

Bachelor Thesis

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The European Union pursuing a sound ethical strategy in development policy: a contradiction in terms?

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1. Introduction

In year 2012, the European Union (EU) has been awarded with the Nobel Peace Prize and the former President of the European Commission, José Manuel Barroso, has emphasized the EU's actions in development policy during his acceptance speech as follows:

“As a continent that went from devastation to become one of the world’s strongest economies, with the most progressive social systems, being the world’s largest aid donor, we have a special responsibility to millions of people in need. In the 21st century it is simply unacceptable to see parents powerless as their babies are dying of lack of basic medical care, mothers compelled to walk all day in the hope of getting food or clean water and boys and girls deprived of their childhood because they are forced to become adults ahead of time.” (European Commission, 2013, p. 10)

In accordance with the abovementioned excerpt of the acceptance speech, the EU and its Member States can be identified as one of the most important actors in development policy because they donate more than half of the total funds provided to developing countries. (Sangmeister & Schoenstedt, 2010, p. 79) Moreover, the EU's actions in development policy seem to be guided by the perceived certainty of being responsible for the well-being of developing countries and their people. This self-perception is rooted in and often justified with the EU's unprecedented progression from devastation to prosperity. Thus, the EU's actions in development policy can be described as a development policy driven by 'morality', focusing on the “values and beliefs about what is right and wrong, good and bad, just and unjust [...]” (Amstutz, 2008, p. 8), which is contradictory to the scientific insight on development policy being driven by interests (Nuscheler, 2005, pp. 432). Consequently, this particular discrepancy creates the relevance and necessity to be analyzed – questioning if the EU's actions in development policy can actually be driven by morality.

However, the EU's actions in development policy cannot be analyzed as a whole and have to be limited in terms of its content. The Lisbon Treaty which has been signed in year 2007 and has amended the 'Treaty on the European Union' (TEU) as well as the 'Treaty on the Functioning of the European Union' (TFEU), is generally regarded as the EU's legal framework (Schwarze, 2009, pp. 9) and, therefore, can be analyzed representatively for the EU's actions in development policy. The Lisbon Treaty's significance for the EU development policy can be mirrored by van Seters and Klavert (2011, p. 3) or Doidge and Holland (2012, p. 124) who stress the change of the EU external policy and the concurrent inclusion of development policy in the resort since the Lisbon Treaty's entry into force.

In general, any political action which claims to be driven by morality has to be embedded in the process of 'ethical reasoning'. (Amstutz, 2008, p. 9) 'Ethical reasoning' can be defined as a process "[...] involving the identification, interpretation and application of moral principles of specific issues or problems" (Amstutz, 2008, p. 27). In order to analyze if the EU development policy's legal framework can actually be driven by morality, the existence and modality of 'ethical reasoning' in the EU development policy's legal framework has to be tested.

'Ethical reasoning' can be applied by any political actor in any political arena with the help of 'ethical strategies' and 'ethical traditions'. "'Ethical strategies' provide alternative decision - making methodologies based on different emphases being given to goals, means, and consequences. 'Ethical traditions', by contrast provide substantive systems that structure moral reasoning and action." (Amstutz, 2008, p. 27) To be able to understand the composition of the EU development policy's legal framework, the usage of 'ethical strategies', providing the instruments to mirror the specific decision making methodology within any political arena by any political actor, seems to be more appropriate than the usage of 'ethical traditions' only structuring moral reasoning and action within any political arena.

As Amstutz stated, "ethical actions typically involve three distinct elements: motives, means and results. Whereas political actions are commonly judged in terms of one or possibly two of these dimensions, a sound ethical strategy must assess action in terms of each of these dimensions. Political ethics, in effect, should be tridimensional." (Amstutz, 2008, p. 39)

Thus, the thesis's research hypothesis tests if the EU development policy's legal framework complies with the three operationalized dimensions 'motives', 'means' and 'consequences' in order to fulfill the condition of pursuing a sound ethical strategy. Furthermore, the thesis's research hypothesis and the aforementioned considerations lead to the following thesis's research question:

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The aforementioned dimensions 'motives', 'means' and 'consequences' are the essences of two philosophical currents, deontological thinking and teleological ethics, which have been combined by Joseph Nye in order to test whether an action in general or a policy in specific is considered 'ethical'. This particular concept of 'tridimensional ethics' with its 'three dimensions of moral judgment' represents the thesis's theoretical framework in the upcoming testing of the thesis's research hypothesis. (Nye, 1986, pp. 14-26)

As a theoretical framework this study utilizes the 'most similar systems' design. The 'most similar systems' design is a research design focused on selecting cases which are as similar as possible but still contain varying dependent variables. The variations of dependent variables can be explained by identifying the independent variable which cannot be found in each selected case. Because of the similarity of the other independent variables in each selected case, intervening third variables can be limited. (Barrios, 2006, p. 40)

Consequently, the thesis's research design enables the testing of the thesis's research hypothesis if the EU development policy's legal framework complies with the three operationalized dimensions 'motives', 'means' and 'consequences' in order to fulfill the condition of pursuing a sound ethical strategy. Therefore, the following two cases have to be selected: the first generalized theoretical case involves the operationalized dimensions 'motives', 'means' and 'consequences' as independent variables (x1, x2 and x3) which cause a sound ethical strategy in development policy, the dependent variable (y). The second specified practical case analyzes if the independent variables of the first generalized theoretical case can (not) be found in the EU development policy's legal framework ((not-)x1, (not-)x2 and/or (not-)x3)) and, therefore, do (not) cause a sound ethical strategy ((not-)y).

After explaining the development of the thesis's research question, the thesis's research hypothesis, its theoretical framework and research design, the aforementioned operationalization of the three dimensions 'motives', 'means' and 'consequences' has to be illustrated in order to generate the independent variables (x1, x2 and x3).

The first independent variable (x1) has to be framed by the idea of representing 'motives' in development policy which are defined by Nohlen and Nuscheler (1993, p. 73, own translation) as follows:

"Development is the independent evolvement of productive forces in order to supply the whole society with vital material and livable cultural goods and services in the frame of a social and political order which guarantees all members of society equal opportunities to participate in political decision processes and to benefit from the jointly acquired wealth."

The second variable (x2) has to be framed by the idea of representing 'means' in development policy. Therefore, Nohlen and Nuscheler (1993, pp. 64-73) have proposed the usage of the 'pentagon of development' which includes the generic terms 'growth', 'labor', 'equality and justice', 'participation' as well as 'independence and autonomy' to achieve the aforementioned 'motives' of development policy.

The third independent variable (x3) has to be framed by the idea of representing 'consequences' in development policy. According to Andersen (2012, p. 66, own translation), the Millennium Development Goals (MDGs) can be defined as "[...] eight major results and 21 concrete and quantified target values, measured with 60 indicators" and, therefore, fulfill the needed result-orientated approach by definition (Hoang, 2013, p. 125).

Furthermore, the thesis is of scientific and political relevance because of exceeding the debate on whether the EU is a normative power (Manners, 2002, p. 235) or not (Pardo, 2012, p. 2) by analyzing if the EU development policy's legal framework is driven by morality. Moreover, it generates a research approach for assessing the morality of any entity's actions in a given policy area.¹

The next section illustrates the thesis's theoretical framework, the concept of 'tridimensional ethics'. The thesis's research design, the 'most similar systems' design, and its measurement are mirrored hereafter. Then, the first generalized theoretical case which lays the foundation for the testing of the thesis's research hypothesis is explained. In the following step, the second specified practical case which tests the thesis's research hypothesis is presented. In the end, the results of the thesis's research hypothesis are summarized and the thesis's research question is answered.

2. Theoretical framework: the concept of 'tridimensional ethics'

The thesis's theoretical framework can be equated with the aforementioned concept of 'tridimensional ethics' established by Joseph Nye. As the concept's title suggests, three different dimensions have been combined to create a model of evaluation in order to test if an action in general or a policy in specific is considered 'ethical'. (Nye, 1986, pp. 20-26) These three dimensions are named 'motives', 'means' and 'consequences' and illustrate the combination of two different philosophical currents, 'teleological ethics' and 'deontological thinking'. (Nye, 1986, pp. 14-26) Thus, to be able to fully understand the concept of 'tridimensional ethics', the aforementioned philosophical currents have to be explained.

¹ The current state of literature does not include any study which uses the same research approach as the present study. Nevertheless, reading studies which simply question if the EU is a normative power, may help to understand the difference of the research approaches. To gain chronological insight on the debate if the EU is a normative power, the studies by Aggestam (2008), Larsen (2012) and Rosamond (2014) are recommended.

2.1. The nature of ‘teleological ethics’

‘Teleological ethics’ is known as well as ‘consequentialism’ and follows the premise “[...] that the morality of an action must be ultimately judged by the good results that are realized.” (Amstutz, 2008, p. 28) Hence, the aforementioned dimension ‘consequences’ within the ‘tridimensional ethics’ can be identified as the essence of ‘teleological ethics’ – “plac[ing] its emphasis on the outcomes of actions” (Nye, 1986, p. 16).

The judging of an action’s ‘morality’ by ‘the goodness of its achieved results’ has been embodied by the philosophical expression ‘utilitarianism’ which has been diversified into ‘rule utilitarianism’ and ‘act utilitarianism’ over time. (Amstutz, 2008, p. 28) Simplifying, ‘rule utilitarianism’ “applies the principle of utility to rules and procedures, holding that such norms derive their ethical legitimacy from their ‘procedural utility’, that is, their perceived fairness and expected contribution to the common good.” (Amstutz, 2008, p. 28) And ‘act utilitarianism’ “applies the utility criterion to particular actions, holding that the moral legitimacy of decisions must be based on the extent to which overall good (i.e., utility) is maximized in each particular circumstance.” (Amstutz, 2008, p. 29) The similarity of ‘rule utilitarianism’ and ‘act utilitarianism’ can be summarized by the following statement: “[t]he task of a government is thus to establish policies that maximize collective pleasures and minimize collective pain.” (Amstutz, 2008, p. 28) However, the modality of achieving the maximization of collective pleasures and minimization of collective pain is different – ‘rule utilitarianism’ judges the utility of the policy’s implicit rules and procedures based on its (rather indirect) consequences and ‘act utilitarianism’ simply judges the utility of the policy’s (rather direct) consequences.

In conclusion, the dimension ‘consequences’ within the tridimensional ethics is based on ‘teleological ethics’ which judges an action’s or a policy’s ‘morality’ by ‘the goodness of its achieved results’.²

2.2. The nature of ‘deontological thinking’

‘Deontological thinking’, in opposite to the aforementioned ‘teleological ethics’, “assert[s] that actions should be judged by their inherent rightness and validity, not by the goodness or badness of policy outcomes.” (Amstutz, 2008, p. 34) Furthermore, ‘deontological thinking’ “places a premium on duty and right intention, [...] is agent-centered, emphasizing duties and

² The used term ‘judging an action’s or a policy’s ‘morality’ by ‘the goodness of its achieved results’ can be related to the aforementioned utilitarian principle within this thesis’s section and, therefore, can be subsumed as ‘maximizing collective pleasures and minimizing collective pain’.

obligations of actors, not the result of decisions.” (Amstutz, 2008, p. 34) Hence, the aforementioned dimensions ‘motives’ and ‘means’ within the ‘tridimensional ethics’ can be identified as the essence of ‘deontological thinking’ – “stress[ing] whether a person is following rules and has the right motives as the basis for judging the morality of actions (Nye, 1986, pp. 16).”

The judging of an action’s ‘morality’ by ‘its rightness itself’ has been embodied by the philosophical expression ‘Kantianism’ and its ‘categorical imperative’ which contains the universalization norm demanding that “ethical decision making should be judged on the basis of the extent to which a principle should be applied to others.” (Amstutz, 2008, pp. 34) Moreover, “in Kantian ethics moral obligations should be fulfilled not because they are more effective in creating a better, more just world but because that is what moral action requires.” (Amstutz, 2008, p. 35)

In conclusion, the dimensions ‘motives’ and ‘means’ within the ‘tridimensional ethics’ are based on ‘deontological thinking’ which judges an action’s or a policy’s ‘morality’ by ‘the rightness of the action or policy itself’.³

2.3. Retracing the process of establishing the concept of ‘tridimensional ethics’

The reason of establishing the concept of ‘tridimensional ethics’ with the aforementioned philosophical currents ‘teleological ethics’ and ‘deontological thinking’ can be illustrated by Joseph Nye’s following quotation:

“The difference between the two traditions could be described as the difference between an emphasis on my integrity judged in terms of whether my actions conform to certain rules and an emphasis on the consequences of what I have done regardless of my motives.” (Nye, 1986, p. 17)

Consequently, the establishment of the concept of ‘tridimensional ethics’ as a model of evaluation which enables to test if an action in general or a policy in specific is considered ‘ethical’, is based on the different ‘nature’ of each aforementioned philosophical current. Moreover, the advantages and disadvantages of the different ‘nature’ of the philosophical

³ The used term ‘judging an action’s or a policy’s ‘morality’ by ‘the rightness of the action or policy itself’ can be related to the aforementioned Kantian principle within this thesis’s section and, therefore, can be subsumed as ‘judging an action’s or a policy’s ‘morality’ on the basis of the extent to which the action or policy should be applied to others’.

currents 'teleological ethics' and 'deontological thinking' can be balanced by their unification within the concept of 'tridimensional ethics', as explained below.

In general, the philosophical current 'teleological ethics' is regarded having more influence than the philosophical current 'deontological thinking' because any political actor in any political arena is evaluated based on 'the goodness of its achieved results' and not on 'the rightness of the action or policy itself'. However, working with 'teleological ethics' bears disadvantages – the prediction and determination of a policy's outcome cannot be guaranteed by any political actor in any political arena and the lack of any ethical valuation system allows any policy's outcome to vary in the range of the definition of 'being good'. (Amstutz, 2008, p. 29) To balance the varying of any policy's outcome in the range of 'being good', 'deontological thinking' can be used with "[...] its emphasis on good intentions and the inherent value of persons. A Kantian perspective is important because it guards against the relativism of consequentialism." (Amstutz, 2008, p. 35) However, working with 'deontological thinking' bears disadvantages as well – its rigidity of demanding an all-embracing morality is hardly achievable in any political arena and the assumptions of any political actor being able to identify appropriate moral rules or being able to comply with appropriate moral rules seems to be quite illusory. (Amstutz, 2008, p. 35)

Stanley Hoffmann emphasizes the necessity of using Joseph Nye's concept of 'tridimensional ethics' in order to test if an action in general or a policy in specific is considered 'ethical':

"I repeat that morality is not merely a matter of ends or intentions and that the likely consequences of acts must be taken into account [...] – especially when the goal is ambiguous, or the principle to be applied is slippery [...]. But, on the other hand, a morality that relies exclusively on expected calculated outcomes is not acceptable either: no statesman can be sure of all effects, and confident that he will be able to avoid perverse ones altogether." (Hoffmann, 1981, pp. 190)

In conclusion, the concept of 'tridimensional ethics' has been able to be established by Joseph Nye because of combining the different 'nature' of the philosophical currents 'teleological ethics' and 'deontological thinking' within a model of evaluation which firstly enables to test if an action in general or a policy in specific is considered 'ethical' by evaluating 'the goodness of an action's or a policy's achieved results' and 'the rightness of an action or a policy itself' and secondly balances the advantages and disadvantages of the different 'nature' of each aforementioned philosophical current by their unification.

