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EU POLICIES TO ADDRESS FRAGILITY IN SUB-SAHARAN AFRICA

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ABSTRACT

Concern over fragility in Sub-Saharan Africa and elsewhere is not new to the European Union, but, in the last few years, policy awareness and efforts to improve the EU policy framework, to adapt its tools, and to promote better coherence and co-ordination have multiplied. While expectations should always be modest, given the primacy of local actors in addressing fragility, the EU's wide range of policies and tools, which go beyond development, make it a highly-relevant actor to respond to fragility. There has been some progress to adapt EU policies and tools to the specific and heterogeneous contexts of fragile states. The EU is also committed to international agendas on aid effectiveness and good international engagement in fragile states and situations. The implementation record is, however, weak. EU policies and commitments have not yet been genuinely "field-tested". Consequently, the solution may not be found in the development of more policy unless more fundamental issues are addressed. Questions remain as to whether the EU can overcome the considerable political, financial and institutional challenges to bridge the gap between the policy prescriptions and practice. There are also questions as to whether the EU has the effective knowledge, experience and capacity at country and regional levels to address fragility, and to what extent it is willing to engage with more diverse actors at these levels. A lack of commitment to a genuine "all-EU" political strategy, in addition to the absence of operational guidance on how to deal with particularly complex and thorny issues in fragile states – for example, governance, the link between peace-building and state-building, a more inclusive interpretation of the ownership and partnerships concepts beyond the ruling élites – are among the key issues that limit both the EU's role and ability to make better use of its potential in these situations. The concept of fragile states may not have much operational utility, but the debate does highlight the scope of the challenges and the difficulties of EU and other international actors' policies in transforming failed states. If the EU, or, for that matter, any donor, is unable to live up to their own policy rhetoric, questions should be asked about where the term "failed" most appropriately lies – with states in Sub-Saharan Africa or in reference to donors themselves.

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The views expressed in this paper are those of the authors, and should not be taken to be the views of the European Report on Development, of the European Commission or of the European Union Member States.

1 The policy context and frameworks for improved EU responses to situations of fragility¹

While there has been much energy expended in academic and policy circles on the terminology and contents of the concept of fragile states – with various actors using different terminologies and focusing on different aspects and degrees of the fragility spectrum – the concept seems to have limited operational value to practitioners on the ground, given its broad categorisation, which includes countries and situations that are extremely diverse. The concept is, however, useful for policy awareness and is also obtaining the attention and the promotion of active involvement (instead of leaving and only engaging with humanitarian means when the situation turns into a humanitarian crisis). It is also useful for ensuring that there is clear understanding of the need for “context-driven and adapted responses”, rather than quick fixes and “one size fits all” policy approaches. As the drivers of fragility are a complex mixture of governance, security, and economic and historical factors at international, regional, country and local level, which manifest themselves differently in different contexts, so must be the EU’s response. Yet, any expectation that EU policy can assist in transforming fragile states must be extremely, modest given the scope of the challenge and the primacy of local actors in making any progress sustainable².

1.1 International concern over the impact of fragile states in development, peace and security

As early as 2001, the Belgium Presidency of the European Union had made fragile states a priority, although the topic had been a preoccupation of independent EU research institutes with a policy focus for much longer.³ The 2003 European Security Strategy (ESS), in the spirit of the post 9/11 world, recasts fragile states as a “security issue”.⁴ The 2005 European Consensus on Development, in which the European Council representing the EU Member States, the Parliament and the Commission, for the first time, agreed to a shared EU vision on development, makes significant reference to “addressing state fragility”. Indeed, it is defined as one of the five key principles of EU development policy. It lays out an EU approach based upon governance reforms, rule of law, anti-corruption measures, and the building of viable state institutions, as well as increasing the capacity of fragile states.⁵ It also underlines the perceived need, within the EU, to improve the effectiveness and coherence of its assistance to developing countries, a commitment

¹ This background paper was designed to complement other submissions to the European Report on Development process in 2009. Hence certain issues are not explored in depth, particular the economic and governance dimension and aspects of the security dimension including crisis management and ESDP missions as well as African perspectives on fragility and EU policies.

² For an overview of the debate and strategies around the fragile states concept, and on the EU potential to improve its response to such contexts, see the study produced for the Portuguese Presidency of the EU in 2007: Faria, Fernanda and Magalhães Ferreira, Patricia. *Situations of Fragility: Challenges for an European Response Strategy*, European Centre for Development Policy Management (ECDPM) and Instituto de Estudos Estratégicos e Internacionais (IEEI); Maastricht, the Netherlands and Lisbon, Portugal; December 2007.

³ See, Visman, E. *Cooperation with Politically Fragile Countries: Lessons from EU Support to Somalia* (ECDPM Working Paper 66). Maastricht: ECDPM, 1998.

⁴ European Union, *European Security Strategy - Secure Europe in a Better World*, Brussels, 12 December 2003.

⁵ See paragraph 20 of the EU Consensus. - Council of the European Union, *Joint Statement by the Council and the representatives of the Governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: “The European Consensus”* 14820/05, 22 November 2005.

that the EU had already taken earlier in 2005 with policy documents on Policy Coherence for Development (PCD).⁶ The EU Consensus also advocated remaining engaged, even in the most difficult situations, to prevent the emergence of failed states. Yet, the work by the World Bank and by the OECD has been particularly instrumental in focusing the policy thinking and debate on how to work in fragile states.⁷ These institutions and individual EU Member States have often led the policy debate, rather than the EC or the EU collectively; some EU Member States have developed their own bilateral policies on fragile states, while others felt the urgency to do so and also pushed for further policy discussions at European level. In 2007, the Portuguese Presidency of the EU had, as a priority issue, the question of how the EU could best improve and adapt its response to the challenges posed by fragile states. The EC developed its policy framework by a European Commission Communication on “situations of fragility”, and, jointly with the European Council General Secretariat, a paper on the “security and development” nexus.⁸ These were also translated into “Council conclusions” providing guidance to the whole EU.⁹

1.2 The set of EU policy frameworks, including joint frameworks with African states and organisations, for addressing fragility in Sub-Saharan Africa

EU policy towards Sub-Saharan fragile states are broadly-defined along three main types of policy frameworks: (i) overarching policy frameworks that provide the general guiding principles and objectives for EU foreign policy and international engagement in areas which, although not specific to fragile states or to Africa, are generally key in situations of fragility, such as development, security and humanitarian assistance (for example, the European Consensus on Development, on Humanitarian Aid, the ESS, and EU Human Rights guidelines); (ii) joint policy frameworks for Africa which, while not specific to fragile states, shape the nature of EU action in, and its relations with, Sub-Saharan African states (for example, the Cotonou Partnership Agreement,¹⁰ and the Joint Africa-EU Strategy); and (iii) EC- or EU-wide specific policies and policy guidelines (not necessarily specific to Africa) which are focused on fragile states, or covering aspects of the EU or EC action, which are particularly relevant to them, such as ESDP crisis management missions, security sector reform (SSR), disarmament, demobilisation and re-integration (DDR), small arms and light weapons (SALW), governance, conflict prevention, children and armed conflict, articulating security and development priorities and policies, or responding to the development dimension of the financial crisis.

