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THE ROLE PLAYED BY NGOs IN THE COMMON SECURITY AND  
DEFENCE POLICY OF THE EUROPEAN UNION

Thesis presented in partial fulfilment of the Requirements for the Degree of  
Doctor in Security Studies and Defence

by

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## Abstract

Knowledge about how non-governmental organisations (NGOs) influence the European Union (EU) during its policy processes is not widespread across public opinion in the EU or even among those which regularly follow its governance. Focusing on the EU External Policy, mainly its Crisis Management components, we can realize not only that these policy processes inside the European institutions take turns and shifts of direction but also that intentions change without visible causes for the ordinary citizen.

This investigation can be considered as a ‘road map’ to figure out the relationship between an intergovernmental organization such as the EU and Non-State Actors (NSA) mainly NGOs, and how they influence each other. In this work, we show that the theoretical relationship between the behaviour of the EU foreign policy institution and the behaviour of NGOs that operate and work with it, is somewhat dynamic and conditional, with the influence of NGOs on decision-making processes being dependent on certain rules of engagement for specific ‘bodies’ of the EU, while allowing lobbying of individual members of the parliament for example. It is also argued that NGOs influence the EU directly and indirectly, operating as information providers, lobbying groups, agenda setters, and norm generators. An analysis is made of the influence of NGOs on states’ decisions about foreign aid, particularly for some specific missions or operations of the EU foreign policy through the European External Action Service. The theoretical understanding of NGO-EU relationships will contribute to the study of NGOs and their interaction with intergovernmental organizations.

Keywords: Intergovernmental Organizations / Non-governmental Organizations / Crisis Management / Humanitarian assistance

Classifications:

International Conflicts / Negotiations / International Organizations

## Resumo

O conhecimento sobre como as organizações não-governamentais (ONGs) influenciam a União Europeia (UE) nos seus processos políticos não é amplo na opinião pública na UE ou mesmo nos que seguem regularmente a sua governação. Concentrando-nos na Política Externa da UE, principalmente nas componentes da Gestão de Crise, conclui-se não só que estes processos políticos vão mudando de direção, mas também que as intenções subjacentes por vezes mudam sem causas visíveis para o cidadão comum.

Esta investigação é como um "roteiro" para a relação entre uma organização intergovernamental, como a UE e atores não estatais (NSA), principalmente ONGs, e como elas se influenciam mutuamente. Neste trabalho, mostramos que a relação teórica entre o comportamento da instituição de política externa da UE e o comportamento das ONGs que trabalham com ela, é algo dinâmico e condicional, com a influência das ONGs sobre os processos de tomada de decisão dependentes de certas regras de engajamento para “órgãos” específicos da UE, permitindo, ao mesmo tempo, fazer lobby de membros individuais do parlamento. Argumenta-se também que as ONGs influenciam direta e indiretamente a UE, atuando como provedores de informação, grupos de lobby, definidores de agenda e geradores de normas. É analisada a influência das ONGs nas decisões dos estados sobre a ajuda externa, particularmente para algumas missões específicas ou operações da política externa da UE através do Serviço Europeu de Ação Externa. A compreensão teórica das relações entre ONGs e UE contribuirá para o estudo das ONGs e sua interação com organizações intergovernamentais.

Palavras-Chave: Organizações Intergovernamentais / Organizações Não Governamentais / Gestão de Crises / Assistência Humanitária

Classificações:

Conflitos / Negociações / Organizações Internacionais

## Table of Contents

Abstract.....	i
Resumo .....	ii
Table of Contents.....	iii
List of Tables .....	<b>Error! Bookmark not defined.</b>
List of Figures .....	viii
Glossary of Acronyms .....	ix
Acknowledgments .....	xiii
1. Introduction .....	1
1.1 Motivation.....	1
1.2 Research Objectives.....	3
1.3 Methodological Approach .....	5
1.4 Literature Review.....	11
1.5 Case Selection.....	14
1.6 Work Structure.....	15
2. The Common Security and Defence Policy – Historical Background .....	17
2.1 The French Path to the Refusal of the EDA .....	20
2.2 De Gaulle’s Ambitions and Actions .....	27
2.3 The Common Foreign and Security Policy (CFSP) – Birth and Development.....	28
2.4 The Maastricht Treaty.....	29
2.5 The Balkans and its consequences to the EU – From 1998 to the new century.....	30
2.5.1 The Civilian Component of European Crisis Management.....	36
2.6 The Common Security and Defence Policy (CSDP) – Since 2008 .....	42
2.7 The Treaty of Lisbon .....	46
2.7.1 Some relevant aspects of the Treaty of Lisbon.....	52
2.7.2 Permanent Structured Cooperation – PESCO .....	55
2.7.3 Mutual Assistance and Solidarity Clauses – MAC.....	56

2.8	NGOs after the Treaty of Lisbon .....	57
2.8.1	How NGOs are involved in the decision-making process at the EU level – forms and mechanisms .....	62
3.	Common Security and Defence Policy (CSDP) and Crisis Management.....	73
3.1	From the Civil Protection Mechanism to Crisis Management.....	75
3.1.1	Recent Developments .....	79
3.2	A theoretical framework of Crisis Management.....	80
3.2.1	Comprehensive Approach as a key concept for the EU Crisis Management and the Whole of Government Approach (WOA).....	86
3.3	European Union’s Institutional Architecture for Crisis Management ....	90
3.3.1	European Commission (EC).....	91
3.3.1.1	Instruments of the Commission .....	92
3.3.1.2	DG DevCo - Directorate-General for International Cooperation and Development .....	93
3.3.1.2.1	IfS - Instrument for Stability .....	94
3.3.1.3	ECHO - Directorate-General for Humanitarian Aid and Civil Protection .....	94
3.3.1.3.1	ERCC - Emergency Response Coordination Centre.....	96
3.3.1.4	DGE - Directorate-General for External Policies of the Union	97
3.3.2	European Parliament .....	97
3.3.3	The Council .....	98
3.3.3.1	European Council .....	98
3.3.3.2	Council of the European Union .....	99
3.3.3.2.1	FAC - Foreign Affairs Council .....	99
3.3.3.2.1.1	GAC - General Affairs Council.....	100
3.3.3.2.2	GSC - General Secretariat of the Council .....	101
3.3.3.2.2.1	PSC - Political and Security Committee .....	102
3.3.3.2.2.2	EUMC - The European Union Military Committee..	104
3.3.3.2.2.3	EUMS - EU Military Staff .....	104
3.3.3.2.3	EDA - European Defence Agency .....	105
3.3.4	COREPER - Permanent Representatives Committee.....	106
3.3.5	High Representative for the European Union’s Foreign Policy (HR/VP)	108

3.3.5.1	The European External Action Service (EEAS).....	110
3.3.5.1.1	Crisis Platform (CP).....	117
3.3.5.1.2	EEAS Crisis Response & Operational Coordination Department 118	
3.3.5.1.2.1	CRS - Crisis Response System.....	119
3.3.5.1.2.2	EU Situation Room.....	120
3.3.5.1.2.3	Consular Crisis Management .....	121
3.3.5.1.2.4	Crisis Response Planning and Operations .....	121
3.3.6	Operational Organs and Systems.....	122
3.3.6.1	INTCEN - European Union Intelligence Analysis Centre.....	122
3.3.6.2	OPCEN - Operations Centre.....	122
3.3.6.3	SATCEN – EU Satellite Centre.....	123
3.3.6.4	COREU Network .....	123
3.4	CSDP most relevant Institutional Actors .....	124
3.4.1	CMPD - Crisis Management and Planning Directorate .....	124
3.4.2	CPCC - Civil Planning Conduct Capability .....	126
3.4.3	CIVCOM - Committee for Civilian Aspects of Crisis Management .....	127
3.4.4	RELEX - Foreign Relations Counsellors .....	127
3.5	CSDP and Non- State Actors – A Brief Conclusion.....	128
4.	Planning and Decision- Making processes in CFSP/CSDP .....	136
4.1	Enhanced cooperation .....	141
4.2	Simplified Written Procedure .....	142
4.3	PeSCo - Permanent structured cooperation .....	143
4.4	EU Crisis Management – Where do NGOs fit.....	146
4.5	Crisis management Missions/Operations – The Process of Decision Making .....	148
4.5.1	Phase 1: The Monitoring and Advance Planning .....	153
4.5.2	Phase 2: Crisis Management Concept (CMC).....	156
4.5.3	Phase 3: Strategic Options.....	157
4.5.4	Phase 4: Operational Planning.....	160
4.5.5	Phase 5: Launch/Conduct of Operation.....	162
4.5.6	Phase 6: Evaluation .....	163

4.6	IPCR - EU Integrated Political Crisis Response arrangements .....	164
5.	The Humanitarian System .....	170
5.1	Non-Governmental Organizations and the Humanitarian System.....	170
5.2	Civil Society.....	174
5.3	Non-Governmental Organizations (NGOs) .....	176
5.3.1	Non- Governmental Organizations - Strengths and Weaknesses .....	179
5.3.2	Different Types of Non-Governmental Organizations .....	181
5.3.2.1	The International Federation of Red Cross and Red Crescent Societies .....	184
5.3.3	NGOs and International Law .....	189
5.3.4	NGOS and the International Political Process.....	191
5.3.5	NGOs - States relations and dynamics .....	193
5.3.5.1	Do NGOs Influence decision-makers? .....	196
5.3.5.1.1	Through lobby or informal practices?.....	208
5.3.5.1.2	The Legal Basis for Protection - NGOs and the Military .....	216
5.4	Constructivist Theory applied to NGOs .....	227
5.4.1	NGOs and Security.....	233
5.4.2	Assessing at the EU Crisis Management Approach and its relations to NGOs under a Constructivist framework .....	238
6.	Case Study - Mali .....	242
6.1	The Sahel and the Mali Crisis .....	244
6.1.1	Background of a crisis .....	245
6.1.2	The Crisis.....	248
6.1.2.1	Overview of interventions in Mali, and the role of the EU ....	253
6.1.2.2	Key International actors .....	255
6.1.2.2.1	Economic Community of West African States (ECOWAS).....	255
6.1.2.2.2	African Union (AU).....	256
6.1.2.2.3	United Nations (UN).....	257
6.1.2.2.4	G5 Sahel.....	258
6.1.2.2.5	France.....	261
6.1.2.2.6	Other countries involved.....	263



6.1.2.3	Sahel and Mali – Modus operandi of an International NGO (or advocacy network) to influence decision makers. ....	264
6.1.2.4	The spill over effect to other countries .....	267
6.1.2.5	European Union Interventions .....	269
6.1.2.6	EUTM - European Union Training Mission.....	274
6.1.2.7	EUCAP SAHEL Mali - European Union’s Capacity Building Programme Sahel Mali.....	276
6.1.2.8	EUTF - European Union Emergency Trust Fund for Africa..	277
6.1.2.9	Critical Review of EU Interventions: Architecture, Coordination and Coherence .....	278
6.1.2.9.1	Problems and Issues .....	280
6.1.2.9.2	Local Civil Society/NGOs Contribution.....	281
6.1.2.9.3	Performance of the EU services and agencies .....	283
6.2	Synthesis of the Case Study .....	285
7.	Conclusions and Future Research.....	291
7.1	Future Research. ....	305
	Bibliography .....	307
	Annex A – Relevant Concepts .....	328
	Annex B – Crisis Management Process.....	336
	Annex C – Examples of Contributions of NGOs .....	338
	Annex D- Advocacy Opportunities for NGOS .....	340

## List of Figures

Figure 1 - Crisis Response Cycle	89
Figure 2 - The Crisis Platform	123
Figure 3 - Structures of the CSDP/CFSP	149
Figure 4 - CSDP Civilian Planning Phases and Products	150
Figure 5 - Flowchart - Phase 1: Monitoring and Advance Planning	152
Figure 6 - Flowchart - Phase 2: Crisis Management Concept	155
Figure 7 - Flowchart - Phase 3: Strategic Options	157
Figure 8 - Flowchart Phases 4, 5 and 6: Operational Planning, Conduct of Operation, Evaluation	160
Figure 9 - Workflow of IPCR arrangements	167
Figure 10 - 'Boomerang Pattern' of NGOs pressure	240
Figure 11 - Multiple routes for the boomerang effect	242
Figure 12 - Crisis Management Process	325

## Glossary of Acronyms

AU - African Union

ACP - African-Caribbean-Pacific

CCA - Crisis Coordination Arrangements

CECIS - Common Emergency and Information System

CFSP – Common Foreign and Security Policy

CSDP – Common Security and Defence Policy

CIVCOM - Committee of Civilian Aspects of Crisis Management

CM – Crisis Management

CMC - Crisis Management Concept

CMPD - Crisis Management Planning Department

CoE - Council of Europe

CMPD - Crisis Management and Planning Directorate

CONOPS - Concept of Operations

COREPER – Permanent Representatives Committee

COREU - Correspondence Européenne

CMCO - Civilian-Military Co-ordination

CPCC - Civilian Planning and Conduct Capability

CRS – Crisis Response System

CSO – Civil-Society Organization

DCI – Development Cooperation Instrument

DG – Directorate General

DG RELEX – Directorate General for External Relations

EC – European Commission

ECHO - Directorate-General for Humanitarian Aid and Civil Protection

ECOWAS - Economic Community of West African States

EDA – European Defence Agency

EDF - European Development Fund

EEAS - European External Action Service

EIDHR - European Instrument for Democracy and Human Rights

EP – European Parliament

EPLO – European Peace Building Liaison Office

ERCC - Emergency Response Coordination Centre

ESDP - European Security and Defence Policy

ESS - European Security Strategy

EU – European Union

EUMS – European Union Military Staff

EUMC – European Union Military Committee

EUCAP SAHEL Mali - European Capacity Building Mission in Mali

EUCAP SAHEL Niger - European Capacity Building Mission in Niger

EULEX Kosovo - European Union Rule of Law Mission in Kosovo

ICI - Instrument for Cooperation with Industrialised Countries

ICRC – International Committee of the Red Cross

IPCR - Integrated Political Crisis Response arrangements

INTCEN – European Union Intelligence Analysis Centre

FAC – Foreign Affairs Council

FAMA - **F**orces **A**rmées et de **S**écurité du **M**ali

FPA - Framework Partnership Agreement

FPI - Foreign Policy Instruments

FRONTEX - European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

GAC – General Affairs Council

GSC – General Secretariat of the Council

HoM - Head of Mission

HQ - Headquarters

HR/VP - European Union High Representative for Foreign Affairs and Security Policy and European Commission Vice-President

IcSP - Instrument contributing to Stability and Peace

IGO – Intergovernmental Organization

IfS - Instrument for Stability

ISAA - Integrated Situational Awareness and Analysis

IOM - International Organization for Migration

MAC – Mutual Assistance and Solidarity Clause

NATO - North Atlantic Treaty Organization

NGO - Non-governmental organisation

NSA – Non-State Actor

OHCHR - Office of the High Commissioner for Human Rights

OPCEN – Operations Centre

OPLAN - Operations Plan

OSCE - Organization for Security and Co-operation in Europe

PeSCO – Permanent Structured Cooperation

PI – Partnership Instruments

PSC - Political and Security Committee

PFCA - Political Framework Crisis Approach

RELEX - Working Party of Foreign Relations Counsellors (EU)

SATCEN – EU Satellite Centre

SSR - Security Sector Reform

TEU - Treaty on European Union

TFEU - Treaty on the Functioning of the European Union

UDHR - Universal Declaration of Human Rights

UNHCR - Office of the United Nations High Commissioner for Refugees

WEU - Western European Union

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## 1. Introduction

### 1.1 Motivation

Studying civil society and its different organizations is presently a sort of ‘hot topic’ because of all the recent crises around Europe in its broader neighbourhood and the consequent migrant and refugees flows that have been affecting European Union (EU) Member States and the European borders. When we think about this ‘broader neighbourhood’ we have to realize that it goes further than the European neighbourhood policy (ENP), comprehending sub-Saharan countries like the Sahel region. The ENP was created as a policy with multiple instruments - long-term engagement, financial support, trade agreements, and arrangements for easier travel for nationals of several partner countries of the East and South<sup>1</sup> - to promote structural reforms that could contribute to democracy and the rule of law in the EU’s partner countries, enrolled in the ENP, helping them to achieve stronger and prosperous economies by sharing the benefits of the EU’s single market. From the EU’s point of view, the objectives of the ENP was to promote its values and to protect its interests in its neighbouring regions.

Due to media coverage and social networks Non-Governmental Organisations (NGOs) have become a very visible part of civil society in these events, mostly due to the fact that they often seemed to be some of the most organized actor of all (states, intergovernmental organizations and others).

We have grown accustomed to see NGOs as part of our world, at a national level but also at international level through television, newspapers and magazines. We deal and collaborate with NGOs in our cities when they promote campaigns against poverty, hunger, diseases and other struggles but we often notice that many NGOs are currently operating internationally. NGOs are, as Daniela Irrera (2017) puts it, “(...) the most organised and visible part of civil society (...)”.

There is some evidence that NGOs are able to influence state foreign policy behaviours. Well known examples, applied to states’ foreign policies, are more related to the United States reality rather than to the European one, possibly because Americans promote their successes (even if civilian) better than the Europeans do. For example, The Bill & Melinda Gates Foundation, a strong American NGOs, strongly appealed to US government to deliver more on foreign aid to promote economic growth along under developed nations even if the economic crisis was hitting the US. Amnesty International

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<sup>1</sup> There are currently 16 ENP countries: Algeria; Armenia; Azerbaijan; Belarus; Egypt; Georgia; Israel; Jordan; Lebanon; Libya; Republic of Moldova; Morocco; Syria; Palestine; Tunisia; Ukraine.

has been working as a sort of protector of human rights, and it has changed the shared perception of human rights in many countries (Youngman, 2011, p.1).

Foreign aid and NGOs generally have a lot in common, particularly in crisis situations: both are planned to improve or re-establish the social and economic conditions of people in those developing countries or they can be more crises oriented in certain specific regions.

The activities of international NGOs normally target developing countries, but they can also occur in developed countries just because there is a sudden need. They operate many times with funding raised from campaigns, foundations, or even governments in developed countries. Both NGOs and foreign aid, as well as crisis management programs, are very recent in world politics. We can only trace considerable foreign aid and international NGOs since 1945 (Youngman, 2011, p.6) because the number of NGOs intensely increased after World War II (Youngman, 2011, p.6). So, foreign aid policy and NGOs are very recent indeed.

It is quite natural to have a notion that foreign aid and the work developed by NGOs can be very relevant in international world politics. As foreign aid is a topic that has been at the centre of debates in the field of international development, one cannot ignore the importance of NGOs in terms of their impact, their resources, their expertise and knowledge and their importance in the field in so many cases. If we go over the existing literature we realize that NGOs are important actors that can shape the policy agendas, both at the international as well as the domestic level. Domestic NGOs can even go-around the heavy, bureaucratic domestic structures and manage to organize international influence that can act over national governments (Oudelaar, 2015, p.17).

What motivated me as a researcher previously been involved with NGOs and foreign aid, witnessing this relation between states and NGOs in the field (I worked for 6 months as a volunteer in southeast Asia) and reflecting about it later, during my Ph.D. program, was that the relationship between NGOs and states is not so well studied. An important part of the funding for the projects I was involved in Cambodia during my time there, for example, was provided by European states, like Germany and Denmark.

The academic relevance of the research in this dissertation is based on the discussion in political science and international relations about the European Union (EU) and the functioning of its governance processes and their possible relations and interconnections with NGOs. A secondary purpose that I intended to attend to is to fully comprehend the steps that have to be taken inside the EU structure when a crisis emerges somewhere where European interests are at stake. The point here is to demonstrate how do the crisis response and planning actually develop inside the EU,

from the time when the first signs of a crisis are detected, to the point where a civilian mission is launched, and in what steps of that process are NGOs involved?

The research interest can also be found in a topic such as the policy coherence in EU external relation decision-making process. It is true, as it will be shown below, that NGOs share information with the governments they are involved with, and that volunteers and aid workers in the aid-recipient countries bring their expertise and training to the field becoming, in a way, bridges of knowledge between their experience and the country where they are deployed. This interaction with the governments or special interest groups in European countries definitely seems to influence decisions of the donor governments regarding their foreign policy towards these countries and also in their work within intergovernmental organizations such as the European Union and its foreign policy. The activities that NGOs have been developing over the years make them excellent partners into the overall policy framework developed by the EU. Member States have been using the NGOs expertise, mostly in the international scene, and even, as Daniela Irrera (2017) put it, “(...) delegated a variety of functions and executive tasks to them as the NGOs are the implementing actors in the field.”

## 1.2 Research Objectives

As NGOs operate in the field of international development and conflict prevention, their activities, insights and opinions about countries and regions can have considerable weight and impact on foreign aid decisions at the EU foreign policy decision-making level. We often hear NGOs announcing their suggestions on foreign aid and assistance, specially towards intergovernmental organizations like the United Nations or the EU. Even if they are ‘nongovernmental’ organizations, they often work with governments and apparently influence their foreign policies.

I have a distinct and clear intention of going over considerable aspects of the EU’s foreign policy – especially focusing on its ambitions to become a normative power rather than a military one - since its birth, going all the way back to the origins of the CSDP and to a point later in time, where we can establish how this policy relates with NGOs in the end. It will mainly follow a hermeneutic approach through argumentation and interpretation, using data stemming from legislation, policy papers and research findings of several different scholars and authors.

With the main objective of trying to find out whether there is an influence of NGOs on the external policy and on the decision-making process within the Crisis Management procedures in the framework of the Common Security and Defence Policy (CSDP) and how more precisely it occurs, I will show why, how, and what do these organizations contribute to specific operations requirements in some of the examples

being presented to make evidence of my claims. It is important also to meet the criteria of the European institutions and place my efforts on finding out if they even consider as possible such relations that include some collaboration or, to be more specific in this task, to reach the greater goal of finding out to what extent some European institution acknowledges that there are some opportunities for outside civilian actors like NGOs to influence agents within them. It will be relevant to highlight also that there is a specific platform that connects different networks of NGOs, and that serves as a contact between them and the EU with multiple conferences, meetings and addressing distinct fields and areas and bringing advocacy opportunities.

With the focus on the CSDP, it must be acknowledged that decisions in the EU run through a multilateral decision-making process that consists of a sequence of decisions, that in the end, can lead (or not) to a specific operation. Those decisions can be affected by a multitude of factors and the question should be in the direction of whether decision makers are influenced by NGOs trying to show how and to what extent they take advantage of their 'know how' in the field where operations can eventually take place.

The empirical evidences of those NGO-EU relations that I will present provide the necessary support to my argument by giving concrete examples of consultative processes from the EU to NGO or campaigns from NGOs that are intended to either pressure the EU or to publicise given situations that are occurring. The fact is that NGOs' activities are sometimes underestimated, or other times overestimated depending on the research methods and scholars but their real and practical impact on decision-making is quite harder to prove. Hopefully this investigation will add a contribution to the overall understanding of the relationship between these two complex systems (NGOs and European Union).

The analysis that I intend to make will be based on a selection of the vast amount of literature on the European Union, the European External Action Service (EEAS) and on its crisis management component, as well as available literature that evaluates the real actions of the of NGOs in decision-making process in intergovernmental organizations such as the EU and its institutions. Moreover, the analysis will also make use of literature on crises examples in which the EEAS was, or still is involved and where the influence of NGOS in the process of decision could be found. This should give an insight in how these nongovernmental organizations exercise their expertise and the influence that comes with it.

Other substantial documents to be analysed are treaties that established the legal nature of the EEAS and other significant European institutions to this purpose and that also regulate their competences. This analysis will be mainly descriptive.

Based on a quite extensive literature, a secondary objective of this dissertation is to elaborate a critical reflection on the current structure and procedures of the EU related to crisis management and, in particular in what concerns relations with NGOs. In the end the reader should have received a detailed explanation of the whole issue at hand, and to understand the extent to which and how NGOs are able to influence decision-making within the CSDP.

The following table summarizes the research objectives presented above:

<b>Main Objective</b>	Is there (if any) influence of NGOs in the decision-making process within the EU Crisis Management
<b>Secondary Objective 1</b>	If there is an influence what are the ways that NGOs have to play it, bringing concrete examples
<b>Secondary Objective 2</b>	Detail and explain the CSDP and the crisis management decision-making process within it, revealing where NGOs play a role
<b>Secondary Objective 3</b>	Bring a critical reflection over the EU and the importance presently given to NGOs

### 1.3 Methodological Approach

“Constructivism is not a theory, but rather an ontology: A set of assumptions about the world and human motivation and agency.” (Slaughter, 2011)

Through this dissertation, an interpretation of the NGO-EU relationship is sought, going through the formal (constitutional) documents of the EU structure, multiple studies and analyses, while trying to support the associated findings within a framework of international relations theory.

Decision makers rely on their own thoughts about how the world operates in order to decide what to do. It is hard to make good policy if one's basic organizing principles are unclear or are not supported by evidence. The point is security and defence policies usually rest on quite fundamental opinions about the basic forces that shape international outcomes and not on theories per se.

Jolyon Howorth, one of the most prolific writers on the Common Security and Defence Policy (CSDP) over the last decade, has observed that the Common Security and Defence Policy (CSDP) ‘has emerged overwhelmingly as a series of empirical reactions to historical events’ (Howorth, 2007, p.22–23). Using the argument that

theoretical approaches have been missing the goal of providing a comprehensive, satisfactory answer, Howorth suggested that an inductive empirical analysis can be satisfactory for understanding the CSDP (Pohl, 2014, p.8). Also, “No single approach can capture all the complexity of contemporary world politics. Therefore, we are better off with an array of competing ideas rather than a single theoretical orthodoxy. Competition between theories helps reveal their strengths and weaknesses and spurs subsequent refinements, while revealing flaws in conventional wisdom” (Walt, 1998, p.29).

The balance between a wide range of alternative explanations could improve the validity of any of the conclusions of this dissertation.

This dissertation mostly follows the Constructivist Theory, but it must be clear that it does not intend to test its general validity. It will draw on International Relations (IR) theories too, yet the grand IR theories do not seem to offer prompt and comparable explanations of the possible rationales behind CSDP. None of those IR theories have been applied to explaining what the EU does in concrete and in the framework of the CSDP, in its crisis management operations.

To be a constructivist in international relations then one should look at international relations considering the social construction of actors, institutions, and events. It means starting from the assumption that the way people and states think and behave in world politics is due to their understanding of the world around them, and that comprises their own views about the world, the identities they view about themselves and others, and the common considerations and practices in which they take part on (Hurd, 2008, p.312–13).

For the past few decades, a key area in the international relations studies has been the neorealist-neoliberal debate. Neorealist and neoliberals, as critics of constructivist theory, argue that what is in question is not what scholars from both sides say or defend, but what they tend to ignore, like the content and the sources of state interests and the very social fabric of world politics. Constructivism is a theory that has been trying to open the theoretical surroundings of International Relations (IR), by exploring and addressing issues of identity and interest that neoliberalism and neorealism only briefly approach.

Constructivists try to demonstrate that their sociological approach is in fact leading to new, meaningful interpretations of international politics. Constructivists have brought the exploration of the subject of identity from postmodernists. For its importance using approaches accepted by most scholars, they were able to contest mainstream analysts on their own field. The result has been that constructivism under stresses the role of social structures and norms at the expense of the same agents who helped to create and change them to start with. With this theory, scholars came to demonstrate that social construction matters.

Constructivism is mostly concerned about fundamental conceptions of how the social and political world works. More than a theory, constructivism is an inquiry that is based on two assumptions: First, the environment in which actor's act is social as well as material; second, this setting can provide actors with a better understanding of their own interests. "Constructivists start by questioning the very materialism and methodological individualism upon which much contemporary IR theories have been built" (Checkel, 1998).

The first assumption of constructivism, Checkel (1998) argued, is that it reflects a simple view that material structures, beyond the obvious biological necessities, have meaning only thanks to the social context through which they are interpreted in. This author gave us a very good example of this: he suggested that, if we consider nuclear weapons as the ultimate material capability, it is not such weapons themselves that matter. For the United States, it's not very worrying that the British hold large quantity of nuclear weapons, but the fact that North Korea came to possess even one or two generated tremendous concern and that translates into very different patterns of interaction (Wendt, 1995, p.73). To take another example, (Johnston, 2003) ) argued that China has a tradition of acting, when it comes to the international relations arena, according to realist assumptions that are based not on the objective structure of the international system but instead on a more specific and historical strategic culture. By focusing more on the social context where international relations occur leads constructivists to emphasize issues of identity and belief (Slaughter, 2011, p.20).

Checkel's (1998) second assumption points out to the basic nature of human agents and states their relation to broader structural environments. Constructivists

emphasize a process of interaction between actors and structures; the conception of this problems is one of mutual constitution and doesn't fall only under the agents or actor's analysis, neither on that of the structure. So, constructivists question the methodological individualism that underpins both neoliberalism and neorealism, Checkel stated. That actor-centred view asserts that all social phenomena are explicable in ways that involve only individual agents and their goals and actions.

Another good example can be traced to the cyber dimension. Today no one can envision a world that doesn't have Internet or computers. Much of our personal lives depend on these technologies. Global data networks conduct businesses of hundreds of billions of dollars every day, for example (Ciolan, 2014). Using these offers benefits, but it also comes with a cost. Like any technology, cyberspace has its vulnerabilities which can be used by some individuals for personal, economic, political and ideological gain (Livingstone, 2009). The relevant point to uphold is that in this cyber dimension, when it concerns a subject as security, neorealism only considers states in its analysis, with only rare mention to any non-state actors. In analysing conventional wars, that could be somewhat appropriate for neorealism since it is hard for non-state actors to gather a significant number of troops or arms against the state, but if we consider the cyber battlefield single persons or small groups can come up with an attack. It is easy to realize that states can have more financial and technological resources, but big corporations or special interest groups and even terrorist organizations, are all equally able to cause certain damage. Even individuals can hold such power (Petallides, 2012). Cyber security threats arrived with the power to affect the social structures of security and conflicts, compromising norms and participation rules. In cyberspace, the social structure of violence is not so obvious and the lines between civilians and combatants are not so evident. Therefore, an interpretation of the current cyber security policy and its threats from a constructivist point of view can be a relevant experiment that can help all of us to better understand the events and actions from this cyberspace (Ciolan, 2014).

Until recently, something like national security was acknowledged as the government's responsibility and relied on foreign policies, intelligence and military capabilities. Nevertheless, today the critical infrastructure, as pointed by some scholars, is perceived as a shared responsibility because on government by itself won't be able to offer the necessary security (Giacomello, 2006). So, one can easily agree that



“sustaining the engagement of private, local or individual actors in the security networks has the same importance as the national or international attempts in protecting the digital environment” (Ciolan, 2014).

The counterpart of constructivism is not Realism, Institutionalism, or Liberalism, but rather Rationalism. It is by challenging the rationalist framework - the foundation of many of the IR theories - that constructivists manage to create constructivist alternatives in each of these families of theories (Slaughter 2011, p.19). In a constructivist view, the variables of interest to scholars - for example, military power, trade, international institutions, between others - are important because they possess certain social meanings rather than just being objective facts about the world (Wendt, 1995).

To verify the relevance of norms, in many constructivist accounts, there is a model of human and state behaviour where rule-governed action and logics of appropriateness prevail. These very logics involve reasoning by analogy and metaphor and are not only about ends and means. Under them, Checkel (1998) argued that, in this case, actors ask, "What kind of situation is this?" and "What should I do now?" and norms help by supplying the answers to those questions. Norms therefore support both states and actors and provide them with understandings of their own interests. It is relevant to point out that constructivists do not reject science or any type of causal explanation, instead their argument with mainstream theories is ontological rather than epistemological (the content and sources of state interests and the very social fabric of world politics that they tend to ignore).

Checkel (1998) suggested that constructivism had the potential to connect the division that separated the majority of IR theorists from postmodernists. With postmodernists, he argued, constructivists share many of the substantive concerns (role of identity and discourse for example) and a similar ontological stance. With rationalists, they tend to share a largely mutual study of the nature of knowledge itself. “Realists see norms as lacking causal force, neoliberal regime theory argues that they play an influential rule in certain issue-areas. However, even for neoliberals, norms are still a superstructure built on a material base: they serve a regulative function, helping actors with given interests maximize utility” (Checkel, 1998).

For constructivists, norms are understood collectively and that make behavioural claims on all actors. Their effects reach deeper because they constitute actors' identities and interests and do not simply regulate behaviour (Checkel, 1998). "Constructivism has also emphasized the role of non-State actors more than other approaches. For example, scholars have noted the role of transnational actors like NGOs or transnational corporations in altering State beliefs about issues like the use of land mines in war or international trade" (Slaughter, 2011, p.23). Such 'norm entrepreneurs' are able to influence the behaviour of States through rhetoric or other forms of lobbying or persuasion and even shaming (Keck and Sikkink, 1998).

One sign of the constructivist theory success in the last couple of decades is noticing that other approaches have been able to recognize the socially constructed content of some of the concepts used by this theory. "The goods of realist competition, for instance, include status, prestige, reputation, and hegemony, all of which make sense only in terms of either legitimated power or shared understandings. They are, therefore, the stuff of constructivism as well" (Hurd, 2008, p.31). This resulted in a blurred border between the approaches, making them hard to define in exclusive terms, and also raising the possibility that an attempt to reach that same definition can create artificial distinctions.

These remarks and points make a strong argument in a possible debate about the use of constructivism as an essential theoretical support for this dissertation subject. This theory is key to define the role and part that NGOs play in intergovernmental institutions such as the EU. Explaining all its elements facilitates a greater understanding of this matter in a bigger picture. This theory has proven to excel in providing us with more explanations regarding all of the "crisis management world" and in assisting us on the task of understanding the connections between all of its actors, at a level than no other theory of international relations has been able to achieve, mostly because it focuses on ideas, perceptions and structures as flexible social constructs which are in an ever-changing situation. The contribution of this dissertation will consist in both realizing how crisis management missions or operations are decide but also figuring out which are the actors involved, so that we can find where NGOs can have an impact on the final making and to be able to build a clear framework of the

different interactions played among all of the actors among a crisis management mission/operation planning and decision making.

#### 1.4 Literature Review

Surveying the literature in this field one quickly notices that until the last few decades the States were mostly portrayed as the central actors. Many theories seemed to assume that a state was a unitary actor and focused on the study of states and the relationships between them, later including also intergovernmental organizations. With such state-centric view of the international relations arena, the other non-state actors have simply been neglected. As non-state actors, NGOs, among others, have gained more visibility and power over the last several decades inducing scholars to start studying their influence over world politics (Karns et. al. 2010). NGOs, as we have seen, are often described as autonomous, non-profit-making, self-governing and campaigning organizations with their focus on the well-being of others (Gray et. al. 2006).

During the 1960s and early in the following decade analytic work on non-state actors has started, with studies of transnational relations that focused on non-state actors, rather than on states only. Joseph Nye and Keohane (1971) cited in (Youngman, 2011, p.332), defined transnational relations as “the movement of tangible or intangible items across state boundaries when at least one actor is not an agent of a government or an intergovernmental organization.” They argued back then, that non-state actors were playing a significant role in international affairs and they could be one of the main forces which could change state behaviours. Youngman Kim (2011) presented a summary of the main effects of transnational actors that Nye and Keohane (1971) had composed into five categories: “attitude change, international pluralism, increases in constraints on states through dependence and interdependence, increases in the ability of certain governments to influence others, and the emergence of autonomous actors with private foreign policies that may deliberately oppose or impinge on state policies” (Nye and Keohane, 1971, cited in Youngman, 2011, p. 337).

Samuel Huntington (1973) also emphasized the importance of transnational organizations. For this author, it was because of all the social, economic, and technological modernization in western countries after the Second World War,

especially in and with the United States, that transnational organizations expanded so quickly. However, this author never anticipated the rapid increase of the influence of NGOs on international politics in the following decades. Investigators and scholars have started to take a closer look to the state-NGO relationships and how states and NGOs could influence each other over the years, especially after the end of the Cold War, when the number of NGOs increased considerably. Authors like Arjen Boin that developed work in crisis management and its implication to policy making, together with his colleagues Magnus Ekengren and Mark Rhinard came to study the issue of the European Union being or wanting to become an ever more efficient crisis manager, showing its flaws until 2012 and asking where it was going after reviewing its patterns so far.

To begin to understand the EU crisis management component we need to understand the origins and the intentions behind the EU's motivation to become a civilian/normative power rather than a military one. Sven Biscop is an author that is impossible to overlook when it comes to this area of research. Connecting this field with crisis management and its civilian component it becomes clear that it is sometimes necessary to include a military component in certain CSDP missions, thus making it necessary to fully understand a concept addressed by many in the latest years, the concept of comprehensive approach. Scholars like Sven Biscop but also Julian Tupay or Alison Weston and Frédéric Mérand, just to bring some examples, are authors that have worked around this concept and that will help this research.

A truly relevant author to all this research around NGOs and the EU's crisis management is Daniela Irrera, who elaborated around all the interactions between these actors while always trying to realize and reveal the true impact of NGOs in all the decisions of the EU in this area over the years. Later Irrera came to improve her work by making evidence of the more recent EU policies towards crisis responses giving examples of the innovations over the last few years and what seem to be the trends around crisis management for the future.

If we want to study and investigate the influence of NGOs in intergovernmental organizations we have to understand what advocacy means and how it is played in the humanitarian system, realizing how NGOs work and play their advocacy opportunities

in different scenarios. A remarkable author to start understanding how NGOs often develop their work by combining efforts in transnational networks and how they can later exercise their influence and advocacy towards their interests in any given situation is Peter Willetts, but we can't forget to mention the importance of scholars like Margaret Keck and Kathryn Sikkink and their work on *Advocacy Networks in International Politics*.

Youngman Kim is another author that we can't fail to study when addressing topics such as the ones intended for this dissertation. His thesis of the "Unveiled Power of NGOs" is key to understand how these are able to influence States and their foreign policy behaviours.

Since "crises" are a central theme of this dissertation, our focus will be greater in man-made crises, thus we have to move towards the field of conflict prevention and to do so, besides the help of Daniela Irrera, we also need to study and focus our research in authors like Eva Gross and Ana Juncos that work on it and its relation to the EU crisis management or Daniel Hamilton, Claudia Major and Henning Riecke, that together with Eva Gross also elaborated about preventing conflicts and the management of crises. Scholars like Sophie-Charlotte Brune, Anne Kovacs, Anaïs Reding and Maryse Penny, also elaborated in their joint work on the subject of man-made crisis, trying to bring some conflict prevention strategies to the discussions.

This analysis will focus on EU institutions, politics and history, giving emphasis to the more relevant -missions-operations of the now called CSDP. For the effective study of all the concepts in these fields we will study and 'use' a wide range of authors and scholars that work or have worked in European institutions, with NGOs, but also academics and experts in these fields.

Natalia Shapovalova is another important reference due to her study around the EU's engagement with Non-State Actors in the sphere of the CSDP, and Jönsson Tallberg (and his fellow researchers) was vital with demonstrating the different sorts of participation from civilian actors in international institutions. Bob Reinalda is a reference on going over how the relations between civil society and intergovernmental organizations have evolved.

All these scholars and authors are surely going on the basis of this research and will be the cornerstone of this dissertation allowing us to “move” amongst the different fields, finding where they all meet and connecting the dots to prove that NGOs play a part in the decision-making for crisis management within the EU, probably influencing the outcomes.

## 1.5 Case Selection

In order to analyse the relationship between the EU’s external actions and the NGOs, it was decided to include a case study in this dissertation as a concrete example of a crisis and, in this context, the variety and complexity of EU relations with Member States and non-Member States, or other intergovernmental organizations and NGOs, and how this map of relations has evolved over time and as the circumstances of the crisis itself were unfolding.

The case selected was that of Mali for a number of reasons:

- It is quite recent (up until 2018) which allows the correspondence with the institutional architecture and the procedures described in other chapters of this thesis;
- It had a strong role of a member country (in this particular case France) and also the formal participation of the EU;
- In addition to the United Nations, it had (has) very important roles played by two intergovernmental organizations of regional scope, one of continental geography (African Union) and two of geography of proximity, the Economic Community of West African States (ECOWAS); and the G5 Sahel (an institutional framework for coordination of regional cooperation in development policies and security matters in West Africa that comprehends 5 Sahel countries - Burkina Faso, Chad, Mali, Mauritania, and Niger).
- In the field of operations, the involvement of NGOs in the EU (in Brussels) like the Global Partnership for the Prevention of Armed Conflict (GPPAC) with its WOSCAP project ("Whole of Society Conflict Prevention and Peacebuilding") that seeks to enhance the capabilities of the EU in conflict prevention and peacebuilding by the best civilian means available that

applies to this case, through its work on assessing the EU's conflict prevention and Peacebuilding interventions in Mali;

- The availability of relevant and multi-source documentation such as the mission statements and reports, and in particular an evaluation report on EU interventions for this crisis, produced by an independent NGO, not involved in the field and contracted by the EU specifically for the production of this report.

## 1.6 Work Structure

Following this introduction, which covered the motivation, the research objectives, the methodological approach, the structure of the literature review, and the selection of the case study, this dissertation includes a set of three chapters dedicated to the Common Security and Defence Policy of the European Union, the core area within the EU where we will find the relations to NGOs that we intend:

- Chapter 2 with the historical background of the Common Security and Defence Policy (CSDP) of the European Union;
- Chapter 3 dedicated to the Crisis Management component of the CSDP;
- Chapter 4 describing the Planning and Decision processes in that structure;

These are followed by Chapter 5 which is dedicated to the Humanitarian System and in particular the Non-Governmental Organizations (NGOs) and how they relate to the EU Crisis Management System. Chapter 6 is dedicated to the Case Study about the Mali Crisis trying to analyse the EU interventions in it and finishing with a critical review of the latter. The final Chapter 7 presents conclusions and future research.

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## 2. The Common Security and Defence Policy – Historical Background

In order to establish where the link between NGOs and the EU in the crisis management field is located, it is important and relevant to understand where the CSDP had its origins and the steps that the Member States took along the years till the present. What started as an idea for a common defence policy among European countries soon had to start adapting to the reality of the permanent conflict of interests that we still see nowadays in these areas of defence and security.

This idea for a sort of a common defence policy for Europe can be traced back to 1948 when the United Kingdom, France, and the Benelux countries (Belgium, Luxemburg and the Netherlands) signed a Treaty on Economic, Social and Cultural Collaboration and Collective Self-Defence, that came to be known as the Treaty of Brussels. This agreement included a mutual defence clause that many see as the origins for the creation of the Western European Union (WEU), an international organisation and military alliance, which existed until the end of the 1990s, together with the North Atlantic Treaty Organisation (NATO), the main forum for dialogue and consultation on security and defence matters in Europe. After the end of the Cold War and the conflicts in the Balkans that came with the fall of the Soviet Union, the EU started to assume a role in the field of conflict prevention and crisis management.

Presently, the EU is widely perceived as a civilian actor, which is an actor that uses soft-power tools like diplomacy and building profound relations instead of using or threatening with force (Duke, 2002; Krohn, 2009; Manners, 2002). It is an intergovernmental organization that is usually seen as an actor that does not have access to or does not want to use military means in approaching international questions. The EU uses and intends to use even more the persuasion tool than the coercion one, apparently choosing to go with positive conditionality instead of negative conditionality. There is, however, a certain dark area about the space between the use of armed forces and civilian means. Often, the use of military forces for peace keeping missions is regarded as legitimate because they are embedded in a civilian context. The

focus of such actions continues to be on pursuing civilian ends, even with non-civilian means (Leeuw, 2016; Krohn, 2009; Larsen, 2002).

The notion that 'Europe', or the countries comprising the various post-war integration projects (EAEC/EEC/EC/EU)<sup>2</sup> – should try to build their own security and autonomous narrative in a state of relative autonomy from the US is a post-St-Malo phenomenon<sup>3</sup> (Howorth, 2003). It was in the last years of the Second World War that politicians (like Churchill) and planners, both in London and in Paris, started to think of the post war world and mainly, the post war Europe. The idea of a project of a security community, one that would involve all the countries of Western Europe as a necessity to ensure that Europe would never again fall in to another continental war, emerged from that line of thinking.

The origins of what we now call the Common Security and Defence Policy (CSDP) date back to the Treaty of Dunkirk, signed on the 4th of March 1947, by the United Kingdom (UK) and France. It was a 'Treaty of Alliance and Mutual Assistance' between the two countries, which intended to protect them against a possible “renewal of German aggression” (Treaty of Alliance (Dunkirk), 1947, pp.3). On 17th of March 1948, this commitment was expanded, both in its scope and in the number of signatories. The 'Brussels Treaty' was then signed by the UK, France, Netherlands, Belgium, and Luxembourg (The Brussels Treaty, 1948). This treaty kept the main objective of containing any future German aggression, but also expanded the duty of assistance, by introducing a mutual defence clause (Brussels Treaty 1948). This clause is described in Art. IV of the Treaty of Brussels and affirms that “if any of the [parties would] be the object of an armed attack in Europe”, the other signatory countries would provide all the assistance, military and any other, in their power (Brussels Treaty 1948). This specific clause reveals the new fact, which stated that the duty of assistance was not limited to an aggression by Germany, but it was binding against any other country.

This expansion of the duty of assistance can be understood by the increasing concerns with the Union of Soviet Socialist Republics (USSR) in the years following

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<sup>2</sup> Euratom (European Atomic Energy Community). European Economic Community (EEC), European Community (EC)

<sup>3</sup> At a summit at Saint-Malo, France, in 1998, the United Kingdom and France struck a deal which opened the way to the EU developing its own defence capability. The Saint-Malo Declaration that came out from that summit was designed to bolster the EU's ability to conduct autonomous military operations.

the end of the Second World War. To achieve their objectives imprinted in the Treaty of Brussels, the signatory countries decided to create, in September 1948, a military agency named 'Western Union Defence Organization' (European Defence Timeline, 2009). This agency was the precursor of both the North Atlantic Treaty Organization (NATO), and the Western European Union (WEU). Still in 1948, the signatory countries of the Brussels Treaty, seeking to increase the number of allied states, started negotiations with both the US and Canada to establish a treaty for common defence. These talks ultimately resulted in the signing of the NATO Treaty, by Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the UK and the US in April 1949. (UNESCO). The newly formed NATO, led by the United States of America, was aware that the asymmetries in numbers of military hardware were growing and pending even more to the Soviet Union side. To counterbalance this fact, the United States (US) proposed to its allies the rearmament of West Germany and that this country would also join NATO. This would increase the military capability of NATO in a considerable way but left France nervous due to the world wars in the recent past.

With this, and looking back in context, the United States wanted western Europe as a block, as its ally against the Soviet threat. We should realize – pointing out its relevance to this dissertation – that the humanitarian ‘core’ values of the same humanitarian system that we will address later on, are values that are ‘western’ in nature and go back to western Europe when we trace them to their birth place. It was in the 17th-century that the English philosopher John Locke discussed natural rights for the first time (in western culture at least) and identified them as being "life, liberty, and estate (property)" stating that such fundamental rights could not be surrendered in the social contract. Later, with the French Revolution in 1789, France's National Constituent Assembly set The Declaration of the Rights of Man and of the Citizen, a human civil rights document born out of revolution. The Declaration represents until today the core of the values of the French Revolution and had a major impact on the development of freedom and democracy in Europe and worldwide and is at the base of the Charter of the United Nations.

All this common past and these common values are the same where we will see that NGOs thrived and prosper. NGOs being the subject of this dissertation, their

relations with the European Union are at the very basis of this work and so, we must continue to witness and to make an effort in understanding the main episodes behind the construction of the EU, trying to understand how they contributed to what the NGOs have today as a framework, inside de Common Security and Defence Policy, to cooperate and interact with. We will follow, in this brief history path, to the French role - in the very beginning - as a milestone in all the process of the common defence project as an idea that came to be a policy.

## 2.1 The French Path to the Refusal of the EDA

At the beginning of the 50s, the French President, or as it was called at the time, the ‘President of the Council’, Rene Pleven (12 July 1950 – 10 March 1951), proposed to its allies a different and alternative project, called the ‘Pleven Plan’. The idea behind this plan was to create a supranational European Army as part of a new European Defence Community. With this plan the European capabilities of defence would increase, but at the same time it would be possible to keep West Germany's military machine under control. Although the Treaty on the European Defence Community (EDC) was signed in May 1952 (European Defence Community Treaty, 1952) by France, Italy, West Germany, Belgium, the Netherlands and Luxembourg, it ultimately failed when, in August 1954, the French Parliament refused ratification. The reasons for France's refusal were related to both the concern over German rearmament and with the belief that the creation of the EDC would lead to a loss of sovereignty as it later also happened with NATO.

France's unwillingness to ratify a treaty that was proposed by its own President is very relevant to understand the reasons of failure of the European Defence Community (EDC) project. The refusal to ratify the Treaty of Paris happened in August 1954 and marked the end of one of the most divisive periods in French politics.

The treaty which would have instituted the EDC can be considered the most substantial attempt to achieve an integrated European defence system and would not only lead to Franco-German but also to the wider reconciliation of the Federal Republic of Germany to the West. However, the EDC treaty divided the country precisely because it proposed a military contribution from the Federal Republic of Germany and

because it planned the integration of French defence resources within a supranational organization.

The French government had to make a hard choice because it had to worry about the communist threat from the USSR, but also with its traditional German enemy that was, at that time, perceived as a much more imminent and direct threat. This was only five years after the end of the Second World War, and neither the government nor the French public were convinced of a total disappearance of the German threat. To tackle this predicament, the French government intended to apply the (ultimately successful) Schuman Plan concept (launched in May 1950 to organize the production and distribution of coal and steel in Western Europe) to military matters (Schuman Declaration, 1950). This idea was the next step in a future and direct integration that concerned the sensitive defence area, with the establishment of a more supranational EDC with the participation of the six European Coal and Steel Community (ECSC) members.

The EDC was initially proposed in 1950, incorporating the idea of creating an integrated military force, financed by a common budget and ruled by a supranational political authority. The French Government presided by René Pleven (inspired by Jean Monnet), formally presented the idea in 24 of October 1950 (4 years before the parliament rejection), proposing the creation of common army, linked to political institutions of the future European Community, for the purpose of a common Defence for all members.

It is rather interesting to find out that the Inspirer (Jean Monnet) didn't really have a great affection for this Defence scheme after all, commenting to colleagues after the EDC's rejection that it was a bad idea (Dwan, 2001). Monnet asserted, in two of his biographies, that proposing a European army to the French President of the Council, was sort of a preventive measure for the German rearmament issue that could by itself destroy the earlier initiative for a European Coal and Steel Community (ECSC). This earlier initiative, at that time, called "The Schuman Plan", was launched by French Foreign Minister Robert Schuman in May 1950 and the negotiations between the six interested governments were under way since June of that same year (Dwan, 2001). Monnet thought that if the Germans got their rehabilitation in the international system

through rearmament, in line with the American insistence on West German military contribution, they would have no interest in the plan for an integrated European Coal and Steel Community.

Happening around September 1950, Jean Monet was looking at this subject of the German Defence contribution more as something that could and should be organized in a supranational body of a larger and bigger Schuman Plan. This common effort was not meant to be an alternative to an Atlantic effort in Defence but rather something that could accelerate the organization of that same Defence in the Atlantic community. This option was perceived by Monet as something that had the potential of increasing the odds of the Schuman Plan. If the European army were to be integrated in the coal and steel project, then the conclusion of the plan was the precondition to any negotiations on its expansion to the military domain (Dwan, 2001) There was the hope that the ECSC would contribute decisively to prevent a resurgence of large coal and steel groups such as the Konzerne, which was crucial in helping Adolf Hitler rise to power and to fully rearm Germany before the Second World War.

The debate around the EDC project also had some consequence at State level in France, due to the natural undermining of the emerging Franco-German co-operation, highlighting the divergences between France and Britain regarding the future of European Defence and threatening the United States commitment over Europe.

When we look at the actions of the United States (US), it was a certain emergency level that was created by the eruption of the Korean War in 1950, which allowed American President Henry Truman to deploy four US divisions in Europe as a safety measure against the possible expansionist intentions of the communist bloc. At that time there was no significant US presence in Europe and European defence altogether was rather weak (Howorth, 2003). Such presence was subsequently endorsed by the American Congress only based on a resolution which insisted that the Joint Chiefs of Staff 'should certify that the European allies were making a realistic effort on behalf of European defence' (Sloan, 1999, p.12).

In a declaration, drafted by Jean Monet, to the French National Assembly on 24 October 1950, Pleven proposed the establishment of a European army that would be attached to the new political institutions of Europe. This plan was aiming at the

complete combination of human and material components under a single political and military European authority that it would have a European Minister of Defence responsible to a European Assembly, a European Defence Council comprising ministers of Member States and with a single defence budget (Dwan, 2001).

Jean Monet worked extensively on bringing US support to his plan and turned to his large range of US contacts to do so. Monet's arguments for this European army were that it would benefit European integration. When he met with the US President Dwight Eisenhower, on 27 June 1951, he claimed that the key for European unity was European security. He believed that what the US was trying to encourage in European integration, would only happen when there were common resources to exploit and defend (Sloan, 1999, p.13).

With the US's acceptances of his recommendations, Monet was able to press his own government for a greater compromise on the issue of equality for West Germany's in the European Army (Dwan, 2001). When the French government finally approved this principle of equality in an interim report of the Paris Conference, he used this to press the US for a more vigorous support to a European force. It was this US support that allowed the EDC project to seem feasible and made the European leaders move. Monet was able to shape US policy towards the defence project that reflected his own political integration objectives.

It is not possible to identify a specific vision for a political Europe in Monet's vision. That was, at least, unclear by the summer of 1951. There were some institutions revealed in the European Army proposal but nothing that could be seen as an "idea" for a federate Europe. Nowadays it seems that Monet's vision was for France to take the initiative in economic and military projects, probably after calling a conference to design a possible constitution for a sort of political federation. The United States supported the European Unity and applied some pressure on the hesitant French government. French ministers were failing to take Monet's initiative favourably and that led Eisenhower to address the European political unity through his Secretary of State, John Dulles speech (Armitage, 2009) at the North Atlantic Council (NAC) meeting in Rome in November that year.

However, it was not only the rest of the French government that seemed reluctant towards this idea of a federal authority, the countries of the Benelux also opposed any degree of supranational control over political and financial affairs and this is a fact that helps explaining why the treaty negotiations for the European Defence Community were not successful. This led to the resignation of the Belgian president of the Council of Europe, Paul-Henri Spaak, who was tired with the lack of support for political integration. At this stage, it was only a US warning stating that the continuation of these obstructions to the EDC treaty could threaten all the US military and financial aid to Europe, something that made the participants re-think their position. After this the “six participants finally reached the agreement on the principle and the basic details of a common budget.” (Ruane, 2002, p. 147).

By December 1953 John Foster Dulles, United States Secretary of State, addressing the general idea of a European supranational scheme in which West Germany would be rearmed and adding all this up to NATO, issued what many considered to be a threat. Referring to the probability of the EDC not materializing, Dulles stated that the United States (US) would be compelled to consider an ‘agonizing reappraisal’ of its defence commitment to Western Europe (Ruane, 2002). He was playing with the knowledge that some European countries had of discussions within the US Government about a more peripheral US military presence in Europe, something that “would involve the withdrawal of US ground forces from West Germany to bases on the margins of the continent – to Britain, Spain, North Africa and Turkey.” (Bernbaum et. al. 1983). The idea behind all of this was, according to Dulles, “a test of Western Europe’s ability to bury past differences and build a peaceful future.” (Ruane, 2002, p.151)

Monet’s vision was that the EDC would have a single and independent executive but instead a nine-member High Authority was instituted that would be appointed by unanimous government agreement and responsible to a Council of Ministers. The six participants, after this, set aside a possible debate on a European political constitution until a successful implementation of the European Defence Community treaty (Dwan, 2001). Even if there was no will for a European Political authority, Monnet knew that Article 38 would give him what he needed to reach his main goal. In the middle of 1952 he began to put his efforts on the creation of a directly



elected European Parliament. Monnet was sure that he had to resist every attempt that could limit Europe's supranational organizations.

The failure to elaborate the EDC's necessary political provisions, due to the lack of initiative from both the French Government and the European Coal and Steel Community (ECSC) Assembly, led the French, again inspired by Monnet, to focus on the project of a European political body to fully ensure the democratic control of the future European Army. France (in what became known as the Battle for French Ratification, between 1953/54) was, of course, more concerned with the means to control Germany than to see supranationality as an instrument for a European political body, as we have seen before (Dwan, 2001). Jean Monnet and his supporters saw that all this process provided a possible path to reach the goal of a directly elected assembly and started to work closely with the socialists and their leader, Guy Mollet, to follow on that direction (Dwan, 2001).

In November 1953, a foreign affairs debate in the French parliament voted down the only resolution to endorse this project. After that, in April 1954 the French Government announced that it would explore with its five European partners a solution to reinforce the democratic control of the European communities. This attempt came too late because by this time the socialist party, in France, was already too divided over the West German rearmament and at a special socialist party congress, 53 out of 105 parliamentary deputies advised the executive to demonstrate their hostility to the European Defence Community Treaty. This attempt by Jean Monnet to push forward a European political community through the EDC was something that almost 'killed' the entire idea. "(...) for it united those opposed to any form of German rearmament with those prepared to contemplate the prospect but not willing to accept the constraints on national sovereignty involved in EDC."<sup>4</sup>

As mentioned previously, the process of creating a European defence force, was not a priority task to Jean Monnet. It is common knowledge today that Monnet wasn't a part in the technical military planning or that he wasn't even present in the daily negotiations of the project for the EDC (Dwan, 2001). The EDC was to Monnet just a

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<sup>4</sup> Renata Dwan (2001) quotes: Euro Mission Chiefs meeting, 27-29 Aug. 1953, NARA, RG 84, France: Paris Embassy, Records pertaining to the EDC and related organizations, 1951-55, Box 1; NSC 160, US subseries, Office of the Special Assistant for National Security Affairs, White House Office Files, Box 6.

necessary 'component' of a political Europe. This is clear if we consider that in October 1950 he hadn't yet conceived a specific blueprint for a European Union project. His efforts were merely concentrated on integration via coal and steel. Monnet had in the beginning a specific vision of Europe's institutions, a more technocratic one, that would find its bases on the administrative structures of a European defence force as well as in the High Authority of the Schuman Plan. He then started to envision a more concrete and ambitious structure that would come to emerge from the principle of popular sovereignty, a directly elected Common Assembly that would be at the heart of the entire system.

With the successful signing of the European Coal and Steel Community (ECSC) treaty in 18 April 1951 and the EDC treaty in 27 May 1952, Monnet gained all the enthusiasm that made him decide to accelerate the overall integration process and consider that, the weaker the European governments were, especially in France, the stronger the chances of an integration process in Europe moving forward. "(...) it was US support for EDC that made the European leap forward appear feasible. The belief of Monnet (...) that US financial and political backing could complete European Union offers eloquent testimony of the perceptions of US power in the 1950's." (Dwan, 2001)

In the end, Monnet, shaped European policy in a way that would steer it towards the defence project supporting his political integration objectives. It was his failure to obtain domestic public backing for the EDC project that can explain the weakness of the French National Assembly to approve the project itself (Dwan, 2001). The US pressure, placed on the six different European governments, so deeply dependent on its financial and military aid, could not, single-handedly, persuade national governments, the military, politicians and bureaucrats for them to partly bypass the nation state and embrace a common defence project. After the failure of the EDC project, the Paris Agreements established the 'Western European Union' (instead of European Defence Community) with the inclusion of Italy and West Germany. The signatories also stated in this modified Brussels Treaty their main objectives, which were the basis for European economic recovery, the mutual assistance to each other in case of an aggression from an outside state and the promotion of union and encouraging the progress of integration in Europe (Wenger et. al. 2011).

Later, in 1957, the Rome Treaty founded the European Economic Community (EEC). This new international organization had, since its birth, the responsibility and the competence to conduct all international trade relations through its Common Commercial Policy, and to conclude other international agreements in order to associate the very organization with third countries and other international organizations.

## 2.2 De Gaulle's Ambitions and Actions

The year 1958 was a significant time as we can see that it was on that year "(...)" that one can say that we arrive on the next stop of this 'European Defence road', when Charles de Gaulle returned to the French presidency and took effective charge of his country's foreign policy for almost a decade. De Gaulle has an ambitious vision for France, for Europe and for the Cold War: his country should be strong, independent, armed with atomic weapons and it was supposed to deal with the United States as an equal. He felt that Europe should emancipate or be more independent from the United States and achieve the status of a third force in the Cold War. A united Europe under French leadership would then transcend the bloc structures and reach a detente with the Soviet Union" (Wenger et. al. 2011).

For NATO, the alliance that came with the WEU, established by the Paris Agreements, combined with the return to power of De Gaulle, was in general, bad news. For NATO the vision was of a supranational and integrated military organization that the United States would lead. De Gaulle's vision was, obviously, contrary to this. He started to reduce French military cooperation within NATO and in 1966 France completely withdrew from all the military councils and commands and he also ordered NATO's military and civilian facilities to leave the country (Wenger et. al. 2011). The dream of a common defence military organization died and the path to a more civilian common project of foreign policy was starting.

My intention with this historic analysis is to show the first steps of the EU on its path to become the civilian normative power that it came to be, rather than a military one that it initially intended. Realizing the shift to a more civilian component its vital to understand the importance of NGOs to all the work developed within the CSDP over the years since it started. As we will notice next, France still plays a significant role throughout the 50s.

## 2.3 The Common Foreign and Security Policy (CFSP) – Birth and Development

Co-operation in international trade negotiations was a first step in this direction, and the Common Commercial Policy can be dated back to the establishment of the European Economic Community (EEC) in 1957. The CFSP itself has its origins in the introduction of European Political Co-operation (EPC) in 1970. The EPC had the objective of being a consultation process between Member States on foreign policy matters, in order to create a common approach to foreign policy issues and to promote the European Community (EC) own interests, like promoting international co-operation around the globe.

The reason for this European necessity of external representation was mainly caused by a certain need to be present on the ground in the countries or regions where the EEC ran development aid programmes and established trade agreements.

On November 1970, Europe was deepening its regional economic integration, taking the necessary step of attempting to coordinate the foreign policies of European Union's Member States in different areas of economic affairs. The new institutional framework of the previously mentioned EPC established outside the EEC structures had the intention of bringing some kind of coordination among the foreign policies of the then nine members of the Community. It didn't have a treaty basis or an institutional basis and so it was above all declaratory.

The EEC's previous attempts to coordinate foreign policies, such as the European Defence Community (or the European Political Community in the 50's or the Fouchet Plans<sup>5</sup> of the 60's) failed "miserably because of fundamental disagreements about the means and ends of European foreign policy cooperation" (Smith, 2004, p.1). The EPC Foreign Ministers, in 1970 in Munich, set the path for future discussions on the Middle East and the East-West relations that resulted in the Euro-Arab Dialogue and also the Conference on Security and Cooperation in Europe some years after. It was in these years, mostly around these two subjects, that the EPC developed its institutional

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<sup>5</sup> The Fouchet Plan was a plan proposed by French President Charles de Gaulle in 1961 and consisted of an attempt to keep the balance of power in France's favour with the idea of creating a three-power directorate, with France, Britain and the United States. The success of the European Communities and the lack of enthusiasm of other states for the idea stopped the implementation of the Fouchet Plan.

framework and expanded beyond what was anticipated or maybe desired by some ECC Member States.

From 1973 to the first years of the 80's, the European Commission came to extend its representation to multiple locations such as New Delhi, Caracas or even Tokyo. The first 'diplomatic' offices in multilateral organizations, such as in Paris (OECD), Geneva (GATT) and New York (UN), where gained whit observer status only. By the end of the decade, it encompassed some 90 offices across six continents with an increasingly specialized staff (Missiroli, 2016).

Only in 1991 (and with the fall of the Soviet Union) were the taboos and concerns about security issues finally overcome. The cooperation in this specific area could be found in the Maastricht Treaty (Treaty on European Union, 1992) (drafted in 1991 and signed in 1992), even if in an equivocal way.

The EPC, created separated from the ECC's structures, 'grew' in importance and relevancy as it contributed significantly to improve and further develop, over the years, the ECC policies and procedures among its members and acting on their behalf, to some extent coordinating their foreign policies. With the EPC and the establishment of stronger economic relations, Europe was laying the foundations of one of its key foreign policy instruments, the commercial ties and relations with others and what this could mean to developing countries. These commercial partnerships and ties help us understand why the EU became such a vital partner to NGOs in developing countries and on humanitarian aspects.

## 2.4 The Maastricht Treaty

With the elaboration of the Maastricht Treaty, in December 1991, and consequent signing in February 1992<sup>6</sup> the EPC was superseded by the 'Common Foreign and Security Policy' (CFSP). The ECC and the CFSP were legally tied together under this new institutional framework that came to be called the European Union (Smith 2003).

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<sup>6</sup> The Maastricht Treaty entered into force in 1 November 1993 during the Jacques Delors Commission.

The previously established European Political Cooperation served, as mentioned earlier as a foundation (or so it was at the origin), for the Common Foreign and Security Policy (CFSP) introduced with Maastricht. To prove this statement, Article J.4 of the Maastricht Treaty stated that the CFSP comprises ‘all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence.’ The CFSP wasn’t, in fact, part of the EC (the international legal personality), but of the EU (Neuwahl, 1994). Scholars and legal experts could argue that the EU was merely a sort of umbrella, a protection, that would cover the collective actions of its Member States, while others pointed to the separate status of the EU and the fact that it had the advantage of being able to conclude international agreements in its own name (Wessel, 2009, p.8), a subject we will address below, specifically when we analyse the Lisbon Treaty.

It was with Maastricht, that there was the inclusion, for the first time, of defence in a European treaty. The European Council decided to link the eventual framing of a common defence policy to the WEU, which until then had been excluded from the integration process. The CSDP formed part of the Common Foreign and Security Policy (CFSD), the Union’s ‘second pillar’ created precisely in Maastricht (Pohl, 2014). With this formal creation of the new European Union and its CFSP with Maastricht, the legal rules were set and started to emerge the framework for European foreign policy.

Analysing what happened with all the developments in the following years of the 1990’s, we can realize that the EU as a whole showed a big failure in how it reacted to the conflicts in the Balkans up until 1998.

## 2.5 The Balkans and its consequences to the EU – From 1998 to the new century

It was the Balkan wars and consequent NATO response that came to be an opportunity for Europe in a way that gave it the “political impetus for the birth of the collective crisis management capacity” (Koenig, 2015, p.12) in the following years (starting in St. Malo in 1998 and following to the new millennium).

It was Maastricht that gave the European States the framework that allowed them to start increasing their cooperation in the security area, although it has been

mainly an intergovernmental rather than a supranational process. It was evident with Maastricht that enhancing the West European security cooperation was not, by any means, intended to erode NATO but it aimed instead at increasing the European Union's contribution within the Atlantic Alliance. (Taylor, 1994, p.2)

This cooperation can be easily proven in all the evidence of coordination in economic sanctions for foreign policy goals, in the rationalization concerning the European arms industry, and in the creation of a rapid reaction military force. The first time the EU Battlegroups (that will be addressed later) were discussed at the European Council was in its summit on 10 December 1999 in Helsinki. It was in this Council that the Headline Goal 2003 was produced and the need for this rapid response capability was set, specifying that members should provide in small forces at high readiness (Jones, 2007, p.22).

An interesting topic that called the attention of this author and so many others was the increase in security cooperation between EU States since the end of the Cold War in the beginning of the 90's. A relevant question should then be – why was this cooperation during the cold war so light? The answer can be found in the changes of structure, both in the regional, as in the international system (Jones, 2007, p.22–23), and basically EU States started to cooperate in economic sanctions, arms production or military forces as a way to face the resulting unipolar structure that emerged from the Cold War. The European Member States had to start decreasing their reliance on the United States because it was the sole last remaining superpower, increasingly less interested in keeping the heavy investment in the defence of Europe when there was no powerful threat as it was once the Soviet Union. “European leaders believed that aggregating power was necessary to decrease reliance on the United States and increase their ability to project power abroad” (Jones, 2007, p.24).

Relevant to crisis management and to this research, the WEU Council of Ministers meeting in Bonn, Germany (1992) approved the Petersberg declaration of which Article II.4 outlined the following three purposes for which military units could be deployed:

- Humanitarian and rescue tasks;
- Peacekeeping tasks;

- Tasks of combat forces in crisis management, including peace-making.

What came to be known as the ‘Petersberg tasks’, formed from this moment on an integral part of the then European Security and Defence Policy (ESDP) and came to define the spectrum of military actions and functions that the European Union could carry in its crisis management operations. The term ‘peace-making’<sup>7</sup> seemed like a consensual solution and, for many it was also like a synonym for ‘peace-enforcement’. The Petersberg tasks were then incorporated into Article 17 of the Treaty of the European Union (TEU) through the Treaty of Amsterdam, signed in June 1997 and entered into force in May 1999. This Treaty had the objective of codifying several new structures and tasks for the CFSP, and, even if it didn’t create the common defence policy, it managed to increase the Union’s responsibilities in the fields of peacekeeping and humanitarian work and creating some closer ties with the WEU (Treaty of Amsterdam, 1997).

A decade later, in 2009, the Treaty of Lisbon (TEU Art. 42) came to expand these tasks to include (EEAS, 2016b):

- Humanitarian and rescue tasks;
- Conflict prevention<sup>8</sup> and peace-keeping tasks;
- Tasks of combat forces in crisis management, including peace-making;
- Joint disarmament operations;
- Military advice and assistance tasks;
- Post-conflict<sup>9</sup> stabilisation tasks.

Close to a year after the Treaty of Amsterdam, in December 1998, at St Malo - France, in a bilateral meeting between France and Great Britain, it was agreed that “(...) the Union must have the capacity of autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises” (Franco–British St. Malo Declaration, 1998). Both countries also

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<sup>7</sup> See author’s chosen concept at Annex A

<sup>8</sup> See author’s chosen concept at Annex A

<sup>9</sup> See author’s chosen concept at Annex A



decided that they should create “the appropriate structures and a capacity for situation analysis, sources of intelligence and capacity for relevant strategic planning” (St Malo Declaration, 1998). It was in the following year, in June 1999, in Cologne, that the European Council Member States supported and endorsed the Franco-British initiative and brought the WEU to be incorporated within the EU (Koenig 2015).

It was here that the proper birth of the Common Security and Defence Policy (CSDP) took place and where we can trace the birth of the first amendment to the ‘accords’ of St Malo. The German presidency of the EU at the time “highlighted the importance of any EU intervention being premised on consent among the parties and on UN approval” (Simón 2012, 103). This ‘premise’ was truly important due to the fact that it made the initiative more satisfactory to several other members of the Union and also proved to be important by bringing the neutral states to the table and to the initiative. Some authors are not shy to state that this amendment has proven to be a sort of ‘softening’ of the Franco-British initial conceptions affirmed in St Malo the previous year - this condition of a UN involvement came to serve a necessary purpose to many in Europe of restricting the political boldness and any kind of possible military ambitions (Simón 2012, 103).

It was also in June 1999 at the Cologne meeting of the European Council under the German presidency, that the decision was taken that military crisis management should be complemented with a civilian dimension. This new crisis management capacity would be placed within the sphere of the CFSP. Working down this path meant that this was subject of inter-governmental decision-making. The key actors would then be the European Council and the General Affairs and External Relations Council, and the preparatory bodies could be found with the Committee of Permanent Representatives (COREPER) and the Political and Security Committee (PSC).

Later, with the subsequent development of the CSDP there was also an increase of the responsibilities of the High Representative for the CFSP and of its supporting body, the Council Secretariat, that became host to the Union’s growing civilian and military crisis management structures at the strategic level (Koenig 2016).

In the Nice Treaty signed in 2000, the Article 17 stated that the CFSD shall include all questions related the security of the Union, including the progressive framing

of a common defence policy. Article 17.2 of the treaty specifies that questions referred to in this Article shall include humanitarian and rescue tasks and also includes reference to peacekeeping tasks and tasks of combat forces in crisis management, including peace-making (Pohl 2013).

The civilian dimension was officialised in Nice, after all the crisis in the Balkans that forced the EU to realize that it wouldn't – at least for now – be a military power. Its military power was very hard to project in real terms when the events actually occurred, revealing the conflict of interests among Member States, an issue that still lingers in the present as we have witnessed for the last couple of years with the immigration issue.