2.4. The concept of ‘tridimensional ethics’ and its functioning in general

If an action in general or a policy in specific is considered ‘ethical’ relies on its testing by applying the aforementioned three dimensions ‘motives’, ‘means’ and ‘consequences’ which summarize the evaluation of ‘the goodness of an action’s or a policy’s achieved results’ and ‘the rightness of an action or a policy itself’.

Therefore, each of these dimensions has to evaluate separately if the object of interest can fulfill the dimension’s aforementioned definition – the dimensions ‘motives’ and ‘means’ test the object of interest’s ‘morality’ by ‘the rightness of the object of interest itself’ and the dimension ‘consequences’ tests the object of interest’s ‘morality’ by ‘the goodness of its achieved results’. If an object of interest can fulfill a dimension’s aforementioned definition, the object of interest can be evaluated as ‘morally good’ within the specific dimension. Consequently, if an object of interest cannot fulfill a dimension’s aforementioned definition, the object of interest cannot be evaluated as ‘morally good’ and, therefore, is evaluated as ‘morally bad’.

Hence, only if an object of interest has been able to fulfill each of the three dimensions’ aforementioned definitions and, therefore, is evaluated as ‘morally good’ within each of the three dimensions, the object of interest is considered ‘ethical’. Thus, the cumulated fulfillment of each of the three dimensions’ aforementioned definitions within each of the three dimensions being ‘morally good’ can be seen as the necessary condition for any object of interest to be considered ‘ethical’. Consequently, the separate fulfillment of only one or two dimensions’ aforementioned definitions within one or two of the three dimensions being ‘morally good’ cannot lead to any object of interest to be considered ‘ethical’.

In general, eight different cases can be generated within the concept of ‘tridimensional ethics’, which is based on the possibility of the three dimensions ‘motives’, ‘means’ and ‘consequences’ being separately ‘morally good’ or ‘morally bad’. In order to understand the particular complexity of testing if any object of interest is considered ‘ethical’, the table on the next page is regarded helpful.

Table 1: The complexity of decision-making within the concept of 'tridimensional ethics'

	Motives	Means	Consequences
Case 1	Good	Bad	Bad
Case 2	Good	Good	Good
Case 3	Good	Bad	Good
Case 4	Good	Good	Bad
Case 5	Bad	Bad	Good
Case 6	Bad	Good	Bad
Case 7	Bad	Bad	Bad
Case 8	Bad	Good	Good

Source: *Nuclear Ethics*, p.22, by J.S. Nye, 1988, New York: The Free Press.

Consequently, only 'case 2' with the dimensions 'motives', 'means' and 'consequences' being 'morally good' does fulfill the aforementioned necessary condition to consider an action in general or a policy in specific 'ethical'. Moreover, 'case 1', 'case 5', 'case 6', 'case 7' and 'case 8' is easily to be eliminated as not being able to be intended to be considered 'ethical' by any actor in any political arena because either specifically the 'motive' or generally more than two dimensions separately are evaluated 'morally bad'. However, 'case 3' and 'case 4' is not as easily to be eliminated as not being able to be intended to be considered 'ethical' by any actor in any political arena because specifically the 'motive' is evaluated 'morally good' and generally only one dimension is evaluated 'morally bad'.

However, if any political actor in any political arena can choose either 'case 3' with its 'morally bad' 'means' and its 'morally good' 'consequences' or 'case 4' with its 'morally good' 'means' and its 'morally bad' 'consequences' – which 'case' would be preferred? As stated before, any political actor tends to prefer 'case 3', accepting 'morally bad' 'means' in order to get 'morally good' 'consequences' because any political actor is evaluated based on 'the goodness of its achieved results' and not on 'the rightness of the action or policy itself'. Therefore, Joseph Nye (1986, p. 22) has established the following, conditional norms which can be applied in ethical decision-making in order to prevent the immoderately usage of the aforementioned 'case 3': "[s]tandards of clarity, logic and consistency', '[i]mpartiality' [...], '[i]nitial presumption in favor of rules and rights', '[p]rocedures for protecting impartiality' and '[p]rudence in calculating consequences'".

Thus, the aforementioned 'case 2' with the three dimensions 'motives', 'means' and 'consequences' being 'morally good' and, therefore, fulfilling the necessary condition of an action in general or a policy in specific being considered 'ethical', can be used as thesis's

theoretical framework in order to test if the EU pursues a sound ethical strategy in development policy.

Hypothetically speaking, even if the EU does not pursue a sound ethical strategy in development policy, a classification of the EU development policy's legal framework will still be possible by identifying its modus operandi with the table above. Moreover, even if the immoderately used 'case 3' is identified as the thesis's result, the EU development policy's legal framework will be able to be improved with the aforementioned conditional norms by Joseph Nye.

In conclusion, the different 'nature' of the philosophical currents 'teleological ethics' and 'deontological thinking' have allowed establishing a model of evaluation which enables to test if an action in general or a policy in specific is considered 'ethical'. To be considered 'ethical', an action in general or a policy in specific has to comply with the definitions of the philosophical currents' 'natures' and, therefore, is tested on 'the goodness of its achieved results' and 'the rightness of the action or policy itself'. In general, eight different cases can be generated within the concept of 'tridimensional ethics' which is based on the possibility of the three dimensions, 'motives', 'means' and 'consequences' being separately 'morally good' or 'morally bad'. However, only 'case 2' with the dimensions 'motives', 'means' and 'consequences' being 'morally good' does fulfill the aforementioned necessary condition to consider an action in general or a policy in specific 'ethical'.

3. Research design and Measurement

The thesis's research design which enables to test if the EU pursues a sound ethical strategy in development policy, is the 'most similar systems' design. This particular research design can be associated with the methodological segment 'comparison' or 'comparative method' which is defined by Hopkin (2010, p. 285) as follows:

"Comparison and the comparative method are used implicitly or explicitly across political science and the social sciences in general. Comparison serves several purposes in political analysis. [...] But perhaps the principal function of comparison in political science is that of developing, testing and refining theories about causal relationships, and all political research – even purely descriptive narratives – involves causal claims of some kind."

Nevertheless, this initial classification of the 'most similar systems' design⁴ has to be complemented by the more specific explanation of this particular research design's characteristics and its associated methodological procedures.

3.1. The characteristics of the 'most similar systems' design and its associated methodological procedures

The 'most similar systems' design contains at least two cases in which the dependent variable varies in a similar context. The similarity of context does guarantee the limitation of intervening third variables by establishing a congruent framework. The analysis's aim is to explain the dependent variable's variance by identifying the independent variable which cannot be found in each case. In addition, the independent variable has to be kept very but not totally similar in order to be held as reason for the existence or non-existence of the dependent variable. (Lauth, Pickel & Pickel, 2009, pp. 69)

The aforementioned 'cases' which are compared within the 'most similar systems' design, can be methodologically identified as typical 'case studies'. A 'case study' is defined as an "[...] intensive study of a single unit for the purpose of understanding a larger class of (similar) units." (Gerring, 2004, p. 342) Furthermore, "[c]ase studies allow to peer in the box of causality to the intermediate causes lying between some cause and its purported effect. Ideally, they allow one to 'see' X and Y interact [...]." (Gerring, 2004, p. 348) Moreover, "case studies are more likely to shed light on causal mechanisms and less likely to shed light on true causal effects." (Gerring, 2004, p. 349)

However, the usage of 'case studies' is criticized by quantitative researches because of their inability of theory testing – "[...] the number of variables (including necessary control variables) often exceed the number of cases, creating a degree of freedom problem that leaves outcomes causally underdetermined." (Levy, 2008, p. 10) According to Lijphart (1975, p. 163), two different possibilities exist to face this particular problem: "(1) maximizing the number of cases and statistically manipulating the data in order to test empirical hypotheses while control is exercised by the means of partial correlations, and (2) selecting comparable cases for analysis and achieving a large measure of control as a result of their comparability."

⁴ The development of the 'most similar systems' design can be retraced to, firstly, the establishment of the 'method of difference' (Mill, 1872, pp. 278-280) and, secondly, its modification which has led to the creation of the thesis's research design, the 'most similar systems' design (Przeworski & Teune, 1970, pp. 32).

The first possibility, focusing on maximizing the number of cases, cannot be applied to any phenomenon's analysis because not any phenomenon can be supported by the required number of cases. Moreover, this particular methodological procedure can only strengthen correlation and, therefore, does not directly solve the aforementioned problem of the lacking causality (Barrios, 2006, p. 43) Ergo, the second possibility, focusing on selecting comparable cases to achieve a large measure of control, does seem to be the more appropriate choice to improve the methodological sophistication of the 'most similar systems' design.

Hence, the methodological procedure of 'case selection' does play a decisive role in this particular research design – guaranteeing the functioning of the 'most similar systems' design by implementing these conditions:

“Most similar case selection proceeds by (1) defining the relevant universe of cases, (2) identifying key variables of interest that should be similar across the target of cases, (3) identifying a variable of variables that should vary meaningfully across the target of cases and (4) selecting the desired number of cases – often a pair but sometimes more – that have specified similarities and differences. Often, analysts begin this process with one case already in mind and follow the steps above to identify a second case that is similar.” (Nielsen, 2014, p. 5)

Furthermore, the methodological procedure 'case selection' can prevent the 'most similar systems' design from one of the most influential methodological pitfalls, the so-called 'selection bias'. (Lauth, Pickel & Pickel, 2009, pp. 219) However, the 'most similar systems' design's approach of selecting cases with its demanded high degree of similarity is hardly to be found in reality. Thus, the limitation of intervening third variables has to be established in a weakened form which results in working with more variables than the 'most similar systems' design is constructed for. (Barrios 2006, p. 41)

Therefore, George and Bennett (2005, pp. 214) suggest the concept of 'process tracing' to compensate “[...] the limitations of a particular controlled comparison. When it is not possible to find cases similar in every respect but one – the basic requirement of controlled comparisons – one or more of the 'several' independent variables identified may have causal impact. Process-tracing can help to assess whether each of the potential causal variables in the imperfectly matched cases can, or cannot, be ruled out as having causal significance.” Hence, 'process tracing' can be identified as methodological procedure of deciphering causal mechanisms between an independent variable or variables and the dependent variable. Furthermore, Gerring (2007, p. 173) summarizes this methodological procedure of deciphering causal mechanisms as a scientific method in which “multiple types of evidence

are employed for the verification of a single inference – bits and pieces of evidence that embody different units of analysis.”

Nielsen (2014, p. 9) underlines that “[e]ffective process tracing requires two types of evidence. First, it requires ‘measurement evidence’ that the events in the purported causal chain happened. Case studies are ideal for measurement because researchers can focus their efforts on discerning what events actually occurred in a practical case. [...] Second, it requires ‘identifying evidence’ that identifies the causal relationship (in the statistical sense) by ruling out confounding variables and processes. [...] This is where a research design featuring carefully matched cases helps to rule out alternative causes.”

Nevertheless, one of the methodological pitfalls of the ‘most similar systems’ design cannot be eliminated or limited – the dichotomy of variables within this particular research design cannot lead to a high explanation of variance. (Lauth, Pickel & Pickel, 2009, p. 73)

In conclusion, the aforementioned characteristics of the ‘most similar systems’ design underline the research design’s ability to develop, test and refine theories about causal relationships. Moreover, the associated methodological procedures, ‘case selection’ and ‘process tracing’, of the ‘most similar systems’ design allow rectifying most of its methodological disadvantages.

3.2. From theory into practice: applying the ‘most similar systems’ design to test the thesis’s research hypothesis

The thesis’s research hypothesis, if the EU development policy’s legal framework complies with the operationalized three dimensions ‘motives’, ‘means’ and ‘consequences’ in order to fulfill the condition of pursuing a sound ethical strategy, can be tested by applying the aforementioned ‘most similar systems’ design. Therefore, the ‘most similar systems’ design’s characteristics and its associated methodological procedure, ‘case selection’ and ‘process tracing’, have to adopt the aforementioned thesis’s research hypothesis.

The ‘most similar systems’ design’s associated methodological procedure ‘case selection’ plays a decisive role in the process of adopting the thesis’s research hypothesis. It defines four conditions which have to be fulfilled in order to establish a properly functioning ‘most similar systems’ design, and, therefore, it can also serve as an opportunity to explain the application of the ‘most similar systems’ design’s characteristics.

The first condition of the methodological procedure ‘case selection’ focuses on ‘defining the relevant universe of cases’, which can be limited to the two following overall objectives: the

establishment of both a generalized theoretical case causing a sound ethical strategy in development policy and a specified practical case analyzing if the EU development policy's legal framework does hypothetically not cause a sound ethical strategy.

The second condition focuses on 'identifying key variables of interest that should be similar across the target of cases', which cannot hypothetically be applied to the testing of the thesis's research hypothesis because the generalized theoretical case with its operationalized dimensions 'motives', 'means' and 'consequences' as independent variables (x_1 , x_2 and x_3) which cause a sound ethical strategy in development policy as dependent variable (y), and the specified practical case evaluating if the aforementioned independent variables cannot hypothetically be found in the in the EU development policy's legal framework (not- x_1 , not- x_2 and/or not- x_3) which hypothetically do not cause a sound ethical strategy as dependent variable (not- y), have hypothetically not any similar independent variable. Nevertheless, the reason of 'identifying key variables of interest that should be similar across the target of cases', the limitation of intervening third variables, has been able to be established by the usage of the thesis's theoretical framework which has led to the implementation of the similar dimensions 'motives', 'means' and 'consequences' in both aforementioned cases.

The third condition, 'identifying a variable of variables that should vary meaningfully across the target of cases', can hypothetically be discovered within the testing of the thesis's research hypothesis. Therefore, the independent variables (x_1 , x_2 and x_3) which cause a sound ethical strategy in development policy as dependent variable (y) in the generalized theoretical case, cannot hypothetically be found in the EU development policy's legal framework (not- x_1 , not- x_2 and/or not- x_3) which do hypothetically not cause a sound ethical strategy as dependent variable (not- y) in the specified practical case. The reason of hypothetically assuming that the third condition can be fulfilled within the testing of the thesis's research hypothesis is based on the aforementioned scientific insight on development policy being driven by interests (Nuscheler, 2005, pp. 432).

The fourth condition, 'selecting the desired number of cases', can be applied to the testing of the thesis's hypothesis as well. Therefore, the results of the aforementioned 'first condition' can be used – mirroring the necessity of only establishing two cases: the generalized theoretical case which causes a sound ethical strategy in development policy, and the specified case evaluating if the EU development policy's legal framework does hypothetically not cause a sound ethical strategy.

