



EU External Action - The Agenda as Reflected in Spending Priorities

Contents

1. Introduction
2. A global vision
3. The Financial Reference Amounts
4. The instruments
 - a. Instrument for Pre-Accession
 - b. European Neighbourhood Instrument
 - c. Instrument for Development Cooperation
 - d. European Development Fund
 - e. Partnership Instrument for cooperation with third countries
 - f. Relations between the European Union, Denmark and Greenland
 - g. Instrument for Stability
 - h. Instrument for the Promotion of Democracy and Human Rights Worldwide
 - i. Instrument for Nuclear Safety Cooperation
5. The Place of Peacebuilding
6. Conclusions and Recommendations
7. Appendix 1 - Links to the Commission Proposals
8. Appendix 2 - End Notes

Introduction

This briefing paper sets out in some detail the proposals put forward by the European Commission in the context of the discussions about the next Multiannual Financial Framework for the financing of external action (with the exception of the financing of the Common Foreign and Security Policy, which is not part of this set of proposed Instruments).

The paper sets out the financial reference amounts in comparison to the existing instruments, a relatively detailed comparison between the current instruments and their proposed successor instruments and then looks specifically at the issue of peacebuilding as reflected in the proposed instruments.

A global vision

Global Europe: A New Approach to Financing EU External Action

One innovation in this package of proposals for external action spending is the fact that the proposals for the different instruments are set in the context of a joint communication.

This document provides a framework. It begins by outlining the place of the European Union as a global actor: the fact that the EU represents 25 per cent of global Gross Domestic Product (GDP) and 20 per cent of global trade; the fact that the EU - with its 500 million inhabitants represents just over 7 per cent of the world's population.

It reflects the context of the proposals within the current economic crisis and the financial, economic, and security challenges that arise from this crisis. It reflects on the scarcity of natural resources, the rapidly growing world population and the challenges posed by climate change.

It reflects on the fact that the rest of the world is changing; that the power of some countries (referred to as 'emerging powers') is increasing and that this is having an impact on global governance.

It then goes on to say:

The overall objective for external action under the new MFF will be to ensure that, despite the economic crisis and its budgetary consequences, the EU is able to speak with one voice, to live up to its ambitions in promoting democracy, peace, solidarity, stability and prosperity and poverty reduction, both at global level and in our immediate neighbourhood, and to help safeguard global public goods.¹

The Communication contains an express recognition of the impact which internal EU policies can have on third countries and also recognises the international interdependence that comes with globalisation.

It proposes a list of key global challenges - somewhat different from the list of threats set out in the European Security Strategy but close enough to be recognisable - as: climate change, biodiversity loss, terrorism, organised crime and cyber crime and trade imbalances² (the latter being a newcomer to this list as compared to other such lists).

In line with the commitments made by the European Commission in its Communication on the Multiannual Financial Framework published in July 2011, this communication sets out to define European Added Value in the context of external action as:

- Pooling resources
- Improving the EU's negotiating position and political leverage
- Projecting policies, standards and values
- Implementing best practice
- Achieving economies of scale

It reiterates the strategic objectives of the use of external financial instruments as:

- Promoting and defending EU values abroad, putting **human rights, democracy and the rule of law** at the core of EU external action,
- Investing in the **long-term prosperity and stability of the EU's neighbourhood** and supporting the reform process in those countries preparing for EU membership,
- Supporting EU interests abroad, such as protecting EU citizens, **enhancing trade opportunities**, promoting EU norms and standards, **ensuring energy security**, etc.,
- Projecting EU policies to address major global challenges, such as **combating climate change, reversing biodiversity loss, and protecting global public goods and resources**,
- Increasing the impact of EU development cooperation, with the primary aim of contributing to **eradicate poverty**,
- Enhancing mechanisms of European solidarity following natural or man-made disasters,
- **Improving crisis prevention and resolution capabilities, preserving peace, preventing conflict and strengthening international security.**³

What is new is an explicit commitment to a differentiated approach to the allocation of financial assistance. This is to be driven by the country context: assistance is to be allocated 'on the basis of country needs, capacities, commitments, performance and potential EU impact.'⁴ There will be scope for different forms of cooperation (blending loans and grants, for example) and there will be concentration of funding as far as development assistance is concerned.

There is also a commitment to more flexibility and to a more integrated approach to ensure that transition from one form of funding to another (such as humanitarian aid to development assistance) is made less disruptive to work on the ground.

The EU is looking for 'mutual accountability in allocating and disbursing funds'⁵. This reflects the approach suggested in the 'more for more' concept already embedded in the [SPRING programme](#) launched in September 2011 to respond to the events of the 'Arab Spring'.

Finally, and reflecting some of the EU added value points made earlier in the document, the Communication also commits the EU (and that of course includes the Member States) to agreeing on comprehensive joint EU strategies. Various models are seen as possible but the underlying tenor is to suggest that the EU and the Member States should have an approach to third countries which maximises impact and which is as streamlined as possible.

Common Rules and Procedures for Implementation of the Union's Instruments for External Action

Another innovation in this package of proposals is the proposed set of common rules and procedures for all the External Action instruments. This means that there is first, no need to rehearse the rules and procedures in each or for each instrument separately and, more importantly, understanding the rules and procedures across instruments becomes easier for those who benefit from or are responsible for spending the funds available. This is a welcome development for both of those reasons.

One element of these proposed Common Rules warrants further examination and this is Article 2.4 which states that:

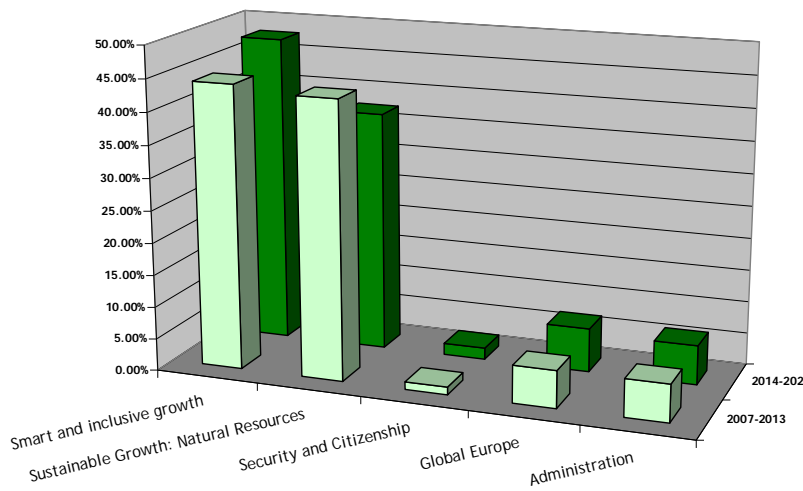
Appropriate environmental screening, including for climate change and biodiversity impacts, shall be undertaken at project level including where applicable environmental impact assessment (EIA) for environmentally sensitive projects, in particular for major new infrastructure. Where relevant, strategic environmental assessments (SEA) shall be used in the implementation of sectoral programmes. The involvement of interested stakeholders in environmental assessments and public access to the results shall be ensured.⁶

This commitment to screening for environmental impact is most welcome; what is disappointing is the fact that a similar commitment to a conflict impact assessment is not included in the proposal. This would be a major improvement in terms of ensuring that European Union assistance is conflict sensitive. It is hoped that Members of the European Parliament could include an amendment here to introduce such a provision.

