

# The Border Management Programme in Central Asia: Explaining the European Union's Choice of Implementing Partners

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The Border Management Programme in Central  
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## **Abstract**

Between 2003 and 2014 the European Union's (EU) Border Management Programme in Central Asia was implemented by the United Nations Development Programme (UNDP). However, the latter's implementing responsibilities have just come to an end, with the next phase of the programme to be implemented by an EU member state consortium. This paper seeks to explain why the EU chose the UNDP to implement the programme in the first place; why the programme was redelegated to the UNDP over successive phases; and why, in the end, the EU has opted for a member state consortium to implement the next phase of the programme.

The paper will draw on two alternative accounts of delegation: the principal-agent approach and normative institutionalism. Ultimately, it will be argued that both the EU's decision(s) to delegate (and redelegate) implementing responsibilities to the UNDP, and its subsequent decision to drop the organisation in favour of an EU member state consortium, were driven for the most part by a rationalist 'logic of consequentiality'. At the same time, a potential secondary role of a normative institutionalist 'logic of appropriateness' – as a supplementary approach – will not be discounted.

## Introduction

The Border Management Programme in Central Asia (BOMCA) is an EU programme tasked with the delivery of capacity-building and infrastructural assistance to the governments of five Central Asian states: Kyrgyzstan, Kazakhstan, Tajikistan, Uzbekistan and Turkmenistan. These states are afflicted by numerous problems, from Afghan heroin trafficking to disputed borders, from periodic flare-ups in religious extremism and ethnic violence, to arbitrary, corrupt and militarised border regimes which stifle trade and the movement of people.<sup>1</sup>

The tasks assigned to BOMCA have covered at various points in time the training of border guards and customs officers; the provision of equipment and drug sniffer dogs; the construction and renovation of border infrastructure; the organisation of workshops and study trips to EU member states; assistance with legal and institutional reform; the facilitation of regional trade and transit; the capacity-building of national law enforcement agencies (*via* a 'train the trainers' approach); and the promotion of regional cooperation on border controls.<sup>2</sup> Since the inception of its second phase (BOMCA 2) in 2003, BOMCA has been implemented in successive phases by the United Nations Development Programme (UNDP). However, it was BOMCA 4 (implemented between January 2004 and December 2007) that was the first major, multi-annual phase of the programme. Since then there have been four subsequent phases of the programme, culminating with BOMCA 8 which began in July 2011 and expired on 30 June 2014. The next phase, BOMCA 9, will be implemented by an EU member state consortium rather than by the UNDP, and is at the time of writing unscheduled.

BOMCA is funded jointly by the EU and the UNDP, with the organisations' contributions as a share of the programme's budget hovering at around ninety per cent and

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<sup>1</sup> See International Crisis Group, *Central Asia: Border Disputes and Conflict Potential: Executive Summary and Recommendations*, ICG Asia Report, no. 33, 4 April 2002; J. Boonstra, E. Marat and V. Axyonova, *Security Sector Reform in Kazakhstan, Kyrgyzstan and Tajikistan: What Role for Europe?* Working paper, no. 14, EUCAM, Brussels, May 2013; G. Gavrilis, *Beyond the Border Management Programme for Central Asia (BOMCA)*, Policy brief, EUCAM, no. 11, November 2009; G. Gavrilis, *Central Asia's Border Woes & the Impact of International Assistance*, Occasional Papers Series, Central Eurasia Project, no. 6, New York, May 2012.

<sup>2</sup> See Particip, *Thematic Global Evaluation of the European Union's Support to Integrated Border Management and Fight against Organised Crime*, Final Report, vol. 3b, April 2013, p.290, for an overview of BOMCA's objectives since BOMCA 4.

ten per cent respectively.<sup>3</sup> The UNDP is a UN programme tasked with assisting countries with their development. Their website identifies four focal areas of activity: “poverty reduction and achievement of the MDGs [Millennium Development Goals]”; “democratic governance”; “crisis prevention and recovery”; and “environment and energy for sustainable development”.<sup>4</sup> The EU, through the European Commission, has a strong operational relationship with UN organisations that is codified in the Financial and Administrative Framework Agreement (FAFA) laying down the terms of cooperation between the EU and UN organisations in the implementation of external assistance programmes.<sup>5</sup>

BOMCA represents an interesting case for several reasons, which serve to justify its selection as a case study. First, the relative scope of the programme represents a substantial stake for both the EU and the UNDP.<sup>6</sup> In terms of time and money, BOMCA represents one of the EU’s most significant commitments to Central Asia, and it is a key pillar of the Union’s vaunted Central Asia Strategy.<sup>7</sup> The UNDP, as co-donor as well as implementing organisation, has also invested significant financial and reputational resources in the programme. Second, unlike for previous phases, the contract for the next phase of the programme (BOMCA 9) will be tendered. Since only Europe-based organisations will be eligible to apply for the contract, the EU’s relationship with the UNDP in the context of BOMCA has necessarily come to an end. This period of transition represents a prime opportunity to analyse both the motives behind the delegation – and subsequent redelegations – of implementing authority to the UNDP and the reasons for which the EU has chosen to terminate the relationship.

The paper will proceed as follows. First, two accounts of why actors decide to delegate authority will be considered: one supplied by the principal-agent (PA)

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<sup>3</sup> Border Management Programme in Central Asia, *About Us*, undated, retrieved 27 March 2014, <http://bomca.eu/en/about-us.html>: “BOMCA’s accumulated budgets from 2003-2014 amount to € 33,555,405. UNDP, the implementing agency of BOMCA, has co-funded the programme with € 2.74 million.”

<sup>4</sup> United Nations Development Programme, *About Us – A World of Development Experience*, undated, retrieved 7 April 2014, [http://www.undp.org/content/undp/en/home/operations/about\\_us.html](http://www.undp.org/content/undp/en/home/operations/about_us.html).

<sup>5</sup> *Financial and Administrative Framework Agreement between the European Community, represented by the Commission of the European Communities, and the United Nations (FAFA)*, 1994, revised in 2003.

<sup>6</sup> The budget of BOMCA, although limited in absolute terms, is significant in comparison with other EU interventions in the region.

