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WORKING PAPER 24

BETWEEN AMBITIONS AND REALITIES: THE PATHWAY OF EUROPEAN DEVELOPMENT COOPERATION SINCE MAASTRICHT

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IMPRESSUM

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Zusammenfassung

Für die Europäische Union (EU) und somit auch für die europäische Entwicklungszusammenarbeit (EZA) stehen in den nächsten Jahren sehr wichtige Entscheidungen an. Nach den kürzlich erfolgten Wahlen zum Europaparlament und in Hinblick auf das Referendum der Iren im Herbst 2009 sind sowohl umfassende Reformen der europäischen Institutionen als auch wichtige Personalentscheidungen vorzunehmen. Hinsichtlich der europäischen Entwicklungspolitik sind für nächstes Jahr wichtige Monitoring- und Reviewberichte vorgesehen; unter anderem der neuen Entwicklungsinstrumente, des europäischen ‚Code of Conduct' für die Arbeitsteilung innerhalb der EU-Entwicklungspolitik, oder der finanziellen Selbstverpflichtungen für die öffentliche Entwicklungszusammenarbeit (ODA) der EU-Mitgliedstaaten, die 2010 an konkreten Zielen gemessen werden können. Basierend auf den Ergebnissen dieser Beobachtungen muss die Ausrichtung der europäischen Entwicklungszusammenarbeit entweder in ihrer derzeitigen Form bestärkt oder reformiert werden. Mit Blick auf das Ende des aktuellen mehrjährigen Finanzrahmens im Jahr 2013 und dem Auslaufen der Millennium Entwicklungsziele (MDGs) zwei Jahre später müssen wichtige Entscheidungen zur langfristigen Schwerpunktsetzung der EU-EZA getroffen werden. Um die Ausgangslage entsprechend beurteilen zu können ist es wichtig, die bisherige Entwicklung der Entwicklungszusammenarbeit zu verstehen. Dabei ist zentral, dass einerseits die Ambitionen, die aus den Regelwerken (Verträge) oder des so genannten ‚soft law' (Selbstverpflichtungen, Absichtserklärungen die keinen rechtsverbindlichen Charakter besitzen) hervorgehen und die Verpflichtungen, die den Mitgliedstaaten und der Gemeinschaft durch die Zustimmung zu internationalen Abkommen entstehen, zu betrachten. Anderseits müssen die konkreten Maßnahmen der europäischen Entwicklungspolitik beurteilt werden. Dadurch kann man abwägen, inwieweit die europäische Entwicklungszusammenarbeit ihren eigenen Vorstellungen gerecht wird.

Ausgangspunkt für die Analyse ist der Vertrag von Maastricht des Jahres 1992, der zum ersten Mal formell einen breiten Ansatz für eine europäische Entwicklungszusammenarbeit der europäischen Institutionen rechtswirksam verankert. Bei einem Inkrafttreten des Vertrags von Lissabon würde ein umfassender Umbau der Institutionen eingeleitet werden. Der bisherige Aufbau, geprägt durch eine Dualität aus supranationaler (Europäische Gemeinschaft – EG) und zwischenstaatlicher Ebene verschmilzt zu einer einzigen gemeinschaftlichen Ebene der Europäischen Union. Alle Politiken steigen somit zu Gemeinschaftspolitiken auf, wobei einzig Entscheidungen hinsichtlich der Gemeinsamen Außen- und Sicherheitspolitik (GASP) exklusiv vom Rat der Europäischen Union, ohne Mitentscheidungsverfahren beschlossen werden. Damit bleibt in diesem Bereich das Parlament und somit der supranationale Einfluss beschränkt. Aufgeweicht wird dieser Ausschluss durch die Schaffung eines neuen Hohen Vertreters der Union für Außen- und Sicherheitspolitik, der auch die Funktion als Vize-Präsident der Kommission (also auch die Koordination der Mitgliedstaaten) übernehmen wird und gleichzeitig für die Durchführung der GASP zuständig ist. In erster Linie zielt der Vertrag in diesem Bereich darauf ab, sowohl die Konsistenz der Außenbeziehungen als auch die Koordinationsfähigkeit der Union zu verbessern. Außerdem deutet der neue Artikel 208 des Lissabon Vertrags eine beginnende Aufweichung des Subsidiaritätsprinzips im Bereich der Entwicklungszusammenarbeit an. Die europäische Ebene soll in Zukunft in diesem Bereich nicht nur ergänzend zu den nationalen Maßnahmen wirken, sondern beide Ebenen sollten sich gegenseitig stützen. Für den neuen Finanzrahmen 2007-13 bewirkte eine deutliche Reduktion der geographischen, thematischen und horizontalen Instrumente, von über 30 auf zumindest sieben eine längst fällige Verbesserung der Übersichtlichkeit. Diese vereinfachte Struktur könnte als Grundlage dazu dienen, die Wirksamkeit der Entwicklungszusammenarbeit zu verbessern. Die neu gewonnene Übersichtlichkeit ist als Basis für die Politiken der Union zu sehen und sollte den Weg zu beträchtlichen Fortschritten der Poli-

cy Coherence for Development (PCD) auf Gemeinschaftsebene ebnen. Seit dem Vertrag von Maastricht überwiegen hinsichtlich der institutionellen Rahmenbedingungen Verbesserungen für die europäische Entwicklungszusammenarbeit; große Veränderungen blieben jedoch aus.

Der institutionelle Ansatz der europäischen Entwicklungszusammenarbeit erhebt hohe Ansprüche. Die Realität der Entwicklungspolitik wird diesen in vielen Fällen nicht gerecht. Viele Verbesserungsansätze auf institutioneller Ebene werden durch die tatsächlichen Machtverhältnisse (Prioritäten sind dort immer noch ziemlich klar zugunsten der Handels- und Landwirtschaftsagenden) und die geteilte Verantwortung auf der Gemeinschaftsebene (DG-Dev, DG-Relex), sowie durch die Unterminierung der Entwicklungszusammenarbeit durch die Sicherheitspolitik relativiert. Es zeichnet sich ab, dass eine Aufstockung der finanziellen Ressourcen für Entwicklungszusammenarbeit deutlich hinter den Zusagen im Rahmen der Ratsbeschlüsse von Barcelona II im Jahr 2005 bleiben werden. Die Verhandlung der Economic Partnership Agreements (EPAs) mit den Afrikanischen, Pazifischen und Karibischen Ländern brachte bis dato mehr Zerwürfnisse als eine überzeugende Basis für eine wirksame Entwicklungszusammenarbeit. Die Zusammenarbeit mit Asien und Latein Amerika besitzt kaum eine einheitliche Linie und ist von Konkurrenzerwägungen geprägt. Das europäische Nachbarschaftsprogramm hat in den letzten Jahren beträchtlich an Bedeutung gewonnen. Dieser Trend wird vielfach als ausgedehnte Sicherheitsstrategie der erweiterten EU argumentiert.

Hinsichtlich der Entwicklung der europäischen Entwicklungspolitik fällt auf, dass hohe Ansprüche und Realität recht deutlich auseinanderklaffen. Aus der Vergangenheit kann man lernen, dass der Union zwar immer wieder Verbesserungen auf institutioneller Ebene gelingen, diese jedoch scheinbar nicht ausreichen, um auf der Politikebene eine adäquate Umsetzung unumgänglich zu machen. Eine stärkere Umverteilung von finanziellen Ressourcen von der Ebene der Mitgliedstaaten auf die Ebene einer reformierten, konsistenteren und kohärenteren Gemeinschaft könnte dabei helfen, die Lücke zwischen Anspruch und Realität zu verkleinern. Die Evaluierung der bereits gestellten Ansprüche wird eine weitere Bestandsaufnahme liefern, die zeigen sollte, welche Trendrichtung die europäische Entwicklungspolitik derzeit tatsächlich nimmt.

Abstract

As soon as with the Treaty of Maastricht, the newly founded European Union formally stated a broad development cooperation approach in the supranational treaties. Since then the overall institutional framework has been continuously improved in favour of development cooperation by both, legal acts and ‘soft law’ while implementation of development policy issues mostly has lagged behind. Based on an evaluation of the changes on the institutional layer, the analysis will provide few selected evidence, that from a political view European development cooperation has failed to meet its rather high ambitions.

Die Gründung der Europäischen Union im Jahr 1992 markiert den Zeitpunkt, an dem Entwicklungszusammenarbeit auf breiter Basis in den supranationalen Verträgen festgeschrieben wurde. Seither wurden die institutionellen Rahmenbedingungen durch Gesetzgebung und nicht rechtsverbindliche Übereinkünfte (‚soft law’) für Entwicklungszusammenarbeit auf europäischer Ebene fortwährend verbessert; die Umsetzung auf politischer Ebene wird diesem Prozess jedoch nicht ausreichend gerecht. Auf Basis einer Bewertung der institutionellen Veränderungen liefert die Analyse einige Belege dafür, dass die politische Umsetzung den ziemlich hohen Ansprüchen der europäischen Entwicklungszusammenarbeit bis heute nicht gerecht wurde.

'It is easy - and necessary - to be critical of the much-vaunted acquis communautaire, the set of institutions, laws and policies that the European Union has developed over the years. The gap between the aspirations of 'Europe' and the realities of 'Brussels' is wide and seems at times unbridgeable.'

