

Written evidence submitted by Dr Jess Gifkins and Dr Samuel Jarvis (XIN0061)

1. Executive Summary

- 1.1. This submission addresses the question set out in the terms of reference 'How effective is the FCDO's current approach to atrocity prevention, and how can it be restructured to maximise the UK's impact in this area?'
- 1.2. Strategic leadership internationally on responding to mass atrocity crimes is a concrete role the UK can take under its 'Global Britain' platform. Building and sustaining a consensus within the UN Security Council is critical to effective and sustainable action towards the responsibility to protect (R2P).
- 1.3. The need for timely post-Brexit trade deals raises tensions for the UK in how it balances trade against human rights concerns. The UK requires a means of redressing inconsistencies between its trade policy and its human rights policy.
- 1.4. The UK's commitment to 0.7% of GNI in official development assistance is a critical component of the UK's reputation internationally, especially with states from the Global South. Maintaining this is important for development and it is also important for the reputation and standing that it brings the UK internationally.
- 1.5. Within the UN Security Council Arria formula meetings are a useful tool for bringing in expert evidence and as a tool for early warning of the potential for escalating mass atrocity crimes. Another practice that is useful in the Security Council is co-penholding, especially with elected members, as a means of making the Security Council more inclusive and more creative.
- 1.6. An effective national strategy on preventing and responding to mass atrocity crimes will need to reinforce both the role that the UK can play through its diplomatic influence as well as outlining further commitments on peacekeeping including the use of its specialist material capabilities, such as those in training, logistical support and rapid deployment.

2. Short Biography

- 2.1. Dr Jess Gifkins is a Lecturer in International Relations at the University of Manchester and has worked on atrocity prevention for over a decade. She has published research on international responses to crises in Sudan, Libya, Syria, and Yemen, with a focus on practices within the UN Security Council and the responsibility to protect (R2P).
- 2.2. Dr Samuel Jarvis is a Lecturer in International Relations at York St John University. His research publications have focused on the complex interaction between politics, morality, and law at the global level, with a particular focus on the R2P, UN Security Council and international peace and security.

3. This submission addresses the question 'How effective is the FCDO's current approach to atrocity prevention, and how can it be restructured to maximise the UK's impact in this area?'

- 3.1. The government has framed 'Global Britain' as key to its image of the UK's role in the world post-Brexit. This concept has been questioned however in terms of what it means specifically and how this might be different from previous UK foreign policies. As Sir Simon Fraser, former Permanent Undersecretary at the FCO, explained in an interview, "we're going to end up wanting to be pretty much where we are now on international affairs: an active influential voice".¹ One way to develop this concept is by deepening the UK's

¹ Gifkins, Jess, Jarvis, Sam and Ralph, Jason (2019) Global Britain in the United Nations: The United Nations

leadership on mass atrocity crimes and the ‘responsibility to protect’ (R2P), as the government has indicated in its report titled ‘Global Britain: The Responsibility to Protect and Humanitarian Intervention’. Creating a national strategy on responding to mass atrocity crimes is a concrete step that the FCDO can take to develop the image of ‘Global Britain’ with mass atrocity crime prevention at the centre of the UK’s post-Brexit international leadership.

3.2. The UK’s role as a permanent member of the UN Security Council gives it scope to take global leadership on responding to mass atrocity crimes. To take this leadership however it needs to bring other states along with it. Our research has found that rhetoric from Western states, including the UK, on ‘Assad must go’ created divisions within the UN Security Council and limited the scope for collective action.² We found that building and sustaining a consensus within the UN Security Council is critical to effective and sustainable action towards R2P.³ This means accepting the importance of working relationships among Security Council members and working collaboratively rather than pushing members to agree to a course of action which could subsequently damage working relationships, as the Libyan intervention showed.⁴ As such, the idea of ‘R2P competent’ leadership within the UN Security Council is collaborative, constructive, and creative leadership.⁵

3.3. The UK, France, and US dominate drafting of UN Security Council resolutions. The country that leads drafting on a particular topic is now known as the ‘penholder’ of that topic, which is understood by UN Security Council members as a form of ‘political ownership’ of that topic. If the penholder does not draft a decision on a topic no one will draft a decision on that topic.⁶ The UK is penholder for a third of items on the UN Security Council’s agenda which generates some resentment from other members who have less input into decisions.⁷ We recommend that the UK takes a more collaborative approach to penholding in the UN Security Council, for example via expanding its co-penholding.⁸ Greater collaboration on penholding would reduce resentment of the UK’s domination in this area, and thus help to mitigate critique of the UK’s post-1945 role as a permanent member of the UN Security Council.

Association of the UK. Available at: <https://www.una.org.uk/global-britain-united-nations>.

² Ralph, Jason and Gifkins, Jess (2017) ‘The purpose of United Nations Security Council practice: Contesting competence claims in the normative context created by the Responsibility to Protect’, *European Journal of International Relations*, 23(3), p. 644.