<sup>7</sup> European Union, *The European Union and Central Asia: A New Partnership in Action*, Luxembourg: DGF-Communication/Publications, June 2009.

approach; the other by normative institutionalism. Second, these approaches will be applied in turn in an attempt to explain the EU's decision to delegate (and redelegate) implementing authority to the UNDP in the context of BOMCA. It will be demonstrated that this first set of decisions is best explained by the consequentialist account of delegation furnished by the PA approach. Third, the paper will consider the rationale behind the EU's decision to terminate the relationship with the UNDP in the context of BOMCA and transfer implementation responsibilities to an EU member state consortium. Here again, it will be demonstrated that the account offered by the principal-agent approach provides the most fitting explanation for the EU's decision. The paper will conclude by going slightly deeper, showing how the consequence-driven motives underlying the EU's two sets of decisions underwent a shift – from a preponderant focus on programme effectiveness and common preferences, to a greater concern for visibility, reflecting the Union's increasing interest in enhancing its profile as a political player in Central Asia and the world.

## Two Accounts of the Decision to Delegate

### *A Principal-Agent Account of the Act of Delegation*

The principal-agent approach is, according to Moe, “the analytic expression of the agency relationship in which one party, the principal, considers entering into a contractual relationship with another, the agent, in the expectation that the agent will subsequently choose actions that produce outcomes desired by the principal”.<sup>8</sup> Though an apt definition, PA theorists have not confined themselves to analyses of the agency relationship itself in its different forms; they have also devoted much time to considering the motives that can lie behind actors' decisions to delegate authority.<sup>9</sup> Indeed, the PA approach offers the most developed account of delegation decisions, and it is for this reason that it is considered here.<sup>10</sup> In reality, while there are variations of the PA approach, they are all essentially rationalist, premised on the assumption that individuals are more or less rational utility-maximisers who base their

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<sup>8</sup> T. Moe, “The New Economics of Organization”, *American Journal of Political Science*, 28(4), November 1984, p. 756.

<sup>9</sup> For a principal-agent analysis of the relationship between the EU and the UNDP in the context of BOMCA, see J. Gartland, *The EU's Border Management Programme in Central Asia Explaining Delegation and Agency*, Master's thesis, Bruges: College of Europe, 2014.

<sup>10</sup> The literature is especially developed as regards delegation by the United States Congress. See D. R. Kiewiet and M. McCubbins, *The Logic of Delegation: Congressional Parties and the Appropriations Process*, Chicago: University of Chicago Press, 1991; M. McCubbins and T. Page, “A Theory of Congressional Delegation”, in M. McCubbins and T. Sullivan (eds.), *Congress: Structure and Policy*, New York: Cambridge University Press, 1987, pp. 409-425.

decisions on logically-expected outcomes.<sup>11</sup> It follows that actors decide to delegate authority where they anticipate, on the basis of a rational decision-making process, that such a decision will increase their utility. Decisions to delegate will therefore be determined by what March and Olsen term a 'logic of consequentiality'.<sup>12</sup>

Indeed, for Hawkins *et al.*, "all delegation is based upon a division of labor and gains from specialization", where gains are clearly synonymous with increases to utility.<sup>13</sup> However, specific motives for delegation can vary according to the context. Indeed, applied to policy-making, PA approaches have uncovered a range of motives for delegation, some of which (though by no means all) are also relevant to cases of delegation to an implementing agent. All falling under a logic of consequentiality, three of these motives are considered here. These are: efficiency; accountability; and common preferences.

Majone, in his study of delegation to the EU, argues that member states often delegate authority in order to reduce the costs of decision-making.<sup>14</sup> By delegating authority to the European Commission, for example, member states may reduce the costs of decision-making by relying on the institution's accumulated expertise to guide policy formulation. Taken out of a policy-making context, this same efficiency-oriented logic might be applied to an actor's decision to delegate responsibility for the *implementation* of a policy. Though the scenario is different, the rationale remains the same. It pertains to the recruitment of an agent for the execution of a task where this would be more costly when undertaken by the principal directly. Utilising the PA account of delegation, it is logical that in both a policy-making and an implementation scenario a rational actor should delegate in order to make cost savings. Where the implementation of an external assistance task is delegated, such efficiency considerations may comprise *inter alia* a desire for policy-relevant expertise, a need for infrastructure, or a need for personnel with diplomatic accreditation.

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<sup>11</sup> C. Jensen and W.H. Meckling, "Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure", *Journal of Financial Economics*, 3(4), 1976, p. 308.

<sup>12</sup> J. March and J. Olsen, *Rediscovering Institutions: The Organizational Basis of Politics*, New York: The Free Press, 1989, pp. 21-26. Although March and Olsen are normative institutionalists rather than PA theorists, their 'logic of consequentiality' is concise and eloquent as a term and will for these reasons be employed here.

<sup>13</sup> D. Hawkins *et al.*, "Introduction", in D. Hawkins *et al.* (eds.), *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press, 2006, p.13.

<sup>14</sup> G. Majone, "Two Logics of Delegation: Agency and Fiduciary Relations in EU Governance", *European Union Politics*, 2(1), 2001, p. 103.



Second, actors' common preferences can also play a role in the decision to delegate. Preferences are less relevant to the question of 'why delegate?' than that of 'whom to delegate to?'. Principals are more likely to delegate to agents with similar preferences, since this generally reduces the likelihood of their incurring significant agency costs (that is, utility loss).<sup>15</sup> This is what Bendor, Glazer and Hammond have termed the 'ally principle'.<sup>16</sup> Arguing that this principle holds fairly generally, they suggest that it is only in situations marked by problems of 'credible commitment' – less relevant to the delegation of tasks than to situations where policy-making authority is transferred – that a principal will delegate to an agent with obviously different preferences.<sup>17</sup> Given that decisions to delegate to agents with similar preferences are assumed to be driven by a principal's rational desire to reduce future costs to be borne by itself, this motive can be grouped, along with efficiency considerations, under a logic of consequentiality.<sup>18</sup>

A desire on the part of the potential principal to transfer, or at least distribute, accountability may offer a final motive for delegation relevant to the case of BOMCA. Also known as 'blame shifting', accountability considerations have gained currency as a motive for delegation, especially in the context of delegation to the EU.<sup>19</sup> Applied to another case, Rodrik argues that the delegation of lending authority to the International Monetary Fund (IMF) as an ostensibly 'neutral' entity may have been an attempt by international creditors to deflect international criticism of the 'politicisation' of lending.<sup>20</sup> Here, the creditors, as principals of the IMF, reacted in response to failure. Yet this logic may also take on a pre-emptive character. Where the pursuit of objectives entails risks, an actor may recruit an agent to provide the former with a means of avoiding or shifting blame should something go wrong.<sup>21</sup> Clearly, based as they are on the rational interest of the principal to preserve its

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<sup>15</sup> M. Pollack, "The Engines of European Integration: Delegation, Agency and Agenda Setting in the EU, Oxford: Oxford University Press, 2003, pp. 32-33; Majone, *op. cit.*, p. 104.

