

UNIVERZITA KARLOVA V PRAZE

FAKULTA SOCIÁLNÍCH VĚD

Institut mezinárodních studií

Anna Kárníková

Do They Really Matter?

**Impact of NGOs on European Instrument for Democracy and
Human Rights (EIDHR)**

Diplomová práce

Praha 2010

Autor práce: **Bc. Anna Kárníková**

Vedoucí práce: **Prof. PhDr. Lenka Rovná, CSc.**

Oponent práce:

Datum obhajoby: **červen 2010**

Hodnocení:

Bibliografický záznam

KÁRNÍKOVÁ, Anna. *Do They Really Matter? The impact of NGOs on the European Instrument for Democracy and Human Rights*. Praha: Univerzita Karlova, Fakulta sociálních věd, Institut mezinárodních studií, 2010. 110 s. Vedoucí diplomové práce Prof. PhDr. Lenka Rovná, CSc.

Annotation

This master thesis analyses factors determining success of civil society organisations lobbying for the European Instrument for Democracy and Human Rights. The research focuses on the reform of the instrument between 2006 and 2007 which took place within the overall reform of EU's external action instruments. The EIDHR is delivered mainly through civil society and is thus an important source of funding for civil society organisations. Additionally, due to the central position of NGOs in the instrument's delivery, their input is crucial for ensuring strategic quality of the instrument. In order to exert influence, the organisations have to penetrate the complex decision-making system. This thesis scrutinises their strategies as well as analyses the institutional framework and its impact on the civil society organisations. The research builds on several complementary theoretical approaches including theory of lobbying, political opportunity structures or new institutionalism. Using the process-tracing method, this thesis analyses causal mechanisms linking interests of civil society groups and changes in the EIDHR programming documents. In order to test the hypotheses it looks into three sub-cases studies focusing on three different areas of EIDHR: democracy promotion, peacebuilding and human rights defenders.

Anotace

Tato magisterská práce zkoumá faktory, které určují schopnost neziskových organizací ovlivnit podobu Evropského instrumentu pro demokracii a lidská práva (EIDHR). Jako případovou studii autorka zvolila období mezi lety 2006 a 2007, kdy byl tento instrument reformován v rámci obecné reformy instrumentů vnější akce EU. Prostředky EIDHR jsou primárně určeny neziskovým organizacím a jsou tak pro neziskové organizace pracující v této oblasti důležitým zdrojem příjmu. Neziskové organizace jako hlavní příjemci hrají důležitou roli v strategickém utváření instrumentu a jeho programování. Tato práce zkoumá jejich lobbingové strategie a zároveň

institucionální rámec, ve kterém se pohybují. Práce vychází z několika teoretických základů, od teorie lobbingu, přes koncept struktur politických příležitostí (*political opportunity structures*) po nový institucionalismus. Práce využívá metody rozboru procesu a analyzuje kauzální mechanismy spojující zájmy neziskových organizací a změny v programových dokumentech instrumentu. Hypotézy jsou testovány na třech oblastech instrumentu: podpoře ochráncům lidských práv, podpoře demokracie skrze politické aktéry a prevenci konfliktů.

Keywords

Human rights, democracy promotion, lobbying, NGOs, EU external relations

Prohlášení

Prohlašuji, že jsem předkládanou práci zpracovala samostatně a použila pouze uvedené prameny, literaturu a zápisy z pořizovaných rozhovorů. Souhlasím, aby práce byla zpřístupněna veřejnosti pro účely výzkumu a studia.

V Praze dne 19. května 2010

Anna Kárníková

Acknowledgements

First and foremost, I would like to express gratitude to my family, especially my parents, who provided me with an unconditional support during the years of searching and finding. Secondly, I would like to thank to my interlocutors in Prague and Brussels who patiently answered all my questions and inspired this research. Last but not least, I would like to thank to my professors and teachers, who guided me through the studies.

Contents

CONTENTS	7
LIST OF ABBREVIATIONS	9
LIST OF INTERVIEWS	11
INTRODUCTION	12
1. METHODOLOGY, METHODS AND CASE SELECTION	17
2. LITERATURE REVIEW	19
THEORETICAL PART	22
3. THEORETICAL CONSIDERATIONS	22
3.1 POLICY NETWORKS ANALYSIS – A NEW PARADIGM FOR COMPLEXITY	22
3.1.1 <i>Theoretical approaches in policy network analysis</i>	24
3.1.2 <i>Descriptive policy network analysis</i>	25
3.1.3 <i>Policy network analysis: a practitioners’ point of view</i>	31
3.1.4 <i>Critique of policy network analysis</i>	32
3.1.5 <i>Policy network analysis as a framework for interpretation</i>	34
4. INTERACTION BETWEEN THE INSTITUTIONAL FRAMEWORK AND INTEREST GROUPS	35
4.1 BRINGING THE INSTITUTIONS BACK IN – THE NEW INSTITUTIONALISM	36
4.2 THE OTHER SIDE OF THE SAME COIN – THE OPPORTUNITY STRUCTURES CONCEPT	38
4.3 DISCURSIVE POINT OF VIEW	41
4.4 THEORISING LOBBYING – A MELTING POT OF DIFFERENT THEORIES AND CONCEPTS	42
4.5 INSTITUTIONAL PERSPECTIVE AS A FRAMEWORK FOR ANALYSIS	44
5. THEORETICAL CONSIDERATIONS – SUMMARY AND HYPOTHESES	45
6. TERMINOLOGICAL CLARIFICATIONS	48
EMPIRICAL PART	52
7. A BRIEF HISTORY OF THE INSTRUMENT	52
8. MAIN CHARACTERISTICS OF THE INSTRUMENT	54
9. CONTEXT OF THE REFORM	57
9.1 STRIVING FOR MORE COHERENCE: REFORM OF EXTERNAL ACTION INSTRUMENTS.....	57
9.2 PAVING THE WAY TO GREATER FLEXIBILITY: REFORM OF THE FINANCIAL REGULATION	59
10. INTER-INSTITUTIONAL DYNAMICS: ADOPTION OF THE EIDHR REGULATION	62
11. POSITION OF THE EP ON STRATEGIC ISSUES OF THE REGULATION	65
12. DELIBERATIONS ON THE STRATEGY PAPER: PROCEDURES AND OUTCOMES	67
13. POLICY NETWORK IN THE INSTITUTIONAL CONTEXT	69
14. HOW INSTITUTIONS MATTER	76
14.1 ARE EUROPEAN INSTITUTIONS REALLY “LOBBIED”? CIVIL DIALOGUE IN THE EUROPEAN UNION ..	76
14.2 THE EUROPEAN COMMISSION	80
14.3 THE EUROPEAN PARLIAMENT	83
14.4 THE COUNCIL OF THE EUROPEAN UNION	85
15. THE SUB-CASES: A DETAILED ANALYSIS	87
15.1 CASE 1: ENHANCING SUPPORT FOR HUMAN RIGHTS DEFENDERS WITHIN THE EIDHR II	88
15.2 CASE 2: PROMOTION OF DEMOCRACY THROUGH SUPPORT TO POLITICAL ACTORS.....	94
15.3 CASE 3: CONFLICT PREVENTION AND CRISIS MANAGEMENT IN THE EIDHR.....	100
16. EIDHR AFTER THE LISBON TREATY: A STEP IN THE RIGHT DIRECTION?	104

CONCLUSIONS	107
BIBLIOGRAPHY	111
MONOGRAPHS.....	111
ACADEMIC ARTICLES.....	113
OFFICIAL DOCUMENTS	114
INTERNET SOURCES.....	117

List of abbreviations

AAP	Annual Action Plan
AFET	Committee on Foreign Affairs (European Parliament)
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CBSS	Country-Based Support Scheme
CfP	Call for Proposals
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for Civilian Crisis Management (European Council)
COHOM	Working Party on Human Rights (European Council)
CODEV	Working Party on Development Cooperation (European Council)
CSO	Civil society organisation
DCI	Development Cooperation Instrument
DfID	Department for International Development (United Kingdom)
DG AIDCO	Directorate-General (EuropeAid Co-operation Office)
DG Budget	Directorate-General for Budget
DG RELEX	Directorate-General for External Relations
DROI	Subcommittee on Human Rights
EC	European Commission
ECJ	European Court of Justice
EEAS	European External Action Service
EFA/Greens	European Free Alliance/Greens
EHRF	European Human Rights Foundation
EIDHR	European Instrument for Human Rights and Democracy
ENOP	European Network of Political Foundations
ENPI	European Neighbourhood and Partnership Instrument
EOM	Electoral Observation Mission
EP	European Parliament
EPA	European Peacebuilding Agency
EPD	European Partnership for Democracy
EPLO	European Peacebuilding Liaison Office
EPP-ED	European People's Party – European Democrats
EPACA	European Public Affairs Consultancies Association

ESDP	European Security and Defence Policy
EU	European Union
HR	High Representative
HRD	Human Rights Defenders
HRDN	Human Rights and Democracy Network
MEP	Member of the European Parliament
NGO	Non-governmental organisation
NIDM	Netherlands Institute for Multiparty Democracy
NSALA	Non-State Actors and Local Authorities Programme
NSCI	Nuclear Safety Cooperation Instrument
OSI	Open Society Institute
PHARE	Poland and Hungary: Assistance for Restructuring their Economies
SEA	Single European Act
SEAP	Society of the European Affairs Professionals
SIDA	Swedish International Development Cooperation Agency
TACIS	Technical Aid to the Commonwealth of Independent States
TEU	Treaty on European Union
WFD	Westminster Foundation for Democracy

List of interviews

For the purpose of this research, the author conducted 15 interviews with representatives of the European institutions, civil society organisations and national ministries between March and April 2010 in Prague and Brussels. The recorded material and summarised transcriptions are available upon request.

European Commission: EuropeAid/F2, EC Delegation in Kiev

European Parliament: Edward McMillan-Scott, Jana Hybášková

European Council: Czech representative in COHOM (in 2006)

Civil Society Organisations and political foundations:

APRODEV (Association of World Council of Churches related Development Organisations in Europe)

Club de Madrid

Friedrich Naumann Foundation

Frontline Defenders

Human Rights and Democracy Network (HRDN)

European Network of Political Foundations (ENOP)

European Peacebuilding Liaison Office (EPLO)

European Partnership for Democracy (EPD)

Nonviolent Peaceforce

Open Society Institute Brussels

People in Need

Introduction

'All things appear and disappear because of the concurrence of causes and conditions.

Nothing ever exists entirely alone; everything is in relation to everything else.'

Buddha

Interest groups, be it profit, non-profit, transnational, regional or domestic actors and their networks, are an inherent part of the EU decision-making process since its very beginning. Their input appears alongside the whole EU policy process, from agenda-setting over implementation, monitoring to ensuring compliance. The groups have a legitimate and important role in the policy-making of the European Union, especially given the underinformed nature of its main legislator, the European Commission. Trying to circumvent the interest groups would therefore be similar to “driving with eyes shut” (Coen & Richardson, 2009i, p. 339). As Coen and Richardson put it, the question is thus no longer whether the interest groups should be involved in the decision-making process, but rather how to involve them (Coen & Richardson, 2009i), especially considering the questions of legitimacy and democratic governance.

On the one hand, the scholarly debate tries to understand and assess impact of interest groups on policy outcomes. On the other hand it attempts to draw normative conclusions as to modes of inclusion of interest groups in the process without posing threats to democratic governance characterised by balanced interest representation. This thesis will primarily focus on assessing the influence of non-profit groups on policy outcomes and will tackle the issues of legitimacy and democratic deficit only peripherally. The focus of the thesis is mainly empirical and uses the concepts and theories first and foremost as an analytical framework. It therefore does not attempt to systematically test the few theories available in the field. In order to offer a comprehensive analysis of factors influencing the ability of non-profit actors to have an impact on the policy process, the thesis will combine several complementary theoretical approaches and analytical concepts explaining the role of non-state actors in political systems.

This case study attempts to shed light on the impact of non-profit actors in the EU decision-making process in the field of human rights and democracy in EU external policies. The human rights and democracy promotion are one of objectives of the Common Foreign and Security Policy anchored in Article 21 of the consolidated Treaty

on European Union (TEU). Apart from trying to mainstream these objectives into bilateral relations with third countries, the EU has also developed a specific financial instrument which channels support in the field of human rights and democracy to the third countries through European civil society organisations (CSOs). This involvement of civil society together with the fact that the projects implemented within European Instrument for Democracy and Human Rights (EIDHR) in the third countries do not need a consent of the local government ensure a special position for this instrument within the EU external cooperation instruments. Through delegating such support on transnational or member states based CSOs, the EU manages to circumvent its own limitation coming from the perceived antagonism between human rights/democracy demands and economic interests. This makes the instrument, however, highly politicised and controversial which sparks conflicts among institutions themselves as well as member states depending on their (a)political preferences.

The legal basis of the instrument (EIDHR regulations) and especially its implementation details (Strategy Paper and Annual Action Programmes) do not only carry technical and financial details concerning the implementation but also information on current concepts related to democracy and human rights promotion and EU discourse in this matter. This financial instrument is thus a suitable object of policy analysis in this field. The instrument has undergone several evaluations and changes throughout the last 10 years of its existence. The most recent and substantial reform of the instruments of external cooperation took place in 2006 within the negotiations of the 2007-2013 multi-annual financial framework. This reform led by the European Commission (EC) opened a window of opportunity for civil society organisations to lobby for new arrangements and emphases of the succeeding instrument (EIDHR II). This thesis traces some of the changes made to the instrument where there is a strong evidence of impact of civil society organisations. Within the process-tracing approach the analysis concentrates on conditions that enabled the organisations to make changes to the proposal (intervening variables). Furthermore, in order to offer testable propositions as to under what conditions the CSOs can influence the decision-making process, the thesis also analyses initiatives not successful in translating their views into the reformed instrument.

Several complementary theoretical and analytical approaches will be deployed in order to analyse the conditions shaping the instrument. Firstly, we will employ the already long-established approach derived from the theory of international relations focusing on a role of transnational actors in shaping public discourses and policies. Such

approach is highly suitable for application in the field of human rights and democracy promotion in the European Union, dominated by transnational actors or national actors associated in transnational networks. Secondly, we will use in the EU context only recently appearing focus on interest groups and their role in influencing EU governance. Both the above-mentioned approaches are currently in the phase of hypothesis testing (Risse, 2006; Coen, 2007). However, compared to the theory of transnational actors, the interest intermediation approaches have so far developed only rather fragmented hypotheses. As Andersen and Eliassen noticed in mid-1990s, interest intermediation research is characteristic with its ‘empirical richness, [but] theoretical poverty’ (quoted in Woll, 2006, p. 458). Only recently we have seen attempts to systematise the knowledge collected on interest representation in the EU and arrive to a kind of comprehensive “theory of EU lobbying” (see for example Michalowitz, 2004). While the theory of transnational actors concentrates on systemic level of analysis and the lobbying theories preferentially deal with actor-centred strategies of mobilisation, coalition-building and access, policy network analysis as a third approach will look into mutual interactions of institutional framework with interest groups as well as the dynamics of the network itself. Finally, the policy network approach will be complemented by accounts of new institutionalism, which highlight the importance of the institutional context.

Drawing on these theoretical approaches, the research identifies two general factors determining the impact on decision-making process further treated as intervening variables:

- Nature of policy network in the respective policy area
- Interaction of policy network and its institutional context

In the following paragraphs we will give a brief overview of the suitable theoretical approaches. They will be dealt with in detail in the chapter on theoretical considerations.

Even though there is currently no commonly accepted theory of policy networks, there is a sufficient basic proposition shared by those who employ the policy networks analysis claiming that the structure of policy network in particular policy area influences policy outcomes (Peterson, Policy Networks, 2003; Börzel, 1998). The rising interest in network analysis in EU context reflects the “governance shift” in studies of the

European polity, understanding the policy outcomes as a “product of relations involving mutuality and interdependence as opposed to hierarchy and independence” (Peterson, 2003, p. 1). The policy networks concept thus operates on the background of the European Union seen as a system of multi-level governance, with rather horizontally intertwined interaction and acknowledging the crucial role of actors coming from beyond the political structures themselves. This multi-level nature of the European polity has been supported by empirical evidence collected in research of interest groups operating within the EU (Eising, 2004). The network can be characterised in terms of pluralist-corporatist dichotomy (Coen & Richardson, Institutionalizing and Managing Intermediation in the EU, 2009i), material, organisational and ideational resources (Risse, 2006), autonomy of supranational institutions in the policy field and the “attractiveness” of the policy area as to its ability to give rise to activism of interest groups (Peterson 2003).

In the context of European public policy making and its distinct style, mutual interaction of actors is of crucial importance. Specifics of structural settings of the European Union can be understood at best in comparison with the United States and their modes of interaction with interest groups. Compared to the US, the relations between the EU institutions and interest groups are marked by their mutual interdependence and tend to be long-term and trust-based, with “constructive, contentious and consensus” oriented strategies of the actors (Woll, 2006, p. 463). In such settings, outsider lobbying strategies are doomed to have only a limited impact and policy outcomes are determined within the framework of mutual recognition and resource dependency. The dynamics of mutual interactions between policy networks and surrounding institutional settings can be at best captured by using the theoretical lenses of new institutionalism (Risse, 2006; Rosamond, 2000), opportunity structures approach (Risse, 2006; Woll, 2006) or certain approaches appearing in the scholarly attempts to theorise lobbying (Coen, 2007). Additionally, we could employ another theoretical concept enabling us to understand interactions between EU actors on different levels, namely that of “europeanisation” (Císař & Fiala, 2004). As opposed to the formerly mentioned approaches, “europeanisation” has been derived directly from the field of EU studies. While applying the concept of “europeanisation” on interest groups within the EU structures we can not simply stick to its basic “top-down” and “bottom-up” perspective, which would limit the understanding of mutual interactions between the actors. The concept of “europeanisation” is thus rather applicable in an

extended manner: seeing the process as a circular movement with many “feedback loops” (Coen, 2007, p. 337; Saurugger, 2005, p. 292). The concept of “europeanisation” will be discussed only marginally, since it mainly captures the mutual influence between European and national level, which is not at the core of our analysis. Finally, the so called “opportunity structures” have as well an impact on strategies of interest groups and mobilisation of policy networks. A local opportunity structure can significantly alter strategies of domestic actors, its impact can be, however, quite ambivalent (for a comprehensive overview see Princen & Kerremans, pp. 1132-33). If the political structures are not responsive to demands of an organisation, the organisation can opt for circumventing the national level and act directly on transnational level with international support (Keck & Sikkink, 1998; Risse, 2006). Paradoxically, high receptivity and strong ties between domestic groups and state agencies in a given policy area could lead to a very low interest of the domestic groups to seek transnational coalitions.

Most literature on the role of interest groups in the EU system remains often within the boundaries of a structural and actor-centred analysis. Such approach regrettably misses out on an important determinant of the interaction: the ideational structures and the power of shared norms and common beliefs. The effort to employ discursive lenses appeared primarily in the works on transnational actors and policy networks when looking at the shared values at the core of the networks and their interaction with the target institutions (Keck & Sikkink, 1998; Sabatier, 1998). This thesis will test the hypothesis developed by Risse-Kappen in his major contribution to the theoretical debate on impact of transnational actors on the world politics (Risse-Kappen, 1995). According to his hypothesis, the success of the transnational actors is determined by the degree of international institutionalisation of the concepts the interest groups are trying to translate into policies (Risse-Kappen, 1995, p. 7). In other words, the more a particular field is structured by international organisations, the better environment it creates for activity of interest groups with corresponding goals. This sphere of institutionalisation is by no means limited to the space of the European Union, even though, the pivotal policy debates are taking place within the EU context. The EU based interest groups can derive support from global movements and international organisations with global scope, such as the United Nations. We can extend this Risse’s argument into the following hypothesis: The ability of interest groups to get their ideas through depends on the accordance with the prevalent discourse of the institutional

elites on a particular matter. However, the role of interest groups and transnational actors especially is not passive in this respect. On the contrary, one of the main roles of such groups is to change the institutional discourses through long-term advocacy and awareness raising campaigns.

1. Methodology, methods and case selection

The chosen research object, a unique event (reform of the European Instrument for Democracy and Human Rights) is highly suitable for application of qualitative methodology and the case study research method. Our research subject fulfils criteria making it suitable for case study approach: it attempts to answer questions “how” and “why” as well as can be easily delimited in time (Yin, 2009, pp. 11-13). The reform of the EIDHR was launched by the European Commission in 2004 and was concluded in late 2007. All intervening mechanisms influencing the outcomes of the instrument can be tracked within this period. In order to analyse the causal mechanisms of the reform, we will employ the process-tracing method.

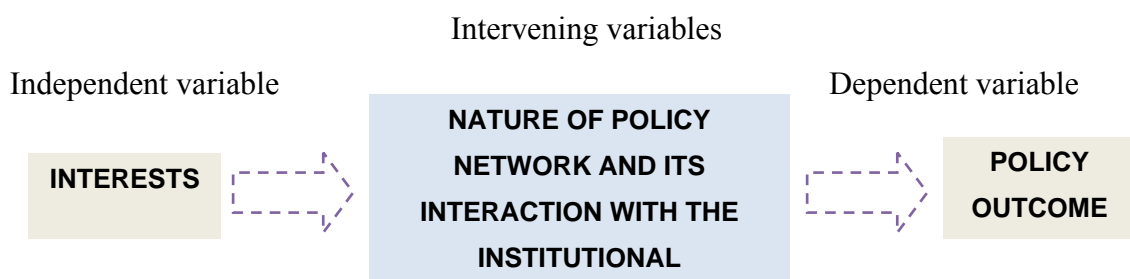
The process-tracing method has achieved increasing recognition among social science scholars and it is nowadays acknowledged as a viable method to identify causal mechanisms with a small amount of cases (George & Bennet, 2004, p. 204). The process-tracing method rests upon the assumption that for deriving theoretical propositions, we do not need a sample with high number of cases, but rather “relevant, verifiable causal stories resting in differing chains of cause-effect relations whose efficacy can be demonstrated independently of those stories” (Charles Tilly quoted in George & Bennet, 2004, p. 205). The „cognitive feat“ of identifying aspects of initial conditions and factors influencing them and leading to the outcomes will be based on theoretical accounts available in the above-mentioned academic fields. However, as we will observe in our theoretical considerations, since none of the scrutinised theoretical approaches offer a comprehensive and specified hypothetical assumptions, we have to dismiss theory-testing process-tracing approach. Instead, we will examine carefully the causal mechanisms (intervening variable) and attempt to arrive at efficient explanations of the relationship. Detailed aspects of the intervening variables and research questions will be identified in the upcoming chapter elaborating on theoretical considerations. The

theoretical propositions will serve mainly as an analytical model, in which different actors are located and linked through their interaction in a given policy sector (Börzel, 1998, p. 259). The theoretical accounts will tell us what the most likely factors intervening between the independent and dependent variable might be since each of these intervening steps has to be captured in a hypothesis (George & Bennet, 2004, p. 207). By doing so, our analysis will oscillate between theory-free (*detailed narrative*) and theory-anchored (*analytical explanation*) variant of process-tracing method (George & Bennet, 2004, p. 209).

In line with Sabatier's propositions, we will conceptualise the instrument as a belief system, implicitly containing information on priorities of actors, perception of causal relationships (Sabatier, 1998, p. 99). However, the instrument also provides crucial financing for the interest groups and is thus also an object of utility-maximising interests. The interest in the instrument can be thus conceptualised as both rational and based on shared beliefs.

Our analysis will focus on three sub-cases, three stories of success and failure of interest groups trying to translate their interests into the final form of the reformed instrument. These "stories" will look into organisations supporting individual human rights defenders, organisations promoting civilian peacebuilding and finally, organisations with major interest in support to political actors as agents of democratisation (political parties, parliaments).

The analytical model is summarised in the following diagram:



The interests of groups trying to influence the instrument are defined within the model as an independent variable. Interests are operationalised as a set of preferences as to the functioning of the instrument which can be based both on rational or ideational assumptions. The interests of the groups are understood as exogenous to the model: we assume no factors influencing their interests from within the model. The policy

outcomes capture the final shape of the instrument embodied in the EIDHR regulation and the implementing measures (the Strategy Paper and the Annual Action Plans). The mechanisms which are at work between the interests and policy outcomes will be treated as intervening variables. We assume that the extent to which particular interests can be translated into policy outcomes will be determined by the nature of policy network existing in the policy field as well as the interaction with the institutional framework. In our theoretical considerations, we will look in detail into available theoretical approaches, which would enable us to link the interests and policy outcomes and hypothesise on the functioning of the intervening variables. The interests and policy outcomes will be identified in detail in the empirical part. The whole model will be tested on three above-mentioned sub-case studies.

The structure of the thesis will follow the logic of our analytical model. Firstly, we will identify the intervening mechanisms based on theoretical studies. Secondly, we will apply our conceptual lenses on the main case (EIDHR reform) as well as the selected sub-cases. The analysis should lead as to conclusions as to what mechanisms are decisive and determine the success of the interest groups/their ability to put their preferences through. Finally, we will evaluate our results in the light of the most recent developments: the establishment of the External Action Service.

The analysis will build upon three methods:

- Primary resource analysis (documents of the European institutions and non-governmental actors)
- Secondary literature analysis
- Qualitative expert interviews (verified by triangulation with other resources available)

2. Literature review

The literature on policy networks reflects the bewildering state of the current research, with many overlapping concepts and approaches. Two authors undertook an attempt to systematize the research on policy networks and summarised the existing results of the research. The first attempt to cast light on the tools of policy networks analysis was published by German scholar Tanja Börzel in 1998 (Börzel, 1998). John Peterson, an equally influential British political scientist, published his synthesis on

policy networks in 2003 (Peterson, 2003). The most current synthesis by R.W.A. Rhodes, focusing prevalently on the US debate, appeared in the Oxford Handbook of Public Policy in 2006 (Rhodes, 2006). In Czech literature the networks remain mainly in focus of Brno-based scholars, especially Ondřej Císař, who published two major comprehensive contributions on networks approaches in current studies of transnational relations (Císař, 2004; Císař & Fiala, 2004). These works, however, draw primarily on the research into transnational networks appearing the international relations rather than the network concept used in political sciences.

The first major contribution to the theorising of transnational networks appeared in 1971 in the book of Robert O. Keohane and Joseph S. Nye “Power and Interdependence”. Its revolutionary approach took a deflection from the traditional state-centred approach to world politics and highlighted the role of non-state actors. Their work was further refined by different conceptions of policy networks. Among the most influential we have to mention the work of Peter M. Haas, Paul A. Sabatier or American scholars Kathryn Sikkink and Margaret Keck (Haas, 1992; Sabatier, 1998; Keck & Sikkink, 1998).

