

THE EUROPEAN FOREIGN POLICY AND NON-STATE ARMED GROUPS

by

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Submitted to the Institute of Social Sciences

in partial fulfillment of

the requirements for the degree of Master of Arts

Sabancı University

August 2016

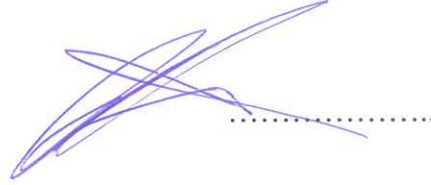
THE EUROPEAN FOREIGN POLICY AND NON-STATE ARMED GROUPS

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Date of Approval: 09 August 2016

ABSTRACT

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M.A., Thesis, August 2016

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Keywords: European Union foreign policy, non-state armed groups, insurgency, insurgent groups, legitimacy, organizational strength

How does the EU really approach the NSAGs, the insurgent groups in particular? Does normative or geopolitical concerns trump over shaping EU's relations with these entities? This thesis aims to understand the rebel organization related factors that the EU takes into account in determining its stance towards an insurgent group. I develop a theoretical foundation for my study to demonstrate why the EU supports some NSGAs while keeping some at its arm's length. In doing so, I build a taxonomy whereby such autonomous political entities are categorized with respect to (a) their level of legitimacy in the respective population's eyes, (b) the level of power (and the strength of their organization). These organizations can wield across the areas they claim a rule on. To explore the behavioral pattern of the EU, the analysis is conducted through a comparative case study on the MILF in Philippines, which represents the group with high legitimacy but high organizational strength, the LTTE in Sri Lanka which represents the group with low legitimacy and high organizational strength and the Janjaweed in Sudan representing the group with low level of legitimacy and low level of organizational strength . The results show that foreign policy variation across the insurgents can be explained to a great extent by the characteristics of the insurgent groups and the instruments used in addressing their proto-diplomatic activities are both driven by normative and interests-based approach.

ÖZET

AVRUPA DIŐ POLİTİKASI VE DEVLET OLMAYAN SİLAHLI GRUPLAR

ÇAĞLA AKINCI

Avrupa Çalışmaları, Yüksek Lisans Tezi, Ağustos 2016

Tez Yöneticisi: Yrd. Doç. Dr. Emre Hatipođlu

Anahtar Kelimeler: Avrupa Birliđi dıŐ politikası, devlet olmayan silahlı gruplar, isyan, isyancı gruplar, yasallık, organizasyonel güç

Avrupa Birliđi (AB) devlet olmayan silahlı gruplara, özellikle isyancı gruplara, gerçekten nasıl yaklaşır? AB'nin bu oluşumlarla kurduđu ilişkiye baskın olarak şekil veren normatif mi yoksa jeopolitik kaygılar mıdır? Bu tez AB'nin isyancı gruplara karşı duruşunu belirlemesinde dikkate aldığı isyancı gruplarla ilgili olan etmenleri anlamayı amaçlar. AB'nin neden bazı grupları desteklerken diđerlerine mesafeli davrandığını gösterecek kuramsal bir dayanak geliőtirdim. Böylece bu özerk siyasi oluşumları (a) kendi halkı gözündeki yasallık seviyesine (b) yönetim iddiasında buldukları topraklardaki uyguladıkları güç seviyesine (ve örgütlerinin gücünü) göre ayırt eden bir sınıflandırma inşa ediyorum. AB'nin davranışsal kalıplarını keşfetmek için, analizimi yüksek seviye yasal ve örgütsel gücü olan grupları temsil eden Filipinler'deki MILF, düşük seviye yasal ama örgütsel gücü yüksek grupları temsil eden Sri Lanka'daki LTTE ve düşük seviye yasal ve düşük seviye örgütsel güce sahip grupları temsil eden Sudan'daki Janjaweed üzerinde karşılaştırmalı vaka çalışması olarak yürütüyorum. Sonuçlar gösteriyor ki isyancı gruplar üzerindeki dıŐ politika deđişimleri büyük bir ölçüde isyancı grupların özellikleri ile açıklanıyor. Böylece, bu grupların proto diplomatik faaliyetlerine karşılık verilirken kullanılan aletler hem çıkar hem de normatif temelli yaklaşımların üstüne kurulu oluyor.

ACKNOWLEDGEMENT

Firstly, I would like to thank my supervisor Emre Hatipođlu who has patiently read each chapter of this study and quickly provided feedbacks with his very helpful comments. As he well knows, it would not have been possible to complete this thesis without his guidance and support. I learned a lot from him as an academic and as a person.

I am also grateful to my jurors Meltem Müftüler Baç, whom I highly benefitted from her areas of expertise in international relations and European studies discipline, and Merve Özdemirkıran, who kindly accepted to serve on my defense jury.

Finally, I would like to express my gratitude to my family for the support, encouragement and affection that they have always provided for me unconditionally. Last but not least, I must thank a special person, *Buđra*, who has always been with me and supported me wholeheartedly while completing this thesis.

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LIST OF ABBREVIATIONS

ARMM: Autonomous Region of Muslim Mindanao
BIFF: Bangsamoro Islamic Freedom Fighters
CAR: Central African Republic
CSDP: Common Security and Defense Policy
CFSP: Common Foreign Security Policy
COREPER: Committee of Permanent Representatives
ECC: European Economic Community
ECJ: European Court of Justice
EU: European Union
EU FP: European Union Foreign Policy
EPC: European Political Community
EEAS: European External Action Service
EU FP: European Union Foreign Policy
EUPM : European Union Police Mission
EU SR: EU Special Representatives
DRC: Democratic Republic of the Congo
FAC: Foreign Affairs Council
FARC: Fuerzas Armadas Revolucionarias de Colombia
HR: High Representative
HR/VP: High Representative and Vice President
LRA: Lord's Resistance Army
IS: The Islamic State
IR: International Relations
LTTE: Liberation Tigers of Tamil Eelam
MILF: Moro Islamic Liberation Front
NSAG: Non-State Armed Group
RENAMO: Mozambican National Resistance or Resistência Nacional Moçambicana
RRM: Rapid Reaction Mechanism
PKK: Partiya Karkerên Kurdistanê
SSR: Security Sector Reform
UN: United Nations
UNITA: National Union for the Total Independence of Angola
WEU: Western European Union

CHAPTER I

INTRODUCTION

1.1. Aims and Relevance of this Study

The EU has been investing in its common foreign policy. But the international environment the EU operates in little resembles the nation-state model. A multitude of players at a multitude of levels is projecting power in the IR arena. Autonomous political entities that are not states and insurgent groups, in particular, have started occupying an increasingly salient place in this new arena. These autonomous political entities, while seeking to defeat the regime, can run political parties, can seek the support from the foreign governments, but also can damage public security, the rule of law, and social and economic development of the country. Some control effectively a part of the state's territory owing to their organizational capacity to provide state-related services and facilitate conflict settlement whereas some pursue rent-seeking behavior, commit banditry and other criminal acts like drug trafficking, extortion, smuggling natural resources.

They have been increasingly subject to scrutiny by many different players, sometimes observers in the United Nations (UN), sometimes the intergovernmental organizations have representatives for them. In an age where weak and failed states are becoming a persistent phenomenon of the global political landscape, how to deal with these entities challenge the policy-maker and the academician alike.

The official EU document describes the non-state armed groups as 'groups who retain the potential to deploy arms for political, economic and ideological objectives, which in practice are often translated into an open challenge to the authority of the state'. In light of this broad definition, the EU sees the non-state armed groups as political entities that can transform into political parties. For this reason that the main conflict resolution policy of the EU towards the non-state armed groups (NSAGs) is to integrate them in political agreements rather than to support military defeat.¹

As such, the EU has started establishing and institutionalizing its relations with such entities. For instance, an interesting institutional development is seen in mediation role of the EU.

¹ See 'Mediation and Dialogue in transitional processes from non-state armed groups to political movements/political parties', *EEAS Mediation Support Project*, November 2012, https://eeas.europa.eu/cfsp/conflict_prevention/docs/2013_eeas_mediation_support_factsheet_armed_groups_en.pdf

At the early stage of its involvement, the engagement with autonomous political entities was mainly executed by the EU Special Representatives (EUSRs) and EU delegations and the mediation was in form of mediation training within the Common Security and Defense Policy (CSDP) deployments as deployed in the EU Bosnia-Herzegovina police mission and through Commission's financial assistance programs. With the 2009 EU Concept on Strengthening Mediation and Dialogue Capacities, the EU has aimed to systematize its mediation support and 'promote the use of mediation as a tool of first response to emerging or ongoing crisis situations'² and almost all institutions started to participate mediation efforts. Later on, the role of EU in conflict resolution process has strengthened with the establishment of the HR and the European External Service.

While accepting the NSAGs as 'inevitable parties to any peace settlement and/or negotiation process', the EU also acknowledges that 'engaging with non-state armed groups poses a series of dilemmas' such as 'legitimizing human rights violators'.³ As such, the EU has developed different ways to contact with non-state armed groups and by looking at different examples, we see that all main bodies of the EU (i.e. European Council, Commission, European External Action Service (EEAS), EU Delegation, High Representative (HR)) establish contact with non-state armed groups at some point. But interesting thing is that these bodies sometimes act alone, sometimes in coordination, and sometimes clashing with each other. So, while the question of how to establish a contact is indeed important, we argue that understanding motivations behind the different institutional response are equally important to assess the determinants of EU FP responses to insurgent groups.

As such, the relation with the NSAGs presents a puzzle: Why does the EU support some insurgent groups while keeping some at its arm's length? This thesis aims to address this puzzle with a simple answer to this question: the EU carefully assesses the characteristics of rebel organizations before deciding whether to support or to distance the group from itself. Supporting our argument with three case studies; the MILF, the LTTE and the Janjaweed, empirical results

² See 'Concept on Strengthening EU Mediation and Dialogue Capacities, Council of the European Union, 10 November 2009, https://eeas.europa.eu/cfsp/conflict_prevention/docs/concept_strengthening_eu_med_en.pdf

³See 'Mediation and Dialogue in transitional processes from non-state armed groups to political movements/political parties', *EEAS Mediation Support Project*, November 2012, https://eeas.europa.eu/cfsp/conflict_prevention/docs/2013_eeas_mediation_support_factsheet_armed_groups_en.pdf

demonstrate that the differences in EU FP responses can be explained to a great extent by the variance over the level of the legitimacy and the organizational strength of the insurgent groups. Furthermore, the instruments used in addressing their proto diplomatic activities shows that both rational and normative consideration matters in the choice of FP tool.

This study is one of the first to empirically analyze the determinants of EU FP behavior towards NSAs. For this purpose, I developed a taxonomy whereby such autonomous political entities are categorized with respect to (a) their level of legitimacy in the respective populations' eyes, (b) the level organization strength these organizations can wield across the area they claim a rule on. The first contribution of my thesis is thus this categorization of insurgent groups which will also be a useful resource for future research on insurgent groups and making inferences about their behavior. Secondly, my thesis is also the first to associate the characteristics of the insurgent organizations to the EU FP formulation. Last but not least, this study will also contribute to the EU FP literature as it provides a ground for future research on understanding of EU FP formulation in conflict processes.

1.2. Structure of the Thesis

Different canonical theories give us varying levels of leverage in understanding and analyzing EU's FP actions. In chapter 2, I will review the logic of EU FP behavior from a realist, liberal, and constructivist perspective.

Much of the literature seeks to understand the nature of rebel organization to enhance the categorization of NSAGs. Chapter 3 provides a definition of insurgency and insurgent group through which I will assess the significant aspect and dynamics of the group that prepares the basis for the taxonomy introduced in chapter 5.

In chapter 4, I will examine the EU FP decision-making process and operational capability. First, I will analyze how the institutional developments and innovations in FP wing is shaped by the turf wars (internal power struggles between member states and supranational institutions) and the national interests of the individual member states. Interestingly, the intergovernmental bargaining process which relies on the logic of protecting national interests ranging from financial, economic to geopolitical can complicate to work together and even block common actions.

In chapter 5, I will develop a theoretical foundation on the how the EU articulates its relation with the NSAGs. Based on the previous chapter stating that the European reaction to external conflicts passes through a combination of military and civilian instruments. I initially proceed by problematizing how the use of operational capacity is shaped by the motivation behind the engagement and non-engagement policy, and what explains why the EU would prefer an instrument over another one. In the light of IR theories, EU FP literature and NSAG literature, I propose an alternative conceptualization of EU FP making towards NSAGs based on the legitimacy and organizational strength of the insurgent groups.

I will test the hypotheses with the MILF, the LTTE and the Janjaweed cases in chapter 6, then interpret and discuss the evidence of the level of legitimacy and organizational strength over the EU FP responses towards insurgent's proto diplomatic activities in chapter 7. Finally, I will close by emphasizing that the cases show a strong support for the hypotheses.

Chapter 2: European Union Foreign Policy from IR perspective

In this chapter I will demonstrate that different IR theories illuminate different dimensions of EU FP formulation. This chapter will address several questions; what is the role of force in EU foreign policy? How does the EU make a choice between using its military or civilian instruments to bring peace? Does the geography matter in involving conflict resolution? What is the threat perception of the EU? In the pursuit of finding an answer to these questions, this chapter will result in the argument that the EU can undertake both narrow and short-term interests as well as long-term normative milieu goals, depends on its mobilization capability which is shaped by humanitarian or European security imperatives.

2.1. EU FP from realist framework

In this section, I will first briefly state the tenets of realism then use them to understand EU FP intentions. Realists claim that states are a key unit of analysis and represent the principal actors in the anarchical world. The other actors like multinational corporations and international organizations are also important, but they are considered as secondary. What constitutes the international system are states. Second, states are unitary and integrated actors, mostly care about their security and survival. They seek power to protect their security and survival interests. We never know their intentions. For this reason, that maximizing military capabilities at its expense is

necessary to reduce the risk of war. Third, states are rational actors. They set their objectives based on self-interest and consider all feasible alternatives to reach them (Walt, 1998; Mearsheimer, 1990).

2.1.1 Motivation for the cooperation under the CFSP

Neorealists are very skeptical about the possibility of the international cooperation. The CSFP is seen as 'hard cases' for neorealist theory (Waltz, 1979; Hyde-Price, 2006). Because some obstacles exist against the cooperation. For instance, the political and historical interests of states become a source of disagreement that makes the cooperation difficult. One realist claim would be that states accept to unite under the EU and allow the EU to act on their behalf only when all MS interests converge. Now, I will explain the triggering factors that drive MS to cooperate under the CFSP.

The arguments are elaborated by structural realists, scholars of the balance of power theory, who emphasize the significance of bipolarity for the emergence of the European Economic Community (EEC) and European Political Community (EPC). So, the first triggering factor was the need of responding the 'systemic changes in the structural distribution of power' aftermath of the Cold War (Hyde-Price, 2006). The second triggering factor for developing hard power capabilities was the necessity of balancing the US power in the international platform.

The end of Cold War bipolarity has changed the distribution of power structure and produced a great uncertainty that the EU felt obliged to create autonomous military capabilities and maximize its military power for its own security and survival (Howorth, 2005). To deal with the instability of Balkans, the MS have agreed on becoming more than merely a civilian power by developing its institutional structure (Bird, 2007). Because in an anarchic world only military force can protect the interests of the state. As such, the most powerful states drive the development of military pillar of the EU. For instance, in 1998, aftermath of the Kosova crisis, St Malo Declaration has been released by the initiatives of France and the United Kingdom, stating that 'the Union must back up by credible military forces, the means to decide to use them and a readiness to do so'. This declaration paves the way through the establishment of the European Security and

Defense Policy (ESDP) that ‘shapes the Union’s external milieu, using military coercion to back up its diplomacy’ (Hyde-Price, 2006).

Another reason that unifies the MS was the need of balancing predominance of US power. Jervais (1978) claims that states seek to balance their adversary by establishing internal buildups. The argument here is that the EU decided to get into security business to balance the US military capabilities (Posen, 2004, 2006, 2011; Jones 2007; Walt 2005). The EU has been relying on US led NATO capabilities, especially dependent on American military capabilities in military operations. Because the self-help doctrine requires that the EU must rely on no one but itself for its security, dependency on US military capabilities makes the EU vulnerable and weak. Webber and al (2002) state that ‘the relative insignificance of the European contribution to air strikes compared to that of the US and a stark awareness of the EU's gross under-provision in advanced weaponry led to a determination that such imbalances had to be addressed as a matter of urgency.’ After the establishment of the ESDP, the EU has gained capability to act without American-led NATO and started to take more autonomous decisions in responding international crises where MS interests are at stake. For instance, the first military operation of the EU without NATO involvement, Artemis in 2003, was important to show the US that the EU was capable of deploying a military force and can succeed crisis management operations without any help. As such, acquiring military capability has augmented EU’s eagerness to show its ability in conflict management in third countries (Whitman and Wolff, 2012)

2.1.2. A realist accounts for EU FP activities

Gilpin (1981) explains in, *War and Change in World Politics*, the general pattern of a realist actor’s FP would be motivated to change the international system if the expected benefits exceed the expected gains. The EU does the same. As such, it employs a selective response to third countries crisis and evaluates cost and benefits of its future involvement.

The selective involvement is seen for several reasons. First reason is the eagerness of each MS to protect its special relationship with some countries. For instance, EU conflict management operations towards Africa are associated with ancient colonial interests of France (Hughes, 2010). As such, understanding EU FP policies also passes through an analysis of national governments preferences.

The second reason relies on geopolitical concerns. Some scholars have looked at EU conflict management operations in Africa to understand ‘the way the EU differs in its construction of conflict regarding conflicts closer to its own borders compared with more geographically distant regional conflicts’ (Schulz and Söderbaum; 2015; Kreutz, 2013).

In the aim of protecting its interests, the EU may apply double standards and may fail consistency in its reaction to several groups. As MS are primarily concerned with their own survival, ‘they carefully calculate cost and benefits of offensive action, aware of its strength but also its limitations’ (Mearsheimer, 2001). Why the EU has chosen DRC but not Libya can be explained by the assumption that the EU avoids taking a part in risky cases. Therefore, the less is the risk of failure the more the EU is willing to intervene militarily. The military convention is compensated through restrictive measures in the form of sanctions. As Brown claims, the international community helps resolve conflicts if costs are low but the possibility of success is high (Gegout, 2009). As Brown (2001) elaborated, realist actor aims at building a successful track record.