The Financial Reference Amounts

As outlined in our [first briefing paper](#) on the Multiannual Financial Framework published in August 2011, the share for the overall seven years budget framework for external action is relatively small. This is evident from the graph below:

**Comparison in Percentage Terms - Financial Perspectives 2007 to 2013 and
Multiannual Financial Framework 2014 to 2020**
Headings as per 2014 - 2020 proposal

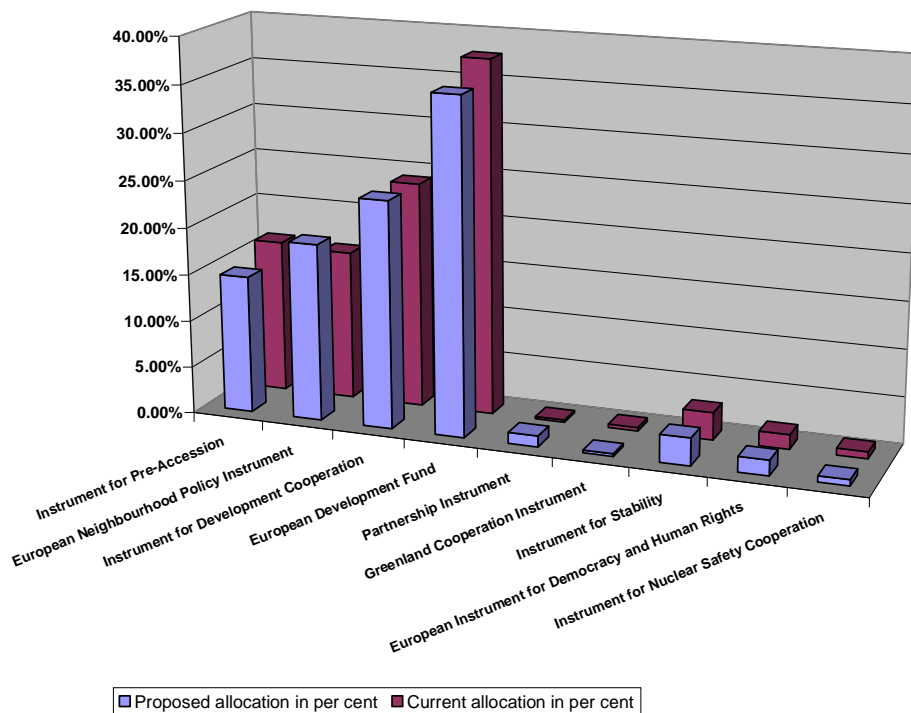


What this means is that the heading of 'Global Europe' in the overall budget takes up 6.83 per cent - only marginally more than administration.

This paper looks only at this element of the overall proposals, i.e. at that 6.83 per cent.

In detail, the proposed instruments are given financial reference amounts - i.e. a broad share of the available funds as follows:

Share of available funding by Instrument



As can be seen, the change in share is marginal in most cases. There are, however, a few points which need to be highlighted:

- There is a downward change in the Instrument for Pre-accession
- There is an upward change in the Instrument for Neighbourhood Policy
- The figures for the European Development Fund (because the 10th European Development Fund ran for only six years) have been recalculated on the basis of seven years in a purely theoretical way). Nonetheless, there would appear to be a small downward change for this compared with the current situation
- The Instrument for Stability is the only one which, in the Regulation, stipulates a percentage for different elements of eligible spending. In the current Instrument, 73 per cent are ring-fenced for Article 3 (short-term crisis response actions). In the proposed Instrument this has reduced to 65 per cent.

The Instruments

The Instrument for Pre-Accession

This proposed Instrument replaces the Instrument for Pre-Accession which is applicable from 2007 to 2013 and broadly covers the same area of external action.

Geographic coverage

The eligible countries at the point of publication of this document are:

Candidate Countries

Iceland, Montenegro, (the former Yugoslav Republic of) Macedonia⁷, Turkey

Countries with a European Perspective (Potential Candidate Countries)

Albania, Bosnia & Herzegovina, Serbia, Kosovo

One of the changes between the current Instrument (IPA)⁸ and the proposed Instrument (IPA-II) is the fact that under IPA-II there is no differentiation in terms of eligibility for funding between the two types of countries.

Scope

The proposed Instrument sets out in its Article 2 the specific objectives for which the funding is available. This Article differs in approach (and to a certain extent in content) from the comparable Article 2 (entitled: Scope) of the existing Instrument. The key points that make the new Article 2 different are:

- It includes in the introduction to subsections (a) and (b) the words '*inter alia*' which indicates that the specifics within those subsections are not to be taken as exhaustive lists. This provides for more flexibility than in the previous instrument. This is beneficial given the very different contexts of each of the beneficiary countries and the need to respond to changing political developments within the seven years the Instrument is intended to apply to.
- The first of the four subsections refers to political reforms and includes (in addition to the type of reforms that are included in the current instrument):
 - Freedom of the press
 - Promotion of good neighbourly relations (these are referred to in the current instrument in relation to funding for cross-border cooperation but in the proposed instrument this placement of the reference gives it wider applicability)
 - The fight against corruption and organised crime
 - Good governance

- Social dialogue
- Peacebuilding.
- The second of the four subsections on support for economic, social and territorial development introduces reference to economic governance, coping with competitive pressure, pursuing environmental goals, and the social and economic inclusion in particular of minorities and vulnerable groups. All this is new.
- The current Instrument has a number of different components; these are referred to as policy priorities in the new instrument and re-ordered. The component entitled 'Human Resources Development' reappears in somewhat broader conception as a policy area addressing 'employment, social policies and human resources development'.

Other provisions

It is interesting to compare Article 13 of the proposed Instrument with Article 21 of the current Instrument. Both refer to suspension of assistance.

The current Instrument sets out that 'where a beneficiary country fails to respect these principles or the commitments contained in the relevant Partnership with the EU, or where progress toward fulfilment of the accession criteria is insufficient' the Union may take appropriate steps with regard to any assistance granted under this Regulation⁹.

The proposed Instrument stipulates that in the same circumstances 'the Union **shall** invite the beneficiary country to hold consultations with a view to finding a solution acceptable to both parties'¹⁰; such consultations will then also only lead to a situation where the Union 'may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union assistance'.¹¹

Two things are important about this difference: the proposed Instrument requires the EU to enter into dialogue if the principles and commitments are not respected by the beneficiary country; and the consequences that may result expressly include the suspension of assistance, where in the current Instrument this is only implicit.

