Addressing conflict prevention, peace-building and security issues under external cooperation instruments

GUIDANCE NOTE

1. INTRODUCTION

The Lisbon Treaty has - for the first time - explicitly enshrined, as one of the objectives of the EU's external action *"to preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter [...]"*[1]. This new development needs also to be seen against a wider picture of global instability where - according to the World Development Report 2011 on Conflict, Security and Development - approximately 1.5 billion people live in countries affected by repeated cycles of political and criminal violence. Such a lack of stability in one country or region is detrimental to our development efforts there, and may have spill-over effects to other more stable areas including the EU, through refugee flows, trafficking in human beings and drugs, organised crime networks, etc.

In order to address these challenges, the EU has a wide array of external policies, instruments and tools at its disposal, ranging from diplomacy (statements, demarches, mediation, facilitation of dialogue, participation in relevant international fora…) and EU external cooperation instruments (both thematic and geographical), to actions under the Common Foreign Security Policy (CFSP), including regular political dialogues with third countries and international organisations, restrictive measures (sanctions), EU Special Representatives, disarmament and non-proliferation activities, and civilian and military crisis management missions under the Common Security and Defence Policy (CSDP), etc.

Our effectiveness in preventing conflicts, building peace and strengthening international security very often depends on our ability to define the right mix of policies, instruments and tools to achieve this ambitious goal. The post-Lisbon institutional setup facilitates these complex tasks of pursuing a "comprehensive approach" and ensuring overall consistency. Without conscious horizontal inclusion of all relevant strands - conflict prevention, peace-building, security and development - this overarching EU objective cannot be reached.

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[1] Article 21(c) TEU.

☞ This guidance note does not endeavour to address the overarching question of how the EU can best achieve the overall objective of building peace, preventing conflict and strengthening international security, set out in the Lisbon Treaty. Rather its specific purpose is to raise awareness among the responsible EEAS (including EU Delegations) and Commission staff about the need to ensure that the above-mentioned issues are adequately factored into our external cooperation instruments, while respecting the primary, specific objective of each policy and instrument[2].

2. WHAT ENABLES US TO ADDRESS CONFLICT PREVENTION, PEACE-BUILDING AND SECURITY IN OUR COOPERATION?

The Lisbon Treaty has also made explicit that, as an integral part of the EU's external action, both our development co-operation as well as our financial, economic and technical cooperation with third countries, other than developing countries, "*shall be conducted within the framework of the principles and objectives of the EU's external action*"[3], including that of preserving peace, preventing conflicts and strengthening international security.

The EU has also acknowledged[4] that there cannot be sustainable development without peace and security, and that, vice versa, without development and poverty eradication there will be no lasting peace. It has also stated that this "nexus" between development and security should inform EU strategies and policies in order to contribute to the coherence of EU external action. Similarly, in its Agenda for Change policy, the Commission says that the EU should ensure that its objectives in the field of development policy, peace-building, conflict prevention and international security are mutually reinforcing.

Instability, conflict, insecurity, violence, organised crime, corruption, etc., not only deter investment, hinder trade, divert public social expenditure, and hamper access to education, health and other basic services; they also severely weaken democracy, human rights and the rule of law, which are the very core values we aim to promote. Beyond development, these phenomena also undermine the joint efforts we are making with our neighbouring countries to establish a shared area of prosperity, security and freedom as well as the efforts of candidate and potential candidate countries to become closer to the European Union.

Some long-term external cooperation projects and programmes, funded by international donors, have been entirely lost or their impact has been seriously undercut for having neglected and/or underestimated the security-development context. In some cases, good-faith cooperation projects have unintentionally contributed to exacerbate community,

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[2] The particular challenge of linking development cooperation and humanitarian assistance (LRRD) is not covered in this note and will be addressed through appropriate guidance at a later stage.
[3] Articles 208(1) and 212(1) TFEU.
[4] Council Conclusions on Security and Development of 20 November 2007 (15091/07).

ethnic or religious rivalries, leading even to violence, simply because basic principles of conflict-sensitivity were not applied in the design or the implementation of the project.

Building peace, preventing conflicts and strengthening international security is therefore not only a Treaty obligation or a political commitment; it also enhances the effectiveness, efficiency, impact and sustainability of our development, neighbourhood and pre-accession policies.

3. ARE THERE NOT SPECIFIC EU INSTRUMENTS FOR CONFLICT PREVENTION, PEACE-BUILDING AND SECURITY?

Until relatively recently, the security, conflict prevention and peace-building dimensions of the EU's external action in third countries have indeed tended to gravitate towards those instruments specifically designed for crisis response/management or for addressing global and trans-regional security threats, in particular measures under the Instrument for Stability (IfS) and CFSP actions, including disarmament/non-proliferation activities and CSDP crisis management missions. These instruments have an undeniable added value in crisis situations, to address global and trans-regional threats or to build capacities of peace-building stakeholders[5], yet they are comparatively small in financial allocations and have important legal and regulatory restrictions[6], which make them unsuitable for addressing these issues at country-level over the long term.

Mainstreaming and promoting peace, preventing conflict and strengthening security within our geographic cooperation instruments has its merits as these are the best suited instruments to address long-term needs in a comprehensive and structured manner at the country and regional levels, which is essential to ensure the effectiveness, efficiency, impact and sustainability of our support, in line with the Paris Declaration and Agenda for Change principles.