Furthermore, if the independent variables (x_1 , x_2 and x_3) of the first generalized theoretical case cannot be found in the EU development policy's legal framework (not- x_1 , not- x_2 and/or

not-x3), the EU development policy's legal framework would not comply with the operationalized dimensions 'motives', 'means' and 'consequences' and, therefore, would not fulfill the condition of pursuing a sound ethical strategy in development policy (not-y). Thus, the thesis's research question would be answered in accordance with the aforementioned scientific insight – the European Union pursuing a sound ethical strategy in development policy would be a contradiction in terms because it would be driven by 'interests' rather than 'morality'.

In addition to the aforementioned adoption of the thesis's research hypothesis by the 'most similar systems' associated methodological procedure 'case selection' which has been served as an opportunity to explain the application of the 'most similar systems' design's characteristics, the thesis's research design's other associated methodological procedure 'process tracing' has also to be put in the context of the thesis's research hypothesis.

Consequently, the generalized theoretical case causing a sound ethical strategy in development policy and the specified case evaluating if the EU development policy's legal framework does hypothetically not cause a sound ethical strategy, have to be tested on fulfilling the requirements of the 'identifying evidence' and 'measurement evidence'. The 'identifying evidence' is provided if the happening of the events in the purported causal chain (the independent variables (x1, x2 and x3) causing the dependent variable (y) in the generalized theoretical case and the hypothetically non-existing independent variables (not-x1, not-x2 and/or not-x3) hypothetically not causing the hypothetical dependent variable (not-y) in the specified practical case) is established.

The 'measurement evidence' is provided if the identification of the causal relationship by ruling out confounding variables and processes (the validity of the relationship between the independent variables and the dependent variable (x1, x2 and x3 with y) and the validity of the non-relationship between the hypothetically non-existing independent variables and the hypothetically non-existing dependent variable (not-x1, not-x2 and/or not-x3 with not-y)) is established.

In conclusion, the thesis's research design, the 'most similar systems' design's characteristics with its associated methodological procedures 'case selection' and 'process tracing', can be applied to the thesis's research hypothesis and, therefore, ensures the appropriate testing of the thesis's research hypothesis.

To be able to guarantee greater clarity, the table on the next page provides an overview of the thesis's structure, accentuating the thesis's research design and the thesis's theoretical framework.

Table 2: The thesis's structure with its research design and its theoretical framework

Cases	Independent variables			Dependent variable
	Operationalized tridimensional ethics			Sound ethical strategy in development policy
	'Motives'	'Means'	'Consequences'	
Generalized, theoretical case	(x1)	(x2)	(x3)	(y)
Specified, practical case	(x1) or (not-x1)	(x2) or (not-x2)	(x3) or (not-x3)	(y) or (not-y)

Source: the author's own compilation of the aforementioned research

4. The first generalized theoretical case and its composition: laying the foundation for testing the thesis's research hypothesis

The first generalized theoretical case lays the foundation for testing the thesis's research hypothesis by operationalizing the thesis's theoretical framework, the concept of 'tridimensional ethics' with its dimensions 'motives', 'means' and 'consequences', and, therefore, establishes the independent variables (x1, x2 and x3) which cause a sound ethical strategy in development policy as dependent variable (y).

4.1. The establishment of the first independent variable (x1) or the operationalization of the moral dimension 'motives'

The first independent variable (x1) has to represent the dimension 'motives' within the concept of 'tridimensional ethics' and, therefore, has to embody its aforementioned definition of judging an action's or policy's 'morality' by 'the rightness of the action or policy itself'. This particular 'rightness of the action or the policy itself' can be related to the following conditions which have to be fulfilled by the first independent variable (x1) in order to be identified as appropriate operationalization for the dimension 'motives' within the concept of 'tridimensional ethics': its inclusion of a 'right' intention, its emphasis of the actors' duties and obligations as well as its negligence of the decisions' results.

Nohlen and Nuscheler (1993, p. 73, own translation) have established a summary of development policy's motives which can fulfill the aforementioned conditions in order to be identified as appropriate operationalization for the dimension 'motives' within the concept of 'tridimensional ethics':

“Development is the independent evolvement of productive forces in order to supply the whole society with vital material and livable cultural goods and services in the frame of a social and political order which guarantees all members of society equal opportunities to participate in political decision processes and to benefit from the jointly acquired wealth.”

Moreover, this particular summary of development policy's motives has to be complemented by the missing ecological motive. Therefore, the aspect of 'sustainable development', preserving soil, water and air for coming generations, has to be added subsequently to the aforementioned motives of development policy. (Nohlen & Nuscheler, 1993, p. 74)

The first condition, 'including a 'right' intension', of the appropriate operationalization of the dimension 'motives' is fulfilled by the summary of development policy's motives because of reflecting not only on the typical, short-term approach of development policy which focuses on the satisfaction of the basic needs in life but also on an atypical, long-term approach of development policy which includes motives with temporarily diverging probabilities of realization. (Nohlen & Nuscheler, 1993, pp. 64)

The second condition, 'emphasizing the actors' duties and obligations', of the appropriate operationalization of the dimension 'motives' is fulfilled by the summary of development policy's motives because of assuming that the establishment of the aforementioned development policy with a 'right' intension is only achievable if any actor in development policy is obliged to act in accordance with the aforementioned combination of the typical short-term and atypical long-term approach of development policy. (Nohlen & Nuscheler, 1993, pp. 63-75)

The third condition, 'neglecting the decisions' results', of the appropriate operationalization of the dimension 'motives' is fulfilled by the summary of development policy's motives because of not relating its success on specific quantifiable results but on delivering guidance for any actor in development policy to establish a development policy with a 'right' intention. (Nohlen & Nuscheler, 1993, pp. 73)

In conclusion, the summary of development policy's motives which has been able to fulfill the aforementioned conditions in order to be identified as appropriate operationalization for the

dimension 'motives' within the concept of 'tridimensional ethics', is illustrated in the table below to provide an overview to simplify the testing of the thesis's research hypothesis.

Table 3: The established first independent variable (x1) as part of the necessary condition for a sound ethical strategy in development policy (y)

The operationalization of the moral dimension 'motives':

- independent evolvement of productive forces
- supplying the whole society with vital material and livable cultural goods and services
- establishing a social and political order which guarantees all members of society equal opportunities to participate in political decision processes
- establishing a social and political order which guarantees all members of society equal opportunities to benefit from the jointly acquired wealth
- acting in compliance with the concept of 'sustainable development' by preserving soil, water and air for coming generations

Source: the author's own compilation of the aforementioned research

4.2. The establishment of the second independent variable (x2) or the operationalization of the moral dimension 'means'

The second independent variable (x2) has to represent the dimension 'means' within the concept of 'tridimensional ethics' and, therefore, has to embody its aforementioned definition of judging an action's or policy's 'morality' by 'the rightness of the action or policy itself', too. As said before, the 'rightness of the action or the policy itself' can be related to the following conditions which have to be fulfilled by the second independent variable (x2) in order to be identified as appropriate operationalization for the dimension 'means' within the concept of 'tridimensional ethics': its inclusion of a 'right' intention, its emphasis of the actors' duties and obligations and its negligence of the decisions' results.

The aforementioned summary of development policy's motives can only be established with the implementation of five different categories which have also been substantiated by Nohlen and Nuscheler (1993, pp. 67-73).

The first category has been named 'growth' and summarizes the necessity of including an economic approach in order to establish the aforementioned summary of development policy's motives. Therefore, quantitative and qualitative elements of economy have been combined to ensure the increase of goods and services as well as the reduction of poverty. Moreover, both elements of economy have to act in compliance with the aforementioned

concept of 'sustainable development', preserving soil, water and air for coming generations. However, it has to be questioned how economic growth is generated and who or what can benefit from it. Ideally, the whole society should be able to benefit from economic growth and, therefore, overcome poverty and underdevelopment. (Nohlen & Nuscheler, 1993, p. 67)

The second category has been named 'labor' and, therefore, focuses on providing productive and equally paid work opportunities. Moreover, these work opportunities can be seen as necessary for establishing the aforementioned summary of development policy's motives because they can provide an improvement for the whole society, can lead to an overcoming of poverty for each single individual and can create personal fulfillment. (Nohlen & Nuscheler, 1993, pp. 68)

The third category has been named 'equality and justice' and addresses the necessity of distributing land and income in an appropriate manner, offering access to public goods such as education, health and social security as well as having the possibility to participate politically. Moreover, the existing 'inequality and injustice' in developing countries can be related to the abuse of political power and not to economic constraints. Consequently, the reason of poverty is not the lack but the misdistribution of resources which depends on the mismanagement of political power. (Nohlen & Nuscheler, 1993, pp. 70)

The fourth category has been named 'participation' and summarizes the necessity of political and social human rights in general as well as political involvement and social participation in cultural goods within a society in specific. These considerations lead to the proposal of using the well-known premise of subsidiary and, therefore, allow development policy not to be made for but by the poor. (Nohlen & Nuscheler, 1993, p. 71)

The fifth category is named 'independence and autonomy' and underlines the importance of minimizing the international credit grantors' external influence in development policy. Despite the obligation of allowing developing countries a self-reliant development, they have to obey to economic and political conditionality in order to take part in official development assistance. (Nohlen & Nuscheler, 1993, pp. 72)

In conclusion, the implementation of the five categories which can establish the summary of development policy's motives fulfill the aforementioned conditions of 'including a 'right' intension', 'emphasizing the actors' duties and obligations' and 'neglecting the decisions' results' for the same reasons as the aforementioned summary of development policy's motives.

Finally, the implementation of the five categories which can establish the aforementioned summary of development policy's motives is illustrated in the table below to provide an overview to simplify the testing of the thesis's research hypothesis.

Table 4: The established second independent variable (x2) as part of the necessary condition for a sound ethical strategy in development policy (y)

The operationalization of the moral dimension 'means':

'growth':	<ul style="list-style-type: none"> - increasing of goods and services - reducing poverty <ul style="list-style-type: none"> o acting in compliance with the concept of 'sustainable development' by preserving soil, water and air for coming generations o the whole society should benefit and, therefore, overcome poverty and underdevelopment
'labor':	<ul style="list-style-type: none"> - productive and equally paid work opportunities: <ul style="list-style-type: none"> o providing an improvement for the whole society o leading for an overcoming of poverty for each single individual o creating personal fulfillment
'equality and justice':	<ul style="list-style-type: none"> - distributing land and income in an appropriate manner - gaining access to public goods such as education, health and social security - having the possibility to participate politically - abolishing the abuse of political power: <ul style="list-style-type: none"> o leading to a fair distribution of resources o fighting poverty
'participation':	<ul style="list-style-type: none"> - political and social human rights in general - political involvement and social participation in cultural goods within a society in specific - premise of subsidiary: development policy not made for but by the poor
'independence and autonomy':	<ul style="list-style-type: none"> - minimizing the international credit grantors' external influence in development policy <ul style="list-style-type: none"> o allowing developing countries a self-reliant development o interdicting any economic and political conditionality which is related to receiving official development assistance

Source: the author's own compilation of the aforementioned research

4.3. The establishment of the third independent variable (x3) or the operationalization of the moral dimension ‘consequences’

The third independent variable (x3) has to represent the dimension ‘consequences’ within the concept of ‘tridimensional ethics’ and, therefore, has to embody its aforementioned definition of judging an action’s or a policy’s ‘morality’ by ‘the goodness of its achieved results’. This particular ‘goodness of its achieved results’ can be related to the following condition which has to be fulfilled by the third independent variable (x3) in order to be identified as appropriate operationalization for the dimension ‘consequences’ within the concept of ‘tridimensional ethics’: its maximization of collective pleasures and the minimization of collective pain which has to rely on the action’s or policy’s implicit rules and procedures and its (rather indirect) consequences and/or the action’s or policy’s (rather direct) consequences.

The Millennium Development Goals (MDGs) which are defined as “[...] eight major results and 21 concrete and quantified target values, measured with 60 indicators” (Andersen, 2012, p. 66, own translation) can fulfill the aforementioned condition in order to be identified as appropriate operationalization for the dimension ‘consequences’ within the concept of ‘tridimensional ethics’ which can be seen in the table below.

Table 5: The established third independent variable (x3) as part of the necessary condition for a sound ethical strategy in development policy (y)

The operationalization of the moral dimension ‘consequences’:

<p>MDG 1: Eradicate extreme poverty and hunger:</p> <ul style="list-style-type: none"> - Halve, between 1990 and 2015, the proportion of people whose income is less than \$1 a day - Achieve full and productive employment and decent work for all, including women and young people - Halve, between 1990 and 2015, the proportion of people who suffer from hunger
<p>MDG 2: Achieve universal primary education:</p> <ul style="list-style-type: none"> - Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling
<p>MDG 3: Promote gender equality and empower women:</p> <ul style="list-style-type: none"> - Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015
<p>MDG 4: Reduce child mortality:</p> <ul style="list-style-type: none"> - Reduce by two thirds, between 1990 and 2015, the under-five mortality rate

MDG 5: Improve maternal health:

- Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio
- Achieve, by 2015, universal access to reproductive health

MDG 6: Combat HIV/AIDS, malaria and other diseases:

- Have halted by 2015 and begun to reverse the spread of HIV/AIDS
- Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it
- Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases

MDG 7: Ensure environmental sustainability:

- Integrate the principles of sustainable development into country policies and programs and reverse the loss of environmental resources
- Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss
- Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation
- By 2020 to have achieved a significant improvement in the lives of at least 100 million slum dwellers

MDG 8: Develop a global partnership for development:

- Develop further an open, rule-based, predictable, non-discriminatory trading and financial system (includes a commitment to good governance, development and poverty reduction, both nationally and internationally)
- Address the special needs of the least developed countries (includes: tariff- and quota-free access for the least developed countries' exports; enhanced programme of debt relief for heavily indebted poor countries (HIPC) and cancellation of official bilateral debt; and more generous ODA for countries committed to poverty reduction)
- Address the special needs of landlocked developing countries and small island developing States (through the Programme of Action for the Sustainable Development of Small Island Developing States and the outcome of the twenty-second special session of the General Assembly)
- Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term
- In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries
- In cooperation with the private sector, make available the benefits of new technologies, especially information and communications

Source: Adapted from *Claiming the Millennium Development Goals: A human rights approach*, by UN Office of the High Commissioner for Human Right (OHCHR), 2008, Retrieved December 2, 2014, from http://www.ohchr.org/Documents/Publications/Claiming_MDGs_en.pdf

The condition, 'maximizing collective pleasure and minimizing collective pain with the help of the action's or policy's implicit rules and procedures and its (rather indirect) consequences and/or the action's or policy's (rather direct) consequences', of the appropriate operationalization of the dimension 'consequences' is fulfilled by the MDGs because of elaborating the United Nations Millennium Declaration which focuses on the improvement of development by fighting against poverty in general and protecting the environment in specific. (Sangmeister & Schönstedt, 2010, p. 33) Moreover, the MDGs promote the implementation of the aforementioned objectives of the United Nations Millennium Declaration "[...] with quantifiable results and timeframes [...]" (Nuscheler, 2005, p. 575, own translation) which can be identified as a typical embodiment of "[...] results-orientated consequentialist ethics [...]" (Hoang, 2013, p. 125).