Another justification for the selective use of military instruments is to gain prestige. According to Morgenthau (1960), prestige has a deterrent effect on others intentions. Convincing other actors that the EU is a capable and visible military power strengthens the EU’s role in international relations. The EU’s use of force signifies an intimidation for others involving in the arms race and violating human rights. One example is the EU intervention in the African States. Gegout (2009) states that trade volume between the African countries and the EU is not significant enough to urge a military intervention for protecting European economic interests. ‘The motives for launching EUFOR RD Congo in 2006 were also related to the desire to promote the EU as a global power’ (Gegout, 2009). In this case, the EU’s rhetoric on morality and on humanitarian concerns is simply a technique to cover the pursuit of its interest. On the other hand, the EU can intervene in the name of humanitarian values if only this intervention will enhance its power and leadership in the eyes of other actors.

2.2 EU FP from liberal framework

The importance of liberal approach in EU FP analysis is twofold. First, liberal approach sheds a light to the formulation of EU FP responses in conflict cases claiming that socially-determined state preferences drive the FP decisions. It is possible to see the implication of

democratic peace theory in the process of decision-making on external issues. For instance, public opinion of national governments often set limits to the FP choices and this was very apparent during the vote on military intervention in Iraq. For instance, negative public opinion drives Chirac to vote against the intervention (Dursun-Ozkanca,2013).

Second, liberals do not believe that the international politics is driven only by military and security issues and that the security can only be achieved with the maximization of military power (Hill and Smith, 2011). Similarly, we see that the EU relies on economic tools and pursuing ‘civilian ends’ based on economic and value-based interests. This preference for non-military tools in conflict prevention has led to the famous depiction of ‘the EU as a non-military power’ (Hill and Smith, 2011) and ‘Europeans from Venus’ (Kagan, 2003). For instance, the EU distributes funds to third countries in the framework of crisis prevention and puts forward actions related to trade liberalization.

These two remarks bring us to explain EU FP from a liberal perspective and we find out that Keohane’s classification of liberalism has a strong explanatory power both for the formulation of the CFSP decisions and the selection of FP instruments towards conflicts.

Keohane (1986) classifies liberalism in three strands. Firstly, commercial liberalism claims the pacification effects of trade. The increased trade relations and open trade system favors peaceful means to resolve the conflict while increasing the cost of war. Secondly, regulatory liberalism underlines that the rules and institutions can orient the relations between states. Thirdly, democratic liberalism emphasis the importance of republican government based on democratic peace theory. This strand asserts that domestic regimes have a role in the FP formulation. For instance, democracies react differently than non-democracies over the external issues because they care the domestic audience cost. Putnam (1988) argues that governments negotiate at both national and international level. Their vote concern in domestic level prevents them from getting into the war. Their check and balance system creates an institutional constraint in the process of decision making, and republican norms drive them into peaceful means in conflict resolution (Fearon, 1994). They form a security community that has separate peace rules (Doyle, 1986; Russett and Oneal, 2001).

Similar to realists, liberals see multilateral cooperation as a result of the interstate intergovernmental bargaining against a common threat (Waltz, 1979). Liberal thought same as realists, claims that what drives CSDP is MS national interest. Moravcsik (1993) states that ‘the

foreign policy goals of national governments are viewed as varying in response to shifting pressure from domestic social groups, whose preferences are aggregated through political institutions'. Based on Putnam's emphasize on national structures, this two level game presents difficulties for the decision making in FP because the governments care more about domestic politics. So, liberalism explains that CSDP actions are determined through national preferences influenced by domestic groups acting in intergovernmental bargaining setting. Now, I will point out what might be FP instruments in related to establishing democratic institutions and increasing trade dependency that stabilizes EU strategic interests.

2.2.1. A liberal account for EU FP activities

Based on Keohane's conceptualization, we suppose that the regime type and the economic interdependence matters in FP behavior formulation. In this case, we might expect that military or economic intervention is more likely against less democratic states or countries with little economic openness (Kreutz, 2013) with the aim of reshaping the state structure in a way that it resembles liberal states (Smith, 2011). The importance of regime type is also stated in the European Security Strategy (2003) that 'the best protection for our security is a world of well-governed democratic states.' As such, the EU has developed two essential strategies, the wage of democratic institutions and trade initiatives, for eliminating conflict drivers and social structures that allow insurgency, therefore to protect EU MS interests.

The two strategies, establishing of democratic institutions and trade initiatives, are primarily used to shape neighborhood to render EU environment more secure, based on but 'milieu' shaping objectives (Tocci, 2008; Youngs, 2004). Considering the assumption that democracies do not fight each other, the EU's main goal is to democratize weak states to prevent a civil war. This also means addressing the structural causes of a potential insurgency. The 2003 Security Strategy argues that the Union's task is to 'make a particular contribution to stability and good governance in our immediate neighborhood (and) to promote a ring of well-governed countries to the East of the EU and on the borders of the Mediterranean with whom we can enjoy cooperative relations'.

The interest-driven EU starts applying these instruments to its geopolitical interest zone, as being a strategic actor (Hyde-Price 2006; Youngs 2004). For instance, the European-Mediterranean Partnership (EMP), the European Neighborhood Policy (ENP) and the Eastern

Partnership (EaP) are all examples of how the EU shapes environmental conditions by establishing institutions and binding rules to prevent the occurrence of conflict that would bring out a threat (Berindan, 2013; Smith, 2011) Building economic, political and cultural ties with countries creates a new security environment, as Deutch (1957) mentions, a security community in which the conflict is less likely. For instance, Bosse and Baltag (2014) argues that the EU's security community expansion to Moldova serves to the EU's own interest in creating market access for the EU rather than sharing the interests of Moldova in human security/poverty reduction.

Free trade agreements are mostly preferred tools that develop the economy of a country and provide a more secure environment in return. This logic is in line with Keohane's commercial liberalism that relies on pacification effect of trade (Keohane and Nye, 1988). The EU strengthens the economic development of third states that face with an insurgency to prevent state's violent counter-terrorism or counter-insurgency policies against the insurgent group and to favor resolution of the conflict with peaceful means. In a similar vein, the economic interdependence between the EU and the third state, discourage the EU to use force in case of conflict. Because entering into military engagement with insurgents will be costly, harming the relations.

The EU sets conditionality clause into trade and aid agreements which are a political criterion ensuring good governance. The conditionality clause in these agreements serves to stabilize economic interdependence (Börzel and Risse, 2004; Bartels, 2005; Kreutz, 2013). For instance, it serves to secure economic interests within the ancient colonial relationship under the Organization of African Unity and the Caribbean Community agreements.

This kind of clause exists in Cotonou Agreement which ensures the government's commitment to engage in international cooperation in the fight against terrorism (Ganzle, 2009). As an example, the Article 11 of the Cotonou Partnership Agreement points out that the African countries themselves mainly responsible for resolving their conflicts (Gegout, 2009). If the government goes beyond the clauses in the agreement by using extreme violence to suppress the insurgency, the EU freezes financial assets and imposes sanctions against this country even intervenes militarily for the sake of protecting 'the 'liberal peace' model' (Schulz and Söderbaum, 2010). Another example is the article 96 of the same agreement that constitutes the legal basis for the suspension of the agreement when an ACP state does not respect the agreement's essential and fundamental elements. This article comes into effect when the recipient state violates 'essential

elements'. For instance, the EU suspends the aid in case of corruption (Article 97). The EU has sanctioned Côte d'Ivoire from 2000 until 2002, Liberia in 2001, Zimbabwe in 2002, Togo and Guinea in 2004, and Mauritania in 2005 (Gegout, 2010) as significant shortcomings in the implementation of three UN human rights conventions has been identified. As the breaking of the agreement would be costly, the states are prudent to conform the conditionality clause.

2.3. EU FP from constructivist framework

Constructivism offers a non-rational approach for EU FP formulation which is based on identity while shedding a light to the EU's threat perception and the link between appropriate means and ends in addressing threats.

Contrary to the realist and liberal scholars, constructivists claim that interests are naturally produced through the cooperation process (Bull 1982, Smith 2006, Wendt, 1992). The interaction produces European interests that are liberal norms ranging from peace, democratization, and multilateralism to human rights. These norms are constitutive features of the EU and what create the European FP identity (Tonra and Christiansen 2004; Anderson, 2006). This political identity makes the EU distinctive and unique polity as a 'normative power' (Manners, 2002; Sjursen 2006) who promotes norms in a normative way, without using coercive measure (Bretherton and Vogler 1999) but persuasive means. As such the norm advocacy of the EU is not a choice but stems from EU's identity.

A large literature exists on the effect of EU's identity on its external policy (Ginsberg, 1999; Olsen, 2005; Lucarelli and Manners, 2006; Hill and Wallace, 1996; Manners, 2002; Whitman, 1998). Different labels are attributed to the EU in this regard such as "as a promoter and exporter of internal values and norms" (Longo, 2012) and 'soft power' (Nye 2004) or 'promoter of civilizing process' (Hill and Smith, 2011). Some scholars have supposed that EU's involvement in conflict prevention 'is a reflection of the old ambition of values and norms characterizing the EU ethical and moral concerns' (Olsen, 2008). Even though constructivist tradition does not see coercive tools as accurate mean, the use of military power is acceptable only for humanitarian purposes. For instance, the DRC intervention of the EU is justified in the EU's feeling globally responsible for human rights abuse (Kreutz, 2008).

The EU, free from its MS national interests, acts to raise moral awareness about what is 'the right thing to do' in times of conflict (Checkel 2005) under the guidance of the values embedded in its treaties, declarations and policies (Manners, 2009). This requires the EU bodies

and institutions act coherently and in consistence with each other by making use of legitimate, coherent and consistent principles in employing persuasive actions. As such, the convergence between ‘the means employed and the results obtained’ is achieved as the FP actions do not driven by interests, but values embedded in the treaties (Tocci, 2008).

These values are constructed through external demands and the need of addressing the threats. For instance, the 2003 European Security Strategy defined the EU’s international role with a constructivist logic, emphasizing that the EU ‘acts in a structure that is based on external demands and opportunities such as new challenges and threats of the modern age, the probability to build multilateralism’ (Chebakova, 2008). The EU’s perception of external threats are emanating from the absence of liberal values (Larsen 2000). As such, threats such as terrorism, the proliferation of weapons of mass destruction (WMD), regional conflicts, state failure and organized crime can be tackled with liberal norms.

Analyzing the EU FP from the different IR theories sheds a light on how the EU articulates its external relations. However, the variance in EU relationship with the insurgent groups, which is more central to this thesis, remains a difficult problem to unravel. I suppose that the driving factors of the ambitions and the motivations of the EU hinge on the nature and dynamics of the insurgencies and insurgent groups. In this respect, next chapter will provide a brief overview on the theorizing insurgencies.

Chapter 3: A brief theoretical look at insurgencies.

The credible claim of insurgent groups to govern respective territory has posed a challenge to IR scholars on how to approach and frame these groups. Insurgent groups threaten a state’s legitimacy while enjoying popular support and possessing governmental capacity (Wilkinson, 2001; Neumann, 2007). As the Islamic State case also demonstrated, such groups can also perform certain functions of the state such as taxation, policing, social services and even education⁴. The extent of the reach of these groups ranges from simple pillaging to providing comprehensive services such as regulation, justice, taxation and even health and education.

⁴ See ‘How much of a state is the Islamic State?’, 5 February, 2015, retrieved from, <https://www.washingtonpost.com/blogs/monkey-cage/wp/2015/02/05/how-much-of-a-state-is-the-islamic-state/>

What is even more interesting, and central to this thesis, is that such groups have also started conducting their own foreign policy. Some groups engage in trade with other entities. For instance, UNITA exports diamonds, ivory and timber through South Africa, Belgium, and Israel and ‘builds up a "substantial investment portfolio abroad to supplement" revenues from diamond trading.’ (Berdal, Malone, 2000). FARC involves in narcotics trade with transnational organized crime groups (O’Neill, 2005). When the tsunami destroyed Sri Lanka on December 26 in 2004, LTTE has found an opportunity to demonstrate their legitimacy on their respective territory. LTTE has received aid from United Nations Human Rights Commission without the involvement of the Sri Lankan government (Enia, 2008). ISIS is trying to sell oil ⁵ and attempting to purchase nuclear arm from Pakistan.⁶

Similarly, we see insurgent groups being treated (almost) on par with recognized governments in peace talks held under the auspices of third parties. For instance, FARC and Columbia, IRA and the UK, MILF and Philippines, LTTE and Sri Lanka have launched peace negotiations. For instance, Indian government who prohibited organization and its leader Prabhakaran, then Canada and Netherlands have attempted to mediate the peace talks between the LTTE and the Sri Lankan government. As being the last facilitator of the peace process, Norway has reimbursed the LTTE peace secretariat and been alleged to be biased in favor of LTTE.⁷ During the ceasefire, LTTE has benefit from the free flow of resources. This ceasefire process has appeared that several parliamentarians of foreign governments, for instance UK and Auralia, have openly supported and funded the LTTE.

3.1. Greed or grievance debate

The question of why and when these insurgencies erupt has received scholarly attention. For some, greed and grievance are seen as the primary driving factor for conflict (Collier, 2004; Collier and Hoeffler, 2004; Fearon and Laitin, 2003; Collier and Hoeffler, 1998; Collier, 2003;

⁵ See ‘ISIL sells its oil, but who is buying it?’, retrieved from <http://www.aljazeera.com/indepth/opinion/2015/12/isil-sells-oil-buying-151206055403374.html>

⁶ See ‘Isis could obtain nuclear weapon from Pakistan, warns India’, retrieved from <http://www.reuters.com/article/us-mideast-crisis-syria-usa-oil-idUSKBN0TT2O120151210>

⁷ See ‘Mediation and Dialogue in transitional processes from non-state armed groups to political movements/political parties’, *EEAS Mediation Support Project*, November 2012, https://eeas.europa.eu/cfsp/conflict_prevention/docs/2013_eeas_mediation_support_factsheet_armed_groups_en.pdf

Collier and Sambanis, 2005; Blattman and Miguel 2010). Greed literature prioritizes economic opportunities occurring to potential belligerents as being the main reason for joining a rebel group. New conflicts appear due to absolute or relative deprivation and unequal distribution of resources (Gleditsch et al., 2001; Gurr 1970). Brown (1996) stresses the role of economic reasons like unemployment, unfair distribution of wealth, poverty and discriminatory economic system lag behind the rebellion. Collier and Sambanis (2005) develop a model which states the most salient correlates of civil wars is about the lucrateness of rebellion in the eye of a potential participant. Recruits seek for material gain from participating the organization. Apart from the opportunities of rebellion, in a striking parallel to Humphreys and Weinstein (2008), participants are more likely to get motivated by greed and being mainly deprived of other social, cultural, political and economic factors. In other words, these potential insurgents have greed emanated from inequalities in social, political, and economic realms (Collier and Hoeffler, 2004). Contributing the 'weak' or 'failed' state literature, Collier sees civil wars as a core development issue. Supporting this argument, Fearon and Laitin (2003) underlines the need for state-building as an international policy priority. However, this hypothesis associating the decision to rebel to economic opportunity is challenged by some case studies. For instance Wood (2003) found that the rebels participate the insurgency in El Salvador for emotional and moral reasons.

The second factor for the formation of rebel groups might be due to ethnic or religious grievances among the population which are accumulated through political dissatisfaction (Horowitz, 1985; Seidman, 2001, Petersen 2002) or identity differentiation (Sambanis, 2001). This is the characteristics of "old" conflicts shaped by ideologies, ethnic and nationality factors and political demands (Horowitz, 1985; Berdal and Malone 2000; Hampson and Kaldor, 1999). Crenshaw (1981) argues that nondemocratic states are producers of potential terrorists because the absence of peaceful means for political participation pushes them to rise against the government by criminal means. Steward and Brown (2010) links the reoccurrence of conflicts with governance and state capacity, arguing that when a state fails to provide services such as health and education, an insurgency is more likely to emerge. As the authority lacks legitimacy and fails to protect its citizens from threats, it increases repression over the population that leads and the emergence of an armed group pledging protection to locals (Steward and Brown 2010).

In addition to those mentioned above, some argue that insurgencies are more likely to occur in territory that contains oil, minerals, or in agriculturally rich regions such as mountain ranges,

seacoasts, or other geographic features (Holsti 1991; Richardson 1960). This analysis has received support from Fearon and Laitin (2003) who argues that topological feature of the terrain and poorly constructed infrastructural system facilitate the mobilization of rebel groups and thereby conflict onset.

The reflection around how we foreshadow the outbreak of insurgencies end up with the idea that insurgency occurs in failed and weak states when geographically amenable conditions meet with rebel's greed and grievance. In this section, I am going to analyze both their positive and corrosive characteristics for the state-building process (Podder, 2014) and discuss have what might be a possible categorization of insurgent groups, then briefly introduce how we account for the outbreak of insurgencies.

3.2. Definition of insurgency and insurgent group

Avoiding oversimplification of the insurgent group, I use the definition that Byman has used in his book '*Understanding Proto-Insurgencies*'. This definition offers broader scope to deduce a categorization of the insurgent groups and theoretical framework to understand their role in world politics:

'Insurgency is protracted political-military activity directed toward completely or partially controlling the resources of a country through the use of irregular military forces and illegal political organizations. Insurgent activity -including guerilla warfare, terrorism, and political mobilization, for example, propaganda, recruitment, front and covert party organization and international activity- is designed to weaken government control and legitimacy while increasing insurgent control and legitimacy. The common denominator of most insurgent groups is their desire to control a particular area. This objective differentiates insurgent groups from purely terrorist organizations, whose objectives do not include the creation of an alternative government capable of controlling a given area or country' (CIA, n.d, p.2).⁸

The significance of this definition stems from the fact that it offers a broad range of features of insurgents that we can benefit to categorize them and especially in line with the NSA definition of the EU, which I stated in the Introduction chapter, in terms of its emphasis on the insurgent's ability to mobilize through state-making activities. This definition constitutes the basis for our categorization of insurgent groups in Chapter 5.

⁸ See, 'Guide to Analysis of Insurgency', retrieved from <https://fas.org/irp/cia/product/insurgency.pdf>

Based on this definition, three essential insurgent activities exist through which we can categorize the insurgents; the use of guerilla warfare, terrorism, and political mobilization. I will analyze each in turn and point the relevance of each activity for the categorization. Starting with the guerrilla warfare, guerilla tactics which have replaced conventional tactics (Jones and Johnston 2013) takes its source from revolutionary motivated insurgencies of the eighteenth century during the American Revolution (Tilly, 2003). Avoid direct confrontation with their opponents, guerrillas aim at a military target, that distinguishes them from terrorists (Faure and Zartman, 2005). Because a guerrilla warfare is more likely to start in rural areas, mountainous terrain where they cannot be easily detected (O'Neill, 2005). In the pursuit of reaching their political aim, guerillas employ locals in a hierarchical command structure and attack in an ad hoc manner (Henriksen Vinci, 2008).

