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The power of informality: EU's engagement with non-state actors in CSDP

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This article examines the little explored issue of non-state actor participation in the EU's Common Security and Defence Policy (CSDP). Despite the fact that NGOs and civil society are shielded from formal access to CSDP, EU staff in both Brussels and the missions engage with them informally. Drawing on interviews with policymakers and non-state actor representatives, the article analyses the practices of the EU in its engagement with non-state actors, focusing on civilian missions in Georgia and Palestine. It shows that such engagement is more intense during implementation at the level of CSDP missions rather than during policymaking in Brussels. It argues that a combination of rational choice based (functional needs of policymakers and intensity of non-state actor advocacy) and constructivist (organisational and individual cultures) explanations helps us better understand why CSDP structures open up to non-state actors. The article contributes to the nascent academic and policy debate on EU-civil society cooperation in CSDP and, more broadly, to the studies of informal governance in the EU and non-state actor participation in international organisations.

Keywords: European Union; Common Security and Defence Policy; governance; non-state actors; Georgia; Palestine

Introduction

The EU's Common Security and Defence Policy (CSDP) is arguably one of the least accessible policy areas for the public and private interest groups that proliferate in other sectors of European integration. Regarded as the last bastion of state sovereignty, security and defence policy deals with 'high politics' issues that are seen as too sensitive to be exposed to public scrutiny. A culture of secrecy and confidentiality prevails in the Council of the EU (Hayes-Renshaw 2009:73), the decision-making centre of CSDP, as well as in the crisis management departments of the European External Action Service (EEAS). The supranational institutions of the EU such as the Commission and the European Parliament, which open up access to interest groups, experts and civil society in other areas of European integration, are excluded from CSDP. Equivalents of consultation

mechanisms with non-state actors (NSA) in the policy process, which exist in the communitarised policy areas, are lacking in the EU security and defence policy.

At the same time, cooperation with NSA, in particular civil society organisations (CSOs), is recognised by researchers and policymakers as a factor that influences the effectiveness and impact of EU interventions in foreign crises. Civil society may provide ‘valuable knowledge’ to the EU policymakers in CSDP and it plays ‘an essential role in consolidating democracy in post-conflict countries’ (Ginsberg & Penksa 2012: 116). Moreover, cooperation with civil society is necessary in order to ensure broad local ownership of reforms, in which the EU tries to assist via CSDP, and more effective early warning and conflict prevention (Fihl 2015). Finally, the involvement of civil society in CSDP has a democratising potential: civil society organisations may improve the output legitimacy of EU decisions and enhance the transparency of the policy process (Dembinski & Joachim 2014).

The findings of the few studies that have examined the participation of NSA in CSDP are somewhat contradictory. Some scholars show that non-governmental organisations (NGOs) are not missing actors in the EU security and defence policy. Lobbying the Council, national capitals and supranational institutions, they achieve some degree of success in reaching their policy goals (Joachim & Dembinski 2011; Dembinski & Joachim 2014). Other scholars demonstrate that NSA remain marginal in CSDP (Mérand et al. 2011). Yet others maintain that despite the lack of formal institutional arrangements enabling access to CSDP structures, NSA and EU officials interact informally (Gourlay 2006, Irrera 2013). Interactions with NSA are more intense in the field where EU crisis management missions are deployed than in Brussels (Ginsberg and Penksa 2012: 95). Even in the field, however, such engagement seems unstructured and dependent on individual officers’ personal interests (Palm 2010).

These limited insights offer little knowledge on how the EU engagement with NSA varies across different stages of the policy cycle, what forms it takes and what factors it depends on. This article aims to fill this gap by asking: *When, how and why do NSA gain access to CSDP structures?* First, this study inquires into the practices of participation of non-state actors in CSDP, both formal and informal, across various stages of the policy cycle. Second, it attempts to understand the factors that facilitate engagement of CSDP officials with NSA. For example, what makes CSDP more open to NSA during implementation in the field and less accessible during policymaking in Brussels? To answer these questions, the article focuses on two civilian missions in the EU neighbourhood: the

EU Police Mission for the Palestinian Territories and the EU Monitoring Mission in Georgia.

Drawing on over 60 interviews with policymakers, NSA representatives and experts conducted in the EU, Georgia and Palestine in 2014 and early 2015, this article argues that in the absence of effective formal rules guiding the EU's interaction with NSA in CSDP, informal channels of interaction have become more important. However, the patterns of interaction are uneven. NSA remain largely excluded from engagement in the agenda-setting, planning and decision-making phase, but their inputs are more welcome during the implementation of the mission's mandate. Driven by functional needs in terms of resources and services, EU policymakers provide NSA with informal access. In particular, CSDP missions seek cooperation with NSA in order to implement core elements of their mandates more effectively. Lobbying EU crisis management structures on the issues in which they are interested, NSA expand the space for their participation in EU foreign and security policy. They invest in building 'good relations' based on trust and developing the organisations' reputation and credibility as providers of useful information and other services to EU diplomats and bureaucrats. However, rationalist-based resource exchange theories explain only part of the story. Institutional and individual cultures of transparency and interaction with outside actors, including civil society, seem to mediate the extent to which CSDP structures open up to NSA. The study contributes to the literature on informal governance in EU foreign policymaking as well as to studies on NSA participation in international organisations. It also adds to the nascent academic and policy debate on non-state actor participation in CSDP.

This article consists of five parts. First, it outlines a theoretical framework explaining the participation of NSA in international organisations and the factors that facilitate or restrain it. Then, after briefly presenting two cases of EU civilian crisis management in Georgia and Palestine, it analyses the EU's engagement with NSA in CSDP across different stages of the policy cycle and the factors that explain the access of NSA to CSDP structures. In the conclusion, the article summarises the main findings and implications for future research.

