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Transnational Parliamentary Activities in EU Foreign Policy: The Role of Parliamentarians in the Establishment of the EU's Global Human Rights Sanctions Regime

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Although the literature is increasingly interested in the parliamentary dimension of EU foreign policy, to this point no research has covered the role of parliamentarians in EU sanctions policy. This article argues that parliamentarians were successful in keeping the issue of a human rights sanctions regime on the EU's agenda and used all the tools at their disposal to push the EU foreign policy-making machinery in the direction of adopting a new sanctions regime. This article does not limit itself to the study of the European Parliament but argues that parliamentary assemblies of different levels (national, cross-level and European) are interconnected and worked together intensively on the adoption of the EU's human rights sanctions regime.

Keywords: sanctions; legislators; common foreign and security policy (CFSP); parliamentarians; human rights

Introduction

Although the literature on the parliamentary dimension of the European Union's (EU) foreign policy has been constantly growing since the entry into force of the Lisbon Treaty (Herranz-Surrallés, 2014, 2022; Meissner and Schoeller, 2019; Raube *et al*., 2019; Ripoll Servent, 2014; Rosén, 2017, 2018; Rosén and Raube, 2018), scholars have clearly neglected to examine one area of EU external relations, that of EU sanctions policy, and failed to address the question of how parliamentarians are involved in the establishment of new sanctions regimes. The lack of research in the field of sanctions policy is puzzling given that restrictive measures[1] are increasingly used by the EU to address foreign and security policy challenges (Fürrutter, 2020; Giumelli *et al*., 2021; Portela, 2016). Moreover, the European Parliament (EP) nearly always expresses its preferences on EU sanctions regimes.

This article adds the 'sanctions dimension' to the literature and argues that parliamentary assemblies of different levels (national, cross-level and European) played a significant role in keeping the (global) human rights sanctions regime on the EU's agenda. In fact, studying a single parliament is insufficient to understand how legislators working at different levels of governance have been interconnected with each other. The reason why parliaments (of different levels) matter, despite formally weak competences in EU foreign policy, is that they have successfully forced the executives to justify (in-)actions in the field of human rights sanctions regime. The main question of this article is less about the influence of parliaments but rather their ability to provide a forum where

[1]The notions of 'sanctions' and 'restrictive measures' are used interchangeably.

executives may be scrutinized for their (non-)actions in foreign policy issues. As the case of the EU's human rights sanctions regime shows, parliaments questioned and even challenged governments' policies even in areas where they lack (formal) competences.

The article is divided into three main sections. The first section lays out our current understanding of the parliamentary dimension of EU sanctions policy and argues that it remains an extremely understudied area of the parliamentary dimension of EU foreign policy. In the second section the article shows that the majority of research has focused on single assemblies: I claim that this one-sided approach is insufficient to understand how parliaments of different levels are interconnected and the ways they worked together towards a common objective. In the third and most important empirical section, the article demonstrates how different levels of parliaments (supranational, national parliaments and cross-level parliamentary assemblies) worked together so that the executives adopt a human rights sanctions regime at the EU level.

I. The Parliamentary Dimension of EU Sanctions Policy: What We Already (Pretend to) Know

EU sanctions policy is mostly dominated by the Member States, given that only the Council – composed of EU executive representatives – can adopt restrictive measures without the EP's involvement (Helwig et al., 2020; Portela, 2010; Szép, 2019). However, based on EU Treaty provisions, proposals for sanctions are either submitted by the high representative (HR) [with the support of the European external action service (EEAS)] and/or the Commission. In some cases, EU heads of state and government may also launch the decision-making procedure on EU sanctions: in the past few years, evidence has clearly shown that the European Council is more active than ever in day-to-day sanctions policy and is now ready to take the lead in negotiations (Szép, 2020).

As a consequence of the dominant position of EU executives, the role of the EP remains marginal in sanctions policy. Based on Article 215 TFEU, the EP should merely be informed on the imposition of economic and/or financial sanctions. Based on Article 36 TEU, the HR is under obligation to regularly consult the EP on the main aspects and the basic choices of the common foreign and security policy (CFSP). The latter should also ensure that the views of the EP are duly taken into account. Furthermore, the EP may also address questions or make recommendations to the Council and/or the HR. The EP also organizes a debate on the progress of the CFSP every six months. As a result, EU Treaty provisions may give the legitimate impression that the EP remains a weak actor in EU sanctions policy, even after the Lisbon Treaty.

