

*Charles University in Prague* - Faculty of Social Sciences

*University of Cologne* - Faculty of Management, Economics, and Social Sciences

Ph.D. Thesis

**One goal, many paths**

-

**The promotion of Policy Coherence for Development  
in EU policy formulation**

Presented by

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Cologne, February 2014

## **Sworn statement**

1. I hereby declare that the material which I have submitted for assessment towards the PhD degree is entirely my own work and uses only the sources and literature identified in the references.
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In Cologne, on 25 February 2014,

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## **Abstract**

The European Union (EU) has committed itself to take account of objectives of development cooperation - such as poverty reduction - in policies which are likely to affect developing countries. This thesis investigates how and to what extent the EU promotes this aim for Policy Coherence for Development (PCD) in different governance areas. The study focusses on the under-researched process dimension of PCD by analysing the degree to which opinions of development actors are systematically taken into account during EU policy formulation. It follows a historical institutionalist approach that emphasises the independent role of institutions and their significance for policy output. Assessing the influence of formal and informal coherence procedures on policy development, the analytical framework examines how development actors use ‘points of entry’ to give input during day-to-day governance activities. It traces the planning process of six selected initiatives in three policy fields with PCD relevance: fisheries, environment, and security. The study finds that the effectiveness in promoting PCD does not necessarily depend on the particular policy field and its competence category but more on the policy instrument used and especially on the EU institution which conducts the policy formulation. While the European Parliament and the new European External Action Service promote process PCD rather effectively, the picture for the European Commission is mixed and the EU member states refrain from dealing with the issue in the Council. The study concludes that increased abilities for development actors to give meaningful input especially in Commission policy-making and the expansion of inter-departmental coordination in all EU institutions would improve the EU’s effectiveness in promoting PCD.

## **Key Words**

Policy Coherence for Development, European Union external action, historical institutionalism, policy formulation, institutional coherence procedures

## **Abstrakt**

Evropská unie (EU) se zavázala respektovat cíle rozvojové spolupráce – například omezování chudoby – v politikách, které mají potenciál ovlivnit rozvíjející se země. Tato práce zkoumá, jak a jestli EU prosazuje tento závazek soudržnosti rozvojových politik (Policy Coherence for Development, PCD) v různých oblastech vládnutí. Výzkum se zaměřuje na nedostatečně prozkoumaný procesní rozměr PCD a analyzuje stupeň systematického zohledňování názorů rozvojových aktérů během formulace evropských politik. Využívá přitom přístup historického institucionalismu, který zdůrazňuje nezávislou roli institucí a jejich význam pro výslednou politiku. Pomocí zhodnocení vlivu formálních a neformálních postupů zkoumá analytický rámec, jak rozvojoví aktéři využívají „přístupové body“, aby ovlivnili každodenní vládnutí. Práce sleduje plánovací procesy šesti vybraných iniciativ ve třech politikách s významem pro PCD: politiku rybolovu, životního prostředí a bezpečnosti. Ukazuje, že efektivita při prosazování PCD nutně nesouvisí s konkrétní politikou a rozdělením kompetencí, ale spíše s využitým nástrojem a zejména s tím, která instituce EU politiku formuluje. Zatímco Evropský parlament a nová Evropská služba pro vnější činnost prosazují PCD poměrně efektivně, výsledky Evropské komise jsou smíšené a členské státy se tématem v Radě nezabývají. Práce dochází k závěru, že zvýšení schopnosti rozvojových aktérů smysluplně ovlivnit vytváření politiky především v Komisi a rozšíření meziodborové koordinace ve všech institucích EU by zvýšilo efektivitu EU při prosazování PCD.

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## List of abbreviations

CFP	Common Fisheries Policy
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for Civilian Aspects of Crisis Management
CJEU	Court of Justice of the European Union
CMPD	Crisis Management and Planning Directorate
CODEV	Council Working Party on Development Cooperation
COREPER	Comité des représentants permanents (English: Committee of Permanent Representatives)
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defence Policy
DEVE	(European Parliament) Committee on Development
DG	(Commission) Directorate-General
DG DEVCO	DG Development and Cooperation - EuropeAid
DG MARE	DG Maritime Affairs and Fisheries
EC	European Community
ECOWAS	Economic Community of West African States
EEAS	European External Action Service
EEZ	Exclusive Economic Zone
EP	European Parliament
EU	European Union
EUCAP	EU Capacity Building
EUMS	European Union Military Staff
EUTM	EU Training Mission
FPA	Fisheries Partnership Agreement
GHG	Greenhouse gas
HR	High Representative of the Union for Foreign Affairs and Security Policy
I	Interview
ILUC	Indirect Land Use Change
ITRE	(European Parliament) Committee on Industry, Research and Energy

LDRAC	Long Distance Fleet Regional Advisory Council
MEP	Member of the European Parliament
MMR	Monitoring Mechanism Regulation
N/A	not applicable
NGO	Non-governmental organisation
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OLP	Ordinary Legislative Procedure
PCD	Policy Coherence for Development
PECHE	(European Parliament) Committee on Fisheries
PSC	Political and Security Committee
SQ	(Research) sub-question
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
WP	(Council) Working Party

# PART 1 - INTRODUCTION AND BACKGROUND

## I. Introduction

The ever-increasing interdependence of the world's economies and societies poses challenges to the governance efforts of states and international organisations. Political action in one policy field can have serious implications for progress in other areas. Similarly, effects of political choices are nowadays increasingly felt not only in the same political system, but might directly or indirectly influence the livelihood of people on the other side of the globe. In consequence, policy-makers who want to conduct efficient and effective policy in one particular area have to take account of the - sometimes undermining, sometimes supporting - influences of other policy fields. One area which is significantly affected by choices in other areas is development policy. Political decisions made in certain internal (e.g. energy) and external (e.g. trade) policy fields may considerably facilitate or impede the developing prospects of third states. This leads to calls from advocates of development policy to other policy fields to support development objectives where feasible because a lack of coherence undermines the efficiency and effectiveness of development efforts. Within the European Union (EU), this coherence goal has been termed Policy Coherence for Development (PCD) and is based on the ambition of the EU to 'take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries' (Art. 208(1), second para. Treaty on the Functioning of the European Union (TFEU)).

The EU has competences in many areas, ranging from exclusive over shared to merely coordinated policies (Art. 2-6 TFEU). Not surprisingly, policy coherence is difficult to reach in such a multi-layered system of governance characterised by multiple actors and decision-making structures. This problem haunts of course not only the EU but any pluralist democratic system in which governing institutions need to address the often conflicting demands from a variety of societal actors (cf. Gauttier 2004: 24). However, the nature of the EU as a *sui generis* international

organisation spanning both supranational and intergovernmental<sup>1</sup> policy fields accentuates this coherence challenge.

Dating back as far as the Treaty of Rome in 1957, development cooperation is one of the oldest policy fields of EU<sup>2</sup> external action. Ever since the establishment of this competence, other EU policy fields have been singled out by observers for their lack of support towards development objectives. Prominent examples in this regard are the Common Agricultural Policy and the trade policy of the EU. The last years have seen increased attempts by the EU to cope with the problem of policy coherence in EU external action. One of the major aims of the Treaty of Lisbon was ‘enhancing (...) the coherence of [the EU’s] external action’ (Council of the European Union 2007a: 15) and institutional reforms were undertaken to meet this target. In its current form, the Treaty on European Union (TEU) explicitly calls for the ‘consistency between the different areas of [the Union’s] external action and between these and its other policies’ (Art. 21 (3), para. 2). In addition, the EU institutions in the last years repeatedly committed themselves to promoting a PCD agenda (cf. Commission of the European Communities 2005; European Commission 2010a; Council of the European Union 2009d; European Parliament (EP) 2010).<sup>3</sup>

The key challenge for the EU in this context is to devise how it can increase PCD across its diverse policy fields in an effective and efficient manner. Policy coherence does not emerge out of nowhere but is rather the result of political commitment, coordination mechanisms, and monitoring and analysis systems integrated in policy formulation processes (cf. Davis 1995: 3; European Centre for Development Policy Management, Instituto Complutense de Estudios Internacionales and PARTICIP GmbH 2007: 57; Organisation for Economic Co-operation and Development (OECD) 1996: 9). The Commission, the Council, and the EP have recognised the need for proper institutional tools and have created new

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<sup>1</sup>In simplified terms, a supranational policy field transcends national boundaries and sees competence accumulation at a higher level; in this context at the EU level. In contrast, an inter-governmental policy field is characterised by direct relations between governments of the individual nation states which keep their full sovereignty to conduct policy in the field.

<sup>2</sup> At that time constituted as the ‘European Economic Community’.

<sup>3</sup> Hereinafter the European Commission and the Council of the EU are referred to as ‘Commission’ and ‘Council’ respectively.

or use already existing procedures<sup>4</sup> to increase PCD in EU policy formulation. One example in this regard is the application of the inter-service consultation procedure in the Commission. How many and which of these ‘institutional paths’ lead to the one goal of increasing PCD is the central focus of this study.

This thesis follows the assumption that a coherent policy formulation *process* (understood as the degree to which articulated opinions of concerned actors are synergistically and systematically taken into account in policy formulation) is a pre-condition for a coherent *output* (the resulting policy) and *outcome* (the effects of a policy) of EU governance. This assumption is backed by policy analysis literature which has ‘convincingly argued that the processes in the preliminary stages of decision-making strongly influence the final outcome’ (Jann and Wegrich 2007: 49; referring to Kenis and Schneider 1991). Research on PCD has so far focussed rather on the output and outcome coherence of specific EU policies with development objectives. A systematic account of the ways PCD is promoted in the policy formulation of different EU policy areas is however lacking. Addressing this gap in the literature and providing a detailed empirical analysis of the impacts of coherence procedures in the EU institutions on the development of policy initiatives in diverse fields of EU competence is therefore considered to be the main contribution of this thesis.

By constructing an analytical framework based on new institutionalism, the study develops indicators to assess the process dimension of PCD in the political system of the EU. Governance regimes - understood as the key actors, policy instruments and formal and informal procedures in a single policy field at the EU level - are operationalised as the independent variable which directly influences the process PCD of policy initiatives as the dependent variable. This framework is subsequently applied to an empirical analysis of three governance regimes which are profoundly relevant for development policy but which are characterised by different procedures of policy-making: Fisheries, Environment, and Security. In this way, the examination shows the role that institutional procedures play in the improvement of coordination and coherence attempts in the EU’s day-to-day policy-making; thereby shedding light on how the EU lives up to its aim to develop into a more efficient,

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<sup>4</sup> A procedure is here defined as a ‘a series of actions conducted in a certain order or manner’ (Oxford Dictionary 2013).

effective and coherent actor on the international stage (cf. European Council 2010: 8-9).

The remainder of this introductory chapter first discusses the research interest that guides the study and its political and academic dimensions (I.1). Subsequently, the research question of this thesis is presented (I.2), followed by an outline of the research design (I.3). An overview of the thesis structure including a brief summary of the contents of each chapter concludes the introduction (I.4).

## I.1. Research interest - two dimensions

The research interest of this thesis is the promotion of PCD in EU governance. Analysing it has two main dimensions of relevance: one political and one academic.

### *I.1.1. The political dimension*

The political dimension of the research interest entails two main issues. Firstly, the topic deals with the efficiency and effectiveness of the EU's development cooperation itself as well as the capabilities of partner countries to combat common global problems. Secondly, PCD as a political goal of EU policy-makers is rooted in Union primary law; making it a core principle for EU action. Connected to this, one of the major objectives of the latest major attempt of the EU and its member states to reform the EU's institutional architecture with the Lisbon Treaty was to increase the coherence of the Union's external action.

#### *Efficiency and effectiveness of EU development cooperation and global governance efforts*

The EU alone, not counting the individual bilateral Official Development Assistance (ODA) of its member states, accounts for around 9.4% of the ODA of OECD countries to the developing world. In 2011 the EU institutions distributed a total ODA of € 12.65 billion (OECD 2012a), making the Union one of the largest single donors. Channelling assistance through its various geographic and thematic external financial instruments constitutes one of the EU's most important tools for wielding influence on the international stage and structuring its external relations.

However, the actual impact of development assistance efforts in today's world is debatable. Firstly, observers disagree about the general effectiveness of



ODA and whether it may not even hamper rather than support the recipients' development.<sup>5</sup> Secondly, issues 'beyond aid' become increasingly important for development policy in a globalised world (cf. OECD 2008b; UN Resolution (65/1) 2010). Policy areas such as security, agriculture, and trade, to name a few, have a crucial influence on the development prospects of third countries. A lack of coherence brings about a loss of credibility, efficiency and effectiveness of development cooperation itself. It thus becomes clear that the objectives of development cooperation, such as fighting poverty and improving human development, are difficult if not impossible to realise with aid alone. This point has been raised for instance by 'an immense majority' of respondents to the public consultations of the Commission regarding a post-2015 development framework which stated that PCD is 'fundamental for the success of development outcomes, and should therefore be placed at the very heart of the post-2015 development agenda' (Jones 2012: 31).

It is therefore in the natural interest of development policy to try to 'mainstream' its objectives into other policies wherever feasible. Obviously, the coherence demand is in principle not only justified from the perspective of development policy but from the point of view of other policies as well. Based on the requirement of Art. 11 TFEU that it 'must be integrated into the definition and implementation of the Union policies and activities', this policy area can bring forward valid coherence claims to other areas. Since there is no agreed 'hierarchy' of the various policy fields, PCD has to generally position itself among other objectives.

Some internationally agreed objectives may however serve as general guidelines for the coherence contribution of particular policy sectors. Such guidelines are for instance sustainable development and global governance efforts of the international community to face common problems such as climate change. Development cooperation is an integral part of these goals to which other policies are supposed to contribute their share (cf. Ashoff 2005: 11 et seq.). In addition, the member states of the EU and the EU as a whole committed themselves repeatedly to promote PCD in EU external action, be it in the context of international conferences at UN or OECD level (e.g. UN Resolution (55/2) 'United Nations Millennium

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<sup>5</sup> Cf. exemplarily Riddell 2007. For a recent contribution to the debate that echoed into the public discourse cf. Moyo 2009.

Declaration' 2000) or through political statements issued for instance by the Heads of State or Government in the European Council (e.g. 2008) or by the Commission (e.g. 2011c).

The EU does not only need to improve its PCD efforts in order not to undermine its own development cooperation. Additionally, it is in the interest of the Union to have partnerships with stable and developed third countries to enhance their capability to tackle common problems. Issues such as migration and asylum, climate change, security and terrorism can be named as examples for areas in which the EU has to rely on the governance capacity of third countries. Although the short-term interests of countries may be divergent; neglecting the development perspective of third countries in the long run can undermine the pursuit of objectives in other policy spheres (Manning 2008: 37).

These two issues - the requirement of PCD to increase the efficiency and effectiveness of both the EU's development cooperation and the EU's general efforts to make progress in addressing global problems - constitute the political relevance of PCD promotion. It is however unclear how the EU can promote PCD in policy fields which are made up of entirely different actors, interests and structures (cf. Egenhofer et al. 2006: 8 et seq.). The contribution of this thesis lies in developing an analytical framework that allows for examining the procedural aspects of PCD in different EU policy areas. On this basis, inferences can be made about how the EU could use PCD promotion to fulfil its aim of improving the impact of its development cooperation as well as supporting partner countries in dealing with shared challenges.

### *Legal rooting of PCD in EU primary law and institutional reforms of the Lisbon Treaty*

The second important aspect of the political dimension relates to the legal requirement for PCD as enshrined in Union primary law.<sup>6</sup> References to coherent policy-making were inserted first in EU primary law with the Single European Act (1986, e.g. Art. 30 (5)) and were subsequently advanced through the following treaty revisions. The current consolidated version of the TFEU stipulates that

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<sup>6</sup> For a detailed discussion on how Union primary law promotes policy coherence concepts, cf. den Hertog and Stroß 2013.

*'the Union shall ensure consistency<sup>7</sup> between its policies and activities, taking all of its objectives into account and in accordance with the principle of conferral of powers' (Art. 7 TFEU).*

The TEU more specifically addresses the external dimension of the EU's action:

*'The Union shall ensure consistency between the different areas of its external action and between these and its other policies' (Art. 21(3), second para.).*

The article does entail a binding legal obligation to seek coherence. However, due to the imprecise wording of the coherence demand, consequences for everyday policy-making are not as clear. Nevertheless, the article gives political guidelines to the EU actors involved, i.e. the EU institutions and the EU member states.

As one of the main objectives of EU external action, the TEU explicitly names to:

*'foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty' (Art. 21 (2d) TEU).*

This objective stands in conjunction with other overarching goals, such as to safeguard the EU's values, fundamental interests, and security, and to promote democracy and human rights. Regarding development cooperation and as quoted at the beginning of this thesis, Union primary law further explicitly stipulates since the Maastricht Treaty (Art. 130 (v) Treaty establishing the European Community 1993) that the EU should take account of the objectives of development cooperation in policies with relevance for developing countries (Art. 208(1), second para. TFEU). The same article unequivocally denotes poverty reduction and eradication as the primary objective of EU development cooperation. It is thus apparent that actors in relevant EU policy fields are encouraged by EU primary law to anticipate the effects of their policy choices on poverty reduction in third countries. Consequently, the EU has a political interest in finding ways how this PCD precept can be best promoted in its different fields of policy-making. The thesis addresses this legal side of PCD by illustrating how the treaty requirements regarding coherence are translated into

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<sup>7</sup> See section II.1 for a critical discussion on the difference between the meaning of the terms consistency and coherence.

political practice and by analysing the effects on policy formulation in the respective policy areas.

In order to address the increase of coherence of EU external action as one of the main objectives of the Treaty of Lisbon, the post of the High Representative of the Union for Foreign Affairs and Security Policy (HR) and the European External Action Service (EEAS) were created. The Treaty gives the HR the mandate to ensure Union coherence in external relations (Art. 21 (3), second para; Art. 26 (2), second para. TEU). The EEAS is tasked to assist her in fulfilling this mandate (Art. 27 (3) TEU; cf. Council decision 2010/427/EU).

The Treaty of Lisbon came into force in 2009 and the EEAS became operational a year later in December 2010. The question can be raised whether these institutional reforms have had a profound impact on policy coherence in general and PCD in particular. Although the EEAS now combines several policy fields of EU external action in one service, it has diverging competences in each one of them. Its leverage in the fields of security policy, crisis response and development cooperation for instance varies significantly. In addition, important policy fields such as trade and enlargement remain almost completely under the influence of the Commission. Accordingly, whether and how the HR and the EEAS use their acquired competences to increase PCD in EU policy formulation is one part of the research interest of this study. The thesis can therefore contribute to the assessment of the success of the recent reforms of the institutional architecture of EU external action.

### *1.1.2. The academic dimension*

The academic dimension of the research interest is twofold. Firstly, the topic is connected to the academic discussion in political science and EU research on the functioning of governance processes. Secondly, the research interest is part of the scholarly discourse on policy coherence in EU external relations in general and on PCD in particular.

#### *Research on governance processes*

The first point addresses questions such as how policy formulation is conducted inside a political system, how its institutions cooperate and what procedures are applied to what effect. In EU research, traditional theoretical approaches focus rather

on analysing the ‘big picture’: why member states cede sovereignty in the first place, under which conditions this happens, and how competence transfer to a supranational level is negotiated and implemented (cf. Haas 1958; Hoffmann 1966 for the arguably two most prominent examples in this regard: neofunctionalism and intergovernmentalism). While more recent theoretical advancement of these theories (cf. Moravcsik 1993; Sandholtz and Stone Sweet 1998) significantly developed theoretical explanations of EU integration, they keep the mentioned broad perspective. The analysis of the day-to-day governance activities inside the EU institutions is not the main focus of these theories.

In comparison, other theoretical approaches shift the focus to organisational and network aspects of policy-making. These accounts underline for instance the role of epistemic communities (Haas 1992), bureaucratic politics (Allison and Zelikow 1999), policy networks (Peterson and Bomberg 1999) and so called joint-decision traps (Scharpf 2006). A particularly fertile school of thought for analysing policy formulation processes in the institution-rich environment of the EU is new institutionalism with its various strands. All these approaches have in common that they focus on the effects of relations between political actors on policy processes in dense and complex institutional environments. Such an objective is convergent with the main topic analysed in this thesis: the promotion of PCD in the policy formulation of different areas of EU governance. The research interest fits well into this, certainly very pluralist, body of literature because it addresses, inter alia, the degree of influence of institutional factors such as standard operating procedures and institutional norms, the effects of competence transfer to a supranational level, and the relationship between formal and informal institutional tools and their impact on EU governance.

It is hence the aim of this thesis to contribute to the academic discussion through conceptualising policy-specific institutional configurations and analysing their impact on process coherence in EU governance. The thesis attempts to assess the effects of institutional arrangements in policy fields on the promotion of cross cutting policy issues such as PCD through the application of historical institutionalism (see below) and the testing of its hypotheses on the subject.

### *Research on policy coherence and PCD*

The second aspect of the academic dimension is research on policy coherence in general and on PCD in particular. Debates in the academic sphere on coherence in EU external action increased significantly in the late 1980s with the previously mentioned inclusion of European Political Cooperation and a related consistency article in the Single European Act (cf. e.g. Pijpers, Regelsberger and Wessels 1988). Since then, the discourse has constantly intensified over the years, reaching its temporarily peak in present-day discussions on the impact of the Lisbon Treaty reforms on EU policy coherence. The last years have seen the publication of a considerable amount of literature on various concepts and classifications of policy coherence and consistency (cf. Carbone 2008; Gauttier 2004; Hoebink 2004; Nuttall 2005, to name a few). In terms of PCD, much of the related research focuses on the output and outcome dimensions, in particular regarding the incoherence of the content of certain policies with development objectives.<sup>8</sup>

The process dimension of coherence and the influence of institutional procedures on policy formulation were so far however the subject of only few studies. Hence, the analysis of routine mechanisms in policy formulation can offer valuable clues into how PCD can be promoted in EU governance since it can be argued that ‘coherence emerges not from heroic personal feats of integration but from the continuous application of standard operating procedures, exercised across the political, policy and administrative domains’ (Davis 1995: 3). Greater coherence in governance can be obtained by adjusting and ameliorating the policy planning process by using ‘tools of coherence’: organisational procedures which are applied in the different stages of the policy cycle to ensure a coherent policy formulation (OECD 1996: 9). Although - as will be shown in section II.2 - there is a considerable amount of literature outlining ideas on how to increase this process dimension of PCD in theory, there is a lack of analytical studies on how EU governance is conducted in different policy fields which have an impact on the development prospects of other countries.

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<sup>8</sup> See chapter II for a detailed literature review on PCD, including a conceptualisation of the term and its classifications.

Accordingly, the contribution of this thesis to the academic discourse on this topic lies in addressing this identified gap in the literature. It provides an analytical framework to explicitly examine the process dimension of PCD. In this way, the research interest of how PCD can be promoted in EU external action is addressed and research on PCD complemented.

## I.2. Research question

The analytical focus of this thesis lies mainly on the promotion of PCD in the process of EU policy formulation, as opposed to for instance policy implementation.<sup>9</sup> Accordingly, the main research question reads:

### Box I.1 Main research question

*How and to what extent does the EU promote PCD in the policy formulation process of different governance areas?*

The main research question is composed of three parts which are further addressed and refined in the research sub-questions stated below (see Box I.2). These questions form the basis for the respective elements of the analytical framework outlined in the next section on the research design of the thesis.

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<sup>9</sup> In policy analysis the policy cycle is commonly distinguished in five steps: Agenda setting, policy formulation, adoption, implementation, and evaluation (cf. Parsons 1995: 77 et seq. for a discussion on ways to categorise the different policy cycles). The policy cycle is in reality of course a dynamic and fluid process with the different steps constantly influencing each other. The model should therefore not be seen as rigid and mechanical (cf. Knoepfel et al. 2011: 53 et seq.). Our analysis of EU policy formulation also touches upon and sometimes incorporates stages of agenda-setting and especially policy adoption. We side with Jann and Wegrich (2007: 48) who argue that 'because policies will not always be formalized into separate programs and a clear-cut separation between formulation and decision-making is very often impossible, we treat them as sub stages in a single stage of the policy cycle'.

### Box I.2 Research sub-questions (SQs)

- SQ1: *What PCD procedures are used in EU policy formulation?*
- SQ2: *How effectively do these procedures influence the process PCD of a given policy initiative?*
- SQ3: *What differences are observable in PCD promotion in different policy fields and what causes them?*

SQ1 (*What PCD procedures are used in EU policy formulation?*) relates to *how* the EU strives to promote PCD in its policy formulation process. Here, the variety of procedures that the EU has at its disposal needs to be assessed.

SQ2 (*How effectively do these procedures influence the process PCD of a given policy initiative?*) refines the part of the main research question that asks *to what extent* the EU promotes addresses PCD in policy formulation. In doing so, it addresses the causal relationship which connects institutional procedures with process coherence.

Finally, SQ3 (*What differences are observable in PCD promotion in different policy fields and what causes them?*) adds a comparative perspective to the analysis and reflects on the root causes of differences in PCD promotion in the policy formulation of distinct governance areas. In particular, it is questioned whether factors such as a communitarisation of policies or institutional path dependencies have an impact on PCD promotion.

### I.3. Research design

To answer the main research question and its three SQs, the thesis develops an analytical framework and subsequently applies it to empirical case studies. This study follows the central new institutionalist argument that ‘institutions matter’. They are more than mere arenas of decision-making and it is assumed that they play a significant role in ensuring PCD at the EU level. The historical institutionalist strand of new institutionalism as interpreted by Simon Bulmer is used as the theoretical basis. By virtue of its focus on the role of policy-specific subsystems in EU governance, the role of institutions as an independent variable and its emphasis on



procedures, Bulmer's approach enables us to construct an analytical framework that captures the day-to-day governance activity of EU policy formulation and the role that coherence procedures play in it.

The *process PCD of an EU policy initiative* is defined as the dependent variable on which institutional factors have a direct and indirect impact. *Governance regimes*, comprising key actors, institutional procedures and policy instruments of a given EU policy field, are defined as the independent variable, thus helping to tackle SQ1. *Development actors* are hereby seen as an intervening variable which can enter the process and influence policy initiatives to incorporate PCD aspects. SQ2 is therefore addressed through analysing the causal relation between the application of formal and informal institutional coherence procedures in governance regimes and the dependent variable process PCD through the input of development actors as the intervening variable. In addition, hypotheses projecting different forms of influence of the independent on the dependent variable are derived from historical institutionalism.

This analytical framework is subsequently applied to an empirical analysis of selected policy initiatives as sub-cases. We conduct a pre-selection of EU policy fields on the basis of their potential relevance for PCD as identified by the OECD (2011) and the EU (Council 2005; Council 2009b). Out of this population of EU policies which might have an impact on developing countries, three case studies are selected. For this, the 'diverse cases' method is used with the primary objective of achieving the maximum variance on the dimension of the independent variable (Seawright and Gerring 2008: 8). The decisive criterion here is the degree of transfer of competences to the supranational level. Thus, one case each from the three main EU competence categories (exclusive, shared, and inter-governmental) is selected. The empirical analysis of the selected governance regimes Fisheries, Environment, and Security as case studies allows addressing SQ3 by comparing different governance areas.

The main method used for the case analysis is a process-tracing of the policy formulation of selected policy initiatives. An in-depth examination of the policy planning cycle assesses the manifestations of the variables. Based on that, a cross-case synthesis compares the case studies and the respective manifestations of the

variables. The methods of data collection encompass a qualitative document analysis of primary sources such as Commission documents, Council conclusions and opinions of EP committees as well as secondary literature. The interest lies in all sources that help to trace the process that took place in the EU institutions from the first draft of an initiative up until the final adoption. To achieve this, especially documents drafted by the actors involved in the policy planning process are analysed by looking at which opinions of development actors were stated and taken into account in the respective policy initiative. In addition, 55 semi-structured expert interviews with officials of the EU institutions and EU member states, Members of the European Parliament (MEPs), and civil society actors were conducted in order to gain first-hand insights into the policy formulation processes that cannot be obtained through document analysis alone.

The combination of the theoretical approach and the methodology forms the analytical framework of this thesis. This research design provides the analytical leverage to examine empirical data for answering the main research question.

#### I.4. Outline of the thesis

This thesis has eight chapters structured in four parts. The first part of the thesis contains the introduction and background to the topic. Part two then lays down the analytical framework for the study comprising of the theoretical approach, variables, operationalisation, and methodology. The empirical analysis takes place in part three and traces the policy formulation of selected initiatives in the areas of fisheries, environment and security policy. Part four contains the final chapter synthesising and comparing the research results. It concludes the thesis.

#### PART ONE - INTRODUCTION AND BACKGROUND

##### *Chapter II: Policy Coherence for Development in the EU*

This chapter introduces and analyses the PCD concept. It starts with a literature review which critically assesses the state of the debate in academia and political practice on the subject. A conceptual section further discusses definitions and classifications of policy coherence and PCD and its distinction from policy consistency. The chapter includes a brief outline of the historical development and

milestones of PCD in the EU system. Finally, the chapter analyses the key actors and institutional tools to promote PCD in the EU.

## PART TWO - ANALYTICAL FRAMEWORK

### *Chapter III: Theoretical framework and operationalisation*

Chapter III develops the central theoretical argument of the analytical framework. It discusses first the shared assumptions and different interpretations of the main strands of new institutionalist theory before adopting the historical institutionalist variant of Simon Bulmer as the most adequate theoretical concept for the thesis. On this basis, governance regimes are identified as the independent variable which has a direct effect on the dependent variable process PCD of a policy initiative influenced by the intervening variable development actors. Testable hypotheses are developed that connect the variables and project the estimated causal relationship between them. Subsequently, the chapter presents indicators for assessing the manifestations of the variables.

### *Chapter IV: Methodology*

The chapter presents the methodology of the study comprising the methods of case selection, case analysis and data collection. The population of cases is represented by all EU governance regimes. Out of these, a pre-selection is undertaken, choosing the policy fields on whose PCD relevance involved EU actors and institutions commonly agree. Subsequently the ‘diverse case’ method is applied to obtain a maximum variance on the independent variable governance regime. Using the selection criteria ‘competence transfer to the supranational level’, the three cases Fisheries (exclusive competence), Security (‘special’ competence), and Environment (shared competence) are chosen. In addition, with-in case analysis using process tracing is delineated in the light of the research subject. Finally, this chapter sets out the two methods applied for data collection: qualitative document analysis and semi-structured elite interviewing.

## PART THREE - EMPIRICAL CASE STUDIES

### *Chapter V: The Fisheries governance regime*

The empirical analysis starts with the first case study of the Fisheries governance regime as a case of an exclusive EU competence. First, the governance regime, composed of its key actors, instruments and procedures, is analysed. Secondly, the chapter undertakes an in-depth examination of the policy formulation process of the two most important recent Fisheries Partnership Agreements (FPAs) of the EU: the FPAs with Morocco and Mauritania. By analysing the negotiation of the two agreements in the timeframe 2010 to 2013, the chapter shows how the nature of FPAs as international agreements shapes policy formulation and impacts on their process PCD.

### *Chapter VI: The Environment governance regime*

Chapter VII deals with the case study of the Environment governance regime as a policy field that is shared between the community level and the EU member states. The chapter outlines climate change policy as one of the main areas that has considerable PCD relevance and examines its key actors, instruments and procedures. The regulation to monitor greenhouse gas (GHG) emissions and the biofuel directive serve as the two sub-cases of this policy field. The empirical analysis focusses again on the policy formulation of the two initiatives and investigates how the EU institutions apply coherence procedures and what effects on the process PCD are observable in the field of EU environment policy.

### *Chapter VII: The Security governance regime*

The third case study is undertaken in chapter VII with the analysis of the Security governance regimes as a crucial example for a policy field that is almost completely inter-governmental in nature. The specific actors and procedures of this governance regime are analysed, characterised by a weak role for the Commission and the EP and a strong involvement of the Council and the EEAS. The chapter traces the recent planning process of the military Common Security and Defence Policy (CSDP) EU Training Mission (EUTM) Mali and the civilian mission EU Capacity Building

(EUCAP) Sahel Niger. The analysis shows the significant differences in the policy formulation process compared to the other two more communitarised case studies.

## PART FOUR - SYNTHESIS AND CONCLUSION

### *Chapter VIII: Synthesis of findings and conclusion of thesis*

The final chapter synthesises and compares the empirical findings of the case studies on four different levels: the overall EU level, the governance regimes level, the level of the EU institutions, and the level of the individual coherence procedures. On this basis, the chapter reflects on the impact of the results of this study on the theoretical debate and evaluates the usefulness of the analytical framework and its limitations. Moreover, it reflects on the implications for the political practices of PCD promotion in the EU and suggests ways to improve coherence procedures. A final conclusion answers the research questions posed at the beginning of the study and summarises the main contribution of the thesis.

## II. Policy Coherence for Development and the EU

*'Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries' (Art. 208 (1), para. 2 TFEU).*

The Lisbon Treaty reduced the former multiple aims of EU development cooperation laid down in Union primary law to one single primary objective: the reduction and eradication of poverty.<sup>10</sup> In the same article, the Treaty calls for taking account of this objective in other policies of the Union. This is the coherence precept and the legal basis for PCD in the EU. Although the focus on the fight against poverty as the main objective of development cooperation was only introduced with the Lisbon revision, the demand for coherence was already introduced with the Maastricht Treaty in 1993. Since then and fuelled by a growing inter-connectedness of policy fields, PCD has increasingly become a topic for EU policy-making. Since the 1990s three actors in particular regularly place this topic on the EU's agenda. First, the OECD constantly raises awareness on PCD among its members and compares their individual efforts on PCD. Second, think tanks and non-governmental organisations (NGOs) active in development policy repeatedly bring the topic to the attention of EU actors by publishing PCD studies or advocating the interests of developing countries. Third, the EU institutions themselves, and among them especially the Commission, have addressed the topic since 2005 through PCD declarations, work programmes and reports.

In this context, the remaining ambiguity that still revolves around the PCD concept is surprising. The seemingly endless debate on the concept of coherence in the literature shows a lack of commonly agreed definitions and classifications. International organisations such as the UN, EU and OECD as well as states, NGOs

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<sup>10</sup> Before the Lisbon Treaty the objectives of community development cooperation were given as the sustainable economic and social development of the developing countries, their smooth and gradual integration into the world economy, and the fight against poverty (Art. 177 (1) Treaty establishing the European Community 2003).

and researchers use different concepts of policy coherence. Furthermore, the differentiation between the terms coherence and consistency remains unclear in many cases. This continuing absence of clarity is problematic as it results in troublesome misunderstandings in the academic and professional debate as well as in the interpretation of legal provisions.

Accordingly, the aim of this chapter is to first discuss and conceptualise the coherence concept in order to establish a stable ground for the analytical framework of this thesis. The chapter is divided in three main parts. It first examines the existing literature on the general concept of policy coherence and consistency (II.1). It then examines academic and practical case studies of PCD (II.2). The third part (II.3) concentrates on the key PCD actors and agenda steps in the EU context. A conclusion (II.4) summarises the main findings of the chapter and conceptualises PCD to analyse EU policy formulation in the framework of this thesis.

## II.1. Conceptualising a multifaceted term

*'Despite its over-use in the literature and in political debate, the notion of coherence is among the most frequently misinterpreted and misused concepts in EU foreign policy' (Gebhard 2011: 123).*

An extensive body of literature deals with the concepts of policy coherence and consistency. In the context of the EU, PCD is studied as one of the most salient examples of coherence in its external relations. Coherence as a political aim relates to the preference building of societal actors and the processing of these preferences in the political system. In the hierarchical setting of a state or organisation, political demands are usually administered vertically through policy planning and implementation in policy-specific ministries or departments. This comes with an inherent tendency to have 'compartmentalised' and 'clientele' politics which by its nature impede coherent policy-making (Peters 2006: 116; Forster and Stokke 1999: 26). However, in a democratic and pluralistic political system certain degrees of interest collusion and incoherencies can of course not be avoided, and should even be welcomed because a government needs to simultaneously address the often diverging demands of a plurality of actors (cf. Van der Welden 1992: 282; Gauttier 2004: 24).

## *Definitions*<sup>11</sup>

As the name suggests, PCD is a specific form of policy coherence. Therefore, a conceptualisation of PCD first requires an analysis what exactly is meant by the overarching term of policy coherence. Although the political use of the term policy coherence is often devoid of a clear conceptualisation, a set of core ideas can be identified in the academic literature. For the sake of clarity, this thesis will distinguish between *definitions* of the terms coherence and consistency, meaning the basic understanding of the applied term, *classifications*, which comprise an ordering and grouping of various analytical levels, and *dimensions* which refer to the location of coherence on the stages of the policy cycle.<sup>12</sup>

The distinction between the terms coherence and consistency follows two lines of reasoning in the academic discourse. First, it can be argued that the terms can be used more or less interchangeably (cf. Duke 1999: 3; Carbone 2008: 323; Picciotto 2005: 312; Nuttall 2005: 93; Hoebink 2004: 185). Proponents of this view state that one of the main reasons why both terms are used in the discussion is the different wording in the English language on the one hand and other European languages on the other. While consistency is the applied term in the English version of the EU treaties, the term coherence is used in other languages, for instance in the German (*Kohärenz*), French (*cohérence*) and Spanish (*coherencia*) versions.<sup>13</sup> Nuttall for instance remarks that ‘attempts to distinguish between them risk ending in linguistic pedantry’, although he admits that coherence ‘may well have a broader signification’ than consistency (Nuttall 2005: 93).

Secondly, other scholars argue that coherence and consistency do not carry the same meaning. This line of thinking seems dominant in the literature. The reading among proponents of a distinct definition of coherence and consistency is that the terms stand in a hierarchical order, with consistency usually being a

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<sup>11</sup> This section part from here until the ‘dimensions’ subheading on page 25 was already published as a segment of an article of the author (together with Leonhard den Hertog) entitled ‘Coherence in EU external relations: Concepts and Legal Rooting of an Ambiguous Term’, *European Foreign Affairs Review*, vol. 18, 3, 373–388.

<sup>12</sup> A detailed list of definitions and classifications of policy coherence in the literature can be found in Annexes 1 and 2 to this thesis.

<sup>13</sup> Remarkably, the Dutch, Swedish and Danish versions even apply another linguistic root and speak respectively of the need for *samenhang*, *samstämmigheten* and *sammenhæng* in EU external relations, which can rather be translated into English as ‘connection’.



necessary component of coherence. Many writers consider consistency simply as the ‘absence of contradictions’ (Gauttier 2004: 23; Missiroli 2001: 182; Neuwahl 1994: 235) or ‘avoiding contradictions among different (...) policy areas’ (EP 2010: Art. A). In a similar vein, the OECD defines policy consistency as ‘ensuring that individual policies are not internally contradictory, and avoiding policies that conflict with reaching for a given policy objective’ (OECD 2001: 104). It is evident that many sources agree on the notion that consistency refers to a non-existence of adverse effects across different policy fields. Given that meaning, consistency can thus be described as having a rather ‘negative’ connotation as it entails no ‘positive’ obligations.

In contrast, coherence would then refer to a more ‘positive’ reading in which different policy fields actively work together to achieve common overarching goals (Ashoff 2005: 11). Other similar definitions explain policy coherence as an ‘achievement of a synergy between (...) policies’ (Gauttier 2004: 23) or a ‘desirable plus’ that ‘implies positive connections [and is] more about synergy and adding value’ (Missiroli 2001: 182; cf. Smith 2004: 173; Neuwahl 1994: 235; Van der Welden 1992: 259). From the legal debate, Tietje adds that ‘consistency in law is the absence of contradictions; coherence on the other hand refers to positive connection. Moreover, coherence in law is a matter of degree, whereas consistency is a static concept’ (Tietje 1997: 212; referring to Van der Welden 1992; cf. Wessel 2000). Hillion refers to case law of the Court of Justice of the European Union (CJEU) in which the Court speaks of the need to ensure the ‘coherence and consistency of the action’ and thus also suggests that the two terms must be understood as distinct concepts (Hillion 2008: 13).

It emerges from the debate that policy consistency is an essential precondition for and integral part of policy coherence.<sup>14</sup> The latter goes however significantly further by demanding the active promotion of mutually reinforcing government actions on the basis of agreed overarching policy goals. Based on this discussion, a central understanding of the concepts is identified in Box II.1.

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<sup>14</sup> Sometimes however it might be the case that too rigid consistency obligations may also prevent policy coherence as actors could only be active in their own policy area without actively seeking cooperation with other actors.

## Box II.1 Definitions of policy consistency and policy coherence

Policy consistency refers to the absence of contradictions within and between individual policies.

Policy coherence refers to the synergic and systematic support towards the achievement of common objectives within and across individual policies.

Source: den Hertog and Stroß 2013: 376-77.

PCD relates to the specific case of coherence between development policy on the one hand and other policy areas on the other. This term is defined in a similar fashion by most authors. McLean Hilker defines it exemplarily as ‘working to ensure that the objectives and results of a government’s (or institution’s) development policies are not undermined by other policies of that government (or institution), which impact on developing countries, and that these other policies support development objectives where feasible’ (McLean Hilker 2004: 5; cf. Gauttier 2004: 1). Here we see a good example of a definition of PCD that incorporates both fundamentals of policy consistency and policy coherence. As acknowledged in the beginning of this section, the policy debate often seems uninformed by the conceptualisation in the academic discussion. The PCD debate in the EU is an interesting example for this. When referring to PCD, the EU institutions usually use the wording of the relevant legal base. According to this understanding, the EU should ‘take account of development cooperation objectives’. This definition lacks the active, promoting role that other policies have to play if coherence is to be achieved and merely demands that development objectives are *to be taken into account*; a formulation which says more about the *process* than the *output* of the coherence efforts by the institutions (see below). In some documents however, the EU expands on this definition by referring to the more active role of PCD outlined above (e.g. Commission 2013b: 16). For instance, the EU and its member states in their 2006 joint statement on EU development policy (Art. 9 of 'The European Consensus') added the half-sentence ‘and that these policies support development objectives’ to this definition. In line with the general trend in the literature and our definition for policy coherence outlined above, Box II.2 defines PCD for this study.

## Box II.2 Definition of PCD

PCD refers to the synergic and systematic support towards the achievement of development objectives within and across individual policies.

Source: Own definition, based on den Hertog and Stroß 2013.

### *Classifications*

Adding to the complexity of the discussion, the concept of policy coherence can further be *classified* in several categories or levels. Here again, different approaches are observable but common groupings and patterns can be detected. Independent from the particular *definition* of coherence and although often termed differently, most authors at least distinguish between two levels of coherence: *horizontal* and *vertical* (see Box II.1).<sup>15</sup>

## Box II.3 Definitions of horizontal and vertical coherence

Horizontal coherence refers to the coherence between a policy and other policies of the same political entity.

Vertical coherence refers to the coherence between a policy at the EU level and the individual EU member states policies in the same sphere.

Source: den Hertog and Stroß 2013: 377.

An example for horizontal coherence would be the coherence between EU development cooperation and fisheries policy. This concept is for instance used by Carbone who defines horizontal (in-)coherence as ‘the potential problems raised by the interaction between various policy areas; more specifically to development policy, it refers to the consistency between aid and non-aid policies in terms of their

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<sup>15</sup> In the discussion on horizontal coherence one can also name *internal coherence* as a further somewhat distinct category which relates to *coherence between objectives, functions and implementation within a single policy sphere* (Cf. Carbone 2008; Hoebink 2004; Picciotto 2005). Other classifications relate to more specified aspects of policy coherence, e.g. donor-recipient coherence as the ‘the interaction between policies adopted by the industrialized countries and those adopted by developing countries’ (Carbone 2008: 32; cf. Hoebink 2004).

combined contribution to development’ (Carbone 2008: 326; cf. Picciotto 2005: 211).

The analysis of horizontal coherence of EU external relations often relates to the distinction between former European Community (EC) first pillar policies (including development cooperation) and the second pillar Common Foreign and Security Policy (CFSP) and CSDP. The rationale for this distinction is that both pillars were characterised by different actors, competences and decision-making structures. Although the Lisbon Treaty formally abolished the pillar structure of the EU and introduced a single legal personality for the EU, the division between CFSP/CSDP and the former Community policies is still in place due to diverging rules and procedures (cf. van Elsuwege 2010).

The second common classification refers to vertical coherence. It can for example refer to the development cooperation policies of the EU and its member states (‘incoherence between Community development policy and the development policy of the individual member states (...)’ (Hoebink 2004: 188)). Other possibilities are that it refers to their external relations as a whole (‘the extent to which the foreign policy activities of individual EU states actually mesh with those of the Union’ (Smith 2001: 173 et seq.)), to any other policy that might affect Union policy (‘[Vertical coherence] comes into play when one or more member states pursue national policies which are out of kilter with policies agreed in the EU’ (Nuttall 2005: 93)) or to a mixture of the described types.

### *Dimensions*

Given that this thesis wants to shed light on the process aspects of PCD, a distinction needs to be made between the dimensions of the policy cycle. The OECD illustrates them by speaking of ‘work towards PCD (inputs), through institutional arrangements and processes, to policies (outputs) to changes in behaviour (outcomes) and ultimately to impacts in developing countries’ (2009a: 38). In the closely related policy evaluation discussion, authors also differentiate between the different stages. By developing indicators to assess the PCD progress of Ireland, King and Matthews for instance differentiate between policy outcome, output, input, and stance indicators (2011: 14-6). Similarly, other authors use an evaluation framework based

on the typology of process evaluation, outcome evaluation, impact evaluation, and cost-benefit analysis (cf. Theodoulou and Kofinis 2004: 193-4).

The distinction which occurs most often in the literature is the one differentiating between coherence as a desired *output* or *outcome* on one side and as a *process* on the other side. Christiansen understands the systemic outputs of coherence as ‘the way in which the substance of different policies (...) forms part of a coherent whole’ and the institutional process ‘in terms of the degree to which institution(s) operate a coherent and well-coordinated process of deliberation and decision-making’ and calls the latter ‘institutional coherence’ (2001: 747). Although this definition provides a useful explanation of the term, it also entails a tautological tendency.

Proper definitions of the two dimensions are however generally lacking in the literature besides paraphrases of the term. Carbone for instance explains outcome as ‘what is achieved’ and process as ‘how it is achieved’ (2008: 326). In a similar vein, Forster and Stokke state that the process perspective of coherence focus on the organisational set-up (1999: 24). In his work on New Public Management reforms, Di Francesco sees policy coherence as a procedural value through which the state can calibrate the conditions and settings of policy coordination, especially with the help of standardised decision-making, to increase outcome coherence between different policy sectors (Di Francesco 2001: 108-12). Pollack and Hafner-Burton (2010: 288-89) analyse how environmental protection and gender equality are mainstreamed into sectoral EU policies. They focus on explaining the effects of processes as their independent variable on mainstreaming cross cutting policy considerations on the policy outputs of the various sectoral Commission Directorate-Generals (DGs) as their dependent variable.

As previously mentioned, the OECD has done pioneering work on conceptualising policy coherence at the international level. Since the 1990s it has put particular emphasis on the process dimension of coherence by arguing that ‘the process by which policies are made and implemented has a determining effect on substantive policy outcomes’ (OECD 1996: 11). This lacks the general assumption of this thesis that a coherent policy formulation *process* is a pre-condition for a coherent *output* and *outcome* of EU policies. By focusing on the process dimension, the

OECD puts forward ideas to create and apply so-called ‘tools for coherence’ as a political feasible way that can help to manage institutional policy planning (OECD 1996: 9, 11; 2009a: 41).

## II.2. Academic and policy-oriented studies on PCD

Over the last years PCD has increasingly become a topic in both the academic and policy-oriented research sphere. Triggered by the PCD agenda of the Commission and the OECD, the advocacy of development NGOs and think tanks, and the institutional and legal reforms implemented with the Treaty of Lisbon, research on PCD has reached a high level. This body of literature needs to be reviewed thoroughly in order to lay the groundwork for the analytical framework of this thesis which is developed in part two. This section presents academic studies that address the institutional, legal and political aspects of PCD in the EU system. Furthermore, it complements the discussion with policy-oriented studies in the debate from the OECD, think tanks and NGOs.

The following literature review therefore synthesises the results that research on PCD in the EU has accomplished so far by analysing the different study areas and identifies controversies that shape the discussion. The literature can be grouped in three broad categories: firstly, academic studies that analyse PCD in a political and legal context. Secondly, studies which focus on the output and outcome dimension of PCD. Thirdly, studies of the process dimension of PCD. In connection to the research question of this study, the literature review identifies gaps in the literature and shows how research on the PCD process dimension of EU policy formulation can add value to the debate and put a PCD dimension into the focus which has to date been rather neglected in empirical research.

### *Political and legal aspects of PCD*

The academic literature on policy coherence in EU external action mostly focuses on CFSP or on the external action of the EU as a whole (cf. for example Gebhard 2011; Hillion 2008; Smith 2001; van Elsuwege 2010). PCD is often only mentioned in this particular context. One focus of related research is the analysis of the legal rooting of PCD by looking at the legal provisions that developed over the decades of EU development cooperation. The evolution of the legal relationship between

development policy and other internal and external policy fields can be traced back to the start of the former with the Treaty of Rome. The literature assesses the coherence requirement and its legal weight in the legal system of the EU and compares it to other articles that call for coherence and coordination of EU policies (cf. Hoebink 1999; 2004; Schrijver 2004; den Hertog and Stroß 2013). One prominent example for the practical influence of EU law on PCD is the much cited ‘ECOWAS (Economic Community of West African States)’ case. In this matter, the CJEU ruled (Case C-91/05, ECOWAS) that by using a CFSP legal base for supporting the fight of ECOWAS against the proliferation of small arms and light weapons, the Council had encroached upon the development cooperation competence of the European Community (cf. Hillion and Wessel 2009: 552).

Looking at the political aspects of PCD, academic studies shed light on the political commitment of actors in the EU and the prioritisation of PCD versus the coherence claims of other policy fields. Carbone gives an excellent introduction into the topic by outlining the development of the political PCD agenda of the EU and demonstrating its evolution from the beginnings in the early 1990s to a more ambitious programme in recent years (Carbone 2008).<sup>16</sup> Furthermore, he argues that due to the complex interplay of the institutional architecture and the preferences of actors, achieving PCD risks becoming a ‘mission impossible’ (Carbone 2008: 323) for the EU.

Other contributions are concerned with the political justifications and causes for PCD. One justification for PCD often declared is the improvement of the efficiency and effectiveness of EU development cooperation and global governance. Another is the ‘negative’ justification which denotes the detrimental effects of particular incoherencies in the past (cf. Ashoff 2005: 14-25; 2010). Researchers analyse political systems such as the EU and its member states with regard to the various causes that lead to a lack of PCD. Divergent national interests at EU level, conflicting societal and political norms, or shortcomings in policy formulation processes are just a few examples for possible reasons for incoherencies (cf. Ashoff 2005: 34-40; 2010).

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<sup>16</sup> See section II.3.1 on the main PCD events and development in the EU.

Although the coherence between development policy and the CFSP of the Union is often discussed in the legal context, the political and institutional aspect of the relationship is also a popular research object. Several studies analyse the relationship between the two policy fields since the ‘birth’ of the CFSP with the Single European Act and its development with subsequent treaty revisions (cf. for example Krenzler and Schneider 1997; Koulaimah-Gabriel 1999; Duke 2006; Neuwahl 1994). With the emergence of the new post of the HR and the establishment of the EEAS, the focus recently shifted to the influence of the new institutional structures post-Lisbon on PCD. Especially the way in which the new EEAS might facilitate or impede PCD efforts is critically discussed. On the one hand, the new competences of the EEAS in the strategic programming of external aid and its potential for mainstreaming PCD issues in the planning of other policy fields such as CSDP offer potential for promoting PCD in the whole range of EU external action (Stroß 2012). At the same time, some observers fear that the new structures might lead to a potential ‘securitisation’ of aid, meaning that instead of pursuing poverty eradication, development funds might be used to address security goals (CONCORD 2011a: 8; cf. Furness 2010: 15 et seq.). Whether the EEAS can live up to its potential regarding PCD and what its impact will be on the planning of EU external action in the long term is not foreseeable yet (cf. Blockmans and Laatsit 2012; Vooren 2011).

#### *The output and outcome dimension of PCD*

There is an extensive body of literature concerned with particular case studies of incoherencies of certain EU policies with the goals of EU development cooperation. Since many different policies have a direct or indirect influence on the global level, researchers analyse PCD in different policy fields such as trade and finance, agriculture, environment and climate change, security, migration, raw materials and many more. To illustrate the general discussion on the output and outcome dimension of PCD, examples of research on the interrelated policy fields of trade and agriculture are given here.<sup>17</sup>

Trade is commonly considered as one of the most important policy fields for PCD; in the case of the EU especially due to the exclusive competence that the

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<sup>17</sup> Studies relating to the three EU policy fields that serve as the case studies of this thesis - fisheries, CSDP, and energy - are dealt with in the respective chapters in part three.



Union has in this area. Bigsten (2007: 115 et seq.) for instance examines the effects of EU trade policy on developing countries, its development over time, the potentials of trade liberalisation for the exports of partner countries, and negotiations in multilateral and bilateral fora. A particular focus lies in recent years on the negotiation of Economic Partnership Agreements which the EU wants to conclude with regional groups of the African, Caribbean and Pacific group of states. Although the Economic Partnership Agreements are one of the main pillars of the Cotonou agreement that structures the development partnership between the EU and the African, Caribbean and Pacific countries, they are criticised for reflecting primarily the domestic trade interests of the European side. It is feared that this leads to, inter alia, regional disintegration in the African, Caribbean and Pacific group, an unreasonable liberalisation of the partner countries, and an abolishment of export taxes – all developments which could have a damaging effect on the developing prospects of the African, Caribbean and Pacific countries (cf. Instituto Marquês de Valle Flôr et al. 2012: 103-13).

Closely related to trade relationships of the EU are the external effects of its Common Agricultural Policy which frames the export and import of agricultural products into the EU market. To give an example, in certain cases the Common Agricultural Policy measures of direct payments to EU farmers, export subsidies, and production subsidies on rice and cotton have a negative impact on the exports of developing countries. Further reforms of the Common Agricultural Policy are supposed to bring it more in line with the development objective of poverty eradication (cf. Matthews 2008; Bertow and Schultheis 2007; CONCORD 2011b). Other research in this area concentrates on the impact of the Common Agricultural Policy on the price volatility of commodities on the world market. It is argued that in the case of rising prices, EU mechanisms such as quotas in sugar and dairy markets accelerate the increase while measures such as export subsidies accelerate the process in the opposite direction when prices are falling. This accentuates price volatility on the world market and can lead to problems for food security in the developing world (Cantore 2012). Besides these studies that focus on the impact on the wider group of developing countries, some researchers also analyse the impact of particular trade aspects on a single country. Aguiar Molina (2003: 246-52) for

instance looks at the influence of the EU chocolate directive on the cacao exports of the small island state Vanuatu and on the trade relations in the banana sector between the EU and the Dominican Republic.

Researchers that strive to analyse the impact of EU policies on development countries however face the difficulty that it is challenging to isolate individual causal mechanisms between the output on the EU level and impact on the ground (Keijzer 2010: 9-10). Therefore, some authors attempt to compare and analyse different methodological approaches to ‘measure’ the PCD compliance of certain policies. A study by the European Centre for Development Policy Management analyses the feasibility and potential design of a PCD index (King et al. 2012). The study comes to the conclusion that the development of such an index would rely substantially on the political will of the countries to be compared. The study further proposes options on how to gain wider acceptance for PCD monitoring and benchmarking efforts, for example by advocating for an inclusion of PCD indicators in the post-2015 global development agenda (ibid. 9-10). With a similar research interest, Keijzer and Oppewal (2012) analyse how coherence has been evaluated in different policy fields and propose ways for improving the measurement of PCD.

In order to acquire information on the PCD output and outcome of their own policies, the EU institutions themselves undertake or commission studies to evaluate their work. Since 2007, the Commission publishes every two years comprehensive PCD reports in which it examines occurring incoherencies and progress made towards improving PCD in the community policies (European Commission 2007a, 2009a, 2011a, 2013b). Also the EP in 2011 commissioned for instance a study to assess the EU's trade, agriculture, climate change and migration policies and their impact on partner countries (Guerin et al. 2011).

#### *The process dimension of PCD*

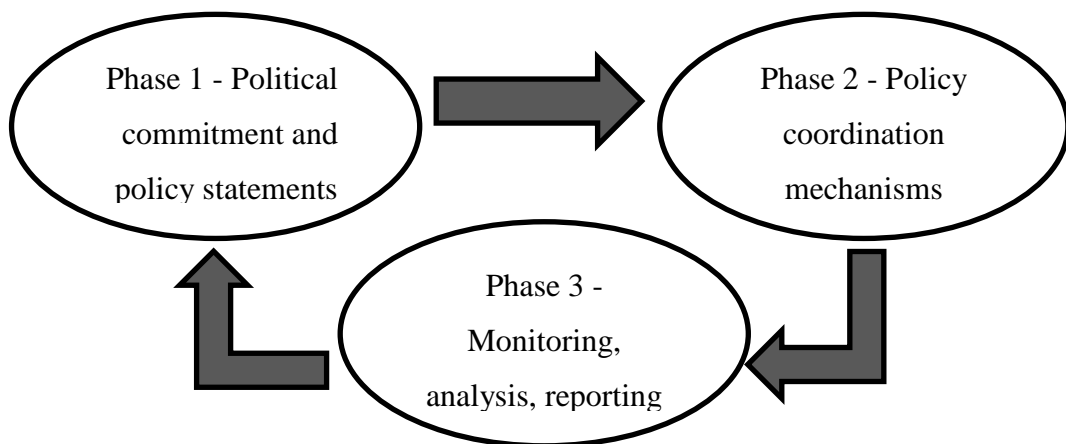
Instead of attempting to overcome the analytical difficulties associated to ‘measure’ the coherence of the output and outcome of certain policies with development objectives, ‘monitoring and assessing *EU policy processes* themselves (...) would appear to be more feasible’ (Keijzer 2010: 10, emphasis in original). This type of study is scarcer in the body of PCD literature. Nevertheless some research has been done on the more institutional aspects of policy formulation and PCD in the EU

system. This research has however rather focussed on outlining ideas on how to increase this process dimension of PCD instead of providing an empirical account of how EU governance is conducted and what impact this has on policy initiatives and their PCD relevance.

An abundant source for material on the process dimension of PCD is the OECD. It is currently advancing an international PCD online platform which also includes sections on institutional aspects (OECD 2014). The organisation carried out several studies that shaped the debate and influenced PCD promotion at the EU level. While in the 1990s the focus still lay more generally with ‘tools’ to increase policy coherence as a whole (cf. OECD 1996), from around the turn of the millennium onwards the main attention shifted to ways of promoting PCD. Many OECD studies compare and analyse existing mechanisms of the OECD member states. As the EU is a member of the Development Assistance Committee of the OECD, the European level is always included. Some examples for OECD studies that were published in recent years are surveys on promoting institutional good practice for PCD (OECD 2005), building blocks for PCD (OECD 2009a), and the peer review on EU development cooperation from 2012 which contains several conclusions on process aspects in the Commission, EP and Council, e.g. an improved screening of the Council agenda for PCD issues and more joint meetings of Council bodies (OECD 2012b).

