



Meeting in the Middle:

How to improve the Partnership between Civil Society Organisations and the European External Action Service

Human Rights and Democracy Network
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In June 2010, the Human Rights and Democracy Network (HRDN)¹ presented a set of principles and recommendations to High Representative/Vice President (HR/VP) Catherine Ashton to inform future European External Action Service (EEAS) engagement with civil society. This position paper is an update of that 2010 submission. It notes areas where engagement could be improved and gives options on how to do so. The paper takes into account the changes within the EEAS and builds on the experiences of HRDN members and partners in their engagement at all levels with the EEAS, both in Brussels and in third countries. The paper is also informed by engagement in initiatives such as the Civil Society Forum in the Eastern Partnership and the EU-NGO Forum on Human Rights.

The EU is committed to mainstreaming human rights throughout its foreign policy. Since its launch on 1 December 2010, the EEAS has taken several steps in that direction. The human rights structures at headquarters, focal points in delegations and the new EU Special Representative for Human Rights are all improvements. The adoption in June 2012 of the “EU Strategic Framework and Action Plan for Human Rights and Democracy” provides new and significant momentum.²

Civil society has been recognised as integral to the EU’s protection and promotion of rights beyond its borders. The action plan for the strategic framework includes outcome goals of “genuine partnership with civil society, including at the local level”, and “a culture of human rights and democracy in EU external action”. Council Conclusions of October 2012 on “Europe’s engagement with Civil Society in external relations” recognises the “key role of [civil society organisations] CSOs in promoting human rights.”³

Internal support and instructions from the highest level of the EEAS in support of human rights mainstreaming will further strengthen legitimacy and credibility of those engaged in mainstreaming processes. Genuine CSO engagement, involving substantive and informed interactions based on mutual trust, can be the foundation for credible and effective human rights policy. For such a partnership to develop, both sides will have to move beyond their own comfort zones, to meet in the middle.

HRDN welcomes the steps the EEAS has made and is committed to working constructively with the organisation and other institutions related to the EU’s foreign policy. In setting down recommendations for improved engagement, the network recognises its own responsibilities in that partnership. These recommendations may also help resolve four notable areas of tension that have been observed by the network in its relations with the EEAS as it has developed:

¹ The Human Rights and Democracy Network (HRDN) is an informal grouping of NGOs and platforms operating at the EU-level in the broader areas of human rights, democracy and peacebuilding: <http://hrdn.eu/>.

² “EU Strategic Framework and Action Plan on Human Rights and Democracy”, Luxembourg, 25 June 2012.

³ Council Conclusions, “The roots of Democracy and sustainable development: Europe’s engagement with Civil Society in external relations”, Luxembourg, 15 October 2012.

1. **Organisational perceptions vs. reality:** Individual CSOs, platforms, networks and coalitions, are necessarily diverse. CSO diversity represents the value of the sector and the pluralism that the EU aims to encourage. In addition, the numerous actors at play within EU foreign policy and the varying speed of policy processes means that CSO engagement by policymakers can be an afterthought. Quick and unified responses to intricate policy questions require a solid foundation of engagement. Similarly, the inclination to push CSOs into artificial groups, from the top down and beyond their natural affinity, in order to extract a quicker response is not helpful either to the policy outcome or the CSOs. There is a role for joint platforms and networks but this should not be over emphasised or exclusionary. For their part, CSOs have the responsibility to respond as clearly and substantively as their constituents, capacities and internal processes allow.
2. **Paper vs. practice:** Civil society actors can differentiate between superficial public diplomacy and substantive engagement and debate. A partnership with civil society, and a strategic relationship with CSOs, requires real commitment. Despite Lisbon Treaty promises of civil society inclusion and participation, EEAS engagement with civil society is ad hoc and personalised around individual officials. Without a common understanding and approach to civil society, that can guide officials, there will be no consistency across issue and geographic areas, no institutional learning, and limited results. The commitment in the action plan to training on human rights and democracy for all staff should emphasise an actor-focused approach, highlighting how human rights defenders and civil society work, their constraints, challenges, and added value. This training can help bring those officials who do not engage with civil society up to the standard of those that do. Civil society engagement cannot follow a strict formula, nor can it be entirely ad hoc. A consistent standard, but one that allows for innovation, would improve the partnership.
3. **Process vs. results:** A policy process often contains the formal requirement of consultation with CSOs, but without the requirement to reflect that input in the substance of the decision. It is important that inclusion of CSOs as a step in a process is not represented as the whole partnership. CSO engagement is a process towards a result, not the goal itself. If genuine, informed and well prepared, civil society engagement will significantly add to the information and ideas within the EEAS, improve the policy outcomes and coherence, and serve as an example for substantive engagement between civil society and government in partner countries. For CSOs, the relationship is primarily useful in terms of its potential to uphold the rights of those who could benefit from EU policies.
4. **Headquarters vs. delegations:** Civil society in third countries has unparalleled access to information on the ground. Europe-based organisations have clearer views on policy processes and requirements from institutions. There is a role for both. HRDN has noted that across delegations there are varied approaches and levels of commitment to outreach, while at headquarters there are different approaches between the thematic and geographic desks. There is also significant institutional divergence among the various Commission Directorates General related to foreign policy. As the EU works through strategic framework's action plan, in particular commitments under heading IV – “human rights in all EU external policies” – HRDN will continue to call on all institutional actors to maintain the highest possible standard of engagement.