Since the 1990s lobbying in the European Union attracted an ever increasing number of scholars. Due to their activity we have currently an enormous number of volumes on the topic available. This explosion of literature is well summarised in articles by two prominent scholars, David Coen and Cornelia Woll. While Coen focuses on the prevalent trends in the literature on lobbying (Coen, 2007), Woll offers a comprehensive overview of literature on lobbying both from Europe and from the United States (Woll, 2006). For most of the 1990s the case studies on lobbying focused on discerning the role of private interest groups in the European policy-making. In the last 10 years and increasing attention has been paid to activities of public interest groups, including NGOs and associations of grass-root organisations (Kendall, 2001). The literature on lobbying tends to stay within boundaries of small case studies, larger comparative studies remain rare. The authors deal mostly with the logic of access to different EU institutions (Beyers, 2002; Bouwen, 2002), strategies of the interest groups (McCown & Bouwen, 2007) or normative questions dealing with threats posed to democratic governance by activity of interest groups (Karr, 2007; Kohler-Koch, 2007). Apart from theoretical lobbying literature, numerous “how to” guidelines and books for practitioners were published by academics as well as professional consultancy agencies. The literature on interest intermediation has been recently inspired by the “opportunity

structures” concept originating in studies of social movement. In their article, Princen and Kerremans offer the currently most comprehensive overview of the usage of this concept (Princen & Kerremans, 2008).

Theoretical part

3. Theoretical considerations

'... it is probably pointless to seek a single theory of European integration that can capture its dynamic evolution. After all, there is only one case. Rather, we should probably admit that different kinds of theories are appropriate for different pieces of the EU puzzle.'

Wayne Sandholtz¹

In this research we employ several theoretic approaches “borrowed” from different disciplines: from international relations, over European studies and public policy to approaches making use of sociological conceptual lenses. Some of the concepts are shared among different disciplines, such as the concept of networks appearing both in political sciences and international relations. Only such interdisciplinary approach enables us to cover the wide array of structural or ideational relations mutual influences as they appear in the current modes of European governance. The following section will briefly capture the way these theoretical approaches are embedded in their respective disciplines and subsequently elaborate analytical framework which will be applied to the selected sub-cases. The theoretical approaches overlap significantly, since they have in common the “non-realist” perspective as to the nature of actors in political systems and additionally, share a common goal of explaining policy outcomes in complex systems. The following division into two parts according to the nature of main determinants of policy outcomes is thus always to some extent inaccurate and unfortunate. Nevertheless, it will enable us to clearly structure the reasoning for further application on empirical data.

3.1 Policy networks analysis – a new paradigm for complexity

The notion of network became popular in the last decades mirroring the attempts to understand the increasingly complex and intertwined systems appearing in nature or in the human society. This explosion of interest in network patterns of organisation can

¹ Wayne Sandholtz, "Membership Matters: Limits of the Functional Approach to European Institutions," *Journal of Common Market Studies* 34, no. 3 (Sep 1996): 427.

be observed in a number of scientific disciplines, from microbiologists to computer scientists. As Börzel noted, the term network became “the new paradigm for the architecture of complexity” (Börzel, 1998, p. 253). In the 1980s also political scientists joined the trend and started to explore the potential of the “network” concept for explanation of power relationships of actors beyond state structures, which became known as *policy network analysis*. Most of the definitions of policy networks involve the following determining features which constitute the “lower common denominator” of the notion: mutual dependency of the members, non-hierarchical relations among them, shared common interests and a regular exchange of resources (Börzel, 1998; Peterson, 2003; Rhodes, 2006). Rhodes offers possibly the most comprehensive definition of policy networks, characterising them as “sets of formal institutional and informal linkages between governmental and other actors structured around shared if endlessly negotiated beliefs and interests in public policy making and implementation” (Rhodes, 2006, p. 426). The advantages of network arrangement are well encompassed in the network definition by organisation theorist Walter Powell claiming that networks are “particularly apt for circumstances in which there is a need for efficient, reliable information” and “for the exchange of commodities whose value is not easily measured” (Walter Powell quoted in Keck & Sikkink, 1998, p. 8). While stressing the non-hierarchical nature of the relations and refusing state-centrism, the policy network approach reflected the change in modes of governance, which, as Peterson argued, was increasingly a “product of relations involving mutuality and interdependence as opposed to hierarchy and dependence” (Peterson, 2003, p. 1).

The specific *sui generis* structure and specific decision-making system of the EU polity gave a crucial impetus to theorising about new modes of governance. This so called “governance turn” reflects the specifics of the EU system, such as the “governing without government” (Rosamond, 2000, p. 109) pointing at the executive polycentricity, non-elected but powerful decision makers and expertise having crucial role in determining policy outcomes, conceptualised as “government by committee” (Peterson, Policy Networks, 2003, p. 2). None of these properties of the system could be comprehensively grasped by the “grand” theories of European integration borrowed from the theoretical “arsenal” of international relations, be it intergovernmentalist or neofunctionalist perspective (Rosamond, 2000; Peterson, 2003; Kassim, 1994). Compared to these theories which focus primarily on explanation of the EU dynamics from historical (macro) perspective, the policy network approach offered a significant

advantage of being able to capture the policy making on meso and micro level and come closer to the “internal working” and “day-by-day” decision-making of the European Union (Peterson, Policy Networks, 2003, p. 20). The network approach was also able to fill in the gap left in the studies of the EU polity by the comparative politics methods, which focused exclusively on formal procedures and institutions while dismissing role of interest groups and informal modes of governance (Kassim, 1994, p. 15).

Outside of the EU polity and its specifics, the increased interest in policy networks reflected the changing relationship between state and society (Börzel, 1998). The need to make decision in complex conditions of environmental uncertainty emanating from increasing “international, sectoral and functional overlap of societal sub-systems” (Börzel, 1998, p. 260) forced the often under-resourced public decision-makers to rely on expertise owned by private actors (Peterson, 2003; Börzel, 1998). Such resource dependency blurs the distinction between public and private, which constituted the traditional notion of public policy (Peterson, 2003, p. 3). In this structural context, policy networks involving both private and public actors with a common policy objective provide a better coordination of actors than the “conventional” governance forms, the state hierarchy or the market (Börzel, 1998, p. 260).

However, after over 30 years of an intense exchange among scholars from both the US and Europe on policy networks², theoretical power of policy networks remains rather weak. In the following paragraphs, we will briefly look into different perspectives in policy network analysis as they emerged over the years in political sciences as well as scrutinise the most widely used and quoted sub-categories of policy networks relevant for this research. A special attention will be dedicated to the debate on deficiencies of the policy network approach (with special focus on the EU debate). Consequences of these conceptual shortcomings for the application of the policy networks concept in further analysis will be also discussed.

3.1.1 Theoretical approaches in policy network analysis

The attempts to theorise network behaviour are encompassed in work of two schools, with the main base in Europe and especially in Germany (Max-Planck-Institute

² For a comprehensive overview of scholarship on policy network analysis see Börzel (1998) or Rhodes (2006).

in Munich) (Börzel, 1998; Rhodes, 2006). Both the schools draw their basic propositions from a rationalist perspective, employing game-theory or rational-choice approaches and stressing the resource dependencies of the network actors. The exchange of resources functions as a point of reference for the network actors for calculating costs and benefits of their membership as well as strategies developed by the network (Börzel, 1998). The Max-Planck research team moreover combines the rational choice approaches with wider systemic accounts of the changing nature of governance³ (Börzel, 1998; Rhodes, 2006). Even though such approaches represent currently the most theoretically sound policy network analysis, they have been firmly criticised for several shortcomings. Shortly after its emergence, the rationalist/institutionalist theorising was challenged by approaches stressing the role of shared beliefs, values as well as communicative and learning patterns in the network (Sabatier, 1998; Börzel, 1998). Such shared beliefs significantly alter the rational perception of the actors as to their bargaining positions and help to overcome the “Olsonian” problems of collective action⁴ (Woll, 2006). Currently, most of policy network approaches and typologies acknowledge that shared beliefs and values lie at the very core of the policy networks (Börzel, 1998; Sabatier, 1998; Keck & Sikkink, 1998; Peterson, 2003).

3.1.2 Descriptive policy network analysis

In its descriptive modus, the policy network analysis is employed in order to shed light on patterns of interaction between state and interest groups (interest intermediation), provide a framework for organisational analysis or functions as a way of capturing trends in relationship between the state, the private and the voluntary sector (the governance perspective) (Rhodes, 2006; Börzel, 1998).

Firstly, we will look briefly at the arguments of organisational analysis. The main features of the governance perspective in the policy network analysis have already

³ Apart *actor-centered institutionalism* which combines rational choice and institutionalist accounts (developed mainly by Renate Mayntz and Fritz Scharpf in mid-1990s), the German school is firmly rooted in the governance perspective, understanding the networks as an alternative mode of governance. A major part of the works thus also develops reasoning related to the emergence of modern governance and its main features (Börzel, 1998). Börzel in her article offers an exhausting overview of thoughts and arguments of the German school (Börzel, 1998).

⁴ In his groundbreaking book “The Logic of Collective Action” published in 1965, American scholar Mancur Olson challenged the at that time prevailing conviction that a common interest of a group will automatically lead to its ability to act collectively for the common goal. Olson’s reasoning problematised the understanding of collective strategic action and brought new notions into the debate, such as the tendencies of actors to “free ride” (Olson, 1965).

been mentioned in the previous section and will later serve as a basic conceptual framework for our analysis. Secondly (and finally), we will scrutinise the propositions of the “interest intermediation” approach, since it offers some basic typologies and hypotheses useful for our analysis.

There are only subtle differences between the concepts of “governance” and “interorganisational analysis”, both aiming at discerning the increasingly blurred “modern state-society relationships” (Rhodes, 2006, p. 429). The distinctive feature of the interorganisational analysis consists in balancing between organisational and individual perspective. When looking at the policy networks surrounding different policy sectors, the interorganisational analysis takes the formal organisations joined in the networks as the ultimate unit of analysis and comes up with a power structure of the respective policy area. The explanatory link between such power structure and policy outcomes remains, nevertheless, controversial (Rhodes, 2006, p. 429).

The policy network approach employed in interest intermediation analysis is probably by far the most developed, offering numerous typologies and being widely used in many fields: from studies of European polity to the role of transnational actors in world politics (Coen, 2007; Coen & Richardson, 2009i; Císař & Fiala, 2004; Keck & Sikkink, 1998). For a long time the research into relations between the states and societal actors (interest groups) was dominated by the pluralist-corporatist dichotomy developed in the field of comparative politics (Börzel, 1998; Woll, 2006). While some authors claimed that policy network constitutes an alternative to this dichotomy (Börzel, 1998), most of the current works keep operating with these terms, although in a highly differentiated manner. The current patterns of interest intermediation in the European Union are thus captured by terms such as “elite pluralism” (Coen, 1997). However, as Coen and Richardson argue in their most current contribution to this debate, the highly sectorised nature of EU decision-making system does not enable us to find one label which would reliably and wholly describe the nature of interest intermediation in the European Union. They hence come up with the term “chameleon pluralism” which at best denotes the stable constituent (pluralism) as well as fluid and changing nature of the policy networks over time and across different policy sectors (Coen & Richardson, 2009i).

Among the confusing array of typologies⁵, there are several especially influential which will be further discussed in detail. All the typologies share the understanding of the relationship between the government and interests groups as a state of mutual power dependency. However, the typologies differ significantly due to different dimensions they are elaborated along (Börzel, 1998).

From all the attempts to pin down the hodgepodge of policy network approaches, Rhodes (Rhodes, 2006) offered the most workable and widely used classification of a bewildering array of usage of the policy network concept (Peterson, 1995, p. 390). Rhodes divides approaches along the goals of the approaches resulting in three general categories: descriptive, theoretical and prescriptive category. Rhodes's distinction has the advantage of capturing the widest possible range of conceptual usage⁶. As we will argue later, perhaps it may not have strong enough explanatory power from the theoretical point of view at some points. However, it should not be rejected on this basis since it can be of a pre-eminent importance for practitioners (Rhodes, 2006; Mikkelsen, 2006). Rhodes's model assumed several key variables which determine the policy network's ability to influence policy outcomes on a respective policy sector (quoted from Peterson, 2003, p. 4):

- The relative stability of networks' membership (stable dominance of actors in a given area)
- The network's insularity (permeable or excluding outsiders)
- The strength of resource dependencies among the network members (is there a heavy dependency as to financial resources, information or legitimacy)

By placing the networks along these dimensions, Rhodes identified a continuum between tightly integrated "policy communities" and rather loose "issue networks" (Peterson, 2003). These two concepts represent two ideal endpoints of the continuum⁷:

⁵ Tens of typologies of policy networks have been developed since the 1970s. In her article, Börzel (1998) offers a detailed overview of even those that are currently not in the centre of academic interest.

⁶ Börzel for example focuses exclusively on theoretical properties of the concept and distinguishes between policy networks as "typology of interest intermediation" and "specific form of governance" (Börzel, 1998, p. 255). Additionally, she draws distinction on methodological grounds: between policy network analyses using either quantitative or qualitative tools of analysis. However, as she notes, such distinction is not completely relevant since both the approaches are complementary (Börzel, 1998).

⁷ The Rhodes typology identified altogether five types of networks: policy communities, professional networks, inter-governmental networks, producer networks and issue networks, for details on the

the policy community is tightly integrated with closed membership and shared values and regular and high-quality exchange. Its hierarchical structures can easily ensure compliance (Rhodes, 2006, pp. 427-8). Issue networks on the other hand, are characterised by opened and large membership, absence of consensus and space for conflict, interaction based on consultation rather than negotiation or bargaining as well as unequal resources allocation across member organisations creating unequal power relationship (Rhodes, 2006, p. 428).

Such typologies, however, remain merely a rigid description (a “straw man”), unless they are employed to capture the changing and fluid nature of policy networks across the sectors and at different points in time. As Peterson noted, when the usage of models is not well justified and its main principles “unrehearsed”, the typologies can cause more confusion than enlightenment (Peterson, 1995, p. 390).

There are several typologies which earned wide acceptance as well as attention among the academic community. Their success illustrates the difficult balance between explanatory power and level of generalisation. Whereas the previously mentioned typologies could be applied on practically any interest groups, the strength of the following concepts consists in their ability to capture more specific relations and thus also draw more specific conclusions as to their influence on decision-making processes. The *epistemic communities* concept developed by Peter Haas in early 1990s illustrates how, in a highly complex environment, control over knowledge and information constitutes a crucial dimension of power since it can lead to a change in behaviour of the involved actors and thus alter policy outcomes (Haas, 1992). Haas defines the “epistemic community” as a “network of professionals with recognized expertise and competence in particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue” (Haas, 1992, p. 4). Nevertheless, as Haas also noted, the epistemic knowledge and its diffusion might be inhibited in areas which tend to be highly politicised (Haas, 1992, p. 5). The concept of “epistemic communities” is highly relevant in the EU decision-making, which is prevalently of a technical nature and requires specialist knowledge. The case studies applying the concept of “epistemic communities” were able to demonstrate their influence in particular moments and areas. Another analytical framework offering an alternative to the institutional rational approaches is the *advocacy coalition framework*. Through analysis of shared beliefs and

networks types see Kassim (Kassim, 1994, p. 18). As Peterson noted, the advantage of Rhodes’s typology is that it is to a large extent compatible with typology developed by other authors (Peterson, 2003, p. 5).

learning processes within policy subsystems (networks of a variety of actors) it strives to explain policy changes (Sabatier, 1998). Compared to other specific policy network concepts, the advocacy coalition framework offers by far the most detailed approach to policy networks. Sabatier specified the belief system of the actors within the coalition framework, dividing it into three levels according to the stability of the belief (Sabatier, 1998). Within this framework, even actors which were traditionally perceived as “passive and/or policy indifferent” such as journalists, scientists or officials, are assigned a potentially active role in forming the network and its activities (Sabatier, 1998, p. 7). Another innovation brought about by this concept suggests that policy change is not only a result of interaction of competing interests, but also of a “policy-oriented learning” within the groups and across the different policy subsystems (Sabatier, 1998, p. 117). The policy-oriented learning is defined as a alteration of beliefs and convictions based on empirical knowledge and with the goal of revising policy objectives (Sabatier, 1998). However, such process has its restraints, since as Sabatier observed, “new experience is filtered through existing beliefs” (Sabatier, 1998, p. 117). The policy-oriented learning might thus be inhibited in case the new information intervenes with deeper levels of the shared belief system. The policy-learning is also more likely to take place in areas where there is accepted quantitative data, rather than qualitative, subjective or interpretive evidence (Sabatier, 1998, p. 106). The advocacy coalition framework currently offers several hypotheses as to the characteristics of the networks (stability of camps and positions), favourable conditions of the policy-learning process or conditions of policy change (Sabatier, 1998). The advocacy coalitions approach offers valuable insights into the dynamics of policy change and detailed analysis of the belief system, which appears in many other policy networks concepts.⁸ Unfortunately, the advocacy coalition concept does not elaborate on particular strategies of the networks to achieve their goals and also fails to identify the determinants of a policy change comprehensively. However, the limited theoretical power of the concept is acknowledge by the author himself and reflected in the label he gave to the concept, remaining first and foremost an analytical “framework” rather than a theoretically sound approach to policy networks.

Using the methods of grounded theory and researching into several transnational initiatives in the field of human rights, the American authors Margaret Keck and

⁸ Unfortunately rather unspecified.

Kathryn Sikkink developed influential concept of *transnational advocacy networks* (Keck & Sikkink, 1998). Similar to the above-mentioned concepts, the existence of these networks and the policy changes desired by them can not be easily linked to the rationalist understanding of “interest” (Keck & Sikkink, 1998, p. 9). The formation of these networks is primarily motivated by “principled ideas and values” (Keck & Sikkink, 1998, p. 2) and the main function of the network is to share information and resources. The exchange of information is then at the very core of functioning of the network, since transnational advocacy networks appear typically in areas with “high value content and informational uncertainty” (Keck & Sikkink, 1998, p. 2). Even though these networks constitute of many different actors, it is non-governmental organisations (NGOs) who often play a central role in the networks (Keck & Sikkink, 1998). The authors do not intend to explain this special role reserved for the NGOs. However, we might deduce that their strong position within the networks derives from their organisational capacity and increasing professionalisation, which is comparatively much higher than with other types of civil society organisations (CSOs). Similarly to epistemic communities, activities of the transnational advocacy networks evolve around information sharing. Along with Sabatier the authors also claim the ability of these networks to reach beyond policy change in the narrow meaning and alter also the “institutionalised and principled basis of international interactions” (Keck & Sikkink, 1998, p. 2; Sabatier, 1998, p. 118). Additionally, the concept of transnational advocacy networks stresses the strategic dealing with the information and its framing and interpretation are crucial for ensuring the best possible resonance in a chosen venue (Keck & Sikkink, 1998). From the evidence collected on transnational advocacy networks in several countries and in different historical periods, Keck and Sikkink were able to draw some conclusions as to the factors influencing success of their activities. According to the authors, the density of the network (given by the number of actors involved and the strength of connections between them) will make the networks endeavours more successful. It is also crucial that the networks involve both actors from target countries who can provide reliable and accurate information as well as those who can get institutional leverage (Keck & Sikkink, 1998, pp. 28-29). Keck and Sikkink also specified another variable deciding about the success of the transnational advocacy networks initiatives: the vulnerability of target actors. The target might be either vulnerable due to material incentives and sanctions or due to its prior normative commitments (Keck & Sikkink, 1998, p. 208). Even though the concept of transnational

advocacy networks focuses primarily on advocacy campaigns that are “outsider” to the target political system, the particular propositions are useful for analysing the policy networks operating within the EU, where the interaction is based on mutual recognition and dependency.

3.1.3 Policy network analysis: a practitioners’ point of view

The concept of policy networks remains controversial among scholars, having both fierce proponents as well as opponents. Nevertheless, this controversy does not deter practitioners from looking into the concept and seeing what contributions it could make to their work. As Mikkelsen put it, practitioners do not need to wait for the scholars to bring their debate to an end (Mikkelsen, 2006). Both public and non-profit or private sector can take an advantage of the concept, the former when trying to “manage” policy networks in different policy fields, the latter to better understand the context of its actions and to optimise the allocation of its resources. The need to manage networks is slowly becoming a permanent wisdom of public sector reform. The reform “cookbooks” usually stress the need to shift from hierarchy and control to an indirect management of networks and collaborative nature of modern policy making (Rhodes, 2006). In the EU context, the European Commission is the main institutional actor dealing with shaping of policy networks. The approach of the European Commission involves both restraining and supporting measures, such as institutional grants mainly for non-profit networks or rules of access to the institution (Mahoney, 2004). The details of these initiatives will be discussed at a later stage, in the context of interaction between institutional frame and the policy networks.

Mikkelsen argues that the policy network analysis could serve as a suitable tool for strategic planning of non-profit organisations. A couple of studies confirmed that cooperation of often underresourced non-profit organisation makes their efforts more efficient and less costly (Mikkelsen, 2006). This advantage could be further enhanced by a thorough analysis of existent networks and an adequate reaction to detected gaps. Unfortunately, in reality, the capacities of strategic planning of non-profit organisation and networks are consumed by the need to run the day-to-day interaction among its members and with the institutions and other actors.

3.1.4 Critique of policy network analysis

The ability of the policy networks analysis to come up with testable hypotheses systematically linking the nature of policy network in a given sector to the policy outcomes of this sector is commonly contested. The opinions significantly differ among scholars as to whether the policy network should be used merely as a metaphor, a method or an analytical tool or framework. According to Börzel, only a small minority of academics is willing to ascribe some “theoretical power” to the concept (Börzel, 1998, p. 254). Even though there is empirical evidence that policy networks exist alongside the policy process and in all policy sectors (including sensitive and traditionally “state-centrist” sector of security), there is only little evidence as to the real influence they can exert on the policy outcomes (Börzel, 1998; Rhodes, 2006). The concept of policy network thus finds itself in a sort of cognitive gridlock: while from our experience we are convinced that the nature of policy networks has to matter significantly in policy-making, we can only hardly provide theoretically sound evidence to this. We thus end up having a highly developed “lepidopteran” typology of networks appearing in different sectors based on many observations from different policy sectors. This typology, however, does not have a sound predictive power as to what type of policy outcomes we might expect in a given area. Most of the authors hence arrive merely to rather general conclusions – such as that density of the network will have a positive impact on the ability of the network to influence the policy outcomes (Keck & Sikkink, 1998).

In the EU context, fundamental academic exchange on the applicability of policy network analysis on the Brussels-related networks took place in mid-1990s⁹. One of the “dialogues”¹⁰ between the policy network analysis main proponent John Peterson and his opponent Hussein Kassim not only repeated some of the recurrent criticism of the concept in general, but also highlighted problematic points of its applications in the specific environment of the EU polity. In the following section we will briefly look at the main arguments of this “dialogue” and the ensuing constraints we have to take into consideration when employing this concept within the EU.

Both the authors acknowledge the prominent role of policy network analysis in researching the policy-making in European Union (Kassim, 1994, p. 15; Peterson, 1995,

⁹ For an overview of the main points of the critique see (Peterson 2003, pp. 12-15).

¹⁰ This exchange of opinions on policy network analysis in the EU context took place on the pages of the journal *West European Politics* in the course of years 1994 and 1995.

p. 403). Kassim, however, also raises doubts as to their application based on three main features of the EU policy-making: its fragmentation and fluidity, the important role of the institutions and the institutional complexity and finally the difficulties with delineating the policy networks within policy areas (Kassim, 1994, p. 16). Kassim's arguments in an exemplary way illustrate the difficulties posed to the researchers by the fuzziness of the policy networks concept. At several points, Kassim's critique is not well-founded and emanates from misunderstandings as to the main assumptions of the policy network approach, namely confusing variables for the assumptions of the model (Peterson, 1995, p. 397). Despite the above-mentioned shortcomings of the critique, this exchange contributed with important clarifications as to the basic propositions of the network model as well as highlighted some important moments to be considered in the analysis.

Since the stability of networks does not constitute an assumption of policy network analysis, but only a variable, the constantly changing institutional setting typical for the EU and the shifting coalitions do not pose a serious challenge to application of policy networks (Peterson, 1995, p. 392). Moreover, as EU matures, more stable networks are appearing and extending their activity to new areas as the competences of the EU extend to new policies (Peterson, 1995, p. 395). Through pointing to the importance of institutions and inter-institutional dynamics in EU policy making, Kassim certainly raises an eligible objection to the policy network approach (Kassim, 1994, pp. 22-23), which tends to focus primarily on relationships within the networks. Institutional politics can be, as Peterson argues, accommodated with the institutional perspective and he offers a workable extension of the policy network model with new institutionalist propositions (Peterson, 1995, p. 401). The new institutionalist assumption will lead us to highlight the influence of inter-institutional competition as well as emphasize the importance of institutional change (Peterson, 1995, p. 401). Institutional accounts will be discussed in detail in the following chapter dealing with interaction of interest groups and institutional framework.

The final point of Kassim's critique points at problems arising from delimiting the policy networks in the EU due to substantial overlaps of competencies with other international organisations or national and sub-national actors (Kassim, 1994, pp. 24-25). Peterson admits the problematic delineation of "who is in and who is out", but argues that by identifying solely the most powerful actors within the networks, we can still arrive at desired determinants of policy outcomes. Furthermore, since policy

networks tend to play positive sum games, the participation of resource rich actors is highly desirable and their participation encouraged (Peterson, 1995, p. 403). Peterson's view is rather optimistic in assuming the "inclusiveness" of a policy network. In my analysis, I will argue that especially in the networks dominated by non-profit organisations with primarily non-material purposes, there can be substantial imbalances in material resources which can discourage highly relevant organisations from taking part of the network. In development policies this can be the case of Southern organisations, more generally, it tends to be the case of organisation coming from the new member states, where civil society organisations remain rather weak.

3.1.5 Policy network analysis as a framework for interpretation

Drawing on the theoretical propositions of this chapter, the empirical part scrutinising the nature of policy network in the EIDHR sector will attempt to answer the following questions:

How can the policy network be described in terms of its **membership**?

- What types of organisations and institutions constitute the network? Do NGOs play a crucial role?
- Are there any hierarchical structures in the network or its sub-networks?
- Is the network easily permeable and does its membership changes over time?
- Are some actors in the network dominant and if, then why?
- Is the network inclusive and what perspectives (constituencies) remain omitted?
- In what terms could we describe the pattern of interest intermediation and its dynamics over time?
- What is the main incentive for the members to join the network? Is the network based on shared beliefs or rather on rationally understood "interests"?

How can we describe the network in terms of **resource dependencies** among its members?

- What type of relationship (dependency) exists among different members of the network? What are the main "goods" exchanged by the members?
- How strong are these interdependencies?
- Is the resource allocation equal or is the power relationship unequal? Could we identify more powerful organisations within the network?

How can we describe the network in terms of **its goals**?

- What are the short as well as long-term goals of the actors in the network?
- Can these goals be related to rational (egoistic) interests or rather principled values shared by the network?
- How do these goals influence their activity within the network and the operation of the network itself?

Based on these questions, we will analyse the policy network which exists in the European Union in the field of human rights and democracy promotion and particularly around the European Instrument for Democracy and Human Rights (EIDHR). The nature of policy network is crucial for understanding the policy outcomes. However, as already mentioned earlier, it does not represent the only intervening variable in our model. The next chapters will introduce a complementary variable which influences the policy outcomes: the interaction of the institutional framework and the interest groups.