Ralf Dahrendorf

1 Introduction

In the year of the European parliament elections and one year before the evaluation of the Barcelona II-Type Commitments – the interim goal on the pathway to the Millennium Development Goals (MDGs) in 2015 – it is necessary to take stock of the European development policy. The changes in institutional framework and the development policy (illustrated by only a few selected policy fields) since Maastricht should point out strengths and weaknesses in the development of European development cooperation. Based on the results, the analysis finally provide some implications – drawn from the trends of a certainly incomplete selection - for the continuation of the pathway, which primarily has to aim at continuous improvement and finally at the achievement of benchmarks, most notably in the medium term: the MDGs.

2 An institutional approach

2.1 The traditions

The European development cooperation has always consisted of two parallel approaches: the policies provided by each member state and a common development policy. For more than 30 years Development Cooperation (DC) has not been regulated in the Treaties of the European Communities (EC): the European Coal and Steel Community (ECSC), the European Atomic Energy Community (AEC) and the European Economic Community (EEC). Nevertheless a common development policy existed, although without a legal basis in the supranational treaties.

As soon as signals for the beginning of the process of European integration came into being, the European authorities emphasized cooperation on regions which are situated outside this common European organisation. Development commitments were explicitly granted to the African continent (see: Schuman 1950). At this time, most African countries were still European colonies. Nevertheless the special status of the 'Associated Territories' in European development cooperation emphasized by Schuman has perpetuated until today.

At first the introduction of the European EEC (Treaty of Rome in 1957) gave preferences to the Overseas Countries and Territories (OCT) of its member countries.[1] Since 1964 multiannual conventions (Yaoundé, Lomé, and Cotonou) with African, Caribbean and Pacific (ACP) countries have been mostly based on free trade and development issues. This partnership with the ACP countries traces the tradition of European development cooperation which has always shown regional priorities. Cooperation with Asia and Latin American gained more relevancy with the accession of the United Kingdom (1973) and Portugal, Spain (both 1986). Agreements with

[1] At this time only France and Netherlands were part of the EEC and hence only their territories were included in the treaty. With accession of the United Kingdom and Denmark, their territories also attained this preferential cooperation.

Mediterranean Countries principally date back to the 1970s. All these cooperations differ from ACP because they are bilateral agreements between countries. The EEC obtained money from the Community budget while the ACP-European relations received their financial resources from the European Development Fund (EDF), which is not subject to community budget but is derived from individual member states contributions. It possesses its own financial rules, is managed by a separate committee (Orbie 2008, 74) and supervised by the Council (Neal 2007, 179).

The Treaty of Maastricht emphasized the cooperation of the member states beyond trade agreements. This finally provided European development cooperation with a legal framework and hence the supranational EC obtained explicit competencies, which were guided by three main objectives:

1. The sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them.
2. The smooth and gradual integration of the developing countries into the world economy,
3. The campaign against poverty in the developing countries (all included in Art. 177 para. 1 TEC).

All objectives should be implemented by multi-annual programs (Art. 179 para. 1 TEC). Since the first Yaoundé Convention (came into force 1964), European development cooperation approach basically changed from Community aid to economic co-operation and finally - with the establishment of the Treaty of Maastricht - to a more integrated approach which takes both, social structure of the developing countries as well as commercial relations into account (Advocate General La Pergola, analogously from: Eeckhout 2005, 111).

2.2 The legal basis – Treaty on the European Union

The establishment of a European Union which is based on both supranational[2] (European Community) and intergovernmental (Common Foreign and Security Policy (CFSP) and Police and Judicial Cooperation in Criminal Matters (PJCC)[3]) pillars, intercorporated DC in a European legal framework. A CFSP paved the road towards a permanent European development policy. DC was classed among Community Policies (European Community development cooperation, in the following EC-DC, Art. 177-181 TEC[4]) and hence it is not part of the intergovernmental cooperation. That is not to say that member states do not maintain their own development policies: ‘Community policy in the sphere of development cooperation, which shall be complementary to the policies pursued by the Member State …’ (Art. 177, para. 1 TEC). The treaty explicitly foresees EC-DC as complementary to member state policies and hence until today it has remained among the few policies fields where Europe cannot legislate in place of its member states (Bettin 2008, 117). Both together form the European Union development cooperation (in the following EU-DC), which consequently consists of 27 national policies and one supranational policy.

Classification of issues in categories development policy and CFSP is often unambiguous at first glance[5], but distinction – reviewed by the European Court of Justice (Art. 46 (f) TEC, in the fol-

[2] The Community has primacy over the law of the member states (see landmark decision Flaminio Costa vs. ENEL, case 6/64); even over constitutional status (see landmark decision Simmenthal II, case 106/77).

[3] The PJCC was originally established as Justice and Home Affairs (JHA) in the Treaty of Maastricht. The Treaty of Amsterdam (1997) relocated issues like migration and asylum from the intergovernmental JHA to the supranational part of the European Union - the European Community.

[4] The numbering is in accordance with the consolidated Version of the EU treaty.

[5] ‘Grey area’ as Hoffmeister put it into discussion (Bartelt et al. 2008, 60)

lowing: European Court) - is very important due to different legal procedures: CFSP acts require concordant approval of the Council, while development cooperation is subject to the legislative codecison procedure (Art. 251 TEC)[6], which implies a Commission proposal adopted by the Council and the Parliament.[7] Only the latter is counted among Community law which is executed by the Commission and supervised by the European Court. Hence development cooperation possesses an own European policy with an own Community budget and several instruments. This implies a clear advantage compared to external relation issues of the CFSP. The increasingly broad and more integrated approach to development considerably challenges the Community policies. To avoid 'abuse of the Treaty', negotiations of various additional agreements to control aspects of this broader approach – as in the case of drug abuse – must be conducted deliberately because the Community holds only a bounded number of policies. Anyway the European Court is competent to explore 'the limits of Community powers' (Eeckhout 2005, 116-117).

Additional to its role in the EC-DC the European Commission shall take the initiative (Art. 180 para. 2 TEC) to coordinate EC-DC and member state policies by encouraging *'joint action'* (Art. 180, para. 1 TEC). Here community law requests intergovernmental cooperation within EU-DC and the will of the Community to act as intermediary in this process. Both, the Commission and the Council together are requested to ensure consistency of all external actions of the Union, namely the security, economic and development policies (Art. 3, para. 2 TEC). The CFSP as well needs to be developed and implemented along with a common strategy. Based on common principles and guidelines, the Council *'[…] shall ensure the unity, consistency*[8] *and effectiveness of action by the Union'* (Art. 13, para. 3 TEC). At the Community layer, it is the Commission who is responsible for compliance of these principles (Hoffmeister 2008, 59). Relating to EC-DC, Article 178 TEC requests that Community policies to put their measures in accordance with (not contradict) objectives of the EC-DC (see above). This Article refers to coherence of Community policies with respect to development cooperation and - depending on interpretation – also encourages positive synergies (see Footnote 8).

As stated more than 40 years before, the special status of the cooperation with ACP countries is stipulated in the Treaty (Art. 179 para. 3 TEC). Lome IV (1989-2000) regulated development policy sustains preferential access to EU trade and aid for those countries. At the one hand exclusive supervision by the Council and exclusion of EDF from the Community budget deprives a considerable amount of the EU-DC from democratic inputs of the European Parliament[9] (Neal 2007, 179-80). On the other hand the contribution of Non-Governmental Organisations (NGOs) should not be underestimated in European development policy, particularly in twofold scopes: implementation as well as formulation of development policy (see Bettin 2008, 116-34). The latter has actually a legally binding anchor in Art. 4 of the Cotonou convention:

'This degree of formalization in NGO consultation is absolutely a unicum not only in the field of development policy, but also in all the areas covered by the EC Treaty. It might be considered the first example of what some authors call 'committed consultation', that is the principle that

[6] Introduced with the Treaty of Maastricht, the procedure would be redeemed by an 'ordinary legislative procedure' with the approval of the Lisbon Treaty.

[7] Art. 47 TEC claims those measures have to be reviewed with respect to their compatibility with Community law. This means that regulations of CFSP (intergovernmental law) may not affect the policy of development cooperation (Community law). Only in case of denial, actions within the framework of CFSP could be adopted. Hence the regulations of CFSP may not affect the policy of development cooperation.

[8] In the German and French version of the Treaty consistency is translated as 'Kohärenz' (German), respectively 'cohérence' (French). Coherence more points at synergy effects while 'Consistency' – by contrast - rather means avoidance of negative discrepancy (Hoffmeister 2008, 59).

[9] It is called Comitolgoy Procedure. This process lacks a consult of the Parliament.

NGOs have the 'right to be heard, to receive an answer, and if the answer is not satisfactory, to apply for a judicial review [!] of the quality of the grounds given in response to objections made in the course of the consultation procedure' (Bettin 2008, 131). Nevertheless the dual approach in European development cooperation causes incoherencies and hence lacks in efficiency.

Currently ACP-EU relations are regulated by the Cotonou Agreement, which is going to expire in 2013 and challenge the signatories to legal compliance with World Trade Organisation directives, which doesn't allow preferential trade agreements of a non-reciprocal character (see below: EU-ACP relations). The Treaty of Lisbon, which might come into force in autumn 2009, will not refer to ACP countries anymore. This revision could be seen as a first sign that an integration of the EDF into the European Union budget will become apparent even though from a present day perspective this is nothing more than a 'political sign' and has no immediate political consequences (Martenczuk 2008, 47).