After establishing the civilian dimension as an objective for the EU we can now address its connections to the civilian society where NGOs are inserted. Non-State Actors (NSAs), and in particular civil society Organizations (CSOs) such as NGOs are recognized by researchers and policy-makers as a factor that influences the effectiveness and impact of EU interventions in foreign crises.

### 2.5.1 The Common Foreign and Security Policy (CFSP) and Civil Society - History and developments of a relation

Several integration scholars started to focus on Civil Society Organisations (CSOs)<sup>10</sup> during the 90's, mostly due to their interest in the impact of involvement of these organisations on the democratic quality of European Union (EU) policy-making (Kohler-Koch, 2010). Some scholars, however remained sceptical with respect to the effects of CSOs on the democratic process (e.g., Cram 2001, Smisman, 2003, Cullen 2009), while others pointed to their output-legitimizing and democracy-enhancing potential (Steffek 2010b).

Joachim Jutta and Margaret Dembinski (2011) mentioned that in respect to the latter, however, research has almost entirely focused on policy areas of the former first

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<sup>10</sup> Civil society refers to all the forms of social action done by individuals or groups who aren't connected to, or even managed by, the State. A civil society organisation is then an organisational structure whose members serve the general interest through democratic processes, and that performs the role of mediator between the public authorities and its citizens. Examples of such organisations include: social partners (trades unions & employers' groups); non-governmental organisations (e.g. for environmental & consumer protection); grassroots organisations (e.g. youth & family groupings). As in: [https://eur-lex.europa.eu/summary/glossary/civil\\_society\\_organisation.html](https://eur-lex.europa.eu/summary/glossary/civil_society_organisation.html) - last consulted October 2017

pillar (Rucht, 2001), asylum (Guiraudon 2001, Uçarer 2009), migration (Friedrich, 2007) and women's rights (Helfferich and Kolb 2001) and neglected the EU's Common Security and Defence Policy (CSDP) (Dembinski, Jutta, 2011). These authors continued arguing that the studies on the former second pillar as these authors argue, continued to be constructed, on state-centric approaches. "Although individual scholars have attempted in recent years to introduce a governance perspective into the field of the CSDP (Webber et al. 2004), they have focused almost exclusively on the Commission (Kirchner 2006), the Council bureaucracy (Vanhoonacker, 2010) or networks between state representatives and EU bodies" (Mérand, 2010) cited in (Dembinski, Jutta, 2011, p.450). Civil society groups, by comparison, have thus far received little attention (for exceptions, see (Dembinski, Jutta, 2014).

The relationship between NGOs, as part of the broader family of CSOs, the EU institutions and their part in the devising of EU security policy started to be relevant for study by researchers of social sciences and political studies when it started to show that NGOs were playing an important part in EU missions (like EUBAM Moldova and Ukraine or EUBAM RAFAH Palestinian Territories) through their expertise and were probably exercising some influence in the decisions being taken. That same interest started to become a bit more prominent over how and to what extent CSOs can improve the democratic quality of decision-making in the CSDP (Dembinski, Jutta, 2014).

The CSDP has also proven to be one of the hardest policy areas for public and private interest groups (that proliferate in other sectors of European integration) accessibility. Security and defence policy are at the centre of the so-called state sovereignty area and deal with "high politics" issues that are – or can be - too sensitive for being brought to the public eyes and scrutiny. Confidentiality tends to be prevalent in the Council of the EU, the decision-making centre of the CSDP, as well as in the crisis management departments of the European External Action Service (EEAS) (Shapovalova, 2016).

The European institutions like the Commission and the European Parliament, that have and give open access to interest groups, experts and civil society in other areas of European integration, are excluded from CSDP. At the same time, as mentioned before, cooperation with Non-State Actors (NSAs), in particular civil society

Organizations (CSOs), is recognized by researchers and policy-makers as a factor that influenced the end game and effectiveness or even the impact of EU interventions in foreign crises. Civil society provides “valuable knowledge” to the EU policy-makers in CSDP and continues to play “an essential role in consolidating democracy in post-conflict countries” (Ginsberg, Penksa, 2012, p.116, cited in Shapovalova 2016). Moreover, cooperation with civil society is commonly necessary to ensure a more local ‘ownership’ of necessary reforms, in which the EU makes efforts to assist via CSDP, and more effective when we consider early warnings and conflict prevention (Fihl, 2015, cited in Shapovalova 2016).

The very involvement of civil society in CSDP decisions and operations has a democratizing potential. Non-governmental organizations (NGOs) and Non- State Actors (NSAs) are becoming more present over the years in the EU security and defence policy. By Lobbying the Council or Member States capitals and also supranational institutions, they can achieve some degree of success in reaching their policy goals (Dembinski, Jutta, 2014). Some early scholars demonstrated that NGOs and civil society groups remained marginal in CSDP decision-making process (Mérand, 2010). Yet some might say that even with the lack of formal institutional arrangements that enables access to CSDP structures, NSA and EU officials manage to interact informally (Gourlay et. al. 2006 cited in (Irrera, 2013)).

Probably it was the end of the Cold War combined with the self-awareness of the EU military capabilities, that laid the basis for a more integrated, structured and organized relation with NGOs in developing countries as important tools of support for the EU’s foreign policy and allowed the NGOs to start trailing the way to a more concrete and systematic relation that could work both ways. We will see that NGOs came from far in the past but started to be more present after the Second World War and we will see where they did fit and how they started to play their roles next to the EU and mainly through the CSDP.

### 2.5.2 The Civilian Component of European Crisis Management

To fully understand this ‘civilian’ approach it is useful to recognize the intensifying economic interdependence that occurred during the 60’s and the 70’s in Europe; which showed the world the strength and benefits of the integration of

European economies during these decades. By showing these economic evidences, many started to argue that what the European Community could offer in world politics were its economic production and international trade and its relations with the developing world when it came to manage the uncertainties of interdependence between developed economics (Manners, 2010). This link between international economics and international relations became increasingly clear.

This turned out to be especially relevant after the fall of the URSS, where the loosening of all the international tension between the superpowers led to expectations that another approach than the military one could gain a more important role in world politics: The European project that exercises its influence through commerce and diplomacy but not by traditional military strength (Twitchett, 1976, p.2).

To understand the instruments that the EU presently possesses for managing international crises, an essential step is the so called 'Headline Goal' concept established in the European Council meeting in Helsinki in December 1999. It was the first concrete step to increase the European military capabilities called for in St. Malo (December 1998) and Cologne (June 1999).

In fact, it was in Helsinki that the European Council agreed on the military aspects of crisis management but (and more important here) also on the civilian aspects of crisis management. These civilian aspects were promoted by the 1999 Finnish Presidency, Portuguese Presidency in 2000 - with the adoption of the Feira Document on civilian crisis management – and by the Swedish Presidency, in 2001, when the EU adopted the Gothenburg Platform for Conflict Prevention. This came to help the Member States to fill a void within the EU's security policy, emphasizing the originality of its approach that still resides in the combination of military and civilian crisis management instruments. Through its reference to a policy that could combine military and civilian dimensions, the EU could at the same time build an internal consensus, involving both NGOs and the military (Telò, 2009, p. 287).

This civilian component and the civilian assets of Crisis Management started to be addressed for the first time at the June 2000 European Council meeting that took place in Santa Maria da Feira, Portugal, where the European Council reaffirmed its commitment to build a Common European Security and Defence Policy that could

proof capable of reinforcing the Union's external action with the development of a military crisis management capability as well as a civilian component. Here, Member States agreed that they should be able to deliver 5,000 police officers for international missions across the range of conflict prevention and crisis management operations by the year 2003. In addition, Member States also agreed to identify and deploy up to 1,000 police officers within 30 days for readiness (Lindley-French, 2010).

The 1999 Helsinki Headline Goal was less specific on non-military crisis management and called for an Action Plan for civilian crisis management based on an inventory highlighting several, more civilian, EU capabilities (more specifically in civilian police; humanitarian assistance; administrative and legal rehabilitation; search and rescue; and, electoral and human rights monitoring).

Most relevant for this dissertation, is that it was this Action Plan that highlighted the true need of strengthening the synergy and responsiveness of national, resources, enhancing and facilitating EU contributions and activities within other organisations as well as autonomous actions, and, ensuring inter-pillar coherence (Helsinki European Council, 1999).

Like several ESDP initiatives, the Headline Goal was a sort of understanding and compromise between France and Great Britain. The Headline Goal was set to be achieved by the end of 2003 but reflected the priorities of 1999 and all the lessons that came from the Kosovo Crisis and the challenges that Europe had to face in the deployment of another large formation to the Balkans - "To develop European capabilities, Member States have set themselves the headline goal: by the year 2003, cooperating together voluntarily, they will be able to deploy rapidly and then sustain forces capable of the full range of Petersberg Tasks as set out in the Amsterdam Treaty, including the most demanding, in operations up to corps level (up to 15 brigades or 50-60,000 persons). These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support services and, additionally, as appropriate, air and naval elements" (Lindley-French, 2005, p.3). Member States committed here that they would be able to fully deploy at this level within 60 days, and within this to provide smaller rapid response elements available and

deployable at very high readiness. They also committed to sustain this deployment for at least one year. (Lindley-French, 2005, p.3).

These capabilities were meant to be a support of the Petersberg Tasks. These, in turn, have come to include humanitarian and rescue tasks, peacekeeping tasks and even tasks of combat forces in crisis management, including, of course, peace-making (in some contexts this is referred as ‘peace enforcement’). EU-led forces assembled in response to a crisis would last only for the duration of the crisis and it would be up to the Member States themselves to decide whether, when and how to contribute troops (Lindstrom, 2006).

This was an ambitious objective because it seems it didn’t take in consideration the demands of rotation (three time more frontline troops would be required), it didn’t count with logistics and supporting services or even with other possible commitments made within NATO or the UN (Biscop Sven; Coelmont Jo 2011).

In trying to respond to confront the division within the EU after September 11, 2001 and the ensuing Afghan war and Iraqi invasion, the EU’s High Representative, at that time Javier Solana, set to define the aim in the security field for the EU through the formulation of the European Security Strategy (ESS) (“European Security Strategy - European Commission,” 2003) that came to force in 2003. In this brief document it is suggested that the EU (with 15 members at that time) should play a role on the world stage within the context of effective multilateralism, in a clear contrast with the American unilateralism (Boin et.al., 2013).

It was a document that reflected the EU’s human security paradigm at that time, a manner of saying that the EU applies politics rather than guns in handling possible conflict situations. The proposed policy objective was supported by the apparent consensus among the states when referring to the importance of strengthening the capacities for peacekeeping<sup>11</sup> and humanitarian assistance (Smith 2003). The ESS made it possible for the EU to claim a specific ‘niche’ that was, until then, unclaimed by any national power. The ESS called for effective crisis management as a part of an EU strategic culture, thereby further reinforcing efforts in this area (European Union 2003).

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<sup>11</sup> Definition in Annex A - Relevant Concepts

The document was accused by many of missing the objective of providing a clear strategy for the EU's crisis management capacity. A supposed relation between the Petersberg tasks and the so called 'hard' security and defence objectives of the CFSP was ignored. "It was soon accepted after that that the Petersberg tasks would also require civilian crisis management capacity which the EU subsequently set out to develop" (Boin et.al., 2013).

It was the Helsinki Headline Goal, in 1999, that addressed NGOs specifically, establishing the necessity of the EU to build closer ties with these organizations and relevant instruments of support for its crisis management, in order to meet the EU own goals on the civilian component rather than only in the military one.

Another, sometimes parallel process, that was happening after 2004 was a collaborative project (in 2006) that made a substantial contribution to the discussion on the role of civil society in crisis management. Under the title 'The Role of Civil Society in Crisis Management' which was undertaken jointly by EPLO, the Finnish Civil Society Conflict Prevention Network (KATU) and Crisis Management Initiative, the project built on the EU Action Plan for Civilian Aspects of ESDP (agreed in 2004 by the European Council), that argued that the NGOs experience and early warning capacity was something valued by the EU's Member States and that regular dialogue and exchange between the EU and NGOs could and should be something regular. Even with this commitment, and several attempts under previous presidencies, the "modalities to deliver regular information exchange both at headquarters and in the field remain undeveloped and little attention has been given to understanding how civil society experience and knowledge might usefully be drawn upon in ESDP capacity-building, including in the areas of training and recruitment." (Weitsch, 2008, p.14).

The project wanted to tackle this issue and to that purpose a report was commissioned to address these issues and to deliver a set of recommendations for all the actors involved. The report had extensive consultation with both NGOs and with Committee for Civilian Aspects of Crisis Management (CIVCOM) in its base. The publication: 'Partners Apart: Enhancing Cooperation between Civil Society and EU Civilian Crisis Management in the Framework of ESDP' was the cornerstone of a conference that took place in mid-2006. The goal of such conference was to present



those recommendations that could be agreed by all partners - the Council, the Commission and NGOs.

A subsection of recommendations from this report was approved by CIVCOM in November that year and subsequently sanctioned by the Political and Security Committee (PSC) of the Council of the European Union. It is important to note at this time that the recommendations included regular information exchange, the inclusion of NGO knowledge in fact-finding or pre-planning of missions, the possible inclusion of NGO feedback s in lessons learnt processes, some degree of collaboration from NGO on training and preparation, the establishment of NGO liaison functions at missions headquarters and even at missions level, and pro-active engagement at policy and operational level also. The same recommendations included that a review of progress should happen in 2008 which was accomplished.

In the Treaty of the European Union (TEU), Paragraph 4 of Article 11 is called “The New Citizens’ Initiative Right” (Treaty of Lisbon, 2007). This came to allow hundreds of thousands of citizens to directly address, by themselves, the Commission, allowing them to present new proposals on European matters. “The Commission is obligated to give serious consideration to demands made by a million citizens from “a significant number of Member States”.” (Versteegh, 2011, p. 2). According to this author the requirements in terms of admissibility and substance are not stated, not even the timeframe for submitting an initiative or the process that should follow.

A follow up project, under the title: ‘Partners in Conflict Prevention & Crisis Management: EU and NGO Cooperation’ (EPLO Report, 2017) was accepted collaboratively by EPLO, Crisis Management Initiative, the Bertelsmann Foundation, and the German Foreign Ministry (due to the fact that it was under German presidency of the EU). For this project the emphasis was on conflict prevention and also in crisis management, with events from both pillar 1 and 2, and included two case studies that focused explicitly at the level and extent of cooperation between EU actors and (international/European) NGOs in the field (Weitsch, 2008, p.15). This two case studies, one in Somalia and one in the Democratic Republic of Congo (DRC) focussed primarily on the level in which there was some civil society engagement and also

exchange with EU actors. I will address the subject of such contributions that NGOs can make to meet possible EU objectives in Chapter 5.

## 2.6 The Common Security and Defence Policy (CSDP) – Since 2008

We must now consider what was the perception of what was named ‘Civilian Headline Goal 2008’ and its relevancy to the CSDP. The main aim of the Civilian Headline Goal (CHG) 2008, that was agreed in 2004 (partially motivated by the European Security Strategy of 2003), was to increase the EU’s capability of acting with coherent responses to crises from both the EU’s first and second pillars<sup>12</sup>.

With it, various types of civilian crisis management operations could start being pursued comprehending the four elements of the civilian component of crisis management in the ESDP (police, rule of law, civilian administration and civil protection) (Engelbrekt, 2010).

The document stated that the EU should be capable of conducting numerous missions (operations) at the same time, and the missions should be ready to be deployed within 30 days of a decision. In addition, it was stated in this CHG that ‘when necessary, civilian crisis management missions must be able to draw on military enabling capabilities’ (Engelbrekt, 2010, p.3–4). The document had its focus on improvements in terms of deployment ability and interoperability. It intended to expand the tasks for civilian crisis management like for example monitoring missions or missions to support the Special Representative when one has been appointed (Bauer, 2006). It addressed the civilian crisis-management capacities through the combination of different modules to address specific needs of a crisis. Another relevant point was the intention of creating Civilian Response Teams (CRT), that should be ready for deployment in five days after a request by the Council, by the Secretary General or the PSC, and it has to be self-sustainable for at least 3 months (Bauer, 2006).

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<sup>12</sup> The Treaty of Maastricht (1992) came to create the European Union. A single body of "three pillars" that was consisted by the European Communities, the Common Foreign and Security Policy and the Cooperation in Justice and Home affairs. These pillars were the three policy areas. The second pillar, which concerns common foreign and security policy, was built upon a tradition of loose informal cooperation in foreign policy, called European Political Cooperation (EPC).

Two years after the CHG 2008, the Headline Goal (HG) 2010 proved to be the logic consequence of the initial Helsinki Headline Goal of 1999. In that first HG, actual quantitative measures on the military capacity that the EU should have met by 2003 were established. In its turn, the conception in 2004 of the HG 2010 was more focused on qualitative aspects than its predecessor. This meant that the implementation of the military component of the HG 2010 was not specified or even clearly defined in that document at that time (Kjell Engelbrekt, 2010). The European Council communiqué of 17-18 June 2004 stated: “Building on the Helsinki Headline and capability goals and recognizing the existing shortfalls that still need to be addressed, Member States have decided to commit themselves to be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the full spectrum of crisis management operations covered by the Treaty on the Union. This included humanitarian and rescue tasks, peace-keeping tasks, and tasks of combat forces in crisis management, including peace-making” (Headline Goal, 2010). Here, the certainty among the several European institutions was that in many crisis scenarios the range of European assets was truly limited, at least in a timely manner, to actually make an impact in the field. To add to this, another aspect of increasing awareness was –that knowledge about a specific country, region or ethnic group, in so many different countries, can also be quite insignificant. With these limitations in mind, NGOs were the most obvious and trustworthy partners for the EU crisis management, especially in its civilian component. Nevertheless, even the military component had to gain from the partnership of the EU with NGOs in some specific crisis scenarios’, benefiting from their knowledge of the field and capacity to extract important information that could be, sometimes, vital for military operations in crisis situations.

Going back to the HG 2010, that was approved in 2007, it had the objective of increasing the EU’s “actor capability by a rapid reaction with a global reach covering the whole range of the EU Crisis Management tasks” (Engelbrekt, 2010).

The HG 2010 included some relevant aspects like the establishment of a European Defence Agency (EDA), which was meant to coordinate all the procurement and R&D activities of the Member States, as well as the civilian-military cell within the European Union Military Staff (EUMS), coordinating also civilian and military aspects of missions and operations. The EDA, through its three Directorates (to be addressed

below) is able to assist Member States in optimizing the coherence of their defence capabilities at the same time as it tries to further develop synergies and promote innovation among them. The EDA helps the Member States to harmonize their requirements, their regulations and their training and contributes to a greater consistency in information exchange and structured dialogue in the weapons and armament industry being crucial for cost efficiencies as well.

Another relevant aspect of the HG 2010 that we will briefly address is the Battle group concept. It consisted of 1500 combat personnel plus Logistics and Support, either of national or multinational forces of EU-Member-States (13 battle-groups were committed by Member States at the Military Capability Commitment Conference in November 2004 and meant to be enforced by 2007). Between the two latest HG the number of missions has grown exponentially, and this required a more professional and efficient approach.

The Progress catalogue 2007 approved by the Council of the European Union on 19 November 2007 set the culmination of the process launched in the wake of the approval of the Headline Goal 2010 earlier that same year. The Catalogue was conceived to identify quantitative and qualitative military capability deficits and based on the requirements set out in the Requirements Catalogue 2005 and also on the contributions compiled in the Force Catalogue 2007. It went over potential implications for military tasks that were carried out in crisis management operations. The conclusion of the Progress Catalogue 2007 was that the EU, with a view to 2010, already had - back then - the capability to conduct the full range of military operations within the parameters of the Strategic Planning Assumptions, but with different levels of operational risks coming from the identified shortfalls. The main purpose of 'catalogue' was to issue some recommendations to the Member States on managing their own shortfalls. The Progress Catalogue, together with the EU Military Committee (EUMC) subsequent work on prioritizing the shortfalls, was a key contribution to the Capability Development Plan drawn up by the Member States via the EDA and the EUMC (European Union, 2009).

Although these instruments and tools were intended to meet the operational requirements of potentially necessary CSDP missions and have been applied over the

last decade and a half, the fact remains that it is bureaucracy and the decision-making processes within the EU that slowdowns the crisis response mechanisms. We will be able to see in the next chapter the ‘procedures’ that can be played out by the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP) and by the Council to avoid the constant need for consensus and the repeated failures that the EU has lived when trying to address a crisis.

Military missions within CSDP crisis management operations, were sometimes essential for the civilian component (being rule of law – police; judicial support or electoral support missions) to act and play their role in some missions. Some other times, civilian missions were put in place to play a role in armed forces in other countries – the European Union civilian mission EUCAP Sahel Mali had the objective of assisting the internal security forces in reasserting the government's authority over the whole of the country, but for the success of this particular mission the EU Training Mission in Mali (EUTM Mali) has to succeed. This mission constitutes the military pillar of the EU strategy in the country, and even includes other fields such as political and humanitarian development. EUTM Mali was born in 2013 to respond to the need to strengthen the capabilities of the Malian Armed Forces, something vital to ensure that the national armed forces could contribute to the defence of their population and territory and would be able to support the restoration of state control and the rule of law throughout Mali.

In many situations the military are essential to provide a secure situation for civilian actors to work and this secure situation is of the utmost importance for local or international NGOs in the field and this is why we should be aware of the developments made in this other component of crisis management inside the EU, realizing their key role for the civilian actors, whether they are from the EU or from other organizations that are developing their work in the terrain like NGOs.

Military forces can and should act within an effective comprehensive approach to given situations and prove their role and their importance for the successful outcome of civilian crisis management missions.

## 2.7 The Treaty of Lisbon

The Treaty of Lisbon (Treaty of Lisbon, 2007) was signed in December 2007 and formally implemented on 13 December 2009, amending the Treaty on the EU (1992) and the Treaty establishing the European Community (1957) bringing significant institutional innovations in the EU's external action and procedures.

Simplifying it, the Treaty of Lisbon, consists of two parts: first, the Treaty on the European Union (TEU) and, second, the Treaty on the Functioning of the European Union (TFEU). The first part concerns shared concepts among the European Union Member States and states the European values. The second part is the part that addresses the functioning of the European Union, always based on the principle of equality of and for all Europe's citizens.

Of particular importance in the TEU is its Article 21 that specifically names the main governance principles that should guide the EU's external actions: democracy, the rule of law, human rights, fundamental freedoms, human dignity as well as equality and solidarity.

Authors Van Vooren and Wessel (Van Vooren, Wessel, 2014) name development policies and the CFSP in combination with the Common Security and Defence Policy (CSDP) as two fields of the EU's external actions (Maibaum, 2016). According to Article 208(1) of the TFEU, development cooperation "shall be conducted within the framework of the principles and objectives of the Union's external action" that are codified in Article 21 TEU.

Article 10 of the TFEU states that the functioning of the Union should be founded on representative democracy as it was established in the TEU. However, it pointed out also that the citizens and their representative associations are given the opportunity to make their views known and publicly exchange ideas on all subjects of Union action. To meet this claim, or desire, Article 11 of the treaty gave European institutions the capacity to maintain an open, transparent and regular dialogue with representative associations and civil society (The Treaty of Lisbon, 2007).

The changes that the Treaty of Lisbon brought about had the ambition of transforming the decision-making processes, and to increase the internal coherence and

efficiency of the Union's foreign policy (Hynek, 2011). The Lisbon Treaty came to abandon the three-pillar structure and consequently the very close interlinking of what was formerly the first two pillars. Some experts, however, can even question the certainty or even the absoluteness of such a view when it comes to the common foreign security and defence policy, which remains the only policy field with a proper, separate, legal status.

The EU, as mentioned in relation to the changes introduced with the Maastricht Treaty, possesses an unique and distinct legal status, being in its relation to its own members but also towards third states. "In legal terms the EU as an international actor refers to the entity that has express legal personality and the capacity to act in the international legal order. What is then characteristic of this international actor, and what makes some define it a *sui generis* international actor, is that the EU is neither a state with full international powers, nor a traditional international organization with limited powers to go against the will of its members" (Wessel, 2015, p.7). The EU, however, is based on the principle of conferred powers, or simplifying it, it can only act where its Member States have given it the competence to do so. It's relevant to point out that Member States will no longer be allowed to act by themselves once competences were agreed and transferred exclusively to the EU. Therefore, Member States have, more or less, a prominent role in the formation and execution of international action in the relevant area (Wessel, 2015)

The Lisbon Treaty gave the EU a legal personality. Moreover, a qualified majority voting procedure was introduced to some areas of the new Common Foreign and Security Policy (CFSP) but decisions with military and defence implications still require unanimity across Member States. The CFSP and CSDP policies however have a rather special position in the Treaties. In contrast to development cooperation, they are part of the TEU, as it used to be the second pillar of the Union prior to 2009, when the Lisbon Treaty came into force (Wessel, 2015). Moreover, the scope of the CFSP defined in Article 24(1) TEU is significantly broad because it writes that the 'Union's competence in matters of CFSP shall cover all areas of foreign policy and all questions relating to the Union's security (Maibaum, 2016).

The global ambitions of the EU weren't limited to its foreign policy and included a security and defence dimension as it was immediately evident after the Nice Treaty in 2003. Scholars point out that the Lisbon Treaty remained ambiguous on this point because Article 42(7) TEU reflects a collective defence obligation similar to the famous Article 5 of the NATO Treaty, despite the claim that a common defence is not yet included in the CSDP. The difference when comparing it with NATO (but also to the Western European Union) was that NATO was created from the start as a collective defence organization. The EU has been try to concentrate on external crisis management before it establishes a mechanism to defend its own Member States (Wessel, 2015).

It is important at this point to deepen the analysis of the relationship between the CFSP and the CSDP. This point is present in article 17.1 of the TEU: "The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements." (Treaty of Lisbon, 2007)

With the TEU the objective of adding more coherence into the actions and intentions of the EU were attended, in fact, "(...) The new CSDP brings together principles of greater coherence and flexibility by allowing the possibility of delegating tasks to a group of Member States through a new concept of permanent structured cooperation" (Hynek, 2011b, p.83).

The Lisbon treaty also had the purpose of rationalizing the EU decision making and to achieve this objective it introduced four changes with relevance to the Common Security and Defence Policy (CSDP) (Tupay, 2011):

- Creation of the High Representative for Foreign Relations and Security Policy/Vice President of the Commission (HR/VP);
- Establishment of the European External Action Service (EEAS);
- Creation of the Permanent Structured Cooperation (PESCO) concept, a Treaty-based framework aimed at enhancing defence cooperation among capable and willing EU Member States. We can see this as an instrument in



support of the CSDP. It is open to those Member States how to meet military criteria that allow them to act;

- Inclusion of the Mutual Assistance Clause and the Solidarity Clause into the Treaty of the European Union (TEU).

Of the new institutional features that were introduced with the Lisbon Treaty in the area of CFSP and CSDP, the one considered by many to be the most relevant was the creation of the HR/VP (articles 9E, 13A, 14, 19 TEU), that was to be supported by a new institution called the European External Action Service (EEAS), an organ that fell under his/her authority. The EU High Representative would conduct the CFSP, chair the Council in its foreign-affairs format, formulate and prepare policy proposals and implement decisions in this area. It would come to be as well the external representative and conduct the dialogue with third parties (Hynek, 2011).

The High Representative has in fact a multiple job description and it includes the role of being the Vice President of the European Commission that would have the main objective present in the article 18.4 of the TEU: to “ensure the consistency of the Union’s external action. He/she shall be responsible within the Commission for responsibilities incumbent on its external relations and also for coordinating other aspects of the Union’s external action” (The Treaty of Lisbon, 2007). The main objective was and still is to ensure that the foreign and security policies of the Union are coherent, and that the EU has a strong, permanent representative. The HR/VP is also intended to be the main coordinator of civilian and military instruments in the area of EU crisis management. The effectiveness of this position is also linked with the delimitations of another new post allocated to the same person, as Vice President of the Commission. For example, being the permanent European Council President, as the specification of the relationship in the TEU shows in the its articles 18.1, 18.2, 18.3 (The Treaty of Lisbon, 2007).

Aiming at an improvement of the effectiveness of the EU’s external actions, for example, scholars like Ivan Briscoe and van Ginkel (Briscoe, van Ginkel, 2013) argue that a more comprehensive approach and cooperation between development and security actions should exist as they both aim at the final goal of EEAS missions. According to (Merket, 2012), a vast amount of EU policy documents already indicates

the relationship between the EU's development cooperation and the CFSP/CSDP. However, in legal terms these two policy fields are still separated, which sometimes impedes deeper cooperation (Maibaum, 2016).

Article II-47 of the Lisbon Treaty calls on all institutions to 'maintain an open, transparent and regular dialogue with representative associations and civil society'. It singles out the Commission in requiring it to 'carry out broad consultations with parties concerned to ensure the Union's actions are coherent and transparent' (Treaty of Lisbon, 2009). The European Parliament (EP) has become more and more a desired target for NSAs altogether, and NGOs more specifically, but this 'relationship' has been characterized as ambivalent. Parliament Committee chairs as well as the understaffed offices of Members of the European Parliament (MPEs) maintain contact with CSOs (Shackleton, 2002 cited in Dembinski, Jutta, 2014, p.454) and NGOs, but the Parliament as such, and in contrast to the Commission, does not engage in institutionalized and structured consultations to these organizations. Finally, of all the EU institutions, the Council is still considered most closed and this will be treated below (Dembinski, Jutta, 2014, p.454).

The Commission encourages these 'stakeholders' participation as an alternative model for legitimacy in the democratic process in the Union. In 2001, the Commission White Paper on Governance (European Governance – A White Paper, 2001) outlined the blueprint of such a model of participation. In this document, "CSOs do not just contribute to output legitimacy by giving expert advice and helping to implement policy. Instead, the Directorates General's consultations with affected societal interests are also assumed to add to the input dimension of democratic legitimacy. Because most European decisions are expected to have an impact on particular policy areas or sectoral interests, an exchange with relevant stakeholders in these policy areas will, so the presumption, link discourses across state borders and with the European level and create an EU-wide public (expert) space." (Dembinski, Jutta, 2014, pp.454–455).

This connection with civil society is frequently seen as a win-win game: it allows the Commission to present its policies directly to affected parts of the European polity and, on its turn, allows stakeholders to express their anxieties and therefore enhances the legitimacy of the EU as a whole (Dembinski, Jutta, 2014, p.455). We can

easily see the argument of the Commission when its proposals are consulted with and supported by relevant constituencies, as this will potentially increase their chances of being accepted, both by the Council and the by EP (Commission of the European Communities 2000, p. 7).

The Commission was aware at the time that the legitimacy-enhancing effects depended on two crucial conditions:

- 1) that all affected interests in each policy area have a fair chance of representation and access;
- 2) that the issues at stake are sector confined and non-ideological in nature.

Since the 1990's and after accusations of being in collusion with powerful civilian organizations such as major businesses and detached from society (Lodge, 1994), the Commission started to make efforts to include NGOs and other underrepresented interests by supporting and even nurturing individual organizations or their networks, with the aim of creating a 'level playing field'. Currently, most NGOs organized at EU level receive some of their funding from EU political institutions (Greenwood, 2011). "The Commission contributed in 2001 with approximately €1 billion annually to the core financing of Brussels-based organizations. Furthermore, the Commission has established principles and minimum standards for consultation" (Commission of the European Communities, 2002). Historically, as we will see ahead, there was great diversity in the regulations regarding NGOs among Member States of the European Union along the years since the Second World War. There was no common institutional structure for NGOs within the legal frameworks of member countries and even no coherent national legal concept exists on the idea of participatory democracy among all the Members. Every European Union Member State can, and in fact has, its own views and principles on the establishment of civil society organizations.

With the Lisbon Treaty, in order to play their part, NGOs have to be recognized as experts in a specific field, to possess intimate knowledge about it and are required not only to be aware of the matters in the balance but also to know about the details of certain political processes at the European level and in the Member States. Their credibility depends on their expertise in certain issues and also on their position close to,

but independent from, European and national political authorities (Dembinski, Jutta, 2014, p.455). So, NGOs can play the function of connectors that represent the interests of their organizations and of their members at the European level and informing them about European developments. However, NGOs engagement with the CSDP is somewhat different from what we find in other policy areas and we will elaborate on this in Chapter 5.

After the Lisbon Treaty, this relationship between NGOs and the European Institutions in the context of crisis management, became more evident and revealed the several key players in this relation: the European Peacebuilding Liaison Office (EPLO), is a good example, the Council of the European Union (in the shape of the General Secretariat and the rotating Presidencies), the European Commission, and the European Parliament.

### 2.7.1 Some relevant aspects of the Treaty of Lisbon

With the entry into force of the Lisbon Treaty on 1<sup>st</sup> December 2009, the ESDP was renamed as the Common Security and Defence Policy (CSDP). The Lisbon Treaty was a cornerstone in the development of the CSDP. First, the concept of political and military solidarity among EU Member States is incorporated in the Treaty via the inclusion of a mutual assistance clause in Article 42 (7) TEU and a ‘solidarity clause’ in Article 222 TFEU. Second, responsibility for guidance on the CFSP, including the CSDP, was transferred from the rotating presidencies of the Council of the EU to the HR/VP, supported by the EEAS. It was the two distinct functions of the newly created post that gave the HR/VP the opportunity to bring all the necessary EU assets together and apply a ‘comprehensive approach’ to EU crisis management. (Carrasco et. al. 2016, p.18). Lastly, Article 42(1) of the TEU formally endorses and extends the so-called ‘Petersberg tasks’ to include ‘joint disarmament operations, humanitarian and rescue responsibilities, military advice and assistance duties, conflict prevention and peacekeeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation’. These tasks may contribute to the fight against terrorism, by ‘supporting third states in combating terrorism in their territories’ (Carrasco et. al. 2016, p.18).

Before the Lisbon Treaty became legally binding, the CFSP formed part of the second pillar of the EU. It was based on intergovernmental decision-making processes. Even though the pillar structure has been removed and the CFSP is nowadays an integral part of the Treaties, there are still remarkable legal demarcations stemming from its historical background, as we have highlighted above. Different from all the other main EU policies, the CFSP is part of the TEU rather than in the TFEU. A good and solid example of this can be found at Title V Chapter 2 which deals with ‘Specific Provisions on the Common Foreign and Security Policy’, with Section 1 covering the CFSP and Section 2 the Common Security and Defence Policy (CSDP).

“According to Article 24(1) TEU, the competences of CFSP shall cover all areas of foreign policy and [...] security’, which provides this policy field with a very wide scope. Further, the Article stresses that CFSP policies must follow ‘specific rules and procedures (Article 24(1) TEU), again highlighting its special role.” (Maibaum, 2016, 21) The nature of the CFSP is rather difficult to examine. Except from Article 2(4) TFEU, mentioning that the EU ‘shall have competence [...] to define and implement a common foreign and security policy’, there is no expressed external competence referring to CFSP in Articles 3-6 TFEU. Similar to development cooperation, foreign and security policies are both implemented by the Union and the Member States (Van Vooren, B. and Wessel 2014).

A particular aspect of the CFSP is its decision-making process where, according to Article 24(1) TEU, policies should not be adopted through legislative acts, following instead the ordinary legislative procedure defined in Article 294 TFEU. Instead, the European Council (the EU institution that comprises all the Heads of State or Government of the Member States) and the (Foreign Affairs) Council of the EU (a specific configuration of the Council of the European Union that comprises the Foreign Ministers of all Member States) are the main actors that shape the CFSP.

Different from the usual qualified majority voting according to the legislative procedure, decisions within CFSP are taken unanimously seeking for a consensus (Article 31(1) TEU)<sup>13</sup>, but as seen above, there are procedures that make the decision-

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<sup>13</sup> Article 24(1) and 31(1) TEU stress that there are exceptions under CFSP where QMV is sufficient. According to Article 38 TEU, most decisions implemented by the Council are prepared by the Committee of Permanent Representatives II (COREPER II) and the Political and Security Committee (PSC).

making process to happen without the need to go through this strict, and sometimes hard to reach, consensus. Next to the Commission and the Member States, the High Representative for the Union and Foreign Affairs and Security Policy (HR), may formulate a CFSP initiative or proposal to the Council (Article 30(1) TEU). Apart from that, the HR is responsible for the implementation of decisions made by the Council (Article 27(1) TEU) and represents the Union's foreign and security policies (Article 27(2) TEU) (Van Vooren, Wessel, 2014, p.368 supra note 23). Next to the function as HR, (s)he is also the chairperson of the Foreign Affairs Council and the vice-president of the European Commission. Within the scope of the CSDP and specifically important for this research, (s)he is also responsible for the coordination of civilian and military missions (Article 43(1) TEU). Having all this in mind, the HR/VP is able to provide consistency among the above-mentioned institutions as a body that combines different CFSP interests.

In addition, the HR/VP acts with the support of the EEAS, an agency combining staff members from the Council, the Commission and the Member States (Article 27(3) TEU). Compared to most other EU policy fields, the Commission, the European Parliament as well as the Court of Justice of the European Union are largely excluded from the main CFSP decision-making process (Maibaum, 2016).

These aspects can be relevant, in this author's opinion, because they are evidence of the new tools and support for the EU institutions inside the Common Foreign Policy of the EU in the new framework since the Lisbon Treaty.

Other relevant aspects that came out the Lisbon Treaty correspond to mechanisms that were put in place in order to allow better and often faster coordination among Member States and European intuitions, agencies and resources.

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Consequently, the foreign ministers of the Member States usually discuss the current topic prior to the Council meeting, which accelerates the decision. Another important actor in CFSP is the High Representative of the Union for Foreign Affairs and Security Policy (HR) who is the chairman of the Foreign Affairs Council (Article 18(3) TEU)

### 2.7.2 Permanent Structured Cooperation – PESCO

One of the mechanisms that emerged from the Lisbon Treaty is the Permanent Structured Cooperation or PESCO. This allowed Member States to try to intensify their cooperation (in a EU27 framework at that time) in the fields of military capability development and creation of CSDP active assets, allowing “a core group of countries to take systematic steps towards a more coherent security and defence policy without dividing the Union.” (European Commission, 2015). In line with Article 46 TEU and its Protocol 10, PESCO ‘would be open to all Member States ready to make more binding commitments to each other, in the spirit of European integration’, but this will not be addressed in more detail in this dissertation. This mechanism could turn out to be of great use in further development of the CSDP, due to its considerable flexibility in creating a framework based on cooperation, but the lack of any further formalization of its structure, or its objectives in the TEU can always bring out different views of the Member States so possibly stalling any initiative.

PESCO allows Member States, who are capable and willing, to “increase their effectiveness in addressing security challenges and advancing towards further integrating and strengthening defence cooperation within the EU framework”<sup>14</sup>. Aimed at the joint development of military capabilities, PESCO is based on voluntary participation. And while decision-making remains in the hands of States, the commitments they undertake are binding. This mechanism had the clear intention of enhancing the EU’s capacity as an international security actor and maximise the effectiveness of defence spending. PESCO was never intended to compete with NATO, but rather to encourage common missions.

More recently, at the transition from 2017 to 2018, and after years of failing to meaningfully improve defence and security cooperation among member states, Brussels has finally activated the Permanent Structured Cooperation (PESCO) provision of the Lisbon Treaty. Although PESCO remains relatively untested, it is possible that PESCO could herald the beginning of a more efficient and capable European military establishment (Seitz, 2018).

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<sup>14</sup> Articles 42.6 and 46 TEU

In the next chapter, regarding the European Union's Institutional Architecture for Crisis Management this mechanism will be addressed further.

### 2.7.3 Mutual Assistance and Solidarity Clauses – MAC

Another mechanism to mention at this point is the so called 'Mutual Assistance Clause' (Article 42 of the TEU) which seems, for all intents and purposes, an EU duplication of NATO Article 5 (Tupay, 2011), and was a result of the terrorist attacks in Madrid/Spain, in 2004. There is little to be said about it, except that so far only France invoked it (Article 42.7 to be more precise) after the Paris attacks in November 2015.

The differences between the Mutual Assistance Clause (MAC) and NATO's Article 5 can be pointed out in a brief manner, as described in (Rehrl, 2014), dividing them in 3 points:

*1 - Motive:* Article 5 of the North Atlantic Treaty is based on an armed attack against one or more NATO members. Article 42(7) can be invoked in case of armed aggression. The difference here is that an armed aggression is much broader and can be applied even to a blockade of a harbour, but not an armed attack. Similarly, armed aggression does not necessarily need the 'imminent threat' of an attack, but preventive countermeasures could be taken.

*2 - Area of responsibility:* Article 5 of NATO limits itself to Europe, North America and other defined areas north of the tropic of cancer. The MAC of the TEU refers to 'its territory' and by doing so becomes applicable world-wide due to the many overseas areas of the EU Member States. The author points out as a good example the Falklands war in 1982. It was a war that would not fall under Article 5 of NATO (south of the tropic of cancer) but that could activate Article 42(7) of the Treaty of the European Union it existed at that time.

*3 - Means:* Whereas Article 5 of the North Atlantic Treaty refers to assistance to 'the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force'. With this word, the Treaty allows the parties to decide on their own assistance, from 'diplomatic measures' to 'armed countermeasures'. Here, the important words to retain are 'as it deems necessary' that brought the parties the possibility to decide on which



action is in fact appropriate, and which one is not. According to the TEU, the Member States are obliged to provide ‘aid and assistance by all the means in their power’. Referring once again to the ESS 2003, “Dealing with terrorism may require a mixture of intelligence, police, judicial, military and other means.” (European Security Strategy, 2003). So, there couldn’t be any limitations or excuses for Member States (except Denmark with its general opt-out for military CSDP), missing out on a call to provide full assistance and aid if requested and if in their power. Mentioning that Member States have “no excuses” but leaving a remark like “in their power” is somewhat, at least it could be the case sometimes, contradictory. It seems a very difficult task to prove or even argue that a Member State isn’t applying all which it could have for any specific circumstance. If so, it can always serve as a sort of a “loophole” that will eventually allow some of the parts to be excused from a specific process of assistance to another Member.

This aspect can prove to be relevant for this dissertation to ascertain that the EU has its 28 Members (27 after Brexit) and that the treaties among them have to leave some ‘room’ in subjects that can affect their sovereignty, even if the subject has to do with crisis inside the EU or outside its space.

But there are also more direct consequences to NGOs with the TEU as covered in the following sections.

## 2.8 NGOs after the Treaty of Lisbon

Up until the Treaty of Amsterdam in 1997 achieving economic and social objectives was considered to be the essential ingredient for peace. Later, in 2004, with the major challenges brought by the expansion of the EU to the east, there was a demand for a new European integration, with ideas such as the importance of establishing a common European identity, one that was based on a common system of values. All of this was founded in the principle that the EU would provide governance on one level, while the citizens and the citizens’ organizations should function on different levels. “Matters of common interest in the European Union were not automatically supported by the citizens of the European Union. Greater engagement of nationals in European issues and the inclusion of citizens in the process of decision-making could not be realized without new mechanisms for democracy within the

European Union.” (Versteegh, 2011, p. 2). The active involvement of European citizens was the point here and it should create and bring a new form of democracy within the EU and there was a new chapter dedicated to meet this goal in the TEU of 2009. The treaty clearly acknowledges this dimension of participatory democracy, consisting of participation in the democratic life of the Union as shown with some examples of these intentions behind the TEU.

Article 11 of the TEU states that ‘European institutions must maintain an open, transparent and regular dialogue with representative civil society associations. In legal terms this means that the civil society lies under the subsidiarity principle of the EU and, that it should act within those fields of competencies - attributed to it - presuming that it intervenes where necessary and withdraws where actions may be taken at national or regional levels (Armstrong, 2002) for that purpose. The Lisbon Treaty came to find a new position to European citizens as participants of European democracy through a far-reaching civil dialogue between citizens and citizens' organizations in the European Union on one side (through CSO's and NGOs) and the EU institutions on the other. This dialogue can happen via Directorate-General for Humanitarian Aid and Civil Protection (DG ECHO) or through the EU-NGO Forum which is set and organized in the EEAS. The initiative goes back to 2001, when the European Commission offered help to non-EU and recent EU member countries to become familiar with the organizational structures of civil society – the principle of Subsidiarity (European Parliament, 2018).

The results of such proposals for change can be found in paragraph 3 of Article 11 of the TEU, where it states that the European Commission is given the task of carrying out broad consultations with the parties concerned, which in the traditional sense could be the national Parliaments, to ensure that the Union's actions are coherent and transparent.<sup>15</sup>

Among multiple other objectives, the TEU includes one that provided an improved role for NGOs within the European context. This objective gave rise to various political debates and initiatives within Europe, especially when we consider that

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<sup>15</sup> Article 11 para3 Lisbon Treaty states: The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

around a decade earlier there was the introduction of the General European Corporate Law in the late 1990s, such as when the for-profit European Company Law was established distinguishing clearly what would be considered companies and Civilian Society Organizations such as NGOs that were differentiated exactly for their non-profitable purpose.<sup>16</sup>

There were some previous talks in the 1990's and afterwards, within the EU, to possibly create an organization that could manage these relations with NGOs but, at that time the argument against creating a European organization for non-profit activities was and in fact it still is, that European institutions should not interfere in areas that could struggle with possible domestic legal traditions. These relations were to be managed with the 'help' of the inclusion of this principle of participatory democracy in the TEU. It had the objective of allowing parties that could possibly be affected by a decision involved in the opinion-forming process. Related to this particular issue, Article 11 of the TEU "(...) covers a range of patterns for consultation and discussion but does not indicate a clear distinction between civil dialogue and lobbying" (Obradovic, 2005, 262).

The TEU called for active involvement of its citizens but also from civil society organizations as they are participating actors in the governing structures of the European Union. Article 11, as mentioned, addresses the participatory democracy formally, introducing a transparent and regular dialogue of EU institutions with representative associations and civil society. So, in the TEU, cooperation with European Institutions by civil society is only seen as "participatory". However, even this observation is not that simple because the EU doesn't even provide clear criteria according to which organizations could be selected for cooperation. In a broad sense, there are numerous organizations in the EU that might be considered as NGO organizations in the non-governmental and noneconomic fields (Versteegh, 2011, p. 3). A group of people living in the same building and that come together in a legal association to manage their own building and with no intentions of profiting, can be seen as one extreme example of this remark). There was a clear absence of a European legal form for both NGOs and public

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<sup>16</sup> Legal initiatives for any Commission action that establishes European civil society organizations should find a Legal basis in the European Treaties.

benefit organizations at the EU level and it made it essential to look at non-governmental organizations that operated at the national level.

For the European Union, author Lia Versteegh came to argue, the promotion of public benefit activities was one of the crucial drives of civil society throughout Europe. In the White Paper on Governance and also in Commission documents, general remarks on the subject of the European Governance were in fact made but, the point is that there wasn't a common idea on public benefit expressed in the European legal framework. Versteegh noted: "On the one hand, a tension exists between civil society as a sphere of participatory democracy and the dynamic view of subsidiarity on the other." (Versteegh 2011, p.12)

In the context of EU governance there are different concepts and visions about which should be the role of civil society and what part should it play in Europe's governance structure. One of these concepts tells us that civil society is not a subject included in Europe's competences, in its constitutional boundaries, but the EU actually cooperates with civil society institutions through some structures such as partnership agreements and/or voluntary cooperation programs. (Morison, 2000, p.103). This is something that occurs within various national structures and traditions of the Member States. "As a consequence, legal public benefit situations differ in Member States. This view means that we should embrace a pluralistic concept of European civil society and a societal public benefit atmosphere dependent on national, constitutional and social traditions. The normative case for civil society and public benefit in the European Union is to be kept at the national level." (Versteegh, 2011, p. 12).

The EU doesn't seem to have a clear way to assess whether an organization can be considered a public benefit organization (as exemplified just some paragraphs behind), but in a low context it is possible to look at the Council of Europe Recommendations and prescribing principles for public benefit organizations about public benefit law. In these Recommendations one can see that there is no universal definition of Non- Governmental Organizations (Recommendations CM/Rec, 2007). According to them there are a variety of names for NGOs such as foundations, associations, non-profit corporations, charities, societies, or trusts. It should be noted that these Recommendations do not distinguish between NGOs with a public benefit

status and NGOs without a public benefit status also. The example of an association of people that manage their building was an extreme example that fits here to. Consequently, a special legal form for NGOs with a public benefit status is not demanded, nor is accreditation or even a case-by-case recognition of the public benefit character of the NGO. So, the effective control of public benefit organizations is delivered to tax and fiscal authorities that have more flexible powers and that are not bound to objective standards such as judiciary authorities.

“From the point of view of organizational freedom, it is important that these authorities should limit their supervisory powers to legitimacy control. What becomes clear is that differences in interpretation of activities of a NGO by tax authorities will lead to diversification in the application of national law, since criteria are left to national laws.” (Versteegh, 2011, p.14).

After Lisbon, there was an ever-growing trend for demanding more sophisticated expertise and specialisation in the conduct of crisis management tasks and building on this and within the EU, NGOs were able to participate more, even if sometimes relying more on acting upon consultation rather than being able to have more proactive roles.

The last decade came to allow the civilian component of crisis management to become a more central part of the CSDP in both institutional and operational terms but also at strategic and conceptual ones.

NGOs operate in the EU through participation and consultation processes that are originated within the EU institutions, and it comes as obvious that there were no intentions within them to give a special legal status to NGOs of any kind or to create an organization that could manage these relations with NGOs. The EU made all the efforts to cooperate with civil society institutions through structures such as partnership agreements and voluntary cooperation programs and NGOs should participate or lobby in them in order to influence at the best of their interests and capabilities, the decisions taken in the EU institutions that affect the areas where they work. How NGOs are able to participate and be consulted and how do they manage to be involved in the decision-making at the EU level is the topic of the following section.

### 2.8.1 How NGOs are involved in the decision-making process at the EU level – forms and mechanisms

In order to understand how NGOs are involved within the EU it is important to realize that the benefits that NGOs, in general, bring to society and that they contribute to improve governance are widely recognized nowadays. NGOs, everyone easily recognizes, can bring knowledge and expertise to the process of decision-making, and this is what has led governments around the world to use their experience to assist them in policy development and implementation in several different areas. The Code of Good Practice, a 2009 document produced by the Directorate General of Democracy and Political Affairs of the Council of Europe, aimed at providing a framework and guidelines for improving this participation, to learn from each other through sharing good practices and bringing them to the attention of NGOs and public authorities alike.

Since 1985, and after Jacques Delors brought the Single Market White Paper, the EU system has come up with forms or procedures that were meant to make the social dialogue active. As Daniela Irrera (2009) states, Art. 138 of the Treaty establishing the European Community is considered as the legal basis of the social dialogue. The EU plainly identified the social actors (trade unions, professional associations, multinational industrial groups). The consultation procedure led the Commission to generally question the social partners in all matters within their competence before starting any sort of legislative initiatives.

Jana Hainsworth the president of Social Platform, a network of 170 NGOs, and secretary-general of Eurochild, one of its members, said in an interview to a podcast (POLITICO's - EU Confidential)<sup>17</sup>, earlier this year (June 2018) that the rhetoric over the dialogue from the EU with civil society is there but, there is a 'huge' gap on how, in fact, it really engages and involves civil society in the decision-making process. She argues that there is a big difference between consultation (of which the Commission does a lot when it launches public consultation processes) and really sitting with and listening to people, earing or pitching ideas. Being a key player in this area, Jana Hainsworth is a key witness of the dialogue that exists between EU institutions and civil

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<sup>17</sup>Hainsworth, J., 2018, Interview to Politico – EU Confidential, How NGOs lobby the EU, episode 50, available at: <https://soundcloud.com/politicoeuconfidential/episode-50-presented-by-google-how-ngos-lobby-the-eu-osfs-patrick-gaspard-leaders-get-younger> - last consulted August 2018

society, particularly NGOs but she feels that often, through consultation alone, they will receive vast amount of information from several different players (probably) that answer, but don't often 'seat' to process it with the people that are true experts in those fields.

Some decades ago, the initial direction taken by the process of European integration, argues Daniela Irrera (2009), created some ideal conditions for economic groups to become actual political actors, and enabled the consultation procedure to grow over the years.

That dialogue with civil society or civil dialogue, this author argued, has no legal basis. That has led to great uncertainty about issues surrounding the identity of actors involved but also on issues related to the access to the process of decision-making. This is a problem that can have an impact on NGOs and associations involved in all areas that do not fall in the economic sphere like human rights, protection of women and children, development cooperation, environment, or even consumer protection. The characteristics of represented interests help to justify the creation of a structure that isn't (generally speaking) vertical or centralized but instead, very flexible through a network arrangement. The fact is that there is no consultation procedure strictly demanded by law. This didn't keep or prevented the Commission from studying a series of initiatives to counter the "excessive power" of economic groups, and by putting civil dialogue in various mechanisms of participation (Irrera, 2009 p. 7).

There are recent examples by countries to limit participation by NGOs by characterizing it as political activities, mostly of course in countries with democratic deficits. It is therefore, necessary to distinguish between activities related to policy and decision-making processes on one side and political activities on another.

The above mentioned Recommendation CM/Rec (2007) highlighted that the contributions of NGOs to society "are made through an extremely diverse body of activities which can range from acting as a vehicle of communication between different segments of society and public authorities, through the advocacy of changes in law and public policy, the monitoring of compliance with existing obligations under national and international law, and on the provision of a means of pursuing, promoting and defending interests shared with others." (Recommendations CM/Rec, 2007, p.1-3). It

continues saying that "NGOs should be free to undertake research, education and advocacy on issues of public debate, regardless of whether the position taken is in accord with public authority policy or requires a change in the law (Ibid.).

This is an acknowledgment from the Council of Europe of the importance of the contributions that are often originated from NGO and that NGOs should be free to undertake research, education and advocacy on issues of public debate is truly important to note for the purpose of this dissertation.

The "Code of Good Practice for Civil Participation in the Decision-Making Process" has brought us five central principles for civil participation (Code of Good Practice for Civil Participation in the Decision-Making Process, 2009):

- 1) Participation, in terms of collecting and channelling views of various members and concerned citizens via NGOs to input the political decision-making process;
- 2) Trust, as honest interaction between actors and sectors;
- 3) Accountability from both NGOs and public authorities at all stages;
- 4) Transparency, also from both NGOs and public authorities at all stages;
- 5) Independence of NGOs to guarantee that they are free and independent bodies in respect to their aims, decisions and activities.

Drafted by the Conference of INGOs (international non-governmental organisations) of the Council of Europe and adopted in October 2009, this above mentioned Code of Good Practice had the ambition of facilitating NGO participation in the political decision-making process at local, regional and national level.

After the Lisbon Treaty, the Crisis Management and Planning Directorate within the EEAS has started to coordinate EU-level responses to crises in specific country contexts, such as some in the Middle East and in Africa. There was no determination to create a template for certain types of crisis. Instead, actions and processes were meant to be shaped by the issues raised by each crisis, making the EEAS to assume a pivotal role, calling the meetings, drafting and circulating the policy documents, often with 'place holders' for DGs European Community Humanitarian Office (ECHO) or the



International Cooperation and Development (DEVCO) or even other Commission services to include their competencies and perspectives. It is within this framework that NGOs are ‘called’ to give valued insights at the same time that the European Parliament, for example, is generally being excluded from crisis response strategies, because they such strategies have been considered CFSP matters, and therefore European Council competence. (Furness & Gänzle, 2017, p. 483).

So, it is important at this point to understand when, how and why NGOs gain access to CSDP structures. To meet this goal, the study by Natalia Shapovalova<sup>18</sup> (2016) brought significant insight on these matters. First, her study inquired into the practices of participation of NSAs in CSDP, both formal and informal, across various stages of the policy cycle. Second, by the author’s (2016) own words that study “attempts to understand the factors that facilitate the engagement of CSDP officials with NSAs” (Shapovalova 2016, 327)

She and other scholars have noted, for example, that CSDP as an institution is somewhat more open to NSAs, and more specifically to NGOs, during implementation of the mission and operations in the field and less accessible during policy-making in Brussels. To delve deeper into these questions, this author (2016) focused her study on two civilian missions in the EU neighbourhood: the EU Police Mission for the Palestinian Territories (EUPOL COPPS) and the EU Monitoring Mission (EUMM) in Georgia.

Those two missions are two of oldest civilian missions still ongoing. They were deployed in two different contexts of conflict and the missions diverge in terms of their main functions and tasks and also on their size, while being both part of a broader EU response to the crises in the neighbourhood (see Table 1).

“EUMM was deployed to monitor the implementation of the EU-mediated six-point ceasefire agreement that ended the Russia–Georgia war over Abkhazia and South Ossetia, which had broken away from Tbilisi’s control in the early 1990s. Deploying the mission in September 2008, just a few weeks after the war, the EU aimed to contribute to long-term stability throughout Georgia and the surrounding areas and short-term

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<sup>18</sup> Shapovalova, N. 2016. *The Power of Informality: European Union’s Engagement with Non-State Actors in Common Security and Defence Policy*. *European Security* 25 (3). Taylor & Francis: 326–345. <https://doi.org/10.1080/09662839.2016.1193487>

stabilization, reducing the risk of a resumption of hostilities. The EUMM mandate included four key tasks” (Shapovalova, 2016, p.330):

- 1) stabilization – the mission monitors would analyse and report on the situation about the stabilization process and centred on full compliance with the six-point agreement that included troop withdrawals, and on freedom of movement and actions by spoilers, as well as on violations of human rights and international humanitarian law;
- 2) normalization – the mission monitors would analyse and report on the situation pertaining to the normalization process of civil governance, focusing on rule of law, adequate public order effective and law enforcement structures;
- 3) confidence-building – it would contribute to the reduction of tensions through co-operation, facilitating contacts between parties and other confidence-building measures;
- 4) informing European policy (Common Position (EC) No 24/2008, 2008). All the EUMM staff (including the international staff), through the headquarters in Tbilisi and in three other, would be responsible for monitoring the Administrative Border Line (ABL) separating the two breakaway regions from Tbilisi-controlled territories.

Despite its wide mandate, EUMM never obtained access to South Ossetia and Abkhazia. The hostilities ended but Russia never fully implemented the six-point agreement. Nevertheless, this mission was broadly seen as a success due to its quick deployment and contribution to ‘cool of’ tensions and preventing outbreaks of violence, she argued. In 2017 according to survey by the Caucasus Research Resource Centre (CRRC) it was reported that, after almost a decade, around 81% of the population of Georgia didn’t know what the European Union Monitoring Mission (EUMM) does. The lack of knowledge of what the European Union Monitoring Mission does in Georgia may represent a missed opportunity for the EU. This is a practical example of the lack of ‘touch’ of a EU mission and its personnel with the local entities and populations, a space where NGOs can act as a middle ground between local civil society and EU institutions abroad (Gilbreath, Dustin, 2017).

EUPOL COPPS is a mission deployed to increase the EU's contribution to state-building in Palestine within the logic of the two-state solution, which was endorsed by the EU and the international community (Dimitris, 2014, Chap. 3). In 2005, the EU sent two CSDP missions to Palestine: EUPOL COPPS and 'EU Border Assistance Mission' at the Rafah Crossing Point (EUBAM Rafah) – with the objective of enhancing its visibility in the international arena in conflict resolution and trying to fight the image of “the payer, not the player”.<sup>19</sup>

The EUPOL COPPS mandate initially consisted of three dimensions (Shapovalova, 2016, 331):

- 1) assisting the Palestinian Civilian Police (PCP) in the implementation of the PCP development programme (advisory and mentoring the PCP, specifically senior officials at the District, Headquarters and Ministerial levels;
- 2) coordinating and facilitating EU and Member State assistance, and where requested, to provide international assistance to the PCP;
- 3) advising on police-related Criminal Justice elements. In 2008, the mission's mandate was expanded to the rule of law area which emphasized the link between policing and justice. An important consideration that authors Patrick Müller and Yazid Zahda (2017) point out is that the EU is generally considered as a partner which listens to Palestinian stakeholders and which does not try to impose ready-made proposals, even though it is acknowledged that the EU also has its own interests as a donor. Similarly, an NGO representative pointed out that: “When preparing a strategy, they (EU representatives) have discussions with local NGOs. We feel that they are interested in hearing our voices. However, how much they take from these discussions in the implementation process is at the end of the day according to their interest” (Müller, Zahda, 2017, p.134).

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<sup>19</sup> EUBAM Rafah - launched in November 2005. It was a border monitoring mission that aimed at providing a third-party presence at the Rafah Crossing Point linking Gaza with Egypt, facilitating the opening of the crossing point and by building up confidence between the Israeli government and the PA. When Hamas took control of Gaza in 2007, the operation of the mission was suspended. See Bouris (2014) Chapter 3.

From all the parts involved in the conflict, EUPOL COPPS has been recognized as a success (Shapovalova, 2016, p.112–113; Bouris, 2014, p.112–113). However, the EU has been criticized by civil society groups and several scholars (Shapovalova, 2016; Bouris, 2014, Kristoff, 2012) for focusing on technical training and infrastructure building, while failing to get to the link with the nonreformed political institutions that support the security sector in Palestine and a broader political strategy of conflict resolution and support towards building a viable Palestinian state (Bouris, 2012).

Nonetheless, several reports by international NGOs in the human rights field raised serious concerns as to crowd control by Palestinian security forces and pointed at the use of lethal force against the population, including during protests against key issues relating to the Israeli–Palestinian conflict. Author Beste İşleyen (2017), argues that it could be wrong and unfounded to assume that it was the EUPOL COPPS that has provided training to these specific police forces and tries an approach where it assumes the objective of advising the EU's CSDP to take these lessons gathered by reports made by international NGOs in the field, into full account in the planning and implementation of future like EUPOL COPPS programmes and activities. (İşleyen, 2017, p.336).

Natalia Shapovalova (2016) made more than 60 interviews with policy-makers, NSA representatives and experts and conducted in the EU, but also in Georgia and in Palestine over 2014 and early 2015. This author argued that in the absence of effective formal rules guiding the EU's interaction with NSAs and NGOs in the CSDP, informal interaction through other channels became crucial. The patterns of interaction seemed uneven in her opinion due to the fact that NSAs (NGOs included) were continuously kept set aside from engagement in the planning, agenda-setting or decision-making phase, but their inputs were later acknowledged and welcomed, more precisely during the implementation phase. "Driven by functional needs in terms of resources and services, EU policy-makers provide NSAs with informal access. In particular, CSDP missions seek cooperation with NSAs in order to implement core elements of their mandates more effectively. Lobbying EU crisis management structures on the issues in which they are interested, NSAs expand the space for their participation in EU foreign and security policy." (Bouris, 2014, p.327–28)

The key here is also to realize that NGOs invest a lot in building ‘good relations’ that can be based on trust that can develop the organization’s reputation and credibility as keepers and providers of useful information and other services to EU diplomats and bureaucrats. Nevertheless, rationalist-based resource exchange theories can only explain part of the predicament. The work of Shapovalova is an important contribution to the literature on informal governance in EU foreign policy-making as well as to studies on NSA participation in international organizations. It also adds to the nascent academic and policy debate on NGOs participation in CSDP decision-making process where this investigation is included.

So, if we want to address the issue of NGOs participation in the CSDP political process, we can see it from a perspective of lobbying in EU foreign policy and also, from a perspective of participation of NGOs in international organizations. The system of Governance in the EU is often perceived or conceptualized as a system of different policy networks in which public and private actors can interact with each other. What makes it informal is that the interactions between all of them are based on unwritten (non-codified) rules and are not publicly sanctioned (Christiansen, Piattoni, 2003, p.7 cited in Shapovalova, 2016, p.328).

Interaction between policy-makers and Non-State Actors (civil society, NGOs and corporate interest groups) has proven to be a sort of instrumental relationships based on the logic of supply, demand and mediation (Shapovalova, 2016; Justaert, Keukeleire, 2012, p.439). Consulting civil society often helps policy-makers to better adapt their intended policies to the realities on the ground and helps to ensure smoother implementations and this is vital to realize once more where NGOs fit in the politics stage. When we look at the EU foreign policy, all the possible exchange of information, together with all the pooling of expertise (Justaert, Keukeleire, 2012, p.446) is expected to contribute to a more effective foreign policy and can be important when trying to increase the EU’s impact abroad. NGOs may be involved in the implementation of EU foreign policies as, for example, around EU conflict resolution (see Marchetti, Tocci, 2013).

Only a few formal mechanisms for consultations with Non-State Actors on foreign policy issues exist, so all the interactions between policy-makers and interest

groups mostly take place in an informal way. The studies that address lobbying in EU foreign policy demonstrate that NGOs targeted EU institutions mostly about issues in which they are interested (Voltolini, 2015) of course, including in CSDP (Jutta, Dembinski, 2011). These two authors illustrated how NGOs, have managed to create a European-wide coalition and used multiple access points, that allowed them to successfully lobby for the adoption of a legally binding framework for arms export control at the EU level.

The example of a partnership such as GPPAC, the NGO that we have chosen as a case study for this dissertation, is another good example of NGOs working in multiple fronts for conflict prevention. While interactions with civil society are not formally institutionalized, the intergovernmental institutions provide these NSAs, such as NGOs, with informal access. The literature on these Non-State Actors participation in a global governance, more than just with the EU, offers insights into why intergovernmental organizations open up to them (Steffek, 2010a), (Irrera, 2013).

In the theoretical constructivist perspective, from which this dissertation gets support, this access is more and more provided to NGOs and other Non-State Actors, due to the spread of participatory governance norms. Policy-makers either believe in the appropriateness of NGOs participation or have strategically adapted the institutional arrangements to boost their own organizational legitimacy (Shapovalova, 2016). So, in my view, NGOs depend on their work, on their expertise in given areas to boost their credibility and become reliable sources for the EU institutions to consult and exchange information and it is through this 'relationship' that NGOs can hope to influence their counterparts in the process. A point worth retaining here is that the sovereignty costs associated with the involvement of NSAs in the policy process constrain the access and contribute to its variation across issue areas and policy functions (Tallberg et. al. 2013). The fields of human rights, development and the environment are more open to NGOs, the security field is often more restrictive (Steffek, 2010b) (Tallberg et. al. 2013). NSAs are also more welcomed during the implementation or the evaluation and policy formulation stages of the policy process in which the bureaucratic agent of international organizations such as the EU, are involved, and they are set aside from access during intergovernmental decision-making (Tallberg et. al. 2013).

The article of Natalia Shapovalova (2016) concentrated on the EU's engagement with NSAs in two civilian CSDP missions deployed in two different conflict contexts. According to this author, they are also relevant because those missions constituted two-thirds of CSDP operations abroad at the time (2014-16). These missions that have been on the ground for a longer period, have been selected to trace the evolution of the EU's engagement with NSAs. This author also argued that "CSDP missions in the EU proximity and deployed in the low-intensity conflict contexts have been considered due to the logistical and security limitations of the field research. Given the interest of NSAs in the EU policy towards the Israeli–Palestinian conflict (Voltolini, 2016), EUPOL COPPS seems to be the "most likely" case for the EU's engagement with NSAs in CSDP. To add an additional exploratory case, EUMM has been selected because it was a CSDP civilian mission in the Eastern neighbourhood that was on the ground for an approximately similar period of time, but with a different mandate. Although the mandates of these missions diverge, both are non-executive<sup>20</sup> (like most civilian missions)" (Shapovalova, 2016).

The post-Lisbon Treaty reforms have come to enhanced collective action through increased cooperation among different services at the EU level. The EEAS assumed the role of an institutional bridge between different bureaucratic cultures at the EU- and member state levels, even in what concerns civil participation. At the same time, the EU's decision-making culture has not evolved as fast as the post-Lisbon Treaty institutional frameworks, with implications for policy coherence. (Furness, Gänzle, 2016, p. 484).

NGOs are also often seen as a sort of a bridge between the EU interventions and local communities in other countries. Besides all that we addressed so far, the cooperation with civil society organizations often proves to be an important mechanism for increasing public trust and even legitimacy of a given EU external intervention, enhancing their effectiveness as a consequence.

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<sup>20</sup> Most EU mission's mandates have been non-executive. Some missions however, have had an executive responsibility that allowed them to assume sovereign responsibilities, including political and administrative obligations or even being able to establish interim or transitional administrations with authority over the legislative, executive and judicial structures of the territory. Until now, only three missions of the EU were executive; in the case of the EU, EULEX Kosovo exercised some executive powers in certain areas of its mandate.

The role of NGOs was visible along this chapter and it became very clear that it can go from a participation or consulting part in the earlier stages of an internal process in the EU's foreign policy, where they bring their knowledge and expertise to the table, to the implementation part where they can act as a bridge that connects the EU's policies, agencies and actors involved in an assigned mission with local communities and actors.

Our point with this dissertation is to elaborate around how NGOs are able to influence the decision-making processes in the EU, more concretely when it is related to the CSDP and more specifically when it addresses its Crisis Management component. To that purpose we will now have a closer look to the CSDP and how it has evolved as an idea and how it become what it is today, looking at its wide institutional architecture and where the relevant parts fit in it so that in chapter 5 we can see how the decision-making process happens among all these parts within the EU.



### 3. Common Security and Defence Policy (CSDP) and Crisis Management

The Common Security and Defence Policy (CSDP) is the part of the EU's Common Foreign and Security Policy (CFSP) that relates to defence and in particular to Crisis Management, the core area of concern of this dissertation.

The CSDP was intended, since its origin with the Maastricht Treaty of the European Union (TEU) (that became active in 1993), to provide the Union with an operational capacity with the ability to use both civilian and military assets (Art. 42 and 43 TEU). The Union may use this capacity on missions outside its own borders for peace-keeping, conflict prevention and strengthening international security in agreement with the principles of the United Nations (UN) (Art. 42 and 43 TEU), such as in the case of Mali, our case study.

The TEU, after its reform with the Treaty of Lisbon, that amended and updated both the previous TEU of Maastricht and the Treaty on the Functioning of the European Union (TFEU) originally signed in Rome in 1957, has also started to stipulate tasks on the fight against terrorism, including with support to third countries in combating terrorism in their own territories (Art. 43(1) TEU). The scope of tasks and objectives to be conducted under the CSDP became wide and could depend on a given situation or objective(s) to be achieved. In practice, a CSDP task is conducted through a civilian mission, a military operation or a mixed civilian-military mission.

Almost since its beginning, the EU has been developing external relations capabilities aimed at providing various forms of developmental and technical aid to countries in need of such support (Hynek, 2011). However, it was only after the 1992 Maastricht Treaty that the EU gained an explicitly political and diplomatic role and was able to become increasingly involved in the field of peacebuilding/state building (Bátora et. al. 2016). Following on the EU Security Strategy of 2003, the EU has started to become 'operational' in this field, and in 2016 it counted a total of 35 Common Security and Defence Policy (CSDP) operations (Military and civilian missions and operations, 2016) of various kinds in different regional settings. Since most CSDP operations undertaken so far have been either civilian or civilian–military operations, and since the

Commission promoted other civilian instruments (humanitarian aid, civil society support, rule of law support etc.) (EEAS, 2016a) in parallel, the literature has progressively focused on the EU's more holistic 'comprehensive approach' to crisis response and the interlinkages with human security (London School of Economics and Political Science, 2016) (Rieker et.al., 2016, p.3).

Several different conflicts and crises, from the conflict in Ukraine, to the rise of ISIS and the refugee situation in the Global South, to the Malian political crisis (our case study in this dissertation), have made external crisis response capacities an interesting subject to scholars. These conflicts and crisis are examples and are also the reason for the EU decision to start revising both the European Security Strategy of 2003 and its European Neighbourhood Policy (Bátora et al, 2016). The new 'Global Strategy', presented to the European Council in June 2016, tried to bring a more practical and 'ethical' way to conflict prevention, crisis response and peacebuilding, through an integrated approach. In it, the meaning of the comprehensive approach has been expanded beyond the development–security nexus proposed in the December 2013 Joint Communication (European Council Conclusions, 2013), to now incorporate the commitment to synergistically use all tools available in all stages of the conflict cycle while having to pay attention to all the different levels of EU actions (from local, to regional to national, and even global) (EEAS 2016a: 9; Council of the European Union 2016). The failure of the EU to coherently deploy the right sequence of CSDP instruments in a timely and integrated manner in Mali provides a good case for analysis of the successive steps in the development of the crisis developed, of the EU's response to it, of the role played by the NGOs in the process and of the factors underlying the overall failure in that intervention.