⁶ EC Communication on “Policy Coherence for Development: accelerating progress towards attaining the Millennium Development Goals” {SEC(2005) 455}, COM(2005) 134 final, and related Council Conclusions in May 2005. PCD commitments were subsequently taken in different relevant areas (for example, security and development, migration, climate change and energy, trade, *etc.*).

⁷ See particularly the OECD International Initiative on Conflict and Fragility – <<http://www.oecd.org/dac/incaf>> and World Bank see – <<http://www.worldbank.org/ieg/licus/index.html>>.

⁸ The Commission of the European Communities, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – Towards an EU Response to situations of fragility – engaging in difficult environments for sustainable development, stability and peace, COM(2007) 643 final, Brussels, 25.10.2007, and The Council of the European Union, Council Conclusions on a EU response to situations of fragility; Council conclusions on Security and Development, 2831st External Relations Council meeting Brussels, 19-20 November 2007.

⁹ The Council of the European Union, Council Conclusions on a EU response to situations of fragility; Council conclusions on Security and Development, 2831st External Relations Council meeting Brussels, 19-20 November 2007.

¹⁰ The Cotonou Partnership Agreement (CPA) between the European Union and African, Caribbean and Pacific (ACP) states includes all SSA African states apart from South Africa.

In addition to these policies, there is a need to look beyond the traditional development and foreign policy arena, and into how wider EU policies on a range of issues, such as trade, migration, research and innovation/development, fisheries, and agriculture, is coherent with development objectives. The EU, through its leadership on Policy Coherence for Development, has made some progress in recent years, but more grounded work needs to be done on understanding the actual impact of the incoherence of EU policy in areas beyond development and foreign policy on fragile states, and, as recognised by the EU, on overcoming diverging interests among EU Member States in order to pursue more coherent “whole-of-the-Union” policies.¹¹ On top of this comes the fact that EU Member States and the European Commission have committed themselves to an international aid effectiveness agenda, known more commonly as the Accra Action Agenda, which should also dictate donor policy and behaviour in all countries, including fragile states. For the most part, this aid effectiveness agenda has been translated, by the EU, into an approach to a “division of labour” amongst actors, although this has only been implemented “very partially”.¹² However, there is a recognition, by the EC, that renewed emphasis is needed.

The EU policy documents also reflect much of what is established as international best practice in reference to fragile states, such as pursuing “whole-of-government” approaches and implementing the OECD’s Policy Commitment and Principles for Good International Engagement in Fragile States and Situations of April 2007, which is summarised below:

1. Take context as the starting point;
2. Ensure all activities do no harm;
3. Focus on state-building as the central objective;
4. Prioritise prevention;
5. Recognise the links between, political, security and development objectives;
6. Promote non-discrimination as a basis for inclusive and stable societies;
7. Align with local priorities in different ways in different contexts;
8. Agree on practical co-ordination mechanisms between international actors;
9. Act fast...but stay engaged long enough to give success a chance;
10. Avoid pockets of exclusion (“aid orphans”).

OECD-DAC, Principles for Good International Engagement in Fragile States and Situations, [Paris], OECD, April, 2007.¹³

The EU, therefore, already has quite an extensive policy framework and range of policy initiatives that are relevant to state fragility. The EU is *not* working with a “blank sheet” to develop a better response to situations of fragility, but is, *instead*, trying to apply lessons from experience, research and emerging international norms. The issue for the EU is, therefore, not so much about creating a new overarching policy or framework, nor that it lacks high level policy responses in relation to fragile states. Instead, the issue is whether the EU can overcome the considerable political, financial and institutional challenges to implement these policies creatively in practice. This has led to the situation in which the relatively new existing EU policy framework has not been sufficiently implemented to be genuinely “field tested” for feasibility, relevance and impact.

¹¹ EU 2009 Report on Policy Coherence for Development, SEC (2009) 1137 final, COM(2009) 461 final, Brussels, 17.9.2009.

¹² European Parliament, “MEPs hear Karel De Gucht’s vision of development policy”, European Parliament, Directorate for the Media, Ref No: 20090901IPR60076, 2009.

¹³ Further information from: <http://www.oecd.org/dataoecd/61/45/38368714.pdf>.

It would, however, be wrong to contend that the EU's policy framework covers all the challenging issues relating to fragile states. Indeed, it is precisely in the more operational considerations that there are policy gaps in addressing certain issues in fragile states, which can already pose significant challenges in "functional" contexts. Such thorny issues in search of operational guidance in fragile states include, for instance, budgetary support, the link between peace-building and state-building, trade, climate change, de-centralisation, regional integration, service provision, gender, and social cohesion, to name but a few possible topics. In all these areas, current EU policy has limited, or no real, practical guidance. Yet, the question remains as to whether the EU really needs "more policy", or whether there are other more pressing issues in terms of improving the EU's approach to fragility.

1.3 An improved policy framework, strengthened capacities and some degree of "institutional reform"

As recognised in the 2003 European Security Strategy, the challenge for the EU is to bring together its different instruments and capabilities (for example, development, military and civilian crisis management, diplomacy, trade, and environmental policies) in a concerted and coherent effort, not only among EU instruments, but also embracing the external activities of the individual Member States. However, a number of commentators contend that the development dimension must not be subordinated to EU hard security issues, but to the promotion of "human security" more widely.¹⁴

The EU needs to bridge the "implementation gap" between its policy commitments and their operationalisation if the improved policy framework is to have any impact at all. For example, the difficulty of putting into practice established principles such as "taking the context as the starting point", "ensuring that activities do no harm", "prioritising prevention", "an enhanced political dialogue", "policy coherence for development" and developing "practical co-ordination mechanisms" still represent a considerable challenge for not only the EU, but also the international community as a whole.

