

SHUR Policy Blueprint



The Role of Civil Society in Ethno-Political Conflicts, the Politicization of Human Rights, and the EU Engagement

Raffaele Marchetti & Nathalie Tocci

Luiss-Cersdu

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Civil Society in Ethno-Political Conflicts

The changing role of civil society. Civil society organizations (CSOs) have come to play an increasing role in national and global politics in recent years. This is mainly due to a combination of two aspects of the “liberal paradigm of civil society”: on the one hand, the recognition of civil society’s role in the promotion of democracy, human rights and peace, and on the other hand, the privatization of service delivery that is now channeled through civil society organizations.

A first component of the liberal paradigm of civil society is the recognition of the key role played by CSOs in the promotion and consolidation of democracy and human rights, within the paradigm of the “liberal peace”. Both the United Nations at the global level and the European Union at the regional level acknowledge the critical role played by CSOs in the consolidation of democracy through the affirmation of human rights. However the result of such external and allegedly benign intrusion operated through CSOs does not only lead to the promotion of values such as peace, democracy and human rights. It also generates specific distortions. These external interventions can excessively politicize and co-opt civil society, transforming CSOs into spokesmen of external policies, priorities and solutions, which may be alien to the needs and desires of local actors and populations. CSOs would thus become driven more by the top-down supply of external funds than the bottom-up demands of societies themselves, to the point of being viewed as “traitors” in the eyes of grassroots organizations and the wider public. The mere fact of being funded by an external actor such as the EU could also create the public perception that a CSO acts on behalf of foreign rather than domestic interests, at times leading to strong nationalist backlashes by third country authorities.

A second component of the liberal paradigm of civil society refers to the neo-liberal privatizing component of contemporary politics. An overall global trend is traceable, whereby states play a diminishing role as service providers both domestically and internationally, leading to the privatization of world politics. Within this trend, seemingly “technical” and “apolitical” CSOs have flourished both locally and transnationally. This has meant that many of the developmental functions previously performed by states have been reallocated to civil society. Developed states and international organizations have outsourced the implementation of aid programmes to CSOs, while intermediating and retaining overall political discretion as to its aims, priorities and modalities. These paradigms, albeit couched in a technical and seemingly apolitical discourse, have however moulded the political nature of CSOs themselves. In a wide variety of cases, scholars have demonstrated that by promoting particular types of civil society, the donor community has weakened those CSOs that have veritable ties to society and which respond to local societal needs. Donors often create a dislocated new civil society, which is technical and specialized in mandate, neo-liberal in outlook, urbanized and middle class in composition, and which – in business-like fashion – responds to the goals of the international community rather than of the society in question. Through this transformation and dislocation, civil society’s traditional virtues of independence, flexibility and effectiveness, largely explained by its local rootedness, tend to vanish and are replaced by the perceived “fit” between CSO identities and actions and the aims and instruments of (neo-)liberal peacebuilding.

The EU Peace-Building Policies and the Interaction with Civil Society

The European Union, historically conceived as a peace project, has considered conflict resolution as a cardinal objective of its fledgling foreign policy. The Lisbon Treaty explicitly states that the EU aims to promote peace and that its role in the world should reflect the principles that have inspired its creation, development and enlargement. The Treaty identifies the contribution to peace, the prevention of conflict and the strengthening of international security amongst its core foreign policy priorities. More specifically, the EU's conception of peace has been liberal in nature, including the principles of democracy, human rights, rule of law, international law, good governance and economic development. The promotion of "liberal peace" has been prioritized above all in the European neighbourhood.

These public pronouncements suggest that the EU is intent in promoting conflict resolution and transformation, over and above conflict management and settlement in the neighbourhood. In other words, the EU is not simply interested in pursuing the management of conflicts through negotiation and compromise, incentivized by external powers deploying conditional sticks and carrots. It rejects the idea that violent conflict is endemic in human nature and espouses the liberal view that conflict resolution is possible through the search for mutually beneficial solutions that allow for the satisfaction of all parties' basic human needs. Further still, the EU views as critical "indicators" of conflict transformation issues such as human and minority rights, democracy, state legitimacy, dispute resolving mechanisms, rule of law, social solidarity, sustainable development and a flourishing civil society. The key assumption in this vision is that if human rights are protected and democracy established, conflicts are less likely to erupt and more likely to be resolved and transformed.