However, the effectiveness of our support to conflict prevention, peace-building and security under EU cooperation instruments will be limited if it is not part of a **comprehensive EU approach**, based on a shared assessment and a common objective, and which combines in the most efficient manner all relevant external policy tools at our disposal, from cooperation instruments[7], political dialogues, confidential demarches and

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[5] Notably of international, regional and civil society organisations, under the 'Peace-building Partnership'.

[6] For instance, IfS crisis response measures cannot adequately address long-term needs, since their duration is limited to 18 months. The programmable components of this Instrument can support long-term actions, but they have to prioritise global or trans-regional programmes or those aimed at building the capacities of international, regional and civil society organisations. Likewise, CSDP missions are intended for crisis management situations and, even in these cases, they cannot provide material support.

[7] The Union's humanitarian aid is provided in accordance with the fundamental principles of humanity, neutrality, independence and impartiality and solely on the basis of needs of affected populations, as stipulated in Article 214 of the TFEU and in the European Consensus on Humanitarian Aid. Accordingly, it is provided by the EU independently from any other political, economic and military objectives. As a result, decision-making on humanitarian aid cannot be formally or operationally linked with, or driven by, the use or non-use of other EU's tools and instruments, or allow perception as such.

international diplomacy, to active mediation, sanctions and crisis management missions, to name some of the most prominent ones. Integrating all these instruments and tools in a systematic and consistent manner is particularly important when designing the EU approach to fragile and/or crisis-prone countries and regions.

4. HOW CAN THESE ISSUES BE ADDRESSED BY EXTERNAL COOPERATION INSTRUMENTS?

All countries and regions are different, with their own specific problems and challenges. Situations also vary from country to country as well as over time.

In the specific case of fragile and/or conflict-prone countries, violence and fragility are often framed by the presence of a non-inclusive political system which leaves significant parts of the population disenfranchised. This in turn is often marked by wide-scale youth disengagement, unemployment, inequality between social, ethnic, regional or religious groups; corruption, infiltration by criminal networks into public institutions, etc. In order to break this 'downward spiral' into instability and fragility (with accompanying levels of violence), systems for inclusive politics leading to more legitimate national institutions and good governance (state-building) need to be strengthened, providing human security, addressing injustice and creating employment. In addition, efforts may need to be undertaken to alleviate international stresses that increase the risks of violent conflict, such as cross border crime, arms smuggling or terrorist activities.

In this regard, the New Deal for Engagement in Fragile States[8] agreed in Busan in 2011, including by the EU, specifically focuses on a number of 'Peace-building and State-building goals'[9] as an important foundation to enable progress towards wider development goals and to guide our work in fragile and conflict affected states. On a more operational level, cooperation with countries facing fragility, conflict and violence, should aim at identifying and mitigating the stresses that can lead to conflict and violence, supporting inclusive political processes and the restoration of confidence; assessing deficits in the capability of key national institutions dealing with citizen security, justice and economic development and providing critical strengthening to those institutions as well as non-state actors; identifying transition opportunities to break cycles of violence and protracted fragility and actively supporting them.

In this regard, a **fragility** and/or **conflict assessment** can be useful to better understand the underlying factors and drivers of conflict and adapt our cooperation accordingly, not only to avoid doing unintentional harm, but also to ensure we make an effective contribution towards security, conflict prevention and peace-building. The joint

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[8] http://www.oecd.org/dataoecd/35/50/49151944.pdf
[9] These 'Peace-building and State-building goals' refer to: 1) Legitimate Politics - Foster inclusive political settlements and conflict resolution; 2) Security - Establish and strengthen people's security; 3) Justice - Address injustices and increase people's access to justice; 4) Economic Foundations - Generate employment and improve livelihoods; 5) Revenues & Services - Manage revenue and build capacity for accountable and fair service delivery.

Commission services-EEAS Note on Conflict Analysis provides more detailed information on this issue[10].

A country-specific political economy analysis could also help reveal specific peace building and state-building goals[11] to be pursued by our cooperation programmes. An EU response or programming document that addresses the root causes of violent conflict (or, as a preventive action, the key conflict risks) should also mainstream conflict prevention, peace building and security. This can result in the prioritisation of traditional areas of assistance, but with specific conflict prevention and/or peace-building objectives (e.g, job-creation or education programmes targeting disenfranchised groups, thus contributing to the reduction of conflict risk –in contrast to broad-based programmes without any explicit conflict-related objective). As a matter of fact, conflict prevention objectives can be targeted through both <u>direct</u> conflict prevention and peace building actions (for example, supporting a specific mediation/dialogue action) or <u>indirectly</u> through other sectors (for example, the conflict sensitive design of a water and sanitation programme, by assigning appropriate priority to disenfranchised groups).

Joint Framework Documents (JFDs) should also contribute to ensure greater complementarity and coherence between EU policies and instruments, including those of Member States, addressing conflict prevention, peace-building and security.

In all cases, these are some of the issues that should be looked at in order to ensure that conflict prevention, peace-building and security issues are effectively addressed in our cooperation:

a) Are there ongoing or planned IfS crisis response actions, peace operations supported under the African Peace Facility, and/or civilian CSDP crisis management missions in the concerned country?

If that is the case, it is essential to ensure the long-term sustainability of EU support. IfS crisis response measures are short-term and may not be repeated[12]. In most cases these actions help kick-start processes that might require further, long-term support, which can only be provided through our traditional cooperation instruments. To this end, and depending on the IfS intervention's specificities, continued support should be envisaged in our programming documents for the concerned country/region.

Through the African Peace Facility (APF), the EU supports African-led military peace support operations on the continent. Here, too, it is important to consolidate and sustain the progress made by such operations (ex. Somalia, Central African Republic, possibly

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[10] Issued separately.

