

The EU's New External Action Architecture

**Putting sustainable development, human rights,
gender equality and human security at its core**

Introduction

The position of the European Union on development policy was made both explicit and legally binding with the enactment of the Lisbon Treaty. Per the treaty, development policy is an area of EU policy in its own right, with the eradication of poverty as the primary objective. The Lisbon Treaty in its entirety was created to help the EU function more effectively, both within the Union and towards the rest of the world. The treaty's provisions on development policy make it clear that the EU has a responsibility to carry out effective operations specifically toward the developing world.

The European External Action Service (EEAS) was introduced by the Treaty to help conduct the EU's foreign affairs and security policy. Consistent with the Treaty's provisions, its primary goal should be to establish rights- and values-based foreign policies and fair and mutually beneficial cooperation with third countries rather than simply aiming to advance Europe's interests around the world.

The European Institutions that have been given responsibility to carry out the Treaty's objectives must be aligned—both with one another and with a perspective to establish rights-based foreign policies. CONCORD urges that the necessary reforms to these institutions, outlined below, be enacted, and that the EU strengthen its mechanisms for Policy Coherence for Development (PCD). Institutions must have a clearly outlined set of responsibilities, a defined path of accountability and transparency, and the requisite capacity to achieve the work to which they have been assigned.

Our Vision of the EU as a Global Actor

The Lisbon Treaty was created and adopted to increase the ability of the European Union to function efficiently as a community of sovereign European states and thereby to increase the effectiveness of its actions, both within the EU and towards the rest of the world.

One main objective in adopting the Lisbon Treaty was to increase the coordination and effectiveness of its external actions by creating the European External Action Service (EEAS). The EEAS provides important opportunities to strengthen the EU's capacity to pursue its development policy objectives. The EEAS was introduced by the Treaty to help the High Representative (HR) to conduct the EU's foreign affairs and security policy. Its primary goal should be to establish rights- and values-based foreign policies and fair and mutually beneficial cooperation with third-world countries rather than prioritising Europe's own economic and security interests in the world. It should also prioritise and mainstream long term conflict prevention across the EU regional strategies to ensure a meaningful contribution to stability and sustainable development.

The Treaty states that the Union's development policy is an EU policy area in its own right and acknowledges it provides the principal framework governing EU cooperation with all developing countries as defined by the Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC). It states that the primary objective of the Union's development policy is the eradication of poverty and the protection of human rights, in particular the rights of the child¹.

The achievements of the Millennium Development Goals (MDGs), including gender equality, is key. The sustainable development of the Earth, solidarity and mutual respect among peoples, and the observance of international law are also mentioned². As such, it is imperative that the work of the EEAS remain focused on serving poverty eradication, human rights and sustainable development, and not be diluted by other foreign policy interests.

Therefore, CONCORD recommends the following:

1. Development objectives at core of EU external relations with developing countries:

The EU's external operations and dialogue with developing countries must have a commitment to sustainable development, human rights, gender equality and human security at their core, as set out in the Lisbon Treaty, the Cotonou agreement, as well as by OECD DAC criteria. This is key to establishing peaceful, prosperous societies engaged in constructive relationships with the EU whether on matters concerning issues of politics, the environment, the economy or security. The Lisbon Treaty, the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015 (hereafter EU Gender Action Plan)³.

The EU Programme for the prevention of violent conflicts, the EU Consensus on Development⁴ and the EU's international commitments should be the guiding political framework for cooperation towards all developing countries without distinction. All policies must ensure that they are not undermining development objectives, and whenever possible assist in their fulfilment in accordance with the principle of Policy Coherence for Development (PCD)⁵

2. Transparency, democratic ownership, accountability, and scrutiny:

Transparency and democratic scrutiny over development cooperation policy, programming and implementation in all developing countries and any policy that might impact on developing countries should be ensured. Democratic ownership and accountability of all development actors should be promoted at all levels by EU institutions.

The EU and the Global Agenda

The EU external action policies which will be implemented by the EEAS must be based on the same values as the EU itself is founded upon⁶—respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of the child and of persons belonging to minority groups. Additionally, the EEAS is uniquely positioned to set best practice and be of inspiration in resolving some of the traditionally complicated aspects of international relations such as lack of transparency and accountability in foreign policy.