A common scheme regarding the process dimension of PCD put forward by the OECD (2009a: 20) and also used by other researchers and institutions (cf. Overseas Development Institute et al. 2010), and the EU (Commission 2009a), is the ‘PCD policy cycle’ (see Figure II.1 below). This cycle identifies three interconnected phases in which progress on PCD can be made, each including various institutional tools such as policy statements in phase one, inter-departmental consultation procedures in phase two, and impact assessment procedures in phase three.

Figure II.1. The PCD policy cycle



Source: OECD 2009: 20

The EU itself also commissioned research studies partly focusing on process issues of PCD. The Heads of Evaluation for External Cooperation, the EU Member States and the Commission created the ‘3Cs-initiative’, which had the goal of gathering research on the ‘three C’s’ of EU development cooperation: coherence, coordination and complementarity. Relating to PCD and policy formulation, a study was conducted with the aim of investigating EU mechanisms that promote PCD (European Centre for Development Policy Management and Instituto Complutense de Estudios Internacionales 2006). A second study was subsequently conducted which evaluated the inter-service consultation procedure of the Commission (European Centre for Development Policy Management, Instituto Complutense de Estudios Internacionales and PARTICIP GmbH 2007). After the 3C-project was completed in 2008, in particular the European Centre for Development Policy Management carried on with studies on PCD. One paper from 2010 for instance analyses current developments on the PCD agenda of the EU and evaluates the prospects of further improvement of PCD in the EU with the impact assessment procedure and the development of adequate PCD indicators (Keijzer 2010).

All these studies focus rather on coherence procedures as such and their potential to increase PCD. The only real comprehensive study on the actual application of coherence procedures in the EU system and their effects on process PCD was done by the Centre for European Policy Studies and analysed PCD in the Council (Egenhofer et al. 2006). It combines an analysis of the history, key actors

and mechanisms of PCD in the EU with policy specific analyses. The study traces the planning process of selected policy initiatives and analyses what role development actors and PCD mechanisms played during the policy formulation phase. The authors further suggest structural reforms to increase PCD in the Council and propose for example the creation of PCD expert groups.

Apart from this study, research on the use of coherence procedures in different policy fields of the EU and its implications for the policy formulation of PCD-relevant initiatives is largely missing from the literature. It is this gap that this thesis attempts to address by providing an analytical framework to empirically assess the promotion of PCD in day-to-day policy planning in the EU institutions across governance areas. Our focus now shifts to the discussion of PCD in the political system of the EU itself and its key agenda items and actors.

### II.3. Agenda and actors of PCD in the EU

*'PCD is essential for the credibility of the EU as a global actor, and hence, a strong EU leadership on PCD issues at high levels of all parts of the EU and in Member States is important' (Council 2012d: para. 1).*

Over the last years, the need for the EU to increase PCD has been rhetorically endorsed by all major actors of the Union. Since 2005, when the Commission issued its first communication on PCD (Commission 2005), the European Council, the EP, the Council, and the EU member states reassured their willingness to ensure PCD in policies which might affect developing countries. Observers such as the OECD acknowledge this commitment by stating that in comparison to most of its other members 'the European Community [has] gone further still in making PCD a central plank of policy across the whole of government' (OECD 2009a: 25).

Besides this rhetoric, the progress of the EU to increase PCD in its actual policy output is so far rather modest. The cases of incoherencies of internal and external EU policies, e.g. in its trade policy, towards development objectives still persist. Given the comprehensiveness of the topic and the plethora of involved actors and interests it is natural that any changes need time to be implemented. But given the clear consensus among the EU actors regarding the political commitment for PCD, one can wonder if the PCD declarations are an example of 'all talk and no

action’, similar to the commitment of assigning 0.7% of the member states Gross Domestic Product to development cooperation - a claim which is repeated since decades but was, save a few countries, so far never realised.

Even though PCD can be found on the agenda of the EU the devil is, as usual, in the details. In order to make area-wide progress in improving PCD in its policy-making, the EU needs to translate the general commitment into political practice. An assessment of the EU’s PCD efforts needs to first analyse the concrete steps the EU undertakes in this regard. The following section (II.3.1) accordingly discusses how the EU debate on PCD has evolved in recent years and identifies the key actors responsible for promoting PCD (II.3.2).

### *II.3.1. Main events and developments*

PCD emerged as a topic on the EU’s agenda around the year 2005 when the Commission published its first communication on the topic. In the years and decades before, the problem of incoherencies between EU development objectives and other policy fields was of course well known. But even after the coherence article was introduced in Union primary law with the Maastricht Treaty in 1993, PCD was not specifically promoted across the EU institutions and the issue was not framed as a specific concept. PCD was also not regularly addressed in the work programmes of the major EU institutions before 2005. Since then, the development of the PCD discussion has accelerated considerably. Table II.1 depicts the main events over the last years while putting the focus on official documents on the topic by the EU institutions.

Table II.1 Development of the EU’s PCD agenda

<b>Date</b>	<b>Event</b>
<b>01.11.1993</b>	Maastricht Treaty introduces PCD article (Art. 130v Treaty establishing the European Community 1993)
<b>01.04.2003</b>	Cotonou agreement includes PCD consultation procedure (Art. 12)
<b>12.04.2005</b>	First Commission communication on PCD (2005)
<b>24.05.2005</b>	First Council Conclusions on PCD setting out twelve policy areas for intervention (2005)
<b>24.02.2006</b>	‘European Consensus on Development’ of EP, Council, Commission and EU member states includes PCD chapter
<b>11.04.2006</b>	Council adopts its first PCD work programme (2006a)

<b>17.10.2006</b>	Council Conclusions on integrating development concerns in its decision-making (2006b)
<b>20.09.2007</b>	Commission issues first PCD report (2007a)
<b>20.11.2007</b>	Council Conclusions on PCD reaffirm commitment to PCD in twelve policy areas (Council 2007b)
<b>08.04.2008</b>	EP report on PCD and the effects of the EU's exploitation of certain biological natural resources on development in West Africa (2008)
<b>20.06.2008</b>	European Council affirms that 'the EU will continue to improve PCD in the twelve areas' (European Council 2008: para. 61)
<b>15.09.2009</b>	Commission Communication on PCD -'whole-of-the-Union approach' and second PCD report (2009a, c)
<b>17.11.2009</b>	Council Conclusions on PCD set five new priority areas: trade and finance, climate change, food security, migration, and security (2009b)
<b>01.12.2009</b>	Lisbon Treaty: poverty reduction now main development objective and reference for PCD (Art. 208 (1), para. 2 TFEU), institutional innovations HR and EEAS
<b>05.05.2010</b>	EP adopts PCD report, rapporteur MEP Keller (2010)
<b>15.12.2011</b>	Commission issues third PCD report (2011a)
<b>15.05.2012</b>	Council Conclusions on PCD reaffirm five priority areas for PCD (2012d)
<b>25.10.2012</b>	EP adopts PCD report, rapporteur MEP Schnieber-Jastram (2012g)
<b>31.10.2013</b>	Commission issues fourth PCD report (2013b)
<b>12.12.2013</b>	Council Conclusions on PCD (2013a)

Following the Commissions' communication on PCD, the Council expressed its commitment to PCD in the context of the Millennium Development Goals and singled out twelve policy fields for intervention: trade, environment, security, agriculture, fisheries, the social dimension of globalisation, employment and decent work, migration, research and innovation, information society, transport and energy, and climate change (2005: Annex). The year 2005 also saw negotiations between the Commission, the EP, the Council, and the EU member states on a joint statement on EU development policy - 'The European Consensus'. This landmark document, which for the first time laid down common principles for development policy as agreed upon by all major EU actors, postulated that 'the EU is fully committed to taking action to advance PCD' in the areas outlined by the Council before (para. 35).

The following years saw the EU institutions repeatedly referring to the subject and PCD became a topic even at the level of the Heads of State or Government at the European Council (2008: para. 61). The PCD agenda in the EU is

mostly driven by the Commission which every two years issues PCD progress reports in which the major EU policy fields are assessed. The Council and the EP usually follow up on the Commission report with their own conclusions. From time to time the two legislators - especially the EP - place new items on the PCD agenda. In 2008, for instance, the EP in one of its PCD reports focused on ‘effects of the EU’s exploitation of certain biological natural resources on development in West Africa’ (2008).

In relation to the focus of this thesis on promoting PCD in EU policy formulation, it is interesting to note that actors and institutional procedures that should help in this endeavour are also regularly addressed in the documents. For example the Council dedicated the major part of its conclusions ‘on integrating development concerns in its decision-making’ (2006b) on questions of responsibilities and procedures to improve PCD. In addition, the reports of the Commission and the EP usually contain a section with proposals in this regard. One particular example here is the establishment of a permanent rapporteurship for PCD in the EP.

With the twelve priority areas identified first by the Council, it proved to be difficult to concentrate resources on achieving substantial progress in all of them. The Council consequently narrowed down the agenda to five priority areas for PCD in 2009 which were kept until today: trade and finance, climate change, food security, migration, and security (2009b). The latest development on the EU PCD agenda was the recent Commission 2013 PCD report (Commission 2013b) which outlined the developments of PCD relevant EU policy fields in the two previous years. In reaction to this, the Council in its PCD conclusions once more ‘confirms its political engagement to PCD’, ‘reaffirms all its existing PCD commitments’ and lays its focus on the added value of EU delegations for improving PCD and the challenges to adequately measure incoherencies (Council 2013a).



### *II.3.2. Key actors*

*'I will work hard to make sure that all the EU policies really have a development component, whether they are trade, agriculture, fisheries and many more. I am aware that this will not always be easy, but you can count on my determination' (Commissioner for Development Andris Piebalgs during his EP Hearing on 11 January 2010).*

By its very nature as a concept that requires awareness for development objectives in non-development policy fields, PCD needs to be taken account by actors in various areas of the political and administrative sphere in order to make substantial progress. Because of this, the analytical framework of this study laid down in part two of the thesis will take account of the importance that non-development actors have on the achievement of a coherent policy formulation process.

Nevertheless, a number of actors in each EU institution have a particular mandate to promote PCD on a cross-sectoral basis. A brief discussion of the role of these actors is thus useful to understand how PCD is advanced in the context of EU policy planning. In order to make progress on policy coherence, a clear division of competences and mandates are required. The lack of such clarity can lead to 'diffuse responsibilities, a lack of accountability and a failure to deliver coherence' (OECD 2009a: 29). Table II.2 lists key actors that play a specific PCD role in the EU system. The focus lies on the EU institutions while the EU member states are only discussed through their involvement at the level of the Council and the European Council.<sup>18</sup> The main EU institutions and their respective actors are subsequently briefly discussed in turn.

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<sup>18</sup> External actors such as development NGOs, academic institutions and think tanks can also play an important role in promoting PCD in the EU system through for instance becoming involved in stakeholder consultations in the policy formulation process.

Table II.2 Key PCD actors in the EU system

Institution	Key PCD actor
European Commission	President
	Commissioner for Development
	DG DEVCO (especially PCD unit)
	HR as Vice-President of the Commission
Council of the EU	Foreign Affairs Council
	HR
	Committee of Permanent Representatives (COREPER)
	Working Party on Development Cooperation (CODEV)
	Council Presidency
European Council	President
European Parliament	Committee on Development
	PCD Standing Rapporteur
European External Action Service	HR
	Development Cooperation Coordination Division

### *European Commission*

Apart from being the *primus inter pares* of the whole College of Commissioners and therefore having a general coordinating role, the President of the Commission has also the right to set up standing or ad hoc groups of Commissioners, assigning their mandates and membership, and approving their operating rules (Commission 2000c: Art. 3 (2)). Groups such as the standing group on External Relations ('RELEX group') can be used as a forum for PCD and the President of the Commission 'can decide to attend any meeting, which he will then chair' (Commission 2010d: 2). The RELEX group is usually chaired by the HR and consists of her and the Commissioners for economic and monetary affairs, development, trade, humanitarian aid, and enlargement and neighbourhood policy. Bringing together all portfolios of the Commission directly related to external relations and with the possibility of adding other Commissioners if needed, the RELEX Group could serve as a forum for discussing PCD issues. Since the new Commission of president Barroso came into office in 2010, the group has however only met a few times and the potential to

coordinate the EU's external policies has not been used convincingly (Helwig, Ivan and Kostanyan 2013: 39).

As the quote at the beginning of the section showcased, the Commissioner for Development (Andris Piebalgs in the 2009-2014 Commission) has an important role in promoting PCD in the EU. The PCD concept is at the core of his and strives to integrate this target in the other policies of the Commission. Apart from the PCD work of 'his' DG Development and Cooperation - EuropeAid (DG DEVCO, see below), he and his cabinet, which includes a member responsible for PCD, try to promote the concept internally, e.g. at the political level in the College of Commissioners, and externally, e.g. through acting as the development policy representative of the EU at international meetings.

DG DEVCO's unit A.1 'Policy and Coherence' contains a PCD team that is tasked to promote PCD at the service-level of the Commission and in inter-institutional contexts. The small team consists of three officials and has two main tasks: coordination on PCD in intra- and inter-institutional networks and drafting of the biannual PCD report of the Commission. Besides raising awareness for the issue among Commission colleagues, the PCD unit *inter alia* screens the Commission's agenda for upcoming legislation which might have implications for developing countries. After such legislative proposals are identified, the unit contacts the thematic and geographic directorates of DG DEVCO on this matter. In a second step the DG which is in the lead for a particular proposal might get contacted to discuss the PCD implications of the topic (Interview (I) 3, Commission; I 34, Commission)<sup>19</sup>.

The Treaties have given the new post of the HR the mandate to 'ensure the consistency of the Union's external action' (Art. 18 (4) TEU). The wording suggests that this refers to the overall coherence of EU external relations and not just to the specific case of PCD. Nevertheless, since PCD is a part of the coherence of EU external action, the HR has certainly competences in this regard, too. As vice-president of the Commission she 'shall be responsible (...) for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action' (Art. 18 (4) TEU).

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<sup>19</sup> See Annex 3 for a complete list of interviews conducted for this thesis and section IV.3.2 for the methodology of the interviews.

### *Council of the EU*

The Foreign Affairs Council is the Council formation responsible for the Union's external action, including the policy fields CFSP/CSDP, development, trade and humanitarian aid. It is also the highest body in the Council system in which PCD issues are regularly discussed. Because of its broad mandate, the Foreign Affairs Council has the potential to significantly improve PCD in the EU by combining efforts from the above mentioned policy fields towards poverty reduction and eradication. The Foreign Affairs Council is chaired by the HR who therefore has another power resource available.

All Council decisions are prepared by the Committee of Permanent Representatives (COREPER, French for 'Comité des représentants permanents') and the Working Parties (WPs) in the Council's substructure. In particular COREPER<sup>20</sup> has been given the mandate as the main actor in the Council system for ensuring PCD. The Council has repeatedly reaffirmed that COREPER 'will continue to be the main forum for ensuring policy coherence' (Council of the European Union 2006b: para. 4; 2012d: para. 6). COREPER can potentially also be a central PCD actor because it coordinates the work of the subordinate working groups and prepares decisions for most Council formations. A research study however found 'no evidence of Coreper emphasising the need for policy coherence, let alone policy coherence for development' (Egenhofer et al. 2006: 22).

The Council Working Party on Development Cooperation (CODEV) usually meets once a week and consists of development officials of the member states. Whether PCD becomes an issue on its agenda depends very much on the subject. PCD is discussed on a rather irregular basis with the exception of the preparation of the Council conclusions on PCD which follow up on from the PCD report of the Commission (I 39, permanent representation Germany).

Another driver for promoting PCD in the Council can be the rotating presidency which - with the exception of the Foreign Affairs Council - chairs and

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<sup>20</sup> COREPER is composed of two parts: COREPER I consists of the deputy permanent representatives of the member states to the EU and deals with internal and more 'technical' policy fields such as agriculture, internal market, fisheries etc. COREPER II consists of the permanent representatives of the member states themselves and discusses external relations and the more 'political' issues on the Council's agenda, e.g. treaty revisions. COREPER sittings are prepared by the so called 'Antici' (for COREPER II) and 'Mertens' groups, composed of the assistants of the ambassadors.

sets the Council agenda of the Council formations. It is also the presidency which drafts the negotiating mandate for international agreements in non-EU exclusive competence fields. This task of the presidency can therefore ‘strongly influence how the topic is framed and whether development aspects are incorporated from the start’ (Egenhofer et al. 2006: 19). Also, promoting PCD in most Council formations largely relies on the willingness of the presidency to promote the subject in its work (OECD 2012b: 45). Egenhofer et al. (2006: 17) point to the active role that the Finnish presidency in 2006 had regarding the promotion of PCD in the Council.

### *European Council*

Although the European Council is usually not directly involved in the day-to-day legislative work of the EU, it can nevertheless give important impulses on coherence issues. Due to its nature as an EU institution operating at the highest political level and its broad scope of discussed policies, the European Council can in theory raise valuable political commitment to the promotion of PCD (Egenhofer et al. 2006: 16 et seq.). Since the coming into force of the Treaty of Lisbon, the European Council has a full-time president which has, inter alia, the competence to ‘chair it and drive forward its work’ and ‘ensure the external representation of the Union on issues concerning its [CFSP]’ (Art. 15 (6) TEU). The president can thus steer the agenda of the institution and can put emphasis on improving the coherence of its external action and PCD. So far however, the focus of the European Council under its first president was predominantly on the Euro crisis and economic policy. Although the European Council regularly discusses foreign policy issues, only its 2010 meeting which was dedicated to EU external issues explicitly addressed the coherence topic (European Council 2010).<sup>21</sup>

### *European Parliament*

The Committee on Development (DEVE) is responsible for all aspects of EU development policy and therefore the main forum for PCD in the EP. It is here that PCD reports are first adopted and hearings on the topic primarily take place. DEVE

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<sup>21</sup> Another recent meeting (European Council 2013b) focused on defence and security issues. Development policy or PCD was however not discussed.

furthermore attempts to promote PCD in the EP by issuing opinions on legislative matters to other committees that are responsible for drafting a document.

An important role in identifying sensitive policy fields for PCD is played by the secretariat of DEVE (I 26, EP). Since May 2010, the EP also has a standing rapporteur for PCD issues which is selected every two years by DEVE. The first rapporteur (2010-2012) was MEP Birgit Schnieber-Jastram, followed by MEP Goerens at the end of 2012. The standing rapporteur for PCD has as its main task to draft the biannual PCD report of the EP. Furthermore, he or she acts as the main contact point for PCD in the EP for NGOs and representatives of partner countries and other external actors. The standing rapporteur also organises hearings and other events focusing on PCD and coordinates the PCD work of DEVE with other EP committees (I 18, EP; cf. CONCORD 2011b: 20).

#### *European External Action Service*

Although the new EEAS is not a traditional EU 'institution', its role as a service responsible for the planning and conduction of many areas of EU external action, including CSDP and development cooperation, justifies its inclusion here.<sup>22</sup> Its main task is to assist its head, the HR, in fulfilling her mandate which also includes the coherence of EU external action. Again, the HR is the central actor which has all competences to use the capacities of the EEAS to potentially increase PCD. This could for instance be done through the strategic planning of the external financial instruments of the EU that fund cooperation with partner countries. Since these external instruments cover many fields of EU action, development issues can be mainstreamed during the policy formulation phase (Stroß 2012). Generally responsible for development issues in the EEAS is the Development Cooperation Coordination Division which in 2013 consisted of seven officials. The division has the potential to be the main contact point and promoter of PCD in the EEAS, but the exact nature of its involvement into policy formulation inside the service has not been settled yet (I 21, EEAS).

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<sup>22</sup> The EU delegations in third countries, which are now officially part of the EEAS, have the task of coordinating the various EU policies and therefore of improving coherence 'on the ground'. The focus of this thesis however lies in the policy formulation conducted in Brussels.

### *Central services of the EU institutions*

Besides the abovementioned key actors for PCD in the EU system, the role of the central services of the EU institutions - especially the secretariats-general and legal services - deserve attention. According to the rules of procedure of the respective institutions (Council of the European Union 2009c; Commission 2000c; EP 2012k), the secretariat usually play an important role in coordinating the activities of the institutions and improving the general coherence and consistency of their work. To give an example, the Council's General Secretariat 'shall be closely and continually involved in organizing, coordinating and ensuring the coherence of the Council's work' (Art. 23 (2) Council of the European Union 2009c). Regarding PCD, it has to 'assist the Presidency in ensuring that PCD relevant issues are identified and discussed (...) in relevant Working Parties'; a task which the Council perceives as 'crucial' (Council 2007b: 4). They can have a significant influence on the policy formulation process, particularly the Secretariat-General of the Commission as its 'nerve centre' (Christiansen 2001: 109; cf. Hartlapp, Metz and Rauh 2012). The Secretariats have however usually a politically 'neutral' role and it is unusual for the Secretariat staff 'to emphasise a specific viewpoint, such as arguing for a more explicit integration of development concerns into a policy' (Egenhofer et al. 2006: 26). Due to their general work tasks in the institutions and since they are not development actors having a particular interest to weigh one objective (e.g. PCD) over others, they are not considered as key PCD actors in this analysis. To a certain extent, also the legal services of the institutions have a more general role in ensuring the overall coherence of the institutions work from a legal perspective (cf. Commission 2010b: 10-1). This can play a role when it is for example a legal question which committee in the EP is responsible for a policy file. Given its non-political role, the legal service is similarly to the Secretariat-General not considered a key PCD actor here.

## II.4. Conclusion

The analysis of the literature shows that PCD entails a plethora of ideas, definitions and concepts. There is a trend in the literature to differentiate coherence from consistency. The former can accordingly be defined as the synergic and systematic

support towards the achievement of common objectives within and across individual policies. Related to development policy, it means that other policy fields should provide support towards the achievement of development objectives. Furthermore, a common classification of PCD distinguish at the very least between the levels of horizontal and vertical coherence and the dimensions of process and output/outcome PCD.

Studies on the political, legal and policy-specific aspects of PCD provide the empirical basis of the topic. It becomes clear that in the EU context, PCD is often discussed in connection with the overall coherence (or incoherence) of EU external action. Studies that focus on the PCD output and outcome of individual EU policies are prevalent and especially assessments of policy fields which have a direct traceable impact on developing countries - such as trade and agriculture - can be found. Regarding the process dimension of PCD, it is especially the OECD that conducts surveys analysing institutional tools to increase PCD in policy formulation. Other studies, which were partly undertaken or commissioned by the EU institutions themselves, have examined the nature and potential of particular PCD mechanisms in policy planning processes of the EU in more detail. Except for one study on PCD in the Council (Egenhofer et al. 2006), the literature lacks however a comprehensive empirical analysis of coherence procedures in different EU policy areas and its effect on the process dimension of PCD in EU policy formulation.

It is this gap in the literature which this thesis addresses. The body of literature that deals with the actual output and outcome of EU external action will be complemented by developing an analytical framework to assess the process PCD of particular initiatives in EU policy-making. To answer the main research question of this thesis, the differentiation between the process and output dimension of PCD is thus of particular importance. This chapter has however also shown that an accurate definition of the process dimension does not yet exist.

Following the use of the term by the OECD, the *output dimension of PCD* is understood here as the coherence of the final policy initiative, i.e. the *result* of the policy-making process of the EU institutions. In contrast, we define the *process dimension of PCD* as the degree to which articulated opinions of development actors are synergistically and systematically taken into account during the policy



formulation process. The focus of this thesis lies further on the horizontal level of PCD, i.e. the coherence between the development objectives of the EU and other non-development EU policies. The emphasis is therefore mainly on policy-making in the Brussels arena and the vertical coherence between the EU and member state policies is not explicitly analysed. By looking at the way in which PCD is promoted in EU policy fields characterised by different actors, distribution of competences and ways of decision-making, a comparative perspective can add value to the overall PCD discussion.

The analysis of the key events and actors of PCD in the EU system has demonstrated how in recent years PCD has become more and more a topic on the agenda of the EU institutions. Triggered especially by the Commission since 2005, the main EU institutions are now recurrently concerned with PCD. This commitment is also recognised by the OECD and ranks high in comparison to other DAC members (OECD 2009a). Although all actors - up to the Heads of State or Government in the European Council - show a commitment to promote PCD in Union policies, the relevant documents predominantly include rather noncommittal reports and conclusions on the topic and are thus in line with the respective nonbinding wording in the PCD article of the TEU. The EU identified first twelve, then five, policy fields as the main areas for promoting PCD: trade and finance, climate change, food security, migration, and security. It is from these areas that the case studies of this thesis are drawn in order to analyse the efforts of the EU to promote PCD.<sup>23</sup>

As became clear, every EU institution has one or several main actors or fora for promoting PCD. The previous section examined the respective roles of actors such as the Commission DG DEVCO, CODEV in the Council, and the standing rapporteur for PCD in the EP. The involvement of these actors in the policy formulation of EU initiatives is crucial for ensuring the process dimension of PCD since they should be the main mouthpieces for development concerns. Furthermore, the chapter identified actors which have the task of ensuring the overall coherence of EU policies. An analysis of the role of for instance the HR and COREPER can thus shed light on the degree to which PCD gets emphasised in their coordination work.

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<sup>23</sup> See section IV.1 on the case selection.

The empirical analysis in part three of this study will investigate what role the PCD actors played in the policy formulation of EU initiatives with PCD relevance.

On the basis of the conceptualisation of the main aspects of the term PCD, the development of the agenda and the role of PCD actors in the EU system in this chapter, the second part of this thesis now develops the analytical framework by selecting a suitable theoretical approach, an operationalisation, a methodology and empirical case studies to examine the promotion of PCD in EU policy formulation.

## PART TWO - ANALYTICAL FRAMEWORK

### **III. Theoretical approach and operationalisation**

Since the EU placed PCD on its agenda in 2005, it developed or used already existing institutional tools to promote PCD in its policy formulation. From a researcher's perspective, this raises the question of the tangible effects of these institutional procedures on process coherence. In addition, issues such as the extent of a policy field's institutionalisation or communitarisation and how routines of institutional actors shape policy formulation come to mind. The development of a sound research design to tackle the research questions requires an adequate theoretical approach that incorporates these key aspects and provides convincing explanatory power. This chapter argues that new institutionalist thinking in general and historical institutionalism in particular offer an appropriate theoretical framework to capture the day-to-day governance activity of EU policy formulation and the role of formal and informal institutional procedures in it.

Generally speaking, the 'grand theories' of European integration center along a dichotomy which on the one hand underlines the influence and autonomy of supranational institutions and on the other hand focusses on the importance of the member states and intergovernmentalist explanations of the integration process. The 'supranational' side of the continuum is represented by theories such as neofunctionalism by Haas (1958) and supranationalism by Stone Sweet and Sandholtz (1998). The 'intergovernmental' side for example by the older intergovernmentalist theory of Hoffmann (1966) or the more recent liberal intergovernmentalist variant by Moravcsik (1993). These 'grand theories' are particularly useful in analysing and explaining the general drive behind European integration and the conditions that have to be met for member states to transfer sovereignty to the EU level. However, it can be noted that 'the time-honoured debate between intergovernmentalism and neofunctionalism (...) shed relatively little light on actual EU policy, and the complex system that emerged for making it' (Peterson 2003: 8). Since general issues of integration, such as the reasons for sovereignty transfer, are not touched upon in this thesis, we consider the abovementioned theories as little helpful for our analytical framework. We seek instead a mid-range theory to examine everyday

policy formulation and intra- and inter-institutional relations in the EU. This chapter argues that the historical institutionalist approach of Simon Bulmer is apt as a ‘tool-kit’ to analyse EU governance because of its emphasis on policy-specific sub-systems, the importance of formal and informal institutional procedures and the effects of institutional path dependence.

This chapter develops the theoretical approach of this thesis by applying a new institutionalist approach, historical institutionalism, to define and operationalise the independent, dependent and intervening variables and postulate hypotheses to establish a causal path between them. Section III.1 first discusses and reviews the different strands of new institutionalist theory and provides the basic arguments of the historical institutionalist variant of Simon Bulmer against the backdrop of the research question of this study. Subsequently, section III.2 discusses the variables and hypotheses of the analytical framework. A detailed operationalisation of the variables is undertaken in section III.3. Finally, section III.4 summarises the results of the theoretical discussion of this chapter.

### III.1. New institutionalism and historical institutionalism

Research on institutions had a considerable comeback in the 1980s after the focus in political science was predominantly on behavioural and rational-choice theories the years before. The work of scholars such as March and Olsen (1984; 1989), Hall (1986) and Ikenberry et al. (1988), developed a renewed version of institutionalist theory, labelled new institutionalism. The new approach subsequently had a significant impact on research in political science (cf. Peters 2011; Rosamond 2000; Steinmo and Thelen 1992).

#### *III.1.1. Common understandings, differing interpretations*

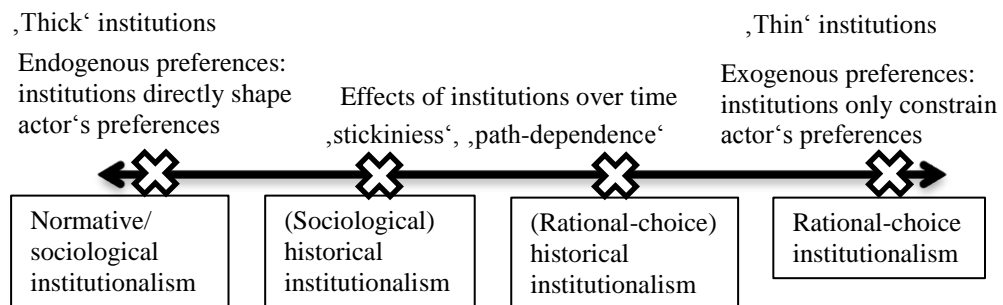
‘New institutionalism’ as a term for the new theory school emerged first in the work of March and Olsen, who paved the way for a stream of institutionalist approaches. Their approach of ‘normative institutionalism’ (Peters 2011: 25) disputed the ‘dependence of the polity on society’ (March and Olsen 1984: 738) and stressed the autonomous role of political institutions. The two authors underlined the importance of ideas, norms, rules, routines and standard operating procedures in political

institutions. They emphasised a so-called ‘logic of appropriateness’<sup>24</sup> that shapes the behaviour of members of institutions.

Proponents of the new theory criticised prevailing approaches in the academic discourse, in particular rational-choice and behavioural theories. Scholars accused the mentioned approaches of seeing the state as only one part of the wider society subordinated to other factors such as class or culture (*contextualism*), reducing all political phenomena to results stemming from the behaviour of individuals (*reductionism*), explaining individual action as calculated utility-maximising behaviour (*utilitarianism*), understanding history as an efficient process heading towards some equilibrium (*functionalism*), and seeing decision-making as predominantly outcome-centred, neglecting socio-political values such as identity and rituals (*instrumentalism*) (March and Olsen 1984: 735 et seq.; cf. Peters 2011: 16 et seq.).

At least three main variants of new institutionalism are commonly distinguished (cf. Hall and Taylor 1996; Aspinwall and Schneider 2001).<sup>25</sup> They can be located on a continuum (see Figure III.1) that depicts the different definitions of institutions and their relationship to the preference formation of individual actors.

Figure III.1 Continuum of new institutionalist theory



A common belief of all institutionalist theories is that ‘institutions matter’. On the one end of the continuum reside rational-choice approaches which share a ‘thin’ understanding of institutions. Institutions are hereby mainly understood as formal rules and procedures that enclose and constrain the behaviour of individuals which

<sup>24</sup> The logic of appropriateness is ‘a perspective that sees human action as driven by rules of appropriate or exemplary behavior, organized into institutions’ (March and Olsen 2009: 2).

<sup>25</sup> Some authors even further differentiate between the approaches of new institutionalist scholars and identify at least six different strands of new institutionalism (cf. Peters 2011: 19).

act in a utility-maximising way. Individuals and groups are the independent variable and institutions constitute the dependent variable. Actor's preferences are exogenous to institutions and are not significantly influenced by them. Sociological and normative approaches are located on the opposite end of the continuum. They apply a 'thick' definition of institutions is which encompasses formal and informal rules and procedures as well as norms, values and culture. Institutions themselves are here seen as an autonomous independent variable. Preferences of actors are endogenous to institutions and do not exist independently of them. Instead of acting on the basis of their individual preferences, actors rather follow the normative standards embedded in their institution (cf. Ikenberry, Lake and Mastanduno 1988: 220; Jupille and Caporaso 1999; Aspinwall and Schneider 2000; Peters 2000).

Historical institutionalism is situated in the middle between rational-choice institutionalism and normative/sociological. Many proponents of historical institutionalism - as well as other scholars - adopt Hall's definition of institutions which states that institutions are 'formal rules, compliance procedures, and standard operating practices that structure the relationship between individuals in various units of the polity and economy' (Hall 1986: 19; cf. Steinmo and Thelen 1992: 2; Aspinwall and Schneider 2000: 4). Peters (2011: 74) adds that most historical institutionalists further emphasis the aspects of 'ideas' in their account of institutions. Both sociological/normative and rational-choice institutionalism largely ignore the factor of time when analysing the relationship between institutions and individuals and the creation, development and role of political institutions. Here historical institutionalism offers new insights. Pierson summarises the two main dimensions of the theoretical approach as follows:

*'[Historical institutionalism] scholarship is historical because it recognises that political development must be understood as a process that unfolds over time. It is institutionalist because it stresses that many of the contemporary implications of these temporal processes are embedded in institutions, whether these be formal rules, policy structures, or norms' (Pierson 1996: 126).*

The theory was established around the central perception that past institutional choices profoundly shape the political sphere in the present and future. One of the

earliest advocates of a more ‘historical’ approach to the study of states and organisations was Hall (1986) who analysed the long-term economic policy of Britain and France. In doing so, he came to the conclusion that in both countries long-lasting patterns of policy-making shape the policy field until nowadays. Later, scholars such as Skocpol (1992), Steinmo, Thelen, and Longstreth (1992), and Immergut (1992), to name just a few, further developed the theory and advanced historical analysis in connection with institutional aspects.

The various strands of new institutionalist theory are regularly applied in European integration research because the complex web of formal and informal rules of EU multi-level governance is seen by many as an ‘ideal testing ground’ (Rosamond 2000: 114; Schneider and Aspinwall 2001: 177) for the analysis of institutions. Since it is located roughly in the middle of the continuum between rational-choice and sociological/normative institutionalism, researchers on European affairs that apply historical institutionalism lean usually towards one of the two aforementioned strands. A comparison of the work of Paul Pierson and Simon Bulmer illustrates this distinction.

Pierson’s approach shows similarities to rational-choice theories. Aspects such as the role of institutions as the dependent or intervening variable, the focus on principal-agent relations between the EU member states and institutions and the localisation of preference formation primarily in actors are shared with rational-choice theory. Similar to liberal intergovernmentalism, Pierson argues that ‘the member states are the central institution builders of the EC, and they do so to serve their own purpose’ (Pierson 1996: 157). This argument is combined with neo-functional ideas on the autonomy of supranational institutions. By adding the time factor to his analysis, Bulmer postulates that an institution develops an unintended independent existence after it is created. In the process that follows, so-called ‘gaps’ emerge in the principal-agent relationship between the preferences of the member states and the real functioning of the institution. Institutions cannot be easily modified or fully controlled by the member states once they have been created. The institution generates a so called path dependence in which the actions, strategies and behavioural patterns of individuals and groups are subjected to institutional incentives and constraints (Pierson 1996).

### *III.1.2. Sociological historical institutionalism*

While the approach of Pierson and other like-minded scholars (cf. exemplarily Pollack 2008) shares many similarities with rational-choice institutionalism, the work of Simon Bulmer orients itself towards the sociological end of the new institutionalist continuum. While Pierson uses a deductive approach, Bulmer generates his findings through an inductive comparison of in-depth case studies. Inspired by comparative public policy approaches, he uses historical institutionalism as a middle-range theory to develop a methodology for research on EU governance. By doing so, Bulmer is ‘more interested in explaining the effects of EU institutions than their origins’ (Jupille and Caporaso 1999: 436).

Bulmer advanced his theoretical approach in the 1990s in two journal articles (1994; 1998) and together with Kenneth Armstrong in an in-depth empirical case study on the governance of the Single European Market (Armstrong and Bulmer 1998). Similar to March and Olsen, Bulmer emphasises the significance of routines, norms, and procedures embedded in institutions and sees them as affecting the behaviour of individuals. Institutions are therefore also understood as influencing the preferences of actors and not just constraining their strategies and options (cf. Jupille and Caporaso 1999: 436). In contrast to rational-choice theories, a principal-agent relationship of the member states and the EU institutions does not play a prominent role in his framework. He emphasises instead the implications of the interwoven net of member states and institutions on policy output and outcome and the influence of normative and cultural factors of institutions over time. Institutions are relatively autonomous actors and able to structure the access of other actors to the political arena, thus giving endogenous impetus for policy change instead of just playing a mediating role (Bulmer 1998: 370; cf. Steinmo and Thelen 1992: 9).

Bulmer defines institutions as including ‘formal institutions; informal institutions and conventions; the norms and symbols embedded in them; and policy instruments and procedures’ (1998: 370). This understanding includes certain elements pointing to the ‘thick’ role of institutions in historical institutionalism. It however exhibits a tautological tendency without clearly defining what an institution as such is. This thesis therefore uses first the previously given definition by Hall which sees institutions as ‘formal rules, compliance procedures, and standard



operating practices' (Hall 1986: 19). This basic definition is however complemented with some of Bulmer's aspects which emphasise the multifaceted aspects of institutions as more than mere arenas of decision-making. Box III.1 depicts the definition of institution used for this thesis by combining elements from the two abovementioned definitions.

#### Box III.1 Definition of 'institution'

An institution refers to formal and informal rules, compliance procedures, standard operating practices, and norms which structure the relationship between individuals in various units of the society.

Source: Own definition, based on Hall 1986: 19 and Bulmer 1998: 370.

The role of institutional procedures for PCD promotion in EU policy formulation can be better captured with a framework that does not only focus on formal legal rules. Bulmer opens the 'black box' of governance through analysing also informal and normative aspects of institutions, i.e. the role of norms, standard operating procedures and routines in the policy process of the EU (Morisse-Schilbach 2006: 287). These factors are of importance because they 'impart character and culture to an organisation' (Davis 1995: 25), and thus create the boundaries for the appropriate behaviour and daily practice of individuals. As regards to the promotion of coherence in policy formulation, Sharkansky (1970: 9, 11, emphasis in original) earlier noted already that since routines structure the work of members of institutions they can 'lead decision-makers to ignore innovative inputs' and 'officials [to] limit their consideration to those values that pertain to the *roles* they choose to play'.

Informal institutions in the EU can be found in various forms in its complex policy and decision-making processes. One prominent example is the phenomenon of the informal 'trilogue' meetings of Commission, EP, and Council representatives with the aim to facilitate intra-institutional negotiations on legislative matters. While Bulmer does not theoretically elaborate on the concrete nature and manifestations of informal institutions, the work of other authors can be used to complement his approach. In their article entitled 'Informal Institutions and Comparative Politics: A Research Agenda', Helmke and Levitsky define informal institutions as 'socially

shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels' (2004: 727). The nature of informal institutions however differs and can be distinguished in four ideal types. *Complementary* and *substitutive* informal institutions have in common that their outcome converges with the outcome of formal institutions. They differ however in that they either complement effective formal institutions or substitute ineffective formal institutions. In comparison, informal institutions that produce a divergent outcome from formal institutions can be classified as either *accommodating* or *competing*, again depending on the effectiveness of the formal institution (Helmke and Levitsky 2004).

As in the work of Pierson, path dependence<sup>26</sup> is important in Bulmer's framework (cf. Bulmer 1998: 372). While the term path dependence lacks a commonly agreed definition, Pierson and Skocpol summarise the main argument as 'the dynamics of self-reinforcing or positive feedback processes in a political system' (2002: 699; cf. Pierson 2000: 259). Similarly and referring to Pierson and Skocpol, Bulmer relates path dependence to the way 'political processes entail trajectories that are difficult to reverse because they are underpinned by mechanisms of positive feedback and increasing returns, as reflected in sunk costs and vested interests' (2009: 309-10). Positive feedbacks are created when institutional arrangements produce incentives for political actors to stick with them. To put it in a nutshell, path dependence points to the fact that initial policy choices may restrict subsequent evolution. Actors follow a particular path based on past institutional decisions, even if that leads to inefficient outcomes (cf. Pierson 1996; Pollack 2008; Bulmer 2009).

One of the advantages of historical institutionalism is that such institutional arrangements which affect policy over the long-term are included in the analysis.<sup>27</sup> Since the different policy fields of the EU system had mostly an asymmetric historical development (e.g. by being influenced differently by the various treaty changes in the past), different types of path dependencies varying across EU policy fields can be expected.

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<sup>26</sup> Different authors refer usually to either 'path dependence/path-dependence' or 'path dependency/path-dependency', albeit the same or similar concepts are meant. This thesis is going to use the term 'path dependence' throughout.

<sup>27</sup> The theoretical approach is however criticised for having more difficulties with explaining institutional change (cf. Peters 2000).

### *III.1.3. Governance regimes*

Of primary interest for the main research subject of this thesis - the policy formulation in certain EU policy fields<sup>28</sup> - is Bulmer's central concept of governance regimes. Governance regimes - or policy-specific sub-systems - are the different arrangements and dynamics at the meso-level, i.e. formal institutions as well as 'procedures, norms, conventions, and policy instruments as a core around which interest groups and other actors cluster' (Bulmer 1994: 370).<sup>29</sup> Based on Bulmer's use of the term and in the context of our research interest, Box III.2 gives the definition of governance regime used in this thesis.

#### Box III.2 Definition of governance regime

An EU governance regime refers to the key actors, policy instruments and formal and informal procedures in a single policy field at the EU level.

This conceptualisation of governance regimes shows certain similarities with other network-oriented concepts in political science, such as *policy networks* ('a cluster of actors, each of which has an interest, or "stake" in a given (...) policy sector and the capacity to help determine policy success or failure' (Peterson and Bomberg 1999: 8)), *epistemic communities* ('a network of professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy relevant knowledge within that domain or issue-area' (Haas 1992: 3)), or *sub-systems* ('the pattern of interactions of participants, or actors, involved in making decisions in a special area of public policy' (Freeman 1965: 11)).

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<sup>28</sup> Policy fields are here understood as 'established areas of policy that give meaning to common problems and have integrative properties' (May, Sapotichne and Workman 2006: 482).

<sup>29</sup> Besides governance regimes, Bulmer distinguishes two further analytical levels: the trans-sectoral level and the institutional configuration. The trans-sectoral level addresses the overall functions of the EU institutions and the way in which they are influenced and transformed by constitutional reforms, e.g. the supranational institutions or EU primary law (Bulmer 1994: 357 et seq.). The level of institutional configuration identifies the regulatory nature as the key characteristic of EU governance. This can be found particularly in the evolution of the Single Market which Bulmer analyses extensively. According to Bulmer, the community organs, especially the Commission, use their regulatory power to 'govern' in this policy field because they lack proper financial resources (1994: 375 et seq.).

Since the EU has no formal government comparable to the governments of its member states, the term *regime* covers the institutional arrangements in which the EU has formal powers, for instance monetary policy, as well as the more legally loose provisions in policy fields that are still dominated by the national level, for example employment policy. Furthermore, governance regimes incorporate not only the political actors in a given policy field but other stakeholders such as NGOs and interest groups as well. With this concept, Bulmer attempts to capture all crucial aspects of a specific policy field in the EU system.

Regarding the sectoral logic of EU decision-making, inter-institutional contacts in particular policy fields gather around specific actors. If we look for example at the EU governance regime of Fisheries (see section V.2), DG Maritime Affairs and Fisheries (DG MARE) is amongst others responsible for policy proposals in fisheries policy. In inter-institutional affairs it will predominantly be in contact with its respective counterparts in the EP (Committee on Fisheries) and the Council (Agriculture and Fisheries Council). This situation can lead to problems regarding coherent and coordinated policy formulation inside the institutions themselves, in case the ideas and opinions of actors from other governance regimes are not taken into account. Therefore, boundaries affecting coherence and coordination exist between different governance regimes rather than between different EU institutions acting inside a governance regime. To give an example from research, Egeberg, in his work on the functioning of the Commission, analysed how the Commissioners in the College act more according to their portfolio interest than to other potential factors such as their common Commission identity, their party affiliation or their country of origin (Egeberg 2006).

In a similar vein, the degree of communication and exchange between the particular governance regimes on policy formulation can be captured in a new institutionalist framework. Some more 'technical' governance regimes such as agricultural policy or fisheries policy seem to be significantly sealed off from the influence of other policy fields such as development cooperation. As Forster and Stokke rightly point out, 'politics is compartmentalised. The predominant logic within the sub-systems reflect perceptions, interests and values of the actors within the particular system unit' (1999: 25). This is line with historical institutionalisms

which asserts that Commission DGs have different ‘mission statements’ (Bulmer 1994: 363) affecting policy-making.

Governance regimes can have a significant effect on the policy output of the EU. The key actors that compose a governance regime are the central players in the policy formulation of EU policy initiatives. Since institutional configurations are seen as an independent variable influencing the policy process, institutional arrangements might help to explain also sub-optimal policy outcomes (Bulmer 1994: 374-5; citing March and Olsen 1989). Linking to the discussion of path dependence, policy outcomes ‘may be subverted at that stage, either deliberately or accidentally, for example by bureaucratic forces’ (Bulmer 1994: 375).

The concept of governance regime does therefore play a central role in our framework. The sociological historical institutionalist variant from Simon Bulmer serves as the main theoretical basis for this analysis for the primary reason that it offers a suitable framework to capture day-to-day processes of governance activity at the EU level. Through its understanding of institutions which includes both formal and informal procedures combined with a detailed analysis of the specific dynamics of governance regimes and their path dependencies, historical institutionalism helps to shed light on the way coherence and coordination attempts of the involved actors are influenced by institutional arrangements.

### III.2. Constructing the framework - variables and hypotheses

To apply the chosen new institutionalist approach, we need to translate the premises and arguments of the theory into variables and hypotheses to address the main research question of this thesis: *How and to what extent does the EU promote PCD in the policy formulation process of different governance areas?* Accordingly, this section first identifies the variables for the analysis of policy formulation processes and process coherence in EU governance (III.2.1) before formulating hypotheses on the basis of the possible variable combinations (III.2.2). In a subsequent step, section (III.3) operationalises the variables and develops indicators for their assessment.

### III.2.1. Variables

The *independent variable* of the research framework is an *EU governance regime*. Following the argument of the sociological school of new institutionalist theory, institutions are not only understood as mere arenas in which policy planning is conducted by the relevant actors. Instead, institutions, comprising formal and informal procedures, and routines, constitute an independent variable and establish governance regimes which directly influence the policy process and output. This understanding of institutions draws from historical institutionalism which argues that ‘the polity structures the inputs of social, economic and political forces and has a consequential impact on the policy outcome’ (Armstrong and Bulmer 1998: 52). Based on our research interest, the *dependent variable* in this framework is therefore the policy which results from policy formulation in a governance regime; in particular *the process PCD of a policy initiative*, meaning the degree to which articulated opinions of development actors are synergistically and systematically taken into account in the policy initiative during the policy planning process. The process PCD as the dependent variable is hereby understood as being directly influenced by the formal and informal coherence procedures<sup>30</sup> with which the key actors conduct policy planning in a governance regime.

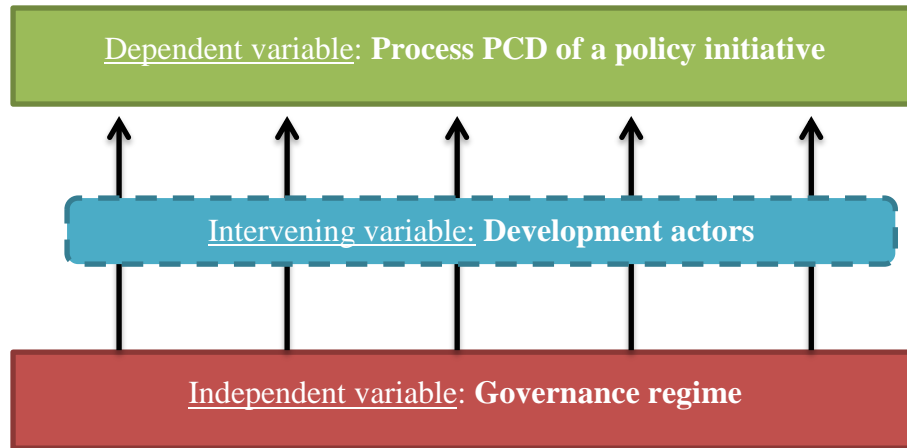
This causal relationship between the independent and dependent variable is influenced by the active input of other non-governance regime actors - in this case: development actors - into the policy formulation process. The application of institutional coherence procedures in a governance regime alone cannot have a significant effect on the process coherence of a policy initiative. Other actors need to take up these procedures to influence the developing policy proposal. It is therefore important to gauge the extent to which development actors participate and use these coherence procedures to express their views and articulate their opinions. *Development actors* are hence the *intervening variable* in the framework - understood as ‘a variable that explains a relation or provides a causal link between other variables’ (Indiana University 2013). In contrast to the related concept of a

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<sup>30</sup> Building on the earlier given definition of procedure, a ‘coherence procedure’ refers to a series of actions conducted in a certain order or manner with the aim to increase coherence. Procedures termed ‘policy coordination procedures’ in other contexts might fall in this category if their aim is also to improve coherence.

moderator variable<sup>31</sup>, the intervening variable is necessary for transmitting the causal influence of the independent variable on the dependent variable. Only through the intervening variable development actors, can the coherence procedures of a governance regime yield a positive PCD effect on the final initiative (see Figure III.2). The procedures used by a governance regime can thus be described as an institutional ‘point of entry’ that the development actors use to assert influence on the coherence of a policy initiative.

Figure III.2 Relationship between variables



The policy formulation of a given political initiative connects the variables in an institutional planning process that includes the governance regimes, development actors and the process PCD of the respective policy initiative. An example will illustrate the variables and their relationship. If we look at the trade policy of the EU in the context of its coherence with development policy, we see that the main actors of the Trade governance regime are the Commission DG Trade, the Foreign Affairs Council and its preparatory working groups, and the EP Committee on International Trade. Adding to that, other actors such as interest groups and NGOs are involved in policy-making to a varying degree. Several factors described by historical institutionalist theory are embedded in this network of actors: routine procedures, the culture of organisations and conventional behaviour. An important part of the Trade governance regime is the application of coherence procedures in the policy

<sup>31</sup> A moderator variable refers to a ‘variable that affects the direction and/or strength of the relation between an independent or predictor variable and a dependent or criterion variable’ (Baron and Kenny 1986: 1174).

formulation process of, say, a bilateral free-trade agreement with an African state. These procedures are used by the intervening variable - the development actors - to exert influence on the policy formulation process and thus to increase the process PCD of the final agreement.

In accordance with historical institutionalist reasoning, the emphasis here lies on the process of policy-making and on its constraints. This policy formulation occurs within given institutional parameters and the 'relational character' of institutions that shape the interaction of political actors (Steinmo and Thelen 1992: 6-7). Therefore, these procedural factors of the Trade governance regime influence whether process PCD is increased, i.e. the interests and opinions of development actors are taken into account.

One has to be cautious however of the danger of incurring 'institutional determinism' and try to avoid allocating all policy outcomes to the constraining effects of institutions and not to the intentions of individual actors (cf. Koelble 1995: 239). After all, even in new institutionalist approaches that see institutions as the independent variable, the preferences and actions of actors are not ignored. In this study, this risk can be avoided, firstly, by keeping the actors and preferences of a governance regime constant in the analysis. This can be done by restricting the investigation period to the relatively short period of one to three years so that the actors remain the same and, for instance, no new EP is elected or new Commissioners appointed. Secondly, for any governance regime case study two policy initiatives as sub-cases are analysed in which the same actors play a role, thus allowing us to keep this part of the independent variable constant. Therefore, the investigation can escape some of the shortcomings of institutionalist research such as a possible 'selection bias' or the issue of preference formation in order to 'disentangle the relative weight of institutional factors on a certain social process while controlling for other relevant influences' (Schneider and Aspinwall 2001: 186). Thirdly, by using close process tracing as the main method for the empirical analysis (see section IV.2), it is possible to unravel the complex policy-making process into little, incremental steps and analyse the role of coherence procedures and involved actors in policy formulation. By tracing the policy process in such a way, it can be better established if causation occurs between the variables (see section III.3.4).



These variables need to be properly operationalised in order to later assess their manifestations and relationship in the empirical analysis in part three of this thesis. Operationalisation refers here to ‘the process through which (abstract) concepts are translated into (measurable) variables’ (Harvey 2013). In our framework, we are interested in operationalising the three variables in such a way that allows us to measure their ‘occurrence’ or ‘existence’ in EU policy formulation. Even though the in-depth operationalisation with the construction of suitable indicators is undertaken later in the next section (III.3), we already indicate the nature of the measurability of the variables here to be able to develop a set of hypotheses on their causal relation first.

The coherence procedures of a governance regime are the part of the independent variable that is of most relevance for the framework. We therefore operationalise the independent variable by assessing primarily the *application of coherence procedures* in a governance regime. Since we are interested in whether process PCD changes through the application of a coherence procedure, we operationalise the dependent variable accordingly as the *increase of process PCD of a policy initiative*. Finally, we operationalise the intervening variable development actors by assessing whether an *input of development actors* occurred during a given policy formulation process.

All three variables are understood as *nominal* variables. Nominal variables are variables whose categories are mutually exclusive (cases cannot be classified in more than one category), collectively exhaustive (every category applies to a specific case), and have no rank ordering (as for example in ordinal comparisons (Mahoney 2000: 390)). The application of coherence procedures, the increase in process PCD, and input of development actors are operationalised as Yes/No variables; meaning that they do occur or do not occur. The underlying logic of nominal variables is that of a deterministic causation, meaning for instance that the independent variable can be a necessary<sup>32</sup> or sufficient<sup>33</sup> cause for the dependent variable. This stands in contrast to a *probabilistic* logic which is used in other social science studies (Gerring 2001: 135), often combined with a large-N framework. In our framework, a

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<sup>32</sup> The independent variable is necessary for the dependent variable, but the independent does not always cause the dependent.

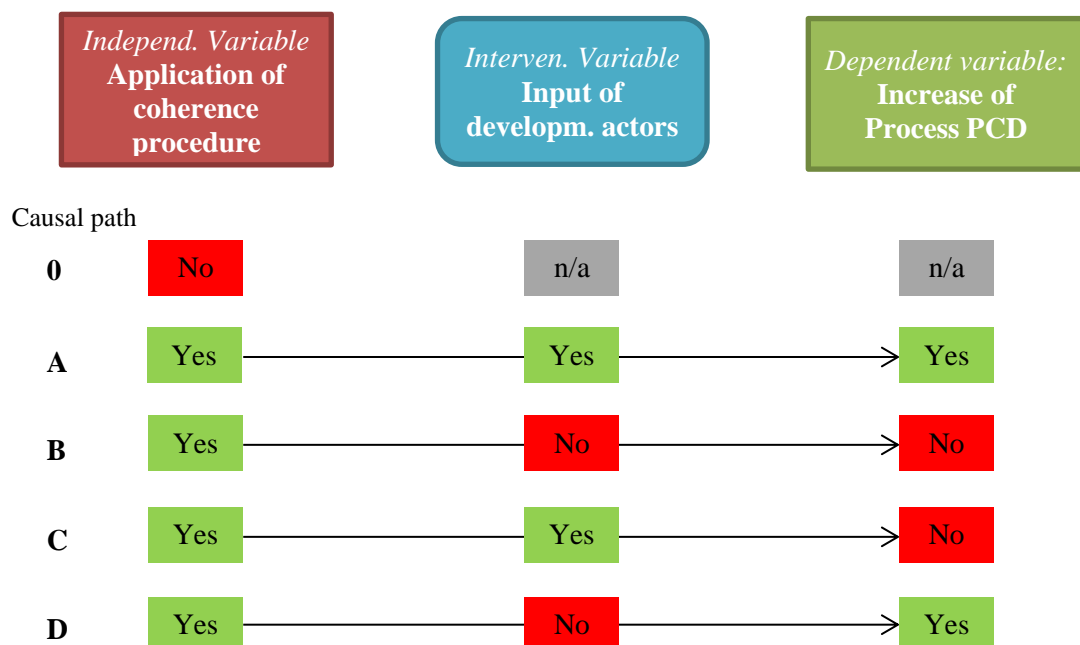
<sup>33</sup> The independent variable always causes the dependent, but the latter can also have other causes

probabilistic understanding is not suitable since it is difficult, if not impossible, to assess the occurrence of our variables on an ordinal scale. For example, the exact measurement of the extent to which process PCD of a policy initiative was increased is hardly possible. Instead we are interested in the effectiveness and efficiency of the diverse coherence procedures as the part of the independent variable under examination. A nominal strategy in a case study approach allows us to analyse all coherence procedures applied in a policy formulation with the aim to see if they indeed increase process PCD or not. In order to do this, we have to first explore all variable combinations and formulate hypotheses for the different possible causal paths.

### III.2.2. Hypotheses and causal paths

Thanks to the nominal nature of the variables it is possible to schematically present all possible variable combinations (see Figure III.3 below). The combinations of the independent, dependent and intervening variable display the different causal paths through which they are possibly connected. In addition, the framework allows theorising on the potential link between the communitarisation of a governance regime and PCD promotion (see below).

Figure III.3 Variable combinations and causal paths



These causal paths are now worded in hypotheses which are exhaustive because they cover all possible occurring manifestations of the three variables and their combinations.

Before discussing the actual cases where there is an application of a coherence procedure, it is necessary to include also the possibility that there is none (the '0' causal path). If no coherence procedure is applied, the question if development actors gave input and process PCD is redundant and not applicable (n/a). Even though it is in theory of course possible that process PCD increases when no formal or informal institutional procedures are applied - for example through a self-induced change in opinion by a relevant governance regime actor - this is not the focus of this thesis and our theoretical framework. Instead, our main research question asks '*How and to what extent does the EU promote PCD in the policy formulation process of different governance areas?*'

#### Box III.3: Hypothesis 'A'

*If a coherence procedure is applied, and development actors give input, the process PCD of a policy initiative increases.*

The first hypothesis 'A' describes the case when all three variables occur: a coherence procedure is applied which is taken up by development actors to give input into the process. This in turn leads to an increase in process PCD. In this case, the coherence procedure is effective since it achieves its objective, i.e. increasing the coherence of a policy initiative. Moreover, the intervening variable *input of development actors* correlates with the dependent variable. Hypothesis 'A' is in line with new institutionalist theory since it confirms that institutional procedures act as an independent variable influencing policy as the dependent variable. It can therefore be expected that hypothesis 'A' depicts one of the two main causal paths to be found according to new institutionalism in the empirical analysis of the policy formulation of EU initiatives later in this thesis.

