

**CONTRIBUTION TO THE CONSULTATION ON THE ENP REVISION FROM  
THE ENLARGEMENT, PRE -ACCESSION AND NEIGHBOURHOOD (EPAN)  
WITH CONTRIBUTIONS FROM EUROPEAN PARTNERSHIP FOR DEMOCRACY, OXFAM,  
ICNL, BROT FUER DIE WELT, TERRES DES HOMMES INTERNATIONAL FEDERATION,  
ILGA-EUROPE**

**CONCORD**

**THE EUROPEAN NGO CONFEDERATION FOR RELIEF AND DEVELOPMENT**

**10 RUE DE L'INDUSTRIE**

**1000 BRUSSELS**

**BELGIUM**

**TEL: + 32 2 743 87 60**

**EMAIL: [sbriones@concordeurope.org](mailto:sbriones@concordeurope.org)**

**Chair of the EPAN WG: [antonella.valmorbida@aldaintranet.org](mailto:antonella.valmorbida@aldaintranet.org)**

## 5 PRINCIPLES FOR THE REVIEW OF THE EUROPEAN NEIGHBORHOOD POLICY

JUNE 2015

### Who we represent

The document highlights key principles and related implementation points for the review of the European Neighbourhood Policy (ENP), which have been jointly developed by organizations actively engaged in promoting and advancing human rights, democracy and good governance, citizen participation, and social justice across the Eastern and Southern Neighbourhood, within the framework of the Enlargement, Pre-Accession and Neighbourhood (EPAN). The member organizations of the CONCORD EPAN Working Group cover in their work the whole territory of the European Union, the Enlargement Countries, and the Eastern and Southern Neighbourhood.

### Introduction – the key principles

The EU should refocus the ENP towards fighting inequalities, promoting a human rights-based approach (HRBA) in its policies and programmes, taking a radical shift away from a “business as usual approach” in policy priorities. The key elements for a genuine mutual partnership are: respect for human rights (including economic, social and cultural rights), enabling environment for civil society, promotion of accountability, democracy and good governance (at the regional, national and local levels), mutual accountability and policy coherence for development.

The revised ENP should explicitly define the partnership between the EU and neighbouring countries as full engagement between all the stakeholders -- not only government-to-government, but society-to-society too. The EU should commit to recognising and promoting pluralism throughout all aspects of its relations with neighbours while ensuring inclusive consultations at the national and regional levels to strengthen the joint ownership of its policies and programmes by citizens of both the EU and partner countries. Specifically, this entails: mapping and consulting relevant stakeholders, including networks of civil society, independent trade unions, human rights defenders and social movements; ensuring participatory mechanisms at the local, national and regional levels in the design, implementation and monitoring of EU policies and programmes; including specific support and statutory role for independent civil society organisations as part of bilateral agreements, recognising their essential role in ensuring public oversight and transparency.

### 1. Global issues in the framework of the ENP Review

- 1.1 The essence of the ENP policy lies in the **territorial proximity** to the EU of the countries addressed. **Only if the key principles of partnership are better achieved through and thanks to the Neighbourhood policy, this specific approach is justified and will bring an added value.**

- 1.2 **Differentiation** should allow for increased support for countries, which make progress in protection of human rights and democratic principles but should not mean abandoning or leaving behind those countries with more difficult situations. Differentiation should allow more **tailor-made**, but not member organizations. It is important to have a specific and more intense HRBA-oriented support programmes for the countries (in the EaP) that did not sign an Association Agreement or have an Action Plan (e.g. the case of Algeria). The role of trans-border cooperation and regional programmes connecting the ENP countries with the EU bordering states needs to be emphasised. Capacities on this approach and its instrument should be strengthened at the DGs and Delegations level.
- 1.3 **The relations with the “Neighbours of the Neighbours”** should aim to address the challenges at regional level by promoting regional cooperation. This will also require a strengthened focus on promoting inclusive and sustainable regional integration and development that can underpin and support collective regional production chains, empower decent labour and foster human development.

## 2. Principles for genuine mutual partnership

### 2.1 Human rights, democracy, and international law conditionality

Conditionality with regard to respect for human rights and international law, democratic processes and rule of law should be incorporated in all the aspects of political dialogue and cooperation with the country. In cases of violations of universally-recognised human rights or international law the EU should ensure that those responsible for violations are neither supported nor encouraged. Consistently, the EU should re-evaluate cooperation with a state that perpetuates human rights violations or takes regressive action against democratic process or fundamental freedoms. Amongst other mechanisms, suitable measures may include the redirection of EU support to other implementers (such as civil society). In order to enhance compliance with human rights clauses in policy agreements, the revised ENP should ensure coherence with the EU Action Plan on Human Rights and Democracy that will be adopted in July 2015 in order to effectively cement the nexus between trade, development and human rights.

### 2.2. Mutual accountability

The mutual accountability principle brought with the 2011 ENP is important for the “partnership” established between EU and Neighbouring countries. In its emphasis on the mutual accountability, the EU should ensure transparency in policy formulation and engage all relevant stakeholders including independent civil society, political parties, trade unions and media in different policy processes and particularly trade, investment and migration policies. The EU should facilitate the exchange of good practices and lessons learned from the EU Member States and EU Enlargement countries through regional cooperation mechanisms.