Secondly, the definition considers 'terrorism' as a strategy over which it is defined as a criminal act that describes a particular action is the mostly shared approach. These actions range from hijacking, assassinations, suicide bombing, kidnapping, to use of chemical and nuclear weapons. The terrorist activities can be also in form of genocide practices such as systematic killing of religious minorities which are immediately condemned by the international community. For instance, the European Parliament strongly condemned human rights abuses of ISIS/Daesh and states its practices should be 'recognised as genocide by the UN Security Council; is extremely concerned at this terrorist group's deliberate targeting of Christians (Chaldeans/Syriacs/Assyrians, Melkites, Armenians), Yazidis, Turkmens, Shi'ites, Shabaks, Sabeans, Kaka'i and Sunnis who do not agree with their interpretation of Islam, as part of its attempts to exterminate any religious and ethnic minorities from the areas under its control.'⁹

Scholars and international community divide over the definition of terrorism but evaluate more on why rebels resort to terrorist tactics and what is a terrorist act. An accepted definition is that terrorism as a method to reach an audience when the government does not welcome their demands (Sambanis 2001; Henriksen and Vinci 2008; Tilly, 2004; Richardson 2006; Merari 2003; Goodwin et al. 2008; Lake 2002, O'Neill 1990). Sambanis (2008) support this idea by affirming that civil wars create possible environments for terror tactics and, in general, groups use guerilla warfare and terrorism simultaneously, often breaching international humanitarian law and establishing criminal and informal economies. On a similar note, Lake (2002), while arguing that

⁹ See European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' (2016/2529(RSP))

terrorist are lack of moral strictures against the use of violence that they can easily target the civilians, comes up with a rational argument that terrorist tactics are used for countering government strategies and generating a military cost for government. Schmid (1998) argues that as the direct target of violence is not always the main target and terrorist acts are not necessarily employed for political reasons but idiosyncratic, and criminal purposes. This view is further elaborated by Victoroff (2005) who claims that terrorist act only serves the criminal interests of a terrorist rather than political goals. An insurgent organization more resemble a terrorist organization when the insurgents seek private motivations from fighting (Henriksen and Vinci 2008; Victoroff, 2005).

Last but not least, one can classify the insurgent groups according to their political mobilization means. The management of political mobilization is assumed by the leader who forms the group with redistributing resources at its disposal. The type of the resource and the way of distribution affect the mobilization. Because, they have a direct impact on the organizational structure, shaping civilian-insurgent relationship in a way cooperative, protective, conflicting and abusive (Podder, 2014) or reinforcing, predatory, protective and symbiotic (Reno, 2006). Weinstein also (2006) categorizes insurgencies in respect of the endowment type that they expect to receive and conclude that 'patterns of violence are direct consequences of endowments'. We will use this logic to determine the variables that measure the organizational strength of an insurgent group. Weinstein argues that resource endowment has a significant effect on rebel behavior through shaping membership profile. According to this theory, resource-rich movements create "opportunistic rebellions" because these insurgencies attract low-committed insurgents who participate for short term material benefits (Shining Path-CRH and RENAMO insurgencies are some examples). In the way of maximizing the profit, they do not hesitate to use indiscriminate violence. On the other side, resource-poor movements are characterized with recruits motivated by the ideology and thus seeking long-term gains that make them more prone to hesitate violent means of tactics. This categorization is very important because it demonstrates over the leader's endowment management that whether the group's use of violence stems from specifically political ends or from the desire for private gains (Polizcer, 2005).

3.3. Looking insurgent groups from classificatory lens

The tradition which does not equate all type of violence with terrorist act accepts the ability of an insurgent group to establish order in a given territory and to represent local voice against an oppressive government (Mampilly, 2011). By possessing organizational means such as clear centralized organizational structures and strong command structure, the NSAG's promising potential for state-building challenges government legitimacy. Many of them already demonstrate state-like functions in their respective territory and take on the role of proto-state. For instance, some engage in investment, training and establish an organizational culture through which they improve their state-building potency (O'Neill, 2005, Podder, 2013, 2014). For instance the HR/VP of the EU Federica Mogherini also emphasized the role of armed group in state-building activities by stating that 'the political opposition and associated armed groups uniting behind a common approach in order to participate in the political process and provide a coherent alternative to the Syrian people'.¹⁰

However, some do not see the need of establishing strong governance as long as looting is the ultimate aim instead of political participation. As such, scholars have focused on what distinguish criminals from early state builders.

One concept elaborated to describe the transition process of armed groups from anarchy to some territorial order is Olsen's (1993) roving bandit and stationary bandit concept through which she describes the logic behind state formation. Similarly, Kalyvas (2001) argues 'warlords are never mere bandits, they are state-builders' attempting to enhance their legitimacy by setting up functioning institutions and provide collective goods which the government authorities fail to provide such as justice, education, law enforcement and security (Tilly, 2004; Mampilly, 2007; Wood, 2010). For instance, LTTE has established a taxation system in the territory under Tamil control and used the revenue to establish police force and legal system (Enia, 2008). The UNITA (the National Union for the Total Independence of Angola), which is driven by Marxist-Leninist organizational ideas has achieved to establish a smoothly functioning governance, and the warlord has shared its authority with village level leaders by establishing ministries such as health

¹⁰ See 'Press release on the meeting of the High Representative/Vice-President Federica Mogherini with Riad Hijab, chairman of the Syrian High Negotiations Committee', 14 January, 2016, retrieved from http://eeas.europa.eu/statements-eeas/2016/160114_02_en.htm

information, natural resources and building primary and secondary schools (O'Neill, 2005). In DRC, the Movement for Liberation even constructed the local airport and a local university in the North Kivu region (Podder, 2014).

The extent and the size of the territories show variances. These state-like activities operate in rebel-controlled territories; that can be defined some extent “no-go” zones for government forces (Cunnigham et al., 2011) or they can share the sovereignty with the existing government (Staniland, 2012). Some groups do not achieve to acquire land from the government such as the Colombian National Liberation Army, the Turkish Kurdistan Workers Party (PKK) and the Lord's Resistance Army (LRA). Some have taken over a territorial control such as Moro Islamic Liberation Front in the Philippines, the LTTE in Sri Lanka, the Sudan People's Liberation Movement/Army in South Sudan and the Communist Party of Nepal-Maoists (DCAF & Geneva Call, 2015). Furthermore, some have reached even a higher level of territorial control and established de facto authorities and internationally non-recognized entities such as the Republics of Somaliland and Abkhazia. These insurgent groups challenge IR scholars in categorizing these entities which are smaller than a traditional unit of analysis.

3.4. Limitations to classification of insurgent groups

The motivation and the structure of an insurgency are ‘prone to shift and evolve into other forms’ (Henriksen and Vinci, 2008; Clapham 1998). The objective of some groups may not be necessarily tied to politics. They might see more benefit in returning the banditry and become spoilers (Reno 1999, Neuman 2009; Kaldor 2009; Krause, 2014, Podder, 2013, 2014). While understanding insurgents' intentions from their speech is difficult as they cover their real intentions by political discourses, they are detected at the time of peace process (Kydd and Walter 2006, Stedman 1997). The insurgent group attempts to deteriorate ongoing peace process because ‘peace emerging from negotiations threaten their power’ (Stedman, 1997). For instance, Khymar Rouge at the time of Cambodia Paris Peace Accords refused to demobilize its soldiers and boycott election. Same for the UNITA whose political transition is completed with Bicesse Accords in 1991, has turned into war after losing the election in 1992 (Stedman 1997). For this reason, that private gain seekers tend to remain hesitant to come to the negotiation table as the state of war is often more beneficial than peace.

Stedman (1997) explains this transformation as ‘achieving the possession of lootable resources can change their interests from political to more pecuniary goals or a group initially claims political motivations can turn into maximizing economic resources’ (Stedman, 1997). So, spoilers try to prolong the state of war that ensures access to illegal activities and illicit means of gain like drug trafficking, extortion, smuggling and exploits natural resources or uses the time of peace process to rearm (Höglund and Svensson 2009). Such a case is seen in negotiations between FARC and the Colombian government, RUF and Sierra Leone government and LTTE and Sri Lankan government. On a similar note, in 1999, Collier and Hoeffler give the example of FARC insurgency in Colombia which is managed by drug baronies instead of ideologically motivated leaders. However, they are now considered as political players and become a counterparty of the Colombian government in a peace process, committing to becoming a legal political group and insisting their removal from EU terrorist list.

As such, we understand that not every rebel group deems it necessary to reintegrating in the political system when their aim is purely gaining from criminal activities. Rather than creating a system of political governance, some state-like organizations can seek a creation of an alternative system of profit. Regarding this case, Grossman (1999) has articulated this situation as ‘the insurgents are indistinguishable from bandits or pirates’. Kaldor (2012) supposes that the dark side of globalization that makes ‘the intensification of global interconnectedness’ facilitates the change in conflict dynamics through war economy and blur the line between justice and loot seeker insurgent.

Facing with such a quagmire of their shifting goals, we start to interrogate the internal legitimacy of the insurgent group to govern the territory that they claim to rule on and organizational strength of the group. This situation presents a puzzle on whether the international community should intervene to reinitiate negotiations between the group and the government to reach a settlement.

This brief overview of insurgents suggests that many of these organizations act as proto-states. Absent a strong central state apparatus, as in the case of Democratic Republic of Congo, for instance, these insurgent groups also conduct foreign policy. Such conduct can be manifested over a confined territory. Aid agencies that want to deliver humanitarian aid to the Mogadishu and Baidoa region in Somalia, for instance, need to coordinate with the Al-Shabab organization. This

repeated interchange often institutionalize through informal means. Other insurgent organizations can have a “de-facto” institutionalized presence beyond their areas of operation. The Kurdistan Workers Party (PKK) has long held “liaisons” in many European capitals, especially in Italy, Germany, France, and Belgium (Cagaptay, 2006). These liaisons were instrumental in securing support for the PKK cause and/or promoting legislation in European capitals to corner Turkey on human rights and armament transfers. In other instances, third party countries often treat such insurgent groups as “legitimate” parties at the table and hold correspondence at the ambassadorial level. Turkey has participated the negotiations between MILF and the Philippines government as being a member of International Contact Groups (Japan, UK, Saudi Arabia and Turkey) and Turkish NGOs have provided substantial humanitarian aid (Aras, 2012). On a similar note, General John de Casterlain carried out formal disarmament talks with the Irish Republican Army, on behalf of the Canadian government.¹¹

In sum, one can argue that besides fighting with the government, insurgent groups also execute a number of foreign policy functions. If these “proto-state” insurgent groups carry “proto-diplomatic” activities, how are such diplomatic functions received in the international arena? The next chapter will examine this phenomenon from the perspective of the EU.

Chapter 4: EU's response to insurgency

This chapter will describe different ways the EU has established contact with non-state armed groups. By looking at different examples, this chapter will show that all main bodies of the EU (i.e. European Council, Council of Ministers, Commission, EEAS and HR/VP) establish contact with non-state armed groups and contribute the EU FP making. These bodies sometimes act alone, sometimes in coordination, and sometimes clashing with each other while establishing a relation with insurgent groups.

EU FP making, like any FP making process, includes of two basic elements: decision making and operational capacity. Within operational capacity, we have military and non-military assets that include economic instruments and diplomacy. In this section, I will discuss each in turn

¹¹ See "IRA Pledges To Open Disarmament Talks". Washingtonpost.com. 1999., Retrieved from <http://www.washingtonpost.com/wp-srv/WPcap/1999-11/18/050r-111899-idx.html>

and examine how the originality of EU FP making process challenges EU relations with non-state actors.

4.1. The EU FP decision-making process

The decision making of EUFP is complex. It can be conceptualized as a complex multilevel foreign policy and reflects ‘the interconnectedness of multiple governance levels and policy arenas in the policy process’ (Keukeleire and Delreux, 2014). This multifaceted governance system stems from the participation of ‘different actors having several of competencies, levels of legitimacy, obligations and resources’ (Wilga and Karolevski, 2014, Hill and Smith, 2011; Keukeleire and Delreux, 2014). It is therefore the EU FP compromises the national foreign policies of its Member States, EC external relations as well as the areas of shared competence. Such a linkage between actors creates tension over competence sharing between national states and supranational actors, notably between the Council (Lewis, 1998; Smith 2006.) and European Commission.

4.1.1. Turf wars

Internal power struggles between member states (MS) and supranational institutions, referred as a turf war, is visible (Duke, 2006; Juncos 2007) as well as between the Commission and the Council Secretariat (Dijkstra, 2010; Björkdahl, 2007) or during the agenda-setting (Vanhoonacker and Pomorska 2013). It is more apparent in responding conflicts where both MS and supranational institutions have competence over such as development cooperation and humanitarian aid (Duke, 2006). Although the pillar structure system has been removed with the Lisbon Treaty, it remains *de facto*. The EU FP is often considered as CFSP, second pillar in the previous institutional architecture, where unanimity of MS takes decisions. EC and EP have limited participation in the decision-making procedure and ECJ does not have competence over CFSP issues.

The current debate on competence sharing is revitalized with new security concept that combines soft security and hard security measures in responding crisis. Today’s conflict dynamics require a response with a ‘mixture of instruments’ (ESS, 2003) that are granted under different institutional competencies and that involve different institutional procedures. Implementing conflict prevention, crisis management, peacebuilding tools reveal both the Commission’s and Council’s competency. For instance, most of CFSP joint actions are realized with the objective of

the consolidation of democracy through development, cooperation, and social economic reconstruction that reveals decision making both in the Commission and the Council. (Wilga and Karolewski, 2014; Duke 2006).

This debate also broached some new research questions on the coherence and consistency of policy instrument located in Community and Intergovernmental pillar (Duke and Vanhoonacker 2006, Duke, 2011) and problematized efficient policy-making (Dijkstra, 2014), especially more interesting in the framework of this study, in addressing transboundary threats (Eriksson and Rhinard 2009). For instance, CFSP launched training mission in the third country must be accompanied by justice and home affairs related measures like enhancing the administrative capacity of the judiciary system (Dijkstra, 2014). However, ad-hocism in FP implementation can yield coordination problems with actors and yield different actors on the ground pursuing cross-purpose goals instead of shared goals, as witnessed in EUPM (police mission) and the deployment of EUFOR Althea (military operation) in Bosnia (Gross and Juncos, 2014). On similar note, norm based conflict prevention policies of the Commission and of the Council Secretariat creates cross-cutting issue that start turf battle among the institutions and yields overlapping initiatives in development and security areas (Björkdahl, 2007).

The reflection of turf battle can be seen in MS reactions to extending the competence of supranational institutions in FP area. In a visible way, MS showed a great unwillingness to give up sovereignty on high politics. The very first example is the ratification process of ‘the plan for European Defense Community, which has remained without success due to Gaullist opposition in the French National Assemble (Parsons, 2006). Another disruptive reaction against supranationalization of FP was from the UK. In 2007 the UK secured Declaration 13 the creation of the office of the HR and the establishment of an EAS in a way that ‘do not affect the responsibilities of the MS as they currently exist, for the formulation and conduct of their foreign policy nor their national representation in third countries and international organizations.’ This reserve is followed by the entrance of Declaration 14 to the Lisbon Treaty stating that ‘the CFSP provisions of the treaty do not give new powers to the Commission to initiate decisions nor do they increase the role of the Parliament’ (Laursen, 2014). Another example is quite interesting as it shows how the national sovereignty of MS has prevented the incorporation of FP issues at European level to become more expressive in the fight against terrorism. Even after the bomb

attacks in Madrid in 2004, EU MS have divided over the creation of anti-terror czar. While some countries have proposed the establishment of the new pan- European intelligence service, some were against intelligence sharing between MS.¹² As such, a response to terrorism which would be more efficient in the framework of the EU as a whole cannot be attributed.

Besides the blocking effect of non-delegation of sovereignty to the EU, the turf war also becomes the impetus for new arrangements. The unwillingness of the MS to pool and delegate the sovereignty to supranational institutions creates new flexible options that make the FP more coherent. The interesting implication of this is the creation of the EEAS. Dijkstra (2014) argues that 'the MS explicitly chose to give the resources to EEAS, over which they have more control' instead of extending Commission's competence over the CFSP. Additionally, operations can be held with enhanced cooperation when a minimum of nine MS agrees to realize it. Another option, more flexible, is 'permanent structured cooperation' that does not require unanimity but QMV. To enable MS having the greater willingness and the capacity in the area of defense 'shall' go together. Alternatively, MS can use constructive abstention entered with Amsterdam Treaty that allows MS not to participate a specific activity. Last but not least, MS can entrust the task to a group of state regarding the implementation of Petersberg Tasks. This group is called 'coalition of the able and willing' (Laursen, 2014). For instance, the Libyan mission was a Franco-British operation.

4.1.2 Decision-making in the CFSP

The decision-making process for CFSP related issues become a process of collective persuasion among MS (Cross, 2014). National interests of member states set hurdle against building a common will to undertake the missions and tasks involving military force and to develop the requisite capabilities accordingly (Piening, 2007). The Foreign Affairs Council (FAC) which is made up of European Union Member State Ministers responsible for Foreign Affairs, Defense and Development is the voice of the CFSP and where FP decisions are adopted after a hard bargaining process. Different priorities of MS prevents reaching agreement on a collective set of priorities (Lewis, 1998, Smith 2006). As such, Committee of Permanent Representatives (COREPER) which is the previous preparatory level before the Council discussions becomes a moot-hall where MS execute different tactics such as pre-voting bargaining, vote trading or

¹² See, 'EU divided over proposal for new anti-terror czar', *The Times (London)* March 17, 2004, Wednesday ,

logrolling in informal discussions to convince others on an issue (Stokman et al., 2000; Achen 2006; Arregui et al. 2004). More interestingly, at the end of this process, 70-90 % of decisions are agreed without sending the dossier for the discussion at the FAC (Coolsaet 2010). MS have exchanged support for different CSDP missions or put forth conditions. For instance, an interesting example of vote trading was realized for South Sudan Mission Aviation Security Mission (AVSEC). The MS have accepted launching AVSEC South Soudan mission if only it covers Niger and the broader region EUCAP Niger Sahel. Another give-and-take negotiation was between France and Germany. France agreed to continue the Europol mission in Afghanistan in return for Germany's favorable vote for civilian engagement in Mali (Chelotti, 2016). These examples show that MS provide consent on CSDP issues if only others make concessions on another security related issues. The speed in decision making makes the EU becomes very responsive in some conflicts, for instance, witnessed in Kosova where the largest ever CSDP operation has been deployed (Visoka and Doyle, 2015).