Human rights, together with democracy, the rule of law, protection of minorities and market economic principles have become cornerstones in EU policies of conditionality and political dialogue with third countries in the near and far abroad. As for the justification of these policies, human rights have been promoted for two key reasons: on the one hand, as part of the security rationale whereby if human rights are violated then the EU's own security and stability are also threatened; on the other hand, as part of the normative rationale whereby human rights have universal validity and represent a vital component of the EU's own identity. Democracy and human rights are thus identified as public goods, which are necessary in order to achieve peace, security and prosperity in international affairs.

While the acceptance of peace and human rights as cardinal objectives in EU foreign policy in line with the wider UN human rights regime is relatively uncontroversial, debates regarding the most appropriate ways to promote these goals have been far more contested. Beyond the narrow sphere of European Security and Defence Policy (ESDP) and the peace-keeping and peacebuilding missions that it foresees, the Union has promoted conflict transformation and human rights principally through its "constructive engagement" with conflict parties. By constructive engagement EU actors have meant the deployment of a rich variety of measures of cooperation, which are normally specified in contractual agreements with third countries. These contractual relations take different forms, entailing different degrees of integration into and cooperation with the EU. They range from the accession process aimed at the full membership of a candidate country to looser forms of association, which envisage measures of economic, political and social cooperation with EU structures short of full membership. Yet another increasingly key component in the EU's foreign policy vision and practice is civil society.

A critical component in the EU's foreign policy vision regards the role of civil society in the human rights-conflict nexus. Civil society is viewed both as an aim to be promoted in and of itself, as well as a means through which the Union can pursue more effectively objectives such as the promotion of peace and the protection of human rights. The EU has approached civil society and impinged upon its nature and functioning in indirect and direct ways.

Indirect support for civil society. Tackling the root causes of conflict entails transforming the political opportunity structure in which the conflict unfolds and thus civil society operates, impinging *indirectly* on the role and impact of CSOs in the conflict-human rights nexus. The EU can thus contribute to conflict transformation through civil society by altering the *structure* in which CSOs operate, for example by raising the interconnectedness between CSOs and the state on the one hand, and CSOs and the grassroots on the other. This is because EU relations with a conflict country affect the policies and institutional features of the latter, which in turn mould the overall environment in which civil society operates. By covering a wide range of sectors such as institutions, law, infrastructure, health, education, trade and investment, EU policies can thus shape the overall environment in which CSOs operate, impinging upon their role in the conflict. This assumes that the potential for civil society to influence a conflict depends fundamentally on the space the state leaves open to civil society activity. If this space is limited or non-existent (i.e., in situations of authoritarian and illiberal contexts, often found in conflict situations), then civil society is less likely to exert a visible impact upon conflict dynamics. Hence, unless the EU exerts effective pressure on state actors to engage in political reform, thus altering the political opportunity structure in which civil society operates, EU policy is unlikely to induce conflict transformation through civil society.

Direct support to civil society. Conflict transformation cannot, however, be imposed by the EU only by operating from above/outside on the structure of a conflict context. Hence a second channel of EU impact on the conflict-human rights-civil society nexus is by *directly* engaging with CSOs. Hence, rather than operating on the structure of the conflict, the EU would enhance the *agency* of peacebuilding CSOs, while weakening or constructively altering the views and actions of fuelling/holding CSOs. Within this category of policies we find all EU actions which directly target CSOs. This direct targeting can take three principal forms.