EU's efforts to address these challenges include the production of a set of policy documents (Council conclusions, actions plans, strategies, EC communications, and guidelines) and a revision of some of its tools and procedures in order to aim at improving the linkages between its policy thinking, tools and practice. The EU Council called on the EC to propose implementation plans for the EU policy commitments on fragility, and on security and development by 2009.¹⁵ The EC is proposing a more targeted approach to PCD by focusing on fewer key priority areas.¹⁶ In other areas, the EU also has specific action plans, such as the EU strategy on issues such as the implementation of United Nations Security Council Resolutions 1325 and 1820. The EU has engaged in a reform of its financial instruments and procedures¹⁷ aimed at simplifying them and making them

¹⁴ See, Kaldor, Mary, Mary Martin and Sabine Selchow 2007. "Human security: a new strategic narrative for Europe", *International Affairs* 83(2). and also the European Peacebuilding Liaison Office and many of their members who have promoted this position.

¹⁵ The EC commissioned in 2008 two separate support studies in view of the follow-up to the 2007 council conclusions on situations of fragility (study on the "mapping of donors, actors, financial instruments and assessment tools in situations of fragility"), and on the security and development ("study on country specific experiences of the EU in the nexus between security and development"), each with six different pilot country cases.

¹⁶ EC Communication on "Policy Coherence for Development – Establishing the policy framework for a whole-of-the-Union approach", COM (2009) 458 final, Brussels, 15.9.2009.

¹⁷ It created the Instrument for Stability (IfS) and merged other financial instruments into a few geographic instruments – Development Cooperation Instrument (DCI), European Neighbourhood and Partnership Instrument (ENPI) and European Development Fund (EDF) – alongside with humanitarian aid and thematic instruments (for example, the European Instrument for Democracy and Human Rights (EIDHR), the programme on "Non State Actors and Local Authorities in Development", among others), plus the CFSP budget and the Athena funding

more flexible and adaptable to the needs of an effective and quick EU response in often-volatile situations and changing needs or priorities, as is often the case in conflict and post-conflict situations as well as in prevention. One global EC financial instrument, the Instrument for Stability, is relevant to these aims with a total of €2.06 billion for 2007–2013.¹⁸ Another is the European Development Fund (EDF), governed by the Cotonou Partnership Agreement. The 10th EDF for ACP countries amounts to a total €22.68 billion for 2008–2013. The EDF, for instance, already provides an integrated framework for funding development and security-related activities such as DDR, countering the illicit traffic of SALW, SSR, rule of law, peace processes, and even innovatively and controversially for peace-keeping missions through the Africa Peace Facility (APF).¹⁹ The EC is also credited with having increased its volume of aid to developing countries, and with its presence in the so-called “aid orphans” or forgotten countries in which few donors are involved or willing to support, as well as with having improved the speed of its disbursement rates and the quality of its assistance.

Although appropriate human resources to implement these policies remain a problem in European Member States or in the EU institutions in Brussels, not to mention in Sub-Saharan Africa, there is an improved capacity and greater political awareness and sensitivity in EC Delegations. Despite the fact that EC delegations remain mainly focused on managing assistance projects/programmes, the political dimension is now more important: there are efforts to use the tool of political dialogue more, and in better ways; some EC Delegations have political advisors; there is a greater focus on governance issues which have, for a long time, been a major missing link in EC policies. Notwithstanding this, most EC delegations lack the capacities to look at the societal factors that may trigger instability and do not have the presence at local level needed to gain a full understanding of the relevant issues; even when they have this understanding, they often lack a clear political strategy and mandate supported by all the EU actors in the field, not to mention the capacity to implement it. The potential implementation of the EU Treaty of Lisbon provides some opportunity for increasing and supporting this political dimension better through new institutional architecture, but the EC also needs to address functional procedures that often hamper its capacity to translate policy commitments into activities (for example, EC procedures make it difficult for EC Delegations to hire local researchers to assist them with some of this context analysis).²⁰

Although the EU has also been developing its civilian and military crisis management capabilities, the overarching EU “pillar structure” for its governance and its division of competencies imposes limitations to effective linkages between different EU policies, tools and actors. As of June 2009, there have been 22 ESDP missions in four continents, including Africa.²¹ There has been more joint work and joined-up efforts both among the institutions and with Member States than ever before, with, for example, joint policy papers by the European Commission (EC) and the General Secretariat of the Council of the European Union (GSC), joint fact-finding missions, which are becoming the rule, and the

mechanism for ESDP missions. More recently, the EC has adopted flexible procedures to apply in situations of fragility and has been discussing with Member States how budget support can be best used in situations of fragility.

¹⁸ For further discussion of this particular instrument, see Gänzle, Stefan, *Coping with the “Security-Development Nexus”: The European Community’s Instrument for Stability – Rationale and Potential*, German Development Institute, Studies 47, Bonn, 2009.

¹⁹ Provided these are not for offensive military costs, as EDF activities cannot cover these in accordance with the internationally agreed Official Development Assistance definition.

²⁰ See Koeb, E., *A more political EU external action Implications of the Treaty of Lisbon for the EU’s relations with developing countries*, (ECDPM InBrief 21). Maastricht: ECDPM, 2008., and Gaves, M., & Maxwell, S. *Options for architectural reform in European Development Co-operation*, Overseas Development Institute, London, July 2009.

²¹ Solana, Javier, “ESDP@10: What lessons for the future?”, Council of the European Union, S195/09, Brussels, 28 June 2009.

innovation of “double-hatted” Heads of Delegation, who are also European Union Special Representatives (EUSR). However, within European institutions, there is, at times, no universal agreement as to whether an integrated office between the Council and Commission is always the best way forward.²² An attempt to link the EU’s civilian and military capacities better is also under way with the re-structuring of responsibilities within the Council secretariat, which could also impact on joint work with the EC. Further changes at operational and institutional level can be expected if the EU Treaty of Lisbon is adopted.

