

EU AND CIVIL SOCIETY: THE CASE OF NGOs IN PEACE MISSIONS AND HUMANITARIAN INTERVENTION

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Abstract:** *Social scientists and policy-makers are increasingly concerned with the civil society ability to influence the external policy of EU and the member states. This ability depends to a large extent on the capabilities and instruments of the non-governmental-organizations (NGOs), national and international associations, and lobbies, which represent civil society interests. In order to represent the demands that cut across the borders of states, NGOs are increasingly gaining access to international decision-making institutions. However, this access continues to face with the controversial issue of the NGOs engagement in political participation, representation, and democratization of the decision-making processes of international organizations. This paper aims at analyzing the increasing engagement of NGOs, within and in relation with the EU, in the framework of CFSP/ESDP, and in responding to composite humanitarian emergencies.*

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The civil society capability to influence the external policy of the European Union (EU) is increasingly concerning the social scientists and policy-makers. This capability depends to a large extent on the role of non-governmental-organizations (NGOs), national and international associations, and lobbies, which represent civil society interests. In order to represent the demands that cut across the states' borders, NGOs need suitable accession to decision-making institutions. This condition is linked to the general, and controversial, issue of the NGOs engagement in political participation, representation, and democratization of the decision-

making processes of international organizations. As commonly known, the United Nations have reached the highest level of institutionalization of the dialogue with the civil society by delegating to ECOSOC the task to establishing a special procedure of NGOs recording, accreditation, and provision of consultative status. These practices constitute a consistent model which has been claimed for ruling the relationships with civil society also in other contexts, regional and local ones.

Regarding the European Union system, some other variables should be taken into account. The degree of involvement of the social parts is the

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litmus test of the level of integration from below, and the viable relationship between government 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 the civil matters, are imposing on the EU the need to overcome the model of consultation and develop a more effective and integrated system (Attinà – Natalicchi, 2007; Magonette 2003; Panebianco, 2000). NGOs, in particular, represent, among the others, interests pertaining to human development. In doing so, NGOs succeed in managing relations with various sectors in a sort of civil dialogue. Cooperation with neighbouring countries and the developing world is an excellent case study. By participating in the EU official programs, the European NGOs have promoted many initiatives on humanitarian aid, especially in Africa (Ryelandt, 1995). This constituted a good starting point for the increased NGOs' engagement in the field of conflict prevention and management, and a more active role in EU peace missions' deployment (Attinà, 2007).

This article aims at analyzing the increasing engagement of NGOs, within and in relation with the EU, in the framework of CFSP/ESDP, and in responding to composite humanitarian emergencies.

In the first part, the evolution of the role played by the main civil society actors is analyzed by taking into account the evolutionary phases of the European political and economic integration process, and the theory debate. Relationships between NGOs and the EU institutions that are competent in

the fields of security and foreign policy as well as humanitarian intervention are analyzed. The Artemis mission in the Democratic Republic of Congo is shortly presented as a test case. Lastly, brief remarks are made on the NGOs potentialities in reducing violence and managing humanitarian emergencies in conjunction with the role played by the EU as a global actor.

EU governance and civil society: the theory debate

The necessity to understand the level of integration and EU institutionalization has attracted both International Relations [Hoffmann (1964); Waltz (1979); Grieco (1995); Bulmer (1983); Moravcsick (1993); Scharpf (1988); Wallace H.- Wallace W. (1996)] and Comparative Politics scholars [Tsebelis-Garrett (1997); Hix (1999); Majone (1996)], and produced contrasting theory interpretations. Attention has been given mainly to two issues. First, the will of the governments to give life to supranational institutions for better exploiting the advantages of sharing economic resources and a free trade system. Second, the scale of the competences of the European institutions and the consequent problem of a clear division and hierarchy of levels, in a complex structure of coexisting centres of power and decisions (Schmidt, 2004).

At the same time, the specificity of the competences imposes the need of suitable knowledge which is not always available to the states and the European institutions. For this reason, a series of actors of the civil society, and representative of specific economic interests, has increasingly played a role essential to the technical aspects of many

European policies. During the 1970s, the pluralist school scientists started to study this noticeable phenomenon.

The application to the European system of this interpretation model produced a renewed version of the classical functionalist theory [Mitrany (1975); Haas (1964)]. The role played by economic groups in strengthening and diffusing economic integration (the spill-over effect) is at the core of the neo-functional analysis. It is true that these actors are specifically tied to productive categories and, then, determined to represent and defend some specific interests. Nevertheless, their constant work with the Commission as well as the technical support they give to the Commission proposals led the way to a real method of consultation and opened the road to political integration.

Such tendencies continued and strengthened during the 1980s. The publication of the *White Paper* by Jacques Delors, in 1985, supplied a series of provisions necessary to the realization of the single market, while the following Single European Act widened the competences of the European institutions, by modifying the set of decision procedures, and enlarging the power of the European Parliament through the co-decision procedure (Attinà – Natalicchi, 2007). The strengthening of the economic dimension and the widening of common policies further increased the interest and pressure of old and new groups. This phase, named as the *lobbyfication phase* of the European decision-making (Panbianco, 2000), is destined to consolidate and widen further on. This process had important consequences on the policies of the Member states and of the European institutions. The largest

part of the European policies, in fact, took the form of regulative rather than distributive policies, and the need for knowledge and competence resources increased. Thus, non-state actors (albeit the economic ones) become real referents (Magnette, 2003).