Non-state actors' access to international organisations

The question of non-state actor participation in CSDP is approached in this article from the perspective of three strands of literature: informal governance in the EU; lobbying in EU foreign policy; and the participation of NSA in international organisations. The literature on informal governance views the EU as a polity in which formal rules are applied along with informal rules to allow European integration to advance (Christiansen & Piattoni 2003; Christiansen & Neuhold

2013; Kleine 2013). Governance in the EU is often conceptualised as a system of policy networks in which public and private actors interact with each other. What makes it informal is that the interactions between individual and collective, public and private actors in these networks are based on non-codified (unwritten) rules and not publicly sanctioned (Christiansen and Piattoni 2003: 7).

The informal governance framework explains the interaction between policymakers and NSA (civil society and corporate interest groups) as an instrumental relationship based on the logic of supply, demand and mediation (Justaert & Keukeleire 2012: 439). Advocacy groups are interested in shaping policy outcomes, whereas policymakers seek crucial information and mediate between the different interests affected by the policy. Consulting civil society may help policymakers to better adapt policies to the realities on the ground and ensure their smooth implementation. In the EU foreign policy context, informal consultations between policymakers and NSA facilitate the exchange of information and pooling of expertise (ibidem: 446). This helps in devising more effective foreign policy and increasing the EU's impact abroad. Moreover, NSA such as NGOs may be involved in the implementation of EU foreign policies as, for example, in the area of EU conflict resolution (see Marchetti & Tocci 2011).

In the communitarised policy areas, consultations with NSA are formalised through EU law (though informal interactions take place in parallel). Complying with a legal obligation deriving from the Treaty on the European Union to consult with interested parties, the Commission deploys various tools for formalised consultations during the policy formulation and legislation-making process. Since 2011, organised civil society has also been able to participate in legislation-making by submitting proposals to the Commission in the sphere of its competences via the European Citizens Initiative. The Commission and European Parliament jointly run the EU's Transparency Register for interest representatives, which are encouraged to register in exchange for greater inclusion in consultation schemes and an access pass to the Parliament.

Although few formal mechanisms for consultations with NSA on foreign policy issues exist, interactions between policymakers and interest groups take place informally. The studies on lobbying in EU foreign policy demonstrate that NSA target EU institutions with regard to issues in which they are interested (Voltolini 2016), including in CSDP (Joachim & Dembinski 2011). Joachim and Dembinski (2011) illustrate how NGOs, through creating a European-wide coalition and using multiple access points, successfully lobbied for the adoption of a legally binding framework for arms export control at the EU level. While interactions with civil society are not

formally institutionalised, the intergovernmental institutions provide NSA with informal access. The literature on non-state actors' participation in global governance offers insights into *why* intergovernmental organisations open up to NSA (Steffek *et al.* 2008, Joachim and Locher 2009, Jönsson and Tallberg 2010, Irrera 2013, Tallberg *et al.* 2014).

This literature addresses the issue from various theoretical perspectives. Some scholars argue on sociological institutionalist and constructivist grounds that access is increasingly provided to NSA due to the spread of participatory governance norms (Saurugger 2010). In other words, policy-makers have either been socialised into believing in the appropriateness of non-state actors' participation or have strategically adapted the institutional arrangements to boost organisational legitimacy. Drawing on rationalist assumptions, other scholars maintain that functional logic and resource exchange models better explain why access is provided (Mayer 2008, Steffek 2010, Tallberg *et al.* 2014). In particular, demand for resources and services of NSA and domestic democratic standards in the member states of international organisations account for the expansion of access to NSA (Tallberg *et al.* 2014). In contrast, the sovereignty costs associated with the involvement of NSA in the policy process constrain the access and contribute to its variation across issue areas and policy functions (*ibidem*). Areas such as human rights, development and the environment are more open to NSA, whereas security is more closed (Steffek *et al.* 2008; Steffek 2010; Tallberg *et al.* 2014). NSA are also more welcome during the implementation, evaluation and policy formulation stages of the policy process in which the bureaucratic bodies of international organisations are involved; and they are shielded from access during intergovernmental decision-making (Tallberg *et al.* 2014).

The above-mentioned studies, however, examined the formal rules of participation of NSA and, thus, may offer only a limited insight into informal access. While they argue that security policy is largely closed to formal participation, NSA may engage informally. The question arises, to what extent are the factors explaining informal access different from those accounting for formal conditions. It can be assumed that constructivist-driven explanations emphasising the spread of participatory governance norms are likely to play a minor role since informal access is less visible and, thus, can hardly boost organisational legitimacy. Functional efficiency can still be enhanced by NSA through informal access, and therefore, rationalist explanations are likely to play a major role in explaining informal access. If so, what functional needs of CSDP structures do NSA meet and how do they differ in Brussels and in the field? How do they differ within CSDP missions with different mandates and how does the local context come into play?

This article focuses on the EU's engagement with non-state actors in two civilian CSDP missions deployed in two different conflict contexts. The selection of civilian missions is due to the fact that they constitute two thirds of CSDP operations abroad. The missions that have been on the ground for a longer time period have been selected in order to trace the evolution of the EU's engagement with NSA. Furthermore, CSDP missions in the EU proximity and deployed in the low intensity conflict contexts have been considered due to the logistical and security limitations of the field research. Given the interest of NSA in the EU policy towards the Israeli-Palestinian conflict (Voltolini 2016), EUPOL COPPS seems to be the 'most likely' case for the EU's engagement with NSA in CSDP. To add an additional exploratory case, EUMM has been selected as a civilian CSDP mission in the Eastern neighbourhood that has been on the ground for an approximately similar period of time, but with a different mandate. Although the mandates of these missions differ, both are non-executive (as in the case of most civilian missions).

EU civilian crisis management in Georgia and Palestine

The EU Police Mission for the Palestinian Territories (EUPOL COPPS) and the EU Monitoring Mission (EUMM) are among the oldest ongoing civilian missions. Deployed in two different conflict contexts, the missions differ in terms of their key functions and tasks and their size, while they are a part of a broader EU response to the crises in the neighbourhood (since Table 1).

