

For a 'Human Rights-friendly' European Neighbourhood Policy

EMHRN 'WHITE BOOK' IN VIEW OF 2015 ENP REVISION

Human rights and democracy as a core dimension of
the EU Southern Neighbourhood Policy



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« The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of Human Rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. »

Article 21, Treaty on European Union

« A functioning democracy, respect for human rights and the rule of law are fundamental pillars of the EU partnership with its neighbours. (...) A thriving civil society empowers citizens to express their concerns, contribute to policy-making and hold governments to account »

Joint Communication 'A new response to a changing Neighbourhood', May 2011

« I would like you to focus on the following: Developing and strengthening our neighbourhood policy to promote stability at Europe's borders and help neighbouring countries to develop and support stable democratic institutions (...) »

Mission letter sent by Jean-Claude Juncker, President of the European Commission, to Johannes Hahn, Commissioner for ENP and Enlargement Negotiations, 10 September 2014

« The ENP aims to develop a democratic, stable and prosperous neighbourhood, based on a commitment to fundamental values, including the rule of law, protection of human rights and gender equality. »

Council conclusions on the Review of the ENP, 20 April 2015

Introduction

Why this White Book?

This White Book is published on the occasion of the consultation process launched by the European Union (EU) on 4 March 2015. The document represents the vision of the Euro-Mediterranean Human Rights Network (EMHRN) on what the human rights dimension of the ENP might or should look like, with practical steps towards a 'Human Rights-friendly' ENP South.

The EMHRN is a network of more than 80 human rights organisations based in 30 countries in the Euro-Mediterranean region. Created in 1997 in response to the Barcelona Declaration and the establishment of the Euro-Mediterranean Partnership, EMHRN strongly believes in the values of cooperation and dialogue between the two sides of the Mediterranean, and in the need for implementing the highest human rights and democracy standards in the region.

The replacement of the Barcelona Process by the Union for the Mediterranean (UfM) has not changed EMHRN's objectives while the creation of the UfM has propelled relations between the EU and Southern Mediterranean countries towards an almost exclusively economic and financial approach, focusing more on bilateral than on multilateral relations to the detriment of an overall vision for the future of that region.

From the inception of the Barcelona Process to the renewed ENP in 2011, the EMHRN has been closely monitoring relationship between the EU and its Member States, on the one hand, and its Southern Neighbours on the other. Through its numerous position papers, the Network has contributed to the involvement of its members in the shape of formal and informal consultations, as well as sustained advocacy efforts, to make the voices both of Northern and Southern human rights organisations heard at EU level.

To render human rights and democracy a core dimension of the EU's Southern Neighbourhood Policy is not merely an interest of civil society. In Commissioner Hahn's own words, pronounced on the occasion of the publication of the consultation paper, "It's in the EU's own interests to develop peace, stability and prosperity on its borders." The current situation in the region clearly shows that authoritarian regimes in the South were not able to develop and maintain security, stability or prosperity for their citizens. The EU's prospect in that field - including protection against terrorist acts - is best secured in the long term by means of coherent and persistent efforts to advocate for human rights and steadfast steps towards democracy.

Given that the Southern Mediterranean is facing an increasingly complex array of problems, both at the regional and local levels, the EMHRN welcomes this much needed revision of the ENP. The revision should lead to concrete steps toward protecting and promoting human rights. Whilst focusing on the Southern ENP, this White Book aims to identify possible ways towards achieving that goal.