However, the composition of the MDGs has been criticized for using an insufficient definition of 'development', mirroring only two of the four foundation giving chapters of the United Nations Millennium Declaration. Furthermore, they do not seem to reflect qualitative aspects of 'development' and, therefore, focus only on the compliance 'if' and not 'how' the 'official MDG indicators' are implemented in developing countries. (Loewe, 2010, pp. 110) Consequently, the structure and content of the MDGs in general seem to be marred by errors (Nuscheler, 2005, pp. 578) but they are still the best choice for being operationalized as third independent variable, as shown above.

In conclusion, the first generalized theoretical case has been able to be composed by operationalizing the thesis's theoretical framework, the concept of 'tridimensional ethics' with its dimensions 'motives', 'means' and 'consequences', and, therefore, has established the three independent variables (x_1 , x_2 and x_3) which cause a sound ethical strategy in development policy as dependent variable (y).

Moreover, the thesis's research design, the 'most similar systems' design, with its characteristics and its associated methodological procedure 'case selection' has been applied in the first generalized theoretical case. Nevertheless, the application of the 'most similar systems' design's other associated methodological procedure, 'process tracing', in the first generalized theoretical case has yet to be affirmed. Therefore, the requirements of the 'identifying evidence', the happening of the events in the purported causal chain (the independent variables (x_1 , x_2 and x_3) causing the dependent variable (y)), and the 'measurement evidence', the identification of the causal relationship by ruling out confounding variables and processes (the validity of relationship between the independent variables and the dependent variable (x_1 , x_2 and x_3 with y)), have to be fulfilled. The requirements of the 'identifying evidence' and 'measurement evidence' have been able to be fulfilled because of implementing the thesis's theoretical framework in the first generalized

theoretical case which guarantees the happening of the events in the purported causal chain and the identification of the causal relationship by ruling out confounding variables and processes.

5. The second specified practical case of the EU and its composition: testing the thesis's research hypothesis

The second specified practical case of the EU tests the thesis's research hypothesis if the aforementioned independent variables of the first generalized theoretical case can (not) be found in the EU development policy's legal framework ((not-)x1, (not-)x2 and/or (not-)x3)) and, therefore, do (not) cause a sound ethical strategy ((not-)y).

However, the EU development policy's legal framework cannot be analyzed as a whole and has to be limited in terms of its content. Thematic emphases which can be linked to the context of the thesis's research hypothesis, such as the relationship between the EU and the African, Caribbean and Pacific Group of States (ACP) with their former Yaoundé Agreements and Lomé Conventions as well as their recent Cotonou Agreement (Dialer, 2007, pp. 19-61) or the establishment of the EU's five external aid instruments like the European Neighborhood and Partnership Instrument (ENPI) and the Development Cooperation Instrument (DCI) (Holden, 2009, pp. 174-180), cannot be chosen to be representatively analyzed for the EU's actions in development policy because of their specificity.

5.1. Representing the EU's actions in development policy: the Lisbon Treaty

The Lisbon Treaty which has been signed in year 2007 and has amended the 'Treaty on the European Union' (TEU) as well as the 'Treaty on the Functioning of the European Union' (TFEU), is generally regarded as the EU's legal framework (Schwarze, 2009, pp. 9) and, therefore, can be analyzed representatively for the EU's action in development policy. The Lisbon Treaty's significance for the EU development policy can be mirrored by van Seters and Klavert (2011, p. 3) or Doidge and Holland (2012, p. 124) who stress the change of the EU external policy and the concurrent inclusion of development policy in the resort since the Lisbon Treaty's entry into force.

The EU development policy can be localized within the EU external policy and can be found within the fifth 'Part' of the aforementioned 'Treaty on the Functioning of the European Union', the 'Union's external action'. The 'Union's external action' which can be equated with the aforementioned 'EU external policy', is subdivided into seven 'Titles'. Its third 'Title', 'Cooperation with third countries and humanitarian aid', contains the three 'Chapters' 'Development cooperation', 'Economic, financial and technical cooperation with third countries' and 'Humanitarian aid'. The second chapter 'Development cooperation' can be identified as the aforementioned 'EU development policy' and is determined in Article 208, 209, 210 and 211 TFEU. (EU, 2012a)

The EU development policy's legal framework has to be illustrated and explained in order to be utilized for the following analysis of its (non-) alignment with the independent variables of the first generalized theoretical case ((not-)x1, (not-)x2 and/or (not-)x3)) which do (not) cause a sound ethical strategy in the EU development policy's legal framework ((not-)y).

5.2. Illustrating the EU development policy's legal framework

The illustration of the EU development policy's legal framework is divided into two segments to guarantee greater clarity within this thesis's section. The first segment contains parts of the EU development policy's legal framework which can be taken as indicators for the following analysis of its (non-) alignment with the independent variables. The second segment includes parts of the EU development policy's legal framework which cannot be taken as indicators for the following analysis of its (non-) alignment with the independent variables, but still have to be outlined to provide a general overview of the EU development policy's legal framework itself.

5.2.1. Parts of the EU development policy's legal framework for the following analysis

Article 208(1) TFEU contains the first and second indicator for the following analysis of the EU development policy's legal framework's (non-) alignment with the independent variables.

The first indicator refers to the EU's general principles and objectives for its actions in development policy and reads as follows: "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." (EU, 2012b) The second indicator stresses the EU's fundamental

objective for its actions in development policy and is worded as follows: “[t]he Union development cooperation shall have as its primary objective the reduction and, in the long term, the eradication of poverty.” (EU, 2012b)

The aforementioned ‘framework of the principles and objectives of the Union’s external action’ can be localized within Article 21(1) and (2) of the first ‘Chapter’, the ‘General provisions on the Union’s external action’, of the fifth ‘Title’, the ‘General provisions on the Union’s external action and specific provisions on the common foreign and security policy’, of the aforementioned ‘Treaty on the European Union’ (TEU). (EU, 2012a)

Article 21(1) TEU summarizes the ‘principles of the Union’s external action’: “[t]he Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.” (EU, 2012a)

Article 21(2) TEU summarizes the ‘objectives of the Union’s external action’: “[t]he Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:

- (a) safeguard its values, fundamental interests, security, independence and integrity;
- (b) consolidate and support democracy, the rule of law, human rights and the principles of international law;
- (c) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;
- (d) foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;
- (e) encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;
- (f) help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;
- (g) assist populations, countries and regions confronting natural or man-made disasters; and promote an international system based on stronger multilateral cooperation and good global governance.” (EU, 2012a)

The aforementioned 'primary objective, the reduction, and in the long term, the eradication of poverty' is not defined, in contrast to the aforementioned 'framework of the principles and objectives of the Union's external action', in the Lisbon Treaty and, therefore, will simply be explained in the thesis's next section.

Article 208(2) TFEU contains the third indicator for the following analysis of the EU development policy's legal framework's (non-) alignment with the independent variables.

The third indicator underlines the obligation of the EU and its Member States to act in compliance with their agreements, especially with the objectives of the United Nations and other international organizations, in development policy and reads in this way: "[t]he 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." (EU, 2012b)

5.2.2. Parts of the EU development policy's legal framework besides the following analysis

The following parts of the EU development policy's legal framework cannot be taken as indicators for the following analysis but still have to be outlined to provide a general overview of the EU development policy's legal framework itself.

Article 208(1) TFEU demonstrates the allocation of competence between the EU and its Member States in development policy and is worded as follows: "[t]he Union's development cooperation policy and that of the Member States complement and reinforce each other." (EU, 2012b) Consequently, the competence in development policy falls under the definition of being 'shared' which has to be differentiated from the two other forms of competence, being 'exclusive' or 'supporting', within the EU. (Piris, 2010, pp. 74)

Article 208(2) TFEU imposes the EU to act in any policy which affects any developing country, under the terms of the aforementioned development policy's legal framework. (Bieber, Epiney & Haag, 2013, p. 647)

Article 209(1),(2) and (3) TFEU display the application of the ordinary legislative procedure in EU development policy, the EU's ability to conclude agreements with third parties in development policy and the specific position of the European Investment Bank (EIB) to contribute to achieving the EU development policy's objectives. (EU, 2012b)

Article 210 and 211 TFEU specify the obligation of the aforementioned coordination and cooperation between the EU and its Member States in development policy. (EU, 2012b)

5.3. Explaining the parts of the EU development policy's legal framework for the following analysis

The aforementioned three indicators, 'the framework of the principles and objectives of the Union's external action', 'its primary objective, the reduction, and in the long term, the eradication of poverty' and 'the obligation of the EU and its Member States to act in compliance with their agreements, especially with the objectives of the United Nations and other international organizations, in development policy', for the following analysis of the EU development policy's legal framework's (non-) alignment with the independent variables ((not-)x1, (not-)x2 and/or (not-)x3)) which do (not) cause a sound ethical strategy as dependent variable ((not-)y), will be explained in the thesis's next sections.

5.3.1. Explaining the first indicator: 'the framework of principles and objectives of the Union's external action'

The 'principles and objectives of the Union's external action' only set a 'framework' and, therefore, guide the actors in the decision making process but do not provide any specified decisions which have to be followed in the EU development policy. These 'principles and objectives of the Union's external action' can be contradictory and have to be balanced within the decision making process in the EU development policy. Moreover, 'the framework of principles and objectives of the Union's external action' have to be considered a "[...] clear legal reference frame which the organs of the Union are obliged to move when deciding upon issues of external action." (Oeter, 2013, pp. 840)

Consequently, 'the framework of principles and objectives of the Union's external action' have been explained as a whole. However, to be able to use the 'principles and objectives of the Union's external action' for the following analysis of the EU development policy's legal framework's (non-) alignment with the independent variables, the 'principles of the Union's external action' and 'the objectives of the Union's external action' have to be explained separately.

5.3.1.1. Explaining the first part of the first indicator: ‘the principles of the Union’s external action’

‘The principles of the Union’s external action’ are determined in Article 21(1) TEU and can be classified into the following categories: ‘the principles which have inspired its own creation, development and enlargement’, ‘the principles which it seeks to advance in the wider world’, ‘the principle of democracy’, ‘the principle of rule of law’, ‘the universality and indivisibility of human rights and fundamental freedoms’, ‘the respect for human dignity’, ‘the principles of equality and solidarity’ and ‘the respect for the principles of the United Nations Charter and international law’. (EU, 2012a)

‘The principles which have inspired [the Union’s] own creation, development and enlargement’ have been implemented as part of ‘the principles of the Union’s external action’ in order to ensure the application of the EU’s fundamental principles which are determined in Article 2 TEU, in the EU foreign policy in general and in its development policy in specific. (Oeter, 2013, pp. 842)

‘The principles which [the Union] seeks to advance in the wider world’ has been implemented as part of ‘the principles of the Union’s external action’ in order stress the EU’s ambition to transfer its fundamental principles to ‘the wider world’ by using its foreign policy in general and development policy in specific. In addition, the principle ‘the respect for the principles of the United Nations Charter and international law’ as part of ‘the principles of the Union’s external action’ can establish a convergence between the aforementioned EU’s fundamental principles and the fundamental principles of the international community and, therefore, leads to a EU foreign policy in general and development policy in specific which is determined by its fundamental principles, the international law and the UN Charter. (Oeter, 2013, pp. 843)

‘The principle of democracy’, the first EU’s fundamental principle within Article 21(1) TEU, is not easily explained because EU primary law does not define it. (Oeter, 2013, p. 844) However, Oeter (2013, p. 845) has been able to summarize the essential attributes of ‘the principle of democracy’ which are “a representative form of government based upon the will of the people, a limited delegation of governmental power within a certain span of time, free and equal elections in reasonable intervals, equal access to public offices, the right to found political parties and organizations, fair election campaigns and certain rights of the mandataries elected.” ‘The principle of democracy’ does not only define the EU’s actions in its internal but also in its external field and, therefore, plays a decisive role in its foreign policy in general and in its development policy in specific.

'The principle of rule of law', the second EU's fundamental principle within Article 21(1) TEU, is not easily to be explained because EU primary law does not define it either. (Oeter, 2013, p. 845) However, the Court of Justice of the European Union (CJEU) has used its case law in order to generate "a set of general principles of law that can be perceived as the major elements of the principle of rule of law – legal certainty and the protection of legitimate expectations, the rights of defense, public authority being effectively bound to the law, effective judicial review, the principle of proportionality, State liability." (Oeter, 2013, p. 846) Moreover, "[...] further elements like separation of powers, legal protection through an independent judiciary or fighting against corruption" (Oeter, 2013, p. 846) have to be added to the aforementioned 'general principles of law' because of their relevance within the EU Commission's enlargement policy. (Oeter, 2013, p. 846) Consequently, 'the principle of rule of law' defines the EU's actions not only in its internal but also in its external field and, therefore, plays a decisive role in its foreign policy in general and in its development policy in specific.

'The universality and indivisibility of human rights and fundamental freedoms', the third EU's fundamental principle within Article 21(1) TEU, is easily to be explained because EU primary law defines it. (Oeter, 2013, p. 847) 'The universality and indivisibility of human rights and fundamental freedoms' are represented by the embedment of the 'Charter of Fundamental Rights of the European Union' (EUCFR) in Article 6(1) TEU and by the embedment of the 'European Convention for the Protection of Human Rights and Fundamental Freedoms' (ECHR) in Article 6(2) and (3) TEU. However, the volume of the EUCFR and the ECHR does not allow a detailed description and, therefore, is only used as whole for the following analysis of the EU development policy's legal framework's (non-) alignment with the independent variables. Consequently, the EU's actions in foreign policy in general and in development policy in specific aspires to "be guided by the idea of advancing human rights as a universal value of the entirety of humankind and to struggle for an international legal order where human rights bind all public authority, irrespective of where this authority is located, which cultural background it is stemming from or what type of constitutional order it represents." (Oeter, 2013, p. 847) Nevertheless, the EU's advancement of human rights as a universal value has to be balanced with the usual requirements of a functioning foreign policy in general and development policy in specific such as the EU's pursuit to extent its power or conserve its economic prosperity. (Oeter, 2013, p. 847)

'The principle human dignity', the fourth EU's fundamental principle within Article 21(1) TEU, does not need any further explanation because "the principles of the rule of law and the protection of human rights probably cover all the issues where the respect for human dignity might be at stake." (Oeter, 2013, pp. 847)

'The principles of equality and solidarity' are listed within Article 21(1) TEU but only 'the principle of equality', in contrast to 'the principle of solidarity' which is based on "[...] the common elements of societal orders of the Union mentioned in the second sentence of Article 2 TEU", can be identified as the fifth EU's fundamental principle. (Oeter, 2013, p. 848) 'The principle of equality' and 'the principle of solidarity' can be localized in the EUCHR – 'the principle of equality' is determined in Article 20 - 26 within the 'Title III' of the EUCHR and contains the emphases 'equality before the law', 'non-discrimination', 'cultural, religious and linguistic diversity', 'equality between women and men', 'the rights of the child', 'the rights of the elderly' and 'the integration of persons with disabilities'. (EU, 2012) 'The principle of solidarity' is determined in Article 27 - 38 within in the 'Title IV' of the EUCHR and contains the emphases 'workers' right to information and consultation within the undertaking', 'right of collective bargaining and action', 'right of access to placement services', 'protection in the event of unjustified dismissal', 'fair and just working conditions', 'prohibition of child labor and protection of young people at work', 'family and professional life', 'social security and social assistance', 'health care', 'access to services of general economic interest', 'environmental protection' and 'consumer protection'. (EU, 2012) To avoid misinterpretations, Oeter (2013, p. 848) has established generic terms which can conclude the emphases of 'the principles of solidarity' as follows: "labor rights, the protection of family life, social security, health, access to services of general economic interest, environmental protection and consumer protection." Consequently, 'the principles of equality and solidarity' define the EU's actions not only in its internal but also in its external field and, therefore, play a decisive role in its foreign policy in general and in its development policy in specific.