4. Interaction between the institutional framework and interest groups

In our model, the European institutions relevant to our policy field were treated as so far constituents of the policy networks, together with non-governmental actors. On the one hand, such approach enables us to delimit the network as well as scrutinise the resource dependencies among the actors. On the other hand, this could make us dismiss the special position of the institutions in the decision-making process. After all, the European institutions both hold control over the ultimate decision and have the liability for the correct implementation of the European policies and programmes. As Kassim pointed out, the role of institutions tends to be omitted by the policy network analysis (Kassim, 1994, p. 16). We will fill in this gap by looking closely at interactions between the institutions and the rest of the particular policy network: the non-governmental organisations. Moreover, not only are the European institutions actors in the policy network with their own policy preferences, they also have the power and means to fundamentally shape the landscape of interest intermediation (Mahoney, 2004). The EU can not be treated as an unitary actor (Bouwen, The European Commission, 2009) since each of the institutions has its preferences as to policy outcomes, policy “goods” supplied by the interest groups and the way these “goods” should be obtained. In the macro perspective, the institutions also strive to position themselves in the complex

system of the EU polity over time, which gave rise to a substantial inter-institutional dynamics. Depending on the legal basis and the ensuing procedure, the role of particular institutions differs across policy fields. The institutional input also differs significantly alongside the policy process. Apart from analysing relations between particular institutions and interest groups, we thus also have to give our attention to the turbulent inter-institutional dynamic. The conceptual lenses used in this chapter will build upon the assumptions of the new institutionalism, the opportunity structures concept and some attempts to theorise lobbying.

4.1 Bringing the institutions back in – the new institutionalism

As Rosamond noted, institutional approaches are built around a rather banal claim that “institutions matter” (Rosamond, 2000, p. 113). However, such claim might be of a crucial importance for concepts which tend to omit the institutional perspective from the decision-making “picture”. The revival of “new institutionalism” in political sciences in the 1980s and 1990s was therefore also a result of one-sided focus on the political sciences interpreting the policy outcomes merely as a result of interaction between different actors and societal behaviour (Rosamond, 2000). Nowadays it moreover offers a crucial extension to actor-based models of policy-making, such as the already scrutinised policy network analysis. The “revival of institutions” again ascribed a crucial role to the institutional context, which creates “intervening variables between actor preferences and policy outputs” (Rosamond, 2000, p. 114). In the studies of the European Union the new institutionalist approach (similarly to the policy networks approach) highlighted the importance of the undercurrent to the formal integration process, namely the presence of informal modes of governance (Christansen & Piattoni (eds), 2003). The new institutionalism appears in several variants offering distinct understanding of the nature of institutions as well as differing assumptions as to how the institutions actually matter. The rational choice institutionalism comes up with quite narrow understanding of institutions, seeing them merely in formal and legalistic terms. Building upon the “egoistic behavioural characteristics”, the rational choice based institutionalism additionally focuses on the way the institutions constraint the actors and makes the actors alter their bargaining strategies (Rosamond, 2000, p. 116; Peters, 2005, p. 47). There are two basic underlying assumptions to this approach: the preferences and

interests of the actors are perceived mostly as exogenous to the process¹¹ and the focus lies with the formalised procedures of interaction between the actors and their institutional context (Rosamond, 2000). Compared to the rational choice propositions, the historical and sociological institutionalism offer a far more “plastic” view of the institutions and their influence. Both these approaches have similar points of departure and are thus to a large extent compatible, putting an emphasis on institutional norms and shared beliefs, rather than understanding them simply as constraints to the activity of interest groups (Rosamond, 2000). These variants go beyond formalistic understanding of the institutions and see them rather as a framework encompassing “normative social order such as conventions, codes of behaviour and standards constraints upon behaviour” (Ikenberry 1988: p. 226, quoted in Rosamond, p. 115). The actors’ preferences are perceived as endogenous, formed in a process of mutual adaptation and learning. This ability to shape actors’ preferences and identities gives the institutions the power to influence policy outcomes. The institutional framework is not perceived as a “passive vessel” but as an actor with “distinctive and ongoing agenda”. The agenda of the institutions together with stable and long-term specific norms of behaviour, which evolved around them, delimit to a certain extent the possibility of a policy change. This concept is known as the “path dependency” (Rosamond, 2000, p. 117). As mentioned before, the institutions can not be seen as monolithic. Therefore, when identifying the systemic norms and values, we have to look at sub-units (such as the Directorates General in the European Commission) and across different policy areas. The “path dependency” has also a more prosaic explanation when we look at the tendency of institutions to create routine procedures which tend to lock out alternatives (Peters, 2005, p. 73). Sociological institutionalism in many moments overlaps with social constructivist propositions, which recently became widely employed by scholars researching into EU polity. In contrast to the historical variant of institutionalism, the sociological view on institutions places even bigger emphasis on institutions as a framework for shared understanding and the way this understanding is created through members (Rosamond, 2000, p. 119). In this approach interest and identities are seen as endogenous to the process and socially constructed. In line with the constructivist proposals, the scholars in the EU started focusing on the discourses and prevailing narratives created and reproduced by the institutions and creating the “boundaries of

¹¹ Recently, nevertheless, there has been a rising interest among the rational choice institutionalist in models explaining learning and adaptation of the actors (Peters, 2005, p. 49).

possible” of the EU milieu (Rosamond, 2000, p. 120). The currently most prominent research question in this respect targets the way the discourses become embedded and looks mainly into the communication processes, such as the communicative action concept developed by Jürgen Habermas (Rosamond, 2000, pp. 120-121).

4.2 The other side of the same coin – the opportunity structures concept

Assumptions of new institutionalism are to a great extent encompassed in the *opportunity structure* concept. Its advantage is that the opportunity structure concept offers a more elaborate and workable structure for analysis of the interactions between interest groups and the institutional context. The difference between opportunity structures and new institutionalism can be explained by the level of analysis it naturally strives for. While new institutionalism tends to focus on the systemic level to capture institutional change, the opportunity structure concept can offer explanations on both meso and micro levels¹².

The concept of *opportunity structures* came only very recently into view of researchers dealing with interest groups. It is currently perceived as one of the most promising theoretical approaches which could lead the research into lobbying in the EU context (Woll, 2006, p. 458). This however does not mean that the approach would be a complete newcomer to the field, since many authors have been operating with this concept implicitly (Princen & Kerremans, 2008). The theorising of opportunity structures emerged in the 1960s and 1970s in works on social movements and collective action. At that time the main theoretic interest was in analysing the level and type of emerging social or protest movements and did not stress the impact of these groups on different policy areas (Princen & Kerremans, 2008, p. 1131). The literature on opportunity structures tends to be a little perplexing since the notion is often implicitly used in relation to other theoretical concepts. In their article, Princen and Kerremans offer a comprehensive overview of and successfully dismantle the intertwined array of the current approaches. The available definitions of opportunity structures introduce them as a set of characteristics of an institution (functioning either as incentives or constraints) that determine the ability of the interest groups to have an impact on the

¹² Drawing on the idea that different theoretical and analytical concepts are compatible for analysis at different level (Peterson, 1995) or at different stage of the policy-making process (Richardson 1996). Summary appears in Rosamond, 2000, pp. 111-113.

decision-making processes within that institution (Keck & Sikkink, 1998; Princen & Kerremans, 2008; Nentwich, 1996). The basic division line between different concepts of opportunity structures derives from the differing ways of their formation. The exogenous perspective understands the opportunity structure as determined from outside the model, while the endogenous approach points out that the structures are outcomes of social and political processes, in which also interest groups take part (Princen & Kerremans, 2008, p. 1131). Nevertheless, even primarily exogenous approaches involve endogenous features if looked at from a different angle, since as Tarrow and Tilly point out “no opportunity, however objectively open, will invite mobilisation unless it is a) visible to potential challengers and b) perceived as an opportunity” (Tarrow and Tilly: p. 43, quoted in Princen & Kerremans, 2008, p. 1131).

The impact of opportunity structures on interest groups can be operationalised through looking at structural aspects of the opportunities as well as receptivity of the system. Firstly, the activity of interest groups will thus be influenced by the openness of the system and the existing access points. Secondly, the actual receptivity of the system will be given by personal preferences of officials, public opinion trends, cleavages and turf wars among officials and departments and events which might shift political preferences or moods (Princen & Kerremans, 2008, p. 1131). In the case of the EU multi-level system we have to look at particular institutions or their sub-units. For example, while public opinion might be of a crucial determinant in the European Parliament (EP) but only of a very weak importance for the officials of the European Commission.

However, looking at access points simply as resisting targets which are conquered by the interest groups would be gravely misleading. As already mentioned, the EU context is specific with its substantial resource dependencies among the institutional and non-institutional actors. This gap can be filled in by the resource exchange perspective, which highlights the institutional “hunger” for various types of policy “goods” and ability of the interest groups to supply them (Princen & Kerremans, 2008, p. 1136). The ability of the interest groups to access the perceived opportunity structures is thus not only dependent upon their organisational resources and recognition of the opportunity structure, but also upon possession of required knowledge. The knowledge is not to be understood as a passive good, but rather a material which can be strategically adapted and framed according to the needs of targeted venues. In the multi-level system of the European Union, the interest groups may move freely between

different access points provided they are able to frame their information for the needs of the respective institution. Moreover, strategic framing of an issue may stir political sensitivities, political attention or ultimately influence political jurisdiction and cause a shift of a venue in which the respective policy is embedded (Princen & Kerremans, 2008, p. 1138). These strategies appear in the literature under the label “venue shopping” and constitute the endogenous perspective since they show the dynamics which can influence the opportunity structures. The framing strategies of interest groups became a focal point of researchers dealing with “construction of scale”. The allocation of an issue to certain level of policy-making (local, regional, national or supranational/global) is not given by territorial attachment but politically constructed. Different actors can thus “jump the scale” through issue framing and thus open for themselves new opportunity structure or at least close them for other actors (Princen & Kerremans, 2008, pp. 1139-40).

The opportunity structure does not only include the institutional set up, but also the concept of a “dominant policy style” (Nentwich, 1996, p. 2). In the EU context many authors speak of an emergence of a distinct public policy style which emerged as a consequence of decades of interactions and institutional and actor learning (Coen & Richardson, 2009ii, p. 3; Woll, 2006; Council of the European Union, 2009i). Within the EU, traditional protest strategies of groups working in the field of human rights or environment are locked out by the lower responsiveness of most EU institutions to public opinion and the fact that they are subject to electoral sanctions to a much lesser extent than national governments (Princen & Kerremans, 2008, p. 1133). The mobilisation of public opinion and media is also fundamentally limited by the non-existence of an “integrated European public space” (Princen & Kerremans, 2008, p. 1133). The distinct public policy style developed in the EU context is most clear in comparison with the interest intermediation style in the United States. In her article, Woll provided a comprehensive overview of the differing features, including prevailing lobbying style, organisations of interest representation and the preferred lobbying style and instruments (Woll, 2006, p. 463).

The opportunity structures are not static and are subject to changes over time depending on emerging “societal sensitivities as well as behaviour of interest groups and social movements” (Princen & Kerremans, 2008, p. 1134). In the 1990s we might thus observe attempts by the European institutions to increasingly involve non-economic interest groups (within the so called *civic dialogue*) or reaction to increasing

numbers of lobbyists and interest groups posing demands on institutionalisation of interest intermediation channels (e.g. attempts to regulate lobbying activities).

4.3 Discursive point of view

Both the new institutionalism and some variants of the opportunity structures concept pay special attention to constructivist understanding of institutional context, namely its ability to create stable norms of behaviour and “self-reproducing institutional scripts” (Rosamond, 2000, p. 117). Unfortunately further interaction of the discursive nature of the institutions remains further unspecified within these concepts. The attempt to link the discourses of the institutions to activity of interest groups and policy outcomes was undertaken in the studies on transnational actors. The most elaborate hypotheses making connection between the policy outcomes, interest groups and prevalent institutional discourses is to be found in the work of Thomas Risse-Kappen from the mid-1990s (Risse-Kappen, 1995). In his volume, Risse-Kappen focuses primarily on the conditions which enable transnational actors to have impact on domestic ground. As Risse-Kappen argues, when transnational actors advocate norms which are widely acknowledged within the international institutional framework, this will strengthen their leverage and legitimacy and a comparative advantage for pushing through their proposals on domestic level (Risse-Kappen, 1995, p. 32). With this account we can extend the propositions contained in both new institutionalism (mainly its sociological and historical variant) and the opportunity structures approach. The EU institutions and their subunits are themselves bearers of discourses derived from the “path dependency” of their actions as well as their position within the EU system. As I will argue later the discourses might be, however, also a product of structural divisions within the highly sectorised political system of the EU. The “policy goods” supplied to different institutions should thus not only respond to informational need of the institutions, but they are also framed in order to find its way into the acknowledged discourse of the venue (“venue shopping”). By framing the issues, interest groups can bring new understanding of the issues and functionally link issues which have been so far understood as belonging to separate policy domains. Information available in the sector of human rights and democracy is prevalently of interpretative nature. Even when hard data are available, there might not be consensus as to their meaning and implications for policy decisions. The framing strategies of the NGOs have thus major

impact on discourses of the institutions and have the potential to bring about change by linking issues which have been treated separately.

4.4 Theorising lobbying – a melting pot of different theories and concepts

The explosion of literature on activities of the interest groups on the EU level was connected with the increased competences the EU gained through the adoption of Single European Act in 1986. This wave of interest in lobbying was not by any means the first one and the theoretical concepts on EU lobbying were evolving in a close dialogue with research on interest groups in the American political system for decades (Woll, 2006). Since the 1990s, the theorising of EU interest representation took four main directions: contributions to the corporatism-pluralism debate, works on collective action, analysis of europeanisation of interest groups and finally studies on interest groups primarily interested in shedding light on the nature of the European governance (Woll, 2006, p. 459). Most of these approaches had in common the *sui generis* understanding of the European polity, only recently there has been a shift to a more comparative analysis focusing looking at the constraints and incentives imposed on the interest groups through the institutional framework (Rosamond, 2000; Woll, 2006) and the type of goods the interest groups supply to the policy process (Coen, 2007). An eminent interest is in the strategies of the interest groups, mainly those that constitute a key to successful influence over policy outcomes. As to theoretical power currently existing in the literature on lobbying, we have to say, that the many available studies are mostly exploratory small case studies. As Coen noted, only in recent years there has been a trend to focus more on large “confirmatory” theory testing studies (Coen, 2007, p. 334). The current studies in lobbying thus offer only fragmented causal predictions and the “lobbying theory” will provide us merely with important highlight which were omitted in the other approaches.

The theorising of lobbying overlaps significantly with the above-mentioned theoretical approaches, since it uses their tools and propositions. Additionally the lobbying approach puts emphasis on several aspect of interest intermediation, which we have so far not elaborated upon. Apart from logic of access, multiple entries into the system and venue shopping, the lobbying literature brings up the concepts of identity

and reputation building and points out the importance of phases of the policy-making process and legislative procedures (Coen, 2007).

For interest groups, it is crucial to gain an insider status with the European institutions, be it through a stable place at the consultation table of the European Commission or a long-term informal relationship with a member of the European Parliament (MEP). Since the relations between institutions and interest groups in the EU are long-term and trust-based, the insider status is closely linked to the reputation of an organisation. While most firms and business related interest groups achieve the insider status through their scope and production share on the European market (Coen, 2007, p. 339), the public interest groups have to rely on their long-term presence and possession of substantial and reliable information which can serve as “policy good” needed by the institutions. Personal relationships play an important role as well and to a great extent decide about who will appear at the decision-making hubs. The organisational resources which need to be invested in building the relationship with institutions are quite vast and especially smaller organisations will thus seek to join a network, where these costs could be shared.

The opportunity structures for the interest groups to come into the decision-making process are numerous and open alongside the whole complex decision-making process. The ability of an interest group to find an entry point into the system (or put differently, the openness of the institution or its subunits) differs significantly depending on the phase of the decision-making process and the institutions which dominates this phase. From empirical evidence, the early stages of the decision-making process usually guarded by the European Commission tend to be more open to input from interest groups. In case of the European Instrument on Democracy and Human Rights, we will, however, have to differentiate carefully, since there are several different procedures leading to the establishment of complete programming rules of the instrument (codecision, comitology). Each of these procedures implies a vastly different pattern of access and will be analysed in detail in the empirical part.

4.5 Institutional perspective as a framework for analysis

Derived from the above-mentioned points of departure, our empirical analysis will evolve around the following areas and formulated questions:

Institutional framework

- What institutions and their parts are active in the process of adoption of the EIDHR and what are their main interests/discourses in this matter?
- How do these institutions relate to interest groups in terms of resource dependency and how do the institutions manage this relationship?
- What incentives and/or constraints to these institutions or their parts impose on the interest groups?

Strategies of the interest groups

- How do the interest groups respond to the constraints and/or incentives of the institutions?
- What type of strategies do the interest groups employ in order to gain access and exert influence within the decision-making process?
- Which entry points the interest groups choose in what phase of the decision-making process?

Inter-institutional dynamics, procedures and its impact on interest groups' ability to take part in decision-making processes

- What legislative procedures are employed in the programming of the EIDHR and how do they influence the ability of the interest groups in the decision-making process?
- What is the role of the institutions at different stages of the decision-making process and how does this influence the strategies of the interest groups?

Together with the analytical framework of policy networks analysis, these factors should be able to explain the causal mechanisms influencing the policy outcomes.

5. Theoretical considerations – summary and hypotheses

The policy network approach might be lacking theoretical power, but we can not simply dismiss it since it can serve as a suitable analytical tool in explaining how EU policies are shaped by bargaining between an immense variety of actors in a non-hierarchical system. The policy network approach also offers a huge advantage of taking account of the importance of the interest groups. Their role can not be omitted when trying to understand the decision-making on the EU level. The policy network analysis will thus be employed in this research as a framework for interpretation (analytical model) in which “different actors are located and linked in their interaction in a [given] policy sector” (Börzel, 1998, p. 259). We accept the basic assumption of the policy network analysis that the structure of the network influences the interaction of the actors and therefore influence the policy outcomes in the policy area. However, as we will argue later, it is by no means the ultimate determinant of the policy outcomes. In the application of policy network analysis, we are going to avoid trying to fit in the particular policy network into one of the existing typologies. Such approach would lead us to creation of a “straw man” which would be later merely picked on for not entirely corresponding to reality (Peterson, 1995, p. 390). Rather than that we will focus on dimensions underlying the typologies in order to understand the particular nature of the network. For the purpose of this research, policy network will be understood as a platform bringing together institutional as well as non-governmental actors for bargaining on policy outcomes. Crucial features of these networks are exchange of resources (information, material, ideational) and mutual interdependency of the actors. The relationships can be at best captured by the term “mediation”, which implies positive sum outcomes for the actors involved and thus gives preference to strategies of “reconciliation, settlement and compromise” (Peterson, 1995, p. 391). In order to get a comprehensive picture of the way the interest groups can have an impact on policy outcomes, the institutional context of their efforts can be only hardly dismissed. The institutional perspective can be accommodated with policy network model and offers its workable extension with new institutionalist propositions. The institutionalist assumption will lead us to highlight the influence of inter-institutional competition as well as emphasize the importance of institutional change (Peterson, 1995, p. 401). With respect to the specific EU political system, the neo-institutionalist analysis will lead us

to a more differentiated analysis, respecting the non-monolithic nature of European institutions as well as moving beyond formalistic approach and exploring informal interactions between the institutions themselves as well as the external actors (Rosamond, 2000, p. 115). Within the European Commission we can then for example observe tensions between politicisation and bureaucratisation and democracy and diplomacy (Rosamond, 2000, p. 115). In our analysis we will also focus on the ways the institutions shape the strategies and forms of interest intermediation, involving their “demand” for particular policy goods or targeted incentives aiming at manipulation with the interest groups landscape. We will, nevertheless, also move beyond the structural perspective and use the sociological constructivist lenses in order to scrutinise the discursive interaction between the institutions and the interest groups. Both institutional and non-institutional actors will be understood as active strategic players in this respect.

Based on the theoretical work we have further specified the intervening variables which influence the ability of interest groups to have an impact on policy outcomes. The variables are formulated as hypotheses, which we will test within the tracking of causal mechanisms in our three sub-case studies. In order to offer a sound causal explanation, we have to also consider *equifinality* of the model: the alternative factors which might have influenced the outcome (George & Bennet, 2004, p. 207). The five identified hypotheses will be further operationalised as follows:

- **Prevalent discourse in the given policy field**

Risse-Kappen in his work assumes that the interest groups are more likely to succeed in achieving their goals if the issue debated is well institutionalised or at least widely accepted within the prevalent institutional discourse (Risse-Kappen, 1995). Due to the close cooperation between the EU and other international organisations the discourse is not formed solely within the European context, but also is significantly influenced by developments beyond the EU framework. The discourse as a communicative pattern (Rosamond, 2000) tends to remain stable over a period of time, nevertheless, it is by no means rigid and can be subject to change. The interest groups can be thus an active factor in shaping of the discourse.

- **Activism and autonomy of supranational institutions in the policy field**

Due to the irregular progress of European integration the powers of European institutions differ across policy fields. The delimitation of the powers, however, is fluid

and a subject to constant change, be it due structural reforms, inter-institutional agreements or litigations. The external relations of the European Union were in the recent years undergoing virulent changes, most recently under the Lisbon Treaty.¹³ Under such conditions, the interest groups can either fall prey to inter-institutional turf wars or receive leverage from an institution seeking alliance in the inter-institutional deliberations. Moreover, the active or passive profile of an institution in the given policy area and its particular interests are of crucial importance for the interest groups, since it can limit or enhance their ability to influence the target.

- **Interdependencies between the interest groups and the institutional framework**

As we are going to demonstrate in the next chapters, the interest groups have a specific position within the institutional framework of the European Union and their involvement in policy-making is often actively supported by the European institutions. The strength of the resource dependencies has an impact on the ability of the groups to access and eventually influence the policy-making process. The main logic underlying this hypothesis is derived from the mutual interaction between the interest groups and the institutions within which expert knowledge (“policy goods”) are exchanged for access to the decision-making process. The more reliable and institutionally relevant “policy goods” the interest groups possess, the higher chance it receives to gain the “seat at the table”. The expertise is, however, not rigid and is subject to framing strategies by the interest groups, which are trying to “sell” it to institutions according to their demand.

- **Strategies employed by the interest groups and their networks**

The success of interest groups in translating their preferences into the instrument is determined by their ability to recognise opportunity structures and exploit the multi-level entry-points embedded in the nature of EU polity. The lobbying strategies employed by the interest groups thus have to adequately react to the challenges of the multi-level environment and complex legislative procedures. A successful strategy should thus involve: identification of the most receptive venues, strategic framing of the

¹³ The current challenges posed to the instruments of external action by the provisions of the Lisbon Treaty will be analysed in detail in the closing chapter.

submitted information, identification of entry points and key persons (timing), and finally coalition and reputation building strategies.

- **Vulnerability of the target of lobbying**

As Keck and Sikkink argue, the effectiveness of a lobbying activity is determined by vulnerability of the target (Keck & Sikkink, 1998, p. 208). The vulnerability can be characterised as responsiveness to material and/or moral leverage. The moral leverage can be drawn from prior normative commitments of the targeted organisation/institution. Such tactic might be highly effective in case of European Union which puts human rights and democracy at the core of its external relations. However, we still have to consider the non-monolithic nature of the EU and differentiate between ambivalent effects on different institutions and their parts. The second aspect of vulnerability is reaction to material incentives or sanctions. Keck and Sikkink extracted this mechanism from specific cases of third countries receiving conditional aid. Nevertheless, such mechanism might be also applied in the context of the European Union, which tends to balance between economic interests and commitments to human rights and democracy.

6. Terminological clarifications

Terminological clarifications are crucial in order to avoid misunderstanding in the often perplexing variety of competing definitions related to interest groups and lobbying at the EU level.¹⁴ In our analysis we will prefer the term *interest group* to the notion *pressure group* which can carry negative connotations (Karr, 2007). By the notion *interest group* we will embrace both internal and external function of the group while distinguishing it from a *lobby group*, which focuses primarily on representation of interests to public bodies (Karr, 2007, p. 58). The European Commission follows similar logic distinguishing between professional lobbyists and interest groups representing directly its constituencies. The European Commission has drawn this distinction in its attempt to regulate lobby activities of interest groups. Professional lobbyists do not have to be direct interest groups representatives, rather professionals in the field of public

¹⁴ In their article, Beyers, Eising and Maloney offer a comprehensive overview of this problematic (Beyers, Eising, & Maloney, 2008).

affairs (Society of the European Affairs Professionals, SEAP or European Public Affairs Consultancies Association, EPACA)¹⁵.

The European Parliament and the Commission define the interest representation/lobbying quite broadly, as "activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions" (European Commission, 2006ii, p. 5). Such definition encompasses all types of interest groups, from firms to think tanks, NGOs and trade unions. The European Commission as an institution dealing with interest groups the most (and in the most structured manner) gives preference to the term *interest representative*, which, compared to the notion "lobbyist", does not carry negative connotations (European Commission, 2010i). The terms "lobby groups" and "lobbying" are, however, widely used among scholars dealing with the lobbying at the EU level drawing on the Anglo-American research tradition (Karr, 2007; Coen, 2007). The reluctance of the European Commission to use the term "lobby" might also have its roots in recognition of the special relation between the interest groups and the European Commission, with the EC trying to highlight mutuality of the relationship and refuse the idea that it is "lobbied".

The distinction between interest groups can be drawn along different dimensions (underlying interests, choice of methods, membership) according to the theoretical purpose of the distinction (Klüver, 2009). For our analysis, we will choose the most functional division which is in line with the established terminology of the European institutions. The European Commission refuses to explicitly distinguish between the nature of the groups (European Commission, 2010), even though it implicitly does so in its programmes and documents (European Commission, 1992). Based on notions appearing in academic literature we can draw the basic distinction between the *public* and *private* interest groups (Woll, 2006; Coen, 2007; Rondo-Brovetto & Ebner, 2007). As Karr demonstrates in her book, such distinction is by no means unproblematic (Karr, 2007, pp. 62-64), however, when its weak points are taken into consideration it offers the most workable alternative. The similarities and differences between the private and public interest groups are summarised in the following table:

¹⁵ The lobbyists associated in public affairs consultancies cover only at about 5 % of all interest representatives operating in Brussels (Obradovic, 2009, p. 301).

DIFFERENCES

- ▶ Unequal lobbying resources
- ▶ Primary interests (material versus ideal)
- ▶ Recognized status (often preferential treatment of public

SIMILARITIES

- ▶ Legitimate role in democracy
- ▶ Representing special interests (not elected)
- ▶ Lobbying tools and methods

Source: adapted from Karr 2007

The European institutions divide the interest groups into three groups: the private sector, the economic and social partners (involved in social dialogue) and the civil society organisations (Karr, 2007, p. 65). In the eyes of the European Commission, the latter two groups form the *civil society organisations* and the EC defines them as “principal structures of society outside of government and public administration, including economic operators not generally considered to be “third sector” or NGOs” (European Commission, 2010xi). Such definition, however, does not constitute an ideal delineation, leaving some interest groups (such as small economic groups) on the confines (Fazi & Smith, 2006, p. 15). This is well visible when we look at the groups representing the whole variety of interest groups in the European Economic and Social Committee. The first group associates representatives of firms and entrepreneur associations, the second group brings together trade unions and the third group includes members of the so called “various interest groups” (among them small economic actors, professions, cooperatives, non-governmental organisations and academics).