It should be noted, however, that despite the EP's formally weak competences in foreign policy, members of the European Parliament (MEPs) do not remain passive actors. For instance, the EP always organizes debates on the most pressing external challenges and executives are thus often asked and sometimes even forced to take positions publicly on international developments. In the field of sanctions, the EP has always reminded the Council when the latter was not willing to apply restrictive measures against certain states [out of the many examples, see the EP's requests to impose sanctions against Côte d'Ivoire in 2010 (EP, 2010a), or Maldives in 2015 (EP, 2015)]. Moreover, pre-Lisbon, the EP also had the right to recommend amendments on certain types of sanctions under

the consultation procedure. In short, the EP has always closely followed EU sanctions policy and has acquired some policy expertise in the field.

So far, the EU has mostly adopted country-specific sanctions regimes and until 2017, it had only one thematic sanctions regime: the terrorism list. In the past few years, however, there has been a clear trend towards more horizontal regimes in the EU, including sanctions against the use of chemical weapons (2018), cyber-attacks (2019) and perpetrators of human rights violations (2020). One of the fundamental features of these sanctions regimes is that they target individuals and entities irrespective of their geographical locations. This new trend has been thoroughly and well analysed (Portela, 2021a, 2021b) but the role of the parliaments in the development of EU sanctions regimes has not received scholarly attention.

My argument why parliaments (of different levels) matter, despite formally weak competences in the EU's CFSP, is that they can exert indirect pressure on the executives by forcing foreign ministers to justify and explain foreign policy choices. No wonder that lobby activities on the introduction of a European human rights sanctions regime took place mostly in parliaments as the case of human rights sanctions has showed: Bill Browder, former employer of deceased Russian lawyer Sergei Magnitsky, has run years of campaigns in different European parliaments in an attempt to convince Europeans on the need for a 'European Magnitsky Act' (Portela, 2021a). Some parliaments, as will be shown in detail in the empirical section, started listening to Browder and they even called on their governments on several occasions to adopt, either at national or European level, sanctions against those involved in human rights violations.

In fact, despite the old wisdom that executives dominate foreign affairs, parliaments do seek visibility in international relations: for instance, most of the EP's resolutions relate to EU foreign policy with a particular focus on human rights (Meissner, 2020; Wessel, 2019). The EP has been particularly active in tabling questions, holding debates or passing resolutions on human rights issues. As part of the EP's efforts to make itself a player in international politics, it often positions itself in opposition to Member State (political, commercial) interests and usually takes a harder line on human rights issues than foreign ministries (McKenzie and Meissner, 2017, p. 838; Meissner and McKenzie, 2019). At national level, members of parliaments (MPs), whose political survival depends on the electorate, also have incentives to put human rights issues on the agenda, given that in some Member States the electorate and civil society have high standards and expectations in that regard. Seemingly, this is something that Browder was well aware of already in 2011 when he argued: 'People within the [EEAS] may have personal opinions about whether [the establishment of a European human rights sanctions regime] may or may not happen. But ultimately the decision of whether to impose sanctions will be based on public opinion and how that opinion affects democratically-elected members of parliaments and governments in the EU. We are building up public pressure across the EU to make this happen' (Rettman, 2011b).

In the next section, I will show the extent to which parliaments have increased their visibility in foreign affairs. I will also show how research has approached the parliamentary dimension of EU foreign policy so far and will argue that the study of the EP is insufficient to understand how the EU's (global) human rights sanctions regime was successfully kept on the agenda. Instead, parliaments of different levels have become

interconnected with each other and pushed national and European policy-makers to create this new sanctions regime.