'The respect for the principles of the United Nations Charter and international law', listed within Article 21(1) TEU, cannot be identified as one of the EU's fundamental principles. The aforementioned explanation of 'the principle of democracy', 'the principle of rule of law' and 'the universality and indivisibility of human rights and fundamental freedoms' has shown that the EU's actions in foreign policy in general and in development policy in specific is determined by its internal values. However, the EU's actions in foreign policy in general and in development policy in specific are shaped by the United Nations Charter and international law, too. Concluding, "[t]he EU is obliged to respect its international undertakings, and in particular the principles of the UN Charter in any way possible – it is obliged to do so already by its nature as a subject of international law. This does not prevent the Union's organs from evading some of its international legal undertakings in practice." (Oeter, 2013, p. 849)

5.3.1.2. Explaining the second part of the first indicator: ‘the objectives of the Union’s external action’

‘Safeguard its values, fundamental interests, security, independence and integrity’, the objective within Article 21(2(a)) TEU, can be interpreted in two different ways. Firstly, it can be interpreted as an objective which is focused on promoting its own values and interests in order to establish peace in Europe and in the wider world. Secondly, it can be interpreted as an objective which reflects the “[...] traditional core object of any ‘realist’ foreign policy [...]”. (Oeter, 2013, p. 853) Thus, the EU’s ‘safeguarding’ of ‘its values, fundamental interests, security, independence and integrity’ can be interpreted as an attempt to protect itself and its Member States. The generic terms ‘security, independence and integrity’ which have to be ‘safeguarded’ in order to ensure protection, can be defined as follows: “[s]ecurity’ means the absence of any violent threats from the outside. ‘Independence’ refers to the principle of self-determination of peoples, and has in mind the decisional autonomy of political entities to set their own objectives and make their own decisions – the absence of an external hegemony imposing fundamental decisions upon States and societies. ‘Integrity’ means the inviolability of the territory of States, the sanctity of its institutions against any external interference.” (Oeter, 2013, pp. 853) Moreover, the ‘safeguarding’ of the generic term ‘values’ adds another facet to the aforementioned EU’s ambition to protect itself and its Member States by focusing on the preservation of the EU’s ‘internal values’ against external threats. Last but not least, the ‘safeguarding’ of the generic term ‘fundamental interests’ illustrates the EU’s ambition to promote its own interest within foreign policy in general and development policy in specific, which leads to the necessity of balancing the aforementioned fundamental principles or the ‘non-realist’ objectives with its own interests. (Oeter, 2013, p. 854)

‘Consolidate and support democracy, the rule of law, human rights and the principles of international law’, the objective within Article 21(2(b)) TEU, contains the embedment of the EU’s fundamental principles of Article 2 TEU, the principles of ‘democracy’, ‘rule of law’, ‘human rights’, and the principles of ‘international law’ of Article 3(5) TEU. Consequently, the EU’s ambition to act in accordance with their aforementioned fundamental principles in foreign policy in general and development policy in specific complies with the necessity to balance the aforementioned ‘realist’ objectives of Article 21(2) TEU. Furthermore, the EU’s fundamental principles, ‘democracy’, ‘rule of law’ and ‘human rights’, can be exploited as ‘conditionalities’ which allow the EU to dictate change in third States by using policies and agreements. Thus, the EU establishes to influence third States by forcing them to converge with its fundamental principles. The modality of the convergence depends on the specific interpretation of the EU’s fundamental principles within the specific policies or agreements and, therefore, can vary greatly. As a result, the EU’s fundamental principles can lose their

entitlement of being 'universal' if they are used to fit 'particular' requirements of specific policies or agreements. Concluding, the EU's actions in foreign policy in general and in development policy in specific balance the aforementioned 'realist' objectives with 'non-realist' objectives. Nevertheless, the EU tends to use the 'non-realist' objectives in the aforementioned 'realist' manner. (Oeter, 2013, pp. 854-858)

'Preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders', the objective within Article 21(2(c)) TEU, mirrors "the values of 'peace' and 'security' mentioned in Article 3(5) TEU and tries to give more concrete contours to these values." (Oeter, 2013, p. 858) Furthermore, Oeter (2013, p. 858) stresses the importance of the 'purposes and principles of the United Nations Charter' in general as well as Article 2(4) and Article 51 of the United Nations Charter in specific. Article 2(4) of the United Nations Charter underlines the interdiction of using "threat or use of force against territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations" (UN, 1945). Article 51 of the United Nations Charter emphasizes the possibility of each state to "impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security." (UN, 1945) The aforementioned 'principles of the Helsinki Final Act', 'the Charter of Paris' and 'the principles relating to external borders' have not to be explained because they "do[es] not add that much to the principles of peacefully solving disputes and of collective security codified in the United Nations Charter." (Oeter, 2013, p. 859)

'Foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty', the objective within Article 21(2(d)) TEU, includes the EU's primary aim of development policy, 'the eradication of poverty'. However, the 'eradication of poverty' "is a vision that nobody really knows how to implement in such a way that the aim could be genuinely achieved. The objective clearly contains a promise to continue a specific development policy – separate from humanitarian aid, but also distinguishable from the mere pursuit of the Union's own economic interests." (Oeter, 2013, p. 859) The EU's subordinated aims of development policy, the 'economic development', the 'social development' and the 'environmental development' which have to be in accordance with the 'sustainable development', are contradictory by definition. Thus, "[e]conomic development, if the sole strategy pursued, might lead to the detriment of social and economic development. Even social development might sometimes be seen as requiring sacrifices to environmental goods, whereas 'environmental development' often tends to be seen as an

obstacle on the way to quick economic development. Developmental goals may also collide with other objectives set out in Article 21(2) TEU.” (Oeter, 2013, pp. 859) Consequently, the ‘economic development’, the ‘social development’ and the ‘environmental development’ which have to be in accordance with the ‘sustainable development’, have to be balanced and applied to the specific circumstance of a developing country. To be able to understand the complexity and oppositeness of the aforementioned development policy’s aims, the following discrepancy of perception has to be illustrated. ‘Developing countries’ use to stress their right to receive aid and develop their country in autonomy and self-reliance, whereas ‘developed countries’ use the aforementioned generic term ‘sustainable development’ to limit the aid’s mismanagement by establishing ‘conditionalities’ like the EU’s fundamental principles, ‘the principle of democracy’, ‘the principle of rule of law’ or ‘the universality and indivisibility of human rights and fundamental freedoms’. This specific discrepancy of perception between ‘developing countries’ and ‘developed countries’ on the functioning of development policy is difficult to overcome. Moreover, the impression of ‘developed countries’ dominating development policy by establishing ‘conditionalities’ and creating any form of hegemony in ‘developing countries’ “[...] would endanger the foundational basis of democratic politics.” (Oeter, 2013, pp. 860)

‘Encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade’, the objective within Article 21(2)(e) TEU, focuses on the EU’s ambition to open the markets in general and the markets of their trading partners in specific. The EU can accomplish the opening of the markets in general and the markets of their trading partners in specific by supporting the improvement of global trade which is institutionalized by the World Trade Organization (WTO) or by concluding ‘free trade agreements’ (FTAs) to integrate other countries into the world economy and contribute to the progressive abolition of restrictions on international trade. (Oeter, 2013, p. 861) Nonetheless, “[t]he side costs of such alternative strategy, however, are evident – regional and bilateral [FTAs] contribute to the lowering of trade restrictions in the relationship between the partners of the FTAs, but might create new restrictions in relation to third States, and could erode the non-discriminatory trade regime of the WTO, step by step.” (Oeter, 2013, pp. 861) Hence, the EU’s support of the trade liberalization has to be combined with ‘non-trade’ objectives in order to establish a balanced foreign policy in general and development policy in specific. (Oeter, 2013, pp. 861)

‘Help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development’, the objective within Article 21(2)(f) TEU, focuses on applying the aforementioned generic term ‘sustainable development’ to the EU’s actions in foreign policy

in general and in development policy in specific. However, the generic term 'sustainable development' cannot be defined properly, even if it is an essential component of the international environmental law. The generic term 'sustainable development' includes the demand of changing the economic and environmental policies in any nation state to establish a climate-friendly economy which can conserve and strengthen the environment and, therefore, the natural, global resources of the world. To underline the importance of 'sustainable development', the EU and its Member States have implemented it as one of the MDGs in the Lisbon Treaty. However, 'sustainable development' needs to be involved in other policies, such as the Common Commercial Policy (CCP) and the Common Foreign and Security Policy (CFSP), to succeed, even if the aforementioned idea of the generic term 'sustainable development' and the traditional economic policy with its profit orientation collides. (Oeter, 2013, pp. 862)

'Assist populations, countries and regions confronting natural or man-made disasters', the objective within Article 21(2(g)) TEU, mirrors the EU's humanitarian assistance. However, the EU's main objectives of humanitarian assistance can be located in Article 214(1) TFEU and, therefore, are only briefly reflected in Article 21(2(g)) TEU. Summarizing, the EU facilitates humanitarian assistance if the causes are "either natural disasters, such as earthquakes, floods, droughts, tsunamis, or man-made disasters, often going hand in hand with armed conflicts and/or the breakdown of State structures. Addressees of the assistance may be States, but could also be regions or populations that their respective governments have neglected (or with which they have even come into conflict)." (Oeter, 2013, p.864) However, humanitarian assistance bears the potential risk of colliding with other objectives of the EU's foreign policy in general and the development policy in specific and, therefore, has to be inserted with care. (Oeter, 2013, p. 864)

'Promote an international system based on stronger multilateral cooperation and good global governance', the objective within Article 21(2(h)) TEU, tries to increase the usage of 'multilateralism' and 'global governance' to improve the international system. Consequently, the EU's actions in foreign policy in general and in development policy in specific support the establishment of 'multilateral cooperation' which aims to generate actors to act in accordance with the aforementioned generic term 'good governance'. (Oeter, 2013, p. 864)

5.3.2. Explaining the second indicator: ‘its primary objective, the reduction, and in the long term, the eradication of poverty’

‘The reduction, and in the long term, the eradication of poverty’, the primary objective of the EU development policy listed within Article 208(1) TFEU, serves the purpose of increasing the coherence within the established EU development policy of the Lisbon Treaty by focusing on a single primary objective. (van Vooren & Wessel, 2014, p. 314)

The generic terms of the EU development policy’s centerpiece, ‘the reduction, and in the long term, the eradication of poverty’, can be defined with the help of the ‘European Consensus on Development’. The generic term ‘poverty’ can be found within the ‘European Consensus on Development’ as follows: “[p]overty includes all the areas in which people of either gender are deprived and perceived as incapacitated in different societies and local contexts. The core dimensions of poverty include economic, human, political, socio-cultural and protective capabilities. Poverty relates to human capabilities such as consumption and food security, health, education, rights, the ability to be heard, human security especially for the poor, dignity and decent work.” (EU, 2006) The generic term ‘the reduction, and in the long term, the eradication’ of poverty can be equated with the generic term ‘combating’ poverty and is worded in the ‘European Consensus on Development’ as follows: “[t]herefore combating poverty will only be successful if equal importance is given to investing in people (first and foremost in health and education and HIV/AIDS, the protection of natural resources (like forests, water, marine resources and soil) to secure rural livelihoods, and investing in wealth creation (with emphasis on issues such as entrepreneurship, job creation, access to credits, property rights and infrastructure). The empowerment of women is the key to all development and gender equality should be a core part of all policy strategies.” (EU, 2006)

5.3.3. Explaining the third indicator: ‘the obligation of the EU and its Member States to act in compliance with their agreements, especially with the objectives of the United Nations and other international organizations, in development policy’

‘The obligation of the EU and its Member States to act in compliance with their agreements, especially with the objectives of the United Nations and other international organizations, in development policy’, listed within Article 208(2) TFEU, underlines that the EU’s foreign policy in general and development policy in specific “takes[s] place within the limits set by UN law.” (van Vooren & Wessel, 2014, p. 269) Moreover, the aforementioned ‘European Consensus

on Development' identifies the EU's ambition of pursuing the aforementioned MDGs as common objectives of the EU's vision on development. (EU, 2006)

In conclusion, the three indicators, 'the principles and objectives of the Union's external action' and 'its primary objective, the reduction, and in the long term, the eradication of poverty' as well as 'the obligation of the EU and its Member States to act in compliance with their agreements, especially with the objectives of the United Nations and other international organizations, in development policy', have been explained in order to be used for the analysis of their (non-) alignment with the independent variables.

To be able to guarantee a greater clarity of the three indicators' essential components, 'Table 6' which can be found within the 'Appendix', has been established.

5.4. Analyzing the indicators' (non-) alignment with the independent variables

The analysis of the three indicators' (non-) alignment with the independent variables ((not-)x1, (not-)x2 and/or (not-)x3)) which do (not) cause a sound ethical strategy in the EU development policy's legal framework as dependent variable (not-y), is based on the order of the aforementioned indicators' explanation and, therefore, starts with the first indicator's (non-) alignment, continues with the second indicator's (non-) alignment and ends with the third indicator's (non-) alignment.

5.4.1. The (non-) alignment of the EU's legal framework's first indicator

'The principles which have inspired [the Union's] own creation, development and enlargement', can be summarized with the generic term 'EU's fundamental principles' which includes the principles 'democracy', 'rule of law', 'respect of human rights', 'human dignity', 'equality and solidarity' and 'respect for the United Nations Charter and international law' in the EU foreign policy in general and in its development policy in specific. However, to be able to guarantee a meaningful analysis of these aforementioned principles' (non-) alignment, each principle has to be separately evaluated.