#### Box III.4: Hypothesis ‘B’

*If a coherence procedure is applied, and development actors give no input, the process PCD of a policy initiative does not increase.*

Hypothesis ‘B’ describes the variable combination that occurs when a coherence procedure is applied but development actors do not give their input and the use of the coherence procedure in a governance regime does not lead to an increase in process PCD. This causal path displays a case in which the coherence procedure is ineffective because its objective was not achieved and the policy initiative in question did not change in terms of PCD. In hypothesis ‘B’ we can again see the correlation between the intervening variable and the dependent variable and the significance of the former in the causal relation. Also this causal path is in accordance with new institutionalism. The theory explicitly claims that, even though institutional procedures as such are independent variables, it is still always the interests of political actors that are important in the political process. In addition, the hypothesis projects similarly to hypothesis ‘A’ the importance of the intervening variable development actors as the link between coherence procedures and the process PCD of a policy initiative. Congruent with new institutionalism, coherence procedures function in this case as ‘points of entry’ for non-governance regime actors to provide input into the process. If this input is not given, no increase in process PCD occurs. As with hypothesis ‘A’ we suspect ‘B’ to describe the main variable combination to be observed in the ensuing empirical analysis.

#### Box III.5: Hypothesis ‘C’

*If a coherence procedure is applied, and development actors give input, the process PCD of a policy initiative does not increase.*

Hypothesis ‘C’ displays a variable combination that is opposed to the model described in the two former ones. In ‘C’ a coherence procedure is applied and development actors give input into the policy formulation process, but the process PCD of the initiative does *not* increase as a result. This causal path is counter-intuitive to the theoretical framework since it would show that institutional procedures have no real impact on policy. In addition, it would point out the

ineffectiveness of the coherence procedure at hand which does not achieve its aim to increase PCD even though it allows development actors as the intervening variable to give input. An abundance of the variable combinations described by hypothesis ‘C’ in the empirical analysis later in this thesis would undermine the theoretical reasoning outlined in the previous sections.

Box III.6: Hypothesis ‘D’

*If a coherence procedure is applied, and development actors give no input, the process PCD of a policy initiative increases.*

Finally, it might possibly be the case that the application of coherence procedures leads to an increase of process PCD even though development actors *do not* give input into policy planning. This causal path would formally speak for an effectiveness of the procedure comparable to hypothesis ‘A’, but it would stand in stark opposition to the logic of the theoretical framework. The assumed correlation of the intervening variable with the dependent variable would be falsified. Since the dependent variable assesses the process PCD, i.e. the degree to which articulated opinions of development actors are synergistically and systematically taken into account in the policy initiative, it would be surprising to see the views of development actors found in the policy initiative without the actors having taking part in the coherence procedure as such. We therefore do not expect to find ‘D’ in practice and an occurrence of this causal path would seriously question the utility of the analytical framework.

The four hypotheses (plus the ‘0’ hypothesis) display all possible combinations of variables that can be observed in the empirical reality. As explained above, the occurrence of two of the outlined causal paths postulated by the hypotheses would stand in accordance with our new institutionalist framework (‘A’ and ‘B’) why the other two (‘C’ and ‘D’) would falsify the anticipated causal relation. In addition, a thorough analysis of the manifestations of the variables in day-to-day governance processes of the EU can lead to insights regarding the effectiveness of the coherence procedures in particular governance regimes. A regular occurrence of ‘A’ or ‘D’ would speak in favour of the effectiveness of the respective procedure, i.e. stakeholder consultations of the Commission, even though

only the case 'A' could be satisfactorily explained by the theoretical framework. In contrast, the occurrence of 'B' and 'C' would highlight the ineffectiveness of the coherence procedure at hand.

Besides investigating causal path hypotheses, the analytical framework allows us also to formulate expectations as regards to the effect of the governance regime characteristic communitarisation on PCD promotion. Communitarisation refers to the transfer of competences from the member states to the EU level with the increasing application of the 'community method'<sup>34</sup>. Every governance regime of the EU falls usually in one of the following competence categories characterised by increasing communitarisation, as defined by Arts. 3-6 of the TFEU: a) competence to support, coordinate or supplement (Art. 6), b) shared competence (Art. 4) or c) exclusive competence (Art. 3). Moreover, the two special competences CFSP (including CSDP) (Chapter 2 TEU) and coordination of economic and employment policies (Art. 5) exist. They are characterised by their inter-governmental nature and can be placed between the competence to support, coordinate or supplement and shared competences. One can argue on the basis of historical institutionalism that the more a policy field is communitarised, the bigger the influence of supranational institutions such as the Commission and the EP is on policy formulation and decision-making. Moreover, once a policy field is communitarised, only a single policy level exists in this area, whereas before 28 or more different policies might have existed among the member states. We argue that process coherence is easier to reach when only one policy at the EU level exists. This is so because one policy makes it easier for development actors to give input via institutional procedures to attain coherent policy formulation among the EU institutions without having to promote PCD in 27 different member states. Based on historical institutionalism we can therefore argue that *the more a governance regime is communitarised, the more process PCD of a policy initiative is increased* ('communitarisation hypothesis').

One development that closely accompanies communitarisation is institutionalisation, understood as the 'standardization of procedures and the

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<sup>34</sup> The community method refers to 'the EU's usual method of decision-making, in which the Commission makes a proposal to the Council and Parliament who then debate it, propose amendments and eventually adopt it as EU law' (European Training Institute 2013: 4). After the Treaty of Lisbon, the method is laid down in the Ordinary Legislative Procedure (OLP) based on Art. 294 of the TFEU.

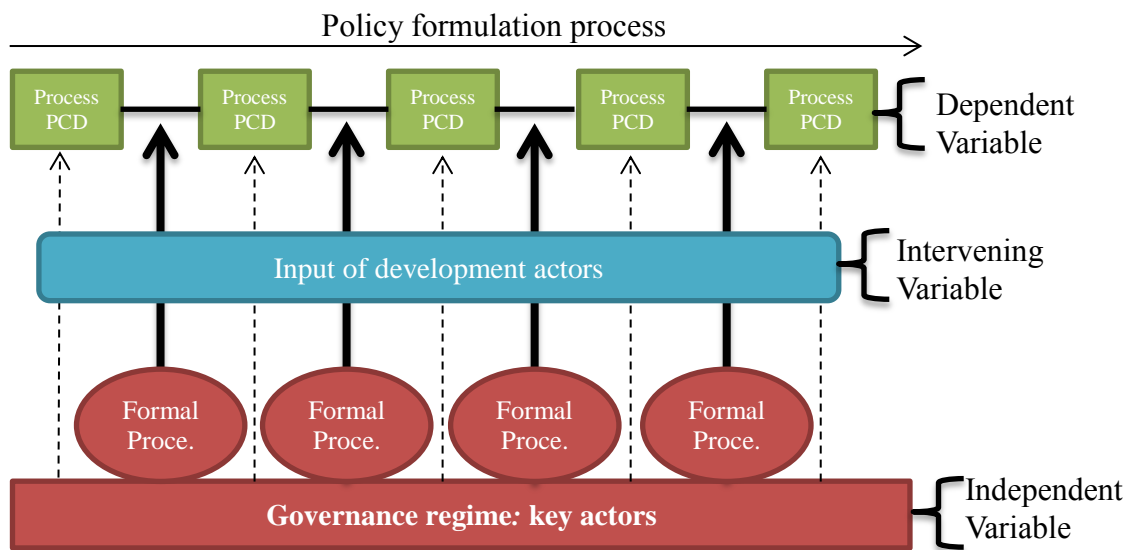
routinization of practices within [an] organization' (Peters 2000: 9). It can be expected that we see an increase of institutionalisation coming with a higher degree of communitarisation of a governance regime. Given the influence of many, external as well as internal, EU policy fields on the development prospects of partner countries, the openness and permeability of a non-development governance regime for development input by the respective actors might affect the success of PCD efforts. This can be reflected in the standardisation and routine use of institutional procedures to integrate interests and views of actors outside a governance regime. The argument is that without proper institutionalised procedures, development actors find no 'point of entry' to influence policy formulation in a governance regime. One example would be the application of inter-departmental coordination procedures inside the Commission. Without adequate institutionalised ways to incorporate opinions of development departments as the intervening variable, it is more difficult to attain horizontal policy coherence. It can of course be said of all governance regimes of the EU, located in such a highly complex institutional environment as the EU without any doubt is, that a certain institutionalisation has always taken place. However, one has to bear in mind that even in this case, 'being an institution is a variable not a constant, and not all are as fully institutionalised as are others' (Peters 2000: 7).

Once the empirical analysis has been conducted in part three of this thesis, a synthesis in part four (VIII.1) will bring together the assessments of the individual case studies of policy formulation and PCD promotion. The nominal nature of the variables allows comparisons between them on four different analytical levels. Firstly, the main research question that asks for the general PCD promotion of the EU on an aggregate level can be addressed. Secondly, we can compare the PCD performance of the three governance regimes. Thirdly, a comparison of the PCD promotion in the individual EU institutions which conduct day-to-day policy formulation, i.e. the Commission, the Council, the EP, and the EEAS, is possible. Finally, the question how effective the individual coherence procedures are, e.g. opinions of EP committees, can be answered.

### III.3. Operationalisation

In order to link the theoretical approach to empirical evidence, governance regime as the independent variable, process PCD as the dependent variable and the intervening variable development actors need to be operationalised. Figure III.4 depicts the relationship of the three variables during the policy formulation process in a schematic way. The following sections develop indicators to assess the possible manifestations of the variables in turn for each variable.

Figure III.4 Analytical variables and policy formulation process



As mentioned already in the previous section, the operationalisation of the independent variable governance regime focuses on assessing the *application of coherence procedures* of the governance regime. The dependent variable process PCD of a policy initiative is operationalised as the *increase of process PCD of a policy initiative*. Finally, we operationalise the intervening variable development actors by assessing if an *input of development actors* occurred during a given policy formulation process.

#### III.3.1. Governance regime - the independent variable

The independent variable governance regime contains the key actors in a given policy field, in our case mainly the EU institutions and the EU member states acting within the Council. In addition, a governance regime includes formal and informal



institutional procedures as operational routines, and policy instruments (cf. Bulmer 1994: 371). For the analytical framework presented here, the focus lies especially on the procedures that might influence the promotion of PCD in policy formulation.

#### *Key actors in a governance regime*

The first part of the analysis of the respective governance regime focuses accordingly on mapping its main actors and their competences (Bulmer 1994: 373). Since this thesis is concerned with the examination of policy processes at the EU level, the main focus lays on the key actors in the EU institutions.

In the European Council, it is of course the Heads of State or Government themselves who ‘shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof’ (Art. 15 (1) TEU). This is done in conjunction with agenda-setting and coordination role of the president. Although the European Council has no legislative functions and is usually not directly involved in policy-making in a governance regime, the leaders can nevertheless seize the initiative to put forward policy ideas for which concrete planning is then carried out in other EU organs.

The sectoral Commissioner plus his or her cabinet is the main political actor of a governance regime in the Commission. Although the Commission decides on policy proposals as a collective body, it is usually the sectoral Commissioner who drives forward policy initiative and is in the process assisted by his or her cabinet. The actual policy formulation in the Commission then takes place in the lead DG. The lead DGs can be described as ‘potential bottlenecks’ (Pollack and Hafner-Burton 2010: 289) for the integration of cross cutting issues into policy areas. The choice of the responsible DG usually also influences which particular Council formation and EP committee deals with the policy proposal in the two legislative institutions.

The Council of the EU functions in a similar yet also different way. The key actor in a policy field is here the respective Council formation which deals with the subject at hand. It is for instance the Foreign Affairs Council where discussions on development policy take place. As previously outlined, COREPER has been assigned with the task to ensure coherence in the Council’s work. Since the ambassadors sitting in the committee are however responsible for a wide spectrum of Union policy fields, they cannot be considered to belong to a particular governance regime. Most

of the work of policy formulation is however done in the specialised Council working groups, assisted by the Council's secretariat and its legal service. Save for very sensitive issues, on which consensus cannot be reached in the preparatory organs, it is here that decisions in the governance regime are made. Effectively, it is always the representatives of the member states from the Council who take decisions in its sub-structure. As outlined in section II.3.2, the Council presidency can significantly steer the Council's work by chairing most of its preparatory organs and influencing the agenda of most Council formations.

An appointed MEP acting as the rapporteur plays a central role in the EP's policy formulation and is often assisted by policy advisors and experts of his or her political group. Besides being responsible for drafting the report of the committee, the rapporteur can also influence the voting behaviour of his or her political group colleagues through recommending a vote in so called 'voting lists' which are distributed to the other MEPs. The sectoral parliamentary committees are the place where most policy formulation takes place in the EP. The committees are responsible for agreeing on draft reports of appointed rapporteurs which are subsequently forwarded to the plenary for the final adoption.

In governance regimes which deal with certain external policies, the EEAS might also be involved in policy formulation (e.g. of CSDP missions). Here the HR, assisted by her cabinet, is the key political decision-maker. The actual policy formulation takes place in the sectoral (geographic or thematic) directorates of the new service.

Finally, depending on the particular governance regime, actors who do not belong to the EU institutions or member states governments (e.g. NGOs, interest groups) influence the policy formulation process through, inter alia, lobbying and participation in stakeholder consultations.

The interactions of the listed actors form an integral part of any given governance regime. The empirical chapters of this thesis hence start with an analysis of the actors in a given governance regime and their general role in relation to the planning process of the selected policy initiatives. All these actors in a governance

regime have political preferences<sup>35</sup> that guide their action. Historical institutionalism acknowledges the importance of actors' preferences but regards them as being shaped by institutions. The focus of this thesis lies on the process of policy formulation and the role institutional procedures play in it. While acknowledging that actors and their preferences - 'political forces' in Bulmer's terminology - determine the policy outcome, the object of analysis and its period of investigation is selected in such a way as to allow to maintain the actors in a governance regime constant. Hence it is possible to focus on variations in the part of the independent variable that is of primary interest for this study: institutional coherence procedures.

#### *Institutional coherence procedures in a governance regime*

The second and main part of the analysis of the independent variable analyses in detail the application of formal and informal institutional procedures that ought to promote PCD in a given governance regime in the concrete policy formulation process of the selected case studies. Here, the development of indicators has been inspired by the widespread concept of the policy coherence cycle, as outlined in section II.2. The focus lies on phase two of the cycle - policy coordination mechanisms - but aspects of phase one, political commitment and policy statements, and phase three, monitoring, analysis and reporting systems, are also taken into account whenever they become part of the EU policy formulation process, e.g. the impact assessment procedure. The central role of institutional procedures for promoting PCD is emphasised by studies in this field (e.g. Galeazzi et al. 2013: 4; OECD 2005). Accordingly, the operationalisation is based on an examination of formal and informal institutional procedures, such as organisation routines, consultation procedures and planning instruments.<sup>36</sup> To meet this aim, dichotomous nominal variables are constructed and assessed.

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<sup>35</sup> Preferences are here defined as 'a comparative evaluation of (i.e. a ranking over) a set of objects' (Druckman and Lupia 2000: 2).

<sup>36</sup> Naturally, some institutional procedures are nominally the same across different governance regimes, e.g. general institutional procedures such as inter-service consultation in the Commission, while its application in certain cases might very well differ. The analysis focuses on procedures applied by actors of a particular governance regime during the policy formulation process of a particular policy initiative. General institution-wide PCD exercises, such as for example the biannual PCD reports of the Commission or the screening of the whole Council agenda for PCD issues by new presidencies, are not included since they do not directly relate to the planning of an examined initiative.

One important emphasis of the examination lies on the way in which everyday policy formulation processes are conducted through routine operations<sup>37</sup>, reflecting how effective institutions in a governance regime address PCD issues. As Davis rightly points out, ‘it is not the fact of contact across agencies but rather the standard operating procedures which networks facilitate that is central to the coordination process’ (1995: 29). Routines can indeed be seen as one of the key factors for achieving coherence and coordination in a policy-making process by connecting all involved actors and structures of a governing body. Even if the procedures do not fully meet their aim to ensure coherence and coordination, they can at the very least motivate organisations to consider the views of other actors during the policy formulation process (Peters 2006: 132). The kind of coherence procedures that are applied in a governance regime also depends on the type of legislative action that is in use in the policy field. Institutional procedures may vary significantly between for instance the policy formulation of a Union directive and the negotiation of an international agreement.

The Commission, the Council and the EP each have in theory a wide array of different procedures at their disposal to increase coherent planning. There is good reason to expect that coherent policy formulation does not come out of nowhere but is rather reached through repeated, daily executed, routines based on formal and informal rules. This is especially important in the case of the Commission and the Council where ‘horizontal co-ordination (...) is poor’, due to the ‘different “missions”’ in the DGs of the Commission and different institutional procedures and decision-making rules in the Council (Bulmer and Burch 2001: 80). The guiding questions for this analysis are ‘which type and to what extent are coherence procedures used in the process of policy formulation’, ‘how institutionalised are the procedures’, and ‘are rather formal or informal procedures applied?’

Table III.1 lists the coherence procedures for the three main EU institutions and the EEAS.<sup>38</sup> The individual coherence procedures will serve as dichotomous

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<sup>37</sup> Some scholars even define organisations as being essentially ‘bundles of routines’ (Kilduff 1992: 133)

<sup>38</sup> The European Council is excluded here because, notwithstanding its important role in providing the Union with impetus, it is usually not involved in the day-to-day policy formulation that is of interest for this thesis. Similar, advisory institutions such as the Committee of the Regions and the European Economic and Social Committee are excluded from the analysis because they have very limited roles

nominal variables to assess the institutional PCD performance of governance regimes.

Table III.1 Coherence procedures in EU policy formulation

<b>Institutions</b>	<b>Procedures</b>
European Commission	Impact assessment/policy evaluations
	Permanent inter-service groups
	Stakeholder consultations
	Inter-service consultations
	Meetings at political level
	Informal consultations
Council of the EU	Joint meetings/ad hoc Working Parties (WPs)
	Information exchange of Council bodies
	Informal consultations
European Parliament	Opinions of committees
	Procedure with associated committees
	Joint sessions of parliament committees
	Stakeholder consultations
	Informal consultations
External Action Service	Policy board
	Crisis platforms
	Topical task forces
	Planning teams
	Assessment missions
	Informal consultations

This means that we assess whether the procedure, e.g. stakeholder consultations in the Commission, *is applied or not applied* during the policy formulation process of a particular initiative. The empirical analysis then displays this application of the different coherence procedures of a governance regime in a simple Yes/No matrix. The specific *indicators* for the application depend on the specific coherence

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in EU policy formulation in general and in EU external action in particular. The role of these three institutions and the CJEU will only be mentioned in the empirical analysis in part three of this thesis if they were substantially involved in the policy formulation process of the examined policy initiative.

procedures themselves. In general, any proof that the respective coherence procedure was indeed applied serves as an indicator. This can for example be a meeting document of a committee or a submitted policy evaluation. If no public or non-public document can be obtained, corresponding statements of, for example, officials made in interviews are taken as an indicator for the application of a procedure. The respective indicators are given as sources in the relevant parts of the empirical analysis.

No procedure relates to PCD promotion as such but they all have the potential to improve this specific case of coherence in EU policy-making as part of their wider function. Although all listed procedures share the broad objective of improving the coherence and coordination of policy-formulation in the respective institutions, their particular nature and way of application may differ considerably. One way to differentiate between them is categorising them as ‘hard’ or ‘soft’. Accordingly, ‘hard’ refers to procedures which establish ‘precise, binding and enforceable rules’, e.g. the impact assessment procedure of the Commission. ‘Soft’ ‘employ less precise, non-binding guidelines and voluntary compliance’ (Pollack and Hafner-Burton 2010: 6) such as opinions of the EP’s committees. The remainder of this section discusses the coherence procedures for the respective institutions in detail.

### *Commission procedures*

The Commission is the key agenda-setter of the EU and has the right to initiative on legislative matters: ‘Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise’ (Art. 17 (2) TEU ). From this it appears that the crucial stage of policy formulation and coherence-seeking first takes place inside the Commission.<sup>39</sup> To achieve this, the Commission has a wide set of coherence procedures in use which are listed in Table III.2.

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<sup>39</sup> A notable exception is the planning of CSDP missions, which is one case study of this thesis (see section VII.3).

Table III.2 Coherence procedures in the European Commission

Coherence procedure
Impact assessment/policy evaluation
Inter-service groups
Stakeholder consultations
Inter-service consultations
Meetings at political level
Informal consultations

The *impact assessment* procedure has as its aim the identification of problems of upcoming legislative proposals of the Commission regarding their economic, social and environmental impacts. It was introduced in 2002 by the Commission as a part of the ‘better regulations’ package (Commission 2002a) in the context of the so called ‘Kinnock reforms’<sup>40</sup> and was several times revised in the years after.<sup>41</sup>

The impact assessments were first criticised for not sufficiently addressing the impact of proposals on developing countries (Keijzer 2010: 12-3). The 2009 impact assessment guidelines now postulate that ‘every impact assessment (...) should look at impacts on developing countries - initiatives that may affect developing countries should be analysed for their coherence with the objectives of the EU development policy’ (Commission 2009b: 42). The guidelines refer now explicitly to the main objective of EU development cooperation and postulate that every impact assessment should ask if it increases the poverty in developing countries or has an impact on the income of the poorest populations (Commission 2009b: 36).

A central actor in the impact assessment procedure is the Impact Assessment Board, which consists of high-level officials from economic, social and environmental related DGs. At the moment, no official of DG DEVCO is a member

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<sup>40</sup> The ‘better regulation’ package introduced a new strategic planning and programming cycle which structures the policy agenda and formulation work of the Commission DGs. While before, the Commission was characterised by a tight hierarchical structure, it has become more open to internal coordination efforts since then. Although the underlying nature of sectoral isolated DGs still persists, regarding policy formulation ‘it is a big difference with the earlier habit of closing doors until a policy was more or less finalised’ (Schout and Jordan 2008: 2; cf. Kassim 2008).

<sup>41</sup> Cf. Renda 2006 for an extensive study on the development of the impact assessment procedure after its creation.

of the board. Each year, the board - together with the Secretariat-General - screens the Commission's agenda and singles out initiatives for which an impact assessment will be conducted.<sup>42</sup> The actual impact assessment is then drafted under the supervision of an impact assessment steering group - usually a consisting inter-service group (see below) - under the lead of a particular DG. During the drafting stakeholder consultations and service coordination takes place. The draft report is subsequently examined by the impact assessment board which issues an opinion on its quality before it goes into the final inter-service consultation procedure.

The impact assessment can be characterised as generally being a comparatively 'hard' coherence procedure for mainstreaming certain objectives in Commission policy-making (Pollack and Hafner-Burton 2010: 304). The impact assessments are conducted *ex ante*, i.e. before a policy proposal is adopted by the Commission. In other instances, *ex post* policy evaluations might be individually conducted by particular DGs in a procedure which differs from the standardised *ex ante* impact assessments but which also includes an assessment of the, inter alia, social and environmental impacts of a certain policy initiative. Ex post evaluations are also included here under the impact assessment category if they were a part of the policy formulation process.

Gathering around a particular policy topic or legislative initiative, the Commission uses *permanent inter-service groups* as a 'bedrock of [its] work' (Commission 2010b: 8) to assist the policy-making process and increase coherence among the services. At the end of 2012, the Commission had a total of 275 standing inter-service groups, covering virtually all policies of the EU (Commission 2012c). Their use for policy coherence and the extent to which these groups meet on a regular basis differs however significantly. Adding to that, ad hoc inter-service groups might be formed at any time. To give an example, a permanent PCD inter-service group is the main forum to discuss PCD issues among the Commission DGs. Besides the leading DG DEVCO and the Commissions Secretariat-General, 14 other DGs are permanent members of this group, among them DG MARE, DG Energy and DG Environment (ibid. 2).

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<sup>42</sup> In 2012, for instance, it considered 104 impact assessment reports and issued 138 opinions (Commission 2012b: 4).



In the early stages of the policy formulation process, the lead DG often consults with external actors such as representatives of interest groups, partner countries or NGOs. Due to the fact that the Commission has to often propose legislative initiatives of a very technical nature, the consultation of experts allows the Commission to acquire the necessary knowledge in the policy-planning process. These *stakeholder consultations* are usually conducted publicly with the results published afterwards. The way and scope in which stakeholder consultations are conducted is diverse and depends on the lead DG and its policy sector.<sup>43</sup> In case they get involved, the procedure allows development actors to bring the lead service to incorporate development goals in the drafted initiative and thus increase PCD. Since stakeholder consultation does however not bind the policy-planners (Commission 2010b: 12), it is in theory rather a ‘weak’ coherence procedure.<sup>44</sup>

The Commission’s rules of procedure postulate that ‘before a document is submitted to the Commission, the department responsible shall (...) consult the departments with a legitimate interest in the draft text in sufficient time’ (Commission 2000c: Art. 23 (2)). This *inter-service consultation* procedure is arguably the most important formal procedure to promote coherence among the Commission’s services since all legislative proposals have to pass this stage before the College of Commissioners takes a final decision. The DG which is in charge for drafting a proposal starts the inter-service consultation and must request the approval of all concerned DGs. The inter-service consultation guidelines state that ‘the lead department must identify clearly which departments are really concerned by the substance of the documents submitted for consultation. The aim is to strike a proper balance between transparency and efficiency’ (Commission 2009c: 5). Which DGs are contacted is therefore subject to the judgement of the lead DG, but the legal service and the Secretariat-General always need to get consulted. The participating services usually have 15 days to give their comments on the draft by either fully

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<sup>43</sup> Cf. Quittkat and Finke 2008 for a detailed discussion on the various procedures in use in stakeholder consultations.

<sup>44</sup> It is worth noting that the Cotonou agreement between the EU and the African, Caribbean and Pacific group of states includes in Art. 12 a special case of an explicitly PCD related consultation procedure. According to this Article, the Commission shall contact the African, Caribbean and Pacific secretariat when ‘the Community intends (...) to take a measure which might affect the interests of the ACP States’ after which consultation might be ‘held promptly so that account may be taken of their concerns as to the impact of those measures before any final decision is made’ Art. 12 ‘Cotonou agreement’.

agreeing to it, giving a favourable opinion subject to comments being taken into account, or blocking it. In the latter case, consultations between the lead DG and the opposed DG follow after which the original initiative might be withdrawn, changed, or handed over without changes to the discussions on the ‘political’ level of the Commission (Hartlapp, Metz and Rauh 2012: 6)

At *meetings of the political level*, coherence issues are discussed and settled on which no agreement has been reached before between the services. Three fora are hereby in use (cf. Hartlapp, Metz and Rauh 2012: 5-7; Nugent 2001: 130): First, ‘special chef’ meetings chaired by a members of the President’s cabinet and composed of the relevant sectoral cabinet members responsible for a policy item. Second, chaired by the Secretariat-General the heads of cabinet meet usually every Monday to reach consensus on controversial issues in the so called *hebdomadaire* (‘Hebdo’) meetings. Finally, the last opportunity to settle coherence issues at the Commission level is in discussions among the Commissioners themselves in the College meetings. After all controversial points are settled, the College decides legally by a simple majority on proposals (Art. 250 TFEU), but it is common practice that consensus among the commissioners is sought (Wessels 2008: 247).

The outline of Commission coherence procedures in this section is confined to procedures which target the horizontal coherence between genuinely different policy fields. Other procedures apply for instance to seek internal coherence. The Interservice Quality Support Group for instance has the function to increase coherence and quality in the programming of development cooperation, e.g. during the drafting programmes of country strategy papers (Commission 2000b: 11-2). Another procedure are the so called country teams in which officials of relevant DGs (and possibly the EEAS) come together to agree on a coherent approach in cooperation programmes towards a particular country (European Centre for Development Policy Management and Instituto Complutense de Estudios Internacionales 2006: 42). This procedure is not included in our framework since it is primarily used to improve the coherence inside cooperation programmes of EU external action as such - for instance County Strategy Papers of the European Development Fund - and not to increase coherence with non-development or non-external action policy fields.

Finally, *informal consultations* between actors from different policy fields in the Commission can be an important procedure to reach PCD in policy formulation (OECD 2009a: 28). These consultations can take different shape, but they have all in common that they are neither part of the formal working methods of the Commission, nor are subject to written down rules or take place on a regular basis. Examples for this procedure are ad hoc consultations between members of different cabinets of DGs of the Commission during the policy formulation phase. In order to improve PCD in the Commission, development actors such as DG DEVCO can actively try to get involved in other policy fields to exert influence. One official of DG DEVCO pointed out in an interview that 'if we are absent from the room and we are not talking to the colleagues because we think that (...) this is not a development policy, this is an internal policy, of course we cannot have any influence at all' (I 24, Commission). This potential of informal ways to promote coherence is in line with historical institutionalism, which also puts emphasis on the role of informal procedures in institutional processes.

#### *Council procedures*

The Council is a special case among the EU institutions regarding the promotion of coherence in general and PCD in particular. The different ministries of the EU member states at home are usually the first ones to deal with coherence and coordination issues. Ideally there has already been a coherent opinion-building process taking place between the concerned ministries at home before policy items are discussed in the Brussels arena. The Council in one of its PCD conclusions invited the member states 'to reinforce and use PCD procedures where they already exist and to develop, if needed, mechanisms of dialogue between development and other departments' (Council 2007b: para. 11) at the national level. In addition, the Commission once a year convenes general meetings with representatives of the member states to broadly discuss the topic and search for ways to improve PCD in Union and member states policies (Commission 2011a: 13). The focus of this thesis is however the promotion of PCD in EU policy formulation in the EU institutions. Although expanding the research area to cover the level of all 28 member states

could lead to interesting insights into the promotion of PCD in the whole of the EU, it would go far beyond the scope of the analysis here.<sup>45</sup>

Notwithstanding the fact that the capitals are the primary arena for coherence seeking of the member states, the Council acknowledged repeatedly that it wants to promote PCD procedures in its working methods as well.<sup>46</sup> In 2005, the Council affirmed that it ‘will assess existing internal procedures, mechanisms and instruments to strengthen the effective integration of development concerns in its decision making procedures on non-development policies’ (Council 2005: para. 20). In its 2007 conclusions on PCD, the Council furthermore noted that ‘PCD is not yet systematically pursued at the different stages of the decision making process’ and it called for continuous efforts to ‘to ensure that development concerns are taken into account across the relevant policies’ (Council 2007b: para. 7). In 2012, the Council stressed that ‘there is a need for regular political PCD discussions on related thematic issues at all levels in all relevant formations of the Council, including at Ministerial level’ (Council 2013a: para. 6). Besides the important PCD role for actors such as the presidencies and the Council secretariat in the Council structure, institutional procedures which help actors of a governance regime to incorporate the views of actors from other policy areas can be applied. Table III.3 lists the institutional procedures in use in the Council whose application will serve as manifestations of the independent variable part coherence procedures.

Table III.3 Coherence procedures in the Council

<b>Procedure</b>
Joint meetings/ad hoc WPs
Information exchange of Council bodies
Informal consultations

The Council has pointed out *joint meetings* of different Council bodies as a useful procedure to promote PCD in its work (Council 2007b: para. 7). The application of such a procedure is however in the hands of the incumbent Council presidency.

<sup>45</sup> Other researchers have dealt with the different national systems in place to promote PCD. Galeazzi et al. (2013) for example compare the PCD systems of Belgium Ireland, Finland, Germany, the Netherlands and Sweden.

<sup>46</sup> See Häge 2012 for a good account of the general legislative work and policy formulation in the Council system.

Besides joint meetings, so called *ad hoc WPs* can be used to increase coherence in the Council's work. Similar to joint meetings, member state officials from different WPs meet here. The difference is however that *ad hoc WPs* are assembled for discussing a single overarching policy file over a limited period only. To give an example: the Council established an *ad hoc WP* on the topic of genetically modified organisms (I 54, Ireland permanent representation). It is also important to know that it functions as only one WP, i.e. with only 28 members (one per member state). Whether the member states rather send an official from, for instance, their development, environmental or finance ministry is their own prerogative. Joint meetings and *ad hoc WPs* can help to improve PCD by bringing together development officials with other colleagues to discuss a single important policy topic. Since both procedures share similarities, we put them in one category here.

Another procedure for achieving coherence among the Council's preparatory bodies is regular *information exchange* between them. Although there is no standing operating procedure for contacts between for instance CODEV and other Council WPs that deal with non-development policies, certain common consultation forms are in use. It is for example common practice that other WPs get documents in copy during the policy formulation phase (I 14, Council). In this way, CODEV might get informed on developments in other policy fields relevant for its own work. The Council requested its WPs they should '[bear] in mind that PCD is also the result of appropriate working methods (...) to inform each other systematically, at the earliest possible stage, about current and future activities in order to highlight dossiers with relevance for PCD' (Council 2009d: 24).

As with the Commission, *informal consultations* might also play an important role in promoting PCD in Council policy planning. This can occur in the form of an informal exchange of views between Council secretariat members responsible for different policy fields. Other institutional procedures that ought to promote PCD in the Council are not directly related to the work of particular governance regime actors such as specific Council WPs and the policy planning of individual initiatives. These procedures include the PCD rolling work programme (Council 2009d) and addressing impact assessments in the Council preparatory bodies (Council 2012h).

### *EP procedures*

Procedures in the EP for promoting coherence are precisely worded in its rules of procedure (EP 2012k). The key organisational units and fora for discussing policy proposals in the EP are the committees which are considered to be ‘at the heart of its legislative, and non-legislative, work’ (Judge and Earnshaw 2003: 181). Notwithstanding their important role in policy formulation in the EP, there is surprisingly little literature on the inner workings of committees and even less on cooperation between them (Schout and Jordan 2008: 18). At the time of writing a total number of 20 standing committees exist in the EP (EP 2012k: Annex VII). Institutional procedures to ensure coherence in the EP (see Table III.4) take place primarily on this level. The lead actor in the process is always the rapporteur who drafts the report for the committee in the lead. The meetings of the committee’s group coordinators are where decisions regarding the use of the below described procedures are taken.

Table III.4 Coherence procedures in the EP

<b>Procedure</b>
Opinions of committees
Procedure with associated committees
Joint sessions of parliament committees
Stakeholder consultations
Informal consultations

In the *opinion of committees* procedure, a committee such as DEVE can transmit a formal opinion on a policy item to the committee in charge (EP 2012k: rule 49; cf. Judge and Earnshaw 2003: 123). The initiative to acquire such an opinion can come from the lead committee itself or from the committee which wishes to state its opinion. If the discussed policy file has a legislative nature, the main part of the opinion takes the shape of amendments to the draft report by the rapporteur. In non-legislative cases the opinion ‘shall consist of suggestions for parts of the motion for a resolution submitted by the committee responsible’ (EP 2012k: Rule 49 (2)). It is then first on the rapporteur to take up (or not) the opinion in his or her work on the draft report. Both amendments and suggestions are then put to a vote in the lead

committee and are - regardless of the result of the vote - annexed to the final report. Considering the practical limitations of the other coherence procedures (see below) the procedure of committee opinions is in fact the main coherence procedure and widely used inside the EP. Even if the lead committee does not take the views expressed in the opinion into account, there is the possibility that it influences the plenary debate and the final EP vote after it (I 23, EP; I 26, EP).

Every committee of the EP has a defined area of competences that can be found in annex VII of the EP's rules of procedure. While usually a policy proposal is unambiguously assigned to a lead committee, in certain cases of overarching policy initiatives the case is more difficult. Because the assignment of a lead committee gives this committee considerable competences to frame the discussion in the EP, it is also often a subject of power struggles. If for instance DEVE feels that it should be responsible for a policy file which has significant implications for the development policy of the EU, it can request the *procedure of associated committees* (EP 2012k: Rule 50). In this procedure, two committees are jointly responsible for working on a proposal, i.e. they agree jointly on a timetable, two rapporteurs are appointed, and the proposal is dissected in parts for which the two committees are jointly in charge or for which only one of the two is allowed to table amendments. It is always the Conference of Presidents of the EP which decides if a matter falls under the competences of two or more committees. It is assisted in this task by the EP's legal service. The procedure can be a very powerful tool to reach coherence and thus be characterised as a 'hard' incentive to ensure PCD in case DEVE is associated. In common practice however, the usefulness of the procedure for PCD is rather limited since it is very hard for a committee to get associated if its competences are not directly touched upon. One prominent example in this regard is the Economic Partnership Agreements between the EU and the African, Caribbean and Pacific countries for which DEVE tried without success to become an associated committee besides the Committee for International Trade (I 26, EP).

Similar to the procedure with associated committees, it is also possible for committees to conduct *joint meetings*. Again, this is decided by the Conference of the Presidents provided that (a) 'the matter falls indissociably (*sic!*) within the competences of several committees' and (b) 'it is satisfied that the question is of

major importance' (EP 2012k: Rule 51 (1)). Following this procedure, both rapporteurs jointly draft the report which is subsequently also adopted jointly by the two respective committees. As in the case of associated committees, the potential of joint committee meetings for coherence of policy formulation in the EP is significant even though in practice it does not occur often.

As with the Commission - which conducts public consultations to get the views of external actors - the EP consults interest groups, representatives of partner countries or NGOs. Such *stakeholder consultations* often take the form of public hearings in which external actors inform the MEPs of one or more committees on policy issues. Whether such consultations are conducted and who gets invited is decided on the committee level in the meetings of the political group coordinators.<sup>47</sup>

Finally, *informal consultations* might take place between MEPs in the committee and actors outside of the governance regime. In the EP it is for example very common for MEPs to informally discuss proposals with party colleagues who sit in a different sectoral committee. Even more so than in other EU institutions, 'co-ordination is largely informally' and 'a lot depend on the involvement of MEPs in informal networks and contacts' (Schout and Jordan 2008: 27). With regard to policy formulation, the rapporteur is hereby again the central actor who consults various actors on an informal basis during the process of drafting the report (Judge and Earnshaw 2003: 106, 191 et seq.).

### *EEAS procedures*

The EEAS is not a fully-fledged EU institution like the Commission, the Council and the EP, but an autonomous service primarily in place for assisting the HR in her tasks. In the post-Lisbon EU, the EEAS is however one of the main institutional actors in the policy formulation of EU external action; including in policy fields such as CSDP that are of significant PCD relevance. Given its *sui generis* nature as well as its still evolving working methods, it is difficult to pinpoint operational coherence procedures in the service. Interviews reveal that even EEAS officials are unsure of the procedures which exist to obtain coherence and coordination in the new

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<sup>47</sup> The political group coordinators fulfil in general the important role of, inter alia, tabling amendments of proposals, assigning the rapporteurship and settling a committee's agenda (Judge and Earnshaw 2003: 190 et seq.). Moreover, they agree if a procedure for associated committees or joint committees is requested (I 26, EP).



structures of the service (I 19, EEAS; I 21, EEAS). As matters stand at the moment, the coherence procedures depicted in Table III.5 are the potential ones in the EEAS.

Table III.5 Coherence procedures in the EEAS

<b>Procedure</b>
Policy board
Crisis platforms
Topical task forces
Planning teams
Assessment missions
Informal consultations

General ‘supervision’ procedures are the EEAS *policy board* and the *crisis platform*. They have in common that they bring together different parts of the EEAS to ensure the general coordination of policies for which the EEAS is responsible. The EEAS policy board is composed of, amongst others, the managing directors for the geographic, multilateral and global, and crisis response directorates. It can ‘ensure general coherence (under the HR) and make sure that the global and multilateral issues are reflected in the geographical and regional concerns and *vice versa*’ (Duke 2012: 57).

Shortly after the establishment of the EEAS, the HR appointed Agostino Miozzo as the managing director for crisis response. He set up a crisis management board which shall coordinate measures related to crisis aspects. In response to specific crisis, the board sets up so-called crisis platforms for a particular region. So far, crisis platforms have been set up for Syria, Mali/Sahel, Myanmar/Burma, Democratic Republic of Congo, and Guinea-Bissau (EEAS 2013). A crisis platform brings together the relevant desks of the EEAS and Commission services such as DG DEVCO or DG Humanitarian Aid to primarily share information about their respective activities. Blockmans (2012: 29) observes that ‘by now, the Crisis Platform has become a quasi-institutionalised inter-service structure which meets at director level’.

Another coherence procedure inside the EEAS is regular meetings of different directorates and units in the context of a *topical task force*, for example

focusing on a particular region of the world. In the first year of the service, a development task force was created which was coordinated by the Development Cooperation Coordination Division. It met once a month and brought together officials of thematic and geographic units to discuss development related matters (I 19, EEAS). Since the end of 2011, these meetings were however not taken up again and are unlikely to resume (I 21, EEAS).

Depending on the policy field in which the EEAS operates, other formal coherence procedures are used by specific parts of the service. In the security policy field - one of the primary areas in which the EEAS is active - *planning teams* and *assessment missions* play a significant role in promoting coherence. Planning teams are used by the crisis management directorates to gather colleagues from the EEAS and Commission services while drafting preparatory documents for CSDP missions. In assessment missions (also referred to as ‘technical assessment missions’ or ‘inter-service missions’), the relevant crisis management actors of the EEAS make a joint trip ‘into the field’. Sometimes colleagues from other EEAS units or the Commission are invited to join (I 41, EEAS; I 42, EEAS; I 44, EEAS).

As in the other institutions, *informal consultations* play an important role in the internal workings of the service, especially since almost all staff moved into the new EEAS building in February 2012. Informal meetings on cross cutting issues such as programming external financial instruments are now possible more easily (I 19, EEAS). The EEAS is also partly integrated into Commission procedures at the policy formulation stage by for instance participating in inter-service consultations.<sup>48</sup>

The listed coherence procedures for the individual EU institutions form an integral part of EU governance regimes. In the context of the historical institutionalist framework of this thesis, these procedures are therefore a central part of the independent variable which is projected to have a direct influence on the process PCD of a particular policy initiative. We now turn our attention to the operationalisation of this dependent variable.

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<sup>48</sup> EEAS officials are also sitting in some Council WPs and sometimes they - instead of the Council presidency - chair them. This can help to increase coherence on a horizontal and inter-institutional level when representatives of the Council, the Commission and the EEAS meet in this setting.

### *III.3.2. Process PCD of a policy initiative - the dependent variable*

The dependent variable *process PCD of a policy initiative* refers to whether the policy initiative analysed, for instance a FPA, includes opinions of development actors. Every policy initiative at the EU level passes through various stages of policy formulation: from original ideas and first drafts in the Commission over discussions in the Council preparatory bodies and EP's committees to the final adoption by the Council and the EP. During this process, the key actors in the respective governance regime responsible for drafting the proposal apply different institutional coherence procedures which other actors can use to influence the process coherence of the proposal. The evolution of a policy proposal is a continuous exercise, characterised by distinguishable incremental steps, during which the formal and informal coherence procedures applied in a governance regime exert an influence on policy planning.

The changes in preparatory documents can be tracked by directly comparing the different drafts over time and/or by interviewing the participating actors such as EU officials, representatives of interest groups or MEPs.<sup>49</sup> Thus, in the case of the promotion of PCD, one can assess to what extent development concerns were taken into account during the policy formulation process.<sup>50</sup> The concrete indicator is hereby again a dichotomous, nominal assessment *if the process PCD of a policy proposal did increase or did not increase* after a coherence procedure was applied. If the process PCD increased, we assess the variable as 'Yes', if process PCD did not increase, we assess it as 'No'.

For this analysis, the process can be broken down into individual phases, e.g. policy formulation in the Commission, Council and EP. Of course, the processes in reality certainly overlap and influence one another. In a case study, the analysis is straightforward in some instances while in other it can be more difficult to unravel

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<sup>49</sup> See chapter IV on the methodology of this thesis.

<sup>50</sup> It has to be stressed again that the focus lies on the coherence of the planning process and not on the output coherence. This means that the question at stake is not if and to what degree the actual content of the policy proposal is itself coherent to development objectives but rather if views of the concerned development actors found their way into the policy initiative during the policy formulation. This can of course also lead to a more coherent output PCD.

the process. In the EP, for instance, the development of a policy document can be tracked fairly easy with the relevant drafts and reports being publicly accessible. To give an example, we can consider the drafting of a report of a fictive EU initiative ‘I’ in the EP. The report of the EP is first drafted by the rapporteur. It then progresses over the adoption of the report by the lead committee to the final report decided by a plenary vote. During this process, changes relevant for PCD might be introduced at different stages which can be tracked by comparing the respective documents. Table III.6 gives a very simplified example to illustrate this point.

Table III.6 Indicator for increase of process PCD in fictive policy initiative

<b>Draft report rapporteur</b>	<b>Report by lead committee</b>	<b>Final report</b>
<i>Text: The objective of the policy initiative is to increase economic cooperation with partner country X.</i>	<i>Text: The objective of the policy initiative is to increase economic cooperation with partner country X with the aim of poverty reduction.</i>	<i>Text: The objective of the policy initiative is to increase economic cooperation with partner country X with the aim of poverty reduction.</i>

In this fictive example the wording in the report changed at the procedural stage of the adoption of the report by the respective lead committee. The insertion of an additional line referring to poverty reduction - the key objective of EU development policy - indicates an increased process PCD in the fictive policy initiate. Any similar changes with relevance for PCD will be analysed.

The indicators for the assessment of the process PCD vary between the case studies. As a general guideline, the policy documents are searched for references to views stated by development actors. Depending on the subject, these can be simple references to the objectives of development policy (e.g. poverty eradication) or technical aspects of the policy that would influence the development of partner countries (e.g. species of fish subject to an FPA). Statements referring to PCD issues might as such of course not necessarily ensure a coherent output and outcome of the policy. However, if references to development objectives are included, this can at the

very least be taken up by development actors during later stages of policy implementation and, for instance, used as an argument in legal disputes.

While in the EP an assessment of the process PCD of a policy initiative is comparably easy, this is more difficult in the other institutions. In the Council, the process is less transparent because Council policy formulation runs mostly in WPs behind closed doors. For an assessment of the policy formulation process, either internal documents must be obtained, which might be difficult to achieve, or a sufficient number of elite interviews need to be conducted.

### *III.3.3. Development actors - the intervening variable*

When a particular policy initiative includes significant references to development objectives and thus displays process PCD, this input has an origin. Either the reference was already included by the actor of the governance regime responsible for drafting from the beginning of the process on, or it was included at a later stage during the planning process. This input during the policy formulation process can come from actors consulted. In the case of PCD promotion in the EU, we are interested *in the input of development actors* in the process.

To systematically mainstream cross cutting policy objectives such as PCD into individual governance regimes, it is necessary to involve the relevant actors into the process. It is common that institutional rules in an organisation create ‘significant barriers between domains of legitimate action - areas of local rationality ... and responsibility’ (March and Olsen 1989: 26). The more complex a policy field is, the more important it is to have a constant exchange of views between actors from inside and outside of governance regimes. As Schout and Jordan point out for the case of integration environmental protection requirements in the Council, ‘permanent involvement of environmental officials is necessary to ensure that the environmental dimension is considered throughout the negotiation phases in the various sectoral Councils’ (2008: 10). This is also the case for PCD and to ensure this objective is the task of the development actors in the EU system. Table III.7 depicts a list of identified development actors in the EU system relevant for EU policy formulation.

Table III.7 Main EU development actors

Institution	Development actor
European Commission	Commissioner for Development
	DG DEVCO
	HR as Vice-President of the Commission
Council of the EU	Foreign Affairs Council
	CODEV
European Parliament	DEVE
	Rapporteur of DEVE
European External Action Service	HR
	Development Cooperation Coordination Division
Other actors	Development-focused NGOs
	Academia/think tanks

This list is based on the analysis of key PCD actors from section II.3.2 but is not identical since only development actors which are involved in EU day-to-day policy formulation are considered. This leads to the non-inclusion of for example the presidents of the European Council and the Commission in the list since they are not involved in the policy initiatives analysed in the empirical part of this thesis (although their role is to ensure consistency and coherence of their institution's general work).

The intervening variable development actors is again operationalised as a dichotomous nominal variable. It is analysed whether the identified development actors *gave input or did not give input* in the policy formulation of a particular policy initiative. This is again coded in a simple Yes/No matrix, which is subsequently set in relation to the independent and dependent variable (see below). Coming back to the previous example of the policy formulation process of a fictive initiative in the EP, Table III.8 displays an example of the assessment of the intervening variable input of development actors.

Table III.8 Assessment of input of development actors for fictive initiative

	<b>DEVE committee</b>	<b>DEVE rapporteur</b>	<b>Other dev. actors</b>
<b>Input given in policy formulation of ‘I’?</b>	Yes	Yes	No

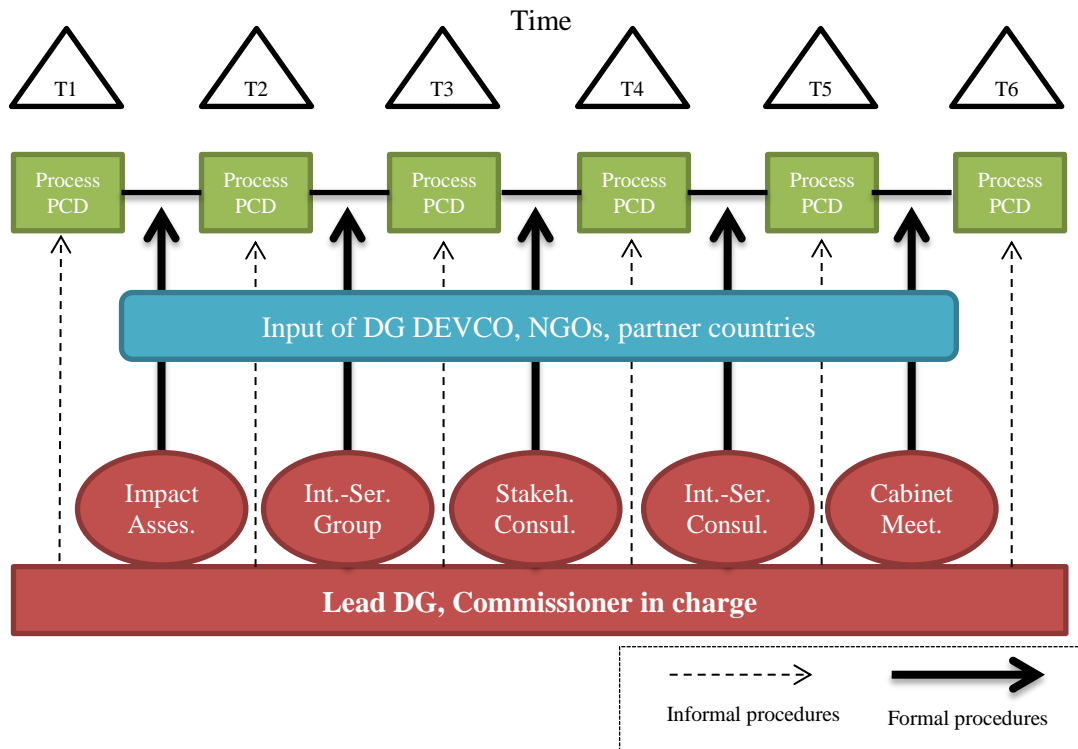
The assessment looks for traces of active input by development actors into the policy planning. Usually this is a straightforward exercise since most of the time the respective development actors either gave input (‘Yes’) or not (‘No’). Indicators for this assessment depend on the particular case; but as with the independent variable we look for evidence whether input was given or not. This indicator can for instance take the form of an official statement from a development actor or the minutes of committee meetings. Consistent information acquired through interviews also helps to determine whether development actors gave their input or not. The empirical analysis in part three of this thesis refers to the particular indicators as sources for the assessment.

In the few ‘borderline’ cases where a development actor was formally involved but did not provide any substantial comments, we assess this as ‘No’ input. This can for example be the case in the Commission inter-service consultation procedure when every DG can give a green light to a policy initiative (therefore is ‘involved’ in the process) but does not necessarily provide substantial comments.

#### *III.3.4. Establishing a causal link between the variables*

The aim of this thesis is to analyse how governance regimes and in particular their formal and informal institutional coherence procedures increase the process PCD of an EU policy initiative by taking up input by development actors. Once the manifestations of the independent, dependent and intervening variable have been assessed, we have to identify the existence of a causal link between them. For this purpose, the analysis is again broken down to the level of the individual EU institutions. Figure III.5 depicts schematically the three variables for the case of the policy formulation process in the Commission.

Figure III.5 Example: Policy formulation in the Commission



By using process tracing (see section IV.2), we analyse the policy formulation process in the particular EU institutions and assess the iterations of the respective variables. The variables are subsequently set in relation to one another by chronologically tracing the policy formulation process of the initiative in question. For instance, the state of a policy initiative A at the time  $T^1$  is compared with the state of the policy initiative at the time  $T^2$  and so on. In the time period between  $T^1$  and  $T^2$  certain institutional procedures of a governance regime may have been applied or not and the development actors as the intervening variable may have given input or not. The final assessment of the policy formulation in a particular EU institution then brings together the three variables and examines to what extent they stand in a causal relation. The method of close process tracing allows to establish this causal relation and to avoid assessing a mere correlation of variables. Table III.9 displays an example for how the sequencing of the variables will look like in the summary of a case study.



Table III.9 Sequencing of the variables

Governance regime		Applica- tion	Input of development actors	Increase of Process PCD
Institutions	Procedures			
European Commission	Impact assessment/ policy eval.	yes/no	yes/no	yes/no
	Permanent inter-service group	yes/no	yes/no	yes/no
	Stakeholder consultations	yes/no	yes/no	yes/no
	Inter-service consultations	yes/no	yes/no	yes/no
	Meetings at political level	yes/no	yes/no	yes/no
	Informal consultations	yes/no	yes/no	yes/no
Council of the EU	Joint meetings of Council bodies	yes/no	yes/no	yes/no
	Info exchange of Council bodies	yes/no	yes/no	yes/no
	Informal consultations	yes/no	yes/no	yes/no
European Parliament	Opinions of committees	yes/no	yes/no	yes/no
	Procedure with associated comm.	yes/no	yes/no	yes/no
	Joint sessions of parliam. comm.	yes/no	yes/no	yes/no
	Stakeholder consultations	yes/no	yes/no	yes/no
	Informal consultations	yes/no	yes/no	yes/no

By following the development of a policy initiative in such a way, it is possible to track the causal influence of the independent variable governance regime on the dependent variable, the process PCD of a policy initiative, as influenced by the intervening variable development actors. The final cross-case synthesis of the case studies will then reveal which of the causal paths (see III.2.2) occurs most often in everyday policy-making of the EU. In addition, the questions raised on the grounds of historical institutionalist theory, e.g. the role of communitarisation and institutionalisation of a governance regime, can be addressed by the empirical results.

### III.4. Conclusion

This chapter has argued for new institutionalist theory as a suitable theoretical basis to develop a tool-kit for the analysis of PCD promotion in EU policy formulation. The three different strands of new institutionalism with their common assumptions and different conceptions were discussed. The chapter further argued that in particular the historical institutionalist approach of Simon Bulmer with its emphasis on sub-systems of governance, long-term effects of institutions and policy-specific procedures equips us with a useful analytical framework.

The chapter introduced governance regimes and their coherence procedures as the independent variable, the process PCD of a policy initiative as the dependent variable, and development actors as the intervening variable. The chapter furthermore postulated hypotheses on the basis of historical institutionalist reasoning examining the causal relationship between the variables. The hypothesis will be tested in the empirical analysis in part three of this thesis. To this end, the variables were operationalised as nominal and dichotomous. Moreover, the chapter constructed indicators for their assessment.

The added-value of the selected theoretical framework lies in its potential to capture individual manifestations of institutional coherence procedures and their influence on policy planning. With the help of the outlined theoretical approach, an in-depth empirical analysis of EU governance regimes and the evolution of cross cutting policy initiatives can reveal whether and how the EU keeps up to its commitment to improve PCD in its external action. In order to complete the analytical framework of this thesis, the following chapter IV first discusses the methodology of the thesis before part three delves into the empirical material in chapter V.

## **IV. Methodology**

How PCD is promoted in various areas of EU policy-making is the main subject of this thesis. Today the EU has competences in a large number of policy fields characterised by a diverse set of actors and different policy formulation procedures. Many of these areas have direct and indirect implications for the objectives of EU development cooperation and are thus relevant for PCD. In order to select and analyse a proper sample of cases, this chapter complements the theoretical framework with the required methodology. It is guided by three key questions: (1) How to select the cases to which the analytical framework is applied? (2) How to analyse the cases and assess the manifestations of the variables? (3) How to collect reliable empirical data?

First, the chapter selects and presents the case studies (IV.1). A pre-selection of cases relevant for PCD is drawn out of the population of EU governance regimes. Subsequently we select a sample of three cases with the diverse case method by using the competence category of the cases as the decisive selection criteria. The section then briefly presents the selected governance regimes Fisheries, Security, and Environment.

Second, the chapter lays down the methods to analyse the selected cases (IV.2). The data examination primarily applies a case study approach. First, a with-in case analysis with the help of process tracing as the main method examines two policy initiatives as sub-cases for each case study. On the basis of the results of the with-in case analysis, an ensuing cross-case synthesis compares the identified variables on several analytical levels.

Third, the two methods of data collection are discussed (IV.3). The document analysis is based on primary sources such as public and non-public documents of the involved EU institutions. This is complemented with secondary sources, for example analytical papers of NGOs closely monitoring the policy formulation process in the EU institutions. The second main data source is a pool of 55 semi-structured elite interviews which were conducted for this thesis between 2011 and 2013. A conclusion (IV.4) summarises the main points of this chapter and leads over to the empirical part of the thesis.

## IV.1. Case selection

In the context of our applied historical institutionalist framework, the *units of analysis* of this thesis - understood as ‘the sort of phenomena that constitute cases in a given research context’ (Gerring 2001: 160) - are EU governance regimes. Our *population* therefore covers all existing governance regimes of the EU. The aim of case selection is to a) select a representative sample of the population and b) realise the maximum variance in the variables of theoretical interest (Seawright and Gerring 2008: 296). We therefore first have to compile a discrete and exhaustive list of all EU governance regimes.

### *IV.1.1. Selecting governance regimes as cases*

In line with our earlier given definition of governance regimes (‘an EU governance regime refers to the key actors, policy instruments and formal and informal procedures in a single policy field at the EU level’), we identify EU governance regimes based on the distinctive legal basis of the policy fields in part three (‘Union Policies and Internal Actions’) and part five (‘External Action’) of the TFEU. In addition, we consider the internal organisation of the involved EU institutions dealing with the subject - in particular the Commission DGs, EP committees, and Council formations - as hints towards the identification of EU governance regimes. The analysis necessarily involves a certain weighting of different institutional and policy-specific configurations. While in some instances, e.g. the Environment governance regime, the case is sufficiently clear, other governance regimes have more diffuse boundaries, e.g. the Economic and Monetary Affairs governance regime. Although security policy as a major part of CSDP is legally part of the overall CFSP of the Union, it is considered a separate governance regime here because its institutional structures and decision-making procedures detach it from the main EU institutions to a certain degree.<sup>51</sup> Table IV.1 lists the 20 distinctive EU governance regimes found as a result of this analysis.<sup>52</sup> Given the small N of the population and the ambition to precisely trace policy formulation processes, this thesis chooses a case study approach.

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<sup>51</sup> See section VII.2 for a detailed analysis of the Security governance regime.

<sup>52</sup> The complete list containing the legal chapters and the administrative units of the EU institutions can be found in Annex 4 - Governance regimes of the EU.