³ Ralph, Jason and Gifkins, Jess (2017) ‘The purpose of United Nations Security Council practice: Contesting competence claims in the normative context created by the Responsibility to Protect’, *European Journal of International Relations*, 23(3), pp. 630-653.

⁴ Ralph, Jason and Gallagher, Adrian (2015) ‘Legitimacy faultlines in international society: The responsibility to protect and prosecute after Libya’, *Review of International Studies*, 41(3), pp. 553-573.

⁵ Ralph, Jason and Gifkins, Jess (2017) ‘The purpose of United Nations Security Council practice: Contesting competence claims in the normative context created by the Responsibility to Protect’, *European Journal of International Relations*, 23(3), pp. 630-653.

⁶ Ralph, Jason and Gifkins, Jess (2017) ‘The purpose of United Nations Security Council practice: Contesting competence claims in the normative context created by the Responsibility to Protect’, *European Journal of International Relations*, 23(3), p. 642.

⁷ Gifkins, Jess, Jarvis, Sam and Ralph, Jason (2019) ‘Brexit and the UN Security Council: Declining British Influence?’, *International Affairs*, 95(6), pp. 1349-1368.

⁸ Gifkins, Jess, Jarvis, Sam and Ralph, Jason (2019) Global Britain in the United Nations: The United Nations Association of the UK. Available at: <https://www.una.org.uk/global-britain-united-nations>.

3.4. As the UK develops its post-Brexit identity a critical component is developing new bilateral and multilateral trade deals. Our interviewees speculated that the balance of future UK foreign policy would favour commercial interests over liberal and humanitarian values more often, and several cited the Yemen case as an example.⁹ The UK has been criticised for supplying arms to government of Saudi Arabia while it is engaged in conflict in Yemen. Human Rights Watch, for instance, shows that the UK has sold at least £4.7 billion worth of arms to Saudi Arabia since the escalation of the Yemen conflict in 2015.¹⁰ The House of Lords Select Committee on International Relations argued that this relationship has 'narrowly' put the UK on the wrong side of international humanitarian law.¹¹ The concern here is that the need for new trade deals post-Brexit could incentivise prioritising economic interests over human rights interests and it is critical that there are human rights requirements embedded in new trade deals.

3.5. The UK has a very strong reputation at the United Nations and is held in high esteem by many other member states. A critical component of the UK's reputation internationally, especially with states from the Global South, is the commitment the UK has made to 0.7% of GNI in official development assistance. Our research has indicated that without this commitment the UK's reputation "would be in sort of free fall territory".¹² Our interviewees, from other permanent missions in New York, reported that 'the UK is clearly at the top of the league' in terms of its diplomatic machinery, and that 'There's obviously a very strong diplomatic corps, so in terms of professionalism and expertise they're not outdone on that.'¹³ While the UK's permanent mission in New York (UKMIS) has a high level of political capital these skills and expertise cannot be taken for granted. These skills need to be maintained through continued high-level investments in the British foreign service. Compared to other departments within the British civil service the (former) FCO has seen some of the smallest increases since 2016.¹⁴ The FCO budget was described in a 2018 report by a British parliamentary select committee as 'far too low' and as 'hollowed out'.¹⁵ To maintain and grow the reputation of the UK internationally it is critical to maintain the commitment to 0.7% of GNI as official development assistance and to strengthen the funding for international diplomacy.

⁹ Gifkins, Jess, Jarvis, Sam and Ralph, Jason (2019) 'Brexit and the UN Security Council: Declining British Influence? ', *International Affairs*, 95(6), p. 1365.

¹⁰ Human Rights Watch, Legal challenge to UK arms sales to Saudi (New York, 5 Nov. 2018), <https://www.hrw.org/news/2018/11/05/legal-challenge-uk-arms-sales-saudis>; authors' interview no. 14; authors' interview no. 6, London, 18 June 2018.

¹¹ House of Lords Select Committee on International Relations, Yemen: giving peace a chance (London, 2019), <https://publications.parliament.uk/pa/ld201719/ldselect/ldintrel/290/29003.htm>.

¹² Gifkins, Jess, Jarvis, Sam and Ralph, Jason (2019) Global Britain in the United Nations: The United Nations Association of the UK. Available at: <https://www.una.org.uk/global-britain-united-nations>.

¹³ Gifkins, Jess, Jarvis, Sam and Ralph, Jason (2019) 'Brexit and the UN Security Council: Declining British Influence? ', *International Affairs*, 95(6), pp. 1349-1368.

¹⁴ Gavin Freeguard, Aron Cheung, Alice Lilly, Marcus Shephard, Johnny Lillis, Lucy Campbell, Jenny Haigh, James Taylor and Alasdair de Costa, *Whitehall Monitor 2019* (London: Institute for Government, 2019), https://www.instituteforgovernment.org.uk/sites/default/files/publications/Whitehall%20Monitor%202019%20WEB_0.pdf, p. 26.

