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EU Consultation: "Towards a new European Neighbourhood Policy"

A Consultation Submission by the Heinrich-Böll-Stiftung e.V.

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Towards a new European Neighbourhood Policy
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The European Neighbourhood Policy was created as an outcome of the 2004 enlargement of the European Union. Uniting a large part of the continent created the inevitable though largely unintended consequence of difference between those in and those out, even if states were neighbouring. This then posed the question as to what the relationship of this bloc should be with the surrounding states – and the ENP was the answer. However, since the overwhelming focus of activity at the time was upon the process of unification rather than the resulting relationships, this policy was effectively an afterthought; a secondary concern rather than a valid aim in itself. Unfortunately, the ENP, despite dealing with sixteen states of great significance to the EU, has never managed to shake off this image. It is hoped that the current review by the EEAS, undertaken within a completely changed geopolitical context in both the eastern and southern regions, will finally allow the ENP to become a more substantive instrument of assistance and influence in the wider EU neighbourhood – to the benefit of both the union and the neighbouring states.

In order to assist in attaining this aim, the Heinrich-Böll-Stiftung has undertaken a consultation process amongst its offices in both the EU and its neighbourhood, based upon the questions and issues posed by the EEAS.

The overwhelming response to the basic issue, the very existence of the ENP, can be summed up in this one quotation: "The ENP should be maintained as a tool for further promotion of democracy in the EU neighbourhood. Nevertheless it is necessary to revise the ENP." The main reason for revision was also summarized well: "Many ENP tools were conceived for a stable environment, but history didn't wait for the EU's good work to produce results."

It is also worth noting two sets of differences that emerge from the consultation: first, an underlying perspective that the eastern states are more related to Europe and may, one day in the very distant future, become EU members – a status both unrealistic and unsought by the southern states. And second, the vast gulf in development that exists between the two regions: whilst both have conflicts and are afflicted by corruption, the eastern post-Soviet states have institutions of some sort beyond security, defence and religion, while in the southern region institutions are flimsy, not functioning well or non-existent – notwithstanding differences between states.

Beyond this summary, the broader results reflect a need for fundamental change of the ENP in a number of key areas:

- **Political backing** – by the EU, which to date has been mostly absent
- **Coherence** – with other EU policies; the ENP is not an island
- **Mutuality** – both sides must benefit from the relationship
- **Flexibility** – creating and adapting the correct programme for each state
- **Inclusivity** – ensuring the policy incorporates the people and civil society
- **Values** – the EU is a values based union which must interact on the basis of its values

If the ENP is properly anchored in these six areas, it will become a tool for our times. By exploring each area separately this report also reflects in greater detail other issues relevant to the policy and its participants – and in doing so, bringing voices and opinions from the neighbourhood to bear as much as possible.

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As noted, this paper brings the insights and experiences of our officers and their wide circle of contacts in civil society in Morocco, Tunisia, Lebanon, Ukraine, Georgia, Poland, Berlin and Brussels. In this way we seek to go beyond the policy bubbles in capitals and give civil society a greater voice in this consultation process – quoting verbatim as much as possible.

The conclusions and policy recommendations are highlighted throughout the paper rather than summarized in a list. In this way we believe they are read in context and offer broader perspectives upon the many aspects of the ENP – which we all believe is a crucial policy that is need of major changes.

❖ **Political backing**

The EU is a political union – when its members deem it of interest or necessity. Thus until very recently, very few member states deemed the ENP to be either, which is a significant reason it has lingered in the twilight zone of policy and politics. This must now change.

There is a deep irony embedded in the ENP as it currently stands. For while the EU member states have to date invested remarkably little political will or interest in the policy, Russia was willing to go to war over it – within the guise of the Eastern Partnership. While the 2008 conflict between Russia and Georgia was the first signal of this fact, it was the annexation of the Crimea and the subsequent conflict in the Donbas that fully reflected it. For these were the final episodes in a series that started in November 2013, with the last minute refusal of Ukraine, and then led by President Yanukovych, to sign an Association Agreement (AA) with the EU – largely due to Russian pressure. And yet, before that cataclysmic moment remarkably few EU member states had really expressed an interest in the agreement, nor had the most senior EU officials. Indeed, the Vilnius Summit devoted to the Eastern Partnership and the proposed AAs were not even on the agenda of the October Council held but a month before – despite the fact that Yanukovych was clearly wavering and Russia was flexing its muscles against the EU and its neighbourhood policies.

