

Forum on Europe – The Treaty of Lisbon

Submission from Concern Worldwide

April 2008



Concern welcomes the opportunity to contribute to the public consultation on the Treaty of Lisbon. It recognises the significant role played by the Forum in facilitating the national debate on the Treaty and in increasing understanding about the implications of the Treaty for the future of the European Union.

The purpose of this submission is to set out briefly some of the implications of the Treaty for Europe's future engagement with developing countries and to encourage continued focus on the responsible role which Europe must play in the wider world. The analysis in this submission is supported by the work of Eurostep¹ and EEPA².

A substantive analysis of articles within the Lisbon Treaty which are relevant to the EU's external relations – with a special focus on overseas development - is available on 'The Lisbon Treaty' website (www.lisbon-treaty.org).

Concern has supported the development of this website in order to provide authoritative information and to encourage substance-based discussion on the Treaty of Lisbon. In addition to comments and analysis, the website provides details on the ratification process and a news section with up-to-date information.

¹ www.eurostep.org

² www.eepa.be

1. Background

The European Union is the largest donor in the world. It provides more than 50% of the total global development aid³. If the commitments made by the EU to reach the UN target of 0.7% in 2015 are fulfilled, the proportion of aid provided by the EU will increase. As the largest donor in the world, the legal bases, policy frameworks and financial resources of the EU affect the lives of millions of people inside the Union but perhaps even greater numbers beyond its borders.

The Treaty, if passed, will result in new legal bases and significant institutional change. It is essential that these changes strengthen Europe's ability to deliver on its international commitments, to play its part in the achievement of the Millennium Development Goals (MDGs) and to work in partnership with developing countries to eradicate poverty. It is equally important that after the referendum, in public and political spheres, this debate continues. Ireland can and should take every opportunity to recall and reinforce the role that Europe must play on the world stage in implementing principled development and humanitarian assistance policies. Principled policies are those which are based on the needs of the poor, which are oriented towards the MDGs and which are not subservient to wider Foreign Policy objectives.

2. The Lisbon Treaty and the External Policies of the EU

One of the principal aims of the Lisbon Treaty is to bring increased consistency across the external policies of the EU – trade, development, humanitarian assistance, foreign political policy, security, defence, etc. For some of these (trade, development, humanitarian assistance) the European Commission has a role in their implementation; for others (foreign policy, security, defence) the competence lies solely with the European Council and the Member States. The Treaty confirms development and humanitarian aid policies as Community competencies and Common Foreign and Security Policy (CFSP) as an intergovernmental policy.

³ In http://ec.europa.eu/development/policiesgen_en.cfm

Making the EU's external actions more consistent is a positive step forward since the different policy areas all have important contributions to make towards achieving the overall objectives of the Union towards. At the same time, the interactions between CFSP, development cooperation and humanitarian assistance should preserve the different nature of these policies.

Any new institutional structures which bring these policies together such as the High Representative for Union Foreign Affairs and Security Policy must respect the lines of accountability required for a Community policy if the integrity of Europe's development and humanitarian aid policies are to be respected.

The Treaty states that the Union actions "shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and development of international law, including respect for the principles of the United Nations Charter."

It is important to recognize that many of these objectives will only be achieved with a concerted effort to eradicate poverty and to diminish inequalities within and between societies. The very construction of the European Union reflects this approach. The objectives of the EU's development policy are the cornerstone for the EU's overall objectives towards the rest of the world.

In this context, the promotion of increased consistency between the EU's external policies must contribute to helping ensure that wider EU policies and practices affecting developing countries are coherent with development and humanitarian assistance policy objectives.

3. The Lisbon Treaty and Overseas Development

“Union policy in the field of development cooperation shall be conducted within the framework of the principles and objectives of the Union’s external action. The Union’s development cooperation policy and that of the Member States complement and reinforce each other.

The Union’s 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.

The Union and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organizations.”

Art 188d

The Lisbon Treaty for the first time clearly states that the reduction and eradication of poverty is the primary objective of the EU’s development cooperation policy. This is a significant statement and confirms among other things that development policy is a policy in its own right with its own objectives independent of other external policies of the Union.

The Treaty also confirms that the Union’s development policy is the principal framework governing EU cooperation with all developing countries, making the distinction between the framework to apply to engagement with developing countries (Arts 188d and 188g) and the framework to apply to engagement with ‘third countries other than developing countries (Arts 188h and 188i). This clarification on the scope of European development policy is a strength and should be reflected in the policies, institutions and finances which guide overseas development.