In our analysis, we will use the notion *public interest groups* and *civil society organisations* in order to highlight the non-governmental and non-market nature of the actors. We will however also narrow our understanding of the civil society organisations, excluding organisations participating in social dialogue (trade unions and employers federations, small economic actors). Such delimitation becomes very close to the actual membership of the analysed policy network, which prevalently constitutes of non-governmental organisations. Therefore the notions civil society organisations (which is in fact a generic term encompassing among others NGOs) and non-governmental organisation will be used interchangeably. Once again, the delineation of the term non-governmental organisations is extremely difficult due to different societal conditions from which their functions and forms derive (Fazi & Smith, 2006, p. 16; Rondo-Brovetto & Ebner, 2007, p. 516). The European Commission admits the difficulties of finding a common definition, however, it compiled a list of characteristics

shared by non-governmental organisations: non-profit nature of its activities, voluntary formation (usually with an element of voluntary participation in the organisation), some degree of institutional existence, independent of governments, political parties and commercial organisations¹⁶ and not self-serving in aims and related values (European Commission, 2000, pp. 3-4).

In order to distinguish the phases of the instrument, we will use the term “EIDHR II” to denote the reformed instrument after year 2006. “EIDHR I” will describe the instrument between 1999 and 2006, after the formalisation of European Initiative for Democracy and Human Rights.

Final distinction which has to be made for the sake of clarity is that of distinguishing between *policy networks* and *networks*. The notion network is used in this research in its widest sense, pointing out the special nature of relationship between different actors. It is thus merely practical, denoting organisations associated in a *network*. The term *policy network* is, however, used as an analytical framework and theoretical concept which has specific properties mentioned in the previous chapters.

¹⁶ Trying to eliminate the different types of NGOs associated with different types of political and commercial interests known as QUANGOs (Quasi non-governmental organisation) among them for example CONGOs (Commercial non-governmental organisation) or GONGO (Government-operated non-governmental organisation).

Empirical part

'We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.'

Martin Luther King, Jr.

7. A brief history of the Instrument

Although the official materials date the instrument focusing for democracy and human rights back to 1994 (European Commission, 2007iv), we can track a much longer history of the instrument, originating shortly before the fall of the Berlin Wall. At that time, contacts with democratic movements in Central and Eastern Europe (especially East Germany and Czechoslovakia) were established due to personal initiative of several members of the European Parliament (MEPs). Grass-root organisations in the communist countries were the main proponents of democratic developments at that time, but they were lacking basic materials needed for successful operation and spreading of their activities (office equipment, telephones etc.). As Edward McMillan-Scott, one of founders of the European Parliament initiative, put it, it was a “shopping list” which stood at the beginning of the European programme for promotion of democracy and human rights (Interview with Edward McMillan-Scott). In January 1990, the idea of a fund supporting democracy initiatives in the post-communist countries gained wide support among non-socialist parties of the European Parliament and received allocations from TACIS and PHARE budgets. Even though it was first officially formalised in the course of 1992, it had been operating already since 1990 as a network supporting grass-root projects (Neligan, 1998). The programming of the initiative was then in hands of a wide body consisting of members of the European Parliament, officials from the European Commission, representatives of interested member states as well as delegation from the Council of Europe (Interview with Edward McMillan-Scott). Main objectives of the initiative were to assist programmes of democracy and civil society development, promotion of human rights, rule of law and free media and facilitating transition to social market economy. Close cooperation with local organisations was one of the main principles of the initiative. In 1994, the programme was formalised by grouping together eleven budget headings for democracy assistance and promotion of human rights (Chapter 19.04) and became known as the

European Initiative for Democracy and Human Rights (EIDHR) (Herrero, 2009; Řiháčková, 2008). Since 1993, the programme was run by an external agency (European Human Rights Foundation, EHRF) (Neligan, 1998; Herrero, 2009), which enabled the initiative to avoid lengthy processes typical for programmes administered directly by the European Commission. At first the EHRF provided solely technical assistance, later it took over the complete management of the initiative (Herrero, 2009). However, the swirl of events radically changed the ownership of the instrument in 1999. In 1998 the initiative was temporarily suspended by a ruling of the European Court of Justice (ECJ) due to a lack of legal basis for action of the Commission in the field of human rights. In response, the initiative received legal basis formed by two complementary regulations in 1999¹⁷ (Řiháčková, 2008). The decision to take the EIDHR as an in-house project of the European Commission was partly also a consequence of suspicion towards the so called “submarines”, independent agencies outside of the European Commission, to which the Commission outsourced some of its operations (Interview with Edward McMillan-Scott). Such aversion was a natural repercussion in the aftermath of the resignation of the so called “Santer Commission” for mismanagement of EU funds. Since 2000, the EIDHR’s programming was done by the Directorate General for External relations (DG RELEX) and the implementation managed through the EuropeAid Co-operation Office (DG AIDCO). In order to ensure continuity of the programme DG AIDCO employed most of the staff of the European Human Rights Foundation (Herrero, 2009). The year 2000 was a year of transition for the EIDHR, which got in successive steps embedded in the EC structures and acquired the current features, especially the implementation mechanisms (such as gradual devolution to the EC Delegations) (Herrero, 2009). The subsequent “bureaucratisation” of the instrument was unavoidable and it appears regularly as a recurrent critique of the instrument. These developments also caused much disapproval among the MEPs and until today, the members who stood at the beginning of the initiative for democracy remain highly critical of the administration of the instrument.

¹⁷ Council Regulation (EC) No 975/1999 of 29 April 1999 laying down the requirements for the implementation of development co-operation operations, OJ L 120, 8.5.1999 and Council Regulation (EC) No 976/1999 of 29 April 1999, laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries. OJ L 120, 8.5. 1999.

Foreseeing the negotiations on the multi-annual financial framework 2007-2010, the 1999 regulations, which were supposed to expire in December 2004, were extended to December 31st 2006 to coincide with the adoption of the financial framework (Herrero, 2009). Such arrangement enabled the instruments to be adjusted in a broader context of the complementary external action instruments reform.

8. Main characteristics of the instrument

The EIDHR budget of 1,1 billion Euro for the period 2007-2013 is very modest compared to other external cooperation instruments. The Instrument for Stability (launched in 2007) has a budget of 2.1 billion and the geographical instruments have generally 10 to 20 times higher budgets (European Commission, 2010ii). Due to the very limited resources, the instrument should ideally support only initiatives which can not be financed under any other external action programme (Interview with EuropeAid/F2 representative). The complementarity with the other instruments should be determined by special features enshrined in this instrument, namely the possibility to operate without consent of the host government. This enables the EIDHR projects to focus on sensitive issues and innovative project methodologies as well as cooperate directly with local civil society organisations (Herrero, 2009). It thus forms a parallel channel of cooperation to the long-term bilateral programming of the geographical programmes and creates space for tackling issues which the local governments would otherwise be reluctant to bring up (Herrero, 2009). The impact of the EIDHR should be supplemented by additional financing from the Non-State Actors and Local Authorities Programme (NSALA) which supports a broader scope of actors including local authorities (European Commission, 2010ix). Nevertheless, the actual synergy of the instruments remains rather weak.

The programming of the EIDHR rests upon several implementing documents. The EIDHR regulations form a long-term legal basis of the instrument and set out its general objectives as well as create a financial envelope (in 2006 for the years 2007-2013). The implementing measures are laid down by the Strategy Paper, including details on activities eligible for funding under the specific objectives of the programme. The Strategy Paper elaborates on geographical focus and thematic programmes of each

objective, as well as specifies the detailed allocations of the six year financial framework into the relevant period, which is between 2 and 3 years. The implementation of the programme (especially its geographical focus and the thematic extent) is further specified by the Annual Action Programme (AAP). The AAP lists specific actions which will be financed through the instrument in the given year¹⁸ as well as specific amounts allocated to each of the country selected under particular action. For each action, the management mode of the financing is mentioned.

From the point of view of the civil society organisations, the multi-level programming cycle poses high demands on their lobbying capacity. Fierce negotiations at each stage of programming can cause slight changes in the prioritisation, which has an immense impact on NGO funding. This matter of fact constitutes permanent uncertainty for the interest groups trying to ensure that their interest will be preserved in the programming documents.

In the period between 2000 and 2006 there were altogether three management modes through which the instrument channels the financial resources to eligible organisations (Herrero, 2009).¹⁹ Firstly, macro-projects implemented exclusively by civil society actors and distributed via centrally managed Call for proposals. Secondly, smaller grants (micro-projects) available especially to local NGOs and distributed via local Calls for proposals (CfPs) managed by respective Delegations of the European Commission (so called Country Based Support Scheme, CBSS). And finally, the so called targeted projects implemented in cooperation with partner organisations (mostly international organisations, but also regional bodies like the Nordic Council of Ministers). The distribution of management modes has been a subject to substantial changes in the last years. As Sonia Herrero clearly demonstrates in her report, the European Commission preferred the targeted projects at the early stages of the EIDHR implementation (in 1999, this type of projects accounted for 65 % of the EIDHR budget) (Herrero, 2009, p. 15). Herrero ascribes this situation to complex procedural problems faced at that time²⁰, which prevented the Commission from running the Call for proposals with its limited staff. The EC thus had to focus on projects coordinated directly with chosen institutions and organisations. Herrero's argument is supported by

¹⁸ Not all objectives have to be tackled each year.

¹⁹ After 2006 the system became more complex. Currently, for example, also small projects can be granted directly via centralised calls for proposals, such as grants to human rights defenders.

²⁰ The European Commission was outsourcing the organisation of the Calls for proposals to the European Human Rights Foundation, whose contract for technical assistance expired and was not temporarily renewed (Herrero, 2009).

the fact that after the centralised Call for proposals were launched again, the targeted projects share in the total budget fell to 31 %.²¹ There could be, however, an additional reason for the EC to rely on partnerships with organisations possessing expertise and reputation in the field. Since the instrument became an in-house programme of the European Commission, it has been facing a vigorous critique led by the European Parliament (namely by the informal but influential Democracy Caucus). One of the main points of their critique was that the civil society organisations are less transparent recipients of the funds and Commission had difficulties providing detailed information on the impact achieved through the instrument to the Budgetary Control Committee of the European Parliament (Interview with a representative of Friedrich-Naumann-Stiftung). The partnership with experienced organisations would thus enable the Commission to allocate the EIDHR resources to bigger projects with reliable and well-known partners, which would not become a target of EP's critique. Such strategy was, however, also controversial, since it gave preference to large scale projects and discriminated against organisations with modest organisational resources.

A significant development in the allocation of resources among the different implementation modes was the gradually rising relevance of micro-projects which in 2008 had a nearly equal share to the centrally allocated macro-projects (Herrero, 2009, p. 15). This might be interpreted in accordance with the trend of decentralisation of the implementing procedures and transferring the responsibility to the Delegations of the European Commission. It could also be understood as a response to joint critique of the European Parliament and several civil society organisations (often based in the new member states), which highlighted the need to make the resources available also for smaller or grass-root organisations for which the EIDHR thresholds were not attainable (Interview Jana Hybášková). The outcomes of these changes remain, however, quite ambivalent. The rise in small-granting was accompanied by a rise in the lowest threshold for the micro-projects, which rose from 3,000 Euro to 10,000 Euro in the year 2002 (Herrero, 2009, p. 16). Such rise was desired by the European Commission due to administrative reasons – the more smaller projects are implemented, the more resources are required from the European Commission to deal with their administration (Řiháčková, 2008).

²¹ After the reform of the Financial Regulation in 2006, the targeted projects were declared exceptional to the Call for proposals and these mechanisms could be further used only in a limited number of specific cases (Herrero, 2009).

9. Context of the reform

9.1 Striving for more coherence: reform of external action instruments

In its communication on the Instruments for External Assistance under the Future Financial Perspective issued in September 2004 the European Commission laid out the outlines of the reform of external instrument, which was expected to be concluded by the end of the year 2006 (European Commission, 2004i). The budgetary constraints and the subsequent need to rationalise the external cooperation instruments were already mentioned in the Communication issued in February 2004 (European Commission, 2004ii). The principles applied in the reform were to design a single funding instrument for each policy area and to find the most policy- and cost-effective way of managing it (European Commission, 2004i, p. 32). In the area of external relations, the communication foresaw simplified architecture of the instruments based on six instruments covering the areas served at that time by a hundred of different instruments (European Commission, 2004i, p. 35). The external cooperation instruments were a mix of regional (TACIS, CARDS), development (the Cotonou agreement) and thematic instruments (such as the EIDHR). There were substantial differences in comitology and programming procedures of these instruments. Management of such complex set of instruments was therefore becoming increasingly difficult (European Commission, 2004i). As an example, the Communication pointed out the Southern Mediterranean, Near East and Middle East region, which was managed through eleven different regulations. Similar situation prevailed in the post-Soviet, Asian and Latin America region and in the pre-accession assistance of the European Union (European Commission, 2004i, p. 5). In order to create more coherent and manageable framework for channelling the finance to third countries, the European Commission proposed to set up three overarching instruments for external relation policies, which would be policy driven and thus have a particular regional coverage. The three geographical instruments (Development Cooperation Instrument, DCI, European Neighbourhood and Partnership Instrument, ENPI and the pre-accession instruments) were supposed to be complemented by instruments responding to particular crises (Instrument for Stability, Humanitarian Aid Instrument and the Macro Financial Assistance) (European Commission, 2004i, pp. 7-9). The European Instrument for Human Rights and Democracy was supposed to be replaced by ENPI and exist further merely as a thematic

programme within the other instruments (European Commission, 2006iii). There are several reasons why the EIDHR was not supposed to be retained as a separate instrument. Firstly, it was fully in line with the EC's strategy to "mainstream" human rights and democracy promotion into all instruments of external relations according to the normative priorities of the EU foreign policies. In the eyes of Commission's officials, having a separate instrument could lead to funnelling the human rights and democracy objectives into one programme and thus losing these priorities out of sight in other relevant instruments (Interview with EuropeAid/F2 representative). We might also see this step as an expression of both organisational and conceptual helplessness of the European Commission in implementation of the instrument and the fact, that the European Commission was facing permanent critique from the European Parliament and civil society organisations for the management of the instrument (Interview with Jana Hybášková). The relevant working groups of the Council have seen the separate instrument not only as a guarantee of visibility of the European Union in the field of human rights and democracy promotion, but were especially concerned to retain the unique feature of the instrument: the right to act without consent of government or local authority of the third country. Although the Commission officials claimed the principle would be partially preserved, the member states agreed to push for a separate instrument (Interview with COHOM representative). The decision not to retain the EIDHR as a separate instrument also sparked an immediate reaction of the European Parliament, which together with relevant organisations started pressing for the preservation of the EIDHR. The Parliament argued that there is a need to have a visible and clear EU profile in the field of human rights and democracy promotion. The former EP's "ownership" of the EIDHR (and especially the personal ties to it from some MEPs) might have also played an important role. First in June 2006 the European Commission agreed to retain the EIDHR as a separate instrument. This was perceived as a major success of the European Parliament and the civil society organisations (Řiháčková, 2008). Nevertheless, we should not dismiss the primary decision of the Council working group. The quite belated decision on the form of the instrument caused a severe delay in the whole programming process of the EIDHR II.

9.2 Paving the way to greater flexibility: reform of the Financial regulation

The reform of EIDHR in 2006 aimed primarily at shortcomings of the instrument in terms of flexibility of its delivery. The situation in the field of human rights and democracy can change extremely quickly and a fully operational instrument should be able to address this fluid environment flexibly and effectively. The implementation of the EIDHR was, however, guided by rigid procedures and tight financial rules anchored in the Financial and Staff Regulations (Řiháčková, 2008). Apart from adjusting solely the EIDHR regulation, the reform thus needed to tackle a wider problem equally influencing the other instruments of external action. Recognising the importance of the Financial Regulation reform, an alliance was formed of NGOs and their platforms (The Social Platform, CONCORD, The European Women's Lobby and the Brussels office of the Open Society Institute). Due to their wide membership and level of institutionalisation, the alliance had the means and leverage to run a two-year campaign aimed at multiple relevant players at the EU level. In a report summarising their position and reform proposals from April 2005, the alliance argued that in the utmost effect, the Financial Regulation with its “overemphasis on procedures and control” harms the crucial relationship between civil society organisations and the European Commission (F.M. Partners Limited, 2005).

Even though the changes in the Financial Regulation (and the Implementing Rules) apply to all the EU financial programmes equally, the EIDHR was the instrument most likely to benefit from relaxed demands of the Financial Regulation, due to the nature of issues it aims to tackle as well as the territories it operates in. In the following analysis, we will briefly look into major changes having a direct impact on the operability of the EIDHR.²² The argumentation of the alliance was drawn directly from their experience with EIDHR-funded projects. Additionally, their proposals were supported by member states with well-developed mechanisms of financial aid (state development agencies). Some of the mechanisms (such as re-granting) are widely used by the British Department for International Development (DfID) or the Swedish International Development Cooperation Agency (SIDA).²³ Moreover, the alliance was able to receive support from MEPs, prevalently based on their territorial interests

²² A complete overview of the changes in the Financial Regulation and Implementing Rules related to the EIDHR is provided by Věra Řiháčková in her analysis of the external instrument reform (Řiháčková, 2008).

²³ I owe this observation to Alessandro Rossi.

(Interview with OSI Brussels representative). The lobbying for the reform of the Financial Regulation was a significant challenge for the NGOs, since the DG responsible (DG Budget) did not have a developed a culture of consultations with civil society and relied mainly on intra-EC consultations. Moreover, the discourse of the DG Budget could be described as “anti-NGOs” emanating from mainly fraud-related information on NGO activities. Another challenge was to “translate” the policy-driven message of the alliance into the rather bureaucratic language of the DG Budget (Interview with OSI Brussels representative). Despite these obstacles, the well-prepared initiative succeeded at many points. Since 2006, the Financial Regulations allows re-granting and thus opens the EIDHR funding to local (often grass-root) organisations that do not have the capacity to engage fully in the application and reporting procedures of the instrument. Even though the reform of the Financial Reform strived to increase transparency and public control of the funds (European Commission, 2010v), the European Commission recognised threats posed to organisations and human rights defenders operating in difficult countries by the public disclosure of data on applicants and grantees. The current Regulation gives the European Commission the right not to disclose the data under Objectives 1 (projects in countries and regions where [human rights and fundamental freedoms] are most at risk) and Objective 3 (projects related to support of human rights defenders). The non-disclosure principle can be relaxed solely by an explicit decision of the organisation receiving a grant. Such situation is likely to happen, since the effect of disclosure is ambivalent: it might either induce harassment from local governments or protect the local organisation from being harassed due to international presence (Interview with OSI Brussels representative). Changes in the Financial Regulation allowed operation of local calls for proposals in local languages, which could increase the number of applicants among local organisations. Similar effect might have the lowering of the minimum threshold of the grants. Co-financing of the projects was of major importance in the “difficult” countries, where finding additional financing is extremely complicated. In this respect, the EIDHR has done much progress with rising the percentage of total project budget financed through EIDHR from 80 % to 95 %. However, we have to mention that for the CBSS the decision to apply these (more flexible) rules is left up to discretion of the country delegations. The application of these rules thus varies across the countries and is subject to further lobbying activities of either local or international NGOs.

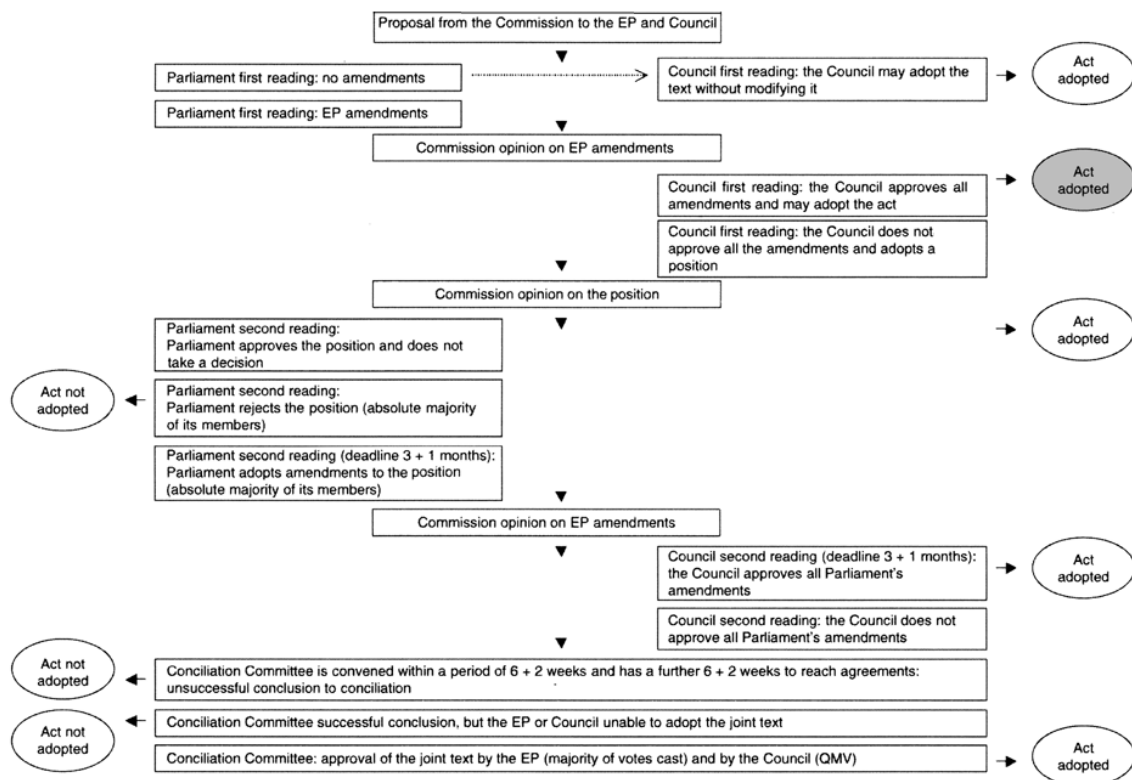
Apart from inflexible delivery, the reform was supposed to improve the coordination with the other instruments and foster their complementarity (Řiháčková, 2008). This aim was, nevertheless, addressed only very vaguely, remaining a topic for future discussions rather than particular measure aimed at improvement of the situation.

The final crucial question related to the reform of the instrument, was the role of the delegations. The centralised system of the allocation of funding was facing vigorous critique for its rigidity. However, the transfer of the granting powers to delegations also had its pitfalls. The share of EIDHR funding managed directly by the EC delegations through the local calls for proposals was gradually increasing, from 8 % in year 2002 to 25 % in 2006 (Řiháčková, 2008, p. 161). The channelling of the EIDHR funds, which are designed to operate without consent of the host country, through the diplomatic representation of the EU can be counterproductive. The delegations are namely responsible for maintaining bilateral relations with countries, where EU is prevalently perceived as a trade actor and economic partner (International IDEA, 2009). Especially in difficult countries like China or Cuba, this dual role of delegations can have an inhibiting effect on ambitious EIDHR projects. This problem boils down to the eternal yet unresolved question of foreign relations: how to exactly balance normative ideas with the need to maintain favourable (mostly economic relationships) with a foreign country. The evidence from delegations confirms that such concerns are not solely of theoretical nature (Interview with representative of EC Delegation; Interview with Jana Hybášková). In 2006, the initiative trying to address this problem became a major bone of contention not only among the member states but also caused crumbling of the NGO camp. The idea to create an independent agency which would manage the EIDHR fund directly was rejected. This issue will be tackled in detail in the sub-case study dealing with democracy promotion within EIDHR.

10. Inter-institutional dynamics: adoption of the EIDHR regulation

The following section will in detail scrutinise the procedures which led to adoption of the EIDHR regulation and the Strategy Paper. The procedure can not be understood solely as a necessary formality, since it contains interesting information on the existing inter-institutional dynamics. Moreover, through looking into the procedure we will be able to identify the “entry points” for the interest groups striving to exert influence on the EIDHR programming. Since the Maastricht Treaty, the acts related to budget expenditures (such as external cooperation instruments) of the European Union are adopted within the codecision procedure, which gives substantial powers to the European Parliament as the main budgetary control authority. The codecision procedure was simplified by the Amsterdam treaty and is sometimes called *codecision 2* procedure (Judge & Earnshaw, 2008, p. 189). This modification also gave veto power to the European Parliament, further fostering its position in the legislative process. The recently adopted Lisbon Treaty brought about further extension of an application of the procedure. The codecision procedure will currently apply to 95 % of the EU primary legislation (in 2007 it was around 50 %) (Judge & Earnshaw, 2008, p. 189). After the adoption of the Lisbon Treaty, the procedure became “ordinary legislative procedure” which was supposed to indicate that it became a norm in the primary legislative (European Commission, 2010i). Unless there is a special provision, the codecision applies to all areas where the Council decides by qualified majority voting.

The following graph illustrates the codecision procedure and highlights the “exit point” relevant for the EIDHR regulation adoption²⁴:



Source: (Judge & Earnshaw, 2008), emphasis added by Anna Kárníková.

The European Commission sent out the draft proposal to both the European Council and the Parliament on 27th June 2006 (European Commission, 2010viii). The reform proposal was discussed within the Council working group on development (CODEV) and later amended by comments from the human rights working group (COHOM). The decision on the Council group responsible for the draft regulation was taken in order to accelerate the already delayed negotiations, since CODEV has more frequent meetings. The EIDHR regulation did not spark any controversy among the member states and the agenda was resolved at the CODEV level (Interview with COHOM representative). The Council finalised its position in the light of the EP’s first reading and its proposed amendments.

The European Parliament appointed two *rapporteurs* from the committee on foreign affairs (AFET) on 26th June 2006 (European Parliament, 2007). The rapporteurs

²⁴ In the EP’s electoral term 2004-09, 72 % of the passing legislation was adopted in the first reading. This share increased significantly compared to the previous electoral term, when only 33 % of legislation was adopted within the first reading. Source: (European Commission, 2010viii)

Hélène Flautre (Greens/EFA) and Edwards McMillan-Scott (then EPP-ED) presented at the beginning of October 2006 a report including opinion from three committees: Development (DEVE), Budgets (BUDG) and Women's Rights and Gender Equality (FEMME) (European Parliament, 2006ii).

The comments of the European Parliament on the draft proposal illustrate well the inter-institutional dynamics which are at play in the field of external instruments. In the report, the European Parliament described the proposal as “entirely insufficient” for it is dealing solely with the general framework and procedures and leaves all the strategic policy decision to the Strategy Paper, which is decided upon within the comitology procedure and thus locks out the influence of the European Parliament (European Parliament, 2006iii). In order to foster its position in the comitology procedure, the Parliament demanded its engagement within the so called Democratic Scrutiny procedure.²⁵ This procedure rested upon the inter-institutional agreement among the main legislative bodies from 2006 which elaborated on the involvement of the EP under aspects of democratic scrutiny and coherence of external actions.²⁶ This obliged the European Commission to lead structured and regular dialogue with the EP in matters which are subject to the comitology procedure. The dialogue should include regular meetings within relevant parliamentary committee and the Parliament expects the Commission to steer the inter-institutional dialogue with both the Council and the Parliament (European Parliament, 2006iii).

Such reaction of the Parliament can be only accurately interpreted if we look into the long-lasting disputes over comitology procedure. The so called comitology composed of a “bewildering array of committees supervising and regulating the implementing procedures of the EC” erodes the position of the EP in the legislative process (Judge & Earnshaw, 2008, p. 239). Since the formalisation and standardisation of the comitology procedure in 1987, the European Parliament had no participatory rights and was repeatedly challenging this opaque but influential decision-making system. Since the path of litigation did not prove to be feasible, the European Parliament attempted to improve its role through a row of inter-institutional agreements (Judge & Earnshaw, 2008, p. 241). Due to these arrangements, the European Parliament strengthened its position within the legislative process. However, as Judge concludes, it

²⁵ The detailed procedure is described in section 16(4) of the EP’s report.