The comprehensive review the EU crisis-response capacity and decision-making process undertaken in this dissertation has the intention of trying to describe the institutional framework of the decision-making process, to understand where and how decisions are taken in a full cycle of a crisis response and planning process within the European institutions. With the case study, this research is also being able to analyse how the EU has developed institutional capacities for coordinating its activities with other international organizations, in that scenario (Malian crisis and the African Union

(AU) or G5 SAHEL etc.) as well as with individual member-state activities in this area, such as France's.

The EU has no uniform definition of the word 'crisis' and the term has, intentionally, remained ambiguous within the EU jargon. Crisis, in the international politics dimension, is a concept that, even for the United Nations (UN), can take many forms and shapes including: military (armed conflicts armed groups or even between military factions), terrorist attacks, political crises (lack of government, coup or revolutions, election-related violence); large scale and widespread human rights violations (conflict related or triggered by political or electoral violence); economic crises (riots, violence related to economic gains or losses); natural disasters (hurricanes, earthquakes, tsunamis, etc.); or public health crises. A similar ambiguity occurs in our daily life as well.

The EU has often been criticized due to its inability to deal with conflicts and crises in its neighbourhood, especially at the end of the 1990's. The EU concentrated its efforts in building an effective crisis management capability through the institutionalization of its Common Security and Defence Policy (CSDP), but going back some decades, it was the necessity to have instruments to deal with crisis situations in the Member States, that, in first place, initiated a very long and hard process as we shall now see in detail.

### 3.1 From the Civil Protection Mechanism to Crisis Management

Next, we look backwards at the EU crisis management and see where it came from and how it came to be what it is presently. In order to do so, the first attempts to create a sort of joint crisis management to the late European Economic Community (ECC) were made back in the 70's. Since that time, civil protection, as a European policy domain, has emerged, as pointed by many, like a completely new political space (Sweet et.al., 2001). Along the way, the EU has established a set of procedures and instruments that allow the Member States to have coordination and to start making or creating a pool of their national resources in response to some disaster or crisis. Civil protection, as a policy field within the EU, is something that many are not aware of.

Civil protection, as a concept, and in the light of this dissertation, will be perceived as the set of all “the activities aimed at protecting the population from the consequences of disasters.” (Boin et. al. 2013, p.21). It is also something that usually falls under the responsibility of the nation state (and national sovereignty) and it is important to notice that no mention to it was made in the Treaty of Rome signed in 1957. Those same scholars argue that the EU always had the subject of protection in its intentions and final purposes, so something like the civil protection area was something that always made sense

Two environmental disasters are at the genesis of the EU’s Civil Protection Mechanism. The first one, in 1976, was in Seveso, Italy, when a dioxin cloud escaped from a chemical plant and forced the evacuation of around 600 homes in this locality. Even without any fatality, the Member States agreed afterwards that joint action was necessary to prevent similar and potentially worst accidents. A set of procedures was created and given the name of ‘Seveso Directives I’. They were set to govern the safety of chemical plants in all Member States (and they still apply to this date).<sup>21</sup> The second disaster happened on March 16, 1978, when an oil tanker called Amoco Cadiz sunk during a storm on the coast of Brittany, France, polluting 320Km of French coastline. In reaction to this disaster, the European Council decided that Member States “must have very prompt access to information on the human and material resources which can be deployed for the control of such pollution.”<sup>22</sup>

This specific disaster is also at the origin of the European Maritime Safety Agency (created in 2002) that started to formulate guidelines for crisis response in the event of oil spills among several other issues that concern the seas (Boin et. al. 2013). The Amoco Cadiz incident gave birth to the notion that the EU could have a role in assisting its Member States, individually, in ways that could require expert assistance and critical resources in order to manage possible disasters or crisis. “The Commission’s reaction to the Seveso and Amoco Cadiz disasters was handled by DG (Directorate-General) Environment, which over time would become a key player in the

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<sup>21</sup> Council Directive June 24, 1982, on the Major-Accident Hazards of Certain Industrial Activities (82/501/EEC). These directives do not apply to nuclear power plants.

<sup>22</sup> Council Resolution June 26, 1978

EU's civil protection sector (until the Lisbon Treaty moved the Mechanism to DG ECHO)." (Boin et. al. 2013)

Italian commissioners had the procedural initiative that in the end allowed the Commission to have more responsibility in pre-identifying resources in the EU and providing a direct line that gave Member States a way to have access to quick deployment of those resources. The idea was that large-scale natural disasters that can overwhelm a member state demand collaboration from assisting countries; this collaboration, in turn, was thought to foster solidarity (Boin et.al. 2013), and it would "help establish a People's Europe" – "fostering in Europeans the sense of belonging to the same community." (European Commission, 2000).

The so called Civil Protection Mechanism had its discreet origins in 1987, when the European Council invited the Commission to "introduce a Guide to Civil Protection [which] will include a list of liaison officers from the Member States (...) so that the information collected will help to produce a clearer picture of the assistance available in each Member State in the event of a disaster." In 1991, a Council Resolution introduced the Civil Protection Mechanism as it would be for the next two decades. In it, the Member States were advised to "(...) if requested by another Member State, furnish all such assistance as they deem possible and available in the event of disaster in the territory of that other Member State" (Ahman, Nilsson 2009, 85) (Resolution of the Council on the Introduction of Community Cooperation on Civil Protection, 1987). This resolution, for example, specified that assistance would take the form of "early dispatch of aid teams, supplied with equipment and aid material" (Resolution of the Council 91/C 198/01, 1991) quoted in (Boin et.al. 2013).

The first legal EU competence in this domain was established in 1997 and was an 'action program'<sup>23</sup> directing the Commission to increase its efforts in pooling the Member States' expertise, facilitating mutual assistance and offering training programs. It was only 4 years later, in the aftermath of the events of September 11, 2001 in the United States, that a sense of emergency 'came to the surface' in Europe. The Union 'felt' that it required a clear, coordinated disaster response strategy that could ensure mutual assistance in time of crisis or disaster. In October 2001, the EU established the

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<sup>23</sup> The second action program was from 2000 to 2004

Community Mechanism for Civil Protection to facilitate cooperation in civil protection assistance interventions. (Council Decision 2001/792/EC, Euratom, 2001).

This Mechanism introduced new tools such as MIC - Monitoring and Information Centre (that was later replaced by the Emergency Response Coordination Centre ERCC), a Common Emergency and Information System (CECIS), CIVIL Protection Intervention Teams (based in the Member States) and a database of available resources for the whole EU. It was only after the 2004 tsunami disaster in Asia<sup>24</sup>, with which the limits of the Mechanism were somewhat exposed (Boin et.al.2013, 36) that the Council decided to strengthen the Mechanism by introducing the concept of ‘modules’. This meant that countries, that previously contributed and assisted others only after the events, would start to contribute to a predetermined set of civil protection assistance modules that could allow a fast deployment in case of a crisis.

These modules were designed to be autonomous, self-sufficient units located in Member States that could be moved to a disaster site in short notice (Boin et.al. 2013, 26). These modules are composed by ‘intervention teams’ with specific skills (named Technical Assistance Support Teams (TASTs)), which were required to be registered by the Member States with the European Commission. The Implementing rules that came out of the Commission Decision in 2007 (Commission Implementing Decision 2007/162/EC, 2012) set out 13 different module types that went from ‘Urban Search and Rescue’ to ‘Advanced Medical Posts with Surgery’. “The TASTs are designed to assist assessment and coordination teams, provide an on-site operations coordination centre, or be combined with another module.” (Boin et.al. 2013, pp. 46–47).

The Civil Protection Mechanism was and is intended to have three roles:

- Monitoring in real time, new and ongoing disasters and information sharing;
- Coordination, especially when are emergencies outside the EU, in order to avoid duplication and make the best use of available resources;

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<sup>24</sup> It was after the tsunami which struck South Asia in December 2004, that the EU Council of Ministers decided to examine ways of improving the EU’s Civil Protection Mechanism and to investigate the possibility of developing the EU rapid reaction capability to deal with disasters. Available at: [http://europa.eu/rapid/press-release\\_MEMO-06-50\\_en.htm](http://europa.eu/rapid/press-release_MEMO-06-50_en.htm) last consulted June 2016

- Operations are managed entirely by the Member States and all offers of assistance are to be made on a voluntary basis. It is up to each Member State to decide whether to offer assistance in response to a request or not.

Crisis management, as a EU policy field, interlinked with the Civil Protection Mechanism when dealing with emergencies outside the EU, like the terrorist attacks in Mumbai which involved a number of European citizens. The EU Emergency Crisis Coordination Arrangements (CCA) were designed to ensure rapid and coordinated EU cross-sector policy responses in a serious crisis.

When considering the issue of the coordination of EU early warning mechanisms, through the Monitoring and Information Centre (MIC), in the case of the Civil Protection Mechanism, and through the Situation Centre (SitCen) when dealing with Crisis Management (outside the EU), the former controlled by the Commission and the latter by the Council Secretariat, it is possible to see that there was a clear distinction between their roles and that there was no apparent duplication of effort, and that they worked well together.

The Civil Protection Mechanism focused on facilitating civil protection assistance in the case of major emergencies. The Crisis Management SitCen's role always had a much wider and different role due to the fact that it focused on early warning situation awareness and intelligence-gathering for a wide variety of political purposes. SitCen was always able to collect information from a great variety of sources, also including intelligence and security services, and being able to assess and analyse the information for the benefit of the Member States. The SitCen never played a role in the facilitation and coordination of operations.

When a crisis occurs both these mechanisms (MIC and SitCen) can be part of the same machinery for handling that crisis, involving both its domestic and overseas components.

### 3.1.1 Recent Developments

New arrangements have been conceived and implemented for the CSDP, including the establishment of an operational unit, the Military Planning and Conduct Capability (MPCC), for the management of non-executive EU military operations, such

as the training missions in Mali and Somalia. In addition, the various units of the CSDP were reorganised in early 2017 under the Deputy Secretary General for CSDP and Crisis Response.

The willingness to reform EU crisis management structures is evident with the establishment of the PRISM (“Prevention of Conflicts, Rule of Law/Security Sector Reform, Integrated Approach, Stabilisation and Mediation”) unit. This unit sees itself as a catalyst for the EU’s new Integrated Approach (IA) and is meant to bring about more coordination across all actors, both in crisis response and in early detection and prevention. PRISM reports to the Deputy Secretary General for CSDP and Crisis Response and is meant to enable implementation of what the Global Strategy and the Council of the European Union consider to be one of five priorities for EU policy: “an integrated approach to conflicts and crises” (Boin 2009, 2). With PRISM the EU has one more tool at hand to improve its coordination between crisis scenarios and its own institutions when addressing any crisis. As the case study will make evident, one of the big problems was the tendency to develop policies in Brussels with limited consultations with local partners in Mali – sometimes even with the EU delegation there.

### 3.2 A theoretical framework of Crisis Management

With the entry into force of the TEU a distinctive European way in international relations started to arise, as a reflection of the EU’s identity as expressed in the TEU and of its aim to project peace and security in Europe and in the world. It has been an approach based on components such as the promotion and support of human rights, democracy, and the rule of law. EU references and discourses over the years are full of references to the importance of human rights and democracy as being the basis of security or, if threatened, the roots of instability. The EU always saw how important the contribution of human rights was in order to establish conditions that could be enablers of peace, security, democracy and economic development.

Going into the XXI century the new context of insecurity and conflict that came with the terrorist attacks against the United States in 2001, there were growing concerns and criticisms of what was obviously perceived as a lack of capacity and willingness of the EU to manage crises. This led to the adoption of the European Security Strategy



(ESS) at the end of 2003 (and later to a report on its revision in 2008 and a new Global Strategy in 2016) which incorporated the concept of human security. Furthermore, the concept of Comprehensive Approach (CA) has been adopted to coordinate all EU instruments and actors involved (Carrasco et.al. 2016, p. 22).

The ESS called for the use of instruments of a different nature, both for crisis management and for conflict prevention, including political, diplomatic, military, civilian, trade and development activities. In practice, the EU has been deploying both military forces and civilian experts to prevent or end crises or conflicts and to create conditions for restoring peace and stability.

In the context of this dissertation a 'crisis' will be characterized as "a phase of disorder in the seemingly normal development of a system." (Boin, 2009, p. 2). This is a definition that falls right into our intended case study, as the crisis Mali that had its outbreak in 2012. Threats, uncertainty and urgency are usually characteristics of a crisis and, in the advent of a crisis, several systems can be affected, such as the lives of the citizens of a country but also of a region and consequently the EU neighbourhood.

A good example of this point is quite evident when we think what happened with the escalation of events in Mali after 2012 and 2013 and the subsequent waves of refugee flows and terrorist threats. The prospect of a large-scale crisis typically gives rise to three types of challenges when considering the response to it: "First, there are the political-administrative challenges of preparing government agencies to deal with the sudden adversity; Second, crises test the fabric of society - its citizens and institutions must demonstrate resilience if a society is to "bounce back" after a crisis and re-establish some sense of normality; Third, crises and disasters pose challenges for policy-makers; they require "deep thinking."(Boin 2009, p.370)

It is often in times of crisis that the populations turn to their leaders in search of protection and if they fail to provide adequate protection, inevitably, that will undermine their legitimacy of government (Boin et.al. 2013). The responses to different sorts of crisis and threats have traditionally been of the responsibility of government and states.

It was mostly after the Cold War, when the security environment worldwide could be characterized as rich in complex threats or challenges, that it was quickly

visible that the traditional forms of policy instruments and coercion methods were not as effective as before. Over the years a growing number of examples emerged in which the EU Member States have invested in the Union's 'crisis management capacity'.

So, Crisis management (CM) can be seen as the combination of all the procedures, instruments, activities and policies that are used to contain a given crisis, trying to affect its future course and aiming at a lasting and fruitful resolution. In this case, applied to the EU, it is also common to find in the literature that CM can be seen as something that has to do with early or immediate actions and answers to an acute situation, going from medium to long term activities in the various fields (Koenig Nicole, 2016).

EU CM policy was best understood, in the beginning, and in the opinion of Wolfgang Wagner (2003) as a fast co-ordination sort of game in which Member States reacted to international crises under tight time restraints. From this perspective, agreements were more like self-enforcing, and strong institutions didn't seem necessary. This was somewhat proven wrong by reality at least in the context of crises arising from human conflict, as the Union saw the need to build a crisis management structure within the European External Action Service (EEAS) (created in 2008) and this body would be placed in the middle of the two strongest institutions, the Commission and the Council, as will be shown below.

It can be said that 'Crisis Management' for the European Union (EU) "has become a catch-all broader term that has no precise definition" (Schroeder 2009: 492). The EU has in fact applied the CM term further than the immediate or acute phases of an emergency. The European External Action Service (EEAS) employs the term 'crisis response' to describe "the immediate mobilization of EU resources to deal with the consequences of external crises caused by man-made and natural disasters" (Commission Implementing Decision 2007/162/EC, 2012) quoted in (EEAS 2015). It also uses the term 'crisis response cycle' which includes activities related to conflict prevention, peace-making and post-conflict stabilization. (Fig. 1)

The EUNPACK project (Blockmans et.al. 2016), from the Norwegian Institute of International Affairs established a distinction between the following three phases in a crisis cycle:

- 1) The pre-crisis phase, happens when the EU can play some influence on conflict dynamics, preparedness and responses through early warning and conflict-prevention efforts. Although crises do not always ‘begin’ at a defined moment, the origins and motivating factors can often be traced back, and unresolved issues from previous crises or other crises in the region can have a significant impact on their escalation (precisely what we will witness in the origins of the Mali crisis);
- 2) Crisis phase occur when response and management, rapid-reaction mechanisms, possible deployment of a CSDP mission, or even aid packages, link to other pre-existing policies and how these can impact on conflict dynamics and how they are applied. This usually happens when a crisis response is formulated by a member-state or by the High Representative/Crisis Platform, followed next by the EEAS Department for Crisis Response and Operational Coordination, and thereafter brings internal and external coordination (Brosig, 2014) and a field/ground-level assessment of the conflict dynamics. It's in this stage that CSDP missions EU Training Mission Mali and EUCAP Sahel (both covered in our case study) presently are;
- 3) Post-crisis phase, starts when stabilization and state-building efforts for peace, stability and human security are implemented. This phase usually begins with a peace agreement or an extended ceasefire (Rieker et al. 2016, 8). The aim is no longer crisis response, but crisis management and prevention of a future crisis (Bøås, 2009). Here attention is necessary and required to both the inter-organizational competition and the cooperation in crisis management.

While multiple EU institutions are or can be involved in more than one of these phases, we can try to envision a distinction between them and their main responsibilities. The pre-crisis response is the responsibility of the EEAS and the Commission, in line with their focus on early warning and conflict prevention. Since the Commission doesn't intervene directly on the ground, the humanitarian programmes can later be implemented with the collaboration of Partner organisations that share

common general objectives with ECHO. In the crisis response phase, the Council and the intergovernmental decision-making structures of the European Council and the Council of the EU are involved more deeply. And last, in the post-crisis phase, the Commission's institutions (such as DEVCO) are determinant, as well as the EEAS and various CSDP stabilization and training missions. These might be seen as post-crisis missions and/or as missions aimed at preventing an eventual new crisis, and so they can also be considered as conflict-prevention procedures.

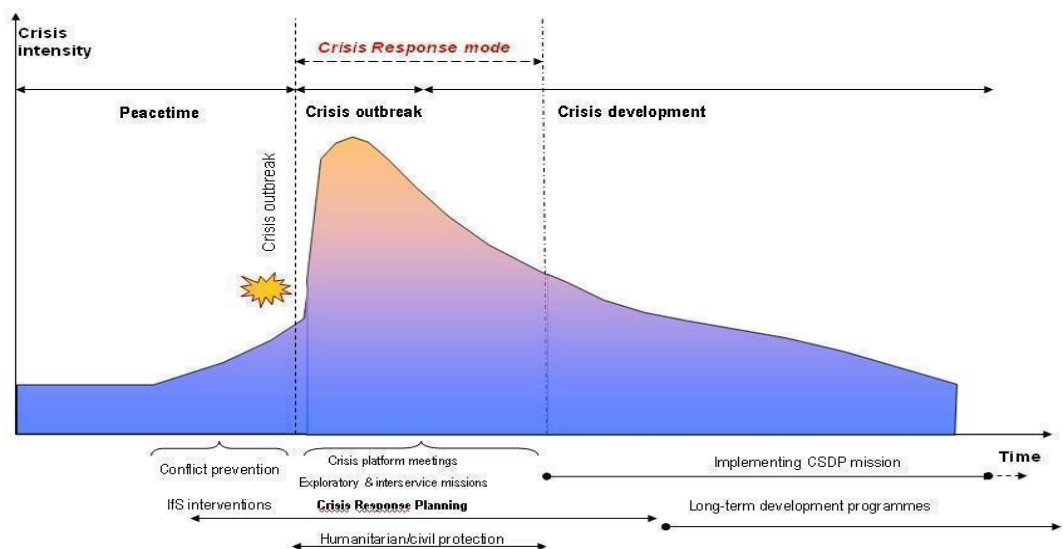


Figure 1 - Crisis Response Cycle

Source: Crisis Response Cycle<sup>25</sup>

It is in the stage of planning of a EU mission that diplomatic, economic and military activities normally come together. Decision-makers tend to further divide CM into the political, strategic and operational levels and different European Union institutions/agencies are in place for each of them. The political level deals with the policy formulation and with the decision-making at the inter-governmental arena and has its grounds in the European Council. The strategic level involves the planning of activities for civilian and military CSDP missions and operations. The operational level, in turn, refers to implementation and includes the management of activities or instruments in the field (Koenig 2015, 12).

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<sup>25</sup> Available at: At: EEAS: [https://eeas.europa.eu/topics/crisis-response/412/crisis-management-and-response\\_en](https://eeas.europa.eu/topics/crisis-response/412/crisis-management-and-response_en) – last consulted November 2017

Due to the Lisbon Treaty there was a need to translate the comprehensive approach to CM into a concrete revision of the institutional set-up and its own way of functioning. This was the main reason for the establishment of a coordinated Crisis Response System (CRS) within the EEAS and to the process of revision of crisis management procedures.

Crisis Response will be defined henceforth, as “the immediate mobilization of EEAS resources to deal with the consequences of crises caused by political or armed conflict, technological incidents, and manmade and natural disasters” (Note from the Executive Secretary General - EEAS, 2012, p.2). The EU had already shown, in its December 2011 Council, that it had the full intention of playing a greater role as an international security actor and to increase its capabilities in what concerns ‘Crisis Management’. (Council conclusions on Common Security and Defence Policy, 2011).

To go deeper in this concept of ‘crisis management’ it is important to consider the civilian part of CM, more specifically the International organizations (IO) that are part of it, trying to understand their impact and involvement in this framework. We must bear in mind that there is another component taking part on it, and that is the military one. This military component can bring significant contributions to crisis management missions due to the presence of security and safety issues.

The EU, realizing (increasingly over the years) its distinctive nature as a normative power, saw the importance of the military contribution for civilian missions rather than going deeper into fully military ones. Therefore, something called Comprehensive Approach became such an important concept in crisis management within the EU and where we can easily trace all the considerable amount of efforts played inside it to reach an ever-better coordination between European civilian and military assets working in EU missions and operations at the same time and even if both these components preserve their own coordination committees within the EU structure as we will see next.

### 3.2.1 Comprehensive Approach as a key concept for the EU Crisis Management and the Whole of Government Approach (WOA)

It is impossible to talk about the development of the EU's activities in CM without invoking the broader concept of 'Comprehensive Approach' (CA). The development of this concept has played a central role to both International Organizations (IO) and individual States in improving and managing their needs in security and crisis or conflict management. The EU started to have the ambition of providing security across all dimensions and the Comprehensive Approach was deemed essential to its success as a global security actor, and its role as a crisis manager. Here the intention is to focus particularly on a security type of crisis, an important aspect when going through the CA concept and seeing how the military acts or should act with the civilian component of a given mission, using as an example the crisis in Mali that broke out in 2012. Even if the security type of crisis will be more at the centre here, it is likely that recommendations arising from this research can be applied to other types of crisis, where safety is an important aspect too (natural disasters for example).

When we talk about CSDP operations it should be clear that in the EU environment, the CSDP military activities are often (not always) named 'operations' while civilian activities are called 'missions'. The EU crisis management missions/operations can be either of a military or of a civilian nature as we have seen already. Although the TEU does not exclude the deployment of missions/operations that could combine both military and civilian elements, the EU planning and conduct structures, together with the relevant financial regulations, have so far prevented the creation of integrated military-civilian operations (Tardy, 2015, p.17), they both preserve their own coordination structures that advise the Political and Security Committee (PSC), the Committee for Civilian Aspects of Crisis Management (CIVCOM) for the civilian component, and the European Union Military Committee (EUMC) supported by the European Union Military Staff (EUMS) for the military component.

This "Comprehensive Approach" can in fact be a considerable challenge, one that the EU has faced it for more than a decade now. It requires the coordination of a significant number of institutional actors and policy domains within the EU itself, at a

political-strategic level and as well in both levels of planning and operations. Analysing the EU's practices as an actor engaging in a comprehensive approach to CM is especially hard because sometimes it is quite challenging to grade one of the mission's components as a success or a failure (and even more to make people notice it). Taking as an example a mission with presence of military forces and civilian personnel, like in Mali, and where no security issues for the civilian workers occur during their mission time, it is very hard to prove that the mere presence of the military forces constituted a deterrence against possible attacks.

When States and IOs started to move to a CA in CM one of the first issues was how to coordinate the military and the civilian capabilities in ways that prove to be efficient and effective, even in complex crisis situations.

Conceptually the CA serves the intention of allowing the Commission to be aware of the all actors that will be, or are already, involved, in any given mission, in order to make them work together from the planning stage to the stage of implementing and initiating the activities and thus to maximise their effectiveness. It aims at getting the strengths of both civilian and military actors in a way that provides a joint approach to all phases of a crisis, from the point of arrival, to control and stabilization to reconstruction, if intended.

CA is “derived from the recognition that military capabilities, although essential, are often not sufficient to meet current complex challenges to the international security” (Pirozzi 2013, p.6). This means that cooperation between different actors, say political, civilian and military in the theatre is essential. “CA stems from the broadened concept of ‘security’, which ought to be faced from different angles, i.e., societies are tensely connected in political, social and economic sense that affects multiple actors across the world. Some states’ security is highly interdependent on other states” (Leeuw Louwrens 2016, p.16). This is something obvious in the Sahel region and in all the implications that a crisis in this region could potentially have to Europe, mainly when considering a potential ‘wave’ of refugees that could stress the EU's south Mediterranean borders.

After Lisbon, this comprehensive approach has been put in a far broader framework by assigning greater responsibilities to the HR/VP, supported by the then created European External Action Service (EEAS). This development has been

accompanied by some reflections on the most appropriate instruments to give added value in EU crisis management (Pirozzi 2013, p.5-7). The EU's form of 'comprehensive approach' does not address only the coordination of different compartmentalized tools such as diplomacy, defence and development, or between civil and military components and structures: it also aims at developing a coherent way of thinking and a 'culture of coordination' (Weston and Mérand 2015, p.337-38). This is seen by many as something that forms the basis for the ongoing organizational build-up of the EEAS into an integrated external affairs administration (Blockmans, Hillion, 2013; Bátorá et. al. 2013; Cooper, 2016; EEAS 2016a; Rieker et al. 2016). As it is, the EU's comprehensive approach was, and still is, about defining and setting a common strategic vision of the Union, and the operational premises to integrate all areas of EU external or foreign action.

This comprehensive approach to crises has started to be understood within the EU as an organizing principle, one that had the objective of ensuring a holistic, coherent and integrated response from the various EU institutions and instruments. Inside the EU and along with it, many actors are involved in crisis-management efforts. This requires strong coordination, both external and internal of institutions, units, instruments and the coherence of common objectives. It is under this setting that NGOs often play their role as vital consulting parts that can provide important information and coordination with local actors that can prove vital to a certain mission since the beginning.

In 2013, crisis management procedures introduced a 'fast track' planning process that has been used for the establishment of EUFOR RCA (the United Nations mandate mission for the EU in the Central African Republic) that came to speed up the bureaucratic process when a crisis is at hands and time is vital if the EU wants to play a role in solving or minimizing its consequences. Another instrument implemented to speed up the planning process is the Political Framework Crisis Approach (PFCA) which consists of a broad political assessment of specific situations and the consideration of the appropriateness of a CSDP mission or operation in this regard. The PFCA has been drafted in four cases: Ukraine, RCA, Libya and Boko Haram.<sup>26</sup>

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<sup>26</sup> See examples taken from: (Council of the European Union, 2013); (Council of the European Union, 2008). A third type of action is provided by Art. 44 TEU where the Council may 'entrust the implementation of a task to a group of Member States which are willing and have the necessary capability



Also, in 2013, in order to address the complex coordination issues, the HR/VP and the European Commission have introduced eight measures to enhance the coherence and effectiveness of EU external policy and action in conflict or crisis situations (European Commission and HRVP 2013: p.9 cited in Rieker et al. 2016, p.7):

- 1) develop a shared analysis
- 2) define a common strategic vision
- 3) focus on prevention
- 4) mobilize the different strengths and capacities of the EU
- 5) commit to the long term
- 6) linking policies and internal and external action
- 7) make better use of EU Delegations
- 8) work in partnership

The CA, as it addresses the coordination of a significant number of institutional actors and policy domains within the EU and being active at a political-strategic level as well as at both levels of planning and operations, is an important concept and truly relevant to NGOs and their involvement, particularly in the civilian component. But it can also be quite relevant to a military component when the NGOs share important information about specific situations that can vital to a military operation too.

The CA concept has different meanings for different organizations and countries. If we consider the UN Integrated Approach we see that it is mainly concerned with security and development and with trying to find some coherence between elements such as peace, security or development and humanitarian aspects too. CA on the other hand is a concept that derives more from NATO and it is just logical why it became a relevant concept within the CSDP as several Member States are also members of the Alliance. The EU's CA is mainly concerned with the civil-military relationship

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for such a task'. See Tardy, T., 2014, In groups we trust Implementing Article 44 of the Lisbon Treaty, EUISS Brief Issue no 27 – Available at - <https://www.iss.europa.eu/content/groups-we-trust-%E2%80%93-93-implementing-article-44-lisbon-treaty> - last consulted May 2018

between all its elements (military aspects, of the state law, protection and conflict management) when approaching crisis management.

The Whole-of-Government Approach (WGA) is a different and specific approach because it is mostly concerned with establishing or trying to ensure (to the very best) the coherence between various departments and government agencies of the specific IGO such as the EU.

Comparing these three organizations in their ‘approach’ we get a clear notion that the UN is the organization with the most experience in crisis management and peacebuilding missions and NATO is a military alliance where the forces for conflict are obviously more efficient and capable than the other two. The EU is the IGO where the civil component grew over the years in an organization that realized that it couldn’t – at least for now – deliver on military strength. The WGA makes more sense if we consider that the CA has more to do with dealing with the instruments that are meant to be placed in any given mission, and the first has to do with the power on the use of the different instruments (Quaresma, 2011, p. 6).

### 3.3 European Union’s Institutional Architecture for Crisis Management

The EU has been one of the largest providers of humanitarian aid and relief around the globe. Constituting a central part of the Union’s intended international role, addressing the needs of countries and their people that were hit by natural or man-made disasters/crisis is something that aims at strengthening its civilian power.

After considering intentions, principles and theories, an analysis of what institutions and bodies support them within the EU institutional architecture is worthwhile. The following sections present a brief description of the organic insertion, main roles and compositions of the elements of this architecture which are relevant for crisis management. The way in which these elements intervene in the various phases of the Planning and Decision-Making processes will be the focus of Chapter 4.

### 3.3.1 European Commission (EC)

The European Commission is the Union's politically independent executive arm. The Commission is the executive body of the EU and the 'guardian' of the treaties as it has the role of ensuring that the treaties are upheld. It is the institution responsible for drawing up proposals for new European legislation, implementing laws after the decisions of the European Parliament and the Council of the EU. It promotes the general interest of the EU by proposing and enforcing legislation, implements its policies and enforces the EU budget.

When it comes to the Common Foreign and Security Policy (CFSP) – Common Security and Defence Policy (CSDP), the EC is responsible for the financial and logistical support of civilian missions and conducts some projects alongside CSDP missions in the field and in the framework of programmes for Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR). Since 2007, the EC also has a tool called Instrument for Stability (IfS) that is supposed to offer financial support for crisis situations and is intended to complement other CFSP and geographic instruments.

The EC coordinates with the European Council when it comes to decision-making in order to promote coherence between the CSDP operations and the other activities of the Commission (like the Directorate-General for Humanitarian Aid and Civil Protection, and the Instrument for Stability). The EC doesn't have a political decision-making power although it can exercise another type of power, one of a more administrative nature through the enforcement of established rules. The Commission benefits from its financial resources and that can be very relevant in the field of crisis management. The Commission can also propose CM instruments because it has a right of initiative and has a broad range of EU crisis management tools. Since 2007 the funding related to crisis management and security matters has been based on the new IfS, that replaced the Rapid Reaction Mechanism (European Parliament and Council of the European Union 2006).

The European Commission has 25 General Directorates (DG in short) that manage the different areas of work of the Commission. DG DevCo manages

development aid. The staff of DevCo work at the headquarters in Brussels as well as in 141 EU Delegations around the world.

This particular body from the Commission doesn't implement development projects and programmes themselves, but use partners for the implementation, such as civil society organisations, which implement EU aid for around 1 billion euro annually ("EU aid – how is it planned and implemented?" 2013).

#### 3.3.1.1 Instruments of the Commission

When the subject is pre-crisis response, the main branch of the Commission is the Service for Foreign Policy Instruments (FPI). It has the responsibility to run the instruments of the EU foreign-policy, including the Instrument contributing to Stability and Peace (IcSP), the Partnership Instrument (PI), sanctions, the Instrument for Cooperation with Industrialised Countries (ICI).

The service for Foreign Policy Instruments (FPI) manages operations, including their financing. It serves under the direct authority of the HR/VP and is co-located with the EEAS. The IcSP is an external assistance instrument that allows the EU to take the lead in trying to contribute to prevent but also to respond to an actual or emerging crisis around the globe. Although conceived as a civilian instrument of crisis response complementing CSDP missions, the IcSP is more like a synergetic and comprehensive crisis response instrument that links security and development.

Within FPI, the Unit tasked to manage the Instrument contributing to Stability and Peace (IcSP) is FPI.2. The Unit in charge of Common Foreign and Security Policy operations, FPI.3, manages funds for the common costs of civilian CSDP missions, support to non-proliferation and disarmament actions, as well as the budgets of EU Special Representatives. For the IcSP, the EEAS prepares the strategy paper and multi-annual programming for Articles 4 and 5 in consultation with FPI.2 and DEVCO.

Based on the Strategy papers and multi-annual programming, it is up to DEVCO to prepare draft proposals for the annual action programmes for Article 5, and keeping the EEAS informed about it. The annual action programmes for Article 4 are prepared by FPI.2 in consultation with the EEAS. Ideas for measures to be financed under Article 3, which is not formally programmed, are evaluated jointly by the EEAS and FPI.2 (and

other Commission services where relevant). Crisis response planners inside FPI.2 have at their disposal, regional crisis response planning officers based in the vast amount of EEAS delegations, regional or thematic conflict policy expertise. All of these in addition to the staff present in Brussels. They collect and analyse information on conflicts that in turn inform IcSP funding priorities ((EPLO), 2018, p. 23).

#### 3.3.1.2 DG DevCo - Directorate-General for International Cooperation and Development

This DG oversees the development cooperation policy in a wider framework of international cooperation, trying to adapt the evolving needs of partner countries. This includes cooperation with developing countries at any different stages of development, including with countries that want to cover their specific needs from being a low-income country to an upper middle-income one. DG DevCO works closely with other Commission services responsible for thematic policies, and the EEAS, to facilitate and help ensure a consistent approach.

It works to foster coordination between the EU and its Member States around cooperation in development and to ensure the external representation of the European Union in this field.

DG DEVCO programmes and is responsible for the implementation of the following financial instruments:

- Development Cooperation Instrument (DCI) (€19.7 billion for 2014 - 2020);
- European Development Fund (EDF) (€30.5 billion for 2014 – 2020);
- European Instrument for Democracy and Human Rights (EIDHR) (€1.3 billion for 2014 – 2020) ((EPLO), 2018, p. 25).

Most of the Union's external funding is spent on development assistance through the European Development fund (EDF) and the Development and Cooperation Instruments (DCI). For the European Instrument for Democracy and Human Rights (EIDHR) as for other thematic programmes under DCI, DG DEVCO will have the leading role, including for the programming but always consulting the EEAS at each step of the process ((EPLO), 2018, p. 25).

#### 3.3.1.2.1 IfS - Instrument for Stability

This instrument is housed in DG DEVCO and was established in 2007 to fill the ‘gap’ that existed between CSDP operations and the other activities of the Commission. It was a way for financing actors when other ways of doing it are not available in a timely fashion. To this date the IfS has financed activities such as mediation, confidence building, interim administrations and Rule of Law activities.<sup>27</sup>

#### 3.3.1.3 ECHO - Directorate-General for Humanitarian Aid and Civil Protection

Within the Commission’s structure and in order to fill the past gap of coordination among Member States, but also with UN agencies and/or NGOs, it was necessary to establish an agency that could have the capability of carrying out such a task. This task was assigned to the European Community Humanitarian Office (ECHO) that was established in 1992 and was given “(...) generous discretion to decide upon the best way to allocate and implement humanitarian aid.” (Daniela Irrera 2017). The agency became responsible for the entire humanitarian aid cycle, identifying those crises for which money was allocated, evaluating the aid strategy to pursue and selecting the partners entrusted with the task of implementing projects. (Ibid.) Following the Lisbon Treaty, this agency became a Directorate-General but kept its ECHO acronym.

Daniela Irrera (2017) saw the importance of understanding the mechanism that rules the work of ECHO in terms of funding. ECHO has worked within the Framework Partnership Agreements (FPA), an instrument that defines and oversees the principles of partnership with humanitarian organizations, specifies the roles, rights and obligations of partners, and contains the legal provisions applicable to the humanitarian operations. Irrera (2017) states that “Approximately half to the EU’s relief aid has been provided by ECHO to NGOs and UN agencies (...). The new mechanism, established in 2004, represented a supplementary specification of the long and established relations with NGOs and a more sophisticated way to profit from the expertise they have in developing countries.”

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<sup>27</sup> European Commission, External Relations (2009) instrument for Stability (IfS) – EU in action – At: Hanssen M., Civil-Military Interaction in the European Union – Applying a Comprehensive Approach to CSDP Operations, Swedish Defence Research Agency, Stockholm, pp.18, 2010

ECHO is assigned to deal with humanitarian crises and has its own budget which to some extent makes it independent from the Member States and therefore also more politically independent. It was created to ensure and coordinate all the aid delivered to countries outside the EU, but it was upgraded in 2010 in its competencies to also manage crisis within the EU.

The role of ECHO is crucial for this research since it is the European ‘body’ that has direct involvement with NGOs. It works with over 200 partners organisations (see DG ECHO Annual Activity Report, 2017 and the Framework Partnership Agreement, 2014), trying to provide humanitarian assistance throughout the world. Its humanitarian partners include United Nations agencies, NGOs, international organisations, but also specialised agencies of EU Member States. Such a diverse range of partners is of great importance because it gives ECHO a comprehensive coverage of the increasing needs and crises across the world. It is also relevant to point out that ECHO has been developing a close working relationship with its partners at the level of both policy issues and management of humanitarian operations, a crucial point for the analysis of NGOs relations with decision-making in the EU.

The relationship between ECHO and its non-governmental partners is ruled by the NGO Framework Partnership Agreement (FPA)<sup>28</sup>. It stipulates the principles and the conditions for this type of partnership, and the objectives and conditions that must be met when conducting EU-funded humanitarian operations. All these actions and goals are set so that they make the best use of the funds granted and are as effective as possible.

Since the Commission does not intervene directly on the ground, the humanitarian programmes can be implemented with the collaboration of these Partner organisations that share common general objectives with ECHO.

The Framework Agreement varies according to the type of Partner involved. For this dissertation it will suffice to mention the FPA for Humanitarian Organization under

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<sup>28</sup> Also see: The Commission is responsible for designing and implementing the Union policy in the field of Humanitarian Aid. The European Union's humanitarian aid is intended to provide assistance, relief and protection to people in third countries who are victims of natural, man-made disasters or complex emergencies, in order to meet their humanitarian needs. - At: [https://ec.europa.eu/echo/partnerships/humanitarian-partners\\_en](https://ec.europa.eu/echo/partnerships/humanitarian-partners_en) - last consulted October 2017

Humanitarian Regulation and the FPA under The Emergency Support Regulation (Framework Partnership Agreement, 2014).

ECHO has a funding role with limited operational capacity of its own; its main competence lies in its considerable network and the expertise of its personnel. ECHO aid is primarily distributed through the UN or the International Committee of the Red Cross (ICRC) (Olsson, 2009, p.89). Due to its humanitarian focus and its ability to act under the humanitarian imperative it has not regarded itself as a part of the EU CSDP structure and so, it is not encompassed by the EU's civil-military interaction concepts (Hanssen, 2010, p.18).

ECHO is deeply involved in the Mali Crisis operations (case study) as it has been fleeing secondary routes in the north facilitating the movement of humanitarian workers and provisions to the most inaccessible areas for example and also supporting a project called Common Framework on Seasonal Social Safety Nets in Northern Mali aims at building resilience of very poor families in Tombouctou and Gao, in Northern Mali.

#### 3.3.1.3.1 ERCC - Emergency Response Coordination Centre

The Emergency Response Coordination Centre (ERCC), operates within the European Commission's Civil Protection and Humanitarian Aid Operations (ECHO) Directorate-General, and was set up to support coordinated responses to disasters in doors, but also outside Europe, using resources from the countries that participate in the EU Civil Protection Mechanism. The ERCC replaced and upgraded the functions of the previous Monitoring and Information Centre (MIC) as pointed earlier.

With a capacity to deal around-the-clock with several simultaneous emergencies in different time zones, the ERCC is a coordination hub that wants to facilitate a comprehensible European response during emergencies helping but also aims at cutting unnecessary and expensive duplication of efforts. It tries do so by collecting and analysing real-time information on disasters, monitoring hazards, preparing plans for the deployment of experts, teams and equipment, as well as working with Member States to map available assets, coordinating the EU's disaster response efforts by matching offers of assistance with the needs of the disaster-stricken country.



The ERCC also supports a variety of prevention and preparedness activities, from field exercises simulating emergency response to awareness-raising.

#### 3.3.1.4 DGE - Directorate-General for External Policies of the Union

The Directorate-General for the External Relations (DG RELEX) (DG E VIII) was a Directorate-General of the European Commission, responsible for the external policy. This DG was merged into the European External Action Service in 2010. This unit is responsible for organising the work of Parliament's committees and interparliamentary delegations in the field of external – that is, beyond the EU – policies.

### 3.3.2 European Parliament

The European Parliament is the EU's main law-making body. It is directly elected by EU voters every 5 years.

The 3 main roles of the European Parliament are<sup>29</sup>:

#### **Legislative**

- Passing EU laws, occasionally together with the Council of the EU (co-decision) and based on the Commission proposals.
- Ruling verdicts on international agreements
- Ruling verdicts on enlargements
- Reviewing the work programme of the Commission and asking it to propose legislation

#### **Supervisory**

- Scrutiny of all EU institutions
- Electing the Commission President and approving the Commission as a body. Possibility of voting a motion of censure, forcing the Commission to resign

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<sup>29</sup> At: European Union, Institutions and bodies, European Parliament, available at: [https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament\\_en](https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament_en) - last consulted April 2018

- Granting discharge, i.e. approving the way EU budgets have been spent
- Examining citizens' petitions and setting up inquiries
- Discussing monetary policy with the European Central Bank
- Questioning Commission and Council
- Election observations

### **Budgetary**

- Establishing the EU budget, together with the Council
- Approving the EU's long-term budget, the "Multiannual Financial Framework"

The European Parliament also got his role reinforced with the Lisbon Treaty in the defence and security policy. It controls CSDP missions by being involved in the adoption of strategies and mandates for missions and got extended access to classified documents and information concerning missions (Pohl et. al. 2011). And it naturally keeps the budget oversight role that it already had.

### **3.3.3 The Council**

When speaking informally about the main political institutions of the EU there is frequent mention to “The Council”, but in fact this could refer to two institutions, the European Council and the Council of the European Union. These institutions, besides their similar names, share the same buildings and the same staff (the General Secretariat of the Council (GSC)).

#### **3.3.3.1 European Council**

The European Council concentrates EU leaders to set the EU's political agenda. It represents the highest level of political cooperation between EU countries as it sets the EU political agenda.

The Council takes the form of quarterly (usually) summit meetings between the EU leaders, chaired by a permanent president.

Its roles are<sup>30</sup>:

- To define the EU's directions and priorities of European foreign policy. It has a permanent chair (President);
- Decides on the EU's direction and political priorities – doesn't pass laws
- Deals with complex or sensitive issues that cannot be resolved at lower levels of intergovernmental cooperation;
- Sets the EU's common foreign & security policy, taking into account EU strategic interests and defence implications;
- Nominates and appoints candidates to certain high-profile EU level roles, such as the ECB and the Commission.

On each issue, the European Council can:

- ask the European Commission to make a proposal to address it;
- pass it on to the Council of the EU to deal with.

### 3.3.3.2 Council of the European Union

The council of the EU negotiates, votes and adopts EU legislation together with the EU Parliament and its composed of national government ministers grouped together by policy area (Ex.: Foreign Affairs; Economic and Financial Affairs; Justice and Home Affairs and others). The Council of the EU also coordinates policies in certain areas, develops the CFSP, concludes international agreements and adopts the EU budget with the EU Parliament.

It has more than 150 working parties and Committees to help on its work.<sup>31</sup>

#### 3.3.3.2.1 FAC - Foreign Affairs Council

Being one declination of the Council of the EU (with GAC) it is relevant because it deals and operates on the Union's foreign affairs and external crisis response.

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<sup>30</sup> At: European Union, Institutions and bodies, European Council, available at: [https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament\\_en](https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament_en) - last consulted April 2018

<sup>31</sup> At: European Union, Institutions and bodies, European Council, available at: [https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament\\_en](https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament_en) - last consulted April 2018

It is responsible for the EU's external action, which includes foreign policy, defence and security, development cooperation, humanitarian aid and trade. It is composed of the foreign ministers from all EU Member States. Depending on the agenda, the FA Council can also bring together<sup>32</sup>:

- defence ministers (common security and defence policy)
- development ministers (development cooperation)
- trade ministers (common commercial policy)

Meetings of the Foreign Affairs Council are chaired by the HR/VP which is assisted for these meetings by the preparations and reports made by the EEAS.

The FAC sets and implements the EU's foreign and security policy, based on the guidelines that were set by the European Council. The FAC can launch EU crisis management actions, in pursuit of the EU's objectives of peace and security and it can adopt measures needed to implement the EU's foreign and security policy, including possible sanctions.

The FAC is the body (other than the European Council) that decides whether a situation should be defined as a crisis or not. It makes its policy by the adoption of (clear) positions and by defining actions. While common positions tend to describe the EU's attitude towards third countries, international events or situations may require more on implementing measures. Examples of joint actions could be a decision to launch EU crisis-response actions (military and civil), or to adopt measures for implementing the EU's foreign and security policy, including possible sanctions (Council of the European Union 2014 cited in Bátorá et al. 2016).

#### 3.3.3.2.1.1 GAC - General Affairs Council

The General Affairs Council (GAC) is a configuration of the Council of the European Union that meets once a month (at least) and joining the Foreign Ministers of the Member States. It can be, still, seen as a central forum for political negotiation and

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<sup>32</sup> At: European Union, Institutions and bodies, Foreign & Security Policy, available at: [https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament\\_en](https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament_en) - last consulted April 2018

decision-making in CSDP/CFSP matters under the overall guidance of the European Council.

The GAC is one of the two only Council formations that have a basis in the Treaties. Despite this formal treaty importance and its historically significant role as a part descendant of the General Affairs and External Relations Council (GAERC), it has lost substantially part of its relevance since the implementation of the Treaty of Lisbon in 2009

Like mentioned before, the Council has two formations: The Foreign Affairs Council (FAC), chaired by the HR/VP, and the General Affairs Council (GAC), chaired by the rotating Council presidencies. It was the Treaty of Lisbon (2007) that split GAERC into these two Council formations that exist presently. CFSP matters are this way more concentrated at the FAC, Foreign Ministers now often delegate participation in the GAC to their deputies, state secretaries for European affairs, or even their permanent representatives.

The GAC serves the purpose of ensuring the consistency of the work being done at the different meetings of the Council configurations as it prepares and ensures the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission (Koutrakos, 2011, p.39)

#### 3.3.3.2.2 GSC - General Secretariat of the Council

The Secretary-General of the Council of the European Union chairs the General Secretariat of the Council of the European Union.

The General Secretariat of the Council (GSC) is responsible for assisting both the European Council and the Council of the EU, including its presidencies, the Permanent Representatives Committee (COREPER) and the other Council committees and working parties.

The staff in this body helps organising and ensuring the Council's work and the implementation of its 18-month programme has the necessary coherence. It will assist the European Council and its President and can also support the Council presidency in negotiations within the Council and with the other EU institutions.

An important and relevant task of the GSC is its legal service that is intended to provide opinions to the Council and all its committees, to ensure that Council acts are lawful and well-drafted. It also represents the Council in judicial proceedings before the European Court of Justice, the General Court and the Civil Service Tribunal.

The CSDP is supported by three main structures that are based in the Council General Secretariat and that are related to its intergovernmental dimension: The Political and Security Committee (PSC), the EU Military Committee (EUMC) and the EU Military Staff (EUMS). Together they deal with the different phases of the decision, preparation and deployment of military missions that are supported by the EU.

#### 3.3.3.2.2.1 PSC - Political and Security Committee

This body is responsible for the EU's CFSP and CSDP. It is composed of ambassadors (or high-ranking diplomats) and meets, at least, twice a week and acting as main adviser to the FAC. Further, it supervises common policy adopted by the FAC and exercises political control and strategic direction of CSDP operations under the authority of the FAC and the HR/VP. It is the body that has the true political capability for EU crisis response.

Its roles are<sup>33</sup>:

- Monitoring the international situation;
  - Recommendation of policy options and strategic approaches to the Council;
- To provide guidance to the Military Committee (the Political-Military Group) and to the Committee for Civilian Aspects of Crisis Management;
- To guarantee strategic direction and political control of CM operations.

It is up to the PSC to decide both on the mandate and on the composition of each crisis management mission. After doing so, it will issue its recommendations to the Foreign Affairs Council (FAC) that will decide to adopt or not the Joint Action. The PSC exercises political control over the missions and deals with the strategic

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<sup>33</sup> At: European Union, Institutions and bodies, Foreign & Security Policy, available at: [https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament\\_en](https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament_en) - last consulted April 2018

management of all the EU missions (civilian and integrated ones) under the authority of the High Representative as stated in Article 38 of the Treaty on European Union (TEU).

The PSC has the role of monitoring the implementation of policies and coordination of crisis management activities by preparing and sending its opinions to the Council on the crisis in which the EU should intervene. If a military response to a crisis has been decided, the EUMS will supply military support to the PSC and it is the PSC who will supervise the military action. To do so, it has to be assisted by the military knowledge and techniques that are provided by the EUMS.

It directly supports the General Affairs and External Relations Council (GAERC) and it is the focal point for most CSDP, as well as many CFSP matters. It monitors the international situation and examines the EU's options for response during a crisis abroad and defines policies and delivers opinions to GAERC and the European Council if requested. Adding to this, it has political and strategic responsibility for all Peace Support Operations (PSOs) (Stromvik, 2014) that the EU conducts. This was made possible through the Treaty of Nice that granted the European Council the power to delegate the daily decision-making authority directly to the PSC. The PSC is a dual use institution that channels both the civilian and military CSDP crisis management decisions (Merlingen, Ostrauskaite, 2010, p.44).

The PSC is composed of the Member State ambassadors (not the same as in COREPER) and usually meets twice a week. It has a permanent chairperson (an ambassador elected by all the members) and it is responsible for the integrated planning of the missions. The PSC takes advice from the Committee for Civilian Aspects of Crisis Management (CIVCOM) and from the EU Military Committee (EUMC). The PSC is also supported by the Politico-Military Group (PMG) that acts as a forum for examining military-related issues. These two advising Committees and the PMG are composed of national representatives and will help to find a consensus among the decision makers (Gross, 2013, p.74).

In the Union's civil-military crisis management, the debate between the Member States occurs at the level of the European Council and the PSC, including its advising bodies. The ambassadors delegate three major functions to their crisis management

agents in the advising bodies: agenda management, operational planning and management and external representation of the Union within the EEAS.

#### 3.3.3.2.2.2 EUMC - The European Union Military Committee

The EUMC is formed by the chiefs of defence from all EU countries and its task of directing the EU military activities and provides advice on military matters. They answer to their Minister of Defence in their home countries.

The EUMC, as just mentioned, has to provide the PSC with advice and recommendations on all military matters within the EU.

During an operation, the EUMC will have to monitor the proper execution of military operations that are conducted under the responsibility of the Operation Commander. It is also the forum for military consultation and cooperation between the EU Member States in the field of conflict prevention and crisis management. Its military advice is taken on the basis of consensus. The recommendations it gives the PSC, are based upon the EUMS previous evaluation, and are mostly focused on the operation concept and on the draft of operation plan (OPLAN) that were drawn up by the operation commander and will give advice to the PSC on the termination option for an operation.<sup>34</sup>

#### 3.3.3.2.2.3 EUMS - EU Military Staff

The EU Military Staff (EUMS) is tasked to provide military expertise division to the EEAS. It aims at providing a series of functions that include; early warning and situation assessments; strategic planning; communications and information systems; concept development: training and education: and partnership support.

It is a Directorate-General within the Council Secretariat and attached to the HR/VP through it. It is composed of military personal seconded from the Member States, as well as officials from the Commission (Hanssen, 2010, p.20). It includes the Civilian/Military Cell, supports the Permanent Military Committee and provides the HR/VP and the EU bodies with military expertise (Council of the European Union 2008). The EUMS develops military strategic options.

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<sup>34</sup> At: European Union, Institutions and bodies, Foreign & Security Policy, available at: [https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament\\_en](https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament_en) - last consulted April 2018



The need to provide military capabilities suitable to military operations (according to the Petersberg Tasks), resulted in the creation of the European Rapid Reaction Force and the introduction of the Battlegroups mechanism that involve military bodies provided with their own command and logistics autonomy (Irrera, 2013) and this will be further addressed when dealing with the CSDP history and background.

Depending on the complexity of the crisis, the EUMS or the CMPD may be tasked to develop Military or Civilian Strategic Options (MSOs/CSOs).

#### 3.3.3.2.3 EDA - European Defence Agency

The European Defence Agency (EDA) is an intergovernmental agency of the Council of the European Union and its main role is as a hub of cooperation among Member States. It was established in 2004, with a core mission of helping the 27 Member States (all EU countries except Denmark) to develop their military resources. The EDA, as an agency at the service of the European Union, has 4 main tasks:

- 1) Improve Defence Capabilities;
- 2) Stimulate research and technology;
- 3) Military interface to EU policies;
- 4) Central operator for EU funding for defence

It serves the purpose of being a sort of catalyst and a facilitator that launches initiatives connecting experts of all kinds within the EU and EU institutions as well with third parties (such as NATO or the European Space Agency (ESA) for example).

It has 3 operational Directorates:

- 1) Capability Armament & Technology;
- 2) Cooperation Planning & Support;
- 3) European Synergies & Innovation.

It is through these Directorates that the EDA is able to assist Member States in optimizing the coherence of their defence capabilities at the same time that it tries to further develop synergies and promote innovation among them.

The EDA helps the Member States to harmonize their requirements, their regulations and their training and contributes to a greater consistency in information exchange and structured dialogue in the weapons and armament industry, thus being crucial for cost efficiencies as well.

The agency is based in Brussels with around 140 staff. The EDA is headed by the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission (see European Defence Agency (EDA) – European Union.). It has a steering board that is composed by all the defence ministers of the Member States.

It is important to highlight that the motivation behind the EDA is to contribute to the non-duplication of efforts in the defence industry of the EU Member States, trying to ensure that a pool of resources is made at the EU level with Member States industry, preventing the duplication of armament and promoting an integrated system of defence that doesn't raise compatibility issues among its members.

### 3.3.4 COREPER - Permanent Representatives Committee

COREPER is composed of Member States representatives (ambassadors and deputies). It is the Council's main decision preparation body. It prepares the work that allows European ministers and leaders to take important policy decisions. They contribute to assure that national concerns are taken into account in the deliberation or European policy making.

The COREPER sessions are held in two formats:

- COREPER 2 – composed of the permanent representatives
- COREPER 1 – made up of their deputies

Together, these two formats cover all the different EU policy areas.

Decisions are left for ministers but COREPER plays an important role in preparing the choices for them.

In its work, COREPER identifies areas of agreement and disagreement between different national positions. It tries to find ways for differences to be resolved and

clarifies the choices for ministers ahead of their meetings in the Council of the European Union. This body is also responsible for executing the instructions from ministers and leaders.

Its work on a particular topic generally starts weeks or months before a meeting of the European Council of the European Union with that topic in its agenda. The discussion is based on the preliminary effort of more than 150 working groups and committees. Throughout its work COREPER members are in permanent contact with their national governments in their capitals. All this careful preparation quite often leads to an outcome that is general agreement. Cases of agreement at COREPER can become so called “A items” in the Council of the European Union meeting agendas. This means that they are passed to ministers for decision without debate, unless a country specifically requests it. Sometimes COREPER cannot reach agreements because more technical works are required. In this case it can send the issue back to the experts in the working parties.

Simplified approval of items in the agenda of the Council of the European Union can also be made through what is called a “silence procedure”. One of the cases in which this can be applied is for implementing the common foreign and security policy through the ‘COREU’ network.

For many issues however, reaching an agreement requires ministers to make choices and give political input. These issues are sent by COREPER as “B item” in the Council agenda for discussing at ministerial level.

A point of tension existed in the relationship between the PSC and COREPER, due to the fact that the last was and still is the Council’s more senior ambassadorial body. Following an institutional compromise, COREPER was tasked of evaluating the institutional, financial, and legal implications of the CFSP agreements reached in the PSC, while the PSC has responsibility for substance and policy. To assist COREPER there is the Working Party of Foreign Relations Councillors (RELEX), which checks all decisions are in conformity with EU rules (Bátora et al. 2016, p.64; Merlingen, 2010). The RELEX working group is chaired by the rotating presidency of the Council, and this brings opportunities for the Members governments that occupy the current chair to shape the agenda.

### 3.3.5 High Representative for the European Union's Foreign Policy (HR/VP)

The European Union has its power embodied in three Institutions that are personified by their Presidents: The President of the EU Parliament; the President of the European Council, and the President of the EU Commission. When addressing the EU's foreign affairs, the Lisbon Treaty introduced a new position, the High Representative of the Union for Foreign Affairs and Security Policy who doubles as a Vice-President of the European Commission and as Chair of the Foreign Affairs Council at the European Council (HR/VP). It is specified in the amended TEU (Articles 18, 26, 27 & 30) quoted in (Treaty of Lisbon, 2009) that the HR/VP has these three main roles.

The HR/VP assists the EU presidency and the Council "in matters within the scope of the Common Foreign and Security Policy (CFSP), in particular by contributing to the formulation, preparation and implementation of policy decisions" (TEU, Art.26). It has to coordinate with the Commission through its Commissioners that have a portfolio with an external impact like humanitarian aid, development or the neighbourhood policy but also with Commissioners that can have portfolios with specific external relations impact, such as climate change, energy or even economic issues. S(he) is also a spokesperson, serving as the diplomatic figure of the European Union in third countries, often in situations of crisis or war.

"The largest impact of the HR/VP lies in the almost complete usurpation of the role formerly played by the Troika (Commission, Council and HR). The representation of the Union in CFSP matters, as well as the right to set the agenda for CFSP in both Council (as chair of the Foreign Affairs Council and the PSC) and Commission now lies with the HR/VP. One undeniable advantage this might bring is focus and consistency. Having the EU represented internationally by a single officer increases the EU's impact on the international stage and facilitates increased dialogue between the EU and other actors." (Tupay, 2011).

An issue that the Lisbon Treaty addressed was the rotating presidency of the Council and the problems that resulted from this, such as short term to face the agenda,

inconsistency between presidencies and even “standstill when a country holding the presidency was unwilling or unable to set an agenda for foreign policy and defence.” (Tupay, 2011).

The HR/VP started playing a central role by bringing consistency in external action between the Council and the Commission. When we analyse the external relations of the EU there are other actors who also hold stakes, namely the European Commission President, the European Council President and the European Council Chair. We can find ample examples of the Commission President and the Council President duplicating some foreign policy assets within their own structures. Some authors (Tupay, 2011) also felt necessary to point out that “the double hatted role of the HR/VP in the Commission and the Council can cause problems when these two bodies are at odds.” (Tupay, 2011, p.10).

The HR/VP also has a permanent seat in the European Council as a participant. The Council is truly relevant because it is the leading institution for the shaping of the EU’s civil-military crisis management. This was more so at the beginning of the CSDP, when the EU heads of state and government did not only define the ‘principles and general guidelines’ (Art. 13 -1 TEU) (Treaty of Lisbon, 2009) for the CSDP, but actually formulated precise guidelines (present in European Council 1999a, 1999b, 2000a, 2000b, 2000c cited in Gross, 2010). The Council of the European Union is the principal decision-making body for all major European Security and Defence Policy (ESDP) questions like the launch of any ESDP mission or even the appointment of the respective Head of Mission (Art. 13, 14, TEU).

The HR/VP institutional resources that specifically relate with crisis management actions are his/her personal staff, his/her cabinet and the Policy Unit. This Policy unit main task is to develop policy options for central questions of the EU foreign policy, including crisis management. The HR/VP is also capable of appointing Personal Representatives that represent and promote the policies of the EU in a specific country or region of the globe (Gross, 2010). These Special Representatives deployed in these scenarios are closely involved in the Union’s crisis management activities, playing their part in a wide variety of diplomatic, advisory or coordinating functions.

### 3.3.5.1 The European External Action Service (EEAS)

Since its creation with the Lisbon Treaty in 2009, and full establishment in 2011, the EEAS was built to be the big diplomatic ‘body’ that has a global coverage and reach of all geographical and thematic issues. A key aspect of the work developed by the EEAS is its wish to work closely with the foreign and defence ministries Member States of the EU. It has to collaborate also with the other EU institutions such as the European Commission, the Council and the Parliament. It also must keep durable working relationship with the United Nations or any other International Organisations. The EEAS is comprised of EU officials who previously were placed in the General Secretariat of the Council of the EU (Policy Unit, DG E) and the European Commission (DG RELEX, DG Dev) and the staff that was back up from the diplomatic service of EU Member States.

It has the main role of assisting the HR/VP in drawing up and carrying out the EU’s external policies and oversees 141 EU Delegations that represent the EU around the world, trying also to build networks and partnerships. Their main role is to represent the EU other countries, promoting the values and interests of the EU. Delegations are basically diplomatic missions and are responsible for one country, but some are representatives to several countries in one. The EU also has Delegations to international organisations like the United Nations and the World Trade Organisation to cite two examples. They are responsible for all policy areas of the relationship between the EU and the host country – economic, trade or on human rights and in building relationships with partners in civil society. Delegations have to constantly analyse and report on political developments in their host country and programme development cooperation through projects and grants. A fundamental aspect desired for any Delegation is its public diplomatic role that consists in increasing the visibility, awareness and understanding of the EU. The Commission’s Directorate-General for International Cooperation and Development (DG DEVCO) can collaborate with other Commission services or EU institutions and even Member States on development issues with staff present in such delegations.

The European Union has the intention of playing important roles in diplomacy, in the promotion of human rights, in trade, in development and in humanitarian aid, working for that with multilateral organizations such as NGOs.

"The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law." (Human rights and democratic governance, 2018) The EU and its Member States are the world's largest donor of humanitarian aid, a key subject when addressing crises. The EEAS is intended to be the EU's 'arm', outside its borders, for providing life-saving aid to the victims of disasters, refugees and others in dire need. Humanitarian aid is provided according to vulnerability criteria and needs assessments. This work is coordinated by the European Commission's Humanitarian Aid and Civil Protection department (ECHO).

The European Union wants to respond in a coordinated way to international emergencies of all kinds such as for example the earthquake in Haiti, or refugees fleeing the war in Syria. Here the EU has been, again, the largest donor of humanitarian aid to the victims of the Syrian civil war. When emergencies occur, it can bring together the EU's emergency tools, like the humanitarian aid and civil protection. In total, in 2015, the EU gave direct assistance to more than 120 million people affected by natural disasters or conflict in over 80 countries (European Commission - Fact Sheet, 2017).

Defining the EEAS as an institution is complex, as it has many different tasks that are assigned to different levels of responsibility and accountability. This 'Service' is not supposed to be a European Ministry of Foreign Affairs designed to replace all the Member States foreign affairs ministries. It was also not developed to be a foreign policy department of the General Secretariat of the European Council, or even a new version of the former Directorate General for External Relations of the European Commission with additional development and Security Policy competences. It is "something new and unique that brings together all policies and levers at the EU's collective disposal and allows them to be focused on building influence and delivering results across the world to promote EU values and interests" (EEAS Review, 2013, p.3).

The same EEAS Review (2013) brought a clearer overview of the Service by better defining the wide range of the tasks it has, as defined by the juridical provisions

of the TEU and of the Council Decision 427/2010: “The EEAS ensures effective and timely delivery of EU foreign policy through a global network of EU delegations, crisis management structures and CSDP missions.” (Council Decision 2010/427/EU, 2010).

The Lisbon Treaty states that the EEAS will assist the High Representative (HR/VP) or in other words, it’s a service under the HR/VP, working in coordination with the diplomatic services of the Member States.

So, rather than being a Foreign Affairs Service of the EU it is more a body that serves as a tool for the EU foreign relations and diplomatic efforts embodied in the figure of the HR/VP. Its staff ‘dwells’ from the Commission, from the European Council and seconded personnel comes from the Member States (there are no national quotas but a maximum of 40% seconded staff) (article 27.3, TEU) (The Treaty of Lisbon, 2009).

The institutional set up of this Service managed to integrate the previously separated responsibilities of the external relations departments of the Council and the European Commission and it also has autonomously operating administrative budgets and staff management. By designing the EU external policy and implementing it and enforcing it in Brussels and at Delegation level, the EEAS is one of the main actors responsible for the EU’s response to any conflict or crisis. The EEAS contributes to the programming and management cycle of the following instruments (EPLO, 2018, p.14):

- Development Cooperation Instrument (DCI) (€19.7 billion for 2014 - 2020);
- European Development Fund (EDF) (€30.5 billion for 2014 – 2020);
- European Neighbourhood Instrument (ENI) (€15.4 billion for 2014 – 2020);
- European Instrument for Democracy and Human Rights (EIDHR) (€1.249 billion for 2014 – 2020);
- Instrument contributing to Stability and Peace (IcSP), regarding assistance provided for in Article 4 (Assistance for conflict prevention, peacebuilding and crisis preparedness) and Article 5 (Assistance in addressing global and trans-regional threats and emerging threats) which are the only part of the IcSP that is formally programmed (€ 2.34 billion for 2014- 2020).



The EEAS is also responsible, in cooperation with DEVCO, of all the preparation of the following (EPLO, 2018, p. 14):

- Funding of countries and regional allocation to determine the global financial envelope;
- Country strategy papers or a partner country's national strategy paper recognized by the Commission and the EEAS services or a joint programming document prepared by the EEAS and Commission services with Member States;
- National and regional indicative programmes.

The EEAS works with the Commission services which are relevant (DEVCO or the European Commission – Service for Foreign Policy Instruments) throughout the full cycle of programming, planning and implementation of the instruments mentioned above. In relation to the IcSP, the EEAS is charged with preparing the strategy paper and multi-annual programming for Article 4 and 5, in consultation with both FPI and DEVCO.

With regard to the Trust Funds<sup>35</sup> established by the EU, the External Action Service is involved in their decision-making processes and in different degrees depending on the specific rules for each one of the Trust Funds.

Two logics were employed within the EEAS to deal with external relations: a logic based on geography and another based on thematic. The geographical desks are invested with a significant role in strategic decision-making because the EEAS tries to be involved through them. Regarding the more thematic logic, the EEAS took over the tasks previously carried out by the Commission (except for trade and development policy which remained there), and the Council Secretariat. The EEAS is also responsible for strengthening the coordination between CSDP-CFSP, as the success of

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<sup>35</sup> Trust funds are delivery mechanisms set up under EU's 2012 Financial Regulation to pool large resources from different donors, aiming to enable a swift, common, complimentary and flexible response in crisis or post crisis situations. Since July 2014, four different Trust Funds have been established by the EU: a) the Trust Fund for Central African Republic (Békou Trust Fund), b) the EU Regional Trust Fund for Syria (Madad Trust Fund), c) the EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (Africa Trust Fund), and d) the EU Trust Fund for Colombia.

CSDP operations is dependent on long-term political strategies connected to the Union's foreign policy in its CFSP (Ioannides, 2010, p.45).

The EEAS practically became the enforcer of vertical coherence between the decision-making processes in Member States and the EU institutions and its officials. The inclusion of seconded staff from Member States in the EEAS is also a relevant point aimed at increasing the same vertical coherence of the CSDP/CFSP decision-making (Council conclusions on Democracy Support in the EU's External Relations, 2009). Also relevant to stress out is the fact that the EU delegations (present in more than 130 countries across the world) gradually learned how to serve the role of knowledge providers and interpreters in CSDP-oriented agendas, such as crisis management (Hynek, 2011a).

The European Commission, the Council, the European Parliament (EP) and Member States are the recipients of the information and knowledge that the EEAS can collect. Authors Mauri and Gya (2009) express this point as a big advantage that this institution brings to the HR/VP – “this would represent a step ahead, as Solana, unlike Ashton, did not have this vast and valuable source of information at his disposal” (Mauri, Gya, 2009, p.9). Indeed, EU delegations must regularly receive specific training to be used as the main valuable source of security-related knowledge. This is mostly due to their predecessors' preoccupation with trade portfolios and a lack of standard diplomatic professionalism.

In the field of CM, the EEAS is uniquely placed to play the key role, mainly because it inherited the organization from the Council Secretariat, with the Civilian Planning and Conduct Capability (CPCC), the CMPD and the European Union Military Staff (EUMS) being attached to the High Representative. Also, the EEAS comprises the intelligence-sharing hub, called the Intelligence and Situation Centre (INTCEN). All these structures are linked and tied to the HR/VP, who can coordinate their efforts and strengths to accomplish his (hers) objectives. “These structures will form an entity placed under the direct authority and responsibility of the High Representative in his/her capacity of High Representative for Foreign Affairs and Security Policy.” (Council conclusions on Democracy Support in the EU's External Relations, 2009).

Nevertheless, as Weiss (2010) stated, ‘the key problem remains the position of several Member States (most importantly the United Kingdom) which understand the EEAS in terms of the erosion of their own political power and are not ready to surrender their sovereignty’ (Hynek, 2011a). We will have to wait and see how things go after the so called ‘Brexit’.

The EEAS, as a supporting organ of the HR/VP doesn’t integrate all the services from the Council and from the Commission that have competencies in matters of foreign and security policy. The Commission, for example, may support the High Representative in submitting any decision to the Council concerning the Common Foreign and Security Policy (Article 30 TEU). Also, under Article 17 TEU, the Commission is responsible for external representation in all areas of EU competence except CFSP and other areas defined by the Treaties.

Matters of importance to the CFSP can be raised in the Council by any Member State or also by the HR/VP acting alone or with the Commission. Given the often-urgent nature of some CFSP issues, mechanisms were put in place to ensure that decisions could be taken quickly. In most cases decisions in this area are taken unanimously.

With the integration of the CSDP structures (detailed mention made below: CPCC; CMPD; EUMC; EUMS) into the EEAS, this agency was empowered to play a key role in EU crisis management (Tupay, 2011)<sup>36</sup>. A good example of this point was the introduction of a joint civil-military planning capability, in the form of the Crisis Management and Planning Directorate (CMPD) that didn’t exist before the Lisbon Treaty, when the planning process of the civilian and the military components of a given mission were carried out separately by the Committee for the Civilian Aspects of Crisis Management (CIVCOM) and the EUMS respectively (Tupay, 2011). It is here that the EU addressed all its intentions and efforts in an effective CA for its missions

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36 Civilian Planning and Conduct Capability (CPCC): Established in 2007 it has the mandate to plan and conduct civilian CSDP operations, as well as assist and advice the HR/VP. It is under the control of the PSC, available at: <https://www.consilium.europa.eu/en/search/?filetypes=PAGE&Keyword=Civilian+Planning+and+Conduct+Capability> -last consulted January 2018

(when deemed necessary), combining the necessary planning processes of the military and the civilian components.

Gourlay et. al. (2006) stated in their work that the ‘EU contribution to crisis management is primarily associated with (...) civilian and military instruments in the framework on the intergovernmental second pillar’. The European Security Strategy (ESS) of 2003 extended the so-called ‘Petersberg Tasks’ by stressing the need for a comprehensive civil-military approach in the field of crisis management. This document pointed that relevant political, diplomatic, military and civilian, trade and development activities needed a bigger coherence (European Council, 2003: 13 – in Klein, 2014 cited in Gourlay et. al. 2006). At a more conceptual level, Klein (2014) also argues that the ESS ‘has served as the core reference’ for the process of erecting a EU crisis management. The EU military structure was strongly based on the second pillar and it was facing a fragmented civilian counterpart<sup>37</sup>. It was after the creation of the CSDP in 1999 that the civilian ‘aspects’ of crisis management have been established also within the same second pillar.

The CSDP structures, including the civilian component, were integrated in the European External Action Service (EEAS), basically with the sole objective of enhancing the capabilities of policy planning for crisis management. The EEAS incorporated the CMPD and the Civilian Planning and Conduct Capability (CPCC) of civilian missions under the authority of a Vice Secretary General (Quille, 2010 cited in Hynek, 2011).

