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BACHELOR THESIS

The EU as a Global Actor in Good Governance and
Counter-Terrorism in the Sahel Region

A Case Study on Mali and Niger

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ABBREVIATIONS

ACP	African, Caribbean, Pacific
AFISMA	African-led International Support Mission in Mali
AGIR	Alliance Globale pour l'Initiative Résilience
AQIM	Al-Qaeda in the Islamic Maghreb
AU	African Union
CFSP	Common Foreign and Security Policy
COREPER	Committee of Permanent Representatives
CSDP	Common Foreign and Defence Policy
CSS	Collège Sahélien de Sécurité
CT Sahel	Contre-Terrorisme Sahel
DG DEVCO	Directorate-General for International Cooperation and Development
EASO	European Asylum Support Office
EC	European Community
ECOWAS	Economic Cooperation of West African States
EDF	European Development Fund
EEAS	European External Action Service
ENI	European Neighbourhood Instrument
EPA	Economic Partnership Agreement
ESS	European Security Strategy
EU	European Union
EUCAP	European Union Capacity Building Mission
EULEX	European Union Rule of Law Mission
EUR	Euro
EUSR	European Union Special Representative
EUTM	European Union Training Mission
FAC	Foreign Affairs Council
GAC	General Affairs Council
HACP	High Authority for the Consolidation of Peace
HR	High Representative of the Union for Foreign Affairs and Security Policy

IcSP	Instrument contributing to Stability and Peace
IFS	Instrument for Stability
INTERPOL	International Criminal Police Organization
MINUSMA	Multidimensional Integrated Stabilisation Mission in Mali
MNLA	Movement for the National Liberation of Azawad
MUJAO	Movement for Unity and Jihad in West Africa
NGO	Non-governmental organisation
OCTs	Overseas countries and territories
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
PCA	Partnership and Cooperation Agreement
PSC	Political and Security Committee
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
WAPIS	West African Police Information System

ABSTRACT

In recent years, terrorist movements have increasingly challenged the governmental structures of the EU's wider neighbourhood and became a threat not only for the people of the Sahel region, but also for European citizens. Therefore, this study tackles the overall question: *To what extent can the EU's external action policies in the field of good governance contribute to the reduction of terroristic activities in Mali and Niger?* Using a systematic and comparative legal approach, the scope of the EU's development cooperation and the Common Foreign and Security Policy in the field of good governance and counter-terrorism will be assessed. Afterwards, the political and security situation in Mali and Niger will be presented, focussing on governance structures and terroristic activities. Based on these legal and theoretical insights an analysis of the cooperation framework between the EU and Mali as well as Niger, namely the Strategy for Security and Development in the Sahel, will follow. Apart from the legal framework, the actual implementation will be assessed using EU policy documents. Overall, this study comes to the conclusion that the EU's engagement on good governance actually plays a part in the reduction of terroristic activities in Niger and Mali.

1. INTRODUCTION

During the last years, terrorism has become an increasingly serious threat not only for countries outside of Europe but also for the European Union itself. The appalling events in Paris and most recently in Brussels stroke right at the heart of Europe. Outside of the European borders, terroristic groups like Boko Haram and Al-Qaeda in the Islamic Maghreb (AQIM) spread fear and violence in the Sahel region and take European as well as local hostages.¹ General objectives on the rule of law, human rights and human dignity (Article 21 TEU), which the EU seeks to promote all over the world, are seriously threatened by the growing occurrence of world-wide terrorism. Through legal applications like the Council's Framework Decision on Combating Terrorism² and the Counter-Terrorism Strategy³, the EU already took political and legal stance as an important actor in the fight against terrorism. Today more than ever, the EU has to play a central role to tackle the roots of violent extremism in order to fulfil its duties as

¹ I. Briscoe and Dr. B. van Ginkel, 'The Nexus between Development and Security: Searching for Common Ground in Countering Terrorism', *ICCT International Centre for Counter-Terrorism – The Hague*, March 2013, available at <<http://www.icct.nl/download/file/Briscoe-van-Ginkel-Nexus-between-Security-and-Development-March-2013.pdf>>.

² Council Framework Decision of 13 June 2002 on combating terrorism, *OJ* [2002] L 164, p. 3-7, 22.06.2002.

³ The European Union Counter-Terrorism Strategy, No. 14469/4/05, 30.11.2005.

global actor and to preserve its own security. With its development cooperation and security policies, the Union has the necessary tools to counter terrorism outside of its own borders in a sustainable manner.⁴ However, authors like Merket⁵ and Briscoe and van Ginkel⁶ claim that the EU should improve the cooperation between the two policy fields and implement a more comprehensive approach. Different legal bases in the Treaties tackling development cooperation and the Common Foreign and Security Policy impede further cooperation⁷, even though both policies pursue the ultimate goal of reducing poverty and increasing socio-economic development⁸.

Most scholars focus on the broad relationship between the EU's external action and the containment of terroristic activities. Matera⁹, Beyer¹⁰, Renard¹¹ and Kaunert¹², for instance, analyse the EU policies on counter terrorism in their scholars. However, little emphasis has been put on the promotion of good governance structures as one specific part of the EU's external actions to reduce terroristic activities. Good governance is a crucial aspect when it comes to the effectiveness of sustainable actions in developing countries. In order to improve capacity-building, legitimate and well-functioning public institutions are needed. Consequently, a legal system that goes in line with incorrupt institutions¹³ on which people can rely are indispensable for the attainment of good governance.¹⁴ Apart from other factors like poverty and undemocratic structures, weak institutions often lead the way to human rights

⁴ Other EU external policy fields like Humanitarian Aid, AFSJ and ENP can also be used as tools to counter terrorism in third countries. However, as I will explain below, the cooperation framework I will refer to in this research, namely the Strategy for Security and Development in the Sahel, focuses on development cooperation and CFSP. Therefore, I will focus on these two policy fields and their capabilities to reduce terrorism in third states.

⁵ H. Merket, 'The European External Action Service and the Nexus between CFSP/CSDP and Development Cooperation', 17 *European Foreign Affairs Review* 2012, 625-652.

⁶ I. Briscoe and Dr. B. van Ginkel, *supra* note 1.

⁷ H. Merket, *supra* note 5.

⁸ I. Briscoe and Dr. B. van Ginkel, *supra* note 1.

⁹ C. Matera, 'The external dimension of the EU counter-terrorism policy: an overview of existing agreements and initiatives', in E. Herlin-Karnell and C. Matera (eds.), *External dimension of the EU counter-terrorism policy* (The Hague: Centre for the Law of EU External Relations 2014), p.15-32.

¹⁰ C. Beyer, 'The European Union as a Security Policy Actor: The Case of Counterterrorism', 13 *European Foreign Affairs Review* 2008, 293-315.

¹¹ T. Renard, 'Partnering for Global Security: The EU, Its Strategic Partners and Transnational Security Challenges', 21 *European Foreign Affairs Review* 2016, 9-34.

¹² C. Kaunert, 'The External Dimension of EU Counter-Terrorism Relations: Competences, Interests, and Institutions', 22 *Terrorism and Political Violence* 2009, 41-61.

¹³ At this point, I would like to emphasize that this thesis focuses on the European mind-set of what can be called an institution. Many developing countries rely on traditional institutional structures such as clan-based governance systems with a moral leader deciding on what can be called 'good governance'. In that regard, these countries might have a form of legitimate and well-functioning institutions. However, the European understanding refers to Western standards of administrative bodies on which I will focus.

¹⁴ L. Klemp and R. Poeschke, 'Good Governance gegen Armut und Staatsversagen', *Aus Politik und Zeitgeschichte*, 5 July 2005, available at <<http://www.bpb.de/apuz/28952/good-governance-gegen-armut-und-staatsversagen?p=all>>.

violations such as terror attacks. Therefore, public participation and empowerment are the key to reduce grievances within the population.¹⁵ Authors like Choi support this assumption and claim that citizens from countries with a strong and legitimized judicial system are less likely to form violent groups as they have the opportunity to demand their rights in front of a court.¹⁶ Karen del Biondo, on the other hand, particularly criticises the EU's promotion of good governance in Sub-Saharan Africa.¹⁷ Either way, governance seems to be a crucial element of the EU policies. Therefore, I would like to contribute to existing research by examining the link between the EU's external action policies, the importance of good governance in third countries and the goal of containing terroristic activities.

Especially the Sahel region suffers from bad governance, weak institutional structures, corruption and a lack of government control mostly in the Northern desert regions in Mali and Niger. Within the Strategy for Security and Development in the Sahel, the EU supports the Malian and Nigerien government by improving democratic, institutional and judicial structures. Already the name of the Strategy implies the strong connection between development cooperation and security policies. Next to Mauritania, Mali and Niger are the main targets of the EU-Sahel cooperation with two civilian and one training mission.¹⁸ Therefore, I will focus on these two countries in order to examine the consistent and coherent implementation of the legal framework with the ultimate goal to increase stability and reduce terrorism.

1.1 Research Question and Sub-Questions

As outlined in the previous section, terrorism is a serious and recently increasing world-wide threat to international law principles like human dignity. Existing literature examines the external legal and political capabilities of the EU's external actions to reduce terrorism in third states. External actions are defined as 'Union's action[s] on the international scene [that] 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' (Article 21 TEU). Next to other external actions, development cooperation and CFSP are two important policy fields providing the necessary instruments to contribute to the reduction of terrorism in third states. Therefore, I will

¹⁵ United Nations General Assembly, 'In larger freedom: towards development, security and human rights for all', A/59/2005/Add.3, p. 2, 26.5.2005.

¹⁶ S.-W. Choi, 'Fighting Terrorism through the Rule of Law?', 54 *Journal of Conflict Resolution* 2010, 940-966.

¹⁷ K. del Biondo, 'Democracy promotion meets development cooperation: The EU as a Promoter of Democratic Governance in Sub-Saharan Africa', 16 *European Foreign Affairs Review* 2011, 659-672.

¹⁸ European Commission and High Representative of the European Union for Foreign Affairs and Security Policy, 'Joint staff working paper. Joint paper. European Strategy for Security and Development in the Sahel', SEC [2011] 331, 8.3.2011.

focus on these two policy fields in my research. Moreover, several authors found evidence that good governance is one important factor needed to reduce the emergence of terroristic groups.¹⁹ That is the reason why I will put my emphasis on the potential of implemented good governance structures (a) to prevent radicalisation and (b) to improve reaction capabilities in order to combat terrorism. Within the scope of this bachelor thesis, I will fill the gap between these findings and present two cases, namely Mali and Niger, in order to illustrate if the cooperation frameworks between the EU and these two countries are implemented in a coherent and consistent way. Thus, my research is based on legal concepts applied to concrete policy areas, contributing to existing research by answering the following main research question:

(RQ) To what extent can the EU's external action policies in the field of good governance contribute to the reduction of terroristic activities in Mali and Niger?

According to the types of legal questions introduced by van Hoecke, the overall research question includes explanatory, empirical, hermeneutic, logical and evaluative approaches.²⁰ In order to tackle the included subjects in more detail, I conducted the following sub-questions:

(SQ1) What is the scope of the EU's policies in the fields of Development Cooperation and the Common Foreign and Security Policy?

This first sub-question explains the internal legal frameworks within the EU concerning external action policies (explanatory), namely development cooperation and CFSP, and analyses the coherence of the implemented rules (logical). Lastly, it raises the question, to what extent the two presented policy fields can be combined in a coherent approach in order to promote good governance and reduce terrorism (empirical).

(SQ2) What is the current situation in Mali and Niger concerning good governance and terroristic activities?

¹⁹ For an extensive literature review see section 1.3 Academic State of the Art: Conceptualization and Theory.

²⁰ M. van Hoecke (ed.), *Methodologies of Legal Research. Which kind of method for what kind of discipline?* (Oxford: Hart Publishing Ltd 2011).

My second sub-question is a descriptive one, depicting the current situation in Mali and Niger in terms of good governance and terroristic activities. This questions is crucial as it explains the necessary involvement of the EU in these two countries.

(SQ3) What is the existing cooperation framework between the EU and Mali/Niger concerning governance, security and counter-terrorism policies?

This sub-question examines the legal framework between the EU and Mali/Niger and describes the implemented external actions in governances, security and counter-terrorism policies (explanatory).

(SQ4) To what extent do the existing initiatives between the EU and Mali/Niger coherently implement the EU's objectives in the region?

The last sub-question identifies in how far the cooperation framework is implemented adequately to achieve the goals of good governance and counter-terrorism in Mali and Niger (empirical). Apart from that, this question follows a logical approach as it analyses the coherence of the cooperation framework.

1.2 Academic State of the Art: Conceptualization and Theory

In the following, I will conceptualize the most important terms of my study and refer to legal as well as scientific documents to support my research.

Overall, the European Union does not only act as an important player within its own borders, but also sees itself as global actor in good governance and counter-terrorism. Title V of the TEU deals with the EU's general provisions on external actions. Article 21 TEU specifically names the main governance principles that should guide the EU's actions externally: democracy, the rule of law, human rights, fundamental freedoms, human dignity as well as equality and solidarity. Furthermore, the introduction of the Counter-Terrorism Strategy²¹ as well as the Council's Framework Decision on Combating Terrorism²² illustrate the Union's approach to become a global actor in counter-terrorism.

²¹ EU Counter-Terrorism Strategy, *supra* note 2.

²² Decision on Combating Terrorism, *supra* note 3.

Van Vooren and Wessel name development policies and the CFSP in combination with the Common Security and Defence Policy (CSDP) as two fields of the EU's external actions.²³ According to Article 208(1) of the TFEU, development cooperation 'shall be conducted within the framework of the principles and objectives of the Union's external action' that are codified in Article 21 TEU. Its main objective is the eradication of poverty. With its capacity-building instruments, which I will further outline in Chapter 2, development cooperation policies contribute to improved governance systems in third states. Following Matera's argumentation that counter-terrorism strategies require a 'combination of policing, judicial and military efforts [that] should be integrated with other instruments of foreign action',²⁴ development cooperation can potentially reduce terroristic activities through its capacity-building measures, including policy and judicial support.

The CFSP and CSDP policies have a rather special position in the Treaties. In contrast to development cooperation, they are part of the TEU, as it used to be the second pillar of the Union prior to 2009, when the Lisbon Treaty came into force.²⁵ Moreover, the scope of the CFSP defined in Article 24(1) TEU is rather broad: 'the Union's competence in matters of CFSP shall cover all areas of foreign policy and all questions relating to the Union's security [...]'. Nevertheless, CFSP and CSDP are policy fields that can certainly be considered as components contributing to counter-terrorism strategies.²⁶

The ECOWAS case is the most prominent example stressing the connection between development cooperation and security policies.²⁷ The debate between the Commission and the Council ultimately led to an accentuation of Article 40 TEU, which codifies that the CFSP should not affect the Union's competences in other areas and vice-versa. However, development cooperation as well as security policies often operate in the same setting and cover similar objectives. Not only regarding EU policies but also within the international debate, several authors support the assumption of a strong connection between development cooperation and security policies and claim that both fields need to be combined. In his follow-up report to the outcome of the United Nations' Millennium Summit, Kofi Annan stated: '[...] we will not enjoy development without security, we will not enjoy security without

²³ B. van Vooren and R.A. Wessel, *EU External Relations Law. Text, cases and materials* (Cambridge: Cambridge University Press 2014).

²⁴ C. Matera, *supra* note 9, at 21.

²⁵ B. van Vooren and R.A. Wessel, *supra* note 23, at 348.

²⁶ See C. Matera, *supra* note 9, at 15: 'In the aftermath of 9/11, the EU swiftly adopted an action plan as a result of the extraordinary Council meeting held on the 21st of September 2001. At that time the EU immediately considered that the fight against terrorism should be conducted at the global level by making use of CFSP, CSDP and Justice and Home Affairs instruments.'

²⁷ B. van Vooren and R.A. Wessel, *supra* note 23, at 352-355.

development, and we will not enjoy either without respect for human rights'²⁸. In order to improve the effectiveness of the EU's external actions, Ivan Briscoe and Dr. Bibi van Ginkel argue for a more comprehensive approach and cooperation between development and security actions as they both aim at countering violent extremism.²⁹ According to Merket, a vast amount of EU policy documents already indicate the relationship between the EU's development cooperation and the CFSP/CSDP. However, in legal terms these two policy fields are still separated, which impedes further cooperation.³⁰

In order to specify my research and taking into account the EU's objectives in Article 21 TEU, I would like to focus on good governance as one relevant aspect to reduce terroristic activities in third countries. The topic of good governance increasingly shifted into focus in the aftermath of the Millennium+5 Summit in 2005. Facing the results of the Washington Consensus with the premise of less governmental interference and more open markets, the general opinion changed into the direction of strengthening public institutions and democratization in order to accomplish sustainable development.³¹ Kofi Annan explicitly stressed the importance of good governance and strong institutions in his follow-up report on the Millennium Development Goals.³² Consequently, institutional and legal capacity go hand in hand. The shift towards good governance has further been highlighted in the Paris Declaration on Aid Effectiveness³³, where the 34 Member States of the Organisation for Economic Cooperation and Development (OECD) agreed upon the importance of self-responsibility. Concepts like country ownership and alignment should increase the involvement of the partner countries' governments and improve cooperation. Both concepts can only be realized through a strengthening of public institutions and reforms in order to increase sustainable development. Therewith, coherence and coordination between development cooperation policies of different countries (and therefore also of the EU) can be improved.³⁴ Another advocate of good governance is Francis Fukuyama, who stressed in his book 'State-Building' the relevance of public institutions in order to reduce instability in developing countries. In comparison to most industrialized countries with a well-functioning political and institutional system, failed states face serious problems like terrorism, amongst others, because

²⁸ United Nations General Assembly, 'In larger freedom: towards development, security and human rights for all', A/59/2005, para. 17, 21.3.2005.

²⁹ I. Briscoe and Dr. B. van Ginkel, *supra* note 1, at 1-2.

³⁰ H. Merket, *supra* note 5, at 625.

³¹ L. Klemp and R. Poeschke, *supra* note 14, at 1.

³² United Nations General Assembly, *supra* note 28, at para. 36.

³³ OECD, 'The Paris Declaration on Aid Effectiveness (2005) and the Accra Agenda for Action (2008)', available at <<http://www.oecd.org/dac/effectiveness/34428351.pdf>>.

³⁴ L. Klemp and R. Poeschke, *supra* note 14, at 1.

of their weak public institutions. Therefore, according to Fukuyama, capacity-building should be the focus of development cooperation.³⁵ These changes in international development cooperation led to the current Sustainable Development Goals including goal 16, which focusses on the partner countries' political and institutional framework: 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.'³⁶

Even though the term governance became increasingly important in recent years, politicians and scientists could not agree upon one common definition. The definition that fits best to my research is the one provided by the World Bank, which includes all aspects that I consider relevant for my study: 'traditions and institutions by which authority in a country is exercised. This includes (a) the process by which governments are selected, monitored and replaced; (b) the capacity of the government to effectively formulate and implement sound policies; and (c) the respect of citizens and the state for the institutions that govern economic and social interactions among them'³⁷. Based on that concept, the Worldwide Governance Indicators Index has been generated, tackling the dimensions of voice and accountability, political stability and absence of violence/terrorism, government effectiveness, regulatory quality, rule of law and control of corruption.³⁸ According to the 2001 White Paper on European Governance, the Commission includes openness, participation, accountability, effectiveness and coherence as indicators for good governance. As stated in the paper, these factors ultimately strengthen democracy and the rule of law not only within the European borders, but also on a global level.³⁹

Several scientific articles as well as EU and UN policy advices claim a connection between the concept of governance, including the rule of law and democracy, and the objective to enhance the development and stability of a country and to fight terrorism. The United Nations, for instance, stated in their Millennium Declaration that the objectives of development and poverty eradication strongly depend on good governance.⁴⁰ Kofi Annan argued five years later, that governments who deny the importance of human rights are more likely to face the risk of instability and terrorism than countries that actively promote them.⁴¹ The European Commission even stated that 'while it is difficult to prove a causal link between the absence of

³⁵ F. Fukuyama, *State-building. Governance and world order in the 21st century* (Ithaca: Cornell University Press 2004).