Table IV.1 EU governance regimes

Agriculture	Foreign affairs	Regional Pol. and Cohesion
Development	Fisheries	Research
Economic and Monetary Aff.	Health	Security
Education and Culture	Humanitarian Aid	Taxation
Employment and Social Pol.	Industry and competition	Trade
Energy	Internal Market	Transport
Environment	Justice and Home Affairs	

The population of our independent variable therefore has N=20. Since we are interested in the promotion of PCD in non-development governance regimes, we have to select among the 19 remaining cases. Although in today's interdependent world all policy fields directly or indirectly influence one another to a certain degree, some governance regimes of the EU have only very remote PCD aspects, e.g. the internal educational and cultural policy of the EU. Because of this, we first do a pre-selection of governance regimes relevant for PCD on the basis of the official PCD agenda of the Council (which also influences the Commission agenda). The Council singled out twelve policy areas in 2005 and later refined it to five priority issues. After this pre-selection, ten governance regimes can be identified as having a significant PCD relevance (see Table IV.2).

Table IV.2 Pre-selected EU governance regimes

Agriculture	Foreign affairs	Regional Pol. and Cohesion
Development	Fisheries	Research
Economic and Monetary Aff.	Health	Security
Education and Culture	Humanitarian Aid	Taxation
Employment and Social Pol.	Industry and competition	Trade
Energy	Internal Market	Transport
Environment	Justice and Home Affairs	

Out of this pool of ten governance regimes, we select the case studies to be analysed in this thesis. The diverse case method of Seawright and Gerring (2008: 300) promises to provide the most adequate *sample* of cases for answering the research questions of the thesis and examining the hypotheses. The main objective of this case selection method is the achievement of maximum variance along a relevant dimension. The independent variable governance regime is the relevant dimension

here because it is the aim of this thesis to analyse in how far variation between governance regimes influences the process PCD of a policy initiative (our dependent variable). In this way, the pitfall typically encountered in research designs in the social sciences of ‘selecting on the dependent variable’ (cf. King, Keohane and Verba 1994; Plümper, Troeger and Neumayer 2010) is avoided.

In comparison to other case selection methods such as for instance the most-similar or most-different method, the diverse case method attempts to increase the representativeness of the sample by selecting cases from all categories of the variable. As a result the diverse case method ‘has stronger claims to representativeness than any other small-N sample’ (Seawright and Gerring 2008: 301). This finding is confirmed by Plümper, Troeger and Neumayer who use algorithmic simulations to conclude that the diverse case design is ‘the best or close to best-performing algorithm in our analysis of alternative selection algorithms’ (2010: 41).

One of the main underlying features of EU governance regimes is their placement in one category of Union competences as laid down in Arts. 3-6 TFEU. Depending on the transfer of sovereignty from the national to the supranational level and the involvement of the EU institutions in legislation, the Treaties foresee three main types of competences: exclusive, shared, and supporting. In addition, there are the two special competences CFSP/CSDP and coordination of economic and employment policies. By seeking variance within this category of the independent variable, we can gather data to assess the hypotheses.

By laying this framework over our pre-selected population of ten governance regimes, we find that two of the three main categories are present (‘exclusive’ and ‘shared’) while no governance regime belongs to the ‘supporting’ category. Moreover, the ‘special’ category Security is present. In order to reach a maximum variance of the independent variable, we therefore select one case study each from the categories ‘exclusive’, ‘shared’ and ‘special’. For the former two categories, we decide to select the Fisheries and Environment governance regime which at the time of research for this thesis conducted policy formulation for important PCD relevant policy initiatives (see section on sub-cases below). The Security governance regime

is selected because it is the only remaining one from the ‘special’ category of EU competences.

All three selected *cases* have thus a clearly distinctive legal basis and are characterised by different actors and procedures (see Table IV.3 below). The selection of the Security governance regime has the side effect that the involvement of the new EEAS in Union policy formulation can be analysed as well. While a detailed discussion of the respective governance regimes is conducted at the beginning of each empirical chapter later in thesis, we present the case studies briefly in the remainder of this section.

Table IV.3 Selected governance regimes - key features and actors

	Fisheries	Environment	Security
EU competence	Exclusive	Shared	‘Special’
Legal basis	Arts. 38-44 TFEU	Art. 191-93 TFEU	Arts. 42-46 TEU
Institutional ‘Pillar’	First	First	Second
Commission DG	DG MARE	DG Environment and DG Climate	- (EEAS)
Council configuration	Agrifish	Environment	Foreign Affairs
EP committee	Fisheries	Environment	Foreign Affairs

Fisheries policy is divided in the treaties in the ‘conservation of marine biological resources under the common fisheries policy’ (Art. 3 TFEU) and ‘fisheries’ (Art. 4 TFEU). The former is listed under exclusive competences, the latter under shared. Fishing activities of the EU fleet in third country waters are most relevant for PCD and are based on Art. 3 TFEU and are thus an exclusive competence of the Union (Commission 2009b: 22). The relevant legal procedure is hereby the conclusion of an international agreement which only the EU as a whole can negotiate (Commission) and ratify (Council and EP), and not the EU member states individually.

The second governance regime Environment is a classic example of a shared policy field in which the member states of the EU can only act as long as Union does not take action. Legislation is usually passed through the OLP, which places the

Council and the EP on an equal footing to adopt proposals by the Commission (cf. Art. 294 TFEU).

Finally, the Security governance regime is as part of the Union's CFSP 'subject to specific rules and procedures' (Art. 24 (1) TEU). Due to the nature of its provisions, it has clearly inter-governmental decision-making procedures as exemplified by, inter alia, the need for unanimity voting in the Council, the lack of powers of the EP and the limited role of the Commission. It serves here as an example of a policy field that is governed by inter-governmental rules and as an opposite case to the 'exclusive' competence Fisheries. The main mode of governance is Council decisions.

#### *IV.1.2. Selecting policy initiatives as sub-cases*

The empirical part of this thesis will analyse the three selected governance regimes as regards to how they conduct policy formulation and to what extent development actors are involved through coherence procedures. Hence, we need to look at specific policy initiatives planned in the three case studies which are relevant from a PCD perspective. The selection of these sub-cases needs to fulfil three important criteria.

First, all analysed sub-cases should be formulated in roughly the same time period. This is necessary in order to keep the actor part of the independent variable constant to be able to concentrate on its coherence procedures. In practice, this means that, for example, the EP's legislative term needs to be the same and the same Commission needs to be in office during the whole planning period. It is furthermore beneficial to for instance conduct interviews with policy-makers while their memories of the process are still fresh (see IV.3.2). To meet this criterion, the broad time period of 2010-2013 is covered and only initiatives which were mainly formulated during these years are considered. Second, each case study will analyse two sub-cases. This is a sensible approach for two reasons. On the one hand, it allows increasing the empirical data for each case study and, on the other hand, it reduces the risk that the policy formulation of one particular policy initiative is an exception to the general pattern of policy planning in the respective governance regime. Third, the selection of suitable sub-cases is influenced by their particular relevance for the PCD agenda and their general political importance as perceived by



the involved institutions. These criteria can be assessed by for instance examining the agenda of the respective Council formations or EP committees.

To analyse the Fisheries governance regime, we select the two most important FPAs of the EU in terms of financial scope as sub-cases. The recently negotiated FPA protocols with Morocco and Mauritania (see section V.3) are the most relevant ones in terms of financial scope, political salience, significance for the EU fish industry, and PCD implications. Both FPA protocols were negotiated and planned between 2011 and 2013.

To study the Environment governance regime, the following two legislative initiatives serve as the empirical sub-cases: the regulation on a mechanism for monitoring and reporting greenhouse gas emissions and the revision of the renewable energy and fuel quality directives (see section VI.3). Both were also planned in the EU institutions between 2011 and 2013. They are highly relevant from a PCD point of view. The regulation sets guidelines for the EU member states to monitor their emissions and report them and other climate change related information to the EU level. The latter directives address the Indirect Land Use Change (ILUC) aspect of biofuels which refers to effects induced by the clearance of natural lands such as grasslands or rainforests for the cultivation of crops that the biofuel production displaced. ILUC is suspected to have a significant effect on food security in developing countries.

Finally, for the Security governance regime we select the civilian CSDP mission EUCAP Sahel Niger and the military CSDP mission EUTM Mali as sub-cases (see section VII.3) for three main reasons. First, they were two of only five missions that were planned and implemented during the time of empirical research for this thesis between 2010 and 2013.<sup>53</sup> Second, they are deployed in the same region – the Sahel – so that potential influencing factors such as interests of the EU in the region remain constant. Third, it is important to analyse both a military and civilian mission in order to cover the two central pillars of the Union's CSDP. EUTM Mali was the only military mission that the EU planned and deployed during the timeframe of this thesis.

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<sup>53</sup> The three others were the civilian missions EUCAP NESTOR, EUAVSEC South Sudan, and EUBAM Libya.

The investigation period of the selected initiatives spans a period of one to three years, depending on the length of the policy formulation process in the EU institutions. This seems at first to be at odds with a historical institutionalist framework, which usually, as the name indicates, looks at processes unfolding over longer periods of time. The main contribution of historical institutionalist theory to EU research focuses however more on the institutional dimension and policy analysis than on the historical dimension (cf. Bulmer 2009: 314; Pierson 2004: 8; 2000: 265). In most studies, the time dimension is nonetheless always present through its long-term impacts on the current institutional configurations. Path dependence as a product of past decisions and subsequent developments can thus be traced by analysing its effects on today's institutional arrangements and procedures. The emphasis lies therefore on an analysis of the governance activity of the EU institutions today - the institutional dimension - and its implications for policy formulation, albeit embedded in and influenced by long-term developments.

## IV.2. Case analysis

The empirical part of this thesis analyses the three selected governance regimes by using qualitative case study methods. By 'case study', we mean 'an intensive study of a single unit for the purpose of understanding a larger class of (similar) units' (Gerring 2004: 342). We consider a case study approach as the most suitable method to grasp the dynamic picture of governance in an rich institutional setting such as the EU (cf. Bulmer 1994: 369). In light of the main research question of this thesis (*How and to what extent does the EU promote PCD in the policy formulation process of different governance areas?*), the analysis must take a close look at individual policy formulation instances that connect the variables. The aim is to track the causal mechanisms at work, 'the processes and intervening variables through which an explanatory variable exerts a causal effect on an outcome variable' (Bennett 1997; cited in Mahoney 2000: 412). This 'interaction of a number of parts' (Glennan 1996: 52) - in our framework in particular the different procedural steps of policy formulation - are crucial to analyse the way PCD is promoted in EU governance. This can be best done in a case study context which conducts a deep and detailed analysis of policy planning at the EU level. The approach is common in historical

institutionalism which uses the often relatively small number of cases to its advantage as it permits ‘exactly the sorts of detailed examinations of processes needed to evaluate claims about causal mechanisms’ (Pierson and Skocpol 2002: 699).

The thesis applies with-in case analysis as the analytical backbone to examine the collected data. The main difference between with-in case and cross-case strategies is the level of aggregation. While the latter, as the name suggests, concentrates on comparisons of variables *between* cases in an aggregated fashion, the former has comparisons *within* cases as its objective and shifts the focus towards disaggregation (Mahoney 2005: 389). The policy initiatives (sub-cases) of all three of our cases - the three governance regimes Fisheries, Environment, and Security - are subject to a separate with-in case analysis which assesses the manifestations of the independent, dependent and intervening variables by using process tracing (see below). This method allows us to gather an extensive amount of observations for each of our case studies. Through the analytical richness of systematic process tracing ‘the predictions and observations made in a single case are not necessarily less informative than correlations calculated between a small number of causal variables and the outcomes in multiple cases’ (Hall 2008: 315). In order to increase the generalisability of the data it is however desirable to undertake several with-in case analyses. Consequentially, this study undertakes six separate process tracings; two for each case study.

Although various methods exist which can be used for with-in case analysis, all have in common that they employ techniques with which ‘hypotheses are evaluated by elucidating intervening processes’ (Mahoney 2005: 17). Examples of with-in case analysis are pattern matching, causal narratives, and process tracing (Mahoney 2000: 409 et seq.; cf. George and Bennett 2005). The latter is arguably the most well-known with-in case method and also the most useful one for establishing causal relation between variables. In addition, process tracing is particularly useful in a deterministic framework with nominal variables, as is used in this study. This thesis hence applies process tracing as the main case analysis method.

Process tracing can be defined as ‘attempting to identify the intervening causal process - the causal chain and causal mechanisms - between an independent

variable (or variables) and the outcome of the dependent variable' (George and Bennett 2005: 206; cf. Mahoney 2000: 412). The goal is to open up the black box - the policy formulation process in the institutions which produces a legislative document as its output - and trace causal mechanisms at work. While other methods can also determine occurring correlations between variables, process tracing allows to investigate if there is an actual causal link between the variables and not just a mere coincidental relationship. The main advantage of process tracing is therefore that it enables the researcher to make strong within-case inferences in qualitative in-depth case studies about how certain outcomes happen (Beach and Pedersen 2013: 2).

According to Beach and Pedersen (2013), three different variants of process tracing can be distinguished: theory-testing, theory-building, and explaining outcome. In our case we want to 'test' the theorised causal mechanisms linking our variables - in essence the influence of the independent variable governance regimes on the dependent variable process PCD of a policy initiative. Although we select on the independent variable governance regime, we have of course to make sure that also the dependent variable is present in order to conduct process tracing. We postulated the causal mechanisms and want to analyse and test whether these hypothesised mechanisms are verified or falsified by empirical evidence. Theory-testing process-tracing is therefore considered the right methodological approach for this study.

The application of the process tracing method is congruent with the operationalisation advanced in the previous chapter. The causal link between the variables outlined in section III.3.4 contains the individual sequences of events that are traced in the policy planning processes. Historical institutionalism also underlines the usefulness of process tracing to investigate the influence of institutional factors on policy (Bulmer 1994: 375). The applied historical institutionalist approach postulates that some of these sequences 'foreclose certain paths in the development and steer the outcome in other directions. Such processes are *path dependent*' (George and Bennett 2005: 212, emphasis in original).

The empirical results acquired through with-in case analysis will ideally paint a sound and reliable picture of the causal relationship of the variables. A second level of case-study analysis can however be added by applying cross-case synthesis at the end of this study. By conducting more than one in-depth case study, the generalisability of the research results already increases, especially as the cases are selected through the diverse case method in order to realise a maximum variance on the independent variable. The latter point is also an important prerequisite for applying cross-case synthesis since ‘there is little point in pursuing cross-unit analysis if the units in question do not exhibit variation on the dimensions of theoretical interest’ (Gerring 2004: 352).

The last chapter of the thesis will therefore bring together the research results of the respective process tracings conducted in the empirical part of the thesis. By displaying the results of the case studies on different levels, the cross-case synthesis focusses on finding common patterns in the policy formulation processes which can lead to cross-case conclusions (Yin 2009: 156-160). The combination of the two levels of analysis enables us to first test our hypotheses built on historical institutionalist reasoning in with-in case analysis and then use a cross-case synthesis as a final ‘supplementary mode of inference to confirm and elaborate initial findings’ (Mahoney 2005: 25). In the new institutionalist framework applied in this thesis, we would therefore expect to get cross-case research findings that suggest a strong causality between the application of institutional coherence procedures in governance regimes and the process PCD of a policy initiative.

### IV.3. Data collection

The selected case analysis method requires a solid and reliable data basis for making inferences. Data collection refers in general to methods for collecting reliable evidence, such as participant observation, randomised experiments, content analysis, or sample surveys, to just name a few (King, Keohane and Verba 1994: 51). Our choice for a specific data collection technique is influenced by process tracing as the main method with which the data is subsequently analysed. As Bennett and Elman state in their work on conducting case study research, ‘in process tracing, the researcher examines histories, archival documents, interview transcripts, and other

sources to see whether the causal process (...) is in fact evident' (2007: 6). Thus, in the context of our analytical framework all data that can shed light on the policy formulation process is relevant. The EU policy formulations under study are relatively recent processes which took place in a timeframe of one to three years each between 2010 and 2013. Historical records can thus not be used in the data gathering process. Instead, we follow a data collection approach combining document analysis with elite interviewing. The following two sections discuss both methods in more detail.

#### *IV.3.1. Document analysis*

Document analysis is a method particularly often applied in case study research (Bowen 2009: 29). It also constitutes the main pillar for collecting reliable data for this thesis. This section reflects on how and which kinds of documents are collected which are relevant for conducting with-in case analysis as outlined previously.

It is common to distinguish between primary and secondary sources. While a primary source is a document which is created during the event examined, a secondary source refers to an interpretation or analysis of a primary source and is thus usually temporally detached from the original event. In the case of our research subject our interest lies in all primary and secondary sources that help us trace the policy formulation process that took place in the EU institutions - from the first draft of an initiative up to its final adoption.

The main primary sources relevant for the analysis are a) all public documents of the EU institutions that are directly or indirectly related to the policy formulation process in question, and b) non-public internal documents of the EU institutions that were produced during this process. All relevant official documents of the EU institutions can be easily obtained from their respective online archives. In some cases video documentation of an event can also be publicly assessed and used for analysis, e.g. all committee meetings in the EP. The main documents that are relevant for tracing the policy formulation process depend on the legal basis that is used. For an EU directive, for instance, the most relevant documents are the Commission proposal for a directive and the final directive adopted by the Council and the EP plus all documents which lead to the final drafts or are directly and

indirectly related to it, such as for example a Commission impact assessment or EP committee opinions.

Secondly, non-public internal documents of the EU institutions which were produced by the relevant actors during the policy formulation process are of crucial importance. Examples for such internal document are pre- and post-inter-service consultation drafts in the Commission or Council crisis management concepts for a CSDP mission. Since these documents are not accessible to the public, they must either be requested under regulation 1049/2001 on public access to documents or obtained through a confidential source. Whether access to internal documents is granted after an official document request is made depends on many factors such as the confidentiality of the document or whether a disclosure would undermine the institutions inter-institutional bargaining position. The individual case study chapters will refer in detail to internal documents that could or could not be acquired.

The secondary sources that were written to interpret or analyse the original events encompass various types of documents that stem from diverse actors inside and outside of the EU. Much information was gained from academic and policy-oriented observers of the policy formulation process. Research papers of think tanks or opinions of development NGOs focusing on the particular policy field are examples in this regard. Other relevant sources are academic papers which analyse the policy-making in particular EU governance regimes. Also the EU institutions themselves can produce secondary sources relevant for tracing the process of policy initiatives, such as EP policy papers commissioned by the its policy directorates. As with primary sources, the respective documents of this category are referred to in the individual empirical chapters in part three of this thesis.

#### *IV.3.2. Elite interviewing*

Although document analysis can already provide us with a detailed picture of how policy formulation in EU governance regimes is carried out, additional ‘insider’ knowledge is required that can only be obtained through elite interviewing. As Sidney (2007: 79) rightly points out: ‘policy formulation often is the realm of experts’. Since the core of the analysis focuses on the intra- and inter-institutional procedures of the EU institutions, tracing the process hence needs to take account of

the experiences and views of relevant actors, e.g. officials, who were directly involved in policy planning. In this context, we refer to people as ‘elite’ who were directly involved in the process under examination and who have first-hand knowledge that can help to answer the research questions (Manheim and Rich 1995: 161-2). It is the objective of elite interviewing to ‘assist in reconstructing some event or discerning a pattern in specific behaviors’ (ibid. 162). This use of elite interviewing is especially relevant for process tracing since it allows to follow in detail the actions and decisions that constitute (a chain of) events and thus shed light on the functioning of causal mechanisms (Tansey 2007: 765-66). Besides having the potential to gain additional internal information which cannot be obtained via document analysis alone, elite interviewing also provides us with the opportunity to triangulate research findings inferred through document analysis.

This thesis considers semi-structured interviews as the adequate form for conducting elite interviews. The objective of semi-structured interviews is to grasp the interviewee’s point of view and allow him or her to talk freely in order to offer a personal interpretation of a certain event (Marsh and Stoker 1995: 138). Because opinions, beliefs and meanings about certain procedures play a significant role in historical institutionalism, this interview technique fits well in our analytical framework.

Semi-structured interviews foresee the development of a questionnaire containing core questions to which every interviewee is free to respond in a non-standardised way. The order in which questions are posed also varies. At the same time, guidelines do not have to be closely followed and are handled flexible. The interviewee may add any information or suggest additional topics freely during the interview. The responses of the respective interviewees are not coded and compared with stochastic techniques, as is the case in structured interviews (cf. Bryman 2001: 314 et seq.; Gläser and Laudel 2004: 39 et seq.). The interview questionnaires used for elite interviewing in the individual case studies of this thesis all have a similar structure, although of course differences in terms of the content of the questions exist. Box IV.1 lists examples of general question templates that were used in an adapted form in most interviews.



#### Box IV.1 Examples of interview questions

- Please outline the policy formulation process of ...?
- With which actors in the EU system are you mainly in contact regarding ...?
- How was your unit involved in the planning of ...?
- What formal and informal consultation procedures were used between your department and department X during the planning phase?
- Were you satisfied with how your views were taken into account?
- How would you assess the following institutional tools regarding their importance to promote policy coherence in ...?
- Do you think that department X took sufficiently account of development objectives during the policy formulation phase?

In order to acquire reliable answers to questions which often target sensible inter-institutional relations and cooperation with colleagues, we assured the anonymity of all interviewees. Annex 3 contains a list of all interviews conducted, indicating the institutional affiliation of all interviewees but not giving their concrete name and position. Depending of the interviewee's preference, the interviews were either recorded or notes were taken during the interview session.

As in other forms of interviewing, the selection of interviewees deserves particular attention in elite interviewing. In contrast to techniques such as survey interviews, which have the aim to draw a representative sample in order to make generalisations about a broader population, probability sampling is not a suitable selection approach for elite interviews (Tansey 2007: 765). Instead of, for instance, randomly sampling all officials of the Commission, we are only interested in those officials that through their position and policy field are concerned with a particular policy initiative and took part in its policy formulation process.

The two techniques that are used to identify interviewees for this study are purposive sampling and snowball/chain-referral sampling (Tansey 2007: 770). The former relies on an initial analysis of the research field in order to identify interviewees based on factors such as their institutional affiliation and area of responsibility. In case of, for instance, the FPA sub-cases, first the exact unit who

deals with the file in DG MARE of the Commission is identified and subsequently the officials working on the subject. The second sampling method - snowball/or chain-referral sampling - involves asking initial interviewees to suggest other persons who might be relevant for the research subject. These interviewees are then also asked for suggestions and so on. This method allows to identify participants of the policy process which are not easily detectable (for example with institution directories which often only list the heads of unit but not the officials who are actually handling a file). The risk of snowball/or chain-referral sampling lies however in the possibility that initial interviewees only recommend those persons they have good relations with. To overcome this potential selection bias, it is important to combine and cross-check both outlined methods of interview sampling.

For the three case studies of the governance regimes Fisheries, Environment, and Security we identify and interview the main relevant actors which were directly or indirectly involved in the policy formulation process. Instead of, for example, trying to talk to all MEPs of a particular EP committee, the rapporteur as the main actor responsible for an initiative is identified and interviewed. As a general rule, the selection of interviewees for the respective case studies concentrate on the one hand on actors of the governance regime in question, which are part of the independent variable of our framework, and one the other hand on actors of the governance regime Development, which constitute the intervening variable. In total 55 interviews were conducted between 2011 and 2013. In the Security governance regimes, where documents could not be easily obtained, more interviews were conducted to enrich the empirical basis. In the Environment governance regime, fewer interviews were needed because many internal documents of the policy formulation in question could be acquired. Table IV.4 lists the interview numbers broken down to the particular institutions and governance regimes.

Table IV.4 Interviews conducted

	<b>Fisheries</b>	<b>Environ.</b>	<b>Security</b>	<b>Develop.</b>	<b>Σ</b>
Commission	3	2	1	9	15
Council/MS	2	2	2	1	7
EP	3	1	1	5	10
EEAS	0	0	10	5	15
Other	2	0	1	5	8
<b>Σ</b>	<b>10</b>	<b>5</b>	<b>15</b>	<b>25</b>	<b>55</b>

#### IV.4. Conclusion

This chapter discussed the general methodology of this thesis which applies a case study approach. Table IV.5 summarises the main parts of the methodological research design.

Table IV.5 Overview of methodology

<b>Unit of analysis</b>	EU governance regimes
<b>Population</b>	20
<b>→ Sample</b>	N=3
<b>→ Cases</b>	Governance regimes Fisheries, Environment, Security
<b>Unstudied cases</b>	17
<b>Temporal scope</b>	Synchronic
<b>Evidence</b>	With-in case analysis and cross-case synthesis
<b>Data collection</b>	Document analysis and elite interviewing

Source: Own compilation, based on Gerring 2001: 161

Out of the population of twenty different EU governance regimes, we undertook a pre-selection based on PCD relevance which resulted in ten remaining cases. Subsequently, we applied the diverse case method based on variations of the independent variable. The decisive selection criterion was hereby the category of EU competences to which a governance regime belongs. The application of the diverse case method resulted in the selection of a N=3 sample of governance regimes for in-depth case study research: Fisheries, Environment, and Security. The temporal scope

of the analysis is synchronic since we analyse clearly delimited time periods for each case of one to three years between 2010 and 2013 and do not undertake a diachronic analysis by adding a historical comparative perspective (Gerring 2001: 161 et seq.).

The empirical analysis uses with-in case analysis to examine the selected cases. The main method used is process-tracing of policy formulation in the six sub-cases. Through an in-depth examination of all steps of the policy planning cycle, the manifestations of the variables laid down in the theoretical framework are assessed. Building on that, a cross-case synthesis compares the findings for the case studies and their variables.

Moreover, the chapter discussed how two data collection methods - document analysis and elite interviewing - provide the necessary empirical basis from which to make inferences. Primary sources such as public and non-public documents as well as secondary sources such as research studies are used. The document analysis is complemented with elite interviewing, which uses a semi-structured approach to interview relevant interviewees selected by non-probability sampling. The two data collection techniques are combined to triangulate any valuable information that can shed light on the policy formulation process in the selected governance regimes and their sub-cases.

This chapter completed the analytical framework in part two of the thesis. We now move on to the empirical analysis itself in part three which applies the developed framework to with-in case analysis of policy formulation in the EU governance regimes Fisheries (V), Environment (VI) and Security (VII). The three selected governance regimes are of a significant importance for PCD efforts in EU external action, as evidenced by their high ranking on the PCD agenda of the EU (Council 2005; 2009b; Commission 2011a). Actions that the EU undertakes under its fisheries, security, and environment policy can have a major influence on the development prospects of third countries. This becomes for instance visible in West Africa where the EU is active through the implementation of FPAs, civilian and military CSDP missions, and where the effects of climate change influenced by EU environment legislation play a role for the countries of the region. These policy initiatives are planned by EU governance regimes which differ starkly in composition, legal basis and policy formulation procedures. This is so, because one

competence (Fisheries) is exclusive to the Union while another is a shared policy field (Environment) and the third is largely intergovernmental in nature (Security). The analysis will show what influence the communitarisation of them has on the promotion of PCD (see ‘communitarisation hypothesis’ in III.2.2). To what extent the different institutional setups of the three governance regimes influence the process PCD of policy initiatives is the main focus of the following empirical part.

## PART THREE - EMPIRICAL CASE STUDIES

### V. The Fisheries governance regime

*'Fisheries Partnership Agreements aim at supporting the development of a sustainable fisheries sector in partner countries. By doing so, they tend to have a positive economic and social impact. In particular, they contribute positively to local economies through the employment of seamen, landings, fish processing industries while they also contribute to food supply in partner countries' (Commission 2011d: 10).*

The fleet of the EU member states fishes not only in its own Exclusive Economic Zone (EEZ)<sup>54</sup> but also in international waters and the EEZ of third countries. This access to non EU-waters is covered by the external dimension of the EU's fisheries policy of which the FPAs that the EU concludes are a vital part. As the introductory quote shows, the EU claims that these FPAs 'tend' to have positive consequences on the economic and social development of partner countries. This assertion is challenged by critics of the FPAs which question their assumed positive development impact (e.g. Cullberg 2009; Greenpeace 2012). This chapter analyses the Fisheries governance regime and the extent to which PCD issues were addressed during the policy formulation process of two FPA protocols that the EU has negotiated with African countries: those with Morocco and Mauritania.

The following chapter is structured in three main parts. It first outlines EU fisheries policy, FPAs and their PCD relevance (V.1). Secondly, it analyses the Fisheries governance regime and its key actors, policy instruments and coherence procedures (V.2). Thirdly, in the core of the empirical analysis, we apply the analytical framework developed in part two of this thesis to the two new FPA protocols between the EU and Morocco (V.3.1) and Mauritania (V.3.2). A conclusion (V.4) summarises the findings of this first empirical chapter.

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<sup>54</sup> An EEZ is a sea zone that stretches from the coast of a state 200 nautical miles out into the ocean. In this zone the state has exclusive rights over the use of marine resources such as fish (Part 5 United Nation Convention on the Law of the Sea 1982).

## V.1. Background and PCD relevance of fisheries policy

The Fisheries policy of the EU dates back to the Treaty of Rome in 1957 when it was first listed in the article on agriculture and trade in agricultural products (Art. 38 Treaty establishing the European Economic Community 1957). From then on, the Common Fisheries Policy (CFP) evolved as the main political pillar of European fisheries management. Today, the CFP is one of the few genuine exclusive EU competences and is based on Art. 3 TFEU ('conservation of marine biological resources under the common fisheries policy'). While fisheries policy is at times quite technical (with discussions on catch quotas for different fish species, net sizes etc.), it can also have strong political implications – as the analysis of the FPA protocol negotiations with Morocco (see section V.3.1) will show. Besides the internal dimension of managing the fisheries resources inside EU waters, the CFP has an external dimension which includes three main aspects: the global level (UN, Food and Agricultural Organisation etc.), Regional Fisheries Management Organisations (in which the participating states jointly manage regions of international waters which contain highly migratory fish species such as tuna), and bilateral fisheries agreements between the EU and third states (cf. Tindall 2010: 2 et seq.).

### *Fisheries agreements with third countries*

The EC signed its first fisheries agreement with a third state in 1977 with the United States. More than 30 further agreements followed until today, of which many were concluded with developing states in Africa or the Pacific. In the 1990s, criticism grew over the first generations of fisheries agreements – fittingly characterised at the time as 'pay, fish and leave' by DG MARE (Bretherton and Vogler 2008: 411; Commission 2009b: 23). To counter this criticism which, amongst other, focused on the increasing overexploitation of fishing grounds (Acheampong 1997), the EU modified the agreements into so-called FPAs emphasising the new 'partnership' aspect (Commission 2002b). This new generation of FPAs was introduced to put more emphasis on policy dialogue with the respective partner countries, a more sustainable exploitation of the surplus, better use of the EC payments, and better

strategies for the sustainable management of fisheries as defined by the coastal state itself (Council 2004).

Because external fisheries policy is an exclusive competence of the Union, the EU as a whole and not the EU member states individually can negotiate and ratify FPAs. Once concluded, it binds the EU member states and prevents them from negotiating access agreements themselves.<sup>55</sup> Table V.1 below lists all current FPAs of the EU. There exist two general types of FPAs: tuna agreements and mixed agreements. Tuna agreements comprise the majority of FPAs and allow EU vessels to pursue migratory stocks of tuna fish into the EEZ of the partner country. Mixed agreements include additionally fishing rights for other fish stocks such as pelagic fish<sup>56</sup> and demersal fish<sup>57</sup>. At the moment, the EU has only three mixed FPAs in force: with Mauritania, Morocco and Greenland. With financial volumes of up to € 70 million per year (FPA Mauritania), the mixed agreements are by far the largest FPAs of the EU.

Table V.1 List of current Fisheries Partnership Agreements

<b>Country</b>	<b>Type</b>	<b>Contribution/year</b>	<b>Earmarked for sector support</b>
Cape Verde	Tuna	435.000 €	110.000 €
Comoros	Tuna	615.250 €	300.000 €
Côte d'Ivoire	Tuna	595.000 €	595.000 €
Greenland	Mixed	15.104.203 €	2.743.041 €
Kiribati	Tuna	1.325.000 €	350.000 €
Madagascar	Tuna	1.525.000 €	550.000 €
Mauritania	Mixed	70.000.000 €	3.000.000 €
Morocco	Mixed	36.100.000 €	13.500.000 €
Mozambique	Tuna	980.000 €	460.000 €
São Tomé/Pri.	Tuna	682.500 €	227.500 €

<sup>55</sup> Where no FPA has been concluded, owners of private vessels can also enter into individual agreements with third states or conclude joint ventures with local companies. These private agreements can pose problems to the control, monitoring and surveillance of the vessels by the EU states (Tindall 2010: 14). Therefore, some observers conclude that even a bad FPA might be better than no FPA at all (I 15, NGO).

<sup>56</sup> Fish that lives near the surface or in the water column, e.g. sardines.

<sup>57</sup> Fish that lives on or near the bottom of the ocean, e.g. flounders.



Seychelles	Tuna	5.600.000 €	2.240.00 €
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Source: European Commission (2013e)

### *Content, terms, and development impact of FPAs*

A FPA usually consists of two parts. The FPA itself contains inter alia the basic objectives of the agreement, its general scope, institutional structures, and legal basis. The details of the agreement, i.e. especially the EC contribution to be paid, fish quotas and the numbers of permitted foreign vessels, are put down in a separate protocol to the agreement. In the case of some FPAs, the duration of the FPA itself is longer than the duration of the initial protocol, which means that a new protocol needs to be renegotiated after it runs out.

Most of the EU disbursement goes directly to the partner country's treasury to pay for the access to its EEZ and for the right to extract a certain amount of fish. In addition, a part of the overall amount – the percentage varies significantly between the FPAs – is earmarked for sector support to the partner countries' own fisheries industries with the objective of promoting a sustainable development of the sector (by for example by strengthen its administrative and scientific capacity).<sup>58</sup>

A FPA can have significant implications for the development prospects of the partner country. It may influence food security, environmental sustainability and artisanal local fisheries. The revenue acquired through the FPA is another crucial factor in terms of development. They can constitute a substantial part of the national budget of a developing state and sometimes even exceed development funds which the countries receive via EU development cooperation (see for instance the case of Mauritania below).

Most criticism of FPAs argues that they contribute to the overexploitation of the world's oceans, thereby threatening the sustainability of marine resources in developing countries.<sup>59</sup> While the external fleet of the EU consists of only 718 EU vessels (a small percentage – 0,82% - of the total EU fleet), these vessels do however

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<sup>58</sup> So far, the sector support was directly coupled to the access money. This has been widely criticised because it might contribute to the overexploitation of fishing stocks when partner countries have an incentive to offer as much fish as possible in order to get the additional payments as well (cf. EP 2012h: 19).

<sup>59</sup> According to numbers from the Food and Agricultural Organisation for 2009, 57,4% of the world fish stocks are fully exploited and another 29,9% are overexploited (Food and Agriculture Organization 2012: 53).

represent 24% of the total EU capacity in terms of gross tonnage (Commission 2008b: 5). Indirectly, the FPAs represent a subsidy for the EU fishing industry because the access contribution transferred by the EU to the third country is usually higher than the licence fees that the ship owners have to pay. Depending on the particular agreement, the EU contribution often accounts for more than 50% of the access costs and even reaches 92% in the case of the FPA Morocco (Tindall 2010: 5).

In theory, the FPAs only concern the surplus of the allowable catch which cannot be fished by the third country alone. Determining this surplus is however a difficult scientific endeavour with strong political implications. Moreover, it might be in the short-term interest of the involved actors to assess the fish stocks as too high. This might then lead to further overexploitation of the stocks to the long-term detriment of the local population. Local fishermen could in turn be susceptible to engage for example in illegal immigration to the EU by using their boats for shipping refugees (cf. Bretherton and Vogler 2008: 413 et seq.; Tindall 2010: 5).

The lack of effectiveness of the sectoral support that is paid to improve the management of sustainable fisheries in the third country is another source of criticism. A joint committee composed of representatives of the partner country and DG MARE officials earmark the funds. Observers argue that DG MARE lacks the expertise to plan and conduct long-term development projects. This programming expertise is found in DG DEVCO, which is however not involved in programming the sector support provided through FPAs (cf. Keijzer 2011: 24). Furthermore, observers criticise the unclear use of FPA funds in partner countries, the fact that most caught fish is directly exported rather than landed and processed in the third country, and the negative effects of strict EU trade norms concerning rules of origin and sanitary and phytosanitary measures (cf. Tindall 2010; Bretherton and Vogler 2008; OECD 2006; 2008a).

#### *EU discussion on PCD and fisheries*

The EU discussion on the advantages and disadvantages of FPAs is at times controversial since the objectives of the actors of the two policy fields - fisheries and development - often conflict. To give two examples: Greenpeace criticised that the European taxpayer was subsidising 'sea monsters' (Greenpeace 2012: 6) which

exploit the resources of developing countries. In contrast, other actors reject the claim that fisheries policy should support development policy aims and state that if European fisheries are confronted with ‘insurmountable obstacles (...), Chinese and Korean fleets fish instead of European fishermen. This does neither solve the problem of overexploitation in third countries waters nor does it reduce the hunger of the local population’<sup>60</sup> (Happach-Kasan 2012).

The EU institutions themselves have been aware of incoherencies in their external fisheries policy for some time. Already in the year 2000, the Commission for instance stated that ‘Fisheries are part of the EU development policy (...) but the development policy needs support from other community policies’ while pointing at reformed fisheries agreements as a first step in this direction (Commission 2000a: 4-5). Today, a general consensus spans the EU institutions according to which the external dimension of the CFP was not coherent enough with development objectives in the past and that PCD aspects should be more emphasised (Commission 2011d: 13; Council 2009d: 15; EP 2012g: para. 56).

The two latest landmark documents on fisheries policy issues by the Commission confirm the increased awareness for development objectives. In a green paper on the CFP (Commission 2009b), the Commission noted that ‘the support to the fisheries sector, in particular in the framework of FPAs; has contributed to the development of this [fisheries] industry but not in a way to have a significant impact on the fight against poverty’ (Commission 2009b: 23). The green paper affirms the need to ensure coherence with development policy and calls for exploring alternative forms of arrangements. The analysis led one observer to conclude that ‘the Green paper is unrivalled as an example of a DG openly distancing itself from its own policy’ (Keijzer 2011: 27).

In 2011, the Commission followed up on the green paper by submitting a communication on the CFP’s external dimension (Commission 2011d) which called for increased coherence with other EU policies, with development policy being named first, and proposed to rename the FPAs into ‘Sustainable Fisheries Agreements’. It is however doubtful whether the EU member states will agree to this

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<sup>60</sup> ‘Unüberwindbare Hürden (...), fischen zukünftig chinesische oder koreanische Fangflotten statt europäischer Fischer. Das löst weder das Problem der Überfischung in Drittgewässern, noch wird dort der Hunger der einheimischen Bevölkerung gelindert’ (translation by the author).

since with the new name the EU would somehow concede that the previous FPAs were *not* sustainable (I 14, Council). The Council expressed its support for many of the points raised by the Commission, for instance on the decoupling of the sector support from the payments for access rights (Council 2012a: 6). The Council was praised for its conclusions even by actors which are generally very critical on the EU's FPAs (I 18, EP). Also the EP also welcomed the main arguments of the Commission's communication (EP 2012h).

It becomes evident from the above that the EU institutions are generally well aware of the lack of PCD in the FPAs concluded in the past. Reform attempts are clearly visible; at least on paper. How and to what extent the actors of the Fisheries governance regime translate the new ambition into everyday policy-making and new FPA negotiations therefore becomes an especially relevant question. Before analysing the policy formulation of the FPA protocols with Morocco and Mauritania in detail, we now first take a look at the composition of the EU Fisheries governance regime.

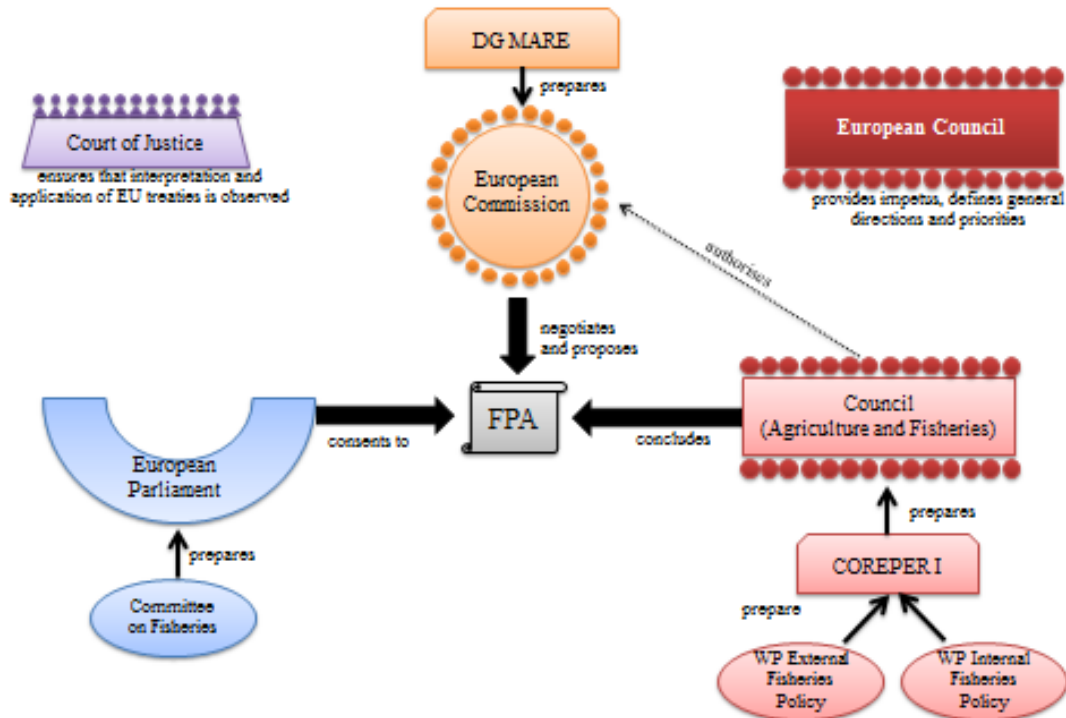
## V.2. Key actors, instruments and procedures

The Fisheries governance regime consists of the key actors, policy instruments and procedures in this particular policy field at the EU level. We focus here on its external dimensions since PCD implications for developing countries originate mainly from there. The governance regime includes actors from the main EU institutions which are primarily responsible for formulating policies, negotiating agreements, legislating, and implementing the external dimension of EU fisheries. Given the communitarised nature of the governance regime, the Commission plays a strong role in setting the agenda and formulating policies while the Council has the competence to decide on most matters. Since the ratification of the Lisbon Treaty in 2009, the EP has acquired considerable new powers, now being able to give its consent to or reject FPA protocols through the consent procedure.

### *Key actors – DG MARE in the driver's seat*

Figure V.1 depicts the key EU actors of the governance regime with a focus on their competences in relation to FPAs the most important policy instrument in its external dimension.

Figure V.1 Fisheries governance regime – key EU actors



The Commissioner for Maritime Affairs and Fisheries, a position held by Maria Damanaki in the current Barroso II Commission, has the political responsibility over EU Fisheries. She is supported by the Commission DG MARE which is in charge of drafting all policy proposals concerning internal as well as external Fisheries policy. In relation to PCD, its unit ‘B/3 - Bilateral agreements and Fisheries control in International Waters’ is particularly important. It plays a key role by carrying out the FPA negotiations with partner countries and consulting other actors such as the EU member states, interest groups, and NGOs during the negotiation process. The Commission inter-service group on FPAs (‘Groupe interservice sur les accords de partenariats dans le domaine des pêches’) is chaired by DG MARE and consists of officials from, amongst others, DG DEVCO and DG Environment (Commission 2012c).

The Agriculture and Fisheries Council is the Council formation active in this policy field. It discusses all matters of EU fisheries policy and usually also takes the final Council decisions on FPAs.<sup>61</sup> In principle the Council decides on FPAs by

<sup>61</sup> Sometimes it however occurs that another Council formation decides formally on a Fisheries proposal (or any other matter) because the Council acts as a unitary legal body in all its formations.

QMV, although it is common practice – as in other policy fields – to reach a consensus. Some member states have a special stake in EU fisheries and are said to possess ‘informal veto power’, e.g. Spain, while other member states without large fleets do not actively participate in discussions on the subject, e.g. the Czech Republic (Egenhofer et al. 2006: 119). Below the ministerial level, COREPER I is in charge of preparing Fisheries files. Most of the preparatory work is done by the WP on External Fisheries Policy, which is usually composed of the fisheries attachés of the permanent representations of the member states in Brussels.

The EP is the third important EU institution in the Fisheries governance regime. It is nowadays increasingly involved in Fisheries legislation via the Ordinary Legislative Procedure. In the case of the FPAs, it needs to consent to the conclusion of a protocol (Art. 218 TFEU). This competence - which the EP gained with the Treaty of Lisbon - makes the EP an important veto player in the Fisheries governance regime. The discussions on fisheries policy take place in the Committee on Fisheries (PECHE), which prepares all reports and decisions for the plenary to vote upon. In the current parliamentary term 2009 to 2014, PECHE consists of 25 MEPs and is chaired by Spanish MEP Gabriel Mato of the European People’s Party. For every new FPA (or new FPA protocol) one MEP acts as the rapporteur and drafts the Committee’s recommendation. During the process, the rapporteur is the main interlocutor for the shadow rapporteurs of the other political groups, other EP committees and non-EP actors interested in the file.

Other EU institutions are only marginally involved in the Fisheries governance regime. The European Council has not discussed the subject in the last years. Given that Fisheries is a community policy, the CJEU has the competence to interpret EU law and ensure its equal application in the policy field. A search in its case law with the help of the CJEU database (CURIA database 2013) shows that it has only referred to FPAs once. This occurred in its ruling on ‘Community guarantee for EIB operations carried out outside the Community’ (Case C-155/07. Judgment of the Court (Third Chamber) of 6 November 2008. *European Parliament v Council of the European Union.*). The Court used the example of FPAs to clarify the correct

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This happens when no Agriculture and Fisheries Council meeting is scheduled in the near term and when the proposal at hand is listed as an ‘A-point’ on the agenda, i.e. consensus was already agreed among the EU member states on a lower level in the Council.

legal base for international trade or fisheries agreements. It argued that, even though developing countries are affected by the agreements, these have to be based on the respective fisheries articles in the EU treaties and not on the articles for development cooperation.

Besides EU actors, other actors such as interest groups, NGOs, and research institutions are also active in the governance regime. They will be considered in the analysis if they were directly involved in the policy formulation process in the EU institutions, for instance through stakeholder consultations. Examples for active stakeholders are advocacy groups of the European fisheries, e.g. the Pelagic Freezer-trawler Association, or NGOs active in the field, such as the Coalition for Fair Fisheries Arrangements.

#### *Policy instruments – FPAs with third countries*

Depending on whether relates to its internal or external dimension, the Fisheries governance regime contains different policy instruments. While internally the common legislative instruments of the EU (regulations, directives, and decisions) apply, international agreements are the main instrument in the external dimension. FPAs are based on Art. 218 TFEU which lays down the procedure in detail: First, the policy formulation process starts officially<sup>62</sup> with the Commission (DG MARE) drafting recommendations and negotiating directives for the negotiations. Interviews indicate that at this stage no consultations with the aim to increase horizontal coherence take place (I 22, 43, DG MARE). The Council then has to reach a QMV to adopt the Commission authorisation to negotiate a FPA (or a new FPA protocol) on behalf of the Union. The conduct of the negotiations is the sole responsibility of the negotiator, i.e. the Commission. After the negotiations are conducted successfully, the Commission proposes to the Council to authorise the signing of the FPA, who takes this decision again by QMV. The signature however only constitutes the preliminary endorsement of the FPA protocol. It has to be formally concluded by another Council decision with QMV after having gained the consent of the EP. The policy formulation process ends with the final Council decision and the FPA (or the

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<sup>62</sup> Usually exploratory talks between the Commission and the partner country have already taken place informally at this stage, with the member states and the EP being informed (Commission 2011: 31).

new FPA protocol) comes into force (Commission 2011: 30 et seq.; Art. 218 TFEU).

*Coherence procedures – the challenging nature of FPAs*

The legal nature of FPAs as international agreements determines which coherence procedures (see Table V.2) are applied in the governance regime. Since the three main EU institutions are involved, their respective coherence procedures also in use. In contrast, the EEAS does not play a role in the Fisheries governance regime and is therefore excluded from the following analysis.

Table V.2 Coherence procedures in the Fisheries governance regime

<b>Institutions</b>	<b>Procedures</b>
European Commission	Impact assessment/policy evaluations
	Permanent inter-service groups
	Stakeholder consultations
	Inter-service consultations
	Meetings at political level
	Informal consultations
Council of the EU	Joint meetings/ad hoc WPs
	Information exchange of Council bodies
	Informal consultations
European Parliament	Opinions of committees
	Procedure with associated committees
	Joint sessions of parliament committees
	Stakeholder consultations
	Informal consultations

It is crucial to note that common coherence procedures of the Commission cannot be applied effectively during the most important part of the policy formulation process, the negotiations between DG MARE and the third country. The negotiations are confidential and while DG MARE is conducting it, it cannot or does not want to include many other EU actors in the process. This leads to the situation that for instance the inter-service consultation procedure is only of limited use here as it takes place during the final stage of the policy formulation process in the Commission. At



this point, the agreement has already been negotiated with the partner country and no real changes can be requested by other DGs anymore. In theory, this situation should be moderated through informal consultations during the negotiations.

*'Since the inter-service consultation on the proposal for signature of an agreement can only be a formal consultation (...) it is important that during the negotiations the lead service keeps all other interested services (...) fully informed about any developments which may be of interest to them. In particular, the lead service must ensure coordination of its position with the interested services on any possible contentious issue which may arise during negotiations, which is not clearly covered by the negotiating directives.'* (Commission 2011l: 37)

In practice however, it proves to be very difficult to ensure this coordination. For example, circulating FPA drafts among the Commission DGs is not considered (I 27, DG DEVCO; I 43, DG MARE). As one DG MARE official puts it: 'The process of negotiations themselves is never something where we can easily share something with our colleagues from diverse DGs' (I 43, DG MARE). In contrast, other procedures such as Commission ex-post policy evaluations examining the social, environmental and economic effects of previous FPAs play a potentially bigger role to increase coherence.

While the coherence procedures for the Council do not significantly differ from the general procedures outlined in section III.3.1, the EP can also only resort to a limited number of coherence procedures in the case of the FPAs. Because it is involved via the consent procedure, the EP can basically just say yes or no to the agreement at the very end of the process. Although this gives the EP a strong veto power, its capabilities to constructively shape the policy formulation process are comparably low.

### V.3. The policy formulation of FPAs

The ensuing empirical analysis traces in detail the policy formulation process of two of the latest FPA protocols negotiated by the EU.. These two sub-cases of the negotiations with Morocco and Mauritania are analysed before the background of

how coherence procedures are applied in the Fisheries governance regime, to what extent development actors gave input and what effect on process PCD is detectable.

We define the drafting of the Council decision to authorise the Commission to conduct the negotiations as the beginning of the FPA policy formulation process, and the conclusion of the protocol by the Council after the consent by the EP (or its termination after the rejection of the EP) as the end of it. The analysis begins with the FPA protocol Morocco (V.3.1) which the Commission started to negotiate in February 2011 and which was in December 2011 rejected by the EP. The chapter then continues with the FPA protocol Mauritania (V.3.2) for which negotiations started in March 2011 and that was finally concluded by the Council in November 2013 after the EP had given its consent.

### *V.3.1. FPA protocol Morocco*

*'There are no reasons for the Parliament to give its consent on the extension of a Protocol to an Agreement that is a waste of taxpayers' money, ecologically and environmentally unsustainable and that has no significant macro-economic effect on either the EU or Morocco' (EP 2011e).*

The EU concluded its first fisheries agreement with Morocco in 1995. By that time, it was considered to be the most important fisheries agreement that the EU had with a third country (Commission 2013f). After both parties had not been able to renew it in 1999, no agreement was in place for the years after. This changed when the current FPA came into force in 2007, laying down the legal framework for the years 2007 to 2011 (FPA Morocco 2006). The FPA was subsequently extended for four more years for 2011 to 2015. The most important part of any FPA is a separate protocol which sets out in detail the fishing opportunities for EU vessels and the financial contribution provided for it. The first protocol of the current FPA had a validity period of four years. This led to the situation in 2011 that the EU and Morocco had to renegotiate a new protocol. After intensive exploratory talks had been held between the two parties in 2010, the official policy formulation started with the drafting of the Council authorisation to the Commission to negotiate a new FPA protocol at the

beginning of 2011. Table V.3 summarises the key events of the ensuing policy formulation process.

Table V.3 Policy formulation timeline of the 2011 FPA Morocco protocol

<b>Date</b>	<b>Key event</b>
<b>21.02.2011</b>	Council authorises Commission to negotiate new FPA protocol
<b>Feb. 2011</b>	Commission negotiates with Morocco
<b>27.02.2011</b>	End of negotiations and provisional application of new FPA protocol
<b>28.02.2011</b>	Expiration date of old FPA protocol
<b>01.06.2011</b>	Commission proposes Council decisions on the signature and conclusion of the new FPA protocol
<b>21.06.2011</b>	Council adopts decision on the signing and provisional application of the new protocol
<b>13.07.2011</b>	Signing of new FPA Morocco protocol
<b>08.11.2011</b>	EP Committee on Development issues negative opinion on new FPA protocol
<b>22.11.2011</b>	EP Committee on Fisheries rejects negative recommendation of rapporteur Haglund on new FPA protocol and adopts a positive recommendation for the plenary session
<b>14.12.2011</b>	EP rejects new FPA protocol in plenary vote with 326 to 296 votes (58 abstentions)
<b>20.12.2011</b>	Council terminates the provisional application of the new protocol and Commission informs Morocco on the decision

*Commission – no increase in process PCD*

The reason why the official negotiations with Morocco on the new FPA protocol started so late – the authorisation was adopted only one week before the old protocol expired – were difficulties in the exploratory talks between DG MARE and Morocco. DG MARE requested detailed information on how the FPA money benefits the local population in the Western Sahara (see discussion below), and Morocco did not deliver sufficient information. This led Commissioner Damanaki to wait until the issue was settled before obtaining an authorisation by the Council (Long Distance Fleet Regional Advisory Council (LDRAC) 2010: 6; I 14, Council; I 16, EP; I 25, NGO).

After Morocco provided the requested information, the negotiations were swiftly conducted and concluded before the old protocol expired on February the 28<sup>th</sup>. The reason for the fast pace of negotiations lie in the fact that the new protocol was basically only a one-year extension of the old one under the same terms with only small changes. As in the first protocol, the parties agree that the EU transfers €

36.1 million for one year to Morocco. Out of the annually transferred sum of € 36.1 million, € 13.5 million are earmarked for sectoral support for the Moroccan fisheries sector ‘with a view to introducing responsible fishing in its waters’ (Commission 2011g).

All major figures and arrangements of the protocol remained the same in the negotiated extension: the overall payments of the Union, the amount of sectoral support, the fishing access for EU vessels as well as technicalities in the annex (such as the requirement to embark a limited number of Moroccan seamen on certain EU vessels). The only noteworthy changes concern the management and implementation of the sectoral support. As before, a joint committee consisting of representatives of the Commission (DG MARE) and the Moroccan authorities decides - on the basis of a Moroccan proposal - on guidelines, objectives and action programmes of the sectoral support. The new protocol offers the committee more leeway than before and does not give concrete earmarks for sub-sector allocations. A clause was added that obliges Morocco to submit a report containing information on the use of the sector support, ‘including its anticipated economic and social spin-offs and their geographical distribution’ (Commission 2011g: 8), before the protocol runs out.

This last issue touches upon the most controversial aspect of the protocol and the major point of criticism voiced by stakeholders: the political status of the Western Sahara. A significant part of the FPA covers the waters of the disputed territory of Western Sahara<sup>63</sup> and, according to EU actors, the Moroccan government failed to convincingly prove to the EU that money transferred through the FPA was used for the benefit of the local population, the Sahrawi. This issue was for instance criticised by the EU member states Denmark and Sweden (Council 2011c) and the EP rapporteur Haglund (EP 2011e: 7-9).

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<sup>63</sup> The Western Sahara territory was a Spanish colony up to 1975. In 1973 the Polisario Front was set up by a group of young Sahrawi students. From there on, it acted as the main representative of the indigenous people and pursued independence as its main political objective. The International Court of Justice in October 1975 recognised the right of the Sahrawi to self-determination and rejected territorial claims of Morocco and Mauritania. However, the Madrid accords concluded in 1975 by Spain, Mauritania and Morocco split the region in two parts. Spain withdrew from the territory and the two neighbouring countries annexed parts of the territory. After Mauritania withdrew shortly after, the following decades were characterised by a struggle between the Polisario Front and Morocco over the political status of the Western Sahara. Several international peace initiatives failed. Currently the region is still under control of Morocco, whose claim to the territory is by and large not recognised internationally (Jensen 2005).

This and other issues were addressed in an ex-post evaluation of the first four years of the FPA, conducted on behalf of DG MARE by a consultancy (Oceanic Development 2010). The objective of the study was to evaluate the efficiency, effectiveness, viability and relevance of the old FPA. The overall findings of the evaluation were overwhelmingly negative of the former protocol. Although the FPA was ‘deemed effective in terms of supporting the activity of EU vessels’ (ibid. 110), it was evaluated poorly with regard to PCD, sustainability and other aspects. According to the evaluation, the FPA had ‘not contributed effectively to the development of the fisheries sector in Morocco’ with the locally landed catch quantities evaluated as having fallen short of expectations and the embarkment of local fishermen only having made a marginal contribution to employment (ibid. 111). Furthermore, it assessed that the sectoral support had not been effective to support the implementation of national fisheries policy and that the overall value-for-money for the European taxpayer had the worst ratio of all FPAs. In terms of environmental sustainability, the policy evaluation claimed that the FPA has contributed to the over-exploitation of fish stocks; although due to the large activities of general fisheries in Morocco this negative impact was rather small. The rapporteur of the EP summarised the negative assessment by stating that ‘economical, ecological, environmental and procedural problems with the Agreement are so grave that they outweigh the possible counterargument for giving consent to the extension of the Protocol’ (EP 2011e: 9).

To conduct the policy evaluation, the consultancy stated that it contacted ‘the Commission services, the Moroccan authorities, and the stakeholders of European and Moroccan civil society (primarily professional organisation)’ (Oceanic Development 2010: 1). Development actors such as DG DEVCO, NGOs or representatives of artisanal fisheries did not actively participate in the evaluation. Even though the evaluation clearly spelled out a lack of PCD in the FPA and named the deficiencies of the agreement, it did not have a conceivable impact on the renegotiated protocol. All the criticised aspects with PCD relevance, e.g. the arrangements regarding landing quotas or sustainability criteria, remained the same in the draft of the new protocol, so no increase of process PCD through this coherence procedure has taken place.

The impact of the Commission inter-service group on FPAs on the policy formulation of the new Morocco protocol was also negligible for two reasons. First, the group only meets irregularly, making it difficult to use it as an effective coherence procedure for specific on-going negotiations (I 30, Commissioner cabinet). Secondly, due to the confidential nature of the negotiations there is no real way to give input during that phase (see above). Adding to this procedural problem for coherent planning, development actors in the Commission also lack resources and expertise to give valuable input on FPAs in this rather technical policy field (I 27, DG DEVCO; I 30, Commission cabinet). It appears that this became even more challenging in recent years. While ten years ago it was still common that a development official of the Commission would attend the negotiations, nowadays this does not happen anymore (I 27, DG DEVCO). A lack of resources and expertise makes it difficult for DG DEVCO to get involved in both formal and informal coherence procedures. Accordingly, DG DEVCO was also not actively involved during the negotiation phase for the new Morocco protocol (I 43, DG MARE; I 27, DG DEVCO). In addition, DG MARE has more informal contacts to actors of its own governance regime, such as EU fishing industry groups, than to development actors. Although DG MARE often consults with stakeholders, development actors such as DG DEVCO are usually neither consulted nor do they actively try to get involved informally (I 25, NGO; I 27, DG DEVCO; I 29, NGO).