2.3 New external instruments

The genesis and the tradition of European development policy produced more than 30 instruments for external assistance until the 21th century. In the year 2004 the Commission suggested reforms to simplify this area with the beginning of the multi-annual financial framework 2007-13 (Bartelt 2008, 10-1). Although the rather 'ambitious' proposal for one financing instrument covering all geographic areas failed[10], the final outcome of this process led to a considerable reduction to 3 thematic and geographic as well as 4 horizontal instruments.

As mentioned above, in the field of development cooperation the Commission's duties are split into two: harmonize and coordinate EU-DC and implement EC-DC. According to the new legislation, instruments are basically guided by multi-annual regional and country strategy papers, which are all implemented by annual indicative action programmes; each prepared by the Directorate of EuropeAid. The appropriate Director General (DG) manages these programmes while the corresponding Commissioner approves them and finally has to answer for the policy as a whole. According to the internal supply of competencies in EuropeAid, the implementation of programmes basically relates to DG for External Relations (DG-Relex). The exclusive responsibility of EuropeAid for implementation of all third countries programmes points to a more coherent policy approach of the EC towards developing countries (Orbie 2008, 70). Hence various parts of the Commission currently determine development cooperation in the narrower sense:

- *Development*
  - Commissioner Louis Michel
  - DG Development (DG Dev): Stefano Manservisi
  - DG European Commission Humanitarian Aid (ECHO): Peter Zangl

[10] Development Cooperation and Economic Cooperation Instrument (DCECI) failed in the co-decision procedure from the part of the European Parliament. In particular it was concerned about loss of power in favour of the Commission and the idea of a instrument for financing cooperation with both, developing and industrial countries: 'However, marrying economic cooperation with non-developing countries and development cooperation with the poorest countries does not take due account of the needs of the developing world and either selfless duty or 'healthy self interest' (European Parliament 2005, Conclusions).

- *External Relations*
  - Commissioner: Benita Ferrero-Waldner
  - DG External Relations (DG Relex): Eneko Landaburu
  - DG EuropeAid: Koos Richelle
- *Trade*
  - Commissioner: Catherine Ashton
  - DG Trade: David O'Sullivan
- *Enlargement*
  - Commissioner: Olli Rehn
  - DG Enlargement Michael Leigh

Additionally DG Regional Policy (DG-Regio, Dirk Ahner), DG Agriculture and Rural Development (DG-Agriculture, Jean-Luc Demarty), DG Employment, Social Affairs and Equal Opportunities (DG-Social, Nikolaus van der Pas), DG Economic and Financial Affairs (DG Financial, Marco Buti) are all involved in implementation of development programmes and count among development cooperation in the wider sense.

As mentioned above, the Council participate in the legislative process (co-decision with the Parliament) and finally acts as legislator. Until 2002 an own Development Council was responsible for decision-making and co-ordination of the EC-DC. Since then, General Affairs and External Relations Council (GAERC) – a council formation of the member states development or rather foreign ministers - deals with development issues; among other policies like CFSP and Common Foreign and Trade Policy. The agenda for this Council is prepared by the Committee of Permanent Representatives (COERPER[11]). Proposals of COERPER are based on the work of a subordinated Council working group. Regulations, directives, decisions, common actions or common positions, recommendations or opinions are all acts which the Council could finally choose to constitute as non-legally binding acts (soft law), in most cases formulated as opinions and recommendations. Additionally to the acts the Council might adopt conclusions, declarations or resolutions.

2.3.1 Geographic and Thematic Instruments

Geographic

The Pre-Accession Instrument (IPA[12], 1085/2006) and European Neighbourhood and Partnership Instrument (ENPI[13], 1638/2006) are rather geographic programs, while the Instrument for Development Cooperation (DCI, 1905/2006) is made up of geographic and thematic components as well.

With a total budget of 11.5 billion Euros, IPA replaces instruments such as the Programme of Community aid to the countries of Central and Eastern Europe (PHARE), Special accession programme for agriculture and rural development (SAPARD) and Instrument for Structural Poli-

[11] The abbreviation is derived from the French: Comité des Représentants Permanents

[12] Croatia, Turkey and the Former Yugoslav Republic of Macedonia are candidate countries. Albania, Bosnia and Herzegovina, Montenegro, Serbia and Kosovo under UNSC are defined as potential candidate countries.

[13] Algeria, Armenia, Azerbaijan,Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Occupied Palestinian Territory, Syria, Tunisia and Ukraine.

cies for Pre-Accession (ISPA) or Community Assistance for Reconstruction, Development and Stability (CARDS)[14]. While the overall coordination and responsibility for Transition Assistance and Institution Building exclusively relies on DG-Enlarg which shares implementation of cross-border co-operation with DG-Regio. Remaining duties are distributed and executed as follows

- Regional Development (transport, environment and economic development) by DG-Regio
- Human Resources Development (strengthening human capital and combating exclusion) by DG-Social
- Rural Development by DG-Agriculture

The EPNI covers the former regulations on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership, the Technical Assistance to the Commonwealth of Independent States (TACIS) and the regulation for cooperation with the West Bank and Gaza strip (Bartelt 2008, 23). DG-Relex administers a financial volume of 11.2 billion Euros.

The geographic part of the DCI (Art. 5-10 DCI) also belongs to the Commissioner for external relations and covers all developing countries except ACP (subject to the Cotonou Agreement) and the OCT which are both covered by the 10th European Development Fund. For the five year period (2008-13) the fund amounts to 22.6 Billion Euros. Both are managed by the DG-Dev. Contrary to the DCI, the EDF is not fed by the community budget and hence fully relies on inter-governmental financing.

Thematic

The thematic part of the DCI (Art. 12-16 DCI) – contrary to the geographic part – is open to the ACP countries and the ENPI countries as well. This part of the DCI was developed to be subsidiary to the geographic programmes and 'shall encompass a specific area of activity of interest to a group of partner countries not determined by geography, or cooperation activities addressed to various regions or groups of partner countries, or an international operation that is not geographically specific' (Art. 11 para. 1 DCI). They focus on investment in human resources (Art. 12 DCI) the environment and the sustainable management of natural resources (Art. 13 DCI); non-state actors and local authorities (Art 14 DCI), the improvement of food security (Art. 15 DCI) and migration and asylum (Art. 16 DCI). Finally, Article 17 DCI supports the ACP sugar protocol countries[15] in the competition on the sugar market, economic diversification and recognizes broader impacts of the implementation of all processes referring to this. Hence geographic programmes are principally preferred as thematic programmes are only complementary and arise from the ideas stipulated in the European Consensus and aim at claims of the parliament for 'better defined policy priorities' (Bartelt 2008, 18). As in the case of the Cotonou agreement and the Overseas Territories, the DG-Dev attends to the thematic programmes of the DCI.

All geographic programs and at least 90 percent of the thematic expenditure (both Art. 2 para. 4) 'shall be designed so as to fulfil the criteria for Official Development Assistance (ODA) established by the OECD/DAC [Development Assistances Committee]'. Hence for the first time there is a reference to DAC criteria in a legally binding regulation (Bartelt 2008, 23).

[14] This change made former CARDS countries ‚Potential Candidate Countries'.

[15] Barbados, Belize, Congo, Côte d'Ivoire, Fiji, Guyana, Jamaica, Kenya, Madagascar, Malawi, Mauritius, Mozambique, St. Kitts and Nevis, Swaziland, Tanzania, Trinidad and Tobago, Zambia, Zimbabwe.

2.3.2 Horizontal Instruments

The European Instrument for Democracy and Human Rights (EIDHR, 1889/2006) and Instrument for Co-operation with Industrialised Countries (ICI, 1934/2006) principally tend to be rather long term programmes while the Instrument for Stability (IfS, 1717/2006) constitutes a more short-term instrument (initially up to 18 month) to act in crises.[16] The IfS replaces various existing instruments such as Rapid Reaction Mechanism, Action against Anti-Personnel Landmines, the uprooted people in Asia Regulation as well as the Regulation on rehabilitation and reconstruction operations in developing countries. Nuclear safety obtains its own instrument for nuclear safety co-operation (Instrument for nuclear safety co-operation (INSC), Council EURATOM, 300/2007). EIDHR (replacing the European Initiative for Democracy and Human Rights) addresses global, regional national and local human rights and democratisation issues. It largely relates to the importance of civil society (Art. 1 para 2 EIDHR) in that field, which could make them the main beneficiaries of the available 1.1 billions Euros. The ICI is not part of the ODA because it is about the relation with industrialised countries.

Additional funds are regularly provided by the European Investment Bank (EIB) and the recently established European Trust Fund for Infrastructure in Africa as well. The latter is an enhanced cooperation project – beyond existing cooperation commitments - of the Commission, nine member states supported by EIB loans and development financing institutions of various member states. 700 million Euros are reserved for macro-financial assistance.

In 2005 the Commission has already concluded to hand over 70 percent of all EC development funds to 80 local Commission Delegations, which are responsible for a total of 148 third countries[17] (Orbie 2008, 72). This step brought about a considerable advance of management responsibility closer to the recipients of Development Aid and at the same time, under the slogan of ‘partnership’ and particularly ‘ownership’ it shall draw nearer to the receiving countries and hence channel resources instead of project support into budget support, which the Community considered ‘as area of comparative advantage’ (DAC 2007, 61).

