Does the EU cope with the ‘Security-Development Nexus’? The European Community’s Instrument for Stability

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Abstract: In its European Security Strategy of 2003, the European Union identifies ‘state failure’ and, subsequently, ‘state fragility’ as one of the key threats facing Europe – along with the proliferation of weapons of mass destruction (WMD), terrorism, organized crime and regional conflicts. By reinforcing regional instability and organized crime, fragile states are perceived to directly undermine global governance as much as the security of the European Union itself. They also undermine many of the EU’s international objectives, including peace-building and poverty reduction as well as the European Consensus on Development and the achievement of the Millennium Development Goals. The selection of the topic of state fragility as the focus of the first annual European Report on Development further underlines its importance in the European development debate today. Yet, despite a widely shared understanding of the problems and challenges that state fragility generates, there is no international consensus on the appropriate policy response. So far, the international debate on fragile states has focused on the complex relationship between security and development – a debate which has increasingly been framed in terms of a ‘nexus’, meaning that both security and development policy are intrinsically linked and mutually reinforcing. Following this line of thinking, EU development and defense ministers have acknowledged that this relationship between development and security should inform EU strategies and policies with the ultimate aim of increasing coherence of EU external action. To achieve this goal, the EU launched the EC Instrument for Stability (IfS) in 2007, a key tool for providing development cooperation in fragile situations emerging from conflict and (post-)crisis situations. This instrument explicitly seeks to bridge post-conflict and development assistance as well as to better integrate NGOs and other stake-holders into peace-building processes. More importantly, the IfS also provides for legal clarity about the relationship between EU actors (in particular the Council and the Commission) as well as Member States and EU institutions and ultimately aspires for increased coordination and collaboration within the multilateral and multi-cephalous foreign policy actor that is the EU. This paper examines recent developments within the EU concerning conflict prevention and crisis management and assesses the Instrument for Stability as a mechanism for dealing with the challenge of state fragility. While there is no shortage of EU policy claims to have identified effective instruments, much remains to be done to verify these claims and to demonstrate that the EU can live up to its ambition to effectively flesh out policies to project stability beyond its borders.
I. Introduction

Can timely and appropriate allocation of aid make a difference in countries that are prone of violent crisis or political distress? With a view to fragile states in particular,¹ recent studies confirm that rapid donor engagement “significantly increases the chances of a sustained turnaround” (Chauvet and Collier 2006, 15) – albeit only during short ‘windows of opportunity’.² At such occasions, however, external donors often have to operate at the interface of security and development policy, a situation which may further complicate effective outcomes of aid and assistance.

When it comes to addressing (re-)emerging crises in third countries, the EU’s response has often been criticized as slow, cumbersome and as a result ineffective; it was lacking a single and unified instrument that could have been initiated on very short notice and implemented rapidly.³ To address this challenge, the European Commission proposed the Instrument for Stability (IFS) or, alternatively, the ‘Stability Instrument’. Since it entered into force in January 2007, the IFS has become the European Community’s main policy tool for rapidly funding assistance to countries in situations of (emerging) crisis and natural disaster – and thus its flagship to address what has been dubbed the ‘security-development nexus’.⁴ *First*, it provides the Community with financial capacities in crisis management, and *second*, it addresses a number of legal issues, which have complicated operations within the ‘grey area’ between traditional foreign and development policies in the EU context to date.⁵

Challenges to security and development policy alike, such as state fragility and post-conflict reconstruction, however, are unlikely to respect any institutional boundary or delimitation of competences – in particular not the ones imposed by the European Union’s complex pillar structure.⁶ Consequently, ‘EU governance’, involving several layers of policy-making and numerous institutions and actors from both the European and Member States’ level, is constantly compelled to find new ways to increase inter- as well as intra-institutional collaboration in order to provide effective policy responses to cope with these new challenges that evolve in the ‘grey area’ between traditional foreign, security, development (and humanitarian) policy. With the creation of the Instrument for Stability, the European Commission sought to continue the process of integrating conflict prevention and post-conflict reconstruction into development programs and to draw external policies of the EU’s various pillars (external relations, trade, development etc.) closer together.

This paper will show that the IFS has the potential to enhance the kick-start capacity of the EU in times of political crises abroad and to increase coherence⁷ between the individual pil-
lars (in particular pillars I and II) of the European Union. However, the IfS does neither impose stronger policy coordination at the EU level neither mandate the pooling of institutional funding and decision-making such as it has been the case in the Netherlands or the United Kingdom. What it does, however, is to determine the competence of EU and/or EC actors is a first step toward improving the transition from post-conflict reconstruction to long-term development. Given its weak capacities for implementation the Commission has to rely on external actors, such as the UN, regional organisations and NGOs. Finally, with a view to improving its ‘capacities for supervision’ over NGOs, the Commission has invented the Peace-building Partnership (PbP) as part of the IfS.

This paper proceeds as follows: First it will shed some light on the conceptualisation of the security-development nexus (section II) and the policy framework as well as the key actors and instruments that come to play at the EU level (section III). It will then analyze and assess the Instrument for Stability (section IV and V) and present some tentative conclusions and policy recommendations (section VI and VII).

II. Conceptualizing the security-development nexus in the context of the European Union

Although the relationship between development and security is certainly “not a fundamentally new conceptual link” (Klingebiel 2006, 1), the nexus itself is difficult to grasp. In part, this is because it provides a point of reference for many other important terms such as conflict prevention, crisis management, post-conflict stabilization, state failure, state-building and peace building, concepts that are themselves difficult to define (see Duke / Courtier 2009, 3). Clearly, security policy and development policy provide different perspectives: whilst security is an important goal in development policy, it is (if following a development rationale) not an end-goal in itself – as it is the case in security policy proper. Furthermore, development policy is, in principle, about the development of the addressees or policy objects – security policy, in turn, is also about the security of the policy subjects (see Gänzle 2009, 21).

It is towards this background that, after the end of the Cold War, the triad of ‘peace, security and stability’ has become the leitmotif of the EU lexicon in external relations with a strong emphasis on the need for comprehensive and coherent policies in global development and security policy. In particular, ‘security’ and ‘development’ have increasingly been framed as mutually reinforcing (‘no development without peace’ and vice versa), and as a conceptual
space to which the EU can bring its experience as ‘post-World-War-II peace-building machinery’ par excellence. From that angle, it might even be correct to argue that conflict prevention has always been on the EU agenda – first within the territorial confines of the Community and later even beyond its own orders. It is by all means worth recalling that the EU’s external conflict prevention policies, enshrined in its longstanding relationship with African, Caribbean and Pacific States for example, have always predated the European Security and Defense Policy (ESDP), which only emerged after 1998 and has since then developed ‘in the shadow’ of external conflict prevention policies.

