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Coping with the 'Security-Development Nexus':
The European Community's Instrument for Stability –
Rationale and Potential

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Coping with the 'Security-Development Nexus': The European Community's Instrument for Stability – Rationale and Potential

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Preface

This paper was produced as part of the research project on 'European Policy for Global Development' funded by the German Ministry for Economic Cooperation and Development (BMZ) under the direction of Dr. Sven Grimm. The project analyses the European Union's capabilities to engage for global policy. It looks particularly into the management of policy nexuses, i.e. it analyses new European Union (EU) initiatives and instruments (aid effectiveness), the institutional setup (aid architecture) and the coherence for development. This paper approaches issues of coherence and coordination within the EU's complex system of multi-level governance – encompassing the European as well as the member state level – around two thematic areas ('trade' and 'security') and their relation to development policy – as well as the challenge arising for Europe from emerging new actors in this field, in particular China.

The study draws on a number of interviews that were conducted at the BMZ in Bonn and Berlin, the Foreign Ministry in Berlin as well as at numerous European institutions such as the Council of the EU, the European Commission, the European Parliament and with representatives of various non-governmental organisations (NGOs) in Brussels.

Stefan Gänzle   Bonn, May 2009

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Abbreviations

AA	Federal Foreign Office, Germany
ACP	African, Caribbean and Pacific States
ACP-EC	African, Caribbean and Pacific States – European Community
ACP-EU	African, Caribbean and Pacific States – European Union
AFRICOM	United States Africa Command
APF	African Peace Facility
AMISON	African Union Mission in Sudan
ASEAN	Association of Southeast Asian Nations
AU	African Union
BMZ	German Ministry for Economic Cooperation and Development
CAR	Central African Republic
CBRN	Chemical, biological, radiological and nuclear
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for Civilian Aspects of Crisis Management
CMI	Crisis Management Initiative
CPP	Conflict Prevention Pool
DAAD	German Academic Exchange Service
DAC	Development Assistance Committee
DCI	Development Cooperation Instrument
DFID	Department for International Development
DDR	Disarmament, Demobilisation and Reintegration
DG RELEX	Directorate-General for External Relations

DIE	German Development Institute
DRC	Democratic Republic of the Congo
EC	European Community
ECJ	European Court of Justice
ECOWAS	Economic Community of West African States
EDC	European Defence Community
EDF	European Development Fund
EEC	European Economic Community
EGV	see TEC
ENPI	European Neighbourhood and Partnership Instrument
EPA	Economic Partnership Agreement
EPC	European Political Cooperation
EPLO	European Peace-building Liaison Office
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUBAM	European Union Border Assistance Mission
EUFOR	European Union Force
EUJUST THEMIS	European Union Rule of Law Mission to Georgia
Euratom	European Atomic Energy Community
EUSEC RD CONGO	EU Advisory and Assistance Mission for Security Reform in the Democratic Republic of Congo
FI	Flexibility Instrument
FriEnt	Working Group on Development and Peace
GAERC	General Affairs and External Relations Council
GTZ	German Agency for Technical Cooperation

ICO Kosovo	International Civilian Office Kosovo
IfS	Instrument for Stability
IPA	Instrument for Pre-accession
ISTC	International Science and Technology Centre
LDC	Least developed country
MDG	Millennium Development Goals
MEP	Member of European Parliament
NGO	Non-governmental Organisation
NSS	National Security Strategy
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OMC	Open Method of Coordination
OSCE	Organisation for Security and Co-operation in Europe
PBP	Peace-building Partnership
PCD	Policy Coherence for Development
PSC	Political and Security Committee
RRM	Rapid Reaction Mechanism
SADC	Southern African Development Community
SSR	Security sector reform
STCU	Science and Technology Centre in Ukraine
TACIS	Technical Assistance to the Commonwealth of Independent States
TEC	Treaty establishing the European Community (Treaty of Rome)
TEU	Treaty of the European Union
UK	United Kingdom
UN	United Nations

UNDP	United Nations Development Programme
UNMIK	United Nations Mission in Kosovo
UNPBC	United Nations Peace-building Commission
USAID	United States Agency for International Development
WMD	Weapons of mass destruction
WTO	World Trade Organization

Summary

This study provides an in-depth analysis of the Instrument for Stability (IfS), a new European Community (EC) external relations instrument, which came into force on 1 January 2007. Today, the IfS is the EC's main policy tool for rapidly funding assistance to countries in situations of (emerging) crisis and natural disaster. It also constitutes the Community's flagship to address what has been called the 'security-development nexus'. The IfS provides the Community with additional financial capacities in crisis management, and it addresses a number of legal issues, which have complicated operations within the grey area between traditional foreign and development policies to date.

Subdivided into a short-term and a long-term component, the IfS pursues a threefold operational goal: 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 in implementing EC development and cooperation policies properly. Thus, the IfS was designed to (1) address new political crises or natural disasters, (2) respond to a 'window of opportunity' to pre-empt a crisis (e. g. Gaza withdrawal of Israeli forces in 2009), (3) secure the conditions for delivery of EC assistance (e.g. in Afghanistan) and (4) be part of a joint approach involving European Security and Defence Policy (ESDP) operations (e.g. European Union Force Chad/Central African Republic). Second, in the context of stable conditions, it aims to improve capacity to address specific global and trans-regional threats having a destabilising effect, such as for instance proliferation of weapons of mass destruction and human trafficking, terrorism and organised crime. Third, again in a situation of stable conditions, it seeks, to ensure international and regional organisations, as well as state and non-state actors' preparedness to respond to pre- and post-crisis situations.

The budget allocated for the Instrument for Stability from 2007–2013 amounts to EUR 2,062 million, with the lion's share of 73 % or EUR 1,505 million being reserved for its short-term component, and 27 % or EUR 0,557 million being 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 of the EU and the European Parliament decided to channel almost one eighth of the IfS total budget – or € 240 million – towards the so-called Food Facility in order to combat the global food crisis. Still, the IfS remains an important EC crisis response tool. Although it has thus far primarily been targeting developing countries in terms of financial allocations, non-developing EU partner countries are, in principle, also eligible for IfS assistance.

The Instrument for Stability is more than just a budget line. First, it seeks to increase the potential for coherence of actors within EC external relations (pillar I) by providing a common tool for the response to disaster and crisis; second, it also proposes to 'lower the bar' between the EU's complex governance structure with a view to enabling collaboration between EC external relations, development policy and the Common Foreign and Security Policy (CFSP), i.e. across pillars. Third, as development policy itself is a shared competence between the European Union and its Member States, it also suggests to improve cooperation between the European and national level.

Towards the backdrop of pending reform of the EU's system of external relations in the context of the Reform Treaty, the IfS has been designed as an opportunity for Commission and Council to gather experience in closer cooperation in the policy area of the security-development nexus. More importantly, the IfS regulation enshrines the obligation for EU institutions to ensure coherence in the external policies of both the European Union and the Community. For the first time ever, an EC external relations' instrument translates the requirement for EU external action to be consistent into secondary law – according to Art. 3 (2) of the Treaty of the European Union (TEU).

The emergence of the security-development nexus
and the European Union

The Instrument for Stability has been forged against the background of on-going international debates on the complex relationship between development and security. This debate has increasingly been framed in terms of a 'nexus', which means that both are intrinsically linked and mutually reinforcing. The security-development nexus has two dimen-

sions: First, a politico-legal one as it suggests that there is need for sustained efforts to further improve coordination and coherence between distinct, but inter-locking policy areas; second, it exposes a time dimension for there is need to marshal instruments that build bridges between security or humanitarian interventions and long-term development programmes.

Clearly, policy links between security and development are not entirely new in this context; however, while both concepts have been converging politically, this interconnectedness is further complicated – if compared to challenges of whole-of-government or join-up approaches at the national level – by the fact that the European Union in terms of security and development policy subscribes to two, if not three different logics of governance (supranational in the area of trade, intergovernmental in the realm of CFSP and a mixture of both *vis-à-vis* development policy).

The European Union has developed into a key actor, increasingly shaping the debate and defining the agenda on matters pertaining to the security-development nexus. Particularly since the ambitious Göteborg Programme of the then Swedish EU Council Presidency in 2001, the EU has sought influence in the international as well as national debates of its Member States. This context was conducive for Member States to start their national reforms, adjusting their policies in order to better embrace the challenges of the security-development nexus. The European Union provided a platform for launching discussions on the making of a 'European Civilian Peace Corps' and a 'Human Security Doctrine for Europe'. The European Commission, in particular, suggested that the concept of human security should inform the process of linking security and development policies. The term, which 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 a people-centred understanding of security. Human security challenges traditional state-based concepts of security. In the context of the EU, advocates of the concept seek to ensure that EU security policy take sufficiently into account the human security needs of people in target countries and regions. Certainly, not all of these normative projects reaped immediate success; however,

they prepared the ground for subsequent debates and policy initiatives at the national level of individual Member States.

Mapping the context of the Instrument for Stability

Throughout the process of European integration, which has placed values such as peace, security and development high on the agenda, a complex system of multilevel governance has emerged. This holds particularly true for the development of the external relations of the EU as a whole or, in short, 'EU foreign policy'. From a holistic perspective, 'European foreign policy' stretches over the 'pillar-structure' of the EU and includes the national foreign policies of its Member States. Thus it comprises EC external relations (pillar I – European Community competence) as well as European development cooperation (shared competence of the Community and the Member States). It has included the Common Foreign and Security Policy (pillar II) since 1993, which was later supplemented by a defence component and is driven by the EU's Member States. Furthermore, many aspects of the EU's Police/Judicial Cooperation in Criminal Matters (pillar III) produce 'externalities' such as EC decision-making in the realm of migration policy.

After the making of a Common Foreign and Security Policy (CFSP) and in particular with the launch of the European Security and Defence Policy (ESDP) in the late 1990s, the European Union began to step up its role in crisis response and conflict prevention. As a consequence, external policies of the EU's various pillars (external relations, trade, development etc.) were drawn much closer together. Since 1999, concern with conflict prevention and post-conflict reconstruction has increasingly been integrated into development programmes. Programming instruments, such as Country Strategy Papers and Regional Strategy Papers have been elaborated and have integrated aid, trade and political dimensions. The Commission routinely looks at the root causes for conflict, which are regularly reported from their country delegations. On the basis of these assessments, external assistance takes into account conflict prevention measures. Within the EU institutions, in particular between the Council and the Commission, the Committee for Civilian Aspects of Crisis Management (CIVCOM) has been established as a platform for reconciling security and development goals.

The Commission's Conflict Prevention Unit of DG RELEX has developed expertise in the fields of security sector reform, mediation, reconciliation, etc.

After a short review of the development of individual strands of EU foreign policy, it becomes clear that competences in the policy area of external relations, development and CFSP/ESDP are highly unlikely to become supra-nationalised any time soon. Clearly, this does not necessarily mean that the process of integration has come to a halt; instead, there are new strategies that focus on Member States' willingness to comply with European integration outside the so-called (functional) 'Community Method'. Since the inception of the Lisbon Agenda in 2000, many policy areas, such as for instance employment, have been subjected to exercises of benchmarking and comparing 'best-practices' among Member States. This process, which has been labelled 'Open Method of Coordination', relies less on compliance-driven and more on competitiveness-focussed modes of governance in European integration.

In principle, this also applies to EU foreign policy, where instances of supranational integration have been rare, and where an increasing number of strategies – some including all policy-making European organs (Council, Parliament and Commission) and the Member States, such as the European Consensus on Development – have been launched providing for some common standards and understanding in policy areas.

Although the EU has made efforts to strengthen the links between these two areas, some problems have remained because of the very nature of conflicts and the complexity of the EU's institutional set-up as a security actor. There have been initiatives ranging from integrating conflict prevention analysis to actions for development cooperation programmes. These have addressed situations of fragility, promoted transparency and equity in the management of natural resources, supported Disarmament, Demobilisation and Reintegration (DDR) programmes as well as Security Sector Reform (SSR), or have been for controlling arms exports, reducing the illicit trafficking of small arms and light weapons, human beings, narcotics and explosives. In addition, cooperation with other international actors and regional organisations as well as civil society organisations remains an important task.

The accelerated evolution of security policy has affected the broader framework of EU policies for development. Since the 2001 terrorist attacks on the United States, concerns with counter-terrorism and weapons of mass destruction have had a considerable impact on priorities for EC external assistance. EU aid to Pakistan, which increased after 'September 11' significantly, explicitly referred to the country's decision to support the international coalition against terrorism. The revised Cotonou Agreement included a clause, which confirms partners' international cooperation in the fight against terrorism. Although most spending on these new priorities does not appear to divert funding to development assistance, these policies clearly prioritise the EU security preoccupations of European politicians, at the expense of poverty reduction. However, as the key documents have indicated, the ultimate aim of European external policies is the bridging of the security-development nexus.

The Instrument for Stability: The making of a new instrument in EC external relations

The Instrument for Stability constitutes the EC's main thematic tool operating in the grey zone of security and development policy. This instrument provides for development cooperation measures as well as financial, economic and technical cooperation measures with (developed) partner countries in crisis and conflict situations as well as situations arising later on.

The Instrument for Stability is built on the Rapid Reaction Mechanism (RRM), which came into force in 2001. 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'. It was launched whenever an action under any of the geographical or thematic EC instruments was not feasible. Yet, RRM measures only lasted up to six months and 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.

In the draft regulation for the IfS, the Commission framed peace-keeping and peace-support topics as Community tasks. These ambitious

goals, however, did not meet with the Council's support; incriminated concepts such as 'peace-keeping' and 'peace-support' were subsequently eliminated from the text. It appears that the Commission draft proposal sought a more active role in bringing Community and Union activities together. The final draft ultimately eliminated references to peace-keeping and -building, which resulted in criticism from both the European Commission and the Parliament, acknowledged the Parliament's ambition for a Peace-building Partnership. Eventually, the Council also separated the issues concerning nuclear safety from IfS issues. The European Parliament was given a voice in an area of EC cooperation policies that would potentially have an impact on security policy broadly conceived by selecting articles 179 and 181(a) of the Treaty of the European Community (TEU) as legal basis for the regulation. Thus – instead of Article 308 of the (TEU), which had to be used for the RRM, the Community approach prevailed. Art. 179 and 181(a) TEC make the use of the co-decision procedure obligatory, putting the European Parliament on an equal footing with the Council. Obviously, this decision was celebrated by the European Parliament as a major success in increasing its democratic oversight in EC external relations and the European Parliament's involvement in matters close to CFSP. In addition, the Peace-building Partnership Initiative within the IfS provides NGOs with various financial opportunities as well as some access to the decision-making process.

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, it helps to circumscribe the basis of each of the bridge's pillars, increasing legal security *vis-à-vis* the measures to be sponsored by the IfS. Making the security-development work ultimately remains a political task of all actors involved, the Commission, the Council, the European Parliament as well as the Member States.

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, the Community can act within 8 to 12 weeks, and continue to act for up to 18 months. The IfS pro-

vides an important link for long-term (geographical) programmes to kick in again.

The making of the Instrument for Stability is a step towards strengthening the EU's capacity in civilian crisis intervention. It constitutes an important addition to EC instruments in response to crisis situations, the others being humanitarian assistance, civil protection or other external financial instruments when urgently re-deployed in response to a crisis situation. These Community instruments, together with EU Joint Actions under CFSP/ESDP, constitute the essence of the EU's crisis response capability.

The Instrument of Stability has the potential to improve coherence for the European Union's external action as it determines a number of areas where Community action prevails for legal reasons; 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. Yet, it is clear that the IfS is only a means to translate political will for coherence into concrete action; it is not a source for generating similar analysis or political will for joint action amongst European institutions and the Member States themselves.

Conclusion and policy recommendations

1. The EU cannot foster its capacities in linking security and development policy unless the Member States are committed to the same objective domestically. Thus, Member States could use the Instrument for Stability as a complementary incentive to increase inter-ministerial coordination and seek to align with the overall objectives of the IfS

2. Despite the European debate on the 'security-development nexus', there still is no blueprint for how to deal best with it from an institutional angle. There certainly is ample room for improving coordination of Council and Commission units dealing with the implications of security-development nexus (and the IfS for that matter) management. After the pending establishment of the EU External

Action service, which will be made up of representatives from the Council, the Commission and Member States diplomatic corps, the IfS could be used as an entry point for effective Commission and Council collaboration at the level of EU delegations in third countries.

3. The Instrument for Stability should be used in close coordination with CFSP measures, but it should not be used as a complementary automatically triggered by every and each CFSP action. The IfS should rather be reserved for those actions that may help to substantiate the security-development nexus.

4. The Instrument for Stability acknowledges the role of NGOs in processes of peace-building. Although there might be some scepticism about strengthening the role of NGOs, given that it may work in the opposite direction of enhancing coordination, NGOs need to be integrated into policy-shaping and policy-taking phases of the Instrument for Stability more strategically. European NGOs should be encouraged to strengthen links with other European and, in particular, southern partners in order to win bids within the Peace-building Partnership. Furthermore, NGOs in the relevant fields should liaise with European Commission Delegations.

5. While it is understandable that NGOs might lobby for integrating peace-building into geographic instruments of cooperation policies, such as the Development Cooperation Instrument (DCI) and the European Neighbourhood and Partnership Instrument (ENPI), it is advantageous to maintain a separate funding stream for civil crisis management at a global scale. As said the IfS is more than yet another budget line; it is the Community's main instrument for addressing the security-development nexus in EU foreign policy.

1   Introduction

Social organisations are often hampered by institutional inertia; further-more, they attempt to structure external stimuli in a way to make them compatible with their own institutional logic. Yet, challenges to security and development policy alike, such as state fragility, natural disasters and post-conflict reconstruction, 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.[1] Thus, ultimately, actors in international relations and global development in general and the EU in particular are constantly compelled to find new ways in order to increase inter-institutional as well as intra-institutional collaboration and to provide effective policy responses. This holds particularly true to the 'grey area' or overlaps that exist between traditional foreign/security and development policies.

Some policy observers refer to this 'grey zone' between foreign and development policies in terms of a 'security-development gap'. By doing so, they stress the many incompatibilities that loom high on the agenda, in particular with regards to different perspectives, objectives policy instruments that are at disposal of both security and development policy. Others frame the above-mentioned grey area in terms of a 'nexus', which means that security and development are intrinsically linked and mutually reinforcing. The security-development nexus has two dimensions: First, a *politico-legal* one as it suggests that there is need for sustained efforts to further improve coordination and coherence between distinct, but inter-locking policy areas; second, it exposes a *time* dimension for there is need to marshal instruments that build bridges between security or humanitarian interventions and long-term development programmes. By all means, current debates on the new interfaces between security and development have far more strongly emphasised "*convergence in conceptual and practical policy terms*" (see Klingebiel 2006).