European Neighbourhood Instrument (ENPI)

Geographic coverage

The following countries are listed as partner countries for this instrument (i.e. the countries that can benefit from funding under this instrument)¹²:

Eastern Neighbourhood	Southern Neighbourhood
Armenia	Algeria
Azerbaijan	Egypt
Belarus	Israel
Georgia	Jordan
The Republic of Moldova	Lebanon
Ukraine	Libya
	Morocco
	occupied Palestinian territory (oPt)
	Syria
	Tunisia

There are only two changes in terms of this list compared to the equivalent Annex in the current Instrument¹³; first, where the proposed new Instrument refers to the occupied Palestinian territory, the current Instrument refers to the Palestinian Authority of the West Bank and Gaza Strip. A question should be asked as to why this change has occurred and why in this form. What is the European Commission (or, more likely, the European External Action Service) indicating by its decision to remove separate references to the West Bank and Gaza and to remove reference to the Palestinian Authority? Indeed, it is also interesting to ask why the occupied

Palestinian territory is referred to in the singular and not in the plural, given the nature of the geographic realities which Palestinians face.

The second change is the exclusion of the Russian Federation from the list in the Annex in the proposed Instrument. The effect of this (together with the specific provision relating to the Russian Federation in Article 1, paragraph 3 of the proposed instrument) is the exclusion of the Russian Federation from bilateral support (which it is currently eligible for); the Russian Federation continues to be eligible to participate in Cross-Border Cooperation and multi-country programmes¹⁴. This reflects the status of the Russian Federation and the fact that it is a strategic partner of the European Union rather than a beneficiary country under an instrument which is de-facto about development.

Scope

The current and the proposed Instruments differ significantly in their approach to defining the scope of the Instrument. Again, as with the Instrument for Pre-Accession discussed above, the title of the two relevant articles differ: the title in the current Instrument is: Scope of Community assistance; this becomes: Specific objectives of Union's support' in the proposed Instrument.

Because the two articles take very different forms (the current one having 29 subparagraphs setting out the specific measures which are to be supported; the proposed one having only six subparagraphs which summarise the specific objectives) it is quite difficult to identify the key differences in terms of meaning. However there are some interesting points to make:

- The proposed Instrument is far less specific, leaving more flexibility than the current Instrument to provide funding to a range of measures which may not have even been thought of yet but which may emerge in changing circumstances. Given that this Instrument is going to govern European Union funding to partner countries well into the future, this in-built flexibility is to be welcomed.
- The first subparagraph setting out the specific objective in the proposed Instrument pulls together a number of points from the existing Instruments which come quite low down on the list of priorities, if the order in which the subparagraphs of the current Instrument is anything to go by. Specifically, promoting human rights and fundamental freedoms move from subparagraph k to subparagraph a; promoting good governance also moves from subparagraph m to this prime position.
- Both documents speak of promoting approximation towards standards but in the current Instrument this reference refers to 'higher' standards whereas the proposed one speaks of 'Union and other relevant international standards'; this possibly reflects a slight shift in the perspective of what the relationship is about.
- The references to what might broadly be thought of as peacebuilding and conflict prevention in the two documents are quite different:
 - 'Providing support in post-crisis situations, including support to refugees and displaced persons, and assisting in disaster preparedness'¹⁵ (placed 27th out of 29 subparagraphs) does not suggest a strong peacebuilding commitment;
 - 'Promoting confidence building and other measures contributing to security and the prevention and settlements of conflicts'¹⁶ is clearer in its language and even though it is the 5th of 6 subparagraphs still stands out clearly as a specific objective and priority.

These changes in particular are particularly welcome and suggest a clearer commitment to peacebuilding and conflict prevention in the proposed Instrument.

Finally, and very importantly, the proposed Instrument includes in Article 2 specific means of measuring achievement against each of the six priorities, detailing the kind of measurement and indicators to be used. This is a major development which is certainly positive.

The introductory section of the Commission Communication sets out the concern that the current Instrument lacks flexibility. This is addressed - also in Article 2 - by including a 4th Paragraph which provides the necessary flexibility.¹⁷

Other Provisions

Differentiation

Completely new in the proposed Instrument is a section in Article 4 which relates to differentiation amongst beneficiaries. It is worth quoting the whole text of the relevant Paragraph:

Union support provided under this Regulation to each partner country shall be differentiated in form and amounts **according to the partner country's commitment to reforms and its progress in implementing these reforms**. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support.¹⁸

This reflects the 'more for more' principle of the so-called '[SPRING Programme](#)' already referred to above. What is important is to note that this now applies to the **whole** of the Neighbourhood Programme and not just to the countries included in the 'SPRING Programme'.

Suspension of assistance

Similar to the changes on this issue from the IPA to the IPA-II, in the ENPI, Article 17 of the proposed Instrument and Article 28 of the current Instrument make for interesting comparison. Both refer to suspension of assistance.

The current Instrument sets out that 'where a beneficiary country fails to respect these principles or the commitments contained in the relevant Partnership with the EU, or where progress toward fulfilment of the accession criteria is insufficient' the Union may take appropriate steps with regard to any assistance granted under this Regulation¹⁹.

The proposed Instrument stipulates that in the same circumstances 'the Union **shall** invite the beneficiary country to hold consultations with a view to finding a solution acceptable to both parties'²⁰; such consultations will then only lead to a situation where the Union 'may take appropriate measures in accordance with Article 215(1) of the Treaty on the Functioning of the European Union, which may include full or partial suspension of Union assistance'²¹

Two things are important about this difference: the proposed Instrument requires the EU to enter into dialogue if the principles and commitments are not respected by the beneficiary country; and the consequences that may result expressly include the suspension of assistance where in the current Instrument this is only implicit. However, in the case of the ENPI (current Instrument) and unlike the IPA (current Instrument) there is another part to this provision which states:

In such cases, Community assistance shall primarily be used to support non-state actors for measures aimed at promoting human rights and fundamental freedoms and supporting the democratisation process in partner countries.²²

There is some justification for proposing that this should be re-introduced.

Instrument for Development Cooperation

Geographic coverage

The geographic coverage of this Instrument is complex and has changed to a certain extent. This is a result of the desire to have a differentiated approach to development cooperation which is based on 'country needs, capacities, commitments, performance and potential EU impact'²³. The consequence of this approach is that compared to the current Development Cooperation Instrument (DCI) fewer countries will be eligible for assistance.

Under the current DCI there are some 48 countries listed as eligible for assistance (it should be noted that countries covered by the European Development Fund (which is outside of the European Union budget) provides assistance to the so-called African, Caribbean, and Pacific countries who are signatories to the Cotonou Agreement). The proposed DCI reduces this list to 46 countries through the exclusion of Oman and Saudi Arabia. More importantly, whilst all 46 countries listed in the proposed DCI (Annex 1²⁴) are eligible for regional and thematic funding, only a much smaller number of countries would be eligible for bilateral assistance. This is intended to target spending more to those countries who need it most. A comparison between the two lists shows²⁵:

Eligibility	Latin America	Asia	Central Asia	Middle East and Africa
Eligible for bilateral, regional and thematic programmes	Bolivia Cuba Guatemala Honduras Nicaragua Paraguay	Afghanistan Bangladesh Bhutan Cambodia Democratic People's Republic of Korea Laos Mongolia Myanmar/Burma Nepal Pakistan Philippines Sri Lanka Viet Nam	Kyrgyz Republic Tajikistan Turkmenistan Uzbekistan	Iraq Yemen South Africa
Eligible for regional and thematic programmes only	Argentina Brazil Chile Colombia Costa Rica Ecuador El Salvador Mexico Panama Peru Uruguay Venezuela	China India Indonesia Malaysia Maldives Thailand	Kazakhstan	Iran

It is useful to put this into the context of the countries eligible for funding via the European Development Fund²⁶ (see below) to contextualise some of the more obvious omissions from the table above.