2 The Added Value of the EU in Situations of Fragility

The EU is the world’s largest trading block, an important economic power (at the level of the US, China, and other players) and, collectively, is the largest international donor. It is also the combined diplomatic energy that the EU can bring to bear through its Common Foreign and Security Policy (CFSP) with the 27 Member States acting together both at country level and in international forums such as the UN. The EU is active in numerous areas such as the security field (for example, DDR, SSR, control and reduction of SALW, and ESDP crisis management missions), human development that clearly extends beyond that of health and education into the fields of good governance, and trade-related activities. Because many of these activities occur in fragile states, the EU is rapidly gaining valuable experience in different contexts of fragile situations. Although the EU’s main partner is the state and state institutions, the EU can engage with a variety of actors. These include local authorities and non-state actors, and regional organisations, which add different perspectives into the EU’s understanding of the local context, feed into the political dialogue with the government, and improve the outreach of its policies. However, in addition to the poor capacity of the local actors and the often difficult political environments (as is often the case in fragile situations), the EU’s complex procedures and regulations, its “institutional” culture, its political sensitivities, and its lack of a clearly-defined and transparent political strategy, on the one hand make it challenging, but, on the other, deprive those responsible for implementing EU policies of a clear mandate. As a result, the EC often shies away from engaging with these actors beyond the traditional “donor-implementer” relationship.²³ Furthermore, the EU has - if not through its Member States, then, at least, through the EC delegations - a long-lasting presence, and is, therefore, a long-term partner with a historic and institutional memory in most of these countries (although this institutional knowledge is probably not stored, and is often not used to its full advantage). Even in situations of open violent conflict, when few international actors remain, it often maintains some type of presence and support through the offices or field experts of ECHO (EC Humanitarian Office), which provide a valuable understanding of that specific context – humanitarian assistance is not, however, to be used as a political tool, in accordance with international principles and EU Consensus on humanitarian aid. Indeed, the fact that the EC, through ECHO, was the only donor permanently present in the eastern part of the Democratic Republic of Congo (DRC) throughout the first years of this decade gave it a significant advantage over other donors, and was not without importance for the first ever crisis management ESDP mission in Africa (and the first autonomous ESDP mission, without recourse to NATO assets) in support of the UN – the Artemis operation in Bunia, north-eastern DRC in 2003.

²² Vogel, Toby, “Merger of Afghanistan office delayed by Ferrero-Waldner”, *European Voice*, 24 of September 2009.

²³ See the findings of the “*Evaluation of the EC aid channeled through civil society organisations (CSOs)*”, available at: http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2008/1259_docs_en.htm.

However, the EU is not the only economic or political and military power involved or interested in Africa.²⁴ The EU's ability to build a genuine "tri-lateral dialogue" with China and Africa has proved challenging, because few African actors see this tri-lateral dialogue as being in their best interest. In some cases, the EU capacities are matched or even surpassed by others, but the non-hegemonic nature of the EU - as long as it is perceived as such - may add to the value of EU presence and action. In addition, the EU can act collectively with significantly less political "baggage" than its individual Member States, particularly those with a colonial past in Sub-Saharan Africa. As long as partner countries do not see individual EU Member States pursuing their own narrow economic or security interests through the EU, they may be more willing to engage with the EU and to accept it as a normative power within the UN. It is, however, important to be realistic and not to overstate or to over-estimate the EU's effective influence in Africa. There is a tendency to see the EU as a major player in Africa, but its effective role or influence may actually be less than is thought, partly because the EU is often not fully understood in partner countries as a collective entity, and nor does it behave as such, its role or action being generally less than "the sum of its parts".

2.1 Coping with fragmented structures, complex rules, cumbersome procedures, different Member States political agendas/priorities

The EU's added value will remain under-utilised until the EC and EU Member States are able to speak and act with one voice (*i.e.*, at least, share a common understanding and strategy of how to work in these contexts) and have an effective and implementable division of labour. As previously noted, a formalised approach to an EU "division of labour" is currently underway as part of the aid effectiveness agenda. The issue is, therefore, one of how the wide range of policies and instruments, as well as the different EU actors, inter-relate and co-operate in order to develop and apply a coherent, needs-based and well-informed strategy, and clearly guided and adaptable policies and approaches (as the situations evolve) that can best help these states and societies to cope with, and reverse the causes and effects of, fragility, and thereby enhance their resilience.

If EU co-ordination and coherence is very often a difficult exercise at national level within Member State administrations (for example, with the interplay of foreign policy considerations with swift international action, and development co-operation rationale in order to ensure predictability and sustainable financing), it is an even much more complex exercise at EU level, with 27 Member States, the EU institutions and its heavy and lengthy decision-making processes, and its cumbersome internal and financial procedures. The EU has, nevertheless, proven, in some instances, that it can "get its act together", when there is a strong political will and able leadership to do so. EU policy in the Democratic Republic of Congo in the mid-1990s is often considered an example of unity of purpose and joined-up work and commitment within the EU institutions (including with the Member States) in order to support the stabilisation of the country. Although the mood and the ability to push for quick and timely decisions were not long-lasting or perfect, it did show that the EU can move and act as a collective entity (particularly when the objective is clear and realistic, and use of military crisis management tools is limited in scope and time...).

²⁴ See, Tadesse, D, *Africa's emerging global partnerships: Their implications for the continent's development aspirations*, Institute for Security Studies Paper, 189, 2009.

3 Issues Arising in the EU Policy Response to Fragility

3.1 How much have an improved EU policy framework and commitments to address fragility been effectively implemented? How have they had an impact on situations of fragility?

Although progress is visible and policy documents provide more comprehensive political guidance, there is, nevertheless, a long path to translate these commitments effectively into practice. Financial instruments and procedures may have been rendered more flexible and simple, but they still remain among the most complex, cumbersome, lengthy and “non-state actor unfriendly”, including in the area of humanitarian aid, despite the fact that it has by far the lightest procedures within the EC. The EC and the Council still fight and compete over matters of competence. The creation of a common external action service, if the EU Treaty of Lisbon is ratified, could provide some answers to these problems, but the essential work, however, is much deeper. Development policies increasingly have to link with ESDP missions (civilian and military crisis management) – and *vice versa* – particularly in situations in which cross-cutting issues (for example, human rights, rule of law) and activities (for example, DDR, SSR) are likely to be as important (or even more so) as traditional areas of EU foreign policy engagement. Humanitarian and military actors are also ever more likely to meet in the field, which poses other challenges relating to perceptions of, and respect for, their distinctive roles, the clarity of their mandates and ultimately the adequacy of means. The linkages between development, security and environment have also not really been addressed so far, although this dimension is receiving increasing attention, particularly in the Central Africa region, including in the Great Lakes area. Increasing the buy-in or ownership from country or regional desks and in-country missions (many of whom remain bemused and frustrated by the policy agenda on fragile states coming from headquarters) remains critical in order to address the implementation gap in the EU policies developed in a rather top-down way from units of institutions with little exposure to the day-to-day realities of engagement in fragile states.

