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from:	Presidency
to:	Delegations
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Taking stock and looking ahead

The EU is increasingly a global player in the fight against terrorism and violent extremism. Through dialogue with third countries, advancing the EU agenda in the UN and other international fora such as the GCTF, the EU has made substantial progress over the last few years in counter terrorism (CT) work. An increasingly important aspect of the EU's efforts relates to the delivery of technical assistance to third countries, both in relation to direct CT capacity building but also in addressing the long term aspects of factors conducive to terrorism.

The current financial perspectives are coming to an end and new legal acts for the various financial instruments are currently under discussion making it relevant to take stock and look ahead. Over the past years the EU has gained considerable experience in the field of CT capacity building. EU Member States have been extensively involved in the implementation of the projects and preliminary data suggest that the implementation rate by EU MS agencies in the field of CT is higher than for other comparable areas. Given the specificity of CT capacity building it is important that this trend is continued and that steps are considered to create, if necessary, additional incentives for Member States to participate actively in the identification and implementation of projects in the CT area.

In a preliminary discussion at COTER on 28 March 2012, the Presidency was encouraged to prepare a paper for discussion at the joint meeting to address the issue of how the EU can become even more effective in delivering concrete and targeted technical assistance to partner countries and in designing and implementing interventions that addresses the long term factors conducive to terrorism and violent extremism.

Ideas put forward in COTER (reference SEC 0251/12) included: looking at how to achieve even greater clarity and simplicity in processes for accessing EU funds, increasing oversight by Member States of funding decision making, creating a Memorandum of Understanding template that would make it easier for Member States to combine forces on projects and, in general, ways to create a better platform for Member States to implement projects. COTER also saw a need to be kept closely informed about relevant funding instruments, including the Instrument for Stability (IfS) and decisions of CT relevance in the IfS Management Committee.

With this concept paper the Presidency have attempted to draw together these suggestions in a paper that it is hoped will inspire productive discussion at COTER/TWP on 24/25 April. The Presidency wish to reiterate that they feel excellent work is already being undertaken by the EU on CT capacity building. It is not the intention of the Presidency to challenge existing methods, but rather to open a comprehensive discussion amongst Member States and EU Institutions of whether there are any minor alterations that can be made to existing processes that would enhance the EU's CT capacity building work even further.

Specificity of CT capacity building

Dedicated CT capacity building has some unique aspects that call for a tailor-made, sophisticated approach to building capacity in this field. The issue is often politically highly sensitive and requires a high degree of confidentiality. Developing projects and partnership in the field of CT must be founded on well-developed networks and a high degree of mutual confidence and trust. Such confidence and trust can only be built gradually and by the direct involvement of the relevant MS and EU institutions and even individuals that will also be involved in a later stage moving cooperation and possible projects to a more advanced level. Importance and attention must also be drawn towards INTCEN reporting in providing an assessment of the threat picture which should help focus EU and Member State activities.

No individual Member State, nor EU Institution, has the resource available to be able to effectively manage and maintain a comprehensive programme of activity in all the regions of the world where there is a terrorist threat or where capacity building for other reasons is needed. It is only through coordinated collective action and burden sharing that the EU can most effectively mitigate the threat. The building of a “one-EU” approach to EU overseas capacity building activity, therefore, has a special significance in the area of CT. Although Member States have contributed extensively, Member States have also experienced difficulties in making the national resources available to take on often very complex implementation tasks.

On this background there is a need to further stimulate Member States engagement in the various Financial Instruments and in the implementation of projects in the field of CT. It is first and foremost the responsibility of Member States to gear national systems to be able tackle the participation in both the identification and implementation of projects and ensuring that the good communication both internally and internationally on the issue. There is however also a need to ensure that EU systems are as ‘user-friendly’ as possible in allowing officials within Member States to efficiently communicate information to the correct individuals responsible for different policy areas. The sensitive nature of some CT work only further emphasises the need for clarity due to the fact that often Member State representatives present on funding committees do not have direct involvement in CT work. In addition, it should also be considered of particular importance to:

- Create incentives for the appropriate EU experts in relation to the Justice and Home Affairs and in the field of CVE to engage also externally in the delivery of projects.
- Ensure the appropriate dissemination of information to allow the necessary involvement of MS in both concrete projects and relevant policy decisions.
- To set up informal and formal mechanisms facilitating MS cooperation on implementing projects.