Clearly, the European Union has positioned itself as a proponent of the 'nexus' rather than the 'gap' approach to foreign and development policies.

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1   In general, I use the term EU to refer to the European Union after the introduction of the Maastricht Treaty. 'European Community (EC)' specifically refers to the first pillar of the European Union or the time prior to the Treaty of Maastricht.

Being associated to the EU's Common Foreign and Security Policy (CFSP) ever since the Treaty of Maastricht, the European Commission, for instance, has been constantly pressing for an improved coordination between External Relations (pillar I) and CFSP (pillar II). Drawing from major policy documents addressing the nexus issue within the European Union, the Commission has made an effort to frame the EC Instrument for Stability (IfS) or, alternatively, the 'Stability Instrument' as the Community's flagship-like instrument whose main purpose is to address the 'security-development nexus'. As the IfS has been designed to equip the EU with a *"strategic tool to address a number of global security and development challenges"* (European Commission 2006, 3), expectations are relatively high.

Since January 2007, the IfS has been providing financial assistance to countries in situations of (emerging) crisis. Consequently, it also is the key instrument for substantiating the nexus between security and development policy. In terms of its policy objectives, the IfS is three-pronged and distinguishes between a short-term from a long-term component: First, in situations of (emerging) crisis (short-term component), it seeks to help to stability by providing an effective response to help preserve, establish or re-establish the conditions essential to the proper implementation of the community's development and cooperation policies. Second, it aims, in the context of stable conditions for the implementation of Community cooperation policies in partner countries (long-term component), to contribute towards building the capacity to address specific global and trans-regional threats with a view of countering a destabilising effect, such as proliferation of weapons of mass destruction (WMD) and trafficking, terrorism and organised crime. Third, in the same context of stable conditions, it focuses on supporting international and regional organisations as well as state and non-state actors' preparedness to address pre- and post-crisis situations, e.g. through a Peace-building Partnership (PBP) initiative.

From the perspective of development policy, the Stability Instrument is highly interesting and relevant for two reasons: First, it needs to be understood towards the backdrop of recent international and EU-internal debates on the security-development nexus. Second, it perfectly illustrates the complex relationship between EC cooperation policies on the one side and the Common Foreign and Security Policy (CFSP) as well as the European Security and Defence Policy (ESDP) on the other side. This study is exploring this relationship and is structured as follows:

The evolution of the Stability Instrument cannot be conceptually grasped without assessing the relationship between security and development that exists within the European Union (Chapter 2). Clearly, policy links between security and development are not entirely new in this context; however, while both concepts have been converging politically, this interconnectedness is further complicated – if compared to challenges of whole-of-government or join-up approaches at the national level – by the fact that the European Union in terms of security and development policy subscribes to two, if not three different logics of governance (supranational in the area of trade, intergovernmental in the realm of CFSP and a mixture of both *vis-à-vis* development policy).

Whereas 'security policy' has been construed in terms of an intergovernmental paradigm and firmly anchored in the field of European Political Cooperation (EPC) since the early 1970s, development policy, in turn, has evolved as a shared competence of both the EU institutions and its Member States and thus patterns of mixed governance involving supranational and intergovernmental features. In order to better understand this mixed governance, it is worthwhile to look at the place of security and development policy within the history of European integration (Chapter 3).

It is the aim of this analysis to examine the Instrument for Stability and to assess whether it provides for more clarity in terms of the security-development nexus (Chapter 4). Although the discourse on the security-development nexus has not been directly translated into policy-making, this study shows that specific actors have used it as a leverage to strengthen their role(s) in EU external relations. Finally, the study concludes with a number of policy recommendations (Chapter 5).

This study provides the first monographic analysis of the EC Instrument for Stability. It is obvious that the recent implementation of this new tool in EC external relations combined with the lack of any impact and effectiveness assessment 'on the ground', impose some constraints in terms of the scope of the analysis. This study seeks to understand the linkage between the policy-making in development as well as its discourse at the level of the EU and its transformation into new instruments. It is a desk study revising the current state of the academic as much as EU-centred debate on the security-development nexus. As a consequence, this study is based on a number of expert interviews and telephone interviews with Commission staff, members of the European Parliament as well as officials from the Member

States. These interviews were conducted from August 2008 to March 2009 in Bonn, Berlin and Brussels.

2 The emergence of the security-development nexus and the European Union (EU)

2.1 From gap to nexus: security and development

Security has become ubiquitous in the 'post-9/11' world. Security concerns, and consequently security policies, have become paramount and started to intrude into the everyday life of many people all over the world. Governments have substantially reinforced security sectors and increased security-awareness in many domains of governance, including migration, media and welfare systems. New international agreements as well as public-private partnerships focussing on security were negotiated.

Both concepts – security and development – have undergone significant change after the end of the Cold War and in the aftermath of the terrorist attacks of 11 September 2001. Security issues have crept into areas of development so smoothly that some analysts and practitioners fear that development policy has been 'securitised' and radicalised (see Buur / Jensen / Stepputat 2007, 10). Some experts argue that the merging of development and security programmes entails the risk of promoting a more military-based approach to development programmes, thus reinforcing the prospect that traditional military assistance be included in development budgets.

Although the relationship between development and security is "*not a fundamentally new conceptual link*" (Klingebiel 2006, 1), the end of the Cold War theatre has triggered new thinking about the relationship and complementarity of both concepts. Today, the inter-connectedness between development and security is no longer discussed in the abstract, but rather as a hands-on convergence in conceptual and policy-making terms. Yet, security policy and development policy still 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 first and foremost about the security of the policy subjects.

Towards this background, it seems appropriate to assume that a security-development gap exists *prima facie*. Yet, at the same time, both are increasingly perceived as forming a 'nexus' such that they are generically linked and intertwined. However, a 'nexus' is not necessarily factual in itself, but rather a construction of two or more social phenomena, which are put into a logical relationship of mutually reinforcing interdependence. As such, the idea of nexus has been proliferating, as in a migration-development or environment-development nexus etc. The security-development nexus is a particularly important one.

The changing concepts reflect the transformation of the global political landscape after the end of the Cold War. By and large, scholars today agree that interstate wars are declining, but that internal conflicts have been increasing since the 1980s. However, the frequency, duration, and intensity of each conflict vary significantly. Thus, the 'Peace and Conflict Report' of 2005 conducted by researchers at the University of Maryland argues that there has been a "*decline in the global magnitude of armed conflict,*" but also that "*half [of] the world's countries have serious weaknesses that call for international scrutiny and engagement*" (Marshall / Gurr 2005, 1 f.). The Human Security Report, issued in 2005, calculated that there has been a decline in the number of wars, genocides, and human rights abuses over the past decade due to international peace-keeping efforts since the Cold War – citing United Nation (UN) presence, broadly defined as well as other diplomatic initiatives, economic sanctions, peacekeeping missions, and civil society activism.

Ultimately, as succinctly shown by Paul Collier, the important point is that weak and failing states represent a new class of conflict, and cannot be subsumed under the rubric of 'isolated events' (Collier 2007, 68 ff.). People of the 'bottom billion' live in countries, which are conflict-prone and run a significant risk of collapsing. These insecure, unstable and failing states have the potential to provide a breeding ground for terrorism, organised crime, weapons proliferation, humanitarian emergencies, ecological degradation, and political extremism – security concerns that will affect everyone. Since the end of the Cold War, various international organisations have sought to respond to these changes of environment and to adjust in terms of their policies.

Before that, the main activity of many international actors, in particular the United Nations, was that of 'peace-keeping', "*which typically involved the deployment of lightly armed military force to monitor a cease-fire patrol or*

a neutral buffer zone between former combatants" (Paris 2004, 13). As it would have threatened the delicate global balance of power, peace enforcement was simply out-of-bounds. Ever since the end of the Cold War, the aim of the international community was to more comprehensively encompass a greater number, if not all, phases of conflict. Thus, the attention of international actors and organisations shifted from just peace-keeping to include peace-building (see Grävingholt / Gänzle / Ziaja 2009). From the perspective of peace-building, policies of development and security are conceived in terms of being mutually reinforcing. Consequently, both policy-makers in the domain of development as well as security/military personnel have come a long way in accepting that closer coordination and possibly even cooperation may yield mutual success. Coping with fragile states and addressing the issue of peace- or state-building requires thorough thinking about long-term development well beyond a narrowly confined horizon of military engagement; concomitantly, processes of development need to be bolstered by measures providing for the security not only of pertinent actors, but also for addressees of development policy.

International organisations, such as the United Nations, the Organisation for Economic Co-operation and Development (OECD) and the EU, have contributed to the debate on adjusting international as well as national policies to better integrate development and security themes at various levels. The UN, for instance, established a new political forum, the Peace-building Commission in 2005, in order to better monitor and support countries emerging from conflicts (see Weinlich / Schneckener 2005). 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 policy-making cycle, i.e. at the level of inter-ministerial cooperation or the collaboration of implementing agencies (input versus output orientation) (see Box 1).[2]

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2 Ultimately, Klingebiel identifies three major challenges to the development-security nexus: First the issue of 'integrated missions' in which there are a growing number of situations where development policy interfaces with military actors; second, the need for military and development actors to identify areas for coordination (e.g. security sector reform); third, the issue of political and financial responsibility needs to be addressed (Klingebiel 2006).

Box 1:   Different actors, different ways of dealing with the security-development nexus

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With regard to the security-development nexus at various levels of the policy-making cycle, the United States and its new military Command for Africa (AFRICOM) seeks to address the security-development nexus at the level of policy implementation without recourse to stronger inter-ministerial coordination involving the U.S. Department of Defence, the U.S. Department of State, and the US Agency for International Development (USAID) (see Gänzle 2009).

Other governments, such as the German Federal Government, have 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)[3] – 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.

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3   I am grateful to Guido Ashoff for drawing my attention to this.

Towards this background, the European Union has developed into a key actor, increasingly shaping the debate and defining its agenda. Particularly since the ambitious Göteborg Programme of the then Swedish EU Council Presidency in 2001, the EU has sought influence in the international as well as national debates of its Member States. It is in this conducive context that the Member States have started their national reforms, adjusting their policies in order to better embrace the challenges of the security-development nexus. The European Union provided a platform for launching discussions on the making of a 'European Civilian Peace Corps' and a 'Human Security Doctrine for Europe' – certainly, not all of these normative projects reaped immediate success; however, they prepared the ground for subsequent debates and policy initiatives at the national level of individual Member States (see Tannous 2007, 6).

2.2   Human development, human security and a human security doctrine

Perhaps more than the concept of development, our understanding of security has changed after 1989. Whereas 'security' was primarily associated with the idea of a 'security of surviving', implying a rather defensive notion before the *annus mirabilis*, the post Cold War idea shifted to a 'security of thriving' focussing on a societal dimension and emphasising the need for fostering political and economic stability in order to engineer overall security. Thus, the term subsequently opened up to encompass a protective security understanding. Rethinking security in the post-Cold War world was heralded, among others, by Barry Buzan and then by the Copenhagen school of 'critical security studies' under the leadership of Ole Wæver (Buzan / Wæever / Wilde 1998). Yet, these protagonists of a revised analytical concept of security did not necessarily advocate an entirely new perspective. Rather, they argued that in addition to external and internal security, focussing on the state itself as well as its position in the system of international relations, security should depart from a sectoral and thematic approach.

Barry Buzan, Ole Wæver und Jaap de Wilde (1998) differentiate several dimensions of security focussing on military, environmental, economic, societal and political security. Some analysts have further suggested subsuming the non-military security risks as issues of 'soft security' whereas military security matters should be describes as being 'hard security' in nature.

Clearly, this analytical approach has met with harsh criticism (see Knudsen 1998, 47 f.). Furthermore, a traditional perspective of security assumes that the state is the exclusive guarantor of this essential public good, differentiating between military defence, safeguarding domestic order and protection against societal threats such as terrorism. Since the end of the Cold War, it can be observed that the later threat scenario – which is societal – has increased, whereas state-originating and state-focused security threats have decreased. This trend is by no means irrevocable, and does not necessarily mean that 'soft security' threats may replace 'hard security' cases.

Similar to the conceptualisations of security, the mere existence of the Cold War had a significant impact on the way policy-makers and analysts alike thought about 'development'. Essentially, the challenge of international development evolved in the immediate aftermath of World War II, at a time when the Cold War emerged and decolonisation began. Lancaster (2008, 36 f.) differentiates between several periods, each of which can be associated with a different set of development objectives. However, as a point of departure, development assistance was always dependent on the willingness of wealthy (Northern) countries – for a wide range of motives – to provide concession-based economic assistance to (Southern) countries. Development assistance was granted either directly to recipient governments and/or donor agencies or channelled through international organisations. Over this period, the thrust of development assistance underwent several changes: During the 1960s, funds were allocated for measures that would improve infrastructure and projects that would expand national production in order to foster economic growth. The 1970s witnessed direct action to alleviate poverty. Later, support for economic reforms and structural adjustments were to become the dominating paradigm of the 1980s. Finally, with the collapse of many communist regimes, support for the transition to democracy and market reforms became paramount.

Although the core focus of development always remained poverty reduction, contemporary international development has turned into a relatively "elastic idea" (Lancaster 2008, 37). The concept of human development has become part of it, meaning that education, health, life expectancy and other indicators are given greater attention. Human development itself, according to the EU and echoing what had been spelt out by the United Nations Development Programme (UNDP) before, forms the core of the development process and is the ultimate objective of development policy

(Council of Ministers 2005). This is a broad-based concept that not only covers conventional social development in areas such as health and education, but also gender equality, children and youth, employment and cultural diversity. This broad understanding is already reflected in the definition of the Millennium Development Goals adopted by the UN Summit in 2000, although the United Nations does not provide a clear-cut definition of 'human development' itself (see United Nations 2000). Due to this broader notion of human development, 'human security' – as we will see – *"represents the fusion of development and security"* (Duffield 2006, 14). At the same time, however, there is the fear that development is going to be watered down by security concerns:

> "*While human security represents the fusion of development and security, the critics argue that thebalance has tipped against development and in favour of a "harder" version of security which prioritises homeland livelihood systems and infrastructures. This incarnation of security threatens to absorb development with, among other things, pressures to reprioritise development criteria in relation to supporting intervention, reconstructing crisis states and, in order to stem terrorist recruitment, protecting livelihoods and promoting opportunity within strategically important areas of instability. For its critics, the war on terrorism has reversed the progress made during the 1990s in promoting a universalistic human rights agenda and refocusing aid on poverty reduction*" (Duffield 2006, 14).

Thus, human security remains a relatively new political concept, which 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. Separating the analytical capacity of human security from a political programme is not always simple and straightforward. It is not surprising then that more than a decade after its inception, human security still remains a highly contested concept with regard to "*its definition, its scope and its utility*" (Oberleitner 2005, 186).

Proponents of a human security agenda hail 'human security' as a concept providing much-needed insights into the changing nature of post-Cold War security. In a nutshell, they argue for concern over individuals and social/human groups as core objects of security and they emphasise the need to involve non-state actors as core subjects (therefore the strong emphasis on a 'democratisation of foreign policy'). Furthermore, they claim that the concept traces its intellectual origins back over one hundred years when Henri Dunant founded the Red Cross as a forerunner of the human securi-

ty approach. At the same time the concept has met with strong resistance. Critics and opponents have pointed out conceptual flaws in 'human security', arguing that it may give inappropriate hopes and desires that cannot be met in reality as it is unlikely that powerful states will voluntarily constrain their foreign policy options (in the way of principled humanitarian interventionism). Some fears have also been expressed that human security may develop into some sort of ideological doctrine (see Oberleitner 2005, 187 for an overview).

The UNDP Report of 1994, masterminded by the late development economist Mahub ul-Haq, for the first time provided a vague definition of 'human security' as: a universal concern; possessing interdependent components; easier to ensure through early prevention than later intervention; and people-centred, moving from territorial to people's security, and from security through armaments to security through sustainable human development (see ul-Haq 1998).

Yet, today – despite the work of various international commissions such as the Commission on Human Security, set up in 2001 – there is still no widely accepted definition of human security. Proponents of human security agree that the distinction between human security and a more traditional concept of national security is an important one: While national security focuses on the defence of the state from external attack, human security is about protecting individuals and communities from any form of political violence. In this sense, human security very much falls in line with Barry Buzan's considerations on state security (see above).

Furthermore, human security and national security should be conceived as mutually reinforcing. Protecting citizens from foreign attacks may be a necessary condition for the security of individuals, but it is not a sufficient one. Indeed, during the last one hundred years far more people have been victims of their own governments than of foreign armies. All proponents agree that the primary goal of human security is the protection of individuals; however, there is disagreement on which kind of threats individuals should be protected from. Proponents of the 'narrow' concept of human security, which underpins the *Human Security Report*, focus on violent threats to individuals, while recognising that these threats are strongly associated with poverty, lack of state capacity and various forms of socio-economic and political inequity. Whereas the 'broad' concept of human security, as articulated in the UN Development Programme's 1994 'Human Development

Report', and the Commission on Human Security's 2003 report, 'Human Security Now', advocates the threat agenda should be broadened to include hunger, disease and natural disasters because these kill far more people than war, genocide and terrorism combined. In response to this debate, Gerd Oberleitner (2005, 187 f.) proposes three conceptual categories:

> "*[A] narrow approach that relies on natural rights and the rule of law anchored in basic human rights; a humanitarian approach that understands human security as a tool for deepening and strengthening efforts to tackle issues such as war crimes or genocide and finally preparing the ground for humanitarian intervention; and a broad approach that links human security with the state of the global economy, development, and globalization.*"

In the context of the international debate on 'human security' since the end of the Cold War, the individual-protection approach (i.e. not exclusively *vis-à-vis* the state) has provided an entry point for 'development' concerns. Security issues have appeared on the development policy radar and security policy has been integrated into a broader range of concerns for developing and transition countries, so that there are an increasing number of situations where development and security meet in practice. First, there are 'integrated' or 'civilian-military missions' where actors with a development or military background are constrained by collaboration. These forms of interactions are common currency in the so-called Provincial Reconstruction Teams in Afghanistan and in many efforts targeting security sector reforms (SSR). Second, there is a concrete need to identify the scope and modalities for cooperation. Third, development and security policy needs to address the issue of responsibility and financing. The official definition of what constitutes official development assistance (ODA) attempts to take into account – in some respects – the new range of tasks to be performed by development policy. In March 2005, the High-level Meeting of Ministers and Heads of Aid Agencies for the OECD's Development Assistance Committees (DAC) decided to adapt the then applied ODA criteria. For example, the management of security expenditure through improved civilian oversight and democratic control of budgeting, management, accountability and auditing of security expenditure is now eligible for ODA (see Klingebiel 2006, 4).