<sup>16</sup> J. Bendor, A. Glazer and T. Hammond, "Theories of Delegation in Political Science", *Research Paper Series*, Graduate School of Business, Stanford University, Research Paper, no. 1655, September 2000, pp. 1-38.

<sup>17</sup> *Ibid.*, pp. 25-27.

<sup>18</sup> March and Olsen, *Rediscovering Institutions*, *op. cit.*, pp. 21-26.

<sup>19</sup> J. Tallberg, "Delegation to Supranational Institutions: Why, How, and with What Consequences?", *West European Politics*, 25(1), 2002, p. 27.

<sup>20</sup> D. Rodrik, "Why Is There Multilateral Lending?", in M. Bruno and B. Pleskovic (eds.), *Annual World Bank Conference on Development Economics 1995*, Washington, DC: The World Bank, 1996, pp. 180-181.

<sup>21</sup> B. Martens, "Why do aid agencies exist?", *Development Policy Review*, 32(6), 2005, pp. 656-657.

utility, accountability considerations can also be grouped under the PA logic of consequentiality.

### *A Normative Institutional Account of the Act of Delegation*

In many ways, normative institutionalism can be regarded as a foil to the PA approach. The theory is one of the variants of the 'new institutionalism', developed in reaction to the dominance of rational choice and behaviouralist approaches in political science.<sup>22</sup> Most of the new institutionalisms are averse to approaches that emphasise individuals' capacity for rational decision-making, focusing instead on the importance of institutions in shaping political behaviour.<sup>23</sup> For institutionalists therefore, "the organization of political life makes a difference".<sup>24</sup>

Drawing on sociology, normative institutionalists conceive of institutions in a broader manner than did the 'old institutionalists'. Institutions are taken to encompass not just formal rules and practices, but also stable, recurring patterns of behaviour.<sup>25</sup> For normative institutionalists, these institutions broadly defined "actually embody values ... and determine 'appropriate' behaviour within given settings".<sup>26</sup> As such, for normative institutionalists, "action is often based more on identifying the normatively appropriate behavior than on calculating the return expected from alternative policy choices".<sup>27</sup> This mode of behaviour is what March and Olsen call a 'logic of appropriateness'.<sup>28</sup>

Whereas principal-agent theory can only be applied to situations of delegation, normative institutionalism can be applied to any arena of individual behaviour where institutions exist. It is for this reason that the normative institutionalist account of delegation is less developed than the one put forward by the PA approach. Nevertheless, there are instances where *sociological* institutionalism has been applied to instances of delegation. Sociological institutionalism can be considered an analogue of normative institutionalism, sharing its broad conception of institutions

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<sup>22</sup> D. Ross, "The Many Lives of Institutionalism in American Social Science", *Polity*, 28(1), Autumn 1995, p. 121.

<sup>23</sup> V. Lowndes, "Institutionalism", in D. Marsh and G. Stoker (eds.), *Theory and Methods in Political Science*, 2<sup>nd</sup> edition, Basingstoke: Palgrave Macmillan, 2002, p. 94.

<sup>24</sup> J. March and J. Olsen, "The New Institutionalism: Organizational Factors in Political Life", *The American Political Science Review*, 78(3), September 1984, p. 747.

<sup>25</sup> R. Goodin, "Institutions and Their Design", in R. Goodin (ed.), *The Theory of Institutional Design*, Cambridge: Cambridge University Press, 1996, p. 22.

<sup>26</sup> Lowndes, *op. cit.*, p. 95.

<sup>27</sup> March and Olsen, *Rediscovering Institutions*, *op. cit.*, p. 22.

<sup>28</sup> *Ibid.*, pp. 21-26.

and its emphasis on situation-appropriate behaviour. McNamara, for instance, taking up the example of central bank independence, highlights the influence of social norms on an actor's decision to delegate authority.<sup>29</sup> She argues that past governmental decisions to grant independence to national central banks have been based less on economic considerations and more on a social logic that regards central bank independence as desirable and legitimate.<sup>30</sup>

Normative institutionalism would likewise argue that decisions to delegate are determined by institutions shaping appropriate behaviour, rather than by rational calculations of consequences. March and Olsen argue that this logic of appropriateness is conditioned by four litanies of action: "What kind of situation is this?", "Who am I?", "How appropriate are different actions for me in this situation?", and "Do what is more appropriate".<sup>31</sup> These litanies are contrasted with those of the logic of consequentiality: "What are my alternatives?", "What are my values?", "What are the consequences of my alternatives for my values?", "Choose the alternative that has the best consequences".<sup>32</sup> Applied to a decision to delegate, it is clear that it is not only appropriate behaviour determined by situation-specific institutions that bear on an actor's decision ("What kind of situation is this?"), but also the very identity of the actor ("Who am I?").

With regards to BOMCA, the PA approach would expect that the EU's selection of the UNDP as implementing partner for the programme and its subsequent decision to drop the UNDP in favour of a member state consortium were informed by rational calculations of consequences on the part of the decision makers in the EU. By contrast, normative institutionalism would attribute these decisions to the logics of appropriate behaviour determined by situation-specific institutions within the EU.

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<sup>29</sup> K. McNamara, "Rational Fictions: Central Bank Independence and the Social Logic of Delegation", *West European Politics*, 25(1), 2002, pp. 47-76.

<sup>30</sup> *Ibid.*

<sup>31</sup> March and Olsen, *Rediscovering Institutions*, *op. cit.*, p. 23.