²⁶ Inter-institutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (2006/C 139/01), p. 25

also opened the possibility that the comitology procedure will become increasingly controversial in the future due to “heightened friction with [Parliament’s] co-legislators” (Judge & Earnshaw, 2008, p. 242).

Moreover, in the report Parliament compelled the Commission and the Council to discuss within the Democratic Scrutiny process also the list of countries which are given priority in the Electoral Observation Missions (EOMs) (European Parliament, 2006iii). This politically highly sensitive decision was earlier exclusively up to decision of the Council. The Parliament additionally suggested that the consultations preceding the drafting of programming documents should be open not only to member of civil society organisation but also include members of the Parliament. Within the formalised procedure we can thus observe a number of attempts of the European Parliament to foster its position within the decision-making process.

11. Position of the EP on strategic issues of the regulation

Among several amendments of merely technical importance (such as compliance with the reformed Financial Regulation), the amendments of the Parliament tackled also several policy-related issues. The EP suggested widening the group of eligible organisations as well as beneficiaries of the project by adding the democratic parliaments to both the lists. In Article 9(1) the rapporteurs highlighted the pre-eminent role of independent non-state non-profit actors in implementation of the instrument and added an exhaustive list of eligible applicants, among them newly mentioning the political foundations acting in the field of democracy and human rights promotion (European Parliament, 2006iii, p. 33).

In its further amendment, the Parliament stepped against generous allocation of the funds to EOMs. The EP acknowledged the significant contribution of EOMs to democratic processes in third countries. However, it suggested the EOMs are only one of many tools available in supporting democracy processes and that democratisation goes far beyond the electoral process. In line with these statements, the regulation called for a proportionate allocation of resources to the EOMs (European Parliament, 2006iii, p. 14). The EP raised another concern related to the EOMs, which in their view tend to

focus only on “punctual events” without proper follow-up. The need to implement adequate follow-up activities of the EOMs is thus mentioned several times in the EP’s report (European Parliament, 2006iii). The Parliament also suggested that also local civil society organisation will be eligible for support under the EOM objective (Article 2(1)).

In Article 3(2) the Parliament highlighted the need to not perceive the instrument as subordinate to other external cooperation instruments and pointed out the instrument’s consistency with EU policies in the field of human rights and democracy. This might have been a reaction to the Commission’s implicit but still visible preference for development cooperation and perceiving human rights and democracy being conditioned by eradication of poverty and injustice (Řiháčková, 2008, p. 169).

Finally, the Parliament introduced two additional measures. The *ad hoc* measures²⁷ aimed at increased flexibility of the instrument and were supposed to provide delegations with the chance to react to crisis situations in a flexible manner. The Commission has the right to allocate these funds if functioning of local civil society organisations is endangered and in cases where there was an imminent need to protect human rights defenders. Moreover, the Parliament proposed *support measures* for delegations. These should offer capacity building programmes to organisations interested in the programme and can cover other costs linked to local calls for proposals. By introducing this measure, the EP acknowledged the often limited resources of the civil society organisations. The costs of these support measures should be proportionate to the goals of a particular project and should not exceed 5 % of the overall EIDHR budget (European Parliament, 2006iii, p. 31).

In its report on the regulation proposal, the Parliament clearly stated its understanding of democracy promotion, ascribing crucial role within this process to national parliaments, which are at the core of *parliamentary* democracy. In its amendments to the proposal, the European Parliament highlighted the role of parliaments in advancing democratic reform processes and made them also eligible for support under this instrument (European Parliament, 2006iii). Such amendment has to be interpreted in the light of the profound changes in understanding of democratisation processes and strategies of those involved in democracy promotion. As Jana Hybášková noted, the democratisation trends have recently moved from supporting “hard” changes

²⁷ The *ad hoc* measures were already contained in the period 2002-2006. Since 2007 the allocation of funds to this measure has, however, increased from 4 % to 4,3 % (Řiháčková, 2008, p. 160).

of regimes to “soft” measures aiming at strengthening democratic mechanisms in regimes which already formally fulfil the criteria of democracy (election, parliament), but their democratic functioning remains very rudimentary (Interview with Jana Hybášková).

12. Deliberations on the Strategy Paper: procedures and outcomes

Due to the delay in adoption of the regulation, the negotiations of the Strategy Paper started first in early 2007. As the European Parliament correctly recognised, the Strategy Paper can not be understood as a solely technical implementation tool of the regulation. On the contrary, it contains crucial policy determinants since it identifies the objectives of the instrument, its thematic and geographical focus, eligible actors as well as allocation of financial resources to the particular objectives and geographical prioritisation (European Commission, 2007vii).

The deliberations on the Strategy Paper were thus crucial for civil society organisations seeking funding from the EIDHR II. If their area of expertise is explicitly mentioned in the Strategy Paper, there is a high possibility that it will appear in the particular calls for proposals and also give them a formal basis for complaints in case it is omitted. Compared to the regulation, which is mainly subject to inter-institutional negotiations and civil society organisations find this phase rather hard to take part in it, the Strategy Paper deliberations were much more open (Interviews with CSO representatives). Prior to drafting the Strategy Paper, the European Commission organised several consultations, both Brussels-based and in-country consultations organised by the delegations. The setting of the parameters for the Strategy Paper required reliable information of technical and political character. Even though the delegations are able to gather this information, their expertise remains limited (due to staff resources and ability to cover remote regions of a country). The European Commission must hence seek supplementary information from the civil society organisations working in the field in order to be able to present a sound proposal. Moreover, involvement of CSOs in the decision-making phase is also highly desirable due to their crucial role in implementation. At this stage we can thus observe mutual

dependence between the European Commission and the civil society organisations, the former seeking expert information and the latter opening access to new funding opportunities. Although the initial phase of deliberations on Strategy Paper was quite open to the civil society organisations, the latter stage falling under *comitology* remained merely impenetrable for them. Information on members of the comitology committees, their agenda or minutes of their meetings are normally not freely available.²⁸ The comitology committees are presided by Commission officials who can serve as an important source of information for the NGOs. For those organisations that have a good access to their national governments, the representative of the member state can also serve as a source of information. Both these information channels are, nevertheless, to a high extent informal and reserved for actors, who have built a long-term and trust-based relationship either with the Commission or the member states' representatives.

As we will illustrate later, under certain conditions the CSOs have a good chance to influence the content of the Strategy Paper. However, the highly political decision as to which countries will be supported via national calls for proposals is left to the discretion of the member states. In the Strategy Paper, the European Commission (namely DG RELEX and DG AIDCO) drafts an indicative list of the target countries based on reports by Delegations. The final decision, however, is taken by the Council. The attempts of CSOs to influence the drafting of this list have been so far unsuccessful (Řiháčková, 2008, p. 164).

Since 2000, when EIDHR became an in-house instrument of the European Commission, it has undergone several substantial changes. Some of these changes have been already analysed in the previous sections (such as those related to the reform of the Financial Regulation). We will now look at general trends of the instrument after 2006 reflected in the Strategy Paper 2007-2010. Due to frequent evaluations and consequent adjustments²⁹, the EIDHR programming changed radically two times between 2000 and 2007.³⁰ As Herrero noted, the European Commission did not actually seek to

²⁸ The recently improved Comitology Register of the European Commission provides basic information on the committees and their meetings such as their name, legal basis, dates, outcomes of voting and links to final legislative acts. <http://ec.europa.eu/transparency/regcomitology/index.cfm>, accessed 2.5. 2010

³⁰ The EIDHR due to its political sensitivity tends to be one of the most evaluated external cooperation programme (Interview with representative of EuropeAid/F2). The Report by Sonia Herrero offers probably the most comprehensive analysis of the programmatic changes in the EIDHR instrument since 2000 (Herrero, 2009). The changes in 2006 are captured no less comprehensively in the analysis by Věra Řiháčková (Řiháčková, 2008).

communicate its reasons for programmatic change including the crucial changes after the reform in 2006. The most visible changes related to the geographic and thematic scope of the instrument, which extended significantly between 2006 and 2007. However, the extended scope was not compensated by an adequate increase in the total budget of the EIDHR.³¹ The widening of the scope of the instrument included extension of the geographical scope from 30 countries in 2002 to a global scope for most of the calls in 2007, significant increase in number of priorities in the 2007-10 Strategy Paper as well as increased number of partners who are eligible to apply for funding (Herrero, 2009, p. 18). The Commission presented this decision as a suitable way to “enhance impact and achieve greater strategic focus” of the instrument (European Commission, 2007 quoted in Řiháčková 2008, p. 164). The dilution of the funds should be prevented by the fact, that not under some objectives, not all countries are eligible for funding every year. However, as Herrero concluded, such changes were most probably motivated by efforts of the European Commission to meet demands of all parties interested. Such extension of the programme without an adequate increase in allocated financial means will lead to diluted and weakened impact of the instrument (Herrero, 2009, p. 19).

The EOMs were explicitly mentioned in the regulation as significant contributions to democratic processes in third countries. The 25 % share which was later inserted in the budget and an inflexible dealing with overheads was seen as a major failure of the civil society organisations, which was then in the last moment compensated by making also local NGOs involved in election observation also eligible for this support (Řiháčková, 2008, p. 159).

13. Policy network in the institutional context

We have previously defined the policy network as a number of organisations and institutions, linked together by their interest in shaping policy outcomes, engaging in deliberations and characterised by resource interdependencies and preference to reconciliation bargaining strategies (Peterson, 2003; Börzel, 1998). In this section we will look into the network which emerged around the European Instrument for Human

³¹ Which increased only by 44 % over the last decade (Herrero, 2009, p. 18).

Rights and Democracy and will explore its interaction with its institutional context. The institutions will be ascribed a dual role in our analysis. It will be treated both as an inherent part of the network as well as exogenous determinant of the networks formation and action. The instrument, which uses the civil society as the main channel of delivery, is naturally of a high interest among civil society organisation working in this field, since it represents an important source of funding.

The number of civil society organisations engaging in lobbying at the EU level rose significantly in the last two decades. The need of the public interest groups to follow EU policies was triggered by the increasing power of the EU in relevant policy fields (environment, social policies). Their involvement in decision-making was, nevertheless, also highly desired by the under-informed agenda-setter and main executive body of the European Union, the European Commission. Even though the estimates on the number of interest groups active in Brussels differ significantly across different sources, most of them agree that the share of non-profit groups is around 20 % of the total number of lobbying bodies (70 % belonging to business interest groups) (Coen, 2007, p. 335).

The networks with highest leverage in terms of its membership and resources evolved around the policies where the EU has been gaining exclusive legislative powers (environment) or in the fields where it became a strong proponent of policies through “soft measures” (coordination of social policies, gender equality). The well-endowed networks are thus to be found in the field of environment and sustainable development policies (Green 9), social policies (Social Platform), gender equality (European Women’s Lobby) or development policies (CONCORD). These platforms have a pyramidal structure, associating national platforms of civil society organisations as well as international NGOs and their national branches. For example the CONCORD represents altogether around 1600 NGOs, the European Women’s Lobby approximately 2000 direct members (CONCORD, 2010; European Women’s Lobby, 2010). Their activities are coordinated by Brussels-based secretariats employing several advocacy and policy officers. Their structure is financed through membership fees and institutional support from the European Commission, seeking to have clear and representative partners within the civil society. The European Commission actively encourages the formation of networks, both by financing their running costs and by clearly stating its preference to consult representative networks rather than individual organisations (Interview with CSOs representatives). The goal of these networks is thus

to represent the interest of their members vis-a-vis the European institutions, coordinate Europe-wide campaigns and provide services to their members (such as monitoring of relevant developments in EU policies or capacity-building). In order to manage the wide scope of interests of their members, the networks operate on a basis of working groups dealing with different issues.

Networks active in the field of human rights and democracy emerged first in the last few years. Compared to the above-mentioned networks they are more modest in terms of membership and resources as well as tend to be much less institutionalised. The network around the EIDHR started to form first after the institutionalisation of the instrument in 1999 as the instrument received its clear profile and a considerable allocation of funds. The first network to appear on the scene was the Human Rights and Democracy Network (HRDN), which was the exclusive body the European Commission consulted on the EIDHR between 2000 and 2006 (Interview with a HRDN representative). The HRDN was created in order to facilitate information sharing between its members as well as share other resources, such as facilities. The network is rather informal (runs no website and has no secretariat), financed exclusively through memberships fees. Advantages and disadvantages of such informal arrangements are, however, a subject to permanent discussion within the network (Interview with HRDN representative). The HRDN comprises of a huge variety of organisations: from NGOs covering a wide range of topics (Amnesty International, Human Rights Watch) to organisations dealing with specific issues (La Strada International, World Organisation Against Torture or Frontline Defenders) (Human Rights and Democracy Network, 2010). The type of member organisations also differs significantly. Among the almost 40 members of the HRDN we can find international NGOs, networks of NGOs as well as local branches of international NGOs. The member organisations prefer to engage in the network rather than on an ad hoc basis, depending on the subjective importance of the issues discussed. As the former HRDN coordinator noted, the “overstretched” nature of the network often inhibits its ability to arrive at policy-relevant common positions (Interview with a HRDN representative). During the EIDHR deliberations, the substantive comments on the instrument were thus often overridden by individual financial interests of the organisations (Interview with a HRDN representative). In the last ten years of its existence, the network has achieved wide recognition among the European institutions, being a stable interlocutor for both the European Commission and the European Parliament. While the European Commission deals prevalently with the

network as a whole, the European Parliament maintains relationships with individual organisations able to provide reliable expertise. In 2008, the elected coordinating body of the network (so called Troika) allowed to represent civil society at the debriefing of the Council working group on human rights (Interview with Frontline Defenders).

Formed in 2001, the European Peacebuilding Liaison Office (EPLO) brings together organisations working in the field of peacebuilding and conflict prevention. Apart from providing monitoring services for its members, the EPLO advocacy focuses on highlighting the connection between conflict prevention and development. Since EPLO, CONCORD and HRDN share many member organisations³², they can offer a complex view of the issues, highlighting the interconnectedness of development, human rights, democracy and conflict prevention. Even though the most current developments in the field recognise the importance of such an encompassing perspective, the actual translation of this view into policies is often hampered by structural divisions in the European Commission and the EC departments keeping their own separate discourses in the field of development, human rights or conflict prevention. This institutional logic translates practically into invitations for consultations, when only interlocutors considered relevant for the policy field by the particular DG are invited to provide an input (Interview with an EPLO representative). Compared to HRDN, EPLO membership is slightly smaller (currently consisting of 26 members), however, due to the quite specific interests and higher degree of institutionalisation, the EPLO is able to produce common positions on issues of general interest (recently for example the EEAS). The EPLO members usually finance their project through the Instrument for Stability, which is explicitly dealing with questions of peacebuilding and conflict prevention. Recently, nevertheless, there has been an increasing interest to extend their funding possibilities to EIDHR and a lot of lobbying activity of EPLO has been pointed in this direction.

Especially through their intertwined membership, the networks engage in a regular exchange of information. The organisations moreover interact within the Civil Society Contact Group, an alliance bringing together Brussels-based networks and platforms. Civil Society Contact Group was established in 2002 in order to represent the voice of civil society in deliberations of the Constitutional Treaty. While the many networks focus on specific issues of their constituencies, the Contact Group was

³² The Brussels networks are incredibly intertwined often in obscure ways: EPLO is for example a member of the HRDN, at the same time many HRDN members are members of the EPLO.

supposed to deal with meta issues relevant for the civil society organisations in general. The Civil Society Contact Groups hence engages in EU debates on questions of participatory democracy and involvement of civil society, Lisbon Treaty or the EU budget review (Civil Society Contact Group, 2010). The Civil Society is a good example of how the institutionalisation of a network can impinge upon its original purpose. As one of the members of its steering committee recalled, the Civil Society Contact Group has been lately focusing merely on its governance issues and fundraising which prevented it from focusing on the strategic issues (Interview with a Club de Madrid representative).

The policy network around the EIDHR does not only comprise of networks of civil society organisations. Democracy promotion and human rights issues are also at the core of projects implemented worldwide by political foundations. In recent years, political foundations became interested in co-financing of their projects through the EU programmes. In 2006, the political foundations, encouraged by consultation requirements of the Commission, formed the European Network of Political Foundations (ENOP) and entered for the first time Commission consultations on the EIDHR. ENOP as a politically neutral body due to participation of the whole spectre of political parties was a more suitable interlocutor for the EC preferring apolitical partners (Interview with an ENOP representative). Due to its size, scope of activities and political leverage, the ENOP gained immediately an pre-eminent position in the policy network. Compared to the civil society organisations the EU funding constitutes only a negligible portion of the foundations' budgets. The Friedrich Naumann Foundation for example gets 5 % of its annual budget through the EU funds, 80 % of this share then through EIDHR (Interview with a representative of the Friedrich-Naumann-Stiftung). However, when interpreting these figures, we have to take into consideration the incomparably higher budgets of political foundations. In 2008, the Konrad Adenauer Foundation received altogether 900,000 Euro from the EU programmes from the total annual of 115,800,000 Euro (European Commission, 2010viii). The network is financed by grants from the European Commission and largely subsidised by Germans foundations. The main interest of ENOP in EIDHR consists in broadening funding possibilities for political actors and big projects as well as making their local branches eligible for funding within the national calls for proposals (European Network of Political Foundations, 2007). Their lobbying in 2006 for the above-mentioned adjustments to the regulation and the Strategy Paper was highly successful. Their

leverage consisted in their close relations with several MEPs as well as in very good linkages with their governments. The ENOP interests in EIDHR differ significantly from those of civil society organisations, which in general refuse funding of political actors (apart from multi-party projects) and lobby for making the funding more accessible for local grass-root organisations. The relationship between ENOP and the other networks thus remains highly competitive and there is only very limited communication among them. Over the years many civil society organisations developed animosity towards the political foundations, disapproving of their interest in EU funds as well as their explicitly political activity (Interview with CSOs representatives). The relationship between the political foundations and the other civil society organisations represents a “dead zone” within the EIDHR policy network. Its impact could be well observed during the negotiations on the independent EIDHR agency in 2006 and proved that this non-communication damages primarily the civil society organisations reluctant to consider the political foundations as partners for negotiations (Řiháčková, 2008).

In the highly complex Brussels environment, networking is a crucial success strategy for the often modestly resourced civil society organisation. Becoming a member of a network provides them with the possibility to access often informal information, enables them to pool their limited resources as well as facilitates their access to the European institutions, which prefer to deal with networks. From the experience of the European Partnership and Democracy (EPD), acting independently on the Brussels scene is a major disadvantage for an organisation, due to excessive resources it has to invest in penetrating the networks and in reputation-building (Interview with an EPD representative).

The mutual interdependency tends to be quite high among the organisations, since their membership provides them with the possibility to enter the “inner circle” and gain access to the decision-making process. This, however, does not preclude the organisations from acting independently, especially if they possess highly specialised expert information or enjoy a special position within the network due to their territorial and thematic coverage and reputation (mostly global international NGOs like Amnesty International). The “networking imperative” which is at work at the EU level influences also domestic NGOs, since it creates an incentive for the NGOs to form national alliances in order to be considered for a membership in the Brussels-based networks. The recently established Czech platform of organisations dealing with human rights and

democracy issues is only one of many examples of this “europeanising” effect of NGO networks. Based on the features defining pluralism, the policy network existing around the EIDHR can be described as pluralistic (Coen & Richardson, 2009i, p. 346). The policy area can be only hardly captured or dominated by one set of interests for a longer period, due to the openness of the policy network, which encourages new organisations to join since it increases the network’s legitimacy and provides it with desired information. Through new members, the policy network also gains new perspectives and accents, as we will illustrate on the arrival of political foundations or conflict resolution oriented NGOs in the EIDHR negotiations. As we will argue later, these new accents can have a critical impact on the existing discourses and herewith influence policy outcomes. Finally, the weight of resources is not necessarily crucial for the ability to exert influence within this network. Crucial is the ability of the organisations to deliver reliable expertise provided in the right time in the right place and suitably framed.

Apart from many advantages of policy networks’ engagement in policy-making (expertise input, counterbalance of power asymmetries and facilitation of bargaining process) we can also identify several deficiencies accompanying their operation in policy-making (Börzel, 1998, p. 266). Despite the pluralist nature of the policy network, it can not be ensured that all the interest groups will make their voice heard. In case of the EIDHR network, we can observe underrepresented groups, such as organisations representing interests of indigenous people (Interview with a HRDN representative). This missing element in the network can cause bias to the interest representation and can equally influence the shape of the instrument. The factors influencing the ability of groups to get representation at European institutions need a more detailed analysis which falls out of scope of this thesis. Furthermore, the specific Brussels milieu naturally influences the groups taking part in the EU policy-making. However, besides the positive effect of “europeanisation” of interest groups, we could also talk of “brusselisation”³³ effect, causing legitimacy problems to Brussels-based NGOs. “Brusselisation” is a result of natural socialisation processes which are necessary for successful lobby practices in the EU structures. However, it also poses threats to independency of the organisations (in case they are funded by the European

³³ The term “brusselisation” is used in this research independently of its usual usage, which denotes specific modes of governance in the EU. See for example Research Project “New Modes of Governance” at http://www.eu-newgov.org/public/Glossary_a_b.asp, accessed 5.5. 2010

Commission) and their ability to represent their constituencies, which forms a crucial component of their legitimacy. The “brusselisation” effect makes the NGOs follow donors’ trends and agendas and consequently alienate them from their original constituencies. Drawing on the conducted interviews, we assume that senior CSO representatives with substantive work experience gained outside of the EU structures are more aware of this danger and thus also less susceptible to “brusselisation” (Interviews with CSOs representatives).

14. How institutions matter

In line with the new-institutionalist assumptions, we will explore the ways the institutions interact with the policy network, focusing both on structural and constructivist aspects of their influence. The ways the institutions are dealing with interest groups differs significantly, not only between but also within the institutions, which will lead us to differentiate between the particular sub-units. Opportunity structures of the institutions are determined by their position in the EU decision-making system in terms of their powers and required policy goods. The institutions are not only reactive but also shape the interest groups’ strategies proactively.

14.1 Are European institutions really “lobbied”? Civil dialogue in the European Union

We have mentioned the specific nature of interaction between the EU and interest groups with its clear preference to long-term, consensual and trust-based relations. In these settings, outsider, protest or litigation lobbying strategies can be more harmful than efficient. The term “lobbying” implicitly assumes that the target of interest groups is passive. This assumption does not hold for the European institutions which actively seek contact with interest groups and support their involvement. Since 1990s, apart from advocacy and lobbying, new forms of cooperation have developed between civil society organisations and European institutions known under the term *civil dialogue* (Fazi & Smith, 2006, p. 21). These developments were officially recognised only recently by a provision of the Lisbon Treaty obliging the European institutions to “maintain an open, transparent and regular dialogue with representative associations and

civil society“ (Article 11, consolidated version of the TEU). In the following section we will explore the reasons for emergence of this special relationship and in brief also look into its main features.

For a long period, the non-profit interest groups were prevalently linked to social dialogue and were thus represented by a particular array of organisations ranging from trade unions over cooperatives to groups associating local initiatives. First the emergence of civil society organisation extending their activities beyond the employment relations with focus on ecology, social issues, human rights and development cooperation, gave rise to new forms of interest group representation. Some civil society organisations were involved in different consultations prior to 1990s. However, at that time their involvement was exclusively linked to their ability to deliver expertise input and representativeness was not an issue (Fazi & Smith, 2006, p. 24).

The need to structure and institutionalise the contact of European institutions with civil society was triggered by several developments in the 1990s. Firstly, it was the Sutherland report on functioning of the Internal Market after 1992 which heavily criticised the “clientele” relations between the European Commission and civil society groups and called upon the European Commission to make the civil society involvement more transparent (Obradovic, 2005, p. 7). Secondly, the increase in powers of the European institutions gave rise to concerns about the strength of representative democracy and its control mechanisms in the specific *sui generis* nature of EU polity. The Single European Act extended the EU competencies to fields directly linked to interests of civil society and shifted the major share of EU powers from regulatory to redistributive type of policies. The increasing number of EU programmes and the understaffed nature of the executive body compelled the EC to engage the civil society in delivery of these programmes (Fazi & Smith, 2006, p. 18). Since late 1980s, the civil society organisations thus became increasingly involved at the EU level which furthermore highlighted the discrepancy between their involvement in policy-making and policy-implementation. Finally, in 1997, the Amsterdam Intergovernmental Conference adopted a Declaration on the quality of the drafting of Community Legislation stating that the quality of the legislation crucial for effective implementation and better acceptance by public. The Declaration obliged the three institutions involved in policy-making process to “lay down guidelines on the quality of drafting of the said legislation” (Council of the European Union, 1997). Moreover the Protocol no. 7 on the application of principles of subsidiarity and proportionality annexed to the Amsterdam

Treaty was seen as legally binding for the EC to consult civil society in the phase of policy development (Obradovic, 2005).

All the above mentioned developments made the European Commission tackle the questions of legitimacy of its decision-making. The legitimacy of a democratic system is usually understood as presence of three basic qualities: quality and effectiveness of the policy decisions (output legitimacy), recruitment, representativeness and accountability of the decision-makers (input legitimacy) and transparency of internal procedures and controllability by elected political representatives (Lehmann, 2009, pp. 40-41). The civil dialogue was supposed to ensure legitimacy of legislative proposals through transparent engagement of civil society organisations able to both supply expertise to draft quality proposals as well assess the impact of the legislation and ensure its acceptance. Since 1992, the European Commission presented several documents dealing with involvement of civil society in policy-making processes.

The first attempt to organise a structured dialogue with civil society dates back to 1992. The policy paper reflects the quite disorganised situation with plentiful misconduct from both the interest groups and the Commission officials (European Commission, 1992). In order to tackle these problems, the EC proposed setting up of a common register with the European Parliament focusing solely on the non-profit organisations (omitting business and professional lobbyists) accompanied by a code of conduct the registered organisations would need to adhere to (European Commission, 1992, pp. 2-3).

The European directory for non-profit associations established in 1996 was later extended into CONECCS database (Consultation, European Commission and Civil Society) including also private interest groups apart from corporations and for-hire lobbyists. The fact that the most powerful lobby groups were not included in the register made this attempt again only partially successful (Obradovic, 2009, p. 303). Within the most recent attempt to monitor the lobby groups, a register of interest representatives was set up as a part of the Transparency Initiative (European Commission, 2006ii). The Commission register is linked (but not interlinked) with the EP lobby register and represents a first step to common gateway of the European institutions (European Commission and the European Parliament, 2010). The register of the European Commission is accompanied by a Code of Conduct which interest groups automatically adhere during the registration. The registration is voluntary and many interest groups are not aware of existence of this register or do not see any added value of their

registration (Interview with CSOs representatives). Moreover, the non-profit groups criticise the register for an unfair dealing, since they have to submit comprehensive financial information which does not apply to the private interest groups (Interview with CSO representatives).

The European Parliament took already steps in 1992 to establish its lobby register. Even though the responsible EP Committee on the rules of procedure envisaged a register, code of conduct and enforcement mechanisms, the lobby register of the European Parliament remains rather a source of information than an instrument efficiently steering the activity of interest groups and lobbyists (Obradovic, 2009, p. 302).