20 Years since Barcelona Declaration, 20 Steps to Better ENP

1. Develop a human rights strategy for the entire Mediterranean region;
2. Organise a yearly meeting gathering human rights and democracy activists from the Euromed;
3. Make sure that foreign policies by the EU and Member States towards the Southern Mediterranean countries are coherent with EU global human rights instruments;
4. Upgrade the current Progress Reports into 'reader-friendly' EU official communications;
5. Systematically consult human rights activists in a participatory and timely manner, when preparing EU-third country human rights dialogues;
6. Promote wider space for civil society to provide input on ENP-related matters, making it more transparent and genuine;
7. Increase financial support to human rights organisations and sustain longer-term partnerships with them;
8. Support human rights defenders at risk, and give priority to women and young activists;
9. Make sure all EU policies, programmes and projects carried out within the framework of the ENP are gender friendly;
10. Ratify the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence;
11. On the right to seek asylum, make sure that both international human rights standards and International Humanitarian Law apply;
12. Stop hindering free movement between the two shores of the Mediterranean;
13. Provide ways for the European Parliament and national parliaments to exert democratic control on migration surveillance operations managed by Member States and the EU Frontex Agency;
14. Give priority to migrants and refugees protection, and make sure the EU applies a pro-active protection policy within its borders;
15. In conflict situations, support both national and international mechanisms to bring criminals to justice;
16. Make sure that EU common political, security and defence policies are better integrated, and that International Humanitarian Law applies;
17. Welcome refugees fleeing war and keep EU borders open to them;
18. Recognise the State of Palestine without delay;
19. Commit to a better and more systematic assessment on how both trade agreements and EU financial support to neighbouring countries bear impact on the human rights situation of these countries; and thus set up a regional Observatory for that purpose;
20. Stop engaging in economic agreements with countries seriously hampering, or even preventing, their citizens to defend their economic and social rights.

I. THE RENEWED ENP A SHORT ASSESSMENT

The ENP was designed in 2004 modelled after the enlargement instruments, with the crucial difference that EU accession is not envisaged, especially for countries on the Southern banks of the Mediterranean. In 2011, during the aftermath of the Arab uprisings, the EU renewed its ENP while recognising that it had failed to take into account the aspirations of the peoples and, prioritising short-term stability, trade, security and the control of migration flows, had undermined its own Human Rights and democratic values.

The EU has since sought to adapt its approach to the deteriorating Human Rights situation by tailoring its financial and humanitarian support to each particular country. This diversified approach, as well as the enhanced support to civil society, the 'deep and sustainable democracy' and 'more for more' principles, i.e. stronger partnerships with those neighbours that make more progress towards democratic reform, was welcomed by the EMHRN.

Yet, the EMHRN's main concern regarding the 'more for more' principle has been its weak application. The EMHRN acknowledges insular cases of the EU taking a firm stance against blatant human rights violations or applied conditionality in relation to programme support. These cases have had an immediate positive impact, whereas the renewed ENP, with the exception of Tunisia, has had a negligible impact on the human rights situation and progress towards democracy in said countries. For an international player of the EU's size this is deplorable.

On the multilateral level, the EU has not succeeded in developing a holistic regional approach on how to support independent civil society, democracy promoters and human rights activists. This is further evidenced by the absence of political support to civil society at the regional level combined with the purely economic focus of the Union for the Mediterranean (UfM) at the expense of human rights and civil society support.

II. GENERAL PRINCIPLES

The Arab uprising has revealed the profound aspirations of people in the Arab world for social and economic justice, freedoms and human dignity. Oppression, war and human rights violations are taking a heavy toll on the different societies, but their citizens no longer accept for their voices to be silenced, human rights and democracy are now becoming an integral part of societal discourse and are no longer relegated to larger cities. A generational change is taking place with young people, including a high percentage of women claiming their rightful place on the political and social scenes.

The EMHRN believes that the EU should stand shoulder-to-shoulder with democratic forces in the South. The ENP should build on EU Treaty commitments with third countries relating to human rights, democracy, and gender equality. Article 8 (1) of the Treaty on European Union states that "the Union shall develop a special relationship with neighbouring countries founded on the values of the Union, i.e. respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, as well as pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men" (Article 2).