³⁶ United Nations Sustainable Development Goals (25 September 2015) available at <<https://sustainabledevelopment.un.org/?menu=1300>>.

³⁷ D. Kaufmann *et al.*, 'The Worldwide Governance Indicators. Methodology and Analytical Issues', 5430 *The World Bank Policy Research Working Paper* 2010, at 4.

³⁸ D. Kaufmann *et al.*, *supra* note 37, at 4.

³⁹ European Commission, 'European Governance: A White Paper', COM [2001] 428, 25.7.2001.

⁴⁰ United Nations General Assembly, 'United Nations Millennium Declaration', A/55/L.2, para. 13, 8.9.2000.

⁴¹ United Nations General Assembly, *supra* note 28, at para. 16.

human rights and the rise of terrorism and violent extremism, global experience emphasises that rebuilding human rights must be a core principle in any successful response'⁴². Further, in the European Consensus of Development, the European Union and its Member States agreed upon the importance of human rights, good governance and democratisation in order to ensure sustainable development.⁴³ Briscoe et al.⁴⁴ as well as Piazza⁴⁵ argue in their articles that bad governance, including social exclusion, marginalisation of minority groups and a lack of access to political participation increase the likelihood of terroristic activities in a country. Choi specifically analyses the effect of rule of law on terrorism. He claims that ordinary citizens in a country with fair judicial institutions have the opportunity to participate in conflict resolution mechanisms that are provided through the rule of law, in which they trust. That in turn ultimately reduces the likelihood of politically motivated terroristic violence.⁴⁶

As outlined by scholars like Choi, there is no globally accepted definition of terrorism. According to Article 83 TFEU, the European Union defines terrorism very broadly, next to other areas of crime, as a criminal offence. More precisely, within the Framework Decision on combating terrorism, the Council describes terroristic activities as 'intentional acts [...] defined as offences under national law [...] that aim at...' (a) seriously intimidating a population or (b) unduly compelling a Government or international organisation to perform or abstain from performing any act or (c) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization'⁴⁷. Consequently, terroristic activities can be understood differently depending on a country's perception of intimidation or destabilisation. Therefore, I will refer to generally accepted European understanding of terrorism taking into account the above-mentioned definition. In any case, the definition shows that terroristic activities are closely connected to governance issues such as the rule of law.

Overall, these legislations, policy documents and scientific articles lead to the conclusion that terroristic activities are less likely to occur in countries that promote good governance. However, most scholars focused on the overall effect of the EU's external actions on terrorism rather than taking into account the aspect of governance. Therefore, I will include good

⁴² European Commission, 'Final Review of the CT Sahel Project', *CT morse*, December 2015, at 22, available at <<http://ct-morse.eu/wp-content/uploads/2015/12/CT-Sahel-Final-review-EN-Dec-2015.pdf>>.

⁴³ Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy, 'The European Consensus', *OJ* [2006] C 46/01, para. 103, 24.2.2006.

⁴⁴ I. Briscoe and Dr. B. van Ginkel, *supra* note 1, at 4.

⁴⁵ J. A. Piazza, 'Poverty, minority economic discrimination, and domestic terrorism', 48 *Journal of Peace Research* 2011, 339-353.

⁴⁶ S.-W. Choi, *supra* note 16, at 948.

⁴⁷ Art. 1 Council Framework Decision of 13 June 2002 on combating terrorism, *supra* note 3.

governance policies that are embedded in the EU's development cooperation and the Common Foreign and Security Policy.

1.3 Methodology

As my study refers to legal aspects of the EU's external action, I will mainly follow a hermeneutic approach through argumentation and interpretation, using empirical data stemming from (case) laws and legislations, policy papers and research findings.⁴⁸ I retrieved the relevant legal documents from EUR-Lex and the literature from Web of Science, Google Scholar, the UT library as well as from journals like the European Foreign Affairs Review. In the following, I will explain the way I conduct my study for each chapter that I listed in the table of contents and present my case selection.

In the Introduction, I outlined the background of the problem as well as the societal relevance of my research by referring to recent terror attacks inside and outside of the European Union. Furthermore, I briefly explained the EU's role and involvement concerning international terrorism based on the Treaties (TEU and TFEU) and legislations such as the EU Counter-Terrorism Strategy⁴⁹ and the Framework Decision on Combating Terrorism⁵⁰. On the basis of recent scholars, I continued my analysis by pointing out what the literature says about the EU's external actions, its good governance approach and the EU's contributions to reduce terrorism in countries such as Mali and Niger. Therefore, I applied both legislations as well as research findings in order to conceptualize the most important terms, namely EU external actions, governance and terrorism. Furthermore, I drew conclusions that are relevant for my study based on other scientific articles who examined the relationship between the EU and counter-terrorism strategies. Referring to my theory section, I conducted my main research question and included four sub-questions, which I will answer in the following chapters.

For the second chapter, I will follow a systematic approach by examining the internal legal framework of the EU in the policy fields of development cooperation and the Common Foreign and Security Policy as two examples of EU's external actions to promote good governance and combat terrorism. First of all, I will use the Treaties to define the explicit laws tackling the two fields like Article 24 TEU ff. and Article 208 TFEU ff. Apart from that, I will highlight the interconnections between development cooperation and CFSP through case laws like the

⁴⁸ M. van Hoecke (ed.), *supra* note 20.

⁴⁹ The European Union Counter-Terrorism Strategy, *supra* note 2.

⁵⁰ Council Framework Decision of 13 June 2002 on combating terrorism, *supra* note 3.

ECOWAS case⁵¹. Based on these legislations, I will analyse and interpret the argumentations from several authors claiming the strong relationship between the EU's external action policies, like Briscoe et al.⁵² and Merket⁵³. These insights will give an answer to my first sub-question.

Based on country reports from the Bertelsmann Stiftung and the Freedom House Index, I will analyse the governance and security situation in Mali and Niger in Chapter 3 and thereby tackle sub-question two. More precisely, I will focus on good governance aspects like the rule of law and democracy as well as on the occurrence of violent extremism and terrorism in both countries. Case studies on the Sahel region and specifically on Mali and Niger focusing on the EU's involvement will also be included.⁵⁴

For Chapter 4 I will use a systematic and comparative approach in order to analyse and compare the legal frameworks between the EU and Mali and Niger and thereby give an answer to sub-question three. First, I will refer to the consolidated version of the ACP-EU Partnership Agreement (Cotonou Agreement)⁵⁵, which counts as the basis of the EU's development cooperation in third countries. The most important agreement that is relevant for the EU-Sahel relations is the Strategy for Security and Development in the Sahel.⁵⁶ Furthermore, the European Commission provided Country Strategy Documents and National Indicative Programmes for Mali⁵⁷ and Niger⁵⁸ with specific agreements on how to tackle government reforms, rural development, security etc. In the second part of the chapter, I will include specific actions for the region as well as for Mali and Niger that can be found in the Sahel Regional Action Plan 2015-2020.⁵⁹ Under the Common Security and Defence Policy, the EU currently runs two civilian missions in Mali (EUCAP Sahel Mali) and Niger (EUCAP Sahel Niger) as well as one training mission in Mali (EUTM Mali). The Council Decisions 2014/219/CFSP⁶⁰, 2014/482/CFSP⁶¹ and 2013/34/CFSP⁶² codify the legal framework for these missions.

⁵¹ ECJ, Case C-91/05, *Commission v. Council* [2008] *ECLI:EU:C:2008:288*.

⁵² I. Briscoe and Dr. B. van Ginkel, *supra* note 1.

⁵³ H. Merket, *supra* note 5.

⁵⁴ C. Lavallée and J.C. Völkel, 'Military in Mali: The EU's Action against Instability in the Sahel Region', 20 *European Foreign Affairs Review* 2015, 159-185.

⁵⁵ The Cotonou Agreement and multiannual financial framework 2014-20, *Publications Office of the European Union* [2014].

⁵⁶ European Strategy for Security and Development in the Sahel, *supra* note 18.

⁵⁷ Union Européenne – Mali, 'Programme Indicatif National 2014-2020', 6.3.2015.

⁵⁸ Union Européenne – République du Niger, 'Programme Indicatif National 2014-2020', 19.6.2014.

⁵⁹ Council of the European Union, 'Council conclusion on the Sahel Regional Action Plan 2015-2020', 7823/15, 20.4.2015.

⁶⁰ Council Decision 2014/219/CFSP of 15 April 2014 on the European Union CSDP mission in Mali (EUCAP Sahel Mali), *OJ* [2014] L 113/21, 16.4.2014.

⁶¹ Council Decision 2014/482/CFSP of 22 July 2014 amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger), *OJ* [2014] L 217/31, 23.7.2014.

⁶² Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali), *OJ* [2013] L 14/19, 18.1.2013.

After illustrating the legal frameworks and the respective actions, I will analyse in chapter 5 to what extent these initiatives are implemented coherently, referring to sub-question four. First, I will include recent scholars problematizing the coherence and consistency of the EU's approach in the Sahel. Afterwards, I will refer to progress reports from the CT Sahel project, the European Development Fund and the Instrument for Stability to assess the EU's adherence to its objectives in the region.

In the conclusion, I will summarize and evaluate my sub-conclusions for each chapter in order to give an answer to my main research question: *To what extent can the EU's external action policies in the field of good governance contribute to the reduction of terroristic activities in Mali and Niger?*

1.3.1 Case Selection

In order to analyse the relationship between the EU's external actions and the reduction of terroristic activities, I will focus on the cases of Mali and Niger. Especially the Sahel region suffers from bad governance, weak institutional structures, corruption and a lack of government control mostly in the Northern desert regions such as in Mali and Niger. Briscoe et al. specifically refer in their policy brief to the Sahel region as an area of economic underdevelopment and conflicts where the population suffered from social exclusion and marginalisation for years. These circumstances increase the likelihood of terroristic activities.⁶³ Indeed, especially Mali and Niger suffered from violent extremism mostly undertaken by Al-Qaeda in the Islamic Maghreb (AQIM) and Boko Haram. Apart from that, the distinct connection between development cooperation and security policies is most apparent in the Sahel region. The EU Strategy for Security and Development in the Sahel specifically stresses the necessity of a Comprehensive Approach between these two policy fields. Next to Mauritania, the EU focuses in the Sahel Strategy on Mali and Niger with two civilian and one training mission.⁶⁴ Therefore, I decided to include these two cases for my study as illustrations of the EU's external actions to counter terrorism in the Sahel.

⁶³ I. Briscoe and Dr. B. van Ginkel, *supra* note 1.

⁶⁴ European Strategy for Security and Development in the Sahel, *supra* note 18.

2. THE SCOPE OF THE EU'S DEVELOPMENT COOPERATION POLICIES AND ITS CFSP IN GOOD GOVERNANCE AND COUNTER-TERRORISM

After having outlined the background of the problem in the Introduction, this second Chapter aims at answering the first sub-question of my research: what is the scope of the EU's policies in the fields of Development Cooperation and the Common Foreign and Security Policy? Thus, this chapter gives insights about the two main policy fields that the EU uses to promote good governance and reduce terrorism in the Sahel region. It firstly examines the legal bases of development cooperation and CFSP and then evaluates common grounds in order to analyse if these fields cooperate in a consistent and coherent way. Therefore, the chapter serves as legal background of the EU's internal challenges to combine its external actions coherently.

2.1 EU Development Cooperation

The EU development cooperation policies evolved in the aftermath of European colonialism. Originally focussing on broad policy fields like trade and humanitarian aid, development cooperation today includes social as well as environmental aspects such as human rights and sustainable development.

Starting in 1957 with the French intention to associate its colonies to the European Union, the Rome Treaty focused on improved trade relations and development aid.⁶⁵ About a decade later, when most of the so-called 'overseas countries and territories' (OCTs) became independent, the Rome Treaty had to be adapted, which eventually led to the establishment of the Yaoundé Convention in 1963. Followed by the second Yaoundé Convention (1969) and the Lomé Conventions (1975, 1981, 1986, 1990), today's development cooperation is based on the Cotonou Partnership Agreement that came into force in 2000. With Lomé III and IV, development policies already shifted towards a more social direction through the inclusion of human rights and a focus on sustainable development. The Cotonou Agreement, back then signed by the 77 ACP (African, Caribbean and Pacific) countries for the period from 2000 until 2020, introduced even more changes. Firstly, it emphasizes a stronger conditionality approach and promotes objectives that go beyond trade and aid, e.g. stability and democracy. Secondly, the term sustainable development has been further strengthened and includes 'social, human and environmental goals'⁶⁶. Lastly, Cotonou highlights the importance of regional approaches,

⁶⁵ For my research, it is especially interesting that France pushed forward the introduction of development cooperation, because the country is still very active in its former colonies Mali and Niger, following its own national interests. More insights about this problem will follow in chapter 5.

⁶⁶ B. van Vooren and R.A. Wessel, *supra* note 23, at 320.

acknowledging the fact that there are at least regional differences according to geographical, political and cultural circumstances.⁶⁷

One can conclude that the development cooperation policies of the EU significantly shifted towards the direction of good governance. Today, this shift becomes most apparent in Article 21(2) TEU where the EU enumerates the general provisions on external actions that are related to development cooperation: promote ‘democracy, the rule of law, human rights and [...] international law’ (Article 21(2)b), strengthen ‘sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty’ (Article 21(2)d), integrate ‘all countries into the world economy’ (Article 21(2)e) and ‘improve the quality of the environment and the sustainable management of global natural resources’ (Article 21(2)f).⁶⁸ Furthermore, the development policies are supposed to follow three basic principles according to the provisions laid down in the TFEU (Article 208 ff.): complementarity, coherence and coordination. Complementarity (Article 208(1) TFEU) refers to the complementation and reinforcement of the EU’s and the Member States’ actions. According to Article 4(4) TFEU, tackling the nature of EU development cooperation, both the EU and the Member States are provided with shared competences. More precisely, the EU has the competence to conduct a common policy under the condition that these actions do not pre-empt Member States’ actions. Hence, both the EU as well as the Member States simultaneously execute their development policies. The issue of complementarity is also problematic in the Sahel region, where both the EU and the Member States are involved in external actions. The second important aspect of coherence can also be found in Article 208 TFEU. It tackles (a) the coherence of development policies with the general objectives defined in Article 21 TEU as well as with UN commitments (Article 208(2) TFEU), (b) the coherence of all development actions with the ultimate goal of poverty reduction, and (c) the incorporation of development cooperation objectives into other policy fields that operate in developing countries.⁶⁹ This issue of coherence shows that the EU does not only act in developing countries using its development cooperation policies, but also through other external policy fields. Only if these policies fall under the overall objective to eradicate poverty, they should be implemented on the legal basis of development cooperation. Lastly, Article 210 TFEU refers to the third legal aspect of development cooperation: coordination. In order to effectively implement the objectives of

⁶⁷ B. van Vooren and R.A. Wessel, *supra* note 23, 314-320.

⁶⁸ B. van Vooren and R.A. Wessel, *supra* note 23, at 314.

⁶⁹ B. van Vooren and R.A. Wessel, *supra* note 23, 311-314. In order to turn the latter into practice, the EU established the Policy Coherence for Development (PCD), an approach that aims at combining other EU policy fields with the objectives of development policies. See B. van Vooren and R.A. Wessel, *supra* note 23, at 326.

complementarity and coherence, the Union as well as the Member States are obliged to coordinate their actions by consulting each other regularly. Article 210(2) TFEU specifically names the European Commission as the main actor to promote coordination.⁷⁰

Next to the Commission, there are other EU institutions involved in the decision-making process. According to Article 209(1) TFEU, development cooperation policies shall be implemented through the ordinary legislative procedure laid down in Article 294 TFEU. Thus, the European Parliament and the Council are the main legislative organs. While the European Council is responsible for the general guidelines of EU's external actions (Article 22 TEU), the Foreign Affairs Council sets priorities and adopts conclusions on the basis of a Commission's proposal.⁷¹ The European Parliament and the Council decide together on legislative acts that are implemented through development cooperation policies. Most Official Development Assistance (ODA)⁷² is administered by the Commission's Directorate-General for International Cooperation and Development (DG DEVCO). Within their competence lies also the management of the largest financial instrument of EU development cooperation, namely the European Development Fund.⁷³ Furthermore, the 141 EU Delegations around the world are responsible for the organization and monitoring of the implemented instruments in their countries.⁷⁴

On the overall legal basis of the Cotonou Agreement, the EU launched the 'Agenda for Change' in 2011 as main guideline for future action in development cooperation policies. In the Agenda, the Commission specifically highlights the importance of good governance measures: 'good governance, in its political, economic, social and environmental terms, is vital for inclusive and sustainable development. EU support to governance should feature more prominently in all partnerships, notably through [...] commitments to human rights, democracy

⁷⁰ B. van Vooren and R.A. Wessel, *supra* note 23, 311-314.

⁷¹ Prior to the Council meetings, the Committee of Permanent Representatives (COREPER) prepares the Council's Conclusions. Both the Foreign Affairs Council (FAC) and the General Affairs Council (GAC) are involved in development cooperation policies. With the High Representative of the Union for Foreign Affairs and Security Policy (HR) as its chair, the FAC implements external actions, while the GAC is responsible for budgetary decisions. These information are available at <<http://donortracker.org/donor-profiles/european-union/actors-decision-making>>.

⁷² Official Development Assistance is a certain amount of financial assets set by the Development Assistance Committee (DAC) of the OECD, covering military aid, peacekeeping, nuclear energy and cultural programmes. More information on ODA are available at <<http://www.oecd.org/dac/stats/officialdevelopmentassistancedefinitionandcoverage.htm>>.

⁷³ Donortracker, *supra* note 71.

⁷⁴ DG-DEVCO, 'Relations with the EEAS, EU institutions and Member States', available at <https://ec.europa.eu/europeaid/relations-eeas-eu-institutions-and-member-states_en>. Additionally, this website provides further information about the involvement of the European Investment Bank and the European Court of Auditors, which I will not further explain.

and the rule of law [...]’⁷⁵. Following the approach of the Agenda for Change, the EU introduced the 11th European Development Fund (EDF) in March 2015. The EDF is the main development cooperation instrument for the ACP countries⁷⁶ and also has a strong focus on ‘good governance, rule of law, justice, [and] decentralization process[es ...]’⁷⁷. Thus, both the Agenda for Change and the EDF put emphasis on good governance, proving that development cooperation is an important external policy field for my research.

Another important instrument under development cooperation is the Instrument contributing to Stability and Peace (IcSP). The IcSP was adopted in 2014 and thereby replaced the former Instrument for Stability.⁷⁸ Following Article 209(1) and 212(2) TFEU, IcSP is a financial instrument contributing to the implementation of development cooperation policies in third states. The IcSP can be used as short-term and long-term crisis instrument, both to immediately respond to conflicts and to prevent crises through capacity-building measures. It is managed and implemented by the Commission’s Directorate General Service for Foreign Policy Instruments with the support of the EU Delegations.⁷⁹ Furthermore, the EEAS and the High Representative of the Union for Foreign Affairs and Security (HR) are involved in the preparation process, which shows the rather special role as a crisis management instrument. Special about the IcSP is also the fact that it does not follow thematic or geographical restrictions just as the EDF, for instance, which only applies in ACP-countries.⁸⁰ Furthermore, in contrast to the EDF, the IcSP is not related to the ODA rules and can therefore be directly used for counter-terrorism measures, independent from international regulations.⁸¹

To conclude, the combination of good governance instruments (EDF) and crisis and security instruments (IcSP) makes development cooperation a relevant policy field contributing to governance structures and increased stability in third states.

⁷⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Increasing the impact of EU Development Policy: an Agenda for Change, (13 October 2011), at 5, available at <<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A52011DC0637&qid=1412922281378&from=EN>>.

⁷⁶ Next to the EDF, the EU’s development cooperation policies provide further instruments for other geographical areas or specific topics. For more information, see <https://ec.europa.eu/europeaid/funding/funding-instruments-programming/funding-instruments_en>.

⁷⁷ C. Lavallée and J.C. Völkel, ‘EU security governance in the Sahel region: Implementing a multidimensional strategy in an unstable environment’, *Paper, presented at the IPSA Annual Conference*, 21 July 2014, at 11, available at <http://paperroom.ipsa.org/papers/paper_36150.pdf>.