Direct contacts between the EU Fisheries governance regime and development actors in the partner countries, e.g. small-scale fisheries organisations, are scarce (I 29, NGO). Usually, DG MARE conducts stakeholder consultations with representatives of the European fishing industry and certain development and environmental NGOs predominantly within the institutional setting of the LDRAC. The Committee's working group 4 'Bilateral relations with third countries' meets twice a year and discusses FPAs. Due to the quick negotiations with Morocco – and in marked contrast to the negotiations with Mauritania (see section V.3.2) - this coherence procedure could however not be used effectively.

A scrutiny of the minutes of the LDRAC meetings in this time reveals that the topic was discussed in the committee in October 2010 during the exploratory talks with Morocco. As one might expect, the representatives of the EU fish industry

called on the Commission to protect its interests, while a representative of a development NGO voiced the opinion that synergies with development policies had to be better sought in the FPA (LDRAC 2010). In contrast to other LDRAC meetings, the Commission was however not present at this time. This was heavily criticised by the participants and undermined significantly the potential process PCD impact of the procedure during this critical phase. During 2011, the Morocco protocol did not play a noteworthy role in the meetings of the LRDAC (2011a, b). This changed however after the protocol had been rejected by the EP in December 2011 (see below). On this occasion, an ad hoc meeting was convened January 2012 to discuss the forced preliminary end of fishing. From then on, the topic was regularly on the agenda of the stakeholder committee in 2012 and 2013. This was however too late to influence the negotiated protocol which by then had already been rejected by the EP.

Once the negotiations had been concluded in February 2011, the inter-service consultation procedure took place in the months before the Commission adopted the proposal for a Council decision on the conclusion of the protocol in June 2011. As previously discussed, the inter-service consultation is basically ineffective regarding FPAs since it is conducted after the negotiations have already been finished. Nevertheless, DG DEVCO could have used it as a forum to voice its concerns from a PCD point of view and could have tried to block the proposal. However, DG DEVCO just provided a positive opinion without giving any comments and thus refrained from giving any input into the process.<sup>64</sup> Accordingly, there was no change in the draft and no increase in process PCD (I 22, DG MARE; I 27, DG DEVCO).

The non-involvement of DEVCO results also partly out of the fact that Morocco is not part of the portfolio of Development Commissioner Piebalgs, but of Commissioner for Enlargement and Neighbourhood Policy Füle. At the political level of the Commission, meetings on the file took place only to a limited extent. The contacts were rather informal when the cabinet of Fisheries Commissioner Damanaki

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<sup>64</sup> Information given to the author via email by DG MARE as a response to the request of comments by DG DEVCO: ‘Please note that Directorate General for Development and Cooperation issued a favourable opinion on this proposal, without comments. The post inter service consultation document is identical to the draft (see publication in Official Journal)’.

contacted the cabinets of Füle and the HR. Somehow echoing the situation at the service-level, the Development commissioner did not provide substantial feedback on the FPA (I 30, Commission cabinet; I 43, DG Mare). There was hence no increase of the process PCD of the FPA protocol through this procedure. To sum up the policy formulation in the Commission, we can note that no coherence procedures increased the process PCD of the protocol even though in some cases development actors gave input.

*Council - controversial discussions but no active search for PCD*

The main phase of policy formulation in the Council started after the Commission submitted its legislative proposals on the new Morocco protocol in June 2011. The protocol was from the beginning very controversially discussed in the Council structures with a large number of member states becoming actively involved (I 14, Council secretariat). Issues such as environmental sustainability of the protocol, its lack of cost-efficiency, and in particular the legal status of the Western Sahara divided the member states on their opinion towards the FPA. Several states expressed their discontent with the FPA but could not manage to form a minority strong enough to block the decision. The Council in the end decided positively on the signature and provisional application of the protocol on 21 June 2011. Sweden, Denmark and the Netherlands voted against it, while the UK, Austria, Finland and Cyprus abstained. Germany changed its position in the last minute and thus helped to achieve the QMV threshold (Council decision 2011/491/EU).

In a note annexed to the decision, the German, Irish and Slovenian delegations declared that they supported the protocol in the end because ‘it is clear from the regional breakdown of resources that a considerable amount has been used for measures to support the modernisation of the fisheries sector in Western Sahara and is thus benefiting the population of Western Sahara’ (Council 2011c). Sweden and Denmark again expressed their doubts over the development support for Western Sahara through the protocol and considered the documentation provided by Morocco to be unsatisfactory (ibid.).

Regarding the use of coherence procedures not much happened during the formulation phase in the Council and its impact on process PCD was accordingly low. During the preparatory phase, only the Fisheries governance regime actors dealt



with the subject. Even though the Council has pointed out joint meetings between working parties as a potential coherence procedure (Council 2007b: para. 7), this hardly occurs in practice: 'in six years, I haven't seen that happen' (I 20, UK permanent representation). One reason for this fact is that in meetings of a Council WP in the EU of 28 member states, a joint meeting would double the size of the number of officials attending, and hence lead to simple practical problems of convening such a meeting in an efficient manner. Furthermore, for legal reasons as well as for the sake of efficiency of the Council's work, there is always only one WP in charge of a policy proposal (I 14, Council).

Also in the case of the Moroccan protocol, the lead WP did not meet with its development counterpart (I 20, UK permanent representation; I 14 Council secretariat). There was some limited exchange of information between the two WPs but since this was a one-sided forwarding of information from the Fisheries to the Development WP it had no significant effect on the process PCD (I 20, UK permanent representation; I 14 Council secretariat). Also informal consultations between the fisheries and development actors in the Council did not notably occur (I 20, UK permanent representation; I 14 Council secretariat).

The main reason for these rather modest attempts to ensure coherence in the Council itself lies in the fact that most member states are of the opinion that coherence should be reached foremost at home in the capitals or in the permanent representations in Brussels before discussions in the Council commence. Notwithstanding this potential coherence-seeking at the member states level – which is not analysed in this study - process PCD in the Council itself was not observably increased during the policy formulation of the new FPA Morocco protocol.

#### *EP – opinion procedure and informal consultations crucial*

Since the whole negotiation process between DG MARE and Morocco was delayed from the start, the legislative process in both the Council and the EP took more time than expected. The protocol was already provisionally in force since February 2011 when the Council decided on its signature in June 2011. When the EP finally decided on the conclusion of the protocol in December 2011, it had already been fully applied for nine of the envisaged twelve months. The late arrival of the proposal in the EP was criticised by EP rapporteur Haglund. He complained that the important policy

evaluation of the FPA Morocco was not made available in an English translation by the Commission before July 2011 and stated that he hoped that this was not ‘an indicator of how the Commission intends to work with the Parliament in the future’ (EP 2011e: 9).

During the ensuing policy formulation in the EP, the two arguably strongest coherence procedures - the association of committees and joint sessions between parliament committees - were not used because. They were not considered because the content of the FPA Morocco file indicates (EP 2012k: Annex VII) that it falls under the portfolio of the Fisheries Committee with no chance for DEVE to be associated (I 23, EP secretariat). Accordingly, the process PCD of the FPA protocol could not be increased through these procedures.

In contrast to the FPA protocol with Mauritania (see section V.3.2), the Fisheries Committee did not hold stakeholder consultations in the form of a hearing on the Moroccan case. However, in 2011 a joint hearing by DEVE and the Fisheries Committee took place in which the general topic of FPAs was discussed. This was considered a ‘healthy exercise’, especially for the MEPs of the latter committee which became more familiar with PCD concerns (I 18, EP). Since this procedure was not applied specifically during the policy formulation process of the Morocco protocol, no specific impact on the process PCD of the FPA protocol occurred.

Given that the EP was involved via the consent procedure, it had no legal possibility to give input into the FPA negotiations while they were still taking place. The main coherence procedure used by DEVE to influence the process in the EP was the opinion procedure. Swedish MEP Isabelle Lövin – a vocal critic of EU FPAs – acted as the rapporteur for DEVE and affirmed the critical points of the FPA stated above. The committee followed its rapporteur and on 8 November DEVE adopted its recommendation to withhold the EP’s consent with 19 to 4 votes by 2 abstentions (EP 2011d).<sup>65</sup>

The Fisheries committee voted on 22 November on the draft report of rapporteur Haglund who also recommended withholding the consent of the EP because of the outlined political, financial, and environmental shortcomings of the

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<sup>65</sup> The only other committee which issued an opinion was the Committee on Budget which also recommended withholding the consent to the new protocol, mainly because of the financial inefficiency of the protocol (EP 2011c).

FPA. The rapporteur partly based his reservations on a legal opinion that was issued by the EP's legal service on the request of the DEVE chair MEP Josep Borrell Fontelles. The legal opinion directly addressed the sensitive question whether the local population of the Western Sahara benefits from the FPA and advised that the agreement would have to be suspended or significantly altered according to international law if this is not the case (EP 2009). The committee did however not follow the recommendations of its rapporteur and voted in favour of the protocol with a majority of twelve to eight votes and one abstention (EP 2011e). This shows the limited effectiveness of the opinion procedure in this case as both negative opinions of DEVE and the Committee on Budgets could not significantly influence the vote in the Committee responsible (I 16, EP).

The Committee vote was however not the end of EP policy formulation since the final and decisive vote of the plenary had yet to take place. In the weeks running up to the vote, intensive informal consultations were conducted in the EP. MEP Ulrike Rodust said in the plenary sitting that 'the whole of Parliament is talking about the agreement; the debate has been a matter of controversy within all the groups in recent days and weeks' (European Parliament 2011a). MEPs from DEVE who focused on the developmental aspects of FPAs did voice their negative opinion on the new protocol to their colleagues in their political groups. On 14<sup>th</sup> December 2011, the EP voted on the protocol and rejected it with a slim majority of 326 to 296 votes, with 58 abstentions. While the political groups of the Greens and the European United Left–Nordic Green Left voted almost cohesively against the protocol, the two biggest groups, the European People's Party and the Progressive Alliance of Socialists and Democrats, were internally divided. The voting behaviour shows a clear division along the line of the nationality of MEPs, echoing the discussions of the EU member states in the Council. Spanish and Portuguese MEPs for instance voted with a clear majority in favour of the protocol, while MEPs from Sweden and the UK voted overwhelmingly against it (Vote Watch Europe Webpage 2013). A lively and controversial debate preceded the vote in which rapporteur Haglund again reaffirmed his objections to the protocol and referred explicitly to the negative opinions of the other two committees:

*'In light of what I have done and in light of what the two committees who took the opportunity to give an opinion on this agreement have done, it is clear that we should not accept the current arrangements. That is why we should vote 'no'. I can tell you that the Committee on Development and the Committee on Budgets both gave opinions on my report; both recommended for us not to consent to the current arrangements. I think that is a very strong signal from both the Committee on Development and the Committee on Budgets' (MEP Haglund in plenary debate, EP 2011a).*

Although the opinion of the DEVE committee did therefore not influence the process PCD of the recommendation of the Fisheries Committee, it had a significant influence on the final vote of the plenary. The same can be said for the informal consultations that took place in the EP before the vote (I 18, MEP; I 23, EP secretariat).

#### *Summary and assessment*

The application of coherence procedures of the Fisheries governance regime in the case of the policy formulation of the new FPA Morocco protocol and its impact on process PCD shows a complex picture regarding the respective EU institutions (see Table V.4).

Table V.4 Assessment of variables for FPA protocol Morocco

Governance regime			Input of develop. actors	Increase process PCD	Causal path
Institution	Coherence procedure	Appli-cation			
European Commission	Policy evaluation	yes	no	no	B
	Permanent inter-service group	yes	yes	no	C
	Stakeholder consultations	yes	yes	no	C
	Inter-service consultations	yes	no	no	B
	Meetings at political level	yes	no	no	B
	Informal consultations	yes	no	no	B
Council of the EU	Joint meet. of Council bodies	no	n/a	n/a	0
	Info exch. of Council bodies	yes	no	no	B
	Informal consultations	no	n/a	n/a	0
European Parliament	Opinions of committees	yes	yes	yes	A
	Procedure with assoc. comm.	no	n/a	n/a	0
	Joint sessions of parl. comm.	no	n/a	n/a	0
	Stakeholder consultations	yes	yes	no	C
	Informal consultations	yes	yes	yes	A
Causal paths (see III.2.2) :					
0 → No coherence procedure applied					
A → Coherence procedure applied, input of development actors, increase of process PCD					
B → Coherence procedure applied, no input of development actors, no increase of process PCD					
C → Coherence procedure applied, input of development actors, no increase of process PCD					
D → Coherence procedure applied, no input of development actors, increase of process PCD					

Except for the causal path ‘D’ (coherence procedure, no input of development actors, increase in process PCD) all possible variable combinations occurred in the policy formulation of the new FPA Morocco protocol. With five times, causal path ‘B’ took place most often which means that in those cases a coherence procedure was applied - especially in the Commission - but due to a lack of meaningful input by development actors no increase in process PCD did occur. Only two coherence procedures were effective (‘A’): the opinion procedure and informal consultations in the EP. Three procedures (permanent inter-service group, stakeholder consultations in Commission and EP) did not achieve the aim to increase coherence even though development actors gave input into the process (‘C’). In the case of the new FPA Morocco protocol, these three procedures can therefore be assessed as ineffective.

The fact that the EP rejected the FPA protocol with Morocco can be considered an important political event since it was the first time that the EP blocked

an FPA - a competence which it had just gained with the Lisbon Treaty two years before. Although the political implications played a major role, it can be safely said that the protocol was also rejected due to the connected PCD concerns. With the final vote of the EP the policy formulation process of the 2011 protocol was finished.<sup>66</sup>

### *V.3.2. FPA protocol Mauritania*

*'From today's vote, EU's commitment to coordinate both development and fisheries policies to foster results in our fight against poverty is clear, since it includes concrete measures to increase Mauritanian people's food security and provide them with more job opportunities' (Commissioner for Development Piebalgs 2013).*

The EU signed its first fisheries agreement with Mauritania in 1987. This happened one year after Spain and Portugal - whose vessels were traditionally active in this region - joined the EC in 1986. Successive agreements followed subsequently with the current FPA between the EU and Mauritania being by far the most important one in terms of financial scope. Every year the EU pays Mauritania around € 70 million to gain access to its EEZ: this is more money than Mauritania receives from EU development aid from the European Development Fund (Commission 2009a: 90). Overall, the transfers made through the FPA Mauritania constitute a remarkable 55% of the total financial transfers made by DG MARE in all FPAs (Oceanic Development 2011: i).

The current FPA was concluded in 2006 and had a validity period of six years (FPA Mauritania 2006). The first protocol had a period of two years and was followed by a renegotiated four-year long protocol valid from 2008 to 2012 (FPA Mauritania protocol 2008). The FPA itself was automatically renewed for another six years for 2012 to 2018, but a new (third) protocol had to be agreed by the two parties. Negotiations for this started in 2011. The key events of the ensuing policy formulation process are listed in Table V.5.

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<sup>66</sup> A new policy formulation process started when the Commission acquired a renewed authorisation from the Council in February 2012 to renegotiate the FPA taking into consideration the objections of the EP. After a year of negotiations, a new four-year long protocol was initiated and submitted to the Council and the EP in September 2013 (Commission 2013d). The new protocol addresses the critic made by the EP and others on the 2011 protocol such as its economic efficiency, sustainability and the Western Sahara issue. This time the EP gave its consent to the new protocol in December 2013 (with DEVE having given a positive recommendation before).

Table V.5 Policy formulation timeline of the 2012 FPA Mauritania protocol

<b>Date</b>	<b>Key event</b>
<b>14.03.2011</b>	Council authorises Commission to negotiate new FPA protocol
<b>12.05.2011</b>	EP adopts own-initiative resolution on the EU-Mauritania FPA
<b>16.06.2011</b>	First round of negotiations between DG MARE and Mauritania in Nouakchott
<b>2011 - 2012</b>	Continuous negotiation rounds between DG MARE and Mauritanian government
<b>27.07.2012</b>	EU and Mauritania finish negotiations
<b>31.07.2012</b>	Expiration date of old FPA protocol
<b>24.09.2012</b>	Commission submits proposal for a Council decision on the FPA protocol
<b>03.12.2012</b>	Council adopts decision on the signing and provisional application of the new protocol
<b>12.12.2012</b>	Signing of new FPA Mauritania protocol
<b>03.01.2013</b>	EP rapporteur Mato issues draft recommendation and proposes to withhold the EP's consent
<b>20.02.2013</b>	EP Committee on Development issues opinion and proposes to give the EP's consent
<b>29.05.2013</b>	EP Fisheries committee adopts recommendation of MEP Mato to withhold the EP's consent
<b>08.10.2013</b>	EP gives its consent to the protocol with 467 votes to 154, with 28 abstentions
<b>15.11.2013</b>	Council formally concludes new protocol

The Commission drafted the recommendations and negotiation directives in the beginning of 2011. The Council then authorised the Commission to negotiate a new protocol in March 2011 and subsequently the first round of negotiations between DG MARE and the Mauritanian government took place in Nouakchott in June 2011. The negotiations proved difficult regarding the financial amount of the access money, allocation of fish resources and technical issues (I 22, DG MARE). The negotiations finally came to an end in July 2012 when the two parties initialled a new protocol (Commission 2012j).

The new agreement includes some significant changes to the former protocol. While the overall payment remained at the same level - with the EU transferring € 70 million to Mauritania each year - the ratio between access money and sector support to improve sustainable national fisheries changed significantly. In the last year of the previous protocol the ratio was set at € 50/20 million, while under the new protocol the ratio changed to € 67/3 million. This shift can be explained by the lack of absorption capacity that Mauritania showed under the old protocol. DG MARE concluded that ‘the Mauritanian government has not been able to respect the commitments under the protocol with regard to the sector support part of the EU

financial contribution' (Commission 2010c: 2) and wanted to decrease the amount of sectoral support accordingly.

Another significant difference concerns the exclusion of cephalopods (i.e. octopus, squid etc.) from the protocol. This high-value species was a key issue during the negotiations. While the former protocol granted the EU access to annually 13.950 gigatonnes, Mauritania now wanted to keep cephalopods completely out of the protocol. The allocation of other quotas changed too: The quota for crustaceans was halved and the EU is allowed to fish approximately one third more demersal fish. Other notable changes relate to a mandatory landing of 2% of the catch of pelagic fishing in Mauritania as a free 'fish contribution to people in need' (Commission 2012j: 16), a new 20-mile fishing zone which pushes EU trawlers further away from the coastline, and the inclusion of a paragraph that commits Mauritania to keep key provisions of the protocol also in other agreements with third countries.

The proposed changes were met with controversial reactions from stakeholders. The local industry, NGOs, and EU development actors unanimously praised the new protocol and considered it as step in the right direction by improving PCD. In particular the exclusion of cephalopods from the new protocol was seen as crucial for the artisanal fishermen and the development of their local fish industry (Pêche Ecologique Génératrice de Progres Social and Fédération Nationale des Pêches de Mauretanie 2012; I 19, NGO; I 36, EP). In contrast, the new protocol was heavily criticised by parts of the EU fish industry, some EU member states and MEPs. For example Europêche, the main interest group of the EU fishing industry, condemned the protocol, stated that it is 'an economically and technically unviable deal and a waste of public funds' and concluded that 'it is better to have no agreement than this one' (Association of National Organisations of Fishery Enterprises in the European Union 2012).

#### *Commission – towards a more coherent FPA*

Many of the issues that would later be discussed controversially were already addressed in an ex-post policy evaluation of the first years of the FPA. As in the case of the FPA Morocco, this policy evaluation fed into the policy formulation process of the new protocol and was conducted by the consultancy Oceanic Developpement



(2011). Again mostly government actors and representatives of the fishing industry were consulted for the report while development actors such as development NGOs were not included (ibid. 1).

The evaluation states that the stocks of the most valuable species, cephalopods, remain in a state of overexploitation despite a 40% reduction in their quota for EU vessels (ibid. ii). Moreover, the implementation of the sectoral support posed problems due to a lack of clarity on how the relevant fishing ministry of Mauritania was using this funds and whether they actually benefited the development of a sustainable fisheries sector (ibid. iv). The evaluation comes to the mixed conclusion that the FPA:

*'fails to achieve all its objectives. It is effective for the purpose of supporting the European distant water fishing fleet (...). The effectiveness of the agreement for the development of the Mauritanian fishing industry has been low due to the lack of interaction between the European and national fishing sector (...). Overall, the fishing industry continues to suffer from the same problems: excess fishing capacity and poorly regulated, weak infrastructure and inadequate supervisory system with ultimately a contribution to the economy that does not evolve' (ibid. 5).<sup>67</sup>*

Even though the evaluation addressed critical issues that were also raised by development actors at that time, only a small number of points related to PCD found their way into DG MARE's draft. On the one hand, the ineffectiveness and inefficiency of the sectoral support indeed lead to a significant reduction from € 20 million to € 3 million annually in the FPA draft (Commission 2012k). On the other hand, the assessment of an overexploitation of cephalopod stocks did not bring DG MARE to drop its attempt to keep fishing rights for this important resource for the European industry in the protocol (I 43, DG MARE). Nevertheless, the process PCD of the proposal has been increased by the policy evaluation to a certain degree.

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<sup>67</sup> 'Ne parvient pas à atteindre tous ses objectifs. Il est efficace pour l'objectif de soutien à la flotte de pêche lointaine européenne (...). L'efficacité de l'accord pour le développement de l'industrie des pêches mauritaniennes a été faible du fait de l'absence d'interactions entre les armements européens et le secteur de la pêche nationale (...). Globalement le secteur de la pêche continue de souffrir des mêmes maux : capacités de pêche excédentaires et mal régulées, infrastructures insuffisantes et faiblesse du système d'encadrement avec au final, une contribution à l'économie du pays qui n'évolue pas' (translation by the author).

Regarding the Commission inter-service group on FPAs, the picture is the same as with the FPA Morocco. The reasons were again that meetings took place only very irregularly and that it was the general sentiment in DG MARE that details of current negotiations could not be easily shared with other DGs. As a result, the process PCD did not increase through the inter-service group (I 27, DG DEVCO; I 30, Commission cabinet; I 43, DG MARE). The same applies for informal consultations, where DG MARE undertook informal contacts with members of its own governance regime during the policy formulation process, but not, for example, with officials of DG DEVCO. Informal consultations therefore did not influence the process PCD of the policy initiative (I 25, NGO; I 27, DG DEVCO; I 29, NGO).

During the negotiation phase, the LDRAC was again the main forum for stakeholder consultations with industry representatives and NGOs. Intensive and regular discussions on the renewal of the FPA protocol with Mauritania began even before the official start of the negotiations, continued throughout the whole process and the Commission explicitly asked the members of the Committee ‘to take part in the future agreement with Mauritania’ (LDRAC 2011a: 1). At every meeting of the relevant working group of the committee, representatives of the Commission, the EU fishing industry and development and environment NGOs discussed the negotiations (cf. for instance LDRAC 2011a, 2010, 2011b, 2012b).

Not all details of the quite technical discussions are of interest here, but some of the key discussion points had PCD relevance. These included the new 20-mile distance rule mentioned above, the assessment of the cephalopod stocks and Mauritania’s interest to keep this species out of the protocol. This ambition was welcomed by the NGOs. They expressed that it would be beneficial if the octopus stocks could recover and if fishing of this species could be limited to artisanal fisheries. The industry argued against the new developments and presented a study aiming to ‘prove that the productivity of octopus may be doubled’ and that the artisanal fleet is fishing in breeding and fattening grounds, which can be detrimental to the reproduction of the fish species (LDRAC 2012a: 2). Given the diverging opinions of the LDRAC members, no consensus on the topic could be reached. To sum up, development actors could voice their opinions on the new protocol while the negotiations were still on-going and were satisfied with how their input was taken

into account. Because some of their arguments were taken into account by the Commission, the process PCD of the protocol did increase moderately. The LDRAC discussions are a good example of how stakeholder consultations are used by NGOs to push for PCD aspects in the Fisheries governance regime (I 25, NGO; I 27, DG DEVCO; I 29, NGO).

After several rounds of difficult negotiations, the new protocol was finally initialled by the two parties in July 2012. In the following weeks, the Commission conducted the formal inter-service consultation procedure. Again, as the negotiations with Mauritania were already finished at this stage, the possibility to give input from the side of the non-governance regime actors was limited from the start. Still, DG DEVCO did this time approve the inter-service consultation draft subject to the incorporations of some comments. These comments however did not address the key PCD aspects of the proposal. In fact, there were only two substantial comments and these referred to general inquiries of what happened to the sectoral support of the old protocol and a vague reference to the need for general coherence of EU policies including comments on how to enhance the communications and visibility of implemented projects (Commission 2012p). DG DEVCO therefore missed an opportunity to display the PCD relevance of the new protocol. Consequentially, a comparison of the pre- inter-service consultation draft and the final Commission proposal shows that no change regarding the process PCD can be observed (Commission 2012i, j).

At the political level of the Commissioners and their cabinets, some limited consultations took place between the cabinet of Damanaki and the ones of Piebalgs and Ashton during the negotiations. The reason for this was that Damanaki's cabinet wanted to find out if development funds managed by the other two Commissioners could be used as an additional 'incentive' for Mauritania to conclude a new protocol (I 50, Commission cabinet). The process PCD as such was not influenced by the consultations on the political level. It can be summarised that the picture of policy formulation in the Commission looks diverse with some coherence procedures being effectively applied and others not. The agreement was finally adopted by the College of Commissioners without further discussions and the Commission submitted a proposal for a Council decision on 24 September 2012.

### *Council – support for new protocol but no coherence procedures applied*

Between September and December 2012 the new protocol was discussed in the relevant Council bodies, especially in the WP on External Fisheries Policy. While most member states considered the FPA as good and balanced from both a fisheries and development point of view, some member states – under Spanish leadership – demanded changes to the protocol because they saw the fishing opportunities of their fleets threatened (I 29, NGO; I 43, DG MARE). Pressure emanated from the fishing industry which saw their access to their ‘traditional’ fishing grounds endangered. This concerned in particular the Spanish cephalopod fish industry. NGOs criticised this mind-set sharply: ‘Until today Spain treats Mauritania like a puppet regime (...). They think this is their fish, their fishing ground, since 100 years’<sup>68</sup> (I 29, NGO). Notwithstanding the general protests against the new agreement, most vessels wanted to continue to fish and reapply for licences. A senior official of DG MARE put it that ‘the action [of the fish industry] demonstrates that the solution is viable, because they do fish’ (I 43, DG MARE). In the end, the member states opposing the new agreement could not secure a blocking minority and the Council adopted a decision on the signature and provisional application of the protocol on 3 December 2012 (Council decision 2012/827/EU).

As with the protocol for the FPA Morocco, there was no coherence-seeking in the Council aside from some very limited one-sided information flow originating from the WP on External Fisheries (I 14, Council secretariat; I 2, UK permanent representation). Accordingly no increase in the process PCD of the new FPA Mauritania protocol can be seen.

### *EP – fisheries vs. development interests played out*

Before the policy formulation in the EP started in the end of 2012, the Parliament was already concerned with the subject in May 2011 when it proactively passed an own-initiative report on the EU-Mauritania FPA (EP 2011b). The report critically assessed the previous protocol and referred to its deficiencies in terms of PCD. After the Council adopted its decision on signing the protocol, the relevant Fisheries governance regime actor in the EP, the PECHE Committee, began to work on the file

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<sup>68</sup> ‘Bis heute behandelt Spanien Mauretanien wie ein Marionettenregime (...) Die denken, das ist ihr Fisch, ihr Fanggebiet, seit 100 Jahren’ (translation by the author).

and assigned the rapporteurship to the committee's chair, Spanish MEP Mato. Again in parallel to the FPA Morocco procedure, the procedure of associated committees and joint sessions of parliament committees were not considered. (EP 2012k: Annex VII; I 23, EP secretariat).

In the following months, the new protocol was discussed in PECHE as well as in DEVE. As could be expected, during the discussion in PECHE many MEPs expressed dissatisfaction with the way the Commission had negotiated the agreement. They criticised the non-inclusion of cephalopods in the protocol and the increased licence fee for EU vessels, culminating in the demand from the rapporteur: 'we have to renegotiate a new agreement now!' (EP 2012e). In marked contrast, the prevailing opinion of the MEPs in DEVE and also in the Committee on Budgets was largely in favour of the new agreement. Both committees underlined its stronger focus on PCD aspects (EP 2012d). This sentiment was also reflected in DEVE's opinion which was the main coherence procedure that was used by the Committee to influence the process. The opinion unmistakably endorses the new protocol and calls on the plenary to give its consent to it (EP 2013e; I 36, MEP).

Another coherence procedure used in the EP was stakeholder consultations. In January 2013, a public hearing took place in PECHE. The president of the artisanal section of the Mauritania National Federation of Fisheries presented his views on the new protocol and expressed his support for it. He called on the MEPs to give its consent to the protocol and directly addressed the sensitive issue of cephalopod fishing: 'What can be caught by the Mauritanian fishermen must be reserved for them. So, please, let us catch our octopus ourselves!' (Abeid 2013).

The hearing and the opinion of DEVE did not significantly influence the opinion of the MEPs in the leading Fisheries Committee. Rapporteur Mato drafted a recommendation to withhold the EP's consent to the new agreement (EP 2013c). The discussions in PECHE remained critical of the protocol and in the end it adopted the rapporteur's negative recommendation with sixteen to six votes and one abstention (EP 2013g). Due to the high political salience of the new protocol, plenty of informal consultations took place in the EP. Most informal consultations conducted by the rapporteur focussed on meetings with non-development actors, but members of

DEVE also used informal consultations to articulate their views vis-à-vis other MEPS (I 23, EP secretariat; I 28, MEP assistant, I 36, MEP).

The process in the EP ended with the decisive vote of the EP plenary on 8 October 2013. As in the case of the FPA protocol with Morocco, a controversial discussion took place in the plenum one day before the vote (EP 2013b). The rift between fisheries interests of the EU fleet and development interests of the partner country was again reflected in the contributions of the MEPs. At the end, the resolution was passed by 467 votes to 154 (with 28 abstentions) and the EP gave its consent to the new protocol. In light of this vote, the coherence procedures that were applied before can be assessed as having led to an increase in the process PCD of the protocol. Even though the opinion procedure, the stakeholder consultations and the informal consultations did not lead to a PCD friendly report of PECHE, the plenary decision was shaped by the input of the development actors in the process. The three indicated procedures were therefore effectively applied from a PCD point of view because they contributed to the EP's yes-vote on the conclusion of the new protocol which was supported by the concerned development actors.

After the EP gave its consent, the Council only had to formally conclude the agreement. This happened on 15 November 2013 (Council 2013d) and marked the end of the policy formulation of the FPA Mauritania protocol.

### *Summary and assessment*

The assessment of the variable combinations differs in some important ways from the results of the previous Morocco sub-case. Table V.6 summarises the manifestations of the variables for the policy formulation of the new FPA Mauritania protocol.

Table V.6 Assessment of variables for FPA protocol Mauritania

Governance regime			Input of develop. actors	Increase process PCD	Causal path
Institution	Coherence procedure	Appli-cation			
European Commission	Policy evaluation	yes	yes	yes	A
	Permanent inter-service group	yes	yes	no	C
	Stakeholder consultations	yes	yes	yes	A
	Inter-service consultations	yes	no	no	B
	Meetings at political level	yes	yes	no	C
	Informal consultations	yes	no	no	B
Council of the EU	Joint meet. of Council bodies	no	n/a	n/a	0
	Info exch. of Council bodies	yes	no	no	B
	Informal consultations	no	n/a	n/a	0
European Parliament	Opinions of committees	yes	yes	yes	A
	Procedure with assoc. comm.	no	n/a	n/a	0
	Joint sessions of parl. comm.	no	n/a	n/a	0
	Stakeholder consultations	yes	yes	yes	A
	Informal consultations	yes	yes	yes	A
Causal paths (see III.2.2) :					
0 → No coherence procedure applied					
A → Coherence procedure applied, input of development actors, increase of process PCD					
B → Coherence procedure applied, no input of development actors, no increase of process PCD					
C → Coherence procedure applied, input of development actors, no increase of process PCD					
D → Coherence procedure applied, no input of development actors, increase of process PCD					

In total, five coherence procedures of the Fisheries governance regime (two in the Commission, three in the EP) confirmed hypothesis ‘A’ of our framework (*If a coherence procedure is applied, and development actors give input, the process PCD of a policy initiative increases*). This number is considerably higher than in the case of the FPA protocol with Morocco and results particularly from the fact that planning was conducted more coherently in the Commission this time. The initial policy evaluation and the stakeholder consultations in the Commission were effective in increasing the process PCD of the protocol. Three coherence procedures did not influence the policy proposal from a development point of view due to the lack of active input by development actors into the process (causal path ‘B’). Meetings at the political level and the permanent inter-service group failed to increase the process coherence even though development actors gave input (‘C’). The procedures can therefore be characterised as ineffective in the case of the new Mauritania protocol.

Again, joint meetings and informal consultations were not applied in the Council and, in the EP, joint sessions and the procedure with associated committees were not used ('0').

#### V.4. Conclusion

The process-tracing of the development of the new FPA protocols with Morocco and Mauritania shows a clear pattern of how policy formulation is conducted in the Fisheries governance regime and how coherence procedures are used. Both sub-cases are similar in the way that in the Commission the development actors could only to a limited extent use coherence procedures to give input into the Fisheries governance regime during the planning phase. This was the case for two reasons: first, the legislative procedure of an international agreement makes it in general difficult for outsiders of the governance regime to influence negotiations which are discreetly conducted. Second, even when coherence procedures were applied and the ground was laid for development actors to intervene, due to a lack of active input of the latter –resulting out of a lack of expertise and resources - the procedures could not be used to full effect. This was especially the case for DG DEVCO and led to the situation that even though the new Mauritania protocol is lauded by development actors for its PCD friendliness, this outcome was rather due to pressure from development actors on the side of the partner country than on EU actors (I 15, NGO; I 29, NGO). In the case of fisheries, the difficulties encountered by DG DEVCO in providing input into the FPA planning led in 2012 to the creation of a new post focussing on the coherence of fisheries and development policies (I 27, DG DEVCO). The post was staffed with an official who had worked for several years in DG MARE and who brought the expertise needed to influence the FPA process. Whether this will lead to increased PCD remains to be seen.

In the Council, we find that the existing coherence procedures are in general not used in the Fisheries governance regime. While some limited information flow took place, it had no influence on the process PCD of the protocol. These findings are congruent with the research of others: 'Discussions on fisheries at the Working Party on Development Cooperation are reported to be extremely rare (...). There have been very few development inputs into the Working Party on External Fisheries



Policy. Indeed, there seems to be little opportunity for development interests to feed into Council discussions of FPAs' (Egenhofer et al. 2006: 126). In this sense, the picture has apparently not changed in recent years and the active use of coherence procedures remains the exception to the rule. The absence of coherence-seeking at the Council level makes increased PCD efforts in the EU member states themselves even more important.

The assessment of the EP's policy shows that the strongest legislative procedures to ensure coherence could not be used in the case of the FPAs. Instead, DEVE used primarily the opinion procedure and informal consultations to influence the process. In the case of Morocco, DEVE succeeded in influencing the plenary debate on withholding the consent to the new protocol also on PCD grounds, thus increasing the process PCD to a considerable degree. The FPA with Mauritania was hailed as the first FPA of a new generation of fisheries agreements more conducive to the development needs of partner countries. Even though the governance regime actor PECHÉ recommended withholding the EP's consent, the opinion of DEVE was again instrumental in shaping the plenary debate that led to the adoption of the protocol.

Taking the policy formulation process as a whole, it is apparent that the legal instrument of negotiating an international agreement is the single most important factor that influences the application of coherence procedures in the Fisheries governance regime. In cases when coherence procedures were applied, a causal relation between their application and the process PCD of the FPA protocols is clearly visible. This positive connection is however mitigated by the lack of resources and expertise of the development actors as the intervening variable which cannot effectively exploit the limited points of entry into the governance regimes.

We analysed the Fisheries governance regime as an example of a governance regime characterised by an exclusive competence of the Union level. We now turn to a shared policy field, Environment, and examine how and to what extent PCD is promoted in this policy field, which is shaped by entirely different actors and policy instruments.

## **VI. The Environment governance regime**

*'EU action to fight climate change globally contributes to pursuing the objectives of development cooperation and as such is consistent with a PCD approach' (Commission 2011a: 43).*

The Development and Environment governance regimes of the EU share certain convergent policy objectives. Due to the interdependence of poverty reduction and areas such as climate change - which is a central part of the EU's environment agenda (Art. 191 (1) TFEU) - both policy fields can be considered 'natural allies' in pursuing their objectives (cf. United Nations Framework Convention on Climate Change 2007; Stern 2006). This is also reflected in the quote above in which the Commission asserts that its action to fight climate change is 'as such' in line with its PCD agenda. The political reality is however more troublesome. The EU's efforts regarding climate change do directly impact on sensitive areas in EU countries such as energy production, agricultural policy and the transport sector. Hence, the economic interests of the EU are significantly affected by policy choices in this field.

Mirroring the structure of the previous empirical chapter, the case study on the Environment governance regime will unfold in three parts: the first section (VI.1) outlines the mutual relation of environment and development policy and shows its PCD relevance. The following section (VI.2) focuses on the key actors, policy instruments and coherence procedures in the Environment governance regime. The core of the empirical analysis (VI.3) is divided into two parts and traces the process of two policy initiatives relevant for PCD: the regulation for monitoring and reporting GHG emissions (VI.3.1) and the revision of the renewable energy and fuel quality directives (VI.3.2). A conclusion (VI.4) summarises the main findings of the empirical analysis.

### **VI.1. Background and PCD relevance of environment policy**

Environment policy gradually developed in the 1970s after having originally not been included in the founding treaties of European integration (cf. Knill and Liefferink 2012). The starting point was a meeting of the Heads of State or Government met in 1972 (in a forum which would later become known as the

European Council) which requested ‘the Community Institutions to draw up an [Environment] action programme’ (Meeting of the Heads of State or Government 1972: 20). The following years saw the implementation of continuous environment action programmes and a constant expansion of their agendas. The Single European Act (1986: Title VII) introduced a treaty article on environment policy in EU primary law. Today, environment policy is a shared competence of the EU and its member states. In practice, this means that member states are only entitled to legislate in areas where the Union does not exercise its competence (Art. 2 (2) TFEU). Over the years, environment policy has become an area densely regulated by the EU. Today, the main policy instruments are directives and regulations which the Union adopts through the OLP.

The objectives of EU environment policy are to preserve, protect and improve the quality of the environment, to protect human health, and to promote measures to deal with worldwide environmental problems such as climate change (Art. 191 TFEU). To achieve these objectives, legislative action of the EU addresses such diverse issues as waste management, air pollution, water and soil protection, and the thinning of the ozone layer. Aside from adopting measures that deal with the internal environment policy of the Union, the EU is also a member of all major multilateral environmental agreements, e.g. the Kyoto Protocol and the Convention on Biological Diversity.

#### *Climate change policy and its link to development objectives*

Although many aspects of environment policy deal with problems that transcend national borders and thus also impact on developing countries, climate change can be singled out as having arguably the most significant implications from a PCD perspective.<sup>69</sup> There is a broad scientific consensus indicating that man-made emissions of GHGs are primarily responsible for global warming. Climate change will very likely lead to environmental changes across the globe such as inter alia a rise of the sea level, increased occurrence of extreme weather phenomena like droughts, floods and storms, and the shift of vegetation zones (Intergovernmental Panel on Climate Change 2007). These events put the development prospects of

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<sup>69</sup> This is also evidenced by the PCD agendas of the EU and the OECD which put a clear focus on the effects of climate change on development policy (Commission 2011a; OECD 2011)

countries at risk by for example endangering food security and public health. The fight against poverty as the primary aim of development policy is therefore made increasingly difficult by global warming. An often cited report commissioned by the UK estimated the future costs of climate change to being equivalent to 5 to 20% of the global Gross Domestic Product each year (Stern 2006).

Developing countries are particularly subject to the adverse effects of global warming for several reasons. Firstly, extreme weather events are more prevalent in the tropical and sub-tropical regions. This is also the region in which most least-developed countries are located. Secondly, the economies of developing countries are much more dependent on the exploitation and export of natural resources such as fish and agricultural products which might be negatively affected by climate change. Thirdly, the vulnerability to climate change is higher and the capabilities to adapt to a changed environment are considerably lower in developing countries than in developed countries because the lack of economic resources and governance capacity.

The need for coherence goes however in both directions. Efforts to combat global warming are to a significant degree dependent on the capacities of developing countries to contribute to the mitigation of GHGs. Even though they are no big emitters of GHGs themselves, a considerable number of carbon sinks (such as forests) are located on their territories and threatened by deforestation and the shift of cultivation areas. These developments could in turn accelerate global warming further. The more developed the countries are, the more capable they are of addressing these threats and therefore of contributing to the mitigation of GHGs. Attempts to increase the mutual coherence of development and climate change policy are therefore logical and in the general interest of policy makers in both areas (cf. Harmeling, Bals and Burck 2007).

#### *Strong EU commitment to increase coherence*

The major political actors of the EU continuously reaffirm their commitment to improve the coherence between environment and development policy. The Heads of State or Government in the European Council emphasised that

*'the EU is determined to provide an effective collective response to the new challenges to development posed in particular by climate change*

*(...). (...) [T]he EU is determined, where relevant, to help developing countries, particularly poor developing countries most vulnerable to climate change (...)' (European Council 2008: para. 64).*

The Council and the Commission have translated this general commitment into more concrete policy measures. EU actors from both policy fields have in recent years put forward initiatives to address the objectives of the other area in their own actions. EU development actors try to integrate environmental concerns into their development cooperation programmes. Two examples in this context are manuals and conclusions on how to integrate environment issues such as climate change adaptation into the programming of EU development cooperation by the Commission (2007b; cf. OECD 2009b) and by the Council (2009a; cf. 2007d).

The EU also tries to transfer the commitment for more coherence between environment and development policy into its bilateral and multilateral relations. In 2008, it adopted a joint declaration on climate change together with African countries which outlined common actions of African organisations and states and the EU (Africa/EU Troika 11th Ministerial Meeting 2008). A similar declaration was issued by the EU and the regional organisation of the Caribbean states (CARIFORUM-EU Troika Summit 2008).

For the EP, the coherence between climate change and development ranks high on its PCD agenda. It recently dedicated one of the major sections in its biannual PCD report to the challenges of promoting development objectives in climate change policy and vice versa (2012g). It is interesting in this regard that the EP explicitly links climate change with energy policy in the PCD framework. This leads us to the core EU climate change initiatives with PCD relevance that address the link between the climate and energy policy areas.

#### *Core EU climate initiatives and their PCD effects*

From 2007 to 2009 the EU institutions negotiated a bundle of legislative initiatives which would become the central pillar of the EU's environment policy: the climate and energy package. Following up on proposals by the Commission, the process was initiated by the European Council which in March 2007 agreed on the so-called '20-20-20' targets. This refers to the EU's ambition to a) reach a 20% share of renewable

energy in its total energy consumption, b) reduce its GHG emissions by 20%, and c) increase energy efficiency to save 20% of its energy consumption. In addition, the European Council set the target to reach a 10% rate of biofuels<sup>70</sup> in the EU's transport sector by 2020 (European Council 2007). On this basis, the Commission proposed concrete legislation (Commission 2008a) such as reforming the European Emission Trading Scheme or introducing a renewable energy directive. After intense and controversial discussions between the EU institutions, the main parts of the package were adopted by the Council and the EP in 2008 and 2009.

One of the main motivations of the EU to pass legislation on this subject is to achieve the targets that it has committed itself to on the international level, in particular in the framework of the UNFCCC and the Kyoto protocol. The EU is responsible for roughly 11% of global GHG emissions and more than 80% of its emissions stem from its energy and transport sector (Commission 2011a: 41). From a PCD point of view, it is important to look at the positive or negative impacts that EU climate change policy might have on reducing poverty in developing countries.

Observers criticise the EU for both the aims and implementation of its climate change policy. Besides pointing out a general lack of ambition in its climate goals, development actors criticise the negative effects of specific legislation in the EU's climate and energy package. One prominent example that is currently controversially discussed on the European level is the biofuel policy of the Union. By attempting to achieve the 10% target of biofuel consumption in the transport sector, the EU has set incentives for business to create an industrial biofuel sector to meet the demand. A significant amount of the resources for the EU biofuel market are however imported from developing countries, where this can cause social and environmental problems, e.g. in regards to land rights. Another often cited problematic issue is that of indirect land-use change (ILUC). This refers to the counterintuitive effect by which the expansion of biofuels may not reduce but increase GHG. As natural lands such as grasslands or rainforests are cleared for the cultivation of biofuel crops, the natural capacity of absorbing GHG is reduced more than the emissions. In addition, it is feared that biofuels are responsible for endangering food security in developing countries. This could be the case because

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<sup>70</sup> Biofuels are fuels that are derived from renewable biological resources such as plants and seeds, in contrast to conventional fuels that are based on fossil resources such as petroleum and gas.

the plants needed for the production of biofuels stand in direct competition for land with food crops (CONCORD 2011b; Actionaid et al. 2013; Instituto Marquês de Valle Flôr et al. 2012; Leopold and Dietz 2012).

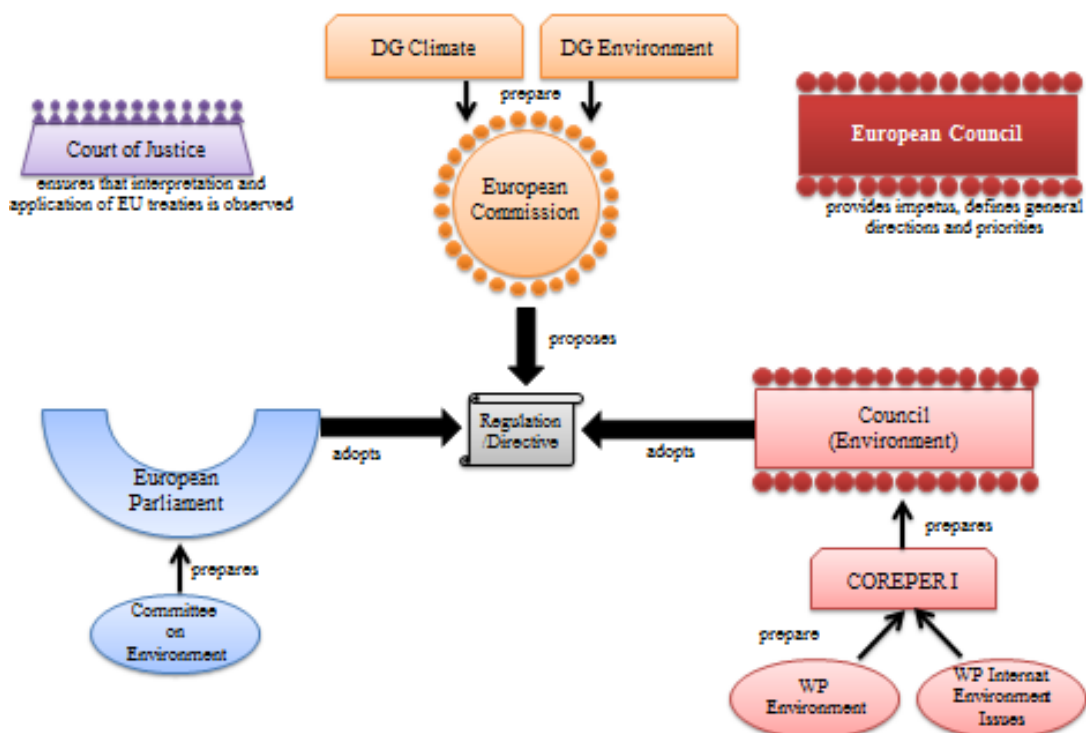
## VI.2. Key actors, instruments and procedures

The EU Environment governance regime has - similarly to the Fisheries governance regime - an explicit internal and external dimension. While the external one deals mostly with multilateral environment agreements such as the Kyoto, the internal dimension focusses on environment legislation directly implemented on EU territory. In comparison to the previous Fisheries case study where the EU conducts action directly in the waters of developing countries, EU environment policy is however mainly conducted in Europe and impacts on developing countries in an indirect way. One obvious relationship is the one between the GHG emissions of the EU and the adverse effects caused by global warming in developing countries. Even though both the internal and external dimension of environment policy can in theory have PCD implications, the former is arguably more important because it is here where externally negotiated international commitments have to be translated into EU law. In addition, international agreements in the environment field are commonly negotiated multilaterally and do not necessarily depend on the EU in such a way as bilateral FPAs or EU internal environment legislation. We therefore focus the empirical analysis of this chapter on the internal dimension and recently negotiated EU environment regulations and directives.

### *Key actors - the institutional triangle at work*

Policy-making in the internal dimension of the Environment governance regime follows mainly the community method. Simply put, this means that the Commission proposes legislation and the Council and the EP adopt it by the OLP. Figure VI.1 displays this procedure in more detail, showing the role of the key actors in the governance regime.

Figure VI.1 Environment governance regime - key EU actors



Two Commission DGs are mainly responsible for EU environment policy: DG Environment and DG Climate Action (DG Climate). The latter was established in February 2010 by transferring the relevant climate change departments from DG Environment, DG Industry and DG RELEX into a new administrative body. In addition, a new commissioner post for Climate Action was created, at the moment being held by Connie Hedegaard. The Commissioner and her DG complement the long-existing DG Environment over which Commissioner Janez Potočnik has the political supervision. This unusual division of competence reflects the importance the Commission gives to climate change issues.<sup>71</sup> DG Climate is in charge of preparing and implementing legislation on most climate change related issues, for example the EU Emissions Trading Scheme, and represents the EU internationally together with the Council presidency. DG Environment remains in charge of all other environment issues.

This segmentation of competences between climate change and other environment issues is also found on the lower administrative levels of the Council.

<sup>71</sup> Another reason might have been the need to find (at that time) 27 portfolios for Commissioners from 27 EU member states.



The WP Environment deals generally with all environment legislation while the WP International Environment Issues is in charge of all international aspects such as climate change negotiations. Both policy areas phase into one institutional hierarchy at the higher level where COREPER I prepares all environment files for the Council formation of the Environment ministers, which meets four times a year. In theory, the Council decides by QMV on most environment proposals, although - as in other policy fields - the search for consensus is common. There are also important exceptions where unanimity is officially required, for instance for 'provisions primarily of a fiscal nature' and 'measures significantly affecting a Member State's choice between different energy sources' (Art. 192 (2) TFEU).

The crucial actor in the EP is the Committee on Environment, Public Health and Food Safety which is in charge of all legislative files related to environment policy. With its 69 members, it is the largest legislative committee of the EP. Because of the general application of the OLP, the EP has equal rights with the Council in adopting legislation. The EP is therefore intensively involved in actual policy-making in PCD relevant policy proposals in the Environment governance regime. Important actors in this regard are the rapporteurs which handle the respective legislative file and draft the recommendations for the Environment Committee.

Due to the high political salience of climate change and energy policy, the European Council is frequently involved in the area by issuing statements and providing guidelines to the other EU institutions (e.g. European Council 2008, 2011). Without a consensus among the Heads of State or Government, crucial decisions on far-reaching legislation such as the climate and energy package cannot be achieved. The CJEU ensures the application of the relevant treaty articles. The court has passed judgements in a plethora of cases which significantly shaped the policy field.<sup>72</sup>

Finally, non-EU actors such as interest groups, e.g. the European Biodiesel Board and NGOs belong to the Environment governance regime. Due to the wide array of individual policy areas in environment policy, many actors try to get involved in policy-making via lobbying efforts and/or are consulted by the EU institutions using institutional procedures such as stakeholder consultations.

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<sup>72</sup> Cf. a 80 page summary of leading cases of the CJEU in EC environmental law (Commission 2013c).

*Policy instruments - regulations, directives, international agreements*

A wide range of policy instruments is used in the Environment governance regime. The main policy instruments in the external dimension are multilateral environment agreements that the EU and its member states become a part of. Given the legal nature of environment policy as a shared competence, both the EU and its member states may negotiate in international bodies and conclude international agreements (Art. 191 (4) TFEU). The procedure to negotiate and conclude an international agreement on environmental issues is based on Art. 218 TFEU and is similar to the one outlined in the previous Fisheries case study (see section V.2).

In comparison, the internal dimension is shaped by different policy instruments and procedures. Over the last 40 years ‘an increasingly dense network of legislation has emerged’ making EU environment policy ‘a core area of European politics’ (Knill and Liefferink 2012: 13). The key policy instruments are EU regulations and directives<sup>73</sup> which are passed through the OLP, except for the cases outlined above in which the Council decides by unanimity and the EP is only consulted. The OLP leads to different possibilities for governance regime actors to apply coherence procedures in the policy formulation process of a given initiative.

*Coherence procedures - a full array of possibilities*

Although the potential coherence procedures of the governance regime are the same as in the Fisheries case (see Table VI.1) the actual possibilities to use them effectively differ significantly.

Table VI.1 Coherence procedures in Environment governance regime

<b>Institutions</b>	<b>Procedures</b>
European Commission	Impact assessment/policy evaluations
	Permanent inter-service groups
	Stakeholder consultations
	Inter-service consultations
	Meetings at political level
	Informal consultations

<sup>73</sup> An EU regulation is a legislative act which has binding legal force for all member states as soon as it is passed. An EU directive is a legislative act which requires the member states to achieve a certain result while leaving open the choice of concrete measures.

Council of the EU	Joint meetings/ad hoc WPs
	Information exchange of Council bodies
	Informal consultations
European Parliament	Opinions of committees
	Procedure with associated committees
	Joint sessions of parliament committees
	Stakeholder consultations
	Informal consultations

EU regulations and directives are planned in an often lengthy intra- and inter-institutional policy formulation process, offering the opportunity to apply the full array of coherence procedures. In contrast to the negotiation of FPAs, the inter-service consultation procedure for example can have a real impact on the elaboration of a policy proposal. The same is valid for other coherence procedures such as the procedure of associated committees in the EP.<sup>74</sup>

As outlined in the previous section, the mutual link between environment and development policy is already well established in the EU system. Both policy fields have a legal base for addressing demands to other parts of the EU as regards the integration of their policy objectives in other areas. The legal wording is however stronger for *Policy Coherence for Environment*<sup>75</sup> than for *Policy Coherence for Development*<sup>76</sup>. This leads to the situation that EU documents addressing the coherence of both policy fields often speak more about integrating environment concerns into development cooperation programmes than the other way around (Council 2009a; cf. Van Schaik 2006: 83). Nevertheless, due to the high institutional density of the policy formulation of directives and regulations, also development actors have plenty of opportunities to give input into the planning process.

Whether this tool-box of coherence procedures is actually used in policy formulation has to be analysed by observing the political practice. The next section

<sup>74</sup> The new EEAS is again excluded in this case study because it has no competences in EU environment policy and is therefore not part of the governance regime.

<sup>75</sup> ‘Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities’ (Art. 11 TFEU).

<sup>76</sup> ‘The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries’ Art. 208 (1), para. 2 TFEU.

will therefore trace the process of the policy formulation of two recent legislative initiatives in EU environment policy.

### VI.3. The policy formulation of EU environment legislation

Climate change is one of the policy areas with the most significant implications for the economic and social development of countries substantially affected by poverty. The EU recently formulated two policy initiatives relevant for PCD: the regulation on a mechanism for monitoring and reporting greenhouse gas emissions ('Monitoring Mechanism Regulation', MMR) and the directive amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources ('biofuel directive'). They are analysed in this section as sub-cases for the Environment governance regime.

The first sub-case (VI.3.1) examines the MMR for which the drafting process started at the end of 2010. The process was concluded with the signing of the legislative act by the Council and the EP in May 2013. The policy formulation of the second sub-case (VI.3.2) took place over a long period in 2010-2013 and was still on-going at the time of finalisation of this thesis. The bulk of policy planning however already happened in 2012 and 2013.

#### *VI.3.1. Monitoring mechanisms regulation*

*'All of a sudden, a dry and somewhat technical proposal turned into something that let the alarm bells ring in member states ministries' (I 49, Council).*

At first glance, the MMR appears to be a rather technical EU regulation. Its main objective is 'to help the Union and its Member States meet their national, Union, and international commitments and goals and to further develop policy through transparent, accurate, consistent, comparable and complete reporting [of GHG emissions]' (Commission 2011h: 6). The regulation requires the member states to report to the Commission in regular intervals how much CO<sub>2</sub> or methane their industries emit. Because the Commission however wanted to use this technical reporting and monitoring exercise to include requirements for the EU member states

to also report on their financial and technological support to developing countries, it all of a sudden became more relevant for PCD, more politicised, and more controversial in inter-institutional negotiations.

The new regulation replaces an earlier EU decision (Decision No 280/2004/EC) and is based on the environment Art. 192 (1) of the TFEU. The Commission felt the need to push for legislation in this matter because of three main reasons. Firstly, over the last years the EU and its member states had entered new mitigation and adaptation commitments in international climate change negotiations. Secondly, the implementation of the 2009 climate and energy package required new monitoring mechanisms. Thirdly, after six years of experience with the old decision the Commission wanted to adapt the legislative basis (Commission 2011h; I 49, Council; I 52, DG Climate). The Commission started to draft the legislation in the end of 2010. During the whole preparatory process, DG Climate was in the lead and conducted the policy formulation for the file (see Table VI.2). As the MMR proposal was subject to the OLP, the EP had the same rights as the Council in the legislative process.

Table VI.2 Policy formulation timeline of the MMR

<b>Date</b>	<b>Key event</b>
<b>22.10.2010</b>	First meeting of MMR impact assessment steering group
<b>07.03.2011</b>	DG Climate launches stakeholder consultations
<b>20.05.2011</b>	First draft of MMR impact assessment
<b>27.06.2011</b>	Impact assessment board issues opinion on MMR
<b>Autumn 2011</b>	Commission inter-service consultation on MMR draft
<b>19.10.2011</b>	Commission presents MMR draft in Environment Council
<b>23.11.2011</b>	Commission submits regulation proposal to the EP and the Council
<b>24.04.2012</b>	DEVE issues opinion on MMR proposal
<b>30.05.2012</b>	EP Environment Committee adopts draft report and amendments
<b>Autumn 2012</b>	EP rapporteur Eickhout and Council presidency negotiate on an informal basis
<b>17.12.2012</b>	Environment Council discusses MMR
<b>12.03.2013</b>	EP adopts regulation in 1st reading
<b>22.04.2013</b>	Council adopts regulation in 1st reading
<b>21.05.2013</b>	Signature of legislative act by EP and Council

The main challenge of EU climate change policy is the reduction of GHG emissions (Commission 2011a: 52). The MMR intends to contribute to this target by

committing the EU member states to monitor and report the GHG emissions on their own territory. The most important element from a PCD perspective is however the article of the regulation that requires the member states to report the financial and technological support transferred to developing countries. At the 2009 UNFCCC climate change conference in Copenhagen, the industrialised countries - including the EU - committed themselves to contribute \$100 billion per year for adaptation and mitigation efforts in developing countries by 2020 (16th Conference of the Parties of the UNFCCC 2009). Despite this commitment, many details regarding the actual implementation of the decision remain vague. For instance, it is not clear whether the funds are really 'new and additional' or just rededicated from already existing development programmes; which would make it a zero-sum game for the developing countries. The Commission hence wanted to include a relevant paragraph in the MMR and was supported in this by EU development actors. This article 16 of the regulation was to become the most contested part of the MMR and will be at the centre of our analysis.