In the context of the ENP revision, the EMHRN calls on the EU to apply the following general principles:

- 1. Leading by example** - Implementation of the revised ENP will only be successful to the extent that the EU and its Member States hold themselves to the same standard. Repressive laws adopted within the EU against freedom of expression and assembly, special counter-terrorism measures disrespectful of human rights while abetting growing manifestations of Islamophobia, racism, hate speech against and stigmatisation of minorities, migrants and refugees, gender-based violence affecting an estimated one-fifth of European women, and refoulement of people in need of protection at EU borders, all have a detrimental impact on the external image of the EU and the credibility of its policies;

- 2. The EU's partners are also the citizens** - The consultation paper mentions the EU's partners without defining who they are. The real beneficiaries of the ENP must be the citizens as rights holders, with a view to promoting participation, including of women. Confronted with authoritarian regimes, the EU should stick to a rights-based approach in its programmes and projects, targeting those in need of respect and protection of their civil, political, economic, social and cultural rights. 'Equality' and 'non-discrimination' should, in addition to 'participation', be core values underpinning EU policy, sowing the seeds for sustainable economies and the build-up of democratic institutions on both sides of the Mediterranean;
- 3. Human Rights conditionality** - Although the 'more for more' principle has been applied in an inconsistent and incoherent manner, the principle itself is essential for project and state budget support, as an incentive-based policy. Conditionality with regards to human rights and democratic progress should be supported by coherent political messages expressed, including within the EU, in public EU documents and in all aspects of the political cooperation with the country. In cases of deteriorating human rights, the EU should ensure that those responsible for violations are neither supported nor encouraged. The idea is not to turn the EU into a 'tutor' or make all institutional relationships conditional, but rather to focus EU actions where they can provide genuine added value, and where core principles are at stake. Alternatively, the EU should cease cooperation with a state where such could lead to increased human rights violations;
- 4. Building on and strengthening - rather than overruling – existing instruments and policies** - Over the years, and in the field of human rights and democratisation, the EU has developed instruments that worked as a sounding board and dialogue platform for Human Rights promotion and protection. The EU should further develop and strengthen implementation of global 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, civil society road maps and dedicated financial support;
- 5. Leveraging civil society to support security, stability** – Supporting independent civil society organisations is key to an environment that enables

individuals, and groups alike, to promote the freedoms enshrined in the UN Declaration on Human Rights, and all other universally-recognised rights referred to instruments which many ENP-South countries are a party to. This implies the need for continued EU support to civil society and other stakeholders, respecting their independence, genuine consultation, transparency and access to information in order to better define and implement rights policies.

III. 20 YEARS AFTER THE BARCELONA DECLARATION, 20 STEPS TOWARDS A NEW ENP

The revised ENP is scheduled to be adopted in late 2015, drawing near the 20th anniversary of the Barcelona Declaration. In light of this, the EMHRN offers 20 steps for a post-2015 revised ENP, under the following headings:

1. A reinforced regional human rights dimension

The adoption of the Barcelona Declaration and the establishment of the Euro-Mediterranean Partnership in November 1995 preceded the ENP South. This initiated a regional process where the governments of 27 countries and the European Union agreed to develop the rule of law and democracy in their political systems, and to respect human rights and fundamental freedoms. The 27 countries also recognised the important role that civil society can play in contributing to the process by promoting improved mutual understanding and closer cooperation between peoples.

One positive outcome of the Barcelona process was the strengthened regional civil society cooperation and the fact that it gave rise to encounters and networking venues, alive and thriving to this day.

Twenty years later however the regional dimension of EU-South Mediterranean cooperation - embedded in the multilateral partnership of the Union for the Mediterranean (UfM) since 2008 - has but faded away with the exception of a

few Ministerial Conferences. As far as human rights and civil society are concerned only a Ministerial Conference on Strengthening the Role of Women in Society can be noted although it represented a set-back to previous meetings in terms of commitments and follow-up.

The UfM secretariat deals mainly with projects that are not human rights-related. An accumulation of economic projects with private partners bereft of an overall vision cannot pass muster. Despite attempts, the European Commission, lacking tangible political support, has failed to create a genuine regional 'structured dialogue' with civil society.

Alongside bilateral relations, the future ENP should offer an inclusive platform for discussing human rights issues that are essentially regional, with all relevant stakeholders including civil society organisations, trade unions, professional organisations, and academics.