3 Mapping the context of the Instrument for Stability

3.1 EU links between security and development

It would be utterly wrong to dismiss the history of European integration as a mere exercise of regional economic integration. Ever since its 'breakthrough' at the end of World War II, European integration has enshrined the idea of peace-building in Europe based on economic as well as political objectives and means. Both the economic and political *leitmotifs* have been translated into either a pragmatic functionalist (involving the so-called Community Method) or a rather idealistic federal approach to European integration. However, after the experiences of reoccurring European inter-state wars and two world wars over the past two centuries, both designs for European integration have ultimately been concerned with the making of a sustainable and 'working' peace system (Mitrany 1966).

While the goal of 'making peace in Europe' has been primarily limited to the western part of Europe, it only gradually expanded to embrace Southern, Northern and, eventually, Eastern European countries in the 1980s. As such, the process of European integration has shown that inter-state relations could be – in the words of François Duchêne – 'domesticated' and thus liberated from the nightmare of warfare (Duchêne 1973). Duchêne himself saw the European Union as an important potential promoter to such 'domestication' of international relations – well beyond the geographical confines of Europe (see Box 2). As a 'civilian power'[4] it could also provide powerful impulses towards international cooperation and global integration.

Box 2: The external dimension of European integration
From its inception in the post-World War II years, the process of European integration has also provided the script for designing 'special relations' with other non-European countries – in particular those from Africa. In the Schuman Declaration of 9 May 1950, the French foreign minister proposed that the "*Franco-German production of coal and steel [...] will be offered to the world as a whole*

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4   See Orbie 2006 for an assessment of the civilian power debate.

without distinction or exception, with the aim of contributing to raising living standards and to promoting peaceful achievements. With increased resources Europe will be able to pursue the achievement of one of its essential tasks, namely, the development of the African continent" (Schuman 1950). Thus, the outward-looking or external dimension of European integration cannot be underestimated, in particular at a time when half of the founding members of the European Communities were still engaged in colonial activities.

In the late 1950s, France, Belgium and the Netherlands were still colonial powers although most them were constrained to respond to the desire of their colonies to become independent and thus facing the spectre of decolonisation. Belgium and France, for instance, were particularly keen to ensure that the European Communities would assume 'their' share, which is a common responsibility for EC members' colonial possessions. Besides the question of access to European markets for the (then) colonies, the pooling of resources in development assistance – albeit outside the EC budget in the European development fund (EDF) – served as some sort of starting point. Clearly, this presented a compromise between the Member States, as for a wide range of reasons, the issue of a shared responsibility (between the Community and the Member States) and the need for EC development assistance was highly questioned by countries such as West Germany (see Engel 2000).

Thus the European project started out as an Economic Community whose main concern was to ensure peace in Europe by economic means. Despite the fact that the Community was engaged in development policy from the outset, the main perspective remained rather inward looking, primarily focusing on the making of truly common market which formally had been achieved from 1986 to 1993. Implementing a single market, however, yields significant effects on those countries, which are excluded, regional integration, almost per definition, creates 'externalities' effects with which outsiders have to cope, economically and politically. Contrary to the Community's commercial policy and other cooperation policies, development policy constitutes a 'shared competence' of both Member States (which maintain national development policies) and the European Community.

Since its foundation, the EC has changed continuously and the process of European integration has, on the whole, 'deepened' and become more 'communitarised' – i.e. community-oriented – in some areas (such as for instance the single market, trade policy, etc.) and less so in others (foreign policy, taxation, etc.). Far from being a linear process, the EC/EU has ultimately acquired new competences in areas such as environment and consumer protection, to name but a few. However, other policy areas, in par-

ticular foreign policy, have remained relatively immune *vis-à-vis* the 'Community Method'[5] – by and large based on supranational institution-building and decision-making – taking an intergovernmental shape instead.

Although the initiative for a European Defence Community (EDC) – a core post-war political project – was vetoed by the French parliament in 1954, there have been subsequent efforts to complement economic integration by a political integration. For example, the French President Charles De Gaulle and his foreign minister Christian Fouchet advocated stronger inter-governmental links in foreign affairs in order to secure French dominance in Europe and to counter US' influence on Europe amongst members of the EC. Indeed, the Member States agreed to increase coordination and consultation within the EC and launched the European Political Cooperation (EPC) in the 1970s. The heads of state and government, however, agreed that EPC should remain outside the Community structure – and was thus not subject to the Community Method and its institutions.

Therefore, European Political Cooperation started out as an intergovernmental exercise, but trade-related aspects of foreign policy allowed the European Commission to maintain a role foreign policy. The EPC, for instance, yielded some successes during the 'Helsinki process' of the 1970s, which was in itself perceived as a 'test ground' for European Political Cooperation (see Cameron 1995). In the negotiation process covering the economic and cooperation aspects of East-West cooperation, for instance, the European Commission managed to develop into a key interlocutor. Thus, coordination between the Community institutions as well as Member States and the EC institutions became more important in order to ensure consistency of the Community's external relations. Similarly, in the context of the

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5   The 'Community Method' is the expression used for the institutional operating mode for the first pillar of the European Union. It builds on integration logic exhibiting the following salient features: 1) Commission 'monopoly' of the right of initiative; 2) general use of qualified majority voting in the Council; 3) an active role for the European Parliament (co-decision procedure); 4) uniformity in the interpretation of Community law ensured by the European Court of Justice. In contrast, the method used for the second and third pillars is similar to the so-called 'Intergovernmental Method', with the difference that the Commission shares its right of initiative with the Member States, the European Parliament is informed and consulted and the Council may adopt binding acts. As a general rule, the Council acts unanimously (European Convention 2005).

EC-South Africa relations since the 1980s, questions emerged in regards to whether political decisions taken in the EPC framework may or may not trigger specific responses on behalf of the Community. The more the European Community developed into an economic power due to the scope of economic integrations since the late 1960s, the more necessities arose to put EPC and EC external relations 'into sync' and into the same gear.

Finally, when the Maastricht Treaty entered into force in 1993, the newly forged European Union 'equipped' itself with a Common Foreign and Security Policy (CFSP); in 1999, eventually a defence component in the shape of the European Security and Defence Policy (ESDP) was added. As intergovernmental cooperation substantially increased in the area of foreign, security and defence policy over the past few years, the Community was explicitly asked to marshal policies that are in a position to parallel and complement these initiatives, a requirement that is particularly needed in areas of shared competence such as for instance development cooperation as well as cross-cutting policy issues such as security and development. Thus, in contrast to CFSP/ESDP-based foreign policy or EC cooperation policies, development subscribes to yet another logic of integration – one that requires coordinative efforts from the outset.

3.2   The system of 'European foreign policy' and European development policy

'European foreign policy' is a highly complex sub-set of the European Union's multilevel governance system; from a holistic perspective, it stretches over the 'pillar-structure' of the EU and includes the national foreign policies of its Member States. Thus it comprises EC external relations (pillar I – Community competence) as well as European development cooperation (shared competence of the Community and the Member States). Since 1993, it has included the Common Foreign and Security Policy (pillar II), which was later supplemented by a defence component. Furthermore, many aspects of the EU's Police/Judicial Cooperation in Criminal Matters (pillar III) produce 'externalities' such as EC decision-making in the realm of migration policy (see Figure 1).

Figure 1:   The pillar structure of the European Union (EU)

The European Union

1. Pillar	2. Pillar	3. Pillar
European Community	Common Foreign and Security Policy	Police/Judicial Co-operation in Criminal Matters

Source: Phinnemore (2007, 37)
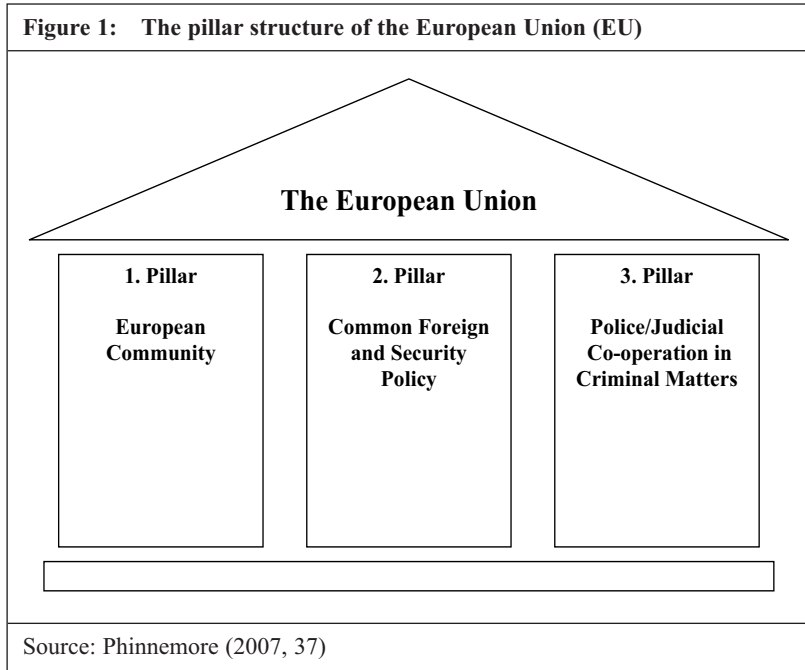
Until 1992, the EC's system of external relations basically relied on EC external foreign economic policy (i.e. trade and commercial policy) as well as development cooperation, complemented by the intergovernmental European Political Cooperation (EPC). In this vein, Paul Taylor argued, from a conceptual perspective that European foreign policy was essentially decentralised, consisting of three strands – national foreign policy, the European Political Cooperation and the external relations of the EC (Taylor 1982, 15); this in principle can still be applied today. Thus European foreign policy should be understood as a highly dynamic sub-set of the EU's system of multi-level governance. Yet, these strands do not co-exist independently; rather, they influence one another formally and informally. As the CFSP-relevant provisions of the Maastricht Treaty stipulate, Member States' foreign policies are compelled to conform with EU foreign policy and EC ex-

ternal relations. As various studies suggest,[6] the 'national' foreign policies of EU Member States converge towards agreements elucidated at the European level or, alternatively, that the European dimension penetrates into the national arena.

After the end of the Cold War, European foreign policy received a tremendous boost. The intergovernmental European Political Cooperation, launched in 1970s, developed into a Common Foreign and Security Policy (CFSP) and became pillar II of the European Union with the entry into force of the Treaty of Maastricht (1993). Following the St. Malo summit of the UK and France in 1998, the CFSP was 'supplemented' by a European Security and Defence Policy (ESDP) forging new institutions and fostering increased efforts of military cooperation between EU Member States. The launch of the European Security and Defense Policy (ESDP) at the European Council meeting in Cologne in June of 1999 took the 1998 Franco-British St. Malo agreement up to an EU-wide level and provided yet another important impetus: 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 de 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.

First, it was deemed necessary to build a visible civilian component within the ESDP itself in order to balance its military aspirations. Second, the EU Member States also agreed to improve the Commission's toolbox in crisis and conflict prevention and to increase general coherence between cooperation policies and the CFSP, with a particular view to the Commission and Council. Third, the Commission was willing to subscribe to the idea of an "*integrated framework for both security and development*" (European Commission 2004, 2), a principle already enshrined in the Cotonou Partnership Agreement stating "*that a political environment guaranteeing peace, security and stability, respect for human rights, democratic principles and the rule of law, and good governance is part and parcel of long*

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6   Tonra (2001) has analysed the Europeanisation of Dutch, Danish and Irish foreign policies, that of British foreign policy *vis-à-vis* Zimbabwe, Wong (2006) that of French policy in Asia, and Miskimmon (2008) that of Germany. Although it is difficult to generalise, these authors conclude that EU foreign policy has had a positive effect on Member States, as they are converging towards EU foreign policy standards and objectives.

term development" (APC-EU 2000, 4). Bridging the gap between security and development in an EU context, however, not only requires an improvement of institutional coordination and cooperation, but also entails a legal dimension because security and development are part of different legal jurisdictions. Whereas CFSP remains in the sole competence of the EU Member States, development policy is a shared competence of both the European Community and its Member States.

It was towards this background that the European Union began to step up its role in crisis response and conflict prevention since the late 1990s. The Helsinki European Council in December 1999 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). Thus, even before the launch of the Stability Instrument in 2007, EC external instruments contributed to the EU's overall crisis response, be it a natural disaster or a political crisis in a third country, and in the latter case it often included EU Joint Actions under CFSP or ESDP. Between 2000 and 2006 it was notable that this role was played by the EC Rapid Reaction Mechanism (RRM), with a view to non-humanitarian crisis responses. Despite modest financing (in the order of EUR 30 million per year) and a straight-jacket in terms of programme duration (maximum six months), RRM-funded projects assumed an important role in a number of EU crisis responses, "*in many cases kick-starting programmes under geographic instruments or dovetailing with CFSP/ESDP actions*" (European Commission 2008d, 2).

The Treaty of Nice, effective on 1 February 2003, contained new CFSP provisions, 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 European Security and Defence Policy (ESDP) and deals with the day-to-day handling of these issues. The PSC is also authorised to take decisions under delegated authority from the Council during periods of crisis management, including both civilian and military aspects. Furthermore, three new bodies were 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 was set up under the direction of the military committee.

With the completion of the Single Market in the early 1990s, the European Union also established itself as an increasingly important actor in international trade. Throughout the institutionalisation of the World Trade Organization (WTO) in 1995 and the subsequent trade talks (e.g. Doha Round), the European Commission managed to strengthen its role as the EU's single voice in matters of international trade (a role which it still aspires to in the realm of CFSP, where it remains only 'associated'). Finally, European development cooperation has been subject to various reforms focusing, among other things, on legal and institutional aspects of aid assistance within the Community. In a nutshell, since the end of the 1990s, improving external relations and the management of development aid have become key components of the current reform of the European Community (EC).

In the light of the 2004 enlargement, the convention process of adopting a Constitutional Treaty was aimed at consolidation of the EU's internal organisation and creation of a single constitutional space replacing the plethora of treaties that currently make up the European Union. In a nutshell, the Treaty suggested attributing a legal personality not only to the European Community, but also to the whole European Union – thus renouncing to the Maastricht Treaty's pillar structure of the EU, which only granted the first pillar with legal personality. The Constitutional Treaty, however, failed in the aftermath of the French and Dutch referenda in June 2005. After the subsequent 'reflection period' prescribed by the European Commission President Barroso, the German EU Council Presidency managed to revitalise the 'constitutional process' in the course of 2007, and to eventually prepare for the adoption of a Reform Treaty solemnly signed by the Member States under the Portuguese EU Council Presidency in December of that year. After the treaty was put on hold following the negative Irish referendum in June 2008, it is expected that it will enter into force at the end of 2009 – provided that the Irish will not reject it in another referendum slated to be held in October 2009.

Both the Constitutional Treaty as well as the Reform Treaty are set to bring considerable change in terms of EU foreign policy – not necessarily in names, but in substance. Most notable, for instance, is the proposition to merge the roles of the Commissioner for External Affairs and the High Representative into a new post: a de facto EU 'minister for foreign affairs' or, in the language of the Lisbon Treaty, 'high representative for foreign affairs'. This change would ensure that the EU's two most important external relations tools, development and diplomacy, would work together towards

the same goals. The High Representative for Foreign Affairs would answer to the Council of Ministers (therefore the Member States, not the Commission), and would chair the meetings on foreign affairs. Finally, a new External Action Service under the 'High Representative of the Union for Foreign Affairs and Security Policy' would also replace the Unified External Service, which currently answers to the Commission.

Clearly, the decision-makers in EU foreign policy would continue to be the national governments, voting unanimously in the Council of Ministers and the European Council. In summary, both the Constitutional Treaty and the Reform Treaty were set to bridge external relations and CFSP/ESDP institutionally, yet they fell short of bringing them together legally. Thus external relations, development policy and CFSP/ESDP remain legally distinct ranging from a European Community competence to a shared competence to a Member State competence. Consequently, variations in governance patterns across policy areas as well as the issue of cross-pillarisation remain a challenge.

Reviewing the process of treaty reform over the past decade, however, one has to conclude that the European Union did not acquire many new areas of European Community competence. After the failed Constitutional Treaty, it rather seems that intergovernmental modes of governance have prevailed. Clearly, this does not necessarily mean that the process of integration has come to a halt; instead, there are new strategies that focus on Member States' willingness to comply with European integration outside the 'Community Method'. Since the launch of the Lisbon process in 2000, several policy areas have been subjected to exercises of bench-marking and 'best-practices' (Open Method of Coordination) in order to provide less-binding models for European integration.[7] This also applies to European foreign

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7   The Open Method of Coordination (OMC), introduced by the European Council of Lisbon in March 2000 as part of employment policy, has been defined as a tool to reach the Lisbon goals. The method suggests to define guidelines and timetables for achieving objectives, to establish quantitative and qualitative indicators and benchmarks as a means of measuring and comparing 'best practices', to translate European guidelines into national and regional policies, by agreeing specific measures and targets and to monitor periodically progress achieved in order to put in place mutual learning processes between Member States. Ultimately, it is expected that this process will identify where Community initiatives could reinforce actions at the Member State level without recurring to direct EU intervention.

policy, where instances of supranational integration have been rare, and where an increasing number of strategies – some including all policy-making European organs (Council, Parliament and Commission) and the Member States, such as the European Consensus on Development – have been launched providing for some common standards and understanding in policy areas.

Still, also in the context of the European Union, the rapprochement of security and development is viewed not only in positive terms, because the EU may be doomed to lose its reputation as a 'civilian' or 'normative' power. Over the past few years, there has been a veritable (second) debate on the EU's normative power as evolved since 2000. Drawing from Duchêne's work, Ian Manners' adaptation of 'civilian power Europe' focuses on the EU's ability to bring conceptions of appropriate international relations into line with its own domestic normative standards and to diffuse universal values such as peace, liberty, democracy, the rule of law and respect for human rights (Manners 2002). In terms of the EU's norm diffusion capabilities, Manners argues that "*the absence of physical force in the imposition of norms*" (Manners 2004, 5) is of paramount importance. In his 2004 reconsideration of 'civilian power Europe', Manners suspects that the ESDP military mission led to a militarisation of the European Union which is likely to undermine Europe's normative power, although he maintains that some of the EU's civilian features may prevail. Similarly, Karen Smith agrees with Ian Manners to the extent that the "*EU repudiates civilian power by acquiring a defence dimension*" (Smith 2000, 15), but also argues that the EU has discontinued to be a normative power, instead finding itself, "*like almost every other international actor on the planet, somewhere along a spectrum between the two ideal-types of civilian and military power*" (Smith 2004, 16 f.). While Manners still insists that there is a way to salvage the primacy of non-military, normative EU foreign policy, Smith asserts that the EU is about to abandon its civilian power image despite its obvious weakness in defence and military matters.