In September 2013 Russia had succeeded in luring Armenia away from signing an AA and into its own Eurasian Union, and the very essence of its pressure on Ukraine was to do the same. In other words, while the EU was paying limited attention to the Eastern Partnership, Russia had come to view it as a very political policy – aimed directly against it. Since the Eastern Partnership originated as a response to Russia's war against Georgia in 2008, this was not an illogical assumption. But it took the shock of the Vilnius Summit to make the EU member states see that while they had largely played the Eastern Partnership as a politics free zone, Russia saw it as a zero sum game. As Angela Merkel put it after the summit in what seemed to be a moment of revelation: "The more they [post-Soviet countries] come closer to Europe, the more Russia sees it as distancing themselves from Russia."

It could be that matters would have settled back into an uneasy détente in which the EU reverted to its basic detachment from its neighbours but for events in Ukraine after the failed Vilnius Summit: the protests in Maidan, the resulting revolution, the ousting of Yanukovych, and the ensuing Russian aggression. It became obvious that business as usual was no longer an option: the EU was forced into taking political decisions that resulted in sanctions on Russia and consequently a *de facto* redefinition of the union's relationship with it – as well as this review of its relationship with all its eastern neighbours.

There was no defining moment in the EU's relationship with the southern neighbourhood, but the general trend was very similar. Within a general mode of detached disinterest, the Arab revolutions that started in late 2010 caught the union completely unaware. While the EU was not a divisive issue in these revolutions as it was in Ukraine, in this region too the ENP had effectively been used by the EU as no more than an instrument of containment – a non-political zone in which to park the union's connection and contact with a diverse group of states that surrounded it. As a policy this translated into a means of having a constant but low-level relationship with these states without making any substantive commitments. That this involved in

many cases accepting the rule of corrupt dictatorships that consistently violated the human rights of many individuals and repressed most forms of civil society seemed to count for little: the ENP, in the guise of the Euro-Mediterranean Partnership (EUROMED), allowed the EU to tick a box that said policy with the southern neighbourhood – done.

Since it was not an issue in the Arab revolutions, the EU was not forced into any significant political decisions in their wake – a fact that has allowed for the shallow and largely ineffective response to them. Indeed, the intervening four years have shown the ENP in the southern neighbourhood to be largely hollow, other than for the matter of migrants, which is now taking on a political dimension. However, once again the political debate is about how migrants affect the EU, and not about the problem as a whole or as it affects the southern neighbourhood, or indeed about how it relates to the ENP. But this situation is unsustainable – for both the EU and the neighbourhood.

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In the absence of strong – and in some cases any – political backing or will, the EU has gone down the road of rhetoric: making the ENP sound stronger or bigger than it is. This is especially true to the phrase "more for more", which can excite something approaching derision. Thus in the Southern Caucasus it was deemed that "More for more" means "Less for less", and in another region it was simply termed "inconsistent". That cannot do – not least since such opinion damages the image of the EU in general terms. If the EU cannot give political backing to its policy, it should desist from it.

Since the start of the Euro crisis the notion of the EU becoming more political has been raised – yet that is to ignore the fact that the union has repeatedly made clear political and geopolitical decisions when needed, often very rapidly. Apart from the current crisis with Russia, most enlargement decisions taken both during the Cold War and ever since were deeply political. Taking in Greece, Spain and Portugal post military dictatorships, at the height of the Cold War when they could have gone to the Soviet sphere as easily as to the Western one, were all political decisions that had remarkably little to do with trade or economic benefit, as the financial crisis has revealed. The "big bang" enlargement after the Cold War was probably the most political of decisions, born of necessity: the former Soviet republics in central and eastern Europe were in effective limbo and in some cases perilously close to collapse, thus both in danger of becoming failed states and potentially open to following other political options.

It is important to recall these events when debating the ENP, since they reflect that the EU can be as political as it wants, when necessary or desired. Given the massive shifts in the geopolitical context noted above, in both the eastern and southern neighbourhoods, it is clearly time to infuse the policy with some political perspective.