Summing up, new instruments have considerably helped to reduce the number of instruments and hence may contribute to improve consistency of European external relations. Depending on the assertiveness (power relations) and focus within Commission, it might also help to improve the effectiveness of EC-DC. A first detailed evaluation on impacts and reciprocity of the new Instruments is expected by the end of 2010.

2.4 The Lisbon Treaty: Forthcoming legislation?

The Lisbon Treaty is going to change European Institution’s structure. The EU replaces the EC and CFSP and PJCC move to regular EU policy (Art. 1 para 3 Treaty on the Functioning of the European Union (TFEU). Although the new treaty still stipulates intergovernmental cooperation in field of CFSP[18], it has influences on the external relations of the European project, and hence also implicates changes in development cooperation.

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16 Only 27 percent are planned for long-term programmes (Art. 24 IfS), which are intended to be complementary to the geographic programmes (see Bartelt 2008, 28).

17 All countries which are neither signatory countries with nor member countries of the European Union.

18 This means that power of member state veto remains. Art. 4 para. 4 TFEU emphasizes that development cooperation and humanitarian aid may not prevent member states to maintain their policies.

The resolution of the pillar structure and the fusion of the legal entities in one consistent framework clearly strengthen the competencies of Brussels. All regulations of external relations (with only two exceptions[19]) merge in part V in the Treaty on the Functioning of the European Union. Title III of this part V is explicitly dedicated to 'Development Cooperation', 'Economic, Financial and Technical Cooperation with Third Countries' and 'Humanitarian Aid'. DC objectives of the EC, among others 'gradual integration of the developing countries into the world economy' and 'developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms' are now transferred into the objectives of external action (Art. 21 TEU) and articles such as Art. 208 TFEU emphasizes alignment of DC primary objective with the Millennium Development goals and the European Consensus on Development: '[…] the reduction and, in the long term, the eradication of poverty'. For the first time, this article also emphasizes a more coequal importance of member state policy and the Unions development cooperation ('complement and reinforce'). Additionally alterations affect the cooperation with the ACP countries, the expansion of common strategies to all areas of external relations and the installation of a new 'High Representative of the Union for Foreign Affairs and Security Policy'.

In accordance with the overarching aims to improve coordination, consistency and coherence, the new Article 21 TEU extends common strategies to all areas of external relations. Thus they may also become a directive for EU-DC. The High Representative will be responsible for the CFSP and at the same time he takes the role of the Vice-President of the Commission, which puts him into the position to influence all external relations.[20] With regard to the formation of a new Commission in 2009 and depending on the exact competencies of the High Representative[21], it remains to be seen if the EU will again receive an own Commissioner for DC (Martenczuk 2008, 39). Summing up, the new legislation of the Lisbon Treaty provides improved framework for consistency and in a lesser form also for coordination and coherence, while nevertheless all external relations are at the discretion of the organs. Political latitude may not result in huge shifts of the development policy (Martenczuk 2008, 41 or Federal Trust Report 2009, 41).

Summing up, institutional change of the European Union largely brought improvements in the area of European Development cooperation, although it is clearly far from being perfect. It has been a continuous growth of high ambitions. In fact, a view on the Development policy displays a much more differentiated picture. Implementation of the high ambitions apparently points out some evidence for decreasing significance of development policy.

3 A policy approach

3.1 Overview

Transformations in external relations are due to changes within both, the European and the developing countries level. The first owes it to the process of European integration with an enlargement from 12 at the time of Maastricht, to 15 (1995) and then to 25 (2004) and finally 27 (2007) member countries. The increase in the number of member countries proceeds substantial institutional changes which largely point to narrower cooperation in various fields as foreign policy, security policy, and trade as well as development policy. From the view of developing coun-

[19] Art. 21-22 TEU which both are rather general and regulations of the CFSP (Martenczuk 2008, 39).

[20] Commission is responsible for all external relations except CFSP (Martenczuk 2008, 38) and thus the Vice-President is responsible for the coordination of all external relations.

[21] The person who lands the job may interpret it either more as an 'administrator of external relations' or he/she becomes the key political figure in European foreign policy

tries, some more and more proceed to emerging economies (some countries in Asia and others) while others are in need of more aid (countries in sub-Saharan Africa and others).

European development policy has consistently passed through changes. At the same time, paradigms of development policy beyond Europe have largely influenced European policy decisions. United Nations (UN), World Trade Organisation (WTO)[22] and particularly the OECD considerably shaped trends of European development policy. Most notably in 2005, member states and the EC agreed on a European Consensus on Development, which emphasized and specified commitment to principles, among others ownership, partnership, in-depth political dialogue, participation of civil society, gender equality, addressing state fragility, delivering more and better aid or PCD (for details see: EU 2005). Both, member states and the EC at least had been partially agreed on these principles in contracts, declarations and guidelines of Intergovernmental Organisations (IGOs) before. In the shape of the European Commission, the EC possesses quasi-membership status to international organisations (as in the case of the OECD). Hence both, the supranational and the intergovernmental part of the EU are members of IGOs, international organisations and international forums and in doing so, commits itself to plenty of principles and values. Referring to this, Table 1 shows only some important international linkages (no complete line-up).

Table 1: The EC and the member countries in international perspective

Organisations	**EC**	**Member countries (27)**	**Commitments and Principles can be found in:**
OECD	Quasi-member status[23]	partial	Rome Declaration on Harmonisation (2003), Paris Declaration on Aid Effectiveness (2005), Accra Agenda on Action (2008).
WTO	Member since 1995	all	GATT, GATS, TRIPS (international law), The Doha Agenda for Development on WTO (work in progress).
UN	Observer seat (executive board for funds and programmes), European Commission aim for representation of the EU	all	MDGs (2000), Monterrey Consensus on Financing for Development (2002), Doha Conference on Financing for Development (2008).
G-20	Member (represented by president of the Council)	partial	various
G-8	Member (represented by President of the Commission, and President of the Council)	partial	various

Note: Compilation of the author.

Summing up, it is not the new, ground-breaking contents but the approval of all member states together with the Community and the Parliament that makes the Consensus so special. It emphasizes the European commitment to DC and hence promotes a considerable upgrading of EU-DC.

[22] Until 1995 it was called GATT.

[23] The Community does not, on the other hand, contribute to the budget of the Organisation, and its representative is not entitled to vote when legal acts are being adopted by the Council, the decision-making body of the OECD' (OECD 2009).

Denial of the implementation of most commitments (including the European Consensus) does not implicate any direct sanctions. Except the international law treaties of the WTO (GATT; GATS, TRIPs) all other declarations, agendas, guidelines or goals are soft law and thus do not constitute a legally binding character.[24] Consequently the texts are pretty words but the achievements are far from being 'bagged'. Empty promises would be nothing new in this policy field.[25] Additionally to political retention, lots of political traps endanger the efforts of EU-DC of those, who truly bear development challenges. Policy traps to miss out EU-DC objectives shall be indicated by choosing only three short examples. It becomes apparent that the traps on the one hand could arise from the institutional framework and on the other hand that prosperity and failure largely depend on the political will of the actors involved as well.

The first trap comes from the Commission layer. Although incoherencies between different polices decreased from an institutional view, the European policies remain with profound shortcomings. Development Policy is considerably affected by unequal power relations within the Commission, where obviously DG Trade – among the DG in the narrower DC sense – 'tends to come off best' (Orbie 2008, 83).

Another policy sector frequently announced in terms of coherence connected with development policy is agriculture. After the Second World War restorations of food production and food security were priority projects. Based on the idea of a common market the EEC concluded for a Common Agricultural Policy (CAP), the biggest budgetary item which decreased from more than 60 percent at the end of the 1980 to still more than 40 percent of the annual EU budget in 2008 (Commission 2009, 18). Commitments in this sector considerably distort competition, impact world market food prices, and hence arbitrarily produce benefits for the European agricultural sector. Larry Neal (2007) reveals the past misguided development: 'It took basically half a century of experimentation with STABEX and related domestic schemes, however, such as marketing boards throughout sub-Saharan Africa, to convince policy-makers in both the ACP and the EU countries that the policy was doomed to failure and that both sets of countries would be better off with a redesigned aid policy' (Neal 2007, 183). In this field intervention must be twofold: A proper development policy does not only need reduction of CAP expenditures but also more liberal market access for developing countries to the European market and policies to support and individually protect developing economies which currently are not in the position to compete on the world market in this sector (Matthews 2008). Although incoherencies between other EC policies and development cooperation are dissolved in various individual areas and coherence principally improved it is still a long way to eligible conditions. As long as the EU budget needs the approval of the member states, it has to take account of 27 individual requests and thus will always fail to reduce the complexity of such tremendous fields like the CAP. This approach produces 'packages in which there is something for everyone, thus increasing the complexity of the CAP and weakening its coherence (Murua et al. 2007, 137). Changes in the institutional framework provide a basis for improvements but the still rather complex and growing apparatus bears the risk that new distortions disable potential efforts of development policy.
In addition to the problem of coherence, implementation of a consistent CFSP (second trap) threatens the objectives of development cooperation. Development cooperation as well as mi-

[24] Resolution of disputes is determined by 'Rules and Procedures Governing the Settlement of Disputes' of the Agreement Establishing the World Trade Organisation. Depending on the individual case, the injured party could claim compensation or suspend 'concessions or other obligations under the covered agreements' Art. 3 para. 7 WTO Agreement Annex 2 (WTO 1995, 354).