¹⁵ House of Lords Select Committee on International Relations, UK foreign policy in a shifting world order, 5th Report of Session 2017–19, HL paper 250, 18 Dec. 2018, <https://publications.parliament.uk/pa/ld201719/ldselect/ldintrel/250/250.pdf>.

- 3.6. One of the most significant challenges to implementing effective prevention of mass atrocity crimes has been the paralysis of the UN Security Council and its reluctance to address early reports of human rights atrocities. To avoid this deadlock, the use of informal Arria-formula meetings between Council members has become an increasingly important tool for early discussion of such incidents. The UK has thus begun to organise and support Arria-formula meetings on a more consistent basis in order to address critical developments that have been blocked or are yet to be included in formal Council discussions. This has most recently seen discussion of the humanitarian situation in Cameroon and human rights in Belarus. Such meetings therefore provide a crucial opportunity for Council members to draw attention to country specific crises and to receive further information from actors on the ground via NGO involvement. Whilst it is not inevitable that these meetings will lead to Country situations being added to the formal agenda, they help to provide an opportunity for early warning of potential atrocities and human rights violations. Moving forward, the UK should thus aim to increase the use of country specific meetings as a tool of early warning and recognise their use as part of a strategic and integrated approach to mass atrocity prevention and response.
- 3.7. UN peacekeeping missions provide a critical tool for preventing and mitigating mass atrocity crimes. Whilst the UK has long been one of the largest financial contributors it has in the past been reluctant to make further material commitments such as the deployment of peacekeeping personnel. There is a need for UK contributions to UN peacekeeping to become more strategic.¹⁶ The recent decision to form a Joint Peacekeeping Unit within the FCO and the deployment of troops to South Sudan and Mali indicates an important shift in approach. Our research has highlighted that a stronger commitment to peacekeeping and troop deployment, in particular, is critical to supporting the UK's credibility when it comes to shaping and influencing the construction of peacekeeping missions in the UN Security Council.¹⁷ An effective national strategy on preventing and responding to mass atrocity crimes will thus need to reinforce both the role that the UK can play through its diplomatic influence as well as outlining further commitments through the use of its specialist material capabilities, such as those in training, logistical support and rapid deployment. Furthermore, these actions will need to be connected to coherent regional strategies and sustained planning in order to help improve UN peacekeeping missions and further support protection of civilians mandates.
- 3.8. Recent research has shown that the UK's understanding of R2P as synonymous with humanitarian intervention. This was demonstrated in statements that relied on the humanitarian intervention doctrine and dismissed R2P's relevance in Syria because of the UN Security Council's non-consensus around the UK's objectives in Syria.¹⁸ This minimises the broad spectrum of preventative activities that are included in the 2005 World Summit

¹⁶ Curran, D, Holmes, G, Cunliffe, P. Peacekeeping After Brexit, published by RUSI, https://www.rusi.org/sites/default/files/20181212_cr_peacekeeping_after_brexit.pdf

¹⁷ Ralph J, Giffkins J, Jarvis S. The United Kingdom's special responsibilities at the United Nations: Diplomatic practice in normative context. *The British Journal of Politics and International Relations*. 2020;22(2):164-181.

¹⁸ Chloë M. Gilgan (2020) 'Human Rights Localisation in Liberal States: The UK's Responsibility to Protect as Regime Change and Political Transition in Syria', *International Journal of Human Rights* (accepted for publication).

outcome document consensus on R2P. An understanding of the broad preventive measures included in R2P – across the FCDO – will facilitate a wider range of responses from the UK when mass atrocity crimes are escalating.

4. Recommendations

- 4.1. Adopt a national strategy on preventing and responding to mass atrocity crimes.
- 4.2. Adopt a more collaborative approach to penholding in the UN Security Council, for example via expanding the UK's co-penholding.¹⁹
- 4.3. Commit to collaborative and constructive leadership on mass atrocity crimes within the UN Security Council that bring other states along with the UK.
- 4.4. Embed human rights requirements in all post-Brexit trade deals.
- 4.5. Maintain the commitment to 0.7% of GNI as official development assistance.²⁰
- 4.6. Increase funding for diplomacy to maintain and strengthen the UK's capacities at the United Nations.
- 4.7. Increase use and support of Country specific aria-formula meetings as part of a strategic approach to more effective early warning response
- 4.8. Increase material and diplomatic support for the shaping and financing of UN Peacekeeping Missions.
- 4.9. That R2P is understood across the FCDO as a broad spectrum of measures, including the prevention of mass atrocity crimes.

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¹⁹ Gifkins, Jess, Jarvis, Sam and Ralph, Jason (2019) *Global Britain in the United Nations: The United Nations Association of the UK*. Available at: <https://www.una.org.uk/global-britain-united-nations>.

²⁰ Gifkins, Jess, Jarvis, Sam and Ralph, Jason (2019) *Global Britain in the United Nations: The United Nations Association of the UK*. Available at: <https://www.una.org.uk/global-britain-united-nations>.