Significant changes occurred also in the 1990s. The completion of the Single Market triggered a series of measures of economic and monetary nature that had a cascading effect on the Member States, and involved all the levels of government (Longo, 2005). Moreover, the Maastricht Treaty led to the consolidation of the European ambition to be a political actor. In addition to the economic groups, other groups active on civilian issues knocked at the door of the European institutions. They were new to the European system, and the product of the mature condition of European civil society. Briefly, a new system of interest representation was re-structuring the EU on the initiative of social groups that had no adequate channels of demand articulation and aggregation, but could contribute to narrow the gap between the citizens and institutions, and to manage the problems of democratic decision-making process and institutions accountability at the European level.

The functionalist theories did not focus on this evolution, and failed to give answers to the problem of democracy. The challenges met by the EU, continually reviewed after Maastricht, deal with the fact that the European institutions make decisions on account of the citizens with no citizens' due control and participation. For this reason, in 2001, the Commission undertook a thorough reform of the EU governance system, which was defined as the "*rules*,

processes and behaviour that affect the way in which powers are exercised at European level, particularly as regards openness, participation, accountability, effectiveness and coherence"¹.

A supranational governance must be a democratic governance - and thus can not be separated from true citizens' participation – for at least three reasons: (1) democracy implies not only that citizens can participate and legitimize political power, but also that the latter is, in turn, responsible to the citizen; (2) the concept of public good means that it is widely shared by all those who are subject to jurisdiction; and (3) democracy requires appropriate checks and balances (Nettesheim, 2004).

What emerged clearly from the reflection initiated by the Commission is that, despite apparent shortcomings, the EU is not a beginner. If political participation is not the mere exercise of the voting power, but also the range of activities through which citizens seek to influence political power, then a participation rate which is still low but growing, can be recorded (Longo, 2005). Moreover, referring to Lijphart thesis on heterogeneous democracies (as the EU certainly is), the presence of two factors is essential, the existence of political and institutional mechanisms that allow the participation of all social actors interested in the management of interests, and a model of division of skills that will enable these groups to decide at least the most relevant policies (Lijphart, 2004). In this sense, the EU is, at the same time, a system in which many interests are represented through a plurality of

actors and a system at the beginning of reforming its channels of participation.

Recent studies have attempted to investigate these issues by analyzing the characteristics and outcomes of the EU governance system. Some studies focused on governance as a system of multiple levels of government. The theories of multi-level governance argue that the state, despite being the main actor of the European decision-making, is no longer a unitary actor. It is, indeed, the sum of many other actors (local institutions, representatives of social categories, associations, and groups) which contribute, in various capacities, to the formulation of the position the national authorities have, on a given issue, towards the European institutions (Marks, 1996). Others, however, have focused their research on substantive issues of governance. The objective of network analysis is to verify empirically what direct influence non-state actors have on decision-making processes rather than the indirect one, through state mediation. These studies recognize the growing importance of the groups and organizations concerned with issues different from the traditional, namely economic ones. Accordingly, Peterson distinguishes between *communities* and *networks*. The former are composed of actors provided with adequate technical knowledge but small coordination. The latter, instead, are constituted by the parts of the community that choose to coordinate themselves and interact in order to have a more effective access to the decision-making channels (Peterson, 1995). By analyzing the American

¹ European Commission (2001), *White Paper on European Governance*, Brussels, COM (2001) 428 def., 5.8.2001, p. 8.

political system (on which network analysis mainly focused), and the obvious similarities with the EU system, Peterson argues that these actors respond to the need for technical knowledge that regard the formulation of broader policies. However, this occurs both in traditional sectors (networks), and in those not yet structured that deal with common interests (communities) (Longo, 2005). In both cases, their potential for expertise and values is enormous.

In conclusion, the constant evolution of the theoretical debate is the natural consequence of the transformation which the application of the governance model produces in the EU system by structuring interests, advancing social needs, and, above all, introducing the diversification of the relevant actors.

The role played by civil society in the EU

The analysis of the general concept of civil society within the EU system is extremely important for understanding how NGOs developed in some specific sectors, like security and development.

Such concept appears extremely flexible. The opportunity of giving to the civil society organisations a formal accreditation procedure and the consequent official consultative status has always been excluded by the Commission as stated in the Communication *"An Open and Structured Dialogue between the Commission and Special Interest Groups"*². This position is probably due to the necessity to ensure that the decision-making process in the EU is

legitimated by the elected representatives of the European peoples. However, this led to difficulties in identifying suitable channels of access to individual interests and, to some extent, slowed down the enlargement of participation. At the same time, the increased flexibility allowed the participation of a wide range of actors, even not provided with appropriate resources. Being involved in the EU system requires resources and imposes costs not affordable by all the groups. However, the great openness of the Commission proved to be beneficial.