The European Economic and Social Committee (EESC) has been constantly trying to establish itself as an intermediary between the civil society and the European Commission. In February 2004 it set up a liaison group in order to communicate with Brussels-based networks and groups (Westlake, 2009, p. 134). The EESC's attempt to revive its position as a voice of "organised civil society" failed due to a boycott from majority of civil society organisations based in Brussels. In the eyes of many civil society organisations the EESC represents an anachronistic institution which ignores new forms of civil society engagement and gives preference to traditional actors of social dialogue (Interviews with CSO representatives). Such perception is highly tangible considering the structures of the EESC (Groups I-III) which until today reflect a slightly outdated picture of the civil society dominated by trade unions, cooperatives and professions (European Economic and Social Committee, 2010).

The European Commission has been reluctant for a long time to restrict the access of the interest groups for the sake of receiving as wide range of policy input as possible. However, the need to engage constructively an excessive amount of interest groups as well as increase the quality of their involvement actually led the Commission to take steps towards accreditation. The general accreditation system of the European Commission remains relatively weak comprising merely of a voluntary register (often ignored or not known among the civil society organisations) and a general code of conduct without effective enforcement mechanisms. The actual accreditation mechanisms take place within the particular DGs and their consultation mechanisms.

14.2 The European Commission

Due to its legislative, executive and control powers, the European Commission has been traditionally the primary target of interest groups (Bouwen, *The European Commission*, 2009). As a body with legislative initiative, the Commission is responsible for drafting legislative proposals which requires a substantive amount of external expertise. As Lehman noted, the proposal usually reproduces 80 % of the first draft and the Commission draftsman (desk officer) is thus a focal point of interest groups (Lehmann, 2009). In reality, the draftsmen do not have to be lobbied as passive targets, since they often actively seek external input and expertise they could not obtain due to limited resources of the European Commission. It is common knowledge among Brussels lobby groups, that the pre-drafting phase of legislation is a crucial access point for interest groups willing to influence the draft through their input (Interview with CSO representatives). The opportunity structure is the widest when the draft is still fluid (little has been written down) and it has not yet been a subject to inter-institutional deliberations. Once the draft has been approved by the college of commissioners, the interest groups should shift their attention to the other bodies active in the procedure (European Parliament, European Council). An early input of the interest groups does not only rely on the rather informal access to the draftsman. The main “exchange” of policy goods takes part within the formalised consultation procedure. The consultation procedure enables the Commission to obtain desired expertise and legitimacy for its proposals in exchange for access of the interest groups to decision-making process. However, as evidence indicates, access does not automatically imply influence (Princen & Kerremans, 2008, p. 1135). Through opting for the different types of consultation, the European Commission can gear the consultation process towards obtaining desired policy “goods” (Bouwen, 2009). Small expert groups are more suitable for specific expert input while round tables, hearings or web-based consultations help the Commission ensure legitimacy for its proposal, strengthen its position in further inter-institutional negotiations and prepare a way for efficient implementation (Bouwen, 2009; Mahoney, 2004).

There are two main bodies responsible for the management of EIDHR within the European Commission. DG RELEX steers the programming of the instrument (draft regulation) and DG AIDCO runs the implementation and evaluation of the instrument (Strategy Paper and Annual Action Programmes). Accordingly, the two relevant departments of these directorates organise regularly their own consultations. Even

though the representatives of both DGs are usually present at the consultations, there are inconsistencies as to the invitees of the consultations. The key for invitations derives from the discourse of the particular DG as to what actors possess relevant input for the instrument. Therefore, even though the DGs deal with the same instrument, their list of organisations invited to the consultation might vary. However, as Mahoney proved in her paper, once an organisation gains the insider status, its level of participation will be increasing (Mahoney, 2004, p. 456). The organisations within the EIDHR policy network support this evidence. Once they are able to enter the consultation with one DG and gain reputation, they are very likely to be accepted by other DGs as well. The access criteria imposed on interest groups are derived from EC's need to obtain reliable and unbiased information. When preparing a consultation, the relevant DG department sends out invitations to identified networks and allocates a certain number of seats to each of them. The participation of the specific groups and its representativeness is left to the discretion of the networks. Even though Commission's first reflex is to invite big NGOs with wide constituencies and reputation, the existence of networks ameliorates the impact of this reflex and creates space favourable to participation of smaller NGOs. The consultations process is quite open for new networks, which can simply ask the Commission to be involved on the procedure and in case they fulfil basic criteria (ability to supply relevant input) they are invited to participate.

In order to manage the excessive number of interest groups through the consultations, the European Commission clearly states its preference to deal with networks of organisations rather than individual organisations³⁴. The “networking incentive” of the EC is furthermore fostered by institutional grants the EC provides to NGO networks. Through subsidies to citizen and social groups the EC also follows a long-term aim of balancing the lobbying landscape in Brussels, currently dominated by business groups (Mahoney, 2004; Bouwen, 2009).

The main pitfall of interaction between the Commission and interested groups consists in frequent miscommunication of needs and constraints of both the parties. The interest groups complain about lack of feedback on their proposals and the EC officials about lack of constructive comments from the NGOs (Interviews with CSOs and representative of the European Commission). The European Commission expects the NGOs to judge the feasibility of the proposals based on their local expertise and to

³⁴ The first official recommendation to civil society organisations to establish umbrella organisations dates back to 1992 (European Commission, 1992, p. 7).

contribute via their input to the overall quality of the instrument. The contributions of the NGOs are thus assessed depending on their ability to tackle strategic rather than particular issues of the instrument. Some of the participating NGOs are, however, primarily interested in securing their funding opportunities through lobbying for their particular cause. Another often mentioned problem of the European Commission consists in the rather general critique from the NGOs without proposing concrete steps for improvement. In doing so, the NGOs should ideally take into consideration the structural and financial constraints of the European Commission. However, without proper feedback from the EC and openness of the NGOs to a realistic partnership with the EC officials, the quality of the input is highly unlikely to improve. The effect of this vicious circle has been, however, recently weakened due to constant professional “rotation” of NGO and EC representatives. In the last few years, we might find an increasing number of EC officials with professional background in the third sector as well as NGO representatives familiar with the internal functioning of the European Commission (Interview with CSO representatives). This leads to an intensified learning of mutual possibilities, needs and constraints and substantially contributes to the quality of mutual interactions.

Within the negotiations, we can observe discursive preferences of the European Commission, derived mainly from its position of the ultimate body responsible for implementation of instrument. Even though the idea of where and how the instrument should have an impact varies among individual EC officials, there is a general preference not to support political actors and avoid funding projects which would be perceived as intrusion into domestic affairs. Such discourse is understandable if we look at the increasingly important role of the delegations in implementation of the programme. The more political the instrument tends to be the more difficult it is for the delegations to reconcile their duties in the economic and societal sphere. Specific manifestations and implications of this discourse will be discussed in detail elsewhere in this thesis.

According to the civil society organisations, the consultations procedures of the EC have significantly improved over the last years. The EC currently manages to run more in-depth consultations despite the staff limitations imposed by the Council and the European Parliament (Interviews with CSO representatives). The overall management of the consultations has radically improved: the EC departments are sending detailed agenda and background documents well in advance to the networks which enables them

to have an internal discussion and come with sound common positions. Such approach of the Commission contributed significantly to build trust between the NGOs and the institution, eliminating concerns of the NGOs over consultations being merely a formality, a “check-box” for the European Commission (Interview with CSO representatives).

14.3 The European Parliament

The shifting power balance between the European institutions mirrors in targeting of interest groups' activities. The adoption of the Single European Act in 1986 led interest groups to recognise European Parliament as a new channel of influence. The European Parliament, as an unknown addressee of lobbying activities, posed new challenges to interest groups and made them tailor their strategies to its needs. The non-hierarchical nature of the EP as well its position in the “centre of European party politics” (Lehmann, 2009, p. 40) make the European Parliament a special target with specific requirements for “access goods”. The members of the European Parliament are first of all politicians and are likely to be receptive in case the supplied information is either relevant for their constituencies, of general public interest or attractive for media or if they give the EP leverage in inter-institutional negotiations. The political affiliation, personal acquaintance and nationality play a crucial role for the MEPs in search for their allies (Lehmann 2009, p. 52, Interview with Jana Hybášková). These criteria might even override the relevance of such allies within the particular policy network.

In policy fields related to human rights protection and promotion of democracy the Parliament is highly sensitive and reminding it of its previous normative commitments will have an immediate impact. Moreover, the issues of human rights and democracy promotion were embraced by strong personalities across the political spectre within the Parliament (such as Edward McMillan-Scott). They perceive EIDHR as their personal project and will seek support for their activities within the networks of interest groups. The European Parliament developed a distinct profile in the field of human rights and democracy over the last years. In 2004, the Parliament further fostered its activity by creation of the Subcommittee for Human Rights (DROI). DROI remains under Foreign Affairs Committee (AFET) and focuses solely on human rights issues. The EIDHR related subjects are always dealt with within this subcommittee and DROI

engages actively in dialogue with Brussels-based networks. Under the leadership of its founder and vigorous proponent H el ene Flautre, the subcommittee became a hub of debates on human rights issues, not afraid to tackle politically delicate issues (such as contact with Chinese dissidents) (Interview with a COHOM representative). The DROI managed to create a permanent body within the European Parliament actively dealing with human rights promotion and significantly raised profile of the EP in this matter.

Democracy promotion received its own locus through formation of the informal Democracy Caucus, established by members of the Foreign Affairs Committee. The new member states were strongly represented in Democracy Caucus (especially Poland) (Řih a kov a, 2008, p. 152), contributing with their unique experience of post-communist transformation. The Democracy Caucus brought together MEPs from different political groups and formed a significant pressure group in relation to the European Commission and seeking regular contact with civil society networks. In 2006, the Democracy Caucus under the leadership of McMillan-Scott, pushed strongly for preservation of EIDHR as a separate instrument and succeeded. Later on, it strived to ensure flexibility of the instrument through establishment of an independent agency which would exclusively channel the EIDHR funds to beneficiaries. Due to the wide opposition this proposal faced from the member states, the coalition lost its momentum and crumbled (Řih a kov a, 2008). The Democracy Caucus reached its peak in 2006 and after the elections in 2009 it lost some of its high-profile members and remains weakened even though the European Union has recently done some major progress in democracy promotion policies.

As the codecision procedure in the European Parliament advances to further readings, the decision-making process becomes subjects to virulent changes and informal bargaining within the Parliament which can not be easily influenced. The further readings are also a subject to increasingly tight control of the political groups and influence from national politicians (Lehmann, 2009, p. 46). The first reading thus represents the most efficient access point for interest groups. Until the first reading, the debates within relevant committee and especially the appointed rapporteur/s are the entry points most receptive to input from interest groups. The rapporteurship is allocated through consensual bidding between the political groups. The proportionality among political parties is, however, often sacrificed for the sake of nationality or expertise in the given field (Judge & Earnshaw, 2008, p. 178). The EP community actively dealing with the EIDHR is relatively small in the European Parliament and the

appointment of H el ene Flautre and Edward McMillan-Scott could be anticipated by interest groups. During the preparation of the Parliament’s position the rapporteurs are seeking reliable information which could supplement the Commission’s proposal and are thus highly open to input by interest groups. For the purpose of control, the rapporteurs thus often enter in dialogue with networks consulted earlier by the European Commission. However, the rapporteurs also embody the institutional perspective and policy preference in the given area. The EIDHR rapporteurs for instance pushed very strongly for a more political instrument, highlighting the importance of political actors (especially parties and parliaments) in sustainable democratic processes.

14.4 The Council of the European Union

The Council of the European Union has a reputation of being opaque and least accessible of the European institutions. However, as Hayes-Renshaw recently commented, this might as well be only a frame readily applied to the institution without reflecting upon it (Hayes-Renshaw, 2009, p. 70). Compared to the European Parliament and the Commission which actively seek contact with interest groups, the Council can be described as “intractable” (Hayes-Renshaw, 2009, p. 73), especially at higher levels where the issues tend to be politicised and fall out of control of the interest groups due to “side-payments via other dossiers” (Hayes-Renshaw, 2009, p. 86). The Council is not obliged to consult civil society and due to its vast resources it is also not compelled to do so.

There are several distinct features which make the Council a challenging target for lobbyists. Firstly, it is extremely hard for the interest groups to identify the locus of the actual preparatory work, which takes place in a perplexing system of advisory and management bodies. Moreover, building a long-term relationship, which is necessary in contact with the EC officials or the MEPs, is nearly impossible in the permanently changing environment of the Council (Hayes-Renshaw, 2009, pp. 74-75). Finally, the agenda of the committees remains often shrouded in secrecy since the positions of the national states serve as a major currency in the ongoing intergovernmental bargaining. There are, however, several access points which could be exploited by the interest groups without posing excessive demands on their monitoring capacities. Many NGOs recognise the potential of lobbying the Council and perceive it as an “untouched resource” (Interviews with CSO representatives). One possible route to gain information

on agenda and participants of the committees is through contact with permanent representations. In such case, nationality is a key and the relation is highly trust-based. The obtained information has thus only a limited scope of usage due to its sensitivity. Once approached, the members of the Council working group have to be offered policy goods which is either relevant for the particular state (opinion of groups which will be affected by the decision) or fulfil the criteria of “hard policy goods”, such as tackling power issues (energy, conflict etc.) (Interview with APRODEV representative). The “national route” proved to be especially efficient if smaller states are approached by “their” interest groups. The administrations of the smaller states tend to be in a much closer contact with its domestic groups and can thus facilitate their access to Council structures (Interviews with CSO representatives). The Council Presidency with its agenda-setting power is a suitable target for interest groups providing useful back-up for the presidency’s priorities. The rule of smaller states applies also in this case, the smaller the administration, the more likely will the interest group gain access to it. However, lobbying the presidency is a long-term effort, needing to address the state during the preparations, which usually commence two years in advance. The presidency is also “an overcrowded lobbying opportunity” with especially high demands on professionalism of the interest groups (Hayes-Renshaw, 2009, p. 82). The Lisbon Treaty has recently brought about a major reshuffle in the presidencies. The rotating principle was abandoned in the Council and the Foreign Affairs Council and the expectation of the interest groups are currently directed towards Baroness Ashton and the emerging External Action Service (EAS). The Brussels-based networks has been actively seeking contact with her in the last few months and a few of them managed to access her based on personal acquaintance (Interview with CSO representatives).

The position of the member states towards human rights and democracy promotion vary according to their traditional fields of interest and approach to development cooperation. The main bone of contention consists in support for political actors and active democracy promotion, which is still unacceptable for some countries which perceive this as an intrusion into domestic affairs of a third country. The United Kingdom, Netherlands, Scandinavian countries and the new member states are among the main proponents of democracy promotion and support to political actors. Most of these countries are running their own programmes of external cooperation, often aiming at democratic governance (SIDA, Czech Republic). This group is able to receive critical leverage in order to push their agenda through and Council Conclusions on Democracy

Support in the EU's External Relations from November 2009 are a clear sign of a progress in this matter.

15. The sub-cases: a detailed analysis

In the previous sections we have analysed the context of the reform, including character of the policy network and the institutional framework. We have identified the opportunity structures of the institutional context as well as identified the communications patterns and resource dependencies within the policy network. The policy network presented in the previous chapters represents the widest network encompassing all actors interested in the EIDHR. The networks of organisations are grouped around rather general topics (such as human rights, democratisation, and development) and contain a number of partial interests. The networks have thus only limited ability to come to a common position concerning the whole instrument. The substantive lobbying which actually leads to particular changes in the instrument is therefore usually undertaken by sub-networks associating actors with clearly delimited interests in a specific area. In order to track these efforts, we have chosen three specific issues covered by the Instrument for Democracy and Human Rights and the sub-networks interested in exerting influence in this field. We will now turn to an in-depth analysis of these three sub-cases using the process-tracing method. The analysis will draw on the knowledge of previous chapters, looking at what opportunity structures and strategies were particularly in play in a respective sub-case. A step-by-step identification of causal mechanisms which were at work in the following sub-cases will enable us to draw conclusions as to the main determinants of successful translation of actors' interests into policy outcomes. The main determinants were identified in the previous chapters:

- Prevalent discourse in the given policy field
- Activism and autonomy of supranational institutions in the policy field
- Interdependencies between the interest groups and the institutional framework
- Strategies employed by the interest groups and their networks
- Vulnerability of the target of lobbying

The above-mentioned determinants will be explored within each of the three sub-cases studies. In order to be able to control for the intervening variables, we have chosen interest groups lobbying for the same instrument but receiving different outcomes of their efforts. By looking at the differing outcomes we will thus be able to identify the key determinants of success.

15.1 Case 1: Enhancing Support for Human Rights Defenders within the EIDHR II

Even though human rights are nowadays guarded by several international covenants, treaties and declarations, the actual adherence to their provisions at domestic level remains difficult and weak. Translation of international commitments into domestic policies is often encouraged and enforced by individuals engaged in awareness raising, monitoring of human rights abuses or seeking remedies for victims of human rights violations. These individuals are generally referred to as “human rights defenders” and their crucial role in closing the gulf between the letter of the treaties and the domestic situation has been increasingly recognised by the international community (Human Rights First, 2010). Moreover, the human rights defenders are also a crucial source of information needed for assessing human rights situation in many states. For their engagement, the human rights defenders are often a target of harassment from local governments or other political/economic actors. Hence in the 1980s, the United Nations acknowledged the need to improve protection of these individuals (Human Rights First, 2010). In December 1998, after over a decade of deliberations, the UN General Assembly adopted by consensus the Declaration on Human Rights Defenders³⁵ (Human Rights First, 2010).

The principles of the Declaration were adopted by the EU Foreign Affairs Council within the European Union Guidelines on Human Rights Defenders in June 2004 and revised in 2008 (European Commission, 2010xii). The Declaration laid out crucial principles of protection of human rights defenders and formed a basis for EU action in this field. We will briefly look into several principles which sparked controversy in the UN and which are currently the backbone of EU’s programmes in human rights protection. The attempts by some UN members to subordinate and limit

³⁵ The formal title of the declaration is „Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms”.

the activities of human rights defenders by national law and within national borders were rejected. The current provisions make the Declaration highly workable even though it might clash with interests of some governments. The Declaration ascribes the right to defend to every human “individually and in association with others” and irrespective of national borders (United Nations, 1998). The declaration implicitly acknowledges the activities of human rights defenders regardless of legal or formal status of the groups (Human Rights First, 2010). Several states were trying to supplement the wide catalogue of rights with obligations of human rights defenders. Their initiative was watered down in the final proposal, since it could give ground to prosecution of human rights defenders. Even though the Declaration highlights the role of states in protection of human rights defenders, the proposals to subordinate the human rights protection to national legislation was scrapped. The current provision allows application of the “juridicial framework” only in case it complies with the Charter of the United Nations and other international obligations in the field of human rights (Human Rights First, 2010). Finally and importantly, the Declaration confirms the rights of human rights defenders to receive funding from foreign donors (Article 13) (United Nations, 1998). Such provision is crucial for legal operation of the EU programmes.

The European Guidelines on Human Rights Defenders elaborate practical suggestions related to EU action in the field. The document recognises the key role of human rights defenders in consultations on EU legislation drafted in the respective policy area. The Guidelines further outline the intra-EU coordination as well as and coordination with other multilateral fora. The EU delegations are obliged to proactively engage with human rights defenders, since they present the most important contact point with local environment. The Guidelines finally mention the practical support embodied in the instruments of external action, especially the EIDHR. The document highlights the independent nature of these programmes of the development cooperation programmes (Council of the European Union, 2008).

The Instrument for Human Rights and Democracy includes specific support to human rights defenders. In the programming period 2000-2006 the projects of human rights defenders received total amount of 2,1 million Euro allocated to altogether six implemented projects (European Commission, 2007v). In this period, preference was given to large-scale projects, with average costs of over 500,000 Euro per project (European Commission, 2007iii). Between the years 2005 and 2006, the human rights

defenders were eligible for funding under Campaign 2 focusing on human rights education, training, monitoring and awareness raising (European Commission, 2004iii).

The debate on reform of programming documents for the period 2007-2013 brought about major changes to approach to support to human rights defenders. To a large extent, the new approach was enabled by removal of administrative constraints anchored in the Financial regulation as well as measures of the EIDHR regulation. The Brussels-based organisations working on the situation of human rights defenders played a crucial role in enhancing the possibilities of the instrument in this matter. The proposal for the EIDHR regulation presented by the European Commission in June 2006 did not account for any special measures aiming at specific support to human rights defenders. The human rights defenders were solely included among programmes' beneficiaries within the large-scale projects known from the previous programming period (European Commission, 2006i).

Even though their Brussels office was set up first in 2006, the organisation Frontline Defenders were well known among the parliamentarians as well as DG RELEX officials due to their active addressing of development and urgent situations of human rights defenders worldwide. On the September 11th 2006, the representative of Frontline presented recommendation for the new regulation to the Subcommittee on Human Rights of the European Parliament (European Parliament, 2006i). In their document, the representative of Frontline reminded the EU's commitment to enhanced support of human rights defenders which was agreed upon within review of the EU Guidelines on Human Rights Defenders in June 2005 (Frontline Defenders, 2006). The revised Guidelines stated that while supporting the human rights defenders, the EU needs to take into consideration "their specific financial and protection needs, as well as the urgency to address these needs". The Guidelines foresaw increase in funds to human rights defenders, "protection programmes and support for practical security measures" and increased accessibility of these funds to local and national HRDs (Frontline Defenders, 2006). The Frontline Defenders suggested two main measures in order to enhance the support to human rights defenders within the EIDHR: direct delivery of funds to HRD through delegations (including emergency case funding) and a possibility of re-granting through local NGOs as a way of increasing flexibility and accessibility of funds (Frontline Defenders, 2006).

The European Parliament supported the claims of human rights defenders and further elaborated on them in its amended proposal (European Parliament, 2006iii). In

its amendments, the AFET highlighted the need to “respond in a flexible manner to the specific needs of non-profit, non-state actors...and human rights defenders” (European Parliament, 2006iii, p. 13). The committee added references to EU Guidelines on Human Rights Defenders and suggested creation of *ad hoc* measures through which the EIDHR could flexibly channel support to subject facing difficulties and responding to urgent needs of human rights defenders (European Parliament, 2006iii, p. 32). These small grants awarded outside of the regular calls for proposals are, however, a subject to close scrutiny from the European Parliament and the Council (European Parliament 2006, p. 32). Moreover, each “case of urgency” requires a substantiation by the European Commission (European Parliament, 2006iii, p. 35). The amendments of the Parliament were adopted by the Council and accommodated within Article 9 (*Ad hoc measures*) of the final regulation adopted in December 2006 (The European Parliament and the Council, 2006ii). Article 9 of the final regulation, nevertheless, excluded any other subject apart from human rights defenders to be eligible for ad hoc measures funding. This highlights the exceptional nature of the ad hoc measures and increased sensitivity of the institutions to their usage and subsequently also enhanced control. The possibility of re-granting suggested by Frontline Defenders could be included in the instrument in consequence of the reformed Financial Regulation and implementing rules. The actual re-granting option within the particular calls for proposal is, however, left to the discretion of delegations.

Even though the regulation newly contained the possibility of small grants awarded ad hoc to human rights defenders, the actual scope of the activities aiming at human rights defenders was to be decided in course of the bargaining on Strategy Paper starting in early 2007. The crucial entry point for the NGOs to influence the provisions of Strategy Paper were the consultations conducted by the European Commission in the second half of 2006 and early 2007. The final consultation with civil society organisations before the draft was sent to the comitology management committee of the Council and to the Parliament (Democratic Scrutiny procedure) took place on February 9th 2007 (European Commission, 2007vi). The drafted Strategy Paper gave high priority to support to human rights defenders, making it one of six objectives of the 2007-10 response strategy (Objective 3). The Objective 3 was one of major changes to the thematic priorities of the instrument compared to the previous programming period (European Commission, 2007vi).

The Objective 3 aimed exclusively at human rights defenders and drew upon the definition of the above-analysed UN Declaration. The consequent recognition of groups without legal personality was a crucial step towards greater efficiency of the instrument.³⁶ The Objective 3 outlined a single measure aiming at support to human rights defenders through small ad hoc grants in situations of urgency. The assistance measures involved support directly to the human right defenders and their families or means to ensure operation of “security nets” through civil society organisations. For organisations providing support and protection to human rights defenders the Strategy Paper included a re-granting option. There was no geographical limitation imposed on this objective (European Commission, 2007ii). During the consultation in February 2007, the two present NGOs working with human rights defenders (FIDH and Frontline Defenders) expressed the need to be more “creative” and do not restrict the approach to the ad hoc measures (European Commission, 2007vi, p. 5). The representative of the responsible unit within DG RELEX responded positively to this remark and assured the organisations of further negotiations in this matter (European Commission, 2007vi). This gave the organisations unique opportunity to contribute with their experience and shape the instrument, since at that moment they were the single interlocutors to support the EC officials in development of the new measures.

Following the consultations in February an alliance of organisations working with human rights defenders formed and provided follow-up documents involving proposals on broadening of Objective 3. The NGOs suggested broadening of content and funding of Objective 3 to cover also long-term projects, such as regular monitoring and direct support to human rights defenders (including capacity building seminars). This would in the eyes of NGOs solve the fragmentation of the action, which was at that stage divided between Objectives 1 and 2 (regular projects supporting human rights defenders) and Objective 3 (ad hoc measures). The concentration of support to human rights defenders within Objective 3 would alleviate administrative burden for the NGOs connected with applications under different objectives as well as increase the visibility of the EC’s support to human rights defenders (FIDH, PBI, Frontline, OMCT, 2007). Even though the letter contained particular suggestions and presented needs of NGOs which were most likely to receive the funding, the EC officials needed specific examples of activities which could be eligible for funding under Objective 3. Since the

³⁶ The funding to non-registered organisation was first made possible after changes in Financial regulation in 2006.

programming process was already delayed and the Commission proposed finalising it by mid-2007, we can assume it was seeking a “ready made” contribution from the NGOs possessing expertise in this field. The Frontline Defenders recognised this opportunity and provided the European Commission with a document summarising the activities it envisaged to carry out with the support of EIDHR. Comparing this document with the final version of the Action Fiche 4 dealing with human rights defenders (European Commission, 2007i) we find striking similarities. The Action Fiches for the period 2007-2010 incorporated numerous suggestions by the Frontline Defenders, among others permanent emergency response service and support to monitoring, advocacy and networking activities (European Commission, 2007i). The majority of activities eligible for funding under Objective 3 were “tailored” according to running projects of the Frontline Defenders.

The total amount of funds allocated to Objective 3 in the period 2007-2010 was 16 million Euro (European Commission, 2007vii, p. 16). Although such amount is considered insufficient by some authors (Řiháčková, 2008), compared to the period 2000-2006 we have to accredit a major increase in funds allocated to human rights defenders. The Strategy Paper is currently being renegotiated for the period 2011-2013 and even though the actual results will be first known in late 2010 we can not expect any significant changes to the already gained status of support to human rights defenders.

