

Submission of evidence for the government's review of the balance of competences between the United Kingdom and the European Union: Foreign Policy Report

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Date: 27 February 2013

This evidence is submitted by me as an individual, and should not be interpreted as representing the views of the London School of Economics and Political Science.

I have written extensively on the international relations of the European Union, and particularly on EU external human rights policy, and EU-UN relations (especially the EU's activity within the UN Human Rights Council). I have also recently co-chaired the Task Force on the EU Prevention of Mass Atrocities, and those findings have influenced this submission. A list of my relevant publications can be found at the end of this document.

I will address the following broad question in this submission: What are the comparative advantages/disadvantages of working through the EU rather than the UK working independently?

The advantages of working through the EU on any area of foreign and security policy far outweigh the disadvantages. Arguably, cooperation is the dominant mode in contemporary international relations: the benefits of creating and strengthening international and regional organisations, of forming alliances, and of fostering informal networks are clear, as evidenced in the sheer number and variety of such institutions around the globe. Even in a world of 'rising powers' and multipolarity, the demand for coordination and collective action – which necessitates negotiation and compromise – is high and very likely to remain so for the foreseeable future.

For EU member states, the EU brings particular benefits. The EU is unique and uniquely advantageous in that it is highly institutionalised (fostering very tight links between the central bodies of the EU and the member states, and between the member states), and has considerable collective resources (stemming, for example, from the fact that it is a very large single market, the largest trading bloc in the world, one of the largest aid donors in the world, and can deploy civilian and military missions in a wide variety of situations). It has served as a model for many regional groupings around the world, and is a pole of attraction for many states in the European neighbourhood. The EU groups together states that share a multitude of common interests and common values. Arguably the UK is closer to its EU partners on a range of interests and values than it is to any of its other partners worldwide: and this largely, but not only, stems from geographical proximity. Although size is not the only thing that matters in terms of the ability to exercise influence in international affairs, the European Union's sheer size (as well as its considerable collective resources) enables it to have an impact far beyond what any of its

member states could have independently. Furthermore, participation in the EU's intergovernmental foreign policy-making system imposes relatively few costs – for it is relatively easy for a member state to block an undesirable policy (though being a naysayer may have negative consequences for a member state's reputation and ability to strike favourable deals in future). The challenge is to strengthen the EU's capacity to act decisively and effectively in international affairs.

The benefits of collective over unilateral action is obvious in the case of sanctions, where unilateral sanctions (imposed by a single state) have almost no impact, if any at all, but sanctions imposed by the EU (the largest trading bloc in the world, and one of the largest aid donors) can have an impact. The EU can also act as a leader if it is the 'first mover' or initiator of sanctions. It is important to bear in mind that sanctions take a while to 'bite', and that in any given case the impact of sanctions mixes with other factors: this means that proving that sanctions were successful is difficult. However, the damage (economic and/or reputational) caused by EU sanctions can be extensive (the cases of Iran, Syria, and Burma/Myanmar come to mind), and may eventually alter the position of the government and/or its supporters. It is also the case, however, that the impact of sanctions is muted if they are not supported by the wider 'international community'. Similarly, the application of negative political conditionality (imposing negative measures such as aid or trade suspension) is reduced when the target of conditionality can simply turn to other international actors (less fussed about the extent to which the target meets democratic or human rights standards) for economic assistance. The challenge is to build a wider consensus (beyond the EU) on the desirability of imposing any negative measures – and for that, the EU's size and clout can help.

Sanctions and the use of political conditionality have been heavily criticised in general, and the way that the EU in particular uses both instruments has also been criticised. The 'strength' and 'durability' of EU sanctions regimes depends on the extent to which all the member states agree – and there have been numerous occasions on which member states have undermined the agreed sanctions or conditionality regime (for example, by interpreting the specific provisions of any sanctions regime liberally, to allow certain individuals from the targeted state to enter their territory). There are occasions on which sanctions have arguably been left in place for too long without considering whether they are effective (until recently this was a frequent criticism of the EU's sanctions on Burma/Myanmar) and occasions on which sanctions have been lifted without the target state making much of an effort to meet the EU's conditions (the case of Uzbekistan springs to mind). Sanctions regimes often lack clear criteria for their eventual lifting, and clear timeframes within which conditions should be met. There are also innumerable occasions on which the EU's rhetoric about political conditionality fails to be matched by action: the human rights clause in the EU's agreements with third countries is rarely invoked, even in quite egregious cases of violations of democratic principles and human rights. This is due to the need to reach agreement on using the human rights clause within the intergovernmental setting of the EU, in which member states can quite easily block the taking of negative measures.

But the alternatives to trying to make EU sanctions and conditionality more effective are hard to identify. There are no perfect options when it comes to trying to express disapproval or to dissuade other countries from certain courses of action, and there is an obvious need for options short of the use of force. Alone, no single EU member state can hope to have the kind of impact that the EU could have, especially given the large network of the EU's international relationships and the sheer volume of resources it has at its disposal (from trading power to aid budgets and beyond).

With respect to the EU's activity within the United Nations, there are also advantages and disadvantages to working as a bloc, but again, the advantages arguably outweigh the disadvantages. To a large extent, 'bloc politics' dominates in the UN's majoritarian bodies (such as the General Assembly and the Human Rights Council). This could be seen as inevitable: to have an influence over outcomes in bodies with so many member states, states need allies, so they gather within larger groupings and amalgamate their votes. Indeed, those countries that lie outside of a large bloc – including many developed democracies such as Japan, Norway or Switzerland – often ally themselves with the EU. In other words, they follow the EU's lead, even though they may find it frustrating when the EU does not act, and does not consult with them frequently.

The EU often – but by no means always – acts as a bloc in the UN (as EU member states can also act outside the EU framework). Yet EU member states are often outvoted as other blocs control more votes. This poses a dilemma for the EU; to win debates it needs to amass support from several blocs, yet it may spark automatic opposition if it tries to do so 'as the EU'. There is no easy solution to this dilemma, for it is certainly the case that singly the EU member states cannot hope to influence outcomes at the UN across as wide a variety of areas as the EU can do so collectively. Instead, improving the EU's 'outreach' and lobbying capacities are necessary: the EU's internal coordination process (in which the member states try to agree EU positions) is unwieldy, slow and time-consuming so that it devotes too little attention to working with other UN member states (even natural allies such as other democracies), and the EU is not geared up to lobby for its positions, as considerations of UN business too rarely figure in bilateral discussions between the EU and third countries. Rather than ditch the 'bloc' approach, the EU member states should try to make it work better. This may include exploiting the bilateral relationships that EU member states have with other UN countries to try to gather support for a common EU objective. In outreach and coordination, the new EU delegations at the UN (New York and Geneva) can help – but the key to improving the EU's influence at the UN lies less with the mode of its representation (whether by an EU official or by a member state speaking on behalf of the EU) and more with the willingness of EU member states to reach internal agreements and build support for their common positions within the UN.

Finally, with respect to the EU's capabilities to prevent mass atrocities (an area which I have recently studied), it is apparent that a preventive mindset has not been adequately integrated into EU foreign policy-making. The EU and its member states are still too focused on crisis management. Again, however, the solution here is to try to strengthen the EU's capabilities. No individual EU member state can possibly match the substantial

resources that the EU can use to try to prevent mass atrocities. Instead, attention should be given to improving the EU's expertise in early warning, creating space within decision-making structures to discuss risks, systematically addressing risk factors when using EU instruments such as cooperation agreements or aid, improving the EU's capabilities to react rapidly including with military and police forces, and working closely with other actors such as the UN or NATO to prevent mass atrocities.

References:

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