



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

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JOINT STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Capacity Building in support of Security and Development

Accompanying the document

**Proposal for a Regulation from the European Parliament and the Council amending
Regulation (EU) No 230/2014 of 11 March 2014 establishing an instrument contributing
to stability and peace**

{ COM(2016) 447 final }
{ SWD(2016) 222 final }

IMPACT ASSESSMENT REPORT – EXECUTIVE SUMMARY

CAPACITY BUILDING IN SUPPORT OF SECURITY AND DEVELOPMENT

A. NEED FOR ACTION

The European Council conclusions of 19/20 December 2013 emphasised “the importance of supporting partner countries and regional organisations, through providing training, advice, equipment and resources where appropriate, so that they can increasingly prevent or manage crises by themselves”.¹ In April 2015, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy adopted a Joint Communication on ‘capacity building in support of security and development’ (CBSD). This Communication identified gaps in the EU’s ability to support building the capacities of partners in the security sector and went on to conclude that “there is currently no EU budget instrument designed to provide a comprehensive financing to security capacity building in partner countries, in particular its military component”.² This is problematic, because “conflict, insecurity and instability [...] lead to human suffering, forced displacement and dire development outcomes as recognised [...] in the United Nations Resolution *Transforming our World: the 2030 Agenda for Sustainable Development*, including Goal 16”³ on peace and stability.

Stability and security are essential for developmental efforts to take hold; indeed, they are part of comprehensive development policy strategies, which include fostering conditions for peace and human security. Identified gaps in support of CBSD hamper the EU’s ability to achieve external action objectives, including fostering conditions for peace, human security and sustainable development.

The general objectives of this initiative are those set out in Articles 21 TEU and 208 TFEU, and in particular:

- to ensure that the EU’s development assistance to fragile developing countries is not undermined by situations of instability and conflict, by enabling all security actors, including the military, to ensure stability, peace, and law and order;
- to foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty, whilst complying with the commitments and taking into account the objectives approved in the context of the United Nations and other relevant international organisations.

The specific objectives are:

- to contribute to improving the capacity of partner countries to prevent and manage crises by themselves;

¹ https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/140245.pdf

² JOIN(2015) 17 final of 28 April 2015

³ JOIN(2016) 31

- to contribute to improving the effectiveness of security actors, including the military, within partner countries through the delivery of capacity building in support of security and development; and
- to contribute to ensuring the respect of the rule of law, good governance, as well as enhanced civilian control and oversight over the military in third countries.

EU action is necessary and justified both on the grounds of the objectives laid down in the Treaty (Articles 21 TEU; 208 TFEU) and on the subsidiarity principle. EU Member States have called on the Commission and the High Representative to present proposals that would allow the Union to engage comprehensively in CBSD. Comprehensive and flexible EU support to the security sector would have the benefit of allowing short- and longer-term actions to bring on board all security actors in a country, and would allow for better coordination of such support.

B. SOLUTIONS

The negative effects of not addressing the problem result in a lack of effectiveness of the Union's actions and its ability to contribute to stability and the achievement of the Sustainable Development Goals, especially in fragile countries. The solution consequently leads to the need to put forward a proposal, which tackles the need to provide comprehensive financial support to all security sector actors, including the military, whenever the objective and the content of the intended type of activities can be demonstrated as clearly contributing to development policy objectives.

The options consider adjusting existing financing mechanisms within or outside the general budget of the Union and developing a fully-fledged comprehensive dedicated financing instrument. The options imply different degrees of change to existing secondary legislation and entail different timeframes. Favouring a possible immediate solution is identified as essential, in order to address the immediate challenges. Such an immediate option would consist of an adoption by the Commission of a proposal in 2016.

The impact assessment concludes that a revision of the Instrument contributing to Stability and Peace⁴ (IcSP) would be the most appropriate and effective short-term option. A fully comprehensive and long-term implementation of the CBSD initiative (i.e. including support to the military for defence-related purposes) would require combining a budget instrument (for development tasks) with another, possibly extra-budgetary, mechanism.

In addition to extensive consultations with Member States and other stakeholders in 2015, an online public consultation ran from 1 April to 27 May 2016 to give the public the opportunity to provide feedback. Of the respondents, 94% agreed that an effective, legitimate and accountable security sector in partner countries could contribute to peace, human security and sustainable development. Similarly, 85% of the respondents agreed that strengthening the governance of military actors, particularly in fragile countries, could lead to stability and the achievement of the UN's Sustainable Development Goals (SDGs). The public consultation, notwithstanding its non-representativeness, thus indicates that those consulted agreed on the

⁴ Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace

need to act. In a non-paper, dated 15 April 2016, ten EU Member States emphasised that, in the short term, the IcSP constitutes the most appropriate tool in the area of CBSD.

C. IMPACTS OF THE PREFERRED OPTION

The revision of the Instrument contributing to Stability and Peace (IcSP) is the preferred option in view of timing, geographical coverage, and flexibility in its implementation as a crisis instrument. The IcSP is geared to respond to situations of urgency, crisis or emerging crisis to prevent conflicts but also more long-term support to conflict-prevention, peace building and crisis preparedness, as well as addressing global, trans-regional and emerging threats. The IcSP has a worldwide geographical application and focuses on crisis response in third countries. Thus, a possible IcSP review would be limited to adding a feature allowing the instrument to address the current gap in providing support to all security actors (including the military) enabling in particular the provision of training and equipment to address urgent short- and medium-term needs in the context of the achievement of sustainable development.

Support to the military of third countries with EU instruments using Article 209 TFEU as a legal basis would remain exceptional. It would only be applicable in specific partner countries under clearly defined situations where building the capacity of the military serves a developmental goal.

A budgetary allocation of EUR 100 million over the period 2017-2020 would be appropriate. The initiative would be financed through redeployment within Heading IV ('the EU as an external actor') of the general budget of the Union. No additional financial resources would be mobilised. Implementation would be governed by Regulation (EU) No 236/2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external actions.

No additional impact on the national budgets of EU Member States is foreseen; not applicable to public administrations in EU Member States, no transposition measures are required. Public administrations in third countries can expect beneficial impact from the increased coherence brought about by the proposed initiative.

For the countries concerned, the long-term economic and developmental impact of this initiative is considerable; given limited amounts involved and the difficulty of ascertaining causality, no ex ante estimation of impact is conducted. Individual actions should be measured against project-specific indicators. More stable and secure societies are a precondition for sustainable development and increased wellbeing, thus reducing fragility- and conflict-related pressures.

D. FOLLOW UP

The revised IcSP Regulation would apply until 31 December 2020. The follow-up to this initiative would be considered in the context of discussions concerning the post-2020 Multiannual Financial Framework (MFF).