<sup>32</sup> *Ibid.*

## The EU and Delegation to UN Organisations

### *The Process of Delegation under Joint Management*

Until the coming into force of the EU's new financial regulation in January 2014,<sup>33</sup> the European Commission had specific procedures in place for the delegation of tasks to international organisations under the budget allocation modality of joint management.<sup>34</sup> Unlike the process for awarding grants, delegation to an international organisation under the former system did not follow a call for proposals but instead entailed a simple transfer of tasks. In both instances, the decision to delegate to an international organisation was taken by the relevant officials in the Commission – in Directorate-General (DG) Development and Cooperation-EuropeAid (DEVCO), DG Humanitarian Aid and Civil Protection (ECHO), or their past functional equivalents – with the presenting of an Action Fiche (drawn up by an official in delegation or a private contractor) to a management committee. This Fiche was then presented to the implementing organisation and a Contribution-Specific Agreement (CSA), accompanied by several annexes describing in more detail the action and budgets, was signed.<sup>35</sup>

### *Deciding to Delegate*

It is worth considering why the EU decided to delegate the implementation of BOMCA at all, rather than execute it itself. Here, it is important to remember the position of the EU in 2002-03 when the project was first conceived. Three factors mitigated against the direct implementation of BOMCA by the European Commission. First, only one Commission Delegation was present in the region at the time, in Almaty, Kazakhstan. Commission implementation of the project in all five Central Asian states as envisaged would have required the establishment of operational bases in Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, entailing significant costs.<sup>36</sup> Second, the Commission did not – and perhaps still does not – possess the manpower and expertise necessary to implement a multi-country border

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<sup>33</sup> European Union, "Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002", *Official Journal of the European Union*, L 298, 26 October 2012.

<sup>34</sup> Council of the European Union, "Council Regulation (EC, EURATOM) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities", *Official Journal of the European Union*, L 248, 16 September 2002, Art. 53.

<sup>35</sup> Interview with European Commission official A, DG DEVCO, via telephone, 26 March 2014.

<sup>36</sup> *Ibid.*

management programme in a then-unfamiliar region.<sup>37</sup> This factor is related to the efficiency considerations sketched above as a motive for delegation under the PA approach, and concerns especially the demand for policy-relevant expertise. Third, BOMCA, along with the Central Asia Drug Action Programme (CADAP),<sup>38</sup> was the EU's first significant security-oriented intervention in Central Asia. It is possible that the uncertain prospects of the mission, especially given the unstable political situation in the region, rendered attractive the option of delegation as a way of avoiding (or perhaps shifting) blame in the event of any major operational setbacks.

### *Selecting the UNDP as Agent*

That leads on to the next question, namely why the UNDP was chosen specifically for the implementation of BOMCA. The normative institutionalist account of delegation will be considered first. Accordingly, it might be suggested that the delegation of BOMCA's implementation to the UNDP was considered to be appropriate in the context of the institutions specific to the situation and in relation to the identities of the key decision-makers in the European Commission. Two arguments might be deployed to support this claim.

First, the EU has always defined its international identity in relation to the UN. The latter has a special place in the Treaty on European Union (TEU), which commits the EU to "promote multilateral solutions to common problems, particularly in the framework of the United Nations" and subscribes the Union to "the purposes and principles of the UN Charter".<sup>39</sup> The special relationship between the EU and the UN is marked by a discourse of deep cooperation, which is as evident in the 'spirit of partnership'

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<sup>37</sup> *Ibid.*; Interview with European Commission official B, European Delegation (EUD) in Bishkek, via telephone, 22 March 2014.

<sup>38</sup> See European Commission Development and Cooperation – EuropeAid, *The Central Asia Drug Action Programme (CADAP)*, updated 31 August 2012, retrieved 21 March 2014, [http://ec.europa.eu/europeaid/where/asia/regional-cooperation-central-asia/border-management-fight-against-drugs/cadap\\_en.htm](http://ec.europa.eu/europeaid/where/asia/regional-cooperation-central-asia/border-management-fight-against-drugs/cadap_en.htm).

<sup>39</sup> European Union, "Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union of 13 December 2007", *Official Journal of the European Union*, C115, 9 May 2008, Art. 21(1) para. 2 TEU and Art. 21(2)(c) TEU. See also Art. 208(2) of the Treaty on the Functioning of the European Union, which relates to development cooperation specifically and underlines the EU's commitments and objectives "in the context of the United Nations and other competent international organisations."

underpinning the FAFA as in official dispatches.<sup>40</sup> The identity of officials at the European Commission is therefore in part constituted by the relationship between their organisation and the United Nations. It might be supposed that delegation of BOMCA to the UNDP was conceived of as an appropriate course of action from the perspective of identity.

Second, the UNDP in particular is a highly significant agent of the EU in the implementation of the EU's external assistance. Indeed, its importance is supported by data: between 2000 and 2011 the Commission donated just under three billion Euro to the organisation, close to a third of all EU funds channelled to UN organisations during this period and almost three times as much as to the UN Relief and Works Agency (UNRWA), the next biggest recipient of EU funds of the UN family.<sup>41</sup> Delegation to the UNDP seems quite clearly to be a fairly stable, recurring pattern of behaviour, potentially falling into Goodin's definition of an institution within the Commission.<sup>42</sup> It could be that the delegation of external assistance programmes to the UNDP is *expected* of EU decision-makers,<sup>43</sup> determining their behaviour in such situations. Normative institutionalists might argue that the identity of EU decision-makers combined with situation-specific expectations to generate the successive decisions to delegate authority for the implementation of BOMCA to the UNDP.

While not speaking for other cases of delegation to UN organisations, it is argued here that consequentialist logics played a greater role in the decision to delegate the implementation of BOMCA to the UNDP. Each official interviewed was explicitly asked two questions relating to the decision to delegate. The first: what informed the EU's decision to delegate to the UNDP? The second: why has the EU *maintained* its operational relationship with the UNDP in the context of BOMCA? On the basis of interviews conducted, it seems that the decision to delegate to the UNDP in 2003 was driven much more by a PA-style logic of consequentiality than by a normative

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<sup>40</sup> See *Financial and Administrative Framework Agreement, op. cit.*; Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament, The European Union and the United Nations: The choice of multilateralism*, COM(2003) 526 final, Brussels, 10 September 2003; *Memorandum of Understanding Concerning the establishment of a strategic partnership between The European Commission and the United Nations Development Programme*, 28 June 2004.