Other international organisations, such as the United Nations and the Organisation for Economic Cooperation and Development (OECD) have also contributed to the debate on adjusting international as well as national policies to better integrate development and security themes. The key issues of this debate are: the integration of civilian and military capacities; the coordination, complementarity and coherence of development and security policies; the security-development nexus in terms of legal, institutional and political considerations in general (Tannous 2007, 5) and the security-development nexus at various levels of a policymaking cycle, ranging from the level of inter-ministerial cooperation to the collaboration of implementing agencies – or the lack thereof.8

Starting with the Swedish EU Council Presidency in 2001, conflict prevention was put into higher gear and mainstreamed across the EU’s pillar structure. The launch of the Göteborg EU Program for the Prevention of Violent Conflicts firmly anchored conflict prevention as one of the main objectives of the Union’s external relations. The European Council eventually proposed that it “should be integrated in all its relevant aspects, including the European Security and Defense Policy, development cooperation and trade” (European Council 2001). The Member States thus responded to the Commission’s analysis in its Communication on Conflict Prevention of 11 April 2001 which stated that the EU’s capacity for action in response to conflicts is intrinsically dependent on a clear definition of Union objectives, the capacity to act and the political will of its Member States to act (see European Commission 2001a, 30).

After the terrorist attacks of September 11, 2001, the prevention of ‘state failure’ yet became another important objective with serious repercussions for the interface of development and security policy.9 References to ‘failed state’ started to intrude into official EU documents in 2003 (see Banim 2008, 3). Most prominently, the European Security Strategy spoke of state failure as “an alarming phenomenon that undermines global governance, and adds to regional instability” (European Council 2003, 4). This policy document, which has been hailed as an expression of the EU’s evolving strategic culture, sought to rally the EU member states
behind the EU flag in the immediate aftermath of the American war in Iraq which had caused a deep rift within the EU. Not only providing an EU response to the U.S. National Security Strategy of 2002, the European Security Strategy also exhibited a shift from humanitarian concern toward protection of the EU and its citizens and addressed the issue of ‘state failure’ from a far more a more securitized angle. It also made a clear statement that military instruments may be needed in failed states to restore order (see Banim 2008, 5). More recently, a trend towards convergence in terminology can be observed, with both the development and diplomatic/security community appearing to settle for the somewhat less ideologically fraught label of ‘fragile state’ as opposed to ‘failed state’. 

The humanitarian and development community, in turn, has always preferred to discuss the same problematic issues that are addressed in conflict prevention and crisis management under the heading Linking relief, rehabilitation, and development (LRRD) (see European Commission 2001b). The European Commission has also suggested that the concept of human security should inform the process of linking security and development policies. The term advocates a people-centred instead of state-focused understanding of security. This is not uncontested, but increasingly used to describe the complexities of interrelated threats associated with civil war, genocide and the large-scale displacement of populations. Advocates of the concept of human security seek to ensure that EU security policy sufficiently takes the needs of people in target countries and regions into account. Subsequently, it was the development policy community that has most recently taken up the debate on policy coherence for tackling state fragility. The European Consensus on Development, approved by both the European institutions and the Member States, put the eradication of poverty within the context of building a “more stable, peaceful, prosperous, and equitable world”, committed the European Commission to develop a “comprehensive approach to state fragility, conflict, natural disasters and other types of crises”; and called for “integrated transition strategies” in post-crisis situations (Council of Ministers 2005, para 21).

In 2005, the European Commission eventually proposed that the EU would “treat security and development as complementary agendas, with the common aim of creating a secure environment and of breaking the vicious circle of poverty, war, environmental degradation and failing economic, social and political structures. The EU will enhance its policies in support of good and effective governance and the prevention of state fragility and conflict, including by strengthening its response to difficult partnerships/failing states” (European Commission 2005, 5). In September 2007, the European Commission issued a Report on Policy Coherence for Development (see European Commission 2007b). The report was based on Commission services and Member States’ contributions as collated through a questionnaire distri-
buted in January of 2007 and recognized that progress had been made, however important gaps remained with regards to institutionalizing policy coherence for development. Finally, at the occasion of the 2008 Implementation Report conducted with regards to the European Security Strategy, the EU took stock of its measures launched to address the “security and development nexus” (European Council 2008, 8). Here, it highlighted its actions in “Security Sector Reform and Disarmament, Demobilization and Reintegration [as] key part of post-conflict stabilization and reconstruction [in Guinea-Bissau or DR Congo]” stressing the need for “partnership with the international community and local stakeholders” (European Council 2008, 8).

To sum up: Over the past decade the European Union has developed its lexicon in order to address to address the interface of development and security policy. Yet, the question remains whether it also introduced the necessary steps to improve coordination and coherence when it comes to cooperation between different pillars as well as the EU institutions and the Member States?

**III. EU policy framework and institutional set-up**

The European Community is both a policy actor and a coordination arena, as the recent DAC Peer Review maintains (see OECD 2007, 11). Due to the lack of centralized decision-making and implementation procedures, the coordination or consistency problematic – which encompasses horizontal, vertical and institutional consistency – is a constant concern for the EU. Vertical consistency concerns the relationship between policy formulation and execution at the level of individual member states and the EU. Horizontal consistency means that policies pursued by different parts of the EU machine, subscribing to different objectives, “should be coherent with each other, or at least not involuntarily incoherent” (Nutall 2005, 97). The Commissioner for Development and Humanitarian Aid, to give an example, thus far has full control of a planning and policy team, but not of the implementing agency, EuropeAid, which used to report to the Commissioner responsible for External Relations and European Neighbourhood Policy. As a subset of the above, institutional consistency refers to the coexistence of different modes of governance (‘supranational versus intergovernmental’) as well as differences at the level of policy formulation and implementation (‘headquarters versus field’), for instance in the area of external relations and development.

Ever since the Maastricht Treaty entered into force in 1993, the EU has been made up of ‘three pillars’: the first pillar includes highly ‘communitarized’ policies, such as trade, com-
petition; the second pillar is synonymous with the EU’s Common Foreign and Security Policy (CFSP), later supplemented by the European Security and Defense Policy (ESDP); and the third pillar eventually encompasses Police and Judicial Co-operation in Criminal Matter. Subsequently, the EU has stepped up its role in crisis response and conflict prevention by coordinating more effectively the various civilian means and resources, in parallel with the military ones. At the interface of security and development, when military and civilian crisis management operations meet with conflict prevention, institution-building and economic development, however, important questions of delimitation of competences between the individual pillars arise (Hoffmeister 2008a; Hoffmeister 2008b; Vennesson 2009). Deciding whether a certain action should be attributed either to the Union’s security and defense policy or to the Community’s development policy trigger significant consequences for voting rules in the Council, the role of the European Parliament and the European Court of Justice and the functions of the Council and the Commission in implementation (see Hoffmeister 2008b, 158) and thus is a highly delicate task. The situation is further complicated by the fact that the current establishment of the European External Action Service is about to introduce some more changes the overall set-up of intra- and inter-institutional relations at the EU level before the end of 2010.