Caribbean	Pacific	African
Antigua and Barbuda Bahamas Barbados Belize Cuba Dominica Dominican Republic Grenada Guyana Haiti Jamaica St. Kitts and Nevis	Cook Islands East Timor Fiji Kiribati Marshall Islands Federal States of Micronesia Nauru Niue Palau Papua New Guinea Samoa	Angola Benin Botswana Burkina Faso Burundi Cameroon Cap Verde Central African Republic Chad Comoros Democratic Republic of Congo Congo (Brazzaville)

Caribbean	Pacific	African
St. Lucia St. Vincent and Grenadines Trinidad and Tobago	Solomon Islands Suriname Tonga Tuvalu Vanatu	Cote d'Ivoire Djibouti Equatorial Guinea Eritrea Ethiopia Gabon Gambia Ghana Guinea Guinea-Bissau Kenya Lesotho Liberia Madagascar Malawi Mali Mauritania Mauritius Mozambique Namibia Niger Nigeria Rwanda Sao Tome and Principe Senegal Seychelles Sierra Leone South Africa Sudan Swaziland Tanzania Togo Uganda Zambia Zimbabwe

The analysis of the lists was undertaken by OCEA and is not included in this form in the proposals of the European Commission. It is interesting to note that South Sudan does not feature on either the list of DCI eligible countries or ACP countries. Clearly, and as South Sudan is a country which only came into being in 2011, the European Union needs to decide which list it should be on and how it should be treated for the purpose of access to funding under External Action Financing Instruments in the future.

Importantly, for the thematic programmes included in the proposed DCI, countries eligible for funding under the European Neighbourhood Instrument and the European Development Fund are also expressly included. That means that only those countries covered by the IPA are excluded from such programmes²⁷.

Finally, the proposed DCI also includes the Pan-African Programme set up to support the Joint Africa-EU Strategy²⁸.

Scope

The description of the objectives of the proposed DCI is more concise than those of the current Instrument but there is little substantive difference.

Geographic Programmes

The description of the geographic programmes has been approached quite differently in the proposed DCI. The relevant Article (5) is quite brief (four short subparagraphs contained within half a page as compared to two paragraphs with multiple subparagraphs which extend well over four pages). However, the detail has been removed to an annex. In this annex (IV)²⁹ a list of common areas of cooperation is given which are expressly not to be seen as sectors. This would appear to seek to differentiate it from the current DCI which (in its Article 5) sets out the areas for primary attention which could be read as sectoral: health, education, social cohesion and employment, trade and regional integration, and environment and sustainable development of natural resources.³⁰ By comparison, the list in Annex IV of the proposed instrument reads very differently:

I. Human rights, democracy and other key elements of good governance

- (a) Democracy, human rights and the rule of law;
- (b) Gender equality and the empowerment of women;
- (c) Public sector management;
- (d) Tax policy and administration;
- (e) Corruption;
- (f) Civil society and local authorities;
- (g) Natural resources; and
- (h) Development-security nexus.

II. Inclusive and sustainable growth for human development

- (a) Social protection, health, education and jobs;
- (b) Business environment, regional integration and world markets; and
- (c) Sustainable agriculture and energy.

III. Other areas of significance for policy coherence for development

- (a) Climate change and environment;
- (b) Migration and asylum; and
- (c) Transition from humanitarian aid and crisis response to long-term development cooperation.

As in the current DCI, the proposed new DCI also sets out regional priorities in detail. As with the geographic priorities they are embedded in the main articles in the current instruments and included in an Annex in the proposed one.

Thematic Programme

The current DCI has a number of thematic programmes. The proposed new DCI does too. But there are some differences in emphasis. These thematic programmes are seen as 'subsidiary' to the geographic programmes in the current DCI (see Article 11, Paragraph 1) and 'shall add value to and, be complementary to, actions funded under the geographic programmes' in the proposed DCI (see Article 6, introductory paragraph, page 22).

The current DCI has the following thematic programmes:

- Investing in People including: Good health for all; Education; knowledge and skills; Gender equality; and other aspects of human and social development (with sub programmes on culture; employment and social cohesion; and youth and children)
- Environment and sustainable management of natural resources including energy
- Non-state actors and local authorities in development
- Food security
- Migration and Asylum.

The proposed DCI has the following thematic programmes:

- Global public goods and challenges 'to support actions in areas such as the environment and climate change, sustainable energy, human development, food security, and migration and asylum'³¹; this replaces

several of the thematic programmes in the current DCI and adds some new ones. It is set out in much greater detail in an Annex (V).

- Civil society organisations and local authorities
- Pan-African Programme (which relates to the Joint Africa-EU Strategy).

Other Provisions

Peacebuilding and Conflict Prevention

One of the key concerns which were raised by QCEA in response to the current DCI when it was agreed in 2006 was the failure to include any direct reference to peacebuilding and conflict prevention. It has been a key advocacy point since then to argue that this should be included in a revised instrument.

The proposed DCI goes some way to address this concern. It has a separate Article (12) which is entitled 'Programming for countries in crisis, post-crisis or fragility situations'³². This Article states:

Proper attention should be given to **conflict prevention**, state and **peace building**, post-conflict reconciliation and reconstruction measures.

And in Article 2 it goes on to say:

In cases of crises, post crisis and fragility situations or threats to democracy, the rule of law, human rights or fundamental freedoms requiring a swift response by the Union, the urgency procedure provided for in Article 15(4) of the Common Implementing Regulation may be used to modify the document referred to in Article 11 following an ad hoc review of the country's or region's cooperation strategy.

Such reviews may propose a specific and adapted strategy to ensure the transition to long-term cooperation and development, promoting a better coordination and transition between the humanitarian and development policy instruments.

Whilst this only refers to countries in crisis, post-crisis or fragility situations, and there is no reference to the need for development assistance to be conflict sensitive in all circumstances, this does, in our view, represent a significant step in the right direction.

Suspension of Assistance

The same change to the Article on suspension of assistance as has been highlighted above for the IPA-II is proposed for the DCI.

The European Development Fund

The European Development Fund (EDF) is outside the EU budget. It is a fund to which EU Member States contribute on the basis of a contribution key and which is used to fund development cooperation with the African, Caribbean and Pacific Countries that are signatories to the Cotonou Agreement.

The discussions surrounding the Multiannual Financial Framework negotiations in 2005/6 already included debate about whether or not the EDF should be integrated into the European Union budget with strong views on both sides.

These discussions surfaced again as the preparations for the 2014 to 2020 Multiannual Financial Framework began and even before that during the Budget Review which took place in 2008 - 2010. Again, there have been strong views on both sides.