<sup>41</sup> DG Development and Cooperation – EuropeAid Cooperation Office, *EuropeAid Financial Contributions to the UN, 2012*, retrieved 15 April 2013, [http://ec.europa.eu/europeaid/who/partners/international-organisations/documents/europeaid\\_financial\\_contributions\\_to\\_the\\_un2010-2011\\_full.pdf](http://ec.europa.eu/europeaid/who/partners/international-organisations/documents/europeaid_financial_contributions_to_the_un2010-2011_full.pdf).

<sup>42</sup> Goodin, *op. cit.*, p. 22.

<sup>43</sup> *Ibid.*, p.19.

institutionalist logic of appropriateness. Those interviewed considered the UNDP to possess a number of advantages that equipped it to handle the implementation of the project.

First, the extensive infrastructure of the UNDP in the region, with Country Offices in all five Central Asian states, had a strong bearing on the EU's decision.<sup>44</sup> These Country Offices offered BOMCA ready-to-go financial, procurement and administrative support structures which would have taken a non-embedded implementing organisation months (if not years) to set up. Second, the UNDP enjoys a close relationship with the governments in the region, due in part to the organisation's status as the largest multilateral donor in the region, and in part to its reputation as an independent and impartial development agency.<sup>45</sup> These relationships have given the EU the opportunity to push BOMCA into sovereignty-sensitive areas that would have been off-limits to agents other than the UNDP.<sup>46</sup> Third, and closely related, UNDP staff enjoy official accreditation to the governments of Central Asia as members of the UN 'family'. This has allowed the EU to avoid procedural costs that would have had to be borne had implementation been entrusted to a non-accredited organisation.<sup>47</sup> Fourth, the UNDP's procurement processes enable the UNDP to procure goods and services more efficiently than other potential implementing organisations.<sup>48</sup> Given that there were no other development organisations in Central Asia at that time that could rival the capacity of the UNDP to implement such a programme, the organisation was in many ways the obvious choice.

These results tally with those collected by the European Court of Auditors in its 2009 report on EU assistance implemented through the UN.<sup>49</sup> The Court issued fifty-two questionnaires to Commission officials working in the areas of humanitarian aid and development, asking respondents to list the three most important reasons for delegation to the UN. Summarising, the Court found that "the Commission chooses

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<sup>44</sup> *Ibid.*; Interview with BOMCA official 1, Regional Programme Management Office (RPMO), via telephone, 13 March 2014.

<sup>45</sup> Interview with European Commission official C, European Delegation (EUD) in Bishkek, via telephone, 18 July 2014.

<sup>46</sup> Commission official C (EUD Bishkek), *op. cit.*

<sup>47</sup> *Ibid.*; BOMCA official 1 (RPMO), *op. cit.*

<sup>48</sup> BOMCA official 1 (RPMO), *op. cit.*; Commission official B (EUD Bishkek), *op. cit.*

<sup>49</sup> European Court of Auditors, *EU Assistance Implemented Through United Nations Organisations: Decision-Making and Monitoring*, Special Report no. 15, Luxembourg: Office for Publications of the European Union, 2009.

to work with the UN primarily for attributes linked to its capacity to deliver, such as its experience, expertise, logistical capacity and past performance”.<sup>50</sup> Indeed, the Commission official responsible for the management of BOMCA in Brussels did not accept that the selection of the UNDP was due to any special status for the UNDP as the ‘natural’ choice for the EU.<sup>51</sup> His preference for what the European Court of Auditors has called the UN’s ‘capacity to deliver’ was apparently a product of a logic of consequentiality (via efficiency) rather than a logic of appropriateness.

Evidence suggests that efficiency considerations were also central to the EU’s decisions to redelegate responsibility to the UNDP over successive phases of the programme. “Good performance of the UNDP in previous and ongoing programme phases” along with “high beneficiary satisfaction” are listed as contributing factors to the EU’s decision to redelegate to the UNDP for the eighth phase of the programme.<sup>52</sup> This was corroborated by interviews: EU officials pointed to satisfaction of beneficiaries with the UNDP’s management of the programme.<sup>53</sup> Indeed, BOMCA is widely seen as successful in bolstering the border management capacities of the Central Asian states. The final evaluation of BOMCA 6 and BOMCA 7 concluded that “much has been delivered by BOMCA in terms of training and infrastructure with a relatively modest overall budget”,<sup>54</sup> while one analyst has described it as “an outstanding model of border control assistance”.<sup>55</sup> BOMCA has also been successful in engaging authoritarian regimes such as Uzbekistan and Turkmenistan, usually sceptical of EU projects, which have been sympathetic to the programme’s capacity-building and anti-trafficking agendas.<sup>56</sup> This consideration of past performance is clearly driven by a concern for efficiency that is in line with the consequentialist logic put forward by PA theorists as the basis for delegation decisions. Indeed, no evidence was found that the repeated redelegation of authority to the UNDP was undertaken according to a logic of appropriate behaviour.

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<sup>50</sup> *Ibid.*, p. 15.

<sup>51</sup> Commission official A (DG DEVCO Brussels), *op. cit.*

<sup>52</sup> European Commission AIDCO/2009/DCI, *Action Fiche N° 4 for Central Asia*, Border Management in Central Asia – Phase 8 (BOMCA 8), DCI-ASIE/2009/021-058, 2009, p. 11.

<sup>53</sup> Commission official C (EUD Bishkek), *op. cit.*

<sup>54</sup> SOGES, Evaluation of the BOMCA Programme (Border Management in Central Asia), Final Report Draft, FRAMEWORK CONTRACT COMMISSION 2007 Lot 4 Contract Nr 2009/219308, December 2010, p. 28.

<sup>55</sup> Gavrilis, *Beyond BOMCA*, *op. cit.*, p. 4.