EUMM was deployed to monitor the implementation of the EU-mediated six-point ceasefire agreement that ended the Russia-Georgia war over Abkhazia and South Ossetia, which had broken away from Tbilisi's control in the early 1990s. Deploying the mission in September 2008, just a few weeks after the war, the EU aimed to contribute to long-term stability throughout Georgia and the surrounding areas and short-term stabilisation reducing the risk of a resumption of hostilities. The EUMM mandate includes four key tasks: (1) stabilisation - the mission monitors, analyses and reports on the situation pertaining to the stabilisation process, centred on full compliance with the six-point agreement, including troop withdrawals, and on freedom of movement and actions by spoilers, as well as on violations of human rights and international humanitarian law; (2) normalisation - the mission monitors, analyses and reports on the situation pertaining to the normalisation process of civil governance, focusing on rule of law, effective law enforcement structures and adequate public order; (3) confidence-building - it contributes to the reduction of tensions through liaison, the facilitation of contacts between parties and other confidence building measures; and (4) informing European policy (Council 2008a). At its peak, EUMM had over 400

staff, including 274 international staff. The mission has headquarters in Tbilisi and three field offices in Gori, Mtskheta and Zugdidi, which are responsible for monitoring the Administrative Border Line (ABL) separating the two breakaway regions from Tbilisi-controlled territories.

Despite its Georgia-wide mandate, EUMM has never obtained access to South Ossetia and Abkhazia. Although the hostilities ended, the prospects for peaceful conflict resolution have arguably not improved. Russia has never fully implemented the six-point agreement. After recognising the independence of South Ossetia and Abkhazia, it has established a long-term military presence, launched the process of ‘borderisation’ (erecting fences and barbed wire and placing additional border guards on the ABL) and signed far-reaching integration treaties with the de facto authorities. However, the mission is widely seen as a success for its quick deployment and contribution to easing tensions and preventing outbreaks of violence. For Georgia’s government, EUMM is important as an international presence on the ground, especially since the UN and OSCE missions had to withdraw due to Russia’s veto (Interview (A), 2014). Russia also appreciates EUMM, though non-publicly, as it reinforces the status quo (Boonstra & Melvin 2011: 15).

EUPOL COPPS has been deployed to enhance the EU’s contribution to state-building in Palestine within the logic of two state solution envisaging the creation of the Palestinian state along with the state of Israel, which was endorsed by the EU and the international community (see Bouris 2014: Chapter 3). In 2005, the EU sent two CSDP missions to Palestine – EUPOL COPPS and EUBAM Rafah – with the aim of enhancing its visibility in the international conflict resolution and mitigating against the image of ‘the payer, not the player’.ⁱ The EUPOL COPPS mandate initially consisted of three dimensions: (1) assisting the Palestinian Civilian Police (PCP) in the implementation of the PCP development programme by advising and closely mentoring PCP, and specifically senior officials at District, Headquarters and Ministerial level; (2) coordinating and facilitating EU and Member State assistance, and where requested, international assistance to PCP; and (3) advising on police-related Criminal Justice elements (Council 2005). In 2008, the mission’s mandate was expanded to the rule of law area (Council 2008b), which emphasised the link between policing and justice. Within the rule of law area, EUPOL COPPS provides advice to the Ministry of Justice, the Courts, the Prosecution, the Correction and Rehabilitation Centres Department as well as the Bar Association of lawyers and the Independent Commission on Human Rights (EEAS 2015). Headquartered in Ramallah, the mission has expanded and in 2015 it comprised 71 international staff and 41 local staff.

EUPOL COPPS has been recognised by the EU and member states, the Israeli government and the PA as a success (Bouris 2014: 112-113). However, the EU has been criticised by scholars and civil society groups for focusing on technical training and infrastructure building, while missing the link with the non-reformed political institutions that underpin the security sector in Palestine and a broader political strategy of conflict resolution and support towards building a viable Palestinian state (Bouris and Reigeluth 2012, Kristoff 2012, Bouris 2014). The danger of an overly technical approach to police reform is aggravated by the fact that Palestinian society largely distrusts security agencies, including the police, and sees security sector reform (SSR) as an externally-owned process serving the occupier’s interests, rather than those of Palestinian society (Interview (Q), 2014; Interview (R), 2014; Friedrich & Luethold 2008; Kristoff 2012). Meanwhile, the two-state solution to which the EU mission seeks to contribute is seen as being increasingly under strain (ECFR 2013).

Table 1. Overview of the two missions in focus

	EUMM (operational since 2008)	EUPOL COPPS (operational since 2006)
Mandate	Ceasefire monitoring	Police & Rule of Law
Main tasks	- stabilisation (compliance with the ceasefire) - normalisation of civil governance - confidence-building - informing the EU	- advising & mentoring on the police reform and criminal justice - coordinating and facilitating EU and member states’ aid
Location	Tbilisi (HQ), field offices in Gori, Mtskheta & Zugdidi	Ramallah (HQ)
Staff (as of 2015)	204 international	71 international
Heads of Mission	Carrier diplomats, with an exception of a military official (2011-2013)	Police
Other EU conflict resolution and crisis management tools deployed	EU Special Representative, humanitarian and development assistance, participation in the multilateral peace talks	EUBAM Rafah (inactive since 2007), EU Special Representative, humanitarian and development assistance, participation in the multilateral peace talks

When and how non-state actors access CSDP: formal and informal practices of participation

It is argued in this section that though formal rules guiding the engagement of CSDP structures with NSA exist, they are not systematically put into practice. Moreover, they are subdued due to a more powerful rule of secrecy and confidentiality in the EU security policy. Against such a background, the power of informality governs interactions between CSDP structures and NSA. Due to informal access, NSA gain room for participation in the policy process, though mainly when missions are already deployed in the field. However, informality also implies that their involvement is non-systematic and fragile, as it depends on the individual entrepreneurship of NSA representatives and

policymakers that share an interest in the mutual exchange of information and cooperation.

