Improving EU Engagement with Non-State Actors

Abstract

This report, FRAME 7.2, provides analysis of the EU’s engagement with non-state actors. In the context of FRAME, non-state actors (NSAs) are understood to encompass businesses, international financial institutions (IFIs), civil society organisations (CSOs) and human rights defenders (HRDs), and the report is divided along these lines of analysis. The report relies on both desk research and qualitative, interview-based research to identify and evaluate the means through which the EU and the different types of NSAs engage with each other on human rights. The report begins with contextualising introductions to each of the areas of engagement with NSAs before analysing engagement with each group individually in the subsequent chapters. The report concludes by identifying some cross-cutting issues. The report establishes that engagement with NSAs has the potential to add a great deal of value to the EU’s human rights policies and activities both internally and externally. The EU can draw on the expertise and experience of NSAs when forming policies, utilise NSA infrastructures in third states to gather information or implement policy and, through working with NSAs, generate greater political and financial leverage than the EU would be able to generate on its own. The report identifies a number of cross-cutting issues that need to be addressed in order to strengthen engagement with NSAs, such as improving the quality and consistency of public consultations, which serve as a key point of engagement across the EU, and improving the transparency of the process of EU engagement with various NSAs.

The EU’s Corporate Social Responsibility (CSR) agenda has evolved as the key source of engagement on human rights issues with businesses. Interviews have provided a rich source of practical experiences of CSR from both the EU institutional and business perspectives. Also, one of the researchers participated in the recent Multistakeholder Forum on CSR where debate took place on further refinements of the balance between voluntary and mandatory measures in a ‘smart mix’ of CSR initiatives. However, as this is a broad policy area, which engages multiple DGs of the Commission and other institutions and bodies within the EU’s infrastructure, there is a risk that the EU’s overall CSR policy will lack coherence and focused direction. This risk is, if anything, amplified by recent changes in configurations of DGs within the EU. We also foresee the need for better engagement with businesses to successfully operationalise the non-financial reporting directive and to improve the remedial structures for human rights violations perpetrated by, or arising in the supply chains of, businesses. Our research shows that the EU’s engagement with IFIs on the subject of human rights both at project and policy level is limited. While the EIB has made some laudable steps to incorporate human rights standards in its work practice, as part of its obligations as an internalised ‘EU Bank’, the other IFIs demonstrated a more limited appreciation for the human rights impacts of their activities. The report considers that the EIB’s experience of incorporating human rights norms into its project activities could serve as a useful template for other IFIs and that the EU should actively facilitate this exchange and commence a more regular dialogue with the other IFIs on the subject of human rights. The report also identifies some issues surrounding the EU’s engagement with CSOs on human rights both within the Union and as part of its external action, for example as part of development cooperation and the European Neighbourhood Policy. While we identified a number of useful fora in which the EU engaged with CSOs, including the European Instrument for Democracy and Human Rights (EIDHR) Forum and EU-NGO Forum, our research showed that the EU engaged with a relatively narrow spectrum of CSOs, favouring large, professional, Brussels-based CSOs and CSO platforms. There is a need for the EU to broaden and diversify the range of CSOs it engages with. Our research also highlighted the need to improve communication channels between the EU and CSOs. On one side, the EU needs to improve its communication with CSOs on policy changes and public consultations. On the other side, the EU needs to improve its communication channels between it and CSOs on the ground in order to receive accurate and up-to-date information on the human rights situations in third countries. Finally, while EU engagement with HRDs on human rights was broadly positive and beneficial for both parties, especially with regard to their receipt of funding under instruments such as the European Instrument for Democracy and Human Rights, our research revealed some problematic
4. Non-state actors at work: lobbying and advocacy in practice


By exploring these dynamics and the role played by NSAs, this paper aims to improve our understanding of the EU’s foreign policy-making process through the analysis of a group of actors that, although under-researched, play a not insignificant role in the formulation and evolution of EU external policy.

2. Non-state actors and EU external policies.

The EU values the engagement with NSAs as an important component of its policies. Secondly, the term non-State actor includes a diverse group of actors with very different, potentially contradicting, interests. In other political negotiations, the direct involvement of the industry, such as in the trade agreements TTIP and TPP, has proven not to be in the best interest of the populations, and potentially damaging public health significantly. Thereby, we would like to raise our concern around the potential consequences of equally involving the industry despite the suggested precautions. Thank you for your attention.