In a nutshell, the arguments for integration of the EDF into the EU budget are on the one hand a streamlining of budgets which might assist clarity and therefore transparency and on the other a focus on the role of the European Parliament as budgetary authority. If the EDF were part of the EU budget, the European Parliament would have more say in how it is spent.

The arguments against this integration of the EDF are partly a concern that if it were integrated it could then not be guaranteed to remain available for development (ring fencing) and on the other that there would be an apparent increase in the EU budget which might be difficult to defend to the public (even if this would - in reality - not be the case, since it is not an actual increase but a shifting of money from one pot into another).

Another strong argument is the fact that the EDF is governed by a treaty (the Cotonou Agreement) with third countries (the ACP countries) and it is therefore appropriate to leave it separate; furthermore, the multiannual programming of the EDF has had a different cycle to that of the EU MFF. The Cotonou Agreement expires in 2020 and the Commission therefore asserted that now was not the time to change the position of the EDF.

However, the Commission has made proposals regarding the EDF as part of the MFF package; the key points in structural terms are:

- The proposal to run the next (11th) EDF from 2014 to 2020 (i.e. over seven rather than the customary five years)
- A proposal to bring the contribution key closer to the key used for the EU budget; however, a comparison of the contribution key for the 10th EDF and for the proposed 11th EDF (and in comparison to the Gross National Income (GNI) percentage average for the five years from 2005 to 2009 shows this to be a relatively marginal change.

The Partnership Instrument

The Partnership Instrument (PI) is being proposed to replace the current Council Regulation (EC) No 1934/2006 establishing a financing instrument for cooperation with industrialised and other high-income countries and territories (ICI).

There are differences between the current and the proposed instruments which are worth highlighting:

Geographic Coverage

The ICI (current Instrument) states as its primary objective, cooperation with industrialised and high-income countries which in this case are listed in an Annex to the Instrument as follows:

Australia, Bahrain, Brunei, Canada, Chinese Taipei, Hong Kong, Japan, Republic of Korea, Kuwait, Macao, New Zealand, Oman, Qatar, Saudi Arabia, Singapore, the United Arab Emirates and the United States.³³

In the proposed Partnership Instrument, the scope is redefined as being:

1. All third countries, regions and territories may be eligible for cooperation under this Regulation.
2. However, this Regulation shall primarily support cooperation measures with developed and developing countries which play an increasingly prominent role in the international economy and trade, in multilateral fora, in global governance and in addressing challenges of global concern and where the Union has significant interests.³⁴

Whilst in practice the difference may not be significant, it does reflect a considerable shift in the view that is taken of the potential of third countries to move from the status of developing country to the status of strategic partner country. It is also important to note that this allows funding of cooperation in countries currently not included in the ICI, notably the Russian Federation.

Scope

The existing instrument sets out the **areas of cooperation** in Article 4; this is quite a long list of types and areas of cooperation summarised in seven subheadings. In terms of the types of cooperation, it speaks of:

- Cooperation, partnership and joint undertakings between economic, academic, and scientific actors
- Dialogue between political, economic, and social actors and other non-governmental organisations

- Promotion of people-to-people links, education and training programmes, intellectual exchanges and enhancement of mutual understanding between cultures and civilisations
- Enhancement of awareness about and understanding of the EU and of its visibility in partner countries
- Various types of support to provide impetus to the further deepening and broadening of bilateral relationship.

In terms of areas of cooperation it speaks of:

- Bilateral trade and investment
- Cooperative projects in areas such as research, science and technology, energy, transport, and environmental matters (including climate change, customs and financial issues).³⁵

The proposed Instrument has a different approach to the presentation of its **subject matter and objectives**. This is set out in Article 1 with much of the details of the 'how' of the cooperation left to an Annex.

The substance of Article 1³⁶ is set out in three sections:

1. Implementing the international dimension of the 'Europe 2020' strategy; this includes expressly collective approaches and responses to energy security, climate change and environment.
2. Improving market access and developing trade, investment and business opportunities for European companies.
3. Enhancing understanding and visibility of the Union and its role on the world scene.

It is worth noting that energy security, climate change and the environment have certainly received a higher profile than in the current Instrument and that the projection of EU interests is a much clearer theme in the proposed Instrument than it was before (even if the intention in the current Instrument may be essentially the same).

Relations between the European Union, Denmark and Greenland

This Instrument is very specific and relates only to Greenland. It is not one that is widely known about. However, it, too, replaces an instrument which currently exists: [Council Decision 2006/526/EC](#) of 17 July 2006 on relations between the European Community on the one hand and Greenland and the Kingdom of Denmark on the other. We refer to this proposed instrument in this paper for two reasons: first, for the sake of being comprehensive in our review of the proposals for external action instruments, but secondly, and more importantly, because there is a change in the text between the current and the proposed Instruments which is important.

Context

It may be surprising that there is such an instrument at all. The proposal for the new Instrument explains this as follows:

Prior to 1982 Greenland was considered as a part of the European Union (EU) through Denmark, allowing for EU vessels to fish in Greenlandic waters. Following 1982, Greenland withdrew from the EU, and became associated as an Overseas Country and Territory (OCT) through the Greenland Treaty. The treaty emphasised the need to maintain the close relation between the EU and Greenland, notably the development needs of Greenland and fishing rights of the EU.³⁷

The proposed change in wording

The existing Instrument reinforces the emphasis on the development needs of Greenland and the fishing rights of the EU.

The proposed Instrument differs from the existing one by stating in its Article 1 (Subject Matter and Scope) paragraph 2:

It acknowledges the **geostrategic position** of Greenland in the Arctic Region, the issues of **exploration and exploitation of natural resources, including raw materials**, and ensures enhanced cooperation and policy dialogue on these issues.³⁸

In other words, the relationship is now much more about the geostrategic position of Greenland than about fish and Greenland development. This reflects the developments with regard to the geostrategic importance of the Arctic region generally.

It is further interesting to note that the global issues which will form part of the broad cooperation and dialogue foreseen under the proposal will now cover: energy, climate change, environment, natural resources, raw materials, maritime transport and research and innovation.³⁹ With regard to the last of these areas - research and innovation - it is interesting to see that of the 31 research projects funded under the current Research Framework Programme 7 with relevance to Greenland, there are only three which include partners from Greenland and thirteen which include the Geological Survey of Denmark and Greenland. It can be assumed that there might well be an increase in this participation on the part of partners from Greenland.

The Instrument for Stability

The proposal for an Instrument for Stability follows closely the current Instrument: Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability. However, there are some significant changes between the current and proposed Instruments.

Geographic Coverage

The Instrument has global reach and there is no change proposed to this.

Scope

The scope of the current Instrument⁴⁰ is separated into Article 3: Assistance in response to situations of crisis or emerging crisis; and Article 4: Assistance in the context of stable conditions for cooperation. The latter is then subdivided into three paragraphs addressing respectively:

1. Threats to law and order, to the security and safety of individuals, to critical infrastructure and to public health⁴¹
2. Risk mitigation and preparedness relating to chemical, biological, radiological and nuclear materials or agents⁴²
3. Pre- and post-crisis capacity building⁴³.