Beyond the EU’s will and capacity to adapt its policy responses to situations of fragility, the effective drivers of change are primarily local. Donors and their policies can help, hinder or just make no difference at all. Ultimately, it will be up to the local actors to determine whether and, if so, how, the process of change occurs. Hence, the critical importance of rooting the EU’s activities and its role in each specific context (in accordance with the aforementioned OECD-DAC Principles), which pre-supposes an effective knowledge and understanding of the local and regional dynamics, from an anthropological, historic, socio-economic and political perspective. Thus, a much more sustained politically shrewd engagement (albeit not necessarily political action) rather than a technocratic one is required from the EU in situations of fragility.

3.2 Bridging the gap between an effective understanding of the context and an adequate policy response

Although the quality of EC country analysis varies, there is, in general, an effort to understand local dynamics, identify the root causes of (potential) conflict, and feed well-informed multi-sourced political, societal, economic and regional analysis into country strategies. There is often, broadly speaking, a shared analysis between EC and EU Member States involved in the specific context. Furthermore, EC country strategies are, in general, rooted in the needs and priorities identified in the national strategy documents of the country, thus, in principle, increasing the potential for ownership. However, the

extent to which such analysis is informed by diverse local sources is not always clear, nor how much there is a deep understanding of the local actors (spoilers, drivers of change), their deep-rooted motivations, evolving societal dynamics, impact of external changes, *etc.* Such superficiality can be partly explained by the need for EU Member States to keep political “room to manoeuvre” in case independent policy decisions need to be taken. Furthermore, a shared understanding of the context does not mean that different actors (in the field, in EU capitals, and local partners) share a common view of what, and how, needs should be prioritised, *i.e.*, a common political and operational strategy. The EU has, therefore, found some difficulty in linking better political economic analysis to strategy and programming. Some think this is because the evidence coming from this analysis is often conflicting, or requires unpalatable political choices which the EU or, alternatively, its major partner, in terms of the state, is unwilling or unable to make. Kenya was one situation in which most donors did not react or adapt their strategies until the outbreak of the political violence surrounding the elections in 2007, despite the warning signs over a number of years. On other occasions, the analysis does not fit into existing strategising and/or programming cycles, or is conducted by external “experts” without the “buy-in” or ownership from those making strategic or implementing decisions.

3.3 The need for a qualified principle of ownership

Ownership is primarily understood as a legitimate government pre-rogative; however, in many fragile states, government legitimacy is short-lived (even when the government is elected in a free and fair election process, which is, in itself, an achievement in such contexts). This is due to various factors: for example, government capacities are generally overwhelmed by the level of (even just basic) needs; the government control/state presence is often limited to parts of the country; it has no effective control over the perpetrators of violence (sometimes even within its own state structures); and national policies are not always existent or well-defined. This presents particular challenges for EU development policies that often assume - in their implementation - the presence of a functioning government as a legitimate interlocutor and partner. More creative approaches to involving wider society, local and regional governance actors as partners in jointly-owning EU initiatives are required, although this is a considerable challenge to operationalise.

The case of Somalia, and the need to find creative alternatives to continue working and/or being involved after the collapse of the state, is an illustrative example of the EU’s ability, capacity and will to find alternative approaches to almost exclusive “state-to-state” dialogue and relations, and move beyond such a “government/state-limited” vision of ownership. Even though the EU’s strategy in Somalia may not be a long-term state-building solution, it meant that the EU has managed to continue channelling aid, to support the provision of basic services through civil society actors, and to promote local government-civil society partnerships. This could be an example that the EU should draw upon in order to revisit and qualify the “ownership” principle and its relationship with civil society in fragile states.

3.4 Policy coherence and co-ordination for what?

So far the efforts to achieve greater coherence appear to be more focused on EU inter-service consultations (important as they are, they risk adding other layers to the lengthy policy- and decision-making processes) and institutional dialogue. This takes the place of building a common vision and political strategy across the EU institutions and with key players in the field deciding on how to address the key challenges, what to prioritise, how to engage, with whom and for what, in the event of unwilling governments and governance challenges. Where leadership and compromise should come from is not as straightforward as it should be in a EU context. Where, in a specific country or region, should leadership and/or co-ordination come from? The EC, the EUSR (if there is one),

the most prominent Member State or the rotating EU Presidency could all make some sort of a legitimate claim for certain aspects. Co-ordination in the field is still understood very much as “not stepping too much into the other’s realm”, and, to some extent, is based upon building synergies between donor activities. However, there appears to be less appetite for an effective division of labour among the donor community in more political areas of development co-operation (for example, progress in education seems easier than support to governance), and, above all, thorny political issues still tend to be left aside from any effective co-ordination effort in the field, particularly in situations of poor governance and rather “strong”, albeit unwilling, governments, resulting in a lack of clear political strategies to address each specific situation of fragility. This is partly the result of different political cultures and agendas within the EC and within the EU Member States, and of the interaction between the field and HQ (Brussels and/or European capitals), which suffers from a lack of clarity as to the role of the field, both in terms of the policy-making process and as a political actor. A new and more powerful high representative for foreign affairs and security policy, who will also be vice-president of the European Commission, and a new jointly-owned diplomatic service – the European External Action Service (EEAS) – as proposed by the EU Treaty of Lisbon, if ratified, could bring some positive changes to some of the EU’s coherence and co-ordination shortcomings. However, its transformative role should not be over-estimated.