The instruments available

The EU including its Member States possess a number of instruments that can be engaged in addressing CT directly or more indirectly addressing the factors conducive to terrorism.

The Instrument for Stability

The Instrument for Stability (IfS) introduced in 2007 is a strategic tool designed to address a number of global security and development challenges in complement to geographic instruments. The Instrument for Stability is the most important funding vehicle in the CT Sphere. The instrument has two components: one short-term and the other long-term – CT projects have been funded under both components.

The **short-term** component aims to prevent conflict, support post-conflict political stabilisation and to ensure early recovery after a natural disaster. To build the stable conditions necessary for the implementation of EU co-operation policies in third countries, for the **long-term** component, where funding and projects are developed based upon the following priority: “strengthening response capacities of non-EU member countries to cross-border threats such as terrorism and organized crime, including the illicit trafficking of weapons, drugs and human beings”. Geographically, EU interventions under the IfS have focused on the Sahel and South and South East Asia regions but have also included activities in inter alia Yemen. A special focus has been to promote a rule of law based approach to counter terrorism.

Under the Stability Instrument, an Expert Support Facility (ESF) was established to facilitate the active participation of experts from Member States in the Instrument. The ESF is used both to identify areas for action and to consult potential beneficiary countries in their concrete needs. Under the ESF a consortium of EU countries can, following a bidding process enter into a framework contract with the Commission. This allows the Commission to call upon the expertise from Member States through a call for proposals to the consortia having a framework contract.

A similar system does not exist in relation to the implementation of projects in the CT area. Having had such a system in place would probably have made it possible to rely even more on Member States resources in the implementation of projects. In relation to the CT area the value added of this would have been increased oversight that MS have over the project, and in continuity efforts to address CT as a strategic issue rather than as one off capacity building projects.

Other Funding sources

Other financial instruments are in various ways relevant for addressing factors conducive to terrorism and for addressing violent extremism. This includes the Development Cooperation Instrument (DCI), The European Neighbourhood and Partnership Instrument (ENPI) and the European Instrument for Democracy and Human Rights (EIDHR). Although these instruments are not designed to address CT issues directly it is stated in the *European Consensus on Development*, that insecurity and violent conflict are amongst the biggest obstacles to achieving the Millennium Development Goals. Security and development are thus recognized as important and complementary aspects of EU relations with third countries. Interventions under these instruments must comply with the relevant criteria for Official Development Aid (ODA).

The CSDP budget can in principle also be used to fund CT related interventions. This has been attempted in relation to support to the African Centre on the Study and Research on Terrorism.

A potentially very important new development is the proposal for the establishment as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management. Part of the strategic objective of the instrument is to prevent terrorism and to address radicalization and recruitment and as a new step opens up for actions in relation to third-countries. Generally the list of actions in or in relation to third countries eligible under the Regulation are meant to focus on short-term operational actions having a direct impact on the Union's internal security.

Experience and conclusions

As explained previously, although EU funding committees operate on an open and transparent basis, it is not always easy for CT officials in Member States to have visibility over funding procedures. These difficulties may arise from a lack of communication within MS institutions at Capitol, but also consideration needs to be given to whether existing processes could be simplified to allow CT officials in MS more oversight of funding decisions.

Counter terrorism training projects overseas require significant expertise, often in the areas of law enforcement and justice, and those who are best placed to carry out such activity can be responsible to the home and justice ministries in MS rather than the foreign ministries who might have more oversight of existing EU capacity building activity overseas. There may be a need to improve communications in MS to ensure that all relevant parties are fully informed both of existing EU work overseas and the opportunities to bid for new projects. This will help to ensure that all relevant MS expertise is fully utilised at an EU level. In a similar vein, there may be a lack of resources within MS to carry out work overseas due to domestic pressures, meaning that the EU has to delegate projects to international organisations for implementation. Excellent work has been done by these international organisations, but this does have the implication that vital EU experience is not being fully utilised. One solution therefore may be for it to be made easier for MS to combine forces on projects and share the responsibility there may be a need to simplify the process by which MS can combine forces on projects. A model MoU may be such a way to achieve this.