The EU and therefore the EEAS should actively work to influence the global agenda in favour of human rights, gender equality, human development, conflict prevention and human security.

¹ Article 208 (1)

² Article 3 (5)

³ http://ec.europa.eu/development/icenter/repository/SEC_2010_265_gender_action_plan_EN.pdf

⁴ http://ec.europa.eu/development/icenter/repository/eu_consensus_en.pdf

⁵ Article 208(2) TFEU

⁶ Article 2 and 3(5) of the TEU

Therefore, CONCORD recommends:

- 1. Strengthening multilateralism:** The EU should work to reinforce the UN system as the most legitimate setting where the least-developed countries can have a voice in decision making on global matters impacting them. This should include strengthening the effectiveness of fora such as the UNFCCC/Kyoto Protocol, Committee on Food Security, UN Women, UNPFA, and Financing for Development process. The EU should also work towards the reform of the main political and security, social and economic decision-making bodies to become more representative.
- 2. Promote regional integration and use strategic partnerships:** The EU must build progressive alliances in international negotiations, and encourage emerging powers to take leadership and to foster regional and global progress on human rights, gender equality, development and conflict prevention.
- 3. EU representation in international institutions/fora:** The ability of the EU to influence the global agenda will be strengthened significantly as we move towards unified EU representation. The EU can then leverage this shift to ensure the voices of developing countries are increasingly heard, with particular attention to Africa, for example, in the World Bank, IMF and G20.
- 4. EU weight in international decision-making:** The EU's internal common position-building gives it opportunity to set the agenda and act as a leader in the global arena. The Union should better use the comprehensive set of EU policy tools (e.g. incentives/repercussions related to EU common policies) as a bargaining chip with other influential actors in negotiations – but in line with EU values, and not by arm-twisting poor countries.

The EEAS has numerous instruments through which these principles can be advanced bilaterally and in global fora. However, it remains fundamental that at any given time and in pursuit of any given goal or objective the fundamental principles of poverty eradication, universal human rights, gender equality, solidarity and global social justice are not violated nor neglected.

The EU Institutions and their Respective Roles

The future DG DevCo

CONCORD welcomes the Commission's decision to establish a single service for development. It is crucial that the new EuropeAid Development and Co-operation Directorate-General (DG DevCo) secures a prominent role and leadership position in shaping development policy within Europe and beyond.

Therefore, CONCORD recommends:

Capacity: DevCo should have adequate policy capacity to be a global development leader. Additionally, the DevCo programming unit should be reinforced, enabling it to play an overall guidance and monitoring role in the elaboration of country strategies and the programming of aid instruments under its remit.

Structure: DevCo should be structured to maximise its ability to cooperate with the EEAS at the technical and political level on development, including on policy coherence for development (PCD).

Cooperation: DevCo staff with geographical responsibilities should work in close cooperation with the EEAS geographic DGs and EU delegations and retain a political mandate and role in the oversight of the elaboration and implementation of country strategies.

The EEAS

The EEAS is the institution created to achieve the EU's common foreign affairs, security and defence policy objectives. EEAS has a responsibility to implement policies towards developing countries that uphold the Lisbon Treaty principles on development. Thus, whilst development leadership remains firmly with the European Commission, the EEAS also requires strong human rights, gender equality, long term conflict prevention and development expertise and understanding.

Therefore, CONCORD recommends:

Responsibility & expertise: Staff seconded from Member States and from other EU institutions, as well as new EU Delegations, should have development, gender equality and human rights, child rights, conflict sensitivity and conflict prevention expertise, both at policy and implementation levels. Appropriate training should be completed regularly. Geographic desk officers and units of the EEAS having responsibility and oversight on developing countries should be mandated to implement EU development policy objectives in respect of the Treaty, the EU consensus on development and the EU Gender Action Plan, and should have the competences necessary to conduct that mandate.

Gender Desk & Women's Right Task Force: A Gender Desk and a Women's Rights Task Force should be put into place in order to guarantee gender mainstreaming in Foreign Policy and Development as well as to monitor Women's Rights promotion at all levels of policy-making and implementation.