The Conflict prevention, Peace building and Mediation Instruments Division inside the EEAS is determinant to the crisis-response cycle and particularly the pre-crisis phase. This Division gives support to the geographic services, EU Delegations and EU Special Representatives. This role was deeper enforced with the Council Conclusions of June 2011 on Conflict Prevention (Council Conclusion, 2011), that has recognized conflict prevention as the primary objective of the EU’s external action. The Mediation Support Team, an integral part of the Division, was mandated with supporting geographical divisions, EU Delegations and EU senior management, as well

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<sup>37</sup> See Klein N., The EU’s role in international crisis management, in GROSS E., EU Conflict Prevention and Crisis Management, Routledge/UACES Contemporary European Studies, pp. 73-74, 2014

as deploying mediation experts, contributing training and ‘coaching’, and the provision of advice, guidance material and research papers.

The EU has also become increasingly engaged in conflict mediation. This can go from high-level political meetings, political facilitation and confidence building, to dialogue processes with civil society. Actors involved in these mediations can include EU Special Representatives, EU Delegations or CSDP missions. Mediation is a tool used by the EU not only in emerging crises, but also during and in the aftermath of armed conflicts.<sup>38</sup> In so many ways, these efforts are continuous processes that do not require individual decisions by the member-states to be implemented. When a crisis has started, however, response from the EU requires a common decision by the member-states and the Crisis Platform is the right ‘place’ to follow through any given crisis when starting to erupt.

The EEAS has everything it needs to follow and address almost all sorts of crises around the globe. Its delegations can provide useful, fast and expert information on all sorts of data in the field and those of other civilian actors that can contribute decisively to that same goal as local or international NGOs.

#### 3.3.5.1.1 Crisis Platform (CP)

In order to safeguard that responses to emergencies are almost immediate and adequate, and all the coordination of the relevant crisis management instruments (civilian or military) became a top priority for the EU throughout its cycle. The CP, as demonstrated in figure 2, chaired by the HR/VP, includes a variety of different actors across the EU system, like the EEAS Executive General (ESG) or the EEAS Managing Director for Crisis Response. The CP can be convened at any moment and it is a mechanism that is activated to try to guarantee the EU responsiveness during external crises. The CP has the role of providing the EEAS and Commission services with a political and strategic guidance for the management of a given crisis.<sup>39</sup>

Depending on the characteristics of the crisis at hand, the EEAS Crisis Platform can bring together:

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<sup>38</sup> Based on the Concept on Strengthening EU Mediation and Dialogue Capacities adopted in November 2009

<sup>39</sup> Available at: [https://eeas.europa.eu/topics/crisis-response/412/crisis-management-and-response\\_en](https://eeas.europa.eu/topics/crisis-response/412/crisis-management-and-response_en) - last consulted December 2017

- Several different EEAS crisis response/management structures: Crisis Management and Planning Directorate (CMPD), Crisis Response Department, EUMS, Civilian Planning and Conduct Capability (CPCC), Situation Centre (SitCen), EU Situation Room or any other relevant EEAS Departments,
- the EUMC;
- relevant EC services like ECHO, DEVCO, FPI, or any other;
- Secretariat support ensured by the EEAS Crisis Response Department.

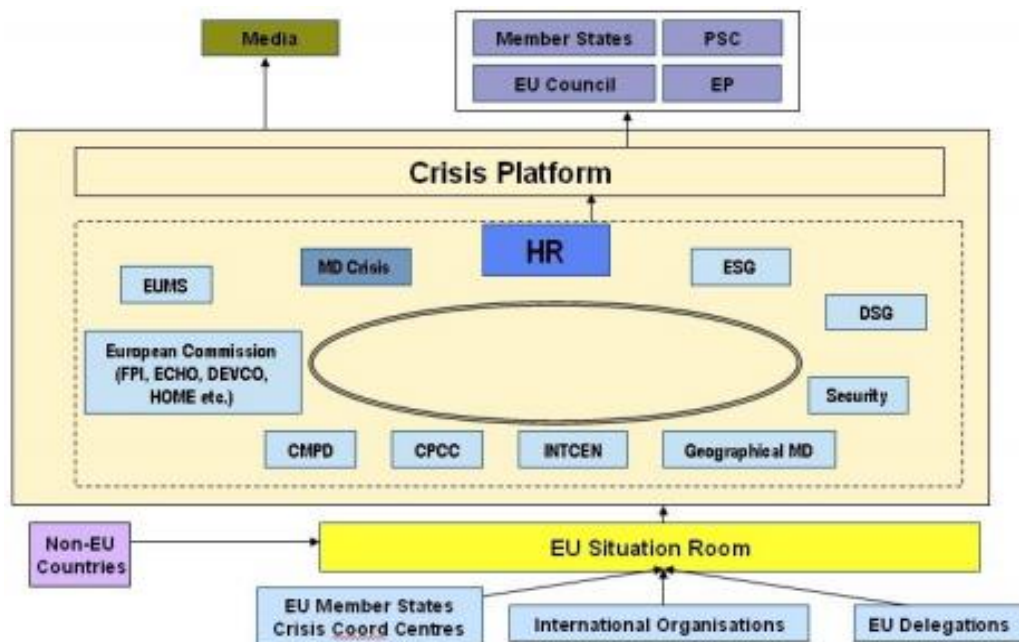


Figure 2 - The Crisis Platform

Source: Bátorá et. al. 2016, p.16

### 3.3.5.1.2 EEAS Crisis Response & Operational Coordination Department

The Crisis Response Planning and Operations Division organises meetings of the Crisis Platform, which serve as the central coordination tool for crisis response and brings together all relevant stakeholders from the EEAS and the Commission. It also leads crisis response missions and manages the EEAS roster of Crisis Response Experts (Crisis management and Response, 2016)

The EEAS Crisis Response and Operational Coordination Department also has the responsibility to activate the EEAS Crisis Response System (Crisis Platform, EU Situation Room, Crisis Management Board)

#### 3.3.5.1.2.1 CRS - Crisis Response System

The EU Crisis Response System has to deal with all the eventual consequences of several different types of crises that can be caused by political or armed conflicts, technological incidents and man-made or natural disasters. It works to turn the comprehensive approach into comprehensive action, and covers the whole crisis cycle as described above, including conflict prevention, crisis response, crisis management, stabilisation, reconciliation, reconstruction and development. The EEAS Crisis Response and Operational Coordination Department is entrusted to activate and harmonise EU crisis response activities through the CRS playing with this a central part in ensuring fast and effective mobilisation of all potential actors and instruments across the EU system trying to guarantee the coherence of policies and actions throughout the various phases of the crisis life cycle.

The EEAS CRS covers crises that may affect the EU interests and security and that take place outside the EU, including those affecting the EU delegations or any other EU person, or asset in a third country. The EU relies on early-warning tools such as the Early Warning System (EWS).<sup>40</sup> CRS can also range from prevention and preparedness to response and recovery aiming at a comprehensive EU crisis response and management capability.

The CRS is determinant to the efforts of ensuring the most coherence between the numerous aspects of crisis response and management measures, in particular in the security, political, diplomatic, consular, humanitarian, developmental, space related, environmental and corporate fields (Makhashvili, 2018, p.27)

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<sup>40</sup> The Early Warning System (EWS) is a consultative process that involves staff from the EEAS, including CSDP, relevant services of the Commission and Member States through the PSC and geographical working groups. At country level, EU Delegations, CSDP missions and operations, EUSR teams and Member State embassies also contribute to the EWS.

#### 3.3.5.1.2.2 EU Situation Room

The EU Situation Room is the first place where all the information on crisis situations go to. It is the EU's crises centre intended to provide around the globe monitoring and current situation awareness 24 hours a day, 7 days a week, all year round. It elaborates on all situation reports or flash reports all with crisis related information provided, among others, by EU Delegations, EU Member States, EU CSDP Operations and Missions, EU Special Representatives (EUSR) teams, and International Organisations like relevant partner NGOs.

More specifically, the EU Situation Room<sup>41</sup>:

- Monitors and reports worldwide events on a 24/7 basis, and focusing on topics and issues relevant for the EEAS and the EU as a whole;
- Communicates and coordinates 24/7 with CSDP Missions or Operations through a watchkeeping capability, as well as with EU Delegations;
- Supports the HR/VP and other relevant EEAS services and also the Council, and ensures close cooperation with the EC;
- Supports political coordination and decision-making in major, complex, inter-disciplinary crisis through the EU Integrated Political Crisis Response arrangements (IPCR);
- Manages and develops relations with national crisis response and crisis coordination centres of EU Member States;
- Ensures consistent contacts with other regional and international organizations' crisis centres, such as the UN Department for Peacekeeping Operations (UN DPKO) for example

The information is then compiled and processed here and after analysis sent to the other bodies in the process (Crisis management and Response, 2016).

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<sup>41</sup> Available at: [https://eeas.europa.eu/topics/crisis-response/412/crisis-management-and-response\\_en](https://eeas.europa.eu/topics/crisis-response/412/crisis-management-and-response_en) - last consulted December 2017



#### 3.3.5.1.2.3 Consular Crisis Management

The Consular Crisis Management Division helps to coordinate the consular policies across the EU and eventual consular actions in times of crises. It has a web page, (Consular Online), where Member States and a few third States have the possibility to exchange information and cooperation during crises and at normal times.

It supports consular policies across the EU coordinating actions in times of crisis. It has two roles:

- 1) Assistance of the Presidency so that it manages to coordinate consular policies across the EU (e.g. travel advice, issuance of consular guidelines);
- 2) Assists the Presidency and/or Lead States to coordinate action in times of crises.

Consular assistance and protection are normally an exclusive national responsibility. However, not all EU citizens are represented in all third countries and the only three that have full EU Member States presence are the US, Russia and China. To face this, Article 23 of the TFEU gives the right to any unrepresented EU citizen to obtain assistance from another Member State's consular services under the same conditions that the Member State providing the assistance would give its own citizens (Crisis management and Response, 2016)

#### 3.3.5.1.2.4 Crisis Response Planning and Operations

This division is tasked with the planning, organisation and coordination of all crisis related activities, including in the preparedness, monitoring and response and with responsibilities on the following:

- Assist the HR/VP in to ensure the coherence and coordination of the EU's external action specifically in the field of crisis management and response;
- undertake specific missions in crisis areas;
- to coordinate the work in the Crisis Platform;
- to closely follow developments in the world that can enable and potentiate the EEAS effective responses to potential and emerging crises at short notice (Ibid).

### 3.3.6 Operational Organs and Systems

#### 3.3.6.1 INTCEN - European Union Intelligence Analysis Centre

The EU INTCEN - successor of the EU Situation Centre (SITCEN) - is mandated to provide intelligence analyses, early warning and situational awareness to the HR/VP and the EEAS. The Centre does this by monitoring and assessing focusing particularly on sensitive geographical areas, terrorism and the proliferation of weapons of mass destruction and other global threats (Carrasco et. al. 2016, p.88).

The INTCEN is considered as the (civilian) intelligence agency of the European Union, that provides in-depth analysis for EU decision-makers. Its analytical products are shaped on intelligence that comes from the EUMS intelligence and security services. The INTCEN doesn't collect information and it isn't an operational agency. The operational component of intelligence lies on the Member States, the INTCEN deals only with strategic analysis.

The EU INTCEN is also able to offer its services to the several decision making bodies to CFSP/CSDP, as well as to the Member States.

#### 3.3.6.2 OPCEN - Operations Centre

The EU Operations Centre was initially (2012) tasked with coordinating civil-military synergies between the three CSDP missions in the Horn of Africa. This mandate of the EU Operations Centre was extended until 23 March 2015 (Council Decision 2013/725/CFSP, 2013), and on 1 December 2014, the Foreign Affairs Council extended the OPCEN Mandate until the end of 2016 and expanded the geographical and functional scope to the Sahel region. No mention was found of a further extension of this Mandate.

The three CSDP missions that the OPCEN supported in the Sahel regions (and most relevant for this research) were:

- EUTM Mali – tasked on restoring constitutional and democratic order, the authority of rule of law and human rights and neutralize organized crime and terrorist threats in Mali;
- EUCAP SAHEL MALI;

- EUCAP SAHEL NIGER – tasked to advice and give training, supporting the Nigerian authorities' efforts to strengthen their security capabilities (CSDP structure, instruments, and agencies, 2016.).

#### 3.3.6.3 SATCEN – EU Satellite Centre

The SATCEN was created with the motivation of providing geospatial intelligence services - in the context of the CFSP and the CSDP - through the analysis of data from Earth observation satellites. It is the provider of security-related geospatial information products and services in the EU and it is fully connected to the EU CFSP/CSDP structures as well as all relevant development and cooperation actions in the space and security domain.

The SATCEN supports the EEAS and the Member States, the EC and even other third States and international organisations such as the UN and NATO in decision-making in the field of CFSP/CSDP. The main beneficiaries of its services are the EEAS bodies and the CSDP missions and operations.

This centre is under the supervision of the Political and Security Committee (PSC) and has the operational direction of the HR/VP.

#### 3.3.6.4 COREU Network

The term COREU (acronym of Correspondence Européenne) refers to the messages exchanged among European Correspondents (who are the main referents for CFSP in national Ministries of Foreign Affairs), Permanent Representatives of Member States in Brussels, the European Commission/Directorate General and the General Secretariat of the Council (GSC). The network has two ways of operating - bilaterally between the Presidency and the GSC - or horizontally reaching all participants at once. Technically speaking, the system in which COREU messages are circulated is the CORTESY<sup>42</sup> network (acronym of COREU Terminal System), which can be equated to a sophisticated telex system via encrypted transmission with dedicated terminals (Bicchi Carta 2010, p.1).

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<sup>42</sup> CORTESY was established in 1997, with a central hub installed in the EU Council building in Brussels.

The system has proven very useful for exchanging information and consultation on political analyses. The most ‘appropriate’ ways of using the system are (Bicchi, Carta, 2010, pp.2):

- 1) for exchanging information before and after decision making;
- 2) for low level consultations prior to meetings;
- 3) taking decisions and finalizing documents, especially when time constraints occur.

If points 1 and 2 relate to all the preparation and analysis for common positions and decisions, then point 3 reflects the use that Member States made of the system, making use of it for a certain type of decision making.

The COREU system is also used for the silence procedure in the Council meetings. According to this procedure, documents marked for silent assessment which do not raise objections by Member States within the specified deadline are considered approved. Interestingly, the deadline can be as short as within 2 hours of sending the text (which was considered the minimum amount of time that the Commission needed to react, whereas Member States could be quicker). The procedure reflects the need for the Presidency to react quickly to international events, but also the desire to avoid discussion in meetings of uncontroversial texts, such as draft declarations for bilateral dialogues between the EU and non-member countries (Bicchi, Carta 2010, p.14).

### 3.4 CSDP most relevant Institutional Actors

#### 3.4.1 CMPD - Crisis Management and Planning Directorate

The CMPD is the sole civil–military strategic planning structure within the EEAS for EU peace-keeping and humanitarian operations and missions, symbolising the basic elements of the CSDP.

The CMPD is no more than an integrated structure that has the objective of ensuring the effective implementation of the Civilian-Military Co-ordination (CMCO) concept. It incorporates the former Directorates General E IX, that was responsible for civilian crisis management and E VIII, that was responsible for the political-military issues in the past. CMPD is divided in 3 sections (Pirozzi, 2013):

- 1) Strategic Planning of civilian, military and civilian-military missions;
- 2) Strategic Reviews - Horizontal issues, including civilian capabilities, development, lessons identified, and lessons learned, elaboration of the Civilian Crisis Management doctrine, civilian exercises and training of personnel;
- 3) Partnerships with other organizations and other crisis management actors (e.g. NGOs).

The objective of the strategic planning is found on the development of possible options for EU action. It can serve as a foundation for the decision of the EU Council on what to do, why, where and with whom in an international crisis. These options are put together the Crisis Management Concept (CMC) which is then proposed to EU ministers to get their approval. It is the basis of the operational planning and the conduct of a mission.

Strategic planning is conducted in an integrated form that involves both civilian and military planners and reaching out to consultation on other services within and outside of the EEAS. Recent Crisis Management Concepts (CMC) developed include those for a civilian mission to support the internal security forces in Mali.

Strategic Reviews are performed later, have to examine the mandate, its objectives, size and sustainability of existing missions and operations against the background of a changing strategic context or a new local or international political situation.

Close attention is provided to the effectiveness of the mission and the coherence with other EU instruments, with bilateral actions by Member States and by other international actors. CMPD conducts Strategic Reviews consulting with any other relevant EEAS services and local and international partners (Pirozzi, 2013).

CMPD also develops Lessons Learned on missions and operations or on specific topics such as human rights, disarmament, demobilisation and reintegration, in order to improve performance of future CSDP actions by feeding back these lessons into the strategic planning process.

Moreover, the CMPD has a mandate to work with different partners in the crisis management field with actors. They can be international organizations, such as the UN, NATO, African Union or individual countries as is the case in Mali. In most cases this partnership is based on Framework Participation Agreements (FPA). These agreements provide a legal basis to the participations and contributions in/to missions and operations (Bátora et. al. 2016).

The CMPD operates mostly in an initial stage of crisis management missions and operations. It deals with the initial planning of operations at the political and operational levels. It aims to collect all the elements of strategic planning capabilities that are spread across the EU administrative scheme (DGE VIII: military; DGE IX: civilian; CPCC).

### 3.4.2 CPCC - Civil Planning Conduct Capability

The CPCC is tasked of providing inputs to crisis-management concepts for civilian CSDP missions within the EEAS, including the development of so called civilian strategic options. The CPCC Director, as Civilian Operation Commander for each mission, exercises strategic-level command and control of the operational planning and conduct of all civilian crisis-management operations. The CPCC also has to plan and lead the participation of civilian experts in technical assessment missions regarding the planning of CSDP missions and preparation of assessment reports. It is in the parameters set by the crisis-management concept for a civilian CSDP mission and subsequent planning documents that the CPCC will carry out the operational planning for civilian operations at strategic level to implement the 'Force Generation Process' of civilian CSDP missions after. CPCC staff will also have to work towards identifying human, material (equipment, services, premises) and financial resources required for an envisaged civilian CSDP mission and propose technical solutions to this end. Furthermore, the CPCC develops the legal framework for the various civilian CSDP missions (including decisions, rules of engagement and status of mission agreements) (Bátora et al. 2016).

It is the civilian equivalent of the EUMS. They are the reflection of each other on the other side. It is the general operational headquarters for EU civilian missions.

With the effective adoption of the Crisis Management Concept<sup>43</sup>, the CPCC became the ‘body’ that is in fact responsible for the operational planning and mission support for civilian operations. (Pirozzi, 2013).

Looking at the Civilian Crises Management (CCM) roles in the EU Council there are two bodies that need to be considered, the Committee for Civilian Aspects of Crisis Management (CIVCOM) and the Political and Security Committee (PSC).

### 3.4.3 CIVCOM - Committee for Civilian Aspects of Crisis Management

The CIVCOM analyses the several options that are available for each civilian mission at any given stage of the planning process with the objective of making recommendations to the Political and Security Committee (PSC).<sup>44</sup>

### 3.4.4 RELEX - Foreign Relations Counsellors

The Working Party of Foreign Relations Counsellors (RELEX) comprises diplomats and Commission staff that cover legal, financial and institutional issues of the CFSP. The tools it has include sanctions, EU crisis management operations, EU special representatives, financing of external activities, non-proliferation and other cross-cutting issues.

It is located in two parts of the EU structure. One part is located within the CSDP structure and provides advice on institutional, financial and legal issues on CSP operations to all institutions involved. The other part is located under the European Commission through a department called ‘Directorate B on multilateral relations and Human Rights’ which is officially responsible for the relations with the United Nations (UN) (including the Department of Peacekeeping Operations) and the Organization for Security and Cooperation in Europe (OSCE) (Hanssen, 2010).

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<sup>43</sup> See Annex A - Relevant Concepts

<sup>44</sup> Available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/5392/csdp-structure-instruments-and-agencies\\_nl](https://eeas.europa.eu/headquarters/headquarters-homepage/5392/csdp-structure-instruments-and-agencies_nl) - last consulted December 2017

### 3.5 CSDP and Non- State Actors – A Brief Conclusion

The EU was always in an exceptional position to make a significant contribution to - sometimes complex - crisis management situations due to its vast array of political, economic, civilian and military instruments at its disposal. The full range of instruments available provided the EU with a unique external capacity, but these numerous lines of action and the players involved need to ensure permanent coordination. This is where civil-military integration came along in the CSDP crisis management, claiming for a combination of diplomatic, economic, developmental and humanitarian tools (Pirozzi, 2013, p.7). It was this Civil-military integration that became one component of an EU comprehensive approach that has led to the establishment of an integrated civilian - military planning within the European External Action Service (EEAS) and in crisis management missions (Carrasco et al., 2016, p.31).

The EU has available two sets of categories of instruments for structural long-term prevention (called 'projecting stability') and for short-term prevention (called 'reacting quickly to nascent conflicts'). The list of EU instruments directly or indirectly relevant to the projection of stability is long and includes development co-operation and external assistance, economic co-operation and trade policy instruments, humanitarian aid, social and environmental policies, as well as economic or other sanctions, just to mention some. It can also use CFSP instruments (joint actions, common positions and common strategies) and ultimately the CSDP.

The diversity of crisis management activities as well as their possible military-civilian nature make their multidimensionality evident: "In most crisis situations, the magnitude of the needs over a long period of time requires a wide range of policy tools and responses. The multifaceted nature of crisis management is also a result of the increasing level of intrusion into the domestic affairs of recipient states resulting from third-party interventions, which deal with a wide array of public policy domains, well beyond the security apparatus." (Carrasco et al., 2016, p.32)

The relationship between all these institutions and agencies and between all the decision-makers involved within an intergovernmental organization such as the EU (more specifically when considering policy fields around the CSDP) and Non-State



Actors (NSAs) mainly NGOs, is key for this research, namely regarding how the latter influence the former but also whether they possibly influence each other.

Formal rules guiding the engagement of the CSDP structures with NSA like NGOs exist in fact, but, like author (Shapovalova 2016) stated, “they are not systematically put into practice”. All the possible engagement between them is generally affected by the powerful rule of secrecy and confidentiality that tends to prevail in the EU security policy.

There is a certain power of informality that lies in the informal access that NGOs use to gain room for participation in the policy process. Informality, however, implies that their involvement must be considered non-systematic and is, in principle, fragile. It is, in short, a relation that depends on the individual actions and engagement of NGOs representatives and sometimes, of the policy-makers that happens when both sides share an interest in the mutual exchange of information and cooperation (Shapovalova, 2016).

Crisis management is a field that includes activities that relate to security, civilian protection, the rule of law, security sector reform, institution-building, electoral support, economic and development, humanitarian assistance, human rights, good governance, demobilisation and reintegration of former combatants, etc. All of these make civilian activities to be implemented by international, non-governmental and local actors, prominent in most crisis management operations (Tardy, 2015, p.10).

It can all begin at a point where a representative from an NGOs starts building its case - on the importance of its mission – in order to get some influence over decision-makers in Brussels and using his available tools at any given time. These can come from: field information, public pressure or possible (undesired) outcomes and results of inertia and their political end result. The formal rules that dealt with the intention of being the ‘roadmap’ for the interaction of CSDP structures with civil society were delineated in the “Recommendations for Enhancing Co-operation with Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) in the Framework of EU Civilian Crisis Management and Conflict Prevention” adopted by the Council’s Committee on Civilian Aspects of Crisis Management (CIVCOM) in November 2006 (Council of the European Union, 2006a).

This document defined the operational efficiency of EU crisis management as the objective of the cooperation with both NGOs and CSOs and proposes CSDP structures to engage them via informal exchanges at the PSC and CIVCOM in the Council during fact-finding and pre-planning missions. It is here, in these stages of preparation for a mission, that NGOs can become very relevant, since they are often ‘on the field’ in several crisis scenarios, and where the European institutions are having serious problems of collecting essential and reliable information in the terrain.

Looking at the implementation level, the mission’s operation plan (OPLAN), may often mention the need to liaise with NGOs, whereas the missions regulate the methods of engagement with NGOs or other NSAs in the Mission Implementation Plan (MIP) and in other internal documents. MIPs usually have some requirements concerning engagement with civil society and may go as far as mentioning specific NGOs working on the issues relevant to the mission’s mandate (Shapovalova, 2016).

But NGOs tend to be important to EU institutions and structures beyond the beginning or planning of a mission, and the implementation phase. They can also provide useful information that affects the mission evaluation and lessons learnt parts of a mission development. All the interaction in any stage of a mission should be done through the establishment of NGO/CSO liaison officers in both the missions and the Council Secretariat, that can, together, define the modalities for specific information exchange with civil society in the field (Council of the European Union, 2006a).

In Brussels, it is common for PSC and CIVCOM to have regular informal meetings with NGOs (sometimes called as ‘working breakfasts’). Policy-makers also make efforts to attend meetings held by NGOs. These are often organised by the EPLO, for example, an independent civil society platform of European NGOs and networks of NGOs that are engaged in peacebuilding and prevention of violent conflict.

In the field, it is common to find out that information is exchanged “over a cup of tea or coffee” or on the margins of official events, in a truly informal way. Author Shapovalova (2016) stated that despite the regular interactions, engagement with NSAs during the earlier stages of the policy cycle is very limited. The interviews conducted by this author with EEAS and Council representatives involved in CSDP, revealed to her that Brussels-based actors often exclude NGOs and other NSAs during agenda-setting,

planning and decision-making, but may consult them during the strategic review of missions. In contrast, the CSDP missions reach out to NGOs more intensively at the implementation stage. The same author states that the first time the EEAS structures reached out to EPLO during the planning process was in the case of the EU Advisory Mission to Ukraine, deployed in July 2014 (Interview (E) 2014). However, she continues, “the meeting was mostly dedicated to convincing the EU officials of the value of cooperating with civil society on the ground by bringing examples of civil society involvement in Security Sector Reform (SSR) in Ukraine and other transition and conflict contexts. Without having any access to the planning documents or even discussions, the NGOs found it difficult to make any substantial contribution to the EU debate” (Shapovalova, 2016).

All of this points to the fact that, until now, there is no documentation to sustain these consultations and meetings between decision-makers and NGOs. It will be seen below that NGOs lobby in Brussels and that these meetings have to be documented about their time, place and purpose but there are no official documents that cover the points addressed in each meeting. It could prove useful, even for NGOs but also to decision-makers to further formalize these meetings. That would not only enhance shared accountability but also, for NGOs representatives it could be important as evidence of their intentions and acts to influence decision-makers.

The European Development Fund (EDF) was established within the framework of an international agreement between the EU and its partner countries, in order to fund cooperation activities in the fields of economic development, social and human development as well as regional cooperation and integration.<sup>45</sup> The EU has shown its engagement in providing emergency assistance through its DG ECHO that funds humanitarian projects through more than 200 partners such as the Red Cross, NGOs or UN agencies.<sup>46</sup>

It can also be the European Commission or other various European agencies that can engage in the domain of crisis management with active support from the EEAS and all its available tools created by the Treaty of Lisbon. The EU’s view is that CSDP

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<sup>45</sup> Available at: [https://ec.europa.eu/europeaid/funding/funding-instruments-programming/funding-instruments/european-development-fund\\_en](https://ec.europa.eu/europeaid/funding/funding-instruments-programming/funding-instruments/european-development-fund_en) , last consulted February 2018

<sup>46</sup> Available at: [https://ec.europa.eu/echo/who/about-echo\\_en](https://ec.europa.eu/echo/who/about-echo_en) last consulted February 2018

missions and operations are a part of its wide responses to conflicts and crises European (Commission and High Representative of the European Union, 2013). Nevertheless, since a crisis management response can be something that isn't always suitable, EU Member States may seek alternative ways of engagement, for example by providing support to non-EU civilian actors and/or capacity building missions rather than putting its own personnel on the field (Carrasco et. al. 2016, p.31).

The formal agency within the EU to deal and even coordinate with NGOs (and other outside partners) can be found within the Commission structure. This task was assigned to the European Community Humanitarian Office (ECHO). It was created to ensure and coordinate all the aid delivered to countries outside the EU, but it was upgraded in 2010 in its competencies to also manage crisis within the EU. The other reason that justifies ECHO's current existence can be traced back to the necessity that arose in establishing an agency that would have the capability of facing the task of coordinating outside partners. The agency, as mentioned above, became responsible for the entire humanitarian cycle, for identifying those crises for which money was allocated, for evaluating the aid strategy and to pursue and select the partners entrusted with the task of implementing projects.

After addressing all these actors and the how NGOs can be a part of foreign policy decisions, even when this are already at motion in the field, the next chapter describes the planning and decision-making process and analyses in detail where can NGOs be effectively part of it.

As previously stated, it is widely agreed that the EU was and still is in a unique position to make a significant contribution to complex crisis management situations due to the broad range of political, economic, civilian and military instruments that can have at its disposal. Even so, these numerous lines of action and the players it can engage, require permanent coordination between them. That is why the concept of CA is so important and it meets the three Cs discussion on the need for coherence, coordination and complementarity among the EU instruments in application of its policies and those of the Member States. The true effectiveness and impact of the EU responses to crises demand a certain level of internal consistency and coordination with other external

actors, Member States, EU Delegations and the European Commission. (Carrasco et al. 2016).

It is within the CA concept that we find the integration of elements coming from the CSDP and from NSAs like CSOs and NGOs and others an integration of means of different natures (civil and military).

Since the first EU-led crisis management mission was launched in 2003, the EU has made considerable progress in its commitment to ensure that the CSDP missions and operations were embedded in a comprehensive approach that could, if deemed necessary, include a closer cooperation with NSAs such as NGOs. It is, as explained, part of the CSDP comprehensive strategy, and one that can have meaningful results in the final success of missions or operations.

As we are finishing this chapter it is important to retain that, in order to address the issue of NGOs being able to influence the decision-making processes in the EU, we must be in possession of a clear notion about what the EU is made of, what are the institutions, agencies and directorates that make it what it is in its vast and wide institutional architecture, what and allows it to do what it does - specifically when it concerns the CSDP – and its Crisis Management component – as shown in this chapter,

This chapter started by addressing the Civil Protection Mechanism (for internal crises) and providing evidence that the Union had one more tool created with the objective of improving its coordination between crisis scenarios and its own institutions when addressing any crisis. It should be clear by now, that when we talk about crisis management, we are referring to external situations/scenarios. For these types of crises and even if the EU continues to pursue its intentions of truly rising as a civilian (normative) power, the importance of using armed forces in specific situations is something that it cannot exclude, as it can be essential for the success of civilian operations. It is this somewhat interconnected relationship that explains the importance of the Comprehensive Approach and took me to address as a vital concept, when we consider other potential civilian actors that can be relevant to missions or operations.

As I also argued in this chapter, if the EU is in fact the intergovernmental organization where the civil component grew to become the more relevant of the two, the concept of Whole of Government Approach must also be highlighted as it

corresponds to the effective power of using the different instruments that are available to ensure the comprehensive approach.

The EU became a key actor in crisis management with the CSDP going through a process of professionalization and improvement of its underlying working methods, thereby demonstrating an ability to adapt to the evolving crisis management needs and find out the practical benefits that can originate from collaborating with NGOs (or other NSAs that can bring valuable advice to the table) (Tardy, 2015, p.49).

The CSDP is one part of a triangle when it comes to crisis management, the CFSP being another part (through the EEAS) and the third part being found in the broad range of crisis management actors with which the EU has to interact, especially when the local environment can have multiple variables affecting the final outcome of any mission or operation.

After going through all this institutional architecture of the EU and its Common Security and Defence Policy (and how it can relate to Non-State Actors), we can now follow to the planning and decision-making process in the EU crisis management field while also looking at some procedural devices and mechanisms that the EU had to create to allow policy-making in cases where the EU cannot proceed as a whole.

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#### 4. Planning and Decision- Making processes in CFSP/CSDP

The CSDP was originally conceived and designed as an operational activity rather than a pure policy per se as it was one component of the broader Common Foreign and Security Policy (CFSP), and with the objective of enabling the EU to exist as a crisis management actor on the international scene. Having the intention of being a more operational tool of the EU's foreign policy, it is vital to understand how the decision to act and all the planning behind the launch of a crisis management mission happens, realizing that it takes concrete steps since the eruption of a certain crises and the decision to address it inside the EU's institutions.

Under the CFSP, the Council can make arrangements for the implementation of decisions (Article 25 TEU), conclude international agreements (Article 218 TFEU) and decide on restrictive measures, namely sanctions (Article 215 TFEU), to ensure stability in third states (Van Vooren, Wessel, 2014 *supra* note 23). More relevant for this dissertation are the civilian and military missions running under CSDP. Article 42(1) and 43 of the TEU provide the legal basis for CSDP missions (Article 43(1) TEU). According to Article 42(3), Member States are responsible for the provision of civilian and military tools. Thus, CFSP has the necessary instruments to increase stability and resolving or assisting in crisis situations, especially through the civilian and military missions running under CSDP. In combination with the rather long-term good governance instruments of the development cooperation policies and the short-term desired for any CSDP mission, the EU has started, since the Lisbon Treaty, to have the potential tools to both strengthen good governance structures, intervening on crisis scenarios and improve the security situation when deemed necessary.

This context where both decision-shaping and decision-making takes place is obviously complex and involves EU institutions and Member States, demanding a careful analysis of different intervening factors that can include political willingness, material and human resources, concerns about legitimacy or values-oriented decisions. "The decision to deploy (or not) a peace operation encapsulates various factors that render it greater complexity than the mere national interest factor – the "good will factor. Although this is of utmost relevance, and the commitment of Member States is crucial to the success of the CSDP, this commitment involves more than particular



national interests as these are framed in complex international and transnational settings.” (Freire, 2013, p.16)

The process of implementing CSDP missions had its birth at the Laeken Council in 2001 with the EU declaration on the operational capability of the CSDP (Laeken European Council, 2001). Recurring to CSDP missions and operations has come to demand an actual development of the EU institutional architecture in all its phases, from the decision-making and planning stage to the final stages of conducting missions and operations and their evaluation. The structures provided at the outset of the CSDP were complemented later with the establishment of specific advisory bodies, Council working groups, an integrated strategic military and civilian planning process, and also reinforced command and control structures, including permanent headquarters for civilian CSDP missions in Brussels (Carrasco et. al. 2016, p.87).

EU Member States have retained the final decision (decision-making) and always manage to exert political and strategic control over CSDP missions and operations. Member States have remained central to EU security and defence policy as they take the ultimate decision to launch and extend the mandate of CSDP missions and operations.

The Council of the EU is responsible for bordering ‘the common foreign and security policy and take the decisions necessary for defining and implementing it based on the wide-ranging guidelines and strategic lines defined by the European Council.’ The Council together with the HR/VP shall ensure the unity, consistency and effectiveness of EU external action (Treaty of Lisbon, 2009). The European Security Strategy (ESS) adopted by the European Council in 2003 was the main framework for EU action in the field of CFSP/CSDP.

Most of the EU’s instruments for external action (which were previously inside the Council Secretariat and the European Commission) were brought into the EEAS, fully established in 2011, and headed by the HR/VP. All the EU crisis management structures find their support on agencies and bodies composed of representatives from EU Member States, CSDP structures and other entities within the EU that have been mentioned above.

Any given crisis has its first reflection within the EU institutional architecture in its early-warning tools, like the EWS mentioned earlier. Within the EEAS, the EUMS serves as a coordinating platform for Member States military intelligence, while the EU INTCEN handles Member States civilian intelligence (Carrasco et. al. 2016, p.88).

When a crisis situation erupts, and only at the request of the UN or by initiative of one of the Member States, the Commission, the HR/VP and the PSC will discuss if and how the EU could contribute to stabilise the situation. That support can either be autonomous or by supporting international or regional actors, as it happened in Mali during the first stage of the civilian conflict in the country in 2012 and early 2013.

A decision to deploy these instruments normally demands some vertical cooperation among Delegations and Headquarters, both in the EEAS and within the Foreign Policy Instruments (FPI), often consulting with DEVCO and in close scrutiny by the PSC and CIVCOM.

“The decision to intervene in a crisis is taken by the Council through a planned procedure that includes all CSDP institutions as well as the Member States. The Secretary-General and the EUMS prepare a document in which the plan for police, military and juridical responses are proposed. The Council then decides the most suitable response based on recommendations from the PSC and other involved structures” (Irrera, 2013, p.93). The EUMC when a military response is requested or the Committee for civilian aspects of crisis management in the case of civilian reaction). In the face of a strategic option that implies military, political and juridical actions, the Council can either approve or not the proposed action. If it is approved, the Council will have to structure all details of the action by which the intervention takes place (Irrera, Attinà, 2009).

The PSC will take advice from relevant Council Working Groups and it is only after that step that a joint fact-finding mission of the Council Secretariat and the European Commission can then be deployed in the respective country or region so that it can issue recommendations on potential risks and appropriately. In the course of these events, the EU INTCEN reports on the situation in the country or region on a daily basis while military and civilian personnel at the Council Secretariat work on the strategic planning of the CSDP mission or operation.

The Crisis Management Planning Directorate (CMPD) within the Council Secretariat is tasked with drafting the Crisis Management Concept (CMC), which outlines the EU's political interests, objectives and civilian and military strategic options for responding to the crisis, supported by the relevant units within the European Commission. In parallel to the drafting of the CMC, the PSC requests the Committee for Civilian Aspects of Crisis Management (CIVCOM) to develop Police Strategic Options (PSO) and Civilian Strategic Options (CSO). It also requests that the European Union Military Committee (EUMC) develop Military Strategic Options (MSO). The PSC evaluates all these strategic options considering the Commission's view. Later, the PSC agrees upon the final CMC to be forwarded to the Council of Ministers for approval.

Considering the decision-making as a process M. Freire (2013) says: "Decision-making has been at centre-stage of contention in the development of the CSDP. The issue of Member States' particular interests in the design of foreign policy decisions as constituting hindrance to progress, by lacking in a strategic and integrated approach has been much debated (the communitarian versus inter-governmental tension)." (Freire, 2013, p.15)

The main procedures provided for decision-making in the Lisbon Treaty are (Keukeleire, Delreux, 2014, p.102):

- Decisions on strategic interests, strategic lines, objectives and general guidelines for the CFSP, including the matters with defence implications, are defined by the European Council by unanimity;
- Decision necessary for defining and implementing the CFSP, including decisions on actions and positions, are taken by the Council on the basis of the European Council's general guidelines and strategic lines. This means that the Council acts unanimously, with abstentions not preventing the adoption of decisions;
- International agreements with one or more states or international organizations under the CFSP rubric (Art. 37 TEU and 218 TFEU) are submitted by the HR/VP as recommendation for the Council which authorizes the opening of negotiations and nominates a negotiator or the

head of the negotiating team. In general, a qualified majority vote is necessary for approval of international agreements in the Council but for those concerning the CFSP unanimity is required. The Council will adopt the decision to sign and conclude the agreement on proposal issued by the negotiator without the involvement of the EP;

- Procedural questions: The Council acts by a simple majority.

Also, the CSDP, as it is addressed in the TEU, included (...) “the progressive framing of a common Union defence policy that will lead to a future common defence when the European Council, acting unanimously, so decides and when Member States adopt such decision in accordance with their respective constitutional requirements” (European Parliament, 2018).

All CSDP missions and operations, so far, were established by the Council of the EU acting by unanimity under Article 42 TEU and following the crisis management procedures reviewed in 2013. Here, crisis management procedures also introduced a ‘fast track’ planning process. The Council can adopt two formal decisions. The first establishes a mission or operation on the basis of the CMC which marks the beginning of the planning phase. The second decision for launching the mission or operation is adopted once the planning and force generation of the missions or operations have been concluded (Carrasco et. al. 2016, p.89).

Art. 31 of the TEU entails the different decision-making rules and procedures in CFSP matters. These include CSDP issues and that CSDP should be an integral part of CFSP (Art. 41.1 TEU). Due to the impact that foreign and security policy can have on the domestic sovereignty of Member States, the decisions have to be taken by unanimity.

The innovation that the TEU brought to the CSDP set the path for a truly common policy, one that was based on shared resources and capabilities as well as on coordinated planning at Union level. It stressed that the progress of the CSDP within the current institutional and legal framework was dependent more on the political will of Member States than on legal considerations, highlighting that Article 43 TEU covers the whole spectrum of crisis management tasks (European Parliament, 2018, p. 5).

The CFSP/CSDP decisions of civilian nature, such as purely civilian operations and the use of civilian assets fell under Art. 42 and 43 TEU and would be subject to Qualified Majority Voting (QMV)<sup>47</sup>. However, it must be noted that it may be hard to argue that a project under CFSP/CSDP does not have any military or defence implications, and that doesn't apply to the Malian case also. Art. 31.4 TEU implies that all other CFSP issues which do not have military or defence implications can potentially be subject to QMV (Wessel, Böttner, 2013).

At this point, it is relevant to point out the somewhat 'constraining' nature of the CFSP – CSDP decision-making process. Due to the limitations on the use of the Qualified Majority Voting, where decisions could be blocked by a certain number of Member States, additional procedural devices and mechanisms had to be designed over the last decade to allow policy-making in cases where the EU cannot proceed as a whole and that were established in the Treaties, especially when the speed of action can be vital as it often is in crisis situations. We will address three different procedures that were created and included in the TEU to allow and simplify actions and procedures within the EU when some Member States truly want to act, thus avoiding all the heavy and very strict procedures that were put in place and so remained until recently.

#### 4.1 Enhanced cooperation

The concept of enhanced cooperation was first introduced into the EU legislation with the Treaty of Amsterdam (1997, effective in 1999) and initially the CFSP was excluded. Afterwards the Treaty of Nice (2001, effective 2003) extended a limited possibility of enhanced cooperation to the CFSP but still excluding matters related to defence from its scope. The Treaty of Lisbon (2007, effective 2009), at the same time as emphasising solidarity and the building of a common policy, extended it the enhanced cooperation into the defence sphere.

The enhanced cooperation procedure can be found in Art.° 20 of the TEU and was intended to provide for a cooperation of nine or more states to make use of the institutions, procedures and mechanisms laid down by the TEU and the TFEU. This

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<sup>47</sup> TEU Article 238 - 3 (a) A qualified majority shall be defined as at least 55 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States (treaty of Lisbon, 2009).

came to allow those countries to move at different speeds and towards different goals than those outside the enhanced cooperation areas. This particular procedure intends to overcome paralysis, where a proposal can in fact be blocked by one Member State or by a small group of countries who do not wish to be part of a specific initiative. This procedure doesn't, however, permit an extension of powers outside those allowed by the EU Treaties.

The mechanism, per se, needs a minimum of nine Member States, who must file a request with the EC. If the accepted, and after the consent of the EP, it has to be approved by a qualified majority of all Member States in the Council after, in order to proceed. It can be applied to the CSDP, but it must contribute to furthering the objectives of the Union and has to be open at any time to all Member States.

Enhanced cooperation permits that a minimum of nine Member States cooperate within the structures of the EU without involving all member states, allowing them the Members to move at 'different speeds', and towards different objectives. It is also only permitted as a last resort where objectives cannot be achieved normally due to some minor (but not determinant) opposition. A Member State can, nonetheless, veto the establishment of enhanced cooperation missions or operation for foreign policy issues, so it is something that will not be attempted in matters that other Member States know in advance that a specific Member State will block.

## 4.2 Simplified Written Procedure

Another procedure worth addressing is one that the Council can use and that is called the 'simplified written procedure' (or silence procedure), a procedure that implies that a proposal will be considered adopted at the end of a specified time period unless a member of the Council objects. This 'silence procedure' sometimes evolves throughout the COREU Network that can delimit reactions to crisis to 24 or 48 hours and that allows the EU to take urgent decisions (or sometimes less important ones) without having to convene a meeting (Keukeleire, Delreux, 2014, p.103). It is a truly important procedure because it allows to put aside divergent views among Member States, making possible to overcome less significant disagreements or allowing others to 'silently' drop their resistance without losing their face publicly. In this case Member States can formulate their criticisms and objections to a proposed decision during a Council

meeting without having to block decisions or be publicly supporting it (Keukeleire, Delreux, 2014, p.103). These procedures reflect a certain tendency to avoid formal voting in CSDP matters, at least in crisis situations.

As an example, a common behaviour is that, during a meeting, the HR/VP, being the chair of the Foreign Affairs Council, or the rotating Presidency in the other Council meetings, will 'feel' or 'sense' whether some Member States, even if they remain critical to a particular position or decision, will no longer formally object to it. When this happens, the HR/VP formulates conclusions and announces to participants that a consensus is 'presumed' to be eminent, indicating that the decision can be adopted (with the absence of a formal vote), allowing Member States to let it pass without explicitly having to state their position.

### 4.3 PeSCo - Permanent structured cooperation

Next, we look at something that can be seen as a specific CSDP flexibility mechanism that was introduced by the TEU and that allows for the possibility of cooperation within this frame around defence policies (Arts. 42(6) and 46 TEU). This mechanism may grow in importance in the near future and become quite relevant for decision-making processes in the EU in crisis management missions and operations.

PeSCo is somehow comparable to enhanced co-operation in other policy areas, because integration does not require all EU member states to participate. More directed to European Integration and to binding long term projects in defence/military subjects (rather than missions and operations), it aimed at the possibility of some Member States making more binding commitments to one another in this area and within the EU framework.

PeSCo is a Treaty-based framework aimed at enhancing defence cooperation among capable and willing EU Member States. We can see it as a specific instrument in support of the CSDP. It is open to those Member States 'whose military capabilities fulfil higher criteria, and which have more binding commitments to one another in this area with a view to the most demanding missions'<sup>48</sup>. Member States participation

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<sup>48</sup> EEAS - Permanent Structured Cooperation (PESCO), 2018, available at: [https://eeas.europa.eu/headquarters/headquarters-Homepage/34226/permanent-structured-cooperation-pesco-factsheet\\_en](https://eeas.europa.eu/headquarters/headquarters-Homepage/34226/permanent-structured-cooperation-pesco-factsheet_en) - last consulted December 2017

remains strictly voluntary, but the decision-making will remain in the hands of participating Member States and the character of the security and defence policy of all Member States is considered.

PeSCO's can be traced to the ideas of 'flexibility', and 'closer' and 'enhanced' cooperation in EU policymaking that ascended between 1992, with the Maastricht Treaty (Treaty of the European Union, 1992) and the 2001 Nice Treaty (Treaty of Nice, 2001). The mechanism as we see it today, took shape during the 2001–3 Convention on the Future of Europe, which drafted the EU's Constitutional Treaty. The initial concept was devised by the European Commission in 2003. At that time the recommendation was that it should start as a flexible approach that allowed member states to opt in based on their capabilities and political preferences (Seitz, 2018).

With this mechanism, the main decisions and activities are the responsibilities of its members. But since PeSCO is part of the broader CSDP framework, it can and will benefit from the support of various EU bodies, like the EDA, primarily, and the EEAS, (under the supervision of the HR/VP). While the EDA plays a crucial role in relation to the capability dimension of the common commitments and to the capability projects in place, the EEAS can support the operational dimension of the common commitments as well as operational projects (Fiott et. al. 2017, p.32).

Managing external crises has, apparently, become an integral part of CSDP, and this came to encompass the CSDP tools mainly on the field of irregular migration in the Central Mediterranean Route and the Sahel region for now. The aim here is to support host countries by providing training and advice for military and security forces (like it already exists in the European Union Training Mission (EUTM) in Mali for example)), managing and building, when deemed necessary, institutions for the sustainable rule of law, and building local capacity as the main objective of creating the conditions for economic growth and prosperity.

Enhancing the defence cooperation was the first layer of what could be done through PeSCO in so called 'capability projects'. The second layer is to create more integrated forces, so that additional capabilities will be operated in the most cost-effective way possible. If a project in this area starts, the creation of a transport fleet, for example, could emerge. The point is that aircrafts or ships will still be owned by



individual Member States, but they will be integrated in a single structure for command, logistics, maintenance and training for example, following the same rhythm of upgrades implemented at any given time. Such integration can become a reality if integrated into PeSCo from the start.

Related to PeSCo, an ambitious proposal is presently (February 2018) on the table regarding the development of newer technologies and the development of a flexible European security force. However, Member States that want to join this force should have to meet ambitious entry requirements. These should include minimum troop contribution and minimum defence spending thresholds. These have to move beyond the low entry requirements of PESCO to ensure that all members are fully invested in the project.<sup>49</sup>

PESCO is not (like many thought) ‘a big step toward creating an eventual EU Army’ to undermine NATO (Kochis, 2017). PESCO is voluntary and does not change existing TEU provisions on security and defence cooperation. Article 42(4), which states that ‘decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously’, remains untouched (Nováky, 2018, p.99).

The reasons behind this recent development in PeSCo are linked to the announced exit (“Brexit”) of the United Kingdom (UK) - traditionally the main obstacle to deeper EU defence cooperation and the EU’s member with closer ties to the US – from the Union by March 2019. Following the Brexit referendum, in 2016, the UK no longer had the political capital to block initiatives as it opposed before. After this came the election of Donald Trump as president of the US in November 2016 as another important moment that helped convinced Europeans of the need to take more responsibility for their own security because all along his campaign Trump questioned America’s defence commitments to its allies, calling NATO ‘obsolete’ and suggesting that allies failing to meet their spending targets would ‘have to get out’ (Parker, 2016). Moreover, recent crises in the EU’s neighbourhood have made it clear – yet again- that most Member States lack many of the necessary capabilities. In 2011, NATO’s Libya

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49 At: [https://www.ecfr.eu/article/commentary\\_a\\_new\\_beginning\\_for\\_european\\_defence](https://www.ecfr.eu/article/commentary_a_new_beginning_for_european_defence) - last consulted November 2018

operation, for example, showed that Europeans continue to rely on American capabilities in areas such as air-to-air refuelling and smart ammunitions (Nováky, 2018, p.99–100).

PeSCO is a mechanism of which it is easy to recognize it's potential for becoming a game changer in EU defence cooperation and one that can help the EU to achieve strategic autonomy. Experts like Sven Biscop (2018), Steven Blockmans (2017), Niklas Nováky (2018) but also stakeholders like Jean Claude Juncker in his speech at the Defence and Security Conference in Prague believe this is possible but only if the participating member states do more than the minimum required to fulfil their commitments, if the implementation of PeSCO is monitored rigorously, both at national and EU levels, and finally if there are consequences for those member states that fail to meet their commitments. If these conditions are not met there is the serious risk that PeSCO will, in the end, be like the Battlegroups - another oversold EU security and defence initiative that failed to meet the expectations placed on it (Nováky, 2018, pp.102–103).

The military can be extremely relevant for the success of CSDP crisis management missions or operations, for the reasons already presented, and the cooperation efforts being done since the Lisbon treaty can be of the utmost importance for the success of future missions or operations and the commitment in future crisis, which why this point is so relevant for the analysis in this dissertation.

#### 4.4 EU Crisis Management – Where do NGOs fit

Coming to the field of crisis management, in particular the EU crisis management field, the very notion of crisis should be addressed. The idea of facing a crisis situation means that there is a will to return to a safe situation, a wish to allow people to have their 'normal' life back. Countries and states seek this security and their people, wanting to be secure, put pressure and influence policymakers in that direction. As Jones (2007) puts it: "Policymakers and their populations want to be secure from internal and external threats and seek to influence others to ensure their safety." (Jones 2007, p.19).

The international relations literature has also comprehensively analysed the world governmental system and how it tried to provide security to the nations and states, by solving conflicts and assisting people in need. Scholars state that the set of tools and mechanisms which have been developed is far from ideal. Like Daniela Irrera (2013) said, such set is rather pervaded by the main contrast between the responsibility to deal with human suffering and the need to safeguard state interests and priorities.

The fact is that NGOs have shown so many times that they can be relevant players in emergency policy-making and implementation also because they are also able to deploy a wide variety of materials and logistics while acting in peace building and reconstruction missions and operations.

NGOs have their own approach to reconstruction and to services that must be provided to people affected by conflicts or natural disasters. In principle, this approach should be (and normally is) complementary with the approach of states and International Governmental organizations (IGOs). NGOs are recognized in the international environment to have considerable impact on the processes involved in worldwide politics as they are members of the so called 'humanitarian system', a system characterized for the purposes of this dissertation as a framework of principles, actors, policies, practices, rules and procedures that tend to shape humanitarian interventions in a national or international scale. Their effectiveness depends greatly on the access granted to them by the states and by IGOs.

When talking about the EU we should never forget that decision-making processes are conducted by elected representatives of the European people in the Member States. However, NGOs seem to contribute too, by promoting a more participatory democracy both within the European Union and everywhere else. The EU was founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and also by the principles of the rule of law which are common to every Member of the Union. "In order to represent the demands that cut across the borders of states, NGOs need suitable accession to decision-making institutions." (Irrera, Atinnà, 2009). The European Union normally practices a top-down approach which, as Daniela Irrera points out, tries to benefit from the skills that NGOs possess.

These, on their side, have replied with a robust bottom-up set of initiatives which paved the way for institutionalizing and implementing rules and procedures.

Depending on the situations and working conditions the coexistence varies “between a contract and a marriage” and mostly serves as a good example of the world governmental structure that is based on multilateral practices (Irrera, 2013). The key and controversial issue, is the NGOs’ engagement in political participation, i.e. in the decision-making processes of international organizations.

Non-Governmental Organizations are, without a doubt, relevant players in emergency policy-making and implementation simply because they are often able to deploy a wide range of materials and logistics and to make use of appropriate capabilities while acting in missions (or operations) in peacebuilding and reconstruction as we have seen.

The most difficult questions are placed about the independence of NGOs and whether they come under some kind of governmental influence. It is common knowledge that individual governments do, at times, try to influence the NGO community in a particular field or area, by establishing NGOs that promote their policies (Willets, 2010).

Next, we look at the relationship in the crisis management process of decision-making and detail where NGOs play a role with the bodies or institutions within the EU CSDP.

#### 4.5 Crisis management Missions/Operations – The Process of Decision Making

In the EU framework there is the Crisis Response and Planning process, structured in six phases as described below in sequence:

- Phase 1: Monitoring and Advance Planning;
- Phase 2: Crisis Management Concept (CMC);
- Phase 3: Strategic Options;
- Phase 4: Operational Planning;

- Phase 5: Conduct of Operation;
- Phase 6: Evaluation.

Flowcharts are presented below in support of the text descriptions of these phases for easier perception of the sometimes rather complex procedures in place.

Response to a given crisis is an area where member-states have retained most decision-making powers and so they must reach unanimity before a response can be launched (Bátora et. al. 2016)<sup>50</sup>. The Commission and the EP play a very limited part here, except in those areas such as development aid, humanitarian aid and civil protection. These are areas that are set outside the area of CFSP, but where the Commission is able, through its FPI service, to uphold control of the distribution of funds attributed to the CFSP from the general budget of the Union. To understand the decision-making process to undertake a crisis response, in the CFSP, it is necessary to have a notion of the main decision-making players and their competencies as presented in the preceding chapter.

The European Council is the politically authoritative institution of the EU when dealing with crisis response. Further, the European Council can play an informal leadership where it can act as an internal policy arbitrator in those cases where consensus or compromise are not being reached at the level of the sectoral ministerial meetings.

While the European Council agrees on the general guidelines for the EU in several areas, the Council of the European Union continues to be the principal decision-making body.

In making decisions on crisis response, tensions may arise: First there has to be a decision on whether the crisis will require a military, a civilian and/or humanitarian response (or a combination of all). Decisions over what methods and instruments should

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<sup>50</sup> Since the Maastricht Treaty, EU treaties have set the consensus principle as the default option in Council decision-making on CFSP. It is relevant to note that abstentions do not prevent decisions from being adopted and can be formalized through the procedure of ‘constructive abstention’, relieving those who abstain of the obligation to apply the decision (Article 31(1) TEU). Over other issues, such as the appointment of EU Special Representatives, the qualified majority voting applies (Article 31(2) TEU). Also, determinant can be the fact that majority voting is not applied if a government declares that it has a vital national interest in opposing such a vote. (Merlingen, 2012).

be deployed, and which institutions should be in charge have to be taken next. Second, for the response to be legitimate, consensus must be achieved among the EU member-states, even if decision-making on crises tend to need some celerity. The HR plays an important role in negotiating such consensus and working her/his way around it with the procedures described above (Boin, et. al. 2013, p.64).

Besides the FAC (Foreign Affairs Council) the next relevant institution is the Political and Security Committee (PSC), a key institution in the CFSP and in the CSDP decision-making structure. Figures 3 and 4 show the institutional set-up and a simplified version of the procedure for CFSP/CSDP planning and decision and Figures 5 to 8 shows the step by step of the crisis response and planning procedures.

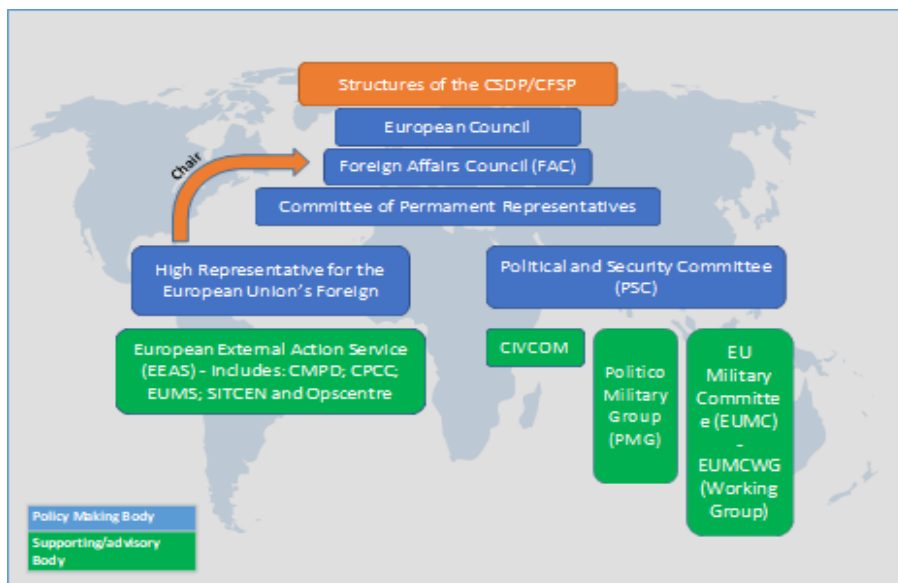


Figure 3 - Structures of the CSDP/CFSP

Source: Author

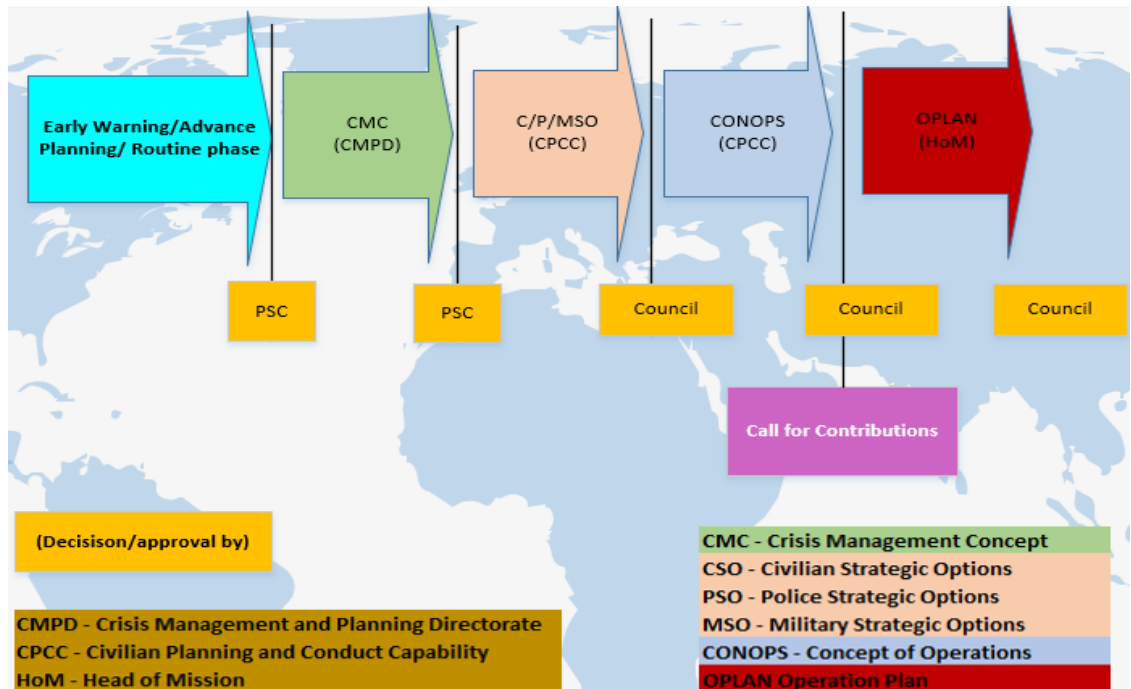


Figure 4 - CSDP Civilian Planning Phases and Products

Source: Author

Both the EU Council and the Commission have instruments for addressing and respond to numerous kinds of crises, being coordinated by the EEAS. These can go from diplomatic and political instruments, military involvement or training or the building and reform of civil institutions, even to humanitarian aid. When a decision is made for a crisis response, it is followed up by the Department for Crisis Response and Operational Coordination (within the EEAS) (Bátora et. al., 2016).

A process of crisis management can only be deployed after a crisis is well-defined as such. Crisis response, in the context of the EEAS ‘implies the immediate mobilisation of EU resources to deal with the consequences of external crises caused by manmade and natural disasters’ (Bátora et. al., 2016). “The Crisis Response and Operational Coordination Department provides a first assessment of an emerging crisis and coordinates EEAS organs as well as the managing directors of the five regional directorates” (Boin et al. 2013, p.66). It is this department who is responsible for activating the EEAS Crisis Response System also, which includes the Crisis Platform, the EU Situation Room and the Crisis Management Board.

The Crisis Platform (CP) (Crisis management and Response - European External Action Service, 2016) meets more on an ad hoc basis to try to ensure the most adequate and coherent response to any eventual external crisis. It is chaired by the HR/VP, and one of the following: The Secretary General (SG) or the Deputy Secretary General of the EEAS for CSDP and Crisis Response (DSG-CSDP). The Platform is tasked to provide clear political and strategic guidance to the EEAS and to the Commission services.

Depending on the characteristics of a given crisis, the Crisis Platform concentrates numerous EEAS crisis-response/management structures, like the CMPD, the CPCC, the INTCen, the EUMS, or other relevant departments like the EUMC, but also appropriate European Commission services (like ECHO, DEVCO, FPI, etc.). The secretariat is supported by the EEAS Crisis Response Department, which performs an overall operational coordination function in support of the Directorate Secretary General of the CSDP, based on conclusions agreed at the Crisis Platform meetings (Bátora; et al., 2016).

The EU Situation Room, together with the Crisis platform, and the Crisis Management Board (where all EEAS services are represented for information-sharing) are also integral parts of the crisis-response system. While the Situation Room is a permanently in stand-by and is tasked of providing around the globe monitoring, the Crisis Management Board was established as the permanent entity for dealing with the horizontal aspects of EEAS crisis response. It operates in close liaison with the Commission and the Council General Secretariat services (Bátora et al. 2016, p.12; Pirozzi, 2013).

The following sections present the successive phases of how a crisis situation is managed in the EU, showing the moments of intervention of the various bodies and agencies as well as their relations. Figures 5 to 8 show the flowcharts of the various phases of crisis management in the EU, exposing the entire crisis response and planning process. A joint flowchart, covering all the phases is presented in Annex A.



#### 4.5.1 Phase 1: The Monitoring and Advance Planning

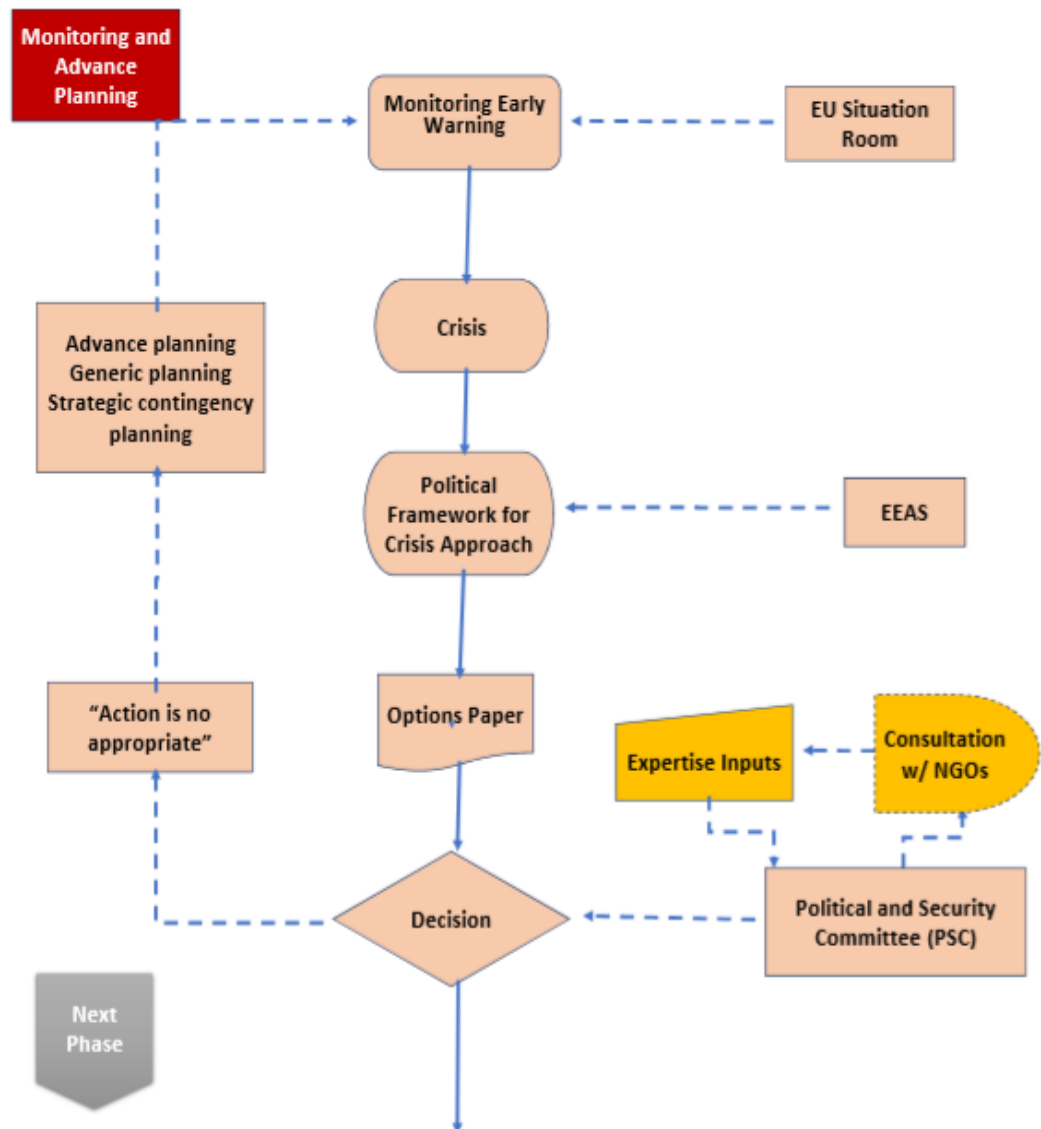


Figure 5 - Flowchart - Phase 1: Monitoring and Advance Planning

Source: (Sönmez et. al. 2014, p.98)

Monitoring, including early warning and advance planning, can be considered as a first phase of the crisis management planning (Sönmez et. al., 2014, p.98). The EU has several agencies responsible for monitoring (EU Situation Room; EU Intelligence and Analysis Centre are examples of such agencies). After a crisis is identified as such by

the member-states (through the Foreign Affairs Council or the European Council or by the High Representative), a response has to be decided by the member-states.

When a crisis is effectively recognized, the first stage will be to ensure that no earlier plan already exists. If it exists and is found necessary, then it could have to be revised. When that is not the case, then it is necessary to begin the process of elaborating a new plan. The EU Situation Room effectively starts any process because, like mentioned previously, it is responsible for monitoring and report on a 24/7 basis worldwide events, focusing on topics and issues relevant for the EEAS and the EU as a whole. It has to elaborate on all reports situation reports about all with crisis related information provided, among others, by EU Delegations, EU Member States, EU CSDP Missions and Operations, EU Special Representatives (EUSR) teams, and International Organisations like relevant and partner NGOs.

In it, the Crisis Response & Operational Coordination Department of the EEAS manages the Crisis Response System (CRS), with the combined effort of its three divisions (Crisis Response Planning and Operations; EU Situation Room; Consular Crisis Management) prepares the Political Framework for Crisis Approach (PFCA), with the close collaboration of the respective EU delegations in the region. The EU Crisis Response System has to face and respond to the consequences of multiple types of crises, being them political or armed conflicts, technological incidents and man-made or natural disasters.

The EEAS Crisis Response & Operational Coordination Department is mandated to activate and harmonise EU crisis response activities through the Crisis Response System (CRS) and because of it, plays a central role in trying to ensure swift and effective mobilisation of actors and instruments across the EU system as well as the coherence of policies and actions throughout the various phases of the crisis life cycle.

The EU relies on early-warning tools such as the Early Warning System (EWS).<sup>51</sup>

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<sup>51</sup> The Early Warning System (EWS) is a consultative process based in Brussels that involves staff from the EEAS, including CSDP, relevant services of the Commission and Member States through the PSC and geographical working groups. At country level, EU Delegations, CSDP missions and operations, EUSR teams and Member State embassies also contribute to the EWS.

The information is then compiled and processed in the EU Situation Room and after analysis sent to the other bodies in the process (Sönmez, S., Dikici, E., Durak, 2014).

The Consular Crisis Management Division is one of the divisions of the Crisis Response and Operational Coordination Department of the EEAS and contributes to coordinate consular policies across the EU and consular actions in times of crises. It can also build a web page with the purpose of information sharing among stakeholders and also to serve as a tool of cooperation during crises and at normal times.

The resulting PFCA will set the political context, highlighting what is the crisis, why the EU should act on it, and which are the best suited instruments available for the EU's response. Appropriate instruments can be: economic sanctions, diplomatic actions, mediation, humanitarian aid, development aid or CSDP. This body is responsible for the EU's Common Foreign and Security Policy (CSFP) and the Common Security and Defence Policy (CSDP) and its roles are to monitor the international situation and to recommend strategic approaches and policy options to the Council.

Apart from all this, the PSC can meet with NGOs on an informal basis, trying to obtain advice from their expertise. Policy-makers can also choose to attend meetings held by NGOs or think tanks, on subjects related to a given crisis at hand tanks. If all seems within the scope for a CSDP engagement, the PSC (or the Council) can then take the decision of tasking the Crisis Management and Planning Directorate (CMPD) within the EEAS to develop the Crisis Management Concept (CMC). The CMPD is the sole civil–military strategic planning structure within the EEAS

The objective of the strategic planning is to develop and bring all the possible options for EU action to the table. It will also lay, on the basis of a decision of the EU Council, variables like "what to do, why, where and with whom" in any international crisis situation. These options will be set inputted in the Crisis Management Concept (CMC), that will be proposed to the EU ministers for their approval. This is on the very basis of the any operational planning and conduct of a mission/operation.