> **In real terms this means defining realistic goals for each region and state, based upon:**
> - **Thorough analysis**
> - **Attention to the core EU values**
> - **An understanding of the mutual needs of the EU and each partner state**

Above all, it means ensuring there is sufficient political will behind the instruments allocated to achieving the goals.

Involving the member states more actively may well be a way to increase political support for the ENP, not least because within the states it is often clear that the EU institutions – and local representation – do not necessarily reflect the will or interests of the states, especially as they are stated by national embassies on the ground. In this respect the perspective from Lebanon is of interest:

> *The ENP has to align member states policy and the European policy and could benefit from the often well elaborated network of the member states in Lebanon. The member states embassies' are in Lebanon since long and have good relations with the Lebanese government, which makes it easier for them to react and deal with difficult situations. The member states are therefore often more effective than the Commission as a whole. As a consequence, a broader collaboration with the member states is important in order to have better access and a clearer image of the situation.*

To be clear, as EU representatives have repeatedly noted, the ENP is not now and most probably will not be about hard power. Soldiers will not be sent – even if they stood at the disposal of the EU rather than NATO – and the union will not actively intervene in conflicts or attempt to resolve them. It could be argued that given the wide involvement of external actors in the southern and eastern neighbourhoods the exclusive EU focus on soft power is neither realistic nor sufficient. However, soft power can be extremely effective: economic advice, building and reforming institutions, creating and assisting civil societies, instilling values, sharing cultural and academic spaces and various other such activities can and should be very valuable instruments of policy. It is worth noting that the Soviet Union collapsed because its economy was not viable, its norms were repugnant to its own citizens and its societies were desperate for alternatives. Not a shot was fired by the west, but the political support it gave the reformers ensured the outcome. That is what is needed now: soft power will prove effective if the EU fully supports civil society, institution building and a democratic agenda in the partner states.

Whatever policy lines, funds and instruments allocated to the ENP, even if they are not very far reaching on paper, will be multiplied many times over if the political will of the member states is behind them. Conversely, even if ambitious goals are set on paper, the continued absence of political backing will void them, much as is the case now.

❖ <u>**Coherence**</u>

Political backing from EU member states will only be available if they perceive the ENP as necessary to their interests. This will happen if the ENP is built around successful extant EU policies alongside the issues emerging from the rapidly shifting geopolitical context that affect the states as well as the union.

The EU has a wide range of policies pertaining to its core interests that already incorporate neighbouring states. In addition, there are now a number of geopolitical issues focused upon the neighbourhood around which the member states can and

will coalesce. The ENP cannot exist in parallel to these policies, but rather must be constructed around them.

The introductory Joint Consultation Paper issued by the EEAS notes that "an effective ENP needs to be closely integrated into an overall EU Foreign Policy with a comprehensive approach using all instruments both of the EU and of Member States." This is an excellent idea, but for the fact that the EU foreign policy remains somewhat beyond definition, not least because the member states cannot decide what they wish it to be. Conceptualizing the ENP as part of an EU foreign policy therefore poses the danger of a circular argument, with each one dependent on the definition of the other.

Clearly the ENP is about foreign relations – but it must also be about concrete issues which the EU regularly deals in, has extant policies – not least with several if not most of the neighbourhood states – and thus that the member states are interested in. These are now primarily trade, energy and security. Agriculture is another sector noted in the consultation paper, but the reality is that apart from Ukraine and Morocco, followed by some distance by Georgia and Moldova, no neighbouring state has an agricultural sector of sufficient size or development that would make it a viable pillar of the ENP – other than in a more patronizing sense of aid and development. All sense of mutuality would be lost, together with political interest.

<u>Trade</u> is already an instrument of the ENP through the option of DCFTAs, and thus a successful example of coherence. Moreover, as the case of Ukraine reflects well, trade also involves clear and strong political decisions – which the EU member states showed themselves capable of making when necessary. It also has other advantages:

> **As an instrument, trade relates to people and business as well as government, and is thus relevant to broader parts of state and society. It is also, by definition, mutual, and can be adjusted to states, regions or groups as necessary – and can always be ethically maintained. In other words, by covering all areas deemed core to this review, trade should be a model for structuring other, possibly all, ENP policies.**

The clear utility of trade should not be equated with its automatic application across sixteen states. In the Middle East and North Africa for example, various states are in turmoil and conflict, so produce nothing – while interregional trade is extremely reduced. However, it is definitely worth analysing this policy pillar as an example for others: much as the EU grew out of joint trade interests, a successful ENP can evolve from trade. The successful implementation of DCFTAs and Association Agreements between the EU and Ukraine, Moldova and Georgia might be a proof for this in future.