Ineffective formal rules

The formal rules guiding the interaction of CSDP structures with civil society are outlined in the ‘Recommendations for Enhancing Co-operation with Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) in the Framework of EU Civilian Crisis Management and Conflict Prevention’ adopted by the Council’s Committee on Civilian Aspects of Crisis Management (CIVCOM) in November 2006. The document was a result of the political entrepreneurship of the Finnish Presidency in the EU, which was interested in the development of the civilian CSDP and civil society engagement. Finland’s Ministry of Foreign Affairs supported, both politically and financially, the efforts of two Finnish NGOs, which were later joined by the Brussels-based European Peacebuilding Liaison Office (EPLO) to develop and promote specific recommendations for enhanced EU cooperation with civil society (Gourlay 2006). Drafted on the basis of these recommendations, the CIVCOM document went through ‘tough’ negotiations in the Council, as ‘some member states, notably from the South, regarded civil society as not being a priority’ (Interview (B), 2014).

The three-page document defines the operational efficiency of EU crisis management as the goal of cooperation with NGOs and CSOs and proposes CSDP structures to engage them via informal exchanges at the Political and Security Committee (PSC) and CIVCOM in the Council; during fact-finding and pre-planning missions; in the mission evaluation and lessons learnt process; via the establishment of NGO/CSO liaison officers in the missions and the Council Secretariat, and through defining modalities for routine information exchange with civil society in the field (CIVCOM 2006). However, it appears from the interviews that the CIVCOM recommendations are not applied in a systematic way. Their implementation seems to depend on an EU official interpreting and applying them. For example, the EUMM personnel working with civil society say that the guidelines are vague, and their superiors may not be open to information exchanges with civil society.

Apart from the general character of the CIVCOM recommendations, the rule of confidentiality in CSDP seems to be in conflict with a greater openness to civil society. An EEAS official gave a visual example:

CSDP departments sit in the Cortenbergh building. This is an extra secure building with additional security checks. This gives you an idea of the inaccessibility. When we were there,

we would accept PhD students. But there is a lot more of a culture of secrecy, as there are more sensitive issues, more information that may not be disclosed (Interview (C), 2014).

Many of the NGOs interviewed also complained about the lack of transparency and access as major obstacles to advocacy on CSDP related issues. A representative of a Brussels-based think-tank, which ran a CSDP mapping online portal, stated that EEAS crisis management departments were unwilling to give them basic factual data on CSDP missions, perceiving it as secret and confidential. Instead, they received the requested information from the missions and several member states' representations in Brussels, mainly from Scandinavian states and Germany (Interview (D), 2014).

At the implementation level, the mission's operation plan (OPLAN) approved by the Council may mention the need to liaise with CSOs, whereas the missions regulate the methods of engagement with non-state actors in the Mission Implementation Plan (MIP) and other internal documents. MIPs usually have some provisions concerning engagement with civil society and may go as far as mentioning specific NGOs working on the issues relevant to the mission's mandate. In the case of EUMM, a more detailed internal concept paper has outlined a rationale for the mission's engagement with civil society.

Informal practices

Informal engagement with NSA prevails in CSDP: it does not take place within formally run consultations and remains unpublicised beyond the small circle of those invited to participate. For example, in Brussels, PSC and CIVCOM have regular meetings with NGOs, which are often held as working breakfasts. Policymakers also seek to attend meetings organised by NGOs, which are often organised by EPLO or other key international NGOs working on the relevant conflicts. In the field, information exchange often takes place 'over a cup of tea or coffee' or on the margins of official events.

Despite the regular interactions, engagement with NSA during the earlier stages of the policy cycle is very limited. The interviews with EEAS and Council representatives involved in CSDP reveal that Brussels-based actors exclude NSA during agenda-setting, planning and decision-making, but may consult them during the strategic review of missions. In contrast, the CSDP missions reach out to NSA more intensively at the implementation stage.

As an EPLO representative explained, the first time the EEAS structures reached out to EPLO during the planning process was in the case of the EU Advisory Mission (EUAM) to Ukraine, deployed in July 2014 (Interview (E), 2014). However, the meeting was mostly dedicated to convincing the EU officials of the value of cooperating with civil society on the ground by bringing examples of civil society involvement in SSR in Ukraine and other transition and conflict contexts. Without having any access to the planning documents or even discussions, the NGOs found it difficult to make any substantial contribution to the EU debate. Whereas fact-finding missions are deployed on the ground before a CSDP mission is planned, EU officials in the fact-finding missions are often short of time to meet with NGOs and civil society, as their agenda is dominated by government and international actors (Interview (F), 2014).

There seems to be more engagement with NSA during the evaluation of a mission's impact, or a strategic review, but this is not systematic either. As a CIVCOM member stated:

[The strategic planners at the EEAS] do try to reach beyond the strict circle, but it is still limited. They could be coming to the country to do the review there, for a week or so, but there are limits on amounts of contacts. They are mainly governmental and international actors, and there is not much time for outside actors (Interview (F), 2014).

An EPLO representative confirmed that NSA involvement in strategic reviews has gradually become an informal practice:

Together with OSI we thought that strategic reviews could be an opportunity for us to engage with crisis management bodies. We started information meetings with the crisis management structures in which no-one would know that strategic planners meet civil society. We would go to the Cortenbergh building and then leave in secret, so the member states would not know. It started with the EU police mission to the Democratic Republic of Congo [deployed in 2005-2007]. Now we have a more established process. We also do it through the Civil Society Development Network [financially supported by the European Commission]. It allows us to cover our time and also to bring civil society experts from outside Brussels. Before it was only people who were based here and there are not many, because we did not have funds to bring them (Interview (E), 2014).

The EU policymakers have different perceptions about the added value of involving civil society in strategic reviews. An interviewed EEAS official found a meeting with NGOs on the last strategic review of EUMM 'superficial' (Interview (G), 2014). Apparently, the invited NGOs lacked information on the specific issues that the EEAS wanted to discuss. In the case of EUPOL COPPS, consultations with local and international NGOs in Palestine in the process of preparation of the first strategic review were instrumental in expanding the mission's mandate to criminal justice in

May 2008 (Interview (B), 2014).