#### 4.5.2 Phase 2: Crisis Management Concept (CMC)

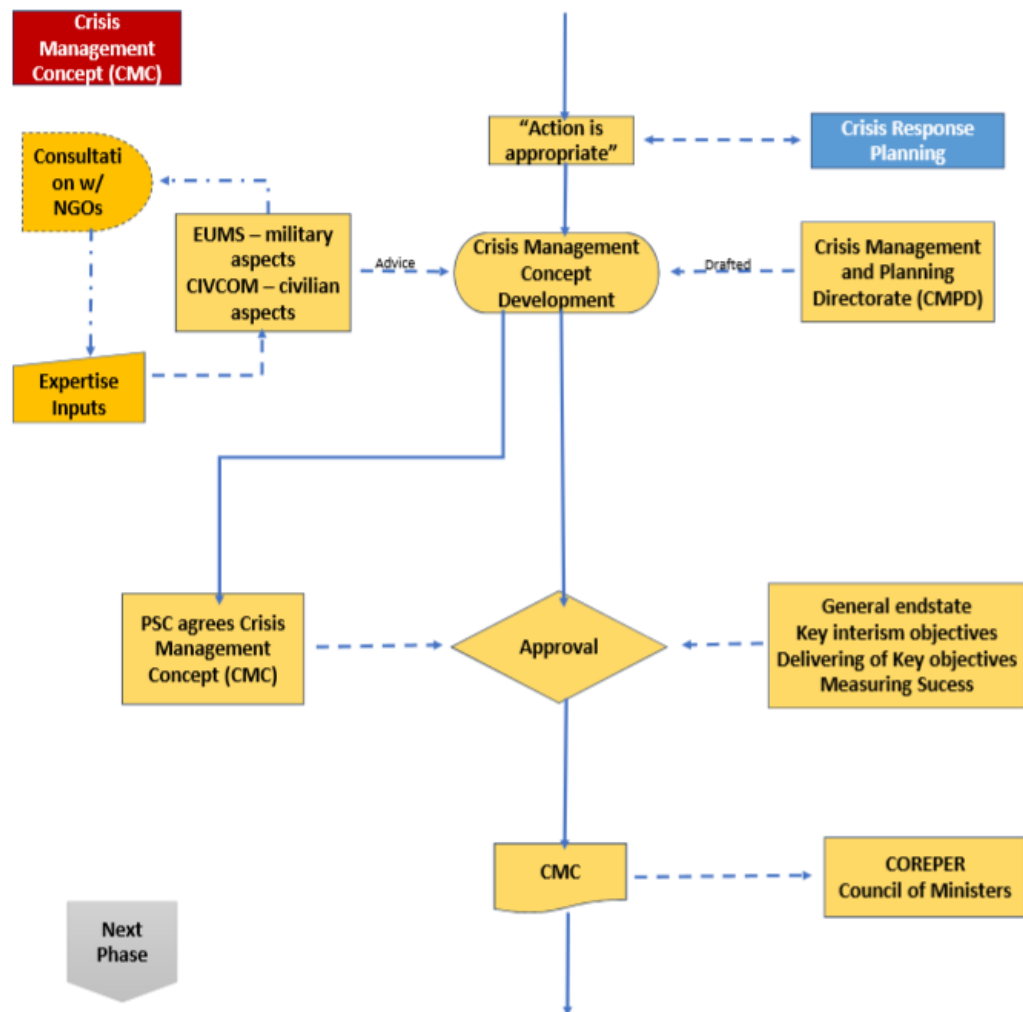


Figure 6 - Flowchart - Phase 2: Crisis Management Concept

Source: (Sönmez et. al. 2014, p.98)

After the decision to act is taken, the development of the CMC is initiated with the Crisis Management Planning Directorate (CMPD), within the Council Secretariat, being tasked with drafting the Crisis Management Concept (CMC), which will outline the EU’s political interests, objectives and civilian and military strategic options for responding to the crisis, supported by the relevant units within the European Commission. For this end it can consult all the relevant EEAS services, the EUMS and the Civilian Planning and Conduct Capability (CPCC) (also with any other relevant

Directorates, EU Delegations or Commission services that are found necessary). The CMPD will normally start a Fact-Finding Mission (FFM) sent to the crisis zone to assess the entire situation and to research and develop the CMC. The objective of the CMC is analysing and propose CSDP options, describing its aims and objectives, and frame the possible goals and scope of an EU mission.

Based on those advices, the CMC is endorsed by the Political and Security Committee and then approved by the Council. The EUMC, and CIVCOM, collaborating with an appropriate geographical working group (delegations) within the EEAS provide the necessary advice at this point to the elaboration of the concept. CIVCOM elements can also choose to resort to expertise from NGOs at this stage (always on an informal basis).

After the CMC is agreed by the PSC a joint decision is taken with COREPER (Permanent Representatives Committee) to approve the CMC.

#### 4.5.3 Phase 3: Strategic Options

The third phase will consist on the development of the Strategic Options. In parallel to the drafting of the CMC, the PSC requests the European Union Military Committee (EUMC) an Initiating Directive to the Director General of the EU Military Staff (DGEUMS) so that he can draw up and present Military Strategic Options (MSO). It will, afterwards, proceed to an evaluation of the strategic military options that were developed by the EUMS and forward them to the PSC together with that same evaluation and a military advice.

The Civil Planning Conduct Capability (CPCC) provides inputs to crisis-management concepts for civilian CSDP operations within the EEAS, including the development of civilian strategic options.

The CPCC plans and leads the participation of civilian experts in technical assessment operations regarding the planning of CSDP operations and preparation of assessment reports advancing in police and civilian response options.

Within the parameters set by the CMC for a civilian CSDP operation and possible succeeding planning documents, the CPPC has to carry the operational planning for civilian operations at the strategic level and start implementing the 'Force

Generation Process' of civilian CSDP operations. CPCC staff will also work extensively in to identifying human, material (equipment, services, premises) and financial resources that will be necessary for a n eventual civilian CSDP operation, proposing the technical solutions to this end to. Furthermore, the CPCC must elaborate the legal framework for the various civilian CSDP operations (this will include decisions, rules of engagement, status of missions and operations agreements).

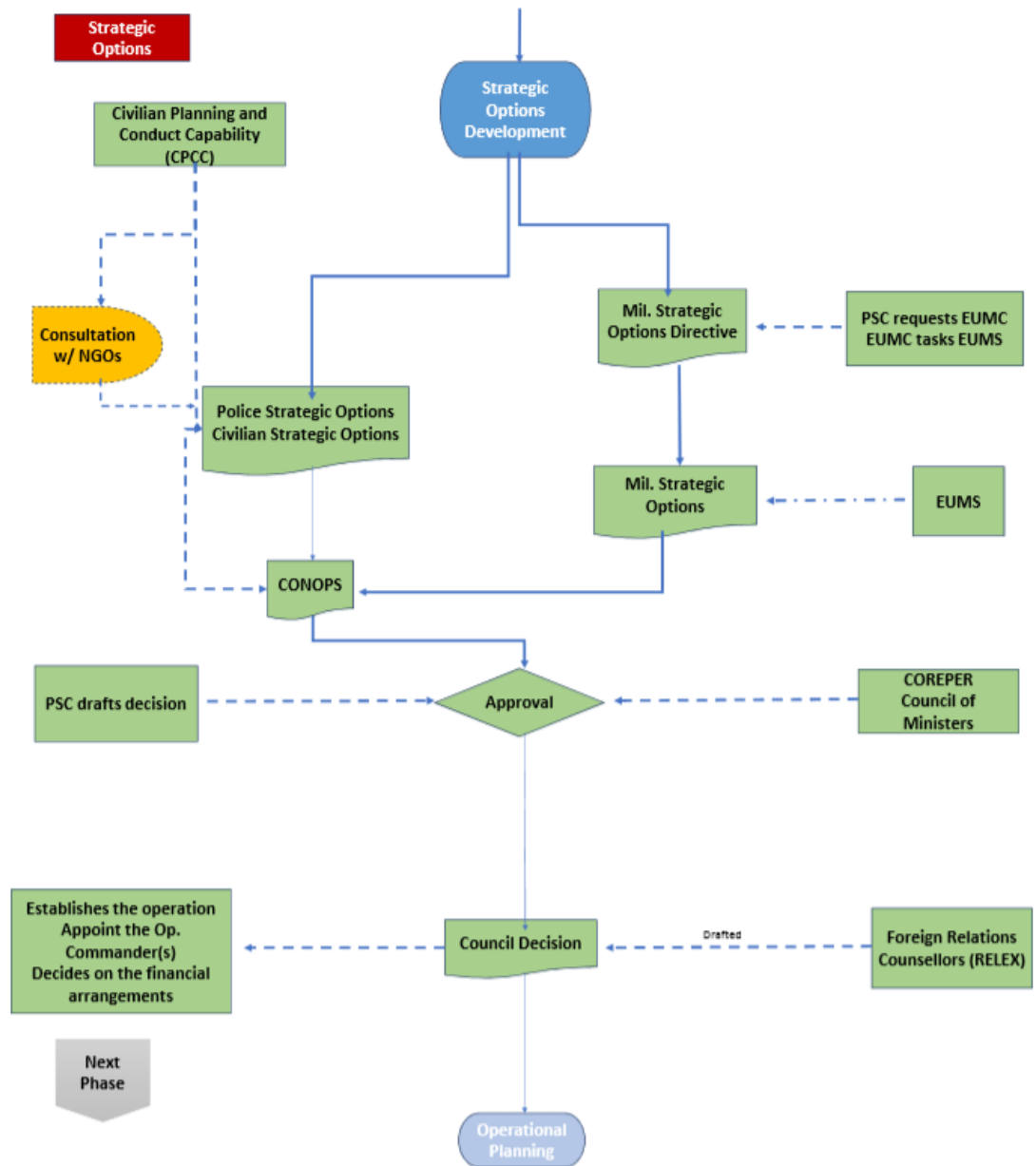


Figure 7 - Flowchart - Phase 3: Strategic Options

Source: (Sönmez et. al. 2014, p98)

In parallel, the EUMS (EUMS) is tasked by the EUMC to develop the Military Strategic Options (MSOs). The EUMS is tasked to prepare the initiating military directive. When it comes to crisis management situations and after the PSC's request, it issues an Initiating Directive to the Director General of the EU Military Staff (DGEUMS) so that he can draw up and present strategic military options. This directive serves as a guiding document for the drafting of the military Concept of Operations by the operation commander at the selected operational headquarters (Bátora et al. 2016).

Afterwards, the EUMC, like mentioned previously, has to proceed to an evaluation of the strategic military options that were developed by the EUMS and place them to the PSC with its own evaluation and military advice. Based on the military option that was selected by the Council, it will authorise an Initial Planning Directive for the Operation Commander.

The EEAS and Council representatives involved in CSDP may consult relevant NGOs (or international organisations, third states, representatives of civil society or international NGOs ) during the review of the strategic options. If it comes to a military mission, the Athena financial mechanism will be activated.<sup>52</sup>

With all the inputs being brought by the Police Strategic Options, by Civilian Strategic and by the Military Strategic Options, the development of the concept of operations (CONOPS) is developed. A draft decision on the CONOPS is elaborated by the PSC, working with the COREPER in order to reach an overall approval that will have to be submitted to the Council.

The Council decision step will be drafted by RELEX, as we saw earlier, the body of diplomats and Commission staff that covers all legal, financial and institutional issues of the Common Foreign and Security Policy (CFSP) and EU crisis management operations (Gourlay et. al. 2006).

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<sup>52</sup> Athena is a mechanism that is intended to deal with the financing of common costs relating to EU military operations under the CSDP. The Athena mechanism can finance the common costs of EU military operations as well as the nation borne costs, which include lodging, fuel, and similar costs linked to national contingents.

It is important to notice that the CPCC will develop the CONOPS before the Council's Decision, but military planners will only issue an Initial Planning Directive (IMD) and CONOPS after the Council's Decision

After the PSC and the Council approval, there will have to be an agreement about the MSOs/CSOs and tasking the director of Civilian Planning and Conduct Capability (CPCC), as the Civilian Operations Commander (CivOpsCdr), to initiate the operational planning and the recruitment of the Head of Mission (HoM) and its team. The PSC also identifies the future Military Operational Headquarters (OHQ) and future Military Operation Commander (MilOpCdr), taking the recommendation put forward by the EUMC into consideration. It is with these assessments that the Council can choose to act through a Council Decision (CD). In it the Council can establish the operation, appoint the Operation Commander(s) and decide on the financial costs of the operation (Mattelaer, 2010).

#### 4.5.4 Phase 4: Operational Planning

Right after the PSC and Council's approval and with the inclusion of the concept of operations (CONOPS), and the appointments of both the CivOpsCdr and the MilOpCdr, the civilian and military planning processes separate at this phase.

Based on the military option selected by the Council, the EUMC will authorise an Initial Planning Directive for the Operation Commander. Based upon that same EUMS evaluation - made in the Strategic Options Phase - the EUMC will be able to provide advice and recommendation to the PSC on:

- the Concept of Operations (Conops) which is developed by the Operation Commander,
- the draft Operation Plan (OPLAN) which is drawn up by the Operation Commander.

During an operation, the EUMC monitors the appropriate execution of military operations that are to be conducted under the responsibility of the Operation Commander.



Both the military Operation Commander (OpCdr) and the civilian Operation Commander (CivOpsCdr) start the Force Generation Process by involving Member States and if applicable, inviting also third states. In staff is contributed from an invited third state and accepted by the PSC, a Committee of Contributors (CoC) shall be established.

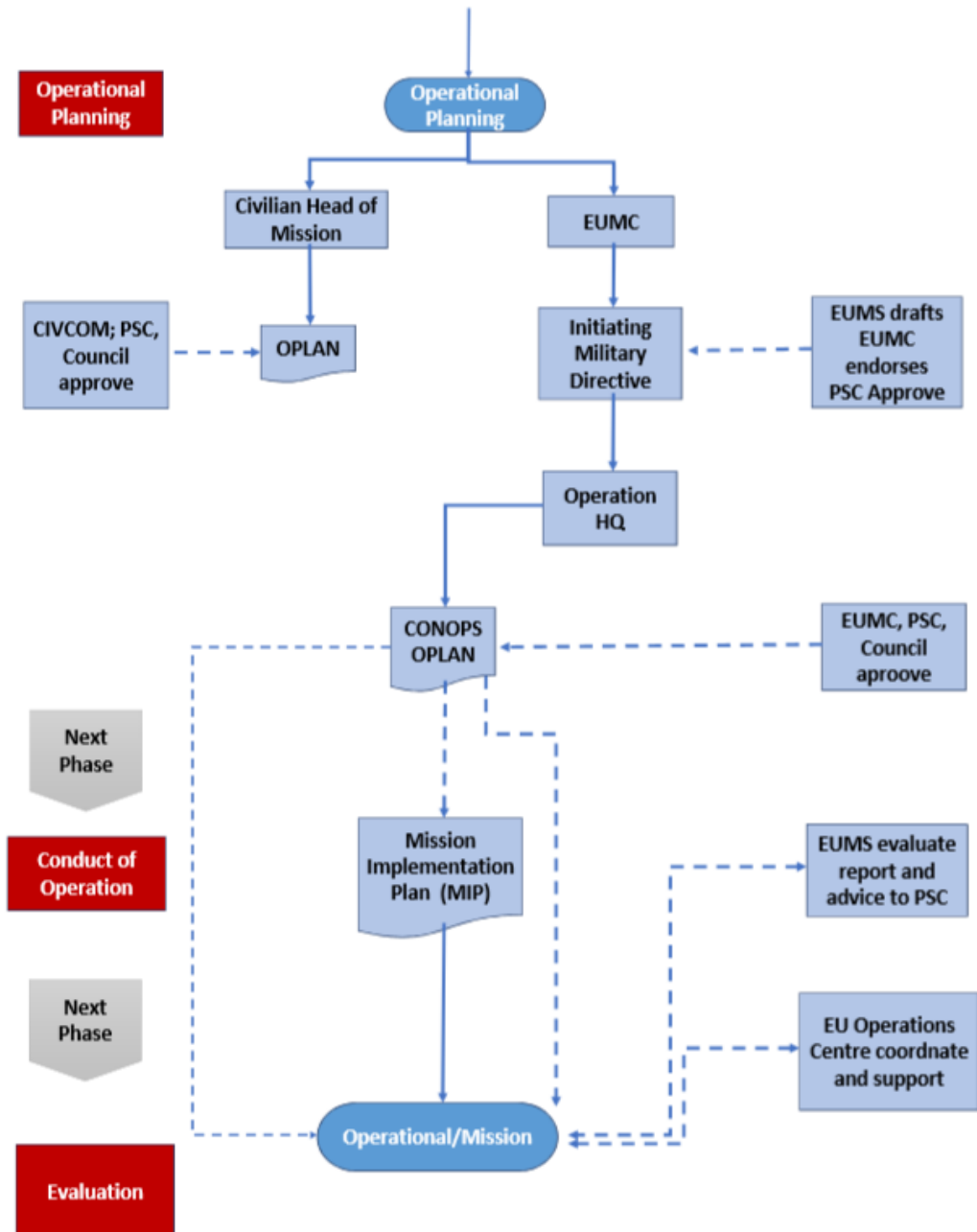


Figure 8 - Flowchart Phases 4, 5 and 6: Operational Planning, Conduct of Operation, Evaluation

Source: (Sönmez et. al. 2014, p.98)

Finally, on the Civilian side of the process, the operation plan (OPLAN) is prepared by the Civilian Head of Mission after the inputs and approvals of CIVCOM, the PSC and the Council (Mattelaer, 2010) (Mattelaer, 2008) (Mattelaer, Simón, 2011).

The Council can then adopt a decision where it establishes the mission/operation. This is the moment when the objectives and mandate of a mission/operation are set out and the military Operations Commander can become active, and an Operation Headquarters (OHQ) will be designated (for a military operation) and third states may be invited to participate and to offer contributions. The Status of Forces Agreement/Status of Mission Agreement (SOFA/SOMA) is commissioned, and a Budget Impact Statement (BIS) for a civilian CSDP operation or a draft reference amount for a budget for a military CSDP operation is adopted as an integral part of the Council decision (Sönmez et. al. 2014, p.99).

#### 4.5.5 Phase 5: Launch/Conduct of Operation

The fifth stage is the launch and conduct of the operation/mission. The PSC, under the responsibility of the Council and the High Representative (HR), will control and direct the CSDP operations/missions at all political and strategic levels including the further deployment of operation staff to attain full operational capability (FOC). The Civil Operation Commander (CivOpsCdr) and the Military Operation Commander (MilOpCdr) command and control the mission in the terrain (Gourlay, 2004).

In a civilian operation, the CivOpsCdr has the command and the control - at the strategic level - while the Head of Mission (HoM) exercises command at the operational level. In the case of military operations, the MilOpCdr has full command and control at the strategic level and the military Force Commander will take command at the operational level.

#### 4.5.6 Phase 6: Evaluation

The sixth, and last stage, is the evaluation stage of the conduct of the actual operation. A strategic review is conducted during all the operations. The strategic review shall be conducted by the CMPD, supported by CPCC, EUMS and other relevant Directorates. The EUMS will evaluate, report and advice to the PSC. Additionally, the HR will often propose to the PSC a set of actions aimed at refocusing or finishing the EU action. The PSC, when it agrees with the assessment, forwards the measures to the Council. The Council then decides whether to refocus the EU action, including possible termination, or to launch any further action needed at this point.

The EC does not intend that this planning process is a rigid process, but one that can be improved through lessons learned and is useful for all types of possible EU-led operations and all phases of crisis management (Farazmand, 2014).

Although the first impression conveyed by these Figures is one of high complexity, the main reasons for that are the fact that it covers six phases (from the political-strategic level down to the tactical level), that clear and non-ambiguous paths had to be predefined covering all situations, and that proper separation of functions and powers must be preserved.

The six phases are shown in red in the diagram (Monitoring, Crisis Management Concept, Strategic Options, Operational Planning, Conduct of Operation, and Evaluation) (Hynek, 2011). The middle part of the flow chart explains the main activities carried out within the EU Crisis Management & Planning Process (EUCMPP). The responsible or executive bodies of the related activities are shown on the right side. Necessary explanations were added on the left side of the flowchart.

With the analysis in this chapter it became evident, step by step, how crisis management missions or operations are decided – or not – and where NGOs can participate and have an impact on the decision taking. It is possible to argue the about impact of consulting NGOs and discuss whether their input for the final decision on a given subject (to act or not to act) is important or not.

I think that NGOs play a significant role in decision making by their know-how and they can affect the outcome of a decision by giving valuable advice on how and

when a mission or operation should happen, if military protection is advisable, who are the other players in the field and all other sort of relevant information that you can only get from someone who has an effective presence there. It seems obvious that NGOs can bring valuable inputs that truly can become assets in future (or ongoing) missions or operations but can also be instrumental in the final decision through those same inputs and in the end influence a decision taken within the CSDP to launch or not to launch a crisis management mission or operation.

#### 4.6 IPCR - EU Integrated Political Crisis Response arrangements

Based on a perception that a new institutional architecture was necessary for managing crises occurring in one or more of its Member States, there are recent evolutions in the EU structure for Crisis Response and Planning, trying to have an essentially common structure for external and internal crises.

In fact, the EU has substantially improved its normative tools related to crisis management. First it developed, inside the Civil Protection Mechanism, the EU Emergency and Crisis Coordination Arrangements (CCA). These arrangements were initially created by the Council of the EU on 29 November 2005 (Revised at (Council of The European Union. 2007) and were formally approved by the Justice and Home Affairs Council, held in December of the same year.

After this, the “solidarity clause”, addressing a joint response from the Union and the other Member States when one Member State is the object of a terrorist attack or a victim of a natural disaster or a man-made one, became part of article 222 of the Treaty on the Functioning of the European Union, which entered into force on 1 December 2009 (Treaty of Lisbon, 2009). Its implementation was recently addressed by the Council Decision of 24 June 2014 on the arrangements for the implementation by the EU of the solidarity clause (Council of the European Union, 2014). This development came to incorporate the EU Integrated Political Crisis Response arrangements (IPCR), meant to replace the Crisis Coordination Arrangements (CCA) and complement the solidarity clause.

The main objective of the CCA was to facilitate information exchange between the Member States and the EU institutions, when competent to:

- facilitate the provision of mutual operational support to Member States who had no sufficient capabilities to deal with the crisis;
- enable consistency in the action taken by the Member States, the Commission, and EU agencies through coordination of their crisis management actions;
- enable debate on contentious policy decisions;
- enable debate on collective external action between the Member States and the Commission;
- ensure media coordination between the Member States, the Commission, and EU agencies.

Later, and according to the Council, the IPCR had the objective of “reinforcing EU Member States’ ability to make decisions in a timely manner when facing major emergencies that require a response at EU political level.” (Council of the European, 2007). The CCA was considered, within the EU, to be an improvement of the existing EU crisis management tools as it came to introduce facilities for strategic cross-sector coordination in crisis management at the EU level thus improving the Member States facilities for exchange of information about any national crisis situation (Beriain et. al. 2015).

The IPCR arrangements are the newest instrument in the EU crisis response toolkit. They were approved by a Council decision in June 2013 and after a two-year review process which aimed at replacing the prior Crisis Coordination Arrangements (CCA).

The IPCR was meant to improve over the CCA by reinforcing the role to be played by both COREPER, which acts as a representative of the Member States, and by Council and its different bodies and agencies in major crisis situations. The true purpose of the IPCR arrangements was to further develop the joint approach (the mobilisation of all relevant services and bodies amongst institutions and Member States and to ensure a coordinated set of actions in the EU’s crisis response) (Minard, 2015).

When a crisis inside the EU seems eminent, the Commission, the EEAS, the Member States or the Council (the General Secretariat of the Council (GSC) or the Presidency) can (and most certainly will) create a monitoring page on its web platform to provide regular updates on the evolution of the crisis at hand. The Commission, the EEAS and the GSC resort to this information to advise the Presidency on whether to activate the IPCR or not. It is only after reviewing all the information available and after convening with all stakeholders in an informal round, the Presidency, can decide to activate the IPCR arrangements in full or in the information-sharing mode only. It can also decide not to activate. The Presidency can also choose to do so on its own initiative or upon request by a member state. The aim here is to centralise information to keep all parties up to date and speed.

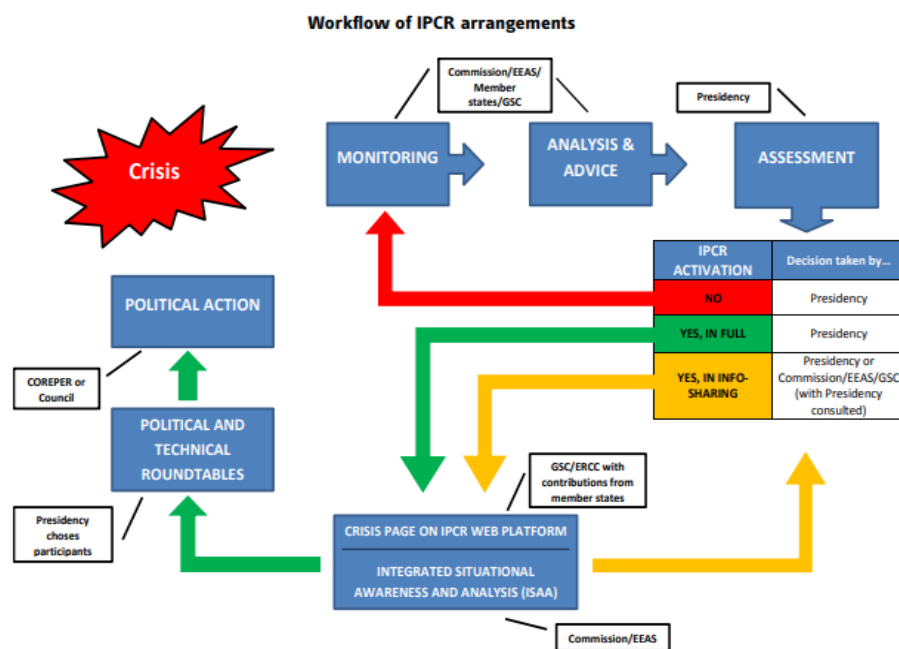
Once the IPCR has been activated (in full or in info-sharing mode) a crisis page will be opened and maintained by the GSC or it can replace the previous monitoring page on the web platform. The continuous flow of information is shared by the Member States on the web platform and it will serve as the basis for the relevant Commission or EEAS services (in the case of the refugees, DG HOME was and is in the lead) to prepare the Integrated Situational Awareness and Analysis (ISAA) reports. ISAA related input is gathered on a 24/7 basis by the Emergency Response Coordination Centre (ERCC) (located in DG ECHO) which will act as a central point of contact on the IPCR (Minard, 2015).

The Presidency provides political and strategic guidance to DG HOME in order to adapt the reports to the identified needs. ISAA reports are there to filter all the information that could become, at any given point, crucial documents for the political decision-making process.

It is this custom-made approach, one that addresses the specificities of any given crisis, that is able to display the flexibility of this instrument. It also manages to contribute to the basis on which the Presidency decides to scale up or down or even terminate the IPCR arrangements. It is only upon full activation that the decision-making process is engaged via the presentation of ISAA reports to the COREPER or the Council.

During the final stage, the Presidency is at the controls once again as it is responsible (as COREPER chair) for preparing the all the proposals for action. To support this process, the Presidency will assemble working level and high-level forums to find possible solutions to the specific matters raised by the same reports

The objective is to save some possible solutions that will be submitted to COREPER, or to the Council, when it comes to bigger crises, like for example the refugee crisis that affected the European Union in 2016/2017. Figure 9 shows a flowchart indicating the process just described.



Source: EUISS

Figure 9 - Workflow of IPCR arrangements

Source: (Minard, 2015)

When considering implementation, the option to fully activate the IPCR arrangements is a purely political one.

The refugee crisis (2016/2017) serves as a good example due to all the indecision to engage in a joint policymaking process. This has evidenced as the Member States took a cautious approach in responding to this specific crisis instead of attempting to activate the IPCR arrangements in full. So, and in this case, the choice of

the Presidency was to activate them in information-sharing mode for the initial period of ten days and allowing Member States to begin consolidating information.

It eventually became evident within the EU, that full activation was the best way to move forward in this crisis, notably because this would permit the weekly roundtables held by the Presidency to address concerns and it could hold political roundtables at ambassadorial level, as well as more technical ones with experts from Member States and with the relevant services of the Commission and the EEAS, allowing them to exchange views and ideas. Moreover, the Presidency was able to invite third parties such as the International Organisation for Migrations and the UNHCR to contribute to the debates (Minard, 2015).

Because of its structural strictness, the CCA was never activated in full and was only activated in information-sharing mode on three separate occasions: during the 2008 terrorist attacks in Mumbai, in the wake of the 2010 earthquake in Haiti, and after the 2010 eruption of the volcano Eyjafjallajökull in Iceland. Even if this IPCR mechanism has the possibility to be quickly triggered, it will not be surely activated for all major crises. The conflict in Syria, the political violence in Burundi and the earthquake in Nepal are some examples of crises that featured on the its web platform but did caused the activation of the arrangements, not even in information-sharing mode. These crises are happened outside the EU borders and are not considered to have a direct and pressing impact on the Union, like for example the refugee crisis (Ibid.).

A big issue about the EU's response to crises is still the presence of a gathering of several institutional actors and bodies. The IPCR arrangements can place several instruments and several services together. You can find out presently that it is the existence of a small cross administrative 'community', at the core of the instrument, composed of experts from the ERCC, the GSC and Commission DGs, who are now used to working together and cooperating at all stages of the arrangements (and even before its activation), that seems responsible for alleviating the inter-institutional tension that existed before. The web platform is another important cooperation 'tool', which will become more attractive as it is more used. It is these kinds of routine cooperation that can contribute to the creation of an effective crisis response structure within and across all the EU institutions (Minard, 2015).



So, such tools like this web platform can become the basis for the next level on cooperation among these and other interested actors, as they can serve as effective platforms for effective follow-ups of crisis scenarios and as seen in figure 9. This web platform can be truly relevant after the monitoring stage and especially from the analyses and advice stage forward in order to share all sort of information's among stakeholders.

The level of sophistication and professionalization of the IPCR evident and also demonstrates why its accumulated experience over the decades place it on top of the EU's response for crises around the world.

After this chapter, dedicated to a detailed presentation and analysis of how a decision is taken to launch a crisis management mission or operation, the next chapter is dedicated to the concept and shape of the humanitarian system, the societal field where NGOs, the other key term in this research, are located.

## 5. The Humanitarian System

### 5.1 Non-Governmental Organizations and the Humanitarian System

Humanitarianism is the product of years of practical institutional evolution, not first principles. It is what is has been made to be.’ *Hopgood (2008)*

It is useful at this time to analyse the entire humanitarian system where NGOs (at least NGOs that are related to our subject and to the Common Security and Defence Policy (CSDP)) are in fact integrated. This should lead to a better understanding of their part as individual actors in a system with other actors.

There is a notion that universal humanitarian principles are directly linked to a series of assumptions and perceptions that are the foundations of Western hegemony and that they were a direct result of the global dominance that emerged out of the age of discoveries in the 15th and 16th centuries, through colonialism, industrialization and economic dominance throughout the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> centuries. It is this confidence and dominance that came to be the basis of the moral rectitude that allowed the west to proclaim that principles such as independence, neutrality and impartiality, when addressing humanitarian assistance, were fundamental and universal (Kent, Armstrong, and Obrecht 2013, 11).

By attempting to define the humanitarian system, we can, like some scholars say, envision a sort of an organic body, like a constellation that interacts with the targets of its existence (the affected communities) and with the related actors around it. The humanitarian system is something that was placed there to provide the best possible responses to crisis, often as complement or alternative (like supplementing the national capacity to respond to a crisis). The USAID report of 2015 regarding ‘The State of the Humanitarian System’ defines this system as “the network of interconnected institutional and operational entities through which humanitarian assistance is provided when local and national resources are insufficient to meet the needs of the affected population.” (Kent et. al. 2013, p.11–12)

For the purpose of this dissertation, however, we chose to take the characterization by Walker and Maxwell (2008) that described the international humanitarian system in the following terms: “The international humanitarian system evolved. It was never designed, and like most products of evolution, it has its anomalies, redundancies, inefficiencies, and components evolved for one task being adapted to another. (...) The international humanitarian system is a system that allows those caught up in a crisis to articulate what they need to alleviate their suffering while allowing others in the human family, who are better off, to provide the resources to meet those needs. It is a people-to-people structure. ...Humanitarian agencies sit between those who are suffering and those who have the resources to alleviate that suffering.” (Maxwell, Walker, 2008, p.2)

Also, according to these authors, all these agencies fall under four categories (Maxwell, Walker, 2008, p.2-3) and the focus on this dissertation is mostly on the last one although also addressing specifically the third one as a very good example of influence and advocacy exerted upon governments and decisions-makers:

- 1) Subsets of an individual country’s aid structures
- 2) Multilateral organizations
- 3) The Red Cross and Red Crescent Movement
- 4) Structured group of private citizens: community-based organizations (CBOs), which tend to arise from within communities in crisis, or non-governmental organizations (NGOs) which are often external to but wanting to assist the crisis-affected people.

We also found out during the research that possibly, and in order to further understand this particular system, it would probably be useful to briefly trace its background, looking back at its history. With this in mind, expert Michael Barnett suggested that there were three ‘ages of humanitarianism’ (Barnett, 2011) and identified them as:

- 1) Imperial Humanitarianism – from the early 19<sup>th</sup> century to World War II;

- 2) Neo-humanitarianism – from the end of the World War II to the end of the Cold War;
- 3) Liberal Humanitarianism – from the end of the Cold War to the present.

When we analyse NGOs, it is important to be aware of what does this term means and stands for, overviewing its history and background. The term, ‘non-governmental organization’, came into use in 1945 because the United Nations (UN) had the need to differentiate in the Charter of the United Nations, participation rights for intergovernmental specialized agencies from international private organizations. As an example of this, we can look back to the end of the first decade of the 20<sup>th</sup> century. Back then 132 international NGOs decided to co-operate with each other in the year of 1910, and they did it under the label of Union of International Associations. The League of Nations officially referred to its "liaison with private organizations", while these accepted to be called international institutes, international unions or simply international organizations (Willems, 2011).

Authors Walker and Maxwell (2008) later came to characterize the period of the Cold War as a period of ‘mercy and manipulation’ and the 90’s as of ‘globalization of humanitarianism’. With the end of the Cold War the number of humanitarian interventions grew, and their focus diversified. “Multidimensional peacekeeping operations require long-term assignments in the aftermath of internal conflict to support the implementation of a peace agreement and employ a mixture of military, police and civilian staff.” (Irrera 2013, p.80).

Pointing out an essential characteristic of the humanitarian system, such as the interdependence of the actors involved is crucial to realize that we are dealing with a ‘system’ where in crisis situations there is no single actor that can give the full answer to all the needs of an affected population. It is the set of international actors (such as the UN, or NGOs, amongst several others) with host institutions, donor’s and state level decision makers that, together with the populations in need of assistance, compose the system as a whole. “Although leaderless and fragmented, the system exhibits evidence of shared principles, norms and values and a convergence of interests that, despite protests to the contrary, suggests something systemic at work.” (ALNAP 2015, p.18).

Another relevant concept that is important to explain and define, one that directly relates to the space where NGOs play their part, is that of a 'global civil society': "We understand 'global civil society' as the socio-sphere located between the family, the state, and the market and operating beyond the natural confines of national societies, polities and economies" (Anheier, Themudo, 2002, p.193).

In general terms, NGOs tend to have different meanings for different people. In its broadest sense, a NGO is an organization that is not part of the government but is part of the space between government and private life, known as civil society. Definitions of a NGO generally include the following elements: promotes a public interest and is not for profit; engages in non-violent actions; founded by private individuals; is independent of the state; and follows a minimal organizational structure (Hobb, 1997 cited in Willetts, 2011).

NGOs sometimes relate with special interest groups at a national level, as they can promote a single or special issue, or their interests can encompass entire areas of concern, such as human rights, sustainable development, or humanitarian aid. The majority of NGOs focus on economic and human development, human rights, environmental protection, and humanitarian aid, although NGOs that provide health services, legal assistance and other services are also well known.<sup>53</sup>

NGOs can act locally or at an international level and they can be as small as a single member or as big as having a million members.<sup>54</sup> Some NGOs are quite big organizations (such as the Red Cross for example), with delegations around the globe and with budgets larger than those of small states,<sup>55</sup> and they can show quite big influence in international and domestic affairs. Some of the major NGOs can attract big funding, and their visibility in media, the policy-making arena, and the general public is very high indeed (Edwards, Hulme, 2013), Greenpeace, even if not playing a role in the

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<sup>53</sup>For a typology of NGOs, see Spar, D., Dail, J. 2002, *Essays: The Democratic Accountability of Nongovernmental Organizations: Of Measurement and Mission: Accounting for Performance in Non-Governmental Organizations*, p.74-75

<sup>54</sup> In 1999, Amnesty International counted more than a million members in 160 countries. Steiner, H.J., Alston, P. 2000, *International Human Rights in Context: Law, Politics, Morals*, Oxford.

<sup>55</sup> For a listing of NGOs and their annual budgets: available at: [www.NGOwatch.org](http://www.NGOwatch.org) – last consulted December 2017. Some of the major international NGOs have budgets of \$500 million. See also Cohen, R., Deng, F.M. 1998, *Masses in Flight: The Global Crisis of Internal Displacement*, Brookings Institution Press p.188.

human rights field directly, played a role in what the organization believed was the future of making as a whole and was able to exert quite strong influence - next to the western public opinion at least – with its more radical actions that had wide media coverage.

It is obvious that NGOs, inside the humanitarian system, can influence public opinion according to their interests and with their actions or campaigns. They can contribute decisively to a decision to act by politicians and decision-makers within countries and in intergovernmental organizations such as the EU.

NGOs are important (sometimes crucial) elements of civil society worldwide so we should see what civil society is as a concept and how do NGOs fit in it.

## 5.2 Civil Society

Broadly speaking civil society is usually defined as “the area outside the family, market and state”, encompassing a spectrum of actors and entities with a wide range of purposes, structures, degrees of organization, membership and geographical coverage. While descriptions vary across institutions and countries, the “civil society ecosystem” typically “consists primarily of organizations, which vie with each other to gain influence over the norms of social behaviour and decisions on public policy.” (Willets, 2011, p.26)

NGOs, as just acknowledged, are part of the so called ‘civil society’<sup>56</sup> and the “civil society ecosystem” typically includes (World Economic Forum, 2013:

- NGOs, non-profit organizations and civil society organizations (CSOs) that have an organized structure or activity, and are typically, registered entities and groups
- Online groups and activities including social media communities that can be “organized” but do not necessarily have physical, legal or financial structures
- Social movements of collective action and/or identity, which can be online or physical

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<sup>56</sup> Concept defined in the Annex A - Relevant concepts

- Religious leaders, faith communities, and faith-based organizations
- Labour unions and labour organizations representing workers
- Social entrepreneurs employing innovative and/or market-oriented approaches for social and environmental outcomes
- Grassroots associations and activities at local level
- Cooperatives owned and democratically controlled by their Members – these are a distinct type of organization, collectively owned and democratically controlled by their members in order to satisfy their common economic, social or cultural needs.

When we address a concept like civil society at a more international or global level, we can also consider civil society as the realm of public debate about international norms and policy. It's true, as Peter Willetts wrote, (...) that individuals can also be part of a global civil society (thanks to the internet, smartphones and so many different ways that interconnect the world today better than in the past) just as easily as they are part of their civil society at their local community. At state or international levels, we can assume that civil society works much more through NGOs, or at least it mostly has significant effect through them.

Social media of deep penetration (like Facebook) are already a very influential vector of civil society interaction with governments at national level, but not so much yet at international level, possibly due to language barriers. This is bound to change in a relatively near future with the emergence of automatic translation.

Just as it happens with civil society as a concept, the definition of NGO is somewhat contested and sometimes not as consensual as we could expect. NGOs are often described as autonomous, non-profit-making, self-governing and campaigning organizations with a focus on the well-being of others and "whose stated purpose is the promotion of environmental and/or social goals rather than the achievement or protection of economic power in the market place or political power through the electoral process." (Bendell, 2000a, p.16).

Teegen, (2004, p.466)<sup>57</sup>, described an NGO as "any non-profit, voluntary citizens' group which is organized on a local, national or international level. Task-orientated and driven by people with a common interest, NGOs perform a variety of services and humanitarian functions, bring citizens' concerns to Governments, monitor policies and encourage political participation at the community level. They provide analysis and expertise, serve as early warning mechanisms and help monitor and implement international agreements. Some are organized around specific issues, such as human rights, the environment or health".

In a similar way, author Edwards (Edwards, 2002) defined NGOs as: "a subset of civic organizations, defined by the fact that they are formally registered with governments, receive a significant proportion of their income from voluntary contributions (usually alongside grants from governments), and are governed by a board of trustees rather than the elected representatives of a constituency. If civil society were an iceberg, then NGOs would be among the more noticeable of the peaks above the waterline, leaving the great bulk of community groups, informal associations, political parties and social networks sitting silently (but not passively) below". (Edwards, 2002).

### 5.3 Non-Governmental Organizations (NGOs)

Taking a closer look at the UN, one notices that almost all types of private bodies can be perceived and recognized as NGOs. They only must be independent from government control, not seeking to challenge governments either as a political party or by a narrow focus on human rights, non-profit-making and non-criminal (Willetts, 2011). On the first draft of the UN Charter there was no mention of keeping a cooperation with private bodies and this forced a variety of groups to lobby to correct this at the San Francisco conference that came to establish the United Nations in 1945. "In fact, this group succeed in introducing a provision for strengthening and formalizing the relations with private organizations previously maintained by the League, they also greatly enhanced the UN's role in economic and social issues and upgraded the status of the Economic and Social Council (ECOSOC) to a "principal organ" of the UN." (Willetts, 2011, p.4). Under the UN Charter, Article 70, "specialized agencies,

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<sup>57</sup> It is appropriate to look to the United Nations when examining NGO definitions because: "the term dates from the 1950s, when the United Nations coined the expression (Vakil, 1997, p.2068).



established by intergovernmental agreement" could "participate without a vote in its deliberations", while under Article 71 of the UN Charter "non-governmental organizations" could have "suitable arrangements for consultation". Thus, "specialized agencies" and "NGOs" became technical UN jargon.

Trying to come up with a clear definition for the term 'Non-Governmental Organization' for the purposes of this dissertation, definition of Professor Peter Willetts was selected: an "NGO is defined as an independent voluntary association of people acting together on a continuous basis, for some common purpose, other than achieving government office, making money or illegal activities (Willetts, 2011, p.4).

These characteristics match the conditions for recognition by the United Nations but, nevertheless, the so called 'boundaries' can be hard to distinguish. There are NGOs that are pointed by many as identified with political parties and some also manage to acquire financial income that comes from their commercial activities (consultancy activities or publications sales), others are even associated sometimes with violent political protests. When considered in a wider public debate, NGOs are usually pictured as having a sort of high moral standing. It is this idea that makes the public think that if they are altruistic organizations, then it should be morally right to support them, and this attitude has some influence on decision makers and politicians.

It is possible to categorize relationships between NGOs and states as either top-down or bottom-up. In a top-down relationship it is the states (top) that define the focus and nature of the relationship, the case of bottom-up relationships requires a bit more elaboration given the variety of motivations and types of the actions of the many NGOs: The right of citizens to form associations to chase a common purpose is a fundamental freedom in a democracy. Belonging to an association provides an opportunity for citizens to actively participate in new ways other than or in addition to involvement in political parties or trade unions. NGOs have been increasingly recognized as a significant component of civil society and as providing valuable support for a democratic system of government. Governments and international organizations are taking more notice of them and involving them in the policy- and decision-making process (Commission Discussion Paper, 2000).

Driven by people with common interests, NGOs are able to accomplish a variety of services and humanitarian functions or to communicate citizens' concerns and issues to Governments. They can also monitor policies and encourage political participation at community level for example, adding their recognized work (in most cases) that is bringing their analysis and expertise to the table, serving often as early warning mechanisms that can also help monitoring and implementing international agreements. Human rights, the environment or health are some of the specific issues NGOs usually rally around.

In this research, the focus will be on those international non-governmental organizations, typically organized around a normative aim or social or moral goal, predominantly from Western Europe and structurally not answerable to anyone other than their own governing bodies and those who give them money.<sup>58</sup> Given the diversity of their natures and of the contexts in which NGOs exist and are active, some methodological considerations are in order. In this dissertation the term NGO falls strictly into a strictly analytical category and not - by any means - on a legal or normative one. Two additional difficulties encountered are worth noticing. The first relates to the vague concept of capacity development, which sometimes makes it difficult to define NGOs activities in relation to government capacity, making them subject to interpretation. Its weak analytical utility is one of the main critiques of capacity development. In this dissertation, it will be discussed in relation to various NGOs activities and the complex relationship of such NGOs with governments. The second difficulty is related to the fact that much of the available literature does not pay considerable attention to the relationship between NGOs and governments and does not even examine the numerous types and evolutions of NGO activities in relation to governments. This is a very relevant point for this dissertation (Holmes, 2013).

It would be naïve to believe that any NGO can be entirely free from the authority of states since they (even internationally oriented NGOs) obviously are based and operate in States, so scholars started to study and analyse state-NGO relationships (Youngman, 2011). Scholars started to prove that states can influence the existence and

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<sup>58</sup> This broad description excludes for the purposes of this paper what has been described as 'the largely unknown and under-appreciated universe of local NGOs and civil society organizations.' Holmes, J. 2013, *The Politics of Humanity: The Reality of Relief Aid*, Zeus Publications, London, pp.4

characteristics of NGOs. Risse-Kappen (1995), for example, argued that “three components of domestic structures, the state structure, the societal structure, and policy networks, can determine the variation in the policy impact of transnational actors such as NGOs. In addition, domestic structures can even have an impact on the characteristics of NGOs “(Risse-Kappen, 1995).

By focusing on domestic structures, Youngman (2011) argues that transnational actors can face at least two obstacles when they want to influence governments. First, they must be able to access the political systems of national governments. Second, they should always gain more support from the public. If we consider these arguments, domestic structure will determine how difficult it is for transnational actors such as NGOs to influence governments, so, likewise the more open or plural a society is, the easier it is for transnational actors to influence governmental or intergovernmental policies.

It is quite easy to observe examples of NGOs attempting to influence states in our everyday life, but it’s considerably more challenging to find out or to know the mechanisms by which NGOs influence states’ foreign policies and consequently an intergovernmental organization such as the EU in its foreign policy. We have seen some examples already about their actions and the visibility that they can have and understand some of their power next to the public opinion in western countries.

### 5.3.1 Non- Governmental Organizations - Strengths and Weaknesses

Peter Willetts (2011) has also written about what could be the strengths that contributed to the success of NGOs through the last decades: the intense personal commitment of their members, the specialist knowledge of the issues in question by their leaders, the low administrative costs, the flexibility of action that is provided by the lack of bureaucratic constraints, the professional skill in the use of information to sustain their arguments and also the high trust for the accuracy of their information. The corresponding weaknesses, he also points out, are the dependence on individual leaders, the danger of intense conflicts about personalities or activities, and the lack of shared economic activities that can maintain the group’s cohesion (Willetts, 2011, p.164).

NGOs can put a lot of international pressure into governments and this reflects through their domestic political system that, in sort, “produces a global political system from which no society can remain isolated” (Willettts, 2011, p.164–65). It is common, in political debates all around Europe, to be full of external references from IGOs but also from NGOs. The argument here is not that NGOs can exert some kind of ‘power’, but more on where this power comes from.

In fact, when we think of NGOs and compare them to civilian assets on the ground from intergovernmental organizations such as the EU, it is relatively straightforward to see some advantages and disadvantages of this type of organizations. They can freely experiment with new, innovative approaches and, if necessary, are more able (or allowed) to take risks. They also tend to be less rigid in adapting to local scenarios and responding to local necessities. NGOs have a greater ability to communicate at all levels, from the neighbourhood to the top levels of a given government of a country. They can recruit both experts and highly motivated staff with fewer restrictions than governments and this is also a considerable advantage that they have.

Naturally there are also disadvantages, starting with their dependence on outside financial resources and at least sometimes their weaker position in the “on-the field” dialogue with staff coming from intergovernmental organizations such as the UN or the EU, which may assume a “principal-agent” nature, with the public official seeing her/himself as the problem owner and the NGO collaborator as the helper, instead of adopting the concept of two partners trying to improve the situation of a group of people going through a hard time.

NGOs can obviously show some significant constraints and contradictions in their ability as actors that operate within a given civil society due the pressures they face to be non-political or by their sometimes weak roots in society (at start at least), but also by possible pressures they might face because of the fact that they be accountable ‘upward’ to donors rather than “downward” to beneficiaries. Some might also consider their focus on short-term projects rather than long-term structural change as a possible contradiction (Banks et.al. 2015, p.708).

### 5.3.2 Different Types of Non-Governmental Organizations

NGOs, as mentioned before, can be classified into various types based on different factors like orientation or level of cooperation. NGOs that are characterized by the type of orientation can be grouped into Charitable orientation; Service orientation; Participatory orientation; and Empowering orientation. NGOs that are characterized by the type of level of co-operation can be grouped into Community- Based Organization; City Wide Organization; National NGOs; and International NGOs. Non-governmental organizations form a heterogeneous group and it has a long list of organization working in different areas with varied scope of work.<sup>59</sup>

The alternative terms used in addition to ‘NGO’ include private voluntary organizations, civil society, independent sector, self-help organizations, grassroots organizations, volunteer sector, transnational social movement organizations, and non-state actors (NSA’s).

Some of the more familiar acronyms used for NGO are the following:

- BINGO – It is a short term used for business-friendly international NGO
- CITS – It is a type of NGO basically devoted in helping the scientific community by motivating the young talent towards R & D.
- CSO – It is short term for civil society organization
- DONGO – It refers to the Donor Organized NGO
- ENGO – It is an abbreviated form of environmental NGO like Global 2000;
- GONGO – It refers to the government-operated NGOs
- INGO – It is an abbreviated form of international NGO like Oxfam
- QUANGO – It refers to the quasi-autonomous NGO such as the International Organization for Standardization (ISO)
- TANGO – It refers to the technical assistance NGO
- GSO – it stands for the Grassroots Support Organization

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<sup>59</sup> Available at: <http://www.ngo.in/types-of-ngos.html> - last consulted February 2018

- MANGO – It refers to the market advocacy NGO
- CHARDS – It is a short form for Community Health and Rural Development Society

According to the World Bank Typology (Malena, 1995), NGOs can be classified into operational or advocacy NGOs. For example, the Global Partnership for the Prevention of Armed Conflict (GPPAC), playing a central role in the case study of this dissertation, can be considered as an advocacy NGO. The main purpose of operational NGOs is to design and implement development-related projects. The scope of the operational NGOs can be national, international or even community-based. On the other hand, the main objective of an advocacy NGO is to promote a specific cause. It makes efforts to raise public awareness and knowledge, and ultimately influence public policy, by doing various activities like lobbying, press work or activist events (Youngman, 2011).

NGOs like Oxfam, Greenpeace, Amnesty International, Red Cross and thousands of others serve the public interest on a national and international scale. “(...) the United Nations system uses the term NGO to distinguish representatives of these organizations from those of governments. While many NGOs dislike the term, it has come into wide use, because the UN system is the main focus of international rule-making and policy formulation in the fields where most NGOs operate.” (Paul, 2000). An NGO like Oxfam, for example, works to fight poverty by offering help to the poor in the shape of equipment and skills to get access to food and clean drinking water. An NGO like the Forum for Development Association (FFDA) works on investigating and documenting human rights violations and offering legal assistance to the victims of human rights abuses.

It can be useful, at this point, to differentiate the Community-based Organizations (CBOs) from NGOs. CBOs basically are ‘born’ from people’s own initiatives and can go from sports clubs, religions organizations, women organizations and more. Some of this CBOs have ties to NGOs, from being supported by some of them (national or international ones) or by arising public consciousness to some topic that a specific NGO supports or defends. NGOs usually have three geographical dimensions: First, they try to influence Community based NGOs, secondly, they work

within a small regional area, while national NGOs work on a national basis, and third, international NGOs, such as GPPAC, work worldwide to try to influence policy change and improve situations in the field.

International NGOs can be seen as actors that do not pursue national interests but can be advocates and promoters of affected groups in the international stage. They are constantly placing specific interests and issues on the agenda of international organizations such as the EU. They raise awareness for important topics and feed them into the political process as we see it happen in Mali and the Sahel Region, contributing to informing EU Member States about what was occurring in the field (at any given time), and campaigning to raise public awareness towards the issue and to the need of action from the EU. It is a role that NGOs have been playing, supported by their expertise and special credibility to inform societies and governments about particular issues managing to raise awareness for specific problems.

Some international NGOs, like the Red Cross and Red Crescent, for example, have delegations and members in many different countries and operate and work transnationally. They are distinct from social movements because they have a fixed organizational structure. However, it is also true that several of these International NGOs were “born” from social movements. The example of Greenpeace is an example as it emerged from the environmental movement.

NGOs in fact can play several roles in global politics. Their scope in influence can vary as they can sometimes serve as experts (like GPPAC), diplomats, advocates for specific issues or groups (like Red Cross and Red Crescent or Oxfam), protesters and even activists (like Greenpeace). It is mainly in their role as experts and diplomats - since they often work and have ties to other countries’ governmental bodies and populations – that NGOs closely cooperate with governments. They can be experts because often they show extensive expertise in a particular field and thus are able to provide valuable advice to other actors that lack such relevant knowledge.

One of the largest NGOs is the already mentioned International Red Cross/Red Crescent Society, an NGO that provides health care and disaster relief on a worldwide basis. This particular NGO was founded in 1863 and is one of the oldest active NGOs in the world. Most NGOs were founded in the second half of the twentieth century, when

citizens became concerned that their governments were not meeting the needs of the poor, hungry, and sick.

While some NGOs, like the Red Cross, have bulky resources supported by a multitude of sources, others work with limited funding. Some NGOs establish partnerships with other intergovernmental organizations like the United Nations, World Bank, and International Monetary Fund. These partnerships can allow those same NGOs to become stronger while making sure that the same humanitarian work is not being duplicated and better managing valuable resources due to it.

According to one estimation, some 25,000 organizations now qualify as international NGOs (with programs and affiliates in several countries). Amnesty International, has more than a million members and it had affiliates or networks in over 90 countries and territories. Its London-based International Secretariat has a staff of over 300 which carries out research, coordinates worldwide lobbying and maintains an impressive presence at many international conferences and institutions (Paul, 2000).

#### 5.3.2.1 [The International Federation of Red Cross and Red Crescent Societies](#)

When we get into this vast world of NGOs we realize that there are some that, due to their size but also history, are great examples of interactions with governments and intergovernmental organizations such as the UN or the EU. NGOs that because of their size have delegations spread across the globe managing to join in their own network, field work and know-how with delegations in Brussels or in relevant countries, using their expertise in the field to exercise pressure and influence among decision-makers, trying to make them to move and act in the direction that they intend. A perfect example of such NGO is the Red Cross.

The Red Cross started in 1859 as an idea, when Henry Dunant faced a bloody battle scene in Solferino (Italy) between the armies of imperial Austria and the Franco-Sardinian alliance. Dunant organized some local people to help and bind the thousands of soldiers' wounds, also feeding and comforting them. On his return, he called for the creation of national relief societies to assist those wounded in war and pointed the way to the future Geneva Conventions.



The Red Cross was then created in 1863 when five Geneva men, including Dunant, set up the International Committee for Relief to the Wounded, later to become the International Committee of the Red Cross. The following year, 12 governments adopted the first Geneva Convention, considered by many as a milestone in the history of humanity. A Convention that intended to offer care for the wounded and defining medical services as "neutral" on the battlefield. (History - IFRC)

The International Federation of Red Cross Societies (IFRC with this designation) was founded in the year of 1919 in Paris, just after World War I. "The war had shown a need for close cooperation between Red Cross Societies, which, through their humanitarian activities on behalf of prisoners of war and combatants, had attracted millions of volunteers and built a large body of expertise. A devastated Europe could not afford to lose such a resource." (History - IFRC).

An international medical conference initiated by Henry Davison, president of the American Red Cross War Committee, resulted in the birth of the League of Red Cross Societies, which was renamed in October 1983 as the League of Red Cross and Red Crescent Societies. At the time of its creation the first and main objective of the IFRC was to improve the health of people in countries that had suffered greatly during the four years of war and there were five founding member Societies: Britain, France, Italy, Japan and the United States. It is only in 1991 that it became the International Federation of Red Cross and Red Crescent Societies. The number of members has grown to 189 recognized National Societies (History - IFRC).

The IFRC plays an important and well-known role of public advocate on humanitarian issues. Before the specific matter of public advocacy can be addressed, we should first consider the constitutional position of the organization.

The International Movement of the Red Cross and Red Crescent Societies is made of several different components as they are present in the description of the bodies (ICRC, 2013):

- The International Committee of the Red Cross (ICRC) – a impartial, neutral and independent organization whose humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. Tasked of directing and coordinating international relief

activities done by the organization in conflict situations. It acts also to fight and prevent suffering by the promotion and strengthening of the universal humanitarian principles;

- The Federation works and operates based on the Principles of the Red Cross and Red Crescent Movement to inspire, facilitate and promote all humanitarian activities carried out by its member National Societies and to improve the situation of the most vulnerable people;
- National Societies act as auxiliaries to the public authorities of their own countries in the humanitarian field and provide a range of services including disaster relief, health and social programmes. During wartime, National Societies assist the affected civilian population and try their best to support the army medical services where appropriate. All National Societies must first be recognized by the ICRC. After they may become members of the International Federation, the National Societies ‘umbrella organization.

It was the public advocacy of one man, named Henry Dunant, that led to the formal creation of the Movement and also the original 1864 Geneva Convention for the amelioration of the condition of the wounded in war. However, Red Cross and Red Crescent organizations didn’t get to the increasingly level of professionalized activity in campaigning (that you can find in other sized compared organizations) due to the lack of tradition in shows in this area.

The ICRC experience of working with the most vulnerable to carry out public advocacy on their behalf, trying always to strengthen the “Federation's National Societies relations with governments in order to enhance their advocacy” (Meyer, 1996). Public advocacy can go beyond regular and accepted activities - like the dissemination of knowledge of international humanitarian law - to traditional methods of campaigning (such as lobbying of legislators, petitions and demonstrations). Some of these, however can actually work against the intention that the ICRC has, sometimes, of strengthening relations with governments. Public advocacy, in the eyes of many, may not always be consistent with the Fundamental Principle of Neutrality.

Since the 90’s the ICRC started at last to promote and conduct an ever-growing number of campaigns, such as those on anti-personnel mines in several countries

(mostly in Africa) for example, as well as seeking to raise public awareness of other issues, such as water and war. Most people, as well as scholars, do not doubt the importance of any of these issues. However, the objective of each campaign of ‘consciousness-raising’ has not always been entirely clear. In calling up the public attention to issues like war and water for example, it was not always clear whether the object was simply to raise public awareness of a very significant but little noticed problem during armed conflicts, or to seek to develop new international humanitarian law, or both (Meyer, 1996).

The different components of the Movement operate on issues like the Fundamental Principles of Neutrality, Impartiality and Unity but many other NGOs are not restrained by these. Here, the ICRC, has to deal with the global scope of the entire Movement, having to consider differing viewpoints and traditions in different locations and cultures, not forgetting the necessary recognition of the role of each component under international humanitarian law. All of these give the ICRC a privileged role and responsibility in relation to victims of armed conflicts. “This special status under international humanitarian law, and the wider role of National Societies as auxiliaries to the public authorities of their respective countries in the humanitarian field, has necessarily required the maintenance of a relationship of trust with governments.” (Meyer, 1996).

The relationship of trust does not mean that National Societies inside the ICRC have to agree with every aspect of a given government policy. National Societies, if necessary, should remind their national governments of the humanitarian consequences of their actions but always trying to keep their own independence from the State. The relevant fact is that often trusted relations with public authorities can be affected by the competence and reliability of the NGO at stake and its own essential integrity

The Red Cross has come to use a more discreet diplomacy especially form of operating, a more ‘private style’ of advocacy, that has come to “achieved remarkable humanitarian successes precisely because of the confidence felt by public authorities in the Red Cross and Red Crescent, based on long experience, and the fact that such representations were private, thus avoiding public embarrassment or controversy.” (Meyer, 1996).

It is interesting to note that there are other organizations that aim at rising public opinion for or against certain policies or actions, from governments, groups or even private companies. Organizations and NGOs such as Amnesty International or Greenpeace are very good examples in the fields of human rights and of the environment that sustain this view. Other examples can be found in aid and development agencies, like some United Nations agencies that have also publicly taken up issues, often seeking a change in government policy in several different countries around the globe.

This sort of campaigning as an activity has become an accepted mode of political expression in countries with stronger democratic traditions. The problem for older NGOs or advocacy groups like the ICRC and its National delegations in some of these countries was that they have found it hard to compete for public support against other NGOs or relief organizations, and making it difficult for the public to perceive the Red Cross and Red Crescent as being different and trusting that sometimes its discreet diplomacy works in the backstage, while being able to maintain an independent identity.

ICRC and its national delegations, thanks to their part as neutral parts that can assist governments in the humanitarian field, have been able to promote humanitarian standards and activity through what we can call, quiet diplomacy or working behind the scenes. “There are many other organizations whose acknowledged role is to speak out in public, frequently seeking to arouse and mould public opinion, with a view to changing government policy. Such groups — Amnesty International, Human Rights Watch — serve an admirable purpose. But they do not normally perform the practical humanitarian services undertaken by the Red Cross and Red Crescent, particularly in armed conflicts and other emergencies when the security of the State, and of its most vulnerable groups, may be most threatened.” (Meyer, 1996)

A public information campaign that has the ambition of raising public awareness of humanitarian aspects of a given issue is different, both in nature and in its conduct, from a campaign which actively seeks to influence government policies. The ICRC has come to learn that (for its objectives) the engagement in public advocacy work better in favour of people support instead of government policies. The ICRC “can speak out on behalf of suffering victims in a conflict and the duty of governments to respond.

However, it would be difficult for the Red Cross and Red Crescent to advocate a specific policy to meet the victims 'needs since such a policy is likely to help one group but hurt another.' (Meyer, 1996).

These examples and considerations are evidence that NGOs can influence (directly or indirectly) decision making processes and that they take actions in advocating on behalf of their intentions and goals. It is a sort a diplomacy or even lobbying that NGOs are capable of promoting and acting upon their own objectives, being able to make their presence obvious at many international conferences and next to several international and IGOs.

NGOs are entities that, more than ever, belong to the international relations system and due to this fact, it becomes necessary to examine them from an international law perspective.

### 5.3.3 NGOs and International Law

A crucial point in international law history is the Peace of Westphalia in 1648. Since then international law has been something that can be defined as the law that covered the relations between states and this lasted until the middle of the twentieth century. Peter Willetts (2011, p.64) notes that it was and still is a challenge to conservative academics and practitioners to debate the status of NGOs. This author also points out that it is in the nature of lawyers to 'emphasize the historical traditions on which the law is based, the relevance today of precedents from the past, certainty in its interpretation, and the need for continuity in its practice.'

Law, nevertheless, as Willetts also argues, is not static and changes or even radical changes can happen. It is evident that since the Second World War international law evolved to include more than states, including legal persons for example. To address more accurately the problem of testing whether NGOs are included in this evolution, a good start is to look at how the concept of international legal personality was extended to include intergovernmental organizations (IGOs).

Until the creation of the United Nations, international law only concerned states and IGOs were merely "the sum of the activities of their members." (Willetts 2011, p.65). It is necessary to take a step back at this point and realize that an

international legal personality wasn't even given to the UN upon its creation, because the drafters of the UN charter in 1944-45 weren't able to get a general agreement on this specific point. The Charter Article 104 attributed a limited obligation on UN members to give the UN a 'legal capacity within their domestic laws. In 1946, it was possible to adopt General Assembly Resolution 22 (I) on the Convention on the Privileges and Immunities of the United Nations that asserted that the "United Nations shall possess legal personality."

Following a request for an advisory opinion to the International Court of Justice, made by the UN General Assembly (Resolution 258 (III)) in 1948, regarding the assassination of an acting UN mediator in Palestine and whether there was "the capacity to bring an international claim against the responsible Government" the ICJ gave its Opinion in April 1949 stating that the UN was "an international person (...) a subject of international law. Even after this episode and its end result of recognition of intergovernmental organizations as subjects of international law, the truth was that, in practice, this wasn't verified. The Vienna Convention on Diplomatic Relations of April 1961 only mentions the "sending State" and the "receiving State." It didn't even cover the permanent missions that many Governments established in the UN headquarters.

It was only in May 1969, in the Vienna Convention on the Law of Treaties between States, that there was an acknowledgment the existence of "other subjects of international law" who were also capable of making agreements with legal force, even though those agreements were not covered by this same Convention. And later, in 1986 the diplomatic community recognized the ICJ Opinion and the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations was agreed. This text made all the provisions on inter-state treaties also applicable to any written agreements that could be concluded by the UN, its agencies or any other intergovernmental organization.

This text treats all the IGOs as subjects of international law and also made reference to "subjects of international law other than States or international organizations", opening the possibility for NGOs (as well as transnational corporations and individuals) to become parties in international agreements and subjects of international law (Peter Willetts 2011, 65-66). With the creation of the UN, NGOs

expanded their consultative status with the ECOSOC (United Nations Economic and Social Council) to all the ECOSOC's subsidiary bodies but, nevertheless, for decades, renowned authors like Peter Willetts, pointed out that there was never any willingness to suggest that NGOs could have or had a significant impact or involvement in intergovernmental decision-making processes at the UN or any other.

Where NGO fit in the political process is a more specific task that will be analysed next.

#### 5.3.4 NGOS and the International Political Process

It's sometimes hard to visualize how NGOs can 'exercise' their influence in both national or international stages. NGOs can interact with states but also with multinational companies, and other NGOs. NGOs have been increasingly recognized in the UN as well as in other intergovernmental organizations such as the EU, as legitimate actors along with states. Some NGOs can have a more political purpose, others a humanitarian one and some an economic or a technical one. There are times when NGOs combine their efforts through transnational advocacy networks as we shall see ahead.

NGO members can have usage in a wide variety of roles such as experts, diplomats, advocates for specific issues or groups, protesters and even plain activists. Within this role as experts and diplomats, they can cooperate and work closely with governments and they can also have extensive expertise in a particular field and thus deliver valuable advice to other any other actors that lack such relevant know-how. Some small countries appreciate international NGOs consultants on climate policy, just to give an example.

Peter Willetts (2011) argued that NGOs in the international political process is a study where actors are trying to win the support for their causes and ideas, or "more formally, as contention over the allocation of values has to be incorporated in the pluralist approach for us to take NGOs seriously and to be able to explain how can they affect political outcomes." (Willetts, 2011 p.126).

The pursuit of power by governments is a central component for the realistic theory in international relations. It argues that power can be seen as having two sources.

The first is based on capabilities, on the attributes in question. It could be its military resources, as traditional realists defend. This could, however be expanded to the inclusion of economic resources, for example, as Neo-realists argue. The second aspect of power (and this one is key to NGOs and to the central idea in this dissertation) is the relationship of influence, when one given actor can bring another actor's behaviour to change. Politics is a set of relations between actors and how they debate and bargain with each other and get to the final conclusions and collective decisions. Having 'real power' or 'only having influence' is somewhat meaningless because, in international or global politics, power is influence: the true exercise of power is, by definition, influence over outcomes. Global Politics can be understood as "the process of actors mobilizing support for their own values and interests and seeking to influence a collective decision more or less in accord with their preferred outcomes." (Willetts, 2011, p.128).

"Power is influence" and it is through the employment of the influence that originally came either by their recognized expertise in a certain area or by their its ability to 'direct' or 'conduct' the public opinion, that NGOs are able to exercise that influence and so, reaching to real power. It is also through this ability or capability of NGOs to influence the decision-making process we that the line to 'legitimacy' may be crossed.

Where is their 'capability' to influence coming from if NGOs don't have military capabilities and normally have limited economical resources? In spite of those limitations, many of them have communication capabilities (due to having people in the field in many situations) and concrete knowledge of certain situations on remote locations at stake. Basically, it is by introducing this information and making their values salient to the other political actors, that NGOs are able to aim at enhancing their own status and promote the legitimacy of their 'political' purposes and goals.

A very good example of this is the one of Amnesty International and the fact that it "derives global legitimacy both from its very high status, one recognition of which was the award of the Nobel Peace Prize in 1977, and from the high moral value that so many people attach to the policies it is pursuing." (Willetts, 2011, p.24). This shows that, from this perspective, NGOs do have power because they can mobilize support to exercise influence over policy decisions (Willetts, 2011, p.128).



Moreover, it is important to keep in mind that governments often have full ‘agendas’, and this is also an opportunity for NGOs to assert their influence and become, so many times, the dominant influence in subjects that are later added to that same agenda. The GPPAC WOSCAP project (financed by the EU) is an example of a research being done by an NGO in fields that directly concern Member States.

It was a project aiming at assessing the present capabilities of the EU to implement conflict prevention and peacebuilding measures, and identify gaps, best practices, lessons learned and research priorities. With this it would be able to provide an evidence-base for recommendations to increase the future effectiveness of the EU's peace and conflict capabilities (Djiré et. al. 2017.).

To give another example of possible practices from NGO, they can also have impact and affect the implementation of policies through monitorization of effectiveness and through influencing institutions and governments to commit the necessary resources. GPPAC, for example created the ‘Peace Portal’ which was intended to be an open, community-based platform to support work in the field of conflict prevention and peace building of people and organisations from all over the world. The Peace Portal was an initiative of GPPAC, but it was supported by a Member State government, in this case the Netherlands Ministry of Economic Affairs and the City of The Hague. It partnerships with other civil society organisations, inside and outside the Netherlands.<sup>60</sup>

So, if NGOs play their role in the international stage by acting so often in the national level first, trying to make national governments influence others inside IGOs like the EU, a –starting with a closer look at relations between NGOs and politics at state level seems appropriate.

### 5.3.5 NGOs - States relations and dynamics

It is interesting to note that in many democracies, the initial emergence of NGOs’ was promoted by governments. Reimann (2006) showed that the early explosive development of NGOs after the Second World War was mostly caused in and by developed countries’ support for NGOs. Western governments have greatly supported nongovernmental activities in the early stage of NGO development. Without

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<sup>60</sup> Available at: <https://www.gppac.net/>, last consulted – March 2018

governments' direct or indirect support, it could be hard to see the emergence of international NGOs in many of these developed countries (Youngman, 2011).

As noted previously, Samuel Huntington, argued in 1973 that the United States government was one of the main causes of the development of international NGOs after the Second World War in the country. Kim Youngman consistently refers to the early stage of NGO emergence and the influence of governments on them regarding their funding, projects, and even their activities. In addition, he argues that, "due to governments' influence, they have a very limited impact on governments' policies. However, the longer NGOs exist, the more independent they become from governments by securing their own funding and increasing organizational power." (Youngman, 2011, p.35)

The same author chose to illustrate his words on this trend with the example of CARE. This NGO, which is now one of the world's largest humanitarian NGOs based in the United States, was founded in 1945 to provide the US government's food packages for France after the war. This NGO was supported by the government back then and grew to become one of the most powerful and independent NGOs in the world and constantly tries to influence the American governments' decisions when the subject addresses international development.

Looking at NGOs in non-democratic countries in the past it's relatively easy to conclude that many of them were created by or at least prospered because of governments' intentional support. Authors Naim (2007), and Lu (2009) named these kinds of NGOs as Government Organized NGOs (GONGOs). These GONGOS tend to exist in almost every country, regardless of regime type, including the United States and France. The idea in this case is that governments that don't want to openly conduct projects domestically or internationally, or that are not even qualified to do so, can use GONGOs to fulfil such governmental missions instead of government agencies. Even if sometimes these GONGOs seem to be dependent on governments in terms of funding and resources, they can in fact enjoy of great autonomy as well.

When it comes to humanitarian subjects in an international perspective, states are - or should be considered as - the primary duty carriers or, the actors responsible for addressing the humanitarian needs of people, these being their own citizens or refugees

and other non-citizens in their jurisdictions. National governments and local authorities are also regularly the main responders to disasters. States have always (or generally have) the 'big' government apparatuses (financial means; men; transport vehicles like planes, boats or trucks) which can be deployed very quickly. When international forms of assistance from NGOs want to respond they have first to respect the governments' capacity (the government of the affected country or another mandated to respond) and should then try to design, whenever possible, a complementary plan to support the government's own humanitarian efforts and also in line with international principles and standards.

It is vital to realize that, within the crisis management sphere there is a vital role that national governments have to play in humanitarian crises, and to which aid agencies and NGOs have to (or should) engage with, especially when it is a case of fragile or conflict affected states, where direct engagement with national authorities is normally more difficult. NGOs influencing strategies must then be sensitive and responsive to these dynamics, understanding first if a given state might be willing or unwilling to engage and respond to a given crisis.