<sup>56</sup> *Ibid.*



Preferences have also had a role to play in the decision to delegate to the UNDP, albeit a secondary one. As abovementioned, the EU and the UN organisations share many values – the institutions and member states of the EU are, after all, committed to “the purposes and principles of the UN Charter”.<sup>57</sup> The similar values of the UNDP to the EU were cited as a motivation for delegation to the organisation,<sup>58</sup> with one EU official in Bishkek referring to the “common agenda” of the EU and the UN.<sup>59</sup> Preferences seem to have had as much of a role to play in the decision to redelegate responsibility to the UNDP: the BOMCA 8 Action Fiche cites the “UNDP’s high interest in human rights matters” as a factor in the Commission’s decision to reemploy the UNDP for the eighth phase of the programme.<sup>60</sup> In line with the ally principle, significant preference overlaps, for example in areas like human rights, reduce the risk of noncompliance and therefore agency loss.<sup>61</sup> Empirically however, while it is clear that preferences did play a role in the EU’s decision to delegate to the UNDP, it is difficult to determine whether this was because of the ally principle (driven by consequentialism), or because respect for human rights has become an institution within the European Commission, following which only delegation to organisations upholding such values is considered appropriate. Most probably, both logics played a part in the Commission officials’ decision to delegate (and redelegate) to the UNDP.

Interestingly, none of the officials interviewed cited accountability as a motive for delegation. It should be noted, however, that demonstrating such a motive is methodologically highly problematic, since officials are naturally reluctant to acknowledge efforts to avoid accountability. At most, it may be speculated that the EU’s limited involvement in Central Asia in the early 2000s rendered uncertain the initial prospects of BOMCA and therefore increased the attractiveness of delegation to the UNDP as a way of shifting blame in case the project failed. However, this paper would not support such a conclusion without further evidence.

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<sup>57</sup> European Union, “Consolidated Treaties”, *op. cit.*, Art. 21(1) para. 2 TEU and Art. 21(2)(c) TEU.

<sup>58</sup> Interview with Commission official A (DG DEVCO Brussels), *op. cit.*

<sup>59</sup> Commission official C (EUD Bishkek), *op. cit.*

<sup>60</sup> European Commission AIDCO/2009/DCl, *op. cit.*, p. 11.

<sup>61</sup> Bendor, Glazer and Hammond, *op. cit.*, pp. 1-38.

## Changing Partners

The Border Management Programme in Central Asia is about to undergo an important transition. BOMCA 8 was terminated on the 30 June 2014; with it ended the EU's operational relationship with the UNDP in the context of the programme. Although the contract for the next phase of the programme will be tendered, non-Europe-based international organisations will be barred from making proposals.<sup>62</sup> The Action Fiche for BOMCA 9 lists the preferred implementation modality as an international consortium of EU member states in cooperation with international organisations (potentially including the International Centre for Migration Policy Development [ICMPD]).<sup>63</sup> This would see BOMCA following in the footsteps of the Central Asian Drug Action Programme, an EU-funded assistance programme that aims to improve the criminal and sanitary treatment of drug addicts in the five Central Asian states. The first four CADAP phases were, like BOMCA, implemented by the UNDP, but implementing responsibilities for CADAP 5 were handed over to a member state consortium led by the German development agency GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit).<sup>64</sup>

### *Explaining the Termination of the Relationship with the UNDP*

EU officials were positive about the results of BOMCA overall and were adamant that the termination of the relationship should not be seen as a negative reflection of the UNDP's performance.<sup>65</sup> Nevertheless, the responsible Commission official made reference to efficiency considerations as the motivation behind the termination of the relationship with the UNDP from the end of BOMCA phase 8. There was a conviction that 'we [the EU] can do better'.<sup>66</sup> In part, this sentiment was due to the changing nature of the programme. Since BOMCA 6, the programme has moved towards a training and capacity-building logic, while old priorities, such as the renovation of border infrastructure and the provision of equipment, have become progressively less central.<sup>67</sup> This shift has increased the need for expert trainers and specialists, a need that the UNDP, with its complex recruitment procedures, is not

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<sup>62</sup> Commission official A (DG DEVCO Brussels), *op. cit.*

<sup>63</sup> Interview with International Centre for Migration Policy Development (ICMPD) employee, via telephone, 27 March 2014. The Action Fiche for BOMCA 9 is not currently publicly available.

<sup>64</sup> See European Commission Development and Cooperation – EuropeAid, *op. cit.*

<sup>65</sup> Commission official A (DG DEVCO Brussels), *op. cit.*, Commission official C, *op. cit.*

<sup>66</sup> Commission official A (DG DEVCO Brussels), *op. cit.*

<sup>67</sup> See Particip, *op. cit.*, p. 290 for an overview of the core objectives of BOMCA 4 to BOMCA 8.

best placed to meet. This reasoning is in line with the efficiency considerations that lay behind the EU's original decision to delegate and redelegate implementing responsibility to the UNDP. Finally, in contrast to 2003, when the decision was first made to employ the UNDP, there now exist other actors with the capacity to implement the programme. GIZ, for example, has developed a degree of expertise in the area of security sector reform<sup>68</sup> and has boosted its regional presence significantly with projects like CADAP among others. This has seen the agency emerge as a viable alternative to the UNDP for the implementation of BOMCA.

That said, the prospects of implementation by an EU member state consortium were criticised by the BOMCA officials interviewed, with the outlook for BOMCA 9 described as "problematic" by one.<sup>69</sup> They pointed to the mixed experience of CADAP as a potential scenario for BOMCA 9. Indeed, since the completion of CADAP 5 well over a year ago the programme has been inactive. Meanwhile, interviewees cited a lack of local knowledge, rigidity, and unpreparedness on the part of GIZ staff as leading to low beneficiary satisfaction with the project.<sup>70</sup> BOMCA interviewees also warned of difficulties during the handover process. Any organisation or consortium taking over responsibility for the implementation of BOMCA from the UNDP will have significant obstacles to deal with. Because all of the equipment utilised by the UNDP was handed over to the beneficiaries on 29 June 2014, the new implementing organisation will have to procure all of the necessary equipment itself.<sup>71</sup> The next phase will also have to source new staff with the requisite expertise, local knowledge, and language skills.