At the implementation level, interactions between CSDP staff and NSA are more intense. However, there is significant variation in the size and scope of the two missions. Each mission has its own ways of reaching out to civil society and NGOs. The EUMM headquarters at Tbilisi and the field offices have a number of institutionalised practices of communication with civil society. The office in Zugdidi holds information sharing meetings with local civil society every four weeks (Interview (T), 2015). The Gori field office runs monthly briefings for local NGOs after the meetings of the Incident Prevention and Reaction Mechanism (IPRM), a diplomatic forum to address the consequences of the 2008 conflict, co-chaired by the OSCE, the EU and the UN, in which the Georgia and South Ossetian de facto authorities, as well as Russia and the US participate (Interview (U), 2015). Local CSOs use the 24-hour telephone hotline system attached to the IPRM to quickly report on specific incidents. At the time when the interviews were conducted, the Mtskheta office was planning to establish regular consultations with local civil society (Interview (V), 2015). Each year EUMM runs a 16-day activism campaign against gender based violence during which its gender advisers and monitors meet police officers and also NGO and local community representatives across the country. The mission's Press and Public Information Unit set up the EUMM Prize for Peace Journalism as a means 'to reconnect with media' and to reach out to the South Ossetian, Abkhazian and ethnic Georgian journalists working on the conflict (Interview (H), 2015).

Besides these more formalised practices of consultation and engagement, a number of staff in the EUMM's headquarters and field offices, such as political advisers, human rights advisers, gender advisers, analytical capability analysts, press and public information officers, human security teams and hotline coordinators have regular (daily, weekly or monthly) contact with CSOs to enable the exchange of information and views. Both in Tbilisi and in the field offices, EUMM staff reach out to civil society actors informally at numerous events organised by NGOs and international organisations. EU officials are also invited to be observers at confidence-building events organised by NGOs, which bring together civil society representatives and, at times, officials representing the conflict parties.

There are no formal mechanisms of consultation with civil society in EUPOL COPPS. Informal interactions with civil society are concentrated in the Rule of Law section, mainly at the level of

human rights and gender advisers, who keep regular (on a weekly basis) contact with CSOs as a partner to mainstream gender and human rights within the official counterparts. Cooperation with civil society is largely on an ad hoc basis and is driven by individuals rather than the institution (see also Palm 2010: 20-21). For example, women's organisations are occasionally involved in training provided by the mission for Palestinian police or they are asked for feedback on police accountability and oversight (Sundin and Olsson 2014).

In addition, four Palestinian NGOs were implementing partners in the UN Development Programme-EUPOL COPPS Joint Programme 'Strengthening Internal Police Accountability, National Anti-Corruption and Civilian Oversight' co-funded by the Netherlands, Denmark, Sweden and Belgium. Through this programme EUPOL COPPS sought to encourage internal and external accountability of the PCP, in part as a reaction to the criticism of Palestinian and international NGOs regarding human rights violations by security agencies and corruption in the PA. External accountability is seen as important in the absence of parliamentary oversight since the mandate of the Palestinian Legislative Council has expired. However, the Palestine police are reluctant to be placed under external supervision and EUPOL COPPS has helped to set up mechanisms of internal accountability, on the one hand, and to promote police openness to the public by funding the work of selected NGOs on civilian-police cooperation, the culture of complaints and monitoring, on the other (Interview (I), 2014). The EUPOL COPPS interactions with civil society have mainly occurred on the margins of events aimed at civil society interactions with PCP and the Anti-Corruption Commission envisaged by the Joint Programme.

To sum up, formal rules on the EU's engagement with civil society in the civilian CSDP do exist. However, their general character leaves a great deal of room for interpretation by EU officials. Moreover, sharing information with outside actors is seen to be in conflict with the prevailing prerogative of non-disclosure or carefully filtering of information about CSDP missions. Against such a background, informal channels of interaction between EU officials and NSA are of increasing importance to complement or substitute for the ineffective formal rules (see Helmke & Levitsky 2004). Although an exchange of information with NSA takes place in Brussels, CSDP structures exclude them from the early stages of the policy process, including the planning of missions. Brussels-based actors may also consult NSA in the process of evaluating a mission's impact. Interactions are more intense during the implementation phase, though there are notable differences in the level of cooperation with NSA in the two missions that are the focus of this study. EUMM has developed consultations and regular contact with NSA across its various levels and

units, while EUPOL COPPS engagement remains modest.

Why do NSA gain access?: Resource exchange, bureaucratic culture and lobbying as ‘the push factor’

As will be argued in this section the rationalist accounts presented in the literature on non-state actor participation in international organisations such as resource exchange theories explain the EU’s engagement with NSA to a greater extent. However, constructivist-based explanations should not be discarded either. It appears from the interviews that organisational and individual cultures provide a complementary vision of why access is facilitated or restrained. Finally, the supply side, or ‘push factor’ – the intensity of non-state actors’ advocacy on CSDP issues – should also be taken into account in the story of the EU’s engagement with NSA (see also Steffek 2013).

Engagement as a resource exchange

Resource exchange theories (Bouwen 2002, Steffek 2013) offer a powerful explanation as to why EU officials provide informal access to NSA. Exchange of information, analysis and expertise are the main goods that EU policymakers seek from civil society.

The interviewed EUMM officials emphasised that information that comes from NSA ‘adds to what comes from the official side’ and ‘provides for an alternative vision to formulate the mission’s reports’. According to them, cooperation with civil society ‘contributes to the mission’s analytical capacity’ and ‘helps to resolve problems within the EUMM mandate’ (Interview (H), 2015). Similarly, the EUPOL COPPS officials believe that engagement with NGOs helps the mission to put its ‘work in the context’ and ‘provides a complementary vision on the performance of Palestinian police’ in the absence of a monitoring mandate (Interview (I), 2014; Interview (J), 2014; Interview (C), 2014).