The proposed Instrument⁴⁴ takes a different approach to this subdivision. It separates out the first two elements of Article 4 of the existing Instrument and puts them, together, into its Article 5 under the heading of 'Assistance in addressing global and trans-regional threats', and covers in its Article 4 the third element but under the wider heading of 'Assistance for conflict prevention, crisis preparedness and peace-building'. The fact that this comes first, and before the other two elements which are now in Article 5, may not be significant but suggests a possible order of priority.

There are also some changes in language in other parts of the proposed instrument. In Article 1: Objectives - the first paragraph explicitly includes 'regional and international organisations and other state and non-state actors'⁴⁵. It also includes peacebuilding expressly in the objectives (Article 1(2)(b)). And it includes climate change expressly as one of the trans-regional threats having destabilising effects (Article 1(2)(c)).

The proposed Instrument (as the current one) has an Article relating to complementarity of the assistance provided by this Instrument to other Instruments. However, in the proposed Instrument, the heading of this Article also includes 'Coherence' as an express purpose. It also adds the following to the paragraph on coordination between the EU and the Member States: 'If necessary, the Commission may adopt, in accordance with Article 9, additional procedures for exchanging information and cooperation'⁴⁶.

Performance Indicators

All three substantive Articles (3, 4, and 5) which elaborate the purposes of the new Instrument have reference to performance indicators. In the case of Article 3 (Assistance in response to situations of crisis or emerging crisis to prevent conflicts) this relates to the speed of response; in the case of Article 4 (Assistance for conflict prevention, crisis preparedness, and peace-building) this is maybe a little less concrete when it says: 'The performance indicator for the assistance shall be the degree to which recipients' capacities to prevent conflicts address pre- and post-conflict situations and build peace have been strengthened'.⁴⁷ This may need some work on the detail of such performance indicators. For Article 5 (Assistance in addressing global and trans-regional threats) the performance indicator is suggested as 'the degree of alignment with relevant EU external security policy, including the external dimension of internal security'⁴⁸.

The Detail

One of the hallmarks of the current Instrument for Stability is the fact that both Articles 3 and 4 have very long and detailed lists of the kind of things that assistance can cover. For the proposed Instrument, these lists have moved into three Annexes (I - III). They cover in very broad terms the same ground as the lists in the current Instruments. But by moving them to an Annex, the structure of the Instrument becomes clearer.

There are some notable differences in the specific language used between these two sets of lists.

Paragraph (i) of Annex I (which replaces the list in Article 3 of the current Instrument) is one of the key changes and is worth a full comparison of the two texts:

Current Instrument: Article 3 (i)

Support for measures to *address*, within the framework of Community cooperation policies and their objectives, the *impact on the civilian population of the* illicit use of and access to firearms; *such support shall be limited to* survey activities, victim assistance, raising public awareness and the development of legal and administrative expertise and good practice.⁴⁹

Proposed Instrument: Annex 1 (i)

Support for measures to **combat**, within the framework of Union cooperation policies and their objectives, the illicit use of and access to firearms, **small arms and light weapons**; **such support could also include** survey activities, victim assistance, raising public awareness and the development of legal and administrative expertise and good practice;⁵⁰

The words in *italics* in the excerpt from the current Instrument are ones which have been replaced or removed in the proposed Instrument. The words in **bold** in the excerpt from the proposed instrument are those which replace the ones removed from the current one.

What is clear is that this is a much more strongly worded paragraph which provides scope for more and different actions than the one currently in place. The reference to small arms and light weapons is welcome as it addresses one of the key factors that lead to countless deaths in many conflict-affected countries and regions.

In Annex 2, the provision of financial and technical assistance for 'strengthening capacities to participate in civilian stabilisation missions'⁵¹ has been added as has been financial and technical assistance for 'the implementation of peace building and state building support actions'⁵².

The first important change in Annex 3 is the substitution of the phrase 'assistance **shall** cover'⁵³ with the phrase 'assistance may cover'⁵⁴; this leaves the list that follows non-exhaustive and non-exclusive and provides much needed flexibility.

A new sub-section has been added (Annex III (1) (d)) which specifically includes 'the trans-regional effects of climate change with a potentially destabilising impact'⁵⁵ in the issues that can be addressed under this section of the Instrument.

European Instrument for Democracy and Human Rights

Geographic Coverage

The Instrument has global reach and there is no change proposed to this.

Scope

There are few differences between the current and the proposed Instruments. The main paragraph setting out the objectives of the Instrument has been shortened significantly. The phrase that has been omitted in the proposed text is: 'within the framework of the Community's policy on development cooperation, and economic, financial and technical cooperation with third countries, consistent with the European Union's foreign policy as a whole, contributing'⁵⁶. Whether this has been omitted because it is taken as read is not clear.

In Article 2, which sets out the scope of the Instrument (in both the current and proposed version) there are relatively minor changes.

The first is to Article 2 (1) (a) (i) which relates to basic freedoms. Here the references to freedom of the media and press and to information are different between the two versions; however, the main thrust of the changes is to reflect the importance of internet-based media (which had not been done in 2006 when the current Instrument was written).

Article 2 (1) (b) has a new sub paragraph (iv) which brings the following into the scope of the proposed Instrument:

Promotion of freedom of thought, conscience and religion or belief, including by measures to eliminate all forms of hatred, intolerance and discrimination based on religion or belief and by fostering tolerance and respect for religious and cultural diversity.

In some ways it could be argued that this was previously - and is still - covered in sub paragraph 2 (1) (b) (iii) but this reinforcement of the point may be a reflection of the current situation with regard to the issue of freedom of thought in many parts of the world.

In Article 2 (1) (d) the major change, reflected in both the introductory sentence and in sub paragraph iv, is a commitment to contribute to 'the efficiency and consistency of the whole electoral cycle'⁵⁷ and to the 'consistent integration of electoral processes into the democratic cycle'⁵⁸. If this reflects an understanding that support to elections only when they happen is not enough, then this must be a most welcome change.

Instrument for Nuclear Safety Cooperation

Since the early 1990s the European Union has had a history of cooperating with third countries in terms of nuclear safety. This proposal builds on the existing Instrument: Council Regulation (EURATOM) No 300/2007 of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation.

The approach to the formulation of the proposed Instrument is - as with the other proposed Instruments - to streamline the text somewhat and to move significant amounts of detail into an Annex.

There are no other significant differences between the current and proposed Instruments that would have an impact on the areas of peace, climate change, energy security, or research and development (which are the key areas of interest with regard to the Multiannual Financial Framework which QCEA pursues).

The Place of Peacebuilding

One of the key issues which were at the heart of much of the discussion in the period during which the current Instruments were formulated was the question of whether or not peacebuilding should be expressly referred to in them.

OCEA - along with many other peacebuilding NGOs, many of whom are members of the European Peacebuilding Liaison Office - argued that peacebuilding should be one of the fundamental purposes of external action on the part of the EU in line with the values and objectives set out in the EU Treaties.