'The principles which [the Union] seeks to advance in the wider world' underlines the EU's ambition to transfer the aforementioned 'EU's fundamental principles' to 'the wider world' by using its foreign policy in general and development policy in specific. Nevertheless, the EU foreign policy in general and its development policy in specific is also guided by the principle

'the respect for the principles of the United Nations Charter and international law' and, therefore, is determined by its 'fundamental principles', 'the international law' and the 'United Nations Charter'. The (non-) alignment of the principle 'the respect for the principles of the United Nations Charter and international law' is, just like the aforementioned 'EU's fundamental principles', evaluated separately.

'The principle of democracy' and its aforementioned definitions can be aligned with a part, 'establishing of a social and political order which guarantees all member of society equal opportunities to participate in political decision making', of the first independent variable (x1). Moreover, it can be aligned with a part of the segment 'equality and justice', 'having the possibility to participate politically', of the second independent variable (x2).

'The principle of rule of law' and its aforementioned definitions cannot be aligned or not aligned with any independent variable because the above mentioned principle and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions.

'The universality and indivisibility of human rights and fundamental freedoms' with its definitions can be aligned with a part, 'political and social human rights', of the segment 'participation' of the second independent variable (x2). However, the necessity of balancing the human rights with the usual requirements of a functioning foreign policy in general and development policy in specific debilitates the determined congruency between the aforementioned parts of 'the universality and indivisibility of human rights and fundamental freedoms' and the aforementioned part of the segment 'participation' of the second independent variable (x2).

'The principle human dignity's' (non-) alignment with the independent variables will be covered by 'the principles of rule of law's' and 'the protection of human rights' (non-) alignment and, therefore, needs no further explanation.

'The principles of equality and solidarity' can be separated into 'the principle of equality' and 'the principle of solidarity'. Only 'the equality between men and women', a definition of 'the principle of equality', can be aligned with the third MDG, 'promoting gender equality' and 'empowering women', a segment of the third independent variable (x3). The other definitions of 'the principle of equality' cannot be aligned or not aligned to any independent variable because the above mentioned principle and the independent variables are defined imprecisely. Nevertheless, 'social security', 'health' and 'environmental protection', definitions of 'the principle of solidarity', can be aligned with independent variables as follows: 'social security' can be aligned with 'gaining access to public goods such as education, health and social security' which is a part of the segment 'equality and justice' of the second

independent variable (x2). 'Health' can be aligned with the fourth, fifth and sixth MDG, the 'reduction of child mortality', 'the improvement of maternal health' and 'the combat against HIV/AIDS, malaria and other diseases' as segments of the third independent variable (x3). Moreover, 'health' can be aligned with a part, 'gaining access to public goods such as education, health and social security', of the segment 'equality and justice' of the second independent variable (x2). 'Environmental protection' can be aligned with a segment, 'acting in compliance with the concept of 'sustainable development' by preserving soil, water and air for coming generations', of the first independent variable (x1). Moreover, 'environmental protection' can be aligned with the seventh MDG, 'the ensuring of the environmental sustainability', a segment of the third independent variable (x3). The other definitions of 'the principle of solidarity' cannot be aligned or not aligned to any independent variable because the above mentioned principle and the independent variables are defined imprecisely.

'The respect for the principles of the United Nations Charter and international law' cannot be aligned or not aligned with any independent variable because the above mentioned principle and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions.

The objective 'safeguard [the Union's] values, fundamental interests, security, independence and integrity' cannot be aligned or not aligned with any independent variable because the objectives' generic terms, 'values', 'fundamental interests', 'security', 'independence' and 'integrity', cannot comply with the independent variables by definition and, therefore, does not allow coming to conclusions.

The objective 'consolidate and support of democracy, the rule of law, human rights and the principles of international law' contains the generic terms 'democracy', 'the rule of law' and 'human rights' which have been exploited as 'conditionalities' in EU foreign policy in general and development policy in specific and, therefore, allow the EU to dictate change in third States by using these 'EU's fundamental principles' within policies and agreements. Consequently, the EU's actions in foreign policy in general and in development policy in specific cannot be aligned with the segment 'independence and autonomy', 'minimizing of the international credit grantors' external influence in development policy' which 'allows developing countries a self-reliant development' and 'interdicts any economic and political conditionality depending on receiving official development assistance', of the second independent variable (not-x2) and, therefore, does not pursue a sound ethical strategy in its development policy's legal framework, the Lisbon Treaty (not-y).

The objective 'preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the

principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders' cannot be aligned or not aligned with any independent variable because the above mentioned objective and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions.

The objective 'foster the sustainable economic, social and environmental development of developing countries with the primary aim of eradicating poverty' can be aligned with the following parts and segments of independent variables: the 'primary aim of eradicating poverty' can be aligned with the first MDG, 'eradicating extreme poverty and hunger', a segment of the third independent variable. The 'sustainable development' can be aligned with a part, 'acting in compliance with the concept of 'sustainable development' by preserving soil, water and air for coming generations', of the first independent variable (x1). Moreover, it can be aligned with the seventh MDG, 'ensuring environmental sustainability', a segment of the third independent variable (x3). However, the other definitions of the above mentioned objective such as 'the social development' and 'economic development' cannot be aligned or not aligned with any independent variable because the independent variables and the other definitions of the above mentioned objective are defined imprecisely and, therefore, does not allow coming to conclusions.

The objective 'encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade' cannot be aligned or not aligned with any independent variable because the independent variables and the associated definitions of the above mentioned objective are defined imprecisely and, therefore, does not allow coming to conclusions.

The objective 'help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development' can be aligned with a part, 'acting in compliance with the concept of 'sustainable development by preserving soil, water and air for coming generations', of the first independent variable (x1). Moreover, it can be aligned with the seventh MDG, 'ensuring environmental sustainability', a segment of the third independent variable (x3).

The objective 'assist populations, countries and regions confronting natural or man-made disasters' cannot be aligned or not aligned with any independent variable because the above mentioned objective and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions.

The objective 'promote an international system based on stronger multilateral cooperation and good global governance' cannot be aligned or not aligned with any independent variable

because the above mentioned objective and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions.

5.4.2. The (non-) alignment of the EU's legal framework's second indicator

The '[Union's] primary aim, the reduction, and in the long term, the eradication of poverty', can be aligned with the first MDG, 'the eradication of extreme poverty and hunger', a segment of the third independent variable (x3). Moreover, other associated definitions of the '[Union's] primary aim, the reduction, and in the long term, the eradication of poverty' can be aligned with further independent variables. The associated definition 'health' can be aligned with the fourth, fifth and sixth MDG, 'the reduction of child mortality', 'the improvement of maternal health' and 'combating of HIV/AIDS, malaria and other diseases', which are segments of the third independent variable (x3). The associated definition 'education' can be aligned with the second MDG, 'the achievement of universal primary education', which is a segment of the third independent variable (x3), too. The associated definition 'the protection of natural resources' can be aligned with a part, 'acting in compliance with the concept of 'sustainable development by preserving soil, water and air for coming generations', of the first independent variable (x1). Furthermore, it can be aligned with the seventh MDG, 'ensuring environmental sustainability', a segment of the third independent variable (x3). The associated definition 'empowerment of women' can be aligned with the third MDG, 'promoting gender equality and empowering women', a segment of the third independent variable (x3). However, the other associated definitions of the '[Union's] primary aim, the reduction, and in the long term, the eradication of poverty' cannot be aligned or not aligned with any independent variable because the independent variables and the other definitions of the objective are defined imprecisely and, therefore, does not allow coming to conclusions.

5.4.3. The (non-) alignment of the EU's legal framework's third indicator

'The obligation of the EU and its Member States to act in compliance with their agreements, especially with the objectives of the United Nations and other international organizations, in development policy' can be aligned with all eight MDGs, the 'eradication of extreme poverty and hunger', the 'achievement of universal primary education', the 'promotion of gender equality and the empowerment of women', the 'reduction of child mortality', the 'improvement of maternal health', the 'combat against HIV/AIDS, malaria and other diseases, the 'ensuring

of environmental sustainability', the 'development of a global partnership for development', as segments of the third independent variable (x3).

In conclusion, the second specified practical case has been able to be composed by firstly generating the three essential indicators of the EU development policy's legal framework and secondly analyzing if these indicators can (not) be aligned with the aforementioned independent variables ((not-)x1, (not-)x2 and/or (not-)x3)) of the first generalized theoretical case and, therefore, do (not) cause a sound ethical strategy as dependent variable ((not-)y).

Moreover, the thesis's research design, the 'most similar systems' design, with its characteristics and its associated methodological procedure 'case selection' has been applied in the second specified practical case. Nevertheless, the application of the 'most similar systems' design's other associated methodological procedure, 'process tracing', in the second specified practical case has yet to be affirmed. Therefore, the requirements of the 'identifying evidence', the happening of the events in the purported causal chain (the hypothetically non-existing independent variables (not-x1, not-x2 and/or not-x3) hypothetically not causing the hypothetically non-existing dependent variable (not-y)) and the 'measurement evidence', the identification of the causal relationship by ruling out confounding variables and processes (the validity of the non-relationship between the non-existing independent variables and the non-existing dependent variable (not-x1, not-x2 and/or not-x3 with not-y)) have to be fulfilled. The requirements of the 'identifying evidence' and 'measurement evidence' have been able to be fulfilled because of implementing the thesis's theoretical framework in the second specified practical case which guarantees the happening of the events in the purported causal chain and the identification of the causal relationship by ruling out confounding variables and processes, too.

6. Conclusion

The thesis's research question if the EU pursuing a sound ethical strategy in development policy is a contradiction in terms, has been able to be answered by analyzing the EU development policy's legal framework.

The EU development policy's legal framework, the Lisbon Treaty, has been chosen to be representatively analyzed for the EU's actions in development policy because of its significance in the EU development policy. Therefore, the thesis's research hypothesis has tested if the EU development policy's legal framework complies with the three

operationalized dimensions 'motives', 'means' and 'consequences' in order to fulfill the condition of pursuing a sound ethical strategy.

The analysis has been conducted by creating two different cases: the first generalized theoretical case has operationalized the thesis's theoretical framework and, therefore, has established the independent variables (x_1 , x_2 and x_3) which cause a sound ethical strategy in development policy as dependent variable (y). The second specified practical case has tested the thesis's research hypothesis by generating three essential indicators for the EU development policy's legal framework and analyzing if these indicators can (not) be aligned with the aforementioned independent variables ((not-) x_1 , (not-) x_2 and/or (not-) x_3) which do (not) cause a sound ethical strategy as dependent variable ((not-) y).

The analysis has shown that one of the three indicators of the EU development policy's legal framework cannot be aligned with the second independent variable (not- x_2) and, therefore, does not cause a sound ethical strategy as dependent variable (not- y). This specific indicator, 'consolidate and support of democracy, the rule of law, human rights and the principles of international law', is part of 'the objective of the Union's external action' within Article 21((2)(b)) TEU and contains the generic terms 'democracy', 'the rule of law' and 'human rights'. These generic terms have been exploited as 'conditionalities' in EU foreign policy in general and development policy in specific and, therefore, cannot comply with the segment 'independence and autonomy' and its associated definitions 'the minimizing of the international credit grantors' external influence in development policy', 'developing countries leading a self-reliant development' as well as 'the interdiction of any economic and political conditionality which is related to receiving official development assistance' of the second independent variable.

The other indicators and their associated definitions have either been able to be aligned with the independent variables and their associated definitions and, therefore, have highlighted the segments of the EU's development policy's legal framework which are driven by 'morality', or have not been able to be aligned or not aligned with the independent variables because the indicators and their associated definitions and the independent variables with their associated definitions have been defined imprecisely. Hence, the analysis of the (non-) alignment of the three indicators with the three independent variables can be improved by using more precise definitions to specify the three indicators and the three independent variables. Consequently, the interpretability of the (non-) alignment between the three indicators and the three independent variables can be increased and, therefore, allows coming to more conclusions. These specific difficulties have been anticipated and demonstrate one of the methodological pitfalls, the dichotomy of variables which cannot lead

to a high explanation of variance, of the thesis's research design, the 'most similar systems' design. (Lauth, Pickel & Pickel, 2009, p. 73)

Nevertheless, the aforementioned claim within the thesis's introduction, underlining the thesis's possibility of being of scientific and political relevance because of exceeding the debate on whether the EU is a normative power (Manners, 2002, p. 235) or not (Pardo, 2012, p. 2) by analyzing if the EU development policy's legal framework is driven by morality, has been able to be confirmed by the conduction of this study. Moreover, it has generated a research approach for assessing the morality of any entity's action in a given policy arena.

The testing of the thesis's research hypothesis has to be complemented – however, the significance of the EU development policy's legal framework, the Lisbon Treaty, for the EU development policy as a whole allows leading to the conclusion that the EU pursuing a sound ethical strategy in development policy is a contradiction in terms.

To be able to guarantee a greater clarity of the thesis's results, 'Table 7' which can be found within the 'Appendix', has been established. The aforementioned three indicators' essential components have been held in color 'blue' and their (non-) alignment with the three independent variables have been held in color 'red'.