Cooperation: Strong lines of cooperation should be established and maintained between the EEAS and DG DevCo at staff level as well as at the level of leadership as development remains a central objective of EU external action.

The Development Council

The Council of Development Ministers should continue to play a key role in three main areas: the strategy and coordination of EU development policies and programmes (shared competence); input into decision-making processes on issues and legislation that have key development implications and impact; and decision-making on EU strategies and actions with regards to specific developing countries or regions, in cooperation with foreign ministers.

Therefore, CONCORD recommends:

Adequate Meeting Schedule: In order to create ample opportunity to discuss and advance development initiatives, development ministers need to meet frequently amongst themselves as well as with foreign ministers.

Long-Term Planning Via Rotating Presidency: The rotating presidency chairing the Council groups that prepare Development Ministers' meetings should ensure a strategic long-term planning focus for the EU development policy. Such policy must be rooted in a long-term view for sustainable development results and not be undermined by an ad hoc crisis management agenda. The rotating presidencies should continue to build a united EU approach with strong initiatives to ensure the EU plays an active and substantive role in promoting an enabling environment for development.

Focus on Development in the EEAS

Security and development

CONCORD's concept of security goes beyond traditional state-based security and the absence of war and physical violence. It includes that basic rights are met, human dignity is respected, natural resources are protected, people are protected from avoidable harm, and peace with justice is established. Contradictions between security and development goals begin when the object of security initiatives becomes merely about the state's safety rather than the protection of its people. Security and justice should therefore be considered as basic services provided for the benefit of the people, responsive to their needs and concerns.

CONCORD is concerned that countries and regions of strategic importance to the EU will benefit most from efforts and financial support to the detriment of countries and regions where needs are greater, but which may be of less strategic interest to the EU. The current tendency to use development resources to finance "military" purposes (e.g., undercover capacity building for military forces) and the involvement of military forces in aid delivery are concerning trends. EEAS is responsible for European security and will also be closely involved in aid programming; it is important to ensure that

EEAS recognizes and abides by the reality that aid driven by regional and global security concerns has historically been the least conducive to human development. The prioritisation of long term conflict prevention aiming to address the root causes of conflicts through the adoption of 'conflict-sensitive' approaches can be a way forward to ensure the security and development nexus is a mutually reinforcing dynamic. The EU has made commitments in that respect⁷ which implementation should be enhanced with the set up of the EEAS.

Therefore, CONCORD recommends:

Screening of policies and programmes: All EU external policies should be subject to an analysis of their impact on conflict dynamics and according to a holistic human security concept based on international norms and standards signed by the EU Member States. The latter include the "EU Comprehensive Approach"⁸ addressing gender in conflict as well as the EU Gender Action Plan's recommendation related to conflict. Conflict sensitivity has been identified as a very important approach to contribute to conflict prevention and challenges to its implementation must be overcome. In that sense, awareness needs to be raised across the service, and at all levels, on the rationale, benefits and practical implications of applying conflict sensitivity in the work of the EEAS. European projects, strategies and programmes should systematically integrate conflict sensitivity and 'do no harm' approaches and be screened according to them. This practice should also be encouraged and rewarded internally.

Responsible investment and defence policies: Responsibility of the EU in conflict-prone areas should be addressed by regulating all European, or European facilitated, investments to conflict sensitive corporate responsibility principles and by strengthening the European Code of Conduct on Arms Exports and the delivery and post-delivery controls of EU arms exports.

Integrity of budgets and objectives: The EU must allocate its budget in accordance with the fact that development aid driven by regional and global security concerns has historically been the least conducive to human development. There should be no further erosion of the civilian character of development cooperation and Official Development Assistance (ODA) through the inclusion of military or quasi-military expenditures or the channelling of aid through military actors. Humanitarian aid and relief efforts should strictly respect humanitarian law and principles—humanitarian imperative, impartiality, independence and neutrality—and should never be used to pursue particular political interests.

Coordination: The EEAS should provide the EU with the ability to coordinate and employ the appropriate range of instruments available for complex situations whilst upholding its fundamental principles of solidarity, equality and social justice. It is crucial that these interventions are in accordance with the objective of eradication of poverty. In particular, the EEAS should give special attention to marginalized communities and groups in order to create foundations for the stability of the country. Numerous international instruments and Conventions exist in this regard.