*Commission – mixed picture of coherence procedures at work*

Given the potential social, environment and economic implications of the legislative proposal, the Commission did an impact assessment of the planned initiative. As an obligatory part of this impact assessment, international stakeholder consultations were launched from 7 March to 29 April 2011. The online consultation included a questionnaire and the opportunity to voice own ideas about the upcoming regulation in a written form. In total, 29 responses were received from 12 private individuals plus industry, private companies, the national administration of Belgium and the UK, two NGOs and one research institution (Commission 2011k). On the PCD related article 16, a majority of the respondents agreed that reporting on the financial and technological support was not transparent so far and welcomed the Commission's aim to address these transfers in the MMR. Both NGOs - the well-established Brussels-based Climate Action Network and the Romanian TERRA Mileniul III - can be considered as development actors since their work focusses on the implications of climate change on developing countries and they see themselves as

advocating the latter's interests in this matter.<sup>77</sup> Amongst other things, the NGOs agreed on the question whether climate financing should become part of the MMR and gave input on what kind of technical information should be transmitted.<sup>78</sup> This input found its way in the legislative draft of the Commission (Commission 2011h: 30-31) and therefore increased its process PCD.

The results of the stakeholder consultations informed the impact assessment for the draft regulation. Every impact assessment of the Commission is supervised by a steering group composed of representatives of several Commission DGs and chaired by the lead DG. In the case of the MMR, the steering group was chaired by DG Climate and met four times between November 2010 and July 2011. 14 DGs were invited to participate, among them DG DEVCO. While several DGs (e.g. DG Mobility and Transport) attended one or more of the steering group meetings, DG DEVCO was not present once (Commission 2011b: 49 et seq.). The minutes of the meetings reveal that the PCD-relevant part on reporting financial and technological transfers to developing countries was a regularly discussed topic. DG DEVCO therefore missed its chance to give input at this stage.

The impact assessment guidelines state that every impact assessment should ask whether the proposed legislation increases poverty and should look at impacts on developing countries (Commission 2009b: 42). This was not done in the MMR impact assessment as it did not even mention potential economic or social development implications of the MMR for developing countries (Commission 2011k: 4).<sup>79</sup> On 20 May 2013, the draft impact assessment was submitted to the impact assessment board (of which DG DEVCO is not a member). In its opinion on the draft impact assessment, the board criticised several aspects (e.g. a lack of a better justification for the need for new reporting requirements) but did not touch upon a possible influence of the MMR on developing countries (Commission 2011f). Given that the impact assessment procedure is arguably the strongest and legally most binding procedure to increase the coherence between Commission policies

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<sup>77</sup> See the mission statements on their respective webpages (Terra Mileniul III Webpage 201; Climate Action Network Webpage 2013)

<sup>78</sup> See the completed questionnaires at the stakeholder consultation website (Commission 2011).

<sup>79</sup> This finding is in line with the results of a study of the NGO CONCORD, which analysed all impact assessments 2009. Out of all the impact assessments that touch upon subjects of relevance for developing countries, only 19% analyse such possible environmental, social and economic implications CONCORD 2013a.

(Pollack and Hafner-Burton 2010), the Commission in this case failed to use it effectively for improving the process PCD of the MMR.

After the impact assessment was conducted, DG Climate continued the drafting of the regulation proposal. In contrast to other initiatives analysed in this thesis, there existed no permanent inter-service group on the MMR or related fields (Commission 2012c). When the draft was ready (Commission 2011i), it went into inter-service consultation in autumn 2011. All DGs gave a green light to the proposal with or without additional comments with one exception. DG Mobility and Transport issued a negative opinion and hence blocked the proposal from proceeding to the College of Commissioners for adoption. The reason for this was that the DG opposed the idea of DG Climate to include reporting on emissions from maritime transport in the MMR. This issue was however solved on the service-level and DG Mobility and Transport withdrew its negative opinion (I 52, DG Climate).

DG DEVCO - as the main development actor inside the Commission - issued a favourable opinion subject to comments being taken into account on the MMR draft. It stated that it 'welcomes and supports the objectives' of the proposal and that its comments were confined to the article on reporting on financial and technological support to developing countries (Commission 2011j: 1). In the following commentary it gave its views and recommendations on how to best handle the issue of collecting reliable and consistent data. Amongst other things, DG DEVCO proposed to align the reporting cycle to the one of the Development Assistance Committee of the OECD, and to take a more gradual step regarding the so-called Rio markers (which are used to analyse aid activity targets) and requested information on transfers. It moreover proposed to separate the issues relating to monitoring and reporting of GHG emissions from financial and technological support to developing countries in the exploratory statement of the proposal. DG DEVCO therefore gave some substantial comments on the subject on which it has a lot of experience: financial transfers relevant to developing countries. By comparing the draft that went into the inter-service consultation (Commission 2011i) and the submitted Commission proposal post-inter-service consultation (Commission 2011h), we see that none of the points raised by DG DEVCO was changed in the text. Hence, even



though DG DEVCO gave input via the procedure, the process PCD of the MMR was not increased.

After the inter-service consultations the proposal went to the political level. Since everything was already resolved at the service-level, the political actors in the Commission and their cabinets did not discuss the content of the MMR any further (I 52, DG Climate). Consequently, the College adopted the proposal of DG Climate by written procedure on 23 November 2013 and submitted it to the Council and the EP. During the policy formulation in the Commission, it was therefore especially the stakeholder consultations that contributed to improving process PCD. Other formal procedures such as the impact assessment and inter-service consultations did not achieve this target.

#### *EP - opinion procedure essential for PCD*

In the EP, it was clear that the Environment Committee would be in charge of the MMR proposal. In January 2012, the Committee appointed MEP Bas Eickhout from the Dutch Greens as the rapporteur for the file. Two other committees decided to issue an official opinion on the MMR: DEVE with the Swedish rapporteur MEP Asa Westlund and the Committee on Industry, Research and Energy (ITRE) with the Cypriot rapporteur MEP Takis Hadjigeorgiou. Besides having had regular contacts to DG Climate and the Council presidency, Rapporteur Eickhout also consulted development and climate NGOs which wanted to push for the inclusion of references to increased ODA and new and additional climate finance to developing countries in the MMR draft. These contacts to NGOs were predominantly informal in nature and led to the inclusion of their ideas into the political process in the EP (I 51, EP).

As was the case with the previous case study on Fisheries, the procedures of associated committees and joint sessions of parliamentary committees were not applied because the policy file evidently falls within the remit of the Environment committee. Another procedure that was not used was that of stakeholder consultations. No public hearing or any similar event was conducted on the subject because the MMR has primarily implications for the national administrations of the EU member states and not for instance for societal actors such as the industry.

The only formal coherence procedure that was applied in the EP was the opinion procedure. DEVE adopted its opinion on the MMR proposal on 24 April

2012 by unanimous decision (EP 2012f). The opinion focussed on the mentioned Article 16 of the proposal and proposed some amendments that would make the reporting requirements for the member states more extensive and detailed. It also proposed to insert a specific reference to the PCD article 208 of the TFEU and a reference to the commitment of the EU member states to increase their ODA to 0.7 % of their Gross National Income. These amendments illustrate how DEVE tried to include PCD-relevant aspects into the report of the lead committee using the opinion procedure. The rapporteur and other MEPs of the Environment committee welcomed the proposed amendments. One reason for this was of a tactical nature: ‘we deliberately tried to get the opinion of the Committee of Development into the draft to raise the stakes in the negotiations with the Council’ (I 51, EP). On 30 May 2012, the Environment committee voted on the draft report of rapporteur Eickhout (EP 2012a) and on the proposed amendments of DEVE and ITRE. As Table VI.3 shows, six out of nine DEVE amendments were adopted by the Environment committee; among them the reference to the 0.7% ODA target. The opinion procedure hence increased the process PCD of the proposal in the EP. The PCD reference and the reference to the additionality of transfers were rejected by the committee by a majority of conservative and liberal MEPs, although having the approval of the rapporteur (I 51, EP). The final report (EP 2012j) - including the amendments accepted from DEVE - was adopted by a majority of 48 to 1 votes (4 abstentions).

Table VI.3 Adoption of amendments proposed by DEVE

<b>Number</b>	<b>Content</b>	<b>Adopted?</b>
<b>1</b>	PCD reference Art. 208 TFEU	No
<b>2</b>	Reference to 0.7 % ODA target	Yes
<b>3</b>	Inserting ‘financial instrument’ in Art. 16	Yes
<b>4</b>	Reference to budget and project support	Yes
<b>5</b>	Adding more detailed reporting requirement	Yes
<b>6</b>	Adding more detailed reporting requirement	Yes
<b>7</b>	Adding ‘source of funding’ to Art. 16	Yes
<b>8</b>	Adding information on ‘additionality of transfers’	No
<b>9</b>	Adding reference to ‘hydroelectric power’	Partly

Source: own compilation (based on EP 2012j).

### *Council - fears of new administrative burden*

The technical core of the MMR - the requirement for reporting and monitoring mechanisms of GHGs - was never a controversial issue in discussions among the member states in the Council. When the Commission tried to put additional requirements into the legislative draft it was however met with opposition from some EU member states. Aside from topics such as the inclusion of maritime emissions, this resistance centred in particular on the newly introduced article on the reporting of financial and technological support to developing countries. Some member states led by Germany and the UK feared a potential new administrative burden for their bureaucracies and the possibility that they could end up committing themselves to raise their development financing 'through the back door' (I 49, Council; I 51, EP; I 52, DG Climate).

The environment ministers discussed the subject for the first time in October 2011, when officials from DG Climate presented the Commission's proposal to the Council. In the Council sub-structure, it was especially the WP on Environment Issues that worked on the subject. It also conducted the inter-institutional negotiations (see below). CODEV as the main development actor on this Council level was neither involved in the discussion at any stage nor did it express interest in doing so. Information was exchanged between the WP Environment and other Council formations, but not CODEV. Neither joint meetings nor an ad hoc WP on the topic were convened by the presidency (I 49, Council). In the case of the MMR proposal, coherence procedures did hence not lead to an increase in process PCD. The topic was again put on the agenda of the Environment Council on 17 December 2012, when the Cypriot presidency informed the ministers on the progress of the on-going negotiations with the EP.

### *Trilogue negotiations - PCD and inter-institutional bargaining*

The Cypriot presidency, MEP rapporteur Eickhout and the Commission conducted informal trilogue negotiations in autumn 2012. The EP took up the opportunity that the Commission provided when it introduced the article on financial and technological support to developing countries into the MMR. The EP wanted to push this even further by getting more serious commitments from the member states to

report on these transfers to developing countries. Many EU member states in the Council were firmly opposed to even include such a paragraph in the MMR, let alone include such a strong version as proposed in the DEVE amendments (I 49, Council). During the negotiations, DG Climate undertook informal consultations with DG DEVCO on the subject of Article 16 and went to DG DEVCO to discuss the subject. Due to the sensitive nature of this topic in the trilogue, DEVCO's expertise on development finance was deemed necessary (I 53, DG Climate). DEVCO could therefore give input on the file and increase the process PCD using informal channels at the end of the process.

Finally, a compromise between the EP and the Council was reached shortly before Christmas 2012. It was a success for the EP and the Commission that the Council agreed to include the new article on transfers to developing countries into the regulation. The article was however watered down in its wording and the requirements for the reporting were lowered. From a PCD perspective, the inclusion of the article into the MMR is a significant outcome since for the first time this kind of information is to be transmitted to and gathered at the EU level. To gain the Council's support to this change, other amendments had to be dropped by the EP; including the 0.7% ODA reference which the EP 'had to sacrifice in the negotiations' (I 49, Council; I 51, EP). After the informal agreement was reached, the EP plenary adopted the draft by a broad majority in its first reading on 12 March 2013 and the Council followed suit on 22 April 2013. The policy formulation ended with the signing of the act by representatives of the EP and the Council on 21 May 2013 and the publication of the regulation in the Official Journal of the EU on 18 June 2013 (Decision No 280/2004/EC).

#### *Summary and assessment*

The summary of the assessment of the variables for the sub-case MMR (see Table VI.4) produces a picture that elucidates remarkable differences between the three main legislative EU institutions.

Table VI.4 Assessment of variables for the MMR

Governance regime			Input of develop. actors	Increase process PCD	Causal path
Institution	Coherence procedure	Application			
European Commission	Impact assessment	yes	no	no	B
	Permanent inter-service group	no	n/a	n/a	0
	Stakeholder consultations	yes	yes	yes	A
	Inter-service consultations	yes	yes	no	C
	Meetings at political level	no	n/a	n/a	0
	Informal consultations	yes	yes	yes	A
Council of the EU	Joint meet. of Council bodies	no	n/a	n/a	0
	Info exch. of Council bodies	yes	no	no	B
	Informal consultations	no	n/a	n/a	0
European Parliament	Opinions of committees	yes	yes	yes	A
	Procedure with assoc. comm.	no	n/a	n/a	0
	Joint sessions of parl. comm.	no	n/a	n/a	0
	Stakeholder consultations	no	n/a	n/a	0
	Informal consultations	yes	yes	yes	A
Causal paths (see III.2.2) :					
0 → No coherence procedure applied					
A → Coherence procedure applied, input of development actors, increase of process PCD					
B → Coherence procedure applied, no input of development actors, no increase of process PCD					
C → Coherence procedure applied, input of development actors, no increase of process PCD					
D → Coherence procedure applied, no input of development actors, increase of process PCD					

For the Commission, we see a diverse picture in which two coherence procedure were not applied at all (causal path ‘0’), while others did not achieve increased process PCD neither when development actors gave input (‘C’) nor when they were not involved (‘C’). Only stakeholder consultations and informal consultations effectively increased the process PCD of the MMR (‘A’). In the Council, we could trace the common pattern of not using coherence procedures in general and saw a lack of ambition of CODEV to get actively involved. The opinion procedure in the EP worked well in the case of the MMR and led to an increase in process PCD, together with informal consultations of the governance regime actors in the Environment committee. No other procedures were applied in the Parliament. We now turn to our second sub-case from the Environment governance regime.

### *VI.3.2. Biofuel directive*

*'For biofuels to help us combat climate change, we must use truly sustainable biofuels. We must invest in biofuels that achieve real emission cuts and do not compete with food. (...) Everything else will be unsustainable' (Connie Hedegaard, Commissioner for Climate Action, Commission 2012h).*

When the EU adopted the climate and energy package in 2008, one important side effect of the new legislation remained unresolved and had to be dealt with in the years after: the problem of ILUC. As mentioned previously (see section VI.1), this problem refers to the effects of biofuel production on food security, environmental sustainability, and GHG emissions in developing countries. The renewable energy directive (Directive 2009/28/EC) introduced the mandatory target of achieving a 20% overall share of renewable energy in the EU, including a 10% share for renewable energy in the transport sector, by 2020. The revised fuel quality directive (Directive 2009/30/EC) established the mandatory target to achieve by 2020 a 6% reduction in the GHG intensity of fuels used in the transport sector. Together these directives created incentives for the European biofuel market to satisfy its demand through the import of biofuel products from developing countries - with the aforementioned negative social and environmental consequences.

The two directives invited the Commission to review the impact of ILUC and, if needed, search for ways to address this issue. What happened was as an intensive process of data gathering, consultations and drafting before the Commission finally published a proposal to amend the two directives - the 'biofuel directive' (Commission 2012i). Table VI.5 lists the main policy formulation steps that took place before and after the Commission submitted its proposal.

Table VI.5 Policy formulation timeline of the biofuel directive

<b>Date</b>	<b>Key event</b>
<b>30.07.2010</b>	Start of Commission stakeholder consultation on ILUC
<b>22.12.2010</b>	Commission publishes report on ILUC
<b>04.04.2011</b>	First draft of ILUC impact assessment
<b>27.07.2011</b>	Second draft of ILUC impact assessment
<b>02.05.2012</b>	College of Commissioners discusses biofuels
<b>Sept. 2012</b>	Inter-service consultation in the Commission
<b>17.10.2012</b>	Commission submits biofuel directive proposal
<b>07.12.2012</b>	Council establishes ad-hoc working group on ILUC
<b>March 2013</b>	Environment and Energy Council debate the subject individually
<b>27.03.2013</b>	Commission publishes first renewable energy progress report
<b>26.06.2013</b>	EP Development Committee issues opinion on biofuel directive proposal
<b>10.07.2013</b>	EP Environment Committee adopts report
<b>11.09.2013</b>	Decision by EP in 1st reading, report adopted by 356 to 327 votes (14 abstentions)
<b>12.12.2013</b>	Council rejects compromise text of Lithuanian presidency

Biofuels are a cross cutting issue and are important for several policy areas, e.g. energy, climate change, development, and transport policy. Its overarching nature is reflected in the distribution of responsibility for this topic in the EU institutions. The ILUC file is one of the few examples of a policy initiative that was managed in all three main EU institutions by actors from the Environment as well as the Energy governance regime: DG Climate and DG Energy in the Commission, the Environment Council and the Transport, Telecommunications and Energy Council, and the Environment Committee and ITRE in the EP.<sup>80</sup> This situation affects our analytical framework since it was developed to be applied on the common form of EU policy-making which takes place mainly in a single governance regime. Since this case study focuses on the coherence procedures of the Environment governance regime, the analysis hence concentrates mainly on this area. Whenever coherence procedures were applied jointly by actors of the Energy and Environment governance regime, these are included in the examination, too.

The ensuing analysis concentrates on the PCD relevance of the biofuel directive and the extent to which development actors gave input into the drafting process. The following issues of the biofuel directive are in particular development-

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<sup>80</sup> The main reason for this is that DG Energy was responsible for the renewable energy directive and DG Environment/DG Climate for the fuel quality directive.

related: the cap on the production of first-generation biofuels (i.e. those made from sugar, starch, or vegetable oil) of 5%, the sustainability criteria of biofuels, and the potential inclusion of so-called ‘ILUC factors’ in calculating the GHG emissions of biofuels.<sup>81</sup>

*Commission - two DGs in the lead, DEVCO only marginally involved*

In the run-up to the drafting of the ILUC proposal, the Commission undertook two rounds of public stakeholder consultations. DG Environment held a pre-consultation in July 2009 (Commission 2009) and DG Energy the main consultation from July to October 2010 (Commission 2010). Both consultation rounds saw overwhelming feedback (71 responses for the pre-consultation, 145 responses for the main consultation), showcasing the high political salience of the ILUC topic. Aside from countries and interest groups, a high number of development actors - mainly NGOs - participated and gave input. Organisations such as Actionaid, Friends of the Earth, and Conservation International criticised the effects of the biofuel policy of the EU and agreed that action had to be taken to address ILUC. Some critical NGO remarks (e.g. the demand for an inclusion of ‘ILUC factors’<sup>82</sup> within the existing GHG calculation) did indeed flow into the legislative process (cf. Commission 2010e) and therefore improved the process PCD of the ongoing policy formulation. The overall results of the stakeholder consultation were characterised by a division between contributions of industries and farmer associations, which spoke in favour of keeping the *status quo*, and contributions from NGOs who took a more critical stance and argued for substantial changes.

Based on the public consultations and on commissioned expert studies, the Commission published a report on ILUC on 22 December 2010. The report focussed on the consequences of ILUC for the GHG of biofuels but did not take a closer look at the social impacts for developing countries. The Commission did not come to a definite conclusion in the report on how to tackle the ILUC issue. Instead, it referred to the upcoming impact assessment which it wanted to ‘present (...) if appropriate

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<sup>81</sup> For a more detailed account of these topics and their relation to PCD, see AETS 2013; Wunder et al. 2012; Bowyer 2011.

<sup>82</sup> ILUC factors for different crop groups ‘represent the estimated land use change emissions that are taking place globally as a result of the crops being used for biofuels in the EU, rather than for food and feed’ (Commission 2012d: 2).



together with a legislative proposal (...) no later than by July 2011.’ (Commission 2010e: 14). The evaluation process was however continuously delayed because of disagreements between the DGs Climate and Energy on how to adequately address the ILUC issue (I 47, NGO; I 53, DG Climate).

Previously in 2009, an ILUC inter-service working group had been established under the lead of DG Climate and DG Energy. The group consisted of 11 DGs in total, including DG DEVCO. It met several times between 2009 and 2011 (Commission 2012a: 6). There were therefore regular discussions on the topic in which DG DEVCO participated. The inter-service group also served as the steering group for the impact assessment, providing DG DEVCO with another tool to give input. Even though DEVCO could in theory participate in the process, its contribution has been rather modest since the impact assessment clearly states that it

*‘is focused on the specific requirement related to greenhouse gas emissions from indirect land-use change, it does not consider any wider environmental and social impacts associated with the promotion of biofuels. The Commission intends to consider these aspects in the Renewable Energy Directive’s biennial reports to the European Parliament and the Council from 2012 onwards’.* (Commission 2012a: 8).

Hence, social and environmental impacts on developing countries were not part of the impact assessment. In its short paragraph on social consequences, the impact assessment states that ‘development objectives in third countries are difficult to assess, as such impacts are dependent on local factors’ (Commission 2012a: 40).

The impact assessment evaluated five options first outlined in the 2010 report, ranging from ‘no action required’ to measures such as the inclusion of ILUC factors and introducing additional sustainability criteria for biofuels. It concluded that the best option would be to introduce a cap on the 10% renewable energy target in the transport sector that is to be achieved through first-generation biofuels, flanked by other minor measures. The first draft of the impact assessment was presented on 4 April 2011, followed by an opinion of the impact assessment board. Amongst other things, the board criticised that the impact assessment needed to improve assessing ‘social issues such as impact on third countries, food prices, income effects and

consumer prices' (Commission 2012f). Even though the impact assessment did not change in this regard, the criticism was dropped in the second opinion of the board which followed the presentation of a revised impact assessment in July 2012 (Commission 2012g).

As mentioned above, PCD-relevant issues such as land use rights and impact of biofuels on food prices were supposed to be dealt with in the renewable energy progress report. While some DGs tried to give input to the report during the drafting stage, DG DEVCO opted for commissioning its own study on PCD and biofuels. This report (AETS 2013) addressed the PCD relevance of the EU's biofuel policy comprehensively, but its findings did not flow into the legally more binding renewable energy report, also because of its late publication date. NGOs criticise that DG DEVCO therefore missed a chance to make its voice heard in the more important progress report (I 47, NGO; I 55, NGO). Although this progress report (Commission 2013a, d) analyses PCD issues, it comes to the conclusion that the theorised negative impact of biofuels on developing countries cannot be sustained. This conclusion is seriously called into question by development NGOs (e.g. Actionaid 2013). In any case, the renewable energy progress report was submitted too late to have an impact on policy formulation of the biofuel directive and could therefore not raise its process PCD.

The frictions between DG Climate and DG Energy during the planning phase were reflected on the political level in the College of Commissioners. On 2 May 2012, the biofuel directive was controversially discussed in a meeting of the College. The minutes of the meeting (Commission 2012e) reveal that the Commissioners also discussed 'the need to bear in mind the crucial question of the repercussions of biofuel production for developing countries, world food prices and wide-scale deforestation' (Commission 2012e: 13). Both responsible commissioners, Climate Commissioner Hedegaard and Energy Commissioner Oettinger, presented the draft initiative and their views on the topic, while other commissioners could state their opinion. Not present at this meeting were Development Commissioner Piebalgs and HR Ashton - the two commissioners mainly responsible for development policy in the College. The development actors in the Commission therefore missed an opportunity to give input into the political discussion. After the

exchange on Commissioner's level, DG Climate and DG Energy continued the drafting of the biofuel directive.

The legislative draft (Commission 2012n) then went into inter-service consultation in September 2012. DG DEVCO gave a favourable opinion subject to comments being taken into account (Commission 2012o). DG DEVCO wrote that it was 'very pleased' that amendments to address ILUC were finally proposed and acknowledged that 'the directive goes into the right direction'. It furthermore criticised the lack of time to give input and the failure of the impact assessment to look at PCD aspects of biofuel production. Even though the comments explicitly refer to PCD, they lack clear proposals on PCD-relevant issues such as the sustainability criteria, ILUC factors or the 5% cap. DG DEVCO gave only some general comments about the need to revise the sustainability criteria to better integrate social impacts in developing countries ('it would be a pity to miss this opportunity' (Commission 2012o: 2)), but refrained from offering concrete amendments to the proposals. NGOs see this behaviour as disappointing and as reflecting the unwillingness of DEVCO to get actively involved into the legislative process (I 47, NGO; I 55, NGO). Given the very general nature of DEVCO's comments and the lack of concrete development-related proposals for the legislative draft, the contribution can therefore not be assessed as having given active input through the inter-service consultation procedure. Irrespective of DG DEVCO's comments the post-inter-service consultation draft (Commission 2012m) did not change significantly from the pre-draft. Hence no increase in process PCD occurred.

After the directive proposal was leaked to the public in September 2012 (Poláková, Baldock and Kretschmer 2012), the last weeks of the policy formulation in the Commission saw an intense struggle on its political level. When the final Commission proposal was submitted to the EP and the Council on 17 October 2012 (Commission 2012l), an important part of the proposal had suddenly changed:

*'The few weeks between the appearance of this leaked version and the eventual proposal saw an outcry by industry. This was accompanied by intense lobbying efforts that led to the dropping of binding ILUC factors on biofuels as a policy mechanism in the final proposal, since this was*

*seen by the biodiesel industry in particular as the most harmful mechanism' (Baldock and Kretschmer 2013: 1-2).*

During this intense phase of informal consultations and lobbying, the biofuel industry managed to alter the legislative draft to the detriment of its PCD potential. There is no indication that the cabinet of Commissioner Piebalgs was substantially involved in the informal discussions at the end. Observers point out the possibility that the past of Commissioner Piebalgs - as the former energy commissioner he was the 'father' of the renewable energy directive - led to an unwillingness on his side to get engaged in the ILUC issue (I 47, NGO; I 55, NGO). His predecessor Louis Michel, Development Commissioner from 2004-2009, was more critical of the EU's biofuel targets (Inter Press Service News Agency 2008). After the proposal was submitted by the Commission, lengthy and controversial legislative deliberations began in the EP and the Council.

*Council - rare procedure of ad hoc working party used*

Soon after the Commission submitted its directive proposal, the Council in the form of COREPER I decided, on a proposal of the presidency, that due to the cross cutting nature of the ILUC topic an ad hoc WP should be established (Council 2012i). This is a very rare procedure that is only exceptionally used in the Council to increase coherence and coordination (I 49, Council; I 54, permanent representation Ireland). In the case of the biofuel directive, it was decided that instead of joint meetings of WPs, 'it is for delegations to consider how they would be best represented at this Ad-hoc Working Group bearing in mind (...) that the size of the Ad-hoc Working Group should remain manageable' (Council 2012i: para. 3). All member state delegations sent officials from their environment/climate change and energy ministries to the ad hoc WP. Even though member states could have sent someone responsible for development policy (e.g. from CODEV), this did not happen (I 49, Council; I 54, permanent representation Ireland). The PCD topic itself was not very present: 'We didn't hear a lot of the whole issue in the ad hoc WP. Food security didn't get the attention that it might deserve' (I 54, permanent representation Ireland). The presidency unmistakably told the delegations that any input from other policy fields is welcome, but should be channelled through the ad hoc ILUC WP and not through

other Council bodies: ‘The Council has an interest in strengthening the coordination capacity of the member states, and not in working against and shattering it’<sup>83</sup> (I 49, Council).

On the highest Council level, both the Environment Council and the Transport, Telecommunications and Energy Council dealt with the subject. The ad hoc ILUC WP was however the core forum in the Council for discussing the biofuel directive and met regularly about once a month during 2013 (Council 2013f: 2). In May 2013 the presidency submitted a progress report (Council 2013f) which showed that in almost all areas of the directive (e.g. the 5% cap, sustainability criteria, ILUC factors) a consensus of the member states was still far away. This kind of progress reports are also sent to other Council WPs, therefore keeping them informed on the ongoing process. Also the different drafts for the presidency suggestions for the first reading of the biofuel directive are sent to certain other Council WPs in copy (cf. for instance Council 2013e). CODEV, the development WP in the Council, was however never put into copy in the case of the biofuel directive; in contrast to for instance the WPs on agriculture and transport. Although CODEV could itself download the information from the Council system, the ad hoc WP did not consider informing them on the PCD-relevant file by default. While we cannot determine if members of CODEV informed themselves on the progress of the biofuel directive, interviews suggest that CODEV did not give formal input into the process by providing the ad hoc WP on ILUC with its views (I 39, permanent representation Germany; I 49, Council; I 54, Council).

CODEV was however in general concerned with the biofuel subject on an informal level. It conducted an informal hearing in which the NGO Actionaid could outline its critical views on biofuels and PCD (I 39, permanent representation Germany; I 55, NGO). Furthermore, CODEV invited the chair of the ad hoc WP to attend the informal meeting to discuss the topic. CODEV could therefore informally give input into the process and contribute to the process PCD of the discussions in the Council (I 39, permanent representation Germany; I 49, Council; I 54, permanent representation Ireland).

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<sup>83</sup> 'Der Rat hat ein Interesse daran, die Koordinierungsfähigkeit der Mitgliedsstaaten zu stärken und nicht dieser entgegen zu wirken und sie zu zersplittern' (translation by the author) .

### *EP - joint responsibilities and controversial discussions*

As in the Council and the Commission, two sets of actors were mainly concerned with the policy formulation of the biofuel directive in the EP. The legislative proposal was managed under rule 50 of the EP's rules of procedures - the procedure with associated committees. The Environment committee (formally in the lead) and ITRE were therefore both equally responsible for the draft. Amongst other things, the procedure implies that the committees identify parts of the proposal that are under the responsibility of one committee and that amendments to these parts are automatically accepted by the other committee. Furthermore, the legislative draft has two rapporteurs (one per committee) which are supposed to work closely together during the policy formulation. This strong coherence procedure is only rarely applied in the EP. In the case of the biofuel directive, associating DEVE was not considered. Here, the EP was in line with the other two EU institutions which locate the competence for the proposal along the lines of the environment and energy departments, and not within the competence area of the development actors of the institutions.

In February 2013, the lead Environment committee organised a workshop on 'Sustainable Biofuels: addressing Indirect Land Use Change' at which the MEPs could discuss the topic with Commissioner Hedegaard and representatives of NGOs, industry and research organisations (EP 2013h). Several actors representing development objectives were present, e.g. the NGOs Oxfam and Transport & Environment. They had the opportunity to present their critical views on the EU's biofuel policy directly to the EP rapporteurs MEP Corinne Lepage and MEP Alejo Vidal-Quadras, thereby influencing their deliberations on the file. Besides these formal consultations, development actors also used informal contacts to the MEPs of the Environment Committee to give input. Due to the high political salience of the issue, informal consultations with several MEPs took place and development NGOs confirm that their views were taken into account in the process (I 47, NGO; I 55, NGO).

The main coherence procedure that was used by DEVE was again the opinion procedure. Drafted by DEVE rapporteur MEP Filip Kaczmarek, the committee adopted its opinion on 26 July 2013 with 20 to 1 votes by 3 abstentions

(EP 2013f). In its opinion, DEVE proposed 32 amendments to the draft directive. One month later, on 26 July 2013, the Environment Committee voted on these amendments together with the draft report of the responsible rapporteur MEP Lepage and the amendments of other committees and MEPs.<sup>84</sup> As regards the DEVE amendments, all of them were either directly adopted or reflected in the agreed consolidated text (EP 2013a). Input of DEVE that was adopted was for example related to food security, ILUC factors, and food price volatility. The process PCD of the initiative was hence improved through the opinion procedure. The overall report was adopted as amended by 43 to 26 votes (1 abstention).

The next step in the EP was the plenary vote in first reading on 9 September 2013. After a long and controversial discussion in the plenary, the EP adopted the Lepage report with a narrow majority of 356 votes in favour to 327 against and 14 abstentions (EP 2013d). The EP's resolution proposed many amendments to the Commission's proposal such as increasing the cap of conventional biofuels to 6% and the introduction of a 2.5% sub-target for the use of advanced biofuels made from agricultural waste or algae in 2020. Even though her report passed, rapporteur Lepage was two votes short of receiving a mandate to negotiate with the Council. A second reading will therefore be required in the EP and the whole policy formulation process will very likely not be finalised before the next EP elections in May 2014; also because the Council rejected a compromise text by the Lithuanian presidency in December 2013 (Council 2013g). Nevertheless, the stage when most of the available coherence procedures could be applied (or not applied) has already passed in the three institutions, so a summary of the policy formulation from a PCD perspective is possible.

### *Summary and assessment*

The assessment of the variables of our analytical framework for the biofuel directive (see Table VI.6) shows the application of some rare EU coherence procedures but at the same time, the ineffectiveness of some of the more common procedures as regards to the promotion of PCD becomes visible.

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<sup>84</sup> In total, five EP committees issued an opinion on the biofuel directive proposal.

Table VI.6 Assessment of variables for the biofuel directive

Governance regime			Input of develop. actors	Increase process PCD	Causal path
Institution	Coherence procedure	Application			
European Commission	Impact assessment	yes	yes	no	C
	Policy evaluation	yes	no	no	B
	Permanent inter-service group	yes	yes	no	C
	Stakeholder consultations	yes	yes	yes	A
	Inter-service consultations	yes	no	no	B
	Meetings at political level	yes	no	no	B
	Informal consultations	yes	no	no	B
Council of the EU	Ad hoc WP	yes	no	no	B
	Info exch. of Council bodies	yes	no	no	B
	Informal consultations	yes	yes	yes	A
European Parliament	Opinions of committees	yes	yes	yes	A
	Procedure with assoc. comm.	yes	no	no	B
	Joint sessions of parl. comm.	no	n/a	n/a	0
	Stakeholder consultations	yes	yes	yes	A
	Informal consultations	yes	yes	yes	A
Causal paths (see III.2.2) :					
0 → No coherence procedure applied					
A → Coherence procedure applied, input of development actors, increase of process PCD					
B → Coherence procedure applied, no input of development actors, no increase of process PCD					
C → Coherence procedure applied, input of development actors, no increase of process PCD					
D → Coherence procedure applied, no input of development actors, increase of process PCD					

As the only policy initiative analysed in this thesis, the planning of the biofuel directive saw the use of the two arguably strongest coherence procedures in the Council and the EP: an ad hoc Council WP on ILUC, and the EP procedure of associated committees. The procedures did however not incorporate development actors, but rather representatives of the respective environment and energy departments, and did not improve the process PCD of the directive (causal path ‘B’). The same lack of input by development actors could be seen in the case of other coherence procedures, e.g. in the inter-service consultations conducted in the Commission. Coherence procedures that actively included development actors and that improved the process PCD were the stakeholder consultations in the Commission and the EP, informal consultations in the Council and the EP, and the EP opinion procedure (‘A’). The impact assessment and the permanent inter-service



group in the Commission failed to improve process PCD, even though DG DEVCO was involved in its application ('C').

#### VI.4. Conclusion

Environment and development policy share similar objectives. In particular the fights against climate change and global poverty have significant potential for synergy. The EU institutions acknowledge this relationship and regularly put climate change on the top of their PCD agenda. In contrast to fisheries policy, both the internal and external dimension of EU environment policy can have PCD implications.

This second case study showed how a shared policy field such as environment can differ in terms of PCD promotion from an exclusive policy field such as fisheries. In particular the policy instruments of the Environment and Fisheries governance regime leads to significant variance regarding policy formulation processes and the coherence procedures that are at the actors' disposal. Both sub-cases - the MMR and the biofuel directive - represented examples of common EU legislation in the form of regulations and directives adopted through the OLP. This procedure leads to a lengthy process of political and administrative deliberations in the EU institutions, in which all possible coherence procedures can in theory be applied to improve PCD.

The empirical analysis showed however that even in a policy field that shares objectives with development policy, coherence and coordination are not easily achieved. To the contrary, even though a wide array of coherence procedures was used for the two policy initiatives, the results show a mixed picture regarding their effectiveness. It was observed that in the EP the detailed and transparent legislative procedure offers several avenues for development actors to give input into the Environment governance regime. In contrast, policy-making in the Council followed the same silo-like paths that we have seen in the previous chapter; virtually ruling out active input by development actors at the Council level.

In the case of the Commission, a key issue lies again in the (in)-ability of DG DEVCO to get actively involved in other policy fields. Even though the development DG is well aware of the PCD-relevance of policy files such as biofuels and ILUC - as evidenced by their own reports on the subject - it is hard for them to give

meaningful input into the ongoing policy planning of other DGs. There is a risk that DG DEVCO finds itself in an uncomfortable role where - due to a lack of resources or political willingness - it cannot actively promote the PCD topic inside the Commission. The sub-case analysis reveals that it was rather the advocacy of development NGOs that led to an improvement in process PCD, for example through stakeholder consultations conducted by the Commission or the EP.

After the two case studies which analysed policy-making in governance regimes that had a partial (Environment) or complete (Fisheries) transfer of competences to the EU level, we now turn our focus to an EU policy area that is decidedly inter-governmental: security policy.

## VII. The Security governance regime

*'There cannot be sustainable development without peace and security, and (...) without development and poverty eradication there will be no sustainable peace. The Council firmly believes that this nexus between development and security should inform EU strategies and policies in order to contribute to the coherence of EU external action (...)' (Council 2007c: 2).*

The mutual importance of security and development policy is acknowledged by all major EU actors. They argue that it is beneficial for both policy fields if they are planned and implemented in a coordinated and coherent way (European Council 2003; Council 2007c; EP 2012g; Commission 2011a). The crux of the matter from a PCD perspective lies however in translating the coherence demand into practice. This is difficult for three main reasons: Firstly, there is no consensus if development and security policy should follow a two-step approach (e.g. first short-term secure conditions, then long-term development projects) or should strive for synergic action from the start. Secondly, the intergovernmental nature of EU security policy stands in stark organisational and procedural contrast to EU development policy. These special characteristics of the Security governance regime differ significantly from the two previous case studies on Fisheries and Environment, e.g. through the important role of the new EEAS in policy formulation. Thirdly, it is unclear if the EU actors always want to increase the coherence of security instruments with development objectives rather want to use development funds to finance security measures that benefit primarily the EU itself ('securitisation' debate, see below).

This chapter will proceed as follows: after outlining the relevance and mutual linkage of development and security policy (VII.1), we analyse the key actors of the Security governance regime, its coherence procedures and its main policy instrument: civilian and military CSDP missions (VII.2). The focus of the remaining part lies on an examination of the policy formulation process of two of the latest CSDP missions: the civilian mission EUCAP Sahel Niger (VII.3.1) and the military mission EUTM Mali (VII.3.2). The results of the analysis are summarised in a conclusion (VII.4).

## VII.1. Background and PCD relevance of security policy

Security policy is a rather young policy field of the EU, especially in comparison with fisheries and environment policy. CSDP in its current form was only created with the entry into force of the Amsterdam Treaty in 1999 (Title V).<sup>85</sup> CSDP nowadays includes inter alia EU battlegroups, the European Defence Agency, the Institute for Security Studies, and CSDP missions focusing on civilian and military crisis management in third countries.

### *The Security-Development Nexus*

The link between security and development policy is commonly referred to as the *Security-Development Nexus* (Chandler 2007; Menkhaus 2004; Stern and Öjendal 2010). Although the concept itself is not new, recent years have seen increased attention given to this mutual inter-linkage. The key idea is that development needs secure conditions to make substantial progress and *vice versa*. The impact of conflict prevention, crisis management, and security sector reforms in developing countries on the fight against poverty are core themes of the Security-Development Nexus from a PCD perspective.

The EU has committed itself numerous times to increasing the coherence between security and development policy. The most important document in this regard is the European Security Strategy adopted by the European Council in 2003, which provided the broad guidelines for the CFSP/CSDP of the Union (European Council 2003). Drafted in reaction to the changed global security landscape in the aftermath of the 9/11 terrorist attacks and the divisions inside the EU over the Iraq war, the Strategy makes strong references to the mutual importance of security and

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<sup>85</sup> Early inter-governmental attempts to develop a European defence and security policy started already a few years after the Second World War. Efforts such as the European Defence Community and the Fouchet plans were however never realised in the 1950s and 1960s. During the Cold War, security cooperation in Western Europe was primarily conducted in the framework of NATO and in the closely aligned Western European Union. A genuine European foreign policy started to emerge in 1970 with the European Political Cooperation, which eventually developed into the CFSP introduced by the Maastricht Treaty (cf. Regelsberger, De Schoutheete and Wessels 199; Pijpers, Regelsberger and Wessels 1988). The *Petersberg tasks*, adopted by the Western European Union in 1992, listed security and military priorities such as peacekeeping and crisis management and pushed for the development of respective capabilities (Western European Union 1992). After the EU incorporated the *Petersberg tasks* into the Amsterdam Treaty and after the British-French declaration of St Malo called for a bigger role of the EU in security policy, the Cologne European Council in 1999 decided to integrate the WEU into the EU (European Council 1999: 68).

development. It claims that ‘in much of the developing world, poverty and disease (...) give rise to pressing security concerns’ and that ‘security is the first condition for development’ (ibid. 2, 13). This link was again emphasised in the European Consensus on Development which stated that ‘insecurity and violent conflict are amongst the biggest obstacles to achieving the [Millennium Development Goals]’ (Art. 37 of 'The European Consensus' 2005). In addition, all PCD reports of the EU institutions underline this relationship (see section II.3.1). One central document issued by the Council in this matter are its Conclusions on Security and Development (2007c). The conclusions call for the promotion of mutual coherence by ‘taking into account the development dimension in the preparation of CFSP/ESDP activities, and taking into account security aspects, including the CFSP/ESDP dimension, in the preparation of development activities’ (Council 2007c: 4).

*CSDP missions and their PCD relevance*

CSDP missions are the main policy instrument in the Security governance regime that has direct implications for third countries (see section VII.2). The CSDP missions that the EU deploys in developing countries are relevant from a PCD perspective of view because they can help to lay the foundations for a peaceful and stable environment for medium and long-term development cooperation projects.<sup>86</sup> The EU differentiates between civilian missions, covering tasks such as police training, judicial reforms and rule of law, and military missions, which focus on the training of soldiers, military protection and engagement. Table VII.1 lists all on-going 14 CSDP missions at the beginning of 2014, of which 4 are military and 10 are civilian in nature.

Table VII.1 List of on-going CSDP missions

<b>Name</b>	<b>Type</b>	<b>Initiated in</b>	<b>Personnel (incl. local staff)</b>
EUFOR ALTHEA	Military	December 2004	900
EUBAM Rafah	Civilian	November 2005	7
EUBAM Ukraine/Moldova	Civilian	December 2005	220

<sup>86</sup> One other EU policy instrument which explicitly addresses the gap between short-term security and long-term development programmes is the Instrument for Stability (cf. Gänzle 2012).

EUPOL COPPS Palestine	Civilian	January 2006	105
EUPOL DR Congo	Civilian	July 2007	52
EUPOL Afghanistan	Civilian	June 2007	547
EULEX Kosovo	Civilian	February 2008	2.140
EUMM Georgia	Civilian	October 2008	392
EUNAVFOR Somalia (Atalanta)	Military	November 2008	1.400
EUTM Somalia	Military	May 2010	125
EUCAP Sahel Niger	Civilian	July 2012	50
EUCAP Nestor	Civilian	July 2012	28
EUTM Mali	Military	January 2013	450
EUBAM Libya	Civilian	May 2013	100

Sources: European External Action Service Webpage on Ongoing CSDP Missions and Operations (2013); Common Security and Defence Policy Mission Analysis Partnership (2014); International Security Information Service (2012).

Two areas can be singled out in which a coherent planning of CSDP missions is particularly relevant for PCD: ‘failed states’ and security sector reform. A failed state<sup>87</sup> refers to ‘a situation (usually after the aftermath of a civil war (...)) where none of the basic infrastructures of the state are in place’ (Banim 2009: 308; cf. European Council 2003; Weiss, Spanger and Meurs 2009). One of the main deficiencies of a failed state is its loss of the monopoly on the use of force and the incapability to provide basic security for its population. This leads to significant problems for the development prospects of societies because organised crime, terrorism and conflicts between communities inside the state prevail. CSDP missions can support the state’s governance and stabilise the security situation. To achieve this, the planning of CSDP missions can search for synergies with development projects in order to contribute to a holistic approach to address problems of failed states. The Commission accordingly called for an integration of development strategies and the involvement of development actors into the policy formulation of CSDP missions (Commission 2010a: 33).

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<sup>87</sup> The term ‘fragile state’ is also frequently and increasingly used in the discussion (cf. Gänzle 2012: 119).

Security sector reforms – encompassing inter alia police and justice reforms, promoting civilian control of the military, and the destruction of small arms (Helly 2006: 1) - are an area in which the link between CSDP missions and development cooperation becomes particularly visible. Both civilian CSDP missions and development projects often focus on governance reforms in the security sector. To give an example, the CSDP mission EUPOL Afghanistan focuses on training police and improving the rule of law through capacity building and governance reforms. Simultaneously the Development Cooperation Instrument of the EU funds projects in governance and the rule of law as one of its three focal sectors in Afghanistan (Commission 2011e). Here, synergy effects and coherent and coordinated planning can benefit the effectiveness and efficiency of both instruments (cf. Youngs 2008: 432 et seq.).

#### *The 'securitisation' debate*

Critical voices of the CSDP engagement of the Union point out that the missions may tend to emphasise the security interests of the EU primarily, and not the human security of the local population (CONCORD 2011b: 49). The new role of the EEAS led some observers to fear that it could promote a 'securitisation of aid'. Securitisation in this context means that development funds are used to address foreign policy goals instead of pursuing poverty reduction and eradication.<sup>88</sup> Development NGOs warn against a mix of programming competences: 'aid allocation and development policy should remain as far as possible with government aid agencies independent of foreign and defence ministries. They should be permitted to allocate and spend their own budgets on tackling long-term poverty and providing direct, rapid, effective assistance to those in urgent need' (Oxfam 2012: 28). The debate on a potential securitisation of aid has increasingly developed over the last years. A prominent example in this regard is the discussion centred on the African Peace Facility which uses development funds for the support of military operations (cf. Mackie et al. 2006). An interviewed diplomat in an EU delegation in Africa for instance perceived a focus shift to more security-related issues post-Lisbon. In this context, the 'European Strategy for Security and Development in the

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<sup>88</sup> Cf. Furness 2010: 15 et seq. for a discussion on 'securitisation' and development policy in the EEAS set-up.

Sahel’ (Commission and HR 2011) - in short: ‘Sahel strategy’ - is named as an example for the new development (I 11, EU delegation).

*The EU Strategy for Security and Development in the Sahel*

The Sahel strategy was submitted as a joint paper by the Commission and the HR in 2011. The strategy aims to bring together various policy fields of EU external action in a ‘comprehensive approach’ towards the region. The term comprehensive approach has recently become the buzzword for the relation between CSDP and other EU external action policy fields in crisis response.<sup>89</sup> Due to the situation in the region - characterised by weak state authority, poverty, terrorism and transnational crime - the Sahel can be seen as a primary example for the need of a comprehensive approach of the EU: ‘In few areas is the inter-dependence of security and development more clear’ (Commission and HR 2011: 1)<sup>90</sup>. The Sahel Strategy addresses mainly Mauritania, Mali and Niger and has four levels: 1) Governance, development and conflict resolution, 2) Regional politics, 3) Security and the rule of law, and 4) Fight against and prevention of violent extremism and radicalisation. To address these levels, the EU uses several of its policies. While it was generally well received by observers and had the backing from the highest political level in the EU (President of the European Council 2012), some observers criticise its lack of effectiveness, the coordination of its instruments and its primary focus on European security interests (Rouppert 2011, 2012; Simon, Mattelaer and Hadfield 2012).

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<sup>89</sup> In December 2013, the Commission and the HR finally submitted a joint communication setting out the objectives and tasks of the EU’s comprehensive approach to external conflict and crises (Commission and HR 2013). Although the communication gives no concrete definition, the concept is understood as an integrated approach of the EU towards a crisis situation in a third country bringing together all external relations instruments (development cooperation, crisis management, humanitarian aid etc.) in a coordinated way. A particular focus lies on the Security-Development Nexus: ‘the connection between security and development is therefore a key underlying principle in the application of an EU comprehensive approach’ ( 4). The joint communication underlines also the need for coherent and coordinated planning of crisis response though ‘[ensuring] that all relevant EU actors are informed and engaged in the analysis and assessment of conflict and crisis situations and at all stages of the conflict cycle – comprehensive engagement and action build on joined-up preparatory work’ ( 7).

<sup>90</sup> Another important region for the link between security and development is the Horn of Africa where the EU was engaged in the past years with its whole range of external policies – from humanitarian aid, development cooperation, and diplomatic relations up to civilian and military CSDP mission. The EU strategy towards the Horn of Africa is described by EU officials as an important template of how the EU approached the Sahel region later (I 41, EEAS; I 48, DG DEVCO).



The EU deployed two CSDP missions in the Sahel region in 2012 and 2013: the civilian EUCAP Sahel Niger and the military EUTM Mali. The missions are the two main pillars of the Security dimension of the Sahel Strategy. Because of the above outlined link between CSDP missions and development prospects of the countries in the region, this chapter will later (VII.3) analyse to what extent coherence procedures were applied by the Security governance regime while planning the missions and what influence on the process PCD of the missions can be observed. Before doing this, we first examine again the key actors, instruments and coherence procedures of the governance regime itself.

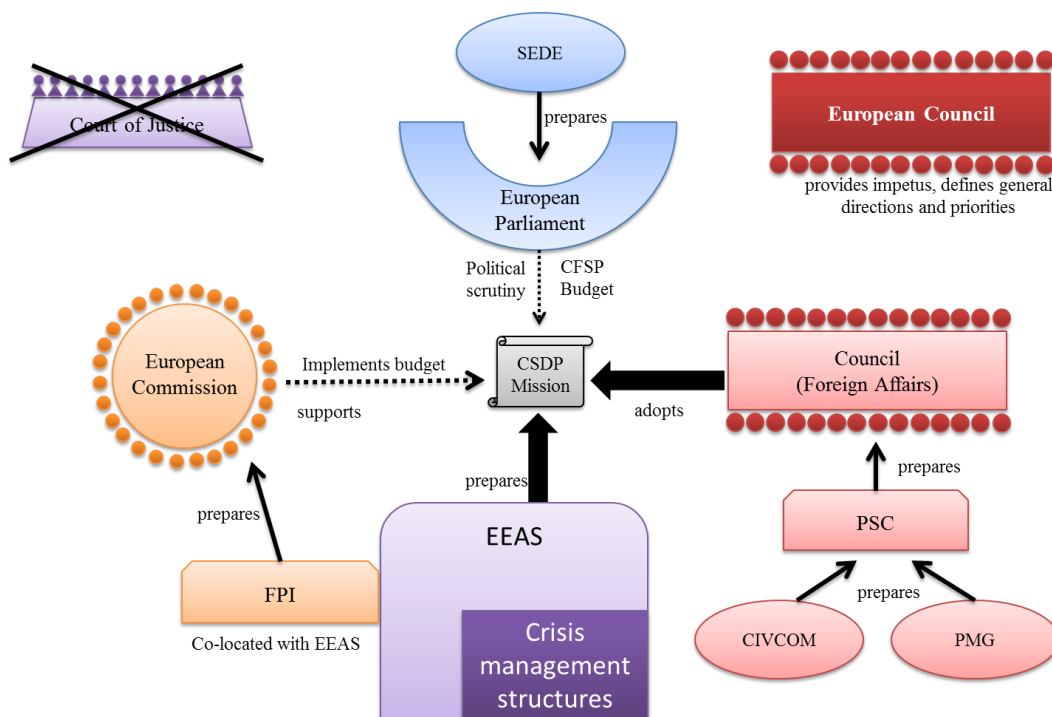
## VII.2. Key actors, instruments and procedures

The Security governance regime as part of the Union's CFSP is 'subject to specific rules and procedures' (Art. 24 (1) TEU). It has a clear inter-governmental set-up as exemplified by the distribution of competences among the EU institutions. The Council is the main decision-maker and takes decisions by unanimity, the EP largely lacks powers and the Commission plays only a limited role. Even though only the Council and the EEAS contribute significantly to policy formulation in the governance regime, the structures and procedures in place are not less complex than in other Union policies.

### *Key actors –EU member states and EEAS pull the strings*

The key actors in the EU Security governance regime are the Council and the newly established EEAS. Figure VII.1 depicts schematically their role and that of other EU actors in planning CSDP missions.

Figure VII.1 Security governance regime – key EU actors



Since the Amsterdam Treaty incorporated CSDP into the EU domain, several treaty revisions and institutional reforms took place that affected this policy area - the latest being the substantial changes implemented with the Treaty of Lisbon. The central actor in the governance regime is now the HR due to her responsibility for the Union's CFSP - including CSDP - and her position as head of the EEAS and the chair of the Foreign Affairs Council. She oversees all proposals for the development and implementation of CFSP/CSDP and represents the Union externally in these matters (Arts. 18 and 27 TEU). As head of the EEAS, she is directly in charge of the crisis management structures where most of the planning of CSDP missions takes place.

These structures are somehow detached from the rest of the service and report directly to the HR, without a managing director in between as in the case of the geographic and thematic directorates. This is a direct result of their also former detached location in the Council secretariat, from where they were transferred en bloc to the new service. Three administrative parts constitute the crisis management structures: the Crisis Management and Planning Directorate (CMPD), the EU Military Staff (EUMS), and the Civilian Planning and Conduct Capability (CPCC).

CMPD is responsible for the strategic planning of CSDP missions, their strategic review, and the coordination of civilian and military capabilities. The EUMS is the only genuine military body of the EEAS and is composed of approximately 200 military personnel seconded from the EU member states. It conducts strategic planning from a military point of view, performs early warning and assesses crisis situations. The CPCC is in charge of the operational planning of civilian missions and their implementation. Together, the three bodies carry out the bulk of strategic and operational planning of CSDP missions (Rehrl and Weisserth 2013: 42-46; Council 2003).

The political counterpart to the administrative EEAS structures is the Council and its preparatory bodies. The Foreign Affairs Council, chaired by the HR, is the place where all political decisions in CSDP are formally taken. The real forum for regular CSDP deliberations of the member states is however the Political and Security Committee (PSC). It is composed of the ambassadors of the EU member states and is one of the few Council preparatory bodies that is explicitly mentioned in the treaties. Art. 38 of the TEU sets out that the PSC ‘shall exercise, under the responsibility of the Council and of the High Representative, the political control and strategic direction of the crisis management operations’ and that ‘the Council may authorise the Committee (...) to take the relevant decisions concerning the political control and strategic direction of the operation’. The PSC has therefore a focus on specific crisis situations. This has led observers to criticise that it is rather not interested in long-term processes such as those that are typically part of development cooperation (Youngs 2008: 432).

Three important Council committees stand under the political control of the PSC and report to it. The Politico-Military Group is involved in the strategic planning of military CSDP missions through developing strategic planning documents and monitoring the operation progress. The Committee for Civilian Aspects of Crisis Management (CIVCOM) is its counterpart for civilian missions. The EU Military Committee is the highest military body in the Council and gives the PSC advice on military matters (Rehrl and Weisserth 2013: 32-35; Council 2003).

The European Council as usual plays an important role in giving impetus and defining guidelines for the policy field (e.g. by having adopted the European Security

Strategy). Even more than in other policy fields it gets involved in discussions regarding EU engagement in crisis situations, as evidenced for instance by its discussions on the Arab Spring and Mali in February 2013 (European Council 2013a).

The bulk of CSDP policy formulation is conducted cooperatively by the respective EEAS and Council bodies. Other EU institutions are only marginally involved. Given the inter-governmental nature of the governance regime, the EP has no formal powers in CSDP planning. Nevertheless, it is indirectly involved in two ways. First, the TEU foresees a certain degree of political accountability of the HR vis-à-vis the EP when it claims that the former ‘shall regularly consult the European Parliament on the main aspects and the basic choices (...) and the common security and defence policy (...). He shall ensure that the views of the European Parliament are duly taken into consideration’ (Art. 36). In addition, the EP can ask questions to the HR and the Council and twice a year it holds a debate on the progress of CFSP (including CSDP). Second, the EP uses its role as the budgetary authority to make its voice heard in CSDP. On the basis that civilian CSDP missions – though not military ones – are financed through the regular EU budget, the EP asserted its prerogative to be regularly consulted by the Council on the composition and spending of the budget (Brok and Gualtieri 2010).

The Commission as such is also not directly involved in the planning of CSDP missions. It can however contribute to their success by flanking the objectives of CSDP missions through measures funded by the community-financed external instruments (such as the European Development Fund or the Development Cooperation Instrument). The Commission therefore plays an important role in the comprehensive approach of the EU towards crisis regions. The Commission is moreover in charge of implementing the EU budget and therefore implements the budget for the civilian CSDP missions via its Foreign Policy Instruments service which is co-located with the EEAS (Rehr and Weisserth 2013: 34-35).

The CJEU plays no role since the treaty clearly postulates that it ‘shall not have jurisdiction with respect to these [CFSP/CSDP] provisions’ (Art. 24 TEU). As in the two case studies on Fisheries and Environment, Security actors outside the EU institutions, such as the interest groups of the European defence industry, will be

considered in the analysis only if they took part in the policy formulation process of CSDP missions.

*Policy instruments – key role of CSDP missions*

Although the Security governance regime also contains other policy instruments such as the Instrument for Stability, this thesis focuses on the planning of CSDP missions in third countries as they are of particular relevance from a PCD perspective. The main formal mode of governance is a Council decision by which the EU member states adopt the legal framework and launch CSDP missions. This step marks the end of the policy formulation process. Its beginning is more difficult to pinpoint. In every relevant crisis situation the CSDP actors in the Council and the EEAS undertake discussions on potential options before planning becomes gradually more formalised. According to the crisis management procedures from 2003<sup>91</sup>, the official policy planning starts when the PSC considers that EU action is appropriate and when it subsequently tasks the CMPD to draft a crisis management concept for a potential CSDP mission (Council 2003: 2).

The ensuing policy formulation is conducted in a constant back and forth between the preparatory bodies in the Council and the EEAS (cf. Mattelaer 2010: 3). In the Council, the PSC takes the crucial decisions while the Politico-Military Group and CIVCOM are more involved in day-to-day planning. Various EEAS units such as the CMPD and the EUMS draft preparatory assessments, concepts and operation plans for a mission and constantly consult with the respective Council bodies. A more detailed account of this planning procedure will be given in the process-tracing of two CSDP missions in section VII.3.<sup>92</sup>

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<sup>91</sup> These procedures are still the most recent official documentation of CSDP crisis management procedures. Although the governance regime since 2003 was subject to fundamental changes the official guidelines were not updated yet. In a joint letter to the HR in December 2011, the foreign ministers of twelve EU states called for a revision of the CSDP procedures and guidelines ‘in due time’ (Joint letter from the Foreign Ministers of Belgium 2011: 2). A revision is still in the works and its publication long overdue. Different drafts of the new procedures were circulated in the EU institutions in 2012 (Mattelaer 2012).