[25] With regard to ODA commitments, the General Assembly of the UN in the year 1970 adopted an International Development Strategy (Resolution 2626, XXV) which promised for each 'economically advanced country' to '… reach a minimum net amount of 0.7 per cent of its gross national product at market prices by the middle [sic!] of the Decade' (UN 1970, § 43) Since then developed countries have always reinforced this goal but despite some few exceptions, they are far from achieving this benchmark until the forthcoming expiry of this reemphasized commitment: The MDGs.

gration policy are largely determined by security considerations, at latest since the terrorist act on the World Trade Towers in 2001. Jan Orbie (2003) observed a growing marginalization of development as an independent policy in Europe. Division of EU-DC makes development cooperation vulnerable to priorities of Community policies as well as intergovernmental policies. To quote only one example, development aid was repeatedly used for projects which would actually have more applied to security policy. The strong emphasize of European Foreign Policy on security issues should threaten development cooperation objectives; even a gradual integration of development cooperation into security policy would have a considerable damaging effect. The British Overseas NGOs for Development claimed that considerable amounts of European ODA were used for security purposes in post conflict projects in Iraq or Afghanistan. Moreover money from the EDF was used for peace missions. The use of development resources for security purposes is usually not compensated by additional funds for development based project (both examples, Orbie 2008, 83). Hence full integration of development cooperation into security policy would probably be the end of the process of development policy pattern evolved from a long-lasting European tradition.

Consistency in the field of external relations is rather difficult to achieve because it is determined on different layers like trade from community policy, development on both community and member state layer and foreign and security policy as well as migration and labour are largely shaped by the member states[26]. Moreover in the Treaty of Lisbon, the CFSP will remain the only policy area where the Parliament will remain without co-decision.

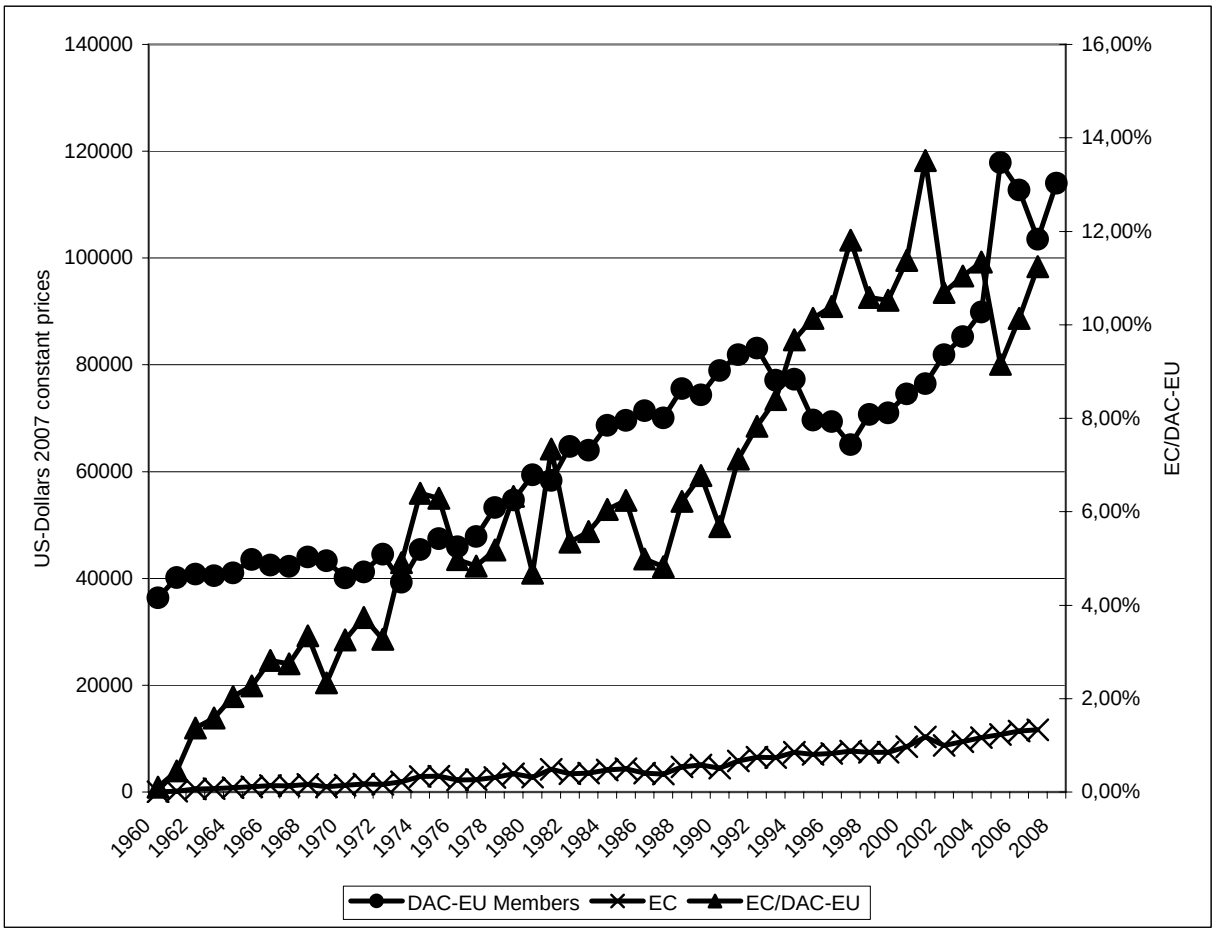
It is clear that development and security need a common strategy because both policy fields are intimately interrelated. There is no development without a certain minimum of security and it is most likely that fragile security persists without development. Hence strategies determined by different organs and on different institutional layers must be aligned with caution and vision to assure increasing effectiveness in both rather sensitive areas. As Faust et al. (2005) put it, ‘European development should primarily concentrate its energies in establishing itself as a strategically relevant policy field in European security issues while at the same time supplementing the MDG agenda and the field of global governance connected to both security issues and the Rio Agenda’ (Faust et al. 2005, 434).

The third trap comes from inside of EU development co-operation. The division in bilateral and multilateral aid clearly increases the expenses to achieve objectives. In the case of ODA, the European Union always claim to be the biggest provider of development aid in the world (see for ex. Homepage of DG Dev). The statement is right but it is important to emphasize that 75 percent of this remarkable contribution comes from bilateral aid on the part of the member countries share of the EU-DC. Again 75 percent of Community aid is derived from the Community budget and the rest from either the EDF or the EIB (Kiss 2007, 42). With a share of almost 14 percent of EU-ODA, EC-ODA peaked in 2002 and currently amounts to slightly more than 11 percent (see Figure 1). The channelling of member countries ODA flows via the EC-DC differs considerably with on the one hand Ireland spending 34 per cent and on the other hand Denmark, which distribute only 6.6 per cent using the supranational approach (Karagiannis 2004, 11). Hence the existing division of EU-DC between 28 actors (27 member states and one Community) increases coordination costs. Moreover varying competences for financial resources within the EU limit the room for manoeuvre and the ability bundle forces. In general, budget constraints for develop-

[26] Although migration and asylum policies were transferred from the intergovernmental third pillar to the supranational first with the Treaty of Amsterdam in 1999.

ment issues are rather scarce and hence it shall be obvious to strive for a less complex structure and a more unified strategy within the given supranational framework.

Figure 1: Allocation of EU ODA



Note: The EC/DAC-EU line relates to the secondary y-axis (scale in percent). Calculations by the author; based on OECD Data, Query Wizard for International Development Statistics.

Hence in 2007 the Council approved a 'Code of Conduct on the division of labour in Development Policy' which might distinguish and specify the 'respective operational roles' of the EC and the member states in EU-DC cooperation based on ten guiding principles (Commission 2007, 9-11). To single out only one of them, each donor should not exceed three sectoral engagements in a partner country and concerning the whole EU layer, not more than five donors are intended for one partner country (Wood et al. 2008, 18). Principally the Code of Conduct was established in accordance with the Paris Declaration on Aid Effectiveness, which claims – among others - harmonization of aid. Finally the DAC singled out in the 2007 EC Peer Review Report this proposal as a '… promising piece of work … [which] … represents an area of considerable potential for increased efficiencies.' (DAC 2007, 61). Commission has to ensure implementation of the guidelines. This code of conduct is proposed to be strongly monitored by annual orientation debates of the Development policy. It shall be published in the annual sampling of country cases, the EU Donor Atlas and a forthcoming EU Development Report. A first review of the Code of Conduct is to be expected for 2010 (Commission 2007, 11). The Community covers the widest

geographical area of all DAC members. The major challenge is to prioritise development policy (focus on LDCs and other low income countries) and at the same time as well avoiding a too narrow approach. In recent years the focus has slightly deviated from the poorest, most situated in sub-Saharan Africa (DAC 2007, 43).

In 2008 the Accra Agenda for Action (AAA) monitors the implementation of the Paris Declaration and localized three areas which has to be addressed in particular: country ownership, more effective and inclusive partnerships and the achievement of development results. Hence donors must make use of development country systems (certainly only to the extend it is feasible), strengthen them and improve management of and coordination for an increasing number of development actors (deepen connections with Civil Society, and others). Regarding the last point, it is indispensable to develop goal oriented approaches to development and improve predictability of aid. In the medium term, actions must become apparent as 'positive impacts on people's lives' (OECD 2008, 1-2). Finally the signatories reemphasized the commitments on aid promised for 2010 and moreover they aspired improve beyond. The Fourth High Level Forum on Aid Effectiveness intends to evaluate the implementation of both, the Paris Declaration and the Agenda of Accra and will take place in 2011. Beside evaluation the forum should address the improvement of 'developing communication on aid effectiveness for long-term development success and broad-based public support' (OECD 2008, 7).