As we have already seen, in the first stages, the EU recognized especially the economic interest groups, representatives of specific categories, namely trade unions and employers' organizations. Each of them protected its interests, and formulated needs and demands in their areas of competence. At the beginning, they were mainly linked to the Single Market and the realization of the Economic and Monetary Union (agriculture, fisheries, energy, heavy industry, etc.). The manner in which this happened - and continues to happen - was commonly defined as *pressure*, a very broad term that refers not only to extreme events (strikes, public protests), but also - and more frequently - to the information offering made by the groups to the European institutions (Panebianco, 2000). The term is also used to characterize the groups themselves. The extent of interests represented in the EU system is explained by the EU institutions' need for sound and relevant information. The process by which interest groups provide knowledge to the decision-

² European Commission (1993), *An Open and Structured Dialogue between the Commission and Special Interest Groups*, Brussels, SEC 92, 2272 def., 2.12.1992.

making bodies is lobbying, a mutually useful activity. The groups have direct access to the institutions, and these, without affording costs, can reduce the information deficit (Panebianco, 2000).

This method, which was strengthened over the years and welcomed for the results obtained, was favourably looked by other groups from civil society, representative of a number of interests other than the economic ones. They were favored by the institutional evolution operated through the Single European Act and the Maastricht Treaty. The so-called community-based organizations (CBO) are those social groups, variously organized, that bring together European citizens active in local and national life, that represent interests pertaining to human development³. Among these, churches and religious communities, voluntary associations and, of course, NGOs which constitute the largest sector of the organizations of the civil society. Although active in other sectors than the economic one, these actors have been able to learn from their counterparts the way to address their own needs and put pressure on institutions. They had to face many obstacles, mainly due to the Member States resistance. However, they succeeded in managing negotiation in some sectors and gave place to a form of civil dialogue.

Cooperation with neighbouring countries and the developing world is an excellent example of development actions. By participating in official programs, European NGOs have promoted many initiatives of humanitarian aid, especially in Africa (Ryelandt, 1995).

These efforts achieved concrete results by creating, in 1976, the Liaison Committee (*Comité de Liaison*), the representative body of all European NGOs engaged in cooperation actions, in collaboration with the Community institutions. The pressure exerted by NGOs working on cooperation has addressed the EU towards strengthening humanitarian aid, pushing to develop specific policies and programs, and creating a important standard of consultation.

It is clear, however, that in the EU system, civil society presents diversified faces based on the nature of the interests represented. However, they tend to use, with some diversity, similar methods of pressure and dialogue with all EU institutions. The real difference is in how EU institutions have formalized their relationships with various groups. On this regard, two separate strands of the same social governance are emerging, the social and civil dialogue (Mascia, 2004).

Social dialogue and civil dialogue

Since 1985, with the publication of the Single Market White Paper by Jacques Delors, the EU system has provided forms and procedures to make the social dialogue active. Art. 138 of the Treaty establishing the European Community is considered as the legal basis of the social dialogue. The relevant aspects are essentially two. First, the EU clearly identifies the social actors (trade unions, professional associations, multinational industrial groups), organized vertically and engaged in areas strictly identifiable, the labor, with

³ Economic and Social Committee (1999), *The role and contribution of civil society organisations in the building of Europe*, CES 851/1999, Brussels, 22.9.1999. .

some exceptions (like wage issues). Second, the consultation procedure obliges the Commission to question the social partners in all matters within their competence and before starting the legislative initiative. As already seen here above, the initial direction taken by the process of European integration created the conditions for economic groups to become real political actors, and enabled the consultation procedure to become stronger over time.

Civil dialogue, instead, has no legal basis. This led to great uncertainty about the identity of the actors involved but also on access to the decision-making process. This problem refers to NGOs and associations involved in all areas which do not fall in the economic sphere like consumer protection, development cooperation, environment, human rights, and protection of women and children. The characteristics of represented interests lead to a structure generally not vertical or centralized but very flexible by a network arrangement. There is, of course, no consultation procedure strictly required by law. This did not, however, prevent the Commission from studying a range of initiatives to counteract the “excessive power” of economic groups, by putting civil dialogue in various mechanisms of participation.

Relations with the EU institutions

The lack of standards and procedures ruling civil dialogue began to be felt strongly in the 1990s, in order to become, in the following years, a real need. The enormity and the complexity of the organizations and of the involved interests made the definition of standard mechanisms a difficult task. Taking into account the definition of governance adopted by the Commission, a system of

interactions developed separately with each EU institution, sometimes with some convergence, but often with no coordination., However, it is a system still in action (Attinà – Natalicchi, 2007).

Civil dialogue has always been “recommended” to the Economic and Social Committee (ESC) which is seen as its natural *maison*, not only because it is the representative body of various interests but also because it was given the task of fostering links between society and institutions, acting as the mediator. However, relations have never been very productive. The prevalence of the economic groups within the ESC led to a kind of “fondness” for the social dialogue.

The Commission is the institution which has shown more spending, firstly to an agreed definition of civil consultation and then towards the formulation of more comprehensive procedures. After a structured relationship with the economic interest groups, the Commission noted, during 1990s, a growing demand from actors of a different nature and began reflecting on this phenomenon. In the document “*The Commission and the non-governmental organizations: building a stronger partnership*”, published in January 2000, an accurate, empirical assessment of the initial civil dialogue was made, and a series of problems linked to the lack of transparency and communication, and the excessive complexity of procedures was examined.

Two main difficulties were highlighted. First, the strict division of competences of the Commission into different fields was not always correspondent to the interests represented by various organizations which were, on the contrary, more flexible and interdependent. This contributed to confuse the organizations regarding the

Directorates General to pressure on the issues of concern. Second, financing, direct or mediated by the national authorities, was not intended for the benefit of individual organizations, but for single competence, with the result of limiting their activities, particularly those less endowed with material resources.