Genuine engagement is as much political as it is practical. The following recommendations will assist the EEAS as it deals with the areas of concern noted above. However, one of HRDN's primary concerns is that consultations or engagement with civil society are often manipulated as a way for third countries to prove their democratic credentials without credible or independent CSOs present or a genuine consultative process in place.

This 'instrumentalisation', using CSO engagement as a political tool rather than evidence of or path for progress, is a liability for all participants. A feature of such manipulation is the inclusion of government owned/operated or organised NGOs (GONGOs) in consultation processes. Their presence often inhibits the information flow in the process, and undermines the credibility of the EU. A robust response is required from both the EU and independent CSOs when this happens. The EEAS can minimise this possible manipulation by enhancing its in-depth knowledge of local contexts, developing a strong understanding of local civil society organisations, and displaying a firm political commitment to engage with independent civil society.

RECOMMENDATIONS

1. Pre-empt the mid-2013 EEAS review with an assessment on human rights expertise

Human rights are being mainstreamed within external policy. Expertise of human rights is currently concentrated within the Managing Directorate for Global and Multilateral Issues. This is both a logical concentration and a perceived challenge to mainstreaming. The process of infusing the geographic Directorates with human rights expertise will have to be gradual and prioritised through an assessment by country/region *and* the profile of current staff. Similar assessments could also be made for related, cross-cutting issues such as democracy promotion, peacebuilding, international humanitarian law, conflict resolution and crisis management.

The internal adjustments to new structures and operating procedures will have inevitably increased the likelihood of unequal deployment of skills and missed opportunities. The EEAS should pre-empt the mid-2013 review with an assessment on where thematic expertise on human rights is most required and where it is actually deployed, and to ensure that those geographic desks where human rights is a priority are able and willing to engage with civil society to inform their work. A useful exercise would be to identify key pilot countries for assessing EEAS-civil society engagement.

2. Develop specific guidelines for EEAS officials on best practice for engagement with civil society and ensure human rights training, and responsibilities, are compulsory for career development

Genuine engagement comes through the joint knowledge, willingness and experience of officials and civil society actors. A mutual and realistic understanding of the opportunities for and potential of engagement will assist the quality of the outcome. CSOs can play an important role in helping form effective policy and prioritisation of key issues, but cannot substitute for expertise within the EEAS. Consultations based on limited knowledge of the actors will result in unnecessary exclusions/inclusions, unclear messaging and unfulfilled expectations on both sides. Currently, there

appears to be little consistency or method in how the EEAS chooses its interlocutors, the form of outreach, and the feedback to CSOs. Training of EEAS officials should have compulsory modules on human rights and democracy, including how civil society organises around and promotes these issues. Human rights training and responsibilities should become an essential element of career progression.

3. Develop an open and transparent communications strategy

The EEAS should consider a strategy for both information gathering on, and information dissemination to CSOs.