Transparency and Accountability: The EU and its Member States have a joint responsibility to ensure that decision-making processes leading to joint initiatives in favour of peace and security are transparent and democratic. Information on their implementation must be made available to national and European parliaments and to civil society actors, including Women's Rights defenders, and populations directly or indirectly concerned by the operations.

Policy Coherence for Development

Development aid alone cannot meet the needs of developing countries. Many European Union policies outside of official development assistance, such as trade, tax, agriculture and security, have a profound impact on developing countries and ultimately peoples' rights.

It is crucial that these policies do not undermine rights nor the achievement of development objectives. Whenever possible, EU policies should assist development objectives and at a very minimum, they should not cause harm.

The European Union is legally obliged to take into account the objectives of development cooperation in the policies that it implements, which are likely to affect developing countries as stated by the Lisbon Treaty (article 208).

⁷ EU Programme for the Prevention of violent conflict (2001), Council Conclusions on security and development (2007), Council Conclusions on an EU response to situations of Fragility (2007).

⁸ December 2008

Therefore, CONCORD recommends:

Establish clear lines of responsibility and capacity to act on PCD: there must be responsibility both at the political and policy levels on PCD. Ultimately political responsibility for PCD should be with the President of the European Commission who has full oversight of all EU policies. He/she should have adequate support to carry out the responsibility. The High Representative, in his/her role of Vice President of the Commission should support the President in this capacity. At the policy level, the Commissioner for Development must have responsibility for PCD and report to the President of the Commission. The Commissioner should agree with the EEAS in the upcoming Memorandum of Understanding who from both entities will be involved in implementing PCD, how capacity will be enhanced to deliver PCD and what mechanism will be used across the institutions and in cooperation with the member states.

Demonstrate political commitment to PCD: The EU must acknowledge and act upon its responsibility for Policy Coherence for Development (PCD) as set down in the Treaty. It must recognise the opportunity represented by the institutional reform process in improving the EU's overall record on PCD and ultimately on human rights, development and conflict prevention. In particular the HR/VP in her/his new role should express political commitment to the PCD agenda and to the EU role as a strong development actor.

Ensure inter-Institutional collaboration: Meeting the legal treaty commitment on PCD requires strong collaboration between DevCo, the EEAS and other DGs in the Commission, both those dealing with internal and external policies of the EU.

Guarantee accountability on PCD: Set up an annual meeting of a Development Forum composed of Commission, Council, European Parliament and NGO representatives to monitor the progress o.a. on PCD. Ensure in particular a strong role for the European Parliament's Development Committee and the Special Rapporteur in monitoring PCD in the EEAS.

Put in place a mechanism of recourse: The EU must put in place a mechanism to hold it to account on its PCD obligations, by giving responsibility to the European Ombudsman for dealing with cases of policies which are incoherent with development goals, as suggested by the European Parliament's Report on PCD.

Improve the record of the Member States on PCD: The EEAS should ensure that, through its own nature of ensuring consistency, coordination and coherence, member states will enhance their coordination and be sensitised to some of the major incoherencies holding back development so far. The Council of development ministers should play a leading role in making sure that EU commitments on PCD are respected throughout legislative and policy making processes.

Conclusions

The EU is positioned to have a significant—and positive—impact on the global arena with regards to development cooperation. As the EEAS is established, it is vital that the EU recognize and seize the opportunity of its role as a global actor not just for its own interests, but in accordance with the mandate set out in the Lisbon Treaty to partner with developing countries in the eradication of poverty and the advocacy of human rights and building long lasting peace.

Influencing this level of global change will require committed, consistent and coherent steps by all EU institutions connected to development. At all levels, from policymakers to seconded staff, there must be clear communication and accountability for the responsibilities set before these institutions with regard to human rights and poverty eradication.

CONCORD urges the EU to reform its institutions to comply with the human rights and development provisions of the Lisbon Treaty, to collaborate toward greater effectiveness, to clearly delineate responsibilities for development goals, and to establish a clear system of accountability, both within the institutions and to the public. If these recommendations are followed, the EU has the opportunity to make a historic contribution to the state of international development.