*External relations and development*

Horizontal consistency looms high on the agenda of the European Commission. When dealing with fragile states, there are at least three lead focal points including the Directorate-General (DG) Relex Unit for Crisis Management, Conflict Prevention (RELEX A/2) and the DG Development Unit in charge of governance issues (see Banim 2008, 10). In addition, various EC instruments aimed at building partner country capacity in areas central to addressing state fragility (e.g. governance, institution-building, rule of law, justice, migration and sustainable economic development) are available across the entire ‘executive branch’ of the EU. These include provisions on humanitarian and emergency assistance of the Cotonou Agreement which foresee ‘flexible mechanisms’ for post-emergency action and transition to the development phase, the EU’s geographic programs, the Development Cooperation Instrument (DCI) and European Neighborhood and Partnership Instrument (ENPI), which explicitly refer to ‘fragile states and post-conflict reconstruction’ as areas for intervention. In addition, financial assistance can be drawn from the European Instrument for Democracy and Human Rights (EIDHR) and Thematic Program ‘Non State Actors and Local Authorities in Development’ (see European Commission 2007a, 11).
Furthermore, there are other policies within pillar I ranging from issues such as energy dialogue, human rights, political relations, humanitarian assistance, trade, and the environment relevant to any strategy on fragile states. With regard to the disbursement of financial assistance for fragile states, the directorates for aid implementation (EuropeAid), humanitarian affairs (ECHO), and EC delegations at the field level come into play. It is the task of the over 130 Commission delegations in the world, in principle, to take up a lead role in both programming and management of EC assistance as well as overseeing all other EU activities affecting the partner country concerned and performing a coordinating role with member states and other international actors. Yet, as noted by Guy Banim, it is a matter of fact that “many of the policy innovations and strategies painstakingly elaborated through the complex institutional decision-making processes in Brussels are poorly translated into results in the field” (Banim 2008, 10).

Civilians crisis management

The concept of ‘crisis management’ is a quite peculiar one to the European Union: it can be broadly conceived as any policy or instrument the EU deploys during a crisis, but it is increasingly understood as EU jargon for the deployment of military or civilian peacekeeping operations governed under pillar II (see Banim 2008, 2). The launch of ESDP proved to be a watershed in the development of the European Union. It left some Member States of the EU – particularly those with a history of non-alignment and ‘neutrality’, such as Austria, Finland, Sweden and Ireland (see Flers 2007; Ojanen 2008), with the desire to see the EU’s capacities further strengthened to provide a civilian approach to crisis and conflict prevention. Against this background, the European Union began to step up its role in crisis response and conflict prevention as the Helsinki European Council in December 1999 also called for the establishment of a “non-military crisis management mechanism […] to coordinate and make more effective the various civilian means and resources, in parallel with the military ones” (European Council 1999). This largely accounts for the decision at the European Council at Santa Maria Da Feira in June 2000 that the EU needed to develop targets for civilian crisis management in four areas: police, rule of law, civilian administration, and civil protection. In order to assume these tasks, a process was developed in parallel to the military capabilities pledging conference.

As a result, the EU can draw on 5,000 civilian police officers and 200 rule-of-law officials, in principle. The Action Plan for Civilian Aspects of ESDP that was agreed on in 2004 widened the range of expertise considered within the capability requirement for civilian crisis management to cover border policing, monitoring, organized crime, sexual and violent crime, human trafficking, and human rights (see European Council 2004). Also more broadly noted
was the role of civil society (see European Council 2004, 10). A further step was taken with the agreement, again mirroring the military process, of a Civilian Headline Goal for 2008 (see Council of the European Union 2004).

**ESDP military structure**

As a reaction to the perceived impotence of the EU and its inability to effectively intervene at its doorsteps in the 1990s, EU foreign policy received a tremendous boost and evolved quickly at the institutional level. With the entry into force of the Amsterdam Treaty in 1999, the post of the EU High Representative for the CFSP was created and the so-called ‘Petersberg tasks’ became an integral part of ESDP. Thus the CFSP/ESDP architecture is relatively recent and continues to evolve rapidly – in sharp contrast with most of the European Commission structures. It is in particular the ESDP that forged new institutions, fostered increased efforts of military cooperation between EU Member States and added military capabilities to the EU.

The Treaty of Nice, which entered into force on 1 February 2003, contained new CFSP provisions, further increasing the areas decided by qualified majority voting and enhancing the role of the Political and Security Committee (PSC), particularly for crisis management. The PSC, which consists of representatives of the Member States at ambassador level and the Commission, prepares recommendations on the future functioning of the CFSP, including ESDP, and deals with the day-to-day handling of these issues. The PSC is also authorized to take decisions under delegated authority from the Council during periods of crisis management, including both civilian and military aspects. Furthermore, three new bodies have been set up in the Council: a Committee for civilian aspects of crisis management; a Military Committee and a Political-Military Group. In addition, a body of military experts chosen by the Member States has been set up under the direction of the Military Committee. Within the EU Council Secretariat, Directorate-General (DG) E, and more specifically the units dealing with European Security and Defense Policy (DGE VII), Defense Aspects (DGE VIII) and Civilian Crisis Management (DGE IX) focus on dealing with fragile states. The Council Policy Unit and the new CivMil Cell, situated under the EU Military Staff, also play a role in anticipating and responding to crisis (see Banim 2008, 11).

As it has remained rather difficult to coordinate these different actors, the European Commission has sought to use the overhaul of EC external relations instruments in 2006 not only to streamline the EC budget in external relations; but also to create an instrument that would provide incentives for further coordination between the Council and the Commission in crisis
management and, at the same time, strengthen the Commission’s role at the interface of development and security policy.

IV. The Instrument for Stability: a new instrument in EC external relations

After a painstakingly difficult inter-institutional negotiation process on the reform of the Community’s external financing instruments involving the European Commission, the Council and, eventually, the European Parliament, the Instrument for Stability entered into force on 1 January 2007. European policy-makers and members of the European Commission at that time were full of praise for this “major new Community instrument” (Landaburu 2006, 37) applauding “[…] the combined effect of the Stability Instrument and the CFSP budget [which] will markedly enhance the EU’s capacity to engage in civilian crisis” (Ferrero-Waldner / Ahtisaari 2006, 3). In addition to eventually enhancing cooperation across pillars, the then European Commissioner for External Relations and European Neighborhood Policy, Benita Ferrero-Waldner also stressed the instrument’s capacity to improve not only inter-institutional coordination but also EU member states’ coherence in response to emerging crises and conflicts. Ferrero-Waldner noted that: “the creation of the Stability Instrument reflects our desire to streamline our crisis response […] In particular, it is desirable to use the Stability Instrument in order to strengthen the collaboration between the European Council, the European Commission and the Member States” (Ferrero-Waldner 2006, 34). Consequently, expectations were relatively high vis-à-vis the IfS as it had been designed to equip the EU with a “strategic tool to address a number of global security and development challenges” (European Commission 2006, 3); it is perceived as the EC’s main thematic tool operating in the “grey zone of security and development policy” (Interview 1).

Thus the EU has moved towards integration rather than separation of policies falling under pillar I or pillar II jurisdiction. Especially since the entry into force of the Nice Treaty and with the Lisbon Treaty, this development has been driven by an increasing number of civil ESDP activities, which might also be considered as falling under the EC’s cooperation policies governed by Art. 181a. Furthermore, a broader notion of security brings development policies closer to the realm of ‘high politics’ and ‘foreign policy’ (Hoffmeister 2008a). The Treaty of the European Union enshrines the principle that the Community method – even in the advent of the intergovernmental CFSP is to be observed and, more importantly, should be applied whenever appropriate. Furthermore, Article 47 of the Treaty on the EU implies that the European Court of Justice (ECJ), which does not have a role in matters of pillar II, is entitled to rule on issues of competence delimitation between the different pillars. This judicial right
is particularly important in a policy area which is cross-cutting by nature, such as security and development. In contrast, coherence between various policies of the EU – at the horizontal, institutional and vertical level – is not subject to judicial review by the ECJ; thus it remains a political actor urging other actors to observe coherence within Community policies, between EU institutions and among Member States.