- a) **Information gathering** on CSOs could be in the form of a database/web portal listing thematic and country expertise. This should be *complementary to, not instead of* EEAS in-house expertise, and build on the mapping of local NGOs in the framework of each country strategy. Any new data collection instrument should either consolidate and improve what already exists or demonstrate distinct added value. 'Mapping' by the EEAS of CSOs in Brussels and third countries would also reduce the dependence on personal relationships and ensure outreach to groups not under the umbrella of networks or platforms.
- b) **Information dissemination.** Information on consultations should be disseminated on websites, both at Brussels level and from the delegations, in conjunction with mailing lists. There should also be timely translation into local languages for use by local CSOs. Clear information on when and how to participate in consultative processes should be made available as early as possible in any process, as should information on developments in EU policy, including agendas of EU bilateral and internal meetings and supporting documents.

4. Create a format for flexible engagement to respond to different policy areas and the multiplicity of CSOs

Public interest platforms and networks are legitimate and experienced actors in consultations. Larger group formats are useful for information exchanges and formal interaction, but on specific issues that require particular expertise on tight schedules, smaller groups or individual meetings will be more appropriate. Group size for any particular consultative process should first take into account the desired outcome – focused policy recommendations from experts working to a strict timeline, or broader concept ideas following a longer timeline. Artificial grouping of CSOs is often counterproductive. Diversity has to be respected and dealt with. When CSOs group together it should be at their own initiative. There are *at least* five potential consultation formats:

- **Bilateral briefings:** At all levels and locations, an open door policy to individual CSOs that seek ad hoc meetings on the basis of initiatives and concerns relevant to the EEAS mandate.
- **Focus/working groups:** Ad hoc, small group meetings, or specialised working groups, focusing on specific issues, for a fixed amount of time following a jointly agreed format leading to mutually understood goals.

- **Platform initiatives:** Larger group consultations facilitated by the relevant public interest platforms, such as HRDN, or more widely under the EU Civil Society Contact Group (CSCG).⁴ Platforms can be used as a starting point for consultations that then become more focused. A similar approach at the local level should only go ahead where adequate mechanisms or platforms have been developed by local CSOs.
- **In-country consultations:** Local CSOs should be prioritised. Upgraded EU delegations should now be a more capable forum for consultations. Human rights issues should not be the sole and isolated responsibility of the focal point within a delegation, but a priority for all, starting with the head of delegation.
- **Using CSO experts:** The EEAS should adopt the principle of multi-disciplinary teams when engaging in fact-finding and in the deployment and evaluation of Common Security and Defence Policy (CSDP) and other policy missions and initiatives. Though not traditionally seen as a consultation mechanism per se, the inclusion of relevant civil society experts in fact-finding missions, or in-country policy impact reviews will assist policy output.
 - For example, this could include targeted financing over 3-5 years for academic researchers working on thematic issues relevant to EEAS (security sector reform, state fragility, governance, crisis management, development). The researchers could be called upon depending on needs: delegation briefings, fact finding and evaluations in the field, briefings at various level on specific issues, background policy notes, etc. Combining civil society actors with academics to undertake the research would also bring a broader range of perspectives.

Different formats are required depending on the particular context, themes or countries. For example, current consultations around EU-third country human rights dialogues (including subcommittees) have involved up to three separate meetings: an advance meeting to discuss the agenda, pre-briefing a day before the official consultations and de-briefing after the consultations. This formula also depends on whether the dialogue is to be held in Brussels or in-country. Even so, there appears to be no minimum standard. For example, the dialogue with India – one of the EU’s strategic partners – has not included systematic and regular civil society engagement in Brussels or in the country. For the dialogues, whether in Brussels or in-country, there should be an advance meeting and a de-brief as a minimum. For in-country dialogues the pre-briefing the day before is also essential. Such outreach should be complemented and informed by ongoing and substantive interactions with local civil society by the delegation.

Moreover, for Human Rights Country Strategies to be credible, early outreach to CSOs is essential. The different formats must be carefully designed to match the nature and added value of the organisations being consulted. Problems noted by civil society actors have included: civil society being invited only by telephone and with limited information and time (3-5 days) given to prepare input before a meeting; insufficient briefing from the EU about upcoming meetings; no feedback – and no publication of

⁴ CSCG is a platform bringing together eight large rights and value based NGO sectors operating at the EU level. <http://www.act4europe.org/code/en/default.asp>.

outline/key lines of the country strategies; and poorly designed local consultations that throw all groups together without taking into account problems between groups, or the presence of GONGOs.