### 2.3. Policy coherence for development:

Policy coherence for development is a legal obligation for the EU. The EU should designate Policy Coherence for Development (PCD) focal points in the EU delegations and ensure strengthened dialogue with local stakeholders regarding the impact of all the EU policies. 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 such as civil society groups and local authorities representatives, as new stakeholders in the development field. This could be ensured by strengthening the role of the 'Aid Effectiveness coordination groups' at the EU Delegations level. Increasing visibility of these groups, strengthening their role in coordination of joint programming, and involving civil society and LAs in their periodic consultations, would reinforce the EU policies coherence and strengthen the links with different stakeholders from the field.

### **3. Strengthening the Human Rights dimension**

#### 3.1 Strengthen economic, social and cultural rights (ESCRs):

The new ENP should focus on upholding ESCRs by: promoting the ratification of the Economic, Social and Cultural Rights Covenant and its Optional Protocol; supporting the implementation of ILO recommendation 202 on National Floors of Social Protection; and adopting a roadmap to integrate the implementation the four social security guarantees in EU external policies and programming documents (Action Plans, national Indicative Programmes). The ENP should take concrete actions to ensure that women and children rights, gender equality and the right to non-discrimination will be systematically mainstreamed in the identification, design, implementation, monitoring and evaluation of all EU development policies and programmes. The EU and its Member States should refer to the Council conclusions on Gender in Development, adopted on 26 May 2015, in all consultations with partner countries. The assessment should include the LGBTI community, migrants and refugees, as well as the integration of minorities in political, social and economic life.

#### 3.2. Promote freedom of association and peaceful assembly:

The revised ENP should promote Freedom of association and the effective recognition of the right to collective bargaining by supporting the implementation of ILO conventions C87 Freedom of Association and Protection of the Right to Organise, and C98 Right to Organise and Collective Bargaining, by integrating their provisions in the development programs, programming documents and action plans. The ENP should promote freedom of association and an enabling environment for civil society and social partners to work with national, regional and local authorities to design effective strategies that guarantee for all social security, accessible and quality healthcare and social services, as well as accessible quality education and life-long learning.

### **4. Strengthening the Democracy dimension**

4.1 Support to democracy should remain at the core of the new ENP. The commitment to democracy should be clear. The EU programmes should support free and fair elections, independence of media and freedom of expression, access to public information. Particular attention should be given to development of democratic processes at the local level.

4.2 The ENP should support a variety of actors involved in the political life of the partner countries, in particular civil society. In order to build prosperous and stable societies in the neighbourhood, the ENP should step up its support for participatory democracy processes and help partner countries prepare the ground for participatory democracy to function, including by supporting pluralism expressed by representative, programmatic and legitimate political parties. Forms of cooperation between authorities – regional national and local – with civil and political society should be further encouraged.



4.3 A particular emphasis should be put to support informed media, including the local ones as a key element for democratic life.

## **5. Change in business as usual approach**

### 5.1. Revised Trade and Investment Policy:

The revised ENP should focus on trade policy that enhance development-oriented trade and investment policies, through protecting the policy space of developing countries and ensuring the integration of human rights and development considerations in decision-making, policy formulation, design, and implementation of these policies. The revised ENP should A) undertake systematic Human Rights impact assessments – including gender perspectives – of trade agreements to avoid social and environmental social dumping, and ensure that EU financial support to programmes and projects within the framework of the ENP conform with the duty to respect, protect and fulfil people's rights; B) Set up a regional Observatory to assess the impact of the economic relations between the EU and Southern Mediterranean countries on the Human Rights of citizens on both sides of the Mediterranean, as well as on migrants/refugees' rights and the rights of mobile workers .

### 5.2. Addressing root causes of inequalities:

The revised ENP should tackle root causes of inequalities by promoting universal social protection systems including the establishment of social protection floors containing basic social security guarantees, such as access to social security, access to quality public services, education and health care for all, while encouraging partner governments to attribute greater competences to local authorities in that respect. Including: access to a nationally defined set of goods and services, constituting essential health care, including maternity care, that meets the criteria of availability accessibility, acceptability and quality; deinstitutionalisation of children separated from their families and basic income security for children, older and disabled people, Furthermore, include social protection policies in Association Agreements, Action Plans, and bilateral programming and enhance inclusive social dialogue with independent trade unions, civil society and social actors.

### 5.3. Fostering human security: conflict and peace building analysis:

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, conflict and peace building analysis in consultation with local CSOs should be the starting point for the EU intervention in conflict areas.

### 5.4 Rights-based approach to migration:

The revised ENP should promote a right-based migration policy based on a more efficient responsibility-sharing system and improved harmonisation 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. Deconstruct the discourse of securitisation of borders, which is the basis for the multiplication of dangers on the migratory routes into EU and for strengthening the smuggling networks. Provide safe and legal entry channels for those in need of international protection and increase safe and

legal ways of access to the EU not only for those eligible for a Blue Card system. Ensure that people seeking asylum are able to freely choose the Member State in which they want to move in. Reconsider the Mobility Partnerships, delinking them from Readmission Agreements, and promote free movement between the two shores of the Mediterranean including special and adequate protection measures according to the needs of children and youth migrants. Promote equal access to public and social services for migrants arriving to the European Union, especially with regard to health, education and housing services for all, in accordance with the Charter for Fundamental rights of the European Union.