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Trading Emerging Technologies: Security and Human Rights Challenges to Multilateralism

Machiko Kanetake, Department of International and European Law
EU's value-based trade Building Block (5 May 2021)

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1) Question and main aim of your research

How can the protection of security and human rights be integrated in trade restrictions on digital and emerging technologies?

The main aim is to understand and evaluate the EU's role, both internally and externally.

2) Main challenge

On the execution of research:

- Availability of data in phase 1 (remedied by a series of interviews)

On the subject-matter of research:

- Assumption that export control is technical
- Problematic lack of overarching theoretical and normative analyses

3) Concept: Tensions at multiple levels

- Conceptual tensions (security, military, and human rights)
- Political tensions (1) within the EU and (2) between the EU and international trade and export control regimes
- Normative tensions (e.g., within various human rights)

4) Methodology

Phase 1
Investigate legal and political narrative embedded in tech trade restrictions (including comparative analysis of EU and US)



Phase 2
Theoretical synthesis on multiple tensions (conceptual, political, normative)



Phase 3
Normative assessment on the role of the EU: Adherence to values or loyalty to multilateralism (or combination of both)

Overarching perspectives for phases 1-3:
The EU's constitutional framework & the EU's role at the international level

5) Legitimacy vs Effectiveness

Phase 3 involves the questions of legitimacy and effectiveness.

- The effectiveness of trade restrictions depends on *international regulatory harmonization* across major industrial players through multilateral regimes.
- Yet the pursuit of effectiveness through multilateral regimes does not promise the realization of values and objectives (as yardsticks of *normative legitimacy*) to be pursued through the EU's external action.

6) Distinctive elements

- Maintenance of regional & international security through trade policies (dual-use regulation)
- Military-based vs. rights-based understanding of security

8) Trust

- Transparency in export control licensing decisions
- Consultation and information exchange, not only among EU members, but also between the EU and international regimes

7) Outcome/Conclusions

EU's torn between:

- Multilateralism as a pillar for export control
- Unilateralism to integrate human rights-based export control on technology (cf. security-based unilateralism by the US)

Creating, simultaneously:

- (1) opportunities for the EU to alter the nature of international export control regimes; and
- (2) regulatory uncertainty with regard to the extent of the EU's commitment to rights-based export control

The EU's new dual-use regulation epitomizes (1) & (2)