5. Where possible ensure joint planning and organisation of consultation processes

Where expertise, resources and interest allow, platforms/networks on a thematic or geographic basis should be involved as far as possible in facilitating the dialogue or consultative process. This requires clear guidelines on financing and independence. This potential facilitating role should be seen as a benefit from existing CSO networks rather than a reason to create further artificial incentives for CSOs to form networks (as per the observation in point 1 - *Organisational perceptions vs. Reality*). The Civil Society Dialogue Network – a project which is managed by the European Peacebuilding Liaison Office (EPLO) and in which meetings are planned jointly by EPLO, the EEAS and the Commission – is a good example of effective facilitation of civil society dialogue with officials.

6. Ensure maximum contact for each consultation process

One-off consultative meetings are known to have minimal policy impact. A cyclical process of preparatory and follow-up/review meetings has proven to be more effective. This also leads to a relationship that goes beyond the process of consultation. Depending on the time available and issue on the table the following steps are possible:

- Initial outreach meeting – discussing issues and potential participants;
- Joint agenda setting;
- Policy brainstorming/exchange;
- Review of draft policy document/initiative;
- Follow up/feedback on final document/policy instrument/initiative;
- Inclusion in 'review' process/agenda setting for continued consultation.

7. Early clarification of input-output expectations

Clear guidelines should be provided early on in any consultation exercise on how the EEAS would prefer written submissions and what exactly will be done with them. The EEAS and CSOs in Europe and third countries should come to a joint agreement in advance on how information presented in consultations will be used. This will assist in keeping the process transparent and reduce CSO perception of being instrumentalised. The EEAS should also take into account the gap between the reality on the ground and the policy language required in Brussels. Local information and analysis may require translating into policy proposals. There should be accommodation for this – either by using the Brussels-based NGO community to assist, or providing workshops/training in EU delegations for local NGOs.

8. Follow up

Joint follow-up should follow any consultation. The EEAS and CSOs should provide explanations as to how they perceived the meeting, how they intend to follow up on any decisions and explore future possibilities.

9. Consider a CSO consultation ‘Compact’ or confidentiality agreement when appropriate

A ‘Compact’ or framework document that would include general rules of engagement, best practices and guidelines would provide a solid foundation for consultation. This Compact could be an optional or semi formal agreement – but would show commitment from the side of the EEAS to the principles of transparency and inclusion as outlined in the treaties. Confidentiality agreements could also be used for specific consultations and contexts, ensuring more confidence in the destination of information and a willingness on both sides to cooperate in a genuine and constructive manner. While CSOs should acknowledge and accept the need for confidentiality in certain EU processes, the EEAS should systematically justify obligations of confidentiality when these prevent communication with CSOs.

10. Facilitate ‘tripartite’ dialogue

CSO consultations that incorporate dialogue between third country CSOs and their governments should be exploited where local organisations identify such an opportunity. As the ‘honest broker’, the EEAS could create a valuable, impartial forum to bring civil society and their respective governments together in discreet ‘consultations’ that do not involve direct, politically difficult bilateral meetings. In some cases the ‘instrumentalisation’ risk would be too great, in others, facilitating the dialogue would demonstrate EEAS added value, and an example of the EU practicing what it preaches on civil society engagement. A deep understanding of civil society groups and their activities in third countries are essential for this to work. Brussels-based CSOs, and their in-country partners, will be able to provide input on such opportunities and potential risks.

CONCLUSION

The EU has clearly recognised the nexus of civil society and the promotion and protection of human rights. October 2012 Council Conclusions on “Europe's engagement with Civil Society in external relations”⁵ sums up this acknowledgment, while the action plan for the strategic framework provides practical steps for moving forward. The Human Rights and Democracy Network, while welcoming the significant steps made by the EU and the EEAS over the past two years, also recognises that the significance of these conclusions, commitments, frameworks and action plans will be through their implementation. We also recognise our mutual responsibility in this work. HRDN’s ongoing assessments of the EEAS’ efforts to implement these commitments in coordination with the Commission and member states, will be matched by our own efforts to improve internal information sharing, coordination and further facilitation of civil society engagement with the EEAS.

⁵ “An empowered civil society, in all its diversity, represents a crucial and integral component of any democracy and constitutes an asset in itself. Civil society actors can foster pluralism and contribute to more effective policies, equitable development and inclusive growth. Civil society organisations (CSOs) have the capacity to empower, represent, defend and reach out to vulnerable and socially excluded groups, including minorities”. Ibid. Council Conclusions, 15 October 2012.