When the European Commission submitted its proposal for a Council regulation establishing an Instrument for Stability on 29 September 2004, it sought to “support the policies of the EU relating to “the delivery of an effective, timely and integrated response in order to prevent, attenuate or address the consequences of crisis situations, severe political instability or violent conflict; major challenges to the establishment or preservation of the rule of law in third countries, including the fight against regional or trans-border challenges such as organized crime, trafficking and terrorism; major technological threats with potential trans-border impact, including the promotion of nuclear safety and the fight against the proliferation of weapons of mass destruction; the development of peace-keeping and peace-support capacity in partnership with international, regional and sub-regional organizations” (European Commission 2004, 14). It becomes clear that the Commission extensively referred to security policy, framing peace-keeping and peace-support topics as Community tasks. These ambitions, however, did not meet with the support from Member States: incriminated concepts such as ‘peace-keeping’ and ‘peace-support’ were subsequently eliminated from the text of regulation. The difficult trajectory of the negotiations over the final text of this regulation has served to illuminate the challenges related to the management of the security-development nexus at the European level. Eventually, the final draft also eliminated references to peace-keeping and peace-building, which resulted in criticism from both the European Commission and the Parliament.

Prior to the launch of the Instrument for Stability, the European Commission had at its disposal a financing instrument which to some extent tackled the issues of rapidity and scope in terms of responding to crisis situations. It is as much a product shaped by increasing EU-wide concern for effectively bridging the security-development nexus as it replaces a host of post-crisis EC budget lines, one of which is the so-called Rapid Reaction Mechanism (RRM). The RRM, in operation from 2001 to 2006, could be launched whenever an action could not be attributed to any of the geographical or thematic EC instruments. Yet, RRM measures could only last for up to six months and its annual budget was relatively small. The RRM was used, for instance, to relieve the effects of the December 2004 tsunami, the Aceh Peace Process, the EU Border Assistance Mission to the Republic of Moldova and Ukraine (EUBAM), and as a response to a series of other crises in Africa, Latin America, the Western Balkans and
the Middle East. In the case of the Aceh Monitoring Mission, the first ESDP mission to be involved in Disarmament, Demobilization and Reintegration (DDR), the RRM provided direct support to the Crisis Management Initiative (CMI), a non-governmental organization chaired by former Finnish President and Nobel-prize laureate Martti Ahtisaari. It is fair to say that this initiative was paramount in securing peace in Aceh at that time. Following a memorandum of understanding signed on 15 August 2005 by the government of Indonesia and the ‘Free Aceh’ movement, the Aceh Monitoring Mission – a civilian mission within the framework of ESDP – was launched on 15 September 2005 and expired on 15 March 2006. Five ASEAN contributing countries (Brunei, Malaysia, Philippines, Singapore and Thailand) as well as Norway and Switzerland joined this EU-led mission. The costs of the mission were financed from the CFSP budget and by contributions of the EU Member States and participating countries (see EU Council Secretariat 2005).

When compared to existing EC cooperation tools and mechanisms, the RRM exhibited two innovative features: speed and breadth. It was an independent instrument equipped with its own budget line and with a broad scope of applicability mirroring the Commission’s increasing global ‘engagement’. Yet, as stated earlier, the annual budget for the RRM was relatively small, on average around EUR 30 million per year, thus putting some financial constraints on each measure.

**Scope and objectives of the Instrument for Stability**

The Instrument for Stability pursues a threefold operational goal and can be subdivided into a short- and a long-term component. First, in a situation of emerging political crisis or natural disaster, it seeks to contribute to stability by providing an effective response to help preserve, establish or re-establish the conditions essential to the proper implementation of the EC development and cooperation policies. Cooperation is usually funded via the Development Cooperation Instrument, European Neighbourhood and Partnership Instrument, etc. Thus, the IfS has been sketched out to (1) address a new political crisis or natural disaster, (2) respond to a ‘window of opportunity’ to pre-empt a crisis (e.g. a situation like the withdrawal of Israeli forces from Gaza in 2009), (3) secure the conditions for delivery of EC assistance (e.g. like in Afghanistan) and (4) be part of a joint approach involving ESDP operations (e.g. EUFOR Chad/Central African Republic). Second, in the context of stable conditions, it aims to enable the EC to address specific global and trans-regional threats having a destabilizing effect, such as for instance proliferation of weapons of mass destruction and human trafficking, terrorism and organized crime. Third, again in a situation of stable conditions, it seeks to ensure international and regional organizations, as well as state and non-state actors’ preparedness to respond to pre- and post-crisis situations.
In contrast to the four main geographic policy instruments – the European Development Fund (EDF), the Development Cooperation Instrument (DCI), the European Neighbourhood and Partnership Instrument (ENPI), and the Instrument for Pre-accession (IPA) – there are only relatively small envelopes of financial resources available for the thematic instruments. For the year 2007, for instance, EUR 232 million has been allocated to the Instrument for Stability. Still, this amount is slightly higher than the Union’s budget for CFSP, which is at about EUR 150 million annually. If one ‘somewhat’ combines both budget lines, however, and this certainly is part of the IfS’ thrust, then the European Union gains significantly in terms of its overall capacity in external relations. It may even yield more strength if the 10th European Development Fund (EDF) is brought into perspective which makes EUR 22.7 billion available for the 78 African, Caribbean and Pacific states (ACP-EU) for the entire financial period of 2008-2013.

For the period 2007-2013, the budgetary allocation for the Instrument for Stability amounts to € 2,062 million, with the lion’s share in the order of up to 73% or € 1,505 million being reserved for its short-term component, and up to 27%, or € 557 million channelled towards the long-term component. By its very nature, funding allocated to the short-term component is non-programmable thus making the instrument extremely flexible. In December 2008, the Council and the European Parliament – following the suggestion of the EU Commission – decided to channel almost one eighth of the IfS total budget (€ 240 million) towards the newly established Food Facility in order to address the global food crisis.\textsuperscript{20}

Projects within the short-term component of the Instrument for Stability are limited to 18 months (extendable for another six months in the case of unforeseen implementation obstacles under the condition that the financial amount of the measure does not increase). Interestingly, exceptional assistance measures costing less than EUR 20 million do not trigger the comitology procedures, the Council’s watchdog over the Commission.\textsuperscript{21} The European Commission, however, keeps the Council regularly informed about its planning of Community assistance under Art. 3 of the Instrument for Stability and informs the Council of the nature and objectives of measures costing up to EUR 20 million. Furthermore, the Commission is obliged to keep the European Parliament informed at an early stage whenever it adopts an exceptional assistance measures. Partner countries and regions, joint bodies (involving partner regions and the Community), international organisations, European agencies and bodies of any Member State, partner country, partner region or any other country contributing to the objectives of this regulation are eligible for financial aid under this regulation. Community finance may take the form of projects and programs, sectoral or general budget sup-
port, general import-support programs in exceptional cases, contributions to international funds, etc. Measures may be co-financed by Member States, other donor countries, international and regional organisations, companies, firms, other private organisations and businesses, other non-state actors, partner countries and regions in receipt of funding, and other bodies eligible for funding.