In the context of the conflicts, when access to some geographical areas is limited for EU officials, or a party in the conflict is represented by ‘de facto authorities’ or ‘terrorist groups’ with which the EU does not have a formal relationship, information brought by NSA is often the only source from which to learn about local views and developments. This is the case for Abkhazia and South Ossetia, to which EUMM does not have access and for Gaza, where EUPOL COPPS has not been able to operate since the split within the Palestine Authority in 2007.

Many of the interviewed Brussels-based officials see the value of information and expertise brought

by NSA at the stages of planning a mission (the early warning function and knowledge of local conditions and the conflict context), its implementation (providing ‘the reality check’, delivering information on whether and how political decisions by the host authorities are implemented, and ensuring democratic accountability and oversight of security sector) and during the evaluation of the mission’s impact (Interview (B), 2014; Interview (C), 2014; Interview (F), 2014; Interview (G), 2014; Interview (M), 2014; Interview (P), 2014). Outside perspectives are also regarded as important given the under-resourced civilian CSDP capabilities in Brussels and the lack of necessary expertise in the member states (Interview (M), 2014; Interview (F), 2014). Moreover, NSA often possess longer institutional memories of the conflicts than EU crisis management institutions. As a policymaker working on the South Caucasus conflicts at the EEAS put it: ‘People in NGOs were involved in the conflict for decades, while people in the international organisations are in and out’ (Interview (K), 2014).

The EU officials also added that cooperation with civil society is needed to ‘have our intentions understood’ and gain a societal understanding and support for the mission’s work. In the field, it translates, for example, into cooperation with a local NGO that runs a radio station, which reaches out to the population in Abkhazia to disperse myths about the EUMM mandate and its activities. EUMM officials also pass information based on their monitoring to CSOs in order to reach out to the local population and authorities, especially in the breakaway regions to which the mission does not have access.

The sovereignty costs associated with the involvement of outsiders in the policy process seem to explain the limits of engagement between civil society and CSDP structures as a resource exchange. In line with the literature on the participation of NSA in international organisations (Tallberg *et al.* 2014), most CSDP engagement with NSA takes place during the implementation of a mission’s mandate in the field rather than during intergovernmental policymaking in Brussels.

Driven by the mission’s mandate

Comparing the engagement with NSA in the two missions reveals that the mandate that defines the main aims and functions of a CSDP mission is an important factor explaining its openness to the outside world and the quantity and quality of contacts with civil society on the ground. EUMM is tasked with monitoring and information gathering, including from NSA. Moreover, it contributes to the normalisation of the situation and the lives of the conflict-affected population, and thus an important element of the mission’s mandate is of a humanitarian nature. While the mission does not

provide humanitarian aid, it cooperates with local civil society organisations with regard to the referral and follow-up of the results of monitoring (for example, individual cases of displaced or conflict-affected people who need help). Having a lot of staff on the ground and interacting with local communities and stakeholders, including CSOs, EUMM is an example of a CSDP mission that is open to NSA. In contrast, EUPOL COPPS is an advisory and mentoring mission that primarily aims to assist the Palestinian authorities with reform of the police and criminal justice. Most of its staff are policemen working with their counterparts in the Palestinian police or prosecutors working with Palestinian prosecutors. Only the advisers dealing with mainstreaming human rights and gender have regular contact with civil society.

As a political advisor at EUMM explained, ‘civil society engagement is to support the EUMM activities in the implementation of the mandate’ (Interview (L), 2015). The mission’s staff mentioned engagement with civil society related to all four aspects of the mandate: 1) stabilisation - civil society is regarded as helpful in ensuring democratic oversight of security actors in Georgia; moreover, from a human security perspective, NGOs also act as security actors as they provide essential services such as food and water to the conflict-affected population; 2) normalisation - civil society is seen as instrumental in promoting the rule of law and human security, and improving the situation of the displaced and conflict-affected population; 3) confidence-building: confidence building activities promoted by civil society and involving the conflict-affected populations on both sides of the ABL are seen as important and given the lack of the mission’s access to South Ossetia and Abkhazia, civil society actors help the mission to better understand the situation in the breakaway regions; and 4) information gathering and verification - NSA are viewed as another source of information. The latter aspect of the mission is probably the most prominent in the EUMM’s contacts with NSA. Moreover, engagement with civil society is seen as contributing to enhancing EUMM’s transparency and outreach. Finally, a potential role for civil society is contemplated in the context of EUMM’s exit strategy. NGOs are seen as taking some of the EUMM tasks related to the monitoring of the human security situation in the communities across the ABL, inspired by an example of community-led monitoring systems established by the UK-based NGO Saferworld and its local partners (Interview (G), 2014).

In the case of EUPOL COPPS, the engagement with NSA is more limited. The mission’s primary task is to assist the Palestinian Authority bodies. The mission representatives interviewed stated that communication with local NGOs provides a complementary vision of the police and justice sector

in the absence of a monitoring mandate. However, the lack of such a mandate is also a reason why, compared to EUMM, EUPOL COPPS does not need to exchange information with NSA regularly. The EUPOL COPPS' engagement with civil society is mainly driven by the need to have civil society organisations monitoring and cooperating with security agencies in order to 'legitimise partner institutions' in the absence of a legitimate parliament.

From secrecy to openness and back: individual and institutional cultures

In line with the constructivist explanation, the spread of participatory governance norms would lead to the expansion of non-state actor access to CSDP over time. This motivation was hardly mentioned by the interviewed policymakers. Moreover, the formal rules of access have not evolved since their adoption in 2006. Although informal practices have developed, their expansion is not linear. The research reveals that individual and institutional cultures (police/military vs. civilian; member states' national bureaucracies; Commission vs. Council) seem to mediate the extent to which informal access to NSA is provided.

At the level of implementation, the mandate of the mission determines the kind of personnel that are recruited. While EUMM consists of people with military, police and civilian backgrounds, including people who used to work for or with civil society organisations, the EUPOL COPPS staff mainly come from police, prosecution and judiciary backgrounds. This also influences the organisational culture of the mission. An EUPOL COPPS official shared his insight:

EUPOL COPPS is a very inward looking mission. It is organisationally looking towards the police; there is a police culture, a culture of not sharing information. We keep together even if we come from different countries. If you share too much information, you risk not having authority. They – the police – need authority (Interview (I), 2014).

