



TOWARDS A NEW EUROPEAN NEIGHBOURHOOD PARTNERSHIP

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This document represents a formal joint contribution of **SOLIDAR**, the **Arab NGO Network for Development (ANND)** and the **EuroMed Non-Governmental Platform** to the public consultation launched by the European Commission through the Green Paper ["Towards a New European Neighbourhood Policy"](#). It builds on our common understanding of the ongoing challenges in the Euro-Mediterranean and wider Middle East and North Africa (MENA) region, and reinforces our joint ["Key Principles for a Revised European Neighbourhood Policy"](#).

This document will cluster some of the key questions proposed in the European Commission's consultation paper:

- **Differentiation:** Can partnerships be focused more explicitly on joint interests, in order to increase ownership on both sides? How should the ENP accommodate the differentiation that this would entail?
- **Flexibility:** Does the ENP currently have the right tools to address the priorities on which you consider it should focus? How to streamline Action Plans to adapt them better to individual country needs and priorities?
- **Ownership:** Can ways of working be developed that are seen as more respectful by partners and demonstrate a partnership of equals? How should this impact on annual reporting? Can the structures of the ENP be made more cooperative, to underline the partners' own choices and to enable all civil society actors across partner countries to take part?
- **Focus:** How can the EU do more to support sustainable economic and social development in the ENP partner countries? How can we empower economically, politically and socially the younger generation? How to better promote sustainable employment?

Answers to these questions will be structured in 4 sections:

1. **A reinforced universal human rights dimension (differentiation);**
2. **Stronger mutual accountability and policy coherence for sustainable development (flexibility);**
3. **Enhance the role of CSOs (ownership);**
4. **Change in Business as usual in policy priorities (focus)**



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1. A REINFORCED UNIVERSAL HUMAN RIGHTS DIMENSION

Both the 2011 revised ENP and the European Neighbourhood Instrument (ENI) referred to universal values, by *“implementing the new approach of the neighbourhood policy based on mutual accountability and a shared commitment to the universal values of human rights”*. Indeed, **the revised ENP policy should be rooted in universal values** of human rights and the approach of neighbourliness founded on the “values of the Union” should be comprehensive towards strengthening the protection of fundamental rights and freedoms.

Neighboring countries are recording alarming growing levels of shrinking space for civil society, violations of freedom of association and expression and restrictions of the right to access to information and challenges in mobilizing financial resources. These factors limit the capacities (financial, structural and organizational) and human resources of the civil society organizations particularly those of advocacy and rights-based organizations targeting policy change. **The revised ENP should strengthen the promotion of fundamental freedoms in the ENP countries by primarily fostering freedom of expression, association and peaceful assembly as baseline for enabling the progressive realisation of economic, social and cultural rights (ESCRs).**

Freedom of association and peaceful assembly must be recognized as an enabling right that fosters inclusive development. The right to assemble and organize is a precondition for the defense of collective rights, and for ensuring the progressive realization of economic, social and cultural rights, and remains at the core of any functioning democratic system. For this, the revised ENP should be promoting the ratification **of the Economic, Social and Cultural Rights Covenant and its Optional Protocol**. The revised ENP should support the **integration of and compliance with international fundamental human rights and labor standards** towards establishing an equal partnership based on the “social rule of law”. The revised ENP should take concrete measures to uphold the fulfillment of HRs obligations within the mutual partnership framework.

The revised ENP should take concrete actions to ensure that women's rights, gender equality and the right to nondiscrimination are fundamental rights and key principles of the EU's external action. This assessment should include the rights of children, the LGBTI community, and migrant and refugees, as well as the integration of minorities in political, social and economic life.

1.2 A new binding definition of the “concept of conditionality”

The **principle of differentiation is an essential strategy to ensure tailor-made policies, to understand the needs of partner countries and to formulate answers accordingly**. Nevertheless, the implementation of differentiation, based on “more for more” understanding yet without clear benchmarks and providing incentives based on selective reform (i.e. on economic liberalization rather than health, education) has been problematic. The consultation document recognizes this as well, admits that it “has not always contributed to an atmosphere of equal partnership, and has not always been successful in providing incentives further reforms in the partner countries”.

SOLIDAR, ANND and Euromed Platform demand the adoption of a new binding definition of the “concept of conditionality”. Conditionality cannot be prone to “cherry picking” serving the interests of the EU, but has to be enshrined – amongst others – in the Universal declaration of Human Rights, ILO Core Conventions, International Covenant of Economic, Social and Cultural Rights, EU Charter on Fundamental Rights and the Council of Europe Charter on Social Rights. Policy differentiation within the ENP should not be used as a tool to bring further economic policy conditionality, such as trade liberalization and privatization of essential services. On the other hand, as human rights are indivisible, they are not subjected to differentiation. **The partnership should ensure the implementation of and the mutual compliance with the obligations stemming from the above mentioned international human rights frameworks. The EU has to recognize within its internal and external policies the**

respect and fulfillment for human rights through aligning trade and investment and all economic policy and agreement with HR obligations.