Immediate practical steps

The Presidency proposes that consideration be given to the following immediate practical steps that can be achieved within the existing structures that will assist in stimulating increased participation from Member States in the identification and implementation of projects in third countries. With a view to increasing the effectiveness of EU capacity building and enhancing EU visibility and coherence of efforts in the spirit of “one EU”, the COTER and TWG working groups are invited to discuss the following recommendations:

- 1) Within the existing rules and regulations MS will seek to find avenues to make it easier for MS to combine forces on projects. The enclosed model MoU [illustrative model enclosed] is suggested as a vehicle for ensuring this.
- 2) The joint COTER/TWG meetings will continue to seek ways to ensure that the relevant expertise in MS’ ministries of home and justice can be made available for the identification and implementation of projects in third countries. Relevant best practices will be shared.
- 3) EU Delegations are encouraged to play a greater and more active role in project programming than at present. There should be emphasis on ensuring that EU MS delegations in Posts are encouraged to provide suggestions on where the EU should be spending its money and why. A clear steer from Brussels to Posts on this would be a helpful step in bringing this about.

- 4) The Commission is encouraged to inform COTER and TWG working groups about items on the agenda of the IfS Management Committee of relevance for the mandates of the two groups in order to benefit from the input of the two groups in relation to project proposals and policy guidelines. It is important that COTER/TWG are able to better feed into relevant funding committees in order to provide MS expertise and knowledge into the development of projects. The Commission is also encouraged to inform the two groups about decisions made in the IfS Management Committee that can inform the work of the groups.
- 5) The Commission will consider the establishment of a mechanism modeled on the ESF but with the focus on the implementation of projects.

Longer term changes

Consideration should be given to longer term changes to funding processes that will help to simplify procedures and bring about greater clarity and Member State oversight in project development and administration.

It may be necessary to reflect whether there is a need to simplify the process by which EU funds can be accessed in particular by those within Member States with direct CT expertise that will allow EU projects to be further enhanced by those with relevant experience. This might include a simplified bidding process, targeted to ensure project proposals are in line with EU CT priorities. Bidding windows and process timelines should also be agreed and proactively communicated to the CT community both by EU Institutions and by relevant MS representatives. When contracts are awarded they should be publicly announced in relevant working groups.

There may also be a benefit in improving the clarity of existing and planned EU CT spend, for instance listing spending on a country by country basis would help to shape the evidence base for determining effective spend of EU funds. The Commission could publish (online) detail of EU funds spent listed country by country. This should also be communicated in COTER and TWG working groups. There could also perhaps be further attention drawn to the evaluation procedures on existing projects and how these are communicated by the EU to CT officials in Member States. This would help to gauge success and help inform future project planning. Consideration could also be given as to the extent to which project proposals reflect the EU CT priorities and how EU security spending is working to directly mitigate the terrorist threat, and reduce the spread of radicalisation.

Annex A

Model Memorandum of Understanding

[Name of Country] has as contracting party entered into an agreement with the Commission to implement [name and description of project] in accordance with the provisions of the signed agreement.

Acknowledging the need to increase both the effectiveness of EU capacity building in the field of counter-terrorism and the visibility of EU efforts and recognizing that taking on the project in question can be challenging for one country alone without the support of other MS, [name(s) of MS] will seek to support [name of contracting country] in its assignment to deliver the project in question. Support can take many forms, including political (e.g. obtaining political buy-in from host country of project), logistical (e.g. provision of experts, premises, development of curriculum), and financial support.

In the context of the project:

- Country X will in particular seek to provide the following:
- Country Y will in particular seek to provide the following
- Etc.

While deeply appreciating the offers made and the importance of those for achieving the aims set out, [name of contracting country] recognizes that the offers are indicative only and can be changed accordingly.

This MoU does not in any way change the fact that the final responsibility for implementing the project rest with [name of country] in accordance with the provisions of the specific contract.

[Names of countries]