Indeed, there is evidence to suggest that the effectiveness of BOMCA could suffer through implementation by a member state consortium. First, BOMCA will no longer be able to rely on its experienced staff, some of whom were working on the programme since the UNDP began implementation in 2004, and who enjoy excellent local knowledge, experience and relationships with the beneficiary governments. Second, the EU will no longer have access to the free "policy input and guidance" that the UNDP offered thanks to its extensive presence in the region.<sup>72</sup> Third, in financial terms, implementation by a member state consortium will be more

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<sup>68</sup> Commission official C (EUD Bishkek), *op. cit.*

<sup>69</sup> Interview with BOMCA official 2, Regional Programme Management Office, via telephone, 25 March 2014.

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*, confirmed by Commission official A (DG DEVCO Brussels), *op. cit.*

<sup>72</sup> Gavrilis, *Central Asia's Border Woes*, *op. cit.*, pp. 20-21.

expensive. The UNDP took a smaller cut of the EU's contribution than what would be requested by a member state consortium – approximately seven per cent, versus twenty per cent for the latter – while the UNDP also financed around ten per cent of BOMCA's budget.

Considering all of the anticipated obstacles related to a change of implementing partner, it is worth considering other motives for the transfer of implementing responsibilities. Importantly, implementation of BOMCA 9 by a member state consortium will enhance the EU's visibility as project donor. In large part, visibility is a means to another means – political influence.<sup>73</sup> The link between visibility and political influence was acknowledged explicitly by one Commission official in an EU Delegation and was placed in the context of the EU's wider ambitions to become a political player on the world stage.<sup>74</sup> Political influence is the instrument through which the ultimate objectives of the EU's Central Asia Strategy are to be achieved, from democratisation and development, to strengthened energy links.<sup>75</sup> Crucially, Central Asia is more and more considered by the EU's member states and by the EU to be a region of strategic significance. It hosts a range of opportunities, challenges and threats, as an emerging energy source, major drug trafficking route, ethnic pressure cooker, and potential terrorist breeding-ground.

Ultimately, there is a perception on the EU's part that the experts with the UNDP are not able to ensure maximum visibility for the EU's contribution. For the Commission official interviewed in Brussels, the visibility question is not resolved with the pasting of twelve stars onto documents and equipment; it also extends to the identity of the experts who are fielded.<sup>76</sup> In the case of BOMCA they were – for the most part – neither Europeans, nor employees of European organisations, nor functionaries of national European administrations. They were therefore not able to fully transmit an image of an EU project. The EU's sensitivity in this respect is showcased by the controversy that erupted over the UNDP's appointment of a non-European to the position of Regional Programme Manager in 2008, which elicited complaints from the

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<sup>73</sup> Political influence, of course, may in turn serve as a means to innumerable ends, from economic concessions, security cooperation, diplomatic coordination, etc.

<sup>74</sup> Commission official C (EUD Bishkek), *op. cit.*

<sup>75</sup> European Union, *The European Union and Central Asia: A New Partnership in Action*, *op. cit.*, pp. 13-29.

<sup>76</sup> Commission official A (DG DEVCO Brussels), *op. cit.*

Commission in Brussels as well as from EU member state embassies in the region.<sup>77</sup> It is also validated by an incident from 2008 when the Commission's Head of Delegation to Kazakhstan, on a visit to a BOMCA-built border crossing point on the Tajik-Afghan border, met with a Tajik border guard who enthusiastically praised the generosity of the UNDP!<sup>78</sup> By contrast, implementation by an EU member state consortium offers opportunities to the EU to strengthen its visibility as project donor. Since no member state development agency is close to enjoying the same 'brand recognition' as the UNDP in Central Asia, the EU will not have to face the same competition with its implementing organisation(s) for visibility.

The EU's quest for visibility in the context of BOMCA has to be situated within the broader efforts by which the EU is seeking to establish itself as a global actor. These efforts include the development and strengthening of the Common Foreign and Security Policy and the Common Security and Defence Policy. Significant in this regard is the Treaty of Lisbon, which was agreed upon in 2007 and entered into force in December 2009 and which represents the clearest manifestation of the EU's global ambitions to date. Along with the double-hatting of the High Representative of the Union for Foreign Affairs and Security Policy and the establishment of the post of European Council President, the provisions within the Treaty for the establishment of a European External Action Service (EEAS) are probably the most significant in this regard.<sup>79</sup> On paper, the EEAS gives the EU a diplomatic identity that is separate from its member states, as well as an independent capacity for action. This new diplomatic identity has enabled the EU – no longer just the Commission – to establish a 'presence' abroad.<sup>80</sup> At the same time, the capacity of the EEAS, while far from optimal, has improved the EU's 'capabilities' for action.<sup>81</sup> Both developments have enhanced the EU's 'actorness' in international relations,<sup>82</sup> with the result that the EU is

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<sup>77</sup> Gavrilis, *Beyond BOMCA*, *op. cit.*, pp. 3-4. Although the UNDP was forced to back down, the programme was delayed for almost a year while a replacement was sought.

<sup>78</sup> Interview with BOMCA official 3, Tajikistan country team, via telephone, 30 March 2014.

<sup>79</sup> European Union, "Consolidated Treaties", *op. cit.*, Art. 17(4) TEU designates the High Representative a Vice President of the Commission, Art. 15(6) establishes the post of President of the European Council, and Art. 27(3) tasks the High Representative with setting up the EEAS. See also: Council of the European Union, "Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service", (2010/427/EU), *Official Journal of the European Union*, L 201/30, 3 August 2010.

<sup>80</sup> C. Bretherton and J. Vogler, *The European Union as a Global Actor*, London: Routledge, 1999, p. 33.

<sup>81</sup> *Ibid.*, pp. 37-42.

<sup>82</sup> *Ibid.*, pp. 32-45.

better suited to exert political influence, and therefore more eager to strive for maximum visibility as an external assistance donor.

Interestingly, the Council Decision establishing the EEAS was only passed in July 2010.<sup>83</sup> Accordingly, the EEAS did not exist when the decision to delegate responsibility to the UNDP for BOMCA 8 was taken some time in 2009. With the Council Decision, the programming of the Development and Cooperation Instrument (DCI), through which the Border Management Programme in Central Asia is funded, became a responsibility shared between the European Commission (DG DEVCO) and the EEAS. Now, the EEAS is responsible for delivering the country and regional strategy papers and the multi-annual indicative programmes falling under the DCI.<sup>84</sup> Although on paper the Commission retains control over the implementation and evaluation of DCI programmes,<sup>85</sup> it is possible that the recently-created EEAS – with its stronger political orientation, as opposed to the more technical bent of the European Commission – swayed the Commission in favour of an EU member state consortium for the implementation of BOMCA 9.

