance, and a developing foreign and security policy actor.

When member states accepted their Responsibility to Protect, it was specifically to help *prevent* as much as to halt mass atrocities that had already started. In this sense, R2P built on the increasingly widely accepted concept of human security: not only that we should focus on the security of individuals and communities, as well as states; but also that we should tackle poverty, inequality and the other long-term injustices that undermine all human rights and increase the risk of violent conflict.

In November 2007, EU Member States acknowledged the need to promote greater synergies between development and security tools and endeavoured to improve the coherence, efficiency and visibility of its external policies and build synergies between them[2]. In practice, however, many current debates (as on increasing EU members' defence spending) are conducted without reference to other policy instruments. In future, it is vital that a more coherent approach is integrated into policy-practice, with developments in one area of policy taking account of the impact on other areas, ensuring that developments in CFSP and ESDP are coherent with vital development objectives and humanitarian principles.

C) Maintaining the primacy of development objectives and independence of humanitarian action

Finally, as the EU strives to increase its effectiveness as a global actor, it must be careful to devise a way to do this in such a way so as to maintain the impartiality of humanitarian aid, and the poverty-focus of development aid. There are a number of changes proposed under the Treaty of Lisbon, particularly the merging of the role of the High Representative and External Relations Commissioner and the establishment of an External Action Service, will have to be carefully monitored in their implementation so as to ensure these fundamental values are upheld.

3. Future Opportunities

It is now time to act on the logic of the Common Foreign and Security Policy and European Security and Defence Policy – that member states are stronger when they act together, including stronger in upholding their Responsibility to Protect. It is time to make clear that the EU has a role in upholding the Responsibility to Protect as a central objective of the CFSP and ESDP, and begin to spell out what that should mean in practice.

The EU should:

A. In revisiting the ESS in 2008, make clear that it has a vital role in upholding the Responsibility to Protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity – and commit to this as a central objective of the CFSP and ESDP. This should help set the agenda for the next period in building the EU's foreign policy identity, when the new High Representative and External Service bring greater unity to the different policy

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[2] Council Conclusions, 2831st General Affairs and External Relations Council, 19th-20th November 2007.

instruments today still divided between the European Commission and Council of Ministers.

B. In the implementation of the Lisbon Treaty, devise mechanisms to ensure that the creation of a double-hatted High Representative and development of an External Action Service does not impact on the political space for development or a European independent, needs-based humanitarian action.

C. By the end of 2008, set out specific, quantified and timetabled steps to build up the AU's Peace and Security Architecture by 2010, including making the AU's Continental Early Warning System, Panel of the Wise and the civilian and military elements of its African Standby Force fully operational.

D. Adopt the EU Code of Conduct on Arms Transfers as a Common Position, to make it legally-binding upon all members.

E. Ensure a balanced approach to expanding resources for all the instruments vital to uphold the Responsibility to Protect. EU member states' should not increase defence budgets in isolation from the broader need to expand the EU's capacity to use political, diplomatic, military and civilian, trade and development instruments to help prevent mass atrocities.

F. Set out specific, timetabled action plans showing how Member States will increase their Official Development Assistance to 0.7 % of their GNI alongside any increases in defence spending.

G. Link any increase in defence spending to:

  o Funding a new EU instrument (or substantially increased Instrument for Stability) to support the AU's peace and security work, and similar programmes of national governments of the global South (including security sector reform; disarmament, demobilisation and reintegration etc). This should be additional to the African Peace Facility and all EU development and humanitarian spending, so that these budgets are not used to fund peace support operations.

  o Specific, timetabled steps to overcome the EU's current inability to swiftly generate troops and equipment for crises such as Chad including sharpening up the concept of how 'battlegroups' may actually be used to protect civilians[3].

  o Developing doctrine at the EU and national levels to operationalise a civilian protection mandate into the rules of engagement of all relevant missions.

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[3] Building upon analysis of gaps and short-coming in the EU's capabilities, notably through the 2007 Progress Catalogue.