Yet, the IFIS was meant to be more than just a budget line. For the first time ever, an EC external relations instrument translates the requirement for EU external action to be consistent (Art 3(2) TEU) into secondary law. Most importantly, a voice had to be given to the European Parliament in an area of EC cooperation policies that would potentially have an impact on EU foreign policy broadly conceived.22

V. Assessing the Instrument for Stability

Managing the security-development nexus I: The politico-legal dimension

The Instrument for Stability’s main contribution towards managing the security-development nexus, so far, has been to provide a clearer picture in legal terms. Thus, the IFIS regulation has been instrumental in drawing a line between CFSP and cooperation policies with regards to conflict prevention, democracy promotion, SSR (on which I will focus here), antipersonnel landmines, fight against terrorism as well as the proliferation of chemical, biological, radiological and nuclear materials or agents.

The regulation covering the Instrument for Stability makes clear that issues relating to conflict prevention and management are not entirely out of the scope of Community competence (Art. 3(2)). Already with the RRM the Community provided direct budgetary support to UNMIK in Kosovo, a practice that has also been continued under the auspices of the Instrument for Stability. There are, however, some constraints imposed as to what kind of conflict prevention and management measures are applicable. Compared with the Commission’s draft proposal for the regulation of 2004 which declared the “military monitoring and peace-keeping or peace-support operations (including those with a civilian component) conducted by regional and sub-regional organizations and other coalitions of states operating with United Nations endorsement […]” among its objectives (European Commission 2004, 15), no such reference has prevailed. This implies that the Community should not be mobilized in military conflict prevention (neither by financial nor technical support).23 At the same time, the Community, however, maintains a role in supporting measures that have an indirect effect on social and economic development in third countries as stated in the ‘European Con-
sensus on Development’ – provided that these measures are of a rather civilian nature in their support of international and regional organizations.

According to Article 177 (2) and 181a TEC, Community policy should contribute to the general objective of developing and consolidating democracy and the rule of law, and to the goal of respecting human rights and fundamental freedoms. In principle, this had been acknowledged by EC financial instruments. However, due to the fact that Article 11 of the Treaty of the EU subscribes to the same objectives in terms of the CFSP, various questions vis-à-vis the legal dimension of the security-development nexus have arisen from time to time. The Stability Instrument now offers something of a yardstick for deciding whether measures should be launched under pillar I or pillar II (see Hoffmeister 2008a, 11f.). If measures focusing on democracy, rule of law and human rights are primarily geared towards the provision of training as well as technical and financial assistance, they lie within Community competence; in cases where measures imply the large-scale secondment of lawyers, judges and policy officers from the Member States fulfilling a more active role in managing the transition to rule of law, it would rather fall into the competence of the Member States and therefore CFSP.

To give an example: Following an official request by the DRC government, the EU decided to launch an EU advisory and assistance mission for security reform in the Democratic Republic of Congo (DRC) in June 2005 (EUSEC RD CONGO mission). The mission provided advice and assistance to the Congolese authorities in charge of security, while ensuring the promotion of policies that are compatible with human rights and international humanitarian law, and thus pertaining to gender issues, to children affected by armed conflicts, to democratic standards, to principles of good public management, to transparency and to the observance of the rule of law. As both the Council and the Commission were unable to find a compromise for a joint mission in 2006, the Commission focused instead on the judicial sector whereas the Council focused on military and police aspects. A similar approach fostering complementarity between ESDP and other Community activities was chosen for the mission that supported the Security Sector Reform (SSR) in Guinea-Bissau in partnership with the Guinea-Bissau authorities. The EU SSR Guinea-Bissau mission provides advice and assistance on reform of the security sector in Guinea Bissau in order to contribute to creating conditions for the implementation of the National Security Sector Reform Strategy.

As for SSR, yet another grey zone in terms of development and security policy, Art. 3 (f) and (g) of the IfS regulation explicitly allow the Community to engage in the provision of civilian measures for demobilization, along with the reintegration of former combatants into civil society and mitigation of the social effects thereof. These provisions have certainly helped in
clarifying the legal situation. Furthermore, the role of civil society actors and NGOs in the implementation of these policies is being recognized by the IfS, in particular through its Peace-building Partnership.

**Managing networks: Peace-building Partnership (PBP)**

Funded via the IfS, the PBP was launched in November 2007 and aims at building the capacity of international, regional and sub-regional organizations, state and non-state actors in relation to their efforts in: (a) promoting early-warning, confidence-building, mediation and reconciliation, and addressing emerging inter-community tensions; and (b) improving post-conflict and post-disaster recovery (see Art. 4(3) of IfS regulation). The Commission engages in ‘network management’ and hopes to tap external expertise through the PBP as it is lacking implementing power itself.

Supported within the framework of the PBP are the exchange of information, the transfer of know-how, the assessment of risks and threats, research and analysis, early-warning systems and training. The PBP thereby aims to foster a network of specialized NGOs with expertise in early warning, peace-building and recovery after a conflict or natural disaster. At the same time it seeks to develop the relationship with international partners (UNDP and African Union) and relevant agencies in the Member States (e.g. ‘European Group on Training’, an ‘open network’, comprising European training institutions, NGO training providers and government institutions engaged in the recruitment and training of civilian crisis management personnel).

The Commission seeks to hold regular consultation meetings with civil society organizations in the context of the PBP - three such meetings were held in 2008. Also invited to those meetings are representatives from member states and from the European Parliament. The Commission’s commitment to continue working with civil society organizations on peace-building issues and to provide adequate funding for this purpose is confirmed by the draft 2009 Annual Action Program. With regard to other target organizations, the Action Plan focuses on the UN Peace-building Support Office’s Mediation Support Unit, the African Union, the League of Arab States (enhancement of early warning networks), the ‘International Dialogue on Peace building and State-building’, managed by the OECD-DAC Secretariat and further delivery of training for police experts in civilian missions.

Many NGOs have criticized the PBP though as they had expected the EU to pursue more ambitious goals in the area of peace-building, including a genuine European Peace-Building Agency as a counterpart to the European Defense Agency (European Commission 2008c, 214).
Yet, the partnership is commended for taking some small steps in the right direction e.g. by the European Peace-building Liaison Office (EPLO) (Interview 2).

Managing the security-development nexus II: the time dimension or coherence, flexibility and inclusiveness
The making of the Instrument for Stability is a step forward that may strengthen the EU’s capacity in civilian crisis intervention in the long-term. It constitutes an addition to EC instruments in response to crisis situations, the others being humanitarian assistance, civil protection or other external financial instruments provided that it can be urgently deployed in response to a crisis situation. These Community instruments, together with EU Joint Actions under CFSP/ESDP, constitute the very core of the EU’s crisis response capability focusing on coherence, flexibility and inclusiveness.