[11] For a description of Peace-building and State-building Goals (PSG) and the process by which they could be made country specific, reference is made to the New Deal on Engagement with Fragile States, as endorsed by the European Union: http://www.oecd.org/dataoecd/35/50/49151944.pdf

[12] In some cases an IfS exceptional assistance measure may be followed by an interim response programme, but the adoption period is longer since the latter follows standard commitology procedures.

Mali…) through concerted civilian action under other EU or EU Member States' instruments.

Similarly, civilian CSDP crisis management missions should not be expected to stay indefinitely; once the crisis is over and the situation has stabilised the presence of these missions is no longer justified. It is therefore important to ensure that the capacity-building work they may have initiated (in e.g. the police, justice or border management areas) in a crisis management context is not abruptly interrupted when the mission is pulled out.

A proper definition of an exit strategy of the respective CSDP mission is a pre-requisite to enable a possible synchronised follow-up under the corresponding geographic cooperation instrument. Even during the conduct of a civilian CSDP mission, it is important to ensure close coordination with external assistance instruments in order to maximise the overall consistency and impact of EU support. We should strive to promote such cooperation already from the very onset, with early common assessments of the situation. Systematic preliminary coordination between relevant Commission services and the EEAS, including the CSDP structures, in discussing, thinking and planning on a case-by-case basis can bring an invaluable added-value before possible options to address the situation are formulated. A CSDP mission can do things that cannot be done under external cooperation instruments, but the opposite is also true.

Supporting complex and multi-dimensional processes such as Security Sector Reform, the fight against piracy or the disarmament, demobilisation and reintegration of ex-combatants, to name just a few, often requires combining CSDP actions with external cooperation instruments, each one within the scope and limits of their respective legal basis, as well as political dialogue and other public diplomacy tools.

b) Is the concerned country emerging from a recent conflict or otherwise still confronted by security threats inherited from a past or a non-fully resolved conflict?

In post-conflict situations our first priority should be to help consolidate peace in order to prevent the re-emergence of violence. Providing early signs of tangible improvement for the population is an important part of building the confidence of the population that peace can last. Among the typical areas of peace-building support that more often require external assistance are:

- Disarmament, demobilisation and reintegration of ex-combatants (DDR). The disarmament and demobilisation phases are usually better addressed under crisis response/management instruments. Yet, the reintegration of ex-combatants is a long-term process of a primarily socio-economic nature, which often includes the creation of employment or other income generation activities for ex-combatants; this kind of support is best provided under mainstream cooperation instruments. Lessons learned prove that an initial common assessment of the situation followed by a parallel formulation of the interventions is necessary to synchronize the three phases of the

DDR process. Political willingness of the third party to embark upon a DDR process is a pre-requisite. DDR support often needs to be accompanied by transitional justice measures (see below), preferably within a broader peace-building and security sector reform process. Special attention would have to be paid to women and children affected by armed conflict. For guidance on EU support to DDR, please refer to the *EU Concept for support to Disarmament, Demobilisation and Reintegration* (2006)[13].

- Proliferation of small arms and light weapons (SALW). This is a highly destabilising threat common to most post-conflict scenarios. It should be noted that SALW control issues having a primarily security/military dimension need to be addressed under the CFSP budget; our external cooperation instruments can however address all other dimensions of SALW at country level such as the legal and regulatory frameworks, institutional capacity-building, including on some trade-related aspects (e.g. import/export controls, border controls), awareness raising, survey activities, etc. These SALW "governance" activities are particularly pertinent when uncontrolled stockpiles of SALW are or have been accessible to unauthorised users or in countries active in the international arms trade without having in place a proper arms transfer control system. The *EU Strategy to combat illicit accumulation and trafficking of Small Arms and Light Weapons and their ammunition (2005)[14]* is the key reference document in this area.

- Mine action. The presence of landmines, unexploded ordnance and explosive remnants of war not only poses a threat to the safety and security of civilians, it also prevents them from putting the affected lands into productive agricultural and other uses. The human, social and economic costs of this threat, including those of assisting victims and reintegrating them into society, are huge. In border areas, generally the most affected ones, it also hampers border control and deters cross-border cooperation between communities. In accordance with the EC Guidelines on Mine Action (2008)[15], our support to mine-affected countries needs to be integrated into the relevant cooperation strategies, including not only detection, clearance and stockpile destruction, but also risk education and victim assistance. See also the *Evaluations of EC-Funded Mine Action Programmes 2002-2008: Countries and Summary Reports[16]*; which contain useful lessons learnt and provide recommendations for engagement.

- Continuous support to mediation and dialogue processes and to the long-term implementation of peace agreements should also be considered, particularly when such support has been initiated under other EU instruments. By supporting local mechanisms for mediation and dialogue focused on achieving an inclusive political settlement, mainstream cooperation instruments can help transform relationships

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[13] Approved by the European Commission on 14 December 2006 and by the Council of the European Union on 11 December 2006. (doc. 16387/06). http://www.ssrnetwork.net/uploaded_files/3367.pdf

[14] Adopted by the European Council 15-16 December 2005, cf. Doc. 5319/06 at http://register.consilium.europa.eu/pdf/en/06/st05/st05319.en06.pdf

[15] Commission Staff Working Document SEC(2008)2913 of 24.11.2008 http://eeas.europa.eu/anti_landmines/docs/guidelines_08_13_en.pdf

[16] http://eeas.europa.eu/anti_landmines/docs/index_en.htm

between conflict parties, ensure that peace processes are broad and inclusive and lead to genuine and sustainable solutions in conflict prone environments. Please also refer to the *Concept on Strengthening EU Mediation and Dialogue Capacities (2009)[17]*, which provides a policy basis for the EU's engagement in international peace mediation and dialogue. The EU's policy on Women, Peace and Security (UNSCR 1325) is also relevant in this regard.[18] Besides the role our cooperation instruments can play, it remains equally important to leverage the EU's support through diplomatic and political action.