<sup>92</sup> See also the mentioned Council crisis management guidelines from 2003 and Mattelaer 2010 for a comprehensive overview of the general planning process.

### *Coherence procedures – CSDP as a moving target*

It is clear from the overview above that the planning of CSDP missions involves a number of actors and administrative procedures. The Security governance regime is characterised by a ‘compartmentalization of actors, instruments, operational cultures, and financial arrangements’ (Banim 2009: 345) which can challenge a coherent and holistic approach. The differences with the Development governance regime, which focusses on long-term development projects, are particularly significant regarding working culture and institutional aspects (Weiss, Spanger and Meurs 2009: 19). In addition, the CSDP directorate in the EEAS is visibly detached from the rest of the service, in particular from the geographic units. This interferes with the smooth planning and implementation of CSDP missions (Smith 2013: 9) and poses problems for the implementation of the comprehensive approach.

Because the high number of planning steps and actors involved lead to a complex and at times lengthy process, the EU is considering a reform. The 2013 EEAS review explicitly called for ‘clarifying and streamlining responsibilities (...) for the planning of CSDP missions. (...) The PSC has recently approved some proposals (...) on the revision of crisis management procedures, and more radical steps could be considered for the future’ (EEAS 2013a: 6; cf. Mattelaer 2012). The practical planning routine can of course not wait for an official revision of the CSDP guidelines. Instead, formal and informal planning procedures are constantly in flux, especially since the creation of the new EEAS overhauled the whole administrative system (I 42, EEAS).

The ‘moving target’ CSDP challenges coherence in the policy formulation process of CSDP missions. Various Council conclusions explicitly demand stronger planning coherence from the EUMS and other CSDP units, e.g. through joint meetings with Commission services. Measures proposed include joint fact finding missions and the joint establishment of a crisis management concept (Council 2003: 13; 2007c: 4-5). In its 2010 PCD work programme, the Commission named the following as indicators to assess PCD in CSDP: the ‘extent to which development actors are involved in the planning (...) of crisis management missions’ and the ‘extent to which crisis management missions take account of development objectives’ (Commission 2010a: 33). In practice, involving all relevant actors is not

an easy task. Pointing to this matter, a high-ranking military official of the EUMS wrote:

*‘Inevitably, some will raise concerns about high ‘bureaucratic density’ in having so many stakeholders engaged. And they would be right – it is difficult to work with so many actors to drive real output. No doubt over time natural selection might streamline this more’ (Williams 2013).*

Even though the official underlined the value of a comprehensive approach in the same article, the wording of this statement does not really indicate a mind-set in the EUMS that is eager to engage in increased coordination and coherence attempts.

The EEAS can apply several coherence procedures in the planning of CSDP missions (see Table VII.2). Topical task forces, assessment missions, and planning teams can all help to increase the process PCD of a mission.

Table VII.2 Coherence procedures in the Security governance regime

<b>Institutions</b>	<b>Procedures</b>
Council of the EU	Joint meetings/ad hoc WPs
	Information exchange of Council bodies
	Informal consultations
External Action Service	Policy board
	Crisis platforms
	Topical task forces
	Planning teams
	Assessment missions
	Informal consultations

Since new CSDP missions are nothing that happens every week or month, it depends very much on the particular mission and its context to what extent these procedures are applied in practice. Procedures in the Council are in general similar to the ones already analysed in the previous two empirical chapters. Since the EP and the Commission are not involved in the actual CSDP policy formulation process, their respective coherence procedures do not play a role here. Their development actors (e.g. DG DEVCO) may however get involved in planning by the EEAS and the

Council. To deal with the general topic, DG DEVCO for instance has a dedicated unit for ‘fragility and crisis management’ (Commission 2011a: 110).

The ensuing analysis of the policy formulation of the civilian CSDP mission EUCAP Sahel Niger and the military mission EUTM Mali will now elucidate the extent to which coherence procedures are in practice applied in CSDP planning and the effect they have on process PCD.

### VII.3. The policy formulation of CSDP missions

With EUCAP Sahel Niger and EUTM Mali, the EU deploys soldiers and civilian personnel in one of the politically most sensitive regions in its neighbourhood: the West African Sahel. Due to problems such as poverty, terrorism, transnational crime, food security and failed state governance, the mutual inter-linkage between security and development is in few regions as significant as it is here (cf. Simon, Mattelaer and Hadfield 2012; Bello 2012; EP 2012b).

The analysis starts by tracing the policy formulation process of EUCAP Sahel Niger (VII.3.1). The mission planning commenced officially in December 2011 after the PSC endorsed the initial planning, and ended with the launch of the mission by the Council in July 2012. The second part of the analysis concerns the planning of EUTM Mali (VII.3.2) which was conducted in the EU institutions mainly between October 2012, when an options paper was first discussed in the PSC, and February 2013, when the mission was finally launched.

#### *VII.3.1. EUCAP Sahel Niger*

*‘(...) a strong coordination between EUCAP SAHEL Niger and European Commission-funded programmes would be essential in order to ensure coherence for the EU’s action and mutual reinforcement among the different activities.’ (Pirozzi 2013: 17).*

The EU launched a civilian CSDP mission to Niger in July 2012 to react to the security challenges in Western Africa. EUCAP Sahel Niger has the aim to support the capacity building of the Nigerien security actors to fight terrorism and organised crime. It shall do so by giving advice and assisting Niger in the implementation of the Nigerien Strategy for Security, helping the authorities to develop criminal



investigation capacities, and contributing to the identification, planning and implementation of projects in the security field (Council 2012f: 1). The duration of the mission was set to initially 24 months with the possibility of extension. € 8.7 million funding was allocated for the first 12 months of the mission, to be financed via the EU budget. The EU member states and the EU institutions however have to bear the costs of their seconded staff. The operational command of the mission is exercised by the head of mission, while the head of CPCC in Brussels is the civilian operation commander. The political control and strategic direction is exercised by the PSC under the responsibility of the Council and the HR. The HR is also in charge of ensuring ‘the consistency of the implementation of this Decision with the Union’s external action as a whole, including the Union’s development programmes’ (Council 2012f: 4). No details are however given how this coordination shall be implemented in practice.

Given that the objectives and tasks of EUCAP Sahel Niger complement to a certain extent already existing security-related projects financed by EU development funds (see below), a coherent and coordinated planning of the mission was particularly important. Table VII.3 summarises the key events during the policy formulation of EUCAP Sahel Niger from its initial conception at the end of 2011 to its launch in summer 2012.

Table VII.3 Policy formulation timeline of EUCAP Sahel Niger

<b>Date</b>	<b>Key event</b>
<b>01.12.2011</b>	Council encourages HR to prepare a 'CSDP engagement to reinforce regional security capabilities in the region'
<b>20.12.2011</b>	PSC discusses possible civilian mission in Sahel and tasks CMPD with drafting a crisis management concept
<b>01/2012</b>	CMDP conducts fact-finding mission to Niger
<b>09.03.2012</b>	Draft crisis management concept is presented and approved in the PSC
<b>23.03.2012</b>	Council approves crisis management concept for a possible CSDP mission
<b>23.03.2012</b>	Council conclusions on Sahel
<b>04/2012</b>	CPCC conducts assessment mission to Niger and drafts concept of operations
<b>05.06.2012</b>	EEAS submits draft concept of operations plus
<b>15.06.2012</b>	PSC approves concept of operations plus
<b>16.07.2012</b>	Council decision 2012/392/CFSP establishes EUCAP Sahel Niger, launch of mission

Due to the deteriorating security situation in Western Africa, the region had already been regularly on the agenda of the PSC in recent years (I 41, EEAS). After the Sahel strategy was submitted in September 2011, informal discussions between the CMPD and some EU member states on a potential CSDP mission followed in October and November 2011. Later the PSC discussed the gathered ideas on 20 December and tasked the CMPD, which is responsible for dealing with the political-strategic aspects of a CSDP mission, with drafting a crisis management concept. This was done in the beginning of 2012 and later presented to and approved by the EU member states in the PSC on 9 March. Subsequently, the CPCC took over the planning responsibility in the EEAS and the policy formulation therefore moved from the political-strategic to the operational level. The main task of the CPCC at this stage is to transform the guidelines given by the crisis management concept into a concept of operation. Together with the operations plan, which is the last preliminary planning step, the concept of operations was approved by the PSC on 15 June 2012. This decision paved the way for the Council decision on EUCAP Sahel Niger on 16 July 2012, which marked the end of the policy-planning process of the CSDP mission (I 33, member state diplomat; I 37, EEAS; I 41, EEAS; I 42, EEAS; I 46, EEAS).

*Coherence in the EEAS - Sahel task force and assessment missions as key procedures*

Regarding coherence and coordination of the CPCC and the CMPD with other external EU policies such as development cooperation, two key formal procedures were used: the Sahel task force and assessment missions to Niger.

The Sahel task force brings together officials from several thematic and geographic desks of the EEAS and from Commission DGs, such as DG DEVCO and DG Humanitarian Aid. The task force meets once a month and is the main forum to discuss all things related to the Sahel region. During the planning phase of EUCAP Sahel Niger, the mission drafts were presented and discussed in the task force (I 31, DG DEVCO; I 37, EEAS; I 41, EEAS; I 42, EEAS). Since the task force focuses on the big picture of the region, no detailed mission planning was conducted at this stage. Nonetheless, development actors such as officials from DG DEVCO or the EEAS who are responsible for development programming could give the CMPD input on the planning. One focus was hereby the coordination of the different

instruments of the EU: the CSDP mission, the European Development Fund, and the use of the Instrument for Stability. DG DEVCO generally welcomed the mission: ‘from a development point of view, I totally subscribe to the mission objectives of EUCAP Sahel’ (I 31, DG DEVCO). It was however important for DG DEVCO to settle the competences of the head of mission regarding development funds. Early drafts of the crisis management concept gave the head of mission competences to earmark development funds. Even though this is not possible from a legal point of view because the head of mission is not an official of the Commission, DG DEVCO felt the need to draw a red line here (I 31, DG DEVCO). In the end, references of this kind were deleted from the draft (I 31, DG DEVCO; I 37, EEAS; I 41 EEAS; I 42, EEAS).

The arguably most important coherence procedure to promote PCD in EUCAP Sahel was the use of assessment missions that both the CMPD and the CPCC conducted in January and April 2012 respectively (I 41, EEAS; I 42, EEAS; I 46, EU delegation). During the drafting process of the crisis management concept, the CMPD conducted a fact-finding mission to Niger together with colleagues from other services. On the ground, the cooperation with the DG DEVCO official in the EU delegation in particular proved to be important for coherent planning. This cooperation led to including ideas such as the possibility of using mission experts for the evaluation of security-related projects funded by development instruments (I 41, EEAS; I 46, EU delegation).

Also the CPCC conducted an assessment mission to Niger while it was drafting the concept of operations. Here again, cooperation with the DG DEVCO official and the rest of the delegation staff in the field proved to be crucial to increase the process PCD of EUCAP Sahel. Several ideas from the development side could be integrated into the planning process with one example being the potential synergy between the mission and the development project ‘Programme d’Appui à la Justice et à l’État de Droit’ which focuses on capacity-building in the Nigerien security sector (I 42, EEAS; I 46, EU delegation). This synergy was later confirmed when experts deployed under EUCAP Sahel Niger helped in identifying new objectives for the development project. Through this practice-oriented planning on the ground,

development actors already working in the country could give their input, which resulted in an increased process PCD.

Another coherence procedure that is usually applied is the setting up of planning teams. The CMPD and/or the CPCC can invite other units of the EEAS, e.g. geographic desks responsible for development programming or Commission services, to give input during the drafting of the strategic documents. In the case of EUCAP Sahel Niger however, rushed planning led to a situation in which the procedure was not applied effectively. The involved administrative actors felt a lot of pressure by the EU member states to accelerate planning and get the key documents ready as quickly as possible (I 31, DG DEVCO; I 42, EEAS; I 46, EU delegation). While normally the planning team gathers once a week, this time it only met two or three times in total. This situation was also aggravated by the fact that the workload of the CPCC was high at this time with the parallel planning of three CSDP missions on-going. The development actors in DG DEVCO and the EU delegation criticised this lack of time to give input: 'I was very surprised by that (...). I think we could have benefitted from some extra time' (I 31, DG DEVCO).

This rushed planning is also visible in the extent of informal consultations that were carried out during the planning process. Outside the established forum of the Sahel task force, informal contacts between actors in the governance regime on the one side and development actors on the other side rarely took place and were not used to increase process PCD of the mission. At later stages of the policy formulation process, for example, drafts of mission concepts were no longer circulated to actors such as DG DEVCO (I 31, DG DEVCO; I 41, EEAS).

It is remarkable that during the whole planning process of EUCAP Sahel Niger, the only genuine development actor in the EEAS, the Development Cooperation Coordination Division, was completely kept out of the process (I 37, EEAS; I 40, EEAS; I 42, EEAS). This appears to be common practice. Although the unit is the main interlocutor in the EEAS for development-related issues, it is never involved in the planning of CSDP missions as such. It is also not connected to institutional procedures that could offer a forum to give input: 'I am not aware of any systematic way to bring in [the Development Cooperation Coordination Division] into the planning of a CSDP mission' (I 40, EEAS). This mutual detachment from

certain parts of the service might be explained by the young age of the EEAS (cf. Smith 2013). It remains to be seen if the further consolidation of the EEAS structure will change this. To sum up the mission planning in the EEAS, especially the Sahel task force and assessment missions proved to be effective at involving development actors and therefore increased the process PCD of EUCAP Sahel Niger.

#### *Political supervision in the Council and the role of the HR*

During the whole policy formulation process, the PSC and CIVCOM as the relevant Council bodies were involved at all stages. The CMPD for instance regularly presented drafts of the crisis management concept in the committees to the ambassadors and representatives of the EU member states. No institutional coherence procedures were however applied inside the Council between different sectoral bodies on a horizontal level, e.g. between CIVCOM and the development working party of the Council, CODEV. As mentioned earlier in the context of the two previous case studies, it is very uncommon that two Council preparatory bodies meet or even regularly exchange positions (I 33, member state diplomat; I 39, German permanent representation). Even though such procedures would in theory be possible, as in the other more communitarised case studies, it is also not applied in an inter-governmental governance regime such as Security where all decisions are only taken by the member states. The Working Party on Africa could be the place to deal with the overarching strategic and political aspects of embedding CSDP with community action, but this rarely happens. Coordination with development policy, for example, would need to include community institutions such as the Commission. In this case, it would however be expected that coherence attempts should take place in the Commission between services, or in the member states among their particular ministries, but not in the Council structure itself (I 33, member state diplomat; I 39, German permanent representation). We can thus confirm that neither joint meetings nor regular information exchange between the Council bodies responsible for CSDP and development policy took place. Informal consultations that were conducted did not include CODEV in the process and neither did CODEV try to get actively involved (I 33, member state diplomat; I 39, German permanent representation).

On paper, the HR has a very strong role in the planning and implementation of the Union's CSDP. She also fulfils important supervision functions in EUCAP

Sahel Niger where she is in charge of ensuring the coherence of the mission with other external EU policies. In practice however, the HR does not get involved substantially in the actual planning of missions; in the case of EUCAP Sahel she was hardly involved at all (I 50, Commission cabinet). The HR leaves the planning to the administrative EEAS actors and the relevant Council bodies. She is of course constantly informed about the status of the mission but only gets actively involved when controversial issues emerge. While this seems logical in the case of a non-controversial mission such as EUCAP Sahel, it might have negative effects on her coherence role. A place where coherence could be promoted is the Commission college, but CSDP is almost never discussed there (I 33, MS diplomat; I 50, Commissioner cabinet).

#### *Commission and EP on the sidelines*

During the planning of CSDP missions, the Commission and the EP remain on the sidelines. While the Commission is still consulted at some steps of the policy formulation process, the EP remains a mere observer. Due to its important role in programming and implementing long-term development programmes, the Commission has a genuine interest in a seamless coordination of its actions with CSDP missions. The cooperation is seen as a process of consecutive and separate – but ideally synergic and coherent - actions along the lines of ‘CSDP first, development cooperation later’ (I 24, Commissioner cabinet). Given the institutional and structural differences between the Development and Security governance regimes, the situation arises that actors from both sides prefer that ‘that no one steps on each other’s toes’ (I 31, DG DEVCO).

The involvement of the EP is confined to general budgetary oversight and political accountability. In the case of EUCAP Sahel Niger, its role was limited to being informed on the mission by the HR and her EEAS officials. On 28 November 2012, the SEDE committee had an exchange of views on the situation in the Sahel and on EUCAP Sahel Niger with senior officials of the CPCC and the West Africa division of the EEAS. The EP tried to contribute to the wider discussion on the security situation in the Sahel region by submitting an own-initiative report already in June 2012 (EP 2012b). The resolution addresses several development related problems in the region - such as poverty, food security, and climate change - and

links it to the security situation. In addition, in its latest report on the annual implementation of CSDP, the EP ‘welcomes the launch of the EUCAP Sahel Niger mission (...) but considers it regrettable that it involves only one country’ (EP 2012i: para. 45). Nonetheless, the EP had no influence in the planning process of the mission (I 31, DG DEVCO; I 37, EEAS).

### *Summary and assessment*

The process tracing of the policy formulation of EUCAP Sahel Niger shows a predominance of the causal paths A and B as identified in our analytical framework (see Table VII.4).

Table VII.4 Assessment of variables for EUCAP Sahel Niger

Governance regime			Input of Develop. actors	Increase Process PCD	Causal Path
Institution	Coherence procedure	Application			
Commission	None				
Council of the EU	Joint meet. of Council bodies	no	n/a	n/a	0
	Info exch. of Council bodies	no	n/a	n/a	0
	Informal consultations	yes	no	no	B
EP	None				
EEAS	Sahel task force	yes	yes	yes	A
	Assessment missions	yes	yes	yes	A
	Planning teams	yes	no	no	B
	Informal consultations	yes	no	no	B
Causal paths (see III.2.2) :					
0 → No coherence procedure applied					
A → Coherence procedure applied, input of development actors, increase of process PCD					
B → Coherence procedure applied, no input of development actors, no increase of process PCD					
C → Coherence procedure applied, input of development actors, no increase of process PCD					
D → Coherence procedure applied, no input of development actors, increase of process PCD					

The findings are congruent with the expectations of new institutionalist theory as outlined in chapter III of this thesis. In terms of increasing the process PCD of EUCAP Sahel Niger, both the Sahel task force and the assessment missions were effective procedures that provided development actors the chance to give input into mission planning (causal path ‘A’). Even though planning teams and informal consultations were also applied, development actors gave no input here and the process PCD of the mission did not increase (‘B’). In the Council we see that joint meetings and information exchange of horizontal Council bodies did not take place

(‘0’). Informal consultations were conducted but did not include development actors and also did not lead to an increase in process PCD (‘B’).

### *VII.3.2. EUTM Mali*

*‘We don’t know how to train soldiers. (...) We cannot bring any added value’ (I 31, DG DEVCO).*

Reacting to the rapidly deteriorating security situation in Mali in the beginning of 2013 and in the follow-up on the military intervention of France, the EU launched EUTM Mali on 18 February 2013. The main objective of this CSDP mission is military and training advice to the Malian armed forces ‘with a view to enabling them to conduct military operations aiming at restoring Malian territorial integrity and reducing the threat posed by terrorist groups’ (Council 2013b: 2). EUTM Mali must be understood against the background of regional developments such as the territorial conflict in Northern Mali, the military coup d’état in Bamako in March 2012 and the aftermath of the Libyan war.<sup>93</sup>

The mission deployed around 450 personnel, including 200 military instructors plus mission support and force protection. The leading nation is evidently France, which supplies almost half of the mission staff and the mission commander. 22 other EU member states have sent troops, with Germany (71), Spain (54), the UK (40) and the Czech Republic (34) making the biggest contributions. The initial mission duration was set at 15 months; although an extension is always possible. In contrast to the civilian mission EUCAP Sahel Niger, the military EUTM Mali cannot be financed out of the EU budget because the TEU (Art. 41 (2)) clearly states that missions having military or defence implications are excluded from being financed by the EU budget. Instead, the ATHENA mechanism<sup>94</sup> is used for financing the € 12.3 million common costs of the mission.

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<sup>93</sup> The conflict in Mali escalated in the course of 2012 when an alliance of Tuareg separatists and Islamic militants took control of a large part of the country in the North. On 21 March 2012, parts of the Malian army undertook a coup d’état and toppled the government. The rebellious groups in the North continued to seize territory until France intervened with its military in January 2013. Cf. Simon, Mattelaer and Hadfield (2012) and Lacher and Tull (2013) for a more comprehensive overview of the conflict parties and developments in the region.

<sup>94</sup> The ATHENA mechanism allocates common costs for military missions - such as transport, infrastructure, and medical services - to the EU member states (except Denmark) by using a formula based on their Gross National Income (Council 2011a).



As with EUCAP Sahel Niger, the HR is responsible for ensuring the coherence of the mission's implementation with the EU's external action, including its development cooperation programmes (Council 2013b: 2). Again, the policy formulation was conducted in a constant back and forth between the relevant EEAS units and Council bodies. Table VII.5 lists the timeline of the mission planning and its key events.

**Table VII.5 Policy formulation timeline of EUTM Mali**

<b>Date</b>	<b>Key event</b>
<b>05.10.2012</b>	'Comprehensive approach to Mali: options paper' discussed in PSC
<b>15.10.2012</b>	Council invites the HR to develop the crisis management concept 'for a mission
<b>10/2012</b>	Assessment mission to Mali
<b>05.12.2012</b>	PSC agrees on crisis management concept, EUMC and Politico-Military Group advise
<b>10.12.2012</b>	Council approves crisis management concept
<b>20.12.2012</b>	UN Security Council Resolution 2085 on Mali
<b>11.01.2013</b>	France starts military intervention 'Opération Serval'
<b>17.01.2013</b>	Extraordinary Mali Council meeting, Decision 2013/34/CFSP establishes EUTM Mali
<b>28.01.2013</b>	Council approves concept of operations by silence procedure
<b>29.01.2013</b>	First force generation conference with EU member states
<b>18.02.2013</b>	Council decision 2013/84/CFSP launches EUTM Mali

The developments in Mali and the wider region were constantly on the agenda of the PSC from 2011 on. In July 2012, the committee advised the CSDP structures in the EEAS to develop possible courses of action (I 38, German permanent representation; I 44 EEAS). Initially, the EU response considered was not of a military nature. Instead, financial and logistical support to the planned intervention force of ECOWAS was anticipated. This did not materialise however; mainly due to a perceived lack of progress of the African-led mission (I 44, EEAS). The CMPD drafted an options paper which was presented and discussed in the Council bodies at the beginning of October 2012. The Council chose the option of giving military advice and training to the Malian army<sup>95</sup> and invited the HR to develop the crisis management concept (Council 2012e). This was done by the CMPD and the Council first discussed it in its meeting in November (Council 2012c) before finally adopting the crisis management concept in December (Council 2012b).

<sup>95</sup> The other two options were just giving military advice, but no training, or giving advice and training as well as going together on post-training missions as is done in Afghanistan (I 44, EEAS).

At the end of the year, the UN Security Council agreed on a resolution which inter alia authorised the deployment of an African-led force to ‘take all necessary measures (...) to support the Malian authorities in recovering the areas in the north of its territory under the control of terrorist, extremist and armed groups’ (UN Security Council Resolution 2085). The resolution furthermore welcomed the willingness of the EU to finance such a mission and ‘took note’ of the planned EUTM Mali mission. Events then rapidly evolved when the beginning of January 2013 saw a military offensive by militant groups in the north advancing deep into Central Mali. France then intervened unilaterally (‘Opération Serval’) while being supported militarily and politically by the USA and many European and African states. These developments accelerated also the planning of EUTM Mali. The legal framework of the mission was adopted at an extraordinary Council meeting on 17 January 2013 (Council 2013b), followed by the drafting of the concept of operations and the initialling military directive by the EUMS. In January and February 2013, force generation conferences took place which aimed to commit EU member states to send staff to the upcoming mission. The policy formulation process ended when EUTM Mali was officially launched by the Council on 18 February 2013 (Council 2013c).

*Mission planning – focus on delimitation of competences and actions*

Due to the nature of EUTM Mali as a genuine military mission, any possible input from development actors was limited from the start. In contrast to the civilian EUCAP Sahel Niger, synergy effects and common projects are harder to find in EUTM Mali. While EUCAP Sahel Niger can act complementary to similar development projects in the security sector in Niger, EUTM Mali’s function is to support efforts to restore basic security in order for development projects to resume at a later stage. In the course of the Mali crisis, many development projects financed by the European Development Fund of the EU in the north were stopped due to the lack of a secure working environment. Furthermore, although the EU wants to include lessons on humanitarian law and human rights in the training of Malian soldiers, the core of the mission clearly concentrates on enhancing military skills (I 31, DG DEVCO; I 35, EEAS).

This particular nature of military missions is acknowledged by both actors of the Security and Development governance regimes. Officials of DG DEVCO admit

that they can only give limited input into the actual content of the mission (I 31, DG DEVCO). Consequently, DG DEVCO did not actively participate in the coherence procedures of assessment missions. At the end of October 2012, the CMPD conducted a fact-finding mission to Mali in which officials from the EUMS and the geographic desks of the EEAS took part while ‘there is no place for DEVCO in such a mission’ (I 44, EEAS). Accordingly, process PCD was not increased through the use of this procedure.

Nevertheless, development actors gave input on a couple of non-content related aspects of the mission which can have implications for the development cooperation of the Union. One of the major issues was the financing of the mission and the possibility of using development funds for this. Discussions on this issue took place in different fora: the Sahel task force, planning teams of the CSDP actors, and informal consultations (I 24, DG DEVCO; I 31, DG DEVCO; I 35, EEAS; I 44, EEAS; I 48, DG DEVCO).

In contrast to other missions, planning for EUTM Mali was not rushed. Even though the events in the beginning of 2013 accelerated planning, extensive consultations took place already over the course of 2012. There was also sufficient time for assembling planning teams and conducting regular meetings. A list of the planning team for the drafting of the crisis management concept names the following participants: officials from the CMPD, EEAS geographic desks, the EUMS, the EU Intelligence Analysis Centre, DG DEVCO, Athena, the Foreign Policy Instruments Service, and the EU delegation in Bamako (EEAS 2013b). Officials from DG DEVCO, especially from the unit which is responsible for the African Peace Facility, were therefore actively involved at the different planning stages (I 31, DG DEVCO; I 48 DG DEVCO).

The coordination focussed especially on the relation between the African Peace Facility and EUTM Mali. The African Peace Facility - which is financed via the European Development Fund - gave financial support to the military intervention force ‘African-led International Support Mission to Mali’ organised by the ECOWAS. This took place before EUTM Mali was deployed. It can thus be said that contrary to common perceptions, first unusual development-financed projects helped to pave the way for a CSDP mission which in turn helps to secure the environment

for long-term development projects to resume. In the first drafts of the crisis management concept of EUTM Mali – which the CMPD also presented in a meeting at DG DEVCO - it was not made clear that the African Peace Facility cannot legally finance a bilateral CSDP mission such as EUTM Mali. DG DEVCO emphasised that development funds were not used for the CSDP mission and instead stayed focussed on the African Peace Facility and long-term development projects (which have an explicit poverty reduction focus) in Mali. (I 48, DG DEVCO; cf. Lacher and Tull 2013: 8). This delimitation of competences and funding sources can be understood as ensuring the consistency of the mission with development cooperation and thus forming an integral part for coherence as well.

Despite not being able to give much input on the actual content of the mission, DG DEVCO was partly involved in the planning that took place in Brussels by participating in the Sahel task force and in the planning teams of the CSDP units. Due to the longer policy formulation period and in contrast to EUCAP Sahel, informal consultations were also applied more intensively in the process. Several ad hoc meetings were conducted by the CMPD to which DG DEVCO officials were invited. From the beginning, DG DEVCO supported the nature and the objectives of the mission (I 31, DG DEVCO; I 48, DG DEVCO). Since these meetings were essential for coordinating the security mission with development programmes, process PCD was indeed increased through the Sahel Task force, planning teams and informal consultations.

As in the case of EUCAP Sahel Niger, the main development interlocutor in the EEAS - the Development Cooperation Coordination Division - was not involved in the mission planning of EUTM Mali. Some officials of the CSDP structures which conducted the mission planning have not even heard of the existence of such a division in the EEAS (I 44, EEAS). Statements by EEAS officials pointing to the ‘silo-like’ structure of the EEAS with ‘walls’ erected between the different parts confirm the institutional detachment of certain parts of the service from one another (I 45, EEAS).

We can summarise that in comparison to EUCAP Sahel Niger, the application of coherence procedures in the policy planning of EUTM Mali went a slightly different way. While again the Sahel task force served its role as an

important institutional forum to improve coordination between the EEAS and the Commission, assessment missions did not play this part. In contrast, planning teams and informal consultations achieved to ensure process PCD of the CSDP mission in regards to other EU instruments.

*Commitment of the HR, business as usual in the Council*

The mission planning in the Council was conducted in a similar way to the planning of EUCAP Sahel Niger. Instead of the civilian Council body CIVCOM, the Politico-Military Group and the EU Military Committee were the responsible actors below the PSC. In particular the Politico-Military Group was the place where the strategic aspects of the mission were discussed. Generally speaking, the further the planning advances the more technical and detailed it gets. Attempts to increase coherence with other policy fields are therefore most effective in the politico-strategic phase of the planning. Regarding development policy and compared to the other case studies in this thesis, the Council bodies did however not apply any formal or informal procedures to increase PCD. There were strong contacts to the relevant CSDP structures in the EEAS (CMPD, EUMS), but not horizontally to CODEV in the Council. Also the WP on Africa – where cross cutting issues related to Africa can be discussed – did not deal with EUTM Mali (I 33, member state diplomat; I 38, German permanent representation).

Due to the high political salience of the CSDP mission, the HR was much more involved than in the case of EUCAP Sahel Niger. In the crucial phase at the beginning of 2013, Catherine Ashton constantly issued statements on the situation in Mali and made several references to the on-going planning of EUTM Mali (HR 2013a, b). As usual, the HR was not involved in the actual planning of the mission itself but she did chair crisis platform meetings which had Mali as a topic and that discussed the wider EU approach towards the conflict. She also intervened in the force generation process to encourage the member states to contribute to the mission (I 50, Commissioner cabinet).

*Commission partly involved, EP informed*

The involvement of the Commission and the EP went along similar lines as described in the EUCAP Sahel Niger sub-case. Both were concerned with the subject but while

parts of the Commission (DG DEVCO) were consulted by the EEAS units in the mission planning, the EP was merely informed. Although other Commission services were also concerned with the issue of the Malian crisis at large (e.g. DG for Humanitarian Affairs), the DG DEVCO unit responsible for the African Peace Facility was the main interlocutor from the Commission that became involved in the mission planning (I 48, DG DEVCO).

The EP discussed the crisis in the Sahel region and Mali in several of its sittings. Besides its resolution on human rights and security in the Sahel (EP 2012b), the EP also adopted a resolution on the situation in Mali in April 2012 in which it ‘calls for consideration of the possibility of a European ESDP mission (...) to provide logistic support to the Malian Army’ (EP 2012c: para. 18). During the planning of EUTM Mali, there were several occasions where the HR herself or EEAS officials spoke before the EP and discussed the subject with the MEPs (e.g. on 19 February and 15 March 2013). In the February sitting, it was DEVE which discussed the topic of PCD in the Sahel. Outside of committee meetings, informal consultations between EEAS staff and MEPs on CSDP missions are rather rare (I 37, EEAS). Even though the EP was not involved in the planning as such and was critical of the way the EU handled the crisis in the Sahel region in recent years, the majority of the parliamentarians offered their broad support to the nature and scope of the mission: the EP ‘welcomes the Council conclusions of 15 October 2012 on the situation in Mali, which request, as a matter of urgency, that work continue on planning a possible CSDP military operation, in particular by developing a crisis management concept relating to the reorganisation and training of the Malian defence forces’ (EP 2012i: para. 46).

#### *Summary and assessment*

The findings of the process tracing of EUTM Mali (see Table VII.6) point into a similar direction as the results of the analysis of EUCAP Sahel Niger.

Table VII.6 Assessment of variables for EUTM Mali

Governance regime			Input of develop. actors	Increase process PCD	Causal path
Institution	Coherence procedure	Application			
Commission	None				
Council of the EU	Joint meet. of Council bodies	no	n/a	n/a	0
	Info exch. of Council bodies	no	n/a	n/a	0
	Informal consultations	yes	no	no	B
EP	None				
EEAS	Sahel task force	yes	yes	yes	A
	Assessment missions	yes	no	no	B
	Planning teams	yes	yes	yes	A
	Informal consultations	yes	yes	yes	A
Causal paths (see III.2.2) : 0 → No coherence procedure applied A → Coherence procedure applied, input of development actors, increase of process PCD B → Coherence procedure applied, no input of development actors, no increase of process PCD C → Coherence procedure applied, input of development actors, no increase of process PCD D → Coherence procedure applied, no input of development actors, increase of process PCD					

The EEAS used the Sahel task force for broader consultations and planning teams, assessment missions and informal consultation to coordinate between various actors on the actual mission content. Due to the nature of EUTM Mali, input by development actors on the content of the mission was limited from the start. Nevertheless, input regarding delimitation and coordination of the mission with development projects was provided and taken into account and subsequently did increase the process PCD of the mission (causal path ‘A’). Assessment missions of EEAS units and informal consultations in the Council did not involve development actors input however and also did not lead to an increase in the coherence of EUTM Mali (‘B’). The other two Council coherence procedures were once more not applied (‘0’).

#### VII.4. Conclusion

The policy formulation of EUCAP Sahel Niger and EUTM Mali reflects the special characteristics of the intergovernmental EU Security governance regime. It was in the new EEAS and the Council where CSDP missions are planned and coordination conducted. Therefore, while the whole array of established coherence procedures applied in other policy areas could not be used for CSDP missions - Commission

inter-service consultations and impacts assessments, EP committee opinions etc. - other procedures were developed in recent years in the CSDP structures. These coherence procedures (topical task forces, assessment missions, planning teams) were indeed used to gather input from development actors while planning the two CSDP missions. They also largely succeeded in increasing the process PCD of EUCAP Sahel Niger and EUTM Mali. One very important difference between the two missions is their respective civilian and military nature. This significantly influenced the way development actors *could* give input and also *wanted* to give input into the process. In the civilian EUCAP Sahel mission, synergies between the mission and development projects were possible and anticipated during the policy formulation. In the case of the military mission EUTM Mali however, entry points for development input are difficult to find and contributions to planning was confined to increasing process PCD by focussing on delimitation of competences and synergy with development funding.

Although coherence procedures are de facto formalised, concrete guidelines are lacking. The relevant crisis management document which lays down the planning procedures dates from 2003 is currently updated to reflect the new state of affairs after the reforms of the Lisbon Treaty and the establishment of the EEAS. As a consequence of the rapid development of the governance regime, involved actors wish for a formalisation of established procedures with clear advice on who has to consult whom at which stage (I 31, DG DEVCO; I 42, EEAS).

Even though planning worked rather well as regards increasing PCD in the case of EUTM Mali and EUCAP Sahel Niger, other cases such as the Horn of Africa showed problems of the comprehensive approach (I 41, EEAS; I 48, DG DEVCO). Even in the case of Mali, observers argue that

*'the idea that there is a coherent and comprehensive and harmonious EU approach rather than a collection of different EU efforts is still fanciful. The EU's comprehensive approach, to be real, has to be more than a repackaging of existing and new initiatives under one rhetorical umbrella and in Mali the evidence is not yet convincing' (Helly and Rocca 2013: 8).*



Procedure-wise, it is not entirely clear at which stage of the planning stage comprehensive action can be best conceptualised. Mattelear, after analysing the current CSDP planning routines, argues that ‘the pretension to plan comprehensively is largely abandoned once the [crisis management concept] is approved’ (2012: 3). The EEAS review and the subsequent development of the service after the appointment of a new HR in 2014 will show to what extent the institutional detachment of the CSDP structures from the rest of the service will be addressed.

This chapter concluded the empirical part of this thesis. The process tracing of six policy initiatives in three governance regimes painted a complex picture of how PCD is promoted in everyday EU policy formulation. The final chapter of this thesis will now synthesise and compare the findings of the empirical analysis on different levels and conclude the examination.

## PART FOUR - SYNTHESIS AND CONCLUSION

### VIII. Synthesis of findings and conclusion

*'We don't necessarily have a problem to be invited (...). The problem comes later with the capacity of DEVCO to contribute as much as I would hope (...) to these different processes. (...) It is not just the will, but also the means and also the resources' (I 34, DG DEVCO).*

*'We know that DEVCO has a lack of capacity and that they simply cannot be in every debate. But for us, that is an internal problem. They need to sort that out. If they have made a commitment to PCD, they need to step up to it (...). Otherwise it [the coherence procedures] just becomes a tick the box exercise' (I 55, NGO).*

The objective of this thesis was to investigate the ways in which the EU promotes development objectives such as poverty reduction in the policy formulation of other policy areas. PCD has become an overarching EU policy target in recent years. Repeatedly reaffirmed by all major EU actors (European Council 2008; EP 2012g; Commission 2013b; Council 2013a), PCD is ought to be promoted in such diverse policy fields as environment, transport, energy, agriculture, fisheries, or security. And yet, the ability of the EU to actively push for PCD in its policies is limited and subject to constant criticism by observers from developing countries (e.g. Abeid 2013), the civil society (e.g. CONCORD 2013b), and the academic sector (e.g. Carbone 2008).

To shed light on the PCD performance of the EU institutions and to enrich the debate with empirical evidence, this thesis addressed the main research question *'how and to what extent does the EU promote PCD in the policy formulation process of different governance areas'*. PCD is relevant for the EU because it is directly related to the effectiveness of its development cooperation and global governance efforts, its coherence goal rooted in EU primary law, and the institutional reforms introduced with the Lisbon Treaty. While numerous case studies exist in the literature particularly on the output and outcome dimensions of the coherence of EU policies with development objectives, an empirical analysis of how PCD is promoted

in everyday EU policy-making across several policy areas is lacking. This thesis fills this research gap by contributing a detailed empirical account that investigates the causal relationship between institutional coherence procedures, the inclusion of development actors and process PCD of policy initiatives.

The study applied new institutionalism and its specific historical institutionalist variant developed by Simon Bulmer as the basis for constructing an analytical framework to capture the role of coherence procedures in promoting PCD at the EU level. It identified governance regimes as the independent variable - defined as the key actors, policy instruments and formal and informal procedures in a single EU policy field. The framework predicted a significant influence of the coherence procedure part of a governance regime on the process PCD of a given policy initiative as the dependent variable, by defining the input of EU development actors as the intervening variable connecting both. Four hypotheses theorised the possible causal relationship between the variables. An operationalisation constructed indicators to identify and assess the variables in the empirical analysis. Using a diverse case selection technique, the thesis selected three governance regimes characterised by different levels of EU competence: Fisheries, Environment, and Security. Two recent policy initiatives with PCD relevance for each governance regime were analysed by tracing the process of their policy formulation using the results of document analysis and 55 expert interviews.

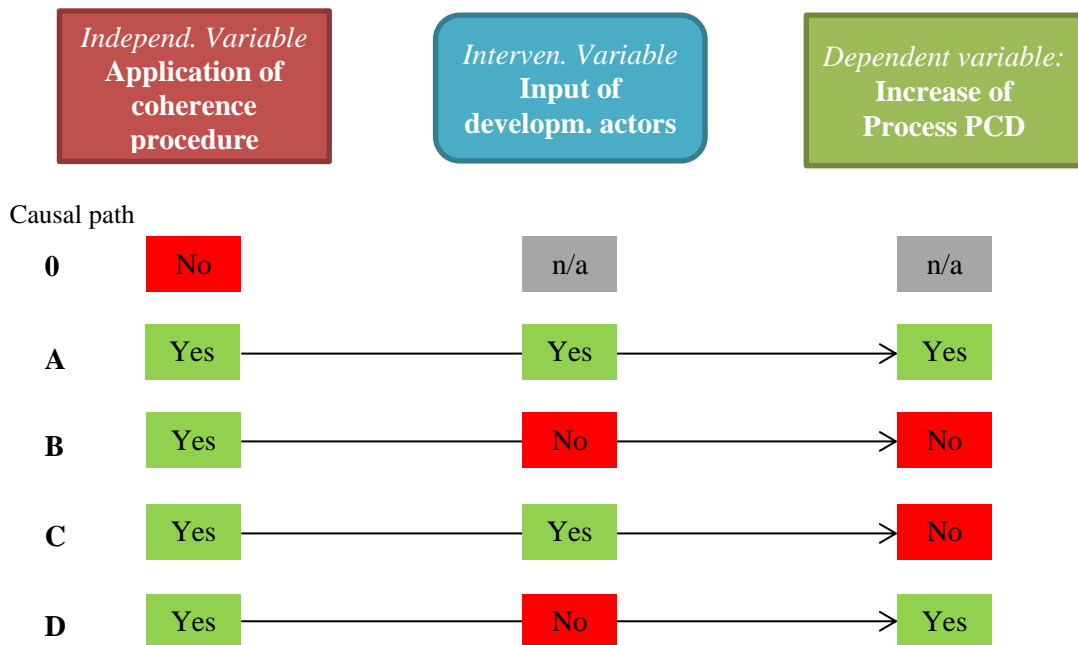
This synthesis and conclusion chapter compares the results of the empirical analysis and reflects on their theoretical and policy implications. The synthesis starts by summarising the main findings of the empirical analysis (VIII.1) and assessing the PCD performance in EU policy formulation at four different levels. On this basis, we reflect on the theoretical and methodological implications that the findings have and outline the contribution of this thesis to new institutionalism (VIII.2). The subsequent section focusses on the implications of the results for the political practice of EU PCD promotion and suggests ways to make it more effective (VIII.3). The last section (VIII.4) provides answers to the main research question, summarises the contribution of the thesis to the academic literature and to the political discussion, and gives a brief outlook on the future of PCD promotion in the EU.

## VIII.1.Synthesis and comparison of empirical findings

We can aggregate and compare the results of the empirical analysis of this thesis on four levels. Following our research question, this aggregation helps to illuminate how the EU generally pushes for PCD in policy formulation; which coherence procedures are applied for this aim; how effective those are; and to what extent differences between individual policy areas exist. The ensuing section compares the findings from the process tracings of six sub-cases from the three governance regimes Fisheries, Environment, and Security. As the cases were selected according to the diverse case selection technique, the aggregated results are considered to be representative for EU governance regimes with PCD relevance.

The empirical analysis examined the policy formulation of the new FPA protocols with Morocco and Mauritania, the MMR and the biofuel directive, and the CSDP missions EUCAP Sahel Niger and EUTM Mali. For any of these sub-cases, we assessed the coherence procedures, the process PCD and the input of development actors as dichotomous, nominal variables. Figure VIII.1 shows the combination of the resulting possible causal paths as developed in chapter III of this thesis.

Figure VIII.1 Variable combinations and causal paths



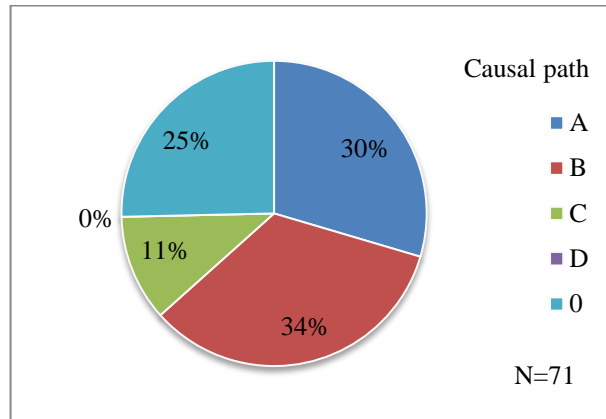
All possible variable combinations were phrased into hypotheses which theorised about the causal relation between the three variables (see section III.2.2). The hypotheses for causal path ‘A’ for instance stated that ‘if a coherence procedure is applied, and development actors give input, the process PCD of a policy initiative increases’.

The following section synthesises the results of this analysis on four different levels. First, we look at the overall PCD performance of the EU in its policy formulation (VIII.1.1). A second examination investigates the differences between the governance regimes and the extent to which transfer of competences to the EU level influences PCD promotion (VIII.1.2). Third, a close look at the results for the main EU institutions reveals the differences in PCD promotion among them (VIII.1.3). Fourth, we look at the findings of the individual coherence procedures to assess their effectiveness (VIII.1.4).

#### *VIII.1.1. Overall EU PCD performance*

By aggregating all empirical results of the six sub-cases, we can paint a comprehensive picture of the general application of coherence procedures and their effect on process PCD in EU policy formulation. In total, the analysis encompasses the assessment of 71 different instances of coherence procedures. In 25% of these instances, coherence procedures were not applied at all, which represents the ‘0’ path of causal relation (see Figure VIII.1 above). This non-application can have several reasons ranging from the impossibility to apply a procedure (this is for example the case with the procedure of associated committees in many EP decisions) to a deliberate non-application by the respective governance regime actors (e.g. many coherence procedures in the Council).

Figure VIII.2 Results: EU PCD performance<sup>96</sup>



The remaining 75% cover all instances in which a coherence procedure was applied in the Commission, the Council, the EP, or the EEAS. The results show a clear asymmetry among the occurrence of the causal paths. In 30% of all instances, a coherence procedure was applied, giving development actors the possibility to give active input which in turn led to an increase in process PCD of a policy initiative (causal path 'A'). This is for instance often the case when the EP Development Committee issued an opinion on a policy file to another EP committee in charge.

In even slightly more instances (34%), a coherence procedure failed to increase the process PCD when development actors did not actively provide any input into the policy formulation process ('B'). This happens for example regularly in Commission inter-service consultations when DG DEVCO could not - or did not want to - provide substantial development input to other Commission DGs.

In 11% of the instances the dependent variable process PCD did not increase, even though a coherence procedure was applied and development actors gave input ('C'). A typical example for this are the permanent inter-service groups in the Commission which bring together relevant actors from different DGs, including DG DEVCO. They were however not consistently used to improve coherence in particular policy proposals. These results showcase the ineffectiveness of certain coherence procedures for improving process PCD in EU policy formulation.

<sup>96</sup> Causal paths (see III.2.2) :

0 → No coherence procedure applied

A → Coherence procedure applied, input of development actors, increase of process PCD

B → Coherence procedure applied, no input of development actors, no increase of process PCD

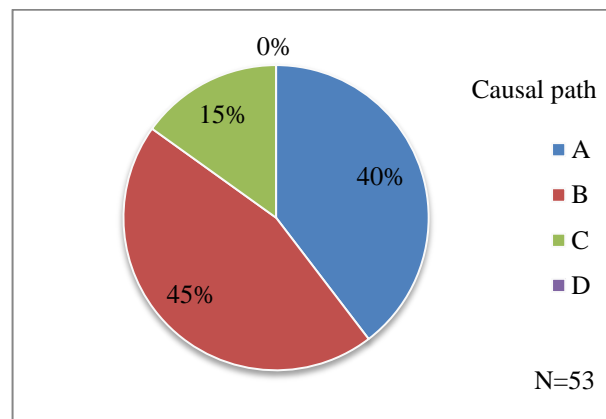
C → Coherence procedure applied, input of development actors, no increase of process PCD

D → Coherence procedure applied, no input of development actors, increase of process PCD

Not a single instance of causal path ‘D’ was observed; i.e. an instance where a coherence procedure was applied, development actors gave no input, but the process PCD did increase anyway. This result is not unexpected and confirms our expectations. It would have been surprising if this causal path had been observed. After all, the dependent variable assesses the degree to which articulated opinions of development actors on a policy item are synergistically and systematically taken into account in the policy initiative. While it is in theory possible that the views of development actors find their way in a policy draft ‘by themselves’, this seems unlikely from a logical point of view. It is unclear how for example the actors of the Fisheries governance regime should know about the opinions of DG DEVCO if they do not voice them via formal or informal institutional contacts. The empirical results confirm this reasoning.

The relative distribution of the different combinations of variable manifestations along all cases becomes more visible if we remove all ‘0’ cases when no coherence procedure was applied from the sample (see Figure VIII.3).

Figure VIII.3 Results: EU PCD performance (without '0')



The figure shows that out of all applied coherence procedures (N=53), 60% did not lead to an increase of process coherence (‘B’ and ‘C’). Out of these 60%, development actors were actively involved in 15% while they did not give input in 45% of all instances. The remaining 40% include all coherence procedures that saw an input by development actors and did indeed increase process coherence of the respective policy initiative (‘A’).

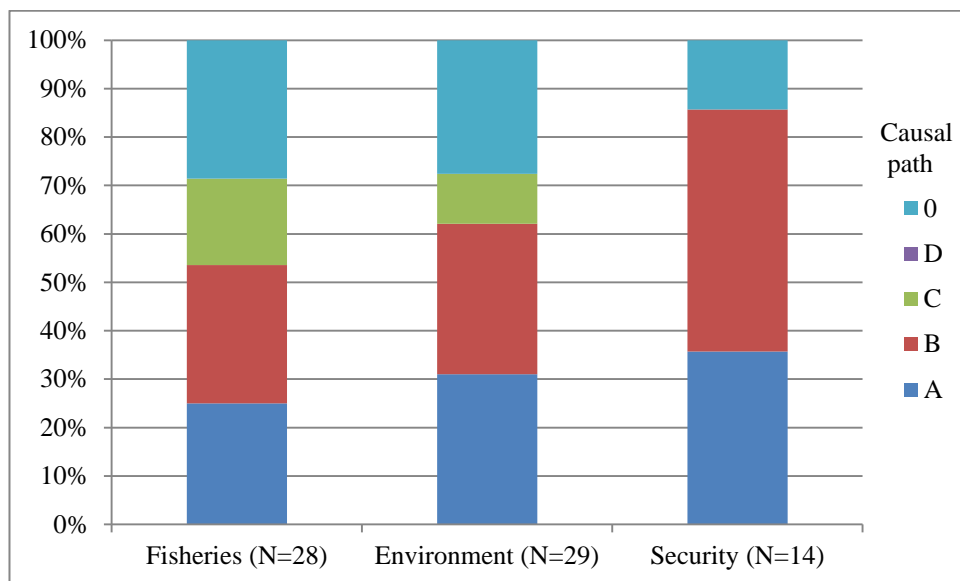
We can identify four clear patterns from this macro analysis. First, in one quarter of all cases potential coherence procedures were not applied by governance

regime actors at all. This was done sometimes deliberately and sometimes because it was legally not possible. Second, when a coherence procedure was indeed applied, in slightly more than half (55%) of the cases development actors gave input while in slightly less than half (45%) they did not. Third, in 40% of all instances of applied coherence procedures, the process PCD of an FPA proposal, an EU regulation/directive, or a CSDP missions did indeed increase. Fourth, no case occurred in which the process PCD of a policy initiative increased without development actors giving their input. When a coherence procedure was applied and development actors gave no input (45% of all instances) it always followed that process PCD was not increased.

### VIII.1.2. Governance regimes

We now look at the results from the empirical analysis on the governance regime level in order to analyse to what extent PCD promotion differs between individual EU policy areas (see Figure VIII.4.)

Figure VIII.4 Results: comparison of the three governance regimes



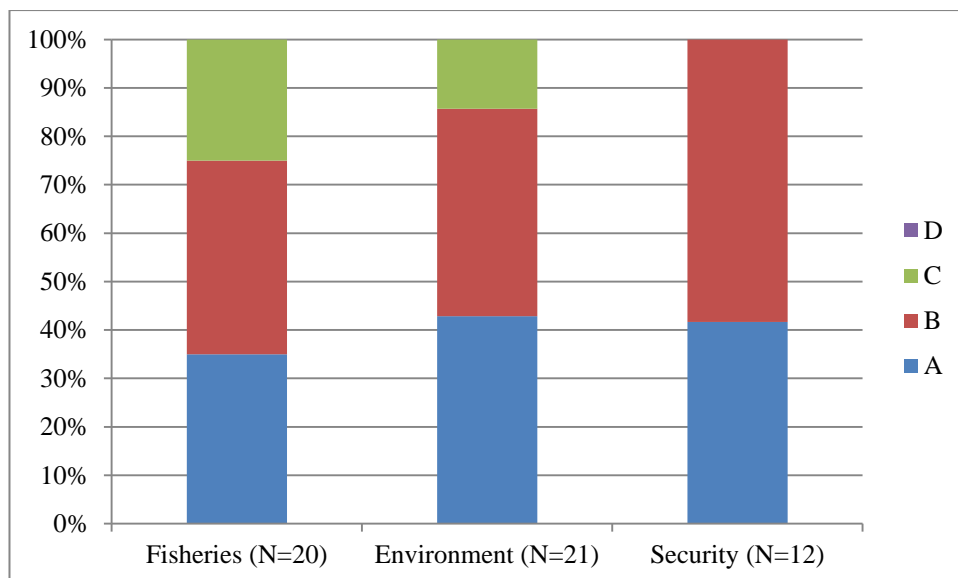
If we examine the overall picture of all instances of coherence procedures applied or not applied, we see that in both the Fisheries and Environment case studies, the number of instances in which no coherence procedures were applied is almost identical (29% and 28% respectively). In the Security governance regime, only in 14% of all cases no coherence procedure was applied at all. This difference can be



explained by the fact that it is mainly the Council and the EEAS that conduct policy planning in the comparably young Security governance regime. Especially the latter has only few coherence procedures which are however almost always used. The Security governance regime is generally characterised by a different set of coherence procedures in relation to the other two policy fields, which makes a comparison more difficult. Because the Commission and the EP do not fully participate in policy-making, their coherence procedures cannot be applied and, what is more important in this context, they can neither *not* applied.

The picture becomes even more similar when we again remove all instances of ‘0’ from the analysis (see Figure VIII.5). We see now that all three governance regimes share some remarkable similarities as regards the application and effectiveness of coherence procedures.

Figure VIII.5 Results: comparison of three governance regimes (without ‘0’)



In all three policy areas in between 35% (Fisheries) to 43% (Environment) of the coherence procedures that were applied, development actors gave input and the process PCD of the respective policy initiative increased (‘A’). The manifestations of causal path ‘B’ (no input from development actors, no increase of process PCD) vary between 40% for the Fisheries and 58% for the Security case study. Causal path ‘C’ occurred only in the more communitarised Fisheries and Environment case studies; in 25% and 14% of the instances respectively. We can therefore say that the ‘communitarisation hypothesis’ (*the more a governance regime is communitarised,*

*the more process PCD of a policy initiative is increased*) is not confirmed by the empirical results if we only look at the overall governance regime level.

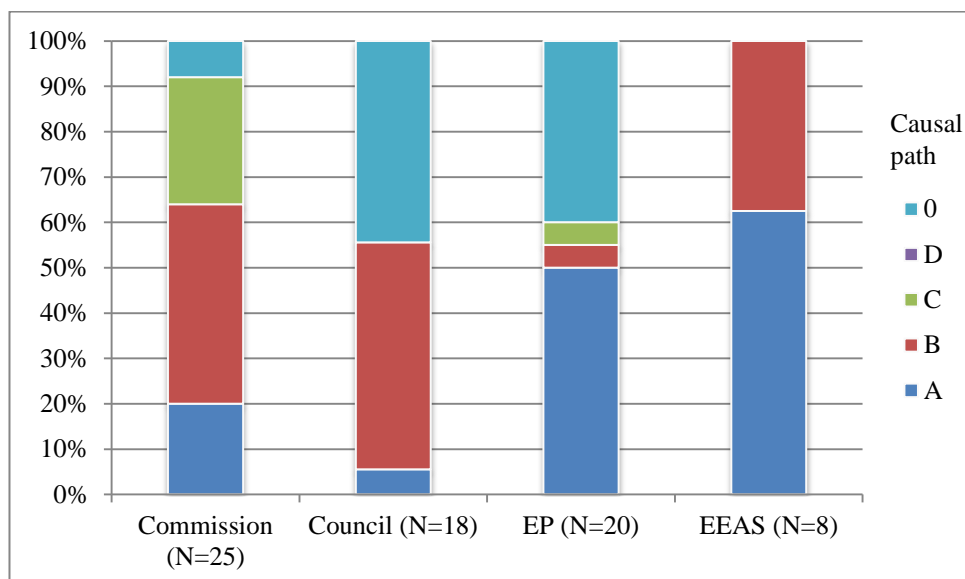
The results become however more divergent if we take a closer look at the way the individual coherence procedures were applied during the policy formulation processes in the sub-cases. A major reason for the use of different procedures lies in the different competences that the EU institutions have in a policy field and the respective legislative procedures that are associated to it. In more communitarised policy fields such as Fisheries and Environment, more EU institutions are involved in planning. Moreover, formalised procedures are in place and often used, but due to a lack of knowledge and resources from development actors, in particular DG DEVCO, these coherence procedures cannot be applied to full effect. In the young Security governance regime, formal procedures are not nearly as established. However, in the specific sub-cases analysed, this was circumvented through inclusive and coherent planning by the key actors.

We can also differentiate between the two more communitarised policy fields relating to the fact that different legislative instruments are in use. An international agreement such as a FPA makes it difficult for non-governance regime actors to actively influence the negotiation process. Such influence is easier when instruments are used for which the planning process is more transparent, e.g. regulations and directives. While international agreements are also sometimes negotiated in the external dimension of the Environment governance regime (e.g. in the context of international climate change negotiations), regulations and directives play a much greater role in its PCD relevant legislation. Therefore, a deeper look at the findings for the three governance regimes reveals significant differences between PCD promotion in a for instance inter-governmental regime such as Security and a communitarised regime such as Fisheries. This is so even though the overall results for the three governance regimes show also some notable similarities and are not as diverse as for example the results for the individual EU institutions.

### VIII.1.3. EU institutions

The empirical analysis reveals significant differences between PCD promotion in the Commission, the Council, the EP, and the newly established EEAS (see Figure VIII.6).