However, at the time the current Instruments were being negotiated, there were different opinions regarding the competence of the European Commission and the Council of the European Union with regard to actions that might bring about peace in third countries which are conflict-affected. Indeed, there was a court case before the European Court of Justice in which these different views were being tested.

The Court case has been concluded; the Lisbon Treaty and the setting up of the European External Action Service were intended to assist in preventing such differences in the future. So it is a good moment to see whether these steps forward have led to a change.

There is clear reference to peacebuilding in the Instrument for Pre-Accession. This is welcome and it is important to ensure that this is not lost during the legislative process.

There is less clear reference to peacebuilding in the European Neighbourhood Instrument; here the language is still couched in terms of: 'Promoting confidence building and other measures contributing to security and the prevention and settlements of conflicts'⁵⁹ but this has a more prominent place than in the current Instrument. It is, nonetheless, regrettable that the reference to peacebuilding is not clearer in this proposed Instrument. There is scope for appropriate amendments during the legislative process and OCEA would recommend that Members of the European Parliament pursue such amendments.

There is explicit reference to peacebuilding in the proposed Instrument for Development Cooperation (Article 12)⁶⁰, which is welcome.

The proposals for the 11th European Development Fund do not refer to peacebuilding; this is, again, regrettable, although it is recognised that some of the activities and programmes funded from the EDF clearly do and are intended to contribute to peaceful societies.

There are no references to peacebuilding either in the proposed Partnership Instrument or in the Instrument for Cooperation with Greenland; in both cases that is understandable given the context.

The proposed Stability Instrument has significantly changed the way it refers to peacebuilding, both in terms of the prominence it is given and in terms of the reduction of funding ring-fenced for short-term actions (leaving a slightly larger amount of funding for long-term actions which include peacebuilding explicitly).

The proposed European Instrument for Democracy and Human Rights retains its reference to what might be thought of as peacebuilding but which is referred to in the text as:

(vii) Supporting measures to facilitate the peaceful conciliation of group interests, including support for confidence-building measures relating to human rights and democratisation.⁶¹

In light of the obvious need for peacebuilding to go hand in hand with democratisation, something which has been evident in a number of the so-called revolutions in the Arab Spring (to name but a recent and obvious example) it would have been welcome if the reference to peacebuilding in this proposed Instrument had been clearer.

Conclusions and Recommendations

In terms of the overall amount available to external action the changes between the current and proposed Multiannual Financial Frameworks are marginal; given the significant external challenges the EU is facing and the increased emphasis on global issues such as climate change, energy security, natural resources, democratisation, and peacebuilding, this is regrettable.

In terms of the differences between the current and proposed Instruments, one change that is worth noting and commending is the express inclusion of performance indicators.

In terms of the place of peacebuilding in the external financial instruments, there has been real progress. This is certainly welcome. It will be important to ensure that this progress is not lost in the legislative process.

The Instruments where this has not been so evident are in the European Neighbourhood Instrument, the Instrument for Development Cooperation and in the European Instrument for Democracy and Human Rights. In both cases QCEA recommends that Members of the European Parliament pursue suitable amendments to include peacebuilding more explicitly.

The proposed Common Rules - whilst including an environmental impact assessment do not include provision for a conflict impact assessment. QCEA recommends that Members of the European Parliament pursue a suitable amendment to rectify this.

The fact that South Sudan has apparently not made it into the list of eligible countries either in the Development Cooperation Instrument or the European Development Fund is no doubt an oversight which should, however, be rectified sooner rather than later.

Overall, the fact that the proposals are not bolder than they are in terms of the overall envelope and in terms of the allocation to external action, shows that the political vision is clouded by vested interests and by the current financial crisis.

Appendix 1

Links to all External Action Instrument Proposals

[Joint Communication: Global Europe: A New Approach to financing the EU external Action](#)

[Proposed Common Rules and Procedures for the Implementation of the Union's Instruments for External Action](#)

[Proposal for an Instrument for Pre-accession Assistance \(IPA II\)](#)

[Proposal for a European Neighbourhood Instrument](#)

[Proposal for an Instrument for Development Cooperation](#)

[Communication on the Preparation of the Multiannual Financial Framework Regarding the Financing of 11th European Development Fund](#)

[Proposal for a Council Decision on the 11th European Development Fund](#)

[Proposal for a Partnership Instrument](#)

[Proposal for a Council Decision on Relations between the EU and Greenland and Denmark](#)

[Proposal for an Instrument for Stability](#)

[Proposal for an Instrument for the Promotion of Democracy and Human Rights](#)

[Proposal for an Instrument for Nuclear Safety Cooperation](#)

Annex 2 - Endnotes

¹ European Commission, Joint Communication to the European Parliament and the Council - Global Europe: A New Approach to financing EU external action, p. 2, accessed at: http://ec.europa.eu/europeaid/how/finance/documents/joint_communication_global_europe_en.pdf on 31 December 2011

² *ibid.*, p. 3

³ *ibid.*, p. 5 (emphasis added; **bold emphasis indicates a positive assessment of the reference; bold italics indicates a negative assessment of the reference because it prioritises EU economic interests over the global common good**)

⁴ *ibid.*, p. 5

⁵ *ibid.*, p. 6

⁶ European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing common rules and procedures for the implementation of the Union's instruments for external action, 2011/0415 (COD), Article 2.4, p. 9, accessed on 30 January 2012 at: http://ec.europa.eu/europeaid/how/finance/documents/prop_com_ext_instruments_en.pdf

⁷ There is an ongoing dispute between this country and Greece with regard to the name of the country. As a result, the European Union adopts the terminology: Former Yugoslav Republic of Macedonia; this terminology is not welcomed by people in this country and QCEA has adopted as house style putting the words 'the former Yugoslav Republic of' in parentheses to reflect the disputed nature of the name.

⁸ Council Regulation (EC) No 1085/2006 of 17 July 2006, establishing an Instrument for Pre-Accession Assistance (IPA), accessed at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:210:0082:0093:EN:PDF> on 31 December 2011

⁹ *ibid.*, p L 210/90

¹⁰ European Commission, Proposal for a Regulation of the European Parliament and of the Council on the Instrument for Pre-accession Assistance (IPA II), 7.12.2011, p. 25, accessed at: http://ec.europa.eu/europeaid/how/finance/documents/prop_reg_instrument_pre-accession_assistance_en.pdf on 31 December 2011

¹¹ *ibid.*

¹² European Commission, Proposal for a Regulation of the European Parliament and the Council establishing a European Neighbourhood Instrument, COM(2011) 839 final, Annex 1, accessed on 5 January 2012 at: http://ec.europa.eu/europeaid/how/finance/documents/prop_eu_neighbourhood_instrument_reg_en.pdf - it is worth noting that in the Communication the countries are listed in strictly alphabetical order whereas above we have re-ordered them separately for the Eastern and Southern Neighbourhood.