First it can limit itself to forms of dialogue with and on CSOs: publicly expressing appreciation/condemnation for particular CSOs, attending CoSO activities, and facilitating access to key contacts and information exchanges between local CSOs as well as between CSOs and international actors. The underlying aim of these different forms and formats of dialogue include gaining a deeper understanding of a conflict context, socializing CSOs into adopting different positions or engaging in different activities, and raising the prestige, morale and status of particular CSOs. Dialogue can take place through private meetings between CSOs and EU actors within conflict contexts. EU institutions can alternatively provide safe venues for CSOs to meet in order to exchange skills, experiences and information. Finally, EU institutions can organize wider public meetings in which CSOs are invited to Brussels to brief and discuss with EU actors.

Second, EU actors can engage with civil society through training, for instance by providing scholarships and technical material and training courses to CoSO representatives in fields such as communication (e.g., political debate, public relations and advocacy), substantive issues such as international law, human rights and Community law, as well as in

building organizational and financial capacity and in recruiting supporters and members. In some cases, training and funding are closely interlinked, such as the training courses offered by Commission delegations in some third countries in order to acquaint CSOs with the necessary procedures and techniques to apply for EU funds.

Third, the EU's direct engagement with CSOs can take the form of financial support, including funding to organizations or to specific programmes and projects. Within conflict contexts, several financial instruments are set aside precisely for this purpose, including the Instrument for Stability (including both the short-term Crisis Response component and the longer-term Crisis Preparedness component), specific actions aimed at CSOs in the Commission's Research Framework Programmes, funds under the European Neighbourhood and Partnership Instrument (ENPI) and the Instrument for Pre-accession (IPA) as well the European Instrument for Democracy and Human Rights (EIDHR). Funds allocated within contractual relations, such as the ENPI or the IPA, are primarily channelled through the intermediation of official institutions in third countries, and only through the latter do they reach civil society. In view of the limits of this approach, the EIDHR is of particular relevance. This is a major financing instrument used by the EU to support CSOs worldwide and, through them, provide aid for human rights and democracy. Importantly for our concerns here, the EIDHR prioritizes cooperation with CSOs (and international organizations) around the world without limiting itself to the cooperation and consent of host governments.

The EIDHR is intended to act as a soft policy instrument, non-prescriptive, grassroots and focused on social development. Underlying this approach is also the recognition of the need for "local ownership". According to the EU, this is difficult to achieve when relations with partner countries are limited to government-to-government contacts. However, what is often overlooked or taken for granted in this official discourse is that, despite being focused on CSOs, this approach is highly political. As opposed to former funding for development CSOs which was mainly devoted to technical assistance, the new EIDHR strategy aims at transforming the societies in which it operates towards democratization through civil society. From moulding party preferences, to proposing new legislation, from constitutional reforms to land reform and decentralization, the EU approach intends to have a deep impact on the political opportunity structures within third countries through support for civil society. These policy aims and means have been cloaked in highly normative language, which often hinders both a lucid debate regarding the actual desirability and legitimacy of this approach as well as a detailed empirical account of what the EU actually achieves in practice.

This approach is not without critiques for many of the general reasons cited above. EU engagement with civil society within the liberal peacebuilding tradition may be detrimental to conflict transformation. This is not simply because the EU misidentifies CSOs thus inadvertently strengthening fuelling CSOs and/or weakening peacebuilding ones. It is rather because by engaging with CSOs the EU might contribute to the two seemingly contradictory distortionary effects discussed above: de-politicization and excessive politicization. EU support for civil society can lead to the de-politicization of CSOs by supporting technical and professional NGOs to the detriment of more overtly political ones such as trade unions, social movements, religious charities or community-based organizations. Smaller or more political organizations would thus either be shunned by the EU or they would fail to meet the necessary technical/bureaucratic requirements to be allocated EU funds. As such, the potential for the constructive mobilization and politicization of society would narrow, diminishing the prospects for grassroots actors to alter the structural conditions of violent conflict. At the same time, EU support for civil society could also lead to the excessive "politicization" of

CSOs. The EU would thus fundamentally shape the nature of civil society into a dependent functional substitute within the liberal paradigm of EU foreign policy, detaching and delegitimizing it in the eyes of the public. In doing so, a limited and distorted form of civil society would mushroom, while existing local capacity would be harmed or destroyed. Civil society would lose its autonomy and become politically accountable to and an acquiescent instrument in the hands of EU donors. It would respond to the EU's political priorities, and in turn tend to focus on short-term, outcome-driven and quantifiable projects, which may be far removed from the long-term, dynamic, process-driven and multidimensional needs of conflict transformation.