In advancing human rights, the revised ENP should enhance the democratization process, by **targeting directly partner countries' citizens by investing in sustainable education, employment systems and engaging independent civil society organisations in the design, monitoring and implementation of national and regional policies.** For this, policy coherence with the EU Action Plan on Human Rights and Democracy should be strengthened in order to effectively cement the nexus between trade, development and human rights. Accordingly, the ENP framework should be based on the full respect and implementation of Article 2 of the Association Agreements, namely **the clause on the respect to fundamental human rights and freedoms.** Implementation of Article 2 should result in **genuine measures to ensure Israel's compliance with international law as well.**

The **progress made in terms of human rights promotion and protection should be also assessed** both by achievements and challenges faced in implementation of the ENP and the steps taken in this regard both by EU and the partner countries and this monitoring should engage all relevant actors, including independent civil society and human rights defenders through national and regional observatory and jointly defined benchmarks.

2. STRONGER MUTUAL ACCOUNTABILITY AND POLICY COHERENCE FOR SUSTAINABLE DEVELOPMENT

Over the past ten years, the EU has developed and expanded the instruments of the ENP, that it is currently based on Association Agreements (AAs), Partnership and Cooperation Agreements (PCAs), Action Plans in addition to holding bilateral dialogues with ENP countries in the forms of Association council, Association Committees and different sectorial subcommittees.

2.1 Flexibility should build on existing instruments

EU priorities in partner countries should be designed in consultation all stakeholders, including CSOs, in an inclusive and transparent way. The "Triologue" carried out by the EEAS subcommittee of human rights, which includes dialogue with CSOs and national governments on negotiations over the action plan, should be further developed to make it more inclusive and transparent, also with regard to other sub-committees on social policy, migration, trade issues. **CSOs should also be part of the design of programming priorities** allocated under the **Single Support Framework (SSF).**

In terms of flexibility and instruments, all instruments in place within the current ENP framework focus on the bilateral dimension, while many on-going challenges are regional (conflicts, trade, environment, energy, migration). The current instruments reflect the lacking element in the ENP to address the regional dimension. Therefore, the revised ENP should further **develop regional instruments that can allow for greater regional cooperation** and develop a flexible response to rapid developments.

In this regard, it is essential that the revised **ENP builds on and strengthen existing instruments and policies to make them more coherent and transparent.** The EU should further develop and strengthen implementation of universal human rights mechanisms and instruments at its disposal in the framework of the Common Political and Security Policy (CSFP): human rights action plan and country strategies, human rights guidelines, human rights dialogues.

In terms of **financial resources**, while substantial targeted financial support has already been provided to ENP partner countries, and further support is foreseen for the period 2014-2020, to face fast-changing developments in the region, **the revised ENP should design a mechanism of transparency to monitor where EU funds go and the impact they have on the ground.**

2.2 Flexibility needs to come hands in hands with strengthened mutual accountability and policy coherence

According to the EU's definition of accountability, *"partners will be accountable to the EU for the fulfilment of their reform commitments, and the EU will be accountable to partners for delivering on its promises of support, in particular on mobility partnership and market access. The EU's seriousness will be judged on its capacity to deliver"*¹. Indeed, ensuring accountability and transparency in the implementation of the ENP is key for its success and the mutual accountability principle brought with the 2011 ENP is important for the "partnership" established between EU and Arab countries. In its emphasis on the **mutual accountability**, the EU should ensure primarily **"transparency" in policy formulation** and **engage all relevant stakeholders including independent civil society, trade unions and media in different policy processes** and particularly trade, investment and migration policies.

The principle of **Policy coherence for sustainable development** should be at the basis and guiding principle of the revised ENP in order to strengthen the EU position as a global actor and the global partnership for sustainable development based on the SDGs. **Policy Coherence for Development (PCD) focal points could be appointed in EU delegations** to strengthened dialogue with local stakeholders regarding the impact of EU policies on national socio-economic development. Furthermore, the EU should **strengthen internal/external cooperation and coordination between the EU and its Member States** to avoid discrepancies between their respective policies, and enhance cooperation **between EEAS, DG NEAR, and Member States as well as with** other relevant and representative networks and interest groups at all levels (national, regional) such as **civil society groups and local authorities representatives**, as new stakeholder with potentiality in the development field. This could be ensured by strengthening the role of the **'Development Effectiveness coordination groups' at EU Delegation level**. Increasing visibility of these groups, strengthening their role in coordination of joint programming, and involving civil society and local authorities and independent trade unions in their periodic consultations, would reinforce EU policy coherence and strengthen the links with different stakeholders from the field.

3. STATUTORY ROLE OF INDEPENDENT CIVIL SOCIETY ORGANISATIONS

Civil society remains a key factor in advancing democratisation and stabilization, and therefore the revised ENP should further strengthen and support its participation and representativeness in national and regional policy-making. While the European Commission insist on the principle of "ownership" for partner countries and member States' governments, it is instead necessary to ensure **"co-ownership" of civil society to ensure the statutory role of CSOs during all the cycle of preparation and implementation of the partnership agreements and programmes**.