It is not only within academe that concerns are being expressed regarding the rapprochement between military (and thus security) matters and development. Three major challenges exist: First, there is the issue of legitimacy in supporting military measures from a development perspective. Second, and as a consequence, the issue of neutrality or impartiality will arise; is it possible that development cooperation and development policy is in a po-

sition to maintain its impartiality once it has become part of a major military-based intervention? Finally, development may risk losing its profile and independence, a problem that has been discussed in the context of the 'Peace Facility for Africa' (see Box 3) underwritten by the European Development Fund (EDF).

Box 3:   Peace Facility for Africa

In response to a request of the African Union (AU) summit meeting held in Maputo in July 2003, the ACP-EC Council of Ministers of 11 December 2003 decided to establish a Peace Facility for Africa, which has been praised "*as the EU's single most significant financial support mechanism for Africa*" (Abass 2008, 327), disbursing an initial amount of EUR 250 million for a period of three years.[8] The Council of 11 April 2006 decided to extend this initiative for the period 2008-10, allocating EUR 300 million under the 10th European Development Fund. This amount can be used to finance expenses incurred by African countries deploying their peace-keeping forces in other African countries, including the costs of transporting troops, soldiers' living expenses and the development of capabilities. Yet, APF funding cannot be used to cover military and arms expenditure.

The Peace Facility is based on the principle of African ownership subscribing to "*a logic of self-responsibility*" (Grimm 2009, 11) and EU-spurred efforts to strengthen regional as well as sub-regional organisations in Africa. It supports AU-led peacekeeping operations as well as capacity-building for the emerging peace and security structure of the African Union (AU). It is the AU Peace and Security Council that will make recommendations for use of APF allocations; yet it is the Council that will ultimately make a decision. While the African Union is required to play a key role in the decision-making process relating to these peacekeeping operations (see Gänzle / Grimm 2008), peacekeeping operations can also be launched and implemented by African sub-regional organisations such as the Economic Community of West African States (ECOWAS) or the *S*outhern African Development Community (SADC).

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8   EUR 123.6 million was transferred from unallocated resources (reserves) of the 9 th European Development Fund; the remaining EUR 126.4 million came from each African ACP countries' contribution of 1.5 % from its allocated budget.

3.3 Debating the European Community mandate in development policy

Given these structural complications, one may argue that it would be advantageous to relegate development policy from the European level. What is then the added value that EC development policy may bring to the table? Can development policy work without trade and CFSP/EDSP? What is the conceptual approach spelt out by development policy behind this?

First, it is the potential to provide a central point for coordination, which, at the same time, leaves individual members with some discretionary power to craft individual policies at the Member States level. Clearly, it can be difficult to strike a balance between individual and collective interests.

Second, the very understanding of development policy as a shared competence provides for a logic of integration that does not provide a clear-cut differentiation between an intergovernmental or supranational approach to European integration. As such, it implicitly builds on a logic of mutual learning and best practices which may provide a model for any of the two governance levels involved. By all means, and independent from the EU context, the most basic understanding of development policy makes it embracive *vis-à-vis* various policy arenas. It is specialised, yet not autonomous if understood in a broader perspective.

As such, and third, and most importantly, development policy also complements the field of EU foreign policies adding a third integration logic to (foreign) trade (community-based) and CFSP/ESDP (intergovernmental). While EU foreign policies may be difficult to coordinate, they may also be less prone to be dominated by just a 'one-way-to-do things' or one-dimensional approach. Despite all possible nightmares in terms of coordination, such an approach may also yield more differentiated and, possibly, more effective results. It is probably this particularly multi-facetted and multi-actor-based approach in EU foreign policy that generates a popular image of the EU in global affairs – internationally as well as domestically.

Thus, fourth, and referring to the popularity of the EU as an international actor amongst EU citizens (see various editions of the Eurobarometer), Martin Holland made a point that popular support for European integration requires more than just a monetary union and a single market:

"*A wide and comprehensive range of policies is needed in order to generate public awareness and belief in the purpose of integration. Without external policies such as relations with the Third World, the 'idea' of Europe is diminished*" (Holland 2002, 244).

Fifth, and most importantly, 'development policy' at the European level, can potentially shield targeted countries from more short-term interests as they may (have to) be formulated within CFSP/ESDP or in the realm of the Member States' national foreign policies. From a holistic perspective of EU foreign policies (as encompassing Member States' foreign policies, EC external relations and CFSP/ESDP), development policy may be seen as the first segment thereof moving towards a more Community-based approach to EU foreign policy. Thus, from an integration standpoint, it would be entirely mistaken for the European Union to surrender development policy to the national level.

As Holland argues, the greatest challenge is to ensure an ever-increasing level of consistency and coherence between the European Union and its Member States (Holland 2002). One way to achieve this may be the agreement and proper implementation of inter-institutional agreements (including the Member States), such as the 'European Consensus for Development' of 2005, and in making that policy a future success. One further condition to this is that the EU development policy is in a position to respond to specific needs of other policy areas in the realm of EU foreign policies: one test case thereof is to find a balance between development and security policy.

The triad of 'peace, security and stability' has become the leitmotiv of many documents in the realm of EU external relations, explicitly favouring comprehensiveness and implicitly advocating coherent policies. In particular, security and development are increasingly framed as mutually reinforcing, where the EU is also competent in bringing some of its fundamental experience to the table. Furthermore, since 2001, conflict prevention figures high on the agenda. It is worth noting that the European Security and Defence Policy (ESDP) has been very much developed in the shadow of the EU's evolving conflict prevention policies. Africa, where the majority of ESDP missions have been launched since 2003, has not only provided the test ground for the EU's capabilities in ESDP, but also in conflict prevention.

At the level of policy-making, it was in 1996 that the European Commission demonstrated substantially increased interest in security on the African continent. At that time, the developmental challenge was framed in terms of 'structural stability':

> "*Structural stability is to be understood as a term denoting a dynamic situation of stability able to cope with the dynamics inherent in (emerging) democratic societies. Structural stability could thus be defined as a situation involving sustainable economic development, democracy and respect for human rights, viable political structures, and healthy social and environmental conditions, with the capacity to manage change without the resort to violent conflict*" (European Commission 1996, 2).

Since the mid-1990s, the European Commission has contributed towards strengthening the Community's 'conflict prevention teeth' as well as streamlining the issue in its set of cooperation policies. The Swedish EU Council Presidency of 2001 put conflict prevention high on the agenda. The launch of the 'Göteborg EU Programme for the Prevention of Violent Conflicts' firmly anchored confliction prevention as of the main objectives of the Union's external relations. The European Council proposed that it "*should be integrated in all its relevant aspects, including the European Security and Defence 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 2001, 30).

Since these 'early' policy statements, the EU has further elaborated, as we will see in the following chapter, its stance *vis-à-vis* the security development nexus – in particular in the aftermath of the terrorist attacks of 11 September 2001. At their first joint Council meeting on 19 November 2007 development and defence ministers from the EU's Member States acknowledged that the nexus between development and security should continue to inform EU strategies and policies with a view to increasing coherence of EU external action. Confirming that security and development issues need to be addressed complementarily, the ministers also maintained that development and security actors are to remain distinct.

3.4 Broadening the scope of European development policy? Addressing development and security in EU documents

After the end of the Cold War, EC development cooperation changed significantly. Because the EC was not attributed with competences in the field of development cooperation, foreign economic policy, association and cooperation were used as legal platforms dealing with third countries from the 'developing world'. It was only with the Treaty of Maastricht that the Community was granted shared competences in development cooperation in order to complement the policies of its Member States (Art. 177–181 TEC). Today, the European Union is the most important multilateral donor in development cooperation.

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 in 1980 that, for the first time, human rights were mentioned as a theme in the relationship between the EC and the African, Caribbean and Pacific (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. While the European Union has pushed hard to expand the political *acquis* of the bilateral relationship, two more major developments began to challenge the privileged position of the ACP within the EU's development cooperation. First, the EU market share of this 78-country-block declined considerably from 6.7 % (1976) to 2.8 % (1994); second, the WTO urged making non-reciprocal trade concessions compatible with WTO standards (Art. 1). As most of the ACP members are not 'least-developed countries', the WTO would not allow for exemptions. Consequently, the European Union started to sketch out Regional Economic Partnerships which are currently under negotiation (see Makhan 2009).

It is towards this background that historical structures of European development cooperation were set to change. Working with the ACP is one important aspect of the European Union's development cooperation; only 30 per cent of its ODA is reserved for least developed countries. Moreover, through a number of different budget lines, the EU also disburses ODA funds to the Western Balkans, Latin America, Asia and, most importantly,

the countries of its immediate vicinity, the Mediterranean and Eastern Neighbourhood, i.e. Ukraine, Moldova and the Caucasian Republics. With all these activities, programmes, funding regimes and actors in play, it raises the question of coherence and coordination. Key funding for ACP countries is provided under the European development fund, which is not part of the EU's regular budget, yet the question of its budgetisation looms large on the agenda.

In addition, the transformation of the ACP world – constructed at a time when the majority of these countries had close colonial ties with Europe – is another important issue. In general, regionalisation of development cooperation is probably the most prominent element of change, in part perpetuated by the negotiations of the Economic Partnerships Agreements (EPAs) with ACP countries. Thus, European development cooperation continues to make differentiations between country/region-based as well as thematic programming. Another important driving force of change is the modification of European governance itself. Since the adoption of the Lisbon agenda in 2000, the Open Method of Coordination is increasingly used to provide strategic guidelines by focusing on non-binding templates of 'best practices' within the EU.

Both European institutions and Member States have decided upon a number of grand strategies providing a common frame for addressing the security-development nexus. For reasons of space, it is not possible to refer to all the documents here. It shall suffice to discuss the most important ones: First, those agreements and declarations that subscribed the EU to playing a role in conflict prevention, and, consequently, addressing the security-development nexus, such as the Cotonou Partnership Agreement of 2000, the 'Göteborg Programme' and the European Security Strategy; and second, those documents that reinforce the EU's commitment towards policy coherence in, among other things, dealing with the nexus, such as the 'European Consensus on Development' and the EU Report on Policy Coherence for Development (PCD).

3.4.1 The Cotonou Partnership Agreement

The relationship between the EU and the ACP has been governed by the Cotonou Partnership Agreement since 2000, and revised in 2005. This agreement replaces a succession of Lomé Conventions, and prior to those, the Yaoundé Convention and is valid for 20 years (with the possibility for

revision every five years). While funding for the ACP countries comes from the European Development Fund (EDF), development cooperation with non-ACP countries is financed through the regular EU budget. As its name implies, the Cotonou Partnership Agreement has emphasised partnership as a key element of the mutual relationship. The agreement has been built on three pillars – development cooperation, trade and most importantly political dimensions – recognising the need for a comprehensive approach to development. Moreover, the Agreement enshrined a number of articles with some relevance to security policy. Unlike Lomé, the Cotonou Partnership Agreement has been a vivid expression of the EU's increasingly political approach to the ACP in general, and the African continent in particular; for example, it has established a permanent political dialogue under the responsibility of the Council of Ministers.

While the Lomé Convention of 1995 mentioned human rights, democratic principles, and the rule of law as essential elements of the partnership, the Cotonou Partnership Agreement went one step further by including good governance and combating corruption. On the side of the ACP, countries can request a discussion of the coherence of EU policies, their impact on ACP countries, and related issues. On the European side, the Union is set to support local ownership and the progression of national development strategies as well as work within the institutional capacities of ACP countries. A particular emphasis has been placed on the root causes of conflict, an issue that had been taken up by the Commission's increasing efforts in conflict prevention policies. Most importantly, Article 11 lists those activities that are supported by the signing parties with regards to peace building, conflict prevention and conflict resolution, including support for mediation, negotiation and reconciliation, demobilisation of former combatants, as well as the fight against anti-personnel landmines and the trafficking and accumulation of small arms and light weapons, etc. Thus, Article 11 has provided the European Union with an active role in addressing and financing operations that clearly fall within the security-development nexus.

3.4.2 The EU Programme for the Prevention of Violent Conflicts

In its Programme for the Prevention of Violent Conflicts (the 'Göteborg Programme'), the EU puts conflict prevention high on the EU agenda and recognises the primacy of conflict prevention over crisis management. Ul-

timately, it advocates a culture of conflict prevention. The Swedish EU Council Presidency encouraged other Member States to streamline their national policies in a way to comply with the priorities set out in the Göteborg Programme. Although the programme clearly identified the Political and Security Committee as the central body within the Council dealing with conflict prevention, it also asked the Commission to implement conflict prevention elements in the Country Strategies. Clearly, the implementation of the Göteborg Programme is the joint responsibility of the EU institutions and Member States. Some Member States have developed national action plans and strategic coordination to increase their capabilities for conflict prevention, whereas other Member States have remained rather inactive.

**Box 4:   The Göteborg Programme –
Finding a place for conflict prevention in EU policies**

"*In line with the fundamental values of the EU, the highest political priority will be given to improving the effectiveness and coherence of its external action in the field of conflict prevention, thereby also enhancing the preventive capabilities of the international community at large. […]*

The European Union, through this programme, underlines its political commitment to pursue conflict prevention as one of the main objectives of the EU's external relations. It resolves to continue to improve its capacity to prevent violent conflicts and to contribute to a global culture of prevention. The Commission communication on conflict prevention is welcomed as a major contribution to EU capabilities for conflict prevention.

The EU will:

– set clear political priorities for preventive actions,

– improve its early warning, action and policy coherence,

– enhance its instruments for long- and short-term prevention, and

– build effective partnerships for prevention. […]

EU instruments for long- and short-term prevention

The Union has an extensive set of instruments for structural long-term and direct short-term preventive actions. The long-term instruments include development co-operation, trade, arms control, human rights and environment policies as well as political dialogue. The Union also has a broad range of diplomatic and humanitarian instruments for short-term prevention. Structures and capabilities for civil and military crisis management, developed within the framework of the ESDP, will also contribute to the capabilities of the EU to prevent conflicts. It must use these instruments in a more targeted and effective manner in order to address

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root-causes of conflict such as poverty, lack of good governance and respect for human rights, and competition for scarce natural resources.

To strengthen EU instruments for long- and short-term prevention:

– all relevant institutions of the Union will mainstream conflict prevention within their areas of competence, taking into account the 4 recommendations made in the Commission communication on conflict prevention,

– the Commission is invited to implement its recommendations on ensuring that its development policy and other co-operation programmes are more clearly focused on addressing root-causes of conflicts in an integrated way within the framework of the poverty reduction objective [...]."

(see Council of Ministers 2001b)

Subsequent EU Council Presidencies have tended to neglect the Göteborg Programme, most likely because of an event that provided a watershed in terms of Europe's nascent efforts in peace-building: the terrorist attacks of September 11, 2001 and the subsequent responses of the United States and other allied countries. This event also provided the background for kick-starting the EU's cautious step towards a strategic culture in terms of security, defence and development policy.

3.4.3 The European Security Strategy

When, after some deliberation, the European Security Strategy (ESS) was eventually adopted in December of 2003, it was primarily designed as the European Union's response to the American National Security Strategy of 2002 (NSS). The NSS set out the new Bush doctrine of 'pre-emption' as opposed to deterrence and 'pro-active counter-proliferation' as opposed to non-proliferation. In turn, the European Council agreed upon the European Security Strategy by which it not only tried to initiate the formation of a European strategic culture in the medium or long term, but also tried to recover a common ground in European foreign policy. At that time, following the American war in Iraq and the resulting divergent responses of the EU Member States, a deep rift emerged within the EU.

As Faust and Messner have demonstrated, there are important areas in which the European Security Strategy and the US Security Strategy overlap, but more strikingly both concepts come to very different conclusions.

The European Security Strategy differs in three critical aspects: First, it calls for efforts to strengthen international law and a multilateral world order; second, it places emphasis on a long-term perspective and preventive measures as contained in conflict prevention and civil cooperation; and third, it uses the framework of the international legal order in order to embed political pressure alongside the use of robust military intervention (see Faust / Messner 2004, 7).

Box 5: **Security and development in Europe's emerging strategic thinking**

"*Security is a precondition of development. Conflict not only destroys infrastructure, including social infrastructure; it also encourages criminality, deters investment and makes normal economic activity impossible. A number of countries and regions are caught in a cycle of conflict, insecurity and poverty. […]*
More Coherent*. The point of the Common Foreign and Security Policy and European Security and Defence Policy is that we are stronger when we act together. Over recent years we have created a number of different instruments, each of which has its own structure and rationale. The challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from Member States and other instruments. All of these can have an impact on our security and on that of third countries. Security is the first condition for development.*
Diplomatic efforts, development, trade and environmental policies, should follow the same agenda.
In a crisis there is no substitute for unity of command. Better co-ordination between external action and Justice and Home Affairs policies is crucial in the fight both against terrorism and organised crime.
Greater coherence is needed not only among EU instruments but also embracing the external activities of the individual Member States.
Coherent policies are also needed regionally, especially in dealing with conflict. Problems are rarely solved on a single country basis, or without regional support, as in different ways experience in both the Balkans and West Africa shows."

(see European Council 2003)

It is in this context that the strategy puts strong emphasis on Europe's 'responsibility for global security' as well as sketching out policy initiatives for the European neighbourhood – in particular Eastern Europe, the Middle

East and North Africa. Because of the deep insecurity felt by people worldwide as a result of wars, poverty and disease, the ESS argues that "*[s]ecurity is a precondition for development. Conflict not only destroys infrastructure, including social infrastructure; it also encourages criminality, deters investment and makes normal economic activity impossible*" (see European Council 2003, 9 f). Although it had been more supportive of the idea of pre-emptive engagement in previous drafts, the final version of the ESS has become the counterpoint to the U.S. doctrine's 'pre-emption', instead favouring 'preventive engagement', an important idea from a development perspective. The ESS identifies five key threats to Europe: terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime.

According to Kaldor and Glasius, the "*language of threats and of defence in the European Security Strategy, which implies a statist view of the world, rests somewhat uneasily with the global security approach that the document seems to be espousing*"(Kaldor et al. s.a., 5). Yet it also insists, in sharp contrast to the period of the Cold War, that "*none of these threats is purely military nor can any be tackled by purely military means*" (European Council 2003, 7). Subsequently, in terms of its strategic objectives, the European Union declares its willingness to address the aforementioned threats, having singled out a somewhat special responsibility for its neighbouring regions, and most importantly fostering an "*effective multilateralism based on an international order*" (see European Council 2003, 9 f.). This certainly is the key principle of the ESS involving the extension of international law, the strengthening of the United Nations and cooperation with other multilateral organisations. It argues that the EU needs to become 'more active, more capable, more coherent'.