⁷⁸ Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace, *OJ* [2014] L77/1, 15.03.2014.

⁷⁹ These information are available at <http://ec.europa.eu/dgs/fpi/showcases/mali_en.htm>.

⁸⁰ C. Lavallée and J.C. Völkel, *supra* note 77, at 12.

⁸¹ Final Review of the CT Sahel Project, *supra* note 42, 10-11.

2.2 EU Common Foreign and Security Policy

Next to development cooperation, the Common Foreign and Security Policy (CFSP) in combination with the Common Foreign and Defence Policy (CSDP) is another policy field aiming to increase security and thus reduce the risk of terrorism. Overall, CFSP is a rather sensitive policy field in the sense that the Member States oftentimes hesitate to devolve foreign affairs competences to the EU-level.

Before the Lisbon Treaty became legally binding, the CFSP formed part of the second pillar of the EU, based on intergovernmental decision-making processes. Even though the pillar structure has been removed and the CFSP is nowadays an integral part of the Treaties, there are still remarkable legal demarcations, stemming from its historical background. Different from all the other main EU policies, the CFSP is located in the TEU rather than in the TFEU. The whole Title V Chapter 2 is provided for ‘Specific Provisions on the Common Foreign and Security Policy’, with Section 1 covering the CFSP and Section 2 the Common Security and Defence Policy (CSDP). According to Article 24(1) TEU, the competences of CFSP ‘shall cover all areas of foreign policy and [...] security’, which provides this policy field with a very wide scope. Further, the Article stresses that CFSP policies must follow ‘specific rules and procedures’ (Article 24(1) TEU), again highlighting its special role. The nature of the CFSP is rather difficult to examine. Except from Article 2(4) TFEU, mentioning that the EU ‘shall have competence [...] to define and implement a common foreign and security policy’, there is no expressed external competence referring to CFSP in Articles 3-6 TFEU. Similarly to development cooperation, foreign and security policies are both implemented by the Union and the Member States.⁸²

Another extraordinary part of CFSP is its decision-making process. According to Article 24(1) TEU, policies should not be adopted through legislative acts, following the ordinary legislative procedure defined in Article 294 TFEU. Instead, the European Council and the Council of the EU are the main actors shaping CFSP. While the European Council⁸³ leads the general way of foreign and security policies through its definition of ‘strategic interests and objectives’ (Article 22(1) TEU)⁸⁴, the Council⁸⁵ is responsible for the implementing decisions (Article 26(2)). Therefore, the Council can be seen as the main legislative institution within the scope of CFSP. Different from the usual qualified majority voting according to the legislative

⁸² B. van Vooren and R.A. Wessel, *supra* note 23, 346-350.

⁸³ The President of the European Council is, next to the HR, the main representor of CFSP affairs (Article 15(6) TEU) and may convene urgent meetings (Article 26(1) TEU).

⁸⁴ See also Article 26(1) TEU.

⁸⁵ Council of the Foreign Ministers of the Member States (Foreign Affairs Council).

procedure, decisions within CFSP are taken unanimously seeking for a consensus (Article 31(1) TEU).⁸⁶ Next to the Commission and the Member States, the High Representative, currently Federica Mogherini, may formulate a CFSP initiative or proposal to the Council (Article 30(1) TEU). Apart from that, the HR is responsible for the implementation of decisions made by the Council (Article 27(1) TEU) and represents the Union's foreign and security policies (Article 27(2) TEU).⁸⁷ Next to her function as HR, Mogherini is chairwoman of the Foreign Affairs Council and vice-president of the European Commission. Within the scope of the CSDP and specifically important for this research, she is also responsible for the coordination of civilian and military missions, aiming at fighting terrorism (Article 43(1) TEU). In that regard, the HR represents consistency among the above-mentioned institutions as a body that combines different CFSP interests. Furthermore, the HR shall act with the support of the European External Action Service (EEAS), an agency combining staff members from the Council, the Commission and the Member States (Article 27(3) TEU).⁸⁸ Compared to most other EU policy fields, the Commission, the European Parliament as well as the Court of Justice of the European Union are largely excluded from the main CFSP decision-making process.⁸⁹

The European Security Strategy serves as the main legal framework for the EU actions against terrorism. Followed by the Counter-Terrorism Strategy in 2005, the Union specifically committed itself to the following objectives: 'prevent new recruits to terrorism; better protect potential targets; pursue and investigate members of existing networks and improve our capability to respond to and manage the consequences of terroristic attacks'⁹⁰. Here, the link between security policies and counter-terrorism becomes obvious. Furthermore, the Strategy assesses 'good governance [...], democracy [...and...] dialogue'⁹¹ as crucial conditions to counter radicalization.

⁸⁶ Article 24(1) and 31(1) TEU stress that there are exceptions under CFSP where QMV is sufficient. See D. E. Mix, 'The European Union: Foreign and Security Policy' *Congressional Research Service* (8 April 2013), available at <<https://www.fas.org/sgp/crs/row/R41959.pdf>>. According to Article 38 TEU, most decisions implemented by the Council are prepared by the Committee of Permanent Representatives II (COREPER II) and the Political and Security Committee (PSC). Consequently, the foreign ministers of the Member States usually discuss the current topic prior to the Council meeting, which accelerates the decision. Another important actor in CFSP is the High Representative of the Union for Foreign Affairs and Security Policy (HR) who is the chairman of the Foreign Affairs Council (Article 18(3) TEU).

⁸⁷ B. van Vooren and R.A. Wessel, *supra* note 23, 368-373.

⁸⁸ European Peacebuilding Liaison Office, 'Common Foreign and Security Policy structures and instruments after the entry into force of the Lisbon Treaty', 1 *EPLO Briefing Paper* (2012), available at <http://www.eplo.org/assets/files/2.%20Activities/Working%20Groups/CSDP/EPLO_Briefing_Paper_1-2012_CFSP_After_Lisbon.pdf>.

⁸⁹ For more information and legal bases, see B. van Vooren and R.A. Wessel, *supra* note 23, 375-376.

⁹⁰ EU Counter-Terrorism Strategy, *supra* note 2, para. 3.

⁹¹ EU Counter-Terrorism Strategy, *supra* note 2, para. 5.

Both CFSP and CSDP policies have the necessary instruments to promote security and combat terroristic activities. Under CFSP, the Council can implement decisions (Article 25 TEU), international agreements (Article 218 TFEU) and restrictive measures, namely sanctions (Article 215 TFEU), to ensure stability in third states.⁹² More relevant for my topic, however, are the civilian and military mission running under CSDP. Article 42(1) and 43 TEU provide the legal basis for CSDP missions that ‘may contribute to the fight against terrorism’ (Article 43(1) TEU. According to Article 42(3), the Member States are responsible for the provision of civilian and military tools.

To conclude, CFSP has the necessary instruments to increase stability and counter terrorism especially through the civilian and military missions running under CSDP. With two civilian and one military mission in Mali and Niger, the EU aims to enhance security and reduce terrorism. In combination with the rather long-term good governance instruments of the development cooperation policies and the short-term CSDP mission, the EU has the potential tools to both strengthen good governance structures and improve the security situation in Mali and Niger by reducing the risk of terrorism.

2.3 Common grounds between EU Development Cooperation and CFSP

Problematic about the combination of development cooperation and security policies is the fact that both fields are based on different legal bases and therefore are conducted by different actors and decision-makers. As we have seen in the previous sub-chapters, the legal basis of the EU’s development cooperation policies leave space to include other policy fields that refer to the ultimate goal of eradicating poverty. The nature of CFSP is similarly broad and oftentimes both policy fields operate in the same setting and share the same objectives, especially when it comes to counter-terrorism strategies.⁹³ Therefore, this sub-chapter analyses the relationship between these two policy fields and searches for common grounds.

First of all, one has to distinguish between the policy and the legal dimension of development cooperation and CFSP. From a policy perspective, there is a clear link between the security situation of a country on the one hand and the implementation and progress of sustainable development on the other hand. In legal terms, the nexus between these policy fields leads to problems concerning the adequate legal basis for a specific external action if that act tackles both policies. As outlined above, each field entails different legal actors, institutions and

⁹² For more information on CFSP instrument, see B. van Vooren and R.A. Wessel, *supra* note 23, 381-397.

⁹³ I. Briscoe and Dr. B. van Ginkel, *supra* note 1.

resources. In a nutshell, CFSP covers short-term actions whereas development cooperation is responsible for long-term and sustainable actions. However, especially fragile states that suffer from (oftentimes armed) conflicts or even terror attacks and insufficient institutional and social structures require both types of policy support.

The broad scope of development policies has mainly been expressed through case laws, which ultimately led to the conclusion that security-related actions may fall under development cooperation if these measures pursue the goal of poverty eradication.⁹⁴ One example is the case of the Philippine Border Mission, where the Parliament contested the Commission's decision to implement security measures at the Philippine borders.⁹⁵ In the judgement, the Court confirmed the wide sphere of the Articles 177 and 181a EC, including the promotion of democracy, the rule of law and human rights.⁹⁶ However, the nexus between security and development policies and consequently the objective to accomplish peace through counter-terrorism, has only been declared a few years later through legal statements and instruments such as the 'Declaration on Combating Terrorism' (2004)⁹⁷, 'The European Consensus' (2006)⁹⁸ and the 'Instrument for Stability' (2006)⁹⁹. Thus, the Court indeed acknowledged common grounds between development cooperation and security policies as well as the Union's obligation to involve in counter-terrorism strategies. Nevertheless, these objectives only developed during the years after the terror-attacks of 9/11 and they cannot be related to Regulation No 443/92 on which the Commission referred to.¹⁰⁰ After all, this case confirms that security-related issues may fall under development cooperation policies if they can be related to the objectives of Article 208(1) TFEU.¹⁰¹ Another more recent example tackling the choice of the legal basis refers to the Council's decision to sign a Partnership and Cooperation Agreement (PCA) with the Philippines.¹⁰² In the case, the Council included several legal bases next to the concerned development cooperation and common commercial policy frameworks.¹⁰³

⁹⁴ B. van Vooren and R.A. Wessel, *supra* note 23, 329-330.

⁹⁵ C-403/05, *Parliament v. Commission* [2007] ECR I-9045.

⁹⁶ Treaty establishing the European Community (Consolidated version 2002), *OJ* [2002] C 325, 24.12.2002.

⁹⁷ Council Declaration on combating terrorism (25 March 2004), available at <www.consilium.europa.eu/uedocs/cmsUpload/DECL-25.3.pdf>.

⁹⁸ The European Consensus, *supra* note 43, para. 92.

⁹⁹ Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability, *OJ* [2006] L 327/1, 24.11.2006.

¹⁰⁰ Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America, *OJ* [1992] L 052, 27.2.1992.

¹⁰¹ B. van Vooren and R.A. Wessel, *supra* note 23, 330-332.

¹⁰² ECJ, Case C-377/12, *Commission v. Council* [2014], available at <http://curia.europa.eu/juris/document/document_print.jsf?jsessionid=9ea7d2dc30d553cd250355dc499db1a5965835470436.e34KaxiLc3qMb40Rch0SaxuNbN10?doclang=EN&text=&pageIndex=0&part=1&mode=DOC&docid=153521&occ=first&dir=&cid=303256>.

¹⁰³ L. Ankersmit, 'The boundaries of the development cooperation legal basis: what to make of the Court's 'centre of gravity' test?', *European Law Blog*, 13 June 2014, available at <<http://europeanlawblog.eu/?p=2392>>.

The Court argued in the judgement that the correct legal basis is to be determined according to the objectives that the proposed measures entail. If certain measures include more than one main goal which are inseparably related, the actions shall refer to several legal bases. However, as outlined before, this could be problematic if the legal procedures of the policy fields concerned contradict each other. Considering the broad scope of development cooperation and common commercial policies, the Court eventually decided that these two policy fields provide sufficient legal bases for the PCA.¹⁰⁴ The most prominent case that broad up the question in how far security and development policies are connected, is the ECOWAS case, tackling the conflict of the Union's former pillar structure.¹⁰⁵ In 2004, the Council presented the decision on a Joint Action to counter the proliferation of 'Small Arms and Light Weapons'¹⁰⁶ in the ECOWAS (Economic Community of West African States) region. This decision was supposed to be implemented within the legal framework of the CFSP (which back then was part of the second, intergovernmental pillar of the EU). At the same time, the Commission developed a plan in the context of the Cotonou Agreement, including financial contributions to the ECOWAS region in order to combat light weapons. This proposal therefore formed part of the *acquis communautaire*, the first pillar of the EU, namely relating to development cooperation policies.¹⁰⁷ Therefore, the Commission contested the Council's attempt to implement the Joint Action on the basis of CFSP. In its decision, the Court stressed that according to Lisbon Article 40 TEU, CFSP actions 'shall not affect the application of the procedures [...] referred to in Articles 3 to 6 of the Treaty on the Functioning of the Union'. The Court further concluded that the actions falling under development cooperation policies include measures such as the proliferation of weapons.¹⁰⁸

As we have seen above, both development cooperation and CFSP oftentimes share similar objectives and operate in the same environment. Case studies prove the strong relationship between the two policies. Furthermore, recent EU publications like the 'European Security

¹⁰⁴ A. Ott, 'The legal bases for international agreements post-Lisbon. Of pirates and the Philippines', 21 *Maastricht Journal* 4, 743-744, available at <http://www.maastrichtjournal.eu/pdf_file/ITS/MJ_21_04_0739.pdf>.

¹⁰⁵ ECJ, Case C-91/05, *supra* note 51.

¹⁰⁶ Council Decision 2004/883/CFSP of 2 December 2004 implementing Joint Action 2002/589/CFSP with a view to a European Union contribution to ECOWAS in the framework of the Moratorium on Small Arms and Light Weapons, *OJ* [2004] L 359/65, 4.12.2004.

¹⁰⁷ C. Hillion and R.A. Wessel, 'Competence distribution in EU external relations after ECOWAS: clarification or continued fuzziness?', 46 *Common Market Law Review* 2009, 553-554.

¹⁰⁸ European Commission, 'Summaries of important judgements. C-91/05 Commission v Council, judgement of 20 May 2008', available at <http://ec.europa.eu/dgs/legal_service/arrets/05c091_en.pdf>.

Strategy'¹⁰⁹ (2003), the 'European Consensus on Development'¹¹⁰ (2005), the 'Council Conclusions on Security and Development'¹¹¹ (2007) and the development 'Agenda for Change'¹¹² (2011) underpin the interrelations between security and development.¹¹³ Especially conflict prevention and peace building initiatives go hand in hand and are legally defined as main EU external relations objectives in Article 21(c) TEU. EU instruments like the Instrument contributing to Stability and the European Development Fund promote coherence between the EU's external actions and are supposed to support fragile countries in that regard.¹¹⁴ According to the Commission, a comprehensive approach, combining development cooperation and security policies, is crucial to prevent conflicts in developing countries. They argue for joint action, not only considering CFSP and development cooperation, but also including humanitarian aid, CSDP and soft laws like political dialogue.¹¹⁵ Authors like Merket agree and problematize the still existing legal distinction between the two fields. He criticises that the EU did admit the nexus through the changes of Lisbon and the above-mentioned strategies and decisions. However, the theoretical promises have not sufficiently been implemented yet.¹¹⁶ Because of the vast amount of EU institutions and Member States involved in external actions, nobody feels ultimately responsible. Consequently, the EU lacks a political leader holding the full responsibility for its external actions in third states.¹¹⁷ The introduction of the EEAS and the High Representative of the Union for Foreign Affairs and Security Policy paved the way for unified external action in a comprehensive approach, aiming at combining policy fields like security and development cooperation.¹¹⁸ Other scholars like A. Hadfield, specifically criticise the EU's attempt to merge development and security policies. She argues that 'securitized development policy'¹¹⁹ rather plays in the hands of the Member States to follow their external relations objectives than benefits the third countries concerned. However, she acknowledges

¹⁰⁹ A Secure Europe in a better world. European Security Strategy, (12 December 2003), available at <<http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>>.

¹¹⁰ The European Consensus, *supra* note 43.

¹¹¹ Security and Development – Conclusions of the Council and Representatives of the Governments of the Member States meeting within the Council, (20 November 2007), available at <<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015097%202007%20INIT>>.

¹¹² Agenda for Change, *supra* note 75.

¹¹³ I. Briscoe and Dr. B. van Ginkel, *supra* note 1, 7-8.

¹¹⁴ Final Review of the CT Sahel Project, *supra* note 42, at 9.

¹¹⁵ European Commission, 'Security and development, conflict prevention and the comprehensive approach', available at <https://ec.europa.eu/europeaid/policies/fragility-and-crisis-management/links-between-security-and-development_en>.

¹¹⁶ H. Merket, *supra* note 5, 625-626.

¹¹⁷ C. Lavallée and J.C. Völkel, *supra* note 77, at 17.

¹¹⁸ H. Merket, *supra* note 5.

¹¹⁹ A. Hadfield, 'Janus Advances? An Analysis of EC Development Policy and the 205 Amended Cotonou Partnership Agreement', 12 *Foreign Affairs Review* 2007, at 65, available at <<http://www.kluwerlawonline.com/document.php?id=EERR2007004&PHPSESSID=jf9h04cjl8f9b9usp7ulvgvvl5>>.

the fact that poverty and insecurity in fragile states can only be tackled efficiently if both policy fields cooperate.¹²⁰

As for now, the EU's comprehensive approach neglects internal challenges rising from different legal approaches (intergovernmental vs. supranational decisions) and different legitimised actors. Indeed, the increased involvement of the EEAS and the HR might lead to a comprehensive approach but at the moment, however, legal and political differences still remain. Consequently, the EU faces a lack of coherence and a lack of coordination between the actors involved.¹²¹ Until now, there are not only misunderstandings between actors like the EEAS and DG-DECVO, but also within the EEAS.¹²² Not to mention the Member States' interests in their own external policies, which have to be taken into account when launching supranational EU actions.¹²³

Apart from the vast amount of actors involved, legitimized by different policy fields, there is a shift in combining both internal and external security issues and include civilian as well as military actions in a comprehensive strategy to solve security threats. Coordination is also crucial in short-term (e.g. humanitarian aid) and long-term (e.g. development cooperation) actions, again tackling different fields and different actors.¹²⁴ These internal tensions ultimately impede the implementation process in the third countries concerned.

To conclude, this chapter described the scope of the EU's development cooperation and CFSP policies and thereby gave an answer to sub-question one. We have seen that development cooperation provides the necessary long-term instruments to enhance governance structures through the EDF and crisis management instruments to ensure security through the IcSP. CFSP/CSDP provides civilian and military mission to improve security structures and reduce terroristic activities. Combining both policy fields could potentially enhance the governance and security situation in Mali and Niger. However, this potential is threatened by the challenges stemming from different legal bases and actors involved. Despite the fact that the EU emphasized the nexus between development cooperation and security policies, underlined by several case laws, scientific authors criticise that the inconsistency still impedes cooperation in third states. The rather comprehensive role of the EEAS and the HR, both operating in the two policy fields, could enhance cooperation in the future.

¹²⁰ Ibid.

¹²¹ C. Lavallée and J.C. Völkel, *supra* note 77, at 17.

¹²² D. Helly and C. Rocca, 'The Mali crisis and Africa-Europe relations', *ecdpm European Centre for Development Policy Management*, June 2013, at 7, available at <<http://ecdpm.org/wp-content/uploads/2013/10/BN-52-Mali-Crisis-Africa-Europe-Relations-2013.pdf>>.

¹²³ C. Lavallée and J.C. Völkel, *supra* note 77, at 18.

¹²⁴ C. Lavallée and J.C. Völkel, *supra* note 77, at 3.

3. GOVERNANCE AND THE SECURITY SITUATION IN THE SAHEL REGION AND IN MALI/NIGER

This chapter provides background knowledge on the governance and security situation in the Sahel region and specifically refers to Mali and Niger. More precisely, it analyses the current state of governance as well as stability in order to highlight the security problems that these two countries face especially regarding terrorism. Thereby, this chapter gives an answer to my second sub-question: What is the current situation in Mali and Niger concerning good governance and terroristic activities? This is particularly relevant for my overall question as it outlines the challenges that the EU faces when implementing its external actions and highlights the necessary involvement in the region.