Therefore this revision should ensure a **procedural requirement at the bilateral and regional level to ensure timely and transparent consultation and the necessary follow up**. For this, CSOs, as key stakeholders should be present/represented within the monitoring committees of programmes, throughout the cycle of preparation, design, implementation and monitoring of policies and programmes.

In this regard, the yearly **ENP Progress reporting** should not only reflect the official government data but include a wider range of contributions from institutional actors as Parliaments and regional and local authorities, civil society organisation and social actors. **In addition, progress reports should have clearly defined benchmarks - defined in consultation with CSOs- that reflect the bilateral policy and programming priorities, but that fit into a strong regional dimension**. In addition, civil society from both the EU and partner countries should be involved in drawing up a Human Rights Sustainability Impact Assessment prior to the negotiations, and that civil society mechanisms should be included in the future trade agreements (for DCFTAs for example), in order to monitor the implementation of provisions related to sustainable development, human rights and environment. The revised ENP should also capitalise in the use of the **CSO Roadmaps** and increase **coordination with EU Delegations** with regard to consultations.

¹ http://europa.eu/rapid/press-release_SPEECH-11-436_en.htm

The revised ENP should take concrete steps to support and **enhance national social dialogue** and institutionalized public consultation as instruments of consensus building and democratic progress. For this, the **regional Structured Dialogue should be further developed** by supporting existing networks of independent civil society organisations, trade unions and social actors, through a format that allows a **longer-term dialogue partnership** with human rights organisations, progressive academia, think tanks and independent media, and includes capacity building on monitoring and documenting human rights abuses, social and economic policies.

4. CHANGE IN BUSINESS AS USUAL APPROACH IN POLICY PRIORITIES (Focus)

While the EC communication insists that the focus of the revised ENP should be trade, connectivity-energy, security, governance, migration and mobility, we consider that the revised ENP should look at the root causes of conflicts, socio-economic inequalities and insecurity in the region by focusing on:

4.1 Universal and Comprehensive Social Protection systems

In order to achieve stability and foster security, the revised ENP should prioritize the fight against social exclusion and inequalities that are most often the cause of extremism and radicalism, and that undermine the potential for democratic transition and economic development. To do so, one of the principal pillars of the revised ENP should be the promotion of **universal and comprehensive social protection systems**, including **national social protection floors** by supporting the implementation of **ILO recommendation 202** on National Floors of Social Protection, and adopt a **roadmap to integrate the implementation the four social security guarantees in EU external policies and programming documents (Action Plans, national Indicative Programmes)**.

4.2 Human Security and Conflict analysis and prevention:

The ENP should stress the centrality of stability leading to peace and **human security**, as a precursor for development. In this sense, the revised **ENP should tackle the root causes of conflicts, such as weak institutions, lack of democracy and fundamental freedoms, coupled with violation of human rights standards, inequalities, and lack of social justice, unemployment and shrinking space for CSOs**. In addition, peace and conflict analysis in consultation with local CSOs should be the starting point for the EU intervention in conflict areas.

It is essential that the ENP remains a separate policy from the CSDP. In addition, it is necessary to call for the integration of these policies with the **implementation of International Humanitarian Law** and in coherence with **EU action plan on Human rights and democracy**. Lastly, **relations with the “neighbors of the neighbors”** would require promoting sustainable regional integration and cooperation, in order to face regional challenges as key for enhancing peace and development within partner countries and beyond.

4.3 Decent Work agenda and sustainable socio-economic development:

According to the ILO, waged and salaried employment has risen over the past decade in MENA countries, however, youth and women have experienced more unemployment (in 2014, female unemployment was twice as high as that for men), and there is a growing number of young people in NEETS, in the informal sector. Therefore, the revised ENP should prioritize and **develop a regional decent work agenda** by rethinking its development and economic model based on export-led growth, and focusing on **development oriented socio-economic policies**. Accordingly, the revised **ENP should prioritize decent employment and fair growth, promoting education and European social standards in the partner countries, thus also tackling the root causes of irregular migration and avoiding social dumping**;

The revised **ENP should promote a sustainable socio-economic development model that protect the policy and productive space of partner countries**, and should ensure **ex-ante and ex-post social**

and human rights impact assessment of DCFTAs, in consultation with CSOs and social actors, as well as to closely **monitoring the implementation of trade and investment policies in order to avoid social and environmental dumping**.

4.4 Human-rights approach to migration

The revised ENP should promote a **right-based migration policy based on a more efficient responsibility-sharing system and improved harmonization of protection's standards among Member States** which the mechanisms that are in place now such as the Dublin system and FRONTEX missions fail to ensure. Also, **by deconstructing the discourse of securitization of borders**, which is the basis for the multiplication of dangers on the migratory routes into EU and for strengthening the smuggling networks. In addition, it should ensure that people seeking asylum are able to freely choose the Member State in which they want to move in, and **opening legal channels for people seeking international protection – as the most effecting way to fight smuggling**, and **de-linking mobility partnerships with readmission agreements**.