- Transitional justice measures. There cannot be lasting peace without justice. Political amnesties may contribute to stabilisation in post-conflict scenarios, but the EU does not accept impunity for crimes of genocide, crimes against humanity and war crimes. Impunity can lead to repeated cycles of violence which in turn leads to recurrence of violent armed conflict, hence the fundamental connection between justice, peace and development. Through our mainstream cooperation instruments we can therefore greatly contribute to peace-building and conflict prevention by supporting the establishment of "truth commissions", war crimes investigations, special tribunals (either locally established or international[19]), victims' recognition and compensation programmes, national reconciliation activities, etc. These mechanisms are, however, extremely context-specific (what worked in one country may be totally inappropriate in another) and must be fully locally-owned. Detailed analysis must therefore underpin the EU's decisions on which approaches to support. See also the report of the Initiative for Peace-building on the EU's Support to Transitional Justice (2010)[20]

- Support to Parliaments. The international community often engages in conflict mediation and peace-building by creating national dialogue mechanisms that somehow neglect the central role of Parliaments, hence undermining their legitimacy. It is also true that weak and dysfunctional Parliaments are too frequently part of the problem of fragile and post-conflict states. Even in such circumstances, there is now increasing recognition that conflicts can often be prevented, or their impact substantially reduced, where genuine opportunities exist for dialogue within the formal political process. Parliaments, the main arena for national political dialogue, are therefore crucially important institutions in processes of conflict prevention, reduction and recovery. To be effective actors in these roles, Parliaments need to develop or improve capacities to perform their key functions of representation, legislation and oversight. The 2010 European Commission Reference Document 'Engaging and Supporting Parliaments Worldwide' provides guidance on how to

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[17] doc. 15779/09 of 10 November 2009, cf.
http://register.consilium.europa.eu/pdf/en/09/st15/st15779.en09.pdf
[18] doc. 15671/1/08 of 1 December 2008
http://register.consilium.europa.eu/pdf/en/08/st15/st15671-re01.en08.pdf
[19] At the international level, the Rome Statute System and the International Criminal Court (ICC) play a central role in fighting impunity. According to the principle of complementarity, the ICC is a court of last resort, while States Parties have the primary obligation to investigate and prosecute the core crimes of genocide, crimes against humanity and war crimes. Strengthening national criminal jurisdictions and the rule of law is therefore crucial to fighting impunity.
[20] http://www.initiativeforpeacebuilding.eu/pdf/EUTransJustice0610.pdf

support effectively parliaments and includes a chapter on parliaments in conflict situations[21].

- Elections. In post-conflict situations we often find "national unity" or "transitional" governments as well as parliamentary and constitutional assemblies made up of unelected representatives. An electoral process is therefore needed to legitimise the State institutions. These critical elections often take place in unstable contexts characterised by high political polarisation, sporadic acts of violence, civil society mistrust vis-à-vis the army and the police, inexistent or outdated electoral rosters, and insufficient national authorities' capacity and resources to properly organise a country-wide electoral process at short notice. Over-hasty elections can 'freeze' a national reconciliation process by creating very divisive dynamics, yet an excessive delay in the conduct of elections may also contribute to reignite violent conflict. Poorly planned and conducted elections open the door to suspicion and are likely to lead to the "losing" party claiming rigging and contesting the results, thus potentially delegitimising the entire process and compromising a fragile peace. By providing technical assistance and material support for the organisation and conduct of post-conflict elections, and promoting best practice solutions we can help reduce this risk. In providing electoral assistance in a post-conflict context, the EU often works in partnership with UNDP for the actual programme implementation[22].

It should be recalled here again that the EU has additional instruments that are often mobilised in post-conflict situations and that can indirectly contribute to conflict prevention and peace-building such as humanitarian assistance (e.g. for refugees and internally displaced people) or EU Election Observation Missions[23], funded under the EIDHR.

c) Does the State effectively provide justice and security and does it do so in a manner that is consistent with human rights, the rule of law and good governance principles?

Some governments use the justice and law enforcement institutions of the State to preserve their own security and privileges, rather than to ensure the security and the rights of their citizens. The mere existence of a police force and of a court system does not necessarily make people feel safe, nor does it guarantee the provision of any justice. In some cases, people are actually afraid of those who should protect them and have no confidence in justice institutions. When this happens, people tend to avoid the police (even when they are the victims) and may be tempted to take justice in their own hands, usually resorting to violence for quarrels over, for instance, land limits or access to water –in many countries around the world these type of disputes are the first cause of violent death. When neither the State nor its citizens abide by the "social contract", instability and the risk of conflict increase dramatically.

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[21] Reference Document 8, Engaging and supporting parliaments worldwide: strategies and methodologies for EC action in support to Parliaments, October 2010, Page 159- 167.
[22] http://www.ec-undp-electoralassistance.org/index.php?option=com_content&view=article&id=53&Itemid=27&lang=en
[23] Support to the implementation of EOM recommendations could also be considered in the programming.