Towards a More Effective EU Engagement in the Conflict-Human Rights Nexus Through Civil Society

Should the EU desist from involvement in conflict through civil society altogether? And if not, how should it engage instead? The SHUR analysis does indeed suggest that the Union should seriously reassess its role. At a micro-level, the EU's programming and financing is accused of being complex and bureaucratic as well as of focusing on short-term projects rather than longer-term programmes and capacity-building with a view to strengthening the wider collective impact of the multitude of civil society activities tailored to similar goals. This has had several effects. First, it has entailed a multiplication of disconnected projects with negligible impacts on conflict and human rights. Second, it has done little foster intra-civil society relations thus failing to raise civil society effectiveness as a whole. Third, it has led to a self-selection of particular kinds of CSOs receiving EU support, generating distortionary effects on civil society, with prominence given to technical and professional NGOs at the expense of grassroots community groups or social movements. These problems are far from being new or limited to the EU and the same applies to other international donors as well. Indeed EU institutions are well aware of these problems, but are yet to reconcile their internal needs for transparency and accountability with the external need of an effective civil society policy.

Macro-level concerns about the EU's role are far more serious and relate both to the normative premises as well as the actual impact of EU engagement in conflict countries through civil society. On a normative level, the liberal peace paradigm, by framing goals like the promotion of peace, democracy and human rights as unquestionably and unequivocally "good" and inter-related, has narrowed the scope for critical analysis of the pursuit of such goals. More specifically, in the academic literature, rarely do we hear criticisms of the EU as a normative power being centered on the fact that the EU pursues particular goals – democracy, human rights or civil society development. Normally the critique revolves around the fact that the Union in practice fails to accomplish the goals it sets out to pursue. By contrast, particularly within third countries where EU (and other donor policies) are deployed, severe criticism has been raised by CSOs regarding the particularistic interpretations of the goals. For instance, the fact that financial instruments such as the EIDHR explicitly state that their objective is not simply to promote democracy and human rights, but rather to promote particular changes in legislation, penal codes and constitutions without engaging in a prior debate with local societies over the identification of such changes, is rarely, if ever, problematized as such by EU actors.

Moreover, the fact that the means of promoting such goals through civil society is also viewed as normative, and thus unquestioned, is even more problematic. In other words, the

normative framework within which EU foreign policy is conceived has entailed that the Union's active intrusion within third countries through civil society is not problematized. At most what is questioned is that the EU fails to deliver in practice, i.e., on the fact that EU "intrusion through civil society" is not as effective as documents and declarations claim it should be. Yet a more accurate reading would suggest that it is the absence of truly participatory methods, by engaging local CSOs, in identifying both specific goals and above all the means to achieve these, which had constituted a recurrent critique from below. EU policies have generated both the perception of agenda setting and imposition from above as well as the reality of policy ineffectiveness on the ground because of the failure to truly take advantage of the local expertise of CSOs. The corollary of this absence of participatory methods has been the creation of a disembedded local civil society (or rather NGO sector) lacking democratic accountability and participation from below while neatly falling under the rubric "civil society development". It is through the funds and thus incentives generated by external donors that such "civil society" arises, yet its existence and purpose is intrinsically related to the agenda dictated from above/abroad rather than the needs and desires from below.