As such, for some cases, EU could draw no response when MS are not able to reconcile diverging national stances, and this is frequently seen. Lack of consensus on an approach and the absence of the political will to develop can cause a profound silence against the international crisis. For instance, Zielonka, (1998) have examined the limited policy impact of CFSP in Gulf crisis and Afghanistan. Hughes (2010) states that the EU is absent from most prominent conflicts in the Kivus in Democratic Republic of the Congo (DRC), Darfur in Sudan, Chad and Central African Republic (CAR), Cote d'Ivoire, northern Uganda, and Somalia. The well-known case of Libya has shown that use of force reluctant states, Germany and Poland, could not be convinced for a military intervention for humanitarian purposes. The High Representative, Catherine Ashton, remained passive in insisting for a military involvement of the EU. This situation presents a puzzle: why does the CSDP exist? (Howorth 2011). A recent example of the non-action of the EU was for the Crimea crisis in March 2014. José Manuel Barroso, president of the European Commission in its statement has stressed that the EU tries to find a political solution" to the fighting between Ukrainian troops and pro-Russian separatists.¹³ However, time has passed, and no joint action is taken. Karolewski and Wilga (2014) describe this situation as 'the endemic inability of the EU MS to move beyond their narrow economic interests to allow decisive EU action.' Here the problem

¹³ See 'E.U. leaders threaten new Russian sanctions', The Washington Post, 31 August 2014 S, Met 2 Edition,

is about politics and power relations that MS care much more than eliminating human rights atrocities.

4.2. Operational capability of the EU

4.2.1. Military tools

This turf war between the MS and the EU has also reflected into specific tools Europe has been employing in its foreign policy. Let's start with missions and tasks involving military force. From Western European Union (WEU) to CSDP, the EU has expanded its military capacity for action. While MS persist non-delegation of sovereignty to the EU, they equally set the parameters for military intervention. First is the 1992 Petersberg tasks which constitute the legal framework for 'joint disarmament operations, post-conflict stabilization and a fight against terrorism, including by supporting third countries in combating terrorism in their territories'. While burden-sharing debates within the context of NATO remain (US cooks the dinner, EU does dishes) (Featherstone and Ginsberg, 1996),—we see an independent force projection capability, notably after the terrorist attacks in the 2000s and the war in Afghanistan and Iraq. So, the second milestone is in 2002 Berlin Plus Agreements which gives the EU the possibility to use NATO capabilities while conducting its missions (Sjursen, 2006). The trend continues with the Nice European Council 2000 through which CFSP has enhanced with the creation of the European Reaction Forces and the EU Battle Groups. The transformation of the ESDP into the Common Security Defense Policy (CSDP) also expanded the CSFP instrumentally and institutionally with new committees and the working groups operating within the Council. Later on, the EU has proved with Operation Artemis in DRC in 2003 its capability of carrying out autonomous operations that represent its first independent military operation without NATO involvement. Another 'first' is the Operation Atlanta (EUNAVFOR) which is a counter-piracy military operation at sea off the Horn of Africa. This represents the first military operation that goes beyond Petersberg-type humanitarian tasks aiming protection of EU sea-based security interests (Gemond and Smith, 2009).

The CSDP has also a civilian dimension that has been developed after 2003 Sevilla Council to tackle with non-military threats. Some examples of civilian CSDP missions are: border management (e.g. EUBAM to Moldova and Ukraine; EUBAM Rafah), rule of law (e.g. EULEX Kosovo; EUJUST Themis/Georgia), police (e.g. EUPOL PROXIMA/FYROM; EUPM Bosnia and

Herzegovina) and security sector reform (e.g. EU SSR Guinea-Bissau; EUSEC RD Congo) (Trauner, 2011).

4.2.2. Non-military tools

4.2.2.1. Economic and financial tools

Equally, EU FP lies the use of nonmilitary tools which become especially important, to deal with a transnational threat of today that involves terrorism, cross-border drug trade, forced immigration and proliferation of mass weapons (ESS, 2003). The argument here is that transnational problems require transnational solutions (Cross, 2014; Hughes, 2009) that reveal EU's civilian (Duchene 1972, Bull 1982) and normative power (Manners 2002, Junemann, 2004). The preference for non-military tools in conflict prevention leads to the famous depiction of 'the EU as a non-military power' (Hill and Smith, 2011) and 'Europeans from Venus' (Kagan, 2002).

The EU has become largest aid provider in most of the war-torn countries and takes an important role as mediator. The 2009 EU Concept on Mediation and Dialogue foresees five roles in relation to mediation, facilitation, and dialogue; EU as a mediator or facilitator to dialogue, promoting mediation and dialogue, leveraging mediation and dialogue, supporting mediation and dialogue and funding mediation and dialogue (EEAS, 2012). By performing these roles, the EU prepares peace infrastructure. For instance in Uganda, the lack of fund provider was preventing the African Union (AU) to coordinate the DRC, the CAR and South Soudan's anti-LRA actions. The EU has filled this gap by funding African Union for monitoring and coordination means by African Peace Facility. Another example is that the EU prevents the insurgents from recurring armaments during the peace process by providing the armed groups and the army in Burundi essential livelihood assistance. In return, they have become committed to continuing peace dialogue during the ceasefire (EEAS, 2012).

EU's approach relies on the development-security nexus (Hughes, 2009) that requires establishing institutions in failed or weak states to avoid the 'conflict trap' (Collier, 2003). As such, the Commission, composed of a branch of departments dedicated to a particular field of expertise such as Directorate-General for CLIMA, ENV, HOME, ECHO, and TRADE assess overall political and economic situation of the country to find out most appropriate long-term crisis

management tool.¹⁴ These tools might be supporting border guards, strengthen judicial services as implemented in many of Central and Eastern European Countries. They can be used under the Instrument contributing to Stability and Peace (IcSP), replacing the Instrument for Stability (IfS) in March 2014, Election Observation Missions (EOMs) are widely used for crisis response and crisis management operations of the CFSP.¹⁵

Before the donation of aid, the HR/VC Federica Mogherini and Commissioners of specific DGs might plan to visit together to the regions where the crisis is going on. For instance, HR/VC Federica Mogherini describes the situation in South East Turkey as ‘difficult and tense’ and called for an immediate ceasefire and for the return to a peace process. Her visit to Mardin will be accompanied by the Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides¹⁶ who is responsible for delivery of EU relief assistance through humanitarian aid and civil protection.

4.2.2.2. Diplomatic tools

On the other hand, diplomacy has begun to occupy a very prominent place with the Lisbon Treaty entered into force in 2009. Today’s conflict that requires first symbolic actions to alter third party actions has raised the importance of diplomatic tools. The Lisbon Treaty has created two institutions that personify the normative face of the EU (Palm, 2014). While the MEPs were practically more influential in engaging dialogue and persuasion with the non-state groups, the creation of two institutions have stepped up the EU to become a diplomatic actor and realize its physical presence as a structural power (Keueleire, 2003)

The personification of the CFSP with the creation of High Representative of the Union for Foreign Affairs and Security Policy (HR), who enjoys the post of Vice President of the Commission (VC) at the same time, and the European External Action Service (EEAS) have strengthened EU’s visibility in conflict resolution (Vanhoonacker and Pomorska 2013). By using diplomatic instruments such as political dialogue, high-level visits, making peace proposals, sending ceasefire monitors participation in relevant international fora, HR/VC uses soft power of

¹⁴ See ‘Management Plan 2015, Service of Foreign Policy Instruments (FPI)’, *European Commission*. http://ec.europa.eu/atwork/synthesis/amp/doc/fpi_mp_en.pdf

¹⁵ See ‘Management Plan 2015, Service of Foreign Policy Instruments (FPI)’, *European Commission*. Retrieved from http://ec.europa.eu/atwork/synthesis/amp/doc/fpi_mp_en.pdf

¹⁶ See ‘HRVP Mogherini speaks to Mardin authorities after postponement of the visit to South East Turkey’, Press Release, 26 January 2016, http://eeas.europa.eu/statements-eeas/2016/160126_02_en.htm

persuasion in contacting conflict counterparties (Smith, 2008). Together with EU special representatives and envoys nominated by the Council for specific regions or countries, they conduct missions on behalf of the EU, assist, facilitate and contribute to the ongoing peace process by carrying out mediation, confidence building, and conciliation. They make a closer examination of conflict on the ground and gathers information about conflict drivers or accelerators. HR organizes meetings with states facing with terrorism and discusses the political, development and humanitarian support occasions to these countries.

Additionally, EU delegation to the UN voices on the behalf of the EU. Council responds armed groups by adopting several legal instruments to implement Security Council Resolutions and listing the group as a terrorist organization in separate EU list (Wahlisch, 2010).

Using diplomacy is important to show the EU's intention towards resolution of conflict. However, the language used in diplomacy is not always matched with EU's ability to implement the policy accordingly. This situation refers to an 'expectation –capability' gap that stems from EU's lack of capabilities and the weak foreign policy toolkit to address conflict dynamics (Hill, 1993; Ginsberg, 1999). For instance, the pledges given to Nigerian government in fighting with Boko Haram threat remained on paper: The EU remains committed to providing a comprehensive range of political, development and humanitarian support to Nigeria and its people in tackling this threat'.¹⁷ This kind of speech becomes a traditional rhetoric of the EU which is not backed by policy implementation due to the complexity of decision-making process. (Mayer and Vogt 2006; Peterson and Sjursen 1998) Translating principles and norms into political action is problematic and sometimes yields incoherent and inconsistent responses (Hughes, 2009). As such, the mismatch between the rhetoric and the reality, often described as 'just words' or 'declaratory diplomacy', puzzles the EU external relations (Larsen, 2004).

As a result, EU disposes of a wide array of instruments, policies and tools at its disposal for the management of crises and for addressing conflicts ranging from 'spanning the diplomatic, security, defense, financial, trade, development cooperation to humanitarian aid fields'.¹⁸ However, the decision on whether to intervene in a conflict or not and whether to empower the insurgent group or the government depends on their motivation for intervening.

¹⁷ See, 'Statement of the Spokesperson on the attacks in Nigeria', 31 January 2016, Retrieved from http://eeas.europa.eu/statements-eeas/2016/160131_02_en.htm

¹⁸ See 'The EU's comprehensive approach to external conflict and crises', 11, December, 2013, Retrieved from, http://www.eeas.europa.eu/statements/docs/2013/131211_03_en.pdf

4. 3. How to response new wars?

Taking into account decision-making mechanism and existing EU sources, we suppose that meeting on a shared vision and common objective in conflict responses is challenging ‘and engaging in local conflicts to prefer one approach over another, depending on their objectives, resources, and capacities’ (Hoffman and Schenker, 2011). The 2003 European Security Strategy explicitly states that ‘Europe faces new threats which are more diverse, less visible and less predictable’. This even becomes complicated with the nature and dynamics of non-state actors (Schulz and Söderbaum, 2010).

The new challenge for the EU, non-state actors, necessitates redefining European security interests. Post-Cold War era and especially post 9/11 brought radical change in both character and threat of internal war and gained a global significance. Whereas the ancient model of state-building was a domestic process (Tilly 2004), today’s wars, called as ‘new wars’ (Crenshaw, 2004, 2008; Neuman, 2009; Johnson, 2005; Kaldor, 2009; Thompson, 2014, Krause, 2014), are transnational in reach and the use of terror tactics in achieving the aim generates fear. Whereas insurgent’s state-making process evolves through banditry (Tilly, 2004) and quasi-criminal activity (Collier, 2003), that complicates their recognition, they have some extent political autonomy. They do not necessarily subscribe to international agreements, but have political concerns, because they see themselves as representatives of shared interests, and have constituencies to satisfy their needs. Given the highly political nature of non-state armed groups’ claims, the potential changes in dynamics and the context, internal conflicts blur the distinction between political and criminal motivated insurgent groups. Against the threats that cover a broad range of issues, the international community sees that ‘one size fits all’ or ‘business as usual’ approach is no longer valid and search for new strategies. This complexity is also implied on the comprehensive investigation on which considerations shaped the EU’s responses to new wars (Kaldor, 2009; Hughes 2011; Tocci, 2008) and puzzled the question of ‘with whom to engage’. As a result, developing an adequate response to insurgencies challenges the EU policy-makers.

Interestingly, a look at recent EU FP history has shown us that EU has responded in various manners to various non-state political entities. For instance, the EU has launched the Mali Training

Mission stating that the conflict in Mali poses ‘a threat to the European Union's overall security’.¹⁹ This reaction contrasts with the EU’ inaction for conflicts in Libya, Syria, and Ukraine. On the other hand, the EU statements show the NSAGs can perform a diversity of roles. For instance, they can signal state-building commitment and become protective towards the locals. In 2005, the Council of the EU welcomed the LTTE collaboration with the government in addressing all victims of the disaster regardless of their ethnic and religious origin in the wake of the tsunami and described this collaboration as ‘well-functioning’²⁰. In 2014, the European Union's envoy to Manila, Ambassador Guy Ledoux, has underlined the operational strength of the MILF in the peace process by expressing ‘the fantastic work that has been achieved by the MILF and the Philippine government’ in the way of the creation of a Bangsamoro government.²¹ However, these groups can easily turn violent and be abusive and disruptive of the peace process. In 2009 ‘the EU condemns in the strongest possible terms the LTTE for the use of civilians as human shields.’²² In 2011, the EU urged MILF to condemn the use of violence²³ employed by MILF members in different parts of Mindanao.²⁴ The various characteristics of the NSAGs perplex scholars on how to approach these entities. In the next chapter, I will suggest a theoretical concept of EU’s rational and normative based reactions towards armed groups to conceptualize the EU FP responses against insurgent groups.

Chapter 5: A New Theory of EU FP and NSAGs

Forming an institutionalized, coherent foreign policy against armed non-state actors poses a significant challenge for international players. While many options for the international community exist, we may collapse these into two main categories: One option is to welcome state’s

¹⁹ See ‘EU Training Mission in Mali (EUTM Mali)’, retrieved from http://www.europarl.europa.eu/meetdocs/2009_2014/documents/sede/dv/sede012313eutmmalifactsheet_/sede012313eutmmalifactsheet_en.pdf

²⁰ See ‘Meeting of the Co-chairs of the Tokyo Conference on Reconstruction and Development of Sri Lanka’ 25 January 2005, Retrieved from, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/83482.pdf

²¹ See ‘Importance of religious dialogue to achieve lasting peace stressed’, 4 June 2014, BusinessWorld,

²² See ‘Declaration of the Presidency on behalf of the European Union on Sri Lanka’, 27 April 2009, Retrieved from, http://europa.eu/rapid/press-release_PESC-09-46_en.htm

²³ See ‘Local EU Statement on the recent Incidences of Violence in Mindanao’, 24 October 2011, Retrieved from, http://www.eeas.europa.eu/delegations/philippines/documents/press_corner/local_eustatement_violence_mindanao_en.pdf

²⁴ See ‘United Kingdom alarmed by attacks, supports Noy's no all-out war policy’, 5 October 2011, Retrieved from, <http://www.philstar.com/headlines/740595/united-kingdom-alarmed-attacks-supports-noys-no-all-out-war-policy>

counterinsurgency measures and to deny the demands of insurgent groups. Whereas the other option is to see insurgents as a legal party and develop legitimate contacts with them. The international community has been divided over how to approach these non-state armed groups, so has the EU.

In this chapter, we focus on the decision-making process of the EU and find out the conditions under which the EU is more likely to offer a support for specific rebel groups and the conditions under which these groups are kept at arm's length. First, I briefly analyze the debate on the motivations lying behind the engagement and non-engagement tradition. Then I will examine how rationalist (liberal/realist school) and normative considerations shape the EU's responses to non-state armed group's activities.

We see that the EU does not apply 'one size fits all approach', both normative and geostrategic concerns shape its stance in approaching conflicts. Cunningham et al. (2011) assume that the characteristics of insurgent groups have a determining effect on the international communities' responses. For instance, the Moro National Liberation Front, the Moro Islamic Liberation Front and Abu Sayyaf fighting for the territory in Mindanao Philippines share some common goals, but international community does not attribute same response to all. I will conclude this chapter emphasizing that the variance of the EU's responses is clearly observable in reacting the insurgents with different characteristics.

5.1. To engage or not to engage with armed groups

What could explain a state or an IO's attitude towards insurgent groups' proto-state diplomacy? The rationalist and the normative approach have explanatory power on the actors' behavior towards NSAGs. I will state the explanation for non-engagement and engagement each in turn, and then conclude this section by emphasizing that an attitude towards insurgent groups is not limited to the choice between countering or engaging, an alternative option of responding their diplomatic activities would be arm's length relationship.

Those who are not willing to engage insurgents have legitimacy concern that limits their responses to NSAGs. They believe that negotiations give legitimacy to terrorists and encourage them to gradually increase their level of violence (Wilkinson, 2001, Neumann, 2007, Stewart 1987, Zartman, 2000, Lacqueur, 1977). For a realist actor, an increase in the level of violence is a

problem as realist school measure the power in terms of hard power capabilities. For an actor having normative concerns, engaging with an NSAG is also problematic because engagement would be understood as legitimizing their methods in reach of their aim and making double standards regime to those who have pursued political change through peaceful means (Neuman 2007, Toros 2008). So, after 9/11, some governments have enacted counterterrorism laws that forbid contact with certain NSAG and rejected any engagement that would legitimize NSAG. For instance, US who has already listed LTTE as a terrorist organization in 1997, have effected the ban after ‘passing of UN Security Council Resolution 1373 (2001) on 28 September 2001 based on 9/11 attack’.²⁵ As such, third parties apply coercive measures, support counterterrorism or counterinsurgency policies of the government and employ trade-related measures, and delegitimize the group with a ‘talk without talking by simply issue a series of declarations’ rather than involving in direct negotiations (Byman, 2009).

However, engaging with such groups becomes politically and practically necessary²⁶ as they shape and produce a new order (Kalyvas, 2006). What would be rational behind engagement with armed groups? This is also another question the rational school and normative tradition disagree on, in terms of the impetus behind the engagement. The rational actor might not refuse an engagement with insurgents or even offer a talk in pursuit of foreign policy objectives as long as the matter is related to protect the stability of the international system and its own security. For instance, a state can cooperate with an armed group to weaken an external rival presenting a challenge to its security by changing the initial power balance among the actors. For instance, more recently, PYD has been a close ally of the US in the fight against ISIS ²⁷ can be explained from this realist framework. Or, another reason of contact might be “tactical” related issues such as bargaining with an insurgent group order to save its hostages from them (Byman, 2009). As an example, after several failure in persuading the FARC, France has negotiated with Uribe to convince him to liberate one of the former leaders of the FARC, Rodrigo Granada, hoping the liberation of Ingrid Betancourt, a former Franco-Colombian presidential candidate, in return

²⁵ See ‘Foreign Involvement of Terrorism in Sri Lanka during Conflict Era - An Appraisal’, 2015, Retrieved from, <http://www.kdu.ac.lk/proceedings/irc2015/2015/dss-024.pdf>

²⁶ See ‘Understanding a new generation of non-state armed groups’, retrieved from, https://www.unssc.org/home/sites/unssc.org/files/non-state_armed_groups_-_dialogue_series_2014.pdf

²⁷ See ‘The U.S.-PYD-Turkey Puzzle’, 23 October 2015, retrieved from, <http://www.washingtoninstitute.org/policy-analysis/view/the-u.s.-pyd-turkey-puzzle>

(Bayer, 2013). On a similar note, the foreign governments often offer a ransom to terrorist organizations in Iraq for the return of their journalist (Faure and Zartman, 2010).