Distribution of development policy between 28 actors can hardly speak with one European voice and provide development aid without redundancies and achieve common goals guided by common priorities. Implementation of projects regularly confirms this suspicion hence despite considerable institutional challenges, the harmonization of aid must be a priority. For the sake of greater European objectives, member states have to desist from their national interest and relinquish decisions to the Community.

Summing up, coherence, consistency and coordination are commitments of the European Union figuratively stated in the Treaty on the EU. They refer to existing institutional and policy insufficiencies related with development cooperation and apparently undermine the effectiveness of European development policy. The compliance with its commitments is another appropriate indicator to evaluate policy fields.

3.2 Political Commitments

In Barcelona 2002 the Council reaffirmed on an augmentation of ODA to 0.7 percent of Gross National Income (GNI), the target fixed by the UN. Furthermore representatives of the member countries agreed to improve development instruments continuously (The Council 2002, 59). An abrupt and widespread escalation of development resources of the United States as well as Europe was largely driven by preventive measures to dry out 'the seeds of lawlessness and terrorism' which might – among other measures – be achieved by promoting development (Santiso 2002, 5). Hence once more, security considerations were responsible for a change in development policy.

Subsequently with the Barcelona II-Type Commitments from 2005, 5 years after the release of the MDG, the Commission detailed the collective target by proposing deadlines: 0.56 percent ODA by 2010 and 0.7 percent by 2015. Member states which did not achieve 0.51 percent by 2005 shall achieve this benchmark by 2010 and then increase resources to 0.7 percent by 2015, while new member states comply with 0.17 percent in 2010 and shall finally spend 0.33 percent ODA with the expiry of the MDGs (Commission 2005). In 2006 EU ODA amounted to 0.42 per-

cent (Commission 2008, 8), 0.43 percent for the EU-15 and 0.09 percent for the EU-12 (Kiss 2007, 43). Total EU ODA flows increased more than 3 billion Euros in 2008 after it had decreased in 2007. Augmentation of the 2008 commitments is more due to additional financial resources rather than debt relief (EU 2009). Since 2003 the largest share of ODA is distributed to Least Developed Countries (LDC) (EU 2008, 12). The EU has got a budget of 100 Billion Euros total (approximately 1 percent of the total GNI) with around 10 percent spent on external relations). If EU-DC wanted to meet the Barcelona II-Type Commitments, the member states would have to boost 20 billion Euros more by 2010, which would be an increase of 43 percent compared with 2006 (Kiss 2007, 43).

In recent years debt relief (first and foremost to Iraq and Nigeria) increasingly contribute to the ODA cake. In Sweden, Netherlands, Denmark and others, domestic aid, housing refugees and educating students count among ODA (Orbie 2008, 81 or Concord 2009, 10-1). But debt relief does not mean predictable and sustainable ODA flows in the future and despite an increasing ODA cake – certainly due to debt relief as well – even during times of favourable economic development, the commitments of 0.56 percent for the year 2010 wouldn't have been achieved, let alone by considering the current economic downswing. A major step in the right direction could be achieved by fully untying development aid such as geographical or market constraints (DAC 2007, 20). The implementation of the latter would bring the EC instruments along with the reciprocity requirement of the WTO (OECD 2001, 3).

If going more into detail about the relations with the African, Asian and Latin American partners, additional evidence reinforce the assumption that the EU has repeatedly failed to meet its ambitions.

3.3 EU-ACP relations: Equal partners?

Between 1975 and 2006 the EU clearly produced trade deficits with the ACP countries due to preferential market access of unidirectional conventions. The Treaty of Rome and later the Yaoundé convention schedules a rather reciprocal approach of the economic relations of the ECC to first the Associated Territories and later the ACP countries. The first Lomé in 1975 ended this tradition but the current EPAs turn the tide to more reciprocity in the relations. Legal compliance with WTO rules has been crucial for this process.

The ACP trade contribute only up to three percent of the EU trade while almost ¼ of ACP exports are destined for the European market (Curran et al. 2008, 532). Nevertheless the protagonists (EC, ACP countries) are members of the World Trade Organisation (WTO) which interdict preferences exclusively granted to only a limited number of member countries. GATT XXIV allows reciprocal preferential market access in case of Free Trade Areas (FTA) and Customs unions, with 80 to 90 percent of all trade liberalized. This benchmark is commonly adopted even though not legally specified. Hence until the beginning of 2008, the EC and ACP countries have to negotiate agreements which comply with WTO standards: the EPAs. When considering alternatives to EPAs negotiators have to take the degree of development into account. LDCs are in favour of the 'Everything But Arms' (EBA) instrument which relates to commitments of Art. 37 para. 9 of the Cotonou convention. 39 ACP countries count among the LDCs. For non-LDCs the General System of Preferences (GSP) is an applicable alternative. The focus of this instrument is on manufactured and semi manufactured products and a limited – although increasing – number of processed agricultural products. It is about 87 percent of all tariff lines which – with respect to utilization rate – only represents 4.4 percent of all imports in the EU. Around 60 percent of all product lines are defined as sensitive. Most of them are agricultural products and they do

not apply to duty free treatment but 'receive an absolute reduction of 3.5 percent on ad valorem duties and a relative reduction of 30 percent on any specific duties' (Bartels 2007, 740). Art. 37 para. 7 of the Cotonou convention refer to sensitiveness and thus gradually undermine reciprocity (Bartels 2007, 754). The GSP+ is an alternative instrument of preferences for countries in need of combating drug regimes (Bartels 2007, 741).

Beside the legal requirements of the WTO, enlargement of the European Union and its implications for the Eastern neighbours of the European Union are an important development and part of a realignment of the European priorities. New member countries do not possess colonial ties with the ACP countries and – more or less – have to deal with own development challenges within the enlarged European Union (Meyn 2008, 526). A new arrangement of European-ACP relations would make long development cooperation tradition end.

For decades two instruments which regulated agricultural exports (STABEX) as well as mineral exports (SYSMIN, except for diamonds and crude oil) largely determined relations with ACP countries. Hence both were financed by the EDF and concentrated on income support which '[i]n the best case, where STABEX and SYSMIN schemes worked, [locked] the recipient country […] into its primary source of export earning instead of diversifying into other crops or minerals' (Neal 2007, 182). Export of primaries became a major source of growth. The current development approach of the MDGs changed the focus from infrastructure to people and their welfare (Neal 2007, 183). This strategy did not comply with the promise of 'smooth and gradual integration into world economy' stated in the Treaty of Maastricht.

Negotiations started in September 2002 and by the end of 2007, seven interim agreements and one EPA for the Caribbean countries (also includes with service agreements of GATS Art. V) had been negotiated. The key challenge was the heterogeneity of the ACP countries development level because some sub-regions such as southern Africa consists of LDCs and non-LDCs as well (Brown 2000, 379). 35 countries principally concluded for negotiation of interim agreements or an EPAs. Of the remaining 42 countries, 32 are LDCs which comply with the EBA instrument which assure duty and quota free access to the European market and 10 non-LDCs are subject to the GSP. Article 36 para. 5 of the Cotonou convention states that the process shall consider regional integration of the ACP countries (see Cotonou 2000). Hence negotiations mostly proceeded with six regional groupings: Pacific countries, Caribbean Countries (Carribean Community (Caricom) plus Dominican Republic), West African Countries (The Economic Community Of West African States (ECOWAS) plus Mauritania), Central African Countries (Communauté Économique et Monétaire de l'Afrique Centrale (CEMAC) plus São Tome and Príncipe), the South African Development Community (SADC) and the Eastern and Southern African (ESA) countries. Various EPA groups – like for example the ESA countries – split existing regional groups:

'[T]he ESA Group, which includes most of the members of the Common Market for Eastern and South African Countries (COMESA), some members of the Southern African Customs Union (SACU), and until recently, two existing and two future members of the East African Community (EAC). Each of these existing organizations has ambitions to be a customs union, and it is difficult to see how an individual member of a customs union can negotiate a free trade agreement without the consent of its customs union partners. There is therefore a legal question as to whether the EPA process is in fact 'take account' of the regional integration process, as required under the Cotonou Agreement, or whether it is undermining this process' (Bartels 2007, 752). Considering a global economic perspective, Nathalie Karagiannis points out that '… the current international economic regime (towards which the EU leans) undermines – with few exceptions -

preferential market access for the least developed countries' (Karagiannis 2004, 16). In the year 2000, Richard Gibb has already requested the actors considering an alternative approach to the EPAs: 'One obvious solution to the Lomé Convention's lack of respect for WTO values is to change WTO rules!' (Gibb 2000, 477).