II. Which Parliament(s) to Examine? Academic Perspectives on Transnational Activities in EU Foreign Policy

Parliaments are increasingly studied for their (new) role in international politics. Growing interdependence and globalization have internationalized issues which used to be decided in national capitals and these trends have also blurred the line between domestic and foreign policies. International political questions – ranging from trade to human rights issues – have now more direct distributional consequences for domestic actors: given the increasing politicization of international relations, electoral connection is now stronger regarding international issues and, therefore, citizens choose political parties based on the latter's position on such global issues. In addition, MPs have more opportunities to shape international politics by creating transnational networks. All this leads to 'strong incentives for domestic actors from ordinary citizens, interest groups, to political parties and parliaments to take a more active interest in foreign and security policy' (Raunio and Wagner, 2020, p. 517, see also Zürn, 2014). Parliaments do not necessarily accept the delegation of authority to the executives in foreign affairs – instead, they strive for a recalibration of executive-legislative relations by overseeing and scrutinising executive actions in foreign and security policy. The main question is not necessarily about influence of parliaments but their willingness to provide a forum for debate where executives justify and explain their choices (Raunio and Wagner, 2017).

Indeed, within the EU context, the large amount of EP resolutions in CFSP matters suggest that the EP does not accept the institutional position it has under current Treaty provisions (Kleizen, 2016). Authors also highlighted the EP's budgetary power to shape EU foreign policy (Diedrichs, 2004, p. 38; Keukeleire and Delreux, 2014, pp. 85–8; Maurer *et al*., 2005, p. 184). The EP was even charged with blackmailing other EU institutions through budgetary means (Thym, 2006, p. 113). The long-standing debate between the Council and the EP throughout the 1990s over CFSP financing, among other things, led the two institutions to adopt inter-institutional agreements (Monar, 1997, p. 61) that generally further strengthened the EP by introducing concrete dates and procedures for the budgetary coordination process (Diedrichs, 2004, p. 39; Maurer *et al*., 2005; Rosén, 2014; Thym, 2006, p. 115).

The lack of formal EP powers in CFSP did not prevent researchers from examining informal arrangements through which MEPs could influence EU external actions. Crum, for instance, argued that due to the incomplete character of Treaty provisions, the EP might be able 'to exploit the loopholes that are left [and] can bring other European actors to concede certain "informal" powers to it' (Crum, 2006, p. 384). Other studies suggested that indirect and informal means were increasingly used by the EP to influence EU-level security policy: in fact, MEPs were able to exert influence at all stages of policy-making. Pro-activity, for instance, was key to getting a topic on the agenda in cases where the EP could demonstrate that it has expertise even in areas where it may lack formal competences (Rosén and Raube, 2018).

Since the entry into force of the Lisbon Treaty, studies have increasingly focused on the role of Inter-Parliamentary Conferences due to the newly introduced Article 10 of Protocol No. 1, which declares the EU 'may [...] organize interparliamentary conferences on [...] common foreign and security policy, including common security and defence policy'. A number of studies analysed the long and difficult negotiations over the format of inter-parliamentary conferences that were supposed to replace the role of the Parliamentary Assembly of the Western European Union (Caballero-Bourdot, 2011; Herranz-Surrallés, 2014; Raube *et al*., 2019; Wouters and Raube, 2012) or examined the conditions of closer co-operation in a multi-level parliamentary field (Herranz-Surrallés, 2022; Schade and Stavridis, 2021). Other studies examined the rationales for establishing inter-parliamentary conferences. While some researchers argued that the involvement of parliamentarians would contribute to the EU's legitimacy (Lord, 2011, 2019; Sjursen, 2011), others suggested that Inter-Parliamentary Conferences help overcome conflict and war among states (Wagner, 2019).

A few studies have examined the role of national parliaments in EU foreign policy. Flavia Zanon, for instance, examined the role of the Italian parliament in the scrutiny and control of CFSP by analysing the EU's arms export control against China and negotiations with Iran on its nuclear programme. Zanon found that parliamentary scrutiny failed to address relevant questions in both cases and that political parties were using these issues only for rhetorical reasons (Zanon, 2007). In another study, the UK parliament was examined alongside the Italian parliament: the study found that MPs wished to control their governments but they also 'realize[d] that any such move could weaken the ability of the government to conduct successful negotiations' (Zanon, 2010, p. 36). More recent studies have emphasized that parties in opposition tended to initiate more scrutiny in order to decrease information asymmetry vis-à-vis the governments while coalition partners used the same instrument to control their partners (Herbel, 2017). Other recent studies have highlighted that those national parliaments in which EU-level foreign policy was made a systematic and culturally accepted part of parliamentarians' day-to-day work became stronger in scrutinizing the CFSP (Huff, 2015).