To avoid this risk, it is essential that the justice and security institutions of the State not only perform their critical tasks in a functional manner, but that they do so under the rule of law, in full compliance with human rights obligations and subject to the same good governance principles that should apply across the public sector: transparency, participation, accountability and democratic control (e.g. civilian command, judicial review, parliamentary oversight, civil society involvement, etc.). This is what the international community has defined as Security Sector Reform (SSR), a complex, long-term multidimensional process that generally requires substantial external support and in-country political commitment.

For a number of reasons, including the need to maximise impact and to respect partner countries' priorities and donor coordination commitments, EU support to SSR often concentrates on one or two aspects such as reforming the police, enhancing border management, modernising the criminal justice system, or other targeted assistance. Yet our assistance should follow a 'holistic' approach, i.e., be provided within the framework of a 'sector-wide', nationally-owned SSR Strategy, and supporting not only the security services themselves, but also those institutions and services that are responsible for ensuring that the supported services operate under the rule of law, notably the judiciary, and are also subject to proper democratic control, including parliamentary oversight. While strengthening institutional, organisational and technical capacities, particular attention should be paid to promoting the rule of law, human rights and good governance principles, which are essential elements of SSR, otherwise we would not be effectively contributing to conflict prevention, peace-building and human security.

For guidance on EU support to SSR, please refer to the *Commission Communication on* "*A Concept for European Community Support for Security Sector Reform"* (2006)[24]; the *Council Conclusions on a Policy Framework for Security Sector Reform* (2006)[25]; the *Council Conclusions on Security and Development* (2007)[26], notably paragraph 10; and the final report of the *Thematic Evaluation of European Commission Support to Justice and Security System Reform (2001-2009)*[27]. An operational guidance note on assessment, implementation and follow up of the EU external SSR actions (both under CSDP and EU cooperation instruments) is currently under development by relevant Commission services and the EEAS.

d) Are there underlying factors or growing threats that may lead to instability and/or conflict if not properly addressed?

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[24] COM(2006)253 final of 24/05/2006
http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0253en01.pdf
[25] 2736th GAERC meeting - Luxembourg, 12 June 2006; Council document 9946/06 pp. 16-17
http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/90013.pdf
[26] Council document 15097/07 of 20/11/2007, pp. 5-6
http://register.consilium.europa.eu/pdf/en/07/st15/st15097.en07.pdf
[27] http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2011/1295_docs_en.htm

Even in relatively stable countries, not confronted by an immediate security menace, there may be underlying long-term threats that can undermine the State and jeopardise human security if neglected. Among these threats, which may be of a very different nature, the following deserve particular attention as they often require external support:

- Organised crime, money laundering, trafficking in drugs, smuggling and other forms illicit trafficking. These forms of criminality not only pose a serious threat to peoples' security and to public health, they also feed corruption and tax evasion, severely undermining the legitimacy of the State, and deter investment and trade, hence hindering economic development. The transnational dimension of these phenomena may also endanger relations with neighbouring countries, which can be an additional source of instability. Given the cross-border nature of these threats, the EU response should be coordinated both at regional and bilateral level. By supporting third countries and regions in their fight against organised crime, drug trafficking, smuggling and other forms of illicit trafficking we therefore make an effective contribution towards enhancing human security, protecting public health, building State capacities, facilitating trade and investment, fostering development and preserving regional stability. In the field of drugs, the most relevant policy document is the *2013-2020 EU Drugs Strategy (2012)*[28] *and the accompanying 2013-2016 Action Plan on Drugs (currently being prepared).* The EU promotes a balanced, evidence-based approach to drugs, including demand reduction.

- Tensions around natural resources. It is often said that behind every violent conflict in the world there is competition for natural resources, notably for water, cultivable land, timber, minerals, gems, gas and oil. With the limited resources available, the ever increasing world demand, and the negative effects of climate change on some of these resources, this competition and the many conflicts it fuels can only be expected to grow. By supporting the sustainable management of natural resources and the development of efficient governance, distribution and consumption models, we can effectively contribute to preventing future conflicts. Implementation of Kimberly Process[29] decisions on conflict diamonds, notably with regard to governance issues around the supply chain, can also be considered for support in producing countries. As a result of a special partnership between the EU and UN on Natural Resources, Conflict and Peace-Building, four operational guidance notes have been developed: i) extractive industries and conflict,[30] ii) land and conflict,[31] iii) renewable resources and conflict[32] and iv) strengthening capacity for conflict-sensitive natural resource management.[33]

- Community, religious or ethnic rivalries; radicalisation/extremism. These are among the most sensitive and difficult issues to address, particularly from an external actor

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[28] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:402:0001:0010:en:PDF

[29] The EU is a member of the Kimberly Process and chairs its Working Group on Monitoring.

[30] http://www.unep.org/conflictsanddisasters/Portals/6/ECP/GN_Extractive_Consultation.pdf

[31] http://www.unep.org/conflictsanddisasters/Portals/6/ECP/GN_Land_Consultation.pdf

[32] http://postconflict.unep.ch/publications/GN_Renewable_Consultation.pdf

[33] http://postconflict.unep.ch/publications/GN_Capacity_Consultation.pdf

perspective. Yet there are hardly any other factors with greater destabilising potential and ability to escalate into violence. Beyond supporting democratisation and human rights, particular attention should be paid in these contexts of deep social divide to the promotion of fundamental freedoms, inter-community dialogue, and peaceful dispute settlement mechanisms as well as to youth engagement and awareness-raising on the dangers of radicalisation. It is also critical to ensure that our cooperation programmes, including those concerned with basic services, governance and economic growth, as a minimum do not exacerbate these divisions, and where ever possible work to address inequalities between groups. Involvement of civil society organisations is essential.