To these problems, the Commission replied with a statement of greater commitment but, at the same time, requested to the organizations larger accountability and a greater use of the consultation. The document appears as a platform to launch a cooperation strategy based on five priorities:

1. Fostering participatory democracy;
2. Representing the views of specific groups of citizen to the European Institutions;
3. Contributing to policy making;
4. Contributing to project management;
5. Contributing to European integration⁴.

This strategy was part of the reflection the Commission in these years on the system of governance, and the need to renew it.

Although it was clear that, during a considerably long time, the EU was a unique political system, the need to review its methods and policies was strongly felt⁵. In this context, participation of civil society was an essential element, and enlargement of its base a top priority. The result was the *White Paper on European governance* of August 2001, prepared by the Commission together with over 2,500

experts, academics and NGOs activists, and updated through a mechanism of public and open consultation which continued until March 31, 2002.

The keyword was "participation". If, as the Eurobarometer, and other surveys, repeatedly noted, the interest for policies is very low at the individual citizens' level, but considerably high in structured groups and organizations then consequently, it is on these actors that more attention should be focused. In addition to the traditional economic groups, even the "civilian" ones were finally clearly defined: "*Civil society includes the following: trade unions and employers' organisations ("social partners"); nongovernmental organisations; professional associations; charities; grass-roots organisations; organisations that involve citizens in local and municipal life with a particular contribution from churches and religious communities"*⁶.

The timing and the ways of that involvement were explained by using the open method of coordination. In other terms, what the Commission was intended to promote was a new culture of consultation by putting together actors (organizations of civil society, local and national groups, ESC, Committee of the Regions and all institutions) and methods (respect for basic principles of good governance) in a framework of interdependence and coordination.

It is true that the document seemed to be highly innovative; nevertheless, a deeper analysis reveals its limits. Even

⁴European Commission (2000), *The Commission and the non-governmental organizations: building a stronger partnership*, COM (2000) 11 def., 18.1.2000, pp. 5-6.

⁵European Commission (2001), *White Paper on European Governance*, Bruxelles, COM (2001) 428 def., 5.8.2001, p. 7.

⁶Ibidem, p. 14

though it is reevaluated, participation must be initiated by the institutions, it mainly concerns the organized civil society, often focused only on specific interests and, above all, remains relegated to the advisory stage and not extended to the decisional one. Neither the amount of actors and levels of government involved (community, national, regional, local) could afford more. The process, however, did not stop. The White Paper was submitted to public opinion, and feedbacks were copious.

The communication *Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission* published in 2002, tries to summarize, by providing an important support to what is already envisaged in the White Paper. In the document, further clarification of actors is made. Additionally, it affirms the necessity of participation on a broader basis and recognizes the active role played by the civil society organizations.

The commitment of the Commission towards civil dialogue is still underway. However, it is possible to say that its major efforts have gone toward a definition, aimed at first to give legitimacy and then to clarify which actors are involved and what methods recommended. This is a request for participation that the Commission makes above all to civil society organizations but extends also to other institutions. If the Parliament is traditionally the house of popular sovereignty, dominated by political parties, the Council, despite its purely intergovernmental nature, has gradually turned its attention to civil dialogue, preparing a series of measures that have facilitated their activities. The main result of this circumstance is the legislation

that gave effect to the guidelines of the Commission. It has allowed the European NGOs to be associated with the processes of formulation of policies in specific areas (such as the environment, development cooperation, etc.) and, more importantly, direct access to funding (Mascia, 2004). This is not yet a legal basis condition, the strong aspect of social dialogue. However, counting on official deliberations of the Council allows to civil society organizations to pretend a greater institutionalization of their presence.

In other terms, there is a strong presence, in the EU system, of a civil society variously organized and eager to be heard in traditional issues as well as in new ones. In addition to pressure on issues relevant to social dialogue actors like agriculture, internal market, and enterprise, increasing pressure is exerted in areas in which different interests are at stake, namely security, human rights, and humanitarian relief. To understand the increasing participation of NGOs in relief and peace-building activities within the EU system, a preliminary analysis of this sector is required. For this reason, the transformation of two main aspects of global security, the nature of contemporary civil conflicts, the so-called new wars, and the attributes of humanitarian intervention in contemporary world politics are examined here.

Conflict management and humanitarian interventions

At the end of the Cold War, the global system witnessed the rising importance of the problems of so-called weak states and, in some case, their collapse. Institutional weakness, no rule of law, and economic backwardness became the cause of "new" wars (Holsti, 1999). These wars

do not share the same characteristics, but common traits distinguish all of them from traditional wars. The most important trait, frequently mentioned by scholars, is the shift from the interstate to intrastate war dimension. This distinction does not imply that the conflict effects are contained within the state borders. On the contrary, conflict normally spreads from the country in conflict to neighbouring countries and regions. An additional and important common feature of these wars is the active, and sometimes conditioning, presence of non-state actors. New wars are fought by a wide range of political and social groups that have different identity and alliance relations. However, conflicting parties are sometimes inclined to easily change alliance alignment (Kaldor, 1999). In many cases, states are not the aggressors, and have no role in the causes and development of the conflicts (Monteleone and Rossi, 2008). Lastly, in these wars, the clear distinction between civilians and combatants dramatically fades out. In many cases, civilians are deliberately chosen as the target of military action, with the consequence of dramatically increasing the number of casualties. All these conditions make the management of civil wars no longer dependent only on military means. For this reason, Doyle and Sambanis rightly observe that peacekeeping missions with extensive civilian functions, including economic reconstruction, institutional reform, and election monitoring are needed in order to improve the chance of success in containing violence and achieving peace building (Doyle and Sambanis, 2000). Collaboration between civil and military actors, then, is increasingly important to manage and solve civil conflicts, as acknowledged by governments and

international institutions. Briefly, the changing nature of conflict entails a parallel transformation of the tools for conflict management and humanitarian intervention, and pushes all international and regional agencies to come across such tools. In the case of the EU, some additional events, dealing with the end of the Cold War and the significant changes in the western European security culture should be considered too.