3.1 Overall Situation in the Sahel Region

Apart from weak governance structures, the whole Sahel region suffers from unfavourable natural circumstances. Most parts of these countries, namely Mauretania, Senegal, Mali, Niger, Chad, Sudan and Eritrea, are covered in desert, thus borders are rather difficult to define, which makes it hard to control them. Hence, the Sahel faces various transnational problems, especially regarding criminal activities.¹²⁵ These problems are outlined in the Draft Report on the situation of human rights in the Sahel region, where the European Parliament names the Sahel ‘one of the poorest regions in the world’, facing serious problems in regard to ‘the rule of law, security and armed conflict, as well as economic and social development’¹²⁶. These statements can be confirmed by internationally-accepted development indicators like the Human Development Index, assessing all countries of the Sahel region with the label ‘low human development’¹²⁷.

Lavallée and Völkel introduce three main threats to development and security in the Sahel: Firstly, the unfavourable natural circumstances (e.g. droughts resulting in food crises), pushing the affected population into poverty. Secondly, segregated minority groups with diverging traditions, beliefs etc. that are hardly combinable into one society with similar interests. Thirdly, groups of terrorists and criminals that are taking advantage of the bad governance structures, insufficient security measures and fuzzy borders in the region. Weak institutions and poorly

¹²⁵ C. Lavallée and J.C. Völkel, *supra* note 54, 160-161.

¹²⁶ C. Tannock, ‘Draft Report on the situation of human rights in the Sahel region’, *European Parliament Committee on Foreign Affairs*, 2013/2020(INI), at 4, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML%2BCOMPARL%2BPE-510.774%2B01%2BDOC%2BPDF%2BV0//EN>.

¹²⁷ C. Lavallée and J.C. Völkel, *supra* note 54, at 161.

equipped judicial systems in the fragile or even failed states of the Sahel region, leave room for terroristic activities.¹²⁸

3.2 Current Governance and Security Situation in Mali

Apart from the governance and security concerns, which I will outline below, one has to keep in mind some other factors that shape Mali's environment. The country's climate conditions, to begin with, are rather unfavourable with two-thirds of the territory covered in desert. Frequent droughts seriously threaten Mali's agricultural-based economic system. In terms of social circumstances, 51% of the Malian population faces extreme poverty, the education level is insufficient and most working fields are of informal nature.¹²⁹ The conflicts in the North led to a high amount of internally displaced people.¹³⁰ Moreover, Mali's dependence on international actors is most apparent in the fields of natural resources (gold exploitation) and telecommunication system, where mostly foreign companies are involved in.¹³¹ Indeed, with a Human Development Index of 0.419, Mali currently occupies place 179 out of 188 countries captured in the Index.¹³²

In the following, I will describe the governance and the security situation in Mali by focusing on the rule of law, democratic structures, participation, secularisation, public administration and government effectiveness as well as terroristic activities.

3.2.1 Governance in Mali

Since the presidential and parliamentary elections in 2013, President Ibrahim Boubacar Keïta re-introduced the rule of law and strengthened the National Assembly and the Constitutional Court on paper. In reality, both legislative bodies are heavily restricted through the influence of the executive. The president, for instance, chairs the High Judicial Council, thus shaping legislative decisions. Moreover, the judiciary suffers from corruption and a lack of educated personnel and resources.¹³³ Apart from the governmental courts, some regions in the North rely

¹²⁸ C. Lavallée and J.C. Völkel, *supra* note 54, 161-162.

¹²⁹ Bertelsmann Stiftung, 'BTI 2016 – Mali Country Report', (2016), 23-24, available at <https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Mali.pdf>.

¹³⁰ Freedom House Index Mali (2016), available at <<https://freedomhouse.org/report/freedom-world/2015/mali>>.

¹³¹ Mali Country Report, *supra* note 129, 23-24.

¹³² UNDP Human Development Reports (2015), available at <<http://hdr.undp.org/en/countries/profiles/MLI>>.

¹³³ Corruption is a general problem in Mali, occurring at all stages of governance structures. Despite the President's commitment to counter-act corrupt activities in 2013, the abuse of public power is still common in the country. See Bertelsmann Stiftung, *supra* note 129 at 9.

on traditional, mostly religious, moral leaders deciding on what is right. As outlined in the Introduction, parallel institutions based on faith rather than on law are not in line with the Western understanding of the rule of law. However, some communities in Mali might see these moral leaders as legitimate.¹³⁴

Before the military coup in 2012, Mali enjoyed rather stable democratic structures. Unfortunately, this progress dramatically changed in the aftermath of the putsch.¹³⁵ Nowadays, Mali's democracy is slowly recovering, yet still working rather inefficient. One striking example of governmental inefficiency is the fact that three prime ministers have been appointed by the president since 2013. Currently, Modibo Keita holds the office as prime minister.¹³⁶ Radical groups and Islamist organisations in the country refuse the existent democratic structures and promote their ideas of legitimate institutions.¹³⁷

Apart from that, Mali faces huge problems concerning the political integration of minority groups due to historically based frictions between ethnicities. Despite the fact that there is no leading ethnicity in the government¹³⁸, the nomad tribes from the north as well as Arabic minority groups do not feel represented by the government. The Movement for the National Liberation of Azawad (MNLA), a Tuareg liberalisation army, even tried to gain independence for the Azawad¹³⁹ region, illustrating the non-acceptance of the Malian nation-state.¹⁴⁰ Even though there is a vast amount of political parties registered in Mali, most of them are based on elitist groups. Moreover, the functioning of the parliament is restricted by the unwritten law of finding a consensus, which most Malians regard as ultimately democratic.¹⁴¹

According to the constitution, Mali is a secular state and does not allow its political parties to express religious stands. However, especially the Islamist movements stress the importance of traditional leaders as legitimate institutions. In the past, these leaders did influence political decisions despite the regulations laid down in the constitution. Apart from that, the Malian High Islamic Council is involved in politics as well, questioning Mali's level of secularisation.¹⁴²

Moreover, the existing public administration structures in Mali were mainly implemented with the support of international donor organisations, pushing Mali into the direction of a democratic and decentralized system. However, the established institutions are not functioning

¹³⁴ Mali Country Report, *supra* note 129, 8-9.

¹³⁵ C. Lavallée and J.C. Völkel, *supra* note 54, at 161-162.

¹³⁶ Mali Country Report, *supra* note 129, at 8.

¹³⁷ Mali Country Report, *supra* note 129, at 11.

¹³⁸ Freedom House Index Mali, *supra* note 130.

¹³⁹ The Azawad area consists of the three northern regions Gao, Kidal, Timbuktu.

¹⁴⁰ Mali Country Report, *supra* note 129, at 5.

¹⁴¹ Mali Country Report, *supra* note 129, at 11-12.

¹⁴² Mali Country Report, *supra* note 129, 5-6.

effectively in all parts of the country, mainly because the national capacities do not reach rural areas. Furthermore, as the decision-making process only takes place in the South, the nomad people from the North do not feel included and represented by the government.¹⁴³ This cultural and geographical gap ultimately led to dual administration systems. While the institutions in the area of the capital Bamako are organized by public employees, the North is administered by both governmental institutions and local Tuareg leader structures, which hinders coherent cooperation.¹⁴⁴ Furthermore, with 30 ministries under the hand of the government, the division of competences is oftentimes unclear. Moreover, financial support from international donor organisations operating in Mali leads to corrupt incentives for public employees.

Inadequate administration structures also influence the election processes. In the northern regions, a vast amount of the population lacks the access to voting offices. These underdevelopments consequently lead to biased voting outcomes and underrepresentation of northern minority groups. According to international observers, the last presidential and parliamentary elections in 2013 were ‘generally free and fair’¹⁴⁵.

Resulting from the security crisis, the Malian government currently faces the challenge to combine multiple actors involved in the country including local as well as international donor organisations. Hence, Mali’s governance system is under constant surveillance as the government is dependent on international civilian and military aid.¹⁴⁶

3.2.2 Security in Mali

The revolutions of the Arab Spring in 2011 not only changed the political situation in the Northern African countries but also affected the Sahel region. Especially Mali experienced revolts including terroristic activities mostly in the northern part of the country. Nomad tribes as well as Islamist groups expressed their grievances through violence. Particularly the Tuareg, developed their own hierarchical structures and refuse any impact of the national governments in their area. After the fall of the Qaddafi regime in Libya, a vast amount of Tuareg returned to their home country and founded the Movement for the National Liberation of Azawad (MNLA), aiming at an independent Tuareg state in Northern Mali.¹⁴⁷ These tensed circumstances, known as the third Tuareg rebellion, where MNLA liberation fighters on the one side fought against

¹⁴³ Mali Country Report, *supra* note 129, at 6.

¹⁴⁴ C. Lavallée and J.C. Völkel, *supra* note 54, at 163.

¹⁴⁵ Mali Country Report, *supra* note 129, at 6.

¹⁴⁶ Mali Country Report, *supra* note 129, at 7.

¹⁴⁷ C. Lavallée and J.C. Völkel, *supra* note 54, at 163.

soldiers from the Malian government on the other side, eventually led to a military coup in March 2012.¹⁴⁸ Because of fragile institutional structures and weak social and economic opportunities, a lot of Malians protested violently, resulting in numerous displaced people and hundreds of deaths.¹⁴⁹ Shortly after the putsch, most parts of the country were in the hands of non-governmental actors, namely the MNLA fighters and their supporters from Ansar ed-Din, al-Qaeda in the Islamic Maghreb (AQIM) and the Movement for Unity and Jihad in West Africa (MUJAO). In response to the Islamist take-over, the Malian government agreed on a military intervention led by French and Chadian forces, supported by the African-led International Support Mission in Mali (AFISMA) soon after. Despite the peace agreement between the Malian government and the Tuareg rebels in June 2013, opening the way for the presidential elections in July/August, which resulted in the victory of President Ibrahim Boubacar Keïta¹⁵⁰, the gap between the Tuareg in the North and the government in the South still remains and even increased.¹⁵¹ In April 2013, the French and Chadian soldiers handed the military presence over to the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA).¹⁵² Since then, the attempts to establish peace and security are frequently threatened by Tuareg as well as Islamist terror attacks, trying to violently enforce their rights. AQIM, for instance, even poses a direct threat to Europe by tacking EU citizens as hostages in order to blackmail financial assets, which they can use in their favour. Shockingly, these Islamist movements often strengthen their territory with the help of government officials. As a result, tourism as well as formal and legal employment radically declined while criminal and terroristic structures took over.¹⁵³

The above-mentioned governance and security structures are reflected in the Worldwide Governance Indicators, introduced in the theory section. In terms of voice and accountability, Mali scores comparably high. With a percentile rank of 41.38, around 41% of the included countries are equally good or worse off than Mali. To put it differently, more than half of the countries tested (around 59%) enjoy a higher amount of voice and accountability. Especially alarming is Mali's rank in regard to political stability and the absence of violence: only 6.8% of countries tested suffer from more instability and violence. Comparably low is also the amount of government effectiveness in Mali (percentile rank 14.42). Regarding regulatory

¹⁴⁸ Mali Country Report, *supra* note 129, at 4.

¹⁴⁹ C. Lavallée and J.C. Völkel, *supra* note 54, 160-161.

¹⁵⁰ Mali Country Report, *supra* note 129, at 4.

¹⁵¹ C. Lavallée and J.C. Völkel, *supra* note 54, at 163.

¹⁵² More information on MINUSMA are available at <http://www.un.org/en/peacekeeping/missions/minusma/background.shtml>.

¹⁵³ C. Lavallée and J.C. Völkel, *supra* note 54, 163-164.

quality (30.77), rule of law (29.33) and control of corruption (27.4), Mali belongs roughly to the lowest quarter of countries included in the Governance Indicators.¹⁵⁴

To conclude, Mali's efforts to improve the governance system as well as democratic structures is mainly constrained by its security concerns. Apart from the independence movements of minority groups in the North, Mali's government is threatened by Islamist terror activities, spreading-over from its neighbouring countries in the Maghreb. Additionally, the government has to combine its national interests with the demands of international actors like the United Nations, operating in the country.

3.3 Current Governance and Security Situation in Niger

Next to the governance and security problems that I will assess below, Niger faces extreme poverty, high illiteracy rates and population growth.¹⁵⁵ According to the Human Development Index, Niger is even the least developed country in the world, currently staying on the last rank (188) with a value of 0.348.¹⁵⁶ Just as most countries of the Sahel region, Niger suffers from regular droughts and floodings, which brings the victims even further into poverty. Moreover, the country is very much dependent on the exploitation of its uranium and oil while at the same time lacking an adequate infrastructure to efficiently exploit its natural resources. In that regard, Niger specifically cooperates with France, which highlights the still existing post-colonial structures in the country. Overall, Niger needs international support in order to tackle its administrative, judicial and security problems.¹⁵⁷ Since the 'free and fair' elections of April 2011, the Nigerien president Mahamadou Issoufou claims to run the country on the basis of democratic ideals.¹⁵⁸ He committed himself to fight corruption and increase political participation not only for the ordinary citizens but also for his political opposition.¹⁵⁹ International observers assessed the elections as a chance to re-establish democracy and the rule of law.¹⁶⁰ Despite the president's commitments, only few of his promises became true in Niger.

¹⁵⁴ The World Bank, 'Worldwide Governance Indicators', available at <<http://info.worldbank.org/governance/wgi/index.aspx#home>>.

¹⁵⁵ Bertelsmann Stiftung, 'BTI 2016 – Niger Country Report', (2016), at 21, available at <https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Niger.pdf>.

¹⁵⁶ UNDP Human Development Reports (2015), available at <<http://hdr.undp.org/en/countries/profiles/NER>>.

¹⁵⁷ Niger Country Report, *supra* note 155.

¹⁵⁸ Mahamadou Issoufou is a member of the Party for Democracy and Socialism (PNDS).

¹⁵⁹ Niger Country Report, *supra* note 155, at 2.

¹⁶⁰ T. van Damme, 'Under the shadow of Boko Haram: Niger on the eve of elections', *Clingendael CRU Commentary* (11 February 2016), at 1, available at <<http://www.clingendael.nl/sites/default/files/Under%20the%20shadow%20of%20Boko%20Haram%20Niger%20on%20the%20eve%20of%20elections.pdf>>.

3.3.1 Governance in Niger

In regard to governance issues such as the rule of law, Niger still lacks an adequate judicial system even though the constitution specifically emphasizes the separation and regulation of power, including an independent judiciary.¹⁶¹ In practice, the president appoints judges, who are mostly underpaid and insufficiently educated.¹⁶² Especially members of the government are hardly sued for their criminal or corrupt activities. Apart from that, in the rural areas¹⁶³ most ordinary citizens cannot afford trials, because the employment of a lawyer is simply too expensive.¹⁶⁴

Generally, the population as well as the institutions involved in the political process commit themselves to the democratic structure of the country. The multi-party system is accepted by most actors. Still, the opposition party, called Mouvement National pour la Société du Développement (MNSD) refuse the democratic development. Apart from them, the supporters of the former military dictatorships as well as the rebel groups of the Tuareg do not commit themselves to the public institutions.¹⁶⁵ Radical Islamist communities also refuse the democratisation process of the country. The fact that these anti-democratic groups gain support especially from the rural population can be explained with the public's mistrust in political stability. The public's trust in politicians and institutions is especially challenged by clientelism and the power of the elite.¹⁶⁶ Incidences, like the denunciation of Issoufou's main political opponent, Hama Amadou, in June 2014, shows the influential power of the president and questions the democratic structures he promotes.¹⁶⁷ These tensions lead, according to Choi, to grievances among the population, ultimately resulting in violent riots against the system, which again hinders the country to become politically and economically stable.¹⁶⁸ According to van Damme, the promised but not implemented democracy specifically fostered the disparity between the elite and the youth.¹⁶⁹

Despite the fact that Issoufou made his opponent Amadou flee the country, he appointed other opponents to members of his government. Furthermore, following the constitution of 2011, there are eight seats in the National Assembly reserved for minority groups. However, these

¹⁶¹ Niger Country Report, *supra* note 155, 5 and 8.

¹⁶² Freedom House Index Niger (2016), available at <<https://freedomhouse.org/report/freedom-world/2015/niger>>.

¹⁶³ About 80% of the total population of Niger lives in rural areas, see *supra* note 155, at 12.

¹⁶⁴ Niger Country Report, *supra* note 155, at 9.

¹⁶⁵ Niger Country Report, *supra* note 155, at 11.

¹⁶⁶ Niger Country Report, *supra* note 155, at 27.

¹⁶⁷ Freedom House Index Niger, *supra* note 162.

¹⁶⁸ S.-W. Choi, *supra* note 16.

¹⁶⁹ T. van Damme, *supra* note 160, at 1.

ethnicities can hardly participate in decision-making processes because of lacking governmental service systems in rural areas.¹⁷⁰ Next to the military, Islamist interest groups increase their influence on governmental decisions, even though the power of the military is comparably low taking into account the situation in Niger's neighbouring countries.¹⁷¹ Civilian interest groups, on the other hand, almost have no say in the decision-making process. Apart from the fact that most groups only organise themselves in Niamey and not in other parts of the country, ordinary citizens oftentimes lack financial resources or adequate education.¹⁷²

What is more, the current constitution explicitly promotes secularisation and denies the influence of religious ideas into government structures. Nevertheless, the country is home to several strict and traditional Islamic communities, trying to enforce religious-based laws and partly cooperating with militant groups such as the Al-Qaeda in the Islamic Maghreb (AQIM) and Boko Haram. The government does not have the capacities to control these anti-democratic movements.

In general, Niger's administrative system is rather rudimentary because of insufficient human and budgetary resources. Apart from that, there is a strong division of institutional effectiveness between the Southern part of the country (including the capital Niamey) and the North. Most administrative competences as well as judicial capacities are aggregated in the area surrounding the capital. Moreover, corruption is apparent at all levels of public administration and politics.¹⁷³ In order to tackle the problem of corruption, president Issoufou created three administrative bodies after his first election in 2011, namely the Bureau d'information de Réclamation contre la Corruption, the Haute Autorité de Lutte contre la Corruption as well as an anti-corruption hotline.¹⁷⁴ However, these institutions do not seem to fulfil their duties sufficiently as to international observers.¹⁷⁵

As mentioned above, the elections of 2011 and 2016 were considered to be 'free and fair', according to international standards. However, because of administrative burdens, about 1.5 million people (especially in rural areas) could not vote for the presidential elections in 2016.¹⁷⁶ Moreover, the Constitutional Court only allows candidates with a certain amount of educational

¹⁷⁰ Freedom House Index Niger, *supra* note 162.

¹⁷¹ Niger Country Report, *supra* note 155, at 7.

¹⁷² Niger Country Report, *supra* note 155, at 12.

¹⁷³ Niger Country Report, *supra* note 155, at 6.

¹⁷⁴ Niger Country Report, *supra* note 155, at 9.

¹⁷⁵ Freedom House Index Niger, *supra* note 162.

¹⁷⁶ E. Boh, 'Niger: More than a million cannot vote in February presidential election' *africanews*, 23 January 2016, available at <<http://www.africanews.com/2016/01/23/niger-more-than-a-million-cannot-vote-in-february-presidential/>>.

background to run for presidency. Thus, only the educated elite of the country has the chance to gain high ranks in the government.