In order to reinstate a regional perspective into the revised ENP, the following steps in that direction should be taken:

1. Develop a **regional Human Rights strategy for the Mediterranean** including an enabling environment for civil society, the rule of law, a human-rights-oriented migration policy, gender equality, respect for minorities (including LGBTI people) and human Rights education to counter radicalism and discrimination, and promote freedom of conscience in the North and in the South;
2. Hold an annual **Euromed regional meeting with Human Rights defenders and democracy promoters** to discuss ways forward to co-formulate a regional vision, share good practices, and address mutual concerns in a flexible, results-oriented way – including on protecting Human Rights and democracy promoters at risk.

2. Better-adapted instruments to ensure EU foreign policy coherence

The political landscape in the Southern Mediterranean has never been as heterogeneous as it is now. In that sense, the EU has rightly embarked on a differentiated approach ('no one-size-fits-all' solution) to the individual Southern Mediterranean countries. From a human rights and democracy perspective aimed at countering autocratic trends it makes sense to condition support for the diverse political regimes on progress in building and consolidating democracy and respect for the rule of law.

Incentive-based human rights conditionality - Article 2 of the Association Agreements sets the legal basis for it - should remain central and be coherently and consistently applied in order to be taken seriously. A return to business as usual, removing the core objective of promoting respect for human rights and democracy in the South ENP, would mean ignoring lessons learned in 2011 and increasing the likelihood of repeating past mistakes.

In order to reinforce ENP instruments, the lack of coherence and consistency between the various EU instruments and programmes must be addressed. Existing instruments and mechanisms regarding human rights and democracy promotion are to be built upon, not overruled or added to. For example, the EU's revised Human Rights Action Plan for 2015-2019 is slated for adoption (summer 2015). The future ENP should therefore be in line with this important reference document, for EU institutions as well as for all Member States.

Another example is the Progress Reports released publicly on an annual basis, which enables civil society organisations and other stakeholders to monitor ENP implementation. However, the informal character of the reports as 'joint staff working documents' limits their political impact and usefulness to civil society.

In order to encourage EU neighbours to engage in political reforms and respect for human rights, democratic principles and the rule of law, EMHRN proposes the following steps:

3. Further develop internal/external cooperation and coordination between the EU and its Member States to avoid discrepancies between their respective policies. At the institutional level the challenge is to improve the cooperation between the European External Action Service (EEAS) and the European Commission. **The revised ENP and Member States' foreign policies** towards the Southern Mediterranean should be on the same page, and in line **with the EU's global Human Rights instruments**, namely the EU's Human Rights Action Plan, the EU Guidelines on Human Rights, and the Country Human Rights Strategies;
4. Upgrade the Progress Reports from working documents into **official 'reader-friendly' EU communications** made available online for easy access. For countries that have not signed an Action Plan, publish the **EU's official assessment of progress and setbacks in the respective country** and derive appropriate recommendations to the authorities;
5. Reinforce the Human Rights dialogues and ensure that Human Rights activists are consulted in a systematic, participatory, and timely manner, in accordance with the relevant EU Guidelines; and follow-up the dialogue with regular evaluations; increase the periodicity of the **Human Rights dialogues** under the new ENP with higher level representatives from both sides taking part; ensure genuine participation of independent civil society organisations.

3. Ownership by independent civil society

Compared to the situation in 2011, the overall human rights and democracy situation in the region has deteriorated, and by extension the space for human rights work has decreased, in a legal sense, with repressive anti-NGO and demonstration laws, and in a practical sense due to environments in which human rights activists are stigmatised as troublemakers or even terrorists.

In times where space for civil society's legitimate human rights work and democracy promotion at the national level is increasingly constrained, regional solidarity can and should provide protection, knowledge exchange, trust building, and capacity building of local civil society. Hence there exists a need to promote and support regional networking in key areas of human rights, peace, environment, development, gender equality, etc.