Ben Crum and John Erik Fossum were amongst the first to recognize the importance of studying the role of different parliaments in parallel and introduced the notion of the 'multi-level parliamentary field'. They believed that much research was dedicated either to the EP or to national parliaments and rarely, if ever, did scholars try to study them together. In their view, the notion of a multi-level parliamentary field 'is a heuristic device to chart how inter-parliamentary relations are structured in the EU [and] how this reflects upon the distribution of authority in EU decision-making' (Crum and Fossum, 2009, p. 250). According to Crum and Fossum, the 'field can encompass a wide range of parliamentary institutions at different levels within the EU. The field notion highlights, in particular, the emergence of institutions and norms that serve the coordination of the EU's constituent parliaments' (Crum and Fossum, 2009, p. 260). In other words, the notion of parliamentary field 'denotes a field in which parliaments are in some way interconnected in a specific area on and across different levels of political organization' (Peters *et al*., 2010, p. 6; see also Peters *et al*., 2013; Fonck and Raube, 2019; Fossum and Rosén, 2019).

This article argues that analysing only the EP would be a one-sided approach in the case of the EU's human rights sanctions regime. I therefore propose the use of the notion

of the 'multi-level parliamentary field' to understand how different parliamentarians kept the issue of sanctions on the EU's agenda.

III. Method

Following the literature on 'multi-level parliamentary field' and recognizing that democratic representation and legitimating mechanisms are divided in a multi-level EU (Jančić, 2016), this research has examined three levels of parliamentary activities: supranational (EP), national (Member State parliaments) and cross-level (inter-parliamentary meetings). Despite the fact that they lack formal powers to shape EU foreign policy, their success depends on their willingness to conduct scrutiny systematically (Huff, 2015). Indeed, the three levels worked intensively and sometimes even together to exert indirect pressure on the executives in an attempt to establish a 'European Magnitsky Act'.

The three levels, however, represented different challenges in terms of selection. At supranational level, the selection was self-evident: the EP is the supranational parliament in the EU. At cross-level, however, one could possibly examine almost 50 parliamentary assemblies (Marschall, 2008, p. 111). This research has focused only on those that have high relevance from the EU foreign policy perspective: the inter-parliamentary conferences for the CFSP/common security and defence policy (CSDP) and the interparliamentary committee meetings (ICM) in the EP's foreign affairs committee (AFET). The research also included those parliamentary assemblies of international organizations with which the EU maintains intense dialogue, notably the parliamentary assemblies of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe. At national level, every Member State parliament is taken into consideration where MPs, in one way or another, sought to put pressure on the executives through different parliamentary instruments.

This research has examined a period of ten years: from the first call of the EP (December 2010) until the adoption of the EU's human rights sanctions regime (December 2020). The research considers every parliamentary activity where legislators sought to force the executives to justify their choices over the (non-)adoption of sanctions: hearings, parliamentary questions to the executives, inquiries, motions or the adoption of parliamentary resolutions urging governments to adopt restrictive measures.

IV. Transnational Parliamentary Activities in the EU's Global Human Rights Sanctions Regime

This empirical section shows how legislators (of different levels) sought to put indirect pressure on the executives in an attempt to establish a 'European Magnitsky Act'. This section is divided into three subsections: the supranational level, the cross-level and the national level.

The Supranational Level: The European Parliament

MEPs have been one of the most supportive and long-standing groups of parliamentarians in the adoption of a 'European Magnitsky Act'. In December 2010, in an unprecedented move, the EP urged in its annual report on human rights the Russian authorities to investigate the death of Sergei Magnitsky. It further called on the Council, in the absence of

positive actions from the Russian authorities, to consider the imposition of visa bans and asset freezes against Russian officials involved in the case (EP, 2010b).