As a side note relevant to one of the motives falling under a logic of consequentiality, a desire for visibility on the part of the EU and its member states might be considered the mirror image of 'blame shifting'. While 'blame shifting' involves the delegation of authority to avoid blame in case something goes wrong, in the case of BOMCA the EU has chosen to transfer authority to an agent closer to itself and its member states, in order to associate itself more fully with the programme and reap the associated benefits in terms of visibility and, ultimately, political influence. The inverse of 'blame shifting', such a manoeuvre might be described as 'credit taking'. Finally, regarding the last of the PA motives for delegation identified above, none of those interviewed cited differences in preferences between the UNDP and member state development organisations as playing a factor in the decision to transfer implementing authority.

Normative institutionalism might provide a supplementary explanation for the EU's decision to terminate its operational relationship with the UNDP in the context of

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<sup>83</sup> Council of the European Union, "Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service", (2010/427/EU), *Official Journal of the European Union*, L 201/30, 3 August 2010.

<sup>84</sup> I. Tannous, "The Programming of EU's External Assistance and Development Aid and the Fragile Balance of Power between EEAS and DG DEVCO", *European Foreign Affairs Review*, 18(3), pp. 348-350.

<sup>85</sup> *Ibid.*, p. 350.

BOMCA. However, for this it is necessary to return to the EU's relationship with the UN and the UNDP more generally. More research would no doubt be needed to determine the extent to which the delegation of external assistance programmes to UN organisations, and to the UNDP in particular, can be described as an institution. Were one to assume that it *can* be described as such, the EU's decision to terminate its relationship with the UNDP in the context of BOMCA – and earlier, with CADAP – could be regarded as a behavioural deviation from the logic of appropriateness conditioned by this institution.<sup>86</sup> These deviations may be simple anomalies, or they may be harbingers of institutional change within the EU, whereby UN organisations could cease to be regarded as the most 'appropriate' agents in situations where the delegation of external assistance programmes is being decided. Though potentially significant, and perhaps in line with the changing identity of the EU as it becomes a more political actor in international relations, more research would be needed to support such a conclusion. For its part, this paper would prefer to underline the primary role of a consequentialist logic, and the shifting motives falling thereunder, in determining the EU's choice of implementing partners for BOMCA.

## Conclusion

This paper has examined the motives behind, first, the EU's successive decisions to delegate responsibility for the implementation of the Border Management Programme in Central Asia to the UNDP, and, second, the Union's subsequent decision to drop the UNDP as implementing partner in favour of an EU member state consortium. To this end, this paper has drawn on two approaches: a principal-agent approach, whose account of delegation decisions relies on a logic of consequentiality under which a number of concrete motives may shelter; and a normative institutionalist approach, which posits that such decisions are determined by institutions broadly defined through the logic of appropriateness that they engender.

Both the decisions to delegate (and redelegate) responsibility to the UNDP and the decision to transfer implementing authority to an EU member state consortium were primarily driven by the same logic of consequentiality. There was little evidence to suggest that the repeated decisions to delegate to the UNDP were shaped by a logic of appropriateness among the decision-makers in the European Commission,

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<sup>86</sup> Lowndes, *op. cit.*, p. 105.

though data underlining the depth of cooperation between the EU and UN organisations may suggest that delegation of external assistance programmes to them has become something of an institution.<sup>87</sup> For this first set of decisions, efficiency considerations – related to the UNDP's local implantation, diplomatic accreditation and, from phase 5 on, past performance – and, secondarily, the similar preferences of the EU and the UN – or their 'common agenda' – were identified as the most significant motives for delegation. Regarding the normative institutionalist account of delegation, the most that might be supposed is that the similar preferences of the UNDP influenced the decision to delegate not only thanks to a consequentialist logic encapsulated by the ally principle, but also due to a logic of appropriateness, whereby delegation to organisations which share the EU's preferences for human rights, transparency, etc. is viewed as appropriate. While logical, more research would be required to support such a supposition.

It appears that a logic of consequentiality also informed the decision to terminate the relationship with the UNDP. Interestingly, while efficiency considerations were cited as motives by interviewees from the EU, the efficiency gains from a transfer of implementing responsibilities are far from clear. Meanwhile, little evidence was found that preference considerations and 'blame shifting' played a significant role in the EU's decision.

Crucially, increasing the EU's visibility as project donor arose as a significant motive, one that can be situated within the broader trends of EU foreign policy. No longer content to be a back-office benefactor, the EU is more and more attempting to impose its brand. Applied to Central Asia specifically, the EU's pursuit of political influence is manifest in its Central Asia Strategy – which rests on a solid EU presence in the region – and is sustained by the increasing perception among member states that Central Asia is a region of strategic interest in which the EU needs to develop a political footprint. More broadly, the Union's quest for greater visibility has been driven by the development of a more political foreign policy exemplified by the establishment of the EEAS. The instauration of this Service – which has challenged the Commission's monopoly of external assistance programming – and the decision to drop the UNDP as implementing partner may be connected.

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<sup>87</sup> No doubt 'larger n' studies would be necessary to confirm or disprove the supposition that such a logic has a bearing on delegation decisions.



Time will tell if similar decisions will be made for the future implementation of other external assistance programmes, in Central Asia and elsewhere. Indeed, for future research, the question may not be one of logics, but one of motives. The EU is certainly facing choices. It might, as it has traditionally done, opt for implementing partners offering the most efficient services; or it may instead choose partners out of a concern for maximising its visibility in its regions of interest and the world at large. The two motives need not be contradictory; efficient external assistance programmes are, after all, good for the EU's image. However, where the EU is unsatisfied with the visibility offered by the UNDP or other agents enjoying high brand recognition, it ought to be sure – before transferring implementing responsibilities for a programme – that alternative agencies with sufficient capacities exist to undertake the assigned tasks efficiently.

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