Civil society organisations and Human Right Defenders are agents of change and development. The EU should support - through its political and financial instruments - a legal environment and implementation practices that allow these organisations and individuals to exercise their legitimate right to freedoms of expression, association and assembly. Firmly standing with civil society in the South Mediterranean region, the EU would send a clear message to authorities in those countries. This way civil society in the South will truly have a stake in the ENP.

The following steps are therefore proposed:

6. Adopt a **participatory approach to the ENP** and promote an enabling environment for civil society, including transparency, access to information, while developing a **genuine dialogue** with relevant civil society actors, offering space for real political input and not just information-sharing;
7. Strengthen the **Civil Society Neighbourhood Facility** in a format that allows a longer-term partnership with human rights organisations, and includes **capacity building** on monitoring and documenting human rights abuses, advocating for reforms, and taking part in EU programmes;
8. Clearly reference, in the revised ENP, the implementation of **EU Guidelines**, in particular on **Human Rights defenders**, politically and financially supporting those peaceful activists who are threatened by state and non-state actors for their Human Rights work, and providing them with visibility and – in case of immediate danger – emergency long-term Schengen visas. A specific priority should be given to the support of women rights defenders and young activists so as to encourage the current emergence of a new generation of Human Rights defenders in the region.

4. Addressing the question of women's rights and gender equality

In 2011, the renewed ENP did not initially include women's rights and gender equality in the definition of 'deep democracy'. Following the EMHRN's advocacy efforts, these issues were brought back to the fore in February of 2012 by High Representative Ashton and Commissioner Füle, in a joint letter to the EU Foreign Affairs Council. For example the benchmark on women's rights served, to apply conditionality in budget support to Morocco, with some tangible effect.

The Arab uprising drew attention to the inequality between men and women. Women took to the streets alongside men, calling for the respect for human rights, including women's rights. In the years after the uprisings a sense of optimism and hope prevailed. However, deeply rooted social institutions, societal norms, gender stereotypes as well as laws and traditions have remained significant challenges to gender equality in many Euro-Mediterranean countries. Although some advances were noted, women have been marginalised in the political processes following the uprisings. Today economic and political participation of women in the Arab region remains one of the lowest worldwide and one of the main obstacles hindering development. In addition, the Southern and Eastern Mediterranean region is currently facing a renewed wave of violence against women caused by war and conflict at the hands of regimes and non-state groups.

The ENP should emphasize the importance of promoting the rights of women and their equal participation in political, economic, social and cultural affairs. The EU should take the following steps in that direction:

9. Mainstream a **gender perspective** in all its policies, programmes and projects within the framework of the ENP while upgrading its support to initiatives targeting the situation of women; include political measures, instruments and financial support to combat violence and impunity for violence against women – and strengthen implementation of the EU Guidelines to Combat Violence against Women;
10. EU member states should ratify the **Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence** and the

ratification of this Council of Europe convention (open to non-members) by Southern governments should be part of the Advanced Status package.

5. The neighbours' neighbours - A human rights perspective on migration

The question of protecting undocumented migrants and refugees remains a burning, cross-regional human rights issue in light of the millions of refugees fleeing Syria, collapse of the Libyan state, and migrants coming from the neighbours of the EU's neighbours. Migrants provide an opportunity for cultural enrichment as well as a much-needed economic resource to EU states. Societies on the both shores of the Mediterranean benefitted immensely from mutual trade before short-term visa requirements were introduced by EU member states in the 1990s. In light of this the EU has adopted an ostensibly stringent but ineffective immigration policy, with no democratic control on the externalisation of border controls, i.e. on the EU Frontex Agency. Aiding migrants and refugees in distress at high sea is severely curtailed, 'lest more be encouraged to come', leading thousands to perish at sea, effectively turning the Mediterranean into a cemetery.

Increased externalisation of border controls and newly installed fences being are not the way forward. Regarding security and counter-terrorism, these policies have led to liaising with countries ranked among the worst human rights offenders, and known for criminalising both irregular emigration and immigration.