The EU and Foreign and Defence Policy

The nuclear deterrence strategy and arms control negotiations of the Cold War and subsequent *détente* era, the three-decade-long Helsinki process, and the formulation of national and multilateral defence policies in the 1990s in response to new security threats, like new wars, the rising of civil conflicts, and the proliferation of weapons of mass destruction (WMD), contributed to the increasing will of the European countries to strengthen their cooperation, also in the field of foreign policy. The convergence of the EU member states towards an important set of international values and goals – which is already visible in the Treaties – led to the creation of a Common Foreign and Security Policy (CFSP). It consists of a set of institutions and mechanisms for making common policies in the area of international politics and economic external relations, which involves, first of all, Member States and require their joint efforts and resources (Attinà, 2006). In other terms, the cooperative multilateral approach became the European common strategy. This meant that a specific European approach to crisis management and conflict resolution should exist

concerning regional conflicts, based upon the principle that any military intervention for interrupting violence must be completed by implementing plans for the reconstruction of the political, civil, and economic structures of the target states. Further historical events contributed to strengthen this concept. The need to react to the violent disintegration of Yugoslavia and to the political crisis in many European post-communist countries, in the early 1990s, as well as the need to obtain a more coordinated involvement of the European Union governments in serious violent conflicts like that 1991 Gulf War, led to the awareness that a common foreign policy urgently needed also a more structured common defence policy. The 1998 Anglo-French Declaration of St. Malò is commonly considered as the event which started the building-up process. The EU's defence policy was a result of the compromise between different views about how to unite Europe beyond the single market and single currency. However, world-wide context as well as the state of security cooperation in contemporary world politics played a significant role.

The document *A Secure Europe in a Better World*, issued in December 2003 by the EU High Representative for Common Foreign and Security Policy, Javier Solana, pointed out the main elements which are required to build a strong and solid *European Security Strategy*. It was, undoubtedly, a message to the world, explaining how EU would be able to face global challenges and threats. At the same time, it was a confirmation of the necessity of a stronger and efficient European Security and Defence Policy (ESDP), in order to afford the European Union management

of humanitarian crisis, to prevent civil conflicts, to strengthen regional security, to build sustainable partnerships. In other terms, the EU should deepen its capacity to act like a civilian power.

Today, the ESDP is assisted by three ruling structures, based within the Council General Secretariat. They are the Political and Security Committee (PSC), the EU Military Committee (EUMC) and the Military Staff (EUMS). They have different tasks and deal with different phases of the decision, preparation, and deployment of a military mission sponsored by the EU. The Political and Security Committee monitors the implementation of policies, and coordinates the crisis management activities. It plays a crucial role, because it prepares and sends its own opinions and advises to the Council on the crisis in which the EU should intervene. When the European military response to a crisis has been decided, the Military Staff - which is composed of military chiefs of staff, provided by Member States - supplies military support to the PSC, and supervises the military activities. In so doing, it is assisted by the military knowledge and techniques provided by the EUMS, which is composed of detached personnel, furnished by member states. Lastly, the need to give to EU capabilities appropriate to military operations, already known as Petersberg tasks, led to the creation of the European Rapid Reaction Force, as well as the introduction of the Battlegroups mechanism, involving military bodies provided with their own command and logistic autonomy.

On the other hand, the civilian crisis management is under the responsibility of the *Committee for civilian aspects of crisis management*, which has collected a list of resources, provided by the

Member States and EU itself, in the field of police administration, humanitarian aid, civilian and juridical re-establishment, civilian protection, monitoring activities on elections and human rights. The main tasks of the civilian crisis management deal, in fact, with public order, rule of law, civilian administration and civil protection (Attinà, 2006).

The decision to intervene in a crisis is taken by the Council, through a planned procedure which includes all ESDP 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. Then, the Council decides the more suitable response, agreed with the PSC and other involved structures, i.e. the EUMC, when a military response is requested; the Committee for civilian aspects of crisis management, in case of civilian reaction; and the Commission when the crisis requires a juridical action. In front of a strategic option, which implies military, political and juridical actions, the Council can either approve or refuse the proposed action. In case of approval, it has to structure all details of the action by which the intervention takes place.

Based on the principles, institutions, and procedure abovementioned, in the framework of ESDP, the EU should be able to provide a wide range of military operations, which should cover a large spectrum of actions. Vlachos-Dengler (2002) proposes to list them as follows:

1. humanitarian interventions, including relief, assistance and emergencies;

2. conflict prevention operations (diplomacy, economic initiatives, and military support);

3. peace-keeping and peace-building operations;

4. peace-enforcement operations.