- Large, uncontrolled flows of irregular migration. It should first be recalled that migration, even irregular, is primarily a socio-economic phenomenon. Certain forms of irregular migration such as trafficking in human beings, people smuggling or terrorism-related travel (e.g. cash couriers) do however have obvious security implications. Conflicts can also generate large number of refugees and internally-displaced people. Likewise, large uncontrolled flows of irregular migration may have destabilising effects, for instance if they alter ethnic balances or put additional strains on scarce natural resources. To reduce these risks, it is important to enhance third countries' migration and border management capacities so that irregular migrants are properly screened (refugee/asylum seekers, victims of trafficking, minors, economic migrants…) and treated in a manner that is consistent with human rights and other applicable international obligations, including protection. Building these capacities often requires external assistance. For guidance on broader integrated border management support, including migration management aspects, please refer to the *Guidelines for Integrated Border Management in EC External Cooperation (2009)[34]*.

- Chemical, biological, radiological or nuclear (CBRN) risks. Incidents involving CBRN materials, whether of a criminal (proliferation, theft, sabotage, illicit trafficking), accidental (chemical or nuclear industry, waste, transport) or natural (e.g. pandemics) origin, can have a devastating effects on the socio-economic fabric of a country as well as on the safety and security of its people. It is, therefore, necessary to build third countries' capacities for the prevention, detection and response to such incidents in the context of improving wider governance at national and regional level[35]. The most relevant policy document in this area is the *EU CBRN Action Plan (2009)[36]* which develops a coherent EU internal approach aimed at minimising the threats and damages to the public of CBRN-related incidents.

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[34] EuropeAid. November 2009.
http://syb.icisleri.gov.tr/ortak_icerik/syb/Guidelines_for_IBM_in_EC_External_Cooperation_EN.pdf
[35] At the global level, CBRN risk mitigation support is currently being provided under the Instrument for Stability through the establishment of five regional Centres of Excellence in the EU's neighbourhood, in Africa, Central- and in South East Asia.
[36] Council conclusions on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union - an EU CBRN Action Plan, Doc. 17705/09 REV1 + COR1+2, November 2009
http://register.consilium.europa.eu/pdf/en/09/st15/st15505-re01.en09.pdf

5. ARE THERE ANY "RED LINES", I.E. SECURITY-RELATED ISSUES THAT CANNOT BE TACKLED UNDER GEOGRAPHIC COOPERATION INSTRUMENTS?

As a general rule, security issues having defence or military implications cannot be addressed by any instrument funded under the EU budget. This restriction therefore applies not only to development cooperation, but also to all other EU external assistance instruments, including IfS, Instrument for Pre-accession (IPA), Partnership Instrument (PI)… and even the CFSP budget[37].

The European Development Fund (EDF) is funded by the EU Member States outside of the EU budget, but it is tied to Official Development Aid (ODA) eligibility requirements[38], which also exclude military/defence assistance, not only with regard to the supply of equipment or the provision of services, but even to the forgiveness of debts incurred for defence/military purposes.

Within the EDF, a specific derogation from compliance with ODA eligibility was however granted to the APF, in order for it to provide financial support to military peacekeeping missions of the African Union. But even in this exceptional case, the following restrictions were introduced; lethal weapons, including their spare parts and ammunition, military training and troops' salaries.

Notwithstanding the above, it is still possible to work with the military under EU external assistance instruments on civilian aspects of DDR, SSR and SALW as well as on mine action and on border management, particularly in those countries where border control and surveillance functions are performed by border troops or a similar military body, provided this is done under civilian command. Under very specific conditions, military assets may also be drawn upon in support of humanitarian relief operations as a 'last resort', as defined in the European Consensus on Humanitarian Aid and international guidelines[39].

Counter-terrorism assistance, even civilian, is however excluded under both the EDF and the DCI, due to the same ODA eligibility obligations[40], which explicitly exclude cooperation in this area (as well as in counter-insurgency work and related intelligence gathering). It is, however, possible and the EU is already actively pursuing this approach to address, under these two development instruments, many other issues that have a positive impact on countering terrorism, such as criminal justice reform, prevention of violent radicalisation, fight against financial crimes, strengthening border management, etc. as long as it is done with a primarily development objective.

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[37] Military CSDP missions under the CFSP are funded by the EU Member States outside of the EU budget.
[38] As defined by the Development Assistance Committee (DAC) of the OCDE.
[39] Guidelines on the Use of Military and Civil Defence Assets to support United Nations Humanitarian Activities in Complex Emergencies, and Guidelines on the Use of Military and Civil Defence Assets in International Disaster Relief—'Oslo Guidelines'.
[40] New proposed DCI Regulation would allow for 5% of assistance under this Instrument to be exempted from ODA eligibility requirements, if accepted by the co-legislators.

The IfS is actually the only instrument specifically designed to address pure counter-terrorism (civilian) needs, including at the national and regional levels.

Similarly, specific non-proliferation and disarmament activities can only be funded through the CFSP budget. External assistance instruments can however support partner countries' capacity to effectively implement internationally binding obligations in this field, particularly in the framework of broader good governance reforms.