The fact is that individual NGOs or advocacy networks such as ICRC or Oxfam often work and operate in ways that enable them to influence duty bearers in response crises, making it possible to first offer assistance to people in need or at risk and ensure their rights are respected.

Thinking on how NGOs are able to be present in certain countries with limited space for civil society advocacy, the fact is that it is still possible - and desirable - to engage with such governments, as they try to influence their humanitarian policy. My personal experience in Cambodia showed me that NGOs normally address such challenge by wisely selecting the issues to work on, engaging certain parts of the government that are more sympathetic to the issue and associating with others to decrease the risks and increase their influence in the end. A good example of this is that ICRC and Oxfam are able to make valuable reports that show engagement with local authorities in countries where national government authorities are openly unreceptive to NGOs.

There is a worldwide notion that NGOs effectively are important and constructive actors because of their potential for challenging conventional power politics at an international level (Dany, Schneiker, 2015). In support of this view, there are good examples to show International NGOs' successes in influencing political processes or the actions of other players and actors.

A good example, the same authors say, in this direction was the International Campaign to Ban Landmines, which has been formed in 1992 and that was at the origin of the Ottawa Convention. NGOs were also involved in drafting the Rome Statute (Rome Statute of the International Criminal Court, 2002), the international treaty that established the International Criminal Court where the negotiations were conducted by government representatives, but they "unofficially" depend on information and advice from International NGOs.

Another practical example of NGOs influence, this time over a private company, surely due to pressure from public opinion that came to be felt by political decision-makers, was the extensive set of complains and protests that managed to force the Dutch multinational oil corporation Shell, to change its plans of recklessness dump of a terminated oil platform at sea in 1995. This long international campaign, led by Greenpeace, caught media attention and consequently the public eyes and ears, so that in the end this multinational company had to dismantle the platform on shore. This example is another good example of direct influence of NGOs, (in this case towards the doings of a private company).

The core objective of this dissertation justifies finding out more on this subject and elaborate on examples of both direct and indirect influence of NGOs in the international arena over foreign policies of States.

#### 5.3.5.1 Do NGOs Influence decision-makers?

There are two sorts of interactions between governments' foreign policies and NGOs. The first kind is direct interaction: "Their direct influence over states, can be summarized by two conceptual roles: Information Providers and Lobbying Groups. NGOs can provide rich information for governments. For example, during the wars of the former Yugoslavia, the main source of information for international communities

and other governments including the US government was relief or human rights workers from international NGOs.” (DeMars, 2005 cited in Youngman 2011, p.38).

We can quote Richard Price (1998) when he focused on normative change and showed that NGOs can operate as information providers. First, he argues that NGOs generate issues by disseminating the information they want. In the specific case of land mines, he showed that NGOs could even affect state behaviours regarding high politics, for example in security policy. As transnational networks of civil society revealed information about the cruel reality of the victims of land mines, governments became more aware of the issues and NGOs established networks with political and governmental officials. It was through these networks, that they effectively influenced governments decision-making processes.

Regarding their consultative status, something which is played in the UN and in the decision-making process of crisis management missions within the EU, it is interesting to note that the first time that NGOs were formally invited to present their opinion was at the 1907 Hague Peace Conference, like the Inter-Parliamentary Union (IPU), or the Dutch Peace Society (Eyffinger, 2013, p.68).

The United Nations has in fact reached the highest level of institutionalization of the dialogue with civil society by creating and delegating to ECOSOC (United Nations Economic and Social Council) the task to establishing a special procedure of NGOs recording, accreditation, and provision of consultative status (Irrera, Atinnà 2009). These practices constitute a consistent model which has been claimed for ruling the relationships with civil society also in other, regional and local, contexts.

When looking at the EU, the complex task of involvement of the parts is the most challenging test of the integration process, a perspective of the relationship between governments and people. In other terms, the differentiated structure of the interests represented by the NGOs and the increasing demand for wider popular participation in civil matters within European politics, are imposing the need to overcome the model of consultation and develop a more effective and integrated system in the EU (Irrera; Atinnà 2009). If we analyse the EU humanitarian aid policies, for example, we find out that their relations with various institutions and NGOs have been

pushed over the years through aid programmes and mostly by the European Community Humanitarian Office (ECHO) activities.

Bob Reinalda (2009) argues that “NGOs influence had not only been stronger than often assumed, but also older. The creation of issue-oriented societies, now known as NGOs, in the United Kingdom from the mid-18th century began with small groups of citizens becoming aware of ethical and social problems. They combined their critical attitude with the assumption that part of the solution was to form associations aiming to deal with these problems.” (Reinalda, 2009 p.8).

This engagement, according to the same author resulted in some group activities, which often included appeals to governments. He gives us the examples in his paper of antislavery societies as they understood the importance of the Congress of Vienna, back at that time, where “they were present together with other citizens lobbying the Congress (representatives of German printers and Jewish communities, arguing for liberty of the press and democratic rights). The antislavery groups were successful in agenda setting, achieved by having petitioned the British Parliament, which had spurred the government into pressing for action in Vienna by including the issue on the agenda (which the Foreign Secretary had done). They also obtained an international declaration against the slave trade from the Congress and the standard embedded in this declaration was intensively used in further action.” (Ibid.)

The consequence was the so called transnational advocacy networks, that encouraged those that advocated peace and later came to inspire women also by making them to establish their own organizations and transnational networks (1868) and to address and attend multilateral conferences.

According to some scholars (Keck, Sicking, 1998; Mitchell and Schmitz, 2014; Tallberg et al, 2018), under democratic systems NGOs tend to have a more direct relationship with government officials and can apply some pressure on governments decisions. Within this direct relationship, NGOs can function as lobbying groups and this is quite structured in the EU as shown further ahead in chapter 5.

Scholars like Peter Willets (2011) believe that NGOs are like interest groups, defining them as one of many pressure groups. Examples of NGOs acting as pressure groups are especially visible, when they deal with the problems of the environment or

human rights, where they are more than able to apply effective pressure on national governments and intergovernmental organizations. The Boomerang pattern that will be mentioned below in more detail, developed by authors Margaret Keck and Edward Sikkink (1998), is one of the most representative models that show how NGOs function as lobbying groups. These authors provided several empirical examples of this Boomerang pattern in the field of human rights, environmental problems, and violence against women for example. One of the examples that they brought was human rights violation in Argentina where activities of human rights NGOs in the country built up the relationship with various international Human Rights NGOs. Amnesty International and groups staffed by Argentine political exiles managed to provide detailed reports of human right violations and put some pressure on the US government. It was in 1977 that the US government based on that same information (provided by those international NGOs' network) decided to reduce its military assistance to Argentina. After this and after several other incidents of diplomatic pressure from the US, the human rights situation in Argentina improved considerably in 1978.

To consider NGOs' impact in IGOs policy making is something that - in the opinion of some scholars (Austen-Smith 1993; Bouwen 2002; Chalmers 2013; Tallberg et al., 2015) - is driven by a certain information access exchange logic, a logic that has proven to be key to the influence of interest groups in both domestic and international politics to.

Resource exchange like Steffek (2013) claims, can be a strong and viable explanation as to why EU officials provide informal access to NGOs. Exchange of information, analysis and expertise are the main goods that EU policy-makers seek from civil society. In the context of crisis scenarios in conflict areas, when even access to some geographical areas, or to a party in the conflict, is limited for EU officials and where EU might not have a formal relationship, then the information brought by NGOs is normally the only source from which to learn about local views and developments. This was the case for Abkhazia or South Ossetia, where EUMM didn't have much access, and for Gaza, where EUPOL COPPS has not been able to operate since the split happen in the Palestine Authority in 2007 (Shapovalova, 2016).

Many of the Brussels-based officials interviewed<sup>61</sup> by this author serve as proof of this argument about the value of information and expertise brought by NGOs at the stages of planning a mission or operation, its implementation and during the evaluation of the mission's impact. EU officials also described that the cooperation with civil society is needed and can be determinant so that they might have their intentions understood and can gain a societal understanding and support for the mission's work.

This is a beneficial exchange, where decision makers tend to grant interest groups, like NGOs, access to the policy process, as shown in chapter 4 with the example that EUMS and CIVCOM consult NGOs in the decision-making process of eventual crisis management missions and, in return, NGOs, can provide information that is useful to decision makers. Scholars like Jonnas Tallberg (2018) argue that, "(...) while co-operative rather than antagonistic, this relationship is not innocent."

It is this resource exchange and information sharing that can shape relations between EU staff and local or international NGOs and provide, mainly to the EU the advantages of working and sharing closely with these organizations, showing that their expertise can be significant enough to change, model or influence decisions but also those decisions outcome. Both NGOs personnel and decision makers are capable of recognizing that NGOs have an obvious strategic incentive to present specialized information in such a way that it benefits their cause. Those are incentives that we can see that are present in a clear form along several of the examples presented in this dissertation. That being said, it is also clear that decision makers will try to establish mechanisms that they can use to evaluate the reliability of NGOs and their information, something that is more evident in the UN for example (Tallberg, et. al, 2018, pp.215–216).

Mitchell and Schmitz (2014) suggested that NGOs instrumentally pursue their principled objectives within the constraints and opportunities imposed by the external environment and demonstrate in an empirical way how this 'principled instrumentalism' is reflected in the perspectives of NGO leaders (Mitchell & Schmitz, 2014).

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<sup>61</sup> These interviews (Interview (B) 2014 Interview (C) 2014 Interview (F) 2014, Interview (G) 2014, Interview (M), 2014, Interview (P) 2014), can be found in: Shapovalova, N. 2016. *The Power of Informality: European Union's Engagement with Non-State Actors in Common Security and Defence Policy*, European Security, Taylor & Francis, p.326–45. <https://doi.org/10.1080/09662839.2016.1193487>



NGOs usually specialize in collecting information relevant to their cause that is of great potential value to IGOs (Keck, Sikkink, 1998). Consider environmental NGOs that offer scientific information on policy options for handling ecological problems as for instance in relation to the 2015 Paris agreement on Climate Changes. Some evidence of this can also be found in the 2005 UN World Summit on the Information Society, where NGOs (as well as business representatives) were invited to participate in government delegations due to their know-how on internet governance. And also, during the Ebola epidemic in West Africa, in 2014, the International NGO Médecins Sans Frontières was obviously and particularly well placed – due to its expertise and human resources - to set up and run treatment centres and came to have a major role on addressing and fighting the problem at that time. Human rights NGOs collect information on violations of those rights around the world, and development NGOs can provide data on poverty and starvation in crisis-struck areas.

NGOs typically provide this information for free, making it possible for governments or IGOs to shift research costs off their budgets. NGOs contribute information on the views of the stakeholders, partly because they express their own views and positions and also because they often act as channels for civil society. That influence obviously can also come from specialized information that NGOs can get when operating closer to local populations, that often enables them to discover information on non-compliance from third parties in the field - even from IGOs - either because they experience the violation of their own rights or because they are also specialized in collecting on-the-ground information about missions duties violations (Tallberg et al., 2018, p.217).

Influence obtained from public pressure is something that can be played through communication by getting media coverage as it is possibly one of the best instruments that NGOs can utilize to advertise their missions and influence the public. Although NGOs manage to influence the public through several different channels and by setting important agendas and even generating norms, the public normally cannot effectively influence governments all the time and in consistent measurable forms. All of us have witnessed numerous cases of NGOs trying to persuade the public through media channels in order to get support for humanitarian needs. They can and use prime time advertisements to send messages to the public, for example. The Save Darfur Coalition,

a network consisting of NGOs working for raising public awareness and mobilizing a response to the atrocities in Darfur, released numerous advertisements in television, newspapers, and magazines. By showing the horrible reality of the Sudanese people and sending solid messages to help them, the Save Darfur Coalition successfully attracted public attention in the United States. These are the kind of activities that NGOs can set in motion and that, sometimes can actually change people's foreign policy preferences, which can, in term, influence the decisions of governments (Youngman, 2011, p.41).

It is important to understand that when it comes to public opinion mobilization concerning international matters (matters that the citizen don't relate to a local problem and to the national government) can meet lower political salience compared to domestic concerns. Another issue that may – sometimes – be determinant in decision-making is the fact that many decision makers in the EU or other IGOs do not need to directly face an electorate, at least in relation to the decisions taken in those organizations. These two points can be relevant when talking about reducing the pressure from public opinion on an IGOs policy and decision-making.

The literature on transnational advocacy networks conventionally argues that national resources and the framing of information are central to the impact of NGOs. Authors such as Tallberg, et. al. (2018), saw that their argument about information affecting the level of that influence, differs from earlier strands of research (like Haas, 1992). Where those earlier accounts, they argue, underline that NGOs will quickly lose influence if they are perceived as partial or manipulative (Risse, 2013, p. 434) they expect NGOs to act (and be recognized as) biased interest groups. Where earlier accounts were agnostic about the institutional context of information politics (Keck & Sikkink, 1998) they expect information to be particularly influential in conjunction with access to decision makers.

Tallberg et al (2018) commented that NGOs have directed increasing effort at influencing global policy making and concluded that, while they engage in multiple strategies aimed at influencing IGOs policy making, they are most likely to succeed when exchanging information for access. Some authors also found that NGOs tend to have the most influence at the early stages of the policy process (Risse, 2012 cited in Keck and Sikkink 1998, 18–22); Tallberg et al, 2018), which we could confirm when

we saw where NGOs were consulted according to the several different phases of the decision-making process.

What must be highlighted here is that NGOs trade in information, trying to make themselves useful to decision-makers and in ways that can enable them to try to influence over those exact decisions that are to be taken. It is true that many NGOs can be guided by principled aims, but they tend to act strategically pursuing those objectives, relying on information provision as an influence strategy and they can find that they are most successful when engaging in mutually beneficial exchange with IGOs (Tallberg et al., 2018, p. 234).

NGOs can also function as norm generators or creators: for instance, Keck and Sikkink (1998) explained the life cycle of norms, and later Kim Youngman (2011) addressed their work and better detailed this view writing:

“They assert that there are three stages of norm development: norm emergence, norm cascade, and internalization. In the norm emergence stage, norm entrepreneurs attempt to convince a critical mass of states to accept new norms. In the second stage, the norm cascade, the norm leaders socialize other states and make them norm followers. In the last stage of internalization, norms acquire a “taken-for-granted quality” and everyone comes to accept the norm.” (Youngman, 2011, p.42).

So, along these three stages, the evolving role that NGOs play has been emphasized but it can also happen that NGOs are norm entrepreneurs that first raise an important issue where they operate. It is important to realize that they are actors that actually can help persuading the public to internalize a new norm and make governments recognize that a new norm exists among their citizens. The example in Finnemore and Sikkink (1998) about women’s suffrage is a good one: After the norm of women’s right for suffrage emerged in some western countries, it spread to other countries. Other countries decided to adopt the same rights mostly because of international pressure. Throughout the process of norm internalization, NGOs such as the American Woman Suffrage Association and the International Women’s Suffrage Association played a crucial role.

Risse (1999) also recognized the important part that transnational networks of NGOs can play, especially the international network of human rights NGOs. They were

fundamental to persuade governments to accept the prevailing international norms. A good example of norm setting, this author brought us, were the activities of Amnesty International that changed the norms and standards of human rights in both democratic and non-democratic systems. It was founded in 1961 by a British lawyer trying to protect two students held in Portuguese jails. It is presently one of the most influential and well-known NGOs in the world and one that public opinion trust in its human rights reports. Its reports for some countries sometimes challenge states' foreign aid policies and even diplomatic relationships (Clark, 2001). When Amnesty International strongly criticizes human rights issues in the US or in China, the governments of these two states cannot just ignore its impact on diplomatic relationship with other countries and on the domestic public, since other countries and people pay attention to what Amnesty International says. It has truly functioned as a norm generator over the last decades (Youngman, 2011).

Because governments are held accountable to their humanitarian obligations by public opinion, in the EU case that means that, the Member States individually, or the entire organization, are subject to similar scrutiny and consequent pressure. This is why "humanitarian influencing" from NGOs can be something so important. This quest to influence decision-makers meets with the ultimate aim of NGOs in the humanitarian field.

According to Oxfam (Oxfam Report, 2013, p.9), effective humanitarian influencing work, can contribute to the following:

- Changes of policies (laws, norms, official rules) as well as of practices (like in the way these policies are or are not applied) that increase conflict and disaster risk;
- Better implementation of policies that would eventually help poor people to cope with crises;
- Enhanced impacts of life-saving humanitarian assistance and sustainable long-term development work;
- More active participation of those who are often excluded from decision-making processes in crisis situations – including through amplifying the voices of affected communities;

- Increased accountability of governments, donors and other duty bearers to ensure that people affected by crises can access life-saving assistance and protection in accordance with their human rights and needs;
- Strengthened global, national and local civil society and more open civil society space;
- Enhanced organizational brand profile, which can help to generate additional support and funds for organizational aims and objectives.

The Council of Europe helps to explain, when it issued the ‘Guidelines for civil participation in political decision making’ (2017), that NGOs may attempt to engage with European institutions and its decision-makers at various different stages or levels, and the strategies they employ or use can and will fluctuate according to the nature of their aims, their specificity or generality, their long-term or short-term nature, but also due to their local, national, regional or international scope, and so on. The Council of Europe details the four different ways that NGOs can influence a given process or decision-makers (Council of Europe, 2017):

1) Direct assistance

NGOs working on social and economic rights tend to offer a form of direct service to those who have been victims of human rights violations for example. Such services may include forms of humanitarian assistance, protection or training to develop new skills or even legal advocacy or advice on how to present claims in certain cases

In that same Council of Europe however considers that, in many cases, “direct assistance to the victim of a violation or a human rights defender is either not possible or does not represent the best use of an organisation's resources. On such occasions, and this probably represents the majority of cases, NGOs need to take a longer-term view and to think of other ways either of rectifying the violation or of preventing similar occurrences from happening in the future.” (Council of Europe, 2017).

2) Collecting accurate information

NGO activism very often works to expose those that are the effective “perpetrators of injustice”. Governments, for example, are very often able to dodge their

obligations and commitments just because the impact of their policies is not known to the general public. Collecting information on these actions and using it to promote transparency in the record of governments is essential in holding them to account and is frequently used by NGOs. In such cases NGOs can attempt to put pressure on people or governments by identifying an issue that will appeal to people's sense of injustice and then making it public.

According to the Council of Europe Guidelines for civil participation in political decision making (2017), two of the best-known examples of organisations that are reputed for their accurate monitoring and reporting are Amnesty International and the International Committee of the Red Cross and Red Crescent. These organisations hold authority amongst the general public but also at the level of the UN, where their reports are taken into account as part of the official process of monitoring governments that have agreed to be bound by the terms of international treaties.

### 3) Campaigning and lobbying

NGOs often engage in campaigning and in advocacy with the final objective of policy change. The Council of Europe details some forms that can be used and from which NGOs should try to adopt the most appropriate one, given the objectives they have in mind, the nature of their 'target', and of course, their own available resources. Some common practices are:

- Letter-writing campaigns - People and organisations can overflow government officials and decision-makers with letters from thousands of its members all over the world. It is a method that has been used to great effect by Amnesty International and other NGOs;
- Street actions or demonstrations – These normally attract media coverage and may be used when organisations want to recruit the support of the public or they want to bring something to the public's attention;
- Social media and the Internet have been assuming an increasingly significant role;
- Shadow reports can be submitted to the EU or to the UN human rights monitoring bodies so that it is possible to give an NGO perspective of the real situation in the field.

To add to all of these, NGOs can also participate in private meetings or briefings with both officials or decision-makers. We have to be clear and aware that sometimes, just the mere threat of taking something to the public eye may be enough to pressure someone relevant and, in the end, being able to change a policy or practice.

In the present days, thanks to the internet, it is easy to quickly spread any type of information (even fake news, unfortunately) we intend and easier than it was in the past, to communicate with the general public and exercise pressure on decision-makers or influential players. These means available to anyone, brought the possibility of reaching thousands of people, via email or online campaigns and petitions, blogs and social networks.

The Council of Europe Guidelines we have been referring to (2017) acknowledges, for all intents and purposes, that the greater the support from the public or from other influential actors (for example, other governments), the more is likely that a campaign will achieve its purposes.

4) Human rights education and awareness

The Council of Europe advocates that many human rights NGOs include, at least as part of their activities, some sort of public awareness or educational work. Basically, NGOs realised that the core of their support lies with the general public like we have seen before, and they will often try to bring greater knowledge of human rights issues to members of the public causing or contributing to cause a greater respect and, with this, a probable rise on the likelihood of being able to mobilise that necessary support in particular instances when necessary.

The Council of Europe brings a very good example of successful activism with the diamond wars and the NGO. This was an NGO campaigning against natural resource-related conflict and corruption and the environmental and human rights abuses that flow from that.

One of its campaigns has brought blood diamonds or conflict diamonds (gems originating in areas controlled by forces or factions opposed to legitimate and internationally recognised governments) that are used to fund military action against governments, or against decisions of the UN Security Council, to the public debate.

Evidence exposed by Global Witness<sup>62</sup> gave confirmation that such valuable resources were being used to fund conflicts in Africa and that this ultimately have led to the death and displacement of millions of people. Diamonds have also served the purposes of terrorist groups such as al-Qaida and enable them to finance their activities and through money-laundering purposes. Global Witness collaborated with other NGOs and lobbied incessantly until a global campaign was capable of taking on a global industry emerged.

In May 2000 the major diamond trading and producing countries, representatives of the diamond industry, and NGOs including Global Witness met in Kimberley, South Africa, which led to establishing (in 2003) an international diamond certification scheme known as the Kimberley Process. Under this all the diamonds traded by member countries have to be certified so that buyers can trust that those diamonds are conflict-free. Global Witness was and still is an official observer of this scheme and keeps campaigning for the consolidation and effective implementation of its rules in order to help ensure that diamonds won't fuel conflicts again and can instead become a positive force for development. Global Witness was co-nominated for the 2003 Nobel Peace Prize for its work in this subject.

The conceptual and empirical cases above are strong evidence that NGOs are capable of influencing decision makers in many governmental and intergovernmental organizations, including the EU level.

#### 5.3.5.1.1 Through lobby or informal practices?

This is an issue that goes further back in time than the formal establishment of the Common Foreign and Security Policy with the Maastricht Treaty of 1993 and its consequent development of institutional structures and conflict prevention policies by the Commission and the Council during the 1990s.

Quite naturally, policy making in the EU has always been a rather complex process given its multitude of actors and associated interests. Presently, with over 900 pressure groups and thousands of nationally oriented interests in Brussels, with a wide range that covers all quadrants (business, professional and public interest groups) they attempt to influence EU-level policies (Hallstrom, 2004). One of the first studies made

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<sup>62</sup> Available at: <https://www.globalwitness.org/fr/campaigns/conflict-diamonds/> , last consulted August 2018



on the emergence of a European interest groups system was Kirchner's analysis of interest group formation at the EU level (Kirchner, 2006). This particular study focused on Meynaud and Sidjanski's earlier work on European pressure groups, a work that found out that many of these groups established in response to the formation of a new centre of decision-making and as result of advantages extracted from the Community actions (Kirchner, 2006).

Jeremy Richardson (2006) analysed Sidjanski's study (1970) and saw that it suggested "that some groups were formed as the ECC's own institutions were created, others when it became clear that the ECC's regulatory powers could significantly affect different interests in society." Relevant in studying the practices of integration, research on the interaction between citizens and policymakers has shifted away from examining the contribution of private interests to integration, to investigating their effects on both European and national governance (Kohler-Koch 2008). This dissertation addresses questions about how interaction occurs between private and public spheres in the EU, even if only in the specific domain of security issues.

Since the beginning of the European Union, several controls were thought and created to support unanimous decisions in the EU policy process, so that no countries were excluded, and all participated equally. "The basic design of decision-making finds its origin from three political beliefs from the six-founding member-states. First, common decisions ought to be a case of foreign policy. Second, main political parties and interest groups should be consulted when decisions are made, and third, when decisions have been made they should be maintained by law, either directly (regulations) or indirectly (directives) (Oudelaar, 2015, p.11)."

It was this design for the decision-making process that brought good opportunities for informalities during policy processes, and not only for NGOs. When following rules, it is almost certain that informalities will start to surface, while basically beneficial for a country, the impose concentrated adjustment can have a significant cost on a group at the domestic level. Due to this, the affected group will then start to mobilize against cooperation and pressure its government to go back on its commitments. It is this that contributes to the fact that basically all domestic

governments choose to have rules with some flexibility that can prevent the possibility of their government sustaining this kind of damage.

This informal governance is the result of an informal norm of discretion among governments that prescribes that governments facing unmanageable domestic pressure to defy the rules should be accommodated. “The resulting practices of informal governance, therefore, add a flexibility to the formal rules that permits the Member States to keep the EU embedded in the societal interests it is based on.” (Kleine, 2013 cited in Oudelaar 2015).

Thus, it is by engaging in mutually beneficial exchange that decision-makers allow NGOs (among others interest groups) to have access to the policy process. On the other hand, NGOs, in return provide – or try to provide - useful information to those same decision-makers.

NGOs seek influence, if not by consultation, then by mobilizing or changing public opinion. We can see this as an outside strategy (Gulbrandsen, Steinar, 2004, p.56–57), a different strategy from an inside strategy of direct consultation with decision-makers. It is important to understand that the outside strategy is not the same thing as an outsider strategy, probably reserved for smaller and more peripheral NGOs. Previous research (Beyers 2004; Binderkrantz 2005; Dür and Mateo 2013) on lobbying strategies suggests that most NGOs engage in both strategies. Groups with direct access normally don't rely exclusively on this strategy because public support through outside strategies will further strengthen their leverage with decision-makers. Plus, it has the consequent advantage of demonstrating publicly that a group or one particular NGO is actively working for a cause, making it easier to secure the support of the membership base and the long-term potential for influence (Tallberg et. al. 2018, p.16).

The geographical departments that originated from the Commission seem more open to NGOs and have brought with them a culture of consultation with civil society. The crisis management departments that came from the Council Secretariat somehow have a different culture characterized by secret intergovernmental negotiation (Bicchi, Carta 2010, p.152). Author Natalia Shapovalova (2016), witnessed NGOs that underlined that this different organizational culture also exists at the level of the Member States' bureaucracies and diplomacies with which they deal. These NGOs

revealed that Nordic countries, such as Sweden and Finland, are more ‘open’ to civil society, whereas the statist tradition seems to dominate in France and Eastern EU Member States.

Having discussed NGOs participation and their use in consultation phases within the EU’s political process within the CSDP, another important way must be addressed in which NGOs – like other civilian actors – use to influence people that work within those processes, normally called lobbying.

It is important to be aware that, even if sometimes it is not used as a direct action with someone who is the true agent of decision making, lobbying could be truly relevant for the final outcome to influence someone in the decision maker advisory staff for example. Several political scientists debated and recognized the legitimate and important role played by public and private interests in the public policy process (Richardson, 2000; Warleigh 2001; D’ur Andreas and Dirk de Bièvre. 2007; Heike Kluver 2011). Policy networks and interest groups are part of this process and can be highly relevant for this research too.

“The European Union is equipped by the successive constitutive Treaties with a multitude of access points for policy professionals and interest groups of all kinds. EU institutions are quite open to the input provided by interest groups. Access to policy-making institutions and their officials is not a problem for Brussels-based lobbyists.” (Dinescu, 2011).

Interest groups in the EU sphere also seem to make rational calculations in respect to the allocation of lobby resources among possible lobbying targets – deciding which public institutions to lobby (Coen, 1998; Bennet 1999). In the more pessimistic view proposed by James M. Snyder (1991), the connecting elements between money and votes, is a given fact in majority-rule settings. However, he does not consider more complex political systems or very balanced institutional systems like the EU.

Inside the EU, the Commission is often considered the most permeable institution to interest groups of all kinds and often consults NGOs through public consultation processes. This openness is something that also strengthens the Commission’s claim to legitimacy although the institution’s leadership itself is not resulting from direct democratic elections.

Empirical facts demonstrate that, for decades now, the place (city) to lobby has moved to Brussels (Mazey and Richardson, 1993; 1996). The policy game in which interest groups are involved in the EU has been, so far, characterized by a high uncertainty of outcomes and basically because there is not a single player controlling the entire ‘game’ of negotiations. Bearing in mind the aim of this dissertation, we must conclude that influence in EU policy-making is hardly exercised by solely one lobbying actor. We are dealing with a complex game with a plurality of participants, which in the end achieve different levels of influence and where it is impossible to quantify how much each player ‘influenced’ any given process. This is often referred to as the elite pluralism, a key concern of the European Commission which tries to keep this principle in the consultation process before policy drafting (Dinescu, 2011).

Communications and access between interest groups, like NGOs, and the EEAS has two ways: first, NGOs that work on conflict resolution and crisis management that continuously push to expand the space for civil society involvement. There is a small circle of NGOs involvement in advocacy on the civilian CSDP in Brussels mainly through lobby; secondly, think-tanks, NGOs and partnerships such as GPPAC or NGO networks and think-tanks that work on peace-building and conflict prevention that communicate with reports order by the EU or intended to evidence certain issues and situations, trying to call on the attention of the EU through raising public awareness to those issues.

There is an entire network of lobby within the EU sphere and only a fraction of it is not tied to commercial interests. NGOs are in that small fraction but they, as companies for example, spend considerable amounts of money on this task because they see that it can have significant results. If NGOs don’t participate directly in the political process, and only are consulted when that is considered helpful inside the EU to use their knowhow – for example in the Crisis Management Concept phase – they can’t have a true active role in the process. The way that NGOs have to work outside the process or more ‘around’ the process is with lobbying.

There is a logical interconnection between peace building and development on one side and good governance and environmental issues on the other, and this helped established developmental, environmental and human rights organizations such

Amnesty International, World Vision, Greenpeace and Oxfam International that extended their interests and activities into the realm of security policy (Dembinski, Jutta, 2014). Think tanks and Peace-building NGOs started to establish their European platforms or networks to multiply their strengths. For example, The European Platform for Conflict Prevention and Transformation was founded in 1997 and in 1998 “the International Action Network on Small Arms (IANSA) opened an office in Brussels. While some of such networks and organizations are fixed in social movements and grassroots organizations at the national level, others, such as International Security Information Service-Europe or the International Crisis Group, both of which were founded in 1995, are more like to think tanks.” (Dembinski, Jutta, 2014). Others, such as GPPAC also combine advocacy work with the production of well-researched studies.

With the establishment of the CSDP in 1999, the EU saw a substantial increase in the presence of NGOs and think tanks. “Organizations such as the Carnegie Foundation and the German Marshall Fund set up representations in Brussels, think tanks such as the Security and Defence Agenda (SDA) began to analyse and discuss European security issues and established institutions such as the Centre for European Policy Studies (CEPS) and the European Policy Centre (EPC) widened their agenda to include security issues. Most significant has been the foundation of the European Peacebuilding Liaison Office (EPLO) in 2001. Maintaining a staffed office in Brussels and partly financed by its 27-member organizations, this network not only provides information about EU initiatives and planned EU projects in the area of conflict prevention and peace building to its constituents, but also lobbies EU institutions on their behalf.” (Dembinski, Jutta, 2014, p.456).

Most of the time, it appears that a certain informal engagement with NGOs is the rule within the CSDP. These talks and interactions between both parts remain largely unpublicized beyond the small circle of those invited to participate. One good example is what happens in Brussels, where the PSC and CIVCOM have regular meetings with NGOs, happening often as ‘working breakfasts’.

Policy-makers also seek to attend meetings held by NGOs, which are often organized by GPPAC or EPLO or other relevant international NGOs working on the relevant conflicts. In the field, information exchange often takes place “over a cup of tea

or coffee” or on the margins of official events. Despite the regular interactions, engagement with NGOs during the earlier stages of the policy cycle is very limited. The interviews that Natalia Shapovalova (2016) conducted with EEAS and Council representatives involved in CSDP reveal that Brussels-based actors exclude NSAs, such as NGOs, during agenda-setting, planning and decision-making, but they may consult them during the strategic review of missions or operations like I previously mentioned.

“In contrast, the CSDP missions or operations reach out to NSAs more intensively at the implementation stage. As an EPLO representative explained, the first time the EEAS structures reached out to EPLO during the planning process was in the case of the EU Advisory Mission to Ukraine, deployed in July 2014 (Interview (E) 2014). However, the meeting was mostly dedicated to convincing the EU officials of the value of cooperating with civil society on the ground by bringing examples of civil society involvement in the Security Sector Reform (SSR) in Ukraine and other transition and conflict contexts. Without having any access to the planning documents or even discussions, the NGOs found it difficult to make any substantial contribution to the EU debate.” (Shapovalova, 2016).

There seems to be more engagement with Non-State Actors during the evaluation of a mission’s impact, or a strategic review, but this is not systematic either. As a CIVCOM member stated:

“Establishing a connection with the UN I found that this particular IGO reached the highest level of institutionalization of the dialogue with civil society by creating and delegating to ECOSOC (United Nations Economic and Social Council) the task to establishing a special procedure of NGOs recording, accreditation, and provision of consultative status” (Irrera, Atinnà, 2009). These practices established a dependable model which has been claimed for ruling the relationships with civil society in the UN, but also in other, regional and local, contexts.

When looking at the EU, the complex task of involvement of the parts is the most challenging test of the integration process as seen from below, a perspective of the relationship between governments and people. In other terms, the differentiated structure of the interests represented by the NGOs, the groups and the community-based organizations, as well as the increasing demand for wider popular participation in civil

matters, are imposing on the EU the need to overcome the model of consultation and develop a more effective and integrated system (Irrera, Atinnà, 2009).

If we analyse the EU humanitarian aid policies, for example, we find out that its relations with various institutions and NGOs have been strongly developed over the years through aid programmes and by ECHO activities.

By participating in EU official programs, European NGOs have promoted many initiatives on humanitarian aid, especially in Africa (Ryelandt 1995). Also, it is commonly accepted that NGOs have developed and strengthened direct relations with EU Member States that, in other policy areas like civil protection services, have produced some interesting results and contributed to shaping the EU humanitarian aid policy (Irrera, 2014). This constituted a good starting point for the increasing engagement of NGOs in the field of conflict prevention and management, and a more active role in EU peace mission's deployment (Irrera, Atinnà, 2009).

The National delegations of the Red Cross, for example, the "National Red Cross Societies", around the European Union countries engage in advocacy with those governments to address the risks faced by impoverished asylum seekers and refugees, and to respond to their specific needs and vulnerabilities. Their "modus operandi" constantly relates to the publishing of reports on given situations that are happening and consequences to their countries or the EU as a whole. The core mandate of the Red Cross Office in the EU in Brussels includes information acquisition and sharing, advocacy and positioning, coordination and fund-raising. This organization issued warnings through reports about crises hitting Cote d'Ivoire and Libya in 2011 for example. Their reports later became warnings towards the return of migrant workers to vulnerable areas in the Sahel and also the consequent loss of revenues from transfers has added an additional burden to the host communities.

For instance, the International Organization for Migration (IOM) estimates that the monetary transfers made by each migrant worker previously supported about seven people in their country of origin, and that consequently about 3 million people in the Sahel became directly affected by the Libyan crisis (World Migration Report, 2018). Nigeria also lived (for several years now) and continues to live in constant social and political unrest due to Boko Haram, and the armed conflict in Mali in January 2012 as

been further destabilizing the region. The region 's security situation is also a major constraint to humanitarian access in affected areas because it includes the presence of terrorist groups such as Al-Qaida in the Islamic Maghreb (AQMI) and Boko Haram. Due do these groups there are often cross-border military activities. The Libyan crisis brought a proliferation of weapons in the Sahel and this is a factor that has come to fuel the conflict between the Malian authorities and the Tuareg community in northern Mali. Since there is a difficulty in maintaining and enforcing the law and border controls in several Sahel countries, this has contributed to the growing importance of various illegal trafficking in these areas, such as drugs and weapons.

Within the EU official programs, European NGOs have managed to promote many initiatives on humanitarian aid, especially in Africa. NGOs were able to develop direct relations with EU Member States in policy areas like civil protection services that came to produce some good results and contributed to shaping the EU's own humanitarian aid policy and strengthen a certain relation of trust between the EU and NGOs in the process. This phase came to allow a good starting point for the engagement of NGOs in the field of conflict prevention and management and managed to bring a more active role in EU peace mission's deployment.

Regarding advocacy opportunities that NGOs can have or at least can perceive and trying to focus it to each EU actor, the European Peacebuilding Liaison Office (EPLO) is a reliable source. In its work and publications, it is possible to find a report (2018) on the "mapping of actors" relating the EU actors and institutions with peacebuilding actors and organizations. Among its objectives it can be seems that it aims to identify advocacy opportunities for civil society working on peacebuilding, as presented in annex D.

#### 5.3.5.1.2 The Legal Basis for Protection - NGOs and the Military

A brief historical perspective of NGO intervention in war contexts and their association with the military can useful at the start of this section. Humanitarian associations are thought to have emerged in China several centuries ago, but 'humane societies' in the western world, such as the 'Society for the Recovery of the Drowned', formed in Amsterdam in 1767, started to be founded in 18th century Europe. Anti-



Slavery International, formed in 1839, is the oldest continuously operating humanitarian organization still in existence (Davies, 2013, p.31).

Later, in what concerns NGOs during World War I, Norman Davies wrote: “Many groups failed to survive the devastating effects of World War I. At the same time, the vast destruction wrought by the conflict also spurred the formation of myriad new organizations to address its humanitarian consequences. The Save the Children Fund, for example, was established in 1919 to provide relief for children in danger of starvation as a result of war-induced food shortages” (Davies, 2013, p.33). Created in 1919, “the organization now known as the International Federation of Red Cross and Red Crescent Societies emerged as another critical actor in the provision of post-war famine relief” (DAVIES Norman, 2013, pp. 33). All the destruction and casualties caused by war allowed and fomented the establishment of thousands of peace and humanitarian NGOs. Similarly, the horrors of World War II resulted in the establishment of some of today’s largest and most well-known NGOs.

The two-way world of the Cold War required NGOs to stress impartiality (Penner 2013). For instance, Amnesty International “would work in support of prisoners from each of the first, second and third worlds, thereby emphasizing their impartiality” (Davies, 2013, p.34).

During the 1990s, international NGOs and the world militaries worked together in several different cases, like Somalia, Bosnia, northern Iraq, Kosovo, after the Indian Ocean tsunami, just to name a few. Most NGOs, however, always avoided close affiliations with any military forces, choosing to keep themselves autonomous and impartial in how they distribute aid. As explained earlier, this is because NGOs heavily rely on impartiality as vital part of their credibility and any appearance of working with the military might take this impartiality could become counterproductive.

But (military) protection is often necessary and crucial to NGOs so that they can carry out their job in crisis situations where they want to intervene. Sometimes it’s hard and even life challenging just to effectively observe and produce factual reports that are so important to decision-making by Governments. There are many cases where military victory or stabilization must be achieved first in situations such as humanitarian assistance, disease control, or a natural disaster response. Many of the modern

challenges require an approach that cannot be met with technology advancements and overwhelming force alone. Many conflicts and crisis require a humanitarian response from the military, or at least an integration between civilian and military components that will involve numerous organizations trying to come together to solve the same crisis situation.

The potential for military involvement in civilian operations, such as the ones where NGOs are sometimes involved, in order to satisfy the security requirements for the intervention of humanitarian organizations and NGOs has been understood and addressed since the early 1990s, when ICRC began to advocate ‘humanitarian space’, a term that labels “the ability of humanitarian agencies to work independently and impartially without fear of attack in pursuit of the humanitarian imperative.”(ICRC cited in Volker, 2006, p.12). With the principle of impartiality humanitarian agencies, in principle at least, can operate and observe among the local populations freely and without political barriers constraining their work. But it is common knowledge that often the very presence of the military complicates the political and security environment, so some authors can argue that it should only be involved in humanitarian operations “where people are dying, or at risk of dying, and only the military can save them.” (Volker, 2006, p.12).

There have always been discussions around this relation between the humanitarian aid community and the military community. The word coordinate is at the centre of the issue per se and often contributes to stop effective communication and dialogue. Complicating this dialogue sometimes are the different interpretations of the word coordination when referring to the military and NGOs use of it. The military often stated that they are required by doctrine to coordinate with NGOs, and on the other side NGOs often stated that they do not coordinate or want to be coordinated by the military. The UN and NGOs defined the term as meeting or talking and sharing information; the military, according to the Guide to Nongovernmental Organizations for the Military (Lawry, 2009, p.196), uses it more as equivalent to command and control of a given situation.

There has to be clear differentiating between the actions and goals of militaries and NGOs. NGOs tend to have a long-term presence in an area or region, placing their

efforts on building relationships based on trust and trying to find significant engagement with local communities. Military doctrines see civil-military interaction as a supportive tool for reaching the military goal and locate military humanitarian action in the context of supporting non-military operations. Humanitarian guidelines also view military action as supporting a broader civilian-led and implemented humanitarian missions. Both militaries and civilian actors have these clear guidelines that define that the military should operate in a support capacity (Warren, 2017, p.299).

Coordinating and integrating efforts in crisis situations between NGOs and the military can potentially be very different things. Military operations rely on a type of command structure that is quite different from civilian organizations and this may present some challenges to each one of these groups when they are in the same scenario and have to work together. NGOs do not operate within military or governmental hierarchies. It is common practice to identify a military liaison within the NGO community to manage these efforts of intercommunication. NGOs and military forces have significant mutual advantages to coordinate and collaborate with each other. As implied, NGOs need and can use several different things from the military, just take for example logistical assistance, communications, intelligence, or protection among them.

NGOs, traditionally, must rely on their impartiality (even if it is just an image) as an important part of their credibility and an important aspect to consider for their own security. If they collaborate or coordinate with the military it can easily be corrosive for their image of impartiality and thus risk eliminating a primary source of their security (Warren, 2017, p.294).

Normally, NGOs build their reputation (and guarantee their funding) by showing current and potential donors their work and how they are accomplishing in the field. A comprehensive response, however, becomes a necessity when the scope of a humanitarian response exceeds the capabilities of any one organization (Seiple, 1996, p.200). In the context of the interaction between civilian and military components, this author argues that this is not as important as the existence of a real dialogue. Each humanitarian response should be different, therefore a preintervention coordination plan of effort cannot always be systematically created, but, “the expression of how each community understands the other’s expectations and needs” (Seiple, 1996, p.200) can

be the key of any actors' dialogue. Organizations and governmental/intergovernmental agencies preparing for a possible humanitarian response need to work closely since the beginning and try to update one another on their respective limits, capabilities, and intentions, as well as to create common definitions for terms such as security and success. (Seiple, 1996 in Beck, 2015, p.7)

While searching for common definitions of terms, the NGOs must take the lead on defining what "success" looks like. Every organization in a crisis mission or operation must understand their role in it and find success in how the crisis is "solved" or at least overcome. Both the military and NGOs, when they have to collaborate, will have their own particular set of tasks and missions within the mission. The NGO/military relationship at an operational level must be combined and synergistic, acknowledging that the primary focus of their effort should be towards attaining the common humanitarian goals. When all entities have this in mind, understanding this concept, they will manage to work together and complementing each other according to their comparative advantage. The military must avoid the political entanglement by succumbing to the NGOs' definition of success and properly placing itself within the overall continuum. The military must understand that its end-state has one sole purpose: to effectively transition to the next phase of recovery and depart. Chris Seiple (1996) argued that the military's mission is to enable marginal self-sufficiency for the NGOs and eventually the local population (Seiple, 1996, p.200-201).

When the military have a role in achieving the NGOs' vision of success, Chris Seiple, already back in 1996, listed three basic precepts that should still apply currently (Beck, 2015, p.8). The first, which may be the most difficult for military leaders to accept, is that the military cannot be in charge. The military must be able to avoid placing itself in a position where the solutions to issues that arise are solved mostly through their wide range means. It is understandable to envision that multiple operational and political issues might occur if the military means are too involved in providing solutions. If any stage of the humanitarian effort relied on the military to continue, Seiple argues, then when a withdrawal happens this almost certainly will result in an emptiness of resources and the situation may quickly degenerate and regress.

The second precept, according to this author, is the understanding that the military will be in the field to help the NGOs, and not the other way around. The military will only be there to help overcome specific issues along the mission timeline. There should have a clear understanding by the military that the NGOs are the cultural and humanitarian experts who will remain on the ground until the very end and this will help prevent the military from instituting military infrastructure-based solutions (Seiple, 1996, p.202 cited in Beck, 2015, p.8).

The third and final precept according to Seiple is that the NGOs and the military need a single place where decision-making and problem resolutions happen face to face, something like a Civil Military-Operations Centre (CMOC). The military operations centre must be in full support of this sort of CMOC and not the other way around. This centre must be elevated to a high level of importance within the military culture (Ibid.).

NGOs are different from military forces in almost everything, also because they don't need national authorization from the country of their incorporation to enter in other countries. Instead, they act on several beliefs and values (Universal Declaration of Human Rights, 1948):

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood;
- Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

To protect these values, NGO personnel try to respond to those in need in several different places around the world “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (Ibid.). NGO personnel, however, do not have or act with, most of the time, security provided from proper armed forces, whether from international organizations (UN for example) or national (local) armed forces from the

country where they are acting. Most of the times, these organizations have to consider their personnel security with a different approach.

Humanitarian workers have a legal basis for protection since the Geneva Conventions of 1949 (Geneva Convention, 1949) and the related protocol of 1977 (Protocols Additional to the Geneva Conventions, 1977). With these documents there was a genuine attempt made by the international community to describe the category of civilian non-combatants, a concept that included local citizens and nationals of other countries that were not part of the conflict, trying to bring out their rights<sup>63</sup> and obligations of these non-combatants during a conflict.

In general, safety and security risks can be separated into environmental and human threats. Human threats are often more challenging and may vary from the simple and common theft in peacetime to targeted assassinations during times of war for example. In general, the three strategies for protecting personnel against human threats are: risk avoidance, risk management, and risk reduction (Lawry, 2009, p.184).

Risk avoidance take away personnel from the source of danger. According to this approach, activities and movement are increased or reduced according to perceived local support or threats. This is focused on the who, the what, and the where of the threat, and so will rely on a strong and responsive surveillance capability that generally can be given by European States or even by the EEAS delegations around the world (Lawry, 2009, p.174).

Risk management focuses on overcoming the impact of potential threats or eliminating them altogether. A risk management approach focuses more on the what and the how of the threat.

Risk reduction focuses on transforming a potential image perception of an individual or organization and becoming more impartial and neutral at the eyes of the potential sources of threat. "In this strategy, the security of personnel is best ensured when the aid workers are integrated into the local community and valued for their

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<sup>63</sup> These include the right to be treated humanely; to have access to food, water, shelter, medical treatment, and communications; to be free from violence to life and person, hostage taking, and humiliating or degrading treatment; and a prohibition against collective punishment or imprisonment (Geneva Convention, 1949).

contributions to local development. Interpersonal relationships with local authorities, partners, communities, and families become fundamental to accomplishing the NGO's humanitarian missions. This strategy focuses on neutralizing the why of the threat and often allows NGOs to work in areas that military planners would consider uncertain or hostile." (Lawry, 2009, p.174)

Humanitarian personnel usually rely on a certain combination of strategies to safely conduct their operations. They should have in consideration the following observations (Van Brabant, 2000):

- There should exist a proper and adequate understanding of the context of the operation;
- There should be some certainty about what the mission is and of the position intended to adopt by each one and the role, in general, that they should play in that environment;
- Creation of a plan based on a systematic threat and risk assessment can be determinant and it is most advised but afterwards it also should be reviewed and updated regularly;
- The existence of clear policies that outline the responsibilities of the organization and of individual staff;
- There should be a clear perception on the personnel understanding of the rationale behind all standard operating procedures;
- There should also exist crisis management guidelines for different incident scenarios;
- The existence of a reliable communication platform

Some scholars and experts, in addition to Chris Seiple (Beck, 2015), have examined military and civilian humanitarian interaction for decades over numerous cases. Many lessons have been learned that echo and build on Seiple's (1996) recommendations. The primary lessons, according to Beck (2015), were uncovered by studying previous humanitarian crises and suggest that all entities involved in a certain mission/operation, should place their efforts in communicating extensively and on pushing harder to work together, showing respect and understanding for each other's capabilities and strengths that they bring to any operation/mission. Some authors state

that for this to occur, Civilian Military Coordination (CIMIC) must be dealt seriously from the start of any operation/mission, when envisioned necessary, so that resources waste and casualties that can be related to crisis and humanitarian responses are prevented. “Early and thorough cooperation and training will ensure that the military and humanitarian assets are understood and fully utilized by each other. Prior education and joint training for both the military and civilian organization will mitigate many of the issues that face the military’s involvement in CIMIC.” (Beck, 2015, p.9-10)

Beck (2015) stresses out that on the subject of reinforcing the idea of mutual training grounds. Nick Spence (2002) suggested that NGOs and militaries conduct same-site training designed to identify and capitalize on their respective capacities (Beck 2015, 10). In situations where this civilian military collaboration is deemed necessary, the multiple actors should jointly develop an end state vision and then design a detailed plan, focusing their respective talents on accomplishing the mission. Spence adds that joint training programs will help increase the mutual understanding of the ethics and values that each organization has. This work of understanding will allow a better communication and collaboration during training and also in actual operations (Beck, 2015, p.10–11).

By deeper understanding of humanitarian organizations values and ethics will, in theory, contribute largely to a military respect of the so called ‘humanitarian space’ and of its principles of impartiality and neutrality. Randy Beck (2015) also suggest that the path to more effective CIMIC lies in the understanding that the end-state of CIMIC goes beyond the actions and efforts of militaries and organizations on the ground. James Arbuckle came to conclude that, “In a democracy, the military does not design policy—it executes it. A political and diplomatic failure to resolve these issues means that civilian and military workers must rise to these challenges on the streets and in the fields of conflicts.” (Arbuckle, 2007).

Thomas Mockaitis (2004) came to argue that the military’s intrinsic focus on military tasks and procedures makes it an objectionable candidate to work in a humanitarian environment. His coverage in Kosovo emphasised many of the issues relief organizations had when working with military personnel. He resumed it by testifying that soldiers acting like soldiers became an issue in the humanitarian



environment. Soldiers carried rifles and at the operational level their operations centres were off-limits to civilian personnel, and these are some of the reasons why humanitarian organizations can find it difficult to work with military personnel and structures (Beck, 2015, p.10).

To be effective, military personnel should try their best in building relationships with both civilian organizations that partake in a crisis response and with local civilians that were affected by the humanitarian crisis. Protection measures that can somewhat include intimidation, abuse, and or excessive force, will almost certainly limit the relationship building capabilities of both the military and the civilian relief personnel that are associated with the military (Beck, 2015, p.47). Protection is an important aspect of any mission/operation, but in a humanitarian crisis situation, Mockaitis (2004), for example, argued that positive relations with the surrounding populations and civilians familiar with the area will can effectively do more for security than excessive force protection measures will (Mockaitis, 2004, p.33-34).

As military commanders started over the years to act less like commanders of operations surrounded by military defences and started to act more like willing participants in a collective effort to save lives in missions where they were considered as necessary, civilian entities naturally started to be more willing to serve actively alongside military leaders rather than as reluctant dependents of the military's logistic capabilities (Beck, 2015, pp.48–49).

In most crisis circumstances, time can be a determinant success factor. Military and civilian humanitarian organizations have to both communicate and cooperate so that they manage to prevent conducting parallel operations and/or duplicating efforts to reach and help the people they want to relief. At the first stages of a response, the assessment conducted by military units and NGOs must be communicated so that it can be ensured that the right equipment, supplies, and people will be delivered. Progress reports and developing situations should be reported throughout responses to operations centres so to ensure the appropriate level of support to the appropriate areas continues. Communication can be vital, and it can truly play an essential role at every stage of a crisis response in the end (Ibid.).

Civilian organizations have to deal also with the issue of the operational language challenge that comes with dealing with military units. This is something that has been dealt by a combination of two solutions. “First, civilian organizations should familiarize themselves with military lingo and acronyms. The second is for military units, especially units preparing for and engaging in humanitarian operations, to speak plain English without the use of common military operational language. Those two solutions seem almost obvious enough that they do not warrant space in this dissertation, but the confusion and delays created from the use of military jargon continues to be an issue in humanitarian operations.” (Beck, 2015, p.50).

Recently, in operations such as the ones in Haiti and Central African Republic (CAR), the communications issue also came up when the need to transmit information at the unclassified level was more widely understood and communication efforts have been more effective. The next step, Randy Beck suggested, will be the creation and implementation of a dedicated network compatible with and shared by all organizations involved in the humanitarian response. Humanitarian response planners cannot predict whether local communication systems will remain operational after a disaster, consequently, a portable communication system shared by response personnel is essential to ensure constant communication capabilities from the start (Beck, 2015, pp.50-51).

In scenarios where NGOs and humanitarian relief forces have to rely on military protection it is essential that they communicate extensively, and work together making true efforts to respect and understand one another, mainly because they both are instruments that aim at the same core objective based on humanitarian principles and that can find complementary capabilities and strengths in the other party. Security forces can be essential to guarantee humanitarian efforts but can also prove to be key to provide training to local armed forces or to protect and ensure that a defined area or perimeter is secured for civilian people, local or coming within the framework of a CSDP mission.

According with the constructivist theory the spread of participatory governance norms should have implied an increase of NGOs access to CSDP over time. The formal

rules of access, however, have not evolved since their adoption in 2006. Informal exchanges have grown but that growth wasn't linear.

#### 5.4 Constructivist Theory applied to NGOs

The preceding section has shown that NGOs can influence decision making in the EU and that they are aware of this and that they place their efforts on maximizing the chances of succeeding in influencing.

Studying these relations between NGOs on one side, and decision-making politicians and personnel in intergovernmental organizations on the other, in an to understand the level of influence of the first group over the second is something that must be supported by a theory and the theoretical framework that can best used for this purpose is Constructivism.

As already mentioned in the introduction this theory started as a sort of reaction against rationalism, a theory that takes actors and their interests for granted (Willetts, 2011, p.130). Rationalism tends to assume that for political actors, their nature, their goals and their actions can be understood merely by considering the interactions of the actors but not taking into account the properties of the social system where the interactions occur. For constructivism, the social outcome is produced by the social system as a collective entity, including all the actors and the interactions at their level, but also the roles of particular groups of actors for example. Constructivists analyse "ideational phenomena that exist as shared beliefs determining social and political behaviour." (Willetts, 2011, p.130). Constructivism turns the ideas, the very way in which we perceive the nature of the world and the evolution of norms that are central to politics. Ideas provide the point of mediation between actors and their environment

A very simple way to place it is that the international relations theory of constructivism views the course of international relations as an interactive process in which the ideas of and communications among agents serve to create structures (Rietveld, 2015, p.10).

The best form to understand how this theory applies to the subject of this dissertation is to see the pluralist concept of advocacy networks within a constructivist

view of the nature of political actors that Keck and Sikkink (1998) brought to us. They use, to prove their idea, examples of the anti-slavery and women's suffrage campaigns and contemporary case studies of transnational activism on Human Rights in Latin America, on environmental politics and violence against women. The same authors argue that 'advocacy networks are helping to transform the practice of national sovereignty.' (Keck, Sikkink, 1998). They stated that there were two aspects that made NGOs something new and different and that scholars were slow to recognize their impact and significance in international politics. The first aspect, they argue, is motivation. Advocacy networks tend to operate through principle rather than through more professional, commercial or material concerns. The second aspect they have pointed out is impact. At that time (1998) scholars were still very reluctant to admit that non-traditional actors, such as NGOs, could affect political processes and outcomes. Keck and Sikkink saw that NGOs were, already then, a key factor in the emergence of a global arena of politics that worked outside the system of nation states. According to them, NGO networks could "persuade, pressure and gain leverage over much more powerful organizations and governments." (Keck, Sikkink, 1998, p.132). These authors, as Peter Willetts (2011) also points out, concentrate on the impact of networks on individual governments and they had minimal reference to advocacy within IGOs.

Partly, this is because their book develops around human rights which were, normally violated and traditionally protected only by governments. However, and agreeing with Peter Willetts, even in this human rights field, the UN and the EU, for example, have been key stages for the action of NGOs, and they have made considerable efforts to influence international and global standard-setting, especially the UN in declarations and human rights treaties. In the same book, Keck and Sikkink present their position in a diagram that they call the "Boomerang Pattern". We will have a closer look at it and analyse it, so that, building on that, we can also analyse the subsequent work by Peter Willetts:



later. This author suggests that the diagram in Figure 10 should be interpreted as that if the ‘boomerang effect’ happens via state B that puts pressure on state A.

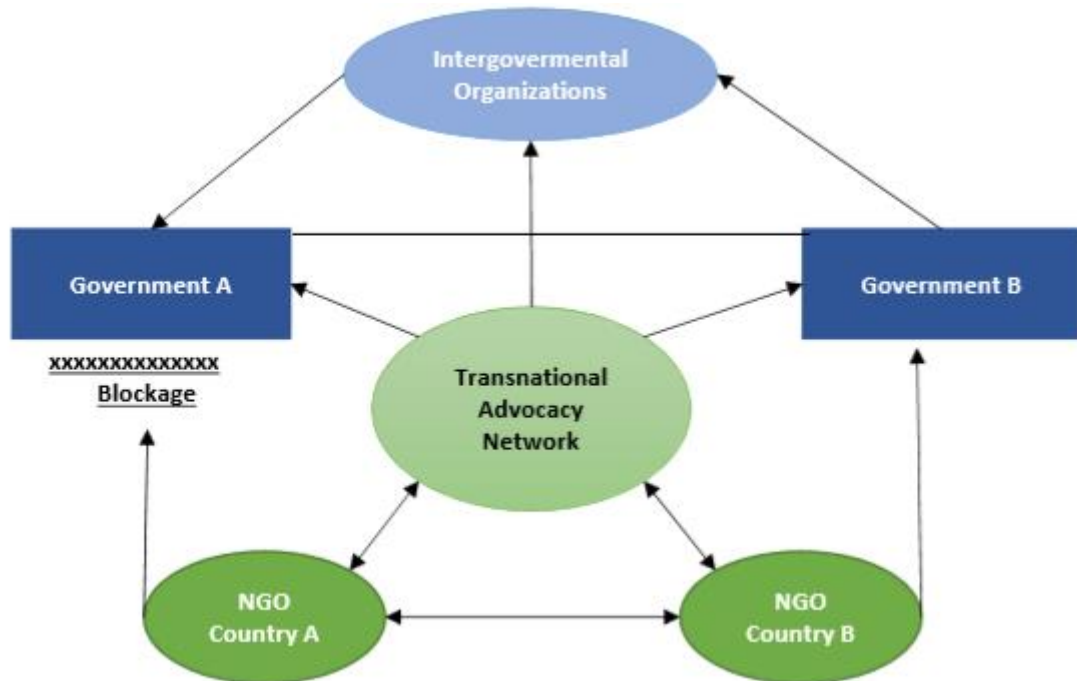
Willetts suggests a ‘revised global pluralist’ version of the diagram with his own diagram, presented in figure 11. His intention is to show a greater number of potential paths for the ‘boomerang’. Willetts manages to offer us ten hypothetical paths. Keck and Sikkink have paid attention to framing issues and gave perhaps little attention to opportunity structures. However, they still state that “conferences and other forms of international contact create arenas for forming and strengthening networks.” (Keck, Sikkink, 1998, p.13). It is in this perspective that intergovernmental institutions such as the EU or the UN are crucial because they created systems of consultative status that provide permanent opportunity structures for NGOs to promote their values and interests at the international arena.

The example of the GPPAC project Whole of Society Conflict Prevention and Peacebuilding (WOSCAP) is a perfect example of such a consultative status and of a NGO that was asked by the EU to develop such project. The overall objective of this particular project (as detailed in the project website)<sup>64</sup> was to contribute to enhance the capabilities of the EU for implementing conflict prevention and peacebuilding interventions through sustainable, comprehensive and innovative civilian means. It is based on these project findings that we will be analysing the Crisis in Mali in our case study in chapter 6.

Willetts also points out the importance of ‘specialized diplomatic conferences’ or specialized institutional bodies’ meetings, where NGOs networks, and also, individual NGOs gain access to these forums where their advocacy will be perceived as highly salient.

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<sup>64</sup> Available at: <http://www.woscap.eu/>



*Figure 11 - Multiple routes for the boomerang effect*

Source: Author, based on (Willetts, 2011, p.133)

We have to bear in mind that the central elements of decision-making in IGOs are the Member States and to that extent when there is effective lobbying on one or more Member States, influencing their perception of problems and position, (indirectly) it reflects the effects of such lobbying, making these same effects – however ‘thin’ or ‘light’ the might have been - the true outcome of their actions and intentions.

For now we should follow on this path and witness the dynamics of political change that can happen as a result of deliberate actions from this kind of actor and understand, through some good examples, the intentions and the consequent effects that resulted from these actions of NGOs, or in a wider scale, through transnational advocacy networks and demonstrating a bit further the causality of what I try to argue so far in this dissertation.

Transnational advocacy networks, such as GPPAC, were in fact created for the specific purpose of ‘lobbying’ in IGOs. A good example of an advocacy network was also the Jubilee 2000 campaign to cancel developing countries debt that cannot be understood without reference to the International Monetary Fund (IMF) and the World Bank. Other good examples can be found with the International Campaign to Ban

Landmines or the Coalition for an International Criminal Court, both focused on existing UN bodies but with the purpose of creating some new legal norms and new intergovernmental structures (Willets, 2011).

A practical example worth mentioning here is the GPPAC work on Peace Education, involving a significant number of countries, that helps children to deal with the trauma of war, managing and addressing conflicts and building dialogue processes for enhanced understanding of "the other". "It is equally important in more stable societies, like in the Netherlands, where a recent influx of refugees has fuelled negative feelings towards migrants and inter-community tensions are having a harmful impact on the social fabric of society." ("Peace Education - GPPAC," 2006).

Jackie Smith came up with 'three functions' performed by these networks: first, they provide constituencies to promote the legitimacy of multilateral institutions; second, they generate new proposals for multilateral cooperation; and third, they strengthen the transfer of global norms to national and local practices (Smith, 2008 p.90–91).

When it comes to research on NGO participation, constructivism ends up seeing, in contrast to realism, beyond states as key actors in world politics. In this approach NGOs and Inter-Governmental Organizations (IGOs) are equally important and an international political arena exists outside of states (Rietveld, 2015, p.11).

As already mentioned earlier in this chapter Finnemore and Sikkink (1998) studied how actors behave, how norms are constructed and how those norms change.

In the internationalization stage, Finnemore and Sikkink (1998), according to Willets (2011), argue, the profession and 'state bureaucracies' systematically promote norms by an institutionalization process that goes from professional training to repeated patterns of behaviour that generate norm acceptance (Willets, 2011, p.135–36)

NGOs are 'norm entrepreneurs' and agents of change. There are three processes where NGOs can be seen as significant actors in the final stage. First, when government bureaucracies try to institutionalize the very change that is happening, they often recruit individuals from NGOs, giving them temporary or permanent appointments within the bureaucracy. Second, government officials often retire still with good physical and



professional capacity and continue active engagement with the policy processes by joining relevant NGOs. With these two processes, it becomes clear how specific specialized NGOs can have privileged access to the relevant bureaucracies in intergovernmental institutions and quickly build their own knowledge (mostly by internal coaching). Third, they also work hard as “norm enforcers”, monitoring government activities and policy outcomes, to ensure that the policies are effectively implemented (Willetts, 2011, p.136–137).

Another great example of a NGO acting in promotion of a cause and provision of the critical mass of support to generate a wave of support that will flow through the international diplomacy structures is that of the International Baby Food Action Network (IBFAN) a few decades ago. In the 70’s IBFAN created a critical mass of several NGOs that worked in the field of children’s rights, development health, poverty alleviation, women rights and other sections of the UN and of the World Health Organization secretariats creating a big coalition that came to persuade almost all the governments in the world (except the United States) to adopt the norm that public marketing of dried milk for babies was unacceptable (Willetts, 2011, p.136).

In the opinion of some authors, like Peter Willets has evidenced, there are four fundamental features in this interaction process: the status of the actors, the content of the message, the political environment in which it occurs and the non-political environment where it occurs (Willetts, 2011, p.138). NGOs, as well as other political actors, mobilize support, mostly by transmitting messages to a target audience.

#### 5.4.1 NGOs and Security

As this this dissertation addresses crises management as a field where defence and security forces sometimes participate and collaborate, it is useful to take a closer look at the relations between NGOs and security and safety issues and actors.

In order to start linking NGOs, as subjects, to a broad concept such as security we need to find the common ground in social sciences where they can meet. Such ground can be found on a link between them that relates well to our subject of study, the concept of ‘human security’. After the Cold War, one of new ideas that have emerged is that of human security. This is something that has been embraced in the 1990’s by the

United Nations (UN) and by countries such as Canada and Japan, which even proclaimed this as the guiding principle of their foreign policies. However, over a decade after the end of the Cold War, the definition of human security remained contested in its scope and utility. (Oberleitner, 2005, p.186).

It is relevant to this work to make the additional effort of looking at this concept beyond the conventional perspectives of international relations and trying to see it in a constructivist perspective. “In contrast to conventional approaches to security studies which focus on security community or security culture, the constructivist perspective offers insight into a number of additional dimensions, including human consciousness, national identity and interest formation.” (Tsai, 2009, p.20). So, the concept of human security is more meaningful when viewed through the theoretical lens of constructivism (Wendt, 1992).

To reach a definition of human security we have to go back to 1994, when the United Nations Development Program (UNDP) with its Human Development Report (HDR) presented a new way of thinking about the integration of security issues and globalization. This report defined human security according to seven dimensions: personal, environmental, economic, political, community, health, and food security (UNDP, 1994: 24–25). This report was obvious in adopting a people-centric security concept because its focus, instead of being on the traditional state-centred concept (UNDP, 1994: 24–33), was on human security supplements beyond the traditional concept of security and representing the emergence of this new paradigm in the field (Tsai, 2009). This new concept of human security emphasizes on the individual rights and interests, which were and are often ignored by the international community, and real security should evolve the protection of individuals from such threats as disease, hunger, unemployment, political oppression and environmental degradation (Tsai, 2009, p.8–9).

Six observations can be made to analyse and interpret human security using constructivism as a prism, according to several authors as quoted below:

1 – All the knowledge has its origins in social structures, so, this guides the nature of that same knowledge and also its own social significance. These will rely on human perception, which will then definitely play a decisive role in all human actions

(Kowert 1998). The concept of human security has progressively developed through a succession of initiatives and academic reports by multi-national, independent commissions of experts, academics and other intellectuals. For example, NGOs, such as GPPAC, and also civil society in general, played and still play today a determinant role in the study and advocacy of human security concerns, and are involved in practically all human security issues (Sané, 2008, p.11). Over the years, the collective efforts of various ad hoc campaigns led, for example to the signing of the 1997 Ottawa Convention which banned anti-personal landmines, and the creation of the International Criminal Court in 1998<sup>65</sup> (Tadjbakhsh, 2007, p.23).

2 - The emergence of a concept as this one, reflects the influence of values and norms on security studies, more than just on national security issues. This also demonstrates a change at the very core of international relations studies; identities and interests, are best explained with the support of the constructivist theory. “Tadjbakhsh (2007) considers that human security can thus be read as an attempt to reconstruct the interpretation of the roots of insecurity, underdevelopment, and poverty. These same themes have also been examined by the constructivism.” (Tadjbakhsh, 2007, p.88–89, cited in Tsai, 2009, p.23).

3 - The concept of human security derives from the use of language, images and symbols. A good example, brought by Tsai (2009), was the International Commission on Intervention and State Sovereignty (ICISS)<sup>66</sup> — in which Kofi Annan remarked that the language of intervention needed to be changed from the right or duty to intervene, to the responsibility to protect, basically shifting the focus to those in need of support.

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<sup>65</sup> On July 17, 1998, the International Criminal Court (ICC), governed by the Rome Statute, became the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community. Available at: <https://www.icc-cpi.int/about> - last consulted: November 2018

<sup>66</sup> Former United Nations Secretary-General Kofi Annan, in his report to the 2000 General Assembly, challenged the international community to try to forge consensus. He posed the central question starkly and directly, —(...) if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that affect every precept of our common humanity?! The independent International Commission on Intervention and State Sovereignty was established by the Government of Canada in September 2000 to respond to that challenge (ICISS, 2001: VII-VIII). Available at: <https://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml> - last consulted November 2018

4 - Constructivism posits that national interests are forged in the process of mutual interaction. During the process, the value of human security is established when states transfer their attention to common interests. Governments have used the term as an umbrella to cover a humanitarian agenda that includes examples as the support for the establishment of the International Criminal Court (ICC), the ban on landmines, and a prohibition on child soldiers and small arms (Suhrke, 1999, p265–66 cited in Tsai, 2009, p.23).

5 - When people start to think of common interests, the definition of security will become people-centred. There is the conviction that states are responsible for regulating the actions of its individual citizens, but also, individuals are responsible for violating international human rights and humanitarian law. The ICC, by itself demonstrated that the international community was long aspiring, in a sort of way, to create a permanent international court, and in the 20th century it reached consensus on definitions of genocide, crimes against humanity, and war crimes (Tsai, 2009, p.23).

Before the 1990's the interactions between NGOs and, for example, the United Nations peacekeeping units in crisis situations were quite limited, mostly because at the time the way to look at these issues was by assuming that peace and security enforcement was a prerequisite before state building could really begin. The change since then is attributed to different factors, including the increasing number of humanitarian workers deployed, better data collection, the increasingly unstable environments and the erosion of the perception of neutrality and independence (Lawry, 2009, p.181).

6 - In the 1990s, as Tsai (2009) argued, realism and liberalism were criticized for their overemphasis on material concerns and for failing to take into account subjective, psychological, and human elements. Constructivism by its terms, tries to challenge these established views of the world which were set in place by material concerns (Wendt, 1992). Constructivism and human security have much in common, and human security is an application of the very views and ideas of constructivism. Constructivism reinterprets traditional material, state-centric society, human security reinterprets traditional theories of military force and national security.

Tsai (2009) adopted a number of concepts from several constructivist scholars to interpret the meaning of human security and outline the relationship between constructivism and human security and summarized it in Table 1 that strengthens the perspective adopted in his work as well.

Constructivist scholar	View	Assumption	Application to human security
Alexander Wendt	Collective identity	Interdependence shapes collective identity and promotes cooperation	Human security is derived from the values of collective identity
Martha Finnemore	National preference	Rules, institutions, and values alter a country's preferences	The practice of human security is derived from alterations of a country's preferences
Nicholas Onuf	Language and norms	The power of knowledge shapes norms through the process of interaction	Human security comes from knowledge-building transformed from language
Peter Katzenstein	Cultural identity	National identity alters a country's interests and actions	Human security is derived from the shaping of culture and identity

*Table 1 - The Application of Constructivist Views to Human Security*

Source: (Tsai, 2009, p.25)

Relating the subject and argument of this dissertation with security issues it became clear that human security as a concept that reinterprets traditional theories of military force and national security is quite useful to place national security issues at a conceptual level that is relevant for crisis management mission and operations.

The next topic is the legal basis for protection that NGOs can benefit (thanks to their humanitarian role in crisis scenarios) from military forces, even if sometimes those forces are national (from the country with a crisis situation) and some other times coming from forces at the service of IGOs such as the EU or the UN.

#### 5.4.2 Assessing at the EU Crisis Management Approach and its relations to NGOs under a Constructivist framework

Before the discussion on *how* the potential collective purposes expressed in the CSDP decisions might be categorized, a closer look is needed at *what* it is that we are trying to explain.

“In short, each of these competing perspectives captures important aspects of world politics. Our understanding would be impoverished were our thinking confined to only one of them. The ‘complete diplomat’ of the future should remain cognizant of realism's emphasis on the inescapable role of power, keep liberalism's awareness of domestic forces in mind, and occasionally reflect on constructivism's vision of change” (Walt, 1998, p.5).

CSDP operations are the result of collective decisions, made in European Union's bodies, by an intergovernmental structure or by EU Member States' governments that collectively mandate such a mission or operation. When comparing the explanatory power of competing propositions as to what may have led governments to make the respective decision one can assume that these decisions are the result of some form of conscious weighing of the benefits and drawbacks on the part of EU governments (Pohl, 2013).