The EU support to human rights defenders faces disapproval from some host countries. In these cases, the delegations which are responsible for calls for proposals and implementation of the projects are under excessive pressure from local governments. According to international law and provision of the instrument, the European Commission is not obliged to receive consent of the host government, however, in order to maintain good relationships with some countries (such as Syria, China and Tunisia), the European Commission takes the path of informing the governments of activities conducted within EIDHR (European Commission, 2007vi). This approach has however an ambivalent impact, often resulting into increased diplomatic pressure on a particular delegation.

The organisations working with human rights defenders managed to push through crucial changes to EIDHR. Especially the Frontline Defenders were able to supply desired “policy good” at a crucial moment to the under-resourced drafting team needing to deal with a new element of the EIDHR regulation. The Frontline Defenders

were seeking funding opportunities and managed to increase the share of EU funds in their budget from zero to 25 % between 2006 and 2008 (Interview with representative of Frontline Defenders). In this case we can observe how rational interest and expertise of an individual organisation got translated into overall improvement of EU profile in support to human rights defenders.

Trying to increase the leverage of their proposals, the organisations called upon previous commitments made on the EU level (EU Guidelines on Human Rights Defenders) and offered detailed and already tested measures directly contributing to the fulfilment of these commitments. At the time of bargaining on the EIDHR regulation, the NGO initiative received crucial support from the European Parliament which itself implements actions aiming at human rights defenders (Sakharov Prize for Freedom of Thought or several resolutions of the EP) (European Inter-University Centre for Human Rights and Democratisation, 2006). The context of the lobbying was therefore highly favourable to increased support for human rights defenders despite the difficulties caused to the European Commission by implementation of these activities.

15.2 Case 2: Promotion of democracy through support to political actors

Although the instrument should contribute equally to promotion of human rights and democracy, the democracy-related support is currently not placed on equal footing with human or social rights supported within the programme. The instrument has an extremely fuzzy profile in the field of democracy promotion and to track the development of democracy-related actions and priorities demands an excessive amount of detective work due to their constant regrouping, changing and renaming. In the period between 2000 and 2006, the legal basis established democratisation as one of four headings (Council of the European Union, 1999). However, this heading got only partially translated into the programming documents. The focus on democracy promotion under the TACIS and PHARE budget lines which were brought together to form the EIDHR I got “lost on the way” (Herrero, 2009). In the annual programming document from 2000, none of the six priority areas was dedicated to democracy promotion. In 2001, two out of five priority areas included democracy support measures (Herrero, 2009). Similar reshuffles were common in the instrument in the whole programming period until 2006. It was not only the headings and priorities, but also the

focus of the democracy-related measures that changed significantly. As Herrero noted, compared to the original measures within TACIS and PHARE programmes which focused clearly on both political and civil society actors, this focus became rather vague in the EIDHR, excluding political actors and focusing on “participation” of civil society in democratic processes (Herrero, 2009, p. 23).

The situation of democracy promotion can be well illustrated on several figures. Even though the priorities have been constantly changing, we can derive from the 2000 – 2006 statistics an approximate amount allocated to democracy-related projects. Out of 625,6 million Euros spent on the instrument between years 2000 and 2006, only 175,3 million were dedicated to democracy promotion measures (European Commission, 2007v).

There are a few reasons why democracy objectives get only scarcely translated into programming documents and consequently into implemented projects. Firstly, the European Commission is sensitive to measures with “political” potential which could in some countries jeopardise the position of the EC delegations as the main trade interlocutors (Řiháčková, 2010; International IDEA, 2009). Secondly, compared to development or human rights, the democracy field is characteristic with lack of consensus as to principles of democracy promotion and adequate measures. Moreover, it is missing internationally recognised background documents. The report by Swedish IDEA recognised the problems of EU democracy support and stated its inability to “translate its own experiences of integration into a more integrated approach to supporting sustainable democracy across the world” (International IDEA, 2009, p. 7). Moreover, the report criticised the rather narrow understanding of democracy in EU external programmes and its failure to highlight the “delivery aspects of democracy” (International IDEA, 2009, p. 12). The report pointed out the recurrent problem of the EU external instruments and policies, which we have already tackled elsewhere: the inability to neither officially recognise nor make use of the synergies between democracy, human rights and development issues. These fields tend to be often divided along institutional structures or different territories and the programmes are lacking practical measures to ensure their coherence.

With the reform of external instruments in 2006, a window of opportunity opened for the actors interested in raising the EU profile in democracy promotion. The context of negotiations changed at that time. Firstly, the new member states with their vast experience with democratisation processes became natural advocates of democracy

support. Secondly, the last decade came to a wider recognition of pitfalls of unconditional development aid and gave rise to “good governance” discourse in development cooperation. Thirdly, the last decade has been also perceived as a major “democracy setback”, with many states having developed democratic structures but failing to bring them to actual democratic life. The rise of Russia and China as “alternatives” to Western type of democracy has significantly changed the debate and challenged the “teleological optimism in democracy’s propensity to inexorable expansion” which prevailed up to late 1990s (Youngs, 2001, p. 1). Finally, in 2006, the debate on the EIDHR reform was accompanied by numerous actors with substantial record in work with political actors, be it multiparty projects (Westminster Foundation for Democracy-WFD, SIDA), work with individual political parties (political foundations) or projects facilitating dialogue between civil and political society (Netherlands Institute for Multiparty Democracy-NIDM, European Partnership for Democracy-EPD).

The rising amounts of EIDHR funding channelled via EC delegations were perceived among many actors as unfortunate, due to the tendency of the delegation officials to perceive the instrument as a technical rather than political tool (Řiháčková, 2010) and the clash of long-term priorities and short-term economic interests (International IDEA, 2009). The delegation staff focuses on management aspects of the instrument and loses out of sight its potential for democracy promotion. The training of delegations staff in this respect has already been recognised as necessary step towards increased efficiency of the instrument (Řiháčková, 2010). The attempt to solve this problem by establishing an independent agency which would fulfil the role of the American National Endowment for Democracy failed³⁷ and led to creation of European Partnership for Democracy, a platform of organisations focusing on democracy development and projects bringing together civil society and political actors. However, the wide alliance of actors which supported the foundation of this agency formed a core of the emerging initiative striving to clear up the profile of the EU in democracy promotion.

The EIDHR II regulation adopted in late 2006 marked certain progress in terms of democracy support. For the first time, the regulation clearly stated that “human rights and democracy are inextricably linked” (The European Parliament and the Council,

³⁷ Details on these negotiations and reasons for failure are comprehensively analysed in the work of Věra Řiháčková (Řiháčková, 2008).

2006ii). This might have been a reaction of member states to regulation deliberations which took place within CODEV, where Commission official suggested removing the work “democracy” from the title of the instrument arguing that human rights and democracy are not clearly interlinked (Interview with COHOM representative). This isolated initiative of an individual Commission representative indicates how sensitive and intangible is the issue of democracy among EC officials. The regulation furthermore highlights the “ownership” of democratic processes as well as involvement of a wide variety of actors including “in particular national democratic parliaments that should ensure participation, representation, responsiveness and accountability” (The European Parliament and the Council, 2006ii). The European Parliament lobbied heavily for recognition of central role of parliaments in democratisations processes and eventually managed to include them among beneficiaries of the instrument (European Parliament, 2006iii). However, the EP’s initiative remains important rather on symbolic level since according to EC officials not many parliaments are in fact likely to apply for the EIDHR funding (European Commission, 2007vi). The regulation enhanced balance between human rights and democracy-related objectives by adding the heading for EOMs. The allocation of funding to EOMs was, however, highly controversial among NGOs, which demanded it to be moved to regional instruments (European Commission, 2007vi). We can argue that member states perceived the increased funding on EOM and its inclusion among main headings as a way to give higher visibility to the democracy profile of the instrument. Nevertheless, the EOMs fulfil currently rather symbolic role in relation with third countries and their actual impact is weakened by several factors. As European Parliament complained already in 2006, the EOMs remain limited to the short electoral period and do not offer a long-term follow-up along the whole electoral process (European Parliament, 2006iii). The effect of finances spent on EOMs could be fostered by involvement of local civil society organisations, which are since 2006 newly eligible for the EOM funding (Řiháčková, 2008).

Even though the regulation attempted to create a more clear profile in democracy promotion, its ambitions were not sufficiently translated into the programming documents. For instance, the Strategy Paper 2007-2010 spread the democracy-related objectives among different objectives which is a substantial regression compared to previous years when they were grouped together (Herrero, 2009). The draft version of the Strategy Paper showed intention to include support to political actors based on multiparty approach as a norm (European Commission, 2007ii). This, however, did not

make it into the final version of the document. The final version of Strategy Paper rejects inclusion of political parties and their satellites as direct beneficiaries and solely encourages cooperation between civil society organisations and independent political platforms within the CBSS scheme. This shows lack of consensus as to what principles should be followed in EU democracy promotion and especially the clash between multi-party and party approach. The idea of multiparty approach was vigorously opposed by the political foundations associated, which argued that the objective of strengthening the pluralism might not be achieved without cooperating with the parties separately and pointed out the role of recently established foundations of Europarties (European Network of Political Foundations, 2007). The cooperation alongside political cleavages is, however, seen as rather problematic due to its potential to cause imbalance at local political scene and the possibility of being perceived as a serious intrusion into country's internal affairs.

Even though the Strategy Paper 2011-2013 contains some changes in the light of Council Conclusions adopted in November 2009, the overall direction of the instrument currently follows a strong "path dependency" on the programming level which will not be broken at least until 2013 (Řiháčková, 2010). The path dependency is to some extent determined by the well-organised interest groups, which are reluctant to allocate the funding to "new" democracy objectives at their expense. Moreover, policy network which evolved around EIDHR mostly consists of organisations focusing on human and social rights, which perceive democracy promotion as overly politicised topic and are thus reluctant to support it. The member states with their unclear idea as to a democracy promotion and EC rather sensitive to political potential of the instrument it are at this moment not decisive enough to push such reform forward.

The Council Conclusions adopted in November 2009 should have given a major impetus to EU's democracy promotion profile. The debate on a need for clearer profile of the EU in democracy support was ongoing since French presidency in 2008. At that time, the French presidency envisaged a Policy Paper addressing this topic. The Czech presidency took over the agenda and agreed together with the subsequent Swedish presidency to pursue the goal of arriving at EU Consensus on Democracy as an equivalent to EU Consensus on Development from 2005 (European Partnership for Democracy, 2009). The initiative received crucial support from several old member states, among them Netherlands, the United Kingdom and Sweden. These member states also face internal discussions as to the feasibility of supporting political actors

(Interview with EPD representative). However, their development agencies or state-supported foundations can back up their efforts with substantial experience in the field.

In its declaration from October 2009, the European Parliament expressed its support to the Council Conclusions, highlighting the interconnectedness of development, human rights and democracy. The Parliament called for “concrete and practical suggestions for improving the coordination of democracy-building measures in EU foreign, human rights and development policy instruments” (European Parliament, 2009). The ambitious goal of Swedish presidency which can be read in the draft Council Conclusions was, however, watered down in the final version. Whereas the Conclusions originally foresaw a “common EU policy framework for democracy building” (Council of the European Union, 2009i), the final version solely mentions the EU Agenda for Action on Democracy as a set of principles which should help increase the “coherence, coordination and complementarity” of the EU democracy assistance (European Partnership for Democracy, 2009; Council of the European Union, 2009ii). Despite its pitfalls, the Council Conclusions are a crucial underlying document recognising the need for a distinct approach to democracy support and putting it on equal footing with human rights and development. The outlined Agenda for Action remains rather sketchy, without mentioning concrete measures to be deployed in democracy building. Such cautious approach is necessary, taken into consideration the need for approval by member states which pursue their own interests in different regions. The proposal of the Conclusions to “tailor” the new coherent democracy building strategy to the particular need of every country is thus highly feasible. The suggested cooperation between the European institutions could help overcome the structural divisions, as they exist for example between different Directorates General (Democracy Digest, 2009).

Nevertheless, the main crucible of the Council Conclusions still lies ahead. The resolution taken up by the Council will need to be embedded in the currently emerging structures of the External Action Service. The Conclusions were heavily backed up by several member states, however, their potential leadership in this matter might be paralysed by abolition of presidencies in the Foreign Affairs Council. The EU Action Agenda to a great extent depends on the stance and initiative of Catherine Ashton and her cabinet. The impact of the EU Agenda for Action on Democracy on the EIDHR will become clearer after comprehensive evaluation of the programme in light of the Conclusions and the start of the new programming round after 2013. The EC delegations were so far a stumbling block to implementation of democracy-related

projects. The new presence of seconded staff from the member states at the delegations could have a double-edged effect in this respect. It could either outweigh the apolitical preferences of the EC officials and give boost to the strategic democracy building potential of the instrument or particular interest of the member states in the region could further inhibit such development.

15.3 Case 3: Conflict prevention and crisis management in the EIDHR

The discourse of non-governmental organisations giving priority to long-term peacebuilding³⁸ and linking it with development inevitably encounters resistance from the EU structures due to its often blurry delineation between community policies and policy areas guarded by member states. In June 2001, the Council in Göteborg agreed on Conclusions, which among other things highlighted the need to ensure synergies between conflict prevention measures, the action of European Security and Defence Policy, trade and development. In doing so, the Council called for enhancement of both military and civilian means (Council of the European Union, 2001). This integrated consensus was, however, abandoned in the aftermath of the September 11th 2001 and the states again focused prevalently on “hard measures”. This period furthermore strengthened the perception of security as an exclusive domain of the states and left a shadow of suspicion on the role of non-state actors in security-related areas (Weitsch, 2008). This situation forced the NGOs working in the field of peacebuilding and conflict prevention to start their advocacy work nearly from scratch.

In the European Union, the organisations working in this field came together under the umbrella of EPLO (European Peacebuilding Liaison Office), which opened its office in Brussels in 2004. The EPLO has currently 27 member organisations from 12 European countries (including Norway and Switzerland) (European Peacebuilding Liaison Office, 2010). Apart from seeking to broaden the funding opportunities for its members, EPLO also actively engages in advocacy work. Compared to other NGO

³⁸ The peace and conflict field suffers from a considerable terminological obscurity. For the purpose of our research, we will stick to definition of peacebuilding as a generic term encompassing long-term approach to peaceful reconciliation of interests. The term peacebuilding does not appear in any official EU documents (Quaker Council for European Affairs, 2007). Conflict prevention is a term widely used in the European Union and is defined as “Conflict prevention entails both short and long-term actions to address the conflict dynamics by addressing structural root-causes of conflict as well as the expressions of violence.” (Quaker Council for European Affairs, 2007). The crisis management on the other hand represents a response strategy to an immediate outbreak of conflict.

networks active at the EU level, EPLO encounters far less problems with arriving at common position due to the specific focus of its member organisations. This, as we will illustrate later, significantly increases its leverage to influence policy making beyond the technicalities of the external instruments.

Recognising the CFSP and ESDP as the locus of decision-making in the peacebuilding field, the NGOs decided to tackle primarily the Council presidencies (Weitsch, 2008). The Council presidencies are important agenda-setters in the EU and are likely to be receptive to issues of security and conflict prevention. During the drafting period of the Treaty Establishing Constitution for Europe, the two future EPLO members (Safeworld and Alert International) launched an initiative to establish a European Peacebuilding Agency (EPA). The EPA was supposed to counterweight the planned establishment of the European Defence Agency focusing on development of member states' military capacities (Weitsch, 2008). Even though the idea of EPA was later abolished, the debates on this initiative ensured access for the peacebuilding NGOs to firstly the Irish and later few other Council presidencies. Since 2004, EPLO became the main non-state non-profit interlocutor for CIVCOM (Council Committee for Civilian Crisis Management) where it regularly arranges briefings by NGO experts on situation in selected countries. The position "at the table" in CIVICOM ensures EPLO a favourable position for further cooperation on peacebuilding. This special relationship commenced due to coinciding events, the conference on conflict prevention under auspices of Irish presidency and the meeting of CIVICOM which took place in the same venue (Weitsch, 2008). The long-term interaction with the Council reveals some main features of the EU discourse in peacebuilding: the role of NGOs shall consist mainly in service delivery (such as training, monitoring, and recruitment), but they are not expected to take an active role in policy planning and involvement in the missions in the field (Weitsch, 2008, p. 13). This discourse mirrors in the share of EC conflict prevention and peacebuilding funding going directly to civil society, which currently accounts to only 3 % (European Peacebuilding Liaison Office, 2010). Such situation, however, not only contradicts one of the goals of the NGOs to make peacebuilding mainly civilian, but also does not correspond to the reality of the EPLO members, which often implement own operations in the field (for example Nonviolent Peaceforce). The position of the peacebuilding NGOs to the 2006 reform reflects this divergence.

The discussions on the reforms of the external action instruments were perceived as a crucial aspect of the long-term dialogue between the EU and

peacebuilding NGOs (Weitsch, 2008). The community instruments represent one of major components of EU's conflict prevention profile. Apart from Nuclear Safety Cooperation Instrument (NSCI), all the instruments of external action somehow tackle the issues of peace and conflict. Prior to 2006, the EIDHR was the pivotal instrument for funding of peacebuilding activities implemented by NGOs. The 1999 regulation included Conflict Prevention as one of three main headings (alongside Democratisation and Human Rights) stating the instrument's "support for measures to promote respect for human rights and democratisation by preventing conflict and dealing with its consequences"(Council of the European Union, 1999). However, between 2000 and 2006 the projects on conflict prevention received overall funding of 21,5 million Euro, which represents only a modest fraction of the total budget (European Commission, 2007v). As we have seen previously, the EIDHR tends to have a bias towards more tangible and less politically sensitive issues. The conflict prevention measures, which naturally oscillate between development and security issues, became indirectly a subject of inter-institutional turf wars in 2005 which heavily influenced the EIDHR negotiations. In 2005, the European Court of Justice (ECJ) was asked to resolve a cross-pillar dispute between the Council and the European Commission in the case of Small Arms and Light Weapons (Van Vooren, 2009). Even though the judgement was handed down by the Court first in May 2008 the institutions were quite cautious in the meantime to make any significant decisions in the field. This had an inhibiting impact on conflict resolution objectives of the new instruments. The conflict prevention objective was substantially weakened within the new instrument and the EIDHR II is perceived as a major setback to long-term engagement of the NGOs in peacebuilding activities.

In the EIDHR II regulation, the single conflict prevention related objective appears under the first heading on "democratisation" in the form of support for measures to promote respect for human rights and democratisation by "preventing conflict and dealing with its consequences" (The European Parliament and the Council, 2006ii). The Strategy Paper 2007-2010 further called for "conflict sensitive" response strategy which would help tackle the roots of the conflict (European Commission, 2007vii). This actually meant mainstreaming of conflict prevention approach in the whole EIDHR II, however, no concrete steps were taken to ensure implementation of this objective (European Peacebuilding Liaison Office, 2007). Even though clauses on peacekeeping and peacebuilding were reinserted into the new Strategy Paper, the NGO

representatives are rather pessimist as to its translation into support for concrete projects. The problematic mechanisms of Calls for proposals are namely highly unlikely to give preference to this type of projects.

Lobbying the European Parliament was a logic step in the situation when both the European Commission and the Council were hesitant to give clear support to peacebuilding measures within the new instruments. However, the negotiations took place during a stirred up period which increased public sensitivity to conflict related issues (debates on war in Iraq). In this period, the EP was thus reluctant to give support to this initiative which was by some interpreted as “militarisation of development” (Interview with CSO representatives, March 2010).

The conflict resolution potential of the EU was supposed to be fostered by creation of the new Instrument for Stability. The EPLO built up a close relationship with the *rapporteur* of the Instrument for Stability, who as the representative of EPLO noted, was highly receptive to NGO comments due to her “right profile” of being German and from the Green Party (Interview with CSO representatives). Even though EPLO attempted to exploit this entry point, its influence was inhibited by external factors which were beyond its control. The civil society organisations were ascribed only a limited role within this instrument, fully in line with the previously mentioned role focusing on short-term “service delivery”. Even though the instrument provides long-term funding to operations, it focuses mainly on capacities of states and international organisations.³⁹ The Instrument for Stability does not allow peacebuilding NGOs to get funding for long-term sustainable conflict prevention measures, which were previously funded under EIDHR I (European Peacebuilding Liaison Office, 2005). Moreover the linkage between the two instruments is quite weak and fails to ensure the complementarity of the instruments (Bayne & Trollet, 2009). The funding for civil society organisations within the Instrument for Stability is enshrined in the so called Peace-building Partnership. The EPLO believes this platform could become another locus of policy debates on peacebuilding with NGOs in the future (Weitsch, 2008).

³⁹ The long-term priorities include topics which are a natural domain of states and international organisations: “fighting and protecting against the proliferation of weapons of mass destruction, strengthening response capacities of non-EU member countries to cross-border threats such as terrorism and organized crime, including the illicit trafficking of weapons, drugs and human beings and enhancing pre- and post-crisis preparedness capacity building” (European Commission, 2010iii).

The future of peacebuilding dialogue with NGOs depends at the moment on outcomes of inter-institutional deliberations and the final form taken by the External Action Service. Its formation could be good news for the peacebuilding NGOs, since the problems arising from the previous pillar structure could be resolved within the double-hatted position of the High Representative of the Union for Foreign Affairs and Security Policy (Weitsch, 2008). In its statement of January 2010, EPLO expresses its concerns related to the emergence of the European External Action Service (EEAS). EPLO recognises the creation of EEAS as an opportunity for an “integrated [EU] approach to conflict”. However, it also warns against the possibility that the incoherence of EU external action will be further exacerbated if some of the units and DGs will be left outside the new structures (European Peacebuilding Liaison Office, 2010). In order to foster the EU profile in peacebuilding and conflict prevention, the EPLO suggested creation of Directorate General for Peacebuilding and Crisis Management, which would report directly to the High Representative. This EPLO initiative already received support from several members of the European Parliament (Interview with Nonviolent Peaceforce representative), however, in the current situation dominated by member states and the Commission is materialisation of this idea rather unlikely to happen.

16. EIDHR after the Lisbon Treaty: a step in the right direction?

The Lisbon Treaty established a double-hatted position of the High Representative of the Union for Foreign Affairs and Security Policy (HR) and the European External Action Service assisting the HR in fulfilling his/hers mandate (Article 13a of consolidated TEU). However, the Treaty provided only a scant indication as to the actual structure and operation of the new Service.⁴⁰ The actual shape of the EEAS were therefore going to be decided first in fierce negotiations and inter-institutional turf wars after the appointment of Catherine Ashton as the HR in November 2009. The civil society networks based in Brussels presupposed the formation of the EEAS already in early 2009 and strived to come into regular dialogue with relevant institutional actors (HRDN, EPLO, CONCORD, NGO Voice, 2009). This

⁴⁰ The Lisbon Treaty tackled solely the staff composition of the new Service and its creation by a decision of the Council, after the HR’s proposal has been consulted with the Parliament (Article 13).

organised effort of the civil society networks, nevertheless, did not materialise in the stirred up atmosphere and the organisations took separate ways lobbying for the particular cause with mixed success (Interviews with CSOs representatives).

In this section, we will analyse the provisions of the emerging EEAS, which will have a direct impact on the future functioning of the European Instrument for Human Right and Democracy. On the 26th of April, the Foreign Affairs Council reached political orientation on the proposal by Catherine Ashton and vowed its approval once the proposal has been discussed with the European Parliament. The European Parliament, which would normally be merely consulted on the Council decision, has been showing great activism in the debate and made clear its readiness to use its codecision powers to block an unsatisfactory EEAS proposal.⁴¹ Such stalemate is currently a highly likely option since the Ashton's proposal adopted by the Council did not accommodate the EP's main reservations and the interaction with the Parliament has been so far rather scant (Euractiv, 2010ii).⁴² Despite the permanent state of flux and ongoing negotiations, we might already point out several provisions which will find their way into the final decision of the Council.

Firstly, according to the Ashton's proposal, the EEAS shall "contribute to the programming and management cycle" of the geographic and thematic instruments, including EIDHR (Council of the European Union, 2010, p. 24). This provision, which was at most controversial with respect to the giant budget of EU development aid, is currently close to consensus of the member states, which won the turf war over the European Commission (Vogel, 2010ii). In future, the programming documents of the EIDHR and other instruments will be dealt with within the EEAS and the Commission structures will focus predominantly on implementation and evaluation of the programmes. Due to presence of Council staff, Commission officials as well as seconded staff from the member states, the EEAS comprises different perspectives and therefore has a sound potential to ensure coherence of the instruments. Additionally, it could make use of synergies between different sectors (development, conflict prevention), which are currently divided alongside Commission structures. Moreover, as we have demonstrated before, the EC programming shows clearly apolitical preferences of the Commission officials. However, their reluctance to tackle politically issues can

⁴¹ The establishment of the EEAS by a Council decision needs to be accompanied by adjustments of EU staff and budgetary directives adopted within codecision procedure (Euractiv, 2010i).

⁴² The Parliament especially opposes the position of a secretary-general, which would according to the Parliament not be "politically responsible" but possesses vast powers (Euractiv, 2010i).

prevent the EIDHR from unfolding its full potential. An increased input from the member states in the programming period could thus have a boosting effect on the instrument. Nevertheless, before drawing such optimistic conclusions, we have to consider particular interests of the member states in the particular regions. If the programming will not be geared by a strong leadership towards coherent and efficient policies, the process could fall prey to individual interests of the member states. The programming of the instruments will be furthermore influenced by the procedure chosen for its adoption. If the comitology procedure will be retained for the adoption of Strategy Papers and AAPs, the Parliament would raise its powers in the programming process. The Lisbon Treaty namely addressed the limited democratic scrutiny of the comitology by creating a new legal framework for the so called “delegated acts”. Whereas previously, based on inter-institutional agreements, the Parliament could solely accept or reject the proposed measure, the new legal framework will give it a right to amend proposals and thus puts it on equal footing with the Council committees (European Parliament, 2010).

Secondly, once the EEAS has reached its full capacity, one third of the staff should be seconded from the member states (Council of the European Union, 2010). This change will have a crucial impact on the delegations currently managed by EC officials. The Brussels-based networks recognised this as a crucial moment which will have a far-reaching effect on the in-country implementation of EIDHR. In its expectations, the NGOs pointed out the need to ensure a merit-based recruitment of the new staff and their intensive training and raised concerns as to the political or national key for their selection (HRDN, EPLO, CONCORD, NGO Voice, 2009). Their demands well mirror the current pitfalls of the EIDHR implementation through the EC delegations officials, which often have only limited local knowledge and strategic mindset. Again, the new composition of the delegations’ staff could have either positive or negative impact on the local implementation of EIDHR, depending on the balance between EU and national interests.

The impact of the above-mentioned provisions is currently very hard to assess. Most of the changes could have a double-edged effect and the ability to translate this opportunity into a tangible progress will be crucial in deciding the actual outcomes. As Catherine Ashton said, the creation of the EEAS “...is the starting point, not the finishing point” (Vogel, 2010i). The upcoming year will provide us with more evidence needed for a well-founded assessment of these changes.

Conclusions

European decision-making takes place in a specific framework characterised by strong resource dependency and mutuality of relationships between actors. The lobbying activities thus always have to be interpreted with respect to these specifics. The interdependency is especially strong in the case of European Instrument for Human Rights and Democracy, which relies on delivery by civil society organisations. In recent years, civil society gained crucial role in EU decision-making, contributing to legitimacy and overall quality of EU legislative. For this reason, civil society engagement has been actively supported by the European institutions, especially the European Commission. Due to their expertise and important role in implementation of the instrument, civil society organisations are involved alongside the whole programming cycle of EIDHR. Our research aimed at identifying their footprint in the reformed instrument (EIDHR II) and assessing the main determinants of their influence. Based on the evidence derived from our case studies, we can draw the following conclusions as to the main determinants of their success.