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8. Appendix

Table 6: The three indicators' essential components for the testing of the thesis's research hypothesis

<p>Naming of the essential components of the three indicators which are used for the analysis of their (non-) alignment with the aforementioned independent variables</p>	<p>Defining the essential components of the three indicators which are used for the analysis of their (non-) alignment with the aforementioned independent variables</p>
<p>the first part of the first indicator: 'the principles of the Union's external action'</p>	
<p>'the principles which have inspired [the Union's] own creation, development and enlargement':</p>	<ul style="list-style-type: none"> - the application of the EU's fundamental principles like 'democracy', 'rule of law', 'respect of human rights', 'human dignity', 'equality and solidarity' and 'respect for the United Nations Charter and international law' in the EU foreign policy in general and in the development policy in specific
<p>'the principles which [the Union] seeks to advance in the wider world':</p>	<ul style="list-style-type: none"> - the EU's ambition to transfer its fundamental principles to 'the wider world' by using its foreign policy in general and development policy in specific - the principle 'the respect for the principles of the United Nations Charter and international law' as another part of 'the principles of the Union's external action' leads to a EU foreign policy in general and development policy in specific which is determined by its fundamental principles, the international law and the UN Charter
<p>'the principle of democracy':</p>	<ul style="list-style-type: none"> - a representative form of government based upon the will of the people - a limited delegation of governmental power within a certain span of time - free and equal elections in reasonable intervals - equal access to public offices - the right to found political parties and organizations - fair election campaigns and certain rights of the mandataries elected
<p>'the principle of rule of law':</p>	<ul style="list-style-type: none"> - legal certainty and the protection of legitimate expectations - the rights of defense

	<ul style="list-style-type: none"> - public authority being effectively bound to the law - effective judicial review - the principle of proportionality - State liability - separation of powers - legal protection through an independent judiciary - fighting against corruption
<p>‘the universality and indivisibility of human rights and fundamental freedoms’:</p>	<ul style="list-style-type: none"> - the ‘Charter of Fundamental Rights of the European Union’ - the ‘European Convention for the Protection of Human Rights and Fundamental Freedoms’ - the EU’s actions in foreign policy in general and development policy in specific has the ambition to be: <ul style="list-style-type: none"> o guided by the idea of advancing human rights as a universal value of the entirety of humankind o to struggle for an international legal order where human rights bind all public authority, irrespective of where this authority is located, which cultural background it is stemming from or what type of constitutional order it represents - the EU’s advancement of human rights as a universal value has to be balanced with the usual requirements of a functioning foreign policy in general and development policy in specific such as the EU’s pursuit to extent its power or conserve its economic prosperity
<p>‘the principle human dignity’:</p>	<ul style="list-style-type: none"> - ‘the principles of the rule of law’ and ‘the protection of human rights’ probably cover all the issues where ‘the respect for human dignity’ might be at stake
<p>‘the principles of equality and solidarity’:</p>	<ul style="list-style-type: none"> - ‘the principle of equality’: <ul style="list-style-type: none"> o equality before the law’ o ‘non-discrimination’ o ‘cultural, religious and linguistic diversity’ o ‘equality between women and men’ o ‘the rights of the child’ o ‘the rights of the elderly’ o ‘the integration of persons with disabilities’ - ‘the principles of solidarity’: <ul style="list-style-type: none"> o labor rights o the protection of family life o social security o health, access to services of general economic

	<p>interest</p> <ul style="list-style-type: none"> ○ environmental protection and consumer protection
<p>'the respect for the principles of the United Nations Charter and international law':</p>	<ul style="list-style-type: none"> - the EU's actions in foreign policy in general and in development policy in specific is shaped by the United Nations Charter and international law - EU is obliged to respect its international undertakings, and in particular the principles of the UN Charter in any way possible <ul style="list-style-type: none"> – it is obliged to do so already by its nature as a subject of international law. This does not prevent the Union's organs from evading some of its international legal undertakings in practice
<p>the second part of the first indicator: 'the objectives of the Union's external action'</p>	
<p>'safeguard its values, fundamental interests, security, independence and integrity':</p>	<ul style="list-style-type: none"> - promoting its own values and interests in order to establish peace in Europe and in the wider world - reflects the "traditional core object of any 'realist' foreign policy": <ul style="list-style-type: none"> ○ attempt to protect itself and its Member States ○ 'security': <ul style="list-style-type: none"> ▪ the absence of any violent threats from the outside ○ 'independence': <ul style="list-style-type: none"> ▪ the principle of self-determination of peoples ▪ the decisional autonomy of political entities to set their own objectives and make their own decisions ▪ the absence of an external hegemony imposing fundamental decisions upon States and societies ○ 'Integrity': <ul style="list-style-type: none"> ▪ inviolability of the territory of States ▪ the sanctity of its institutions against any external interference ○ 'values': <ul style="list-style-type: none"> ▪ the preservation of the EU's 'internal values' against external threats ○ 'fundamental interests': <ul style="list-style-type: none"> ▪ promote its own interest within the foreign policy in general and the development policy

	<p style="text-align: center;">in specific</p> <ul style="list-style-type: none"> - necessity of balancing the aforementioned fundamental principles or the ‘non-realist’ objectives with its own interests
<p>‘consolidate and support democracy, the rule of law, human rights and the principles of international law’:</p>	<ul style="list-style-type: none"> - the embedment of the EU’s fundamental principles of Article 2 TEU, ‘the principles of democracy, rule of law, human rights’, and ‘the principles of international law’ of Article 3(5) TEU - EU’s ambition to act in accordance with their aforementioned fundamental principles in foreign policy in general and development policy in specific complies with the necessity to balance the aforementioned ‘realist’ objectives within Article 21(2) TEU - the EU’s fundamental principles, ‘democracy’, ‘rule of law’ and ‘human rights’, can be exploited as ‘conditionalities’ which allow the EU to dictate change in third States by using policies and agreements - the EU establishes to influence third States by forcing them to converge with its fundamental principles <ul style="list-style-type: none"> o the modality of the convergence depends on the specific interpretation of the EU’s fundamental principles within the specific policies or agreements and, therefore, can vary greatly - EU’s fundamental principles can lose their entitlement of being ‘universal’ if they are used to fit specific, ‘particular’ requirements of specific policies or agreements - EU’s actions in foreign policy in general and in development policy in specific balance the aforementioned ‘realist’ objective with ‘non-realist’ objectives. Nevertheless, the EU tends to use the ‘non-realist’ objectives in the aforementioned ‘realist’ manner
<p>‘preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external</p>	<ul style="list-style-type: none"> - the values of ‘peace’ and ‘security’ mentioned in Article 3(5) TEU and tries to give more concrete contours to these values - importance of ‘purposes and principles of the United Nations Charter’ in general and Article 2(4) and Article 51 of the United Nations Charter in specific <ul style="list-style-type: none"> o Article 2(4) of the United Nations Charter: <ul style="list-style-type: none"> ▪ the interdiction of using “threat or use of force against territorial integrity or political independence of any state, on in any other manner inconsistent with the Purposes of the United Nations”

<p>borders’:</p>	<ul style="list-style-type: none"> ○ Article 51 of the United Nations Charter: the possibility of each state to impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United the Nations, until the Security Council has taken measures necessary to maintain international peace and security
<p>‘foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty’:</p>	<ul style="list-style-type: none"> - the primary aim of ‘eradicating poverty’: <ul style="list-style-type: none"> ○ promise to continue a specific development policy by separating from humanitarian aid and pursuing the Union’s own economic interests - the ‘social development’ and the ‘environmental development’ which have to be in accordance with the ‘sustainable development’, are contradictory by definition <ul style="list-style-type: none"> ○ to be able to understand the complexity and oppositeness of the aforementioned aims of development policy, the following discrepancy of perception has to be illustrated <ul style="list-style-type: none"> ▪ ‘developing countries’ use to stress their right to receive aid and develop their country in autonomy and self-reliance ▪ ‘developed countries’ use the afore-mentioned generic term ‘sustainable development’ to limit the aid’s mismanagement by establishing ‘conditionalities’ like the EU’s fundamental principles ○ the impression of ‘developed countries’ dominating development policy by establishing ‘conditionalities’ and creating any form of hegemony in ‘developing countries’ would endanger the foundational basis of democratic politics
<p>‘encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade’:</p>	<ul style="list-style-type: none"> - EU’s ambition to open the markets in general and the markets of their trading partners in specific - supporting the improvement of global trade which is institutionalized by the World Trade Organization (WTO) or by concluding ‘free trade agreements’ (FTAs) <ul style="list-style-type: none"> ○ regional and bilateral FTAs contribute to the lowering of trade restrictions in the relationship between the partners of the FTAs ○ might create new restrictions in relation to third States

	<ul style="list-style-type: none"> ○ could erode the non-discriminatory trade regime of the WTO, step by step - EU's support of the trade liberalization has to be combined with 'non-trade' objectives in order to establish a balanced foreign policy in general and development policy in specific.
'help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development':	<ul style="list-style-type: none"> - the demand of changing the economic and environmental policies in any nation state to establish a climate-friendly economy <ul style="list-style-type: none"> ○ conserve and strengthen the environment and, therefore, the natural, global resources of the world - implemented as one of the MDGs - 'sustainable development' and the traditional economic policy with its purpose of making profit collides
'assist populations, countries and regions confronting natural or man-made disasters':	<ul style="list-style-type: none"> - facilitates humanitarian assistance: <ul style="list-style-type: none"> ○ natural disaster such as earthquakes, floods, droughts, tsunamis ○ man-made disasters, often going hand in hand with armed conflicts and/or the breakdown of State structures ○ addressees of the assistance may be States, but could also be regions or populations that their respective governments have neglected (or with which they have even come into conflict) - bears the potential risk of colliding with other objectives of the EU's foreign policy in general and the development policy in specific and, therefore, has to be inserted with care
'promote an international system based on stronger multilateral cooperation and good global governance':	<ul style="list-style-type: none"> - usage of 'multilateralism' and 'global governance' to improve the 'international system' - the establishment of 'multilateral cooperation' which leads to actors which act in accordance with the aforementioned generic term 'good governance'
the second indicator: 'its primary objective, the reduction, and in the long term, the eradication of poverty'	
(the essential component of the of the second indicator which is used for the analysis of its (non-)	<ul style="list-style-type: none"> - creating the desired, increasing 'coherence' within the established EU development policy of the Lisbon Treaty - poverty: <ul style="list-style-type: none"> ○ including all the areas in which people of either gender

<p>alignment with the aforementioned independent variables is only the second indicator itself)</p>	<p>are deprived and perceived as incapacitated in different societies and local contexts</p> <ul style="list-style-type: none"> ○ the core dimensions: <ul style="list-style-type: none"> ▪ economic, human, political, socio-cultural and protective capabilities ○ relating to human capabilities: <ul style="list-style-type: none"> ▪ consumption and food security ▪ health ▪ education ▪ rights ▪ the ability to be heard ▪ human security especially for the poor ▪ dignity ▪ decent work <p>- ‘the reduction, and in the long term, the eradication’:</p> <ul style="list-style-type: none"> ○ combating poverty will only be successful if: <ul style="list-style-type: none"> ▪ equal importance is given to investing in people (first and foremost in health and education and HIV/AIDS, ▪ the protection of natural resources (like forests, water, marine resources and soil) to secure rural livelihoods ▪ investing in wealth creation (with emphasis on issues such as entrepreneurship, job creation, access to credits, property rights and infrastructure) ▪ the empowerment of women is the key to all development and gender equality should be a core part of all policy strategies
<p>the third indicator: ‘the obligation of the EU and its Member States to act in compliance with their agreements, especially with the objectives of the United Nations and other international organizations, in development policy’</p>	
<p>(the essential component of the of the third indicator which is used for the analysis of its (non-) alignment with the aforementioned independent variables is only the third indicator</p>	<ul style="list-style-type: none"> - the EU’s foreign policy in general and development policy in specific “take[s] place within the limits set by UN law - EU’s ambition of pursuing the aforementioned MDGs as common objectives of the EU’s vision on development

itself)	
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Source: the author's own compilation of the aforementioned research

Table 7: The thesis's results mirrored by the three indicators' essential components and their (non-) alignment

Naming of the essential components of the three indicators which are used for the analysis of their (non-) alignment with the aforementioned independent variables	Defining the essential components of the three indicators which are used for the analysis of their (non-) alignment with the aforementioned independent variables
the first part of the first indicator: 'the principles of the Union's external action'	
'the principles which have inspired [the Union's] own creation, development and enlargement':	<ul style="list-style-type: none"> - the application of the EU's fundamental principles like 'democracy', 'rule of law', 'respect of human rights', 'human dignity', 'equality and solidarity' and 'respect for the United Nations Charter and international law' in the EU foreign policy in general and in the development policy in specific - the possibility of (non-) alignment of the above enumerated 'EU's fundamental principles' will be conducted in the thesis's following sections to guarantee a detailed evaluation of each principle
'the principles which [the Union] seeks to advance in the wider world':	<ul style="list-style-type: none"> - the EU's ambition to transfer its fundamental principles to 'the wider world' by using its foreign policy in general and development policy in specific - the principle 'the respect for the principles of the United Nations Charter and international law' as another part of 'the principles of the Union's external action' leads to a EU foreign policy in general and development policy in specific which is determined by its fundamental principles, the international law and the UN Charter - the possibility of (non-) alignment of the above defined and related 'EU's fundamental principles' and 'the principles of the

	<p>United Nations Charter and international law' will be conducted in the thesis's following sections to guarantee a detailed evaluation of each principle</p>
<p>'the principle of democracy':</p>	<ul style="list-style-type: none"> - a representative form of government based upon the will of the people - a limited delegation of governmental power within a certain span of time - free and equal elections in reasonable intervals - equal access to public offices - the right to found political parties and organizations - fair election campaigns and certain rights of the mandataries elected - the 'principle of democracy' can be aligned with a part, the 'establishing of a social and political order which guarantees all member of society equal opportunities to participate in political decision making', of the first independent variable (x1) - the 'principle of democracy' can be aligned with a part of the segment 'equality and justice, 'having the possibility to participate politically', of the second independent variable (x2) as well
<p>'the principle of rule of law':</p>	<ul style="list-style-type: none"> - legal certainty and the protection of legitimate expectations - the rights of defense - public authority being effectively bound to the law - effective judicial review - the principle of proportionality - State liability - separation of powers - legal protection through an independent judiciary - fighting against corruption - 'the principle of rule of law' cannot be aligned or not aligned with any independent variable because the above mentioned principle and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions
<p>'the universality and indivisibility of human rights and fundamental freedoms':</p>	<ul style="list-style-type: none"> - the 'Charter of Fundamental Rights of the European Union' - the 'European Convention for the Protection of Human Rights and Fundamental Freedoms' - the EU's actions in foreign policy in general and development

	<p>policy in specific has the ambition to be:</p> <ul style="list-style-type: none"> o guided by the idea of advancing human rights as a universal value of the entirety of humankind o to struggle for an international legal order where human rights bind all public authority, irrespective of where this authority is located, which cultural background it is stemming from or what type of constitutional order it represents <ul style="list-style-type: none"> - the EU's advancement of human rights as a universal value has to be balanced with the usual requirements of a functioning foreign policy in general and development policy in specific such as the EU's pursuit to extent its power or conserve its economic prosperity - the 'universality and indivisibility of human rights and fundamental freedoms' can be aligned with a part, 'political and social human rights', of the segment 'participation' of the second independent variable (x2) - the necessity of balancing the human rights with the usual requirements of a functioning foreign policy in general and development policy in specific debilitates the determined congruency between the aforementioned parts of 'the universality and indivisibility of human rights and fundamental freedoms' and the aforementioned part of the segment 'participation' of the second independent variable (x2)
<p>'the principle human dignity':</p>	<ul style="list-style-type: none"> - 'the principles of the rule of law' and 'the protection of human rights' probably cover all the issues where 'the respect for human dignity' might be at stake - 'the principle human dignity's' (non-) alignment with the independent variables will be covered by 'the principles of rule of law's' and 'the protection of human rights' (non-) alignment and, therefore, needs no further explanation
<p>'the principles of equality and solidarity':</p>	<ul style="list-style-type: none"> - 'the principle of equality': <ul style="list-style-type: none"> o equality before the law' o 'non-discrimination' o 'cultural, religious and linguistic diversity' o 'equality between women and men' o 'the rights of the child' o 'the rights of the elderly'