3.4.4 A 'Human Security Doctrine' for the European Union?

In an effort to complement the EU's emerging role in security policy, a study group[9] was convened by Mary Kaldor that drafted a report proposing

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9   Members of the 'Study Group on Europe's Security Capabilities' included Ulrich Albrecht, Christine Chinkin, Kemal Dervis, Renata Dwan, Anthony Giddens, Nicole Gnesotto, Mary Kaldor, Sonja Licht, Jan Pronk, Klaus Reinhardt, Geneviève Schméder, Pavel Seifter, Narcís Serra.

a 'Human Security Doctrine' for Europe, released on 15 September 2004 at 'Forum Barcelona'. The doctrine subscribed to a narrow definition of human security as "*freedom for individuals from basic insecurities caused by gross human rights violations*" (Study Group on Europe's Security Capabilities 2004, 5). The doctrine enshrined three elements: First, a set of seven principles for operations in situations of severe insecurity that apply to both ends and means (the primacy of human rights, clear political authority, multilateralism, a bottom-up approach, regional focus, the use of legal instruments, and the appropriate use of force). In this regard, the report stressed the need for a bottom-up and participatory approach in terms of communication, consultation, dialogue and partnership with the local population in order to improve early warning, intelligence gathering, mobilisation of local support, implementation and sustainability.

Second, it pleads for the creation of a 'Human Security Response Force', composed of 15,000 men and women, of whom at least one third would be civilian (police, human rights monitors, development and humanitarian specialists, administrators, etc.). The force would be drawn from dedicated troops and civilian capabilities already made available by Member States as well as a proposed 'Human Security Volunteer Service'. Third, it called for a new legal framework to govern both the decision to intervene as well as operations on the ground. This would build on the domestic law of host states, the domestic law of sending states, international criminal law, international human rights law and international humanitarian law.

Furthermore, the report set out measures to increase democratic control of security policy and to improve accountability to the local population as well as transparent methods of financing. The Commission, in general, has favoured integrating human security into the external policies of the European Union." The Member States, however, have been relatively reluctant in acknowledging this new norm in international relations. Interestingly though, the 'European Consensus on Development' of 2005, a document jointly signed by the European institutions and the Member States, contained two references to 'human security'; "*Poverty relates to human capabilities such as consumption and food security, health, education, rights, the ability to be heard, human security especially for the poor, dignity and decent work*" and, "*It will, as part of this, also support decentralisation and local authorities, the strengthening of the role of Parliaments, promote human security of the poor, and the strengthening of national processes to*

ensure free, fair and transparent elections" (Council of Ministers 2005, 7 and 26).

In the aftermath of the European Security Strategy, a number of policy documents targeted development cooperation. Furthermore, with the revision of the Cotonou Agreement, Africa became a top priority for 2005 as with the implementation of the African Peace Facility and the drafting of an EU Strategy for Africa. The EU committed itself to doubling its current level of ODA by 2010, and spent EUR 6.2 billion in terms of delivery of development aid. In its annual policy strategy for 2005, the Commission's development objectives were to review and scale up the EU contribution to the Millennium Development Goals. Most importantly, the Community and the Member States also signed the Paris Declaration on aid effectiveness and endorsed a new tripartite development policy statement (the European Consensus on Development).

3.4.5   The European Consensus on Development

On 20 December 2005, the Presidents of the Commission, European Parliament and the Council signed the new statement on European development policy, the so-called 'European Consensus on Development', which, for the first time in fifty years of European development cooperation, set out the framework of common principles shared by both the EU institutions and the Member States and provided some guidelines for implementing both EU and national development policies in a "*spirit of complementarity*" (Council of Ministers 2005, 5).

Box 6:   The European Consensus on Development

"*Part I*

6. Policy coherence for development (PCD)

37. Insecurity and violent conflict are amongst the biggest obstacles to achieving the MDGs. Security and development are important and complementary aspects of EU relations with third countries. Within their respective actions, they contribute to creating a secure environment and breaking the vicious cycle of poverty, war, environmental degradation and failing economic, social and political structures. The EU, within the respective competences of the Community and the Member States, will strengthen the control of its arms exports, with the aim of avoiding that EU manufactured weaponry be used against civilian popu-

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lations or aggravate existing tensions or conflicts in developing countries, and take concrete steps to limit the uncontrolled proliferation of small arms and light weapons, in line with the European strategy against the illicit traffic of small arms and light weapons and their ammunitions. The EU also strongly supports the responsibility to protect. We cannot stand by, as genocide, war crimes, ethnic cleansing or other gross violations of international humanitarian law and human rights are committed. The EU will support a strengthened role for the regional and sub-regional organisations in the process of enhancing international peace and security, including their capacity to coordinate donor support in the area of conflict prevention.

7. Development, a contribution to addressing global challenges

39. EU action for development, centred on the eradication of poverty in the context of sustainable development, makes an important contribution to optimising the benefits and sharing the costs of the globalisation process more equitably for developing countries, which is in the interests of wider peace and stability, and the reduction of the inequalities that underlie many of the principal challenges facing our world. A major challenge the international community must face today is to ensure that globalisation is a positive force for all of mankind.

40. Reducing poverty and promoting sustainable development are objectives in their own right. Achieving the MDGs is also in the interest of collective and individual long-term peace and security. Without peace and security development and poverty eradication are not possible, and without development and poverty eradication no sustainable peace will occur. Development is also the most effective long-term response to forced and illegal migration and trafficking of human beings. Development plays a key role in encouraging sustainable production and consumption patterns that limit the harmful consequences of growth for the environment.

Part II

Conflict prevention and fragile states

89. The Community, within the respective competences of its institutions, will develop a comprehensive prevention approach to state fragility, conflict, natural disasters and other types of crises. In this, the Community will assist partner countries' and regional organisations' efforts to strengthen early warning systems and democratic governance and institutional capacity building. The Community will also, in close cooperation and coordination with existing structures of the Council, improve its own ability to recognise early signs of state fragility through improved joint analysis, and joint monitoring and assessments of difficult, fragile and failing states with other donors. It will actively implement the OECD principles for good international engagement in fragile states in all programming.

> *90. In difficult partnerships, fragile or failing states the Community's immediate priorities will be to deliver basic services and address needs, through collaboration with civil society and UN organisations. The long-term vision for Community engagement is to increase ownership and continue to build legitimate, effective and resilient state institutions and an active and organised civil society, in partnership with the country concerned.*
> *91. The Community will continue to develop comprehensive plans for countries where there is a significant danger of conflict, which should cover policies that may exacerbate or reduce the risk of conflict.*
> *92. It will maintain its support to conflict prevention and resolution and to peace building by addressing the root-causes of violent conflict, including poverty, degradation, exploitation and unequal distribution and access to land and natural resources, weak governance, human rights abuses and gender inequality. It will also promote dialogue, participation and reconciliation with a view to promoting peace and preventing outbreaks of violence."*
>
> (see Council of Ministers 2005)

The 'European Consensus' consists of two parts, part one providing an outline of the EU's vision of development and part two addressing the issue of implementing Community development policy. The first part of the declaration set out the objectives and principles on the basis of the Member States' and the Community's commitment towards a shared vision. In the 'European Consensus', the European Union subscribed to the achievement of Millennium Development Goals, i.e. to eliminate extreme poverty and hunger, to achieve universal primary education, to promote gender equality and empower women, to reduce child mortality, to improve maternal health, to combat HIV/AIDS, malaria and other diseases, to ensure environmental sustainability and to set up a global partnership for development. It also affirmed that the fundamental objective of poverty reduction is closely linked with the complementary objectives of promoting good governance and respecting human rights. The fight against poverty also implies achieving a balance between activities aimed at human development, the protection of natural resources and economic growth and wealth creation to benefit the poor.

The common principles of development cooperation activities are ownership and partnership, in-depth political dialogue, participation of civil soci-

ety, gender equality and an ongoing commitment to preventing state fragility. Developing countries bear the primary responsibility for their own development, but the EU accepts its share of responsibility and accountability for the joint efforts undertaken in partnership. The European Union affirms that "*[d]evelopment remains a long-term commitment*" (Council of Ministers 2005, 5). The EU has committed itself to increase the aid budget to 0.7 % of the gross national product by 2015 (the shared interim goal being 0.56 % by 2010) and 50 % of the increase in aid will be earmarked for Africa. Resource allocation will prioritise support for the least developed countries (LDCs) and the low income and medium income countries and will be guided by transparent needs- and performance-based criteria. The Community declares to select a limited number of priority areas for action thus subscribing to the principle of concentrating its country and regional programming. In addition, the EU will monitor its commitments in order to maximise aid effectiveness, most notably by setting concrete targets for 2010. National ownership, donor coordination and harmonisation, starting at the field level, alignment on recipient-country systems, and results-orientation are core principles in this respect. The EU will also promote better coordination and complementarity between donors by working towards joint multi-annual programming partner-country strategies and processes, common implementation mechanisms and the use of co-financing arrangements.

The second part of the 'European Consensus' focuses on the implementation of the shared vision in terms of Community policy and the policies of the Member States. It argues that the EU's presence on the global stage, its expertise in dispensing aid, its support for democracy, human rights, good governance and respect for international law as well as its role in promoting partnership with developing countries and in providing a stake for civil society, constitutes the Community's added value in development policy.

Development cooperation is a major component of a broader set of external measures, which must be consistent and complementary. Thus the Community is set to concentrate its activities in the following areas: trade and regional integration; the environment and the sustainable management of natural resources; infrastructures; water and energy; rural development, agriculture, and food security; governance, democracy, human rights and support for economic and institutional reforms; prevention of conflicts and of state fragility; human development; and social cohesion and employment.

The Community will strengthen mainstreaming in relation to certain issues involving general principles applicable to any initiative and which call for efforts in several sectors. These include democracy, good governance, human rights, the rights of children and indigenous peoples, gender equality, environmental sustainability and the fight against HIV/AIDS.

The type of aid provided will be tailored to the needs and context of each individual country, giving preference, where conditions allow to budgetary aid. The Community's approach will be based on results and performance indicators. Most Community aid will continue to be provided as non-repayable grants, which are particularly suitable for the poorest countries and for those with a limited ability to repay.

3.4.6 The EU Report on Policy Coherence for Development (PCD)

The 'Conclusions' of the Council meeting in May 2005 and the 'European Consensus on Development' ultimately set the reference point for assessing the EU's progress towards the achievement of the Millennium Development Goals. In September 2007, the European Commission issued a report on the state of policy coherence for development. The report was based on Commission services and Member States' contributions as collated through a questionnaire distributed in January of 2007. The report recognised that progress had been made, however, important gaps remained with regards to institutionalising policy coherence for development.

Box 7: Security and development among the 12 PCD Commitments
"*The EU will 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. The EU will strengthen the control of its arms exports, inter alia, with the aim of avoiding that EU-manufactured weaponry be used against civilian populations or aggravate existing tensions or conflicts in developing countries. The EU will promote cooperation in fighting corruption, organised crime and terrorism.*"
(see European Commission 2007)

Within the Commission, relevant mechanisms are in place like the Inter-Service Consultations, the Impact Assessment System and the Inter-Service Group, yet policy coherence for development has not been institutionalised within the Council's decision-making process – it very much depends on the input and interest of individual presidencies and PCD is not fully institutionalised. Within the European Parliament, in turn, the Development Committee is increasingly active in the area of policy coherence for development, by way of issuing reports, defending positions in plenary sessions and related activities. For Member States, the EU Report on PCD even maintains that progress has been less than at the EU level, before assessing the following topics: trade, environment, climate change, security, agriculture, fisheries, the social dimension of globalisation, employment and decent work, migration, research, information society, transport and energy.

With regards to security and development, the Commission's working paper on the EU report on PCD maintained that "*ensuring coherence between security and development is as important as it is difficult*" (European Commission 2007, 6). Although the EU has made efforts to strengthen the links between these two areas, some problems have remained because of the very nature of conflicts and "*the diversity of contexts in which they erupt as well as the complexity of the EU's institutional set-up as a security actor constitute serious challenges*" (European Commission 2007, 6). There have been initiatives ranging from integrating conflict prevention analysis to actions for development cooperation programmes. These have addressed situations of fragility, promoted transparency and equity in the management of natural resources, supported Disarmament, Demobilisation and Reintegration (DDR) programmes as well as Security Sector Reform (SSR), or have been for controlling arms exports, reducing the illicit trafficking of small arms and light weapons, human beings, narcotics and explosives (see European Commission 2007, 6). In addition, the report stressed the importance of cooperation with other international actors, particularly the UN and the Organization for Security and Co-operation in Europe (OSCE), but also regional organisations such as the AU as well as civil society organisations.

It concluded by stating that it is still necessary to improve coordination between security and development, in particular

> "*[...] strengthening organisational mechanisms in the Commission and the Council to better take account of development concerns in security decisions, conducting systematically security-related analyses when inform-*

*ing and guiding development cooperation, improving the transition be-
tween the different financial instruments and continuing to build and sus-
tain partnerships with the different international and regional organisa-
tions and civil society. Concrete initiatives will be considered. Further-
more, in the framework of the future joint EU-Africa strategic partnership
with a view to responding to the African continent's requirements through
a package of increasingly integrated and cross-cutting development and
security measures*" (European Commission 2007, 6).

3.5   Making the security-development nexus work

The accelerated evolution of security policy affects the broader framework
of EU policies for development. Institutionally, following the stalemate
produced by the Irish no-vote in June 2008, the question remains open as
to which trajectory the despised 'EU Foreign Minister' and the EU's pro-
jected external services would ultimately follow: Would it rather emphasise
or obstruct development policy aims? Since the terrorist attacks of 2001,
concerns with counter-terrorism and weapons of mass destruction have had
a considerable impact on priorities for EC external assistance. EU aid to
Pakistan, which significantly increased after September 11, explicitly re-
ferred to the country's decision to support the international coalition against
terrorism. The revised Cotonou Agreement included a clause which con-
firms partners' international cooperation in the fight against terrorism.

Although most spending on these new priorities does not appear to divert
funding to development assistance, these policies clearly prioritise the EU
security preoccupations of European politicians, at the expense of poverty
reduction. However, as the key documents (analysed above) have indicat-
ed, the ultimate aim of European external policies is the bridging of the se-
curity-development nexus. Since 1999, concern with conflict prevention
and post-conflict reconstruction has increasingly been integrated into de-
velopment programmes. Programming instruments, such as Country Strat-
egy Papers and Regional Strategy Papers have been elaborated and have in-
tegrated aid, trade and political dimensions. The Commission routinely
looks at the root causes for conflict which are regularly reported from their
country delegations. On the basis of these assessments, external assistance
takes into account conflict prevention measures. Within the EU institutions,
in particular between the Council and the Commission, the Committee for
Civilian Aspects of Crisis Management (CIVCOM) has been established as

a platform for reconciling security and development goals. The Commission's Conflict Prevention Unit of DG RELEX has developed expertise in the fields of security sector reform, mediation, reconciliation, etc.

That the renewed interest in security will in fact strengthen development aims fundamentally depends on the conception of security to which the European Union will subscribe. With regards to the Instrument for Stability, the Budget Committee of the European Parliament stated:

> "*In any event, actions relating to peace-support operations should not reflect the security interests of the donors but of the beneficiaries. Likewise, in the case of security-related operations, European security interests and the interests of the beneficiary countries in terms of stability and development should not be confused*" (European Parliament 2006, 78).

Thus, if the EU's conception goes further in the direction proscribed by the European Security Strategy – i.e. of contributing to global security by using the full range of EU instruments, but at the same time emphasising multilateralism and law-enforcement –, then it could be beneficial to development policies. As a means to reinforce the link between development and security, the Instrument for Stability had been fleshed out.

4 The Making of a new instrument in EC external relations: The Instrument for Stability

4.1 A new Community tool to address the 'security-development nexus'

On the European Commission's external relations website, the Instrument for Stability (IfS) or, alternatively, the 'Stability Instrument', which was created as part of the reform of the Community's external financing instruments in 2006, is introduced by explicit reference 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).

The European Commission attempts to frame the Instrument for Stability as the Community's flagship-like instrument whose main purpose is to address what has been described as the 'security-development nexus' over the past two decades.

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). In a nutshell, it constitutes the EC's main thematic tool operating in the "*grey zone of security and development policy*" (Interview 2) and providing for development cooperation measures, as well as financial, economic and technical cooperation measures with partner countries in crisis and conflict as well as post-crisis and conflict situations. At the same time concerns were levied as to whether or not the IfS would be in a position to effectively walk the 'thin line' between security and development, neither infringing on the prerogatives of the one or the other by eventually 'securitising development' or 'developmentalising security policy.'

Figure 2:   IfS – Linking external relations, development and CFSP within the EU
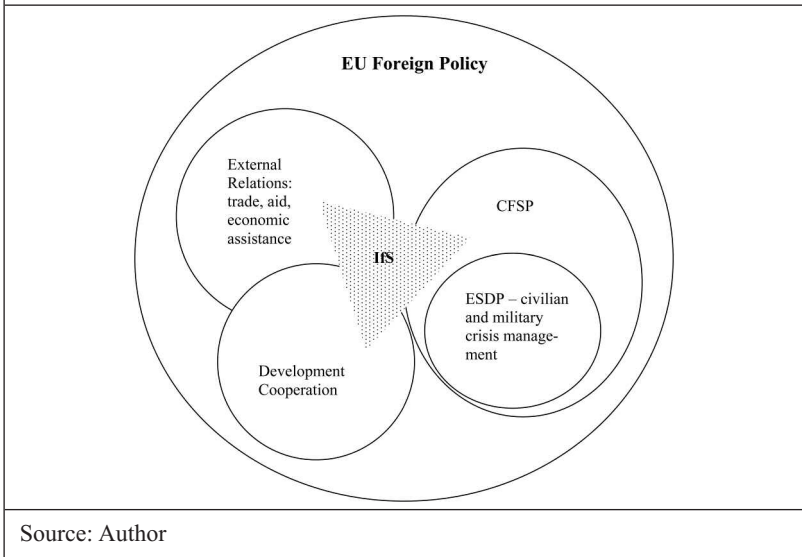
Source: Author

After a painstakingly difficult inter-institutional negotiation process involving the European Commission, the Council and, eventually, the European Parliament in 2005 and 2006, 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 possibly enhancing cooperation across pillars, the European Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner also stressed the instruments capacity to improve not only inter-institutional coordination but also EU Member States' coherence[10] in response to emerging crises and conflicts:

> "*Finally, 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 2006b, 34).

Ever since the question loomed on the EU's agenda how much coordination there should be in terms of getting this Community tool aligned with the praxis of the Common Foreign and Security Policy (CFSP) or the European Security and Defence Policy (ESDP). These challenges are commonly referred to as 'cross-pillarisation' in the area of EU foreign policy (Stetter 2004). This process "*which resembles increased interconnectivity between EC external policies*" (Herrmann 2007, 6) entails hard choices in terms of the selecting the correct legal basis. Recent times have shown a clear trend towards integration rather than separation of policies falling under pillar I or pillar II jurisdiction. In particular since the entry into force of the Nice

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10   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 […]."*

Treaty, this development is driven by an increasing number of civil CFSP activities, which might also be considered as falling under the EC's cooperation policies governed by Art. 181 a. Furthermore, a broader notion of security brings development policies closer to the realm of 'high politics' and 'foreign policy' (Hoffmeister 2008).