In view of the lack of action by the Russian authorities, in 2012 the EP recommended the imposition of an EU-wide visa ban and the freezing of assets of officials involved in the death of Sergei Magnitsky (EP, 2012). Forty-seven MEPs even threatened the Council that they would be willing to veto the Visa Facilitation Agreement concluded with Russia unless EU Member States implemented EU-wide measures (Van Elsuwege *et al*., 2013, p. 17). Given that the EU suspended the negotiations of an upgraded Visa Facilitation Agreement due to the Ukrainian crisis of 2014, the EP later merely reiterated its demand to adopt EU-wide measures and named 32 Russian officials the EU should deny visas and whose assets should be frozen (EP, 2014).

Despite continuous calls, the HR(s) – including Catherine Ashton and Federica Mogherini – clearly opted for not presenting a sanctions list to the Council. This does not mean that the EU was silent on the issue: former European Council President Herman van Rompuy called the death of Magnitsky an 'emblematic case' for lack of law and order in Russia (Rettman, 2012) and former HR Catherine Ashton also raised the issue in several EU–Russia human rights consultations.[2] However, days before the EU–Russia summit of 2013, for example, high-level EU diplomats declared that the Magnitsky case was considered Russia's internal matter (Rettman, 2013). Indeed, although a separate section was devoted to human rights issues, the final communiqué of the EU–Russia summit did not officially include the Magnitsky case (European Council, 2013).

When Federica Mogherini succeeded Catherine Ashton, MEPs inquired whether the EEAS planned to undertake any action 'to make sure there is no further impunity in the Magnitsky case' and urged the new HR to 'present a proposal to the Council of Ministers to sanction these 32 individuals' (Rettman, 2014). The EEAS emphasized that on several occasions the EU urged Russia to take action but confirmed that the first foreign affairs council (FAC) meeting under Mogherini would be limited to Russia's war in Ukraine (Rettman, 2014). Indeed, Federica Mogherini, in her reply to MEPs in 2015, declared '[t]he EU has already adopted restrictive measures against Russia for its action in Ukraine. In that context, I consider that additional sanctions targeting human rights violators would not be the appropriate response as they would risk neither triggering a change in policy nor improving the human rights situation' (Mogherini, 2015).

From early 2019, the EP became even more assertive than before. The EP subcommittee on human rights, for example, put the human rights sanctions regime on its agenda many times. It organized an exchange of views on the new EU human rights sanctions regime with activists, NGOs, experts and MEPs. The committee's chair, Pier Antoniu Panzeri said '[t]he [EP] had already advocated for a so-called Magnitsky Act [and] we regularly call on the Member States and the Council to consider targeted sanctions against those who are responsible for serious human rights violations' (EP, 2019d). It is noteworthy that Dutch MEPs were particularly active during the session. MEP Marietje Schaake, for instance, declared: 'it is remarkable sometimes to look back how long this House has been pushing for a horizontal mechanism to apply targeted human rights sanctions […] I think it was about 9 years ago that I first submitted amendments to create a European

[2]See, for example, EU–Russia human rights consultations of 5 May 2011, 29 November 2011, 24 July 2012 or 19 May 2013.

Magnitsky Act. And I believe, frankly, that this House is not the problem – we are very supportive of human rights, often much more outspoken than the Council or the Commission or both and we are prepared to recommend targeted sanctions' (EP, 2019d). It is also noteworthy that MEPs exchanged views with Lord Donald Anderson, the rapporteur of the parliamentary assembly of the Council of Europe's report on introducing European-wide 'Magnitsky laws'.