Until today, EU has deployed 24 peace and security operations in Europe, the Middle East, Africa, and Asia (see Table 1).

ESDP operations have carried out different tasks and functions, in an increasing and successful manner. The rising complexity of conflicts and crisis management situations and the EU's desire to deploy proper crisis management missions confirm, however, the necessity to develop more multifunctional civilian crisis management resources. As suggested in the Solana's document, the EU operations should be more comprehensive, flexible and adaptable to the needs of specific situations. This means that the common procedures should be combined with the specific expertise required to appropriately meet the challenge of single crisis situation. In addition, the size, composition and precise functions of the operations will vary according to the specific needs. To these purposes, the will and strong cooperation of the Member States are required. The involvement of other political actors, able to provide noteworthy expertise as well as ability to play a role on field should be also taken into account.

NGOs and ESDP

In the field of security and humanitarian

Table 1 – Peace and security operations deployed by the EU⁷

	Acronyme	Area	Countries	Starting date	End	Years	Personnel
1	ECMM / EUMM	Europe	Bosnia	1991, July	active	15,8	59
2	EUPM	Europe	Bosnia	2003, January	active	4,3	202
3	Concordia	Europe	FYROM	2003, March	2003, December	0,8	358
4	Artemis	Africa	Democratic Republic of Congo	2003, June	2003, September	0,3	1800
5	Proxima EUPOL	Europe	FYROM	2003, December	2005, December	2,0	200
6	AMIS II Darfur	Africa	Darfur, Sudan	2004, January	active	3,3	40
7	EUJUST Lex	Middle East	Iraq	2004, February	active	3,2	?
8	EUJUST Themis	Asia	Georgia	2004, July	2005, July	1,0	10
9	EUFOR-ALTHEA	Europe	Bosnia	2004, December	active	2,3	5949
10	EUPOL Kinshasa	Africa	DRC	2005, March	active	2,1	30
11	EUSEC	Africa	DRC	2005, June	active	1,8	32
12	EUPAT	Europe	FYROM	2005, June	2006, December	1,5	30
13	EUSR BST	Asia	Georgia	2005, September	active	1,6	20
14	AMM	Asia	Indonesia	2005, September	2006, December	1,3	80
15	EU BAM Rafah	Middle East	Palestinian Territories	2005, November	active	1,4	70
16	EU BAM Moldova and Ukraine	Europe	Moldova and Ukraine	2005, December	active	1,3	103
17	EUPOL-COPPS	Middle East	Palestine Territories	2006, January	active	1,3	33
18	EUPT	Europe	Kosovo	2006, April	active	1,0	35
19	EUFOR RD Congo	Africa	Democratic Republic of Congo	2006, April	2006, November	0,6	2800
20	EUPOL Afghanistan	Middle East	Afghanistan	2007, May	Active	1,3	185
21	EUPOL RD Congo	Africa	Democratic Republic of Congo	2007, July	Active	1,2	38
22	EUFOR Chad	Africa	Chad	2008, January	Active	0,7	3500
23	EULEX Kosovo	Europe	Kosovo	2008, February	Active	0,6	1900
24	EU SSR Guinea Bissau	Africa	Guinea Bissau	2008, June	Active	0,3	21

⁷ The data for the analysis of ESDP and multilateralism are taken from the ADISM dataset, created by the University of Catania. See <http://www.fscpo.unict.it/adism/adism.htm>

intervention, the EU dramatically increased its support of NGOs in the 1980s and 1990s. EU started to provide foreign assistance through funding to NGOs in the mid-1970s with a small co-financing program, with a budget of 2.5 million euro. From the 1980s, the budget rapidly increased, and by 1995, it had arisen to an estimated \$1.0 billion (between 15% and 20% of all EU foreign aid). The NGO co-financing program and the humanitarian aid program played a pivotal role. The funds for these two programs grew considerably in the late 1980s and 1990s. The work done by the European Community Humanitarian Office (ECHO) and most of the refugee work made by other Directorate-Generals was essentially implemented by NGOs (Reinmann, 2006). As Manners argues, the EU conflict prevention policy had been radically changed, during 1995, as a result of the constant dialogue between the Commission and NGOs with respect to some crucial areas, namely Africa for development policy, south-eastern Europe and post-conflict rebuilding in Bosnia after Dayton Accords (Manners, 2004). The dialogue with the Commission, in particular, contributed to the development of some conflict prevention norms and schemes that explicitly strengthened the relationships between the structural causes of instability and violence and the need to link aid and foreign policy.

The relations with the EU institutions in the field of assistance and relief were an important experience to the NGOs. The Liaison Committee, in particular, was extremely helpful – as already seen - in providing a platform for a more organized cooperation between the EU need for a stronger presence in the troubled areas of the world and the NGOs capacity to exert their advocacy.

An increasing interest towards the peace missions deployed within the ESDP as well as the exploitation of new possible forms of cooperation has been a natural step forward. The roles played by NGOs in humanitarian interventions are part of a broader theoretical discussion which deals with the issues of their engagement in political participation, representation, and democratization of the decision-making processes of the international organizations as well as the changing nature of multifunctional peace missions.

In order to analyze the system of the NGO involvement in the field of European security and foreign policy as well as humanitarian interventions, the dialogue with the EU competent institutions is examined first. Secondly, some joint forms of cooperation will be briefly described. Thirdly, the case of Artemis mission in the Democratic Republic of Congo will be used to portray the work done on field.