The Treaty of the European Union enshrines the principle that the Community Method – even in the advent of the intergovernmental CFSP (and Justice and Home Affairs – i.e. the second and third pillar) is to be observed and, more importantly, be applied whenever appropriate.

> *"Subject to the provisions amending the Treaty establishing the European Economic Community with a view to establishing the European Community, the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community, and to these final provisions, nothing in this Treaty shall affect the Treaties establishing the European Communities or the subsequent Treaties and Acts modifying or supplementing them*" (Article 3 [2] TEU).

Furthermore, Article 47 TEU implies that the European Court of Justice (ECJ), who 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 in its nature, such as security and development. In contrast, coherence – at the horizontal, institutional and vertical level – between various policies of the EU is not subject to judicial review by the ECJ; thus it remains a political claim urging actors to observe coherence within policies, institutions and Member States. This is not to say that coherence is impossible to achieve; yet, the mechanisms for convergence are ultimately different.

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. Thus, the Instrument for Stability is not entirely 'new': It is as much a product shaped by increasing EU-wide concern for effectively bridging the security-development nexus as it path-dependently replaces a host of post-crisis EC budget lines, one of which the so-called Rapid Reaction Mechanism (RRM).

4.2   The Rapid Reaction Mechanism (RRM)
as predecessor: Scope and objectives

It was already in December 1999 that the Helsinki European Council called upon the Commission to set up a 'Rapid Reaction Facility' as part of its decisions on the creation of a European Security and Defence Policy:

> "*Member States and the Union should develop a rapid reaction capability by defining a framework and modalities, as well as by pre-identifying personnel, material and financial resources that could be used in response to a request of a lead agency like the UN or the OSCE, or, where appropriate, in autonomous EU actions. [...] Rapid financing mechanisms such as the creation by the Commission of a Rapid Reaction Fund should be set up to allow the acceleration of the provision of finance to support EU activities, to contribute to operations run by other international organisations and to fund NGO activities, as appropriate*" (European Council 1999).

Council Regulation (EC) 381/2001 of 26 February 2001 created the Rapid Reaction Mechanism; it entered into force on 2 March 2001 and expired on 31 December 2006. The Rapid Reaction Mechanism supplemented a number of specialised financing instruments, which contain emergency provisions allowing rapid mobilisation of funds. They included, for example, the Regulations on Food Aid, Human Rights and Democratisation, Mine Action and Rehabilitation. The RRM did not establish programmes in its own right, but rather provided for a mechanism aiming to accelerate a number of financial instruments.[11] Its purpose was not the creation of a new geographic programme focussing on developing countries, but rather to enable a horizontal approach for EC action in crisis response in general, legally based on the EC flexibility clause, Article 308 TEU.[12] Had it been built on Article 179 TEC of title XX on development cooperation, the Community

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11   The financial instruments were mentioned in the annex to the RRM regulation.
12   See Article 308 TEC (former Art. 235) states: *"If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures."*

would not have been in a position to respond to crisis situations in developed countries.[13]

According to Article 1[14] of the regulation, the Rapid Reaction Mechanism was designed to allow the Community to respond in a rapid, efficient and flexible manner to urgent situations or to the emergence of crises. Article 2 (1) confirmed that the RRM builds upon all the existing legal instruments of the EC, as listed in the annex to this regulation. According to Article 2 (2), the RRM may stipulate an action if it cannot be undertaken "*within a reasonable time limit under the existing legal instruments […] and if the action is 'limited in time'*" – which from Art. 8 (2) means that the action should normally not take more than six months. Article 3 (1) states that the RRM "*may be triggered when in the beneficiary countries concerned there occur situations of crisis or emerging crisis, situations posing a threat to law and order, the security and safety of individuals, situations threatening to escalate into armed conflict or to destabilise the country and where such situations are likely to jeopardise the beneficial effects of assistance and cooperation policies and programmes […]*" However, the regulation covering the RRM excluded the financing of humanitarian assistance. Article 10 stipulates that the Commission "*ensures that action taken is effectively coordinated with action by the Member States, including on the ground. This action must be coherent, complementary and effective. The Commission must also promote cooperation with international and regional organisations.*" Eligible for funding are EU Member States, the beneficiary countries and their agencies, regional and international organisations and agencies, non-governmental organisations (NGOs) and public and private operators with appropriate specialised expertise and experience. As regards NGOs and private operators, certain criteria must be met, as detailed in the regulation, such as technical and management capacities, previous experiences, and other criteria relating to their records and guarantees.

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13   See Article 179 TEC: "*1. Without prejudice to the other provisions of this Treaty, the Council, acting in accordance with the procedure referred to in Article 251, shall adopt the measures necessary to further the objectives referred to in Article 177. Such measures may take the form of multi-annual programmes. […] 3.The provisions of this Article shall not affect cooperation with the African, Caribbean and Pacific countries in the framework of the ACP-EC Convention.*"

14   If not stated otherwise, article numbers in this section refer to the RRM regulation.

Finally, the Commission implemented the Rapid Reaction Mechanism without having recourse to procedures and principles of EU comitology (see Box 8). Yet before taking or implementing a decision, the Commission was required to inform the Council, and to "*duly take into account the approach adopted by the Council, in the interests of the cohesion of EU external activities*" (Council of Ministers 2001a, 6). Although the RRM was not exclusively designed to respond to conflict prevention, many of its interventions had a conflict prevention component. Focusing on conflict-prevention and peace-building, RRM initiatives between 2001 and 2006 primarily targeted countries in South-East and Eastern Europe, Central Asia and Sub-Saharan Africa.[15]

The RRM was used, for instance, to relieve the effects of the December 2004 tsunami, the Aceh Peace Process, the EU Border Assistance Mission (EUBAM) to the Republic of Moldova and Ukraine, 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, Demobilisation and Reintegration (DDR), the RRM provided direct support to the Crisis Management Initiative (CMI), a non-governmental organisation chaired by former Finnish President and Nobel-prize laureate Martti Ahtisaari. 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.[16] 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).

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15 RRM-beneficiary countries included Afghanistan, Bolivia, Bosnia and Herzegovina, Burundi, Central African Republic, Republic of Congo, Democratic Republic of Congo, Cote d'Ivoire, East Timor, FYR of Macedonia, Georgia, Indonesia, Iraq, Lebanon, Liberia, Libya, the Maldives, Moldova, Nepal, the Palestinian Territories, Sri Lanka, Sudan, and Ukraine as well as regional initiatives in Central Asia and the Horn of Africa.

16 The mission expired on 15 March 2006.

Box 8:	EU comitology as institutional bridge between Member States and Community
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.	

When compared to existing EC cooperation tools and mechanisms, the RRM exhibits 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'. Whenever an action was possible under any of the geographical or thematic instruments listed in the annex 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). 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.

4.3 The European Commission proposal for an Instrument for Stability and the interinstitutional negotiation process

The EU's response to emerging crises has often been criticised as slow, cumbersome and as a result ineffective. Although there was a plethora of available budget lines in the realm of external relations that covered various aspects of crisis and conflict situations, there was no single and unified instrument that could have been initiated on very short notice and implemented rapidly. 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 programme and a multi-annual programme*" (Interview 2).

To mitigate this situation, the European Commission submitted a proposal for a regulation of the Council establishing an Instrument for Stability on 29 September 2004. The objectives have been 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 organised 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 organisations*" (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 did not meet with Member States' support; the incriminated concepts such as 'peace-keeping' and 'peace-support' were subsequently eliminated from the text of regulation. 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. The difficult trajectory of the negotiations over the final text of this regulation has served to elucidate the challenges that the security-development nexus faces at the European level.

Whereas the Rapid Reaction Mechanism needed to be based on Article 308 TEC, the 2003 Treaty of Nice allowed the new Article 181a TEC to be used for measures of cooperation policy *vis-à-vis* developed countries. Despite this opportunity, the European Commission decided to revert to Article 308:

> "*The proposal is based on Article 308 of the Treaty establishing the European Community, coupled with Article 203 of the Treaty establishing the European Atomic Energy Community. The Euratom legal base is required in order to cover the nuclear safety aspects of the proposal. The civilian aspects of crisis response would normally come within the scope of Articles 179 and 181a of the EC Treaty. However, the provisions relating to the financing of peace keeping, in particular, while clearly contributing to the objectives of Articles 179 and 181a, justify a legal basis in Article 308 of the Treaty. Moreover, Articles 179 and 181a are not legally compatible with Article 203 of the Euratom Treaty*" (European Commission 2004, 2).

It therefore seems that the Commission hoped for an arrangement with the Council, bringing security and development closer together in terms of a Commission/Council collaboration that would effectively bridge pillars I and II. However, this came at a price: it reduced the European Parliament's role to a *quantité négligeable*, namely a consulting body with little stake in the decision-making. In contrast, however, Hoffmeister suggests that the Commission had been sympathetic to the idea of using Article 181a TEC, yet decided to continue using Article 308 TEC for two reasons: First, to ensure the financing of peacekeeping missions; second, the Commission was concerned that there was no available legal foundation for external action in the field of nuclear safety (see Hoffmeister 2008, 62).

In principle, the question boiled down to whether or not the European Parliament should have a say in the Community's external instruments, or whether it should be constrained to consultation, as would be the case if implementation was to be based on Art. 308. With the support of the Parliament's legal service, the Members of the European Parliament (MEPs) now started to press hard for the use of Art. 179 and 181 as the legal basis, and suggested excluding nuclear safety issues from the text of the regulation in order to avoid any further legal complications. Consequently, the European Parliament rejected the Commission's draft proposal in March 2005 – though "*as part of the package on all financing instruments*" as confirmed by an administrator of the European Parliament's foreign affairs committee (Interview 4). In addition, the European Parliament also had (and still has) reservations regarding on-going support granted to long-standing conversion centres and institutes for the study of terrorism, such as the ones based respectively in Kiev and Algiers (see European Parliament 2008).

Far from presenting a homogenous bloc in the Council, the EU Member States were also sceptical about the scope of the instrument to be created (Interview 1). Hoffmeister suggests that, in principle, three options emerged within the Council: First, to skip the Instrument for Stability (IfS) altogether and to integrate parts of it into the instrument for development cooperation; second, to proceed with the Commission proposal; or third, to reduce the regulation on the IfS to those elements that are covered by Community law (see Hoffmeister 2008, 62).

In 2006, the subsequent inter-institutional process involved the European Parliament, the Commission and the Council, with intensive negotiations further complicated by a pending court ruling on the Community's competence in small arms collection. According to a Finnish diplomat, who was in charge of the EC External instruments including the IfS at the time of the Finnish EU Council Presidency in the second half of 2006, there were at least two camps discernible. One favoured a wide and community-friendly approach, while the other – advocated by the big Member States – was interested in a more limited scope of action for the IfS. By and large, Finland at that time favoured the Community-friendly interpretation of the Commission proposal without being overly supportive of the Commission because of its Presidency (Interview 1).

In addition to the difficult issues surrounding the development-security nexus from a legal perspective, the European Parliament insisted on the inclusion of a Peace-building Partnership. In her letter of 7 June 2006 to the chairman of the European Parliament's Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, Elmar Brok, EU Commissioner Benita Ferrero-Waldner's acknowledged that "*the Commission has been particularly attentive to the Committee's report on the Instrument for Stability*" (Ferrero-Waldner 2006a, 2). The Parliament's Rapporteur on the proposal for the IfS, Angelika Beer (The Greens/European Free Alliance), had been eager to include such provisions. To some extent, Beer reconnected with a tradition within the German Green Party.

In 1995, Alexander Langer, an Italian Green Member of the European Parliament from Alto Adige, South Tyrol, started to campaign for the idea of a European Civilian Peace Corps "*to give a multinational and non-violent instrument to the nascent Common Foreign and Security Policy*" (Berruti / Rossi 2003, 4). Ultimately, however, the final draft of the IfS regulation on-

ly allowed standing civilian capacities to be mobilised in conjunction with external organisations.

The scope of the Peace-building Partnership (PBP), as suggested by Benita Ferrero-Waldner, was far more modest, and intended to build the PBP around six points, including a representative network of specialised European NGOs, the financial support to build capacity amongst NGOs, a framework partnership agreements with specialised NGOs allowing for rapid provision of support to peace-building assistance, the development of operational capacity within Commission, the establishment of regional hubs within Commission's delegations and strengthened cooperation with Member States specialised agencies (see Ferrero-Waldner 2006a, 2).

At the end of the three party talks, the Council presented a draft which acknowledged the Parliament's (and the Commission's) ambition for a Peace-building Partnership, inasmuch as they chose Articles 179 and 181 (a) as the legal basis for the regulation. Eventually, the Council also separated the issues concerning nuclear safety from IfS issues, and transferred the former to other regulations (Regulation No. 300/2007 [Euratom]). Furthermore, the final draft also eliminated references to peace-keeping and -building, which resulted in criticism from both the European Commission and the Parliament. The European Parliament's foreign affairs committee argued that measures for peace support and disarmament are Community competences; the judicial service issued the opinion that civilian aspects of responses to crisis situations are covered by Article 179 und 181a TEC, and the committee for international trade proposed to maintain a reference to non-military, peace-building measures (see Hoffmeister 2008, 62 f.).

On 6 July 2006, the European Parliament accepted the Commission proposal with a number of amendments in its first reading, with the Council agreeing on the final text in its meeting on 7 November 2006. Thus, the regulation was set to enter into force on 1 January 2007. As for the European Parliament, Angelika Beer celebrated the adoption of the IfS as a great success:

> "*To be more specific, the Stability Instrument was adopted in the form of an EU regulation in accordance with the co-decision procedure. That is, the Parliament was fully involved in its development and I myself spent one and a half years on negotiating with the Commission and Council. In fact, it was the first time the Parliament was granted the right of co-decision in the foreign policy area*" (Beer 2007).

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 4 and 5), 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. The EPLO was already welcoming the Instrument for Stability in its commentary of March 2006 (see European Peace-building Liaison Office 2006). At the same time, the EPLO expressed its hopes that the concurrent legal uncertainties would not infringe upon the general benefits that would be reaped from the IfS in terms of conflict prevention and crisis response at the EU level. Therefore, most of its comments were geared towards strengthening the civilian contributions towards disarmament, security sector reform and restriction of small arms and light weapons. With a ruling by the ECJ pending as a backdrop, these issues had been catapulted to the forefront of discussions on the IfS.

The three-party deliberations on the IfS regulation took place in the shadow of a pending court case: In July 2002 the Council adopted in the framework of CFSP and on the basis of the EU Treaty, a joint action concerning the combating of the proliferation of small arms and light weapons. In order to implement that joint action, the Council adopted a decision on 2 December 2004, the basis being a European Union contribution to the Economic Community of West African States (ECOWAS) in the framework of the Moratorium on Small Arms and Light Weapons. Following the Council decision the Commission requested that the ECJ annul it, because the Commission took the view that it was not adopted on the correct legal basis. Even during the discussion of the drafting of the decision, the Commission declared that in its view the matter fell under Community development cooperation policy and more specifically, the Cotonou Agreement, and henceforth, should not be adopted under the EU Treaty and on the basis of the CFSP. On 20 May 2008 the ECJ ruled in favour of the Commission – with some important repercussions for the Instrument for Stability (see European Court of Justice 2008).

4.4 The Regulation on the Instrument for Stability: Policy content and objectives

4.4.1 The Instrument for Stability and other EC external relations funding mechanisms

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 amounts of financing available for the thematic instruments. For the year 2007, for instance, EUR 232 million have 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 De-

Figure 3: Funding allocations 2007–2013 (EUR billion) (EDF figures relate to 2008–13)

other 1.8
Humanitarian 5.6
Stability 2.1
CFSP 2.0
IPA 11.5
EDF 22.6
DCI 16.9
ENPI 11.2
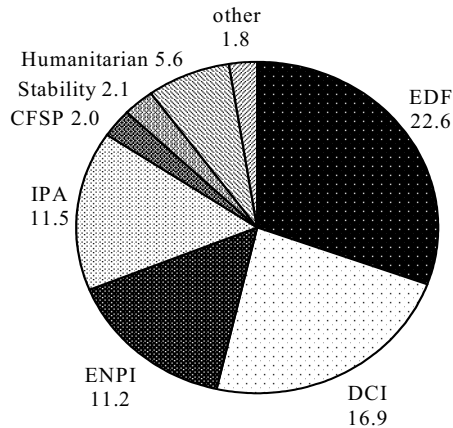
Source: European Commission (2006, 20)

velopment Fund (EDF) is brought into perspective which makes EUR 22.7 billion available for the 78 African, Caribbean and Pacific states for the entire financial period of 2008-2013.

4.4.2   Scope and objectives

Subdivided into a short-term and a long-term component, the IfS pursues a threefold operational goal: 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 (Development Cooperation Instrument, European Neighbourhood and Partnership Instrument, etc.). Thus, the IfS would (1) address a new political crisis or natural disaster (e.g. Lebanon crisis in 2006, Tsunami in 2005), (2) respond to a 'window of opportunity' to pre-empt a crisis (e.g. Gaza withdrawal of Israeli forces in 2009), (3) secure the conditions for delivery of EC assistance (e.g. in Afghanistan) and (4) be part of a joint approach involving ESDP operations (e.g. EUFOR Chad/RCA) (see 1–4 in Figure 4). Second, in the context of stable conditions, in turn, it aims to improve capacity to address specific global and trans-regional threats having a destabilising effect, such as for instance proliferation of weapons of mass destruction and human trafficking, terrorism and organised crime. Third, again in a situation of stable conditions, it seeks, to ensure international and regional organisations, as well as state and non-state actors' preparedness to respond to pre- and post-crisis situations.

Article 1[17] of the regulation from 15 November 2006 expounds two distinct but inter-related objectives that are respectively characterised by a short and long-term perspective, but with both perspectives emphasising the long-term objective of preparing the ground for re-establishing the Community's regular development and cooperation policy programmes:

> "[…] In accordance with the objectives of such cooperation and within its limits as laid down in the EC Treaty, the specific aims of this Regulation shall be:

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17   If not stated otherwise, article numbers in this section refer to the IfS regulation.