3.3.2 Security in Niger

Just as Mali, Niger suffers from Islamist groups taking over in the desert areas of the North. Insecure borders and security problems in the neighbouring countries of Mali, Libya and Nigeria also affected the amount of criminal activities in Niger. According to the Bertelsmann Stiftung, it is ‘difficult to think of a more challenging context in which to pursue economic and political transformation’¹⁷⁷. In order to fight the proliferation of weapons within the country, the government receives military support from its former colonial ruler France as well as the USA. Nevertheless, Niger stays a victim of Islamist terrorism, recently proven by fire attacks on 70 Catholic churches in January 2015. This criminal offence has been attributed to the Nigerian terror organisation Boko Haram, who currently gain more and more influence in the neighbouring countries of Cameroon, Chad and Niger. Until then, Islamist terrorism barely existed in Niger.¹⁷⁸ Since Niger decided to support Nigeria with 740 troops in a regional action plan to fight Boko Haram, terroristic incidences increased in the country. The president therefore declared a ‘state of emergency’ in the most affected south-eastern region called Diffa.¹⁷⁹ Along with the state of emergency, president Issoufou restricted certain liberties such as the right to demonstrate and imprisoned protesters denouncing the general conditions for the military operations against Boko Haram.¹⁸⁰ Even though Issoufou claims the opposite, van Damme argues that the ‘regime [tries] to shut down every dissenting voice that might endanger what Issoufou tries to present as “unified popular support” behind the government and the army’¹⁸¹. The author further stresses the military’s inability to handle the current threat of Boko Haram, lacking the needed educational and material resources.

Apart from Islamist terror groups, the Nigerien government has difficulties to control the Tuareg rebels in the North. Even though president Issoufou appointed Brigi Rafini, a Tuareg, as his prime minister (and reappointed him after the elections of 2016), the Tuareg express their

¹⁷⁷ Niger Country Report, *supra* note 155, at 21.

¹⁷⁸ Niger Country Report, *supra* note 155, 2 and 23.

¹⁷⁹ The World Bank, ‘Niger Overview’ (last updated 13 April 2016), available at <<http://www.worldbank.org/en/country/niger/overview>>.

¹⁸⁰ T. van Damme, *supra* note 160, at 1.

¹⁸¹ T. van Damme, *supra* note 160, at 3.

grievances towards the government through criminal activities in their homelands and support the proliferation of arms at the borders.¹⁸²

Moreover, the fuzzy border structure in combination with the security problems in the surrounding countries, led to an increase of refugees coming from Chad, Nigeria etc. Most displaced people use Niger as a transit country in order to reach Algeria or Libya to eventually immigrate to Europe from there. A few weeks ago, Niger's Foreign Minister Ibrahim Yacoubou asked for budgetary support from the EU in order to handle the estimated 150.000 refugees entering Niger this year.¹⁸³ As a transit country, Niger also faces the serious problem of human trafficking and slavery. Despite the criminalization of slavery in 2003, there are about 43.000 slaves reported in Niger.¹⁸⁴ Even though there are institutional bodies trying to reduce the amount of trafficked people, 'there is no reliable information about the situation in the northern region'.¹⁸⁵

The Worldwide Governance Indicators confirm the weak governance and security situation in Niger. Considering voice and accountability Niger owns a percentile rank of 39.9, indicating that about 60% of all countries score a higher amount of voice and accountability. Looking at political stability and the absence of violence, only 9.22% of all countries included are worse off than Niger. Government effectiveness (23.59), regulatory quality (28.37), rule of law (27.4) and control of corruption (30.77) are about equally low, leaving Niger in the lowest quarter of countries tested.¹⁸⁶

To conclude, even though Niger's current constitution as well as the government itself promote the adherence to good governance, including democracy, the rule of law and political participation, these commitments do not seem to be implemented effectively. The analysis illustrates that these objectives are mainly challenged by insecure political and societal circumstances resulting in violent extremism as well as external security threats.

3.4 Comparison and Sub-Conclusion

As described in sub-chapter 3.1, the Sahel region faces, due to its geographical location and similar political and climate conditions, comparable problems. Mali and Niger, as two countries of the Sahel, can be seen as representatives for the overall political and security situation of the

¹⁸² Niger Country Report, *supra* note 155, at 5.

¹⁸³ M. Brice, 'Niger tells Europe it needs 1 billion euros to fight illegal migration', *Reuters* 3 May 2016, available at <<http://www.reuters.com/article/us-europe-migrants-idUSKCN0XU1P9>>.

¹⁸⁴ Freedom House Index Niger, *supra* note 162.

¹⁸⁵ Niger Country Report, *supra* note 155, at 10.

¹⁸⁶ Worldwide Governance Indicators, *supra* note 154.

region, even though every single country follows different approaches in order to solve its governance and security problems.

The governance structures of Mali and Niger are rather similar. Both constitutions stress the importance of an independent judiciary. However, in Mali as well as in Niger, the executive holds a dominant role, undermining legislative procedures. Corruption and insufficient human and financial resources hinder fair trials. Similarly, democratic structures are promoted by both governments, but are hardly implemented and publicly refused by oppositional groups. While Mali's president regularly appoints a new prime minister, Niger's president denounced his main opponent. Consequently, the public mistrusts democratic stability, resulting in riots especially organised by minority groups. Moreover, both constitutions promote secular values, which are threatened by Islamist movements trying to implement their ideas in areas where the government has no influence. In Mali, moderate traditional Islamic leaders are seen as legitimate decision-makers and the official High Islamic Council is involved in political decisions. In regard to public institutions, both countries encounter differences between the effectiveness of administration in the northern, rural and in the southern, urban areas. Especially in Mali, these circumstances led to parallel administrative structures in the North with both governmental and traditional public services. Administrative burdens in rural areas also have an impact on lacking voting opportunities. However, the last elections in both countries were considered to be free and fair according to international observers.

In general, the three main threats to development and security in the Sahel that I mentioned above, are clearly visible in Mali and Niger. Both countries are affected by food crises resulting from droughts that contribute to the miserable conditions of the people especially in the North. Moreover, both governments face difficulties to include minority groups in the political and societal system. Especially the Tuareg build up their own structures in the desert regions where the national government is hardly involved. However, Niger seems to handle these difficulties better than Mali. Firstly, because President Issoufou publicly acknowledged the Tuareg as important governmental partner by appointing Brigi Rafini as prime minister. Both the Tuareg leaders and the government commit themselves to regular negotiations since the peace agreement in 1995. Still, the implementation of the agreement is not provided to the full satisfaction of the Tuareg. Another difference between the two countries is the fact that the Malian Tuareg live without exceptions in the North, while the Nigerien Tuareg can be found throughout the country. Consequently, Nigerien's are less likely to claim independence of their region as the MNLA in Mali did. However, the peace negotiations of both countries are frequently interrupted by the involvement of Islamist terrorism, seriously threatening the

internal security. Due to uncontrollable border structures and bad governance systems especially in the desert regions of the Sahel, transnational criminal activities can easily take place. Especially foreign terrorist groups (AQIM in Mali and Boko Haram in Niger) exploit the insecure circumstances for their own good, benefitting from human and weapon trafficking. While Niger has managed to tackle both the Tuareg rebellions and the terrorist security threats equally, Mali's security concerns got out of hand leading to intensified and unsolved problems with the Tuareg. Due to the international involvement in counter-terrorism in Mali (especially through MINUSMA), the government neglects its internal minority problems.¹⁸⁷

Overall, the governance structures of Mali and Niger are rather similar. According to the Worldwide Governance Indicators, both countries rank comparably high in terms of voice and accountability, which can be explained by the high amount of political parties in Mali and the negotiations between the Tuareg and the government in Niger. Political instability and violence are serious threats in both countries, influencing the government effectiveness. Still, the government in Niger seems to work more effectively than Mali's. The different scores in the Index might be a result of Niger's efforts to include minority groups in the North, while Mali's government is challenged by combining diverging internal and external actors. The regulatory quality as well as the rule of law are heavily affected by corruption and ineffective public institutions in both countries.

By giving an overview about the current governance and security situation, this chapter provided an answer for sub-question two. To conclude, both the weak governance structures and the security threats hamper the sustainable development of Mali and Niger and make them part of the least developed countries in the world. Given the equally bad circumstances in the whole region, one can conclude that other Sahel countries face similar problems. The European Union, as a global actor in promoting good governance and counter terrorism especially in its wider neighbourhood, therefore plays an important role to increase stability not only Mali and Niger but in the whole region.

4. THE COOPERATION FRAMEWORK BETWEEN THE EU AND MALI/NIGER

Having explained the urgency of European action in the Sahel region and especially in Mali and Niger, the following chapter combines the EU's external action policies in counter-terrorism with the governance and security conditions in both countries and explains the EU's

¹⁸⁷ 'Can Niger offer Mali lessons on the Tuareg?', *IRIN*, (11 April 2013), available at <<http://www.irinnews.org/report/97823/can-niger-offer-mali-lessons-tuareg>>.

comprehensive legal framework with the Sahel region and specifically with Mali and Niger. Additionally, current actions resulting from the cooperation framework will be presented. All in all, this chapter tackles the third sub-question: what is the existing cooperation framework between the EU and Mali/Niger concerning governance, security and counter-terrorism policies? By answering this question, I can further analyse to what extent this framework has an impact on the reduction of terroristic activities in Mali and Niger.

4.1 Legal Framework for the Sahel region

The ACP-EU Cotonou Agreement serves as the overall legal basis of the EU's external actions in the Sahel. Article 9 of the amended Agreement specifically refers to the adherence to good governance structures from both sides, namely 'essential elements regarding human rights, democratic principles and the rule of law, and fundamental element regarding good governance'¹⁸⁸, ultimately leading to sustainable development. Included as another important aspect of the Article is the fight against corruption. In Article 11, the partners agreed upon 'peace building policies, conflict prevention and resolution, [and] response to situations of fragility'¹⁸⁹. Paragraph 1 points at the nexus between development and sustainable security and demands for a comprehensive approach to combat fragility. Furthermore, it stresses the increasing threat of organised crime and human as well as weapon trafficking. In order to implement sustainable peace, both the 'democratic legitimacy and effectiveness of governance'¹⁹⁰ shall be strengthened. In terms of combating terrorism, Article 11A emphasizes the exchange of relevant information and mutual support in regard to training missions and knowledge-sharing in general. Next to the Cotonou Agreement, the European Union Security Strategy specifically highlights the importance of a comprehensive approach combining military as well as non-military external actions in order to increase stability in fragile countries.¹⁹¹

Facing the riots resulting from the Arab Spring, as outlined in the previous chapter, and following the French demand to expand relations with West Africa, the EU introduced the Strategy for Security and Development in the Sahel in March 2011. Combining good governance as well as counter-terrorism actions in a comprehensive approach, the Sahel Strategy serves as overall legal framework for the region. Beforehand, the EU sent experts to

¹⁸⁸ The Cotonou Agreement, *supra* note 55.

¹⁸⁹ The Cotonou Agreement, *supra* note 55.

¹⁹⁰ The Cotonou Agreement, *supra* note 55.

¹⁹¹ European Security Strategy, *supra* note 109.

the region in 2009 in order to identify the most pressing interventions needed.¹⁹² Within the Strategy, the EU specifically refers to the following key tackling points: ‘(1) development, good governance and internal conflict resolution; (2) political and diplomatic action; (3) security and the rule of law; (4) countering violent extremism and radicalisation’¹⁹³. Hence, the Sahel Strategy comprises the in Chapter 2 mentioned nexus between development cooperation and security policies. Above all, the comprehensive approach of the Sahel Strategy combines ‘humanitarian aid, development policies, diplomatic pressure and civilian as well as military missions’¹⁹⁴, including short- and long-term actions. Apart from that, by including the goals of good governance and countering violent extremism, the Sahel Strategy particularly highlights the link, which I explained in my theory part. Moreover, the EU follows a regional approach, tackling the transnational security problems explained in the previous chapter.

The Sahel Strategy specifically focused on three countries of the Sahel, namely Mauritania, Niger and Mali. Due to implementation spill-overs, the Foreign Affairs Council decided to extend the Strategy in March 2014 by including Burkina Faso and Chad. These five countries founded the G5 Sahel group already in February 2014 in order to increase cooperation in the fields of development and security.¹⁹⁵ In March 2013, the EU appointed the Frenchman Michel Reveyrand de Menthon as the Special Representative of the EU in the Sahel. Since November 2015, Ángel Losada Fernández from Spain took over the office.¹⁹⁶ He is responsible for a coherent cooperation between the two Strategy partners. On April 20, 2015, the Council amended the Sahel Action Plan for the upcoming years (2015-2020). The main target points cover ‘(1) prevention and countering radicalisation; (2) creation of appropriate conditions for youth; (3) migration and mobility [and] (4) border management, the fight against illicit trafficking and transnational organised crime’¹⁹⁷. The Action Plan explicitly points out the importance of ownership and cooperation between all internal and external actors included.

¹⁹² C. Lavallée and J.C. Völkel, *supra* note 77, 9-10.

¹⁹³ The European Union and the Sahel Factsheet, available at <<https://eeas.europa.eu/csdp/documents/pdf/132802.pdf>>.

¹⁹⁴ C. Lavallée and J.C. Völkel, *supra* note 77, at 2.

¹⁹⁵ For more information about the G5 Sahel countries, see <<http://www.g5sahel.org/index.php/qui-sommes-nous/le-g5-sahel>>.

¹⁹⁶ Council Decision (CFSP) 2015/2274 of 7 December 2015 appointing the European Union Special Representative for the Sahel, *OJ* [2015] L322/44, 8.12.2015.

¹⁹⁷ Sahel Regional Action Plan 2015-2020, *supra* note 59.

Overall, the legal framework for the Sahel region is the first comprehensive approach including development cooperation and security policies and instruments to tackle the transnational challenges in the wider European neighbourhood.¹⁹⁸

4.1.1 Legal Framework for Mali

The national indicative program, based on the Sahel Strategy, serves as main legal basis between the EU and Mali and provides support in the following areas: ‘(1) human rights, democracy and other key aspects of good governance, and (2) inclusive and sustainable growth for human development, (3) peace, and (4) equality between men and women’¹⁹⁹.

The only key priority fields mentioned in the program and relevant for this study are state reforms and strengthening of the rule of law.²⁰⁰ Against the background of the security crisis in Mali since 2012, institutional, economic and judicial reforms are crucial to reinstall lasting stability. Through financial contributions from the 11th EDF, social structures between different communities shall be enhanced and the population’s trust in public institutions shall be improved to ultimately strengthen the government’s credibility and efficiency in rural areas. An improved governmental system shall contribute to a unified national identity despite ethnical differences and eventually increase the government’s effectiveness. The goal is to renew the population’s trust in their leaders through an open political dialogue and thereby empower the civil society. A special focus shall be put on reforms of the judiciary, including the adherence to the human rights, democratic structures and access to free and fair trials. Moreover, the 11th EDF shall put an emphasis on the improvement of the security system through trainings and capacity-building to prevent organised crime. Under security reforms the EU shall also tackle the problem of illegal migration in Mali. Particularly the CSDP civilian and military mission in Mali shall be used to achieve stability. Furthermore the national indicative program provides support in the fight against corruption and decentralisation reforms to improve the governance structures in the country.²⁰¹

¹⁹⁸ D. Helly and G. Galeazzi, ‘Avant la lettre? The EU’s comprehensive approach (to crisis) in the Sahel’, *ecdpm European Centre for Development Policy Management*, February 2015, available at <<http://ecdpm.org/wp-content/uploads/BN-75-EU-Comprehensive-Approach-Sahel-February-2015.pdf>>.

¹⁹⁹ European Commission, ‘Decision of 10.11.2015 on the 2015 annual action programme for the Republic of Mali to be financed from the 11th European Development Fund’, C [2015] 7698, 10.11.2015, at 2.

²⁰⁰ The other fields of the national indicative program are rural development and food security, education, road maintenance/infrastructure and trans-sectoral domains, see *supra* note 57, at 4.

²⁰¹ Union Européenne – Mali, *supra* note 57, 10-12.

4.1.2 Legal Framework for Niger

The EU actions in Niger have a strong focus on good governance and security. Section three of the national indicative program for 2014 until 2020, prioritizes the relationship between security, good governance, the rule of law and sustainable development. According to the program, the ultimate goal of poverty reduction can only be reached in a secure environment. Moreover, national security is dependent on democratic structures and a well-functioning judiciary, solving internal conflicts through public participation and civil rights protection. As outlined in the previous chapter, Niger's law system is still underdeveloped and current reforms do not seem to be effectively enforced, because of insufficient resources. Especially minority groups suffer from a lack of access to judicial support. Therefore, the national indicative program provides enhanced cooperation on that field with the EU.

Moreover, the Nigerien government is seriously confronted with organised crime and terrorism, especially in its border regions. Therefore the program highlights the importance of strengthening internal security forces in order to better protect the Nigerien citizens. Furthermore, political dialogue shall be enhanced with local authorities to foster decentralisation and prevent the emergence of new conflicts. Through the IcSP, initiatives on the community level particularly addressing the unemployed youth without perspectives shall be implemented in order to prevent radicalisation processes. Those initiatives ultimately contribute to the stabilisation of social structures especially in rural areas, strengthen state presence and foster democracy.²⁰²

4.1.3 Comparison Mali and Niger

To conclude, both specific legal frameworks point out the importance of governance and security issues as referred to in the Sahel Strategy. Mali concentrates more on other internal threats like malnutrition and infrastructure and puts a focus on the integration of minority groups to strengthen the civil society. Under the assumption that independent and accountable judicial services and public institutions improve participation, the national identity shall be enhanced. Niger, on the other hand, focuses explicitly on good governance and security threats in its national indicative program. Different from Mali, Niger tries to improve opportunities for the youth rather than for ethnical groups in order to prevent radicalisation. Looking at the Nigerien government efforts to include minorities, as outlined in the previous chapter, one could

²⁰² Union Européenne – République du Niger, *supra* note 58, at 12.

assume that Niger does not necessarily need to focus on that topic, as opposed to Mali. Furthermore one could conclude that the EU puts more emphasis on internal disagreements in Mali and thereby strengthens governance, as most security issues are tackled by other international donor initiatives like MINUSMA.

4.2 Current Actions in the Sahel

On the basis of the Cotonou Agreement and the Sahel Strategy and next to the instruments used to implement the Strategy, the EU launched two special external action programs for the region: the EU Emergency Trust Fund for the Sahel region and Lake Chad area and the Counter Terrorism (CT) Sahel Project.

Against the background of the refugee crisis, the EU launched an Emergency Trust Fund for Africa, including nine countries of the Sahel region.²⁰³ The development and security threats that the region faces, lead to a high amount of displaced people and refugees, trying to flee to Europe.²⁰⁴ Therefore, the EU supports countries such as Mali and Niger with financial aid provided by the Emergency Trust Fund. On April 18, 2016, the European Commission adopted new measures to be undertaken in the Sahel region with a total amount of 280 million EUR in order to contribute to the reduction of migration. 19 million EUR will be provided to enhance security and development in the northern areas of Mali and to increase incentives to the Malian diaspora in France and Spain to tackle the migration flows coming from Mali. In Niger, 42.9 million EUR will be spend on better job possibilities for asylum seekers, strengthening career opportunities for the youth in the north and supporting the Nigerien police in order to effectively tackle the problem of irregular migration and human trafficking.²⁰⁵ Most recently, the Commission published a press release on a 'New Migration Partnership Agreement'. In the announcement, HR Mogherini stated: 'we are ready to increase financial and operational support and to invest in long-term economic and social development, security, rule of law and human rights, improving people's life and tackling the divers of migration'²⁰⁶. Hence,

²⁰³ The Trust Fund was established at the Migration Summit in Malta on November 11 and 12, 2015 and includes Burkina Faso, Cameroon, Chad, The Gambia, Mali, Mauretania, Niger, Nigeria and Senegal. For further information, see <http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund/sahel-region-and-lake-chad-area_en>.

²⁰⁴ See Chapter 3

²⁰⁵ European Commission, 'Description of the new measures adopted to tackle the root causes of irregular migration and displaced persons in the Sahel region and Lake Chad Basin', Factsheet (18 April 2016), available at <http://europa.eu/rapid/press-release_MEMO-16-1426_en.htm>.

²⁰⁶ European Commission, 'Commission announces New Migration Partnership Framework: reinforced cooperation with third countries to better manage migration', Press release (7 June 2016), available at <http://europa.eu/rapid/press-release_IP-16-2072_en.htm>.

improving good governance and the security situation in third states like Mali and Niger is also a direct interest of the EU in terms of solving the current refugee crisis and contributes to better conditions in transit countries (such as Niger). According to the Commission's announcement, both 'positive and negative incentives'²⁰⁷ will be introduced for third states to provide assistance for the Union in the refugee crisis. Thus, countries that do not cooperate might receive less development and security support from the EU. Even though the Trust Fund is not directly related to the Sahel Strategy, but has rather been implemented as reaction to the refugee crisis, it contributes to already existing development and security measures in the region.