Another rational behavior might be to react when trade related issues are at stake. The general pattern of response for a liberal actor would be engaging with the insurgent group to understand the root causes lying under insurgency and to provide a remedy for it by ‘creating bonds of mutual interests and a commitment to the status quo’ based on trade and economic intercourse. This would deter insurgents from violent activities through accepting a peaceful co-existence. Economic considerations can be an impetus behind a mediation and conflict prevention which they have material interests from the outcome of the conflict resolution (Bercovitch, 2009; Collier 2003)

Norm driven actors are more prone to engage with insurgent groups. They prefer engaging with insurgents by looking at their identity and attempt to change their characteristics in a way that it can be a political actor. For instance, this approach is seen in actions of UN that ‘classifies these actors by their value to the process, not by whether they are listed or indicated.’²⁸ They see violence as a merely tactic which is used for receiving the attention and help from international community. In this respect, offering a talk with insurgents is beneficial to solve the conflict permanently. The use of dialogue, negotiation can change their violent behavior and facilitate their transition from military organization to political organization as well as persuade them to accept and respect certain norms by bringing armed groups to the table for signing non-using child soldier regime and law of war and human rights agreements (Hofmann and Schneckener, 2011). What normative power mitigates to do is to change insurgent’s attitude with stigmatizing the group with refusing to engage with them. Because labelling is detrimental to the resolution of conflict as it gives incentive for the government to start a military defeat over the group and curbs the latter’s attempts to resolve the conflict with peaceful means by leaving them only radicalization option to raise their voice (Haspeslagh, 2013). For instance, in Sri Lanka, Turkey, Colombia, the Philippines, Palestine and Nepal, the proscription of the insurgents have led to their re-radicalization (Dudouet, 2011). As the Liberation Tigers of Tamil Eelam case shows, Norwegian mediation efforts have remained limited because of EU stigmatization that encourages the government to defeat LTTE militarily

²⁸See ‘Understanding a new generation of non-state armed groups’, retrieved from https://www.unssc.org/home/sites/unssc.org/files/non-state_armed_groups_-_dialogue_series_2014.pdf

with framing the conflict as ‘terrorist problem’ (Lewis, 2010; Höglund and Svensson, 2008; Nadarajah & Sriskandarajah, 2005, Haspeslagh, 2013). Another example is that the stigmatizations of Hamas by the Western countries have given a message that they have closed the door to the negotiation with Hamas. So, they could not no longer influence Hamas in a way that might moderate its behavior (Haspeslagh, 2013).

5.2. Support vs arm’s length relationship

The consequence emanating from this brief analysis is that external actors have several options and approaches when they confront with an insurgent group (Hoffman and Schneckener, 2011; Stedman, 1997). One option is that, those who engage with insurgent groups can show their support by providing training, weapons, and material financial aid, intelligence, organizational aid, intelligence (Byman et al., 2011) and participating state-building activities of the NSAG.

Other option might be that, an actor who does not engage with an insurgent group keeps the group at its arm’s length with several strategies. These are ‘bad-cop strategies’ which can be in the form of threatening with military intervention, trade sanctions, diplomatic signals or anti-terrorist measures used for isolating terrorists (Hayes et al., 2003; Höglund and Svensson, 2011).

The puzzle here is twofold. Firstly, non-engagement would be also equal to support in some cases. Non-reacting would be considered as giving consent to the NSAG’s activities. To avoid this, the EU, for instance as seen in statements concerning ISIS/Daesh, ‘recalls the UN Security Council Resolution 2253 (2015) that imposed a legal duty on UN member states to prohibit any kind of assistance to the so-called ‘ISIS/Daesh’ and other terrorist organizations, notably supplying arms and financial assistance, including the illegal oil trade’²⁹

The second puzzle stems from Byman’s (2009) claim that is ‘talks and the use of force usually go together rather than being seen as alternatives’. Another option of responding conflict occurs which is based on using a combination of coercive measures and inducement strategies. Höglund and Svensson (2011) argue that the third party seeks to influence the non-state armed

²⁹ See European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called ‘ISIS/Daesh’ (2016/2529(RSP)), retrieved from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FTEXT%2BTA%2BP8-TA-2016-0051%2B0%2BDOC%2BXML%2BV0%2F%2FEN&language=EN>

group with positive sanctions as a complement to negative sanctions. This strategy is called as ‘carrot-and-sticks’ approach and largely used by the international organizations. For instance in Sudan, Uganda, and the Middle East, ‘large amounts of aid has been accompanied by sticks in the form of terrorist listings (Uganda, Middle East) or indictments for war crimes (Uganda, Sudan)’ (Höglund and Svensson, 2011). As such, whether an actor supports the group or distances it from itself becomes problematic to understand.

5.3. Different EU FP instruments for different groups

A glance at EU’s relations with NSA groups shows that the EU employs various approaches to different groups. For instance, one of the EU official document states that ‘the EU tend to avoid direct funding to transition processes of armed groups to political parties’³⁰. However, following chapter will demonstrate that the EU directly attributes funds to the MILF. What, then, explains this variance in the approaches of the EU? One can surely suppose that, from the EU FP decision-making side, the mechanism behind the EU’s behavior towards the insurgent groups might be interest or value driven. In this section after explaining the responses emanating from normative considerations, I will analyze how geostrategic interests shape the EU FP responses.

Existing literature widely observed the EU’s external actions to understand EU FP intention and often relates its responsiveness to EU’s initial capabilities and resources. As such, scholars have described the EU as uniquely norm-obeying actor; such as Europe as ‘civilian power’ (Duchene 1972), ‘a normative power’ (Manners 2002; Sjursen 2006), ‘soft power’ (Nye 2004), a ‘soft empire’ (Hette and Söderbaum 2005), a ‘transformative power’ (Grabbe 2006), a ‘green normative power’ (Falkner 2007). These labels affirm that EU assumes the responsibility to make the world better place with its instruments and norms based on the idea that ‘what is good for Europe is also good for the world’ (Mayer 2009).

³⁰See ‘Mediation and Dialogue in transitional processes from non-state armed groups to political movements/political parties’, *EEAS Mediation Support Project*, November 2012, https://eeas.europa.eu/cfsp/conflict_prevention/docs/2013_eeas_mediation_support_factsheet_armed_groups_en.pdf

Adopting a human security (Kaldor, Martin, 2010) and ethical approach in external relations (Mayer and Vogt, 2006), the EU forces insurgents to sign agreements on the prohibition of child soldiers and use of landmines, in order to make them conform the human rights law even though this policy did not always result in a change in insurgent activities. As an example, the EU together with the UN and UNICEF has launched the campaign "Children, not Soldiers" in March 2014 to fight with the recruitment and use of children by government forces in conflict.³¹ Certain insurgent groups such as RCD-Goma in the DRC, the FARC in Colombia, the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, LURD in Liberia, the SPLA in Sudan, and several ethnic armed opposition groups in Burmama have made public commitments to end their use of children as soldiers, however some groups keep recruiting children (Hofmann, 2006).

The important thing is that engaging with the armed actors for humanitarian concerns does not mean to recognize their legitimacy. The EU makes this point clear by stating that ‘the encouragement of armed groups for the protection of children in armed conflict with the UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict by concerned states and armed non-state actors, while recalling that such engagement with armed non-state actors does not imply support for, or recognition of the legitimacy of, these groups or their activities.’³²

On the other hand, norm based considerations can drive the EU to execute a military intervention which is considered as an acceptable mean when the aim is to foster democracy, rule of law and ensure human rights (Doyle and Sambanis, 2000; Diez and Manners, 2007; Bicchieri 2006, Hyde-Price 2006, 2004; Smith 2011; Posen 2006; Palm, 2014). The European Security Strategy (2003) mentions the need of using military force in intervening failed states to restore order (Norheim-Martinsen, 2011; Stavridis, 2011). Kaldor (2009) identifies these operations as human security interventions aiming to address root causes of conflict and uphold human rights rather than to defeat insurgents (Bird, 2008). For instance, the EU military intervened in the DRC

³¹ See ‘Joint Press Statement by EU High Representative Federica Mogherini and UN Special Representative for Children and Armed Conflict Leila Zerrougui on the occasion of the International Day against the Use of Child Soldiers’, 12 February 2015, retrieved from <https://childrenandarmedconflict.un.org/press-release/joint-pr-caac-eu/>

³² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2014-0160+0+DOC+XML+V0//EN>

because the EU as a norm obeying actor assumes a global obligation to address human rights violation (Kreutz, 2008).

The literature analyzing the EU responses through geostrategic concerns are significant and the scholars have proved that EU's commitment to norm-based politics remains on paper. Duffield finds that 'NGO's and UN agencies, tend to view conflict and wars as a temporary "interruption" to an ongoing process of development; conflict is seen as a form of "developmental malaise.' (Berdal and Malone, 2000). The same view is shared by the EU whose character as 'trading state', 'conflicted trade power' (Meunier and Nicolaidis 2006) and 'neorealist power' requires the need for preserving the stability and reaching a predictable environment in which to pursue its rational activities. Scholars have proved this point with case studies. Sasse (2008) examines how the EU Neighborhood Policy influences the crisis management operations in South Caucasus and EU's geostrategic competition for influence with Russia (Hughes 2010). Kreutz (2013) has shown that the EU is less responsive for human rights violations in Asia and the Americas whereas more sensitive for non-EU countries in Europe.

One of the strategies developed under the interests-based approach is to address symptoms of conflict to ensure stability and security within and around Europe. Palm (2014) argues that the EU's involvement towards Macedonia with Commission's institution-building programs such as the Stabilization and Association Process (SAP) and the PHARE program in 2001 was in objective of protecting its free trade interests, human rights violations were not a priority. As a liberal trading power, the EU has always been the major donor and increasingly augments the amount of foreign aid and investment to conflict areas, not only limited to conflicts on its neighborhood also to war-torn countries in sub-Saharan Africa and Central Asia (EES, 2003).

Additionally, the EU adopts an active role in peacekeeping and state-building operations in these regions through which it employs a strategy of inducement, aiming to the inclusion of non-state actors in official talks (Giegerich, 2006). Based on the argument that rebels fight for the acquisition of oil, mineral and agriculturally rich territories (Holsti 1991; Richardson 1960), we can suppose that an authority change over the resource-rich area might have an impact on EU's interests. For instance, the new authority might undermine the security of energy supply or involve in human and drugs trafficking. Having high strategic interests in conflict, the EU can assume the role of mediator between the insurgent group and the government.

One step further, the perception of threat can guide the FP actions as long as the insurgent group is likely to attack the European territory. As an example, EU Training Mission in Mali has been justified with the argument that the ‘unacceptable situation in Mali’ represents a grave threat both for the region and for EU’s overall security: ‘The situation increases the threat to the safety of EU citizens in the Sahel (hostage-taking, attacks) as well as in Europe, notably through the influence of extremists and terrorist networks over the diasporas, training, and logistical support from Al-Qaida affiliates in the north of Mali. It also threatens the EU's strategic interests, including the security of energy supply and the fight against human and drugs trafficking. European intelligence agencies have already thwarted attempted attacks on the European territory.’³³

5.4. Taxonomy

I assume that whether the normative or geopolitical interests determines the EU’s relations with insurgent groups can be understood by examining the characteristics of the insurgent groups that enjoy a good relationship with the EU and that are distanced from the EU. In this section, I describe key variables I posit to be associated with the EU’s relation with the armed groups and critique their internal logic that will lead our two hypotheses. The significance of this taxonomy is that by looking at the category of the insurgent group we can make an early prediction on the fate of conflict and its attitude towards a potential peace process, whether it will show a high potential to commit to the peace process or represent a danger of peace processes spoiler. I will conclude by assessing their evidentiary strength in the next chapter with the MILF, the LTTE and the Janjaweed armed groups.

I categorize insurgent groups according to their *level of legitimacy* and *level of organizational strength*. First, I define legitimacy and introduce measurement for our first variable, the level of legitimacy. I measure the level of legitimacy through the armed group’s *service provision, internalizing liberal values, the existence of idiosyncratic practices* and *the recruitment strategy*.

³³ See ‘EU Training Mission in Mali (EUTM Mali)’ Retrieved from http://www.europarl.europa.eu/meetdocs/2009_2014/documents/sede/dv/sede012313eutmmalifactsheet_/sede012313eutmmalifactsheet_en.pdf

5.4.1. How to measure the level of legitimacy?

The legitimacy of the state occupies a grand place in international community's consideration in responding conflicts in general because it determines 'the type of state that should be (re-)built and how this process should take place' (Lemay-Hébert and Mathieu, 2014). This is also valid for non-state armed groups who can legitimize their power in a various way. For example, an armed group can gain legitimacy by filling security gap with demonstrating state performance (e.g. Al Shabaab in Somalia and MILF in the Philippines). Alternatively, shared identity upon religion or ethnicity may unite individuals under an organization (e.g. LTTE in Sri Lanka, Al Shabaab). Challenging existing state by redistributing wealth through taxation (e.g. Al Shabaab and FARC) is another way of acquiring legitimacy (McCullough, 2015). These activities of insurgents can convince locals that they have a right to be constituted as a state in a given territory. Also, some third parties might be convinced and support the group whereas others do not.

Today NSAs employ various means to challenging state's monopoly of the use force that their desirable state-like features remain in the shadow. This creates a problem for IR scholars to decide whether these non-state entities should enjoy the privileges of sovereignty and be recognized in the international platform. Additionally, given the insurgent group's strong political claims, assessing the legitimacy of an armed group has always been a contentious issue for third parties (Podder, 2013). As such, a measurement of the legitimacy is needed because all groups are not at the equivalent level of legitimacy and its level shapes the power relations of NSG-state-the population trio, and thereby determines international actors' perception against the group.

Bartman et al. (2003) argue that 'legitimacy refers to an assessment of the state's capabilities.' This definition points that the functionality of an armed group as a state constitutes an indicator of the group's legitimacy. To measure the degree of legitimacy, one can employ institutional neo-Weberian approach or normative approach. Neo-Weberian approach lays stress on the service providing the capability of the insurgent group to determine the level of legitimacy, whereby normative perspective underlines the importance on the moral justification of its rightness (Bartman et al., 2003).

To start with the neo-Weberian approach, legitimacy is correlated with the well-functioning institutions. Our first measure, *service provision*, indicates whether an armed group

can satisfy locals with security and care about their wellbeing. We borrow Weber's conceptualization of the state strength and then apply it to armed groups context. Weber indicated that state strength is measured by the functionality of institutions. Lemay-Hébert and Mathieu (2014) also supported this idea by arguing that 'strengthening legitimacy is thus imagined regarding strengthening state capacity to provide services.' Wickham-Crowley (2013) prioritizes defense-related institutions like police administration and building legal mechanism in creating 'perceived strength'. The state-like activities such as shielding civilians from state violence and provision of benefits make the locals support the armed group (Kalyvas, 2006, Wood 2010). In line with this logic, in a reverse situation, when a state is fragile or collapsing, we understand that the state does not successfully ensure delivering of services. Moreover, when it fails to provide services, it suffers from weak legitimacy. So, the ability to gratify services like security and to contribute the wellbeing of its citizens are positive indicators of armed group's legitimacy.

The reflection of the neo-Weberian approach is seen in the reports of international organizations. The liaison between service delivery and the legitimacy of a political order is also indicated in the OECD report on Service Delivery in Fragile States state (McCullough 2015). So, the more the insurgent group is capable of satisfying the needs of the locals, more legitimate the armed group is.

However, the third party looking from this perspective can encounter with the puzzle of labeling all state-like functioning group as legitimate. For instance, some groups intimidate locals and employ terror against the rural populace, as saying that they do not provide services if they renounce support. In this case, they lost most of its legitimacy (Höglund and Svensson, 2002; Kalyvas, 2006). I categorize the latter as having a low level of legitimacy.

As stated above, the second approach for legitimacy measurement is normative. This approach underlines the importance of the moral justification in assessing the legitimacy and privileges value-based rules which a political order must conform to have a 'right to a separate destiny' (Bartman et al., 2003). According to this approach, a right way to operate political activities exists. As a matter of fact, the emphasis is given to the political culture and collective identity of an insurgency to measure the legitimacy. Internalizing liberal values such as respecting democratic elections, participatory, consultative mechanisms and human rights play a role in legitimizing the rebel organization. For instance, the promise of leadership to make space for

different clans to sit at the table and give them an equal chance to participate in law making of the new government shows that the group has a liberal approach in the process of state-making. In a similar way, the existence of the measures to combat poverty, increase equal right to access to healthcare and education in the political agenda of the groups indicates an asset in the eyes of an international actor. Furthermore, internalizing liberal values imply the use of force and source of financing the activities as well. We can also assume that NSAGs having liberal values do not look for illegal means of funding for its activities such as kidnapping for ransom, arms trafficking and the transportation of illegal immigrants and less likely to use terrorist tactics and commit human rights violations. More importantly, they show the greater propensity of engaging peace process. This approach might explain why the international community considers Free Syrian Army as legitimate. Because 'it advocates a secular democratic state and the protection of human rights whereas ISIL is judged to be illegitimate as it advocates an Islamic state and does not adhere to the liberal concept of human rights' (McCullough, 2015). So, *internalizing liberal values* is our second measure.

Last but not least, the strategy used in persuading insurgents change according to the legitimacy of the organization. The methods to reach new recruits might be via violence or convincing the civilians until they voluntarily join the group (Kalyvas, 2006, Beber and Blattman 2008, Wood 2006). Rebels voluntarily take an active role in the organization because they are committed to fighting for the sake of ideology; therefore, remain under the control of the leader who coordinates insurgent action. This is an indicator that the group is more capable of carrying out the wishes of the third party in negotiations. So, *recruitment strategy* based on the consent of locals brings the armed group high legitimacy. Sanin (2004) and Weinstein (2007) argue that groups relying on economic endowment are characterized by disloyal and greedy soldiers whose unique motivation in participating the rebellion is a private gain. These low committed recruits are inclined to disobedience to group strategy and involve in looting, use of indiscriminate force against civilians to receive funding from them (Kydd & Walter, 2006, Sanin 2004). In such a group, the leaders become less able to control fighters. Showing the characteristics of peace spoiler, we conclude that this armed group has a low level of organizational strength. On the other hand, group relying on social endowment represents more resilient organizations with the high level of legitimacy (Weinstein, 2007).