In March 2019, for the first time in its history, the EP devoted an entire parliamentary debate to the possible creation of a new sanctions regime. In this debate, the Commission, which together with the HR is responsible for proposing sanctions regulations in the EU, was forced to justify actions in this field. Commissioner Johannes Hahn, representing the HR/VP, emphasized the technical challenges to establish a 'European Magnitsky Act' but was mainly supportive of taking such actions. Four political groups (EPP, S&D, ALDE and the Greens) were in favour of the creation of this new sanctions regime, whereas only the members of the Europe of Nations and Freedom opposed the initiative (EP, 2019b). Finally, the EP adopted a resolution, by 447 in favour to 70 opposed with 46 abstentions, to establish a European human rights violations sanctions regime. MEPs insisted that the new sanctions regime should symbolically carry Sergei Magnitsky's name and target individuals, states and non-state actors responsible for or involved in grave human rights violations. Members also called on the Council to adopt this new sanctions regime by qualified majority voting and stressed the need to keep existing country-specific regimes targeting human rights violators (EP, 2010b). On the same day the plenary debate took place, the EP also adopted a resolution on the state of EU–Russia political relations in which, amongst others, it reiterated 'its previous calls for a European Magnitsky Act' and urged 'the Commission and the EEAS to prepare without delay a legislative proposal for an EU-wide Magnitsky Act which would allow the imposition of visa bans and targeted sanctions' (EP, 2019c).

The EP first called for targeted sanctions against individuals involved in grave human rights violations on 16 December 2010 (EP, 2010b). Almost exactly ten years later, on 7 December 2020, the Council, for the first time in EU history, adopted a decision and a regulation establishing a global human rights sanctions regime.[3] Just days after adoption, this activism was appreciated by EEAS Secretary-General, Stefano Sannino, who presented this new sanctions regime to a joint AFET and DROI committee meeting. In his presentation he stated, 'Your long-standing support across parties significantly contributed to the creation of the necessary momentum to make the global human rights regime a reality […] you [the members of the Parliament] have been stimulating, constantly pushing for the adoption of this regime. This is something which should not be underestimated' (EP, 2020).

However, as will be shown, the EP was not the only parliamentary assembly that urged the executives to adopt such measures. Cross-level and national activities also played an important role in keeping the human rights sanctions regime on the agenda.

The Cross-Level: Inter-Parliamentary Meetings

Parallel to Member State and EU-level activities, two other parliamentary assemblies played a significant role in drawing the executives' attention to the creation of a global human rights sanctions regime. On the one hand, the OSCE's parliamentary assembly,

in its annual session of 2012, adopted a resolution on the case of Magnitsky and called on national parliaments to adopt entry bans and asset freezes against individuals believed to be involved in the death of Sergei Magnitsky (OSCE, 2012). On the other hand, in the same year, the Council of Europe's parliamentary assembly started to work on a proposal to send a strong signal to Russia and adopted its own resolution in January 2014 that recommended the imposition of sanctions against individuals believed to be responsible in the Magnitsky case (Council of Europe, 2014).

National lawmakers used other avenues as well to call the (representatives of) executives to account for not adopting the 'European Magnitsky Act'. At the EU level, the appropriate person is the HR who, according to Treaty provisions, may submit proposals for sanctions regimes. Days after the von der Leyen Commission was approved, HR/VP Josep Borrell participated in his first ever AFET interparliamentary committee meeting discussing the EU's foreign policy priorities with national lawmakers and MEPs. Latvian lawmaker Rihards Kols asked the new HR/VP whether Borrell would adopt an EU-wide Magnitsky Act. Borrell responded that he did not have sufficient information on the dossier in question but David McAllister, chair of the committee on foreign affairs, reassured the members that the AFET committee had been asking for this sanctions regime for years (EP, 2019a). Just five days after this AFET inter-parliamentary meeting, HR Josep Borrell announced that EU foreign ministers had agreed on the launch of preparatory works on a possible human rights sanctions regime (EU Council, 2019).

National lawmakers have also used the inter-parliamentary conferences on CFSP/CSDP to promote a 'European Magnitsky Act' where they can ask the council presidency why certain foreign policy measures are (not) adopted. For instance, the inter-parliamentary conferences on CFSP/CSDP in early 2020 concluded that national lawmakers and MEPs support 'the approval of a possible EU global human rights sanctions regime' (Croatian Presidency, 2020). Ursula von der Leyen, in her first State of the Union speech, officially recognized '[the EP] has called many times for a European Magnitsky Act – and I can announce that we will come forward'. In 2020, the Commission and the HR put forward a joint proposal for a Council Regulation concerning the implementation of restrictive measures against serious human rights violations and abuses worldwide (European Commission, 2020).