The CT Sahel project is a regional program, implemented by the Member States and focussing on the security and rule of law approaches of the Sahel Strategy.²⁰⁸ The mandate for the program lasted from 2011 to January 2016 with funds from the Instrument contributing to Stability and Peace (IcSP). Its main goal was to 'support national capacities to combat terrorism and organised crime, and reinforce regional co-operation'²⁰⁹. Hence, CT Sahel combined the ambitions of the Agenda for Change and the EU Counter-Terrorism Strategy with the Sahel Strategy in a comprehensive approach, tackling both the internal and external dimension of the EU's development and security policies. With the French agency CIVIPOL as leading implementation agency, CT Sahel launched three capacity-building projects in Mali, Niger and Mauretania and the Collège Sahélien de Sécurité (CSS), a transnational security training school.²¹⁰ Capacity-building measures intended to train 'law enforcement agencies (police, gendarmerie, garde nationale) and specialised judicial institutions'²¹¹ in regard to information-sharing and the prevention of terroristic activities. The CSS offered training and knowledge exchanges on counter terrorism strategies. As the College was in the hands of the three countries concerned, it particularly addressed the ownership principle and followed the goal of improving transnational cooperation in the region. Therewith it was also supposed to increase trustworthy relations between the governments.²¹²

Next to the Emergency Trust Fund for Africa and the CT Sahel project, the EU currently implements its external actions on the basis of the Sahel Strategy Action Plan.²¹³ The actions

²⁰⁷ New Migration Partnership Framework, *supra* note 206.

²⁰⁸ D. Helly and G. Galeazzi, *supra* note 198, at 4.

²⁰⁹ Final Review of the CT Sahel Project, *supra* note 42, at 2.

²¹⁰ In 2015, Burkina Faso and Chad were added to the project, see *supra* note 193.

²¹¹ Final Review of the CT Sahel Project, *supra* note 42, at 2.

²¹² Final Review of the CT Sahel Project, *supra* note 42, 2-4.

²¹³ For the purpose of my research, I will only include EU external actions mentioned in the Sahel Action plan that (broadly) refer to good governance, security and counter-terrorism issues. Next to development and security missions, the EU is also involved in humanitarian aid and food crises prevention. The EU contributions in humanitarian aid mainly refer to malnourished and displaced people, who are in need of short-term financial support. In 2012, the Commission launched the West African 'Alliance Globale pour l'Initiative Résilience'

refer to the four overall key tackling areas of the Sahel Strategy mentioned above: (1) political and diplomatic actions; (2) security and the rule of law; (3) development, good governance and internal conflict resolution; (4) fight against and prevention of extremism and radicalisation.

For the years 2014 until 2020, the EU provides financial development support for the Sahel through the 11th European Development Fund as well as regional programs and budgetary support from the Commission. The fund provides, amongst others, financial assets for stability, capacity-building, governance, anti-corruption initiatives and the strengthening of the judiciary.²¹⁴ Hence, mainly focusing on improving good governance and security structures.

More precisely, in terms of political and diplomatic action, the EU is involved in an increased dialogue between the nation states in North as well as West Africa in order to discuss the reasons for existing conflicts. For the future, the dialogue shall include ministers in order to improve international cooperation in the Sahel.

In regard to security issues and the rule of law, the Union currently supports ECOWAS in its stabilisation actions and trains experts from the EU Delegations in North, West and Central Africa in terms of rule of law conflict prevention and counter-terrorism. Apart from that, the EU provides funds from the IcSP to finance the Sahel Security College, which runs under the CT Sahel project. With a total amount of 17 million EUR from the 10th EDF, the Union currently cooperates with ECOWAS to reduce organised crime and drug trafficking in the whole region of West Africa. An additional amount of 29 million EUR is provided for the ECOWAS Regional Peace, Security and Stability Mandate. INTERPOL supports the West African Police Information System (WAPIS) with financial assets from the IcSP. More in-depth security and rule of law measures are planned in terms of closer cooperation with the African Union (AU) and more funds for the Sahel Security College. Moreover, 10 million EUR from the IcSP shall contribute to strengthen capacities in law enforcement in order to counteract organised drug crime in the transit areas.

Actions in the field of development, good governance and internal conflict resolution include 547 million EUR from the 10th EDF in order to improve, amongst others, infrastructure, migration and food security in the region. Apart from that, the EU supports AGIR²¹⁵ and with 2 million EUR from the IcSP to improve job conditions for the young generation. Through the European Neighbourhood Instrument (ENI), 3 million EUR are provided to support law enforcement strategies in the neighbouring Maghreb states. Together with the United Nations

(AGIR) in cooperation with other international donor organisations and local institutions in order to combat food crises. See Sahel Factsheet, *supra* note 193.

²¹⁴ The European Union and the Sahel Factsheet, *supra* note 193.

²¹⁵ For more information about AGIR, see *supra* note 213.

Office on Drugs and Crime (UNODC), the Union helps organizing joint action to improve judiciary conditions to sue out terroristic activities. Planned actions include further coordination with the actors involved.

In the fight against terrorism, the regional approach supports the CT Sahel plan as well as global initiatives to counter-terrorism under the IcSP. For the future, further cooperation with the ENI Regional South (thus with the Maghreb states) is planned with a budget of 2 million EUR.²¹⁶

Overall, the regional actions have a strong focus on cooperation between the local as well as international actors and promote transnational coordination.

4.2.1 Current Actions in Mali

In terms of political and diplomatic action, the EU took part in the last five Donor Conferences for Mali.²¹⁷ Moreover, the Union cooperates through political dialogue with the Malian government tackling issues on constitutional conditions, governance, internal mediation, security and defence policies, inclusion of northern Mali, human rights and peace agreements and talks with the Tuareg and other armed groups. Furthermore, the EU strengthens cooperation with international actors involved in Mali such as the UN.²¹⁸

Following Mali's appeal to support its national army with relevant know-how concerning military actions, logistics and human resources, the EU introduced a military training mission, called EUTM Mali²¹⁹, in 2013. The mission provides training support and advices and is not involved in any military operations.²²⁰ It is supposed to continue until May 18, 2018.²²¹ In 2015, the EU added another CSDP civilian mission in order to strengthen Mali's internal security bodies. The mission is supposed to contribute to the democratization process of the country by improving the security situation and supporting political authorities. Next to the police, the Gendarmerie and the Garde Nationale are the main targets of the CSDP mission. Currently, the action plan for EUCAP Sahel Mali²²² is valid until January 15, 2017.²²³ With the IcSP, the EU additionally supports the CT Sahel project and WAPIS in terms of security and stability. With

²¹⁶ Sahel Regional Action Plan 2015-2020, *supra* note 59, 26-31.

²¹⁷ The Donor Conferences for Mali took place in November 2013, February 2014, May 2014, September 2014 and February 2015, see Sahel Regional Action Plan 2015-2020, *supra* note 59, at 32.

²¹⁸ Sahel Regional Action Plan 2015-2020, *supra* note 59, 32-34.

²¹⁹ EUTM Mali, *supra* note 62.

²²⁰ The European Union and the Sahel Factsheet, *supra* note 193.

²²¹ EEAS, EUTM Mali, available at <<http://www.eutmmali.eu/about-eutm-mali/mandate-concepts/>>.

²²² EUCAP Sahel Mali, *supra* note 60.

²²³ The European Union and the Sahel Factsheet, *supra* note 193.

the high amount of 225 million EUR, the Union contributes to state-building initiatives in Mali. For the up-coming years, the 11th EDF will continue its contributions for WAPIS. Additionally, prevention initiatives against radicalisation²²⁴, national security measures²²⁵ and resilience measures against insecurity²²⁶ will be supported.

For development, good governance and internal conflict resolution, the EU spent 727.8 million EUR from the 10th EDF for the improvement of governance systems in Northern Mali and 225 million EUR for public administration systems and anti-corruption measures. Furthermore, financial assets for judicial reforms²²⁷, decentralisation mechanisms²²⁸ and strengthened government effectiveness in the North²²⁹ will be allocated. Planned actions are government reforms to improve the rule of law and further decentralisation processes.

For the fight against terrorism, a comparable low amount of 3 million EUR are provided from the IcSP for political dialogue and 5 million EUR from the EDF in order to solve conflicts in the region.²³⁰

To conclude, the EU tackles the main problems of weak governance and public institutions as well as instability in Mali with adequate financial and training measures. The numbers show that a rather high amount of money is spend on governance structures as compared to counter-terrorism initiatives. However, Mali benefits from training and advices through a civilian and a military CSDP mission.

4.2.2 Current Actions in Niger

In the political dialogue with Niger, the EU mainly focuses on the implementation of democratic structures, the adherence to human rights and the rule of law, and transnational as well as internal security threats. Planned actions are further cooperation on security and prevention measures against radicalisation.²³¹

In 2012, the EU introduced the civilian mission EUCAP Sahel Niger²³², primarily aiming to reduce terrorism in the country and presumably lasting until July 2016. EUCAP Sahel Niger is the first civilian mission with that strong focus to tackle terrorism, highlighting the link between

²²⁴ 2 million EUR, see Sahel Regional Action Plan 2015-2020, *supra* note 59, at 34.

²²⁵ 5 million EUR, see Sahel Regional Action Plan 2015-2020, *supra* note 59, at 34.

²²⁶ 5 million EUR, see Sahel Regional Action Plan 2015-2020, *supra* note 59, at 34.

²²⁷ 12 million EUR, see Sahel Regional Action Plan 2015-2020, *supra* note 59, at 36.

²²⁸ 52 million EUR, see Sahel Regional Action Plan 2015-2020, *supra* note 59, at 36.

²²⁹ 5 million EUR from the IcSP, see Sahel Regional Action Plan 2015-2020, *supra* note 59, at 36.

²³⁰ Sahel Regional Action Plan 2015-2020, *supra* note 59, 34-37.

²³¹ Sahel Regional Action Plan 2015-2020, *supra* note 59, 26-27.

²³² EUCAP Sahel Niger, *supra* note 61.

CSDP and counter-terrorism.²³³ In practice, the EU trains Nigerien administrative bodies to improve their capacities in countering criminal and terroristic activities. More precisely, the mission supports the Nigerien army with capacity-building measures in order to better coordinate actions against terrorism.²³⁴ In addition, the EU provides financial assets to strengthen national security issues²³⁵, especially by financing projects on the judiciary. Just as in Mali, the Sahel Security College, running under the CT Sahel project, is financed by the IcSP. Furthermore, the EU supports the WAPIS project in Niger. For the future, the EU plans to finance migration programs under the 11th EDF as well as security measures at the Nigerian border. Moreover, police offices in insecure areas shall be supported and corruption shall be reduced with the help of the EU. Apart from that, counter-terrorism strategies will be strengthened and the WAPIS program will be further implemented.

For the purpose of development, good governance and internal conflict resolution, Niger benefits from 598 million EUR funds from the 10th EDF mainly for the Northern regions. A rather low amount of 18.7 million EUR are sponsored from the IcSP in order to reduce the roots of radicalisation and promote security in the north-west and south-east of the country. Through the 11th EDF, the EU contributed financial assets to the elections in February 2016.

In order to prevent radicalisation and fight terrorism, the EU provides another 12 million EUR to illustrate the benefits of democratic structures and social inclusion. Furthermore, with the IcSP political and social capacities for the government and the population shall promote intensified dialogue between different religious groups.²³⁶

Overall, the EU focuses in Niger on prevention and counter-terrorism strategies, border security and strengthening measures for the rule of law, tackling the problems explained in Chapter 3. Just as in Mali, the EU spends the highest amount of money on good governance structures and a comparably low amount on counter-radicalisation.

4.2.3 Comparison and Sub-Conclusion

Both in Mali and Niger, the EU's actions following the Sahel Strategy tackle the main problems outlined in Chapter 3, namely weak governance and instability. Comparing the two countries, the actions in Mali have a stronger focus on political dialogue, trying to include both local and

²³³ C. Lavallée and J.C. Völkel, *supra* note 77, at 13.

²³⁴ The European Union and the Sahel Factsheet, *supra* note 193.

²³⁵ 29.5 million EUR, see Sahel Regional Action Plan 2015-2020, *supra* note 59, at 27.

²³⁶ Sahel Regional Action Plan 2015-2020, *supra* note 59, 27-31.

international actors. Niger, on the other hand, focuses more on civilian support, while Mali additionally benefits from a military mission.

To conclude, the cooperation framework between the EU and the Sahel comprises development and security policies in a regional and comprehensive approach by improving governance structures and increasing stability. While the legal framework for Mali has a stronger focus on internal integration, Niger explicitly tackles good governance and security in its framework with the EU. Following the legal provisions, the external actions are implemented through the expiring CT Sahel project, the Emergency Trust Fund as well as development cooperation and CFSP instruments. Thereby, the EU and the Member States combine civilian and military mission as well as short- and long-term instruments. Through its actions, the EU tries to incorporate already existing initiatives and to improve dialogue and cooperation with local and international actors. Both in Mali and in Niger, the largest share of financial assets contributes to the improvement of governance structures as compared to counter-terrorism actions. All in all, this chapter gave an answer to the third sub-question about the scope of the cooperation framework between the EU and Mali/Niger. It thereby led the way to the following chapter, analysing its implementation.

5. IMPLEMENTATION OF THE COOPERATION FRAMEWORK

In this chapter, I will analyse the implementation of the cooperation framework between the EU and Mali/Niger by answering the fourth sub-question: To what extent do the existing initiatives between the EU and Mali/Niger coherently implement the EU's objectives in the region? In order to solve that question, I will first present some general concerns about the coherence and consistency of the Sahel Strategy. Afterwards, the implementation process in the region as well as in Mali and Niger will be explained. Having analysed the implementation, I can combine the sub-conclusions of all chapters into the main conclusion, assessing my overall question in how far the EU's governance approaches might have an impact on the reduction of terroristic activities.

5.1 Coherence and Consistency of the Cooperation Framework

In order to assess the coherence and consistency of the cooperation framework between the EU and the Sahel region, I will refer to C. Hillion's definition.²³⁷ Following his legal approach, consistency includes the non-contradiction of implemented policy fields, thus a complementing implementation of the EU's development cooperation and security policies, which I already problematized above.²³⁸ Coherence goes beyond that definition and comprises 'horizontal coherence' between the external policies as well as 'vertical coherence' meaning complementing actions between the EU and the Member States and between the 'internal and external dimension' of the EU's external actions. Furthermore, considering the coherence definition of development cooperation policies, the implemented actions shall be in line with the objectives of the underlying framework.²³⁹ In this case, the actions shall refer to the objectives laid down in the Cooperation Framework between the EU and the Sahel: '(1) [improve] development, good governance and internal conflict resolution; (2) [enhance] political and diplomatic action; (3) [ensure] security and the rule of law; (4) [and] countering violent extremism and radicalisation'²⁴⁰.

Indeed, the Sahel Strategy promotes a comprehensive approach and combines good governance and counter-terrorism actions in the field of development cooperation and security. The actions stemming from the legal framework are adaptable to changing political and security situations, which is necessary in the unstable environment of the Sahel.²⁴¹ It is, however, questionable if the cooperation framework is implemented in a coherent and consistent way, as provided in the Sahel Strategy. According to the Strategy, the external security dimension is directly related to its internal aspect (vertical coherence), as European citizens are threatened

²³⁷ 'A functional interpretation of the notion of 'consistency' in EU primary law and particularly in the law of EU external relations suggests that it involves, beyond the assurance that the different policies do not legally contradict each other, a quest for synergy and added value in the different components of EU policies. [...] The coherence of the EU external action implies not only the consistency and coherence of the external activities of the Union as a whole, in the context of its external relations, security, economic and development policies, in conformity with Article 3 TEU ('horizontal coherence'). Coherence of its external action is also dependent on the consistency and coherence of the action of the Community which, as the Court's case law suggests, derive from the cooperation between the Community institutions and the Member States ('vertical coherence'). It equally depends on the consistency and coherence between the Member States' actions and those of the Union *qua* CFSP and PJCCM, as well as between the internal and external dimensions of each Union policy, and of the Union's activities within each of its sub-orders.' see C. Hillion, 'Tous pour un, un pour tous! Coherence in the External Relations of the European Union' in M. Cremona (ed.), *Developments in EU External Relations Law, Collected Courses of the Academy of European Law* (Oxford: Oxford University press 2008), p.17.

²³⁸ See 2.3 Common Grounds between EU Development Cooperation and CFSP.

²³⁹ See 2.1 EU Development Cooperation.

²⁴⁰ Sahel Factsheet, *supra* note 193.

²⁴¹ Sahel Regional Action Plan 2015-2020, *supra* note 59, at 7.

by the unstable circumstances in the Sahel. Therefore, consistency and complementarity between the actors and policies involved is crucial.²⁴²

D. Helly and G. Galeazzi assess the Sahel Strategy as ‘good practice’²⁴³ for the ‘EU’s comprehensive approach to external conflict and crisis’²⁴⁴. However, they argue that the missing coherence and coordination of the EU’s external actions in general hinder best practice implementation.²⁴⁵ In another policy brief, Helly and Rocca point out, that the EU’s short-, medium and long-term actions especially in Mali cannot be seen as a coherent and comprehensive approach but rather a sequence of different policies.²⁴⁶ Considering the different legal backgrounds and actors involved in development cooperation and CFSP policies, this argumentation seems to be valid.²⁴⁷ Thus, horizontal coherence is a problematic issue in the Sahel Strategy.

Apart from that, both the EU and the Member States are active in the Sahel, challenging the vertical coherence of external actions.²⁴⁸ Especially France as former colonial power has political and economic interests in the region. The French pushed forward the military mission EUTM Mali, were highly involved in the ‘Together for a New Mali’ donor conference in 2013 and provided the first EUSR of the Sahel, Michel Reveyrand de Menthon. Areva, a French nuclear energy supplier, exploits uranium in Niger and is therefore a crucial economic partner for the country. It is therefore questionable in how far France’s interests are influencing the EU’s external actions in the Sahel.²⁴⁹ Coolsaet et al. even describe the European involvement in the region as ‘a unilateral French, and not an EU initiative’²⁵⁰. Next to the France security operation ‘Berkhane’, Denmark, The Netherlands, Spain and the UK currently implement their own initiatives.

Further cooperation with international actors such as the UN and its MINUSMA initiative in Mali is also needed in order to increase coherence and consistency.²⁵¹ Currently, local African partnerships like ECOWAS and the African Union (AU) are barely involved and face, above all, internal tensions, just as the G5 Sahel. The AU, as a partner of both the EU and the

²⁴² European Strategy for Security and Development in the Sahel, *supra* note 18, at 4.

²⁴³ D. Helly and G. Galeazzi, *supra* note 198.

²⁴⁴ Joint Communication to the European Parliament and the Council, ‘The EU’s comprehensive approach to external conflict and crises’ JOIN [2013] 30 SEC, 11.12.2013.

²⁴⁵ D. Helly and G. Galeazzi, *supra* note 198, at 2.

²⁴⁶ D. Helly and C. Rocca, *supra* note 122, at 8.

²⁴⁷ As outlined in Chapter 2.3

²⁴⁸ D. Helly and G. Galeazzi, *supra* note 198.

²⁴⁹ C. Lavallée and J.C. Völkel, *supra* note 77, 18-19.

²⁵⁰ R. Coolsaet *et al.*, ‘Mali: Another European Intervention without the EU?’, 42 *EGMONT Royal Institute for International Relations*, 2013, at 2, available at <http://www.rikcoolsaet.be/files/art_ip_wz/SPB42%20-%20Mali.pdf>.

²⁵¹ D. Helly and G. Galeazzi, *supra* note 198.