Equally important is how the population perceives the armed group. Mampilly (2011) argues that mimicking the symbolic behavior of nation state is a way to legitimize the political authority. The 'idiosyncratic practices' refers the practices and customs based on shared norms, such as 'the costuming of personnel according to distinctive military arrangements, the adoption of official flags and mottoes, the burial of the dead in extravagant cemeteries, printing of a national currency with a no local value, and the composition of national anthems for unborn nations' (Mampilly, 2011). These practices create a shared cognitive or mental model (Podder, 2014) which makes the group legitimate in the eyes of respective population. Our third variable emanates from here; *the existence of idiosyncratic practices*.

5.4.2. How to measure organizational strength?

Our second variable is the level of organizational strength. The insurgent organization is primarily military organization with the economic and political aspect. So the organizational strength of the group consists of three components: Military, economic and political strength (Dallas-Feeney, 2013). The measurements of the level of organizational strength must have an impact on three above mentioned components. We measure the organizational strength of the group by looking at *fractionalization, the existence of a clear and strong leadership, and the size and extent of the territory controlled by the armed group*.

First measurement of the organizational strength level is the existence of *fractionalization* and a *clear and strong leadership* within the group. Non-state armed groups are often treated as unitary entities. They are heterogeneous movements and are marked with internal differences and struggles (Perlman and Cunningham, 2012). Fractionalization is a characteristic of weak organizational strength. Cunningham et al. (2011) claim that 'fragmented groups that are prone to splintering, and leaders that cannot direct battlefield operations effectively, are less desirable agents since it is not clear that the wishes of the patron will be carried out by the organization as a whole.' Divergence in their aims and insurgent activities makes the group incoherent because behavioral differences are seen among hard-liners and soft-liners regarding the fate of insurgency and the use of insurgent tactics. Neumann (2007) also indicates this point by stating that 'only groups with a clear leader, who has control over a group's personnel, is a worthy negotiating partner.' Such a division within the group sets obstacle for the integration of armed group to the political system. Because selection of the representative who will negotiate on the behalf of the

group becomes problematic. The armed group with a clear and vigorous leader is more likely to be transformed into a political party.

On the opposite side, more centralized the group structure less likely the insurgent behavior contrasts the leader's preference (Salehyan in Haer, 2015) and less likely the insurgents commit human rights violations or focus on the individual gain (Henriksen, Vinci 2008) and target civilians randomly (Kalyvas, 2006). Cunningham et al. (2011) define stronger rebel organizations with their clear and centralized organizational structures, because of their high likelihood of pursuing the principal's goals efficiently. As such, the perception of the group in the eyes of international organizations becomes favorable. These groups are more prone to conform international rules to receive recognition from both the international community and existing state. This characteristic of non-state armed groups might be an asset to receive EU support.

Last but not least, *the size and extent of the territory controlled by armed group* represent another measurement for organizational strength level. All groups do not possess an equal level of territory. Some have established de facto states with a professional army and represent a parallel government whereas some still employ guerilla tactics in a limited area (Cunningham et al., 2011). Kalyvas (2006) argues that the geographical control shows the military effectiveness. In this regard, the vast expanse of control under the existing state is an indicator of group's relative strength, both militarily and politically.

5.5. Hypotheses

At the end of this analysis, we end up with four type of insurgent groups that are categorized in respect of their level of legitimacy (high-low) and level of organizational strength (high-low). Considering the norm and interest based EU FP behavior, this analysis yields following hypotheses. I propose that;

Hypothesis 1: the EU is more likely to support insurgent groups with the high level of legitimacy and high level of organizational power.

The normative process that yields this result might be: The EU supports like-minded normative allies in their aim of establishing governance, via financial aid, opening a representative office in EU MS territory, or actively participating mediation and crisis management activities, whereas condemning the use of force by the existing government.

Rationalist process that yields this result might be: These groups have both technical and political capacity to operate as a political entity as they achieve service provision and sets up a governing system within held territory with popular support. The EU supports them in a way that does not threaten its geopolitical interest and destabilizes the balance of power between the existing government and EU MS. For instance, the support might be in the form of mediation aimed at transforming the armed group into a political party or finding a territorial solution within existing state. The EU engages in informal contacts, multi-track diplomacy and also give incentives. Alternatively, the hostility between the EU and the existing government can be the reason of the support. The EU can help the replacement of the government by the armed group if the latter is more inclined to be a reliable partner.

Hypothesis 2: the EU is more prone to keep insurgent groups with the low level of legitimacy and low level of organizational power at its arm's length.

The normative process that yields this result might be: These groups are perceived as a primary predatory force due to their undisciplined army committing high civilian casualties. They might even force locals to sustain illegal activities. Their fractionalization represents loose affiliations among various units that distance them from the group's political aim but focus on private gain. The EU attempts to persuade to alter their strategy. As such, the EU might keep the group at arms' length with declarations condemning their actions with naming and shaming strategy and militarily intervenes for the sake of Responsibility to Protect.

Rationalist process that yields this result might be: The EU sees no hope for their societal recognition and ability to govern a specific territory. Insurgents that are considered as peace spoilers derive substantial profit from the war economy, thereby become a part of transnational terrorism both threatening European territory and attacking the resources of existing government which the EU benefit from the possibility of nonviolent conflict resolution. As a result, the EU keeps the group at arm's length by labeling the group as a terrorist organization, economic sanctions, supporting the government forces through training missions, military interventions targeting a terrorist and any other coercive measure that would harm the interests of insurgent group.

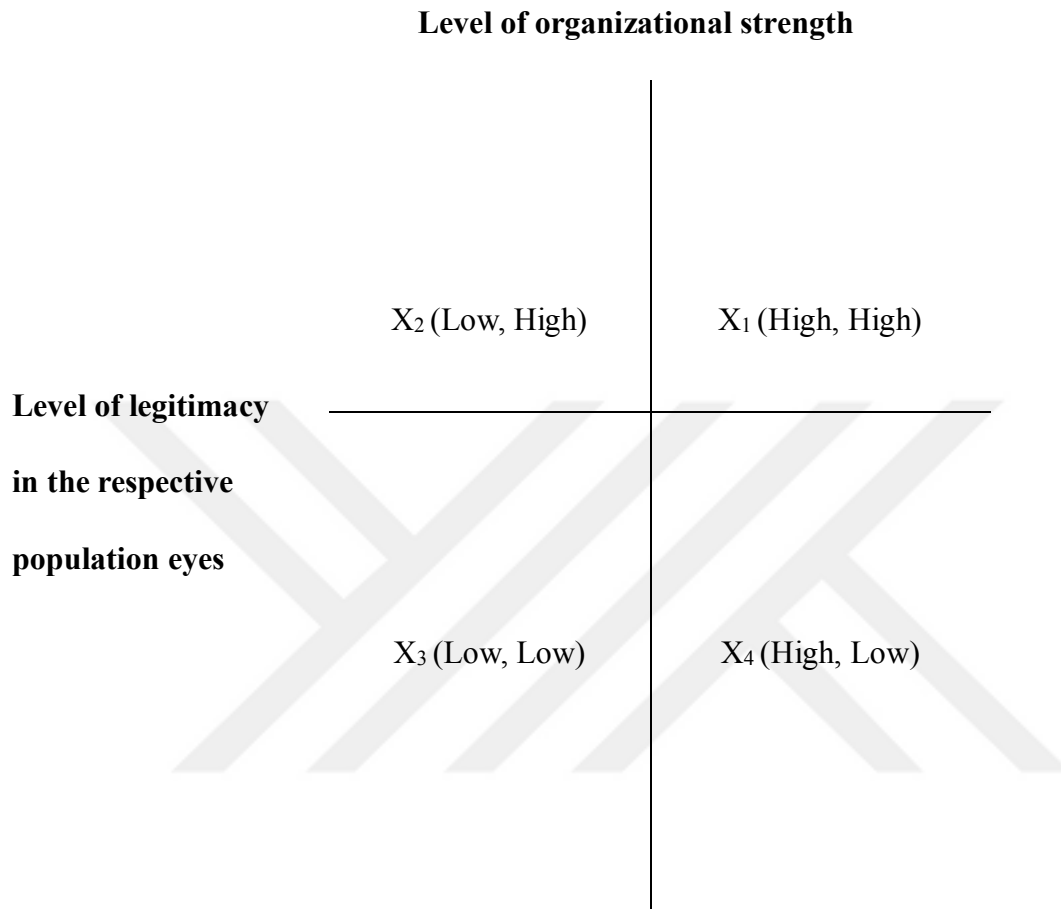


Figure 1: Categorization of insurgent groups

The next question, then, becomes, whether or not our theory holds in light of evidence. Towards this aim, the next section will present two brief cases where the NSAs are chosen with respect to their variance over the level of legitimacy and their organizational strength.

Chapter 6: Case Studies

6.1. The Moro Islamic Liberation Front (MILF) insurgency

First I will provide an overview of the MILF insurgency and then focus on EU's reaction towards the activities of the MILF. We see that the EU has intensified its presence in the Mindanao with the peace process. The role of the EU in the conflict has evolved from being a donor to a political actor that leverages, supports and funds the mediation between the MILF and the Philippines government. Although the government is on three existing peace process with three different armed groups why the EU only supports the MILF by taking an active role in the peace process is also a puzzle to resolve. This analysis has resulted that the EU has supported the MILF because it has a high level of legitimacy in its respective population eyes and high level of organizational strength.

The Philippines have always been a place of conflicts and resistance movements. Notably, Mindanao region has witnessed bloody confrontations first between Moros (Spanish name attributed to Filipino Muslim) and Spanish in the 16th century, later on between Moros and US military. The migration of Christian in Mindanao was very intense that Moros became a minority in their own homeland. Jacques Bertrand describes the situation as following 'in 1912 the Moros owned most of the land in Mindanao and Sulu, [by] 1972 only 30 percent had land in their name, [and by] 1982 the Moros represented only 17 percent of total landowners'³⁴. The history of resistance against an external power has grown grievances. These grievances are further deepened with poverty and the violent harassment and discrimination applied by Christian government over Moros. As such, they have raised against the government under three different rebel organization such as the MILF, Moro National Liberation Front (MNLF) and Al-Harakatul Islamiyya, also known as the Abu Sayyaf Group (ASG) (Houvenaeghel, 2015).

The MILF armed group is created in 1979 by Hashim Salamat who is former vice-chairman of the MNLF. It has been established in the Bangsamoro Region of Mindanao Island, located in the Southern Philippines, based on four strategies: Islamization, self-reliance, political organization, and military build-up³⁵. As being a radical group and having ethnic-nationalist

³⁴ See 'The evolution of Philippine Muslim insurgency', *Asia Times*. 28 July 2016. Retrieved from https://www.atimes.com/atimes/Southeast_Asia/EC06Ae03.html

³⁵ See 'Moro Islamic Liberation Front (MILF)' Analysis by Shawn Tupper, 28 July 2016. Retrieved from https://hs-community.org/2016/02/18/366/#_edn21

agenda, the group demands independence from the Philippine government with the establishment of a Bangsamoro (Moro nation) political entity. In March 2014, the first peace agreement between the government and the MILF was signed which can be interpreted as ‘the recognition of the justness and legitimacy of the cause of the Bangsamoro people and their aspiration to chart their political future through a democratic process that will secure their identity and posterity and allow for meaningful self-governance.’³⁶Currently, the MILF is still in a cease-fire with the government and they agreed to extend it until March 2017.

6.1.1 Legitimacy of the MILF

The MILF has succeeded to secure legitimacy and gained internal recognition for its struggle. One of the major reasons is that the MILF raises the voice of Muslim population feeling historically marginalized and discriminated against Christian population who has a distinct way of life. Another reason is that the MILF provides services under its territory where the Philippines state fails to do so. Another reason is that MILF prioritizes negotiation over armed struggle and shows loyalty to liberal values such as democracy and human rights and rely on consent for recruitment. As such, the MILF shows a high level of legitimacy in respective population eyes.

The idiosyncratic practices of the MILF stemming from Muslim identity and culture require a different way of life than Christian Filipinos have. Moros suppose that they are historically marginalized in their own homeland (Santos and Santos, 2010) and the Philippine government prevents ‘the Muslims to appreciate a sense of being Filipinos while preserving their ethnonational identity’ (Houvenaeghel, 2015).

Service provision of the MILF occupies an important place in receiving popular support. Insurgents accuse the government of failing to provide Mindanao the equitable share of the country’s development (Tan, 2003). As such, the MILF has appeared as a substitute for the Philippines government and its status has ‘transcended from being roving bandits to stationary providers of social services’ (Özerdem and Podder, 2013) that become a ‘shadow government able to function with its own army, Sharia courts, prisons, and even an educational system’. However, in this established parallel system of governance, the MILF could do very little beyond offering

³⁶Comprehensive Agreement on the Bangsamoro. 2014.

basic needs due to lack of development. The MILF's service provision ability is often described as 'rudimentary' due to the fact the region still face with the lowest level of human development in Mindanao (Abuza, 2011). According to WHO report, 'service delivery is lagging due to minimal investment and resources for health, both at national and local levels'.³⁷ In this regard, MILF receives support from the EU to improve its service provision capacity.

The MILF prioritize negotiation over a war based on liberal peace approach. MILF has issued a high-level policy declaration in September 2008 indicating that to continuing to uphold the Peace Path is still the best way forward to ensure a political and lasting solution. Although the aim of the MILF is secession, the MILF accepts to start negotiation on greater levels of self-determination. (Santos and Santos, 2010). Decision-making in MILF is 'consultative with a central committee that drives the organization's agenda' (Ferrer and Cabangbang, 2012). Following a liberal state-building agenda, the MILF has committed to making space for all fractions to sit at the table and craft together the new law of Bangsamoro government that will be based on a party system. MILF compensates its lack of means with calling international actors to involve in the peace process without involving in illicit means of funding.

Rebel recruitment relies on volunteer Moros instead of forced soldiers. Özerdem and Poder (2013) have found that 'coercion was absent and ideological, cultural and sociological issues of low education, lack of opportunities and poverty appeared to be more robust reasons for joining in support of the Bangsamoro political objectives' as well as the kin relationship with group members. The MILF does not pay salary to its members. But the belief that fighting is a component of Moro identity conducts families voluntarily send their children to MILF ranks where the children can learn how to fight, how to survive without food and where they receive madrassah education and take regular Koran classes. As such all Moros have been indoctrinated in the MILF camps in one period of their life. For this reason, although they are not taking an active part in the rebellion, 'they can easily shift from their civilian status to fighters' (Ferrer and Cabangbang, 2012).

As such, we understand that the legitimacy of the MILF is high according to Moros.

³⁷ See, WHO, Philippines – Country Cooperation Strategy; http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_phl_en.pdf; PhilHealth, <http://www.philhealth.gov.ph/>; Philippines National Demographic and Health Survey

6.1.2 Organizational strength of the MILF

The size of the territory under its control shows a downward trend while the control over the territory held increase a greater level. For instance, ‘in 1976, 13 provinces had a Muslim majority and were eligible for a plebiscite, yet by 2006, it was only 6 provinces (Abuza, 2011). But each bargaining process ends up with obtaining a higher level of autonomy. In October 2012, the peace agreement with the government has led the creation of the current Autonomous Region of Muslim Mindanao (ARMM) where MILF has succeeded to established ‘a defacto autonomous Islamic community (a shadow government)’.³⁸

The MILF has a clear and strong leadership that represents all tribes and communities living in Mindanao. Seeking for the establishment of “Bangsamoro,” the MILF leadership has agreed to start negotiations on greater autonomy that would lead in the future a new negotiation on secession. However, this decision of the leader has caused internal disputes and yielded the Commander Kato breaking away from the MILF in order to establish the Bangsamoro Islamic Freedom Fighters (BIFF) in 2008 who will continue to fight for full independence. The aftermath of this breakaway, the MILF has denied working with the group, emphasizing that all of MILF combatants are disciplined and do not take part in violent attacks while remaining committed to the ceasefire.³⁹ The MILF spokesman has claimed that they have “no formal ties” with terrorist groups and those who employ terrorist tactics in the wake of the peace process are “lost commands” and “rogue commanders” (Abuza, 2011). Against the terrorist attacks that are alleged to be committed from the MILF side, the MILF’s leadership often reiterates its commitment to the negotiating table and the continuation of peace talks while denying the attacks. For instance, in 2011, in response to British Ambassador Stephen’s call for MILF to reiterate its commitment to the peace process, the MILF had to reassure public and political opinion that insurgents are disciplined and committed to ceasefire rules.⁴⁰

All these factors make the MILF’s organizational structure powerful.

³⁸ See ‘Moro Islamic Liberation Front (MILF) Analysis by Shawn Tupper, 28 July 2016. Retrieved from https://hs-community.org/2016/02/18/366/#_edn21

³⁹ See ‘Is BIFF the MILF’s ‘BFF’? (2016). Retrieved from <http://newsinfo.inquirer.net/669597/is-biff-the-milfs-bff>

⁴⁰ See, ‘MILF should commit to peace talks - UK envoy’, *abs-cbnNEWS.com*, 24 October, 2001, retrieved from ‘<http://rp3.abs-cbnnews.com/nation/10/24/11/milf-should-commit-peace-talks-uk-envoy>

6.1.3 The EU's engagement with the MILF

The EU engagement is seen both at providing assistance to the region and at the political level.⁴¹ Addressing the conflict is especially important as the EU sees the Philippines as a strategic trading actor since 2008. The engagement with the MILF is enthusiastically embraced by the EU institutions due to stability concerns for foreign investment. As such, the EU articulates its relation with the MILF based on 'first pillar instruments specifically in the area of shared competence in development and humanitarian aid'.⁴² At the political level, since 2011, the EU has been an active partner of the Government of the Philippines and Moro Islamic Liberation Front (MILF) in the Peace Process in Mindanao and has supported peacekeeping and monitoring work, peace negotiations, confidence and peacebuilding actions, workshops and dialogue meetings, and grants to civil society organization.⁴³ I will demonstrate each, in turn, starting with EU's economic engagement with the MILF then its political contribution to the peace process.