Following from this and turning to impact, in all of our case studies (with the possible exception of Cyprus, where the direct involvement of the EU through civil society has been marginal) EU funding has generated notable distortions within civil societies. Beyond the problems inherent in these distortions in general, the question is whether these distortions have favoured a desecuritization of the conflicts in question. The answer is ambiguous. Generally, EU funding has tended to go to civic (and less frequently multicultural) NGOs, whose impact on conflicts would in principle be more de-securitizing than in the case of assimilationist and ethnicist CSOs. Yet not all these civic CSOs articulate individual rights in an inclusive manner and thus their impact on conflict is not necessarily desecuritizing. In terms of the "magnitude" of their impact, some of these civic CSOs have often had far more resonance abroad than at home. This has meant that while at times they have been able to influence the international dimension of the conflict, their lack of touch with local societies has meant that their domestic impact has been negligible. This appears to be particularly true of humanitarian actions as well as actions falling within the domain of monitoring and research, which have tended not to have a specific impact on conflict. In terms of the "direction" of CSOs' impact, the problem in funding policies has been that, while focusing on the nature of the organization (i.e., its identity) and the proposed project (i.e., its action), funding programmes have neglected the context in which CoSO activities are carried out which in turn shapes their overall impact (i.e., the political opportunity structure). As argued by Pia and Diez for example, the timing of the invocation of rights is key, whereby the articulation of an inclusive individual right is more likely to have a desecuritizing impact during a de-escalating phase of the conflict than in a phase of escalation where the same invocation may have a securitizing impact or possibly no impact at all. In other words, in selecting projects to be funded, EU actors have tended to ignore both the Union's broader indirect impact on the political opportunity structure of the conflict, as well as the fact that particular CSOs may inadvertently have a securitizing impact because of the conditioning influence of the political opportunity structure on their activities.

Turning back to our original question, do these criticisms call for a withdrawal of the EU from the conflict-human rights-civil society nexus? Our answer is a conditional "no". Despite the criticisms raised above, it would be unwise to advise the EU to step aside altogether. As this project has shown, civil society can and does represent a critical force for change in conflict countries, and at times contributes to the desecuritization of conflict

through the promotion of human rights not only at elite levels but also within societies at large. Moreover, while the existence and legitimacy of these organizations does not and cannot hinge on external support, on the one hand their actions can be enhanced through EU engagement and on the other EU policies can gain in legitimacy and effectiveness through engagement with civil society. The difficulty lies in seeking the appropriate strategy to do this. In order to do so, the EU could focus its attention on two distinct yet interrelated levels: its indirect impact on the political opportunity structure and its direct impact through engagement with CSOs.

Regarding the political opportunity structure, if the Union is committed to fostering a more conducive context for CSOs to desecuritize conflict through their human rights actions a way forward could be to redirect the EU's normative ambitions away from "democracy promotion" and towards a more neutral focus on the rule of law. In other words, rather than turning to quick-fix solutions, such as the promotion and support for anti-systemic opposition political elites within neighbouring countries, which the EU views as more compatible with its ideology and values, real change would be aided if the EU were to create a more conducive rule-bound context through the promotion of the rule of law. Focussing on the rule of law would require the entrenchment and respect of Community and international law in the bilateral relations the EU establishes with its neighbours. The EU is already well placed to do this given that, as opposed to state actors, most of its foreign policies are articulated and carried out through contractual relations with third states. Contractual relations are well versed to allow the EU to mainstream and refocus its attention on the rule of law. This is because these contractual ties cut across pillars, delving into a wide variety of policy areas and affecting a wide range of institutions, laws and administrative structures and procedures within neighbouring countries. While not amounting to democracy and the respect for human rights per se, the establishment, respect and consolidation of the rule of law would act as the necessary baseline and prerequisite for home-grown democracy to emerge and flourish from inside within the Union's conflict-ridden neighbourhood.