3.5 Understanding the opportunities and risks of the Security and Development nexus in each specific context

Despite the increased attention to the security and development inter-relationship and the rise of security in EU relations with Africa, which had traditionally been the domain of an almost exclusive development and trade focus, EU efforts, at this level, are still far from matching the rhetoric. African EU SSR missions, for instance, are often well below what ought to be their effective strength and their capacity needs. ESDP civilian crisis management missions, in particular, have been a major challenge in terms of obtaining adequate numbers and quality of staff (for example, in Guinea-Bissau). The risk of such missions and other security-related activities, when they do not match the effective needs in terms of quality and numbers, and in the absence of a wider political strategy to back up such efforts, is that they can easily become insignificant.

The thinking on the security and development nexus entails two main assumptions that may need to be challenged in the light of each specific context:

1. The first is that “security always comes first”. Although this is often true, in low-intensity conflicts motivated more by extreme poverty, exclusion and/or discrimination, development is the most likely measure to offset insecurity and instability, and may, therefore, need to accompany security measures simultaneously. These are contexts in which humanitarian actors often perform activities that are basically development activities (albeit with different standards, which are not always adequate to the specific reality of the context), and in which Linking Relief, Rehabilitation and Development (LRRD) type of approaches ought to be planned from the outset, and put into practice at the earliest stage possible.
2. The second is that the security and development nexus is an unquestionable and unavoidable option to address fragile situations. While the causes and effects of insecurity and under-development are most often intrinsically connected, linking security to development activities and actors may not always be a productive approach in highly-politicised contexts and/or in controversial or divisive political response strategies. This does not mean, however, that a political strategy can afford to lose sight of the security and development nexus, although, in some specific contexts, which are more political - or are

perceived as having a biased/co-opted agenda – they may actually end up being counter-productive. In these situations, an effective division of labour can allow the EC to be “less political”, or perceived as such, and take an approach of constructive involvement in more “technical” areas (see the case of the continued EC involvement in the health sector in Zimbabwe). For instance, in Afghanistan, where many EU Member States are actively involved in humanitarian, development and military responses, it is extremely challenging to civilian actors, and particularly to humanitarian actors, to work alongside the military, and, at the same time, to keep the perceptions of both their role and mandate clearly separate from the military agenda (*i.e.*, the war against Al-Qaeda and their hosts, the Taliban, at least, as was initially stated). Although this is quite a different context from EU engagement in Africa, there will be lessons to draw from the Afghan experience.

3.6 Limited scope or limited will to adapt EU trade policies to fragile states realities?

The EU’s trade policy framework for Sub-Saharan African is based upon the Economic Partnership Agreements (EPA) negotiated under the Cotonou Partnership Agreement with the ACP regions in an effort to comply with the internationally agreed rules of the WTO. While there is some scope for exceptions for developing countries, and particularly Least Development Countries (LDC), within WTO rules, there is no specific provision for fragile states or situations of fragility. The ability and policy space for the EU to adapt or to make specific provisions for fragile states in the field of trade is, therefore, somewhat limited by its existing international commitments (but is, nevertheless, possible). Some analysts have argued that:

“while EPAs are no immediate remedy to the crisis, they could further add to the difficulties encountered by some African countries, unless some flexibility is introduced in the EPA negotiations process and appropriate development support measures are promptly adopted and implemented.”²⁵

EU Aid for Trade measures could offer some scope for the adaptation to the specificities of fragile states, or, at least, to ensure that they have their capacity to trade and have their resilience enhanced, rather than undermined, by the commitments made in these trade agreements. What is lacking in many fragile states is not so much actual trade in goods, which is mainly informal in nature and thereby diverts much needed state revenue, but the mere institutions that ensure the implementation of trade policy and agreements. However, it currently seems that there may be some “aid for trade orphans”: while East, West and Southern Africa might benefit, parts of Central Africa, which is the home of many fragile states, some of which possess important, albeit largely unexploited, productive and trade potential, are the least likely to benefit, leading possibly to even further marginalisation. While other creative measures in the trade sphere could be adopted, overall, the EU appears to have limited scope to adapt its trade policy in order to make it more sensitive to the specific needs of situations of fragility. However, some contend that, given the impact of the current financial crisis, “elements of the EPAs clearly need urgent revision”.²⁶

²⁵ Bilal, S., Draper, P. and D.W. te Velde, 2009, Global Financial and Economic Crisis: Analysis of and Implications for ACP-EU Economic Partnership Agreements (EPAs). (ECDPM Discussion Paper 92). Maastricht., p. 18.

²⁶ Jones, E., “Africa and the Economic Crisis: The Case for Greater Flexibility in EPAs”, *Trade Negotiation Insights*, Volume 8, No. 5, June 2009, p. 7.

3.7 Poor will or ability to mobilise for preventive policies and action

While the latest EU efforts have focused on the need to respond to and to address situations of crisis and post-crisis better, effective and timely work on prevention remains the major weakness. Although, in the European consensus on development, the instrument of political dialogue is said to have “an important preventive dimension” (paragraph 17), it is generally acknowledged in the EU that it is often not used as such. Political dialogue is also an important element of the Cotonou Partnership Agreement (Article 8). Beyond the fundamental question of political will, the EU faces several institutional and operational constraints, which include the limitations of EU instruments, internal organisation and decision-making processes, and the limitations of its capacity and ability to respond fully to the specific needs and requirements of upstream and preventive policies. The institutional set up, which defines the roles and competences of each EU organ, results in different views and priorities between the various services within the Commission, and in a recognised institutional disconnection between the EC and the Council. Although the advent of the EEAS, if the EU Treaty of Lisbon is ratified, may allow for more scope for amendment of this situation and a better linking of long- and short-term EU policies, it is unlikely that the EU will behave much differently from the national foreign services of the EU Member States, whose politics tend to respond to a sense of urgency, rather than a culture of prevention.

3.8 How critical has been the role of partnerships and joint policy frameworks with African Regional or continental organisations in shaping EU responses to fragility?

The EU has invested significant time and resources in developing partnerships with regional organisations in Sub-Saharan Africa and with the African Union at continental level, and is also a major donor to many of these entities. However, the extent to which such partnerships and joint policy frameworks have contributed to influence and to shape EU policies to address fragility remains less evident.