The EU's support to the Philippines' peace process primarily relies on the eradication of the poverty and economic and social recovery of conflict-affected areas in Mindanao. The major EU strategic documents (Country Strategy Paper 2002-2006 and 2007-2013), as well as EU officials, EU Ambassador Guy Ledoux, HR/VC, and Commissioners precisely state that EU has a strategic goal of poverty reduction and target assistance to restore the peace in the Philippines.⁴⁴ The eradication of poverty is important in restoring peace because the poverty and unfair distribution of wealth are seen as the root causes of conflict. In 2009, Alistair MacDonald, ambassador of the European Commission to the Philippines has participated the second National Summit of Ulama in the Philippines and strongly emphasized that 'Mindanao's prosperity would mean prosperity for the whole Philippines' and gave the example of the EU integration process that has started as a peace project now transcended economic giant.⁴⁵ Emphasizing the link

⁴¹See, 'New EU support to the Philippines' peace process', *European Commission press release*, 11 November 2013, http://eeas.europa.eu/delegations/philippines/documents/press_corner/20131111a.pdf

⁴² See 'Evaluation of the European Commission's Cooperation with the Philippines', *European Commission final report*, June 2012, https://ec.europa.eu/europeaid/sites/devco/files/evaluation-cooperation-ec-philippines-1299-annex-201106_en_0.pdf

⁴³ See 'EU in Mindanao', Retrieved from, http://eeas.europa.eu/delegations/philippines/eu_in_mindano/index_en.htm

⁴⁴See 'Evaluation of the European Commission's Cooperation with the Philippines', *European Commission final report*, June 2012, https://ec.europa.eu/europeaid/sites/devco/files/evaluation-cooperation-ec-philippines-1299-annex-201106_en_0.pdf

⁴⁵See 'Resume peace talks now, envoys tell government', *Manila Times (Philippines)*, 30 January 2009

between the peace and development, the EU supports the Mindanao Peace Process via Instrument for Stability (IfS) and at the same time, cooperates with the BDA, the development arm of the MILF, and allows this agency to benefit from Mindanao Trust Fund-Reconstruction and Development Programme (MacDonald and Vinals, 2012). Another instrument was the European Instrument for Democracy and Human Rights (EIDHR) and Nonstate Actors (NSA), grants civil society organizations for the eradication of socio-economic grievances.

The EU has contributed the strengthening the legitimacy of the MILF with the Commission driven programs such as the Mindanao Health Sector Support Programme (€12 million, 2007-11) which is an assistance program having focus on improving health sector in the ARMM and other conflict-affected areas and the IDPs (including €14.5 million after the resurgence of conflict in August 2008) that provides humanitarian assistance. Engaging with an international organization such as the United Nations World Food Programme (UN-WFP) and international NGOs like Save the Children or Accion Contra el Hambre is another way of the EU to support civilians in conflict areas with food, water and sanitation and livelihood services.⁴⁶

On the other hand, the EU controls the government's legitimacy in Mindanao. For instance, in 2013 the government has launched Sajahatra Bangsamoro as a new initiative to bring socio-economic services to Moro communities including health services, scholarships and cash for work projects. The Delegation of the European Parliament for Relations with the countries of Southeast Asia and the Association of Southeast Asian Nations and members of certain EU Parliament committees, comprising Economy and Monetary Affairs, Industry, Research and Energy, Employment and Social Affairs Petitions, Internal Market and Consumer Protection and Organized Crime, Corruption and Money Laundering, have visited MILF camps where this program has been established (Quismunda, 2016).

At the political level, the stance of the Council of Minister was also supportive to the MILF who has never been in EU's terrorist list even in 2008 when the MILF violence has reached its

⁴⁶ See 'Mid-Term Review Multi-Annual Indicative Programme 2011-2013', Retrieved from, https://ec.europa.eu/europeaid/sites/devco/files/mip-philippines-mtr-2011-2013_en.pdf

peak. MILF has suffered casualties more than 120,000 people since the 1970s (Human Rights Watch, 2010).⁴⁷ Nevertheless, the Council has never considered MILF as a terrorist organization.

Since 2011, the EU has been an active partner of the Government of the Philippines and MILF, contributing peace processes coherently with all its institutions by providing diplomatic leverage to processes and funding formal, informal and grass-root mediation process. The EU Delegation has directly participated the mediation process and supported leveraging mediation by assisting high-level political dialogues. The EU Delegation has participated in the International Monitoring Team (IMT) and monitored the implementation of the Agreement on Peace between the Government of the Philippines and the Moro Islamic Liberation Front (EPLF, 2013). Leading the creation of the International Contact Group, the EU has contributed technical expertise and material support to MILF in order to sustain security in Philippine and welcomes the conclusion of the framework peace agreement between the government of the Philippines and the Moro Islamic Liberation Front through diplomatic HR statements.⁴⁸

6.2. Liberation Tigers of Tamil Eelam (LTTE) insurgency

To portray EU's stance towards LTTE in a nutshell; the EU has kept the LTTE at arms' length. The lack of interests has yielded less ambitious human security involvement, limited to Commission led programs and passive role in mediation. As such, the engagement with the LTTE has remained disaster-diplomacy focus (Kelman, 2012). After numerous warning, in 2006 the EU has labeled the LTTE as a terrorist organization due to its terrorist attacks. However, this proscription has yielded internal disagreement within the EU institutions.

After a brief overview of the LTTE insurgency, the implications of LTTE's low level of organizational strength and low level of legitimacy in respective population's eyes on the EU's approach towards the group will be analyzed.

The source of conflict in the Philippines lies in ethnic differences between Tamils and Sinhalese populations. Various pro-Tamil extremist groups are established for the purpose of

⁴⁷ See "They Own the People", The Ampatuans, State-Backed Militias, and Killings in the Southern Philippines' 16 November 2010, Retrieved from <https://www.hrw.org/report/2010/11/16/they-own-people/ampatuans-state-backed-militias-and-killings-southern-philippines>

⁴⁸ See, 'Statement by High Representative Catherine Ashton on the conclusion of the framework peace agreement between the government of the Philippines and the Moro Islamic Liberation Front', 8 October 2012, Retrieved from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/132750.pdf

defending Tamils rights. The LTTE which has been established in 1976 has assimilated other groups and become the main armed group fighting for the establishment of an independent Tamil state (Kelman, 2012). The LTTE which has established a de facto state in northern and eastern coastal of Sri Lanka has entered a peace process with the Sri Lankan government in 2002. However, after the interruption of the peace process with several violent attacks employed by the LTTE, the peace process has ended up with the military defeat of the LTTE in 2009.

6.2.1. The legitimacy of the LTTE

The LTTE shows a low level of legitimacy in its respective population eyes. Although the LTTE performs acts of governance in their respective territory with bringing out idiosyncratic activities, the insurgents often cross the line of what is allowed during the peace process and resort to violence to monopolize political power. For this reason, the LTTE legitimacy shows a downward trend.

The LTTE functions as a de facto state in Northern and Eastern parts of the country by providing services such as police force, justice system, and a humanitarian assistance arm. Executing its own taxation system and customs regime at coastal LTTE governed regions, the group has constituted a major threat to government's legitimacy and been viewed as an alternative to the government since the 1990s (Miriyaigalla, 2014). In December 2004, the tsunami has given a chance to the LTTE to demonstrate its functional legitimacy to govern the territory under its control to the international community. The LTTE has cooperated with the UN Human Rights Commission in distributing disaster relief aid to Tamils that Sri Lankan government fails to do. Furthermore, the direct contact of the international agencies with LTTE would also mean that the government is not seen as a legitimate actor of these regions. Ruling out the government from the aid distribution in LTTE controlled areas has made the LTTE internationally recognized the political actor. Following this contact with the international community, in 2005, the government has signed an aid-sharing agreement, known as the Post-Tsunami Operational Management Structures (P-TOMS) with the LTTE (Enia, 2008), by accepting that LTTE has become a functional equivalent to the Sri Lankan state in the northern and eastern provinces.

The LTTE also projects its political power symbolically with numerous idiosyncratic practices such as 'the burial of the dead in extravagant cemeteries' (Mampilly, 2011) in the

northern province of Sri Lanka, Tamil national anthem, national animal, bird, flower of the aspired state of Tamil Eelam. Furthermore, the Tamil Eelam has a national football team which is established by Sri Lankan Tamil diaspora community in Canada (Minahan, 2010). These symbols create a kind of belonging to a distinct nation and solidarity which augment the level of the LTTE legitimacy in supporter's eyes.

However, LTTE's ambition to become 'sole representative of the Tamil people' has been realized with violation of human rights and Western norms. We witness that major violent attacks have occurred during elections that signals the low legitimacy of the group. For instance, in 2004 elections, the lack of popular support has driven the LTTE to use intimidations in order to acquire Tamil's vote and to block any Tamil party or a Tamil individual to apply to be a candidate other than the Tamil National Alliance (TNA) which is the political wing of the LTTE. Despite all manipulations for rendering TNA a highly supported party, only 52 percent of votes could have been obtained from East and South, from so-called Tamil homeland which was under the control of the LTTE. With this result, the TNA has become the third party in Sri Lanka, having 22 electorates in the north-east region representatives of the Tamil people (McConnella, 2008). This demonstrates that significant percentage of Tamil population is not in favor of being represented by the LTTE led TNA party (McConnella, 2008). Contrary to the MILF who calls international community to help to strengthen its legitimacy, the LTTE has asserted itself through radical means such as the use of suicide bombers and indiscriminate violence. For instance, in 2005, the Sri Lankan Foreign Minister, Lakshman Kadirgamar, was assassinated. Even though the LTTE did not claim the responsibility and blamed a faction within the Sri Lankan establishment (Enia, 2008), the LTTE has been accused of this crime. This event has lowered the legitimacy of the LTTE.

People's confidence and belief in the entity itself is weak so, the LTTE had to compensate its deficiency of volunteer soldiers with compelling Tamil population to participate the fighting.⁴⁹ However, after Commander Karuna's breakaway with bringing with him some 6,000 LTTE cadres, the army has been seriously damaged in Eastern province. This spilt has yielded filling the

⁴⁹ See Peter Layton, T. 'How Sri Lanka Won the War. [online] The Diplomat.', 9 April 2015, Retrieved from <http://thediplomat.com/2015/04/how-sri-lanka-won-the-war/>

lack of soldiers with forced recruitment.⁵⁰ The recruitment relies on bottom strata of the society having socio-economic problems. Furthermore, the insurgents force each family to provide at least one youth to the rebel group (Miriyaigalla, 2014). Kidnapped children were trained and compelled to engage in battle. Financing is provided from diasporas in foreign countries, for instance from north America (Angoustures and Pascal, 1996) and Tamils living in Britain.⁵¹

In the light of these factors, we suppose that the LTTE has low legitimacy in its respective population eyes.

6.2.2. The organizational strength of the LTTE

The LTTE's high organizational skills stems from its ability to control the territory. To control the extent and the size of its de facto state, the LTTE has developed a military build-up and empowered itself with sea and air capabilities.

The LTTE has a clear leadership structure which facilitates its organizational ability. In 2004, the LTTE has seen an internal division on the military strategy of the group. The split within the LTTE has brought benefits for the group. Prabhakaran's (LTTE's main leader) military orders (transferring 1000 armed cadres to the North) were not approved by Karuna who is the leader of the military wing in the East. The split within the group has grown when Karuna and Prabhakaran have also diverged in their political solutions for the conflict. Prabhakaran, being an extremist, did not participate in peace talks because he did not see bargaining as a way to a solution and called his followers to fight for a separate Eelam state until the last breath (Murari, 2012). The LTTE has been represented at the negotiation table by Karuna and Balasingham (LTTE's chief negotiator) who are in favor of federal structure and more prone to agree with the government.

⁵⁰ See 'Karuna's Defection Reduced LTTE's Manpower by Half Paving Way For Defeat', 22 May 2016, Retrieved from <http://www.newindianexpress.com/world/Karuna%E2%80%99s-Defection-Reduced-LTTE%E2%80%99s-Manpower-by-Half-Paving-Way-For-Defeat/2016/05/22/article3446027.ece>

⁵¹ See 'Simulation on Sri Lanka: Setting the Agenda for Peace', United States Institute of Peace, Retrieved from <https://www.usip.org/sites/default/files/srilanka.pdf>

6.2.3. The EU's engagement with the LTTE

The implications of the low legitimacy and the high organizational strength of the LTTE on the EU FP are following: While being a development actor in the conflict, the EU did not engage in creating opportunities that would resolve the conflict permanently, obtaining a passive role in conflict resolution efforts and labeling LTTE as a terrorist organization. First I will point out the role of the EU as a development and humanitarian aid donor, then analyze how the way the EU has distanced the LTTE from itself has become a source of disagreement between the EU institutions.

The EU sees Sri Lankan conflict as a humanitarian development issue (Martin and Kaldor, 2010) and promotes the peace by Commission's driven initiatives (Glasius, 2009). In 2002, under the Commission, the Rapid Reaction Mechanism (RRM) has provided € 1.8 million to finance measures supporting the peace process and promote civil society dialogue that would constitute the first stage to start peace talks.⁵² However, in February 2002, one year after the signature of the Government of Sri Lanka and the LTTE on Ceasefire Agreement (CFA) which is facilitated by the Government of Norway talks were suspended in 2003 due to LTTE's suicide attacks and military raids. But the EU has continued to provide assistance. In 2003, RRM has additionally donated € 3.27 million to support the Sri Lanka Monitoring Mission of the Cease Fire Agreement. Additionally, DG ECHO has allocated € 17.5 million for uprooted people, with Commission's Demining and Aid program. At the same time, being one of the "Co-Chairs Group" members, that was established after the 2003 Tokyo Donor Conference, development assistance was allocated to the Sri Lankan government.⁵³ In December 2004, when the tsunami has devastated Sri Lanka, the Commission has allocated funds for reconstruction for tsunami-affected regions by providing housing and livelihood support. Such an assistance provided to the government has brought a new challenge. The government has accused of not fairly distributing the assistance to the areas under the LTTE governance (Enia, 2008). As such, engagement with the LTTE has gained a special importance because which is at stake is providing assistance to victims of the tsunami disaster.

⁵² Europa.eu. (2002). European Commission - PRESS RELEASES - Press release - European Commission to support peace talks in Sri Lanka. [online] Available at: http://europa.eu/rapid/press-release_IP-02-1300_en.htm

⁵³ See 'European Commission to support peace process in Sri Lanka' 3 June 2003 retrieved from http://europa.eu/rapid/press-release_IP-02-1300_en.htm

The disaster diplomacy has brought the necessity of determining a political stance towards the LTTE's state-like activities.⁵⁴ In January 2005, the EU welcomed the collaboration on the ground between the government of Sri Lanka and the LTTE by describing the collaboration as well-functioning as they achieved to address all victims of the disaster regardless of ethnic and religious origin.⁵⁵ In March 2005, Benita Ferrero-Waldner, Commissioner for External Relations and European Neighbourhood Policy has affirmed his readiness to meet the LTTE leadership and clearly stated the political stance of the EU towards the LTTE's demand. The outcome of the conflict will respect the Sri Lanka's integrity as a single state: a federal solution within a united Sri Lanka.⁵⁶

However, this does not imply an immediate support for or recognition of the legitimacy of the LTTE by the EU. Because the ability to provide services that proves its functional legitimacy does not suffice for the EU who takes other components into consideration. The EU has closely investigated the pattern of insurgent activities and deduced that insurgents did not respect the Ceasefire Agreement of February 2002. On the recruitment side, the result was that insurgents were keeping on recruiting child soldiers. On the moral side, the fact that the LTTE did not allow any Tamil parties and people to express their own opinion during the election is a strong demonstration of the LTTE's low legitimacy. In 2004, the EU has launched its largest international election observation mission in Sri Lanka to make sure the elections are functioning appropriately. Chief Observer John Cushman, member of the European Parliament, has been nominated under the Election Observation Mission (EU EOM) and assisted works for EU election observation mission to Sri Lanka in 2004 'with 85 observers -from all 28 EU member states, plus Switzerland and Norway- including a delegation of six members of the European Parliament'.⁵⁷

While the severity of the LTTE's attacks increases, this implies equally on the EU's rhetoric. After observing the LTTE's acts, on 26 September 2005, 'the EU has imposed a travel ban that would prevent LTTE delegations to visit the EU' (Alexander, 2006). Additionally, the EU

⁵⁴See Benita Ferrero-Waldner, Press Conference Colombo, 8 March 2005, Retrieved from, http://europa.eu/rapid/press-release_SPEECH-05-146_en.htm

⁵⁵See 'Meeting of the Co-chairs of the Tokyo Conference on Reconstruction and Development of Sri Lanka', 25 January 2005, Retrieved from, http://europa.eu/rapid/press-release_PRES-05-7_en.htm

⁵⁶ See Benita Ferrero-Waldner, Press Conference Colombo, 8 March 2005, Retrieved from, http://europa.eu/rapid/press-release_SPEECH-05-146_en.htm

⁵⁷ See 'Sri Lanka Parliamentary Elections 2 April 2004', European Union Election Observation Mission, Retrieved from, <https://eeas.europa.eu/eucom/pdf/missions/finalreport6.pdf>

has used multilateral forums to raise the awareness on the human rights violation. In 2006, the Council of the EU has warned LTTE to comply with human rights standards if it wants to obtain recognition as a political player (Zartman and Faure, 2011) and drafted a decision on the situation in Sri Lanka for the establishment of a UN human rights monitoring mission⁵⁸. In November 2005 elections, Cushnahan was again in charge of observing Parliamentary Elections and has assessed whether intimidations and violence are displayed during elections. He has affirmed that the LTTE has been inhibiting Tamils right to vote with violent measures and this practice was deserved to be condemned. The political struggle that has extended to the poll was described as ‘unacceptable tactics’ (Alexander, 2006). This shows that he was mitigating to describe the LTTE’s actions as ‘terrorist tactics’ that could negatively impact the fate of the peace process. However, in 2006 in the middle of the peace process, the Council has reached unanimity to include the LTTE in terrorist list aftermath of the assassination of Kadirgamar (foreign minister of Sri Lankan government) in 2005 with the support of the Council of the European Union, the United Kingdom, the Netherlands, and the European Commission.⁵⁹ After the listing, following human rights violations committed by both the LTTE and the government, for example, August 2006 attack was not even put on the Agenda of EU foreign Ministers meeting in Brussels (Zartman and Faure, 2011).

This proscription has yielded many problems. First, the EU-supported 2002 monitoring mission and the peace process have collapsed in 2008. The last statement of the EU has been released in 2009 by the Council of the European Union that condemned ‘in the strongest possible terms the LTTE for the use of civilians as human shields and repeated for the LTTE to renounce terrorism and violence.’⁶⁰ The same year, the government has militarily intervened the LTTE. Second, the EU was on the edge of losing its credibility as being impartial honest broker and mediator in peace negotiations and post-conflict political processes because of this designation (Haspeslagh, 2013).