As far as the far more delicate question of the EU's direct engagement with CSOs is concerned, our suggestions are multilayered. As argued above, direct engagement with the EU can take a variety of forms, which can be broadly grouped into dialogue, training and funding. Engagement can include structured or ad hoc dialogue and training/education schemes between CSOs and EU actors in conflict countries or in Brussels. Here our suggestion would be for the EU to engage in dialogue and training with as wide a variety of CSOs as possible, including CSOs with assimilationist and ethnicist identities and CSOs whose invocations of exclusive human rights contribute to a securitization of the conflict. To the extent that the purpose of dialogue is that of gaining a deeper understanding of a conflict context as well as socializing CSOs into adopting different discourses and engaging in different activities, EU policies of boycott are self-defeating. The argument often raised against dialogue with particular groups (e.g., Islamist or nationalist groups) is that it would confer legitimacy to these organizations. However, to the extent that dialogue would be all-inclusive and non-discriminatory it is difficult to see how the EU would alter, through dialogue, the internal balances between CSOs within a conflict context. By contrast, refraining from talking to a sub-set of actors would give the Union a skewed understanding of the conflict. Many miscalculations in EU policies in regions such as the Middle East – including the overestimation of Allawi's strength in Iraq in 2005, the surprise victory of Hamas in Palestine in 2006 or the unexpected alliance between Christian leader Michel Aoun and Shiite Hizbollah in Lebanon – have been due to the Union's over-reliance on the messages its liberal-secular-westernized "friends and allies" in the region, often financed by

Europe and the US despite the meagre domestic standing of these groups. The EU may not necessarily like the picture painted by assimilationist or ethnicist groups, but these groups could provide information that would help the Union formulate its foreign policies more accurately and effectively. Furthermore, the exclusion of particular CSOs, particularly if these thrive on exclusivist nationalist platforms, may paradoxically both strengthen the legitimacy of excluded CSOs vis-à-vis their constituencies and weaken the legitimacy of the EU therein. Following the same logic, EU education and training schemes to CSOs should not a priori exclude any actors precisely in view of the “socializing” mandate and purpose of these initiatives.

When it comes to funding, including support for specific programmes and projects as well as support aimed at strengthening the capabilities of CSOs, EU programmes must necessarily be tailored towards selecting and supporting those organizations whose activities contribute to the desecuritization of conflict through the respect for human rights. This entails bearing in mind a multiplicity of determinants of the overall impact of civil society on conflict through human rights: the conflict context, the identity of CSOs, their specific activities (and invocations of human rights), the framework of action within which they operate and the political opportunity structure in which their actions unfold. Investigating empirically these determinants yields specific results as illustrated in the comparative analyses carried out Bonacker, Braun & Groth and by Pia and Diez within the SHUR project.

The QCA conducted by Bonacker, Braun & Groth on the empirical results of our four conflict case studies suggests that when attempting to discern what organizations and activities contribute to the desecuritization (as well as the securitization) of conflict, no single variable assures a particular impact, but rather it is a specific combination of variables that raises or reduces the probability of particular impacts. More specifically, desecuritization or the prevention of securitization tends to be linked to those CSOs whose identity can be characterized as civic or multicultural, which invoke inclusive individual rights (i.e., individual rights to be extended to all collectivities) particularly in the cultural-educational domain, and whose actions are pursued within the framework of conflict transformation. Similarly, Pia and Diez note that inclusive articulations of human rights by civic and multicultural CSOs, both in their universal (individual) and integrational (collective) versions, tend to have a more desecuritizing effect than exclusive articulations of rights.

This does not entail that all other categories of organizations, activities and approaches should be barred from potential EU support. Indeed the main conclusion to be drawn from this study is that when designing EU funding programmes for civil society and to the extent that such programmes are aimed at the desecuritization of conflict, EU actors should pay attention to a multiplicity of factors, including the identity of the organization, its specific proposed activity, the human right this relates to and the overall conflict/peace-related framework or action this would entail, alongside the set of factors shaping the specific political opportunity structure in which the funded activity would unfold. This would entail a conceptual shift away from one-dimensional selection criteria in which proposed projects and programmes are evaluated in a vacuum and towards a more organic understanding and thus evaluation of the civil society-human rights-conflict nexus.