<u>Energy</u> reflects itself as an opposite example to trade: as perceived across the neighbourhood, east and south, it is a policy area handled outside of the ENP on a purely transactional basis between governments and the EU. And while such an approach clearly has political backing from the member states, to many people in the region it appears as if this were the reality of the EU, with the ENP nothing more than showcasing and rhetoric. Taking the example of Azerbaijan, it was noted that by focusing upon energy and dealing exclusively with the government, renowned for its human rights abuses, the EU was damaging its image throughout the region.

More broadly in the Southern Caucasus, Armenia, as in most aspects, is completely dependent upon Russia for energy, so is unable to reflect upon it in relation to the EU. Azerbaijan's energy sector is dependent upon demand from the EU, which "somehow provides linkage of Azerbaijan and Georgia in a transit infrastructure. Nevertheless it is not appropriate to say these two countries of the South Caucasus might become part of the EU energy community. Azerbaijan does represent a field of interest for the EU, but it does not want to implement political and economic reforms that should be the part of countries transformation so needed for approximation with the EU."

It is not suggested that making energy policy more akin to trade is a simple matter – not least because energy policy is currently in evolution and change within the EU itself. However, it is possible, not least because the EU is a primary customer; and in the matter of gas, it is a dominant one: as opposed to oil or coal, natural gas moves on a fixed pipeline.

> **At least for states supplying or transiting gas, it could be possible to reframe the energy transaction from one of pure trade to broader elements. For example, alongside the financial terms, social and structural terms could be negotiated: the creation of institutions as part of payment, or ensuring that services rendered to the energy project be open to many local businesses through a tendering process overseen by the EU.**

These are small examples of the manner in which:

> **Energy can be pulled much further in to the ENP, making it coherent both with EU policy yet allowing it to be much more mutual, inclusive and values based.**

Security is an area of ever increasing importance to the EU and the neighbourhood, and thus one that could and should have the political interest and backing of the member states. Unfortunately, once again like energy, the perception in the neighbourhood is that while security is officially part of the ENP in reality is managed more as a transaction, not unlike energy. This is partly because the member states are far more interested in their own security, and partly because there is no proper policy framework: the CFSP is simply not robust or coherent enough to offer a security policy broad enough to encompass the EU, let alone neighbouring states. Thus security appears to have been tagged on to the ENP simply because there was a need to find a policy framework in which to conduct the transaction. However, this patchy creation is seen as very unsatisfactory in the neighbourhood – and in some cases even counterproductive, as apparent in Lebanon:

> *Prior to the events of 2011, security in the southern neighbourhood was seen by the EU and most of its member states as stability of states, governments and their capacity to control its citizens. The uprisings of 2011 and subsequent dynamics in the region showed that stability of regimes without public legitimacy resulted in long-term instability and provided the ground for conflict. The regional order of nation states, including their definitions and borders was put in question. The new ENP should not rely only on its relations to partner governments, but should develop a broader set of contacts with political, social and economic actors in its partner countries, even if this would cause difficulties with partner governments. This would enable the EU to better understand underlying dynamics and to act in conflicts and crises. Importantly, the EU and leading*

member states (France, more recently Germany) are applying a similar approach towards the current Egyptian leadership as they did over decades to its predecessor government prior to 2011. Based on the assumption that the EU has few means to influence the country's public policies and to trigger reform, it applies a pragmatic policy towards economic development, control of borders and military intervention in the region's conflict. Thus repeating the strategic failures of the past.