The LTTE’s designation has revealed disaccord between Council and European Court of Justice (ECJ). In response to this labeling, the ECJ, based on the Article 275 TFEU, review the legality of such restrictive measures against natural or legal persons. As a result, the Court has

⁵⁸ See ‘EU resolution on Sri Lanka in the UNHRC’, 14 May 2007, Retrieved from <http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2007-2513&language=HU>

⁵⁹ See ‘European Court annuls EU restrictions on LTTE’, 16 October 2014, Retrieved from <http://www.tamilnet.com/art.html?catid=13&artid=37436>

⁶⁰ See ‘Declaration of the Presidency on behalf of the European Union on Sri Lanka’, 27 April 2009, Retrieved from http://europa.eu/rapid/press-release_PESC-09-46_en.htm

decided that the Council did not carry out the right procedure and annulled measures taken by the Council of the European Union to designate the LTTE as a terrorist organization and the freezing of their funds. Therefore, the Court ordered the Council to pay the LTTE's costs.⁶¹

The case of LTTE shows that the level of the legitimacy of an armed group is significant importance on the EU's FP coordination.

6.3. The Janjaweed armed group in Sudan

The Darfurian term Janjaweed is an Arabic name attributed to the Arab militia which refers to the "man with a gun on a horse" (Kaplan, 2010). The UN Security Council defines the Janjaweed as a 'non-uniformed armed group supplied and armed by the GoS, and acting, de facto, in direct military support of the Government of Sudan in the territory of Darfur'.⁶² The group has launched a military campaign against rebels in Darfur during late 2003 and early 2004 yielding anarchy and fear. The 2008 yearend has shown that the conflict in Darfur was not limited to low intensity guerilla war but become a genocide, leaving 300,000 deaths behind and yielding about 2.7 million refugees (Olsson and Siba, 2013).

The Janjaweed compensates the weakness of the professional army of Sudan for a long time. For instance, the Janjaweed also attacks beyond the Sudan's border with the order of the government to overthrow Chad's government in order to prevent the EU peacekeepers to access eastern Chad.⁶³ In 2014, the Janjaweed has reincarnated as the Rapid Support Forces and become a part of the conventional army of Sudan.

6.3.1. Legitimacy of the Janjaweed

When we look at the determinants of the level of legitimacy, *service provision*, *internalizing liberal values*, *idiosyncratic practices* and *the recruitment strategy*, we see that the Janjaweed shows low legitimacy in the eyes of respective population eyes.

⁶¹ See 'Liberation Tigers of Tamil Eelam (LTTE) v Council of the European Union', 16 October 2014, Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62011TJ0208>

⁶² See 'Letter dated 16 January 2015 from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council', 19 January 2015, Retrieved from http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2015_31.pdf

⁶³ See 'Intervene in Darfur; Stronger peacekeeping effort should be an international priority', 18 February 2008, Buffalo News (New York)

Janjaweed militia is composed of Arab tribes whose motivation for the fight is land possession and money. The Security Council investigators have met with witnesses and reported that the Janjaweed involves in looting, indiscriminate and sexual violence and burns the schools and hospitals to destroy the villages in Kobe, Korma, North Darfur.⁶⁴

The locals claim that the Janjaweed relying on the Arab supremacist ideology ‘has benefited from the insecurity in the area created by the movement of the Rapid Support Forces’⁶⁵ and has started the process of "Arabization" of Darfur, by killing non-Arabic people, black Africans. Hagan and Rymond-Richmond (2008) name this process as ‘racial dehumanization’ of the African groups’ and equate the insurgents to the “ethnopolitical entrepreneurs” who calls local Arab populations for a collective violent action against black Africans. However, an important remark is that many Arabs living in Darfur are not in favor of the Janjaweed actions.⁶⁶

Regarding the recruitment strategy, the acquirement of lands, mainly agricultural areas has a vital importance for the group. They see acquiring such an area as a provider of both material and human resource for the functioning of the group.⁶⁷ On the one side, Abdul-Jalil and Unruh (2013) underlines the point the unequal distribution of land as one of the reason for joining the Janjaweed. Landless Arab pastoralists voluntarily participate the Janjaweed because they see the fight as an opportunity to obtain the land that they deprived of.

On the other side, Musa Hilal who is responsible for “mobilization” and the recruitment of militias has been accused of forcing each Arab tribe to take a part in the fight. Those tribes who refuse to participate are also exposed to the Janjaweed violence, for instance, their animals are seized or killed by the insurgents.⁶⁸

⁶⁴ See ‘Letter dated 16 January 2015 from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council’, 19 January 2015, Retrieved from http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2015_31.pdf

⁶⁵ See ‘Letter dated 16 January 2015 from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council’, 19 January 2015, Retrieved from http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2015_31.pdf

⁶⁶ See ‘Country of Origin Information Report’, 20 April 2008, UK Border Agency

⁶⁷ See ‘EU joins call for Sudan to end violence: Threatens international sanctions. Ministers will meet with Sudanese in the hope of resolving the conflict’, 26 July 2004, The Gazette (Montreal, Quebec)

⁶⁸ See, ‘Entrenching Impunity, Government Responsibility for International Crimes in Darfur’, Retrieved from, <https://www.hrw.org/sites/default/files/features/darfur/fiveyearson/report4.html>

6.3.2. Organizational strength of the Janjaweed

The Janjaweed shows low organizational strength. Main reasons are following: Firstly, the Janjaweed are not equipped with a purpose of constructing a new governance that would able the group to rule the land under its control. Secondly, the insurgents are composed of numerous tribal factions and lastly, the internationally recognized leader do not assume its responsibility as a leader of the Janjaweed. These factors make the engagement with the group difficult.

The Janjaweed represents a government-sponsored non-governmental entity and acts de facto in the states of Darfur as being counter insurgency forces of the government of Sudan.⁶⁹ The tribal leaders are equipped and mobilized to destroy the villages. For this reason that, the group is considered as a ‘reliable machine of terror with little capacity or ambition to rule.’⁷⁰

While the debates continue on whether the main leader of the Janjaweed is Musa Hilal, he denied being the commander of any “military group” stating that his role is only to coordinate the training whereby ‘guns are the responsibility of the military people.’⁴⁴ The lack of leader who is responsible to speak on behalf of the group hardened the potential engagement with the group.

6.3.3. EU engagement with the Janjaweed

The EU has made no serious attempt to deal with Janjaweed atrocities and remained passive in terms of political, diplomatic and practical response. Also, the EU turns a blind eye to Sudanese government remobilization of the Janjaweed and reincarnated as the Rapid Support Forces in 2014.

Whereas the EU was not present on the ground, the statements that the institutions have released were empty in content. In 2004, the EU declared its ‘grave concern’, ‘serious concern’ and condemned the Janjaweed’s massive human rights violations such as systematic rape of women. In July 2004, HR Solana has reacted against the Janjaweed that failed to abide by the agreement, emphasizing ‘the need for all parties to respect the cease-fire and for the Government to act without delay on the disarmament of the Janjaweed militias, under supervision of the African

⁶⁹ See ‘Letter dated 16 January 2015 from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council’, 19 January 2015, Retrieved from, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD-CF6E4FF96FF9%7D/S_2015_31.pdf

⁷⁰ See ‘In Sudan, the Janjaweed Rides Again’, 16 July 2014, *The New York Times*, Retrieved from http://www.nytimes.com/2014/07/17/opinion/in-sudan-the-janjaweed-rides-again.html?_r=0

Union (AU) monitoring mission."⁷¹ This statement has concretized with the logistical and financial assistance to the African Union force in 2004 to take lead on ceasefire mission and allocated funds through the African Peace Facility in order to support African led peace keeping operations in Africa.⁷²

The reaction from the EU MS was also in line with the EU institutions that threatens the Sudan government with sanctions. Some MS have embassies in Khartoum such as UK, the Netherlands and France. They also showed limited reaction to the Janjaweed actions (Flint, et al, 2004). For instance, in 2004, Dutch Foreign Minister Bernard Bot, whose country holds the rotating presidency of the EU states that 'what is most important is to continue pressure on the Sudanese government.'⁷³ The rhetoric relies on African solution to an African Problem is considered as a politically correct way of saying 'We don't really care' (Reinold, 2013).

The Janjaweed did not receive such an attention by the Council who even did not consider the blacklisting of the group despite of its massive human rights violation. The names of Janjaweed militia leaders and individuals guiding Janjaweed actions and supporting the abuses are listed on the conclusion of 2004 July 26 of the General Affairs Council which demands their arrest.⁷⁴

The interesting thing is that while the Janjaweed atrocities continue, the EU's Rapid Reaction Mechanism has not been activated to alert the EU the need of taking effective measures on Darfur (Flint, et al, 2004). The only presence on the ground was in 2008 when the EU peacekeeping forces have approached to Darfur by entering into eastern Chad and northern Central African Republic in order to protect refugees and aid workers.⁷⁵

⁷¹ See 'EU foreign policy chief tells Sudan to disarm militias', 24 July 2004, Retrieved from <http://www.abc.net.au/news/2004-07-24/eu-foreign-policy-chief-tells-sudan-to-disarm/2014688>

⁷² See, 'EU mobilises an additional € 80 million from African Peace Facility to support enlarged African Union observer mission in Darfur, Sudan', 26 October 2004, retrieved from http://europa.eu/rapid/press-release_IP-04-1306_en.htm?locale=en

⁷³ See 'Sudanese Terrorists prepare to fight 'Western Troops'', 26 July 2004, Retrieved from <http://americanintelligence.us/sudanese-terrorists-prepare-to-fight-western-troops/>

⁷⁴ See 'Empty Promises? Continuing Abuses in Darfur, Sudan', *A Human Rights Watch Briefing Paper*, 11 August 2004, <https://www.hrw.org/legacy/backgrounder/africa/sudan/2004/sudan0804.pdf>

⁷⁵ See 'Renewed Darfur Clashes Displace Civilians; Other Developments', 21 February 2008, Facts on File World News Digest

Chapter 7: Discussion

An integrated response is not easy for the EU that is still ‘something more than intergovernmental organization but less than fully fledged European state’ (Wallace, 1983). As for all EU FP activities, the EU positions, decisions and actions towards the NSAGs are also shaped by both ideational and material factors. And concrete actions are determined by the complex interaction of national governments and EU institutions as well as the availability of the capabilities and the willingness to use them. Additionally, the difficulties associated with the insurgent activities challenge how the EU establishes a relation with these groups and which type of intervention (military, economic and diplomatic) it adopts.

First I will provide some observations about the importance of our taxonomy while establishing relations with insurgent groups and briefly present the implications of three insurgencies on the EU’s FP actions. Then, building on diverse theoretical ground, I conclude by discussing the real intentions underlying EU’s responses to the conflicts and the factors shaping its relations with these three different types of armed groups.

The cases analyzed in the previous chapters have brought out several activities of the insurgent groups that played an important role in the explanation of EU FP variation towards their proto diplomatic activities. Based on the existing literature emphasizing the importance of legitimacy and organizational structure of the NSAGs, I categorize the insurgent groups based on the level of organizational strength which is measured with *fractionalization*, *the existence of a clear and strong leadership*, and *the size and extent of the territory controlled by the armed group* and based on the level of legitimacy based on group’s *service provision*, *internalizing liberal values*, *idiosyncratic practices* and *the recruitment strategy*. I suppose that such a categorization will serve to receive signals of the insurgent groups’ capacity and willingness to transform into the political system as well as will work as an early warning mechanism about the likelihood of using terrorist acts. Whereas the high level of legitimacy and organizational strength of the group indicates its strong likelihood of being a political actor, low level of legitimacy and low organizational strength is an indicator that the group will be more likely to spoil and terrorize the peace process. For instance, the insurgent groups with low legitimacy and low organizational strength are more likely to disturb and undermine the peace- and state-building process. Contrarily,

the insurgent groups with high legitimacy and low organizational strength have more ability to make credible commitments.

By highlighting the political and organizational skills of the insurgent groups, the new conceptual lens has portrayed that the EU has to face the problem of ‘spoilers’ in its conflict resolution efforts and must distinguish those having the capacity to establish a political party in a democratic system. I argue that the new classification has an instrumental role in the EU FP decision-making process due to above-mentioned reasons. As a result, the EU does not establish the same relation with all groups and employ different instruments in contacting with them. As such, we end up with the following main result of this thesis: the EU supports insurgent groups with the high level of organizational strength and high level of legitimacy type of group while keeping insurgent groups with low legitimacy and low organizational strength at its arm’s length.

If we have a closer look in the MILF and the LTTE cases, we see that both have proven their ability to control and administer most or all of the territory they claim. Their role as a substitute for the existing government is appreciated by the EU as they primarily serve the population with security and welfare and they are supported in a way that would increase their legitimacy in the country.

What distinguishes their status on the eyes of the EU is their level of legitimacy. As an implication of its low level of legitimacy, the LTTE readily resorts to criminal activities to generate the revenue and employs terrorist acts as a method of political mobilization, while the high legitimate MILF demonstrates high willingness of integrating into the democratic political processes by inviting international community to be part of the mediation, and claims its compliance with International humanitarian law and human rights. As such, the MILF’s commitment to humanitarian norms has played an important role in EU’s decision to engage as the armed group complies the European Parliament resolution in April 2004 that recognizes ‘NSAGs should show their respect for humanitarian norm’ (Hoffman, 2006). However in the LTTE case, the efforts to end the conflict remained limited because the terrorist acts of the LTTE have rendered the dialogue and mediation process almost impossible. As such, even though the EU has the potential and opportunity to support the mediation, it could not take an active role in the peace process as it has done in Aceh as a part of post-tsunami response, only funded the mediation through government peace secretariat and at the end has labeled the LTTE as a terrorist

organization. As a result, the EU involvement did not have a significant and measurable output to the conflict resolution.

After showing the importance of level of legitimacy with the LTTE case, I have analyzed the Janjaweed armed group demonstrating the significance of both low level of legitimacy in the respective population eyes and low organizational strength over the European foreign policy behavior. The EU did not want to be an actor in the crisis, by encouraging AU and the Sudanese government to tackle the armed groups. This case was interesting to see that the EU does not really care addressing the armed group with low level of legitimacy and organizational strength.

The next question, then, becomes how the EU is really approaching these groups. A look at the rhetoric of the EU actors reveals that the support for democracy, human rights and eradication of poverty represent a core priority of the EU. Many scholars have a common view that EU follows a liberal peacebuilding framework (Blockman et al, 2010; Richmond et al, 2011; Merlingen and Ostrauskaite, 2006, 2008; Visoka, 2016; Tocci, 2008) ‘which focuses on the importance of remarking security structures, liberalizing the economy, promoting civil society and the rule of law’ (Blockmans et al 2010 in Visoka and Doyle, 2016). In the MILF case, we see this evidence of liberal peacebuilding approach via Commission driven instruments. The engagement with the MILF case also represents a kind of evidence that the EU FP reactions are subject to ‘reducing poverty and inequality, promoting good governance and human rights, assisting development, and addressing root causes of conflict and insecurity’ as emphasized in the Report on the Implementation of the European Security Strategy. The EU has added positive value to peace process acting as a political actor as well as using its funding instruments in favor of MILF. The institutions have worked coherently in attributing responses through mediation, monitoring and confidence building on the political side, which is balanced on the financial side with comprehensive assistance provided to Mindanao.

However, while the EU has established a significant sustained and long-term engagement with the MILF, it has done little to address the root causes of the LTTE conflict and the conflict in Sudan exacerbated by Janjaweed armed group. Despite the human security rhetoric, the EU did not show equal effort to end human rights violations as it does for the MILF insurgency. One can easily think that the EU might have considered a military intervention option in the name of Responsibility to Protect. However, national governments and the EU institutions have closed their

eyes to the human rights atrocities of Janjaweed as well as they closed their door for negotiation by labeling the LTTE as a terrorist organization.

At this point, I suppose that the existence of trade, investment, and geopolitical interests push the EU to become a politically effective player in conflict resolution process and in addressing the root causes of conflict, thereby being more responsive to human rights violations. The reason is that the conflict response strategies are produced as a result of the complex bargaining process between national governments and these strategies are conducive to protecting member states interests. For this reason that the EU does not always project a proactive policy in conflict resolution process, whereby pursuing a selective involvement in addressing insurgencies. In a similar vein, the geopolitics of Sri Lanka has brought little incentive for EU member states to politically involve in the process. As such, the EU's relation with the LTTE shows that the lack of interests in the region brings out the little impact of the EU in the peace process (Glasius, 2006; Martin and Kaldor, 2010).

Another intriguing consequence of this study emanates from here. The EU can use its human security rhetoric in an instrumental way while establishing a relation with the insurgent groups.

Chapter 8: Conclusion

Europe is facing a period of political and humanitarian crises emanating from the NSAGs activities. Addressing challenges stemming from their proto-diplomatic activities become a core priority of the EU external action and puzzled its decision-making process, making use of its capacity and willingness to carry out its declared commitments.

The characteristics of insurgent groups differ in important ways, in terms of their motives, their means of fighting, legitimacy, and organizational power. Commenting on the significant role of NSAGs' characteristics, the findings presented in this thesis suggest that the EU FP responses are associated with the rebel group related characteristics. As engaging with the NSAGs is a political issue along being a necessity for humanitarian purposes, I categorize them in a way to understand their negotiation potential and capacity to turn into a political entity. The cases support

that the EU takes their level of legitimacy and organizational strength into consideration before determining the possible strategies to deal with them.

While stating the plurality of approaches and options, this thesis draws conclusions about which approach the EU is most likely to apply in engaging with these challengers of state's power and which instrument (military or civilian) is most likely to be carried out under the EU flag. I found that normative concerns such as human rights violations, non-democratic actions are pushing the EU to engage with the armed group. An interesting result of this thesis is that normative concerns are not only determining factor of the EU's decision to engage with the armed groups. Interests still matter and their existence becomes a triggering factor to coordinate effective measures in addressing the humanitarian related problems. The findings show that the EU is a rational actor that calculates the cost and benefits of its involvement. As such addressing risky cases like the Janjaweed armed group is left to the Sudan government responsibility.

After comparing the EU's responses to the MILF, the LTTE and the Janjaweed armed groups, I interestingly found that insurgent groups with the low level of legitimacy but high level of organizational strength do not necessarily receive more reaction that would normalize their behavior. The EU keeps this kind of group at arm's length while contributing to peacebuilding in a general way, via Commission driven development and infrastructure programs, which makes the EU a reluctant mediator and half-hearted peacebuilder.

While accepting that normative concerns drive the EU FP, I suggest that the degree of EU's sensitiveness to human security decreases when the outcome of the conflict resolution does not likely to reveal material interest. Because the EU's visibility in conflict resolution not only depends on its resources but the political will to use them within a coherent strategy. As such, I deduce that EU FP responses to insurgent's proto-diplomatic activities are conditional to the existence of greatest material interests as well as humanitarian concerns.

Chapter 8: References

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