The marbled results of negotiating interim agreements only result from a tight timetable for negotiation and implementation of EPAs. Moreover in many cases, outcome of negotiations is a recurrent result of 'asymmetric power relations' (Meyn 2008, 515). Time pressure makes most regions neglect appropriate national let alone regional consultations and most EPAs are to a large extent both, incomprehensive and incomplete. Those countries which fear negative impact from downgrading to GSP and countries within functioning regional groups mostly approved the agreements. Currently EPAs are not an outcome of a joint framework of equal partners with mutual inspiration and a common vision (Meyn 2008, 525) as claimed, inter alia, by the European Consensus on Development. Or as Karin Arts and Jessica Byron concluded: 'It is now more of a donor-driven mechanism of development assistance, based on a growing number of political and economic conditionalities. This represents the culmination of a long-term shift in power relations between the parties, from the mid-1970s to the mid-1990s' (Arts et al. 1997, 86).

It is important to bear mind, that on the one Europe is represented by the member states and European institutions while the 79 ACP countries are not legally represented by an own secretariat or institution which could unite their common interest (Karagiannis 2004, 7). As mentioned above the group is quite heterogeneous[27] and thus it is difficult to figure out unifying common requirements.

Many developing countries have been concerned with at least two exacerbating future challenges, which probably arise from EPAs: excess competition and loss of tariff revenue. To comply with WTO, the EPAs are reciprocal arrangements which allow EU countries – after a transition period until 2015[28] - free market access to ACP economies. Until 2022 EPAs will increase ACP exports to the EU by 5.4 percent compared with conditions of the actual agreements and 10.7 percent without any agreement. By then EU import volume will rise to 17 percent (7 percent by 2015) with the Pacific countries (27 percent) and COMESA countries (> 20 percent) most and the SADC (11 percent) least affected (Fontagné et al. 2008, 53-6).

If resources are used in areas where the country is not competitive and trade liberalisation means that uncompetitive firms abandon the market, economic theory indicates that these resources (capital and labour) will move into other activities which are more productive (static effect). Trade liberalisation can also affect the steady-state levels of production factors such as human and physical capital and thus have dynamic effects on output and welfare.

Tariff losses for ACP governments will amount to 28 percent by 2015 and 71 percent by 2022 (Fontagné et al. 2008, 64). Moreover total impact does not only correspond with losses but also dependency on tariff revenues of individual countries. Under favourable conditions, the transition period to liberalisation might help to move resources like capital and labour to more productive sectors and maybe have positive effects on overall welfare. Serious dangers from decreasing tariff revenues are expected for countries which suffer from huge tariff losses and at the same time highly depend on such revenues. Due to those attributes Ghana and first and foremost Côte d'Ivoire might pass through rather difficult transition (Fontagné et al. 2008, 68). Considering

[27] The individual ACP member countries largely do not originate from common cultural, economical, ethnical or political roots (Karagiannis 2004, 12).

[28] Until 2015 only ACP liberalization is limited to 20 percent while EU markets will provide full access to ACP countries.

commodity flows with the EU, West Africa is by far the largest trading partner of all ACP countries (Curran et al. 2008, 532).

Beside a lot of dangers EPAs also bear potential for benefits. EPAs do not replace development cooperation. They are trade agreements which are supported by development assistance (Curran et al. 2008, 548). Market access alone does not simply and safely produce growth. Aside from trade issues, other indicators 'such as investment, public procurement and competition policy are essential for effective economic governance and will be key to attracting more local and foreign investment in the ACP and thus ensuring that growth and development follow trade policy reform' (Curran et al. 2008, 548). However negotiation had to move on by 2008 because until then time pressure had avoided settlements in the case of most sensitive products. Finally EPAs shall include commodity trade, services and all trade-related areas because they will replace interim agreements. Resuming work, ACP countries must not forget that 'the EU has a distinct tendency to achieve foreign policy objectives through its regional and bilateral trade arrangements' (Hurt 2003, 174). Although the case of the Caribbean negotiations showed that proper agreements between ACP and the EU are achievable as well.

In the year 2005 the European Union concluded a new 'Strategy for Africa', which should have concentrated on attaining the MDGs, more financial resources for development cooperation with Africa and a shift to more efficient approaches to development cooperation (budget support). The EU supposes to tackle their priority the MDGs from three directions: perquisites (peace and security, support of effective and legitimate governance), economic environment (growth, infrastructure) and alignment of development measures on both, people and a sustainable environment (see Commission 2005a).

In Lisbon 2007 European and African delegates met for a Joint Strategy for Africa. Based on the results of the first summit of Cairo in 2000, the common declaration refers to attainment of the MDGs, establishment of a robust peace and security architecture in Africa, regional as well as global economic integration, promoting more investment, fostering good governance and human rights. Finally the partners proclaimed that it is eligible to set up opportunities for establishing global governance in 'an open and multilateral framework' (see AEUP 2007). The Common strategy should guide the way to this 'ambitious objective'. A third common summit is planned for the year 2010 and a review of the Cotonou is also expected for the same year.

For the period of 2007 to 2013 the 10th EDF has funds of 22.7 billion Euros which will be distributed to global initiatives (Global Fund to fight AIDS, Tuberculosis and Malaria, GFATM), all ACP initiatives (among others on climate change, infrastructure, science, education), institutional and support expenditure (joint institutions of Europe and Africa – for ex. Joint Parliamentary Assembly or the Centre for the Development of Enterprise, see EDF 2007).

3.4 EU-ALA relations: Competitive Strategy?

As mentioned at the introduction, development cooperation with ALA countries accelerated in the 1970s. In the Paris Declaration of 1971 the Council concluded on 'broadening' the policy range of the Communities. Following up regulations in the 1980s and finally the Maastricht Treaty provided a definite legal basis for relations. The Treaty of Lisbon could be the starting point for homogenization of cooperation instruments and shall hopefully make for a more integrated development cooperation approach to all geographic areas.

Compared with relations to ACP countries, financial resources available for ALA cooperation are far below particularly when considering the much larger population numbers of Asia. DC with ALA countries mainly focuses on aid and trade. In general the relations apply to GSP. The EU has also established Preferential Trade Areas (PTAs).

In Asia cooperation with the Association of South East Asian countries (ASEAN) as well as India and China are determined by defensive cooperation strategies. Particularly the tremendous economies of India and China are often seen as 'aggressive commercial competitors' (Birocchi 1999, 1). In-depth political dialogue in favour of development of these countries misses out. Economic development and growing international political impact of those countries put them into the position to act internationally as donors of development aid. The same is true for Newly Industrialised Countries (NICs) of Latin America, such as Brazil or the OPEC country Venezuela (for new donor debate see: Küblböck et al. 2009 or Shaw et al. 2007). The EU counts several agreements with various Asian and Latin American Countries and currently negotiates with three regional cooperation pacts: the Mercado Común del Sur (Mercosur), the Andes Pact and the Central American Countries. Completion of some negotiations could be expected for 2009. Most important in case of the cooperation with Central Asian countries are the development and improvement of institutions, although energy resources are clearly a major incentive for EU engagement in these countries (Bonin 2005, 4).

Considering the cooperation with ALA countries the EU follow a very heterogeneous strategy. They are mostly negotiated on rather different terms of trade and economic development and hence lack structural harmonization. The process shows little of orientation on consistent external activities as well as coherence of European policies in favour of development cooperation (Weiland 1998, 9), two main principles of the Treaty on the European Union. Additionally the failure of past negotiations of the EU with Mercosur shows two major findings: the discrepancy 'between the EU's rhetoric and the reality of the negotiations' and a gap between 'Official Development Assistance that the EU can offer and the costs of free trade to ASEAN members' (Robles 2008, 342). The EU denied all requests for separate terms according to the degree of development because free trade with the Union 'would have threatened key industrial sectors in Mercosur' (Robles 2008, 341).

For the period of 2007-13 the European Strategy for Asia relies on four pillars; the support of regional integration (Asia-Europe Meeting, ASEAN, South Asian Association for Regional Cooperation (SAARC), policy and know-how based cooperation (environment, climate change, education, research, human health, and others) and support to uprooted people (refugees, internally displaced people and cross cutting issues such as gender equality or combating AIDS. The financial framework provides a global budget of € 5.187 billion for the whole financing period. Additionally the DCI allocates an indicative amount of € 775 million for regional assistance (see Commission 2007a)

For Latin America the strategy defines priority fields such as social cohesion, reduction of poverty, inequalities and exclusion, regional integration and investing in people. Beyond that the EU take up better connection between political priorities and development aid and give priority more effectiveness to regional programmes and stakeholders. A total of 2.69 billion Euros is provided from the EC to Latin America between 2007-13 (see Commission 2007b).

3.5 EU-European Neighbourhood relations: A security strategy?

One year before the 2004 EU enlargement, a discussion for a new European Security Strategy (ESS) had been raised by the Council. Based on these considerations, the Commission produced a strategy paper on the cooperation with European Neighbourhood. The European Neighbourhood Policy (ENP) addresses all neighbour countries of the European Union and countries which draw nearer to the EU after enlargement (Russia, Ukraine, Belarus and Moldova). Moreover the ENP includes all non-EU participants in the Euro-Mediterranean Partnership (except Turkey[29]). Since 1994 the EU has maintained a strategic partnership with Russia, which focuses on relation in the field of common interests like economics, environment, freedom, security and justice, external security, research and education and not to forget culture. To face future supply crises of energy - the dominant field of EU-Russian relations, the partners agreed on an expanded Early Warning Mechanism at the EU-Russian summit in May 2009 (EU 2009a).