Coherence: The IfS continues a host of efforts at the European level to improve inter-institutional coordination and coherence of measures in external relations in general, and addresses the security-development nexus in particular. Without going into a discussion of coherence in the general EU context, suffice it to say that the IfS provides entry points for drawing development and foreign security policy closer together. First, the Commission keeps the Political and Security Committee as well as the European Parliament informed about its planning for crisis response programs. In principle, Member States represented in the PSC have the opportunity to comment on the Commission proposals. From the German side, for example, it seems that neither the Federal Foreign Office (AA) nor the Federal Ministry for Economic Cooperation and Development (BMZ), which receives its draft from the AA, have made use of these opportunities. This is probably because of the short notice with which documents are being circulated, or because the IfS itself normally does not present a major topic on the agenda and there have so far been neither “major discussions on the Commission’s proposals for activities” (Interview 4) nor “major problems with the Member States” (Interview 5).

Second, the regulation of the Instrument for Stability makes clear that EC cooperation policies also refer to areas which are not explicitly mentioned in Article 177 and 181a TEC, which are the legal point of reference for the IfS. In addition to fostering socio-economic development as well as democracy, human rights and rule of law, the Community is entitled to support these objectives indirectly as well (see Hoffmeister 2008a, 17). Thus civilian components of conflict prevention and management are part of the Community’s competence including aspects of non-proliferation of WMD, for instance. Furthermore, Community competence has recently been confirmed in the area of stockpiling and destroying small weapons and
arms (see European Court of Justice 2008). Community measures enshrine technical and financial assistance to support programs, consultants, and material, as well as education and training. Consequently, the Community may wield significant power in terms of defining the institutional set-up, for example in the security sector reform of a third country. At the same time, the Community is not permitted to get involved in military aspects of peace-keeping and in fighting the proliferation of WMD. Although the IfS regulation makes some concessions vis-à-vis the CFSP, both the Commission and the Council have become very sensitive in choosing the appropriate legal basis for action. Thus the IfS may not necessarily build a bridge between Community action and CFSP operations, although it certainly has the potential to do so. Yet, for reasons mentioned above, it will certainly help to circumscribe the basis of each of the bridge’s pillars, increasing legal clarity vis-à-vis the measures to be sponsored by the IfS. Making the security-development relationship work ultimately remains a political task of all actors involved, including the Commission, the Council, the European Parliament as well as the member states.

**Flexibility and rapidity:** The Instrument for Stability has clearly increased the speed with which the Community can now respond to natural disasters and emerging political crises. Besides humanitarian aid, which the EU considers to be more ‘apolitical’ in character, the Community can act within 8 to 12 weeks, and continue to act for up to 18 months. Although no large scale evaluation of the IfS has yet been carried out to date, some problems have been reported in the case of the Central African Republic where IfS funding was not been disbursed rapidly. As demonstrated, the IfS can in principle provide an important link for long-term (geographical) programs to kick in again. For example, the IfS was used to respond to and mitigate the effects of the 5-day war between Georgia and Russia in August 2008.

**Internal and external Inclusiveness:** With regard to inclusiveness vis-à-vis other actors, a simple distinction would be to look at internal and external partners assuming a role in decision- and/or policy-making in the context of the Instrument for Stability. Although the European Commission is in a strong position with respect to the short-term component, the number of actors involved has increased substantially. While the Commission’s draft proposal of 2004 favoured Article 308 as the legal platform for the regulation, the approved text eventually was built on Article 177 and 181a requiring co-decision procedure, which puts the European Parliament on an equal footing with the Council. Obviously, the European Parliament celebrated this decision as a major success in increasing its oversight in EC external relations, and thus providing additional democratic legitimacy. This is an important asset in order to maintain the EU’s image as a civilian power. Furthermore, this is remarkable as the scope of the European Parliament’s involvement in matters of CFSP remains relatively low.
institutional arrangements as well as other informal agreements are of some importance here as they may grant (informal) rights, such as the possibility of MEPs meeting with the Political and Security Committee five times per year in order to discuss the ESDP agenda (Interview 3). As the Commission keeps the Parliament informed about its measures, in particular with regards to the short term component of the instrument, in principle Parliament is in a position to exercise some forms of ‘pre-scrutiny’. But again, it is very difficult to measure its direct impact on decision-making within the Commission (and possibly, the Council). Therefore, while Parliament has had quite some influence in terms of shaping the Instrument during the inter-institutional process, its follow-up options and oversight vis-à-vis implementation are relatively small.

Still, somewhat at the boundary between internal and external inclusiveness, the involvement of NGOs has been strengthened. Referring to Article 4(3) of the regulation, it is in the interest of the Commission to build civilian capacity for crisis response, “also via continued support to organizations conducting policy-oriented and field-based research on early warning and conflict prevention and continued facilitation of the identification and sharing of operational best practice” (European Commission 2008a). The 2009 Annual Action Program pursues a three-pronged approach. First, the program advocates a Peace-building Partnership that strengthens the capacity of non-state actors active in the field of peace-building. Second, it will support the further development of cooperation with international and regional organizations, in particular with regard to early warning aspects. Third, it will continue to build-up the EU’s capability to contribute to international civilian stabilization missions through operational training of EU police experts.

Some smaller NGOs have expressed concerns with regard to this approach, fearing that it will prioritize well-connected and larger Brussels-based NGOs. At the same time, this budget line within the Instrument for Stability allows for funding of sub-regional and international organizations, in particular the African Union and sub-regional communities as well as UNDP, World Bank and the United Nation Peace-building Commission (UNPBC). However with regard to the latter, one Commission official affirmed that the EU has no intention of contributing directly to the UNPBC peace fund (Interview 1). It appears that the Commission rather prefers a project-based approach and so declares that it may be avoiding duplication. In a nutshell, although the PBP seems to be an innovative element of the Instrument for Stability, funding resources are fairly constrained.

First practice and experience with the Instrument for Stability
In its annual report the European Commission provides a detailed overview of adopted Article 3 measures of the IfS outlining the main geographic coverage as follows: In 2007, Sub-Saharan Africa received 43% of the available funds, followed by the Middle East with 22%, the Western Balkans with 11% (primarily in support of the International Civilian Office in Kosovo, Latin America and the Caribbean with 10% and the Asia-Pacific region with 6%. In terms of thematic initiatives, the Commission distinguished ‘short-term advice to develop and kick-start post-conflict security system reform’ (in DRC, Guinea Bissau, Lebanon), complementary measures in areas where ESDP missions are deployed (e.g. DRC, Afghanistan, Chad), ‘support to regional peace-building capacity’ (AMISON Somalia, AU-UN Mediation effort in Darfur), ‘rule of law and transitional justice’ (Afghanistan, Columbia, Haiti), with support to interim administrations (ICO Kosovo), ‘conflict resolution and reconciliation’ (Uganda, Zimbabwe, Burma/Myanmar, Southern Thailand), ‘post-conflict needs assessments and rehabilitation’ (Lebanese refugee camps), ‘support to displaced populations’ (Lebanon, Syria), and ‘conflict resources’ (Kimberley Process) (see European Commission 2008d). As for Article 4 activities the Commission, under Article 4.1 or ‘trans-regional threats’, supported an Expert Support Facility, an initiative on the fight against trafficking from and to Afghanistan and a border management project in the Philippines. With regards to Article 4.2 or ‘risk mitigation CBRN’ measures, the Commission financially assisted the Support to the International Science and Technology Centre (ISTC) in Moscow and the Science and Technology Centre in Ukraine, Kiev (STCU), a Knowledge Management System on CBRN Trafficking and export control of dual-use goods. Article 4.3 or ‘crisis preparedness’ measures are principally organized in a new Peace-building Partnership whose main aim is to mobilize and consolidate civilian expertise (including civil society organizations, international organizations and Member State agencies) for peace-building activities (see European Commission 2008d).