The Cotonou Partnership Agreement – the main trade, aid and political dialogue vehicle for EU relations with SSA states – does not have a specific article on fragility or fragile states, although it does cover a multiplicity of actions that are relevant for political dialogue, good governance, human rights, trade, conflict prevention, and peace-building through to punitive measures. Likewise, the Joint Africa-EU Strategy (JAES) signed by the heads of state during the Lisbon summit in 2007, did not explicitly refer to state failure, as this term was widely rejected by African stakeholders in the run up to the negotiations on the strategy. The African Union (AU) and its member states seem, nevertheless, to accept the importance of addressing state fragility and moving beyond the “label” issue, which could open new opportunities for joint or concerted approaches to address fragility.

The EU already has an enhanced dialogue and partnership on peace and security with the AU, and is a major backer of the African Peace and Security Architecture, which includes mediation, early warning, peace-keeping missions, and links the AU level to “regional mechanisms”. The JAES and its Action Plan on specific activities also provide opportunities to address fragility-related issues in the areas of governance and human rights, trade and regional integration, and infrastructure. In practice, however, the JAES has had limited impact at country level and its implementation is dogged by issues regarding how it should be financed and about its real added value. On the more contentious issues, such as democratic governance and human rights, a genuine dialogue and respect for the pace of African processes has been hard to discern. Most regional organisations also have no interest in being “instrumentalised” to the EU policy agenda, and

see the furtherance of their own priorities as more important. However, although the quality of the dialogue in some areas of both within the Cotonou framework and within the JAES has improved in some specific areas (such as peace and security), as has the alignment by the EU to African priorities, other areas remain very tense, as in the case of democratic governance and human rights. However, the spirit behind the creation of the JAES has assisted, for instance, in the EU aligning with the African Union on common positions of the new format of “International Contact Groups” for the on-going crisis situations in Mauritania, Madagascar, Guinea, Guinea-Bissau and Somalia. In specific instances, the efforts of the EU to work with the AU and its Regional Economic Communities (RECs) to speak with one voice have been a significant step forward.

4 Conclusion

The EU has a developed policy framework and much recognised potential to address situations of fragility. It would be a mistake not to note that the EU has put a considerable amount of effort into developing these in recent years. It has a wide range of policies, tools, experience, financial means, political clout, commitment and “policy-thinking” to articulate these in a coherent manner. Nevertheless, the EU falls short of its potential to be more effective and have a greater impact in addressing fragility. There are areas in which EU policy offers insufficient guidance, is not well articulated, or is simply outdated in reference to fragility and fragile states. However, this is not where the major challenge lies. Indeed, a focus on the development of new EU policy or eye-catching, but, ultimately, short-term, special initiatives risks missing the point of where the heart of the issue lies. The issue is political and systemic and relates as much to the nature of the European Union, as a political and economic entity and as an international actor, as to the everyday realities of fragile states.

The following are the four key priorities upon which the EU should focus its efforts in order to improve its response to fragile states and creatively translate its existing policies and commitments into practice.²⁷

1. *Clear and well-informed specific and tailored political strategies, and commitment to follow through on these.*

This requires from the EU, first and foremost, a coherent long-term political vision specifically related and adapted to the individual country and regional context, which extends beyond bland platitudes to promote good governance, end conflict and reduce poverty. This political vision needs to be informed by good knowledge of the context, and not just by the prevailing perception of a few actors, be they local and/or international. The EU needs to make a clear political choice of what it wants to achieve, how it intends to achieve it, and the compromises that it will have to make in order to accomplish it in any fragile state. It needs to do so in full transparency so that likely tensions between short- and long-term objectives and priorities can be addressed. It must also be realistic about the ability that it has to have an impact on change, and the limitation that certain approaches have, such as whether the disbursement of aid money can promote change, or whether the EU’s own policies in certain areas (such as agriculture) are subject to short-term change. This new political approach must have buy-in from the critical and powerful EU actors, and the different EU Member States, from the field to the higher political and administrative levels in any given context. The EU needs to give its full-backing politically, financially, and in operational terms to this approach, or simply set its sights lower.

²⁷ Aspects of some of these are included in the internal EU draft implementation plan for fragile situations.

2. Ensure progress on the coherence of its policies, and on the co-ordination of its actors and activities

While it is known that there is only a limited role that external actors can have in bringing about change in fragile states, it is becoming clearer that other EU (and other “international actors”) policies beyond development can have an impact on fragile states. The EU has acknowledged this; there is an increase in inter-service and inter-institutional dialogue, consultation and joint-work, not only to address the linkages between security, governance and development, but also with trade and agricultural policies, climate change, and migration, to name a few critical ones. Nevertheless, an EU political strategy, with the ability to “federate” the “policy mixture”, and the different national and institutional actors’ agendas and commitments, has been particularly difficult to achieve; as of 2009, South Africa, Somalia and Sierra Leone are the only country cases in which the EC and Member States have agreed to a joint strategy and programme. Furthermore, it is not a static process; it needs to evolve as both the situation and the context change; but, even in specific situations or moments of EU involvement, it has proven to be a major challenge for the EU (the DRC case is an illustrative example). Bilateral interests and specific political agendas are a recognised hurdle for “whole-of-EU” approaches. Across EC services as well, policies and actors still tend to have a logic of their own with little consideration or no knowledge of the overall EU policy objectives and commitments beyond their own area of concern and policy agenda. A coherent political vision, while providing political and operational guidance, does not always mean that all EU actors have to do the same thing. Indeed, a genuinely shrewd political approach would probably have some diversity in its approaches, even if the goal remained the same, and would allow for improved co-ordination and division of labour with other international actors as well.

3. Develop and invest in the right capacities

Developing and investing in the EU’s own capacities will greatly assist in following through on its political strategy and making informed choices. It is a truism, in fragile states, that the qualities and capacities of individuals and institutions (both EU and local) are a major defining factor in the success of any initiative. Investing in people and reinforcing institutions to ensure that these capacities are in place is more than just increasing staff numbers. It is about knowledge, experience, competence, commitment and guidance. Capacities are best used when there is a clear and realistic political and operational guidance (shared across the key actors), an effective back-up at the highest political level (even when things do not go as planned) and adequate financial and administrative tools to support it (rather than hinder EU capacity to work effectively in fragile states, as is still the case).