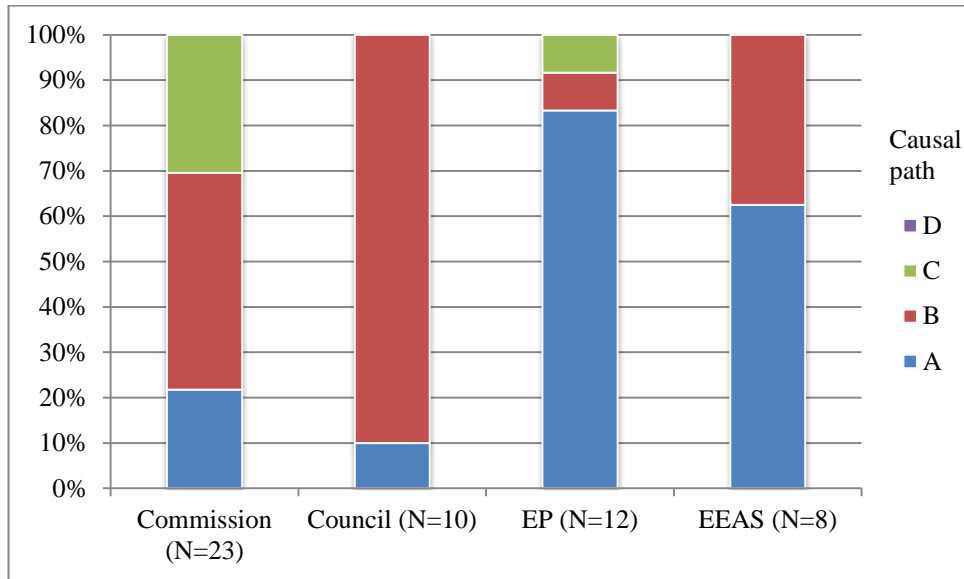
Figure VIII.6 Results: comparison of EU institutions



At first glance, it becomes apparent that the proportion of non-applied coherence procedures varies notably across the institutions. In the analysed policy formulations, the responsible governance regime actors in the Commission and the EEAS almost always applied coherence procedures if they were available. The only exceptions were two instances in which the Commission did not use discussions on the political level and a permanent inter-service group during the planning of the MMR. In marked contrast, in around 40% of the cases in the EP and the Council, no coherence procedures were applied. The reasons for this result are however quite different. While in the EP certain procedures are often legally (according to the EP's rules of procedures) not applicable, e.g. joint meetings of EP committees, the Council often does not consider applying coherence procedures for practical reasons (see below).

For a better comparison we can again remove all '0' instances from the figure to examine the relative variation between the remaining variable combinations when a coherence procedure *was applied* (see Figure VIII.7).

Figure VIII.7 Results: comparison of EU institutions (without '0')



It becomes clear that by far the most effective EU institution at increasing process PCD in the analysed policy initiatives is the EP. In 83% (10 out of 12) of all applied coherence procedures, development actors actively gave input and process PCD increased. The only exceptions were stakeholder consultations in the case of the FPA Morocco protocol ('C') and the procedure with associated committees in the case of the biofuel directive when the Development Committee was not involved ('B'). Also the EEAS displays a rather high ratio of effective coherence procedures (5 out of 8) which is mostly due to effective CSDP planning procedures in the EEAS.

We find a completely reversed picture in the Council where 9 out of 10 applied coherence procedures did not receive input from development actors and did not increase the process PCD of the respective policy file. Only in one instance - informal consultations during the drafting of the biofuel directive - did development actors provide active input into the policy-making process. This finding stands in contrast to the rhetoric of EU member states which often stress a need for better coordination on development. One UK diplomat stated in an interview: 'I have never really heard anybody saying what that means in practice. And in practice what happens is nothing' (I 20, permanent representation UK). The clear outcome of the analysis is that - despite the official rhetoric supporting the application of coherence procedures in Council policy formulation (eg. Council 2007b: para. 11) - the EU member states share a consensus that coherence should a) be predominantly achieved

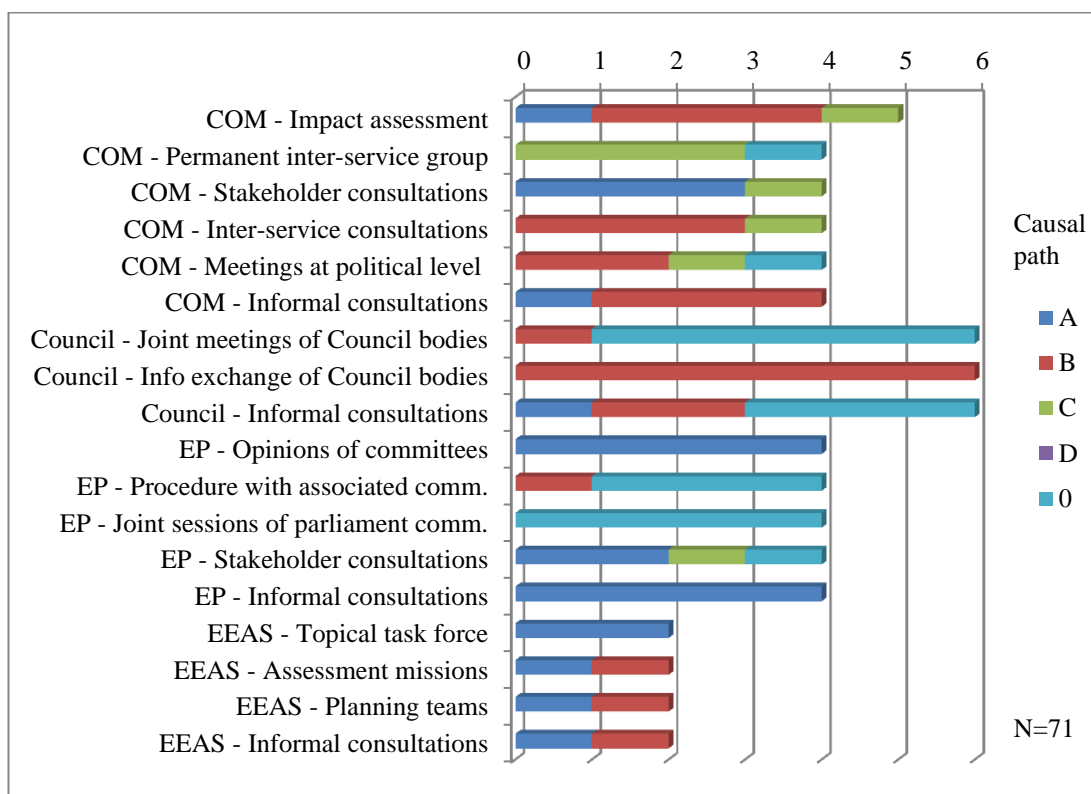
in the Commission where policies are first worked out, and b) should be promoted in EU member states capitals to enable the representatives to come with a coherent national position to Council meetings.

A mixed picture appears for the PCD performance of the Commission. In almost half of the analysed applied coherence procedures, development actors did not give input and the process PCD of the policy initiative did not increase in the aftermath. This happened sometimes because the governance regime DG in charge did not consult DG DEVCO (e.g. informal consultations in the case of the FPA protocols). But even more often it was simply the case that DG DEVCO could have given input but failed to do so because of either disinterest or a lack of resources and/or knowledge. In addition, the relative number of coherence procedures that did include development actors but did not increase process PCD ('C') is the highest of all EU institutions. Together these results point to the rather ineffective use of coherence procedures in the Commission. We recorded only five instances in which a coherence procedure did indeed raise process PCD. Especially stakeholder consultations appear to be an effective procedure in this regard with three out of four instances assessed as 'A'.

#### *VIII.1.4. Coherence procedures*

Our final level of aggregated analysis compares the data for the individual coherence procedures across different policy fields (see Figure VIII.8). Although the total number of instances per coherence procedure is not high enough to make reliable statistical comparisons, the aggregation helps to identify the more effective ('A') and ineffective ('B' and 'C') coherence procedures in EU policy formulation.

Figure VIII.8 Results: comparison of individual coherence procedures



In the Commission, stakeholder consultations were the only really effective coherence procedure that often led to an increase in process PCD. In the FPA protocol with Mauritania and the two environment initiatives, stakeholder consultations gave development actors (in this case development NGOs) the opportunity to feed in their views into the policy planning process. The most effective EU coherence procedures, i.e. those coherence procedures that achieved their objective to increase process PCD, are however observable in the EP where both the opinion procedure and informal consultations led to an increase in process PCD in each four out of four instances. The committee structure in the EP and the tendency for committees to engage more in policy items for which other committees are responsible, produce a favourable environment for improving coherent policy-making. Often however the opinion procedure achieved its full potential only in the context of final discussions in the plenary, as was the case in both FPA protocols. In the EEAS in particular the topical task force achieved its aim of increasing coherence between the EEAS and Commission DGs such as DG DEVCO in the two analysed instances.

The most ineffective coherence procedures can be found in the Council system where especially the horizontal exchange of information between the different Council bodies is not applied effectively. In the empirical analysis, in six out of six instances the Development WP was not involved at all in policy-making of other actors in PCD relevant policies. As mentioned above, it is in the Commission where we find the most cases of causal path 'C', i.e. coherence procedures that bring in development actors but which nevertheless do not increase the process PCD of the policy initiative. This was for example the case with one impact assessment, permanent inter-service groups, one inter-service consultation and political meetings. In addition, a number of 'B' paths occurred which signifies that DG DEVCO did not give active input into the policy planning. This was particularly visible during impact assessments and inter-service consultations.

Some procedures that were incorporated in our analytical framework from the beginning turned out to be hardly ever used in day-to-day EU policy-making. Typical examples for this are joint meetings of Council WPs, EP joint committee sessions and the EP procedure of associated committees. Especially the latter two could potentially be strong coherence procedures. They however have only very limited practical use because their application is confined to rare cases in which a policy item falls in between the competences of two committees. While the examined biofuel directive was dealt with by the Environment and ITRE committee, the Development Committee was not considered to be associated. In the past however DEVE became associated, e.g. in the case of the EP's own-initiative resolution on 'PCD and the effects of the EU's exploitation of certain biological natural resources on development in West Africa' (EP 2008). For this initiative, DEVE was in charge together with the Fisheries Committee.

This section has synthesised and compared the results of the empirical analysis of the six sub-cases on four different levels. Before cross-cutting conclusions of the research results for the political practice of EU PCD promotion are drawn in section VIII.3, we first return to our analytical framework and reflect on the implications of the findings for the chosen theory and methodology.

## VIII.2. Theoretical implications

This thesis had a twofold academic research interest. First, the interest lay in the general academic discussion in political science and EU research on the functioning and effectiveness of day-to-day governance processes. A second research interest lay in contributing to the scholarly discourse on policy coherence in general and on PCD in particular. This section addresses these topics in two steps. It starts by first revisiting the theoretical framework and evaluating its usefulness for tackling the research question (VIII.2.1). The section especially reflects on the different facets of historical institutionalism and the implications of our findings for them. In a second step, the section outlines the theoretical and methodological limitations of the applied analytical framework (VIII.2.2).

### *VIII.2.1. Revisiting the framework*

To address the research question, we constructed an analytical framework based on the premises of new institutionalism in general and sociological historical institutionalism in particular. The aim was to contribute to the academic debate by applying historical institutionalism to the subject of EU policy formulation through assessing the effects of institutional coherence procedures. The framework provided a tool-set to examine in particular the process dimension of PCD in the planning of EU policy initiatives. On the basis of the findings generated with the framework, we can evaluate the usefulness of having selected a new institutionalist approach. This will be done by looking at three issues in particular: the concept of governance regimes, the role of informal institutional procedures, and the occurrence of path dependence.

#### *Governance regimes and the role of communitarisation and institutionalisation*

The governance regime concept plays a central role in Simon Bulmer's variant of historical institutionalism. The empirical findings show the utility of the concept by confirming that EU policy formulation indeed takes place in specific governance regimes: conducted by key actors, using certain policy instruments, and applying typical institutional procedures. The analysis showed however also that certain key characteristics of a governance regime such as its degree of communitarisation have



rather negligible effects on the overall extent to which PCD is promoted. As was shown in the previous section, the empirical findings suggest that the overall effectiveness of coherence procedures is on a similar level in the examined governance regimes Fisheries, Environment, and Security. Therefore, the communitarisation of a governance regime is not necessarily a decisive factor. An inter-governmental governance regime (Security) scores similarly to a shared (Environment) and an exclusive one (Fisheries). Reflecting on the traditional divide between more supranational and inter-governmental EU policy fields, we can therefore say that the promotion of PCD is not directly affected by the level of competence transfer to the EU level.

Even though the overall PCD performance on this macro-level is similar, the analysis highlighted significant differences on the micro-level of PCD promotion in the three governance regimes, e.g. the influence of the type of legislative instrument used. This was especially visible in the case of the Commission where different legislative instruments considerably changed the path of policy formulation and the application of individual coherence procedures. In comparison, the picture basically remained the same in the Council in all governance regimes, showcasing the preference of the EU member states to rather deal with coherence at home and not in the Brussels arena.

The findings also indicate that the convergence and institutionalisation of different governance regimes do not impact significantly on successful PCD promotion. While the Environment governance regime has synergic objectives to the Development governance regime, PCD is not necessarily promoted more effectively in the former; as compared to the Fisheries governance regime which has partly conflicting objectives. Other researchers have found that sometimes even ‘coordination with less-closely allied activities is easier than with more similar programs - the more remote types of programs are not conceived of as being the potential threat that the more similar programs are’ (Peters 2006: 116). The analysis also highlighted that in highly institutionalised policy fields such as environment, coherence is not necessarily more easily promoted than in new and still institutionally developing governance regimes such as Security. Due to the

representativeness of the case selection (see section IV.1), it can be expected that the picture looks similar for other EU governance regimes, too.

It could thus be established that governance regimes show their causal influence on process PCD of policy initiatives especially in the way and the extent to which legislative instruments and coherence procedures can be applied. Here, significant differences between the individual EU governance regimes became clearly visible even though their overall PCD performance, for instance as regards to their conventional supranational/inter-governmental divide, is on a similar level.

#### *Informal institutional procedures*

Because of the importance that historical institutionalism places on formal and informal institutional procedures, it is worthwhile to look more closely at the effects of institutionalisation. The theory shares with other new institutionalist approaches the core argument that ‘institutions matter’. In contrast to the rational-choice oriented variants of new institutionalism, the historical institutionalist approach emphasises more informal institutional procedures, such as regular consultations between EU officials outside of official channels. Our framework assumed that such informal procedures fulfil important functions in the policy cycle and that ‘good institutional analysis requires rigorous attention to both formal and informal rules’ (Helmke and Levitsky 2004: 726). It was expected that in EU policy formulation, the involved actors apply regularly informal institutional procedures.

The analysis did indeed show that informal institutions are an important part of any EU governance regime and are also used by development actors as points of entry to influence policy formulation in their interest. The findings underline once more the argument of historical institutionalism and other theoretical approaches that informal institutions play a significant role in EU policy-making and impact also on policy output. We could furthermore see when and how informal institutional procedures were applied. Taken together, the empirical findings point out that of the thirteen instances of applied informal consultations across the EU institutions, seven were effective in increasing process PCD (‘A’) and six ineffective (‘B’). Informal consultations were most effective in the EP where MEPs, from different committees but the same political group informally discuss policy files with a view to promoting coherence in the EP’s work.

Following the classification of informal consultations by Helmke and Levitsky (2004, see section III.1.2), the empirical results indicate that informal consultations are used to either *complement* or *substitute* formal procedures. In the case of the MMR for instance, the Commission DGs used informal consultations to *complement* the inter-service consultations and to seek additional advice outside of the official channel. An example for the *substitution* of formal procedures could be found in the Council where instead of a formal exchange of information between Council WPs, informal consultations were used to integrate the views of the Development WP.

### *Path dependence*

Compared to other new institutionalist approaches, the added value of historical institutionalism lies in its emphasis on long-term effects of institutions over time, reflected in the concept of path dependence (see section III.1.2.). The empirical analysis showed that this effect is also relevant for EU policy formulation and PCD promotion. The framework assumed that ‘path dependence does not signify stasis and its impact is likely to vary across policy areas’ (Bulmer 2009: 310). And indeed, the three examined governance regimes display different established ways of policy-making. The analysis traced routines of policy formulation in the particular governance regimes which steered actors to follow a certain path.

To give an example, the rather ‘technically’ planned and implemented policy formulation process of the Fisheries governance regime exists as a result of its historical development. This process is conducted by sectoral experts in the Commission and Council, who steer the bilateral negotiations with third states, and has led to a path dependent policy formulation partly isolated from other domains. Because of this path dependence it is difficult for development actors to give input into FPA negotiations. This confirms the compartmentalised nature of EU policy-making and makes it more difficult for development actors to influence policy formulation to increase the process PCD of a policy initiative. This finding suggests that as soon as there is an established bureaucracy in place, changing routines become more difficult. Although the Security governance regime is still developing, it has already developed certain path dependencies. The process tracing of two CSDP missions and the expert interviews with crisis management officials revealed how mission planning follows a certain path that is unlikely to be altered by the involved

actors. In contrast to the Fisheries governance regime, this however rather supports the promotion of PCD since the key actors integrate colleagues from other policy domains into the process.

While the limited observation period of the case studies does not allow us to examine how path dependencies emerge and develop (see below), indicators for their existence and effects could be observed in the case studies. As mentioned above, this was visible for instance in the way DG MARE conducts sealed off FPA negotiations with third countries; a process which developed over the last 35 years into its current form. This result confirms another central tenet of historical institutionalism which helps to identify ‘what is the existing institutional arrangement, whether in policy or structural terms, so that this [the existing institutional arrangement] can be argued to persist or not’ (Peters 2000: 11). The empirical results shows that path dependence can impede but also to some degree support PCD promotion in the EU system.

#### *Utility of the theoretical framework and contribution of the thesis*

The empirical analysis showed that the selection of sociological historical institutionalism provided an adequate mid-range theory to analyse PCD promotion in EU policy formulation. Based on Bulmer’s approach, the analysis could identify the key actors and institutional procedures in the selected EU policy fields. More importantly, historical institutionalism allowed the study to construct a tool-set for a comprehensive process tracing of the development of PCD relevant policy initiatives. The primary objective of the theoretical framework was therefore achieved.

The results confirm that in terms of PCD promotion in the EU, institutions do indeed ‘matter’. The application or non-application of coherence procedures has considerable influence on the extent to which the views of development actors - for instance on the impact of a proposal on poverty reduction - find their way into a policy draft. The majority of variable combinations identified in the empirical part support this central claim of historical institutionalism. In most cases whenever a coherence procedure was applied, two of four possible causal paths followed: either development actors gave their input and the process PCD of a policy initiative, e.g. a draft EU regulation, increased (‘A’), or development actors did not give active input and the process PCD consequently did not increase (‘B’). The two paths are in accordance with historical institutionalist reasoning because both underline the

importance of formal and informal institutional procedures in policy formulation processes in offering ‘points of entry’ for non-governance regime actors to influence policy development. In contrast, variable combinations which would seriously question the basic arguments of the theory occurred only in a minority of instances (‘C’) or did not appear at all (‘D’).

By applying historical institutionalism on the topic of EU policy formulation, this thesis has contributed to the academic and theoretical debate in four principal ways. Firstly, it translated the premises and arguments of historical institutionalism into operationalisable variables and indicators and made them therefore measurable for analysing day-to-day governance in the EU system. On this basis it secondly used the historical institutionalist framework to gather reliable empirical findings with the aim of analysing the effectiveness and efficiency of institutional procedures in the EU system. It tested hypotheses derived from historical institutionalism on this issue and contributed to the academic discussion on policy coherence by giving a detailed account of the role of procedures in policy planning processes. Thirdly, by examining the relations of key actors, policy instruments and procedures in EU governance regimes, the thesis contributed to the debate on the effects of such types of policy networks and communities in EU integration theory. Finally, the thesis analysed the role of factors such as communitarisation and institutionalisation on governance processes and thus contributes with its findings to the discussion of the influence of EU integration on promoting overarching policy goals such as PCD.

### *VIII.2.2. Theoretical and methodological limitations*

Although the overall usefulness of the analytical framework was confirmed, certain limitations became visible during the empirical analysis as well. These limitations can be classified as stemming from either the theoretical or the methodological approach of the thesis.

Governance regimes are defined as a rather broad variable. The focus of the analysis was however on one specific part of this broad variable: the formal and informal institutional coherence procedures. Although the other variable parts were analysed in each case study, their influence on the dependent variable process PCD

could not be as thoroughly examined as the influence of the coherence procedures. For example, the study did not investigate the concrete influence of the preferences of actors on the policy coherence of a policy initiative. It was argued that this potential bias could be minimised by two techniques: first, by confining the analytical period to EU policy formulation in the years 2010 to 2013, all major actors remained the same. The time period encompassed for instance only one parliamentary term of the EP and the Barroso II Commission. It can therefore be assumed that the actors and their general preferences remained constant over the indicated time. Secondly, due to the application of a close process tracing method, we could isolate each step of the application of coherence procedures by the respective actors and their influence on the policy draft. Nevertheless, in theory it cannot be ruled out with absolute certainty that in some cases it was changing preferences of actors during policy formulation that influenced the dependent variable process PCD.

In one of the six subcases - the biofuel directive - the governance regime concept was also not fully adequate to represent the empirical reality because actors from the two different governance regimes (Environment and Energy) were substantially involved in the policy formulation of the directive. This shows that in some cases of EU policy formulation, two governance regimes are equally responsible for developing initiatives in which case the lines between them become blurred. However, the other five subcases have shown that shared responsibility is rather the exception in the EU and that generally the historical institutionalist concept of relatively isolated administrative policy domains holds valid.

Aside from focusing on factors such as institutional procedures, historical institutionalism emphasises also the importance of cultural factors and norms of institutions. The theory argues for example that organisational culture found in Commission DGs influences their policy development. While this topic was touched upon in this thesis by addressing organisational routines and objectives of governance regimes, the analytical framework did not analyse these more elusive concepts. In order to 'measure' norms and cultures of different Commission DGs in a reliable fashion, one would have to significantly expand the methodological approach. This could have been done by for example conducting an online survey

with a representative sample of Commission officials from different DGs. An approach of this kind would however have gone beyond the scope of this thesis because of the restrictions on the time and resources required for such a comprehensive survey. Even more importantly, assessing cultural aspects was not necessary to address the main research question of this study. The focus lay on institutional procedures and their application, which also already reflect to a certain degree organisational culture. This could be found for example in the Security case study where a specific organisational culture is just emerging with the EEAS that combines former staff and their working procedures from Commission DGs, the Council secretariat and EU member states. Although a more thorough analysis of this aspect of historical institutionalism could have yielded interesting results, this could not be achieved with the selected analytical framework.

The main focus of the analytical framework was current day-to-day governance processes in the EU system. In this context, the results of path dependencies - which constrain actors by providing incentives for following a certain path - in policy formulation played a significant role (see above). The empirical analysis revealed the occurrence and effects of these channels of organised routines, but did not explain how they came about. Other studies using historical institutionalism have the implicit aim to follow the emergence and development of path dependencies over long time periods (e.g. Falkner 2002; Pierson 2004; Steinmo, Thelen and Longstreth 1992). This could not be done in this study because it focussed on current processes and not on the unfolding of institutional procedures over several years. This limits the scope of the study findings to a certain degree since it cannot be determined from a historical perspective why coherence procedures developed into its current form. While such a discovery could contribute to the academic discourse, it would however not necessarily have helped to explain the main research question of this thesis which focussed on the 'how' of institutional procedures in current times and not on the 'why' in a historical perspective. This approach is in line with many other studies of historical institutionalism especially in EU research which focus more on policy analysis than on historical processes proper (cf. Bulmer 2009: 314; Pierson 2000: 265).

The methodology used in this study included acquiring data through document analysis and expert interviews and analysing a representative sample of case studies by conducting process tracing. While many EU documents are public and can be easily obtained by searching the online archives of the EU institutions, acquiring internal documents proved to be more difficult. The exception was the EP, where most relevant documents such as rapporteur's drafts and committee's opinions are publicly accessible. Certain internal Commission documents were crucial for the empirical analysis, in particular DG DEVCO comments during the inter-service consultation procedure. Since these are not public they had to be officially requested. In some cases, the responsible Commission DG refused the disclosure at first but had to release the document after the decision was appealed. In cases in which internal documents could not be obtained, we had to triangulate inferences with accessible documents which refer to the process in question and with interviewing participants of the procedure. Internal documents of the Council were very difficult to obtain. This played however only a minor role because the publicly available documents and the interviews with involved officials showed clearly that most procedures were not applied in any case. In addition, some internal documents could be acquired directly from interviewees. Due to the three year long time period of empirical research for this thesis, getting access to interviewees and interviewing them in Brussels generally proceeded without major setbacks. Almost all interviewees that were identified as being involved in the selected policy formulation processes were interviewed.

Although the empirical material was sufficient to reliably conduct close process tracing, more data could certainly have strengthened the validity of inferences in some cases. For certain procedures we observed a general lack of data. This was for instance the case for assessing the work of permanent Commission inter-service groups. Furthermore, on the side of the dependent variable the analysis relied on getting hold of the progressing policy drafts. While this was possible in many cases, in particular the confidential mission planning documents in the Security case study were impossible to acquire through an official request. In these cases, more emphasis was put on conducting expert interviews with the involved officials who also often provided documents during the interview.



Because the thesis selected a case study approach, it had to thoroughly address the representativeness of the case selection. Section IV.1 outlined that representativeness was achieved by the application of a diverse case technique based on the communitarisation of a governance regime. A case study approach can generally be suspected to not achieve a similar representativeness as for instance a large-N approach. In our analytical framework which had process tracing at its center, a large-N approach would however not have been suitable. Process tracing was indeed required to reliably make inferences, and therefore to establish causation instead of mere correlation, between the application of coherence procedures and the changes in policy initiatives - the core concern of the study. The scientific validity of the findings of this study can be further enhanced by adding more cases studies from other governance regimes and policy initiatives to the analysis. Also a narrowly framed large-N research design - for example analysing all impact assessments of the Commission - promises further avenues for research.

### VIII.3. Policy implications

This thesis outlined in the introduction the political dimensions of PCD promotion in EU policy formulation. Firstly, it is directly related to the efficiency and effectiveness of EU development cooperation and EU global governance efforts. Secondly, the research topic addresses the legal rooting of PCD in Union primary law and the explicit ambition of the EU to increase the coherence of its external action with its latest Treaty reforms. This section addresses the implications of the empirical findings of this thesis on these topics. It will do so by first reflecting on the current state and direction of EU PCD performance in the political practice (VIII.3.1). On this basis, it suggests ways for the EU to improve the effectiveness of PCD promotion in its policy planning formulation (VIII.3.2).

#### *VIII.3.1. Current state of EU PCD promotion*

One of the main contributions of this thesis lies in offering empirical insights into the effectiveness of EU coherence procedures in the political practice. The thesis also looked at the effects of the latest PCD-related reforms of the EU, most notably the establishment of the EEAS. This section reflects on the findings of the empirical

analysis for the current state of EU PCD promotion by looking first at the obstacles to PCD in the EU institutions and then at the effects of the latest EU treaty reform.

#### *Obstacles to PCD in the EU institutions*

In the Commission, the single most important practical issue for PCD promotion is the ability and willingness of the Development Commissioner and DG DEVCO to get involved in the work of other governance regimes. Notwithstanding the general work on PCD promotion of the specialised DG DEVCO unit, it was shown that in day-to-day governance of the Commission, DG DEVCO is challenged to provide meaningful input on a variety of policy items which have PCD relevance. The findings of the three case studies suggest that this input is sporadic and inadequate. Although in most cases coherence procedures are indeed applied in Commission policy planning, in half of the studied cases DG DEVCO did not give active input. A lack of resources and ambition to get involved is often the reason for this. Future studies on PCD could analyse in more detail why this is the case (see VIII.4). This behaviour of DG DEVCO was mostly visible in Commission inter-service consultations which in theory constitute one of the strongest coherence procedures. Our findings on this matter confirm an earlier study by Egenhofer et al. (2006: 30-31) on the subject:

*'Several of the (...) case studies (...) suggest that DG Development has played a limited role during the inter-service consultation on issues affecting developing countries. It could be the case that it was not invited, but the impression was that DG Development did not actively pursue its mandate. This is a missed opportunity as DG Development's active involvement in inter-service consultations is crucial for PCD.'*

For PCD promotion in the Commission, it matters also considerably what kind of legal instrument is used by the governance regime actors. It is generally easier for DG DEVCO to give input in the drafting of regulations and directives, while international agreements pose more challenges for PCD promotion. To stay with the example of inter-service consultations: here it is not even possible to effectively use this procedure in case of international agreements because the crucial phase of policy planning is already over once the consultations are applied. Earlier, when the

negotiation directive is drafted in the Commission, there are no inter-service consultations which could foster coherence between Commission DGs.

In the Council, the main obstacle to promoting PCD is the unwillingness of the EU member states to deal with policy coherence in the Council system. The case studies reveal that it is the general sentiment in the Council that coherence should be dealt with first of all in the Commission. As regards the Council work, it is expected that member states ensure coherence of their policies at home in their capitals and then come into the Council preparatory bodies with coherent positions. Consequently, coherence procedures - that do in theory exist and are referred to on numerous occasions - are usually not applied in the Council's work. Advocates of PCD such as development NGOs have adapted to this mind-set in the Council and state for example for the case of the biofuel directive that they find it 'more effective to work directly with the energy and environment ministers than try to work through the development ministers' (I 47, NGO). The empirical analysis has also shown that COREPER did not play a significant role in promoting PCD in the Council, even though it was recently again affirmed by the Council as 'the main forum for ensuring policy coherence for development' (Council 2012d: para. 6). There were exceptions in the past that show that coherence promotion is possible in the Council with the help of institutional procedures. Häge (2012: 23) notes that there was a joint High-Level WP on Environment and Development until 2001. As regards to climate change policy, Hudson (2006: 89) observed that:

*'The International Environmental Issues Working Party was regularly consulted and in fact its subordinate Developing Countries Expert Group was asked by CODEV to take care of most of the preparatory discussions on the action plan, given its expertise on the issue.'*

This approach seems however to be rather rare in the Council until today.

PCD promotion in the EP's policy formulation generally works better than in the Commission and the Council. This is mostly due to the willingness of MEPs and sectoral committees to get involved in the policy areas of their colleagues and other committees. In particular the opinion procedure offers development-focused actors the opportunity to state their views and give input into the policy formulation of PCD relevant initiatives. In addition, informal consultations complement formal coherence

procedures and offer another avenue of influence for development actors in the Parliament's work. Legally more binding procedures such as the procedure of associated committees usually cannot be used for PCD purposes because of the strict competence delineation of the EP's committees. Because of that, the success of PCD promotion depends on the willingness of governance regime actors to take account of the views of their colleagues.

### *EU reforms and PCD*

The Lisbon treaty that came into force in 2009 had the explicit aim of increasing the coherence of the Union's external action. The treaty article on which PCD is based however - Art. 208 TFEU - did not change its wording. The only change in context is the previously mentioned reference to poverty reduction as the explicit aim of EU development cooperation. This however had no observable impact on PCD promotion as examined in our case studies. The Lisbon Treaty also did not change the overall picture regarding the coherence procedures in the other EU institutions. All coherence procedures that were analysed in the Commission, the Council and the EP were already in place before the treaty reforms took effect.

The institutional reform that could potentially matter most in this regard is the establishment of the new post of the HR and the EEAS. The empirical analysis showed that the HR and her cabinet do not observably contribute to PCD promotion. In no case study did the HR actively try to get involved in either the Commission's or the Council's work to promote PCD in other policy fields. Even though HR Ashton puts emphasis on the general coherence of EU external action - for example by promoting a comprehensive approach in crisis situations - this role does not seem to entail much focus on PCD as such.

In comparison to the perceived role of the HR, the new EEAS has more direct implications for the political practice of PCD promotion in the Union's external action. This became visible in the analysis of the Security governance regime where EEAS officials are the main actors applying coherence procedures. Notwithstanding the rather ad-hoc nature of some of these procedures, PCD promotion is regularly conducted in the new service. The reason for this lies to a large degree in the fact that the EEAS and its coherence procedures did not come out of nowhere but originated from established practices of the Commission and Council

units that were transferred en bloc to the new service.<sup>97</sup> The added value of the EEAS in terms of PCD is therefore that it brings together different actors with diverse backgrounds and institutional experiences. This proves to be beneficial for PCD promotion in a rather inter-governmental governance regime such as Security. In policy areas where the EEAS has no explicit competence, it does not play a role in promoting PCD.

### *VIII.3.2. The way forward*

Based on the findings of the empirical analysis, this section briefly outlines the current development of the PCD discussion and suggests ways to improve PCD promotion in EU policy formulation.

#### *Current developments in the EU PCD discussion*

PCD remains a high-ranking topic on the EU's development policy agenda and is featured prominently in its current 'agenda for change' (Commission 2011c). A general trend at the moment is the increased focus on attempts to objectively 'measure' incoherencies of policies towards development objectives. In one of its latest conclusions on PCD, the Council (2012d: para. 7) noted 'the need for a more evidence-based approach and for improving coordination mechanisms and implementation within the EU institutions and the Member States'. This is in line with the results of this study which showed the partial ineffectiveness of the coherence procedures in the EU institutions. It is clear that the EU is missing a stringent approach to identifying and addressing potential PCD incoherencies in other policies. As mentioned in the literature review on PCD (see section II.1), this subject was recently raised by other researchers in studies on PCD in the EU. This thesis complemented these efforts by providing a framework to make the process dimension of PCD 'measurable' and thus contributed to this part of the PCD discussion.

The EP's latest report on PCD (2012g) highlighted several issues that were addressed in the empirical analysis of this thesis. The Parliament called on the Commission to make better use of the PCD relevant guidelines (Commission 2009b:

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<sup>97</sup> Cf. Stroß 2012 for a discussion of the impact of the new structures on the strategic programming of external financial instruments.

42) in its impact assessments and to make sure that the impact assessment board includes development expertise to give input into the process. Similar calls were recently made by the EU member states in the Council (2013a). Our case studies confirmed this lack of effectiveness of the procedure and the non-participation of DG DEVCO in the process. Another issue that is raised in the report and currently controversially discussed in the EU is the PCD role of the EEAS. On the one hand, this study has shown that the EEAS is doing a good job in ensuring process PCD when it comes to CSDP missions. On the other hand, interviews have also revealed that it is still unclear who is generally in charge of pushing for PCD in the EEAS in other policy areas and in which ways this can be done. As long as there is no systematic approach inside the EEAS to addressing this topic, the new service cannot unfold its full potential to promote coherence as one of its primary objectives.

The study results further confirm a recent screening of PCD in the EU context by the OECD (2012b) which evaluated the PCD performance of the Commission, the Council and the EP. The screening compared EU mechanisms to promote PCD to their status during the last review in 2007. While commending the progress made in the Commission, the OECD peer review calls for a better use of capacity in the Commission's DGs (especially in DG DEVCO) and of the impact assessment procedure. As regards to the Council, it identifies the EU presidency in particular as a significant factor. The peer review observes a 'strong constituency in the European Parliament for pushing better coherence' (ibid. 45) but criticises a lack of PCD awareness outside of DEVE. While these findings are generally in line with the results of this thesis, several points became visible in our case studies and the empirical synthesis in this chapter that added to the PCD discussion.

#### *Suggestions to improve PCD promotion in EU policy formulation*

The variation in PCD performance is higher between the individual EU institutions and their coherence procedures than between the different policy areas. Because of this, any suggestions on improving PCD in the overall EU context need to start at the level of the former.

The main suggestion for improving PCD in Commission policy formulation is the enhancement of DG DEVCO's ability to get actively involved in non-development policies. This could be achieved through the expansion of personnel

resources: bringing in staff with the expertise to give substantial input into the sometimes very technical policy formulation process of other DGs. The Fisheries case study showed a first step in this regard with the recent creation of a DG DEVCO position staffed with an ex-DG MARE official with significant expertise on FPAs. The coherence procedures such as inter-service consultations are already available, but they should be used more actively by DG DEVCO to provide input. As already mentioned above, it would indeed be beneficial for PCD if the impact assessment procedure would address more thoroughly potential development impacts of policy initiatives and if a representative of DG DEVCO was part of the impact assessment board. In this way, the potentially strong coherence procedure could be used to a better effect. The coherence procedures that already work well - in particular stakeholder consultations - should be kept and their scope expanded.

As long as the EU member states do not perceive the need to deal systematically with horizontal policy coherence in the Council structure, improvement in process PCD will be harder to achieve. The analysis showed that potential coherence procedures such as information exchange or joint meetings of Council WP's are rarely used. If the member states would show more willingness to address PCD in the Council, it would be beneficial if CODEV became involved more frequently in the policy formulation process of other Council WPs. This suggestion is also supported by an earlier study on PCD in the Council conducted by Egenhofer et al. (2006). As general studies on the Council work have shown (e.g. Hayes-Renshaw and Wallace 2006), a large majority of Council decisions are already taken at the WP level. Coherence-seeking would therefore make most sense here. As Council officials and member state diplomats in unison reject the usefulness of joint WP sessions because of cost-effectiveness considerations, more emphasis could be laid on increasing information exchange between CODEV and other Council WPs. This exchange could be supervised by the Council presidency and COREPER.

The EP already has a rather good track record as regards to process PCD in its parliamentary work. The opinion procedure is especially effective in this regard. However, due to the non-binding nature of DEVE's opinions, it usually depends on the willingness of the MEPs in the lead committee whether development concerns are taken into account or not. So far, this issue can be partially circumvented by

informal consultations or discussions in the plenary. As one EP official put it: ‘It is possible to say that informal consultations are used so often because formal mechanisms in the EP are not so efficient’ (I 17, EP)<sup>98</sup>. Since it is unlikely that DEVE’s opinions will become more binding, the committee can only resort to adopting common views on policy items backed by a strong majority and delivered in time to influence the process in other committees as effectively as possible. Since stronger coherence procedures such as the use of associated committees depend on the exact wording of the committee policy areas, redrafting the rules of procedure to include a wider mandate of DEVE could give it more legal leeway to participate more actively.

Being a rather young service, procedures in the EEAS are still developing. This provides the actors with the chance to create new coherence procedures from the start. In the case of CSDP missions, this could be done by first of all formalising existing informal procedures and constructing new planning guidelines for all involved actors. Since the involvement of DG DEVCO would be crucial for PCD efforts, obligatory consultations with the Commission during the mission planning process would help to promote PCD. Furthermore, the PCD role of the Development Cooperation Coordination Division as the only genuine development actor in the EEAS could be expanded by systematically involving it in the work of other EEAS units which focus, for instance, on security or human rights issues.

#### VIII.4. Summary and outlook

The promotion of PCD in other policy areas plays an increasingly important role for the EU as a result of its ambition to address global problems in a more efficient and effective way. The academic and policy-oriented literature on PCD focusses primarily on the coherence of certain policy content and on its actual effects on poverty reduction in third countries. By contrast, comprehensive and systematic studies on the way PCD is addressed initially in the planning phase of EU policies are lacking. We therefore consider that addressing this gap in the literature by thoroughly investigating the *process* dimension of PCD in the EU context is the main contribution of this thesis. The study showed how, when and in which policy fields

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<sup>98</sup> ‘Es ist möglich zu sagen, dass informelle so häufig genutzt werden weil formelle Mechanismen im EP nicht so effizient sind’ (translation by the author).



the EU actors use institutional coherence procedures to promote development objectives and investigated their impact on the process PCD of policy initiatives. Following the new institutionalist assumption that a coherent *process* is a precondition for a coherent *output* and *outcome* of PCD, this thesis constructed an analytical framework based on the theory of sociological historical institutionalism. We analysed two policy initiatives each for the three representatively selected governance regimes Fisheries, Environment, and Security. The analysis of the FPA protocols with Morocco and Mauritania, the MMR and the biofuel directive, and the new CSDP missions in Mali and Mauritania demonstrated how the EU formulates policy initiatives and what role development actors and views play in this context.

This thesis addressed the main research question '*How and to what extent does the EU promote PCD in the policy formulation process of different governance areas?*' As regards to *how* PCD is promoted, it identified an extensive net of formal institutional procedures in the EU institutions which are complemented and sometimes substituted by informal consultations. The analysis showed that there are indeed many institutional paths in the form of different coherence procedures to achieve the one goal of increasing PCD. The findings suggest that some paths, e.g. Commission stakeholder consultations, are significantly more effective in leading to the goal than others, e.g. information exchange between Council WPs. In answer to the question *to what extent does the EU promote PCD in its policy formulation*; we found that its effectiveness is influenced primarily by two factors: a) which EU institution formulates the policy and b) on which legal instrument a policy initiative is based. We concluded that these factors of a governance regime play a far greater role than the policy topic with which the *governance area* deals and its overall degree of communitarisation.

The analysis showed that in the Commission, the Council, the EP, and the EEAS, PCD promotion in everyday governance is characterised by diverse approaches and performances. These variations are rooted in several causes: Firstly, although the Commission has a wide array of coherence procedures at its disposal, a lack of resources and political will in DG DEVCO lead to an ineffective application of those procedures. Moreover, Commission coherence procedures are generally found to be rather ineffective in promoting PCD. Secondly, despite official rhetoric,

EU member states do not actively attempt to increase PCD in the Council's policy planning work. Thirdly, the diversified and transparent structure of policy-making in the EP makes coherence-seeking easier and more effective than in the other EU institutions. Fourthly, the new and still developing institutional structure of the EEAS uses consultation techniques in planning CSDP missions rather effectively.

Future studies on PCD in the EU system could further address these issues and follow-up on the results of this study. It would for instance be worthwhile to shed more light on the question why DG DEVCO and the Development Commissioner do sometimes only give limited or no input into the policy formulation of other governance regimes. Given their young age, a continuous look at the new post-Lisbon actors EEAS and HR could provide fruitful insights into the way their coherence role develops over time. While this thesis focused on the question of *how* the EU promotes PCD in its policies, other research projects could investigate more the question *why* certain EU actors use or do not use institutional procedures to promote coherence and therefore focus on the bureaucratic power aspect of EU governance. Other research could also address the assumed link between process PCD and output and outcome PCD; for example by extending the scope of case studies from the policy formulation phase to policy implementation.

The findings of this study generally underline the effects of the fragmentation of EU policy-making. Irrespective of the affected policy field, the study confirmed that the 'silo-like' structure of EU policy formulation poses institutional challenges for the promotion of PCD. Given the general nature of most coherence procedures, it is likely that this assessment applies to the coherence of other policy objectives as well. Established bureaucracies seem to lead to path dependencies in EU policy formulation which make addressing cross cutting policy items difficult. An example for another coherence objective which faces similar problems is that of environmental protection (cf. Schout and Jordan 2008; Pollack and Hafner-Burton 2010). This thesis contributed to the literature on governance processes that address the horizontal coherence and coordination of policies. In this context, the study showed that policy coherence is indeed very difficult to achieve in policy formulation; also of course because policy-makers need to make a weighing of interests between different objectives, of which poverty reduction is only one.

The administrative reality of EU policy-making often deals with highly technical policy items formulated by a relatively small community of actors. Coherence between different policy fields does not emerge out of nowhere but is more effectively addressed through continuous efforts to bring the opinions of actors of other policies ‘on board’. Our empirical analysis showed that the starting point for PCD promotion must therefore be the political will and commitment to address the issue. For improving the process coherence of development objectives with other policies, the EU subsequently needs to do two things. First, the EU institutions should create *points of entry* for development actors to give input. Secondly, the development actors must be willing and capable to provide this input.

Given the continuous globalisation with its increased interdependence of countries and their policies, PCD - as well as other global governance issues such as climate change - will remain important topics on the EU’s external action agenda for years to come. In times of shrinking development budgets and doubts over the effectiveness of classical development cooperation, PCD offers the EU a powerful lever to pursue its objective of contributing to the eradication of poverty and to the sustainable economic, social and environmental development of developing countries. This thesis showed how the reforms undertaken with the Lisbon Treaty partly contributed to this - especially with the role of the new EEAS in security policy - while generally falling short of providing decisive improvements in the coherence of EU policy-making.

This thesis found that there is indeed no ‘silver bullet’ to improve PCD in the EU. Any reform of the current administrative system has to be set in the context of the institutional reality of the respective institutions. A common theme that runs through our findings however is the value of developing effective inter-departmental coordination in all EU institutions. The suggestions given above provide ideas on how to improve these coherence procedures. Provided that there is an imperative political will to improve PCD, the dense institutional system of the EU offers plenty of opportunities to address the topic more effectively and thus also contribute to fulfilling one of the major aims of the Union to become a more coherent actor at the international stage.

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## Annex 1 - Definitions of policy coherence and consistency

Source	Term	Definition
<b>Aguiar Molina</b> (2003: 244 )	Policy Coherence	A policy whose objectives, strategies and mechanisms are attuned; these objectives should reinforce each other, or as a minimum, not conflict with them.
<b>Ashoff</b> (2005: 112)	Policy coherence (negative)	(...) the absence of incoherencies, which occur when other policies deliberately or accidentally impair the effects of development policy or run counter to its intentions.
	Policy coherence (positive)	(...) support for development policy from other policies or [...] the interaction of all policies that are relevant in the given context with a view to achieving overriding development objectives.
<b>Bigsten</b> (2007: 122)	Policy coherence	Consistency between aid interventions and other EC policies.
<b>Blockmans/Laatsit</b> (2012: 138)	Consistency	Means[s] the assurance that the different EU policies do not legally contradict each other. Moreover, synergies are sought in the implementation of these policies.
	Coherence	Relates to the construction of a united whole.
<b>European Parliament</b> (2010: Article A and C)	Policy Coherence for Development	Working to ensure that the objectives and results of a government's development policies are not undermined by other policies of that government, which impact on developing countries, and that these other policies support development objectives, where feasible.
	Consistency among policies	Avoiding contradictions among different (...) policy areas.
	Coherence for development	Obligation for all (...) policies that impact on developing countries to take development objectives into account.
<b>European Union</b> (2005: 8)	Policy Coherence for Development	Ensuring that the Community shall take account of development cooperation objectives in the policies that it implements which are likely to affect developing countries.



<b>Fukusaku/Hirata</b> (1995: 20)	Policy Coherence for Development	The consistency of policy objectives and instruments applied by OECD countries individually or collectively in the light of their combined effects on developing countries.
<b>Gauttier</b> (2004: 23)	Consistency Coherence	Absence of contradictions. Achievement of a synergy between these policies.
<b>Hoebink</b> (2004: 185)	Policy coherence (narrow)  Policy coherence (wide)	Objectives of policy in a particular field may not be undermined or obstructed by actions or activities in this field.  Objectives of policy in a particular field may not be undermined or obstructed by actions or activities of government in that field or in other policy fields.
<b>Koulaïmah-Gabriel/Oomen</b> (1997)	Coherence	The absence of, or a reduction in contradictions between various aspects of public policy.
<b>Krenzler/Schneider</b> (1997: 134)	Consistency	Coordinated coherent behaviour based on agreements among the Union and its member states, where comparable and compatible methods are used in pursuit of a single objective and result in an uncontradictory (foreign) policy.
<b>McLean Hilker</b> (2004: 5)	Policy Coherence for Development	Means working to ensure that the objectives and results of a government's (or institution's) development policies are not undermined by other policies of that government (or institution), which impact on developing countries, and that these other policies support development objectives where feasible.
<b>Missiroli</b> (2001: 182)	Consistency Coherence	Absence of contradictions. Implies positive connections (...) more about synergy and adding value' 'a desirable plus'.
<b>Neuwahl</b> (1994: 235)	(Material) consistency	Measures and actions taken must not conflict with one another. They must be compatible and ideally, they must be mutually reinforcing.
<b>OECD</b> (2003: 2)	Policy Coherence for Development	Taking account of the needs and interests of developing countries in the evolution of the global economy.

<b>OECD/DAC (2001:104)</b>	Policy coordination	Getting the various institutional and managerial systems, which formulate policy, to work together.
	Policy consistency	Ensuring that individual policies are not internally contradictory, and avoiding policies that conflict with reaching for a given policy objective.
	Policy coherence	Involves the systematic promotion of mutually reinforcing policy actions across government departments and agencies creating synergies towards achieving the defined objective.
<b>Van der Welden (1992: 259)</b>	Consistency	Relates to the absence of contradictions.
	Coherence	Refers to (positive) connections.

## Annex 2 - Classifications of policy coherence and consistency

Source	Classification	Definition
<b>Carbone (2008: 326)</b> <i>types</i>	Horizontal coherence	Refers to the potential problems raised by the interaction between various policy areas; more specifically to development policy, it refers to the consistency between aid and non-aid policies in terms of their combined contribution to development.
	Vertical coherence	Refers to the relations between the member states and the EU; more specifically to development policy, it refers to the consistency between different policies across various member states in terms of their combined contribution to development.
	Internal coherence	Refers to the consistency between the objectives of a given policy; more specifically to development policy, it refers to the consistency between purposes of aid (e.g. promoting donor or recipient interests), channels (e.g. aid to states, aid to non-state actors, aid to multilateral organizations), functions (e.g. budget support, aid to the private sector, aid to the social sectors).
	Donor-recipient coherence	Refers to the interaction between policies adopted by the industrialized countries and those adopted by developing countries.
	Multilateral coherence	Refers to interaction between international organizations, such as the UN and the International Financial Institutions, which often promote incompatible goals.
<b>Christiansen (2001: 748)</b> <i>dimensions</i>	Inter-level coherence	Relationship between EU-level institutions and national authorities.
	Inter-institutional coherence	Relations among EU institutions.
	Intra-institutional coherence	Internal politics of EU institutions.
<b>Gauttier (2004: 23)</b>	Horizontal consistency	Absence of contradictions between the policies of the European community and the CFSP.
	Horizontal coherence	Achievement of a synergy between these policies.

<b>Gebhard (2011: 123)</b> <i>dimensions</i>	Strategic/policy-related	Referring to conflicting objectives or clashing political agendas.
	Technical/procedural	Referring to the administrative implications of having to reconcile two different channels of policy-making including their respective bureaucratic mechanisms.
	Vertical coherence	Means the concertation of Member State positions and policies with and in respect of the overall consensus or common position at the Community or Union level.
<i>types</i>	Horizontal coherence	Is concerned with concertation at Community and Union level, i.e. with the coordination between the supranational and the intergovernmental sphere of external action, and thereby also, between the main institutional entities governing them, meaning the European Commission and the Council of the EU including their associated bureaucratic machineries.
	Internal coherence	Is concerned with the sound management within each of the above domains, hence with the intra-pillar functioning of the CFSP/ESDP on the one hand, and of the external domain of the Community on the other hand.
	External coherence	Is related to the way the EC/EU presents itself to third parties or within a multilateral system.
<b>Hoebink (2004)</b>		
<i>First Classification:</i>	Restricted (1)	Incoherence in European development policy itself.
	Restricted (2)	Incoherence between different sets of foreign policy and development co-operation policy, e.g. between trade policies and development co-operation.
	Broad	Incoherence between development co-operation policies and policies in other fields.
<i>Second classification</i>	External type (=restricted 1+2)	Incoherence between the development objectives of the given donor, in case the European Union, and the external policies.
	Internal type (=broad)	Incoherence (...) between Community development policy and internal Community policies.

	Inter type	Incoherence between Community development policy and the development policy of the individual member states or between European development policy and policies of developing countries.
<i>Third classification</i>	Horizontal coherence	Involves the coherence or incoherence of the policies of different Brussels bureaucracies.
	Vertical Coherence	Concerns the coherence of the policy of the member states and developing countries, of the European Commission and of international institutions (financial and otherwise).
<i>Fourth classification</i>	Intended incoherence	A form in which an authority consciously accepts that the objectives of policy in a particular field cannot be achieved because the policy involves conflicting interests.
	Unintended incoherence	Policies in a particular field frustrate the objectives or results of other policies although this is not noticed because the results of the different policies are never compared.
<b>Nuttall (2005: 93)</b> <i>extended</i>	Horizontal consistency	Means that the policies pursued by different parts of the EU machine, in pursuit of different objectives, should be coherent with each other.
	Institutional consistency	Denotes the problems which arise because the EU has chosen to handle (...) external relations, by two sets of actors applying two sets of procedures.
	Vertical consistency	Comes into play when one or more member states pursue national policies which are out of kilter with policies agreed in the EU.
<i>restricted</i>	Banal	Coherence as the absence of contradictions (=consistency).
	Malign	Coherence as a function of internal power struggles ('turf battles').
	Benign	Coherence as a desirable way of interacting.
<b>Picciotto (2005: 312)</b> <i>elements/aspects</i>	Internal coherence	The consistency between goals and objectives, modalities and protocols of a single policy or program carried out by an OECD government in support of development (e.g. aid).

	Intra-country coherence	The consistency among several aid and non-aid policies of an OECD government in terms of their combined contribution to development.
	Inter-country coherence	The consistency of aid and non-aid policies across several OECD countries in terms of their aggregate contribution to development.
	Donor-recipient coherence	The consistency of policies adopted by rich countries collectively and poor countries individually or collectively to achieve shared development objectives.
<b>Smith (2001: 173 et seq.)</b>	Horizontal coherence	The extent to which the various foreign affairs activities of the EU are logically connected or mutually enforcing.
	Vertical coherence	The extent to which the foreign policy activities of individual EU states actually mesh with those of the Union.

### Annex 3 - List of interviews conducted

Interview	Date	Position	Institution
1	04.07.2011	Official	European External Action Service
2	05.07.2011	Official	European Commission - DG DEVCO
3	05.07.2011	Official	European Commission - DG DEVCO
4	08.07.2011	Diplomat	Permanent Representation of Germany to the EU
5	11.07.2011	Member	European Parliament
6	12.07.2011	Researcher	Non-governmental organisation
7	10.01.2012	Official	European External Action Service
8	10.01.2012	Official	European External Action Service
9	16.01.2012	Official	European Commission - Foreign Policy Instrum.
10	17.01.2012	Official	European Commission - Commissioner cabinet
11	25.01.2012	Official	European External Action Service - EU delegation
12	07.02.2012	Member	European Parliament
13	07.02.2012	Official	European Commission - DG DEVCO
14	06.03.2012	Official	Council of the European Union
15	06.03.2012	Researcher	Non-governmental organisation
16	06.03.2012	Official	European Parliament
17	13.03.2012	Official	European Parliament
18	13.03.2012	Member	European Parliament
19	13.03.2012	Official	European External Action Service
20	04.05.2012	Diplomat	Permanent Representation of the UK to the EU
21	26.06.2012	Official	European External Action Service
22	27.06.2012	Official	European Commission - DG MARE
23	11.10.2012	Official	European Parliament
24	24.10.2012	Official	European Commission - Commissioner cabinet
25	24.10.2012	Researcher	Non-governmental organisation
26	25.10.2012	Official	European Parliament
27	25.10.2012	Official	European Commission - DG DEVCO
28	05.10.2012	Official	European Parliament
29	21.10.2012	Researcher	Non-governmental organisation
30	17.01.2013	Official	European Commission - Commissioner cabinet
31	18.01.2013	Official	European Commission - DG DEVCO
32	07.02.2013	Researcher	Non-governmental organisation
33	08.02.2013	Diplomat	EU member state
34	08.02.2013	Official	European Commission - DG DEVCO
35	09.02.2013	Official	European External Action Service
36	28.02.2013	Member	European Parliament
37	01.03.2013	Official	European External Action Service

<b>38</b>	01.03.2013	Diplomat	Permanent Representation of Germany to the EU
<b>39</b>	26.03.2013	Diplomat	Permanent Representation of Germany to the EU
<b>40</b>	26.03.2013	Official	European External Action Service
<b>41</b>	18.04.2013	Official	European External Action Service
<b>42</b>	19.04.2013	Official	European External Action Service
<b>43</b>	19.04.2013	Official	European Commission - DG MARE
<b>44</b>	30.05.2013	Official	European External Action Service
<b>45</b>	03.06.2013	Official	European External Action Service
<b>46</b>	06.06.2013	Official	European External Action Service - EU delegation
<b>47</b>	27.06.2013	Researcher	Non-governmental organisation
<b>48</b>	28.06.2013	Official	European Commission - DG DEVCO
<b>49</b>	08.07.2013	Official	Council of the European Union
<b>50</b>	08.07.2013	Official	European Commission - Commissioner cabinet
<b>51</b>	09.07.2013	Member	European Parliament
<b>52</b>	12.07.2013	Official	European Commission (DG Climate Action)
<b>53</b>	12.07.2013	Official	European Commission (DG Climate Action)
<b>54</b>	15.07.2013	Diplomat	Permanent Representation of Ireland to the EU
<b>55</b>	15.07.2013	Researcher	Non-governmental organisation

All interviews took place face-to-face in Brussels with the exceptions of:

- Interview 11 at an EU delegation in an African country
- Interview 29 in Cologne
- Interviews 35, 45, and 46 by phone



## Annex 4 - Governance regimes of the EU

EU governance regime	Treaty basis in part 3 TFEU ('Union policies')	Commission DG	EP committees	Council Configuration
<b>Agriculture</b>	Agriculture and Fisheries	Agriculture and Rural Development (AGRI)	Agriculture and Rural Development (AGRI)	Agriculture and Fisheries
<b>Development</b>	Development Cooperation	EuropeAid Development & Cooperation (DEVCO)	Development (DEVE)	Foreign Affairs
<b>Economic and Monetary Affairs</b>	Economic and Monetary Policy	Economic and Financial Affairs (ECFIN)	Economic and Monetary Affairs (ECON)	Economic and Financial Affairs
<b>Education and Culture</b>	Education & Culture	Education and Culture (EAC)	Culture and Education (CULT)	Education, Youth, Culture and Sport
<b>Employment and Social Policy</b>	Employment & Social Policy	Employment, Social Affairs and Inclusion (EMPL)	Employment and Social Affairs (EMPL)	Employment, Social Policy, Health and Consumer Affairs
<b>Energy</b>	Energy	Energy (ENER)	Industry, Research and Energy (ITRE)	Transport, Telecommun. and Energy
<b>Environment</b>	Environment	Environment (ENV) and DG Climate (CLIM)	Environment, Public Health and Food Safety (ENVI)	Environment
<b>Fisheries</b>	Agriculture and Fisheries	Maritime Affairs and Fisheries (MARE)	Fisheries (PECH)	Agriculture and Fisheries
<b>Foreign Affairs</b>	CFSP (Title 5 TEU)	None (now in EEAS)	Foreign Affairs (AFET)	Foreign Affairs
<b>Health</b>	Public Health & Consumer Protection	Health and Consumers (SANCO)	Environment, Public Health and Food Safety (ENVI)	Employment, Social Policy, Health and Consumer Affairs
<b>Humanitarian Aid</b>	Humanitarian Aid	Humanitarian Aid (ECHO)	Foreign Affairs (AFET)	Foreign Affairs

<b>Industry and competition</b>	Industry	Enterprise and Industry (ENTR)	Industry, Research and Energy (ITRE)	Competitiveness (Internal Market, Industry, Research)
<b>Internal Market</b>	The Internal Market	Internal Market and Services (MARKT)	Internal Market and Consumer Prot. (IMCO)	Competitiveness (Internal Market, Industry, Research)
<b>Justice and Home Affairs</b>	Area Of Freedom, Security And Justice	Home Affairs (HOME)	Civil Liberties, Justice and Home Affairs (LIBE)	Justice and Home Affairs (JHA)
<b>Regional Policy and Cohesion</b>	Economic, Social and Territorial Cohesion	Regional Policy (REGIO)	Regional Development (REGI)	General Affairs
<b>Research</b>	Research	Research and Innovation (RTD)	Industry, Research and Energy (ITRE)	Competitiveness (Internal Market, Industry, Research)
<b>Security</b>	CSDP (Title 5 TEU)	None (now in EEAS)	Foreign Affairs/Security and Defence (SEDE)	Foreign Affairs
<b>Taxation</b>	Tax Provisions	Taxation and Customs Union (TAXUD)	Economic and Monetary Affairs	Economic and Financial Affairs
<b>Trade</b>	Common Commercial Policy	Trade (TRADE)	International Trade (INTA)	Foreign Affairs
<b>Transport</b>	Transport	Mobility and Transport (MOVE)	Transport and Tourism (TRAN)	Transport, Telecommunications and Energy