With an increased involvement of the EC Delegations in third countries, Directorate A of the European Commission’s DG for External relations (DG RELEX) is responsible for managing the crisis response component (Art. 3) as well as ‘pre- and post-crisis preparedness building measures’ under Article 4 (3) of the IfS. While DG RELEX stays involved with measures addressing longer-term trans-regional security threats in terms of programming, this component is managed under the direct responsibility of the EuropeAid Cooperation Office.

By its very nature, the crisis response component of the IfS cannot be programmed in advance, instead developing in response to crisis situations or emerging crises. In contrast to EC humanitarian interventions, which are deployable within days or weeks, the lead-time for launching IfS programs – from initial assessment to providing finances for action on the ground – is in the order of two to three months. For the IfS to kick in, it is important to note
that its purpose is neither to finance humanitarian aid nor replace other EC financial instruments. IfS crisis response measures have been designed alongside CFSP and ESDP measures and are typically mobilized “in the case of a major new political crisis or natural disaster, or a window of opportunity to pre-empt a crisis or an opportunity to advance conflict resolution, or the need to secure the conditions for the delivery of EC assistance” (European Commission 2008d, 5).

The European Commission suggests that there is no automatism as to where and when the IfS may be mobilised, noting that there are situations of long-standing crises “whose protracted status by nature would not justify funding new initiatives” (European Commission 2008d, 5). Although DG Relex is in a position to propose new crisis response measures, the European Commission affirms that IfS programs are often crafted involving discussions with a wide range from actors from the European institutions, the Member States and civil society.

VI. Conclusions

The Instrument for Stability constitutes an important addition to EC instruments in response to crisis situations, the others being humanitarian assistance and civil protection, when urgently re-deployed in response to a crisis situation. These Community instruments, together with EU Joint Actions under CFSP/ESDP, constitute the core of EU crisis response capability.

The Instrument has the potential to improve coherence for the European Union’s external action as it determines the areas where Community prevails. While legally remaining an EC instrument decided upon by the Commission, the close coordination with EU Member States, notably in the Political and Security Committee but also in the geographic working groups, has made it a politically responsive EC instrument. Together with several recent ECJ rulings, the IfS has ultimately helped to clarify the legal basis for initiating Community or EU action.

In principle, the Instrument for Stability significantly reduces the EU’s ‘reaction time’ for responding to crisis situations to approximately eight weeks and it is in a position to provide funding for measures lasting up to 18 months. Although every crisis situation is unique, the IfS provides the capacity for an early and an sustained response. It is still to early to say whether ‘quick money’ can effectively improve the outcome of assistance. In a nutshell: the IfS addresses the time dimension of the security-development nexus by bridging short-term
and long-term EU/EC assistance. However, it is not a one-size fits all instrument to address the issue of transitioning into development policy from a more strategic angle.

The Instrument for Stability addresses the politico-legal dimension of the security-development nexus within the European Union, which is complicated by the fact that it stretches over several layers of policies and competence. For the first time, the regulation covering the Instrument for Stability transposes the Treaty-based obligation for EU institutions to ensure coherence in (Union and the Community) external policies into secondary. Anticipating the implementation of the Treaty of Lisbon, the IfS sought to provide an opportunity for Commission and Council to gather experience in closer cooperation in the grey zone area between foreign and development policies. Thus, in terms of horizontal coherence, the IfS has addressed both aspects, the issue of inter-pillar collaboration and the divide between the strategic and the implementation level. One may assume that delegations are better placed to assume programming and management of IfS funds as well as issues of transitioning into regular development assistance than the Brussels headquarters. The situation may potentially improve, once the EU External Action Service (EAS) will have been established combining representatives from the Council, the Commission and Member States diplomatic corps.

Finally, the IfS has strengthened the European Parliament’s role in matters of EU foreign policy. In addition to this internal inclusiveness, aspects of the IfS, such as for instance the Peace-building Partnership, provide NGOs with the opportunity to have a stake in the policy-shaping process. It may well be that the PBP presents a small step towards a more full-fledged European Agency dealing with Peace-building – thus adding substance to the EU’s (self) image of a civilian power.
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Interview 2: Member of the European Peace-building Liaison Office (EPLO), Brussels, 18 September 2008.


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Interview 5: Staff of the Administration, European Commission, Unit for Crisis Response and Peace Building in the Directorate-General for External Relations, 19 March 2009.
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IX. References

1 According to European Commission’s parlance, “[f]ragility refers to weak or failing structures and to situations where the social contract is broken due to the state’s incapacity or unwillingness to deal with its basic functions, meet its obligations and responsibilities regarding service delivery, management of resources, rule of law, equitable access to power, security and safety of the populace and protection and promotion of citizens’ rights and freedoms” (European Commission 2007a, 5).

2 Three caveats apply, however: First, technical assistance seems to be the most effective donor intervention in such context; second, technical assistance, despite being by far the least fashionable component of aid, is only significantly effective during windows of opportunity; third, with a view to sequencing of aid the authors suggest technical assistance first, followed by financial means in later years of reform (Chauvet and Collier 2006, 15).

3 Furthermore, according to a senior official of the European Commission, it “would normally take up to two years to start an EC response cycle using long-term development cooperation instruments, involving the composition of a concept paper, the approval of an indicative program and a multi-annual program” (Interview 1).

4 The European Commission explicitly referred to the mutual relationship that exists between security and development: “Security is not only a primary concern of peoples, but also a precondition to development. With the aim to directly improve the living conditions in partner countries and to lay down a basis for their sustainable development, the EU is committed to help establish and maintain stability and security worldwide” (see European Commission 2008b).

5 From that angle, it is possible to compare the IFS with USAID’s Office of Transition Initiatives which was launched in 1994 in order “to bridge the gap between emergency disaster relief programs and long-term development assistance” (Lawson 2009, 1).

6 Until 2009, the European Union legally comprises three pillars: while pillar I is based on Community competence, pillar II (Common Foreign and Security Policy) and pillar III (the EU’s Police/Judicial Cooperation in Criminal Matters) is based on intergovernmental cooperation. In addition, the European development cooperation is part of a shared competence of the Community and the Member States. While the ‘pillar structure’ has been dismissed since the entry into force of the Treaty of Lisbon, decision-making rules of the previous pillars have been maintained.