The relations of humanitarian NGOs with EU institutions

Together with the Commission, the European Council started soon to envisage some possible forms of cooperation with NGOs in the field of humanitarian interventions. The military Headline Goal with a 2010 horizon and an Action Plan for Civilian Aspects of ESDP have been issued in June 2004. The first aim was to develop EU capability in line with the ambition set out in the European Security Strategy.

As the Action Plan for Civilian Aspects of ESDP states: *“it will be necessary to broaden the range of expertise upon which the Union can draw for its crisis missions in order to better reflect the multifaceted tasks that it will face. EU missions would in particular benefit*

from expertise in the field of human rights, political affairs, security sector reform (SSR), mediation, border control, disarmament, demobilisation and reintegration (DDR) and media policy. The EU should begin work to ensure it is able to identify experts in these fields to be incorporated into future civilian crisis management missions" (Action Plan for Civilian Aspects of ESDP, 2004: 3). In other terms, NGO experience, expertise and early warning capacity are valued by the EU Council. The area in which such expertise would be best used is undoubtedly the EU civilian crisis management capability. This exchange would positively enhance the quality of civilian aspects coordination, as well as the level of discussion with the Member States. To this purpose, the Council recommends an exchange of information with representatives from NGOs and civil society on a regular basis and strongly suggests incoming Presidencies to facilitate such meetings during their respective mandate. In fact, this practice had been deepened in the following years. To enhance dialogue and exchange of information with NGOs and civil society continued, in fact, to be one of the priorities for the Presidency, as envisaged by the Report on ESDP of the Council of June 2006.

The Presidency regularly invited NGO representatives to give briefings to members of the Committee for Civilian Aspects of Crisis Management, especially during the early stages of the planning phase of civilian ESDP missions. A Civil Society Conference with the EULEX KOSOVO mission was organised in May 2008 by the Council General Secretariat in cooperation with the Presidency and EULEX KOSOVO and prepared in association with the European Peace

Building Liaison Office (EPLO). The main aim was not only to assess the level of cooperation in some crucial areas like human rights, gender and accountability, but also to explore how all actors can contribute to the strengthening of Rule of Law in Kosovo (Presidency Report on ESDP of June 2008). Even if these steps can be considered as an unexpected attention towards the expertise provided by humanitarian NGOs, a survey undertaken with all the Heads of Mission and EUSRs to investigate their current and past relations with NGOs reveals that there are still many areas in which cooperation should be taken forward.

The Joint forms of cooperation

As described in the previous sections, the need for more power has pushed civil society organisations to strengthen cooperation among themselves. This happened also to humanitarian NGOs. The European Peacebuilding Liaison Office (EPLO) is the platform of European NGOs, networks of NGOs, and think tanks active in the field of peacebuilding, created with the aim to promote sustainable peacebuilding policies among decision-makers in the EU. EPLO had tried to influence the EU institutions by promoting dialogue. However, some Presidencies showed greater interest towards their activities than others.

The Netherlands Presidency of the EU in the first half of 1997 enhanced significantly this cooperation. In February 1997, the European Conference on Conflict Prevention took place in Amsterdam hosted by the Netherlands National Commission for International Cooperation and Sustainable Development in cooperation with the Liaison Committee of Development NGOs to the EU. It involved a large

public of NGOs and national officials. The output of the conference became "The Amsterdam Appeal: an Action Plan for European leaders", with the subsequent creation of the European Platform for Conflict Prevention and Transformation (EPCPT) in September 1997 (Kirchner, 2005). The Platform became a huge network of more than 150 organizations working in the field of prevention and resolution of violent conflicts in the international arena, and continued to provide, in the following years, comprehensive information and support for conflict prevention and transformation actions of the different players in the field. Moreover, it became a place in which local and international NGOs, practitioners, academics, donor agencies, policymakers and media share experiences from various perspectives.

The practice of conferences for increasing sharing and participation has been established also in the following years. A conference on "What future for EU Conflict Prevention? Five years after Göteborg and how to move on" was jointly organised by the Presidency, the European Commission and the EPLO in May 2006. Practitioners and representatives of Member States, the European Commission, the Council General Secretariat, NGOs, civil society, think tanks and academia as well as Members of the European Parliament benefited from the possibility to share best practice and develop ideas for future EU capacity building in the field of conflict prevention. The Centre for European Policy (CEP), in cooperation with the European Commission and the EPLO organized in Ljubljana in April 2008, a conference on "Increasing the impact on the ground – NGO and EU collaboration in the thematic area of children affected

by armed conflict". Even this conference aimed to gather representatives of NGOs, EU Member States, EU institutions and International Organizations with a proven expertise on the issue to look into how enhanced collaboration at all levels between the different EU institutions as well as between the institutions and NGOs can lead to strong impact on the ground for children affected by armed conflict.