The Treaty also confirms the principle that all EU policies having an impact on developing countries must be coherent with the Union’s development policies and their implementation. This coherence clause is of greatest importance as it should help address issues of incoherence between development and other areas such as agriculture or fisheries where policies may run counter to development objectives. It will also contribute to strengthening the position of development vis-à-vis the CFSP.

The fact that Member States' development policies and the EU policy should complement and reinforce each other will assist in the harmonisation of policies across the Union.

4. The Treaty and Humanitarian Assistance

1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union. Such operations shall be intended to provide ad hoc assistance and relief and protection for people in third countries who are victims of natural or man-made disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's operations and those of the Member States shall complement and reinforce each other.

2. Humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and nondiscrimination.

3. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures defining the framework within which the Union's humanitarian aid operations shall be implemented.

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in paragraph 1 and in Article 10a of the Treaty on European Union.

The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude agreements.

5. In order to establish a framework for joint contributions from young Europeans to the humanitarian aid operations of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall determine the rules and procedures for the operation of the Corps.

6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.

7. The Union shall ensure that its humanitarian aid operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations system.

The Lisbon Treaty creates for the first time a legal base for EU humanitarian aid (Art 188j). The objectives of the policy are clear and the humanitarian principles of impartiality, neutrality and non-discrimination are prominent. National humanitarian actions and those undertaken by the EU should not only complement each other, they also have to reinforce each other according to this article. This should help the harmonisation of policies across the 27 Member States and the EC. As with development policy, humanitarian aid policy is a Community competence and the interactions between it and the CFSP must preserve the different nature of these two policies.

5. The High Representative and the EEAS

To increase the effectiveness of the EU's role in the world a High Representative of the Union for Foreign Affairs and Security Policy will be appointed. As the title suggests the High Representative will be responsible for the EU's external policies, will be based in the Council of the EU, and will chair the EU's Council of Ministers dealing with external issues. The High Representative will also have a role in the Commission as a Vice-President with the role to coordinate all of the EU's external policy areas: the foreign and security policies that fall under the remit of the Council, as well as those for which the Commission has competence – including trade, economic cooperation, development cooperation and humanitarian aid.

The Treaty also makes provision for the establishment of an EU diplomatic service called the European External Action Service (EEAS). Comprised of officials drawn from the Council, Commission and Member States, the EEAS will support the High Representative in the implementation of her/his role in both the Council and the Commission. It is in this context that many questions remain open. Although the Lisbon Treaty provides for the establishment of the EEAS, the "organization and functioning of the EEAS" will be determined by the Council on the basis of a proposal from the High Representative.

The scope and composition of the EEAS is already being discussed within the Commission and Council with a view to a conclusion being reached towards the end of 2008. Inevitably the establishment of the EEAS will result in the re-organisation of the Commission's services dealing with external policy issues. It is the result of these negotiations that will determine whether the intentions set out in the Lisbon

Treaty for development and humanitarian assistance, to be implemented as distinct areas of competence on the basis of its own objectives, will be realized.

The appointment of the High Representative and the establishment of the EEAS could be positive for increasing the effectiveness of EU development policy. However, there is a danger that EU development funds could be used to finance the EU's foreign policy objectives. While the Treaty provides for strengthening the structural means for implementing EU foreign policy, there are no plans for additional funding for its implementation from the Member States, nor any significant shift of power over foreign policy envisaged from Member State governments to the EU.

6. Conclusion

If the Lisbon Treaty is adopted, formal negotiations will begin on the new implementation structure and many other important discussions on the substance and relative priorities of Europe's external actions will continue. Ireland will have a role to play in those discussions and it is fitting that this country would raise its voice to ensure the implementation of the Treaty will protect and promote European development cooperation and humanitarian assistance as an area of priority and principle within Europe's wider external actions.

That voice is a reflection of a longstanding commitment to the eradication of poverty which has been reinforced by the government's decision to achieve the 0.7% aid target, a decision which has broad based political and public support. That voice is also how we best amplify the values which underpin Ireland's traditional engagement with developing countries. In the lead up to and far beyond the referendum, Ireland can and should - with credibility and conviction - play a unique role in promoting a European Union which lives up to its promises, a Union which puts principled development and humanitarian assistance at the heart of its engagement with the wider world and a Europe which lives up to the legal commitments set down in the Treaty of Lisbon.

End