4. Extend the notion of partnership and ownership as well as the quality of dialogue beyond the state and to new actors.

Partnership, ownership and political dialogue with African actors are important principles that underpin most of the EU’s policy frameworks relevant to fragile states in Sub-Saharan Africa. However, the EU has – creatively and sensitively – to extend these principles further, so that they move beyond state actors to those of civil society, local government, the business sector, and regional and continental organisations. Although the EU has already made some important commitments and investments in these areas, more follow through to implementation is needed. This would add different perspectives to the EU understanding of the local context, feed into the political dialogue with the government, and improve the outreach of its policies. To do this requires a high level of political sophistication and a different way of doing business, particularly for EU donors, who tend to limit relations with non-state actors to the traditional “donor-implementer” relationship. The EU cannot shy away from addressing well-known bottlenecks, including its own complex procedures and regulations; its “institutional” and “aid” culture and its potential impact on state-civil society relations; and the lack of a clearly-defined and transparent political strategy and its ensuing mandate for the key EU actors concerned.

Finally, the human dimension should not be lost in the desire to improve the EU's approach to fragile states. This requires that EU policies ultimately empower individuals, institutions, governments and society as a whole, in order to achieve a less vulnerable future by having more ability to affect a positive change. This change should happen, first, in their own environment, but it should also occur by having a greater ability to hold the international community, including the EU, accountable for its actions. These are daunting political and policy challenges. The advent of the possible adoption of the EU Treaty of Lisbon does provide some opportunity to face aspects of these political and policy challenges where the EU is concerned, but addressing the issues of the implementation gap between EU policy commitments and implementation in relation to fragile states runs much deeper. The EU needs, first and foremost, to clarify its political role and ambitions. If limitations exist to such an EU role, the threshold needs to be clearly-identified, and the ambitions and rhetoric adjusted accordingly. Given the length of time that the debate on fragile states and policy commitments have been around, it is time to reflect on why progress has been so slow. If the EU, or, for that matter, any other member of the international community, is unwilling or unable to live up to its policy commitments on failed states, as both a donor and collectively as political and economic actor, then, this raises questions about where the term "failed" most appropriately lies. Maybe the label of a "failed donor" is hyperbole, but it would give EU politicians, diplomats and technicians cause both to reflect on the real challenges of change within their own approach, and what it is like to be on the receiving end of such negative and imprecise terminology.

5 Annexes

Main EU and EC Policy Frameworks and Commitments Relevant to Fragility

EU wide policy frameworks

- **European Consensus on Development** - Council of the European Union, *Joint Statement by the Council and the representatives of the Governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: "The European Consensus"*, 14820/05, 22 November 2005.
- **Policy Coherence for Development** - *Orientation debate on Policy Coherence for Development and the Effectiveness of EU External Action*, Council conclusions on integrating development concerns in Council decision-making, 17 October 2007.
- **European Security Strategy** - *European Union, Secure Europe in a Better World*, Brussels, 12 December 2003.
- **European Consensus on Humanitarian Aid** - Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission – *The European Consensus on Humanitarian Aid*, Brussels, 2008.
- **EU Human Rights Guidelines – in various areas including:** human rights dialogue with third countries, children and armed conflict, promotion and protection of the rights of the child, violence against women and girls and combating all forms of discrimination against them.
- **EU Programme of Action on the Prevention of Violent Conflict**, Gotenborg, 2001
- **EU Concept for Disarmament, Demobilisation and Reintegration (DDR)** - Commission and Council, *EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR)* Brussels: Approved by the European Commission on 14 December 2006 and by the Council of the European Union on 11 December 2006.
- **EU concept for support to African crisis management capabilities** - *European Union concept for strengthening African capabilities for the prevention, management and resolution of conflicts*; General Secretariat of the Council and European Commission, Brussels, 07.07.2006.
- **Council conclusions on an EU response to situations of fragility and on security and development** - The Council of the European Union, *Council Conclusions on a EU response to situations of fragility; Council conclusions on Security and Development*, 2831st External Relations Council meeting Brussels, 19-20 November 2007

Commission policy frameworks

- **Fragility** - Commission of the European Communities, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – Towards an EU Response to situations of fragility – engaging in difficult environments for sustainable development, stability and peace*, COM(2007) 643 final, Brussels, 25.10.2007
- **Conflict Prevention** - European Commission. 2001. *Communication from the Commission on Conflict Prevention*, 211 final, Brussels
- **Governance and Development**- European Commission Communications, *Governance in the European Consensus on Development: Towards a harmonized approach within the European Union*, Brussels COM(2006) 421 final (30 August 2006); and 'Governance and Development', COM(2003) 615 final (20 October 2003).
- **Security Sector Reform** - European Commission Communication, *A Concept for European Community Support to SSR*, SEC (2006) 658; COM(2006)253 final Brussels, 24.5.2006.

Joint Policy Frameworks for Sub-Saharan Africa with Relevance to Fragility

- *A Joint Africa-EU Strategy - Africa-EU Strategic Partnership*, Lisbon December 2007.
- *Cotonou Partnership Agreement, between the African, Caribbean and Pacific Group of States ('ACP countries') of one part, and the European Community and its Member States of the other part*, Cotonou 2000 revised in Luxembourg June 2005.

European Union related Institutions and Agencies relevant to Fragile States

	European Commission ²⁸	Council of the EU	EU Member States (MS)
<i>Diplomatic action</i>	<ul style="list-style-type: none"> - DG External Relations - DG Trade - DG Development (for ACP countries) - EC Delegations 	<ul style="list-style-type: none"> - GAERC - High Representative - PSC - PMG - Council Working Groups (COHOM, CODEV, CIVCOM and regional working groups) - EUSR - Council Secretariat 	<ul style="list-style-type: none"> - MS Foreign Ministries - MS Embassies / Missions
<i>Multilateral and bilateral programming</i>	<ul style="list-style-type: none"> - DG Development - DG External Relations - DG ECHO (Humanitarian Aid) - DG EuropeAid - EC Delegations 		<ul style="list-style-type: none"> - MS Development Cooperation Ministries/Agencies - MS Operational Development Agencies - MS Embassies / Missions
<i>Crisis management</i>	<ul style="list-style-type: none"> - DG External Relations 	<ul style="list-style-type: none"> - PSC - Council Secretariat - ESDP Missions 	<ul style="list-style-type: none"> - MS contributions to ESDP Missions

²⁸ Institutions have different roles within each of these areas, and the European Commission cannot initiate EU wide diplomatic action.