However, this assumption of a rational calculation of expected consequences (a type of ‘logic of consequences’) contrasts with theoretical approaches which assume that such decisions are the result of a ‘logic of appropriateness’ (Marchi, 2017) (March, Olsen, 1998). If that were the case, EU governments should then initiate, approve or reject any operations/missions because it would appear natural and legitimate given the role and identity they have manage to internalize in their foreign policy posture or within the EU more specifically (Pohl 2014). Such moments of role conflict might then be overcome through argumentative persuasion, which contrasts with the bargaining logic embraced by rationalist approaches (Checkel and Moracsik 2001 cited in Pohl, 2014).

A possible doubt can then emerge about the objective that these governments seek to accomplish when conducting CSDP operations. There is no comprehensive theory on the sources of such preferences in foreign policy and this can also extend to

the more specific field of multilateral peace support operations (cf. Bures, 2007 cited in Pohl 2014).

Earlier in this dissertation , a work from Natalia Shapovalova was mentioned that included two case studies (CSDP civilian missions in Georgia and Palestine) and had the intention of looking at the level and extent of cooperation between EU actors and international NGOs in the ground, examining whether there was signs of engagement and exchange between civil society (international NGOs), and how that exchange and engagement worked and what the impact/effect of it was.

In short, with that project there was evidence that the engagement with civil society was taking place and it could have worked better if it did not exclude local actors. It was clear that both the work of the European Commission and the work of ESDP missions or operations could benefit from engagement with civil society (Weitsch, 2008, p.17).

NGOs, (local or international working locally) can contribute to local knowledge, to better understanding of context, and to contact with people on the ground (rather than the 50 people who speak English). Also, in many cases, a long-term track record and the credibility that comes from it and delivering much needed services to local populations can be other determinant factors. As Weitsch (2008) argued, these can also contribute with specific skills and capabilities including : monitoring, mediation, programmes to foster alternatives to violence, gender issues, child safety issues, needs assessments, civilian protection for activists and human rights defenders; in short, the ability to make local people part of the process, so say a few.

Annex C makes this point clearer by presenting this list of stages of intervention at which NGOs have a role to play in a table format.

There are logical reasons that can make a given state take a decision or back a certain action from other States in foreign policy, but sometimes those positions can be exchanged for the future positions of another State or conditioned by past actions in our State's own behalf. It's the logical of interests and exchange of favours that often run in local and national politics that are bound to happen also at the international level in IGOs such as the EU.

The next chapter is going to go over the Mali Crisis and how the EU dealt and has been dealing with this crisis as it has two current missions deployed in that country. Actions and political statements made in that context will certainly have an influence in the near future, concerning issues like mass migration and terrorism affecting the European Union.



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## 6. Case Study - Mali

This chapter presents the situation in Mali as it evolved since 2012, including a critical review of both EU missions there (EUTM and EUCAP), providing feedback and reflection for the arguments developed in the previous chapters; and ultimately

Mali is part of the ‘broader neighbourhood’ to Europe, being strategically relevant to the EU. Building security and prosperity in regions that limit the Union, trying to prevent spill overs of crime, migration and terrorism from failing states were key priorities of the European Security Strategy (ESS) of 2003 (European Security Strategy, 2003). In short, Mali was precisely the kind of crisis that the EU’s Common Foreign and Security Policy (CSDP) is geared to address (Eilstrup–Sangiovanni, Bondaroff, 2014). Also relevant was the fact that it was the Malian government that explicitly called for international assistance to defeat the Islamist insurgency in the north. There was also a UN Security Council Resolution<sup>67</sup> authorizing the use of force, which was swiftly secured by France, and there would seem to be few obstacles to rolling out a CSDP mission.

So, the crisis in Mali could be the perfect opportunity for the EU to show unity among its members and its overall readiness to defend the most important European foreign and security policy goals.

In alignment with the objectives of this dissertation, consideration is also given to how the practices of the European Union engagement with local actors (local CSOs or NGOs) were deployed and how effective they were to change the situation on the ground. Some international NGOs (like ICRC or Oxfam among others) possibly contributed to the initial information gathering from EU personnel in the EU Situation Room through their public reports on the field. This possible contribution is, although, something that does not get recorded from EU sources on if they were a source of information or not.

A key source for this work is the final report of the ‘Whole-of-Society Conflict Prevention and Peacebuilding’ (WOSCAP) Project of the Global Partnership for the

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<sup>67</sup> Resolution 2100 Security Council Establishes Peacekeeping Force for Mali Effective

Prevention of Armed Conflict (GPPAC), supported by the EU with the overall objective of enhancing the capabilities of the EU for implementing conflict prevention and peacebuilding interventions through sustainable, comprehensive and innovative civilian means.

The EU invited an international NGO to do this research and assessment, not only because of its independence but also in recognition that the Union, as an intergovernmental organization, counts on the expertise of certain NGOs, even for purposes of evaluation of its own mandates and work.

Military interventions have been increasingly considered as legitimate under certain circumstances in situations where human rights are being abused and violated. This reasoning together with a broader internationalisation of defence and security has influenced the shaping of the CSDP. Although the EU has not set any explicit criteria for decision-making on military intervention, Javier Solana, the former EU High Representative for the Common Foreign and Security Policy placed military action under the ‘values and principles’ of the EU.<sup>68</sup> In the Malian case, the military intervention was only put in place so that capacitation and training of the country’s armed forces could take place, including the safety of personnel allocated to that mission.

The ESS didn’t provide a framework for decision-making on civil or military CSDP although it recognises that civilian instruments are the preferred means to strengthening international order (European Security Strategy, 2003).

The Sahel region is a politically and economically strategic region, particularly for France and Germany. These two Member States of the EU view this particular region as posing a significant potential threat to their own security and a relevant source of migration and terrorism. African states have also contributed to an international sense

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<sup>68</sup> “The Union has to be prepared to use military assets and resources (...) The deployment of troops will only ever be undertaken when the situation absolutely demands it. But our credibility in being able to offer a comprehensive response depends on our ability developing a military crisis management capacity at a European level (...). We are not in the business of doing this for its own sake. But in support of the values and principles for which the European Union is respected worldwide”. Javier Solana, ‘Reflections on a Year in Office’ (2000) speech at. Swedish Institute of. International Affairs and Central Defence and Society Federation, 27. October 2000, Stockholm, available at: [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/discours/001026%20Stockholm.htm](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/discours/001026%20Stockholm.htm) – last consulted October 2018

of peril from that area when they have demonstrated a continuous loss of trust in the ability of their own regional and continental organisations to guarantee their security in dealing with issues that arose over the last decade or so. These countries have been choosing to try new collective defence mechanisms, known by specialists as ad hoc forces.

The WOSCAP 2017 (Djiré et. al. 2017) report contains the research findings on the EU interventions in conflict prevention and peacebuilding in Mali and focuses on: Multi-track Diplomacy, Security Sector Reform and Governance Reforms.

The Mali case study in that report (Djiré et. al. 2017) aims to establish if and how EU interventions contribute to preventing conflict and consolidating the peace process in Mali, and it offers preliminary ideas on if and how EU interventions in this field might be improved. It is a report that was based on desk review and field research, with interviews with the representatives of both local and international actors. Further, the WOSCAP project focuses on possible areas for improvement and recommendations regarding EU capabilities.

The examples of international interventions can be discussed as cases with good intentions, but that in the end produced mixed results on the ground. Possible reasons for this, some scholars say, are the gaps between the initial intentions and the implementation on the ground or even between the implementation and local perceptions. When it comes to the first, this probably happens due to mismatches between EU policy intentions and what effect the implementation of these policies actually have (see for example Hill 1993), the second type of gaps reveals the inability of an international actor to both understand how key concepts such as ‘security sector reform’ and ‘border management’ are understood on the ground as well as translating its own policies and its mandate into policies that makes sense for people on the ground (Djiré et. al. 2017).

## 6.1 The Sahel and the Mali Crisis

There are few regions around the world where the correlation between development and security can be as obvious as in the Sahel region. This is a region that can be portrayed as having weak governance, chronic food insecurity, poverty and

extreme climate conditions. It presents a wide variety of transnational challenges that include migration flows, arms and drug trafficking, jihadist terrorism and Tuareg rebellions. These problems were outlined in the Draft Report on the situation of human rights in the Sahel region (January 2014) (in Report on the situation of human rights in the Sahel region, 2013), where the European Parliament named the Sahel region as ‘one of the poorest regions in the world’, that faced serious problems regarding ‘the rule of law, security and armed conflict, as well as economic and social development’.

A very relevant trigger for the aggravation of problems in this region was the Libyan crisis that has escalated the usual challenges due mainly to the ‘flood’ of migrants to Mali and several groups of ex combatants (mainly Tuareg) that fought for Ghadaffy and then moved to Mali with weapons and ammunitions.

Mali, which in 2006 was a country portrayed by the American development agency USAID as “one of the most enlightened democracies in all of Africa” (in Koenig, 2016, p.114), became the centre of regional instability and a crucial objective for the European crisis management.

### 6.1.1 Background of a crisis

The Republic of Mali is one of the largest countries in Africa south of the Sahara with a surface area of 1.241.238 km<sup>2</sup> and almost 7000 km of borders. Its population was estimated in 2009 at 14,528,662 inhabitants. It is one of the more deprived countries in the world, ranking 179 in the UNDP’s Human Development Index of 2015 (Human Development Report, 2015). Despite considerable progress over the last few years, the majority of Malians don’t have an adequate access to basic social services such as health, education, electricity or even drinkable water. Mali’s GDP has had an average growth rate per year of 3.6%, with 80% of the active population contributing on average 40% to 45%. Gold, the main mining resource of the country, contributed to 5.7 % of the GDP<sup>69</sup> in 2016. It’s a landlocked country that borders with seven states. Around 60% of the territory are considered desert areas (Kidal, Timbuktu and Gao regions).

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<sup>69</sup> Available at: <https://af.reuters.com/article/commoditiesNews/idAFL5N1LT27D> - last consulted December 2018

Mali is a unitary state but to ensure better governance, it has apparently chosen extensive decentralization as a path. The country has eight regions, 49 districts and 703 communes. Bamako is the capital and enjoys a special status with similar powers to those of the regions. All these local authorities are legal entities and enjoy management autonomy. Decentralization intended to give the country an institutional framework suited to the expression of democratic freedoms and the conduct of sustainable development actions, but it probably contributed largely to the political and security crisis experienced by the country since March 2012.

Mali can also be characterized by its great ethnic diversity, with sedentary populations mainly in the south and in the centre of the country, practicing agriculture and forestry, while also having nomadic populations established mainly in the northern and central part of the country, practicing pastoralism. For several centuries, these different ethnic groups have gotten along quite well, with conflicts from time to time. Inter-ethnic integration and mixing reached such a degree that some Malian politicians did not hesitate to speak of the existence of a Malian nation in the past.

With the end of colonization, France had the idea of the creation of a Saharan State that could comprise the Saharan regions of the present states of Mali, Algeria, Mauritania and Niger. There were a considerable number of Tuareg tribal chiefs that adhered to this project that was later abandoned by the French government. The historical exclusion of Tuareg tribes is generally presented as an element that justifies the different armed movements that have developed over the years (Keïta, 2005, p.3).

Beyond geopolitical and actual economic factors, it is necessary to highlight that the Tuareg society has always been a very hierarchical society, one with a well-established aristocratic class. Some Tuareg leaders, just to bring an example, were against the principles of equality and citizenship advocated by the new independent state (Keïta 2012). Reports of military repression by the government against the Tuareg rebels in 1963 and 1964 was pointed as something that laid the seeds for future rebellions, including the one in 1990 which was replaced by the National Pact between the Malian Government and the rebel movements.

This 'National Pact' was able to make the rebels put down their weapons and tried to integrate them into the national army and different central or local

administrations. A development Program for the country's northern regions was also initiated. Despite significant progress, the implementation of the National Pact experienced various problems, basically because the Tuareg were not satisfied with the end results and started to contribute to insecurity in the region. A renewed rebellion emerged in 1996 and years afterwards several serious confrontations ignited between 2006 and 2009, as the central Government was apparently unable to provide suitable answers to the rebels' claims.

All the portrayed dissatisfaction has eventually led to the formation of the Tuareg separatist National Liberation Movement of Azawad (MNLA) in 2011, a movement launched in a context of severe weakening of the Malian State and the surge of Jihadist and Salafist groups (Konaté, 2013 cited in Bourgeot, 2013).

Through most of the year of 2012 Mali was in a state of deep crisis. Its political institutions were tumbling following a military coup in March of that year. Its territorial integrity was in danger, threatened by a secessionist conflict in the north with the National Movement for the Liberation of Azawad (MNLA) and other actors, and its people were being displaced and facing severe hunger and violence.

There have been recurrent episodes of conflict in northern Mali since the 1960's, with Tuareg rebellions, and periods of revolt and unrest, in particular from 1990 to 1996 and from 2006 to 2009. The 2012 crisis finds its roots in a few interlinked processes that include the long-term problems in Mali's governance institutions, the grievances built over the decades in the north, in fractious political relations between the central government and communities in the north with evident signs of failure from the government to stop the expansion of cross-border criminal and extremist networks. One could ask if the previously mentioned USAID report of 2006 didn't register or notice these grievances and failed government structures back in that year.

So, the issues in the Mali crisis basis include the long-term neglect of the north by the government, the role that Islam has in national politics and society and also the government's failure to make good on compromises of greater decentralization and funding for development (Thurston and Lebovich 2013).

Recently Mali is continuing to live through the major security and socio-political crisis that it has come to experience since January 2012. Mali's predicaments are the

regular and endemic vulnerabilities of the Sahel region. These vulnerabilities are, amongst others, drought, food insecurity, economic crises, poor governance, illiteracy, lack of development prospects and incapacity of the elites since independence to unify the communities into a national project. They serve to justify the claims of the rebel movements which have erupted up in northern Mali at different times (1963, 1990, 1996 and 2012) (Konaté, 2013).

### 6.1.2 The Crisis

Northern Mali started to suffer the consequences off the civil war in Libya that broke out in 2011: In association with the Libyan conflict around 420.000 people had already returned from Libya to the Sahel region by December 2011 (UN 2012). Around 30.000 of those are believed to have crossed the borders to Mali and mostly were young and under-educated that came to represent an additional challenge to the local communities of Northern Mali. It was the loss of power from Libyan leader Muammar Ghadaffy and his fall that provoked the return of the Tuareg of Malian origin, among those returnees, who had been incorporated in the Libyan army.

These combatants returned from Libya with powerful military equipment and their subsequent alliance with the rebel movements in the region proved much stronger than the Malian armed forces.

In January 20012, the MNLA attacked the military installations of Ménaka and Aguelhok. This Tuareg-led offensive, supported by national and foreign Jihadist groups, forced government troops to retreat and to surrender several strongholds. The weaknesses of the Malian army became evident by the lack of equipment, but also because of corruption and incompetence of part of the military hierarchy.

The poor organization of the army and lack of motivation of the soldiers was also clear as a strong sentiment of frustration within the troops led to a mutiny of soldiers and junior officers of the Kati camp, who demanded equipment and improvement in their conditions. With the lack of resistance becoming evident, the insurgents set up a National Committee of Democratic Reform and State Restoration (CNRDRE) and deposed president Amadou Toumani Touré on 22 March 2012,



effectively transforming their mutiny into an actual coup d'état (Kéita, 2013; Sidibé, 2013 cited in Djiré et. al. 2017, p.10).

This 'coup d'état' originated a series of arrests of key figures of the former government but also of other politicians and economic operators. Several military leaders were deposed but this created even more confusion within the army and contributed even more to the quick and effective occupation of the cities in the North by the separatists, Jihadists or even drug lords. The MNLA unilaterally proclaimed the independence of the northern regions of Mali under the name of Azawad on 6 April 2012.

In the South of Mali, the resistance to the 'coup d'état' was organized through the Front for the Republic's Defence (FDR), a coalition comprising several political parties and civil society organizations. However, this resistance wasn't strong enough to fight back the supporters of the coup, mostly because they enjoyed the apparent support of a large proportion of the population.

The political and social forces supporting the leaders of the 'coup d'état' also organized themselves into the Coordination of Patriotic Organizations of Mali (COPAM). In the South of the country, the society was divided between the two opposing camps with several groups trying to navigate in the middle.

A counter coup d'état perpetrated by an elite corps named "Red Berets", who were supposedly close to the deposed president, was ferociously repressed. The leaders of the original coup took advantage of this attempt to carry out a thorough purge within the army with reports of torturing and massacring those who had not shown loyalty to them. This situation further disrupted the army which surrendered all its positions in the North and even military installations and bases in the centre of Mali (Djiré et. al. 2017, p.10).

Therefore, main western donor agencies decided to suspend their economic and financial cooperation with Mali until the re-establishment of democracy. Under pressure

from the international community, the military leaders of the coup d'état accepted to withdraw and to leave the power in the hands of a transition government.<sup>70</sup>

In October 2012, the EU Foreign Affairs Council (FAC) issued a communication stating that the EU was convinced of the need for a rapid response to the security challenges and terrorist threat in Mali within a framework to be defined by the United Nations Security Council (UNSC). Soon afterwards, the UNSC adopted Resolution 2071 (“Resolution 2071 (Mali) S/RES/2071,” 2012) that came to authorise the Economic Community of West African States (ECOWAS) and the African Union (AU) to develop a plan for military intervention in Mali.

According to the WOSCAP Report (Djiré et. al. 2017, p.11), several Jihadists groups took over the town of Konna in the Mopti region in January 2013, as part of advances in the centre of the country. Faced with this advance, the transitional government led by interim President Dioncounda Traoré requested France's intervention, a country with historical ties from the colonization period. With this escalation of violence and against such background, the UN adopted Resolution 2085 (on 20 December 2012) (Resolution 2085 (2012) / adopted by the Security Council, 2012) authorising the deployment of an African-led International Support Mission to Mali (AFISMA).

Almost immediately after the start of the crisis in 2012, the EU started a plan for a EUTM to provide training and advice to the Malian armed forces.

While the EU was facing some delays (or inertia) with the preparations for the deployment of the EUTM, France responded to the request for assistance issued by the EU's African partners represented by Mali's President and supported by ECOWAS and the African Union (AU). Apparently, France did not give any sort of explanation for why it was going to take this military action on its own, rather than within the EU framework. Similarly, the EU did not give any indication as to why it would not act in this instance despite its commitments to African crisis management.

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<sup>70</sup> Two weeks after the March 2012 military coup, military leadership handed power to a transitional government, appointing an interim President and Prime Minister. However, the junta proved unwilling to cede control of Bamako completely to civilian control. The posts of Defence Minister, Security Minister, and Minister for Territorial Administration were handed over to members of the military close to the junta.

The French military operation, codenamed ‘Serval’ provided a powerful military response from a EU Member State. Konna was quickly recaptured and the Malian army started following the French forces that led to successively recapture of three important cities in the North (Gao, Timbuktu and Kidal).

The WOSCAP report argues that apparently, for the people in Mali, the true objective of such operation wasn’t reconquering the whole territory but to hunt Al Qaeda in the Islamic Maghreb (AQMI) combatants and to destroy all of their resources in arms, ammunition, fuel and food. For France, which initiated Operation Serval, it seems, this was all a matter of “finishing the job” in the context of an anti-terrorist war.

After the defeat of the Jihadist forces there seemed to be conditions for a dialogue between the government and the MNLA. On 18 June 2013, a preliminary agreement was signed in Ouagadougou (Burkina Faso) between the Malian Government and the Tuareg armed movements. Nation-wide elections in the second half of 2013 contributed to the restoration of democracy in the country. In 2015, the international community, led by Algeria (that acted as mediator), the ‘National Peace and Reconciliation Agreement’ was signed in Bamako, first by the Malian Government, the armed groups favourable to national unity, and by mediators (15 May 2015) and only later by rebel armed groups (20 June 2015).

This ‘National Peace and Reconciliation Agreement’ constituted a sort of a road map for the complete reform of the Malian State. It was intended to affect all segments of the country's development; providing “a framework for the return to peace and security, for implementing a veritable national reconciliation, restoring social cohesion, reaffirming national unity and allowing reconciled Malians to place their country on a growth and sustainable development path.” (Djiré et. al. 2017, p.11).

The quartering of the armed groups suffered many problems. Different parties to the agreement have engaged in recurring mutual accusations. Finally, recurrent attacks by the Jihadist groups, including against a hotel right in the middle of Bamako (20 November 2015) and in several towns in the North and South during 2016, have demonstrated that peace had not yet been attained (United Nations 2015, p.6; United Nations 2016, p.1).

In order to understand Mali's continued vulnerabilities, one has to look to other aspects beyond the Tuareg frustration and claims. Jihadist aspirations to gain influence in other Sahel countries was also an important aspect to be taken in consideration. The Sahel region lies on the edge of the Arab world and sub-Saharan Africa, so it is only natural that it will be subject of some Arab influences, especially through Islam.

The WOSCAP report also exposed the fact that the North of Mali "suffers from a clash of diverging interests, ideological influences, and religious models. The depth of this confrontation only started to be felt with the appearance of radical Islamic groups and, above all, the terrorist actions and taking of hostages. Beyond the influence of AQMI, the situation in Mali also relates to the longstanding 'Wahhabi' expansion project<sup>71</sup> in the area (Sambe 2012 cited in (Djiré et. al. 2017, p.12).

To the outside world the Malian crisis was seen as two distinctive but somehow interconnected 'episodes': mainly a security crisis in the North of the country with the presence of armed groups, and an institutional crisis followed by the coup d'état of 22 March 2012.

"The armed rebellion in January 2012 and the vain attempts at retaliation of the Malian Armed Forces (FAMA) revealed the military's serious shortcomings. The military, in fact, proved to be incapable of safeguarding the territorial integrity of Mali and of ensuring the protection of the population. These shortcomings arise from the chaotic state of the army, characterized by a lack of discipline, endemic corruption, nepotism, and the breakdown of relationships between senior officers and the troops", the WOSCAP reported (Djiré et. al. 2017, p.13).

It was clear to any observer that the combination of all these factors led to the occupation of two-thirds of Malian territory by various armed groups. The security situation in Mali was, evidently, the result of a slow erosion of the State authority and its defence capacity, to which the radicalization of different movements in opposition to the central government was also a factor.

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<sup>71</sup> Wahhabism is an Islamic doctrine and a religious movement founded by Muhammad ibn Abd al-Wahhab. It has been described as ultraconservative, fundamentalist, austere or puritan. It is perceived by many as an Islamic reform movement that aims at restoring "pure monotheistic worship" by devotees.

According to the ICRC, displacement is “(...) a recurrent consequence of armed conflict and other situations of violence. Civilians are brutally uprooted and forced to flee their homes as they try to avoid the dangers generated by the conflict. In most cases, displacement is an inherently unstable and unsustainable set of circumstances, from the point of view of both those displaced, and the authorities concerned.”<sup>72</sup>

Displacement can be caused by two forms when dealing specifically with armed conflicts<sup>73</sup>:

- As a direct consequence of war and hostilities, due to actual violence or as an anticipatory measure caused by fear or threats;
- As a secondary consequence, due, for example, to the exhaustion of resources or to poor access to essential and crucial services.

The definition most commonly used within the international community is the one provided by the 1998 UN Guiding Principles on Internal Displacement: “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”<sup>74</sup>

#### 6.1.2.1 Overview of interventions in Mali, and the role of the EU

The Malian crisis and Jihadi terrorism associated with it created widespread concern in the international community, namely in the EU institutions, and led to several actions and interventions from international stakeholders. Although the focus of this research is on the role of the EU and of EU Member States in efforts to support the Malian State and to resolve the crisis it would be inappropriate not to consider other organizations due to their part in this process.

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<sup>72</sup> Available at: <https://casebook.icrc.org/case-study/icrc-ihl-and-challenges-contemporary-armed-conflicts> - last consulted July 2018

<sup>73</sup> Available at: <http://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html/> . last consulted July 2018

<sup>74</sup> Available at: <http://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html> - last consulted July 2018

The French military operation ‘Serval,’ which significantly contributed to the retreat of the Jihadi groups in Mali, clearly stands out but the United Nations Integrated Multidimensional Stabilization Mission in Mali (MINUSMA) plays a key role in the developments since the start of the crisis.

The international community also contributed significantly, playing a key role in the dialogue initiatives and peace negotiations throughout the process. It is vital to see and understand that the role of the European Union was played in this broader interplay of international actors, in which other countries and organisations also play important roles. So, before focusing on EU intervention (with the help of the WOSCAP report) a brief review of the roles of the most important international actors and initiatives that have played a role in the still going resolution of the crisis in Mali, namely the Economic Community of West African States (ECOWAS), AU, UN, G5 Sahel, France and other countries can be helpful.

We have to bear in mind that all these actors – at least on paper – had the stabilization of the conflict as a primary objective, closely followed (and planned since the beginning) by the development of Mali as country, trying to build and reinforce the government and other bodies/agencies in their trail to growth and the reducing of poverty. Its recovery was based on a frame of collaboration but mostly of coordination among the different stakeholders: “On the one hand, there are mechanisms for coordinating developmental interventions and, on the other hand, mechanisms for coordinating security interventions. In development, Mali is one of several African countries in which the coordination of its Technical and Financial Partners (TFPs) with the Government and amongst themselves is very closely knit. Coordination is based on a “troika” type organisation and relies on technical mechanisms in the form of the unit of the Strategic Framework for Growth and Poverty Reduction (SFGPR) of the Department of Finance, the technical pool of TFPs, and the Secretariat for the Harmonisation of Aid (SHA)” (Djiré et. al. 2017, p.14).

This collaboration and coordination also allows for ongoing collaboration across technical and financial partners, NGOs and state technical services as it proves to be necessary when implementing anything in situations like this crisis.

### 6.1.2.2 Key International actors

#### 6.1.2.2.1 Economic Community of West African States (ECOWAS)

Since the start of the Malian crisis, the Economic Community of West African States (ECOWAS) played a role in it. This organization monitored the Malian situation through the African Peace and Security Architecture (APSA) and its vast experience in crisis management. The WOSCAP report notes that ECOWAS gave early warnings to the Malian authorities but that did not lead to any suitable action on their part to face the escalating situation.

A senior official of ECOWAS reported to the WOSCAP team that in Bamako, in December 2011, everything was on high alert. “On 17 December 2011 a warning mission was in Bamako to meet with the authorities, but also, apparently, with civil society and political parties to. Regrettably, these were not received favourably by the Head of State at that time” (Djiré et. al. 2017, p.15). It wasn't, in any case, ECOWAS's responsibility to force a Head of State to take perceived adequate measures. ECOWAS issued an alert to the Malian government in the day prior to the coup d'état. After the coup d'état ECOWAS even, instituted sanctions against the military junta and decreed an embargo<sup>75</sup> against Mali.

Apart from their decisive role (at the basis of the appointment of the President of Burkina Faso as mediator), ECOWAS also developed a plan for international military deployment of an ECOWAS Mission to Mali (MICEMA).

The appointed mediator, nevertheless, managed - after several negotiations - to get the Junta to withdraw and compromise with the effective restoration of constitutional order in exchange for the promise to form a new government and amnesty for the acts committed (the coup d'état was until then qualified by the Malian constitution as a criminal offence).

This plan forecast a deployment of an international force of 3300 men on the country, and under the leadership of the African Union (AU), to support the Malian army. The ECOWAS Mission (MICEMA) was not deployed, but the initiative was determinant to ‘pave the way’ for the deployment of MINUSMA (United Nations

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<sup>75</sup> Decision of embargo was taken by ECOWAS in April 2, 2012 in the ECOWAS Dakar extraordinary meeting.

Integrated Multidimensional Stabilization Mission in Mali). ECOWAS was also involved in negotiations with Algeria which led to the Peace Agreement and participated in the monitoring of the implementation of this agreement.

ECOWAS also managed to play a crucial role in the resolution of the crisis, by contributing to an international consensus on behalf of the Malian cause. ECOWAS also acknowledged some weak points of its intervention which were revealed by this specific crisis (like insufficient training of the armed forces of most Member States or insufficient coordination between ECOWAS and the African Union, but also an apparent insufficient political mobilization of certain African States which are geographically close to the country) (Djiré et.al. 2017).

#### 6.1.2.2.2 African Union (AU)

The African Union intervened at several stages of the Malian crisis. Firstly, it denounced the coup d'état and worked with ECOWAS and other international players for the return of the constitutional order. The African Union also supported a military mission, something which also impacted on the ECOWAS plans. “The AU sought to overcome Algeria’s reluctance [to MICEMA] by making it a continental initiative, transforming MICEMA into the African-led International Support Mission in Mali (AFISMA). Finally, and in order to facilitate the provision of support from the UN, the AU, in collaboration with the Malian government, ECOWAS and other international actors developed a strategic concept that framed the military action in a more global perspective” (Theroux-Benoni, 2013).

The deployment of the African-led International Support Mission to Mali (AFISMA) was decided by the UN by means of resolution 2085 of 20 December 2012 (SC Resolution, 2012). The Jihadi offensive of 2013 however led to an immediate military action by France upon request of the Malian transitional government. When MINUSMA was deployed in July 2013, it absorbed AFISMA.

The African Union Mission for Mali and Sahel (MISAHHEL) was created after the transfer of authority from AFISMA to MINUSMA and to maintain a presence of the AU and to support Mali and the other Sahel countries in their development and stabilization efforts. MISAHHEL managed the AU strategy for the Sahel region and



aimed at supporting Mali in the crisis recovery process. The MISAHHEL mandate included three main components detailed in the WOSCAP report as follows:

- a. The political component aimed at supporting the consolidation of peace gains; the promotion of the rule of law and contribution to the strengthening of democratic institutions in the Sahel region, including human rights protection, capacity building of national human rights institutions, the judicial system and civil society organizations. This component also concerns humanitarian matters, especially in the North of Mali.
- b. The second component of MISAHHEL is devoted to security in Sahel. It is aimed at coordinating the efforts of the AU linked to security challenges, in particular conflicts, terrorism, organized crime, as well as different types of trafficking.
- c. The third and last component is related to development problems in the Sahel, and deals with matters concerning the environment, such as the deterioration of the environment, as well as under-development in general (Djiré et. al. 2017, p.16).

#### 6.1.2.2.3 United Nations (UN)

The UN played and keeps playing a fundamental role in the Malian crisis. The Security Council created MINUSMA by means of resolution No. 2100 of 25 April 2013.

MINUSMA was officially deployed on 1 July 2015, two years after its approval by the UN Security Council, and with a mandate that included up to 11,200 members of military personnel, including reserve battalions that could be rapidly deployed within the country, as and when required, and 1,440 members of police personnel. It was also detailed that several soldiers, police force and organic civil and support components would largely operate in the North of the country.

MINUSMA, prioritized the protection of the main urban centres and the communication routes. The mission assigned from the beginning by the Security Council to MINUSMA was to help the Malian transitional authorities to stabilize the country and to apply the road map for the transition, setting up essential conditions for

channelling humanitarian aid and the return of displaced persons, the extension of the State authority and preparation of free and peaceful elections, open to all. At the same time, it was supposed to protect civilians and to monitor the human rights situation (Djiré at. Al. 2017, p.18). Following resolutions of the Security Council modified the MINUSMA objectives in accordance with unfolding events and needs.

With Resolution 2227 of 29 June 2015, the Security Council stipulated that MINUSMA would carry out tasks concerning the following areas described in full in the WOSCAP report (2017):

#### 6.1.2.2.4 G5 Sahel

To a large extent, the creation of the G5 Sahel was one of the consequences of the Malian crisis. Created on 16 February 2014 in Nouakchott as an institutional framework for coordination of regional cooperation in development policies and security matters in west Africa. It is constituted by five Sahel countries: Burkina Faso, Chad, Mali, Mauritania, and Niger. Its objectives were to:

- Guarantee conditions of development and security in members states;
- Offer a strategic intervention framework in order to improve populations' living conditions;
- Link security and development, supported by democracy and good governance within a mutually beneficial regional and international framework;
- Promote an inclusive regional and sustainable development.

The G5 Sahel contributes to the implementation of security and development actions in the Member States, in particular through:

- Strengthening of peace and security in the Sahel G5 countries;
- Development of transport, water, energy and telecommunications infrastructure;
- Creation of conditions of better governance in the member countries;

- Strengthening the resilience of populations by sustainably guaranteeing food security, human development and pastoralism.

G5 Sahel was and still is heavily supported by France, through the Barkhane operation. Regarding defence and security, the G5 Sahel has also, for example, set up a military cross-border cooperation partnership (PMCT) which has already attained certain results (Djiré et. al, 2017). The G5 Sahel joint force (FC-G5S) was launched in early 2017 and is presently supported by two UN Security Council resolutions. The force represented an important step toward addressing the worrying instability that affects Mali and the Sahel in general political cooperation between its five members. Its creation is part of a growing appetite both within and outside the continent for this new generation of military response in a global context that is increasingly sceptical of both the effectiveness of the UN peacekeeping doctrine and its suitability to asymmetrical conflicts and terrorism.

France and other European countries with a presence in the Sahel are struggling to decrease the number of their troops and to bring down the expense of their overseas operations by assigning them partially to their African partners and replacing them with the use of drones. The success or failure of the new force will largely depend on how it positions itself in this crowded security field, and on its coordination with the armies already in place since 2013 (35 per cent of the troops for this UN mission are provided by the members of the G5 states). Any logistical support that MINUSMA might provide could not be regional, for example, because its stabilisation mandate only covers Mali.

To be effective, the FC-G5S needs the trust and support from local populations, whose rights must be carefully respected; eventual mistakes and abuses will drive people in this region toward giving their loyalty to jihadist groups, which are skilled at offering protection and promises (Gutelius, 2007).

Since its creation, the influx of cash, mainly from the EU and its member states, will almost certainly allow the G5 to fund its first year of operations as it is set in its budget.<sup>76</sup> The G5 states have also recently been able to improve the conditions of cooperation with the international community for effective use of those funds, following an earlier disagreement between the EU and G5 over the management of funds given by

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<sup>76</sup> Available at: <https://www.un.org/press/en/2018/dsgsm1150.doc.htm> - last consulted April 2018

donors. The solution agreed in early in 2018 and dictated that the G5 would set up a fiduciary fund for donations and the EU would establish a “coordination hub” that would channel all international donations. This mechanism will hopefully be able to alleviate the risk of duplication and wasted investments.

Despite the wide mandate of the G5, its initial operations have remained focused on the border regions with Burkina Faso and Niger. Such operation have met major logistical, information sharing and cooperation issues, but they have showed better interoperability and autonomy by the end of 2017.<sup>77</sup>

The military situation in Mali continues be serious. Armed attacks from jihadist groups continue to increase in Mali as well as in northern Burkina Faso. Some military operations in G5 areas have also driven refugees into areas of Mali which are already wracked by food insecurity, crime, and growing communal conflict.

In other areas lengthwise the Mali-Niger border, some deadly attacks against French forces have prompted major offensive operations against militants operating along Mali’s borders with Algeria and Niger. These operations have joined French forces with armed groups aligned loosely with the Malian government, and even with others involved in the peace process. These operations have therefore fragmented the very communities who could help play a role in restoring stability. As G5 operations continue, the tactical need to work with “friendly” local armed actors could end up further destabilising local security arrangements in the name of combatting terrorism. Such complicated local arrangements could also undermine European efforts to restore governance in conflict-ridden areas. While the G5 Sahel Conference (in February 2018, in Brussels)<sup>78</sup> included a praiseworthy weight on discourses about governance and establishing trust between local populations and G5 forces, this emphasis must still be extended further than just high-level meetings.

There is a clear perception that without a sustained emphasis on tactical training through the EU Training Mission (EUTM) as well as real security sector reform in Mali,

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<sup>77</sup> Available at: [https://www.ecfr.eu/article/commentary\\_g5\\_sahel\\_much\\_done\\_more\\_to\\_do](https://www.ecfr.eu/article/commentary_g5_sahel_much_done_more_to_do) - last consulted April 2018

<sup>78</sup> Available at: [https://ec.europa.eu/commission/news/conference-internationale-de-haut-niveau-sur-le-sahel-2018-feb-23\\_en](https://ec.europa.eu/commission/news/conference-internationale-de-haut-niveau-sur-le-sahel-2018-feb-23_en) - last consulted June 2018

attacks by militant groups will continue, maintaining all the insecurity and governance in the region.

#### 6.1.2.2.5 France

France played a vital part in this crisis, both in military terms, through both operations Serval and Barkhane, and as well as in political terms, through its role in the negotiations and the implementation of peace agreements. To start with the military component, French military operation Serval, launched on 11 January 2013 at the request of Mali's interim authorities, was a determining factor in the liberation of Mali's occupied regions. The operation unfolded rapidly and was carried out with the support of the forces of ECOWAS and Chad.

Next, on 1 August 2014, France launched the Barkhane operation. Adding to Mali, this second French military operation covers Burkina Faso, Niger, Chad and Mauritania. It aimed at favouring the fight by G5 Sahel partners against armed terrorist groups (ARG), throughout the Sahel-Saharan Strip (SSB). The notion of partnership is considered as the basis for the Barkhane operation. Barkhane coordinates with other forces engaged in the stabilization process in Mali: MINUSMA, EU Training Mission (EUTM) Mali and Malian Armed Forces (FAMA). In terms of its size, Barkhane is presently the largest French army operation outside of the country, with 3500 soldiers (Djiré et. al. 2017, p.19).

France also participated in different negotiations between the actors of the Malian crisis. It has supported the electoral process and supports the monitoring and implementation of the Bamako Peace Agreement, signed in May 2015 (Agreement for Peace and Reconciliation in Mali, resulting from the Algiers Process). It supports Mali in different areas of socio-economic and cultural development, both at a central level and at territorial and regional authority level. The Malian crisis, the WOSCAP report argues, has been an occasion for significant rapprochement between Mali and France.

The main reasons that forced France to intervene are tied to its national interests, mainly, trying to ensure the safety of the more than 6,000 Frenchmen living in Mali at the same time as it was trying to put a stop to the advance of terrorists whose agenda is explicitly hostile to neighbouring European countries including France.

France, obviously had critical interests in the region also, the uranium mines in the neighbouring Niger (France is 75% nuclear-powered), are one example of such claim. At that time near 1/3 of uranium for French nuclear power stations was coming from mines based in northern Niger (Elischer 2013, Boeke, Schuurman 2015, p.806-7, Chivvis 2016, p.76 cited in Henke, 2017, p.315). With the key mine in Niger about 200 miles away from the Malian border, France was apprehensive that rebel forces could attack the mine and take hostages (Lasserre and Oberlé 2013, p.49 cited in Henke, 2017, p. 315).

These commercial relations strengthen France's position in Africa at a time when it has lost much of its traditional influence towards China and the United States, and strengthen the historical ties between France and the West African countries (Mali, Niger, Senegal, etc.) (Henke, 2017, p.313).

It is interesting to note that the French Foreign Office, the 'Quai d'Orsay', was until the last minute opposed to a French-led intervention, lobbying for a different "multilateral" respond to the Malian crisis (Lasserre, Oberlé 2013, p. 191) quoted in (Henke, 2017). This position is founded on the very serious security concerns that could affect France in case of a military intervention. But, after the new Mali government declared its full commitment to the Malian army in its support to retake all the regions in rebel groups control, it was, in 2013, increasingly clear to France and also to the larger international community that something had to be done about Mali.

From a French perspective, Mali posed a risk to the entire Sahel region due to the strong possibility that a downfall of the Malian state could lead to an unravelling of Mali's neighbouring states including Niger, Algeria and Mauritania. All of these countries were struggling with numerous types of radical Islamist movements (Lasserre, Oberlé, 2013, p.41, Boeke and Schuurman 2015, p.807, Chivvis 2016, p.9, Wing, 2016, p.60 cited in Henke, 2017, p.314).

Also, to better understand this concern over the Sahel, it is important to highlight that France maintains important economic ties with several of these states, Niger in particular and mostly due to the issue of nuclear power.

In addition to these economic fears, France also worried that the collapse of the Malian state could turn Mali into a terrorist safe heaven (Lasserre, Oberlé 2013, p.21

and 48; Chivvis 2016 cited in Henke, 2017, p.315). The problem that the French Government anticipated was that it hosted the largest Malian immigrant community in Europe and the government was worried that this community might harbour future terrorists and terrorist propaganda. Indeed, the following statement permeated French security circles: “If we don’t fight today in Mali, we will fight tomorrow in Marseille” (Lasserre, Oberlé 2013, pp.27 and 42m cited in Henke, 2017, p.315).

Finally, in the opinion of Marina Henke (2017), “there was a continuing threat of hostage taking. Over 60,000 French expatriates live in the Sahel region (incl. Mauritania, Burkina Faso, Mali, Chad and Niger).” (Henke, 2017, p.316). By the time the government of François Hollande took office, the French government immediately conceived a plan to deploy a multinational force to Mali. It was by France’s request, that the Malian President at the time (Dioncounda Traoré) wrote to the United Nations Security Council (UNSC) to ask for such a deployment, and it was approved on 12 October 2012. UNSC Resolution 2085 was issued authorizing the deployment to Mali of an African force under ECOWAS command.<sup>79</sup>(Henke, 2017).

#### 6.1.2.2.6 Other countries involved

Algeria can be seen as a country of utmost importance in the process. It played an important role in facilitating peace negotiations, and it also participated in the implementation of the peace and reconciliation agreement negotiated in its capital, Algiers.

Morocco and Mauritania were two countries that managed to play a part in all this. Morocco supported the idea of the territorial integrity of Mali and contributed to the financing of AFISMA under the authority of the AU, representing 10% of the combined pledges of the African States. Mauritania, that shares a long border with Mali, as hosted Malian refugees and cooperated with Mali on several security issues including within the framework of the G5 Sahel.

Great Britain also took part in undertaking the Malian crisis. It introduced the so-called Conflict, Security and Stability Programme in Sahel (CSSF), a fund that

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<sup>79</sup> It mandated that an actionable plan for military intervention be made by ECOWAS and the African Union within 45 days. The actual deployment was authorized via UNSC Resolution 2085, adopted unanimously on 20 December 2012.

provides development and security support to countries which are at risk of conflict or instability like Mali. This fund has its strategic plan set by the British National Security Council (NSC). The objectives and components of such Programme relate to cross-border security and the fight against organized crime, conflict reduction, and multilateral cooperation for security.

Germany, Belgium, Sweden, Switzerland, Denmark, the Netherlands, to name some, have also been partners with Mali for a long time and are also working with Mali on crisis resolution and development issues. These partners have been part of the EU interventions mentioned in the WOSCAP report. They address topics in them such as multi-track diplomacy, security reform and the governance sector.

#### 6.1.2.3 Sahel and Mali – Modus operandi of an International NGO (or advocacy network) to influence decision makers.

Upon the start of the crisis the Red Cross issued operational updates on the situation in Mali. “As clashes continue in the north of the country, the humanitarian situation of displaced people is worsening against a backdrop of food crisis. At least 60,000 people are now displaced within Mali, while more than 22,000 others have found refuge in Niger.” (ICRC, 2012b).

It also reported that there was an alarming humanitarian situation with Jürg Eglin, head of the ICRC's regional delegation for Mali and Niger, stating that "In northern Mali, the people who have abandoned their homes and their fields, and lost their livestock and their everyday activities, have no idea what to do. Many families, including some with very young children, pregnant women or elderly people, are living under trees or out in the open. Women and children have been traumatized by the fighting. In addition, those displaced are finding it hard to get supplies. The same is true everywhere the ICRC and the Mali Red Cross have been over the past few days: Ménaka, Aguelhoc, Tessalit, Inhalid, Niafunké and Léré.” (ICRC, 2012b=

The Red Cross was using its ‘knowledge’ in the field, thanks to its delegations to report through its advocacy network around the world, mostly in the UN and EU circles, the immense displacement that was happening at the start of the fighting, just as the north of Mali and indeed the entire Sahel region were dealing with a desperate food situation due mainly to poor harvests, something that the Red Cross had also been



reporting for several years already. Limited supplies in markets had triggered an increase in the prices of basic staples, weakening the situation of tens of thousands of people helping to cause dissatisfaction with the central Government in Mali. Displaced people were obviously facing hunger as a consequence of the shortage of water and pasture land and this shortage of resources would eventually lead to tensions due to the fact that animal breeding and farming were the main means of sustenance in Mali.

In May 2012 Amnesty International was reporting hundreds of thousands of people displaced by fighting's in northern Mali and dozens more had been subjected to extra-judicial executions, arbitrary detention or sexual violence including rape. In a report, Amnesty International catalogued the human rights violations committed against the backdrop of a food shortage affecting 15 million people in the Sahel region. "After two decades of relative stability and peace, Mali is now facing its worst crisis since independence in 1960," reported Gaetan Mootoo, Amnesty International's West Africa researcher (Amnesty International Report, 2012).

Human Rights Watch, in the same year, has released many fact-finding reports that revealed the atrocities committed by the several groups involved in the Malian crisis, from Tuareg rebels to Islamist groups as well as the Malian armed forces the violence disintegrated the country's society in the north and led to scarcity in medical supplies. eventually causing tens of thousands of civilians to flee to the south and neighbouring countries, with many even considering all the risks necessary to get to the EU.

Civilians in northern Mali were also reported to be victims of atrocious crimes committed by Islamists like executions, amputated limbs of civilians as punishment for defying their interpretation of Sharia law, among others. The United Nations became the most important influence actor reporting countless atrocities. According to the United Nations High Commissioner on Refugees (UNHCR), as of January 2014 at least 470,761 refugees and internally displaced Malian people remained in situations of concern, many of whom had fled to neighbouring Mauritania, Algeria, Burkina Faso, and Niger.<sup>80</sup>

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<sup>80</sup> Available at: <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-mali> – last consulted June 2018

The ICRC also continued their reports testifying that due to fighting in the North in the beginning of 2012, more than 60,000 people were displaced, giving clear evidence where these people were coming from as shown next<sup>81</sup>:

- “The ICRC and the Mali Red Cross are preparing to bring aid as quickly as possible to tens of thousands of other displaced people, including in particular approximately 26,000 people in and around Ménaka.”
- “In the village of Inhalid, 100 kilometres north of Tessalit, Kidal region, Red Cross personnel found nearly 11,000 people displaced by the fighting in the area. Another 4,200 people have taken refuge in Abanco, 125 kilometres south of Tessalit, following clashes.”
- “In the Niafouké area, Tombouctou region, the ICRC and the Mali Red Cross have uncovered more than 11,000 displaced people living in great poverty.”

With these reports these organizations have shared their knowledge with the world and were able to start campaigning for action on the situation in Mali.

As an example of such efforts, in December 14, 2012 the Red Cross was reporting that “communities in northern Mali have been struggling since the majority of farming and stockbreeding services have withdrawn from the area. The Mali Red Cross and the International Committee of the Red Cross (ICRC) have responded by distributing food to over 400,000 people and supporting a large-scale livestock vaccination campaign.”<sup>82</sup>

The reports continue by stating issues like poor security conditions in the north have driven people south or to other neighbouring countries and the arable land and livestock farming, which was the lifeblood of the household economy, were miserable due to the combined impact of conflict and repeated food crises in the country.

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<sup>81</sup> Available at: <https://www.icrc.org/en/doc/resources/documents/update/2012/mali-update-2012-02-17.htm> - last consulted June 2018

<sup>82</sup> Available at: <https://www.icrc.org/en/doc/resources/documents/news-release/2012/12-14-mali-civil-populations.htm> - last consulted July 2018

Jean-Nicolas Marti, the head of the ICRC regional delegation for Mali and Niger reported, "armed conflict, unpredictable weather conditions and economic instability have exacerbated an already difficult situation" and continued by saying "(...) so we must keep supporting communities to help them cope with the crisis and sustain their livelihoods."<sup>83</sup>

After the outbreak of the crisis in the north of the country, with the departure of so many civil servants and people involved in the informal sector, economic activity was mostly absent in towns and cities in the country but mostly in the north. With this the majority of the population was dependent on humanitarian aid

#### 6.1.2.4 The spill over effect to other countries

All these problems and conflicts led people to move into Niger (around 22,000 people from the north of Mali) making the zone where these people arrived also seriously affected by the food crisis. The ICRC and the Red Cross Society of Niger have provided emergency rations of food and other essentials for 17,000 of them. The Red Cross started a public funding campaign to ask emergency funds to fight a "major humanitarian crisis" in the west African nations of Niger and Mali in January 2012.

Oxfam, another advocacy Network NGO was already in the field, and using its own grid of information, knowledge and people on the ground on a campaign that could attract the 'eyes' of the public in developed countries, especially in Europe and in the United States. The following statement is an example of this:

- "A picture released on February 20, 2012 by aid agency Oxfam shows Ahmed Di Ba, a resident of Kaedi, in the drought-stricken South of Mauritania, telling he is unable to find any pasture for his cows."<sup>84</sup>

The plea in that campaign was aimed at helping some 700,000-people threatened by drought as well as fighting in northern Mali, the International Committee of the Red Cross said in a statement<sup>85</sup> shortly after the outbreak of the conflict. Their warnings were precise and intended to put pressure in the UN – but also specifically where it

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<sup>83</sup> Ibid.

<sup>84</sup> Available at: <https://www.timeslive.co.za/news/africa/2012-02-28-red-cross-seeks-funds-to-avert-mali-and-niger-humanitarian-crisis/> - last consulted July 2018

<sup>85</sup> Ibid.

could have more effect in getting the desirable help and contributions, within the EU and the United States.

Boris Michel, the ICRC's North and West Africa head of operations stated that "the fighting has resulted in casualties. In addition, people have been taken captive and families have been dispersed (...)." The ICRC was preparing to distribute food to 84,000 people and emergency supplies to around 60,000 others, he said. The aid here was intended for people in regions in northern Mali and the Tillabery and Agadez regions of Niger.<sup>86</sup>

The Red Cross also detailed several times back in 2012 and 2013 that Tuareg rebels were enhanced by the return of some of them who had been fighting for late Libyan leader Muammar al-Gaddafi.

In the year of 2012 the United Nation High Commissioner for Refugees (UNHCR) also made updates on the rapidly changing region of the Sahel, reinforcing the calls from smaller NGOs and bigger international NGOs and advocacy networks such as Oxfam or the Red Cross. The UNHCR (UNICEF, 2012) reported the following:

- "The nutrition crisis affecting children across the Sahel belt requires an ongoing emergency response in nine countries: Burkina Faso, Cameroon (north), Chad, Gambia, Mali, Mauritania, Niger, Nigeria (north), and Senegal. The situation is further complicated by political instability in northern Mali. Latest UNHCR (United Nations High Commissioner for Refugees) figures estimate that more than 200,000 people are internally displaced within the country and a further 210,000 fled to neighbouring countries. In Burkina Faso, Mauritania and Niger, many of the areas receiving refugees are also those most vulnerable to the food crisis, and the influx of displaced families places additional strain on host communities. As a result, in several places the situation has deteriorated into a 'triple shock' of drought, high food prices, and instability. Internal displacement and significant numbers of refugees have also triggered increasing child protection and education concerns." (UNICEF Progress Report, 2012, p.8).

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<sup>86</sup> Available at: <https://www.icrc.org/en/doc/resources/documents/news-release/2012/mali-niger-news-2012-02-28.htm> - last consulted July 2018

Even UNICEF, declared that it was moving to “provide immediate relief, but to advocate on behalf of children and coordinate our efforts with partners.” For the Sahel region, UNICEF was making calls for an “enhanced humanitarian coordination and an improved security response across the region, with particular emphasis on Mali, Mauritania and Burkina Faso, where coordination clusters were formed to create an aligned international response.” (Ibid.) .

All of the actors were campaigning for decision makers in the UN Security Council but also trying to get through decision makers in Brussels, realizing that this represented a true crisis management case for the EU external foreign policy, located in its close neighbourhood with possible real repercussions for the European south border.

#### 6.1.2.5 European Union Interventions

The European Union or European countries before it, have been supporting Mali for decades now. It was the first partner of the country in terms of contribution to public development aid. The Lomé Convention in 1956 (The Lomé Convention, 1975) and the Cotonou Agreements in 2000 (The Cotonou Agreement, 2000) brought important frameworks for this cooperation. The political dimension of the relationship with the EU was increased in the Cotonou Agreement between the EU and so-called African-Caribbean-Pacific (ACP) countries, which included Mali.

Article 8 of the Cotonou Agreement states that “the parties shall regularly conduct global, balanced and in-depth dialogue leading to mutual commitments.” (The Cotonou Agreement, 2000). If the Lomé Agreements were centred on just economic cooperation, the Cotonou Agreement placed importance on the ‘political dimensions’ by supporting the democratization processes and reforms that were aimed at improving governance in general. The EU and EU Member States together presently represent approximately 80% of public aid to Mali (Djiré et. al. 2017, p.21).

Considering the results of this collaboration between the EU and Mali, it can be seen that the development indicators for Mali continued problematic, even after almost half a century of development cooperation and aid. Djiré et. al (2017) bring an example of the Joint EU-Mali Report of 2006 that stressed that “notwithstanding the presence of over 40 Technical and Financial Partners (TFPs) in Mali ...and notwithstanding significant advances in the restructuring of public finance, the consolidation of macro-

economic reforms and of the democratic and decentralization process, the reduction of poverty in Mali remains very poor (only 0.3% over the last 10 years)”. (EU-Mali Cooperation. 2006, EU-Mali Joint Report, p.23, cited in Djiré et. al. 2017, p.21).

The EU has started to be somehow more aware of the complex challenges that were flowing from the Sahel region in 2008. It was after some fact-finding missions in that region that the Commission and the Council Secretariat presented a ‘joint options paper’ in October 2010 on the security and development subjects in the Sahel. With these challenges and in the consequence of the deterioration in the security situation, that involved the kidnapping of European Nationals at its peak, the Foreign Affairs Council, decided on October 25 to task the HR and the Commission with the elaboration of a regional strategy for the Sahel.

It took six months for the EEAS to present in March 2011 the Strategy for Security and Development in the Sahel. This strategy added €167 million to the €660 million that were already allocated to that region under the tenth European Development Fund (EDF). The EDF was something that can be better understood as the financial arm of the Cotonou Agreement. The European Development Fund (EDF), “established within the framework of an international agreement between the EU and its partner countries, funds cooperation activities in the fields of economic development, social and human development as well as regional cooperation and integration.”<sup>87</sup>

The EU is also widely engaged in providing emergency assistance through DG ECHO. ECHO’s humanitarian partners have been providing food assistance, protection, education in emergencies, free health care, safe water, and the provision of first need items. As mentioned earlier more than 80% of EU humanitarian response contributes to the assistance for people in the northern and central regions of the country. An estimated 90% of health structures in the north deliver essential services and medication thanks to the support of humanitarian partners and EU humanitarian funds. EU humanitarian funding ensures basic health and nutrition care to around 990 000 people.<sup>88</sup>

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<sup>87</sup> Available at: [https://ec.europa.eu/europeaid/funding/funding-instruments-programming/funding-instruments/european-development-fund\\_en](https://ec.europa.eu/europeaid/funding/funding-instruments-programming/funding-instruments/european-development-fund_en) - last consulted August 2018

<sup>88</sup> Available at: [https://ec.europa.eu/echo/where/africa/mali\\_en](https://ec.europa.eu/echo/where/africa/mali_en) - last consulted September 2018

The European Commission's humanitarian air service (ECHO flight) serves secondary routes in the north, that facilitate the movement of humanitarian workers and provisions to the least accessible areas. The European Commission also financially supports the UN Humanitarian Air Service (UNHAS). In 2016, 4 864 passengers and 3.8 mega tonnes of cargo were transported in Mali in support of humanitarian assistance. For Malian refugees in Mauritania, Niger, and Burkina Faso, the provision of shelter, first need items, food rations, water and sanitation, protection, health and nutrition care is being maintained.<sup>89</sup> So, it became evident that Mali as well as Niger and Mauritania were the designated priority states of the mentioned strategy, but the financial support and crisis management activities were focused on mostly on Mali and Niger (Koenig, 2016) as we saw with all these examples portrayed.

Going along the timeline one can realize that the Libyan crisis somehow delayed the implementation of the Sahel Strategy and that the coup d'état in Bamako in March 2012 was the moment that 'woke up' the EU. At the time the coup was rapidly condemned by the HR/VP (Catherine Ashton), who stressed the need for "the reestablishment of the constitutional order and the holding of democratic elections as soon as possible." ("Statement by EU High Representative Catherine Ashton on the coup d'état in Mali," 2012). The EU immediately suspended the development aid to the country and made it evident that its resumption was dependent on "a credible and consensual roadmap for the restauration of constitutional and democratic order".

With the political and security crisis persisting along 2012, the EU intervention had to be intensified in Mali. Part of this intensification was the approval of the Crisis Management Concept (CMC) for a "civilian CSDP mission in Sahel, with an operational focus on Niger". This mission was later named EUCAP Sahel Niger and launched on 16 July 2012 with the mandate to support and advise the Nigerien security forces in creating an integrated approach in the fight against organized crime and terrorism (Koenig, 2016).

With the logistical and operational support in the fight against terrorist groups affecting Northern Mali only, the EU's response to the political and security crisis was still limited to diplomatic condemnations and some humanitarian aid. It was only in

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<sup>89</sup> Available at: [https://ec.europa.eu/echo/where/africa/mali\\_en](https://ec.europa.eu/echo/where/africa/mali_en) - last consulted September 2018

October of that year that the EU foreign ministers declared the situation a “threat to the Sahel region ... and consequently to North Africa and Europe”. The Council asked the HR and the Commission to provide financial and planning support to the African Union and ECOWAS as well as the planning of a military CSDP operation for the training and reorganization of the country’s security forces (“with a matter of urgency”). The draft CMC for EUTM in Mali was adopted in 20 December 2012 and anticipated the deployment of around 200 instructors for an initial period of 15 months and excluded involvement in combat operations.

This reflected the EU’s intention to play a decisive role in the reform and upgrade of Mali security forces and by setting up a training mission for the Malian army and a civil mission to support internal security forces through EUTM (European Union Training Mission) Mali and EUCAP-SAHEL (European Union Capacity Building Mission).

The missions were still in the planning process when the Islamists initiated their offensive in January 2013. France’s unilateral intervention met full diplomatic support from the EU (Koenig 2016, 118)

On 8 July 2013, with the support of the Delegation of the European Union in the Sahel, a study mission to the Malian presidency proposed a crisis exit strategy. The three primary components of this strategy, as stated in the WOSCAP report were:

1. Restoration of governance;
2. Rebuilding of the nation;
3. Re-establishment of decentralization.

In August 2013, the EU pledged its support for the Malian government and population in ending the crisis and moving towards sustainable and inclusive development (Djiré et. al. 2017, p.21).

The EU's efforts to support rebuilding of Mali, included numerous measures. In 2013, the EU gave emergency aid to Mali in the shape of a donation to the State budget for the renewal of basic services to the population and to the restoration of the rule of law. The EU also supported decentralization by favouring the return of the national



administration in local authorities of post-conflict zones, through the supply of administrative equipment, support in re-establishing basic social services, and aid to the Local and Regional Authorities Support Fund (FNACT).

The EU interventions in the Malian crisis can be grouped in four major sectors:

- Humanitarian aid;
- Policy support;
- Security;
- Development.

The humanitarian aid, according to the WOSCAP report, was based on the requirements of the most vulnerable populations in Mali and is provided whilst respecting humanitarian principles. ECHO's mission was dedicated to this cooperation component. This component was not suspended even during the crisis.

The policy support sector included continuous political dialogue on vital matters like human rights, democratic principles and rule of law, policies in favour of peace, conflict prevention and resolution, fight against terrorism, between several others (Djiré et. al. 2017, p.22).

Apart from the militaristic dimension, security in the Sahel context, and especially in Mali, are intrinsically linked to all the development problems that cripple the entire country and big parts of the region. The origins of all the issues that arose more intensively with the crisis (terrorism, rebellions, trafficking) can be traced to the state of political, social, economic and cultural underdevelopment that weakened the state institutions and increased the vulnerability of the population in Mali. The crisis revealed in particular the grave socio-economic and cultural problems within the northern region of Mali but also within the Malian army. Every actor involved could raise the question of the interdependence between development and security, highlighting the correlation between underdevelopment and the lack of prospects noticing the fact that once again that this fuel of frustration ultimately crashed into rebellion.

The international community and the Mali government have adopted, since then, a new multi-dimensional security sector reform (SSR) strategy that aims at integrating the military dimension with socio-economic dimensions and raising the need for a military support mission.

Based in all of these, the EU and some of its Member States have tried to provide political, logistical and operational support in the fight against rebels in north of the country. The EU has also been involved in the reform and upgrading of the security forces by setting up a training mission for the Malian army through the EUCAP-Sahel (European Union Capacity Building Mission) and a civil mission to support internal security forces through EUTM (European Union Training Mission) (Djiré et. al. 2017, p.23).

In particular during the negotiation process up until the implementation, the EU supported Mali through the joint evaluation mission with the World Bank and the preparation of the specific strategy for the development of the North, during the Pledging Conference in Paris and at an International Donor Conference in Brussels.

The EU employed diverse financing instruments in relation to Mali. The most determinant is the European Development Fund (EDF) that we saw previously. This financial instrument is a ‘pool’ into which all the EU Members States pay according to their GDP. It is up to the European Commission to distribute it between the African-Caribbean-Pacific (ACP) countries. The EDF has a duration of 5 years and a unit has been created to implement and monitor projects financed by the EU. (Djiré et. al. 2017, p.23).

All these financial means constitute an important evidence of the EU diplomacy and clearly show the level of commitment of the Union in Mali.

#### 6.1.2.6 EUTM - European Union Training Mission

EUTM Mali, was established by the EU Member States in February 2013 upon request from the Malian Government and based on the UN Security Council Resolution 2085 (SC Resolution 2085, 2012). Its objective was to support Mali’s Armed Forces (FAMA) in restoring state authority throughout the country, by increasing the leadership skills within FAMA, namely by providing ‘legal and leadership skills

education as well as on tactical and strategical education, training planning process, basic military principles and International Humanitarian Law' (Bøås et. al. 2018).

The EU has approved in May 2018 EUTM Mali's Fourth Mandate and last mandate so far, which will last until May 2020. It will focus on four pillars of activity: advice, training, military education and support G5S Joint Force.

In 2017, the EUTM had 575 servicemen, with contributions of personnel from 27 countries (EUTM 2018). The budget for the third mandate was €33.4 million (EEAS 2016b).

EUTM strategic objectives with the fourth mandate (2018) are to<sup>90</sup>:

a. Contribute to improving the capacity of MAF under the full control of political authorities in view to:

- 1) Consolidate the operational and strategic improvements of the MAF obtained with the support of EUTM Mali;
- 2) Contribute to the political and security stabilization of Mali, through the technical support to the implementation of the Agreement;
- 3) Support the "restoration" of state control, Rule of Law and Order over the whole territory of Mali.

b. Support the G5 Sahel, through the operationalization of the G5S JF with a view to strengthen regional cooperation to address security threats in the region, especially terrorism and all forms of trafficking, including human trafficking.

This decision to extend for two more years shows that the efforts carried out over recent months to regionalise the work of both civilian and military CSDP missions (EUTM Mali, EUCAP Sahel Mali and EUCAP Sahel Niger) in the region are meant to become more operational. The objective was to support regional security cooperation, as set out in the Council conclusions on Mali and the Sahel of 19 June 2017.<sup>91</sup>

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<sup>90</sup> Available at: <http://eutmmali.eu/en/mandates/> - last consulted - June 2018

<sup>91</sup> Available at: <https://www.consilium.europa.eu/en/press/press-releases/2018/05/14/eu-training-mission-in-mali-council-extends-mission-for-two-years-with-broadened-mandate-to-include-support-for-g5-sahel-joint-force/> - last consulted July 2018

EUTM Mali remains a nonexecutive mission and does not participate in combat nor accompany FAMA in operational zones (Bøås et al., 2018).

#### 6.1.2.7 EUCAP SAHEL Mali - European Union's Capacity Building Programme Sahel Mali

The EUCAP Sahel Mali mandate was approved in April 2014 by the Council of the European Union (Council decision 2014/219/CFSP). A mandate was established (in January 2015 as with EUTM) to support the restoration of state authority in Mali (EUCAP Sahel, 2018).

EUCAP was intended to contribute to the country's security system rather than the defence system, providing 'assistance and advice to the national police, the national gendarmerie and the national guard in the implementation of the security reform set out by the new government' with its aim at (*CSDP - The EUCAP Sahel Mali civilian mission*, 2016):

- Improving the operational efficiency;
- Re-establishing the respective hierarchical chains;
- Reinforcing the role of judicial and administrative authorities with regard to the management and supervision of their missions;
- Facilitating the police forces redeployment to the north of the country.

EUCAP Sahel Mali worked since its beginning in coordination with other international partners, mainly the Delegation of the European Union and the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) through DG ECHO.

There was a strategic review of the mission in 2016 - after the first 18 months in Mali - two main recommendations were made:

- Recommendation 1:
  - a. extend the mandate for 24 months
  - b. keep the 3 pillars - strategic advice, training and cooperation & coordination

- Recommendation 2 strengthens the mandate to:
  - Strengthen the internal security forces' capacity in the fight against terrorism & organised crime;
  - Support Mali in managing migration flows and border management;
  - Open up trainings to internal security forces from other G5 Sahel countries if invited by Mali;
  - Support regionalisation by inserting liaison officers in other G5 Sahel countries;
  - Progressively deploy advice and training to the regions of Mali.

These recommendations were merged in the renewed mandate that was adopted on 11 January 2017 by the Council of the European Union. The mandate was extended the Mission until January 2019 including in it a reference to the (EUCAP Sahel, 2018).

As we can see the necessity for extending the duration of the mission in Mali was felt but there was nothing on ensuring better support from local CSOs and to get more precise and relevant information from them.

#### 6.1.2.8 EUTF - European Union Emergency Trust Fund for Africa

The European Union Emergency Trust Fund (created in November 2015) for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF for Africa) was intended to help bring stability and to contribute to better migration management. The EU continues to see 'border control' as one of the key challenges in Mali, and in the Sahel region more broadly.

To do so, it tries to address the basis of destabilisation, forced displacement and irregular migration. The EU implemented similar activities across three regions of Africa – the Sahel and Lake Chad, the Horn of Africa and North Africa.

Border control was all along part of EUCAP's second mandate in 2017, as well as a target under the new funding tool of the EU Trust Fund. Migration management was always a core objective as in all EU external actions. While the EU's border control activities are mostly security-focused, they sometimes also include components which

aim at development, particularly in (remote) border areas. The EUTF is essentially a fund that operates through other programmes.

Several of its programmes are still active in Mali. One truly relevant is PARSEC, a EUTF programme (with a €29 million budget) that aims at supporting enhanced security and management of border areas in the Mopti and Gao regions. This programme works in co-ordination with EUCAP and EUTM but also operates as a supporting component of a larger country plan for enhancing state forces and supporting local governors' capacity to protect and administer security. PARSEC also rehabilitates and equips border posts (such as the one you can find in the Koro region). PARSEC objectives also set goals as a fluvial brigade to the Niger, maintenance of vehicles, communication, and a multi-force coordination crisis-room.

GAR-SI is a regional EUTF project (with a budget of €41.6 M) to be implemented in all G5-Sahel countries, with a component in Mali (€5 M). This project intended to train specialised counter-terrorist units (also responsible for stopping transnational organised crime) units within the G5-Sahel countries (Bøås et al., 2018). Another regional project which the EU supports through the EUTF is the G5 Sahel.

#### 6.1.2.9 Critical Review of EU Interventions: Architecture, Coordination and Coherence

Regarding the Malian crisis, the EU adopted a series of different strategies in order to achieve its goals. These strategies were based in two methods: the first one involved the use of its institutional means, through diplomacy, and the second the use of financial instruments.

As far as diplomacy is concerned, Mali has demonstrated the new possibilities opened by the Treaty of Lisbon. This is why Mali is the only country in the world (as of 2016) with two EU missions and five active instruments (CSDP Missions and Operations Report, 2017):

- 1) the permanent EU delegation;
- 2) an advisor to the EU Representative in the Sahel;
- 3) EUTM (European Union Training Mission);

- 4) EUCAP (European Capacity Building Mission);
- 5) ECHO (European Commission Humanitarian Aid and Civil Protection Office).

The delegation answers to the Foreign Affairs Council and the other two missions (EUTM & EUCAP) fall under the European Council authority.

The process of setting the objectives, and to guarantee the means to achieve them is insured by coordination between all the Member States. A permanent representative is at meetings, visits and exchanges at Bamako. Normally the heads of missions meet once a week, together with the ambassadors, in a meeting presided by the EU Ambassador (an innovation introduced under the Lisbon Treaty).

This EU joint planning can provide a reference framework for the coordination of all the EU developmental programmes in Mali. The overall objective was to assist in promoting inclusive and lasting growth which will create jobs and support the fight against poverty.

In the context of Mali, coordinated planning had the objective of supporting the reconstruction of the State, addressing national reconciliation, and the establishment of peace and security in the country. Such coordination therefore aligns with the priorities of the Government Action Plan (GAP), and it was the basis for elaborating the Common Country Assistance Strategy (SCAP) II (Mali-Luxemburg Cooperation Programme, 2015).

The SCAP (2008-2011) worked has the main reference document for the coordination of the intervention programmes of technical and financial partners with those of the Government of Mali. In 2012, SCAP's evaluation was completed, and the study on the comparative advantages was under way when the coup d'état of 22 March of that same year stopped any progress.

During the crisis, the technical and financial partners tried to keep this process with the drafting of a policy note on emergence from the crisis. In October 2013, the Government announced that the project would resume and that it would represented the response of the technical and financial partners to the Government priorities and with

consideration for the lessons learned from the crisis by all parties (Djiré et. al. 2017, p.25).

Concerning coordination, the EU adopted since the beginning an approach that jointly took into account problems and issues of multiple natures. This included the effort of establishing two missions with complementary mandates. To exemplify this approach, it is useful to consider how (French) Operation Barkhane that concerns the fight against terrorism, or the United Nations Integrated Multidimensional Stabilization Mission in Mali (MINUSMA) which addresses the maintenance of peace, were complemented by EUTM (which is about defence and concerned with the training of the army) and EUCAP (which is about security and focused on the police, Gendarmerie and the National Guard). Before initiating a mandate, the EU dispatches strategic missions to address this planning and coordination.

#### 6.1.2.9.1 Problems and Issues

This multiplicity of donors, actions and initiatives demand strong policy coherence and coordination at different levels, all with the range of relevant stakeholders involved in mind. A representative from the Embassy of Great Britain illustrated in an interview to the WOSCAP report how this coordination dynamics might function in practice.

*“We are working in close collaboration with the EU. Our work contributes to the achievement of the overall objectives of the EU. We meet on a regular basis. We have our advisor in EUTM and two training experts. We have an advisor in the delegation to support and influence decisions. We contribute to the achievement of EU objectives. At the central level, we finance MISAHHEL (African Union Mission for Mali and the Sahel). Furthermore, we meet on a monthly basis with the FTPs from all sectors. We participate on a regular basis in these meetings. By way of illustration, France is lead partner when it comes to the agricultural sector and Canada in the case of security. We participate in meetings with MINUSMA so that we are cognisant of the coordination plan.”* (Djiré et. al. 2017, p.26).

So far, the effectiveness of coordination seems evident particularly at the strategic level at least, including high level meetings with the Malian government. Nevertheless, reports point to the fact that there seemed to exist a lack of coordination at



the operational level. A diplomat interviewed by the WOSCAP team has called to the need to deal with this dimension more carefully if the effectiveness of EU interventions wants to be increased:

*“It is important for these [coordination] meetings to address matters at the operational level. Currently operational questions are not being considered: Who is where? Who finances whom? It is necessary to drill down when discussing issues of coordination. When dealing with policy, such meetings tend to be very quick, the mapping is done, but there is no mention of who finances whom.”* (Djiré et. al. 2017, p26).

This lack of operational coordination was also felt by the Mali Government which evidenced difficulty in keeping track of some of the activities funded by EU Member States. This was highlighted by a former advisor in the office of the Prime Minister in Mali:

*“Maliens have not taken MINUSMA’s mandate on board. (...) The Government was not, in other words, aware of all the reconstruction activities carried out in the North. For this reason, the Government has decided to centralise all action plans around the Department for the Reconstruction of the North.”* (Djiré et. al. 2017, p26-27)

These accounts above help us to illustrate Mali’s strong dependency on foreign assistance and could have created a complex governance dynamic in the country. Though Mali’s ownership of the process was desirable in the begging by all parts and considered key to the success of support, the bureaucratic and political requirements and demands of the international actors can make it very challenging for the Malian State to exert leadership and control in the whole process in the end.