UN could have a more active role in the Sahel. Because of weak institutional structures and the moderate involvement of regional actors, the Sahel countries might value EU actions higher than local ones, particularly because of the high amount of European financial support.²⁵² This development obviously counteracts the Union's ownership approach and eventually hinders good governance progress in the region. The EEAS as well as the EUSR for the Sahel could potentially function as facilitators and bring together local as well as international actors to ensure coordinated actions in the region.²⁵³

Additionally, there is general disagreement about whether the regional approach of the EU includes all relevant actors of the Sahel. O. Bello, for instance, criticises that the Sahel Strategy omits influential neighbouring countries such as Algeria and Nigeria. Due to their own interests in the region and their comparably high capacities, both countries could potentially support the EU's development and security approach.²⁵⁴ Additional contributions through the European Neighbourhood Instrument, for instance, could provide increased cooperation with the Maghreb States and thus with Algeria. Trauner stresses in his policy brief the potential contributions of JHA agencies such as Frontex or Europol who are already involved in CSDP mission in the Maghreb or the European Asylum Support Office (EASO). Moreover, the EU's Rule of Law Mission (EULEX) already implements a capacity-building mission in Kosovo and could potentially also improve governance structures in the Sahel.²⁵⁵ Similarly, enhanced cooperation with ECOWAS would include its most influential state, Nigeria. Cooperation with Nigeria is particularly recommendable due to the increasing influence of Boko Haram in the region. These measures could improve the Sahel Strategy's objective to enhance political and diplomatic action in the region and therefore contribute to a coherent implementation.

Another interesting argumentation is that the Sahel Strategy can only be implemented coherently if the local structures allow for it. Chauzal names several shortcomings in the Sahel region that hinder cooperation. Firstly, mistrust and bad communication between important local actors result in weak institutional foundations for international donors. Corruption and government officials cooperating with radical groups (just as in Mali) counteract effective development and security aid. Consequently, the Malian government took distance and is now less willing to cooperate with international donors than Niger and Mauritania. In general, bad

²⁵² C. Lavallée and J.C. Völkel, *supra* note 77, at 21.

²⁵³ C. Lavallée and J.C. Völkel, *supra* note 77, at 17. Further information on the EUSR Sahel are available at <<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D2274&from=EN>>.

²⁵⁴ O. Bello, 'Quick Fix or Quicksand? Implementing the EU Sahel Strategy', 114 *FRIDE A European Think Tank for Global Action*, 2012, at 15, available at <http://fride.org/download/WP_114_Implementing_the_EU_Sahel_Strategy.pdf>.

²⁵⁵ F. Trauner, 'New kids on the CFSP block: The JHA agencies', *European Union Institute for Security Studies*, March 2016, 1-2, available at <http://www.ies.be/files/Brief_7_JHA_agencies.pdf>.

governance structures lead to ineffective implementation of international aid. A weak parliament in combination with non-functioning judicial systems is not capable to promote stability in the long-run. Moreover, the government has to be present in all areas of a country in order to implement its actions. However, the centralised systems of the former colonies never made the leap to enhance decentralised structures. Therefore, the population living in the rural areas have been excluded from political decision-making for years, resulting in grievances and mistrust against the centralised government in the South.²⁵⁶ As Choi outlined in his article, grievances and a lack of political participation increase radicalisation processes.²⁵⁷ Both in Mali and in Niger we can see these tensions between the Tuareg and other (Islamist) minority groups in the north and the government in the south.

5.2 Implementation process in the Sahel

Having outlined general concerns about the coherence and consistency of the EU's external actions in the Sahel, further criticism has been expressed towards the late reaction of the EU. In the light of the Malian crisis, for instance, it was France who took preventive initiatives already in 2008, whereas the EU only adopted its Strategy in 2011. Nevertheless, the Sahel Strategy was adopted as a multi-dimensional regional approach, taking into account already existing mechanisms and combining the nexus between development, governance and security. Even though the intention to promote a regional approach seems to be useful for the Sahel region, the EU, as well as many other international actors, lack an effective implementation, according to Helly and Galeazzi.²⁵⁸

In order to assess this criticism, I will analyse implementation reports from the CT Sahel project, the European Development Fund (EDF) and the Instrument for Stability in the following sections. Unfortunately, due to long evaluation processes, most reports for the Sahel and specifically for Mali and Niger do not tackle the current actions presented above. Therefore, I will refer to available reports from recent years in order to draw conclusions on the trends resulting from former actions.

The most recent EU evaluation report stems from the CT Sahel project, which I introduced before. After the mid-term review, the program's initiatives could be introduced comparably

²⁵⁶ G. Chauzal, 'Fix the unfixable. Dealing with full-blown crisis and instability: How to bring greater stability to the Sahel?', *Clingendael Netherlands Institute of International Relations*, December 2015, available at <<http://www.clingendael.nl/sites/default/files/PB%20Fix%20the%20unfixable.pdf>>.

²⁵⁷ S.-W. Choi, *supra* note 16.

²⁵⁸ D. Helly and G. Galeazzi, *supra* note 198.

well even though the political and security situation changed dramatically. Since the military coup in Mali, several external actors got involved and shaped the project's circumstances. Consequently, the CT Sahel capacity-building programs were transferred into existing national and transnational structures or embedded in the CSDP missions. Furthermore, the evaluation proved that the regional ownership approach for the CSS did not work out effectively due to management constraints. As a result, the CSS could not achieve its goals by that time, which is why an additional amount of financial assets were pledged after the mid-term review. In the following years, insecurity remained in the region and transnational spill-over effects worsened the situation especially in Mali and Niger. In the final CT Sahel report, the EU admits that the combination of bad governance structures and weak resources impede an effective fight against terrorism. Recent developments showed that terror groups try to spread their attacks around the country, which makes it more difficult to combat their actions. Consequently, according to the report, sustainable good governance structures including effective public institutions and respect for democracy, human rights and the rule of law are crucial in order to tackle poverty and provide attractive opportunities for the youth. These long-term structures could not be implemented by a low-budget project like the CT Sahel but need active involvement of national governments. In that regard, the final review supports the assumption that international aid can only function effectively if the political and administrative environments in the third countries allow for it.

Overall, the CT Sahel evaluation came to the following five conclusions. Firstly, the project increased international awareness of the EU as a global security and counter-terrorism actor. Secondly, especially the CSS contributed to enhanced regional cooperation between the G5 Sahel countries even though the implementation took rather long. In that regard the EU gave an impetus to enhance political dialogue, which is particularly necessary considering the transnational security threats in the region. Third, the review admitted that the small-scale contribution of 8.7 million EUR could not alone have an impact on the reduction of terrorism. However, especially the governments of Mali and Niger appreciated the EU's involvement through the CT Sahel. Fourth, the EU's approach to promote ownership according to the Paris Declaration on Aid Effectiveness²⁵⁹ by giving responsibility to the three countries concerned, slowed down the implementation process but increased cooperation. Lastly, the final review emphasized the importance of long-term, integrated and regional cooperation approaches to

²⁵⁹ See sub-chapter 1.3 Academic State of the Art: Conceptualization and Theory.

counter terrorism, as short-term projects barely have an impact considering the weak governance structures at hand.²⁶⁰

To conclude, the CT Sahel project shows that training and financial support in good governance structures, e.g. fostering administration of police offices, provides increased local capacities to tackle the threat of terrorism. In combination with a regional approach, including national as well as international actors, terroristic activities can be contained and further radicalisation prevented. In that regard, one can already conclude at this stage that my overall research question can be confirmed, namely that the EU's external actions in the field of good governance can contribute to some extent to the reduction of terroristic activities.²⁶¹

Both the EEAS and DG-DEVCO are responsible for the overall performance review of the European Development Fund.²⁶² The latest implementation report was published in 2011, evaluating the 10th EDF.²⁶³ At this stage I would like to point out that information on the explicit implementation process of the EDF in third countries is rather difficult to access. In the Annual Report on the EDF, the EU only publishes the amount of money spent for each country but does not release any further information on the implementation process.²⁶⁴ My request to the EU Delegations in Mali and Niger as well as through the EU service hotline remained unanswered. The only accessible source is the evaluation report of 2011, which only refers to the general progress of the 10th EDF rather than evaluating its impact in each country.

Amongst others, the report assessed the impact of governance initiatives including democracy support, public administration reforms, decentralisation, justice and security. In terms of democracy support, the EU was mainly involved in electoral processes, providing for 'free and fair elections' just as in Niger. In addition, programs on the improvement of parliament effectiveness were partly successful. Only in countries where the institutional framework allowed for sustainable European actions and the implementation of a comprehensive approach, the initiatives had an impact on parliamentary effectiveness. Public

²⁶⁰ Final Review of the CT Sahel Project, *supra* note 42, 2-4.

²⁶¹ Overall, one has to keep in mind that good governance is only one aspect that can potentially influence the reduction of further radicalisation and extremism. Furthermore, I would like to point at this stage, that the results of the CT Sahel final review are obviously somewhat biased as the evaluation was conducted by the CT Morse, an officially independent project, but funded by the European Instrument contributing to stability and peace.

²⁶² The EU Delegations in the countries benefitting from the EDF are responsible for the monitoring process. Apart from that, Member States like France also publish evaluations of their own contributions to the EDF. For more information, see <http://www.diplomatie.gouv.fr/en/IMG/pdf/FED_GB-BAT-BD.pdf>.

²⁶³ A Mid Term Evaluation of the current 11th EDF will presumably be published at the end of 2017. For more information, see <http://ec.europa.eu/smart-regulation/roadmaps/docs/2017_devco_003_evaluation_edf_en.pdf>.

²⁶⁴ European Commission, 'Communication from the Commission to the European Parliament, the Council and the Court of Auditors. Annual accounts for the European Development Fund 2014', COM [2015] 379, 23.7.2015, available at <http://ec.europa.eu/budget/library/biblio/documents/FED/FED_2014_en.pdf>.

administration reforms in Mali, for instance, focused on good governance measures, namely tax collections methods in order to ultimately foster democratic structures and increase the opportunities for ownership. Moreover, the EU concludes that its role as promoter of national and international cooperation should further be enhanced as it leads to better implementation results and improves political participation. Another important aspect of EU financial aid are contributions to decentralisation processes that increase local capacities. However, the EU argues that sustainable actions are more effective than short-term budget support in Mali, for instance. In regard to anti-corruption measures, the performance report claims that the Union's bottom-up contributions in countries like Niger strengthened the population's accountability and provides legal support. In the legal and the security sector, the EU also strongly emphasizes the importance of cooperation and coordination between actors involved. Recent implementation reviews illustrated that only long-term and complemented actions ultimately contribute to stability. Consequently, budget support is an instrument that the EU tries to avoid. In Niger, the EU contributed through the 10th EDF to the establishment of fair trials and developed counter-terrorism and anti-drug trafficking strategies in neighbouring countries such as Nigeria. Furthermore, according to the review, the Union had an impact on the judicial systems of its partner countries by fostering independent and accountable trials. Challenges of the implementation process are the weak political and security situation, low capacities and low national willingness to cooperate with international donor organisations. That includes both the government and the population of the Union's partner countries. Thus, political dialogue is one of the most important instruments that should be enhanced before financial contributions can actually have an impact.²⁶⁵ Overall, most improvements were registered in Asian rather than in Sub-Saharan African countries, which again could be related to the weak governance structures on the African continent as compared to the Asian continent. Furthermore, the EU concludes that its development from a donor-beneficiary relationship with third states to a mutual, coherent and comprehensive relationship based on ownership significantly contributed to an improved implementation process. Furthermore, the emphasis on good governance structures leads to sustainable progress.²⁶⁶

The conclusions yielding from the 10th EDF are generally reflected in the objectives laid down for the 11th EDF, namely focusing on the overall goal to reduce poverty through sustainable development measures like 'supporting democracy, the rule of law, good

²⁶⁵ Council of the European Union, 'Commission Staff Working Paper – 10th EDF Performance Review', SEC [2011] 1055, 9.9.2011, 68-72, available at <https://www.eumonitor.nl/9353000/1/j4nvgs5kjg27kof_j9vvik7m1c3gyxp/vj6ipntw6my0/f=/14021_11.pdf>.

²⁶⁶ Ibid, at 83.

governance, human rights and the relevant principles of international law²⁶⁷. Thus, one can conclude that good governance structures are crucial not only to reduce radicalisation but also to establish a sustainable political and legal framework to make international aid possible. Furthermore, looking at the current actions in the Sahel region, the EU still focuses on enhanced regional and international cooperation taking into account the relevance of the ownership principle. Only if the population as well as the government is willing to introduce reforms in the governance and security sector, European aid might have an impact.

5.2.1 Implementation process in Mali

In general, the implementation process of the Sahel Strategy has been hampered by frequent instabilities especially in Mali. After the military coup in 2012, many projects were interrupted and have never been readopted. Most programs related to the implications following from the fall of the Qaddafi regime in Libya have only been implemented in Niger and Mauretania, even though Mali was at least likewise affected.²⁶⁸

Similar to the overall performance reviews of the EDF, most implementation reports for Mali and Niger do not tackle the current actions presented above due to long evaluation processes. Therefore, I will analyse the available reports from recent years in order to draw conclusions on the trends resulting from former actions.

In 2013, the EU launched a ‘Stabilisation support package in response to the crisis in Mali’ with 20 million EUR contributions from the former Instrument for Stability. The package included five actions with the ultimate goals to (a) strengthen the capacities of the judicial systems to provide adequate law enforcement measures, (b) improve state-presence by strengthening public administration services in the communities, (c) reduce radicalisation through open dialogue, (d) assist the elections, (e) train and educate local authorities to increase security.²⁶⁹ These capacity-building initiatives in good governance (judiciary, public administrations, elections) and security measures (counter radicalisation, security trainings) are comparable to the current actions in Mali. According to the 2013 Annual Report on the IfS, the package contributed to peace and stability in the country through its efficient implementation

²⁶⁷ Council Regulation (EU) 2015/322 of March 2015 on the implementation of the 11th European Development Fund, *OJ* [2015] L58/1, Art. 1(2)(ii), 03.03.2015.

²⁶⁸ C. Lavallée and J.C. Völkel, *supra* note 77, at 12.

²⁶⁹ European Commission, ‘Commission Staff Working Document *Accompanying the document* Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2013 Annual Report on the Instrument for Stability’, COM [2014] 717, 2.12.2014, at 43, available at <http://eeas.europa.eu/ifs/docs/comm_staff_work_doc_2013_vol2_en.pdf>.

even though the unstable circumstances hampered access to the northern areas. Generally, the EU's engagement in improving rule of law systems was helpful to improve government effectiveness in other policy fields. Furthermore, the report stresses that the IfS contributions will be supported with other, rather security-related actions financed by the EDF and will be combined with UN actions under MINUSMA. Thus, the EU follows the approach of the Sahel Strategy to mutually contribute to existing mechanisms. Due to the Union's support, state-presence and public administration systems especially in the North could be improved, leading to enhanced social structures. Further, the report admits that the lack of governmental initiatives on an open political dialogue leads to coordination and cooperation constraints.²⁷⁰

Comparing the implementation report with the current actions, one can conclude that the EU still focuses on improving governance structures and political dialogue to stabilize the country. Through the civilian and military CDSP missions, however, the EU put a stronger focus on strengthened security capacities in recent years. Overall, the implementation report for Mali verified my assumption that actions can only be executed effectively, if the existing governance structures allow for it. What we also see is that the EU tries to improve its regional and comprehensive approach by combining its measures with existing ones.

5.2.2 Implementation process in Niger

Similar to Mali, the EU lacks current reports on the implementation process in Niger. In 2012 and 2013, the Union launched two IfS initiatives on the 'security and stabilisation' situation in the North and the South-East of the country. The two actions have been put into practice by national as well as international NGO's and were supervised by the Nigerien High Authority for the Consolidation of Peace (HACP). That already indicates that the EU tries to include local authorities and organisations and therewith strengthens national responsibility. Implementation actions financed with around 10.5 million EUR included the establishment of local police offices in the Aïr region, Niger/Nigeria border security measures and work integration programs to increase youth employment. Furthermore, the EU's financial assets contributed to enhanced capacities for Nigerien public institutions promoting peace agreements and to an open dialogue between religious groups.

According to the report, the established police offices could improve the security situation in the areas concerned and strengthen public administration measures by collecting taxes. The youth benefitted from vocational training in newly established schools and government officials

²⁷⁰ Ibid, 43-44.

were trained on governance practices and budgetary management. These education components influenced the social and economic situation positively and improved the functioning of public services. Overall, the initiatives were implemented according to the aims of the Sahel Strategy, fostering a comprehensive approach. Together with the CT Sahel project and the CSDP mission EUCAP Sahel Niger, the contributions of the IfS were put into practice in a coherent way.²⁷¹

Taking into account the current action in Niger, youth employment and counter-radicalization still seem to be in the focus. According to the implementation report, these measures seem to work, which would be in line with the theoretical assumptions made by Choi that one should focus on perspectives for the youth in order to prevent grievances, which could eventually result in terroristic activities.²⁷² Furthermore, as the threat of Boko-Haram in the South-East of the country becomes increasingly challenging, more security focus will presumably be put on that area.

5.2.3 Comparison and Sub-Conclusion

Comparing Mali and Niger, the implementation reports for both countries lead to the conclusion that the EU's attempts to improve governance could be partly achieved. While external support was affected by insurgencies in the aftermath of the military coup in Mali, no such interruption was reported for Niger. However, one could assume that insecurity will increase in the future due to the spill-over threat of Boko Haram.

All in all, this chapter tried to give an answer to the question to what extent the existing initiatives between the EU and Mali/Niger coherently implement the EU's objectives in the region. The first part of this chapter outlined that the Sahel Strategy faces serious problems implementing a coherent and consistent approach. Apart from the fact that the Strategy includes different external policy fields, threatening the horizontal coherence, vertical coherence is challenged through the simultaneous actions of both the EU and the Member States. Furthermore, the chapter stresses the problem of implementing European aid in an unstable environment with weak governance structures. According to the CT Sahel and the EDF reports, the EU's actions could contribute to enhanced governance structures in the Sahel region and thus in Mali and in Niger. Moreover, terroristic activities could be reduced through preventive and reactive measures. In general, the reports stress the importance of a regional, comprehensive approach with an active involvement of both the donors and the local

²⁷¹ Ibid, 55-57.

²⁷² S.-W. Choi, *supra* note 16.

governments. The implementations in Mali and Niger highlighted similar results, even though both countries face different threats. Overall, one has to keep in mind that the reports are somewhat biased as the EU itself publishes them. Still, in relation to the theory presented in the Introduction, one can assume that the governance structures and improved capacities contribute to the reduction of terroristic activities. Despite the criticisms, the EU does follow its objectives to improve good governance through capacity-building, enhance diplomatic actions by including different actors, ensure security and the rule of law and prevents radicalization.

6. CONCLUSION

The increasing threat of terrorism seriously constrains the EU's fundamental objectives. As a promoter of good governance and global actor in counter-terrorism the EU carries a certain responsibility to get involved and contribute to the reduction of terroristic activities. Not only within its own territory but also beyond its borders the EU has a duty to reach its external objectives laid down in Article 21 TEU.

Following the question to what extent EU's external actions can possibly reduce terroristic activities in third countries, this research specifically focused on the impact of good governance policies by analysing the EU's cooperation framework with Mali and Niger. Thereby this bachelor thesis aimed at answering the following research question: to what extent can EU's external action policies in the field of good governance contribute to the reduction of terroristic activities in Mali and Niger?

The introductory chapter gave an overview about the background of the problem and outlined the academic state of the art by conceptualizing the most important terms and presenting existing research on the relationship between governance and terrorism. It pointed out that the aim to achieve good governance structures became increasingly important in recent years. Furthermore, literature found that countries with stable governance systems are less likely to face terroristic threats than countries where weak institutional and judicial systems do not allow for political participation and inclusion, which increases the risk of marginalisation and hence radicalisation. With my research, I tried to contribute to existing literature by assessing the link between the EU's external action, its governance policies and the reduction of terrorism.

Chapter two analysed the scope of the EU's policies in the fields of development cooperation and CFSP and thereby gave an answer to sub-question one. Thus, I did not include all possible external actions that the EU has to potentially reduce terrorism, but focussed on the two that are most relevant for Mali and Niger. The analysis showed that development cooperation provides

the necessary long-term instruments to implement sustainable governance structures while CFSP/CSDP uses civilian and military missions to increase security capacities to prevent and react to terrorism. Further, the chapter highlighted common grounds between the two policy fields and introduced existing challenges to implement them in a comprehensive approach. Mainly the different legal bases followed by different actors involved hamper cooperation. The European External Action Service in combination with the High Representative could potentially foster coherent implementation as they are involved in both policy fields.