¹³ Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, accessed on 5 January 2012 at: http://www.2007-2013.eu/documents/external/ENPI_Regulation_1638_2006.pdf, Annex to Article 1

¹⁴ European Commission, Proposal for a Regulation of the European Parliament and the Council establishing a European Neighbourhood Instrument, COM(2011) 839 final, Article 1, Paragraph 3, accessed on 5 January 2012 at http://ec.europa.eu/europeaid/how/finance/documents/prop_eu_neighbourhood_instrument_reg_en.pdf

¹⁵ Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, Article 2, Paragraph 2, Subparagraph aa, accessed on 5 January 2012 at: http://www.2007-2013.eu/documents/external/ENPI_Regulation_1638_2006.pdf

¹⁶ European Commission, Proposal for a Regulation of the European Parliament and the Council establishing a European Neighbourhood Instrument, COM(2011) 839 final, Article 2, Paragraph 2, Subparagraph e, accessed on 5 January 2012 at http://ec.europa.eu/europeaid/how/finance/documents/prop_eu_neighbourhood_instrument_reg_en.pdf

¹⁷ *ibid.*, Article 2, Paragraph 4

¹⁸ *ibid.*, Article 4, Paragraph 1 (Emphasis added)

¹⁹ Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, Article 28, accessed on 5 January 2012 at: http://www.2007-2013.eu/documents/external/ENPI_Regulation_1638_2006.pdf

²⁰ European Commission, Proposal for a Regulation of the European Parliament and the Council establishing a European Neighbourhood Instrument, COM(2011) 839 final, Article 17, accessed on 5 January 2012 at http://ec.europa.eu/europeaid/how/finance/documents/prop_eu_neighbourhood_instrument_reg_en.pdf

²¹ *ibid.*

²² Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, Article 28, Subparagraph 2 accessed on 5 January 2012 at: http://www.2007-2013.eu/documents/external/ENPI_Regulation_1638_2006.pdf

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- ²³ European Commission, Joint Communication to the European Parliament and the Council - Global Europe: A New Approach to financing EU external action, p. 5, on 5 January 2012, accessed at: http://ec.europa.eu/europeaid/how/finance/documents/joint_communication_global_europe_en.pdf
- ²⁴ European Commission, Proposal for a Regulation of the European Parliament and of the Council Establishing a Financial Instrument for Development Cooperation, Annex 1, accessed on 5 January 2012 at: http://ec.europa.eu/europeaid/how/finance/documents/prop_reg_instrument_dev_coop_en.pdf
- ²⁵ *ibid.*, Annex 1 and Annex III
- ²⁶ The list of ACP countries is from the website of the Secretariat of the ACP accessed on 9 January 2012 at: <http://www.acp.int/content/secretariat-acp>
- ²⁷ *ibid.*, Article 1, Paragraph 1, Subparagraph b
- ²⁸ *ibid.*, Article 1, Paragraph 1, Subparagraph c
- ²⁹ *ibid.*, Annex IV, p. 36
- ³⁰ Regulation (EC) No 1905/2006 Of the European Parliament and of the Council of 18 December 2006 Establishing a Financing Instrument for Development Cooperation, Article 5, accessed on 5 January 2012 at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:378:0041:0071:EN:PDF>
- ³¹ European Commission, Proposal for a Regulation of the European Parliament and of the Council Establishing a Financial Instrument for Development Cooperation, Article 7, Paragraph 1, accessed on 5 January 2012 at: http://ec.europa.eu/europeaid/how/finance/documents/prop_reg_instrument_dev_coop_en.pdf
- ³² *ibid.*, p. 25 (emphasis added)
- ³³ Council Regulation (EC) No 1934/2006 establishing a financing instrument for cooperation with industrialised and other high-income countries and territories (ICI). Annex, p. L29/22, accessed on 9 January 2012 at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:029:0016:0022:EN:PDF>
- ³⁴ European Commission, Proposal for a Regulation of the European Parliament and of the Council Establishing a Partnership Instrument for Cooperation with Third Countries, Article 2, accessed on 9 January 2012 at: http://ec.europa.eu/europeaid/how/finance/documents/prop_reg_partnership_instrument_en.pdf
- ³⁵ Council Regulation (EC) No 1934/2006, Article 4, pp. L29/17-18, accessed on 9 January 2012 at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:029:0016:0022:EN:PDF>
- ³⁶ European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing a Partnership Instrument for Cooperation with Third Countries, Article 1, accessed on 9 January 2012 at: http://ec.europa.eu/europeaid/how/finance/documents/prop_reg_partnership_instrument_en.pdf
- ³⁷ European Commission, Proposal for a Council Decision on relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other, p. 2, accessed on 16 January 2012 at: http://ec.europa.eu/europeaid/how/finance/documents/prop_cd_greenland_en.pdf
- ³⁸ *ibid.*, p. 9 (emphasis added)
- ³⁹ *ibid.*, p. 9, Article 2, Paragraph 2
- ⁴⁰ Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability, Articles 3 and 4, pp. L 327/3 - 5, accessed on 12 January 2012 at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:327:0001:0011:EN:PDF>
- ⁴¹ *ibid.*, Article 4 (1)
- ⁴² *ibid.*, Article 4 (2)
- ⁴³ *ibid.*, Article 4 (3)

⁴⁴ European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing an Instrument for Stability, accessed on 12 January 2012 at:

http://ec.europa.eu/europeaid/how/finance/documents/prop_reg_instrument_stability_en.pdf

⁴⁵ *ibid.*, Article 1 (1)

⁴⁶ *ibid.*, Article 2 (5)

⁴⁷ *ibid.*, Article 4 (2)

⁴⁸ *ibid.*, Article 5

⁴⁹ *ibid.*, Article 3.1

⁵⁰ European Commission Proposal for a Regulation of the European Parliament and of the Council establishing an Instrument for Stability, Annex I (i)

⁵¹ *ibid.*, Annex II, Subparagraph c

⁵² *ibid.*, Annex II

⁵³ Regulation (EC) No 1717/2006, Article 4 (1)

⁵⁴ European Commission Proposal for a Regulation of the European Parliament and of the Council establishing an Instrument for Stability, Annex III (1)

⁵⁵ *ibid.*, Annex III (1) (d)

⁵⁶ Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide, Article 1 (1), accessed on 12 January 2012 at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:386:0001:0011:EN:PDF>

⁵⁷ European Commission Proposal for a Regulation of the European Parliament and of the Council establishing an instrument for the promotion of democracy and human rights worldwide, Article 2 (1) (d)

⁵⁸ *ibid.*, Article 2 (1) (d) (iv)

⁵⁹ European Commission, Proposal for a Regulation of the European Parliament and the Council establishing a European Neighbourhood Instrument, COM(2011) 839 final, Article 2, Paragraph 2, subparagraph e, accessed on 5 January 2012 at

http://ec.europa.eu/europeaid/how/finance/documents/prop_eu_neighbourhood_instrument_reg_en.pdf

⁶⁰ European Commission, Proposal for a Regulation of the European Parliament and of the Council Establishing a Financial Instrument for Development Cooperation, p. 25, accessed on 5 January 2012 at:

http://ec.europa.eu/europeaid/how/finance/documents/prop_reg_instrument_dev_coop_en.pdf

⁶¹ Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide, Article 2 (1) (a) (vii), accessed on 16 January 2012 at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:386:0001:0011:EN:PDF>