Apart from this cross-level, Member State activities were quite significant: some national parliaments were particularly active in promoting a human rights sanctions regime (for example, the Dutch parliament), while others even passed legislations in this domain.

The Member States Level: National Parliaments

At the Member State level, the Dutch parliament was clearly one of the most vocal supporters of the adoption of visa bans against Russian officials involved in the Magnitsky affair. In July 2011, Dutch MPs passed a resolution calling on the government to impose sanctions (Barry, 2011) but the government refused it on the grounds of a lack of consensus at the EU level (Helsinki Committee, 2019). The UK was the other leading EU Member State with the adoption of a ban on an unspecified number of individuals linked to Magnitsky's death. This ban, however, did not prevent those individuals from entering other EU countries (Rettman, 2011a; Townsend, 2011).

With a few years differences, the Estonian (2016) and later the Lithuanian and Latvian (2017) parliaments all adopted 'Magnitsky-type legislations' which consisted mostly of

entry bans on individuals involved in serious human rights violations (Portela, 2018, pp. 24–5). From early 2018, Dutch MPs also continued their activism and urged their government to investigate whether there was sufficient support in the EU for such measures and, in the absence of collective actions, asked the government to prepare domestic legislation (Dutch House of Representatives, 2018a). Foreign Minister Blok replied that he had already established contacts with countries that had adopted similar legislation, such as the UK or the Baltic states, and was waiting for a substantive, technical outline of how they designed those sanctions regimes (Dutch House of Representatives, 2018b). In other words, the initial attempts were mainly focusing on bilateral contacts with other EU Member States rather than officially submitting a CFSP proposal in the EU. Minister Blok did not completely rule out the introduction of national legislation but considered that any such measure would be ineffective and, therefore, considered making concrete proposals to the FAC to see if an agreement could be reached at the European level (Dutch House of Representatives, 2018c).

In the second half of 2018, the Dutch foreign ministry, under pressure from Dutch MPs, shifted its focus from bilateral contacts to multilateral discussions and declared its intention to organize a diplomatic meeting with EU Member State officials in The Hague to create support for the human rights sanctions regime (Dutch House of Representatives, 2018e). A discussion paper was circulated to EU capitals ahead of the meeting in which the emphasis was on 'restrictive measures [against] individuals who commit serious human rights violations and abuses' instead of merely referring to Magnitsky by name (Rettman, 2018a). Although some EU Member States decided not to express their opinion in The Hague conference, the Dutch government concluded that it would continue its efforts to keep the issue on the agenda and would raise the issue once again at the FAC of 10 December 2018 when the seventieth anniversary of the Universal Declaration of Human Rights would be celebrated. In his closing remarks at The Hague meeting, Foreign Minister Blok also concluded '[t]he best way to achieve [a European human rights sanctions regime] is at European level […] so we trust that this [Hague meeting] provides a basis for more formal discussions [at the December FAC] in Brussels' (Blok, 2018). Dutch Foreign Minister Blok also reported to the Dutch Lower House ahead of the 10 December 2018 FAC meeting and promised to raise the issue of a global human rights sanctions regime, as part of the implementation of the Omtzigt motion (Dutch House of Representatives, 2018d).

In the end, the conclusions of the FAC of 10 December 2018 contained references to human rights, but only in general terms rather than a specific intention to establish a global human rights sanctions regime. It vaguely stated '[t]he [HR] and the foreign ministers spoke about human rights, given that the meeting of the [FAC] was taking place on Human Rights Day, which this year marked the 70th anniversary of the Universal Declaration of Human Rights' (EU Council, 2018). However, Federica Mogherini, at a press conference after the FAC meeting, declared 'when it comes to the Dutch proposal to establish [the global human rights sanctions regime] – there was an overall positive reaction [amongst EU foreign ministers] but now additional reflection and work at expert level is needed […] to see whether this proposal if feasible, fits properly with our overall sanctions regime system […] In any case, the political decision for introducing sanctions is always taken at political level by unanimity' (Mogherini, 2018). Reacting to the hesitant/reluctant Member States, Dutch Prime Minister Rutte said 'some countries say: we want to give

support, but we want a more neutral name – better a law without a name, then a name without a law' (Rettman, 2018b).