#### 6.1.2.9.2 Local Civil Society/NGOs Contribution

It is not easy to find the relations between NGOs and the CSDP, prior to any operation or after their launch. But significant help in that direction came from the fact that GPPAC was starting a project funded by European Union’s Horizon 2020 Research & Innovation programme to assess the capabilities of the EU for implementing conflict prevention and peacebuilding interventions through sustainable, comprehensive and

innovative civilian means – the Whole of Society Conflict Prevention and Peacebuilding", or WOSCAP. This project in fact collected much of the information necessary to bring those pieces together in a meaningful set.

The measures included in the Mali Peace Agreement provided the opportunities to increase civil society participation in peacebuilding, governance and development, including the reconciliation of people and communities, the establishment of inclusive and participatory governance, the socio-economic development of the northern regions, the strengthening transparency and accountability in the management of public affairs, information and citizenship education, and the respect for human rights.

Nevertheless, the instability, insecurity and precarious human rights climate, particularly in the northern and central parts of the country, have a strong direct impact on civil society activities. Civil society organisations (CSOs), such as NGOs, are not restricted by an unfavourable legislative framework, despite the sometimes long and bureaucratic procedures.

Article 5 of the Constitution of the Republic of Mali recognises freedom of association, assembly and demonstration, and the legal basis is still the Law No.04-038/ANRM of 2004 pertaining to associations, which establishes simple processes for creation and registration. There are no special tax benefits for associations in Mali's Tax Code, although some organisations may obtain the public interest status. The absence of a precise regulatory definition of civil society has been fostering discussions, since it is not uncommon to find civil society actors that are also political party activists or elected government officials, which can create conflicts of interest and independence issues (CONCORD - EU Delegations Report, 2017)

CSOs in Mali have been in a restructuring phase in the last few years, seeking to re-define their roles in the current country's reconstruction. They are highly diverse and have been recently reinforcing their organisation and coordination through umbrella groups, networks, federations and groups pivot (NGO consortia involved in a specific sector, e.g. education, health and population, women's rights and citizenship, social development), some of which are the main interlocutors both for public authorities and for donors.

One should note, however, that two major platforms were promoted by other actors: the Conseil National de la Société Civile du Mali – CNSC was set up at the initiative of the government in 2003 because the government needed an interlocutor to engage in certain issues, and the Forum National des Organisations de la Société Civile au Mali – FOOSC was created in 2009 at the initiative of the European Union (EU) as a framework for strengthening civil society. It has been within this Forum that civil society has been able to express their concerns and wishes.

The financial dependency of civil society has sometimes resulted in structuring of coordination groups and networks that arise more as a response to the dialogue demands with the government or the donors, than from a real approach for increased coherence. The country has a relatively high level of civil society involvement in public policies (e.g. participation of the national council of peasants in the national agricultural policy; dialogue mechanisms on education and health), including on sensitive areas as budget supervision or the fight against corruption, although this dialogue faces some representativeness and inclusiveness issues. I couldn't find any specific organizations, but it seems to exist a high level of involvement from elders and relevant people from the communities and from Ethnic groups. This can be explained possibly due to the lack of administrative structure to involve civil society so far. An almost certain fragmentation of public opinion about the nature of the problem can also be another contributing factor as it is common when issues are related to ethnic issues.

#### 6.1.2.9.3 Performance of the EU services and agencies

The EU crisis management missions of EUTM and EUCAP as well as the border management component of the EUTF were very ambitious in their intentions and objectives. They all, apparently, hit their obstacles, largely by divergence between the stated intentions of the Union and the real EU member state intentions (sometimes even contradicting ones e.g. regarding border management).

The failure to provide much necessary support was inconsistent with the EU's express commitment to the promotion and safeguarding of international peace and security in general, and to African crisis management in particular. This inconsistency was of clear damage to the objectives of the CSDP as well as to those of the EU's development policy, in the light of the security-development nexus. It's not hard to

realise that such inconsistency could have taken a wider regional dimension due to the possibility of a spill-over effect on the Sub-Saharan Africa (SSA) region.

While the EU responses (EUTM; EUCAP Sahel; EUTF) strived to be conflict sensitive, the solutions were not designed for the specific situation, with adequate field expertise and, as a result, there was a limited ability to effectively transform the security situation on the ground.

There was little willingness from EU Members states to consult local actors (and apparently even the EU delegation itself) before making decisions on programmes and actions designed to the Malian context. With the status quo, however, one of the greatest challenges is that while the current EU responses such as EUTM and EUCAP can provide technical solutions, to rebuild legitimate and operational army and police capable of restoring state authority, an inclusive Malian process and a longer-term perspective are needed.

The EU's crisis response projects in Mali were centred on security and defence issues, with the larger aim of restoring the Malian state authority. However, the Malian state has limited legitimacy on the ground, and the structures that uphold it are fragile and disputed. Design of these programmes seems predominantly to arise from policy makers in Brussels concerned (almost) exclusively with terrorism, trafficking and refugees.

It makes sense to question if there really was a functioning Malian state before 2012 and if the current government and FAMA truly have the authority and support from the population to become a legitimate state authority. In fact, there seems to be a contradiction between the USAID statement of 2006 presenting Mali as “one of the most enlightened democracies in all of Africa” and the State of the Humanitarian System of 2015 that points out that the local system can be “the rather messy assemblage of actors and activities in the humanitarian sector.” (ALNAP 2015, 18). There has been some optimism regarding the EUTF, for example to re-establish the implementation of already existing and newly launched programs and make it more sensitive to conflict.

However, even the EUTF has gotten a more security-oriented approach, and still faces considerable challenges like an apparent flawed justice system. The EU has had

projects on constructing and equipping courthouses across the country, for example. but, apparently, judges are mostly corrupt and do very little, and there are very few people with legal training in Mali in general. The EU does not monitor if the courthouses are used as intended, and risks ending up building big and nice but empty courthouses for corrupt judges.

Several indicators suggest that current conditions are very fragile for the emergence of a legitimate state authority. Ethnic imbalance in the Malian Army which is essentially composed of the people of the South, and particularly from the Bambara ethnic group that also has dominant positions in politics and the economy, is another factor of loss of legitimacy.

Regarding local consultation, there is a broad notion among the different actors that Mali was a ‘laboratory for EU crisis response policies’. If true, this can suggest a limited interest or ability of the EU to develop tailor-made programmes. EU Member States say they wish to build local ownership, but it seems like the EU system produces programmes that are designed in a rush and without the necessary (and ideally sought-after) local consultations. To strengthen this argument there have been from the start a ‘lack of clear distinction between the different groups in Mali in the respective Council documents’, suggesting a lack of grounded conflict sensitivity. This is likely partly a result of a tendency to develop policies in Brussels with limited consultations with local partners in Mali – sometimes even the EU delegation itself (Boas et. al. 2018).

It is also mentioned in the WOSCAP report that there were and are different actors that provide training courses to law enforcement officers and that, due to a lack of oversight, the same (or similar) course can be provided to the same group several times. One reason for this, reports and analysis suggest, is the constant changes of EUCAP staff, whose missions are normally one year-long. This is very likely way too short as it takes time to understand the local context and impedes creation of a critical capacity of ‘institutional memory’ of EUCAP and similar EU programmes and interventions.

## 6.2 Synthesis of the Case Study

The failure of the EU to live up to its commitment and its objectives in Mali helped to illustrate the extent and limits of consistency in the CSDP, and perhaps the

EU's external policies, at least when it addressed the SSA region. It helped to portray the EU as not very credible as an effective international actor in general and as an effective partner for crisis management.

There is space for improvement between all stakeholders inside the EU crisis management. In the opinion of Major General (Ret) Maurice de Langlois, a former Comparative Defence Policy Programme Director in the Belgium Institut de Recherche Stratégique de L'École Militaire (IRSEM) "those improvements can be in the fields of observation, prevention, planning or in the conduct of actions" (Langlois, 2014). Procedures, norms and operating procedures must be established within the obvious and necessary confidentiality levels. When it comes to the CSDP, strengthening the structures for planning and execution of operations is essential.

The EU's actions usually lack visibility towards European citizens. This is all the more important to the EU's external action to enhance its commitment and make it more coherent with regard to the international community. Even for a perception purpose it is important to simplify and accelerate the Commission's financial procedures so that civilian missions may be more rapidly launched – there were long delays in the Mali case.

To be consistent with its announced objectives, it is crucial that the EU effectively ensures that it doesn't fall (as an organization) in inertia and inconsistency again as it displayed in the face of the call and the dire need of its African partners for a military bridging operation in Mali in 2012 and 2013. A permanent operational structure remains an imperative and it seems that it is on the table ever since the start of the CSDP. This is necessary especially if the EU wants to protect or indeed rebuild its credibility as an international actor in general, and as an effective partner for crisis management in SSA, in particular.

The EU's internal coordination requires DG ECHO to increase its efforts in working in cooperation with other European stakeholders. While complying with the specific regulations of humanitarian aid, this can prevent the proliferation of other European offices in the Sahel region. In this respect, the crisis platform must effectively become the hub for exchanging information and a place for synergy that was meant to be all the time, for both governmental and EU actors. Both the Emergency Response

Coordination Centre and the EU Situation Room, should be at the same location so that they can effectively work together. While considering the often-different interests of other stakeholders, it is important to develop structures to support dialogue with major international or regional organisations, and with the States (national governments).

While complying with the specificities of every line of responsibility, the Special Representative for the specific case must be identified as the person in charge of the implementation of the strategy brought by the HR/VP, the Commission and the PSC. This will help avoid increasing the number of European agencies on the ground, which brings with it the risk of overlapping with the others' (agencies) responsibilities, or even developing rivalries between them. As for the delegations, they must coordinate with all stakeholders' (at a local but also at European level) actions within their area of responsibility, and also in their relation to the EUSR. The delegations must have the necessary expertise, especially in security and defence, whether on a permanent or temporary basis. Collaboration with the Member States' embassies is something that can be highly recommended to.

The EU has identified the importance of the Sahel for the CSDP in general. Nevertheless, all the risk of further instability and governance failures in Mali as well as in Burkina Faso continue to demonstrate the constraints and limits of these missions, and the necessity to constantly re-evaluate the EU's policies in the region in light of their impact and all the changing circumstances. A continued decline in the effectiveness and stability of states like Mali will also have serious implications for Europe, and for the future of EU foreign policy strategies in general.

The Mali case is a good example of a situation where it is apparent that there wasn't enough engagement between the EU mission on the ground and local stakeholders (small NGOs and CSOs) that could allow a more accurate observation and prevention as the mission develops.

If the EU has the desire of becoming a credible and effective international actor, being at the same time an effective partner in crisis management scenarios, then it has to take more out of its consultation process and from interested stakeholders in the ground. Local NGOs (and other CSOs) will have all the reasons to work closely with the EU if allowed and the EU has enough experienced staff to scrutiny the true intentions that can

come behind some information and take what is valuable, avoiding situations where it becomes a pawn in games of interests on the ground.

The Malian crisis has been providing evidence that the EU through the CSDP is not getting the kind of results it wanted from civil society in the country. The lack of knowledge about the regions where it decides to intervene is a common element of diagnostic, and it must be addressed.

It seems legitimate to conclude that the resources available for these missions would be better put in practice if there were - probably - some local civilian actors (like local NGOs) in place, that could, at least become reliable sources for the EU personnel and their Head of Mission, in order to better identify the roots of the problems and thus better allocate funds, tools and assets to a more effective end result.

Scrutiny is essential for the EU to choose who to trust but the advantages of having nationals and local players providing reliable and meaningful information can be determinant for a truly successful mission/operation. Also, these actors can be crucial to build the 'bridge' over to their own communities, explaining and representing the EU's ideas and causes instead of just designing and implementing programs in the hope and wish that everyone trusts and believes the EU's good and noble intentions.

Possible Recommendations for future missions could be:

- The exchange of information in the CSDP in Brussels with all the stakeholders must be more systematically;
- The crisis platform has to become a hub of exchanging information and the place for synergy, for both governmental and EU actors;
- The EU's internal coordination requires DG ECHO to constantly increase its efforts in working in cooperation with other European stakeholders in the field;
- Those other European interlocutors must possess the necessary expertise, especially in security and defence
- Serious engagement between EU mission staff and delegation personnel with local stakeholders (small NGOs and CSOs) should be a priority;



- Impose a more regular (probably quarterly, and more frequently during a crisis) reporting from the local Head of the EU delegation about how the situation is developing and to be able to suggest necessary measures;
- The establishment of an office with a representative /spokesperson of the local government to work closely with the EU delegation can be relevant to coordinate needs and actions in the field and strengthen the relations between the EU missions and the national government.

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## 7. Conclusions and Future Research

In this dissertation I have dealt with two main subjects and with how they relate to each other: first, the Common Security and Defence Policy as the European Union's course of action in the fields of defence and crisis management (and also a main component of the EU's Common Foreign and Security Policy) and second, Non-Governmental Organizations as members of civil society that play (or can play) a role in the decision-making processes of the first.

Since 2003, the EU has launched and run 35 crisis management operations and missions on three continents and presently there are still 17 ongoing CSDP operations, 11 civilian and six military. Crisis management, together with the Comprehensive Approach, became increasingly used concepts over the last decade, mostly after the Treaty of Lisbon.

Some of the key events to understand the origins behind these growing trends started to occur in late 2010, when several different crises arose around Europe's Mediterranean border, many of them as direct consequence of the so called 'Arab Spring', where large numbers of people in Arab countries around the Mediterranean tried to topple their authoritarian, oppressive leaders and move towards more democratic regimes.

It must be recognized that the EU was quick to support these uprisings but slow, or naive, on how to respond and deal with possible crises that could come afterwards, namely the emergence of civil wars that would have consequences in the shape of migrant and refugees flows. As a particular case, the EU was slow to realize that civil wars and humanitarian crisis could arise in some neighbourhood countries like Libya, for example, with consequences on other African countries.

The Mali case study in this dissertation shows how the war in Libya, and the consequent fall of its authoritarian leader (Muammar al-Gaddafi) was the trigger for a crisis along its southern border regions in the Sahel and farther afield in Mali, due to the participation of Tuareg soldiers in the Libyan army.. For these reasons the EU, more than trying to correct or rewrite its inaction or its mistakes - by launching CSDP crisis management missions/operations on countries that were at the origin of the problem - it

also has found reasons to intervene in a 'broader neighbourhood' and outside the European neighbourhood policy (ENP).

Putting aside obvious humanitarian issues and responsibilities, in a more pragmatic view we are able to understand that the European Union realized, even if late, that crises in countries like Mali could have strong impacts in Europe: We have all seen the sad effects of migration and refugees flows as they try to cross the Mediterranean over to Europe and how the EU doesn't really know how to address and deal with such 'waves', at the same time as it realizes that the same flows can be significantly damaging to 'passing/crossing countries' that are still dealing with their own internal problems and don't contribute to a more stable, peaceful and prosperous European neighbourhood.

The work developed in this research was meant to understand the nature of the links between NGOs and the EU, particularly in the crisis management field, and how such links operate. To meet such objective, it was important to understand the CSDP, in its origins and all the steps that were necessary for the Member States to take along the decades until reaching the present situation. Getting into some detail about the main episodes behind the construction of the EU was instrumental to understand how that process contributed to what the NGOs have today as a framework to operate with, inside the Common Security and Defence Policy.

Through the empirical data analysis carried out at the beginning of this dissertation, a perspective was acquired of the origins of the European project, clearly showing that the foundation of the European Common Market had motivations centred on defence (peace) above all and intended to use the economy and trade as instruments to promote that cause. A brief synopsis of that evolution is useful in these conclusions chapter.

Since the end of the Second World War a notion was growing throughout Europe, that the European countries needed be together in a common project, that was mainly motivated by the idea of discouraging Germany to rise as a (potential) continental power, that could ultimately threaten peace once more.

Among different concepts and ideas to meet the goal of integration among countries, the way into the Treaties of Rome in 1957 was shown, mainly the creation of

the European Coal and Steel Community (ECSC), an attempt to control the production of war essential materials, but also other relevant initiatives, like the one conceived by the French, of creating a European common army – the idea of the European Defence Community (EDC) - an idea, once again, that had in its core the strong belief that this was something essential to contain the soviet threat, and at the same time keeping West Germany's military machine under control.

The relevance for European integration ideals of the historical episode of refusal of ratification of the Treaty of Paris by the French Parliament in August of 1954, over concerns about German rearmament, but also by the belief that the creation of the EDC could lead to a loss of sovereignty for France was shown. This was a decision that was at the origin of the Western European Union (WEU) and caused a level of turbulence only comparable to that caused by the same subject, once again, as it was brought to the political agenda in Europe- in the last couple of years - mostly by the European Commission's President, Jean Claude Juncker.

It is interesting to note that, after all the French hesitations about a military integration, first with its European partners and then within NATO, (including the rise and fall of the EDC project), we are now witnessing a French President - Emmanuel Macron - supporting this year (2018) the idea of a European army

It has been shown that, even if there was such a thing as the Common Commercial Policy, that was created with the EEC with the Treaties of Rome, there were no true common approach, between Member States, to European foreign policy issues. This topic only arose with the introduction of the European Political Cooperation (EPC) in 1970. It was after this and along the 70's, that Europe deepened its regional economic integration and took the initial steps to coordinate the foreign policies of European Union's Member States. The EPC was an informal consultation process between the Members and motivated by the notion that they had the necessity for some external representation and also by certain needs effectively present on the ground in countries or regions where the EEC ran development aid programmes and established trade agreements. Commercial partnerships and ties, together with such development programs, help us recognise and understand why the EU eventually

became, over the decades, such a vital partner to NGOs in developing countries and on humanitarian aspects.

Nevertheless, this ‘civilian’ approach that all recognize about the EU in roughly the last two decades and caused mostly by the Balkan crisis and consequent war, was something that had its origins further back in time, as it was initiated precisely by the same intensifying economic interdependence that was evident during the 60’s and the 70’s in Europe. It was in those decades that the all world started to witness the strength and benefits of the integration project among European economies and started to notice that this project could also exercise true influence throughout commerce and diplomacy rather than by traditional military strength.

As we jumped forward in time in this research, the Maastricht Treaty (1992) was identified as another relevant milestone. It was here that the Common Security and Defence Policy (CSDP) was formed as part of the Common Foreign and Security Policy (CFSP), the Union’s ‘second pillar’. It took all those years, since 1957, to see the inclusion of defence in a European treaty. The new European Union and its CFSP brought the legal rules that started to form the framework for European foreign policy, and Maastricht offered to the European States the framework that allowed them to start increasing their cooperation in the security and defence areas.

It was also in 1992 that the WEU adopted the Petersberg Declaration, that defined the so-called Petersberg tasks, which were designed to cope with the possible destabilising of Eastern Europe, something that was growing at the time and that went from destabilization to outbreak of war and consequent intervention from NATO.

It must be noticed that the WEU, by itself, had no standing army, and that depended on the cooperation between its Members, but also, and relevant to this research, the Petersberg tasks included Humanitarian, rescue and peacekeeping aspects as well as tasks for combat forces in crisis management, including peace-making.

It was only in 1998 that the United Kingdom (traditionally opposed to the introduction of European autonomous defence capacities) signed the Saint-Malo declaration with France. It was only at this point that the creation of a European security and defence policy, including a European military force capable of autonomous action, was finally endorsed.

As much as the Petersberg Declaration was trying to deal with the “destabilising of Eastern Europe”, Saint-Malo was obviously a response to the Kosovo War in the late 1990s, in which the EU failed to intervene to stop the conflict and respond adequately to those ‘destabilizations’ in the region over the decade.

The Treaty of Amsterdam, which entered into force in 1999, transferred the WEU's Petersberg tasks to the EU and the European Council established the function of the High Representative for the CFSP for the first time. In November 2000, WEU Ministers agreed to begin transferring the organisation's capabilities and functions to the European Union, under its emerging Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) with the objective of addressing the development of a military crisis management capability, as well as a civilian one, that could prove capable of reinforcing the Union's external action.

Another relevant note is due here in relation to crisis management. It was in the Treaty of Nice, in 2003, that the Political and Security Committee (PSC) was mandated to exercise political control and strategic direction of crisis management operations.

Moving one more step in the timeline, the Treaty of Lisbon (2009) was the last milestone so far, aiming in this case at improving the coherence in the field of EU external relations for which it created the figure of the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP), the centre of a very large number of actors and bodies with a role in the external policy of the EU and supported by the European External Action Service (EEAS), another creation of this treaty.

For the first-time, prevention of conflict was explicitly stated as both a purpose of the EU's external action and of the CSDP. Furthermore, it must be highlighted that coordination between the civilian and military aspects of the ‘Petersberg Tasks’ was delegated to the High Representative (acting under the authority of the Council and in close and constant contact with the PSC).

Even if there was an expectation that the majority of CSDP missions would be civilian in nature, the Treaty of Lisbon committed Member States to improve their military capabilities, but never issued a corresponding request regarding their civilian capabilities.

To get to this conclusion stage an in-depth study of the CSDP and its evolution was necessary, finding out where and why it was decided to have it become (or starting to become) a more normative power rather than a military one as probably intended to be in the beginning, after the Second World War.

It was in chapters 2 and 3, going through the historical episodes to understand how the EU became the civilian normative power, rather than a military one as initially intended, that the conclusion may be taken that this shift to a more civilian component was a critical foundation for the contribution of NGOs to all the work developed within the CSDP over the years.

It was probably the end of the Cold War combined with the self-awareness of the EU limited military capabilities, that laid the basis for this normative power ascension and with it a more integrated, structured and organized relation with NGOs in developing countries, in support of the EU's foreign policy. This has allowed the NGOs to start developing a more concrete and fruitful relation, with mutual benefits, based on a series of rules-bounded procedures. The core purpose of this research has been to construct a deeper understanding of the influences of NGOs in EU policy processes, mainly within the CSDP, and particularly in the crisis management component.

The military component was highlighted in chapter 3 due to the importance of military component within CSDP crisis management missions, where it is sometimes essential for the civilian component (namely through rule of law – police and judicial support – electoral support missions, etc.) allowing civilian staff to act and play their roles. Some other times, as shown, civilian operations were placed to play a role in the armed or security forces of other countries: for instance the European Union civilian operation EUCAP Sahel Mali had the objective of assisting the internal security forces of that country in reasserting the government's authority over the whole of the country, but for the success of this particular operation the EU Training Mission in Mali (EUTM Mali) is vital.

So, the research conducted for this dissertation gives clear evidence that the military can be essential to provide a secure situation for the EU civilian actors to work, and this secure situation is of the utmost importance for local or international NGOs in the field.



Military forces have shown that they can and should act within an effective comprehensive approach to the varying situations and have been able in the last years to cooperate better with civilian staff and NGOs, either local or international. The CA (Comprehensive Approach) and WGA (Whole of Government Approach) concepts were and still are important because they both aim, even if at different levels, at improving coordination among a significant number of institutional actors and policy domains within the EU. This is important at a political-strategic level and as well in both levels of planning and operations, becoming relevant to NGOs in their involvement, particularly in the civilian component but sometimes also in a military component when NGOs share important information about specific situations.

In chapter 4 a closer look at the Lisbon Treaty has allowed to show it as the legal foundation for a stronger relationship between NGOs and the European Institutions in the context of crisis management. This included the creation or role redefinition of multiple organs within the EU structure, the EEAS (European External Action Service), the Council of the European Union (in the shape of the General Secretariat and the changing Presidencies), the European Commission, and the European Parliament.

Quite logically launching any operation or mission requires a complex set of internal procedures involving different political bodies and agencies or technical bodies with specific roles, further complicated because of the full control of the final decisions by the Council, and so ultimately by the member countries, as unanimity is required in normal cases.

It was precisely to avoid the difficulties arising from the unanimity requirement that a special procedure has been created (Permanent Structured Cooperation - PeSCo), but even in that case a country that does not want to participate retains the veto power over the operation as a whole, provided its special interest is claimed.

The institutional geometry and the defined procedures show an environment with multiple national and European interests present, whose alignment is not always possible (leading to inaction) and can take a long time in cases where it turns out to be possible. The military intervention of France in the case of Mali shows how that country understood that the delay in launching an EU military action could jeopardize the objectives of that military action.

With the analysis done in that chapter over how crisis management missions or operations are decided – or not – and where NGOs can have an impact on the decision taking, it was possible to show the stages where consulting NGOs is an option available to some EU actors and discuss their possible relevance on the final decision on a given subject. NGOs have often proved along the years that they can be relevant players in emergency policy-making and implementation, mostly because they are usually able to deploy a wide range of logistics and resources and to make proper use of apposite capabilities while acting in peace building and reconstruction missions and operations.

NGOs can have their own approach to reconstruction services provided to people affected by natural disasters and/or in conflicts. In principle, this approach is complementary with the approach of both states and International Governmental organizations (IGOs) as NGOs are normally recognized in the international arena as having considerable impact on the processes involved in worldwide politics because they are visible members of civil society and the ‘humanitarian system’. Their effectiveness however can depend greatly on the access granted to them by the states and by IGOs.

It was also found in this research that, due to the wide diversity both on nature of NGOs but also on the contexts in which NGOs operate, some methodological considerations were necessary. For instance, the term NGO is quite useful as an analytical category but can create difficulties when intended for legal or normative one.

Two additional difficulties were found in this research that deserve mention: the first one relates with the vague concept of capacity development, which sometimes makes it difficult to define NGOs activities, especially when comparing to government capacity, making them subject to interpretation. Its weak analytical utility was one of the main critiques of capacity development found during this research.

The second difficulty relates to the fact that much of the literature does not pay much attention to the relationship between NGOs and governments, their various types and the evolution of their activities in relation to governments. This is a very relevant point for this dissertation.

Several works theorize on the subject of the relation between NGOs and Governments but there is scarce documented relevant empirical evidence of such

relations, which could serve as a basis for interpretations of how such relations have caused an evolution of their nature and sometimes even of the associated rules.

It has been demonstrated that NGOs' attempts to influence states are common knowledge, but it's considerably more challenging to find a deterministic path for such influence on foreign policies and/or consequently an intergovernmental organization such as the EU in its foreign policy. Some examples have been shown about their actions and the visibility that they can have and understand some of their power next to the public opinion in western countries but policy changes always occur due to a mix of reasons and saying that NGO-led actions were the main (or even the only) factor underlying change in any particular case would most likely be excessive and certainly impossible to prove..

When we take NGOs and try to compare their resources and opportunities, to civilian assets on the ground from intergovernmental organizations such as the EU, advantages and disadvantages of the NGOs can be found.

The first advantage is probably the looser control and scrutiny that they are subjected to. NGOs have the ability to experiment (more) freely with innovative approaches and, if necessary, to take risks. This advantage results from not being so restrained by bureaucratic processes and rules, like the ones applicable to public sector organizations in general, and more specifically under the EU in CSDP missions or operations. This lighter control ultimately allows them to be more flexible in adapting to local situations and responding to local needs.

A second advantage that NGOs have (considering only NGOs that benefit from an impartial and neutral status) is a greater ability to communicate at all levels, from the neighbourhood to the top levels of a given government of a country. People tend to see and trust the personnel working for such NGOs as they believe that they are there working or operating on their behalf.

A third advantage is that these organizations are also able to recruit both experts and highly motivated staff with fewer restrictions and a lot faster than governments or IGOs.

Some possible disadvantages can easily be found in the possible lack of resources for example. NGOs won't have the full amount of resources that can be allocated to a CSDP mission/operation and rely on donations that sometimes can limited their actions. Also, operating under the EU umbrella can give more guarantees of safety for their own personnel because it is an issue that EU mission planners take very seriously.

The NGOs advantage to act more 'freely' can easily become a vulnerability, if some bad decision means that scarce funds and resources are lost and the work in an area has to be finished or at least seriously affected. EU personnel, since they have more scrutiny and evaluation over their decisions are less subject to this vulnerability. Even if resources are poorly allocated, the EU also has 'deeper pockets' than any NGO.

NGOs might also show some constraints and contradictions in their ability as actors that operate among a given civil society due the pressures they face to be non-political or by their weak roots in society when they start a project, but also by pressures they might face because of the fact that are be accountable "upwards" to donors rather than "downwards" to beneficiaries. It has also been pointed out in chapter 5 that some scholars argue as another vulnerability that NGOs, sometimes focus more on short-term projects rather than long-term structural change and that should be considered a possible contradiction in their vision or mission for a given region or community.

It has been made clear that NGOs can bring valuable inputs that truly can become assets in future (or ongoing) missions or operations but can also be instrumental in the final decision within the CSDP to launch or not to launch a crisis management mission or operation.

NGOs operate in the EU through a more consultative status and processes that are originated from the EU institutions, and clear intentions to give them a special legal status or to create an organization that could manage these relations with them were never visible. The EU has made considerable efforts to cooperate with civil society institutions through structures like partnership agreements and voluntary cooperation programs and NGOs have to play that game, participating or lobbying in those environments trying to make the best of exercising some influence in those decisions taken at the EU institutions that affect the areas where they work.

A fact worth retaining is that the EU has been one of the largest providers of humanitarian aid and relief around the world and we have seen in this work the development of intentions, principles and theories and even institutions and agencies within the EU institutional architecture. When it comes to NGOs, they are also often seen as a sort of a bridge between the EU interventions and the local communities in other countries. This cooperation with civil society organizations often proves to be an important mechanism for increasing public trust and even provide legitimacy to a given EU external intervention, enhancing its effectiveness as a consequence.

Chapter 5 has shown that NGOs are part of the humanitarian system, and it is the interdependence of the actors involved in it that make us realize that we are dealing with a 'system' per se. In specific crisis situations it won't be possible to find one single actor that can give a full and complete answer to all the needs of an affected population, wherever and whenever it is happening. So it is the interaction between international actors (such as the UN, or NGOs, amongst several others) and host institutions, donor's and state level decision makers that, together with the populations in need of assistance, compose the system as a whole.

We see that international NGOs are usually seen as actors that do not pursue national interests but rather advocate and promote the interests of affected groups in the international stage. We have seen in chapter 5 several examples where some of them are constantly placing specific interests and issues on the agenda of international organizations such as the EU.

The efforts of some of the NGOs on raising awareness on important topics and how did they feed them into the political process became evident in this research. Sometimes, as in Mali and in the Sahel Region, NGOs can also contribute to raise awareness and inform the Head of Mission or Member States about what is taking place in the field (at any given time), and also campaigning to raise public awareness towards the issue at hand and to the need of action from the EU.

This awareness raising is another important role that international NGOs have been playing, and this is supported by their expertise and special credibility to inform societies and governments about particular issues.

With NGOs participation in the earlier stages of an internal process in the EU's foreign policy they can be determinant in bringing their knowledge and expertise to a given situation and later be relevant in an implementation stage (of a mission or operation) acting as a bridge that connects the EU's policies, agencies and actors involved in an assigned mission or operation, with local communities and actors.

This research has led to the argument that the EU is in a unique position to make a significant contribution to complex international crisis management situations given the large range of political, economic, civilian and military instruments that it has at its disposal.

It was clearly shown how crisis management missions or operations are decided – to launch or not launch – and where NGOs can have an impact on that decision taking. The argument has been put forward that this consulting of NGOs can be truly relevant to a final decision on a given subject by their know how as well as, indirectly, by their influence on public opinion, ultimately affecting the decision.

Several examples have been put forward of how NGOs can be considered as the actors that, inside the humanitarian system, have been more consistent and successful in shaping public opinion according to their interests and through their actions or campaigns. They were often able to decisively contribute to a decision to act by politicians and decision-makers.

Strong evidence has been given that they are agents that belong to the international relations system and that they have been playing their role in the international stage by acting so often at the national level first, trying to make national governments better influence other governments inside IGOs like the EU. Some very good examples of direct or indirect influence of NGOs have been given, as well as examples given by the Council of Europe detailing the different forms that NGOs have to influence a given process or decision-makers, and also by the European Peacebuilding Liaison Office (EPLO) detailing advocacy opportunities for NGOs next to EU institutions.

But these organizations can play several different roles in international politics. Their scope of influence can vary as they can sometimes serve as experts (like GPPAC), sometimes like diplomats, advocating for specific issues or groups (like Red Cross and

Red Crescent or Oxfam), like protesters or even activists (like Greenpeace). It is mainly in their role as experts and diplomats - since they often work and have ties to other countries' governmental bodies and populations – that NGOs cooperate closely with governments.

NGOs can also have significant impact and affect the implementation of policies through monitorization of effectiveness of missions or operations but also through influencing institutions and governments to commit the necessary resources. It has been shown for instance that some NGOs were supported by governments, in particular with the example of CARE, founded in 1945 and supported by the United States government.

Summing up, NGOs are in fact capable of influencing decision makers at the EU level and they play their cards sometimes through a more passive role in which they are consulted and provide advice, and sometimes by performing a more proactive role through lobbying and/or public campaigns meant to pressure decision makers. These two approaches are not necessarily alternative, as they may be both deployed jointly (not necessarily at the same time) for the same case.

This dissertation constitutes a critical reflection on the EU and the importance it gives to NGOs presently. The conclusion in this respect is that with the adequate scrutiny over the professionalism and true intentions of carefully selected NGOs, they can have a significant role to play in almost all stages; from the decision-making stage to the preparation of a mission/operation stage, all the way through the launch and consequent deployment and development of the mission/operation, up until its completion.

The Mali case study, in chapter 6, has provided evidence of the fact that the EU through the CSDP has failed on getting much from the local civil society. The case study concluded with the assessment that the resources that the EU placed for these two missions would have been better applied if there were some local civilian actors (like local NGOs) in place, that could, at least become reliable sources for the EU personnel and their Head of Mission, in order to better allocate funds, tools and assets to a more effective end result.

In short, the EU wanted to implement something that has been conceived by policy makers in Brussels that seemed to be (almost exclusively) concerned with the

end game on the fight against terrorism, trafficking and refugees. It became clear with this research that these European agents didn't consider that consulting with local NGOs or international NGOs that could had valuable intel on that region and situations, would have provided better expertise and better channels of information.

This argument in favour of the relevance of contributions from local actors is strongly influenced by the evidence of a 'lack of clear distinction between the different groups in Mali in the respective Council documents.

Tight scrutiny would have been essential to choose who (what local NGOs) to trust for that support and information role, but even losing some time and allocating scarce resources for this task could be so valuable as the advantages of having reliable and meaningful information could easily become instrumental for mission success. Those local actors could be crucial for doing the 'bridge' over to their own communities, explaining and representing the EU's goals and ideas by being a sort of a 'spokesperson' on its behalf.

My judgement of these issues founded on a mix of documentary and live evidence: I have studied and observed the actions of various NGOs, and I also lived and worked inside one, in Asia, where I could witness their modus operandi. That experience was the source of the motivation for the selection of the topic of the thesis and was also very rich in providing the background against which I was later trying to rationalise the behaviours of this kind of organization.

This dissertation had inevitable limitations associated with the fact that there were no resources for empirical, on the field, observations of how the missions or operations are planned, decided and developed and how the relations between the people representing the organizations are built based on their frequent encounters. Similarly, it was not possible to conduct personal interviews with staff of any of those organizations. I believe that the documentary approach adopted included enough diversity of sources and careful screening of the statements in those documents to provide a quite good "second best", i.e. the best possible result within the existing constraints.



## 7.1 Future Research.

This dissertation tried to offer contributions in showing the complement to case studies in research on NGOs in global governance. While this set of existing case studies on individual, NGOs and advocacy campaigns I tried to offer unique insights into the nature of transnational activism, but I consider that there is space and advantages in trying to find and collect comprehensive data and comparative statistical analysis that can become increasingly relevant for future researches that can be more directed to hypothesis testing.

This research has worked on a track dedicated to the relations between the EU and NGOs in the field of Crisis Management, and quite naturally has not explored all issues along that track. Future research has ample opportunity to do so.

One idea for further exploration is a deeper empirical research of the types of situations addressed in this dissertation, with recourse to structured interviews to people involved in the different types of organizations, in the successive stages of the crisis management operations. This would possibly enable identifying some tensions which are not mentioned in written reports and thus anticipating issues with some potential for more serious problems in the relationship.

Keeping essentially within the same field, another interesting line of research could involve a deeper analysis of a number of contrasting case studies, trying to look beyond the surface and hopefully leading to better understanding of the variation (different natures and styles) of NGO interventions in crisis management situations and of the key factors for success in addressing those situations.

But new, quite interesting, tracks for research can be identified in different contexts, namely in relation to crises emerging

- a) in the context of climate change and its stronger impacts, namely mass migrations
- b) in the context of populist governance and possible harassment of minorities within countries

Both these types of situations are barely starting to occur (but seem to have a great potential for intensification), and as such offer a high value field for better knowledge although they do not lend themselves yet to an ex-post analysis type of research. However, as it seems rather clear that this type of problems will occur, it could be interesting to try to learn from the available experience and do a design-type research so that when those problems come to the surface there would be structured knowledge available on the best ways to mobilize the contributions of NGOs to address them.

Finally, another track of research could be dedicated to a different perspective on crises, moving from “management” to “avoidance”: Identify the possible role of NGOs in “crisis avoidance” interventions, namely in terms of development projects (infrastructure and industrial investments, education, capacitation in developing countries) that reduce the risk of crisis situations and ultimately mass migration

It is common knowledge that mass migrations of economic nature are only (or at least best) avoidable through material and immaterial investment interventions at the regions of origin of those migrations. Here too, there is more experience with aid programs (of quite limited success) than with investment / economic development programs, and some design-type research could be of great value to avoid trial-and-error approaches for the participation of NGOs when the political will of governments in developed countries finally wakes up for this different way to handle the strains of migrations.

The knowledge I have acquired in preparing this dissertation leads me to believe that the difference of perspective and the organizational flexibility of NGOs will keep them as very valuable partners of national governments and intergovernmental organizations, like the European Union, in addressing societal crises. The causes and natures of those crises will evolve, but the value of that partnership should remain. The suggested lines of research should help understand how to organize the partnership in the different situations so that the best value can be achieved.

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## Annex A – Relevant Concepts

Within this dissertation, several concepts are used that play a key role in the analysis of crisis management decision-making within the EU and of the NGOs' influence in that process. Those concepts are presented next with the aim of clarifying their meaning in our context.

**Civil Society** – this term goes back to Aristotle's *Politics*. More recently it was characterised by (Linz 1996, p.17) as “(...) that arena of the polity where self-organizing and relatively autonomous groups, movements, and individuals attempt to articulate values, to create associations and solidarities, and to advance their interests.” Habermas defined civil society as “made up of more or less spontaneously created associations, organizations and movements, which find, take up, condense and amplify the resonance of social problems in private life, and pass it on to the political realm or public sphere (Irrera, 2013) Civil Society is the ‘environment’ in which ideology and beliefs are shaped and diffused and can influence the political power (Irrera, 2013, p.9).

**Conflict** - some form of friction, or discord arising when the beliefs or actions of one or more members of one group are either resisted by or unacceptable to one or more members of another group

**Conflict Management** - ‘Actions undertaken with the main objective to prevent the vertical (intensification of violence) or horizontal (territorial spread) escalation of existing violent conflict’.<sup>92</sup>

Conceptualizing conflict management and/or conflict resolution proves to be a difficult task. The study of this field begins mostly after the end of the Second World War as there was the wish to find ways of transforming the potential violent conflicts into peaceful processes of political and social change.

When we enter this field, and with the support of Shepherd (2015), we start to notice the different approaches like John Burton (subjectivist) or Kenneth Boulding (objectivist) or Johan Galting (structuralist). This field of research gave birth to several different approaches and theories over the decades and came to include components that

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<sup>92</sup> Available at: [https://eeas.europa.eu/headquarters/headquarters-Homepage/426/conflict-prevention-peace-building-and-mediation\\_en](https://eeas.europa.eu/headquarters/headquarters-Homepage/426/conflict-prevention-peace-building-and-mediation_en) – last consulted – November 2017



go beyond the state level, such as civil society for example. Given this diversity, it is relevant to notice the impact on the conceptual approach of any study or investigation that the words ‘management’, ‘conflict’ or ‘prevention’ can have. The focus on this investigation will be on conflict management in the field of conflict prevention and its interconnection to the EU crisis management (Shepherd, 2015).

In Ramsbotham et.al. (2005, p.29) a useful definition is presented of conflict management: “the settlement and containment of violent conflict”. This is relevant in the study context of the CSDP, in its crisis management component, and the way this containment must include peacekeeping but also war limitation – the geographical constraint, mitigation and alleviation of intensity, and the termination at the earliest opportunity. To contain a conflict there must be a full “understanding of conflict resolution which covers the entire spectrum of phases of conflict from prevention to settlement/termination, resolution and, ultimately transformation.” (Those phases that compose all the conflict and its resolution are described in the so-called Hourglass Model set up by the already mentioned authors, Ramsbotham et.al. (2005, p.12). Together, argue these authors, they represent ‘(...) the narrowing of political space that characterizes conflict escalation, and the widening of political space that characterizes conflict de-escalation (...)’ (Ramsbotham et.al. cited in Richard Whitman; Stefan Wolff, 2012, p.35).

A careful observation over the last two decades shows that response to a crisis through military instruments was less effective in creating stability than civilian means or conflict prevention. There have been along the years, several factors that act on the continuing efforts to create, maintain and apply conflict prevention and crisis management instruments. There has been a sort of shift towards the Responsibility to Protect (R2P) alongside the clearly perceived threat of state failure, terrorism and organized crime for regional and global stability. The increasing consensus in favour of a comprehensive approach reflects the operational lessons of post-conflict resolution.

So, the concept of conflict management is one that has to comprehend all the phases of a conflict, from its emergence, when prevention has indeed failed, to its resolution.

**Conflict prevention** - Using as a basis several EU documents, “conflict prevention” can be defined as a long-term process aimed at structural change addressing the root causes of conflict.<sup>93</sup> Conflict prevention becomes an essential part of the European countries’ identity since the end of World War II. In the European Council of Gothenburg of 2001, a ‘Programme for the Prevention of Violent Conflicts’ was set that “would consist of setting political priorities for preventive actions; improvement of the EU’s early-warning, action and policy coherence; enhancement of its instruments for long and short-term prevention; and building effective partnerships for prevention (Gross et.al. 2011, p.3). The Lisbon Treaty of 2009 placed conflict prevention at the core of EU foreign policy, as one of the Union’s external action objectives (Art. 21.2).

A conflict requires a disputed incompatibility: two parties strive to acquire at the same time an available set of scarce resources, which can be either material or immaterial (Wallensteen, 2002). Conflict is often a constructive element of a dynamic society; however, it becomes very problematic when the parties of a conflict resort to violent means to advance their cause. Conflict resolution requires the reduction of the use of violence, but also and above all the dissolution of the underlying incompatibility so that the conflict cannot explode again in the future.

**Conflict Resolution (CR)** - ‘Actions undertaken over the short term to end violent conflict’.<sup>94</sup>

The study of conflict resolution emerges after the Second World War. The objective was to find possible ways of “transforming potentially or actually violent conflicts into peaceful processes of political or social changes”. In the following decades, the variety of theories and conceptual approaches around this subject multiplied and has expanded beyond the state-centric origins to also include components below and above the state level, such as civil society, regional and international levels (Ramsbotham, Woodhouse, Miall, 2005, p.33). As Alistair Shepperd puts it, due to the “diversity of the field, whether the word ‘management’ or ‘resolution’ is used and how ‘conflict’ is understood can have a significant impact on the conceptual approach and empirical focus of any study (Shepperd, cited in Gross, 2011, p.35).

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<sup>93</sup> Available at: [https://eeas.europa.eu/headquarters/headquarters-Homepage/426/conflict-prevention-peace-building-and-mediation\\_en](https://eeas.europa.eu/headquarters/headquarters-Homepage/426/conflict-prevention-peace-building-and-mediation_en) - Last consulted November 2017

<sup>94</sup> Ibid.

To understand this specific concept, it is better to cover all the four phases of conflict, from prevention to settlement/termination, resolution and transformation. These phases of conflict and of conflict resolution are revealed in the ‘Hourglass Model’ described in (Ramsbotham, Woodhouse, Miall 2005, p.12) as a model that represented “the narrowing of political space that characterizes conflict escalation, and the widening of political space that characterizes conflict de-escalation; as the space narrows and widens, so different conflict resolution responses become more or less appropriate or possible” (Gross, 2011, p.35).

It is with the use of this model that we can try to map the potential and actual contribution of the EU’s Common Security and Defence Policy (CSDP) during the conflict containment phase and this map will include preventive peacekeeping, war limitation, and post-ceasefire peacekeeping.

In terms of conflict prevention, it is important to notice that there is short-term and long-term (or structural) prevention. Short-term prevention refers to the political and economic tools available during conflict initiation, applied before a violent crisis is apparent. Long-term prevention refers to stabilization and peacekeeping measures used in post-conflict situations (Brune et.al. 2015, 6).

The literature on conflict prevention is normally focused with measures that can be undertaken by third parties and that aren’t coercive in nature. Preventive measures can be effective to undermine the fact that conflict prevention can be very destructive and costly and its ways of dealing with conflict can be made redundant. The definition of “conflict prevention” itself is not agreed upon among researchers. Definitions differ according to the aim of prevention, from reducing violence to resolving the incompatibility, the time perspective (using a short- or long-term view) and the means, in particular with regard to their coerciveness (Wallensteen, 2002). Different conceptions of prevention are used according to the conflict stage when prevention is implemented. Conceptualizing conflict into a life-cycle may help to visualize how the three notions can be applied.

**Confrontation** – “A hostile or argumentative situation or meeting between opposing parties”. (“Confrontation | Definition of Confrontation in English by Oxford Dictionaries” n.d.). It can be the very first stage of an actual situation of conflict but not

necessarily. Political confrontation is common in any democratic system but it isn't common to reach that stage of a conflict per se.

**Crisis** – The concept of 'crisis' has entered international politics as an intermediate situation "jenseits von Krieg und Frieden" in German literature – where there is a crisis, there is no war but there is no peace ('no war no peace') (Houben 2004, p.12). In its relation to crises, literature in international relations has two general approaches: the substantive approach concerned with the contents of each crisis, problem and/or situation. Therefore, supporters of this approach consider above all the definitions and the effects of a specific instance of crisis and the procedural approach, concerned with forming general theories about the crises to find out a general definition of crisis and focus on the shared characteristics of all kinds of crises without examining their specific subjects or contents (Phillips 1978, 259, cited in Göksel, 2018).

Even if there isn't an unanimously accepted definition in the European Union institutions (EU) about crisis management, it can be argued that the term addresses situations in which a country that is experiencing a threat or an acute hard situation is being assisted by foreign actors. When we consider internal crises, within the borders of EU Member States, these are responsible for managing emergencies on their own territories and also for taking the decision whether they need external assistance or not. The EU has the intentions of being able to respond to disasters both inside and outside the EU.

**European Neighbourhood Policy** - In 2004, the European Neighbourhood Policy (ENP) was officially established. For the work of the EEAS, the ENP is determinant because it contains a major part of its diplomatic relations. From 2004 on, the EU has tried to promote European values in its backyard, not only to benefit from a stable backyard, but also to promote for example human rights. But the evolution of these neighbours since then has been quite different from what the Commission presented in its communication as its objectives. At that time Russia was, apparently, moving closer to the EU and even moving to better relations with NATO and didn't seem interested in moving in west (as it did later with Georgia and Ukraine) and not exerting so much "influence" like it presently does in some neighbourhood countries and even on some EU Member States (like Hungary to cite one example). Therefore, a

great challenge is laid down for the EEAS to bring about change in this situation, as the new diplomatic service of the EU (Werler 2012, p.9).

**Humanitarian Community** – the term refers to “the body of organizations and individuals dedicated to providing assistance to people in need internationally.” (Lawry 2009, p.25)

**Humanitarian System** - The USAID report ‘The State of the Humanitarian System of 2015’ points out that a system can be “the rather messy assemblage of actors and activities in the humanitarian sector.” (ALNAP 2015, p.18) The same report points out that some researchers could also argue that a system is something that should imply ‘an internal logic and functional order that simply do not exist in the humanitarian sphere’ or ‘that it invokes and perpetuates the sense of a hierarchical relationship between the international aid agencies, which control most of the resources, and local organizations and people, who perform most of the aid provision’. To search for a broader definition in this case, it’s easy to find many definitions of what constitutes a ‘humanitarian’ or ‘humanitarian action’ or ‘humanitarianism’. Some authors state that when they use the term ‘humanitarian system’ they like to preface it with the word ‘international’ so that it places the focus on the international elements of this humanitarian system rather than on national and local ones in affected countries or populations (Peter Walker 2008, p.14).

**Multilateralism** – Taking into consideration what is stated in the European Security and Defence Policy (ESDP) – Common Security and Defence Policy (CSDP) documents it is clear that multilateralism and the interest in building partnerships has always been at the core of those policies. The following citation illustrates well how this is a central ideal of the Unions’ foreign policy: “If we regard multilateralism as an organizational form, which links contextual practices and focuses predominantly on pragmatic usefulness (Gross 2011) we can look at the intricacies of the EU – US – UN triad through the lenses of one of the ESS’s (European Security Strategy) strategic objectives – ‘the promotion of an international order based on effective multilateralism’.”( Gross 2011, p.21)

Robert Cooper explained it well when he stated that “multilateralism and the rule of law have an intrinsic value (...) Multilateralism – for which the EU stands, and

which is in some way inherent in its construction. - embodies at the global level the ideas of democracy and community that all civilized states stand for on the domestic level.” (Cooper 2003, p.166) One can never play its intentions through unilateral actions without the power to sustain it.

**Non-state actors** - Non-state actors (NSAs) can be individuals and/or groups that hold influence, and which are wholly or partly independent of state governments. The interests, structure, and influence of NSAs can vary. For example, among NSAs are corporations, media organizations, business magnates, people's liberation movements, lobby groups, religious groups, aid agencies, and violent non-state actors such as paramilitary forces can all be among NSAs.

**Peacebuilding** - ‘Actions undertaken over the medium and longer term to address root causes of violent conflicts in a targeted manner’.<sup>95</sup>

**War** – “Organized violence between political groups in which the use of armed force is, at least, a potential possibility, that aims to a determined political end, directed against the sources of power of the adversary and unrolling accordingly a continuous game of probabilities and chances” (Couto 1989, p.148).

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<sup>95</sup> Available at: [https://eeas.europa.eu/headquarters/headquarters-Homepage/426/conflict-prevention-peace-building-and-mediation\\_en](https://eeas.europa.eu/headquarters/headquarters-Homepage/426/conflict-prevention-peace-building-and-mediation_en) - last consulted November 2017

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Annex B – Crisis Management Process

Figure 12 - Crisis Management Process

Source: (Sönmez et. al. 2014, p.98)





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## Annex C – Examples of Contributions of NGOs

Stage	Contribution of NGOs (examples rather than an exhaustive list)
Policy Development	Bringing expertise to needs assessments; if the view of the people concerned is not fed into the process here, there is a much higher risk of failure. NGOs are more likely to have been engaged in the area for a much longer time than EU Institutions.
Early Warning	NGOs have on the ground knowledge and understanding; they have a presence; they can read the early signs. They have people on the ground; they know people on the ground. They understand conflict dynamics and they understand the causes of conflict.
Planning of Interventions	NGOs bring the perspective of 'what makes sense within a given context and within the relevant stages of a conflict'.
Implementation	Operational planning on the basis of context expertise, the provision of experts and the delivery of aspects of the action; trust building with local civil society to develop the democratic capacity in parallel with institution building.
Training	NGOs have training material for field work already developed which could be useful and used for state actors; NGO training material will take account of the needs of local people and the need for local people to be involved in the policy formulation process; Undertaking training which includes state and NGO actors builds trust and confidence in each others capabilities, expertise and approaches; Training provides a useful space for dialogue; NGO training goes beyond the specific categories of ESDP missions and contextualises them in a broader assessment of what makes societies work.
Recruitment	NGOs have experts; knowledge of experts; and expertise in recruiting people for deployment in the field.
Lessons Learnt	It is important to include both international and local NGOs in a formal and informal 'lessons learnt' process to establish: <ul style="list-style-type: none"> <li>• What worked for local people?</li> <li>• What didn't work for local people?</li> <li>• Who has benefited?</li> <li>• Who has not benefited?</li> <li>• Who was included?</li> <li>• Who was excluded?</li> <li>• What does any of this mean for future conflict potential?</li> <li>• Why did things happen the way they did?</li> <li>• How should international/European NGOs 'intervene' in a local context?</li> </ul>

*Table 2 - Contributions of NGOs*

Table as in: (Weitsch, 2008, p. 18)

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## Annex D- Advocacy Opportunities for NGOS

If we saw good examples of the influence that NGOs can exert on decision makers, it can be relevant here to go over what are the advocacy opportunities that NGOs can have or at least can perceive in relation to each EU actor. In this effort of detailing and making evidence on how NGOs manage to exert some sort of influence over decision-makers the European Peacebuilding Liaison Office (EPLO) is evidently an important source for the task at hand.

EPLO is an independent civil society platform of European NGOs, networks of NGOs and think tanks which are committed to peacebuilding and the prevention of violent conflict. EPLO presently has 37-member organisations, like GPPAC or Oxfam, from 16 European countries (13 EU Member States plus Kosovo, Norway, and Switzerland). EPLO's members are individual NGOs, networks of NGOs, and think tanks.

In its work and publications, it is possible to find in 2018 a report on the “mapping of actors” relating the EU actors and institutions with peacebuilding actors and organizations after the Lisbon Treaty. Among the objectives of this specific report it aims at identifying advocacy opportunities for civil society working on peacebuilding.

Going through the EU main institutions in its foreign policy and external action, EPLO helps by precisely highlighting those advocacy opportunities according to each EU actor. Since there isn't a “one type fits all” of advocacy opportunities and ways to influence decision-makers, it is useful to scan multiple actors for a more complete view:

- **European Council**

EPLO identifies the following advocacy opportunities with the European Council:

- Putting conflict prevention and peacebuilding on the agenda of European Council meetings;
- Influencing European Council Decisions and Conclusions. ((EPLO), 2018, p.3).

In the last ten years, the European Council has been more preoccupied with the financial and economic crisis and paid less attention to foreign policy. Recently migration and counter-terrorism have become the new focus of attention on foreign policy issues.

● **The Council of the European Union**

EPLO details the advocacy opportunities regarding the Council of the EU:

- To place issues of relevance to conflict prevention and peacebuilding on the FAC agenda;
- To influence ongoing negotiations at working party/committee/group level;
- To provide briefings to different working parties/committees/groups (thematic or regional). ((EPLO), 2018, p.6).

EPLO also expresses certain issues and difficulties such as transparency and access. When referring to transparency it states that “to be able to influence Council decision-making, it is important to provide input to the negotiations that are taking place at working group level. Since the minutes of working parties/committees/groups are not available on the public register of the Council of the EU, and the agendas are not detailed, it is difficult for civil society to know exactly what is being discussed.” ((EPLO), 2018, pp.6-7).

The EPLO states that when trying to obtain access to the individual Member States representatives in working parties/committees/groups meeting at ambassadorial level, that tends to be difficult.

In the Foreign Affairs Council the key advocacy targets identified by EPLO are the Ministers for Foreign Affairs, but sometimes it can also be the Ministers for Defence or Trade (depending on the topic at hand). This Influence can be exerted through the Ministry of Foreign Affairs and/or also Ministry for Development, Defence or Trade at Member State level.

In the General Affairs Council the key advocacy targets identified by EPLO are the Ministers for Foreign and European Affairs through the Ministry of Foreign Affairs or European Affairs at Member State level.

The PSC ambassadors and the PSC permanent chair, the COREPER II and CIVCOM members and the CIVCOM permanent chair are the others key advocacy targets highlighted by EPLO although it doesn't detail how the influence on their members can be exerted and put in practice. To CIVCOM it delivers a tip for achieving such goal, stating that to "provide input to CIVCOM discussions, it is best to provide country specific analysis and recommendations on CIVCOM's agenda." ((EPLO), 2018, p.9)

- **The Presidency of the Council of the European Union**

EPLO details the advocacy opportunities, in this case regarding the Presidency of the Council of the EU:

- To bring crisis solving issues as well as conflict prevention and peacebuilding into the Presidency Programme;
- To provide input for Council Conclusions (which are coordinated by the Presidency, apart from those adopted by the FAC which are coordinated by the EEAS);
- To co-organise thematic events, conferences or workshops around important issues that can be traced to the origin of a crisis, as well as conflict prevention and peacebuilding. ((EPLO), 2018, p.10)

- **General Secretariat of the Council of the European Union (GCS)**

EPLO details the advocacy opportunities regarding the GSC:

- Influence can be applied related to a given crisis, conflict prevention and peacebuilding placing the desired issues on the agenda of the European Council and the FAC. Here, especially for the European Council meetings, the GSC has an important role because it prepares and coordinates the agenda itself;
- Influence can also be played in a way that it provides peacebuilding responses to violent extremism as an alternative to counter-terrorism responses such as the issue of radicalised fighters returning to the EU, an area of Member State competence and where EU action is considered useful.

EPLO also stresses a difficulty in access because, it argues, advocacy targets are limited to the Secretary-General and his office. It also claims that it is not clear how much influence the GSC has when comparing it to the EEAS in the preparation of the FAC.

- **European External Action Service (EEAS)**

EPLO details the advocacy opportunities regarding the EEAS as the following:

- Programming of horizontal and thematic instruments;
- Revision and development of EU foreign policy (development of norms and guidance on implementation);
- Preparation of Council decisions (for instance, on deployment of a CSDP mission).

EPLO further details the advocacy opportunities regarding the EEAS specifying some structures and individuals, going over their Status and action points that can be targeted to influence by NGOs, like the HR/VP and Cabinet, the Secretary General, the Deputy Secretary Generals, the Division for the Prevention of conflicts, Rule of law/SSR, Integrated Approach, Stabilisation and Mediation (PRISM), the Directorate for Security Policy, the Directorate for Human Rights, Global and Multilateral issues, the Regional directorates, the Crisis Management Planning Directorate (CMPD), the Civilian Planning and Conduct Capability (CPCC), the Military Planning and Conduct Capability (MPCC), the Strategic Planning Division, the EU Delegations, the EU Special Representatives or the EU Special Envoys.

To influence the work of the division of PRISM, for example, EPLO states that “it is important to develop concrete policy recommendations as to how conflict prevention and peacebuilding can be integrated into regional and thematic strategies. These should also be presented to the relevant regional and thematic directorates directly.” ((EPLO), 2018, p. 16). On the Regional directorates, to have another example, EPLO, argues that “the regional directorates are better staffed than the thematic directorates, but their expertise and commitment to conflict prevention and peacebuilding might vary. It is therefore important to provide them with evidence as to why conflict matters in the respective country or region and to provide concrete

recommendations as to how peacebuilding can be integrated into EU policies.” ((EPLO), 2018, p.18).

For the ability to influence the CMPD, EPLO stresses that it has to prepare different scenarios regarding EU response to crisis situations, so, this is something that can be useful to provide concise conflict analysis and policy recommendations.

When dealing with the EU delegations, the influence can be played on the very delegation in the country’s specific conflict, as this expertise will be valued. To ensure that information submitted at delegation level is also received in Brussels, it should be sent to the geographic divisions/units in the EEAS and in DG DEVCO as well as to the PRISM division in the EEAS. To give a final example regarding the EEAS, for the EU Special Representatives (EUSRs), EPLO talks about them saying that, “depending on the context in which they operate, EUSRs might be involved in shuttle diplomacy, mediation efforts and other peacebuilding initiatives. EUSRs are supported by a team of advisors who are, in general, the first contact point for civil society. Some of them are based in Brussels, others in the mandate country or region.” ((EPLO), 2018, p.20).

- **European Commission**

The EC, EPLO argues, is a bureaucratic body, that deals with the details of EU policy-making which are mainly technical. Consequently, advocacy from NGOs has to be sufficiently detailed and technical for EC officials to be able to use it.

- **European Commission – Service for Foreign Policy Instruments (FPI)**

EPLO details the advocacy opportunities for NGOs regarding the Service for Foreign Policy Instruments (FPI)

- 1) Programming of IcSP Articles 4 and 5 (together with the EEAS);
- 2) Decisions regarding the use of IcSP funds (Article 3) ((EPLO), 2018, p.24).

- **European Commission – Directorate General for International Cooperation and Development (DG DEVCO)**

EPLO details the advocacy opportunities for NGOs regarding DG DEVCO:



NGOs should, for example, encourage the EU institutions to make use of the possibility to support conflict prevention and peacebuilding through the external action instruments.

- **European Commission – DG Trade**

DG Trade is the Commission Directorate General in charge of EU trade policy (meaning trade between the EU and third countries, not inside the EU). It is the Directorate responsible for the common commercial policy (CCP) including foreign direct investment, trade in goods and services, and trade-related intellectual property rights as well as external trade. After the Lisbon Treaty, the CCP was integrated into the field of EU external action. Art. 207 (1) reveals that “the common commercial policy shall be conducted in the context of the principles and objectives of the Union's external action,” which between others is the promotion of peace ((EPLO), 2018).

Due to the existing risk that trade, and investment can have some negative impact on the dynamics of conflicts in third countries (EPLO, 2018) gives some examples like the unequal distribution of resources, the often-unaccountable nature of foreign business actors and investors and the possibly negative social and environmental impacts of large scale investments. Having to account for this point, all the legislative framework pertinent to trade and investment policy developed by DG Trade has obviously to contain some sort of safeguards regarding conflict, human rights or even environmental protection. Trade and investment can also be seen and understood as tools that support peacebuilding, mainly by providing employment and getting more money and wealth into the country's people and to its government. This is a main reason for EPLO that justifies that peacebuilding should be defined as an objective of trade and investment from the EU.

EPLO helps detailing the advocacy opportunities for NGOs regarding DG Trade:

- 1) NGOs can be helpful and be involved (even if in the “backstage”) in all the preparation of trade and investment agreements with third countries. It is a fact that regular civil society consultations are organised. “Before DG Trade can start negotiating a trade or investment agreement with a third country, it has to be authorised by the Council of the EU which provides DG Trade with

a mandate for each of the agreements in which the objectives of the negotiation and the following agreement are detailed. The negotiation itself is not public.” ((EPLO), 2018, p. 32);

- 2) NGOs can contribute in the development and revisions of standards related to trade and international investment policy. As foreign direct investment has become part of the common commercial policy with the coming into force of the Lisbon Treaty, DG Trade is responsible for developing standards which have to be included in all investment treaties that are adopted between the EU and third countries and this is where NGOs can exert their expertise and evidently playing a certain influence. DG Trade is also revising some of its normative standards regarding trade policy. The example we can take notice here is the human rights clause that has been integrated in all trade agreements of the EU with third countries;
- 3) Administration of trade and investment agreements. For instance, the EU's trade relations with developing countries are conducted in the form of Economic Partnership Agreements (EPAs) which have been criticised for the negative impact they have on economic development and social justice in developing countries, showing that inputs from the Civil Society in these cases were not, probably, taken in consideration and where NGOs can play a decisive role. ((EPLO), 2018, p.33).

Literature shows that officials in this Directorate General are frequently trained economists with little or no experience in assessing the noneconomic impact of EU common commercial policy. In its “Power Analysis: The EU and peacebuilding after Lisbon” report, EPLO concludes that these officials can be resistant to acknowledge that the EU trade policy ought to support other objectives of EU external action as it was after the Lisbon Treaty, a position which is, apparently, backed by many EU Member States.

This Directorate General is probably one of the most influential and powerful of all the external action DGs in the Commission because of the powers that all the Member States have given it to negotiate agreements in the EU's behalf. EPLO points out that this can contribute to a scenario where in fact it is very difficult for NGOs to

directly influence DG Trade, mainly because it can reject the role of the EEAS in the coordination of the overall EU external action, possibly failing to realize that trade can be a vital part of the EU's Integrated Approach to external conflict and crises.

Dealing with the several different advocacy targets within DG Trade, ELPO considers, for example, that with Directorate B - Services and investment – that has to deal with general matters related with services and investment, NGOs can be useful to provide concrete examples on how trade and/or investment impacts on conflict dynamics in respective country or region.

NGOs can become essential in consultation processes made by any of the Directorates inside DG Trade, due to their field expertise and know-how, being able to fully demonstrate why conflict can be a risk to investment and trade from the EU.

- **European Parliament**

Regarding the CFSP, no legislative decisions can be adopted by the EP, Council being the main decision-maker. The EP either only must be informed or has to consent to the decision. The EP with its budgetary authority, must co-decide on all expenditures. With this, the EP can use its budgetary powers to influence decisions that do not normally fall within the responsibility of the EP's power (ELPO provided the example of the discussion about the structure of the EEAS in the course of 2010).

Regarding responsibilities in relation to the EU's response to conflict and in matters of the CFSP, the EP only has to be consulted. The EP can only put questions and make recommendations to the HR/VP and the Council. "Twice a year, the HR/VP presents the Parliament with a consultative document on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) and their financial implications. The HR/VP regularly attends plenary debates on CFSP. Through the Committee on Foreign Affairs (AFET) and the Committee on Development (DEVE), the EP has regular contact with the HR/VP and senior EEAS staff as well as Commissioners. They can raise matters related to conflict in written or oral questions or during hearings with EEAS and Commission officials." ((EPLO), 2018, p.36).

EPLO helps detailing the advocacy opportunities for NGOs regarding the European Parliament:

- 1) In the co-legislation process (in policy areas where this procedure is applied);
- 2) In the drafting of EP reports and resolutions, being able to contribute with all their know how and field expertise (within CFSP, these do not have legislative character);
- 3) Committee hearings (providing evidence on specific topics);
- 4) Contributing to procedures of writing or helping to previously establish oral questions of MEPs to HR/VP or Commissioners ((EPLO), 2018, p. 36).

As for possible difficulties when trying to interact with the EP, it was stated by EPLO that there is an apparent “discrepancy between MEPs that are very active and involved in various initiatives and policy areas, whereas others keep their activity to a minimum. MEPs interested in peacebuilding are more likely to belong to the first category which means that they might be thinly spread over a number of areas and have a busy schedule, making co-operation sometimes difficult.” ((EPLO), 2018, p.37).

There is also the issue that MEPs can, in fact, be very useful in bringing and keeping items on the political agenda, but their actual influence on CFSP matters is quite limited. The EP Committee responsible for foreign affairs (AFET) has regular exchanges with representatives from the EEAS and Commission bodies with responsibility to external affairs. AFET mainly has to monitor and comment on EU foreign policy (CFSP, CSDP, EU relations with third countries, EU relations with international bodies) and has to prepare the EP positions on foreign policy issues in the format of reports and resolutions that are non-binding.

In order to influence any of the several committees (Committee on Foreign Affairs (AFET); Sub-committee on Human Rights (DROI); Sub-committee on Security and Defence (SEDE), Committee on Development (DEVE); etc.), and according to EPLO, “briefings pertinent to their agenda, suggestions for amendments on EP reports and proposals should be sent firstly to each committee chair, group coordinators and individual MEPs with responsibility regarding the file.” ((EPLO), 2018, pp. 38–40).

### Member States

EPLO contributes further by detailing the advocacy opportunities for NGOs regarding the Member States as individual “targets”:

- 1) Member States have a decisive role in the preparation of Council Decisions and Council Conclusions;
- 2) They also contribute to EU foreign policy in the Council working groups/parties/committees (development of e.g. policy guidance, regional strategies etc.);

So, when it comes to Member States influence inside the EU, NGOs should be able to support national parliaments to exercise their accountability role. It is here that civil society and NGOs can provide valuable inputs on issues of relevance to peacebuilding and conflict prevention that will be discussed at EU level. To provide these inputs into EU decision-making, civil society NGOs must raise issues of relevance to topic of their intention and that will be discussed at EU level with the respective directorates and discuss the positions taken in Brussels at a national level after.

Through the Foreign Ministries of the Member States, some influence can be exerted (possibly by public opinion and consequent public pressure) so that a follow up at the Permanent Representation in Brussels is made to ensure that the national recommendations reach the relevant people within the EU.

- **European Union Institute for Security Studies (EUISS)**

The EUISS is an EU agency which was set up by the Council Joint Action of 20 July 2001 (since then revised by a Council Decision of 10 February 2014) and was inaugurated in January 2002. It operates under the Common Foreign and Security Policy (CFSP). The Institute is funded by EU Member States, according to a GNP-based cost-sharing formula and is based in Paris.

The EUISS has an annual budget of € 5.3 million from the EU Member States and is governed by two administrative bodies:

- The Political and Security Committee (PSC) – that can exercise political supervision;

- The Board (composed of one representative appointed by each Member State, one appointed by the Commission and chaired by the High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) – that elaborates budgetary and administrative rules and approves the work programme. ((EPLO), 2018, p.49).

The mission of the EUISS is to ‘contribute, in close cooperation with Member States, to the development of EU strategic thinking in the fields of the CFSP and CSDP, including conflict prevention and peacebuilding, as well as in the field of other external action of the Union, with a view to strengthening the EU’s analysis, foresight and networking capacity in external action.’<sup>96</sup>The EUISS, according to EPLO, has close links with the Council of the EU (PSC exercises political supervision) but is supposed to work independently.

“The EUISS researches security issues of relevance for the EU and provides a forum for debate around these issues. As an EU agency, it also offers analyses and forecasting to the HR/VP. The EUISS issues a number of different publications, among them the Chaillot Papers which deal with all subjects of current relevance to the Union’s security, Occasional Papers, Reports of EUISS research projects and events as well as Policy Briefs, Alerts and books.” ((EPLO), 2018, p. 49).

Through the publications and events, the EUISS can shape the debate around the CFSP and by doing so, influencing the EU’s response to conflict or peacebuilding. In 2015-2016, for example, the EUISS prearranged several consultation meetings with the EEAS for the preparation of the EU Global Strategy.

EPLO details the advocacy opportunity for NGOs when it comes to European Union Institute for Security Studies arguing that the EUISS is not a policy-maker itself, but it can influence the policy debate. Therefore, increasing the peacebuilding approach in their research and analysis would impact on the policy discussions at EU level ((EPLO), 2018, p. 50).

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<sup>96</sup> Council Decision 2014/75/CFSP on the European Institute for Security Studies, 10 February 2014

- **European Defence Agency (EDA)**

The EDA is tasked with improving the EU's defence capabilities within the CSDP. The HR/VP is the head of the EDA and operates as a link between the agency and the Council that meets, at the level of defence ministers, to issue guidelines that inform the EDA's about what it has to work on. The EDA is the agency that is in charge of the military aspects of EU defence policy and is the lead agency tasked with coordinating all the pooling and sharing initiatives for military capabilities inside the EU. Since the EDA has such a strong military focus, the staff in this particular agency is mostly of military background and, to date, has not shown much interest in or awareness of issues related to peacebuilding.

Related to this last point, the EPLO report we have been analysing states that, “while there are no advocacy opportunities at the EDA per se, the fact that there is an agency dedicated to increasing the EU’s military capacity with a budget of € 31 million in 2017 could be used to raise the issue of strengthening the EU’s civilian capacity and highlight that the EU’s comparative advantage lies in civilian and not military response to conflict.” ((EPLO), 2018, p.51).

- **European Ombudsman**

The European Ombudsman is a body that only provides opinions about complaints and may, if appropriate, provide recommendations to the given EU institution or body that should always be concerned to correct the wrongdoing. Although not binding, the compliance rate is generally quite high (around 90% in 2014).

EPLO details the advocacy opportunity for NGOs when we talk about the European Ombudsman. By itself it is not an advocacy target for NGOs or civil society but by submitting a complaint to the European Ombudsman there is a possibility that it will highlight certain complaints concerning activities and behaviours of EU officials and entire institutions. This body can also launch an its own initiative inquiry, such as the investigation that was launched into the allegation of serious irregularities involving EULEX Kosovo ((EPLO), 2018, p.53).

All these opportunities – are a good indication that NGOs can play their ‘cards’ and try to influence decision makers within the EU environment, thus supporting my

argument that they can actually influence in very different levels the decision making at both State and IGOs level and develop tools such as the one we have just went through (as listed by ELPO) to better aim their focus and their efforts at their targets within specific EU institutions.