The practice of promoting conference had been extremely useful during the years also for creating permanent places for discussions and development of best practices and, at the same time, for raising a successful methodology. As declared in the Final Report on the Civilian Headline Goal 2010 (approved by the ministerial Civilian Capabilities Improvement Conference and noted by the General Affairs and External Relations Council on 19 November 2007), the Civilian Headline Goal (CHG) 2008 has been a transformation process, during which experts from International Organisations and NGOs exchanged information about civilian crisis management capability development, including best practices in the field of training, recruitment and deployment of civilian crisis management personnel. They had been involved in the CHG 2008 process at different levels. As far as NGOs are concerned, the CHG 2008 expert workshops provided a platform for a useful exchange of views, on a more political level. For the first time IOs, non-EU states and NGOs participated together in an EU workshop on civilian ESDP capability development. As declared again by the document, the workshop has brought the EU to a better understanding of the potential contributions from third parties to ESDP civilian missions. This included knowledge of capabilities, best

practices and experience, as well as existing problems and third parties' views and expectations as far as co-operation with EU is concerned.

Obviously, these new forms of cooperation are not sufficient for assessing the quantity of expertise the NGOs are able to deploy, nor the roles they are able to play in parallel with the military personnel. There is not yet an institutionalised link between their (requested) participation to the preparatory phase of ESDP missions and the tasks exerted on field. Any progressive enhancement has been, once again, mainly the result of NGOs efforts. A case study will explain better this assumption.

NGOs on field: the case of Artemis Operation in Congo

In June 2003, the EU sent the Artemis operation to the Democratic Republic of Congo. It was the first mission outside Europe, neither dependent on NATO nor the Berlin-Plus rules. Ruled by a French command, the mission was entrusted with the task of contributing to the stabilisation of the security conditions of Bunia (the capital of the Ituri region), of improving the humanitarian situation, and of ensuring the protection of displaced people in the refugees' camps in Bunia. Its mandate was to provide a short-term interim force for three months until the transition to the reinforced United Nations Mission in the Democratic Republic of Congo (UNMOC) (Homan, 2007).

Thus, the mission supported the previous attempts made by the UN in the region and prepared the transition to stronger UN stabilisation plans. The "Europeanization" process of the mission itself (as visible in the name) had been supported by the French government, contacted by Secretary General Kofi

Annan, in May 2003. Even though the French personnel were unquestionably the majority, the preparation of the mission was the result of a EU-15 work and included resources from all the EU countries. The PSC exercised the political control as well as the strategic supervision of the military operations. From a political point of view, the Artemis operation had been considered by some scholars as a French operation with a EU cover and was essentially made to show unity after the political debacle in Iraq. It was, however, in line with the Solana's document, especially referring to the "greater capacity to bring civilian resources such as police and judges to bear in crisis and post-crisis situations" (Solana, 2003).

It contains several lessons learned. During the Artemis missions, the roles of the EU as a military and/or civilian actor in the eye and sights of the recipient population had been separated. As Manners suggests, such a civil-military distinction can be useful for the success of the whole operation (Manners, 2004). Considering the growing multifunctional nature of ESDP missions, the management of different aspects of the local conflict to face, done by different actors and according to different methods, revealed more efficiency. At the same time, the local coordination did not suffer the presence of such variety of actors. One of the aims of the mission was to help and facilitate the humanitarian community, and there was a strong coordination with NGOs. They had been able to provide the required expertise to the civil-military liaison officer, established by the French command. In addition, they played an essential role of voice articulation, through an agreement with a local NGO for supporting the re-establishment of the

judicial system. It is true that the French NGOs had been the majority, due to the strong presence of military personnel from France; however, the cooperation with local and international NGOs was not affected (Faria, 2004).

Conclusions

According to some scholars, the process of identifying the tools needed to strengthen the participation within the EU system should start from a preliminary question: why the actors of civil dialogue have struggled for obtaining some mechanisms which are not yet perfect? Is it due to the resistance from the Member States and/or institutions or is it a failure of the organizations themselves, due to a level of maturity not fully accomplished?

The EU political arena is spread over several levels of government, involves various capacities and a high quantity of actors, and follows very complex procedures, calibrated on single policies. These conditions may disorient those who are not in possession of a solid material structure and a strong representative support (Magnette, 2003). This may explain why, in the long process of European integration, only a few actors have had the strength to impose themselves in the complicated labyrinth of EU bureaucracy. Although very broad in principle, the governance for the people and with the people wanted by the Commission was gradually transformed into the governance with "some" people.

According to this interpretation, the civil dialogue actors, with less resources and bargaining power, have chosen to rely for a long time on the mediation of national policy, they had been satisfied with some specific "windows" and tried to take advantage of openings made by the

Commission for offering their potential.

Beyond the historical and political motivations, the distinction that has failed to create a link between social and civil dialogue appears increasingly outdated, if not counterproductive. It is true that this distinction has helped to separate, and discipline, the two kinds of interests; in the long period, however, it has created a disproportion that has become increasingly heavy and which ultimately disadvantaged non-economic actors.

In the field of security and humanitarian interventions, the potential is higher and the level of cooperation more productive. The growing participation of NGOs to conflict management and humanitarian intervention is part of the NGOs struggle for effective international actorness in world politics. They began supporting UN peace missions in the 1990s, and adapted to the change peace missions encountered in their aims and methods in the following time. They have developed a wide range of approaches.

Within the EU system, humanitarian NGOs had to face the variable nature of political integration and suffered the lack of institutionalisation. However, they had been able to develop some practices which, during the years, have revealed their suitability. They have strengthened, at first, dialogue among themselves, and subsequently with the competent EU bodies. Moreover, the expertise they are able to provide suit perfectly with the new characteristics required by the ESDP multifunctional peace missions, namely the combination of the common procedures with the specific expertise required to appropriately meet the challenge of single crisis situation.

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