In this regard, organisational culture appears to be an important factor explaining the openness of the CSDP structures to the outside world. The interviewee spoke of the police culture as a type of occupational culture that includes values, beliefs and norms shared by the representatives of the police profession that has certain impacts on their behaviour and thinking. Authority, secrecy, solidarity and suspicion or a lack of trust in outside actors are usually associated with police occupational culture and seem to transcend national borders (Crank 2015; O'Neill et al. 2007). It may be the case that occupational culture is reconstructed and embedded at the level of a new organisation constituted by police officers from different European countries. The impact of occupational cultures on the organisational cultures of the EU bodies has already been discussed in the literature. In her study on the role of knowledge-based networks in European security

integration, Cross (2011) concludes that the military occupational culture has contributed to smoother decision-making in the EU Military Committee.

Scholars have previously written about the different organisational cultures of the EEAS: whereas the geographical departments that came from the Commission seem more open to NSA and have inherited a culture of consultation with civil society, the crisis management departments that came from the Council Secretariat have a different culture characterised by secret intergovernmental negotiation (Carta 2012: 152). This finding was corroborated by the interviewees, both NSA and policymakers. The interviewed NGOs also underlined that different organisational cultures exist at the level of the member states' bureaucracies and diplomacies with which they deal. They mentioned Nordic countries, such as Sweden and Finland, as most open to civil society, whereas the statist tradition seems to dominate in France and Eastern EU member states.

Organisational cultures may also be 'broken' by individuals who are more open to civil society due to their personal backgrounds and beliefs. The personal interest and engagement of CSDP officials enables NSA to circumvent the lack of formal access and the prevalent secrecy. As the EPLO representative explained, their allies in different crisis management bodies provide them with access by 'offering a service of having discussions with civil society' (Interview (E), 2014).

However, the opposite holds as well: individuals also play an important role in keeping CSDP structures shielded from NSA. A EUMM representative narrated a vivid example of such a clash:

When I came to the mission, I dared to say to the staff in one of the field offices to share filtered information with NGOs, to share information about water issues and other issues relevant for communities. I was slapped in the face in front of everybody by the field office chief. It really depends on the personality of the Head of Mission. In Brussels, I was told to engage with civil society and the media, but it is not what is going on here (Interview (H), 2015).

The leadership of the mission has freedom to manoeuvre in terms of the interpretation of the mission's mandate and, thus, can define the modalities of sharing information, reaching out to the media and NSA. In the case of EUMM, both EU staff and civil society advocates agreed that NGOs' ability to influence the mission's work has varied over time depending on the mission chief in place. The period when the mission was led by an army general was characterised by a lack of access of NGOs, who were seen as 'Russian spies' in the words of one interviewee (Interview (S), 2014). With the arrival of a civilian chief, the mission also became more open to civil society, mechanisms of consultations and outreach to civil society were established, and the concept paper

on how to engage with civil society was drafted by the mission.

It is noteworthy that many staff who deal with civil society in the missions and in the EEAS interviewed for this study come from the northern EU member states, especially the Nordic countries. A number of NGOs, especially in Brussels, also mentioned that officials ‘coming from the Nordic states’ tend to be more open to civil society. Moreover, ‘some member states also put pressure on the crisis management bodies to be more open to us’, as an advocacy group representative revealed (Interview (E), 2014). This tendency deserves further investigation. It may well be the case that some member states send more civilian personnel or personnel with non-governmental experience to CSDP missions. In general, people who are responsible for liaising with civil society in the missions tend to have prior experience of dealing with civil society (either in a previous position or through having worked for an NGO).

‘The push factor’: intensity of NSA lobbying

Building informal access is a two-way street: NSA that advocate on conflict resolution and crisis management issues push to expand the space for civil society involvement. There is a small circle of NSA involvement in advocacy on the civilian CSDP in Brussels; most of them are think-tanks and NGOs.ⁱⁱ The NSA most frequently mentioned by the Brussels-based interviewees is the EPLO, the mentioned above EU-level platform of European NGOs mentioned above, NGO networks, and think-tanks working on peace-building and conflict prevention. The EU supports EPLO by funding the Civil Society Dialogue Network, a mechanism for dialogue between EU policymakers and civil society on peace and conflict related issues. Many EPLO members were also mentioned as NSA with whom they had engaged by the interviewed EU officials working on the conflicts in Georgia or Israel-Palestine.

EPLO takes credit for achieving some success in opening up of crisis management bodies through building allies with policymakers at different institutions and the units across them (Interview (E), 2014). This view was also confirmed by the interviewed Brussels-based policymakers who named EPLO and their members as the first contact point and ‘a one-stop shop’ for reaching out to civil society. As a diplomat in the Council described:

[EPLO] has the best outreach in Brussels. They either come to us and we have working breakfasts, or we attend their meetings with their guests. For example, we attended a meeting at which the International Crisis Group was talking about Ukraine, or Amnesty was talking about Kosovo ... Regular contact with them is a normal practice (Interview (M), 2014).

In the field, local and international NGOs working on Georgia seem to be more active in reaching out to the mission than their counterparts in Palestine. Despite the fact that nearly 300 groups are trying to influence EU policy towards the Israeli-Palestinian conflict (Voltolini 2016), only a few of them have ever focused on the CSDP missions in Palestine. For the majority of most of the active advocates both in Brussels and in Palestine, the missions are ‘a marginal issue’ or ‘a small technical element’ (Interview (N), 2014; Interview (O), 2014), whereas their advocacy focus is mainly on the EU’s policies towards Israel in the context of conflict resolution and crisis management (see *ibidem*). State-building in Palestine, to which the EU seeks to contribute via the CSDP missions, is a secondary issue at best, as the vast majority of advocates see it as a ‘no-go’ under Israel’s occupation. Palestinian and some international human rights organisations work on the Palestinian police reform, but human rights violations related to Israel’s occupation feature much higher on their international advocacy agenda. The mandate of EUPOL COPPS is also seen as too narrow by Palestinian NGOs, as the mission works only with PCP, while there are other security agencies in Palestine with a record of serious human rights violations and lacking civilian oversight.