Likewise, EU crisis management missions (either civilian or military), as well as those having substitution, law enforcement powers, can only be undertaken within the CSDP framework. In non CFSP contexts, however, our external cooperation instruments can fund long-term EU missions primarily aiming at building the institutional capacities of partner countries through the provision of technical assistance, training and policy advice (e.g. PAMECA and EURALIUS[41] or the EU Border Assistance Mission to Ukraine and Moldova[42]).

If you perceive a need in these areas that cannot be addressed under your cooperation instrument due to any of the above-mentioned restrictions, you should approach the EEAS / Commission department in charge for guidance.

6. HUMAN RIGHTS CONSIDERATIONS

As recalled in the Joint Communication on "*Human Rights and Democracy at the heart of EU External Action - Towards a more effective approach*", the protection of human rights is paramount in the areas covered by this concept note (police and judicial cooperation, the fight against drugs and organised crime, the functioning and independence of the judiciary, border management, trafficking in human beings). When undertaking cooperation with third countries in these fields, it is crucial to ensure that actions fully respect human rights, including non-discrimination. The EU strives to respect, promote and protect human rights in its external action, including through its cooperation instruments and particularly when delivering technical assistance. Particular attention should therefore be paid to those cases where there is a risk of activities of being misused by states and indirectly aiding or assisting in human rights abuses. To this end, specific human rights indicators have been developed for cooperation programmes addressing drug trafficking issues[43]. In accordance with the EU Strategic Framework and Action Plan on Human Rights and Democracy (2012)[44], further operational human rights guidance shall be developed for EU-funded counter-terrorism projects.

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[41] Police Assistance Mission of the European Community to Albania (PAMECA) and European Union Justice Assistance Mission to Albania (EURALIUS).
[42] The Head of Mission was at the same time Senior Political advisor to EU Special Representative for Moldova, which allowed the mission to also perform certain CFSP functions such as monitoring.
[43] Cf. Human Rights Due Diligence for Drug Control: An Assessment Tool for Donors and Implementing Agencies. Harm Reduction International 2012 (research conducted with EU financial support)
[44] Adopted by the Council on 25 June 2012. Doc. 11855/12.

7. ARE THERE SPECIFIC POLICY DOCUMENTS OR GUIDELINES ON THE ABOVE-MENTIONED ISSUES? WHOM SHOULD I CONTACT IF I NEED SUPPORT?

There are indeed official policy documents on many of the above-mentioned issues, including strategies, guidelines, Commission Communications, Council Conclusions, etc. Some of them (with their references) have already been mentioned above. An additional non-exhaustive list of policy documents can be found in the **Annex**.

In other cases there are useful reference documents from the United Nations or other international organisations.

Please feel free to contact the following services for further questions, policy guidance or other mainstreaming-related support:

EEAS

- **Conflict Prevention, Peace-building and Mediation Division** (K2): general conflict prevention and peace-building issues, conflict analysis; mediation and dialogue facilitation; SSR, DDR. (K2@eeas.europa.eu).
- **Security Policy and Sanctions Division** (K3): general security policy issues; organised crime, illicit trafficking; Integrated Border Management; CBRN risks; critical infrastructure protection, including maritime and aviation security; cyber-security and cybercrime. (K3@eeas.europa.eu).
- **Disarmament and Non-Proliferation Division** (K1): SALW, mine action. (K1@eeas.europa.eu).
- **Global Issues and Counter-Terrorism Division** (VI B1): countering terrorism, including violent extremism; migration and broader drugs, natural resources and climate change policy. (VI-B1@eeas.europa.eu).
- **CMPD Coordination Division** (CMPD A1): CSDP matters (CMPD-A1@eeas.europa.eu).

DG DEVCO

- **Fragility & Crisis Management Unit** (07): general conflict prevention and peacebuilding issues, mine action, natural resources and conflict. (EUROPEAID-07@ec.europa.eu).
- **Governance, Democracy, Gender & Human rights Unit** (B1): justice, rule of law, electoral assistance, gender, security sector governance. (EUROPEAID-B1@ec.europa.eu).
- **Instrument for Stability and Nuclear Safety Unit**, (B5): CBRN, global and trans-regional threats (countering terrorism, incl. violent extremism; organised crime incl. illicit drugs trafficking, SALW, human beings, critical infrastructure incl. maritime and cyber security). (EUROPEAID-B5@ec.europa.eu).
- **Employment, Social Inclusion & Migration Unit** (B3): Integrated Border Management. (EUROPEAID-B3@ec.europa.eu).
- **Africa-EU Partnership & Peace Facility Unit** (D4): African Peace Facility. (EUROPEAID-D4@ec.europa.eu).

FPI

- **Stability Instrument Operations Unit** (FPI 2): IfS crisis response and preparedness issues (FPI-2@ec.europa.eu).

ANNEX

ADDITIONAL REFERENCE DOCUMENTS

Security and development

- *The 2007 Council Conclusions on Security and Development[45]* as well as the 2007 *Council Conclusions on an EU response to situations of* fragility[46]*,* which emphasise that the nexus between development and security should inform EU strategies and policies in order to contribute to the coherence of EU external action;

- *The 2007 Communication 'Towards an EU response to situations of fragility - engaging in difficult environments for sustainable development, stability and peace'* which recognises the essential contribution made by development cooperation to promote peace and stability by addressing expressions of violence and root causes of insecurity and violent conflict[47];

- *The 2005 European Consensus on Development[48],* which commits the EU to develop a comprehensive prevention approach to state fragility, conflict, natural disasters and other types of crises; and t*he 2005 EU Policy Coherence for Development[49]*, where the EU commits to treat security and development as complementary agendas;