The third chapter gave an overview of the current governance and security situation in the Sahel region and specifically focused on Mali and Niger, answering sub-question two. To sum up, both countries face weak governance structures combined with ongoing security threats. Mali still suffers from insecurity since the military coup in 2012 and faces the challenge to manage the involvement of local and international actors. Niger's government seems to be on a good track, trying to include minority groups and improve its governance structures. However, as a transit country, Niger is challenged by constant migration flows and the influence of Boko Haram. Overall, these two countries can be seen as representatives for the insecure environment of the Sahel region, suffering from unfavourable natural circumstances, fuzzy borders and the influence of radical groups.

In chapter four, I explained the existing cooperation framework between the EU and Mali/Niger looking at governance, security and counter-terrorism acts and thereby answered sub-question three. I analysed the comprehensive approach of the Sahel Strategy, combining development cooperation and CFSP measures through regional cooperation. While Mali's framework focuses more on internal integration, Niger particularly tackles good governance and security measures. On the basis of the legal provisions, the current actions in the region reflect the EU's attempt to foster political dialogue between the actors involved. In order to improve governance and reduce terrorism, the EU makes use of short- and long-term measures as well as civilian and military instruments. Overall, this chapter highlighted the EU's approach to combine different external actions in a flexible and regional manner in order to respond to governance and security challenges in the Sahel.

The fifth chapter analysed to what extent the introduced cooperation framework is capable to adhere to the objectives laid down in the Sahel Strategy, tackling sub-question four. It firstly showed that the cooperation framework is subject to coherence and consistency challenges and outlined implementation problems stemming from weak governance structures in the partner countries. Furthermore, the chapter drew conclusions on the basis of recent progress reports and contrasted it with the current actions. All in all, the current actions built up on the reports,

showing that the EU's instruments contribute to enhanced governance structures and also have an impact on the reduction of terrorism through its preventive and training actions. Thus, the EU does adhere to its objective and implements its measures coherently at least to some extent, taking into consideration the outlined possible improvements. However, the chapter stresses that the EU's external actions can only have an influence of good governance and reduced terrorism, if the strategies are planned for the long-term and are supported by the local governments. Thereby, chapter 5 verified the assumptions outlined in the theory section that external actions can only be implemented coherently if the governance structures in the partner countries allow for it.

Coming back to my research questions, my findings point out that the EU's actions on good governance do contribute to the reduction of terroristic activities as good governance is one important aspect when aiming at counter-radicalisation.

For further research I would recommend an impact analysis of other EU external action policies in the Sahel as well as the inclusion of other countries involved in EU measures such as Mauretania, Chad and Burkina Faso. Moreover, the mid-term review of the 11th EDF could give more insights about the implementation process in Mali and Niger. Another interesting research would be to analyse the influence of the Emergency Trust Fund in the region. As mentioned before, Mogherini stressed that only countries, who actively contribute to the EU's migration measures will receive further support in terms of development cooperation and security policies.

BIBLIOGRAPHY

Literature

Books

B. van Vooren and R.A. Wessel, *EU External Relations Law. Text, cases and materials* (Cambridge: Cambridge University Press 2014).

C. Hillion, 'Tous pour un, un pour tous! Coherence in the External Relations of the European Union' in M. Cremona (ed.), *Developments in EU External Relations Law, Collected Courses of the Academy of European Law* (Oxford: Oxford University press 2008), p.17.

C. Matera, 'The external dimension of the EU counter-terrorism policy: an overview of existing agreements and initiatives', in E. Herlin-Karnell and C.Matera (eds.), *External dimension of the EU counter-terrorism policy* (The Hague: Centre for the Law of EU External Relations 2014), p.15-32.

F. Fukuyama, *State-building. Governance and world order in the 21st century* (Ithaca: Cornell University Press 2004).

M. van Hoecke (ed.), *Methodologies of Legal Research. Which kind of method for what kind of discipline?* (Oxford: Hart Publishing Ltd 2011).

Journals

A. Hadfield, 'Janus Advances ? An Analysis of EC Development Policy and the 205 Amended Cotonou Partnership Agreement', 12 *Foreign Affairs Review* 2007, at 65, available at
<<http://www.kluwerlawonline.com/document.php?id=EERR2007004&PHPSESSID=jf9h04cj18fhb9usp7ulvgv15>>.

A. Ott, 'The legal bases for international agreements post-Lisbon. Of pirates and the Philippines', 21 *Maastricht Journal* 4, 743-744, available at
<http://www.maastrichtjournal.eu/pdf_file/ITS/MJ_21_04_0739.pdf>.

C. Beyer, 'The European Union as a Security Policy Actor: The Case of Counterterrorism', 13 *European Foreign Affairs Review* 2008, 293-315.

C. Hillion and R.A. Wessel, 'Competence distribution in EU external relations after ECOWAS: clarification or continued fuzziness?', 46 *Common Market Law Review* 2009, 553-554.

C. Kaunert, 'The External Dimension of EU Counter-Terrorism Relations: Competences, Interests, and Institutions', 22 *Terrorism and Political Violence* 2009, 41-61.

C. Lavallée and J.C. Völkel, 'Military in Mali: The EU's Action against Instability in the Sahel Region', 20 *European Foreign Affairs Review* 2015, 159-185.

H. Merket, 'The European External Action Service and the Nexus between CFSP/CSDP and Development Cooperation', 17 *European Foreign Affairs Review* 2012, 625-652.

J. A. Piazza, 'Poverty, minority economic discrimination, and domestic terrorism', 48 *Journal of Peace Research* 2011, 339-353.

K. del Biondo, 'Democracy promotion meets development cooperation: The EU as a Promoter of Democratic Governance in Sub-Saharan Africa', 16 *European Foreign Affairs Review* 2011, 659-672.

S.-W. Choi, 'Fighting Terrorism through the Rule of Law?', 54 *Journal of Conflict Resolution* 2010, 940-966.

T. Renard, 'Partnering for Global Security: The EU, Its Strategic Partners and Transnational Security Challenges', 21 *European Foreign Affairs Review* 2016, 9-34.

Policy documents

A Secure Europe in a better world. European Security Strategy, (12 December 2003), available at <<http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>>.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Increasing the impact of EU Development Policy: an Agenda for Change, (13 October 2011), available at <<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A52011DC0637&qid=1412922281378&from=EN>>.

Council Declaration on combating terrorism (25 March 2004), available at <www.consilium.europa.eu/uedocs/cmsUpload/DECL-25.3.pdf>.

Council of the European Union, ‘Council conclusion on the Sahel Regional Action Plan 2015-2020’, 7823/15, 20.4.2015.

Council of the European Union, ‘Commission Staff Working Paper – 10th EDF Performance Review’, SEC [2011] 1055, 9.9.2011, 68-72, available at <https://www.eumonitor.nl/9353000/1/j4nvgs5kjg27kof_j9vvik7m1c3gyxp/vj6ipntw6my0/f=/14021_11.pdf>.

D. Kaufmann *et al.*, ‘The Worldwide Governance Indicators. Methodology and Analytical Issues’, 5430 *The World Bank Policy Research Working Paper* 2010, at 4.

European Commission, ‘Commission Staff Working Document *Accompanying the document* Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. 2013 Annual Report on the Instrument for Stability’, COM [2014] 717, 2.12.2014, at 43, available at <http://eeas.europa.eu/ifs/docs/comm_staff_work_doc_2013_vol2_en.pdf>.

European Commission, ‘Communication from the Commission to the European Parliament, the Council and the Court of Auditors. Annual accounts for the European Development Fund 2014’, COM [2015] 379, 23.7.2015, available at <http://ec.europa.eu/budget/library/biblio/documents/FED/FED_2014_en.pdf>.

European Commission, ‘European Governance: A White Paper’, COM [2001] 428, 25.7.2001.

European Commission, ‘Final Review of the CT Sahel Project’, *CT morse*, December 2015, at 22, available at <<http://ct-morse.eu/wp-content/uploads/2015/12/CT-Sahel-Final-review-EN-Dec-2015.pdf>>.

European Commission and High Representative of the European Union for Foreign Affairs and Security Policy, ‘Joint staff working paper. Joint paper. European Strategy for Security and Development in the Sahel’, SEC [2011] 331, 8.3.2011.

Joint Communication to the European Parliament and the Council, 'The EU's comprehensive approach to external conflict and crises' JOIN [2013] 30 SEC, 11.12.2013.

Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy, 'The European Consensus', *OJ* [2006] C 46/01, para. 103, 24.2.2006.

OECD, 'The Paris Declaration on Aid Effectiveness (2005) and the Accra Agenda for Action (2008)', available at <<http://www.oecd.org/dac/effectiveness/34428351.pdf>>.

Security and Development – Conclusions of the Council and Representatives of the Governments of the Member States meeting within the Council, (20 November 2007), available at <<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015097%202007%20INIT>>.

The European Union Counter-Terrorism Strategy, No. 14469/4/05, 30.11.2005.

Union Européenne – Mali, 'Programme Indicatif National 2014-2020', 6.3.2015.

Union Européenne – République du Niger, 'Programme Indicatif National 2014-2020', 19.6.2014.

United Nations General Assembly, 'In larger freedom: towards development, security and human rights for all', A/59/2005/Add.3, p. 2, 26.5.2005.

United Nations General Assembly, 'In larger freedom: towards development, security and human rights for all', A/59/2005, para. 17, 21.3.2005.

Internet sources

Bertelsmann Stiftung, 'BTI 2016 – Mali Country Report', (2016), available at <https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Mali.pdf>.

Bertelsmann Stiftung, 'BTI 2016 – Niger Country Report', (2016), at 2, available at <https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Niger.pdf>.

'Can Niger offer Mali lessons on the Tuareg?', *IRIN*, (11 April 2013), available at <<http://www.irinnews.org/report/97823/can-niger-offer-mali-lessons-tuareg>>.

C. Lavallée and J.C. Völkel, 'EU security governance in the Sahel region: Implementing a multidimensional strategy in an unstable environment', *Paper, presented at the IPSA Annual Conference*, 21 July 2014, at 11, available at <http://paperroom.ipsa.org/papers/paper_36150.pdf>.

C. Tannock, 'Draft Report on the situation of human rights in the Sahel region', *European Parliament Committee on Foreign Affairs*, 2013/2020(INI), at 4, available at <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML%2BCOMPARL%2BPE-510.774%2B01%2BDOC%2BPDF%2BV0//EN>>.

D. E. Mix, 'The European Union: Foreign and Security Policy' *Congressional Research Service* (8 April 2013), available at <<https://www.fas.org/sgp/crs/row/R41959.pdf>>.

D. Helly and G. Galeazzi, 'Avant la lettre? The EU's comprehensive approach (to crisis) in the Sahel', *ecdpm European Centre for Development Policy Management*, February 2015, at 4, available at <<http://ecdpm.org/wp-content/uploads/BN-75-EU-Comprehensive-Approach-Sahel-February-2015.pdf>>.

D. Helly and C. Rocca, 'The Mali crisis and Africa-Europe relations', *ecdpm European Centre for Development Policy Management*, June 2013, available at <<http://ecdpm.org/wp-content/uploads/2013/10/BN-52-Mali-Crisis-Africa-Europe-Relations-2013.pdf>>.

DG-DEVCO, 'Relations with the EEAS, EU institutions and Member States', available at <https://ec.europa.eu/europeaid/relations-eeas-eu-institutions-and-member-states_en>.

DG-Service for Foreign Policy Instruments, available at <http://ec.europa.eu/dgs/fpi/showcases/mali_en.htm>.

Donortracker, 'EU – Actors and Decision-Making, available at <<http://donortracker.org/donor-profiles/european-union/actors-decision-making>>.

E. Boh, 'Niger: More than a million cannot vote in February presidential election' *africanews*, 23 January 2016, available at <<http://www.africanews.com/2016/01/23/niger-more-than-a-million-cannot-vote-in-february-presidential/>>.

EEAS, EUTM Mali, available at <<http://www.eutmmali.eu/about-eutm-mali/mandate-concepts/>>.

EU Emergency Trust Fund, available at <http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund/sahel-region-and-lake-chad-area_en>.

EUSR Sahel available at <<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D2274&from=EN>>.

European Commission, 'Commission announces New Migration Partnership Framework: reinforced cooperation with third countries to better manage migration', Press release (7 June 2016), available at <http://europa.eu/rapid/press-release_IP-16-2072_en.htm>.

European Commission, 'Description of the new measures adopted to tackle the root causes of irregular migration and displaced persons in the Sahel region and Lake Chad Basin', Factsheet (18 April 2016), available at <http://europa.eu/rapid/press-release_MEMO-16-1426_en.htm>.

European Commission, 'Evaluation Roadmap', available at <http://ec.europa.eu/smart-regulation/roadmaps/docs/2017_devco_003_evaluation_edf_en.pdf>.

European Commission, 'Security and development, conflict prevention and the comprehensive approach', available at <https://ec.europa.eu/europeaid/policies/fragility-and-crisis-management/links-between-security-and-development_en>.

European Commission, 'Summaries of important judgements. C-91/05 Commission v Council, judgement of 20 May 2008', available at <http://ec.europa.eu/dgs/legal_service/arrets/05c091_en.pdf>.

European Development Fund, available at <https://ec.europa.eu/europeaid/funding/funding-instruments-programming/funding-instruments_en>.

European Peacebuilding Liaison Office, 'Common Foreign and Security Policy structures and instruments after the entry into force of the Lisbon Treaty', 1 *EPLO Briefing Paper* (2012), available at

<http://www.eplo.org/assets/files/2.%20Activities/Working%20Groups/CSDP/EPLO_Briefing_Paper_1-2012_CFSP_After_Lisbon.pdf>.

F. Trauner, 'New kids on the CFSP block : The JHA agencies', *European Union Institute for Security Studies*, March 2016, 1-2, available at <http://www.ies.be/files/Brief_7_JHA_agencies.pdf>.

Freedom House Index Mali (2016), available at <<https://freedomhouse.org/report/freedom-world/2015/mali>>.

Freedom House Index Niger (2016), available at <<https://freedomhouse.org/report/freedom-world/2015/niger>>.

French Ministry of Foreign Affairs and International Development, 'Evaluation of France's contribution to the European Development Fund (EDF)', available at <http://www.diplomatie.gouv.fr/en/IMG/pdf/FED_GB-BAT-BD.pdf>.

G5 Sahel countries, available at <<http://www.g5sahel.org/index.php/qui-sommes-nous/le-g5-sahel>>.

G. Chauzal, 'Fix the unfixable. Dealing with full-blown crisis and instability: How to bring greater stability to the Sahel?', *Clingendael Netherlands Institute of International Relations*, December 2015, available at <<http://www.clingendael.nl/sites/default/files/PB%20Fix%20the%20unfixable.pdf>>.

I. Briscoe and Dr. B. van Ginkel, 'The Nexus between Development and Security: Searching for Common Ground in Countering Terrorism', *ICCT International Centre for Counter-Terrorism – The Hague*, March 2013, available at <<http://www.icct.nl/download/file/Briscoe-van-Ginkel-Nexus-between-Security-and-Development-March-2013.pdf>>.

L. Ankersmit, 'The boundaries of the development cooperation legal basis: what to make of the Court's 'centre of gravity' test?', *European Law Blog*, 13 June 2014, available at <<http://europeanlawblog.eu/?p=2392>>.

L. Klemp and R. Poeschke, 'Good Governance gegen Armut und Staatsversagen', *Aus Politik und Zeitgeschichte*, 5 July 2005, available at <<http://www.bpb.de/apuz/28952/good-governance-gegen-armut-und-staatsversagen?p=all>>.

M. Brice, 'Niger tells Europe it needs 1 billion euros to fight illegal migration', *Reuters* 3 May 2016, available at <<http://www.reuters.com/article/us-europe-migrants-idUSKCN0XU1P9>>.

O. Bello, 'Quick Fix or Quicksand? Implementing the EU Sahel Strategy', 114 *FRIDE A European Think Tank for Global Action*, 2012, at 15, available at <http://fride.org/download/WP_114_Implementing_the_EU_Sahel_Strategy.pdf>.

OECD, Official Development Assistance, available at <<http://www.oecd.org/dac/stats/officialdevelopmentassistancedefinitionandcoverage.htm>>.

R. Coolsaet *et al.*, 'Mali: Another European Intervention without the EU?', 42 *EGMONT Royal Institute for International Relations*, 2013, at 2, available at <http://www.rikcoolsaet.be/files/art_ip_wz/SPB42%20-%20Mali.pdf>.

The European Union and the Sahel Factsheet, available at <<https://eeas.europa.eu/csdp/documents/pdf/132802.pdf>>.

The World Bank, 'Niger Overview' (last updated 13 April 2016), available at <<http://www.worldbank.org/en/country/niger/overview>>.

The World Bank, 'Worldwide Governance Indicators', available at <<http://info.worldbank.org/governance/wgi/index.aspx#home>>.

T. van Damme, 'Under the shadow of Boko Haram: Niger on the eve of elections', *Clingendael CRU Commentary* (11 February 2016), at 1, available at <<http://www.clingendael.nl/sites/default/files/Under%20the%20shadow%20of%20Boko%20Haram%20Niger%20on%20the%20eve%20of%20elections.pdf>>.

UNDP Human Development Reports (2015), available at <<http://hdr.undp.org/en/countries/profiles/MLI>>.

UNDP Human Development Reports (2015), available at <<http://hdr.undp.org/en/countries/profiles/NER>>.

United Nations, 'MINUSMA', available at <<http://www.un.org/en/peacekeeping/missions/minusma/background.shtml>>.

United Nations Sustainable Development Goals (25 September 2015) available at <https://sustainabledevelopment.un.org/?menu=1300>.

Legislations

Legislation

Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, *OJ* [2012] C 326, 26.10.2012.

Council Decision 2004/883/CFSP of 2 December 2004 implementing Joint Action 2002/589/CFSP with a view to a European Union contribution to ECOWAS in the framework of the Moratorium on Small Arms and Light Weapons, *OJ* [2004] L 359/65, 4.12.2004.

Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali), *OJ* [2013] L 14/19, 18.1.2013.

Council Decision 2014/219/CFSP of 15 April 2014 on the European Union CSDP mission in Mali (EUCAP Sahel Mali), *OJ* [2014] L 113/21, 16.4.2014.

Council Decision 2014/482/CFSP of 22 July 2014 amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger), *OJ* [2014] L 217/31, 23.7.2014.

Council Decision 2015/2274/CFSP of 7 December 2015 appointing the European Union Special Representative for the Sahel, *OJ* [2015] L322/44, 8.12.2015.

Council Framework Decision of 13 June 2002 on combating terrorism, *OJ* [2002] L 164, p. 3-7, 22.06.2002.

Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America, *OJ* [1992] L 052, 27.2.1992.

Council Regulation (EU) 2015/322 of March 2015 on the implementation of the 11th European Development Fund, *OJ* [2015] L58/1, Art. 1(2)b(ii), 03.03.2015.

European Commission, ‘Decision of 10.11.2015 on the 2015 annual action programme for the Republic of Mali to be financed from the 11th European Development Fund’, C [2015] 7698, 10.11.2015, at 2.

Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability, *OJ* [2006] L 327/1, 24.11.2006.

Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace, *OJ* [2014] L77/1, 15.03.2014.

The Cotonou Agreement and multiannual financial framework 2014-20, *Publications Office of the European Union* [2014].

Treaty establishing the European Community (Consolidated version 2002), *OJ* [2002] C 325, 24.12.2002.

United Nations General Assembly, ‘United Nations Millennium Declaration’, A/55/L.2, para. 13, 8.9.2000.

Case Law

C-403/05, *Parliament v. Commission* [2007] *ECR I-9045*.

ECJ, Case C-377/12, *Commission v. Council* [2014].

ECJ, Case C-91/05, *Commission v. Council* [2008] *ECLI:EU:C:2008:288*.