Based on existing cooperation, the Partnerships and Cooperation Agreements and ENP, the EU focus on two key issues: foreign and security policy and actions plans, which for example remove technical obstacles for free circulation of goods (Commission 2004). Based on a report on the implementation of the ENP in 2006, the Commission proposed factors which should strengthen relations. Priorities are regional, political and financial cooperation, trade and economic components (trade, investment and economic integration), regulation and facilitation of mobility and migration, improve interaction of cultures (educational exchange, mobility of researchers, and others - see Commission 2006).

From the formulation of the ENP a strong emphasize on security considerations becomes apparent. Considering the degree of development and population numbers, the ENP obtains a relatively high share of the EC external relations budget compared with the more development cooperation directed strategies for Africa, Asia or Latin America. The financial framework for ENP in total amounts to 11.2 billion Euros.

4 Concluding remarks

The major problem of the European development cooperation is determined by a gap between institutional framework and policy. Generally speaking, the institutional framework of European development cooperation has continuously improved since its formal adoption with the Treaty on European Union in Maastricht 1992. The new legislation considerably reduced external relations instruments and from the Treaty of Lisbon a more consistent, efficient and hopefully effective foreign policy could realistically arise. Notwithstanding the discussion about financial resources, efficiency as well as effectiveness is clearly legitimate. The prominent role that these aspects of development cooperation have been assumed in debates may not mislead over the fact that they are instruments and not the objective of development cooperation (freely adapted from: Karagiannis 2004, 20).

In recent years, the direction of development cooperation became more apparent and manifest with the explicit focus on poverty. The ambitions are comparatively high and thus the danger, as Martin Holland argued, '… is once again in failing to match expectations with capabilities'. He claimed that eradication of poverty is 'effectively unachievable' and suggests that 'less grandi-

[29] Turkey maintains relations with the EU in a pre-accession framework.

ose, but more attainable objectives are needed to enhance the reality of the EU's presence in a global context' (all quotes from Holland 2002, 244). While high ambitions shall be clearly appreciated, the displeasure from failure to meet them should not be underestimated. It could be a serious threat to the legitimacy of DC as an independent European policy.

All due respect to high ambitions but this need not mean that reality in fact meets them. A disparity between claims of the European institutional framework for development cooperation and the results of its development policy arises from unequal power relations between key positions. It is not to be forgotten that although institutions can sketch out a pathway to development, it is still the people working in the institutions that make policy. Currently Parliamentarians and particularly Commissioners shape the policies and in the end, the heads of the member countries have the final say. Very much depends upon their will, dedication and assertiveness.

Currently the CFSP is strongly determined by the 'Security and Development-Nexus'. Due to this linkage and weighting priorities in the political game, development objectives will probably be threatened seriously. Like it was used to do in the past, the council will exclusively remain the final say in foreign policy issues (no co-decision of the European Parliament) and hence European foreign policy will be only in those areas where there is a consensus of all member states; a walk on a tightrope if considering the very different traditions in international relations of 27 member countries. Beside the fight against corruption the DAC peer review saw co-ordination and complementarity with other donors – in particular the member states - as the major challenge of the Community (DAC 2007, 71). Particularly a smooth and equivalent integration of the 12 new member countries in the field of European development cooperation will be a rather difficult process.

Under the current conditions full implementation of visions in development cooperation (like at least the European Consensus) could hardly be expected, the EU external relations approach and thus also development policy could even benefit from some comparative advantages of individual member states contributions. Although differing traditions – more or less - make them specialists for particular aspects of development cooperation, highly restricting budget constraint in that field claims effectiveness of measures and thus in Europe the problem of coordination still prevails. In addition, the distribution of external relations duties and unequal power relations within the Commission relates to Community intern difficulties – that of consistency of external relations and coherence of policies. Referring to the first, the DAC peer review report correctly questioned 'the rationale for the split responsibility for development between RELEX and DEV' (DAC 2007, 52).

Continuous improvement of the institutional framework is obligatory. The approach of the development of development cooperation should be based on the outcome of the monitoring of the new legislative instruments and on the experiences of the Realpolitik under the Treaty of Lisbon (when ratified). Currently it is the right direction, but it is still a long run to the ambitious objectives from both views: that of the institutional body and even more that of the policy that clearly always drags behind. The DAC peer review team blamed the EC for proclaiming the internal reform process as completed. Referring to this, development partners claimed to 'devolve authority to the field', simplify procedures' and 'accelerate programme implementation' (DAC 2007, 18). Referring to the endmost, in the EC only 3 instead of 4 to 9 officials - like for example in the IMF or some member states - had been responsible for an amount of 10 million Euros during the 1990s. Hence transactions of committed funds are unacceptably delayed. In 1999 the promised disbursements of 20 billion Euros had not been paid. On average they had been overdue for 4,5 years (Orbie 2008, 69). Despite a considerable rise in financial aid during that period, the devel-

opment cooperation staff level for administration within the Commission has only grown under-proportionately.

The past made clear that institutional improvements do not suffice to implement development ambitions at the policy level appropriately. It is still a long way left to full realisation. It is essential that relations with ACP-countries, ALA-countries and European Neighbourhood Countries move towards adequate development strategies rather than they stick to be determined by security or competitive considerations. Provided that necessary reformations of the Commission take place, more effectiveness of EU-DC can be achieved by allocating a growing share of the EU-DC resources and responsibilities to the Community. This would be a serious strengthening of European development cooperation as a whole. By then, the Commission will have to legitimate its importance with a continuous improvement of its performance. The surplus of its policy has to become apparent for all stakeholders of EU-DC. To establish a better understanding for the importance of a European development policy, results must be properly communicated to the member states and most importantly, it must convince those who legitimate the deciding national and European delegations: the voters.[30] In fact they would be the authoritative backbone of the future pathway of European policies and hence it is most important to emphasize the inseparable interrelations between global challenges (climate, poverty, nutrition, resource scarcity and others) and EU-DC.

[30] The Council consists of national delegations at ministerial level. It holds the executive power of the European policies and hence has the final say in terms of their implementation. Additionally the Council possesses legislative power, in most cases in co-decision with the parliament. Both, national delegations and the European Parliamentarians are legitimated by voters in the member states.

List of abbreviations

AAA	Accra Agenda for Action
ACP	African, Caribbean and Pacific
AEC	European Atomic Energy Community
ALA	Asian and Latin American
ASEAN	Association of South East Asian countries
CAP	Common Agricultural Policy
CAP	Common Agricultural Policy
CARDS	Community Assistance for Reconstruction, Development and Stability
Caricom	Carribean Community
CEMAC	Communauté Économique et Monétaire de l'Afrique Centrale
CFSP	Common Foreign and Security Policy
COERPER	Committee of Permanent Representatives
COMESA	Common Market for Eastern and South African Countries
DAC	Development Assistance Committee
DC	Development Cooperation
DCI	Instrument for Development Cooperation
DG	Director General
DG-Financial	Director General for Economic and Financial Affairs
DG-Agriculture	Director General for Agriculture and Rural Development
DG-Dev	Director General for Development
DG-Enlarg	Director General for Enlargement
DG-Regio	Director General for Regional Policy
DG-Relex	Director General for External Relations
DG-Social	Director General for Employment, Social Affairs and Equal Opportunities
DG-Trade	Director General for Trade
EAC	East African Community
EBA	Everything But Arms
EC	European Community
EC-DC	European Community Development Cooperation
ECHO	European Commission Humanitarian Aid
ECOWAS	Economic Community Of West African States
ECSC	European Coal and Steel Community
EDF	European Development Fund

EEC	European Economic Community
EG	Europäische Gemeinschaft
EIB	European Investment Bank
EIDHR	European Initiative for Democracy and Human Rights
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EPAs	Economic Partnership Agreements
ESA	Eastern and Southern African
ESS	European Security Strategy
EU	European Union
EU-DC	European Union Development Cooperation
European Court	European Court of Justice
EZA	Entwicklungszusammenarbeit
FTA	Free Trade Areas
GAERC	General Affairs and External Relations Council
GASP	Gemeinsame Außen- und Sicherheitspolitik
GATT	General Agreements on Tariffs and Trade
GNI	Gross National Income
GSP	General System of Preferences
ICI	Instrument for Co-operation with Industrialised Countries
IfS	Instrument for Stability
IGOs	Intergovernmental Organisations
INSC	Instrument for nuclear safety co-operation
IPA	Pre-Accession Instrument
ISPA	Instrument for Structural Policies for Pre-Accession
LDC	Least Developed Countries
MDG	Millennium Development Goals
MEDA	Regulations on financial and technical measures to accompany
Mercosur	Mercado Común del Sur
NGOs	Non-Governmental Organisations
NICs	Newly Industrialised Countries
OCT	Overseas Countries and Territories
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development

PCD	Policy Coherence for Development
PHARE	Programme of Community aid to the countries of Central and Eastern Europe
PJCC	Police and Judicial Cooperation in Criminal Matters
PTAs	Preferential Trade Areas
SAARC	South Asian Association for Regional Co-operation
SADC	South African Development Community
SACU	Southern African Customs Union
SAPARD	Special Accession Programme for Agriculture and Rural Development
STABEX	Système de Stabilisation des Recettes d'Exportation
SYSMIN	System for the Stabilisation of Export Earnings from Mining Products
TACIS	Technical Assistance to the Commonwealth of Independent States
TEC	Treaty of the European Community
TEU	Treaty on the European Union (Lisbon)
TFEU	Treaty on the Functioning of the European Union (Lisbon)
UN	United Nations
WTO	World Trade Organisation

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