Mobility Partnerships and Readmission Agreements should not be traded with a view to increasing migrants' pushbacks. Migration issues should be tackled from a Human Rights perspective, not relegated as one of many security or counter-terrorism issues. In dealing with the EU's neighbours' neighbours, it should be recognized that migration flows have primarily become South-South.

A Human Rights perspective on migration requires that the EU apply international Human Rights standards and International Humanitarian Law (IHL) regarding migrant, asylum seeker and refugee rights, in particular those relating to the Geneva Conventions, the Convention on Migrant Workers and their families, the CEDAW, the Covenants on Civil and Political Rights and on Economic, Social

and Cultural Rights, and relevant ILO Conventions.

In light of this the following steps should be considered:

11. Approach **migration issues** from a human rights perspective, specifically when liaising with the EU's neighbours' neighbours; apply the international Human Rights standards and International Humanitarian Law regarding the right to seek asylum in any and all circumstances;
12. Reconsider the **Mobility Partnerships**, delinking them from Readmission Agreements, and promote free movement between the two shores of the Mediterranean, first by removing short-stay visas and then cancelling the requirement for a Schengen visa, and by reviewing the long-term conditions of access of migrants so that the possible restrictions are exceptional and justified;
13. Ensure **democratic control** by the national and European parliaments on the operations managed by Member States and the EU Frontex Agency, and on agreements signed by Frontex with third countries;
14. Prioritise, in all circumstances, the protection of migrants and refugees over all other considerations; adopt a **pro-active protection policy within the EU itself** to better integrate migrants and refugees and publicise their contributions; **support the efforts made by Southern Mediterranean countries** to treat migrants and refugees in accordance with Human Rights and International Humanitarian Law, and for those who have made that choice, support the process of regularisation and integration.

6. Addressing conflicts in the Southern Neighbourhood

Four years after the start of the tragically destructive Syrian civil war, the international community has failed to confront the question of impunity of Human Rights violators, and little efforts been expended to protect civilians from abuse at the hands of the Syrian government or warring parties. The EU has imposed sanctions on the Assad regime, while most Member States have ceased their bilateral relationships with the Syrian authorities. Yet, Western governments'

and international media focus on Da'esh/ISIS has largely shifted the spotlight away from violations perpetrated by the Syrian government. The war has produced refugees on a scale not seen in many decades, and social services in neighbouring countries like Lebanon, with about one Syrian for every three Lebanese, are buckling under the strain.

In Israel/Palestine - in need of consistent measures with a view to ending the Israeli occupation of the West Bank, Gaza and East Jerusalem - the failure to ensure accountability, through domestic or international mechanisms, has led to a worsening of the Human Rights situation as witnessed during the 2014 war on Gaza. The UN Commission of Inquiry on the war in Gaza and the International Criminal Court should be fully and unconditionally supported by the EU and its Member States.

Under the revised ENP, the EU should address the many crises and conflicts in the region, including increased militarisation by state and non-state actors and base its actions on the respect for Human Rights and International Humanitarian Law as guiding principles. This should be the case for matters such as accountability, fighting impunity for Human Rights violators, or access to the ICC. Where relevant, the ENP framework should also address the issue of violence against women and children, given the systematic rape and sexual violence committed against women and girls in most armed conflicts. Finally, it should address the implementation by the EU of UN Security Council Resolution 1325 on Women, Peace and Security which reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peace-keeping, humanitarian response and in post-conflict reconstruction.

Hence, the EU and its Member States should take the following steps:

15. **Actively support international mechanisms to ensure accountability** for major crimes in conflict situations in the region, where domestic mechanisms fail, without applying double standards; in case these mechanisms fail, encourage Member States to apply the universal jurisdiction to bring perpetrators to justice;
16. **Strengthen integration of the EU's common political, security and defence policies** (CFSP and CSDP), with implementation of the EU Guidelines on

promoting compliance with IHL, the EU Guidelines on violence against women and girls, and the EU Guidelines on children and armed conflict;

17. **Welcome refugees fleeing war** and keep EU's borders open to them, upgrade search and rescue operations on the high seas and establish efficient family reunion mechanisms for refugees fleeing wars in all Member States; urgently activate the legislative framework that already exists at the EU Community level, especially the 2001 Temporary Protection directive;
18. **Recognise without delay the State of Palestine** and revisit the agreements with the State of Israel, so as to make them conditional to the respect of its international and humanitarian obligations.