- *The 2006 Communication 'Governance in the European Consensus on Development: Towards a harmonised approach within the European Union'* which recalls that development, human rights, peace and security are indivisible and mutually reinforcing[50];

- *The 2003 Communication on Governance and Development* where the concept of security is increasingly understood not just in terms of security of the state, but also embraces the broader notion of human security, which involves the ability to live in freedom, peace, and safety[51];

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[45] Council document 15097/07 of 20/11/2007
http://register.consilium.europa.eu/pdf/en/07/st15/st15097.en07.pdf
[46] 2831st EXTERNAL RELATIONS Council meeting, Brussels, 19-20 November 2007 , cf.
http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/gena/97177.pdf
47 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0643:FIN:EN:PDF
[48]OJ C 46 of 24/02/2006, p. 1
http://ec.europa.eu/development/icenter/repository/european_consensus_2005_en.pdf
[49]COM(2005)134 final of 12/04/2005
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0134:EN:HTML
[50] http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0421en01.pdf
[51] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0615:FIN:EN:PDF

- *The 2003 European Security Strategy*[52] which develops the EU's strategic approach to address major global threats and build stability, and the *2008 Report on the Implementation of the European Security Strategy*[53], which highlights emerging security threats for the EU;

Conflict prevention and peace-building

- The *2001 Communication from the Commission on Conflict Prevention*[54], together with *the 2001 EU Programme for the Prevention of Violent Conflicts (Gothenburg Programme)*[55], which defines conflict prevention as one of the major objectives of EU external relations and underlines both the need to address the conditions conducive to conflict and to adopt a comprehensive approach to conflict prevention within the EU and with partners;

- The *2011 Council Conclusions on Conflict Prevention*[56] which re-affirmed the Gothenburg Programme as a valid policy basis for further EU action, registered the substantial progress made in its implementation, and highlighted three areas: strengthening early warning capacities and bridging the gap with early action, strengthening EU's mediation capacities and conflict analysis tools, and building and intensifying partnerships, notably with international organisations and with civil society;

- The *Thematic Evaluation of European Commission Support to Conflict Prevention and Peace Building 2001 - 2010*[57], which contains useful lessons learnt and provides recommendations for future engagement;

- *The 2008 EU Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security*[58], which recognizes the close links between peace, security, development and gender equality and outlines common definitions and principles to promote the participation and protection of women in conflict situations and peace building;

- *The 2011 EU Strategy for Security and Development in the Sahel*[59] is an example of the recent thinking on how to integrate security and development in a regional strategy.

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[52] A Secure Europe in a Better World: The European Security Strategy; 12 December 2003, cf.
http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf
[53] Doc. S407/08 of 11 December 2008, cf.
http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf
[54] COM(2001)211 final of 11/04/2001
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0211:FIN:EN:PDF
[55] Doc. 9537/1/01 REV 1 endorsed by Gothenburg European Council 15/16 June 2001 – cf.
http://register.consilium.europa.eu/pdf/en/01/st09/st09537-re01.en01.pdf
[56] http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/122911.pdf
[57] http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2011/1291_docs_en.htm
[58] Council document 15671/1/08 REV 1 of 01/12/08
http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news187.pdf
[59] http://eeas.europa.eu/africa/docs/sahel_strategy_en.pdf

- *The Strategic Framework for the Horn of Africa* (annex to *November 2011 Council Conclusions on the Horn of Africa*[60]) is another comprehensive approach example.

Global Threats

- The *2013 Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace,* Joint Communication by the European Commission and the High Representative for the CFSP.[61]

- The *2011 Council Conclusions on enhancing the links between internal and external aspects of counter-terrorism*[62]*,* the *2005 EU Counter-Terrorism Strategy*[63], and the *2004 European Council Declaration on Combating Terrorism*[64]*,* which call for counter-terrorist objectives to be integrated into external assistance programmes.

- The *2003 EU Strategy against the proliferation of Weapons of Mass Destruction*[65]

Internal security

- The *2010 Internal Security Strategy for the European Union: "Towards a European Security Model"*[66]*,* which lays out a European security model, integrating, among others, action on law enforcement and judicial cooperation, border management and civil protection, with due respect for shared European values and fundamental rights.

- The *2010 Commission Communication on "The EU Internal Security Strategy in action: Five steps toward a more secure Europe"*[67]*,* which proposes new pathways for cooperation in dealing with organised crime, terrorism and cyber crime, strengthening the management of European external borders and building resilience to natural and man-made disasters.

- The *2004 Stockholm Programme: An Open and Secure Europe Serving and Protecting Citizens*[68], a five-year plan which includes guidelines for the EU Member States in the are of justice, freedom and security.

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[60] http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126052.pdf
[61] http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?doc_id=1667
[62] 3096th JUSTICE and HOME AFFAIRS Council meeting, 9 and 10 June 2011, cf.
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/122505.pdf
[63] 30/11/2005
http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf
[64] Declaration of the European Council on 25 March 2004 – cf.
http://www.consilium.europa.eu/uedocs/cmsUpload/DECL-25.3.pdf
[65] Doc. 15708/03 of 10 December 2003, cf. http://consilium.europa.eu/uedocs/cmsUpload/st15708.en03.pdf
[66] Doc 5842/2/10 REV 2 of 23 February 2010, cf.
http://register.consilium.europa.eu/pdf/en/10/st05/st05842-re02.en10.pdf
[67] COM(2010)673 final of 22 November 2010,
cf. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0673:EN:HTML
[68] Cf. OJ C115/1, 4 May 2010,
cf. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:01:FR:HTML