Danish and Italian MPs also raised the possibility to enact legislation following the Baltic countries' similar steps. In mid-2018, Bill Browder – alongside Lithuanian and Estonian MPs – testified in the FAC with the aim that Denmark should introduce Magnitsky-type legislation (Lithuanian Embassy, 2018). In early 2019, Italian Senator Roberto Rampi submitted a legislative proposal to the Italian Senate for the adoption of an Italian Magnitsky Act. A few weeks later, on the initiative of Senator Rampi (who is also a member of the PA of the Council of Europe), several NGOs, experts and Italian MPs met to discuss the application of Magnitsky law at the premises of the Italian Senate. They discussed how such legislation could be implemented at international and national levels and sought to bring the discussion at the level of the Italian chamber of deputies (Open Dialogue, 2019).

National lawmakers realized that measures (other than travel bans) ought to be adopted at the European level. Therefore, in late 2019, 50 lawmakers from different EU Member States (mainly from the Netherlands, the Baltic states, the UK, France, Romania, Slovenia, Spain, Germany and Slovakia) sent an open letter to Commission President von der Leyen to impose visa sanctions and asset freezes on human rights abusers. They added 'it is of utmost importance that the Magnitsky Act is adopted and implemented as soon as possible. We call upon you and Mr. Borrell to make the adoption and introduction of an EU-wide Magnitsky Act as one of your priorities for the first months of your Commission's tenure' (Dutch House of Representatives, 2019). From a legal perspective, EU action in this area was needed, as the Commission's 2019 opinion clarified: 'the unilateral adoption of national asset freeze measures for reasons related to the achievement of the CFSP objectives as set out in Article 215 TFEU would have a clear impact on the functioning of the internal market and would undermine the purpose and effectiveness of the above-mentioned provision of the TFEU' (European Commission, 2019). In the light of the Commission's legal opinion, no wonder that parliamentarians aimed at adopting measures at EU level.

Conclusions

This paper has aimed to complement the growing literature on the parliamentary dimension of EU foreign policy with the 'sanctions dimension': through a study of the new EU global human rights sanctions regime, it showed how parliaments of different levels (national, cross-level and European) interacted with each other in a specific area. Despite the lack of (formal) competences, the reason why parliaments matter in the EU's CFSP is that they provide a forum where the executives are often scrutinized for their (in-)actions in the area of foreign and security policy. As the case of the EU's human rights sanctions regime demonstrates, parliaments were committed to push EU governments in the direction of the adoption of a new sanctions regime.

The results of this article, however, do not suggest that the power of the EP – or any other parliamentary assemblies – has increased in EU foreign policy. The conclusion underscores the fact that EU sanctions policy still remains under the strict control of the Member States. As the analysis has shown, the establishment of the EU's new human rights sanctions regime depended solely on the preferences/interests of the Member

States: for instance, without the strong involvement of the Dutch government, the will of parliamentarians would have been clearly insufficient in adopting a new sanctions regime. However, the role of parliamentarians should not be neglected or underestimated in today's foreign policy-making: interdependence and globalization have indeed blurred the line between domestic and foreign policies, the result of which is that parliamentarians increasingly raise foreign policy issues that used to be decided by the executives. Given that the electoral connection is stronger regarding global issues, parliamentarians (of different levels) also have greater incentives to put foreign policy issues on the agenda. The question is less about the influence of the parliaments but rather their ability to force the executives to justify their responses. This was clearly visible in the EU's human rights sanctions regime: for a decade, parliaments did not accept the position they were given but they pressured governments in an attempt to create a 'European Magnitsky Act'.

This article hopes to have opened a new avenue for future research: after the quasi-success of parliamentarians, it will certainly be useful to continue following what MPs and MEPs are advocating in the field of sanctions policy and examine how they are trying to further enhance their interactions with EU executives in order to uphold their continued presence in EU foreign policy.

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