7 On the term ‘coherence’ see (Ashoff 2005, 40): In a plea for a realistic understanding of the concept, Ashoff underlines that “[e]fforts to improve coherence are undertaken against a background of tension between possibly competing societal and political norms (e.g. coherence versus participation) and competing overriding objectives […] [These efforts] remain a process of trial and error and are not immune to setbacks in the political clash of differing interests. If perfect coherence cannot be achieved, it is all the more important to discuss the competing normative and political claims and interests […]”

8 The German Federal Government, for example, has focused on improving inter-ministerial coordination (Ressortübergreifende Kooperation). The inter-ministerial Action Plan “Civilian Crisis Prevention, Conflict Resolution and Post-Conflict Peace-Building”, adopted on 12 May 2004 by the cabinet, anchors crisis prevention as a cross-sectoral political task at both government and society levels. To achieve these goals, the government has set up a steering committee (Ressortkreis) in September 2004 under the leadership of the Foreign Ministry, which includes representatives from different ministries (German Federal Government 2004). In order to ensure the participation of actors from civil society, the government has also established an adjunct Council “Civilian Crisis Prevention” (see Klotzle 2007, 433). The United Kingdom (UK) has been subscribing to inter-ministerial pooling – such as for instance joint targets of the Department for International Development (DFID), Defence and Foreign Office, including joint budget lines)8 – since April 2001. It has established Conflict Prevention Pools (CPPs) designed to enhance the effectiveness of the UK’s contribution to conflict prevention and management. Furthermore, the UK created a Post-Conflict Reconstruction Unit within the Department for International Development including experts from the Ministry of Defence and the Foreign and Commonwealth Office. The Netherlands, to give yet another example, established a ‘Stability Fund’ in 2004 providing immediate and flexible support for activities at the interface between peace, security and development. This Stability Fund disposes of resources from both the development budget (Official Development Assistance – ODA) and the general foreign policy budget (non-ODA) and was created in response to the need for a more integrated instrument, absorbing smaller funds such as those for small arms control, de-mining and peace-building. In a nutshell, all these national and international efforts, labelled as ‘whole-of-government’ or joint-up government approaches, have sought to increase and ultimately improve coordination across several portfolios and (legal) competences either at the input or output level of complex policy-making.

9 It made its first appearance in the EU vocabulary at about the same time, when it was used by the then Commissioner for External Relations, Chris Patten, with reference to the EU’s engagement in Afghanistan. Patten noted then that the EU was: “dealing with a failed state, a state with no working institutions, its infrastructure in ruins, many of its best brains in exile” (Patten 2001).

10 It has also been suggested to gradually align EU development policy with the European Security Strategy (see Faust / Messner 2004, 18).


12 See European Commission 2001b, 3: “The concepts of ‘linking relief rehabilitation and development’, and of ‘developmental humanitarian assistance’ originate in the 1980s when both academics and practitioners voiced concern about the so-called ‘grey zone’ between humanitarian assistance, rehabilitation and development (LRRD). This grey zone arises because humanitarian assistance differs from development co-operation program-.
mes. The former addresses the immediate needs of individuals affected by crises and is provided mainly through non governmental and international organisations” (European Commission 2001b, 3).

13 Vertical consistency concerns the relationship between policy formulation and execution at the level of individual member states and the EU. Horizontal consistency means that policies pursued by different parts of the EU machine, subscribing to different objectives, “should be coherent with each other, or at least not involuntarily incoherent” (Nutall 2005, 97). The Commissioner for Development and Humanitarian Aid, to give an example, thus far has full control of a planning and policy team, but not of the implementing agency, EuropeAid, which used to report to the Commissioner responsible for External Relations and European Neighbourhood Policy. As a subset of the above, institutional consistency refers to the coexistence of different modes of governance (’supranational versus intergovernmental’) as well as differences at the level of policy formulation and implementation (’headquarters versus field’), for instance in the area of external relations and development.

14 This means that pillar I policies, such as the common agricultural policy, competition policy etc. within the sole competence of the EU’s supranational institutions, such as the EU’s quasi-executive branch, the Commission, the Parliament, the Council of Ministers and the European Court of Justice.

15 Over the past few decades an ever-increasing focus has been put on conditionality of assistance in return for delivering human rights and good governance. It was with Lomé II, the EC’s agreement with the African, Caribbean and Pacific (ACP) countries, in 1980 that, for the first time, human rights were mentioned as a theme in the relationship between the EC and the ACP signatory states. A decade later, the Lomé IV Agreement put a strong emphasis on democracy. And again, the Cotonou Agreement of 2000 re-emphasised the role of democracy and shifted the focus to include good governance.

16 Furthermore, the suggested inclusion of nuclear safety and the fight against the proliferation of weapons of mass destruction raised some legal concerns, which had to be solved with the involvement of the legal services of the EU institutions.

17 Not only was the inter-institutional negotiation process attentively followed, but it was also lobbied by NGOs. According to several interviewees from the EP administration (Interview 3 and 4), the Brussels-based European Peace-building Liaison Office (EPLO) had been particularly successful in gaining direct access to Beer and lobbying for the introduction of the Peace-building Partnership.

18 Whenever an action was possible under any of the geographical or thematic instruments of the RRM regulation, it could be undertaken. Thus, in principle, actions could be carried out in TACIS-recipient countries even if that action would not be possible under the geographical programme (see Martenczuk 2004, 205).

19 The primary task of committees, which are involved at all stages of a legislative or policy-making process, is to assist the Community institutions. Depending on the policy area, the committees consist of representatives from Member States or the private sector and are chaired by the European Commission. They enable the Commission to establish dialogue with national administrations and well before adopting implementing measures. The Commission thus has a chance to ensure that measures reflect as far as possible the situation in each of the countries concerned. Furthermore, Parliament has the right to monitor the implementation of legislative instruments adopted under the co-decision procedure, a right, which equips Parliament with a role vis-à-vis the Instrument for Stability as well.

20 As the legal basis, articles were chosen that result in Parliamentary co-decision, i.e. Art. 179 and 181(a) instead of Art. 308 TEU which was used for the RRM.

21 Still, the Community and its Member States are entitled to provide funding to the African Peace Facility via the EDF based on Art. 11 of the Cotonou Agreement (see Hoffmeister 2008a, 10).

22 In terms of the general direction of the Instrument, it was only once that Italy raised concerns as to the allegedly overly developmental character of the IFS, thus implicitly recalling that the Instrument is being perceived as an important supplementary funding instrument for CFSP/ESDP actions. So far, in the case of the short-term component, no comitology procedure has been invoked, because the Commission always presented measures below the EUR 20 million threshold, which would constitute the minimum threshold for establishing a committee with Member States representatives.

23 See HTSPE Limited 2008, 77; “Cependant, les instruments censés apporter cette rapidité et flexibilité de réponse, comme l’Instrument de Stabilité, n’en font pas toujours preuve. Il a fallu par exemple 1 an et demi pour que le projet d’appui au Conseil National de médiation, financé par l’Instrument de Stabilité, fusse approuvé et signé.” However, the report did not state explicit reasons for these disbursement problems.

24 Beside the right to ask questions on CFSP/ESDP matters, the only way for the Parliament to exercise influence is through its indirect role in deciding about the EU’s budget, based on the co-decision procedure.