Figure 4: IfS intervention in crisis/conflict cycle

Source: Author
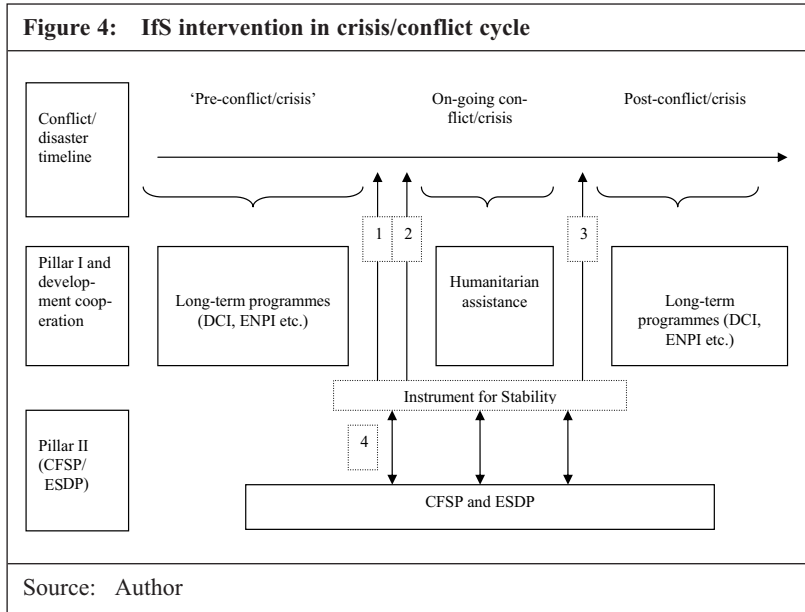
(a) in a situation of crisis or emerging crisis, to contribute to stability by providing an effective response to help preserve, establish or re-establish the conditions essential to the proper implementation of the Community's development and cooperation policies;

(b) in the context of stable conditions for the implementation of Community cooperation policies in third countries, to help build capacity both to address specific global and transregional threats having a destabilising effect and to ensure preparedness to address pre- and post-crisis situations."

Furthermore, Article 1 (3) mandates that any measure enacted by the Instrument for Stability "*may be complementary to, and shall be consistent with, without prejudice to, measures adopted*" under CFSP and Police and Judicial Cooperation (title V and VI). Article 2 focuses on complementarity of community assistance, requiring IfS to operationalise only in cases where an *"adequate and effective response cannot be provided"* through Community assistance instruments. The Commission is called upon to ensure consistency "*with the Community's overall strategic policy framework*

for the partner country" (Art. 2 [2]) and to "*promote close coordination between its own activities and those of the Member States*" (Art. 2 [3]).

Finally, Article 3 (1) lays out the condition for Community assistance in response to crisis situations:

> "*Community technical and financial assistance […] may be undertaken in response to a situation of urgency, crisis or emerging crisis, a situation posing a threat to democracy, law and order, the protection of human rights and fundamental freedoms, or the security and safety of individuals, or a situation threatening to escalate into armed conflict or severely to destabilise the third country or countries concerned.*"

Interestingly, such measures may also address situations where the Community has invoked the essential elements clauses of international agreements with a view to suspending, either partially or totally, cooperation with third countries. Subsequently, Article 3 (2) enumerates sixteen areas, which are covered by the Instrument for Stability. For instance, they include measures in the area of conflict prevention and management through "*the provision of technical and logistical assistance, for the efforts undertaken by international and regional organisations, state and non-state actors in promoting confidence-building, mediation, dialogue and reconciliation*" (Art. 3 [1] a), as well as the "*support for the establishment and the functioning of interim administrations mandated in accordance with international law*" (3 [1] b). The promotion of democracy, rule of law and human rights is evident by

> "*support for the development of democratic, pluralistic state institutions, including measures to enhance the role of women in such institutions, effective civilian administration and related legal frameworks at national and local level, an independent judiciary, good governance and law and order, including non-military technical cooperation to strengthen overall civilian control, and oversight over the security system and measures to strengthen the capacity of law enforcement and judicial authorities involved in the fight against the illicit trafficking of people, drugs, firearms and explosive materials.*"

Disarmament, demobilisation and reintegration is provided via the "*support for civilian measures related to the demobilisation and reintegration of former combatants into civil society, and where appropriate their repatriation, as well as measures to address the situation of child soldiers and female combatants*" (Art. 3 [21] f), and, "*support for measures to address, within*

the framework of Community cooperation policies and their objectives, the socio-economic impact on the civilian population of anti-personnel landmines, unexploded ordnance or explosive remnants of war; activities financed under this Regulation shall cover risk education, victim assistance, mine detection and clearance and, in conjunction therewith, stockpile destruction" (Art. 3 [21] h).

In a nutshell, the short term-component of the Instrument for Stability is used to re-establish the conditions necessary to implement the EC's development assistance programmes under other long-term instruments. It focuses on situations of urgency, crisis and emerging crisis, situations posing threats to democracy, law and order, the protection of human rights and fundamental freedoms, the security and safety of individuals, or on situations threatening to escalate into armed conflict or severely destabilise third countries. Under this component, the IfS can only be triggered in a situation of crisis or emerging crisis and aims at complementing long-term programmes under relevant geographic financing instruments, thus providing support in two phases including emergency response measures and interim response programmes with a duration of no more than 18 months.

Article 4 then describes the conditions to be met for assistance in the context of stable conditions for cooperation, and is used as capacity-building tool with a three-pronged objective: It involves "threats to law and order, to the security and safety of individuals, to critical infrastructure and to public health" (Art. 4 [1]); "*risk mitigation and preparedness relating to chemical, biological, radiological and nuclear materials or agents*" (Art. 4 [2]); and "pre- and post-crisis capacity building" (Art. 4 [3]).

Article 4 (1) is notable for including the fight against organised crime, trafficking (i.e. in drugs, small arms and light weapons, or human beings) as well as terrorism. Those threats are all trans-regional and global by nature and require enhanced trans-regional and global cooperation and coordination, which is what is particularly intended by the IfS. Constituted and supported by different forms of illicit trafficking, those activities themselves constitute – along with other forms of criminal enterprise – threats to licit international flows of goods, money, services, and people, all of which are essential to the security of peoples, countries and regions. In a repressive and preventive perspective, the IfS, therefore, intends to fight both the 'negative' flows of criminal enterprise as well as protect the 'positive' flows of licit activities, in order to prevent their disruption.

Article 4 (2) focuses on the proliferation of weapons of mass destruction and aims at contributing to risk mitigation and preparedness relating to the illicit spread of chemical, biological, radiological and nuclear (CBRN) materials or agents along with their means of delivery. It provides technical and financial assistance covering activities such as the promotion of civilian research as an alternative to defence-related research, the enhancement of safety practices related to civilian facilities where sensitive materials or agents are stored, the establishment of civil infrastructure and civilian studies for the dismantlement, remediation or conversion of weapons related facilities and sites no longer belonging to a defence programme, strengthening the capacity of competent civilian authorities and enforcement of effective control of illicit trafficking in CBRN materials and agents, the development of the legal framework and institutional capacities for establishment and enforcement of support controls on dual-use goods as well as the enhancement of civilian disaster preparedness, emergency planning and capabilities for clean-up measures in relation to possible major environmental incidents in this field.

Article 4 (3) identifies the enhancement of pre- and post-crisis capacity-building and aims at enhancing pre- and post-crisis preparedness through long-term measures. Acknowledging the capacity gaps in the international system in the pre-crisis and early recovery phases, the EU wishes, through this priority, to make an upstream investment in the response capacity of its major implementing partners by helping to build and strengthen the capacity of international, regional and sub-regional organisations as well as state and non-state actors in order to promote early warning, confidence-building, mediation and reconciliation on the one hand, and to improve post-conflict and post-disaster recovery. The technical and financial assistance provided under this priority covers activities such as the transfer of know-how, the exchange of information, risk/threat assessment, research and analysis, early warning systems and training. It can also, if appropriate, be directed at the implementation of measures recommended by the United Nations Peace-building Commission (UNPBC). Some scholars have suggested that

> "[w]hile [the Stability Instrument] clearly combines a number of formerly separate instruments, it does not as yet provide a clear perspective on the future of other instruments such as the African Peace Facility. Article 4 (3) of the regulation establishing the instrument for stability would nonetheless seem to suggest some ways of complementing, if not replacing, the APF. Certainly, this new instrument will be the object of further

inter-institutional negotiations, which will most probably in turn deter-mine its efficiency. Whatever the results of these negotiations, some prob-lems will remain, however: the status of military cooperation, in particu-lar, remains unclear" (Bagoyoko / Gibert 2007, 31).

In principle, complementarity should be possible. However, given the small budget line for long-term measures under Art. 4(3), pre- and post-crisis pre-paredness would need to be significantly bolstered in financial terms in or-der to embrace the goals of the African Peace Facility.

4.4.3 Implementation

Article 5 depicts the general framework for implementation of the Instru-ment for Stability, stipulating that Community assistance is provided through exceptional assistance measures, interim response programmes, multi-country strategy papers, thematic strategy papers, multi-annual in-dicative programmes, annual action programmes and special measures. Due to their non-programmable nature, the short-term component of the IfS is being carried out through exceptional assistance measures and interim re-sponse programmes. Article 6 (2) stipulates a number of conditions appli-cable in the case of exceptional assistance measures as well as interim re-sponse programmes.

First, projects 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). Second, exception-al assistance measures costing less than EUR 20 million do not trigger the Council comitology procedures. The Commission, however, keeps the Council regularly informed about its planning of Community assistance un-der Art. 3 of the IfS, and informs the Council of the nature and objectives of measures costing up to EUR 20 million. Furthermore, Article 6 (6) urges the Commission to keep the European Parliament informed at an early stage whenever it adopts an exceptional assistance measures.

With regards to the long-term component of the Instrument for Stability, multi-country strategy papers and thematic strategy papers constitute the general basis for implementation; in both cases, the Commission is asked to ensure that the specific needs of the individual country along with the general international context to which it is exposed is taken into account (Art. 7 [2]). Strategy papers need to be consistent with strategic program-

ming under other Community instruments and "*where appropriate, be based on a dialogue with the partner country, countries or region concerned, including with civil society, so as to support national development strategies and to ensure the participation and involvement of the partner country, countries or region*" (Art. 7 [4]).

Article 7 (2) proposes to accompany each multi-country strategy paper with a multi-annual indicative programme, which summarises the priority areas targeted for Community assistance, the objectives to be met as well as the expected outcome and timeframe of support including the financial allocation. In order to determine the scope of each financial allocation, multi-annual indicative programmes intend using transparent and performance-driven criteria "*taking into account the particular difficulties faced by countries or regions in crisis and conflict*" (Art. 7 [6]). Annual action programmes set out concrete measures to be agreed upon in the multi-country strategy papers and thematic strategy papers. On an annual basis, these programmes are expected to:

> "*[…] specify the objectives pursued, the fields of intervention, the expected results, the management procedures and total amount of financing planned. They shall contain a summary description of the operations to be financed, an indication of the amounts allocated for each operation and an indicative implementation timetable. Where relevant, they should include the results of any lessons learned from previous assistance. Objectives shall be measurable*" (Art. 8 [2]).

Finally, the Commission may also enact, in the event of unforeseen events, special measures not provided for in multi-country or thematic strategy papers. In cases where special measures incur costs higher than EUR 5 million, the comitology procedure will apply, according to Article 22 (2) of the regulation. Whenever the financing is below this threshold, the Commission is only expected to inform the Committee within one month of adopting the special measure.

4.4.4 Beneficiaries and types of funding

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 programmes, sectoral or general budget support, general import-support programmes 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.

4.5   The Peace-building Partnership (PBP)

Under the crisis-preparedness component (see Article 4 [3]) of the Instrument for Stability a so-called Peace-building Partnership has been established. The IfS regulation itself is neither explicit about the concept of 'peace-building' nor does it mention the term 'peace-building partnership' in any conspicuous manner. The PBP aims at

> *"building and strengthening the capacity of international, regional and sub-regional organisations, 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;*
>
> *(b) improving post-conflict and post-disaster recovery" (Art. 4 [3]).*

Supported within the framework of the Peace-building Partnership 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 partnership itself was launched at a conference 'From Early Warning to Early Action' in November 2007 in Brussels. The PBP aims to foster a network specialised 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 other partners (UNDP and AU) and relevant agencies in the Member States (e. g. European Group on Training).

The 2007-2011 Strategy Paper for the Instrument for Stability envisages 100 million euro for crisis-preparedness component from 2007–2013 (see European Commission 2006, 21). The 2007–2008 Indicative Programme disbursed EUR 15 million for "*capacity-building for crisis response*"; the draft 2009–2011 Indicative Programme envisaged EUR 30-39 million for building capacity for effective crisis response.

After the 2008 call for proposals from civil society for capacity-building (published in mid-March 2008) and for organisation of round-tables (published in mid-May 2008), the Peace-building Partnership is currently in the midst of a 'pause for reflection' in order to carry out a stocking-taking and to draw up lessons learned which may inform the future direction of the action (Interview 7). With a view to liaise with NGOs, the Commission offers to hold regular consultation meetings with civil society organisations in the context of the Peace-building Partnership – three such meetings were held in 2008. In addition to representatives from civil society, relevant representatives from Member States and from the European Parliament are invited to these meetings. Furthermore, the European Commission has also set-up a PBP website where organisations can join in order to receive information about future call for proposals.

The draft 2009 Annual Action Programme confirms the Commission's commitment to continue working with civil society organisations on peace-building issues and to provide adequate funding to this purpose. With regards to other target organisations, 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.

The PBP clearly does not match the expectations of many NGOs which had been pursuing more ambitious goals in the area of peace-building, including a "*genuine European Peace-Building Agency – [as] a counterpart to the European Defence Agency*" (European Commission 2008c, 214). Yet, as explained by a representative from EPLO, the partnership takes *"some small steps in the right direction"* (Interview 3).

4.6   First practice and experience with the Instrument for Stability

The launch of the Instrument for Stability in 2007 strengthened the Commission's crisis response capacity, because the short-term component of the IfS – the crisis response focus – contains the largest financial part of the Instrument for Stability. During the period 2007 to 2013, the overall budget for the IfS is EUR 2 062 billion. From this amount, Article 24 of the regu-

lation specifies not more than 7 %, 15 % and 5 % respectively are allocated to each of the measures listed under the long-term component of the instrument (Art. 4 [1–3]), i. e. threats to law and order, risk mitigation and preparedness *vis-à-vis* ABC material and pre- and post-crisis preparedness. These thresholds take into account the intention of the Council and the European Parliament that the Instrument for Stability should primarily be designed as an instrument for crisis response, and that IfS-funded long-term measures should not be a substitute for those that could be more effectively delivered under country or regional strategies, which are in turn funded by the main geographic financing instruments (see European Commission 2006, 20). Consequently, at least 73 % or EUR 1 505 billion may be used for crisis response measures. When compared to the RRM, the crisis response capacity has increased considerably in terms of both financial allocation and potential duration of measures. This can occur up to 24 months, i. e. 18 months with the possibility of extension under certain conditions, see Box 9.

Box 9:   The Instrument for Stability in 2007

In its annual report the 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. Democratic Republic of the Congo, 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

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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 organised in a new Peace-building Partnership whose main aim is to mobilise and consolidate civilian expertise (including civil society organisations, international organisations 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 Directorate-General 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 programmes – 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 mobilised "*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 programmes are often crafted involving

discussions with a wide range from actors from the European institutions, the Member States and civil society. Indeed, if we look at the policy cycle of the IfS, a number of entry points exist for these actors to exercise an influence.

4.7 Managing the security-development nexus: The legal dimension

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

4.7.1 Conflict prevention and conflict management

Article 3 [2]a makes clear that issues relating to conflict prevention and management are not entirely out of the scope of Community competence. It was, for instance, already under the RRM that the Community provided direct budgetary support to the United Nations Mission in Kosovo (UNMIK), 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 among its objectives, the "*military monitoring and peacekeeping or peace-support operations (including those with a civilian component) conducted by regional and sub-regional organisations and other coalitions of states operating with United Nations endorsement […]*" (European Commission 2004, 15), no such reference has prevailed. This implies that the Community shall not be mobilised in military conflict prevention (neither by financial nor technical support). 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. 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 Consensus on Development' – a

document which is mentioned explicitly in the IfS regulation. This is provided that these measures are of a rather civilian nature in their support of international and regional organisations.

4.7.2 Security sector reform, democracy, rule of law and human rights

According to Article 177 (2) and 181a, Community policy should contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms. In 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 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 2008, 74 f.). If measures focussing 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 (see Box 10).

Box 10: Drawing the line between security and development in practice
From July 2004 to July 2005, the European Union launched its first ESDP Rule of Law mission (EUJUST THEMIS), deployed in Georgia (Council Joint Action 2004/523/CFSP of 28 June 2004). In the framework of EUJUST THEMIS, senior personnel supported, mentored and advised Ministers, senior officials and appropriate bodies at the level of the central government. EUJUST THEMIS was designed to support the Georgian authorities in addressing urgent challenges to the criminal justice system; so assisting the Georgian government in the development of a coordinated overall approach to the reform process would have been an appropriate use of Community rather than ESDP instruments. That is why, as Hoffmeister assumes, the mission has subsequently been transformed into a TACIS project without any major structural changes to its content and objectives (see Hoffmeister 2008, 67 f.). The second ESDP Rule of Law mission to Iraq, in turn, deployed more than 1200 trained staff from the judicial sector to

support the transition to rule of law. In terms of its objectives, but also due to its sheer size and more politically sensitive context, the Iraqi mission had to be mobilised under pillar II.

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 the 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 focussed instead on the judicial sector whereas the Council focussed 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 demobilisation, 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.

4.7.3 Antipersonnel landmines and small arms

Mine detection and clearance as well as small arms control have been other contested issues. While Article 3 (h) clearly states the Community's competence in dealing with "*the socio-economic impact on the civilian population of antipersonnel landmines, unexploded ordnance or explosive remnants of war*" and "*cover risk education, victim assistance, mine detection and clearance and, in conjunction therewith, stockpile destruction*", support for measures to combat the proliferation of arms was not included (Art. 3 [h]). The exclusion of anti-small arms measures was due to a relevant pending Court case in the ECOWAS region. Thus, as the Council assumed

a pillar I competence in that regard, it was eager to maintain the differentiation at that time. However, given the courts ruling in favour of the Commission's stance, it is likely to see small arms being included as a Community competence relatively soon.

4.7.4 Fight against terrorism

Article 4 (1) a speaks to an area which, in principle, is governed by the third pillar and upholds that the Community should contribute towards "*strengthening the capacity of law enforcement and judicial and civil authorities involved in the fight against terrorism and organised crime.*" Therefore, the IfS acquires a role – albeit a limited one – in this particular area. The IfS regulation, in turn, refers to the 25 March 2004 European Council Declaration on Combating Terrorism, which called for counter-terrorist objectives to be integrated into external assistance programmes. The European Court of Justice, however, has so far prevented the Commission from taking up a key role in the fight against terrorism (see Box 11) while at the same time acknowledging the Council's recommendation for further streamlining external action.