	<ul style="list-style-type: none"> ○ 'the integration of persons with disabilities' - 'the principles of solidarity': <ul style="list-style-type: none"> ○ labor rights ○ the protection of family life ○ social security ○ health ○ access to services of general economic interest ○ environmental protection ○ consumer protection - the above defined part of 'the principle equality', 'the equality between men and women', can be aligned with the third MDG, 'promoting gender equality' and 'empowering women', a segment of the third independent variable (x3) - the above defined part of 'the principle of solidarity', 'social security', can be aligned with a part, 'gaining access to public goods such as education, health and social security', of the segment 'equality and justice' of the second independent variable (x2) - the above defined part of 'the principle of solidarity', 'health', can be aligned with the fourth, fifth and sixth MDG, the 'reduction of child mortality', 'the improvement of maternal health' and 'the combat against HIV/AIDS, malaria and other diseases' as segments of the third independent variable (x3) - the above defined part of 'the principle of solidarity', 'health', can be aligned with 'gaining access to public goods such as education, health and social security' which is a part of the segment 'equality and justice' of the second independent variable (x2) as well - the above defined part of 'the principle solidarity', 'environmental protection', can be aligned with a segment, 'acting in compliance with the concept of 'sustainable development' by preserving soil, water and air for coming generations', of the first independent variable (x1) - the above defined part of 'the principle solidarity', 'environmental protection', can be aligned with the seventh MDG, 'the ensuring of the environmental sustainability', a segment of the third independent variable (x3) as well - the other defined parts of 'the principles of equality and solidarity' cannot be aligned or not aligned with any
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	<p>independent variable because the above mentioned principles or the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions</p>
<p>'the respect for the principles of the United Nations Charter and international law':</p>	<ul style="list-style-type: none"> - the EU's actions in foreign policy in general and in development policy in specific is shaped by the United Nations Charter and international law - EU is obliged to respect its international undertakings, and in particular the principles of the UN Charter in any way possible – it is obliged to do so already by its nature as a subject of international law. This does not prevent the Union's organs from evading some of its international legal undertakings in practice - 'the respect for the principles of the United Nations Charter and international law' cannot be aligned or not aligned with any independent variable because the above mentioned principle and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions
<p>the second part of the first indicator: 'the objectives of the Union's external action'</p>	
<p>'safeguard its values, fundamental interests, security, independence and integrity':</p>	<ul style="list-style-type: none"> - promoting its own values and interests in order to establish peace in Europe and in the wider world - reflects the traditional core object of any 'realist' foreign policy: <ul style="list-style-type: none"> o attempt to protect itself and its Member States o 'security': <ul style="list-style-type: none"> ▪ the absence of any violent threats from the outside o 'independence': <ul style="list-style-type: none"> ▪ the principle of self-determination of peoples ▪ the decisional autonomy of political entities to set their own objectives and make their own decisions ▪ the absence of an external hegemony imposing fundamental decisions upon States and societies o 'integrity': <ul style="list-style-type: none"> ▪ inviolability of the territory of States <ul style="list-style-type: none"> • the sanctity of its institutions against

	<p style="text-align: center;">any external interference</p> <ul style="list-style-type: none"> ○ 'values': <ul style="list-style-type: none"> ▪ the preservation of the EU's 'internal values' against external threats ○ 'fundamental interests': <ul style="list-style-type: none"> ▪ promote its own interest within the foreign policy in general and the development policy in specific <ul style="list-style-type: none"> - necessity of balancing the aforementioned fundamental principles or the 'non-realist' objectives with its own interests - the objective 'safeguard the [Union's] values, fundamental interests, security, independence and integrity' cannot be aligned or not aligned with any independent variable because the objectives' generic terms, 'values', 'fundamental interests', 'security', 'independence' and 'integrity', cannot comply with the independent variables by definition and, therefore, does not allow coming to conclusions
<p>'consolidate and support democracy, the rule of law, human rights and the principles of international law':</p>	<ul style="list-style-type: none"> - the embedment of the EU's fundamental principles of Article 2 TEU, 'the principles of democracy, rule of law, human rights', and 'the principles of international law' of Article 3(5) TEU - EU's ambition to act in accordance with their aforementioned fundamental principles in foreign policy in general and development policy in specific complies with the necessity to balance the aforementioned 'realist' objectives within Article 21(2) TEU - the EU's fundamental principles, 'democracy', 'rule of law' and 'human rights', can be exploited as 'conditionalities' which allow the EU to dictate change in third States by using policies and agreements - the EU establishes to influence third States by forcing them to converge with its fundamental principles <ul style="list-style-type: none"> ○ the modality of the convergence depends on the specific interpretation of the EU's fundamental principles within the specific policies or agreements and, therefore, can vary greatly - EU's fundamental principles can lose their entitlement of being 'universal' if they are used to fit specific, 'particular' requirements of specific policies or agreements - EU's actions in foreign policy in general and in development

	<p>policy in specific balance the aforementioned 'realist' objective with 'non-realist' objectives. Nevertheless, the EU tends to use the 'non-realist' objectives in the aforementioned 'realist' manner</p> <ul style="list-style-type: none"> - the objective 'consolidate and support democracy, the rule of law and human rights [and not and the principles of international law]' which have been identified before as 'EU's fundamental principles', have been exploited as 'conditionalities' in EU foreign policy in general and development policy in specific and, therefore, allow the EU to dictate change in third States by using policies and agreements - the EU's actions in foreign policy in general and development policy in specific cannot be aligned with the segment 'independence and autonomy', 'minimizing of the international credit grantors' external influence in development policy' which 'allows developing countries a self-reliant development' and 'interdicts any economic and political conditionality depending on receiving official development assistance', of the second independent variable (not-x2) and, therefore, does not pursue a sound ethical strategy in its development policy's legal framework, the Lisbon Treaty (not-y)
<p>'preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders':</p>	<ul style="list-style-type: none"> - the values of 'peace' and 'security' mentioned in Article 3(5) TEU and tries to give more concrete contours to these values - importance of 'purposes and principles of the United Nations Charter' in general and Article 2(4) and Article 51 of the United Nations Charter in specific <ul style="list-style-type: none"> o Article 2(4) of the United Nations Charter: <ul style="list-style-type: none"> ▪ the interdiction of using "threat or use of force against territorial integrity or political independence of any state, on in any other manner inconsistent with the Purposes of the United Nations o Article 51 of the United Nations Charter: <ul style="list-style-type: none"> the possibility of each state to impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security

	<ul style="list-style-type: none"> - the objective 'preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders' cannot be aligned or not aligned with any independent variable because the above mentioned objective and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions.
<p>'foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty':</p>	<ul style="list-style-type: none"> - the primary aim of 'eradicating poverty': <ul style="list-style-type: none"> o promise to continue a specific development policy by separating from humanitarian aid and pursuing the Union's own economic interests - the 'social development' and the 'environmental development' which have to be in accordance with the 'sustainable development', are contradictory by definition <ul style="list-style-type: none"> o to be able to understand the complexity and oppositeness of the aforementioned aims of development policy, the following discrepancy of perception has to be illustrated <ul style="list-style-type: none"> ▪ 'developing countries' use to stress their right to receive aid and develop their country in autonomy and self-reliance ▪ 'developed countries' use the afore-mentioned generic term 'sustainable development' to limit the aid's mismanagement by establishing 'conditionalities' like the EU's fundamental principles o the impression of 'developed countries' dominating development policy by establishing 'conditionalities' and creating any form of hegemony in 'developing countries' would endanger the foundational basis of democratic politics - the objective 'foster the sustainable economic, social and environmental development of developing countries with the primary aim of eradicating poverty' can be aligned with several segments and parts of various independent variables: <ul style="list-style-type: none"> o the 'primary aim of eradicating poverty' can be aligned with the first MDG, 'eradicating extreme poverty and

	<p style="text-align: right;">hunger, a segment of the third independent variable</p> <ul style="list-style-type: none"> ○ the ‘sustainable development’ can be aligned with a part, ‘acting in compliance with the concept of ‘sustainable development’ by preserving soil, water and air for coming generations’ of the first independent variable (x1) ○ the ‘sustainable development’ can be aligned with the seventh MDG, ‘ensuring environmental sustainability’, a segment of the third independent variable (x3) as well ○ the other definitions of the above mentioned objective such as ‘the social development’ and ‘economic development’ cannot be aligned or not aligned with any independent variable because the independent variables and the other definitions of the above mentioned objective are defined imprecisely and, therefore, does not allow coming to conclusions
<p>‘encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade’:</p>	<ul style="list-style-type: none"> - EU’s ambition to open the markets in general and the markets of their trading partners in specific - supporting the improvement of global trade which is institutionalized by the World Trade Organization (WTO) or by concluding ‘free trade agreements’ (FTAs) <ul style="list-style-type: none"> ○ regional and bilateral FTAs contribute to the lowering of trade restrictions in the relationship between the partners of the FTAs ○ might create new restrictions in relation to third States ○ could erode the non-discriminatory trade regime of the WTO, step by step - EU’s support of the trade liberalization has to be combined with ‘non-trade’ objectives in order to establish a balanced foreign policy in general and development policy in specific - the objective ‘encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade’ cannot be aligned or not aligned with any independent variable because the independent variables and the ‘other definitions of the above mentioned objective’ are defined imprecisely and, therefore, does not allow coming to conclusions
<p>‘help develop international</p>	<ul style="list-style-type: none"> - the demand of changing the economic and environmental

<p>measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development’:</p>	<p>policies in any nation state to establish a climate-friendly economy</p> <ul style="list-style-type: none"> o conserve and strengthen the environment and, therefore, the natural, global resources of the world <p>- implemented as one of the MDGs</p> <p>- ‘sustainable development’ and the traditional economic policy with its purpose of making profit collides</p> <p>- the objective ‘help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development’ can be aligned with the a part, ‘acting in compliance with the concept of ‘sustainable development by preserving soil, water and air for coming generations’, of the first independent variable (x1)</p> <p>- the above mentioned objective can be aligned with the seventh MDG, ‘ensuring environmental sustainability’, a segment of the third independent variable (x3) as well</p>
<p>‘assist populations, countries and regions confronting natural or man-made disasters’:</p>	<p>- facilitates humanitarian assistance:</p> <ul style="list-style-type: none"> o natural disaster such as earthquakes, floods, droughts, tsunamis o man-made disasters, often going hand in hand with armed conflicts and/or the breakdown of State structures o addressees of the assistance may be States, but could also be regions or populations that their respective governments have neglected (or with which they have even come into conflict) <p>- bears the potential risk of colliding with other objectives of the EU’s foreign policy in general and the development policy in specific and, therefore, has to be inserted with care</p> <p>- the objective ‘assist populations, countries and regions confronting natural or man-made disasters’ cannot be aligned or not aligned with any independent variable because the above mentioned objective and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions</p>
<p>‘promote an international system based on stronger</p>	<p>- usage of ‘multilateralism’ and ‘global governance’ to improve the ‘international system’</p>

<p>multilateral cooperation and good global governance’:</p>	<ul style="list-style-type: none"> - the establishment of ‘multilateral cooperation’ which leads to actors which act in accordance with the aforementioned generic term ‘good governance’ - the objective ‘promote an international system based on stronger multilateral cooperation and good global governance’ cannot be aligned or not aligned with any independent variable because the above mentioned objective and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions
<p>the second indicator: ‘its primary objective, the reduction, and in the long term, the eradication of poverty’</p>	
<p>(the essential component of the of the second indicator which is used for the analysis of its (non-) alignment with the aforementioned independent variables is only the second indicator itself)</p>	<ul style="list-style-type: none"> - creating the desired, increasing ‘coherence’ within the established EU development policy of the Lisbon Treaty - poverty: <ul style="list-style-type: none"> o including all the areas in which people of either gender are deprived and perceived as incapacitated in different societies and local contexts o the core dimensions: <ul style="list-style-type: none"> ▪ economic, human, political, socio-cultural and protective capabilities o relating to human capabilities: <ul style="list-style-type: none"> ▪ consumption and food security ▪ health ▪ education ▪ rights ▪ the ability to be heard ▪ human security especially for the poor ▪ dignity ▪ decent work - ‘the reduction, and in the long term, the eradication’: <ul style="list-style-type: none"> o combating poverty will only be successful if: <ul style="list-style-type: none"> ▪ equal importance is given to investing in people (first and foremost in health and education and HIV/AIDS, ▪ the protection of natural resources (like forests, water, marine resources and soil) to secure rural livelihoods

	<ul style="list-style-type: none"> ▪ investing in wealth creation (with emphasis on issues such as entrepreneurship, job creation, access to credits, property rights and infrastructure) ▪ the empowerment of women is the key to all development and gender equality should be a core part of all policy strategies <ul style="list-style-type: none"> - the '[Union's] primary aim, the reduction, and in the long term, the eradication of poverty', can be aligned with the first MDG, 'the eradication of extreme poverty and hunger', a segment of the third independent variable (x3) - other associated definitions with the '[Union's] primary aim, the reduction, and in the long term, the eradication of poverty' can be aligned with independent variables: <ul style="list-style-type: none"> ○ the associated definition 'health' can be aligned with the fourth, fifth and sixth MDG, 'the reduction of child mortality', 'the improvement of maternal health' and 'combating of HIV/AIDS, malaria and other diseases', which are segments of the third independent variable (x3) ○ the associated definition 'education' can be aligned with the second MDG, 'the achievement of universal primary education', which is a segment of the third independent variable (x3) ○ the associated definition 'the protection of natural resources' can be aligned with a part, 'acting in compliance with the concept of 'sustainable development by preserving soil, water and air for coming generations', of the first independent variable (x1). ○ the above mentioned associated definition can be aligned with the seventh MDG, 'ensuring environmental sustainability', a segment of the third independent variable (x3) as well ○ the associated definition 'empowerment of women' can be aligned with the third MDG, 'promoting gender equality and empowering women', a segment of the third independent variable (x3) - the other associated definitions of the '[Union's] primary aim,
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	<p>the reduction, and in the long term, the eradication of poverty' cannot be aligned or not aligned with any independent variable because the above mentioned other objectives and the independent variables are defined imprecisely and, therefore, does not allow coming to conclusions</p>
<p>the third indicator: 'the obligation of the EU and its Member States to act in compliance with their agreements, especially with the objectives of the United Nations and other international organizations, in development policy'</p>	
<p>(the essential component of the of the third indicator which is used for the analysis of its (non-) alignment with the aforementioned independent variables is only the third indicator itself)</p>	<ul style="list-style-type: none"> - the EU's foreign policy in general and development policy in specific takes place within the limits set by UN law - EU's ambition of pursuing the aforementioned MDGs as common objectives of the EU's vision on development - 'the obligation of the EU and its Member States to act in compliance with their agreements, especially with the objectives of the United Nations and other international organizations, in development policy' can be aligned with all eight MDGs, the 'eradication of extreme poverty and hunger', the 'achievement of universal primary education', the 'promotion of gender equality and the empowerment of women', the 'reduction of child mortality', the 'improvement of maternal health', the 'combat against HIV/AIDS, malaria and other diseases, the 'ensuring of environmental sustainability', the 'development of a global partnership for development', as segments of the third independent variables (x3).

Source: the author's own compilation of the aforementioned research