7. On financial support and Deep and Comprehensive Free Trade Agreements (DCFTAs)

The promotion of regional free trade has been a key element of the EU's policy since the inception of the ENP. With regard to the South Mediterranean countries, the negotiations of Deep and Comprehensive Free Trade Agreements (DCFTAs) have been one of four pillars to the current ENP next to Mobility Partnerships, 'deep democracy promotion', and civil society support.

While a Euro-Mediterranean free trade zone for industrial products is in the process of being established, further negotiations between the EU and Egypt, Jordan, Morocco and Tunisia have been, or will be, initiated regarding the DCFTAs liberalisation of agriculture and services markets.

The EMHRN is concerned about warnings that, in the current political conjunctures, the potential impact of a generalised free trade zone may be significant short term rise in unemployment; fall in wage rates, greater vulnerability of poor households to fluctuations in world market prices for basic foods; etc.

It is the EMHRN's concern that further liberalisation of trade will, in the current circumstances, limit the possibility for 'post-Arab uprising' countries to define their own development goals and public policies. Economic liberalisation such as the free movement of capital/profit repatriation for example, entails bilateral

investment treaties with multi-national companies that limit government control on social performance requirements among other things.

It is not only the economic aspects of the free trade area per se that EMHRN is concerned about, rather the citizens' right to gain democratic control over the economic and social policies of their countries including government policies and agreements with EU institutions, the EU Commission and EIB/ FEMIP and international financial institutions.

Hence, the EU and its Member States should:

19. A) Undertake systematic Human Rights impact assessments – including gender perspectives – of trade agreements and EU financial support to programmes and projects within the framework of the ENP to ensure the these 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;
20. Economic agreements by the EU with countries where **democratic participation of citizens** in the development of their societies, including that of women, and promoting and protecting their economic and social rights is seriously hampered or made impossible, should be prohibited, as well as **the use of non-state arbitration courts** in relations between states.

Conclusion – Towards a Regional, Rights-based and Result-oriented ENP

Being the main trading partner and primary source of investments in Southern Mediterranean countries, the EU should make use of its position to influence the policies of those countries on Human Rights and democratic reforms. Yet, the EU is often perceived as an actor that does not 'put its money where its mouth is' by not backing up its trade and financial negotiations with coherent and consistent political messages. The EU foreign policy remains weak compared to its economic size, and often stays at the level of the lowest common denominator of Member States when it comes to larger political challenges.

Twenty years after the Barcelona Declaration, the revision of the ENP is a unique opportunity to move it up a notch in bilateral relations while reinforcing the regional dimensions of the ENP. In 1995, all the signatories of the Barcelona Declaration undertook to "respect Human Rights and fundamental freedoms and guarantee the effective legitimate exercise of such rights and freedoms, including freedom of expression, freedom of association for peaceful purposes and freedom of thought, conscience and religion," and to "encourage actions of support for democratic institutions and for the strengthening of the rule of law and civil society."

The revised European Neighbourhood Policy will only be meaningful if it is genuinely 'Human Rights-friendly'. The EU needs to be bold and reform its policies in order to be taken seriously both by governments and by civil society. Going back to the 'bad old days', when the EU favoured short-term stability of autocratic states at the expense of peoples' rights and legitimate aspirations, would bear a devastating effect on the credibility of the EU and its Member States, not the least in the eyes of the citizens of the region. It would sully the perception of democracy by Southern Mediterranean countries, jeopardizing democratic progress in the next twenty years. The challenge remains to align the EU's proclaimed principles with its short-term interests and actions, but also to support the choice of the peoples in favour of Human Rights and democracy.