In the case of EU policy towards the conflicts in Georgia, there are a limited number of groups that are trying to influence EU policy, but their advocacy touches upon the core of the EU policy of conflict resolution and crisis management conducted via CFSP/CSDP. In most cases, these are European and local NGOs who have been working for years on confidence building, development, and humanitarian and other conflict-related issues in Georgia and the breakaway entities, and their work is very relevant to what the EU does on the ground. For example, NGO Saferworld assisted the mission in developing more effective monitoring techniques that would engage the local communities and advocated for the inclusion of local communities in confidence building activities mediated by EUMM. Local NGOs work with EUMM to obtain assistance in solving human rights issues and improving the human security and welfare of the conflict-affected population and use the mission as an ally to exert influence on the Georgian authorities or draw the attention of international donors. In general, in the case of Georgia, the NSA are more positive about the role of EUMM than those involved in advocacy with regard to the EU’s policy towards the Israeli-Palestinian conflict.

Conclusion

This article has examined the practice of the EU’s engagement with NSA in CSDP by focusing on two civilian missions in the neighbourhood. It shows that the interaction between NSA and CSDP structures take place both in Brussels and in the field in which the CSDP missions operate.

However, the participation of NSA is more welcome during the implementation stage than during the policymaking process. However, the formal guidelines for cooperation with NSA adopted by the Council remain largely ineffective. They are seen as incomplete and in conflict with the culture of secrecy and non-disclosure of information in CSDP. At the same time, the information and services that NSA can provide are appreciated by EU policymakers and the mission's staff. There seems to be an increasing understanding of the need to cooperate with civil society in the EU and especially in the countries in which CSDP missions operate in order to improve the mission's performance and impact. Under such conditions, informal practices of engagement such as informal consultations, briefings and one-to-one meetings have become widespread.

The rational choice based and functionalist accounts explain why policymakers open up: CSDP missions need NSA to implement the mandate, while non-state actors' advocacy helps to broaden the space for participation. EU officials cooperate with NSA to satisfy their needs in terms of information, expertise or other services provided by NSA, which can improve the effectiveness and impact of EU crisis management. Exchanges of information and consultations with NSA are more common when missions have already been deployed, whereas NSA are largely excluded from the early stages of the policy process, including the planning phase of the mission. Most engagement occurs at the stage of implementation. This is explained in the literature by higher sovereignty costs, which member states associate with the involvement of outsiders in policymaking. Moreover, policymakers in Brussels are also busy communicating and coordinating positions internally, whereas the mission's staff have more opportunities to deal with civil society on the ground.

The constructivist account complements the picture. Although the spread of the participatory governance norm does not feature as a factor in explaining why CSDP structures facilitate access to NSA, individual and institutional cultures do matter. The prevalent culture of secrecy is unevenly spread across CSDP structures. The same mission led by staff with a civilian background is more open to NSA, whereas police and military personnel seem less habituated to interacting with civil society groups. Moreover, it seems that representatives of certain national public administration cultures tend to be more supportive towards opening up to NSA.

This finding has an important implication for the literature on non-state actor participation not only in the EU security and defence policy, but also in international organisations in general and in the security realm in particular. The previous studies on non-state actor access did not pay sufficient attention to the role of organisational and individual cultures, and this factor deserves further

investigation.

This study emphasises the need to pay greater attention to informal governance in the areas of intergovernmental policymaking in the EU and other international institutions because it has greater potential to explain how the policies in these organisations are made and how international cooperation advances than just looking at formal structures and institutions. While most studies on non-state actors' participation in global governance focus on formal access, they risk overlooking an important element of the overall picture. This article also encourages students of lobbying in the EU to examine the pathways to NSA influence beyond the formal consultation channels.

The power of informality in the EU's engagement with NSA also has important normative implications. Informal access for NSA, especially civil society groups, may favour citizens' participation and public scrutiny of the EU foreign and security policy. Given that CSDP is made by Brussels-based officials who have little contact with citizen groups from the member states, national channels of representation and participation have weakened (Sjursen 2011). European and Brussels-based NGOs that enjoy informal access to CSDP can provide a link towards greater transparency and public debate regarding where the EU sends state-building or post-conflict stabilisation missions, or how effectively it supports human rights and international humanitarian law norms in crises. However, the informality of the EU's engagement with NSA also implies that it remains hidden from the public eye. While expertise and information may flow between EU policymakers and NSA, there seems to be little interest on both sides in publicising these relations (see also Dembinski and Joachim 2014). It is noteworthy that NSA lobbying on CSDP in Brussels rarely mention the European Parliament as a target of their advocacy or an ally in opening up CSDP structures (which could also be due to the fact that the European Parliament's function of scrutinising CSDP is undeveloped). Similarly, more transparency and information about CSDP missions is required in the countries of deployment if the EU aspires to use local civil society and interest groups as an ally in promoting democratic change.

Further studies are needed in order to understand the interplay of the different factors accounting for the EU's engagement with NSA in CSDP. For example, studies focusing on a larger number of cases, also including the EU missions with an executive mandate (EULEX in Kosovo) and military operations, could provide more data to verify the current findings. Research is also welcome on the

i EUBAM Rafah was launched in November 2005 as a border monitoring mission with the aim of providing a third party presence at the Rafah Crossing Point linking Gaza with Egypt, facilitating the

opening of the crossing point and building up confidence between the Israeli government and the Palestinian Authority. When Hamas took control of Gaza in 2007, the operation of the mission was suspended. See Bouris (2014).

ii This seemingly contrasts with the military CSDP, which attracts a far greater attention of from non-state actors, especially associations representing the interests of the defence industry and the defence research and technology industry. Their lobbying is seen as one of the factors explaining the growth and development of CSDP (Keukeleire and Delreux 2014: 195), and especially the EU's focus on its military dimension.

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