In order to exert influence, the interest groups first have to penetrate the complex EU decision-making system. Following the decision-making cycle and exploiting the entry points of different procedures demands vast organisational resources, which the civil society organisations usually lack. Additionally, in order to steer the interaction with civil society organisations, the European institutions prefer to have a limited number of interlocutors. These conditions form a “networking imperative” which makes the organisations pool their resources and seek access to institutions in alliance with other like-minded organisations. However, as we have demonstrated, the networking can also have an inhibiting effect on the organisations’ ability to lobby for a common cause due to diversity of their interests. Moreover, the institutionalisation of the networks can lead to an excessive focus on the operation of the networks and losing out of sight the actual interests of their constituencies. Such developments, which are quite common in Brussels milieu, pose serious threats to legitimacy of the Brussels-based networks. As we have shown in our research, lobbying for a specific values-based objectives is most efficient with networks working on highly specific issues (such as peacebuilding) or when undertaken by individual organisations (the case of human rights defenders). Even though we define public interest groups as interest groups

lobbying for a common cause, we also have to consider rationally driven interests especially since, from the NGOs point of view, considerable funding is in play. Looking at the NGOs lobbying for EIDHR, it is extremely hard to draw a clear division line between rational and value-based interests. In ideal case, the rational interest in securing the funding is based on a value-based mission of the civil society organisation. In such case, the rational interest can contribute to the overall quality of the instrument. However, in reality, the ability of an NGO to provide a strategic input to the programming can be limited by their focus on particular interests. The balance between the rational and values-based interests is not managed by the institutions and left fully to the internal communication within the networks. However, we can expect that reputation as a crucial “access good” will function as an important corrective factor in this matter. Organisations lobbying solely for particular interests will namely not be able to supply strategic input in a long-term and will therefore not be considered as a reliable member of the networks.

The NGOs and their networks operate in highly complex procedures and need to identify and make use of the most receptive entry points. The openness of the system to NGO input, nevertheless, varies in different phases of the decision-making process. The adoption of the legal basis (EIDHR regulation) within the codecision procedure remains domain of the institutions. Even though the European Commission organised several consultations, the civil society organisations criticised them as a *pro forma* exercise. The European Parliament at this stage encouraged some NGO input to foster its position. However, its main amendments to the proposal reflected above all institutional interests (such as role of parliaments in democratisation). The ability of NGOs to influence the codecision phase via national governments is determined by the country specific relations between the national administrations and NGOs. Whereas in some countries, this link is very strong (Czech Republic, Sweden), most of the civil society organisations find the national administrations less receptive than the European institutions.

The adoption of implementing measures (Strategy Paper and AAP) is much more open to NGO input. At this stage guarded by the Commission and the member states (comitology procedure), the European Parliament has only very limited influence (the right for Democratic Scrutiny). During the deliberations on the Strategy Paper, the European Commission was actively seeking contact with interest groups and significantly improved the efficiency of consultations procedures. Even though the civil

society organisations have the power to influence the shape of the measures (such as human rights defenders), the decision as to what countries will be covered by the instrument in a given period is left to the discretion of the European Commission and the member states.

The ability of CSO to translate their views into the instrument is significantly limited by the multi-layer programming procedures. Each programming document is to some extent independent of the “higher” programming document and a subject to repetitive fierce battles of interests groups. Therefore, even when an interest group manages to get their ideas through into one document, there is no automatic mechanism which would ensure their preservation in the lower programming documents. Furthermore, the delegations have quite broad powers in deciding on the in-country implementation of the instrument and can significantly alter the actual shape of the programme. To illustrate this, we can mention the main achievements of the reformed instrument - the funding to non-registered organisations and the ad hoc measures. In reality, these measures were, however, not yet fully translated into the actual in-country projects. Such situation poses excessive demands to the CSOs, which are forced to continually follow the programming process on many levels can lead to a “lobbying fatigue”.

In order to secure impact, the interest groups employ multi-level strategies and target different institutions according to their position in the policy-making process. When framing the information for different venues, the organisations often point to prior normative commitments of the European Union. Such strategy is highly efficient, exploiting the EU’s reputation as a main proponent of human rights and democracy in its external relations. In the case of human rights defenders, calling upon EU’s commitments received even higher leverage due to the global discourse embodied in the declaration of the UN on human rights defenders. As we have demonstrated on our case studies, the discourse is crucial determinant of interest groups’ success. Through their advocacy work, NGOs are able to influence the discourse in a long-term offering workable alternative to current policies. However, even a long-term discursive dialogue between NGOs and the institutions can be disrupted by inter-institutional clashes, as we have seen in the case of peacebuilding NGOs. Once the institutions decided to change focus and change certain policy area, the NGOs play a crucial role in supplying concrete policy measures. Their ability to come with the right information to the right place in the right time is to a huge extent determined by their insider knowledge. This creates an

immense advantage for the Brussels-based networks, which are familiar with the milieu and have the means to maintain long-term relationships with the decision makers. Such situation raises justified questions as to possible bias of the networks and their ability to represent the widest range of interests possible. As we have ascertained, the networks in the field of human rights and democracy are quite open, since they seek reliable information and need to foster their representativeness vis-a-vis the institutions. Such settings are thus favourable to inclusion of new interest groups and highly likely to avoid any grave imbalance of interests. The fluidity of the network ensures that new accents will be appearing over time and changing the coalitions and, in a long-term, likely also the focus of the instrument. We could observe such shift in the field of democracy promotion, which recently received strong proponents from the new member states.

The civil society organisations are able to provide crucial input to the EIDHR programming and shape the instrument in accordance with their mission and field experience. The interaction with the institutions and mainly the European Commission has significantly improved over the last years, partly due to “rotation” of professionals between NGO sector and EU institutions leading to better understanding of needs and constraints of both the actors. However, the ultimate impact of NGO input is determined by the procedures, inter-institutional relations and institutional discourses of the EU decision-making system. The civil society organisations will thus always operate within a strong “path dependency” of the instrument and will be compelled to exploit the opportunity structures given by the institutional context.

Bibliography

Monographies

Bouwen, P. (2009). The European Commission. In D. Coen, & J. Richardson, *Lobbying the European Union: Institutions, Actors and Issues* (pp. 19-39). Oxford: Oxford University Press.

Císař, O. (2004). *Transnacionální politické sítě: Jak mezinárodní instituce ovlivňují činnost nevládních organizací*. Brno: Masarykova University.

Císař, O., & Fiala, P. (. (2004). *Obhajoba zájmů a transnacionální vztahy*. Brno: Masarykova University.

Coen, D., & Richardson, J. (2009i). Institutionalizing and Managing Intermediation in the EU. In D. Coen, & J. Richardson, *Lobbying the European Union: Institutions, Actors and Issues* (pp. 337-351). Oxford: Oxford University Press.

Coen, D., & Richardson, J. (2009ii). Learning to Lobby the European Union: 20 Years of Change. In D. Coen, & J. Richardson, *Lobbying the European Union: Institutions, Actors and Issues* (pp. 3-19). Oxford: Oxford University Press.

George, A. L., & Bennet, A. (2004). *Case Study and Theory Development in the Social Sciences*. Cambridge Massachusetts: MIT Press.

Hayes-Renshaw, F. (2009). Least Accessible but not Inaccessible: Lobbying the Council and the European Council. In D. Coen, & J. Richardson, *Lobbying the European Union: Institutions, Actors and Issues* (pp. 70-87). Oxford: Oxford University Press.

Christansen, T., & Piattoni (eds), S. (2003). Informal Governance in the European Union: an Introduction. In T. Christansen, & S. Piattoni, *Informal Governance in the European Union* (pp. 1-22). Cheltenham: Edward Elgar Publishing.

Judge, D., & Earnshaw, D. (2008). *The European Parliament*. Houndmills Basingstoke: Palgrave MacMillan.

Karr, K. (2007). *Democracy and Lobbying in the European Union*. Frankfurt/Main: Campus Verlag.

Keck, M. E., & Sikkink, K. (1998). *Transnational Advocacy Networks in International Politics*. Ithaca: Cornell University Press.

Kohler-Koch, B. (2007). The Organizations of Interests and Democracy in the European Union. In B. Kohler-Koch, & B. Rittberger, *Debating the Democratic Legitimacy of the European Union* (pp. 255-271). Plymouth: Rowman & Littlefield.

- Lehmann, W. (2009). The European Parliament. In D. Coen, & J. Richardson, *Lobbying the European Union: Institutions, Actors and Issues* (pp. 39-69). Oxford: Oxford University Press.
- Obradovic, D. (2009). Regulating Lobbying in the European Union. In D. Coen, & J. Richardson, *Lobbying the European Union: Institutions, Actors and Issues* (pp. 298-334). Oxford: Oxford University Press.
- Olson, M. (1965). *The Logic of Collective Action*. Cambridge: Harvard University Press.
- Peters, G. B. (2005). *Institutional Theory in Political Science: The "New Institutionalism"*. London: Continuum.
- Peterson, J. (2003). *Policy Networks*. Vienna: Institute for Advanced Studies.
- Rhodes, R. (2006). Policy Network Analysis. In M. Moran, M. Rein, & R. E. Goodin (eds), *The Oxford Handbook of Public Policy* (pp. 425-447). Oxford: Oxford University Press.
- Richardson, J. (1996). Policy-Making in the EU: Interests, Ideas and Garbage Cans of Primeval Soup. In J. Richardson (ed), *European Union: Power and Policy-Making* (pp. 3-23). London: Routledge.
- Risse, T. (2006). Transnational Actors and World Politics. In W. Carlsnaes, T. Risse, & B. A. Simmons, *Handbook of International Relations* (pp. 255-274). London: Sage Publications.
- Risse-Kappen, T. (1995). Bringing transnational relations back in: introduction. In T. Risse-Kappen (ed), *Bringing transnational relations back in: Non-State Actors, Domestic Structures and International Institutions* (pp. 3-26). Cambridge: Cambridge University Press.
- Rondo-Brovetto, P., & Ebner, D. (2007). Nonprofit Organisationen und die Europäische Union. In C. Badelt, M. Meyer, & R. Simsa, *Handbuch der Nonprofit Organsiationen, Strukturen und Management* (pp. 557-580). Stuttgart: Schäffer-Poeschel Verlag.
- Rosamond, B. (2000). *Theories of European Integration*. Houndmills: Palgrave.
- Wallace, H., & Hayes-Renshaw, F. (Macmillan). *The Council of Ministers*. Houndmills: 1997.
- Wallis, T. (2010). Civilian Peacekeeping. In N. Young (ed), *The Oxford International Encyclopedia of Peace*. Oxford: Oxford University Press.
- Westlake, M. (2009). The European Economic and Social Committee. In D. Coen, & J. Richardson, *Lobbying the European Union: Institutions, Actors and Issues* (pp. 128-144). Oxford: Oxford University Press.

Yin, R. K. (2009). *Case Study Research: Design and Methods*. Thousand Oaks: SAGE Publications.

Youngs, R. (2001). *The European Union and the Promotion of Democracy*. Oxford: Oxford University Press.

Academic articles

Beyers, J. (2002). Gaining and seeking access: The European adaptation of domestic interest associations. *European Journal of Political Research* 41, pp. 585-612.

Börzel, T. (1998). Organizing Babylon - On the Different Conceptions of Policy Networks. *Public Administration Vol. 76* , pp. 253-273.

Bouwen, P. (2002, June). Corporate Lobbying in the European Union: the logic of access. *Journal of European Public Policy* 9:3 , pp. 365-390.

Coen, D. (2007, April). Empirical and theoretical studies in EU lobbying. *Journal of European Public Policy*, 14 (3) , pp. 333-345.

Coen, D. (1997). The evolution of the large firm as a political actor in the European Union. *Journal of European Public Policy* 4(1), pp. 91-108.

Eising, R. (2004, April). Multilevel Governance and Business Interests in the European Union. *Governance: An International Journal of Policy, Administration, and Institutions*, 17 (2), pp. 211-245.

Haas, P. M. (1992). Introduction: Epistemic Communities and International Policy Coordination. *International Organization Vol. 46 No.1*, pp. 1-35.

Kassim, H. (1994, October). Policy Networks, Networks and European Union Policy Making: A Sceptical View. *West European Politics Vol. 17 No. 4*, pp. 15-27.

Mahoney, C. (2004). The Power of Institutions, State and Interest Group Activity in the European Union. *European Union Politics*, 5 (4), pp. 441-466.

McCown, M., & Bouwen, P. (2007, April). Lobbying versus Litigation: political and legal strategies of interest representation in the European Union. *Journal of European Public Policy* 14:3, pp. 442-443.

Mikkelsen, M. (2006). Policy Network Analysis as a Strategic Tool for the Voluntary Sector. *Policy Studies Vol. 27 No 1*, pp. 17-26.

Nentwich, M. (1996, November 5). Opportunity Structures for Citizens' Participation: The Case of the European Union. *European Integration Online Papers*, pp. 1-21.

Obradovic, D. (2005). Civil Society and the Social Dialogue in European Governance. *Yearbook of European Law-24*, pp. 261-327.

Peterson, J. (1995). Decision-Making in the European Union: Towards a Framework for Analysis. *Journal of European Public Policy 2 (1)*, pp. 69-93.

Peterson, J. (1995, April). Policy Networks and European Union Policy Making: A Reply to Kassim. *West European Politics Vol. 18 No. 2*, pp. 389-407.

Princen, S., & Kerremans, B. (2008, November). Opportunity Structures in the EU Multi-Level System. *West European Politics Vol. 31 No. 6*, pp. 1129-1146.

Sabatier, P. A. (1998, March). The advocacy coalition framework: revisions and relevance for Europe. *Journal of European Public Policy 5:1*, pp. 98-130.

Saurugger, S. (2005, December). Europeanization as a Methodological Challenge: The Case of Interest Groups. *Journal of Comparative Policy Analysis Vol. 7 No. 4*, pp. 291-312.

Van Vooren, B. (2009). The Small Arms Judgement in an Age of Constitutional Turmoil. *European Foreign Affairs Review 14*, pp. 231-248.

Woll, C. (2006, April). Lobbying in the European Union: from sui generis to comparative perspective. *Journal of European Public Policy, 13 (3)*, pp. 456-469.

Official documents

Council of the European Union. (1999, April 29). *Council Regulation No 975/1999*. Brussels: Council of the European Union.

Council of the European Union. (2008). *Ensuring Protection - European Union Guidelines on Human Rights Defenders*. Brussels: Council of the European Union.

Council of the European Union. (2009ii, November 17). Council conclusions. *Democracy Support in the EU's External Relations*. Brussels: Council of the European Union.

Council of the European Union. (2009i, October 2). Draft Council Conclusions. *Democracy Building in the EU's External Relations*. Brussels: Council of the European Union.

Council of the European Union. (2001, June 15 and 16). Presidency Conclusions. *Göteborg European Council*. Brussels: Council of the European Union.

Council of the European Union. (2010, March 25). Proposal from The High Representative for Foreign Affairs and Security Policy to the Council. *Draft Council*

decision establishing the organisation and functioning of the European External Action Service. Brussels: Council of the European Union.

Council of the European Union. (1997, November 10). Treaty of Amsterdam amending the Treaty on European Union. *Declaration on the quality of the drafting of Community legislation*. Brussels: Council of the European Union.

European Commission. (2007vi, February 9). *Report on EC consultation with NGOs on EIDHR Draft Programming Document 2007-2010*. Brussels: DG RELEX.

European Commission. (2007i). Action Fiches. *EIDHR Annual Action Programme 2007*. Brussels: European Commission.

European Commission. (1992). An open and structured dialogue between the Commission and special interest groups. *Policy Paper*. Brussels: European Commission.

European Commission. (2000, January 18). Commission Discussion Paper COM (2000)11 final. *The Commission and Non-Governmental Organisations: Building a Stronger Partnership*. Brussels: European Commission.

European Commission. (2006iii, January 25). Commission Communication COM(2006) 23. *Thematic Programme for the promotion of Democracy and Human Rights Worldwide under the future financial perspective (2007-10)*. Brussels: European Commission.

European Commission. (2004ii, February 10). Communication from the Commission to the Council and the European Parliament COM(2004) 101. *Building our common Future, Policy challenges and Budgetary means of the Enlarged Union 2007-2013*. Brussels: European Commission.

European Commission. (2004i, September 29). Communication from the Commission to the Council and the European Parliament COM(2004) 626. *On the Instruments for External Assistance under the Future Financial Perspective 2007-2013*. Brussels: European Commission.

European Commission. (2007ii, February). Draft Strategy Paper 2007-2010. *European Instrument for Democracy and Human Rights (EIDHR)*. Brussels: DG RELEX.

European Commission. (2006ii, May 3). Green Paper COM(2006) 194 final. *European Transparency Initiative*, European Commission. Brussels: European Commission.

European Commission. (2007v). Human Rights and Democracy: Statistics. *Types of EIDHR projects 2000-2006*. Brussels: European Commission.

European Commission. (2004iii, December 6). European Instrument for Democracy and Human Rights. *Programming for 2005 and 2006*. Brussels: European Commission.

European Parliament. (2006iii, October 24). Report on the proposal for a regulation of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide (European Instrument for Democracy and Human Rights). Brussels: European Parliament.

European Parliament. (2009, October 22). European Parliament Resolution. *Democracy building in external relations*. Brussels: European Parliament.

The European Parliament and the Council. (2006ii, December 20). Regulation (EC) No 1889/2006 of the European Parliament and of the Council. *On establishing a financing instrument for the promotion of democracy and human rights worldwide*. Brussels.

United Nations. (1998). Resolution adopted by the General Assembly. *Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms*. New York: United National General Assembly.

Other documents

European Inter-University Centre for Human Rights and Democratisation. (2006, July 10). Main findings of the study presented to the Subcommittee on Human Rights. *The impact of the resolutions and other activities of the European Parliament in the field of human rights outside the European Union*. Brussels.

European Network of Political Foundations. (2007). EIDHR Programming: Strategy Paper 2007-2010. *Comments from the Network of Independent Political Foundations (ENoP)*. Brussels.

European Partnership for Democracy. (2009, May 9 and 10). Report from a conference. *Building Consensus about EU Policies on Democracy Support*. Prague: European Partnership for Democracy.

European Peacebuilding Liaison Office. (2010, January). EPLO Statement on EEAS. *Putting Peace at the Heart of the European External Action Service*. Brussels: European Peacebuilding Liaison Office.

European Peacebuilding Liaison Office. (2007, March). *Response to the EIDHR Strategy Paper 2007-2010*. Brussels: European Peacebuilding Liaison Office.

European Peacebuilding Liaison Office. (2005, December). EPLO working group "Funding for Peace" Response. *EC consultation paper on thematic programming of "EIDHR II"*. Brussels: European Peacebuilding Liaison Office.

Fazi, E., & Smith, J. (2006). Study Commissioned by the Civil Society Contact Group. *Civil Dialogue - Making it Work Better*. Civil Society Contact Group.

FIDH, PBI, Frontline, OMCT. (2007, February 14). Letter of NGOs to DG RELEX and Aidco. *Definition of the activities in support of human rights defenders within EIDHR 2007-10*. Brussels.

F.M. Partners Limited. (2005, April). Report by F.M. Partners Limited. *Striking a Balance: Efficiency, Effectiveness and Accountability. The impact of the EU Financial Regulation on the Relationship between the European Commission and NGOs*. Brussels.

Frontline Defenders. (2006, September 11). Exchange of views: European Parliament Sub-Committee on Human Rights. *A financing instrument for the promotion of democracy and human rights worldwide*. Brussels: Frontline Defenders.

Herrero, S. (2009). The EPD Working Papers Series on Democracy Support 1/2009. *A decade of democracy promotion through the European Initiative for Democracy and Human Rights*. Brussels: European Partnership for Democracy.

HRDN, EPLO, CONCORD, NGO Voice. (2009, spring). *Civil Society Expectations of the European External Action Service*. Brussels.

International IDEA. (2009). Report of the International Institute for Democracy and Electoral Assistance. *Global consultations on the EU's role in democracy building*. Stockholm: International Institute for Democracy and Electoral Assistance.

Klüver, H. (2009, April). *Biennial Conference of the European Union Studies Association, Los Angeles, 23-25 April 2009*. Retrieved April 24, 2010, from EUCE Network: http://euce.org/eusa2009/papers/kluever_08D.pdf

Řiháčková, V. (2008). European Union: Democracy versus Bureaucracy, An Assessment of the Reform of the EU's. In J. Kucharczyk, & J. Lovitt, *Democracy's New Champions: European Democracy Assistance after EU Enlargement* (pp. 151-188). Praha: PASOS (Policy Association for an Open Society).

Řiháčková, V. (2010, April 12). Policy Brief No. 2. *A long and winding road? The quest for 'flexible' EU democracy funding*. Prague: Policy Association for an Open Society (PASOS).

Weitsch, M. (2008, March). Report. *People are Party to Building Peace: What role can and do non-governmental organisations play in relation to EU in the context of conflict prevention?* Brussels: Quaker Council for European Affairs and European Peacebuilding Liaison Office.

Internet sources

Bayne, S., & Trolliet, P. (2009). *European Commission - External Relations*. Retrieved May 5, 2010, from Report: Stocktaking and scoping of the Peacebuilding Partnership: http://ec.europa.eu/external_relations/ifs/pbp/docs/executive_summary_en.pdf

Civil Society Contact Group. (2010). *EU Civil Society Contact Group*. Retrieved April 27, 2010, from Policy Activities:

<http://www.act4europe.org/code/EN/policy.asp?Page=225&menuPage=225>

CONCORD. (2010). *European NGO Federation for Relief and Development*. Retrieved April 19, 2010, from About CONCORD:

<http://www.concordeurope.org/Public/Page.php?ID=8>

Democracy Digest. (2009, December 2). *A new EU strategy for democracy support?* Retrieved May 5, 2010, from Democracy Digest:

<http://www.demdigest.net/blog/democracy-assistance/a-new-eu-strategy-for-democracy-support.html>

Euractiv. (2010ii, April 23). *Parliament raises pressure on EU diplomatic service*.

Retrieved May 15, 2010, from <http://www.euractiv.com/en/foreign-affairs/parliament-raises-pressure-eu-diplomatic-service-news-467697>

European Commission and the European Parliament. (2010). *Registers of Interest Representatives/Lobbyists*. Retrieved April 25, 2010, from

http://europa.eu/lobbyists/interest_representative_registers/index_en.html

European Commission. (2010i). *Codecision procedure*. Retrieved April 28, 2010, from

http://ec.europa.eu/codecision/procedure/index_en.htm

European Commission. (2010ii). *Development Cooperation: Other Budget Instruments*.

Retrieved April 25, 2010, from http://ec.europa.eu/development/how/source-funding/othersinstr_en.cfm

European Commission. (2007iii). *EIDHR documents*. Retrieved March 12, 2010, from

Projects EIDHR 2000-2006: http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_compendium_by_project_theme_final_15_09_08_en.pdf

European Commission. (2007iv, August 20). *European Initiative for Democracy and Human Rights (EIDHR) (2000-2006)*. Retrieved April 26, 2010, from

http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/r10110_en.htm

European Commission. (2010iv). *External Relations: Human Rights Defenders*.

Retrieved May 6, 2010, from

http://ec.europa.eu/external_relations/human_rights/defenders/index_en.htm

European Commission. (2010v). *Non-State Actors and Local Authorities*. Retrieved April 27, 2010, from

http://europa.eu/legislation_summaries/development/general_development_framework/r12554_en.htm

- European Commission. (2010vi). *PRELEX: details on the procedures*. Retrieved April 23, 2010, from http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosId=194390#382758
- European Commission. (2006i, June 26). Proposal for a regulation of the Parliament and the Council COM(2006) 354 final. *On establishing a financing instrument for the promotion of democracy and human rights worldwide*. Brussels: European Commission.
- European Commission. (2010vii). *Register of Interest Representatives*. Retrieved April 27, 2010, from <https://webgate.ec.europa.eu/transparency/regrin/consultation/displaylobbyist.do?id=2905437316-11#>
- European Commission. (2007vii). Strategy Paper 2007-2010. *European Instrument for Democracy and Human Rights (EIDHR)*. Brussels: DG RELEX.
- European Commission. (2010ix). *Summaries of EU legislation: Financial Regulation*. Retrieved April 25, 2010, from http://europa.eu/legislation_summaries/budget/134015_en.htm#AMENDINGACT
- European Commission. (2010x). *The Commission and Interest Representatives*. Retrieved April 25, 2010, from http://ec.europa.eu/civil_society/interest_groups/definition_en.htm
- European Commission. (2010xi). *The Commission and Interest Representatives*. Retrieved April 25, 2010, from http://ec.europa.eu/civil_society/interest_groups/definition_en.htm
- European Commission. (2010). *The European Commission and Civil Society*. Retrieved April 25, 2010, from http://ec.europa.eu/civil_society/apgen_en.htm#5
- European Economic and Social Committee. (2010). *EESC Groups*. Retrieved May 1, 2010, from http://www.eesc.europa.eu/groups/3/index_en.asp
- European Parliament. (2006i). *Agenda of the Subcommittee on Human Rights (DROI)*. Retrieved May 7, 2010, from http://www.europarl.europa.eu/meetdocs/2004_2009/organes/droi/droi_20060911_1500.htm
- European Parliament. (2006ii). *EP Legislative Observatory: decision of the committee responsible (1st reading)*. Retrieved March 6, 2010, from <Http://www.europarl.europa.eu/oeil/resume.jsp?id=5363482&eventId=968904&backToCaller=NO&language=en>
- European Parliament. (2007). *EP Legislative Observatory: EIDHR regulation*. Retrieved March 3, 2010, from

<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A6-2006-0376&language=EN#title5>

European Parliament. (2010, April 6). *What is comitology and does it still have a role under Lisbon Treaty?* . Retrieved May 15, 2010, from http://www.europarl.europa.eu/news/public/story_page/008-72106-096-04-15-901-20100406STO72095-2010-06-04-2010/default_en.htm

European Peacebuilding Liaison Office. (2010). *Information about EPLO*. Retrieved May 3, 2010, from <http://www.eplo.org/index.php?id=45>

European Women's Lobby. (2010). *European Women's Lobby*. Retrieved April 19, 2010, from EWL Members: http://www.womenlobby.org/site/1Template1.asp?DocID=12&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu=

Human Rights and Democracy Network. (2010). *Human Rights and Democracy Network*. Retrieved April 27, 2010, from List of members: <http://www.act4europe.org/code/EN/about.asp?Page=41>

Human Rights First. (2010). *Analysis of the newly adopted Declaration on Human Rights Defenders*. Retrieved May 5, 2010, from Protecting Human Rights Defenders: http://www.humanrightsfirst.org/defenders/hrd_un_declare/hrd_declare_1.htm

Neligan, M. (1998, November 12). Santer in firing line on human rights funding. *European Voice* .

Vogel, T. (2010i, March 25). Ashton presents proposal for EU foreign service. *European Voice* .

Vogel, T. (2010ii, May 5). Ministers to hold talks on diplomatic corps. *European Voice*.