Box 11: Judgment of the Court (Grand Chamber) of 23 October 2007 – European Parliament v Commission of the European Communities

In the present case the European Parliament sought annulment of the Commission's decision approving a project relating to the security of the borders of the Philippines to be financed by the European Communities. The decision, based on considerations connected with the fight against terrorism and international crime, was adopted to implement Council Regulation (European Economic Community) No. 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America. The Parliament argued that by adopting the contested decision, the European Commission had exceeded the implementing powers conferred upon it by the regulation in question, as the Regulation No. 443/92 does not provide a legal basis for such a decision.

The court noted that there was no express reference for the fight against terrorism in Regulation No. 443/92 and hence there could not be any implementing competence in this regard. Thus the court annulled the Commission's decision (see Engström 2008, 139 ff.).

Yet, as said, towards the backdrop of the IfS the EC competences with regards to fighting terrorism are defined in clear terms. More importantly, in both the ECJ's and the IfS' language, terrorism is put on an equal footing with international organised crime, thus explicitly differentiating the 'European' concept of terrorism from the one forged during the tenure of the George W. Bush administration.

4.7.5 Proliferation of chemical, biological and nuclear material

Article 4 (2) of the IfS regulation identifies risk mitigation and preparedness relating to chemical, biological, radiological and nuclear materials or agents as an area of Community competence. There again the IfS walks a thin line between the pillars. In contrast to the Commission's draft proposal, there is no further reference to weapons of mass destruction (WMD). Since the launch of the European Security Strategy and the WMD Strategy, initiatives focussing on the proliferation of WMD have to originate with the CFSP. At the same time, important financial allocations are necessary to provide funding for alternatives to military research with nuclear materials. As a consequence, the IfS provisions allow the Community budget to provide for the financing of civilian nuclear research.

4.8 Managing the security-development nexus: 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 focussing on coherence, flexibility and inclusiveness.

4.8.1 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, it is suffice 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 programmes. In principle, Member States represented in the PSC have the opportunity to comment on the Commission proposals. From the German side, however, 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 6) nor *"major problems with the Member States"* (Interview 7). 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.

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 2008, 74). 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, the ECOWAS case has confirmed Community competence in the area of stockpiling and destroying small weapons and arms. Community measures enshrine technical and financial assistance to support programmes, 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.

Last but by all means not least, the IfS contains at the level of secondary EC law, a provision to foster coherence in the EU's external relations for the very first time. Consequently, the IfS regulation entails a secondary law provision-solidifying Article 3 (2) of the EU Treaty's political commitment to coherence. Whether or not this will allow the ECJ to rule on breaches of this provision remains to be seen.

As for the practice of the Instrument for Stability, the assessment of the European Parliament Budget Committee is certainly correct:

> "*The hard truth is that today's challenges are not structured along any institutional delimitation of competences. Moreover, experience shows that more support needs to be given to activities that fall precisely in the grey area between traditional foreign and development policies.*
>
> *That is why the Instrument for Stability should allow the EU to respond to crises by building bridges between Community action and CFSP operations. In any event, the accent should therefore be placed on the best ways for the Commission and Council to facilitate cross-pillar coordination and combine and strengthen their roles*" (European Parliament 2006, 78 f.).

Although the regulation makes some far-reaching concessions *vis-à-vis* 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 the reasons mentioned above, it will certainly help to circumscribe the basis of each of the bridge's pillars, increasing legal security *vis-à-vis* the measures to be sponsored by the IfS. Making the security-development work ultimately remains a political task of all actors involved, the Commission, the Council, the European Parliament as well as the Member States.

4.8.2 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 is considered more apolitical in its character, the Community can act within 8 to 12 weeks, and continue to act for up to 18 months. As demonstrated, the IfS provides an important link for long-term (geographical) programmes to kick in again. For example, the IfS has been used to respond to and mitigate the effects of the 5-day war between Georgia and Russia in August 2008. Currently, the Commission has asked a consultancy to provide an assessment of the IfS impact in third countries (Interview 2). So far, as the European Commission states, no evaluations have been realised, so it is impossible to estimate the Instruments added-value and effectiveness in terms of providing sustainable links with other EC external instruments (CFSP/ESDP) as well as activities of other international and regional organisations. For instance, it is not yet clear how exactly IfS activities are integrated into long-term programmes funded by the Development Cooperation Instrument (DCI).

4.8.3   Inclusiveness

With regards 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 as regards 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 remarkable, as the scope of the European Parliament's involvement in matters of CFSP remains remarkably low. 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.

Inter-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 5). As the Commission keeps the Parliament informed about its measures, in particu-

lar 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 organisations 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 Programme will pursue a three-pronged approach: First, the Peace-building Partnership that strengthens the capacity of non-state actors active in the field of peace-building; second, further development of cooperation with international and regional organisations, in particular with regard to early warning aspects; and third, continuing to build-up the EU's capability to contribute to international civilian stabilisation missions through operational training of EU police experts. According to a Commission official, approximately one hundred NGOs (Interview 2) – among them some of Europe's biggest like International Alert and the EP-LO – have responded to a call for proposals.

Some smaller NGOs have expressed concerns with regards to this approach, fearing that it will prioritise 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 organisations, in particular the African Union and sub-regional communities as well as UNDP, World Bank and the UNPBC. However with regards to the latter, one Commission official affirmed that the EU has no intention of contributing directly to the UNPBC peace fund (Interview 2). 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.

5 Conclusions and policy recommendations

With a total budget of EUR 2 062 million for the period 2007-13, out of which approximately 73 % are non-programmable funds to respond to crisis and conflict situations, the Instrument for Stability definitely is highly flexible. It came as twist of fate that EUR 240 million will be redeployed from the IfS and channelled towards the EU's newly created Flexibility Instrument (FI) or Food Facility[18] as the European Union had committed funds equalling EUR 1 billion to counter the effects of the world food crisis. Although the IfS budget of 2009 has been reduced by EUR 70 million to EUR 134.769 million, it would be wrong to entirely dismiss the Instrument for Stability.

Still, the Instrument for Stability constitutes the European Community's main policy tool for providing financial assistance to countries in situations of (emerging) crisis that seeks to support stability by providing an effective response, to help preserve, establish or re-establish the conditions essential to the proper implementation of the community's development and cooperation policies. This new instrument has been forged against the background of on-going international debates on the complex relationship between development and security – a debate that has increasingly been framed in terms of a 'nexus', which means that both are intrinsically linked and mutually reinforcing. That there is 'no development without security' has in the meantime become common currency in both security and development communities alike, despite still existing 'cultural differences' exacerbated by a general reluctance to engage with each other. These debates have informed various international actors and governments, as much as their policy discourses and policy-making practices – in particular the European Union. As for the European Union, development and defence ministers met at their first joint Council meeting in November 2007 acknowledging that

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18 *"EUR 240 million in commitment appropriations will be redeployed within heading 4 from the Instrument for Stability […] of which EUR 70 million in 2009. Regarding the redeployments for 2010, the Commission is invited to present a revised financial programming in order to ensure an orderly progression of the amounts planned over the period 2010-2013, while keeping the annual level of the margin unchanged"* (Council of the European Union 2008, 6).

the nexus between development and security should inform EU strategies and policies with a view to increasing coherence of EU external action.

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. Thus the IfS addresses the time dimension of the security-development nexus by effectively bridging short-term and long-term EU/EC assistance. In addition, if compared to its predecessor, the RRM, the IfS lends the Community additional, yet modest financial muscles in (pre-) crisis management by providing resources for operating within the grey area between traditional foreign and development policies

Furthermore, 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. First, it seeks to increase the potential for coherence within EC external relations (pillar I) itself; second, it also proposes to 'lower the bar' between the EU's individual pillars of its complex governance structure with a view to enabling collaboration between EC external relations, development policy and the Common Foreign and Security Policy (CFSP). Third, as development policy is a shared competence between the European Union and its Member States, it also aims to improve cooperation between the European and national level.

From the perspective of EU law and for the first time in the realm of secondary law, the regulation covering the Instrument for Stability enshrines the obligation for EU institutions to ensure coherence in the external policies of both the European Union and the Community. Anticipating the implementation of the Reform Treaty, the IfS has 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. Together with several recent ECJ rulings, the IfS has ultimately clarified the legal basis for initiating Community or EU action. While some of the ESDP or EC-sponsored missions of the past had suffered quite some legal confusion, the IfS regulation has helped to clarify various aspects of the 'grey zone' existing between security and development at the threshold of EC cooperation policies and CFSP. Given the increase of civilian ESDP missions

over the past five years, this ultimately is a precondition for enhanced coherence between EU institutions.

The making of the Instrument for Stability is a step forward that considerably strengthens the EU's capacity in civilian crisis intervention. It 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 essence of the EU's 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.

Finally, the IfS has strengthened the European Parliament's role in matters of EU foreign policy (see Box 12). 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.

Box 12:   A final assessment by the EP Rapporteur on the Instrument for Stability

"*This is the first time we truly have parliamentary control over future foreign policy planning. That is one of the main achievements of the Instrument for Stability. The other one is the creation of the Peacebuilding Partnership. It provides for the development of a representative network of NGOs engaged in conflict prevention, early warning, peace building and post-conflict operations and it also allows for direct financial support for regional organisations and networks to increase their respective capabilities. For future planning this could be seen as a real nucleus of a European Civil Peace Corps. Without the EP in the negotiations this Peacebuilding Partnership would not have been created.*"

> *After the first two years we can summarise that the cooperation with the Commission is going well. They keep us informed. However, their way of decision making is not always transparent to us. One of our repeated questions related to criteria for their involvement in one crisis and not the other. As two years are hardly sufficient time to implement a new instrument thoroughly we are waiting for long-term achievements and/or failures to understand better the consequences of that instrument. Right now the only alarming tendency is to immediately support ESDP missions although Parliament might have another view on the importance of one or the other ESDP mission. The Stability Instrument was a tool to strengthen the EU as a civilian power not another budget line for military adventures.*"
>
> (Author's correspondence with Angelika Beer, 5 May 2009[19])

5.1   Policy recommendations to European policy-makers

The Instrument for Stability has the potential to improve coherence for the European Union's external action. 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 the IfS a politically responsive EC instrument. Given the early stage of lessons-drawing from the Instrument for Stability, and due to the fact that the mid-term review will occur at some point in spring 2009 (instead of 2010), this study concludes on some tentative recommendations.

1. *Within the European institutions, coordination of units dealing with the security-development nexus (and the IfS for that matter) should be improved.* After the entry into force of the EU External Action Service, the IfS could be used as an entry point for effective Commission and Council collaboration at the level of EU delegations.

2. *The Instrument for Stability should be used in close coordination with CFSP measures, but it should not be framed as a complementary to the CFSP budget only.* The European Parliament has already expressed its non-satisfaction with regards to maintaining the funding of the Kiev

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19   I am grateful to Birte Gäth, assistant to Angelika Beer MEP, for making arrangements for this communication.

and Moscow centres for conversion (funded under the long-term component of the IfS). Ensure that the Instrument for Stability is effectively used as a bridge-builder between security and development policy. In order to increase the EU's capacities in crisis prevention, the IfS needs to command sufficient financial resources.

3. *Given the Commission's paramount role in launching the instrument, it should aim at providing Member States with adequate information ahead of time.* Member States representatives attending committee meetings to screen Commission proposals for the IfS have complained about lack of time. Member States themselves should use this opportunity to increase, wherever appropriate, inter-ministerial coordination and seek to align national efforts with the objectives of the IfS. Collaboration between colleagues of the German Foreign Ministry and Federal Ministry for Economic Cooperation and Development (BMZ) has been described as good in this particular context.

4. *Provided that there is a substantial increase of the budget, it would also be possible to integrate the Peace Facility for Africa into the Instrument for Stability.* If the European Development Fund was to be put into the regular EC budget ('budgetisation'), this could possibly be achieved more easily. By all means it would increase coherence by further reducing the number of different financing instruments for linking security and development policies.

5. *It is a bad sign, if major funding is channelled away from the Instrument for Stability towards different facilities, i.e. the Food Facility.* It is even worse if the objectives are not necessarily diametrically opposed to the ones of the IfS. From a human security perspective the food crisis also is a concern for the Instrument for Stability. Consequently, the IfS – and its Community-based mechanism could, in principle, have been initialled to respond to it. What is more important, however, is to ensure that the IfS can continue to be used as an instrument that proactively forges links between security and development policies.

6. *Although there might be some scepticism about strengthening the role of NGOs, given that it may work in the opposite direction of enhancing coordination, NGOs need to be integrated into policy-shaping and policy-taking phases of the Instrument for Stability.* European NGOs

should be encouraged to strengthen links with other European and, in particular, Southern partners in order to win bids within the Peace-building Partnership. Furthermore, NGOs in the relevant fields should liaise with European Commission Delegations. While it is understandable that NGOs might lobby for integrating peace-building into geographic instruments, it is advantageous to maintain a separate funding stream for civil crisis management at a global scale.

5.2   Policy recommendations to German policy-makers

At the time of its inception, expectations *vis-à-vis* the Instrument for Stability were particularly high within the BMZ. Together with representatives from the Federal Foreign Office the BMZ is taking part in committee (*Verwaltungsausschuss*) meetings that screen Commission proposals for the IfS. The BMZ has provided comments on the Commission's drafts for the 2007 and 2008 Annual Action Programmes, in particular *vis-à-vis* the Peace-building Partnership component and the involvement of NGOs from the South. The BMZ has refrained from commenting on draft proposals for crisis response measures which are discussed within the PSC-format involving representatives from the Member States' Foreign Ministries. Still, the German Foreign Ministry has been highly cooperative and regularly forwarded drafts to the BMZ (Interview 7). It appears that there is some potential within the BMZ to discuss proposals for the IfS in those Country or Regional Council working groups which involve the BMZ.

1. *Build on positive coordination between the Foreign Federal Office and the BMZ.* It appears that the officials from the Foreign Federal Office are willing to cooperate with the BMZ on the IfS. Play a more active role in shaping the IfS' potential impact. Again, while the Instrument has created more clarity in legal terms between cooperation policies and CFSP, it is ultimately about having the political will to build bridges between security and development. The need to provide these links is likely to increase in the very near future, rather than decrease.

2. *Support German and European NGOs in linking up with other European and Southern partners* in *order to win bids within the Peace-building Partnership*. Encourage NGOs in the relevant fields to actively link up with the European Commission Delegation in IfS-targeted countries.

3. *Maintain the separate funding instrument for civil crisis management.*
    While it is understandable that NGOs might lobby for integrating
    peace-building into geographic instruments, it is advantageous to main-
    tain a separate funding instrument for civil crisis management. This is
    simply because the IfS is not just about financing, but about construct-
    ing a security-development nexus within EU foreign policy.

These recommendations are rather preliminary ones, given the absence of
IfS impact evaluations. The mid-term report of the Instrument for Stability
is yet another occasion to acquire more information in order to fully grasp
the IfS capacities and effects. At the same time, this is just another stone in
the mosaic of improving the European Union's capacity to act coherently
on the global stage. As one Commission official (Interview 2) argued, the
potential of the IfS is to be a "*global rather than a regional and purely de-
velopmental tool.*"

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Appendix

Overview: The EU's approaches
vis-à-vis the security-development nexus

21 April 2009	European Commission Communication 'Mid-term review of the financial instruments for external actions'
	European Commission Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1717/2006 establishing an Instrument for Stability
11 April 2008	Annual Report from the Commission to the Council and the European Parliament on the 'Instrument for Stability in 2007 – Executive Summary'
20 Nov 2007	GAERC Conclusions on 'Towards an EU response to situations of fragility'
19 Nov 2007	GEARC Conclusions (in its formation of Development and Defence Ministers) on 'Security and development'
12-13 Nov 2007	Conference 'From Early Warning to Early Action'
8 Nov 2007	PSC agrees on draft 'New civilian headline goal 2010' (approved by the ministerial 'Civilian capabilities improvement conference' and noted by the General Affairs and External Relations Council on 19 November 2007
25 Oct 2007	European Commission Communication 'Towards an EU response to situations of fragility – engaging in difficult environments for sustainable development, stability and peace'
20 Sept 2007	European Commission 'Report on policy coherence for development'
Second half 2007	Policy coherence and fragile states high on the agenda of the Portuguese EU Council Presidency program

20- 21 June 2007	Agreement at the European Council on a mandate for a Reform Treaty to overcome some of the institutional barriers for policy coherence, in particular through the creation of the post of High Representative for Foreign Affairs and Security Policy (by 2009) and European External Action Service
28 Feb 2007	European Commission Communication 'Code of conduct on complementarity and the division of labour in development policy'
1 Jan 2007	The Instrument for Stability becomes operational
8 June 2006	European Commission Communication on 'Europe in the World – Some practical proposals for greater coherence, effectiveness and visibility'
24 May 2006	European Commission Communication on 'A Concept for European Community support for security sector reform'
22 Nov 2005	"The European Consensus": Joint Statement by the Council and the representatives of the Governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy
12 Oct 2005	European Commission Communication 'EU Strategy for Africa: Towards a Euro-African pact to accelerate Africa's development'
24 May 2005	With regards to the Commission Communication on Policy Coherence for Development, the GAERC acknowledges that security is among priorities for policy coherence for development
12 April 2005	Policy Coherence for Development – Accelerating progress towards attaining the Millennium Development Goals (Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee)

29 Oct 2004	Constitutional Treaty signed in Rome
	The Treaty integrates the EU's external action into one chapter emphasising the need for further policy coherence. More clearly than before, the long-term goal of poverty eradication is declared to be a primary objective of Union development cooperation policy.
	"[…] The Union shall ensure consistency between the different areas of its external action and between these and its other policies" (art. III - 292).
	[…] The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries. […]" (art. III - 316).
17 Dec 2004	Brussels European Council endorses 'The civilian headline goal 2008' which sets out the EU's ambitions for civilian ESDP
7 Nov 2002	European Commission Communication on 'Participation of non-state actors in EC development policy'
21 - 22 June 2002	Creation of a new General Affairs and External Relations Council integrating "the whole of the Union's external action, namely common foreign and security policy, European security and defence policy, foreign trade, development cooperation and humanitarian aid." (Seville European Council, Presidency Conclusions, 22)
11 April 2001	European Commission Communication on 'Conflict prevention'
6 March 1996	European Commission Communication 'The European Union and the issue of conflicts in Africa: Peace-building, conflict prevention and beyond'
1 Nov 1993	Treaty of Maastricht enters into force containing provisions on coherence in external relations and development cooperation (art. 3 TEU an art. 178 TEC)

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Interview 3: Member of the European Peace-building Liaison Office (EP-LO), Brussels, 18 September 2008.

Interview 4: Staff of the Administration, European Parliament, Committee on Foreign Affairs (AFET), Brussels, 18 September 2008.

Interview 5: Staff of the Administration, Directorate-General for External Policies of the Union, Policy Department, European Parliament, Brussels, 14 October 2008.

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