Security will be discussed further below, however it must be emphasized here that

> **Security cannot be viewed as a transaction: a specifically defined exchange. It is a counterproductive approach that does not deliver security and alienates many people. A solely stability oriented ENP will not lead to sustainable security, neither for the EU nor for the ENP countries. Instead it would need a new approach that takes the democratic values of the EU seriously.**

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There are three core geopolitical issues in the neighbourhood around which the EU can clearly formulate interest and backing, even without assigning them to a foreign or defence or security policy:

- The dominance of Russia
- The rise and threat of ISIS
- The increasing developments in migration

Clearly there is a division between eastern and southern interests, which to a large extent also divides the interests of member states. However, choice is no longer an option:

> **The EU now has change and unrest on both its eastern and southern borders, with the Middle East in between. The ENP must deal with this reality, not choose the convenient elements of it, or assume stability in one or the other. The basic working assumption must now be that of instability, for the long durée. The purpose of the ENP must therefore be to find forms of equilibrium within this situation within the broader aim of creating a new stability.**

(It is interesting to note that Iran is deemed a potential for both problems and solutions in both regions – in the eastern neighbourhood due to Azerbaijan and possibly Armenia, and in Lebanon due to the war in Syria and Iraq. The EU must develop an approach to this matter too, but not within the ENP.)

Russia looms over every state of the Eastern Partnership, and as the dispute over Ukraine deepens so does the perceived threat from it. Nonetheless, it is possible to note that a form of policy tied to the ENP is evolving, and the strongest recommendation from the region is to keep in mind that each state is under constant pressure to join the Eurasian Union: it is a zero-sum game. Indeed, there is a sense that Armenia is effectively "lost" to the other union.

From the perspective of the Southern Caucasus the EU is seen as not doing enough:

The EU does not play a big role in constructing the security architecture in the region though it "invests" a lot in political and economic modernization of the region. The fact is all the ENP efforts are under threat of being undermined since Russia has the monopoly control over conflicts. Despite the fact the EU deployed its Monitoring Mission (EUMM) in frames of its Common Security and Defence Policy in Georgia and leads the Geneva talks (between Georgia, Russia and the breakaway republics) it is underrepresented in the region due to limitedness of these frameworks. … The EU should broaden its engagement on peace education, civil society dialogue and political dialogue levels. … Developments on the South Caucasus conflicts very much depend on developments in Ukraine. The role that might be played by the EU in Ukraine might also define its peace keeping role in the South Caucasus.

ISIS does not loom so much as figure integrally in the fears, unrest and general destabilization of the southern region. However, it is there implicitly in the fears of radicalization and extremism that are widely apparent across North Africa too – as apparent in the view from Tunis:

Radicalization and terrorism, the acceptance of violence and the apparent limited interest in the concept of liberal democracy by considerable segments of the society, especially among younger people in some of the partner countries in the southern neighbourhood, cannot be prevented by security measures or "positive image campaigns" alone.

The root causes of radicalization – poverty, disenfranchisement, social and political corruption and discrimination, the absence of institutions – must be treated holistically. The lure and prominence of ISIS are both an outcome of these root causes, and a symptom of them.

Given the problems of radicalization within the EU too, this is clearly an area in which the ENP can be shaped as a cooperative policy with political backing.

Migration is a policy area in which all regions have a stake, though in different guises: refugees in Lebanon and other parts of the Middle East, migrants – some of them refugees – throughout North Africa, and the absence of proper border control in most parts of the Southern Caucasus and effectively Ukraine. The problem in Lebanon is clearly acute, and true to other states in the region:

The threat of instability is constantly hovering over Lebanon, but also other countries in the region are destabilizing because of the current changes. … The Syrian refugee crisis impacts on Lebanon's already weak economy. … Recession started long before the refugee crisis, but is nowadays blamed on the Syrian refugees; at the same time large amounts of money are coming in to the Lebanese economy, which is benefiting. It would be good to have a better understanding of what exactly is happening in the different economic sectors to tailor measures. … The situation in Lebanon, Syria and Iraq has to be taken seriously by the EU: The more states are failing, the more regional destabilization and tensions might have an impact on the EU.

The EU response here as throughout the neighbourhood, is deemed lacking. The union is seen largely as attempting to keep its borders shut and/or paying other

states to keep migrants (and in many cases refugees) away – largely through the Mobility Partnership Agreements. These have been signed by Tunisia, Morocco and Jordan, with two more currently being negotiated with Egypt and Lebanon. However, they are deemed fundamentally flawed when viewed from the ground:

> *Little has been done to facilitate access to the EU for citizens of the partner countries. So far, mainly short-term visa are being issued for those who can already travel. While those countries are increasingly held responsible for the repatriation of transiting migrants from third countries while no regulatory policies are in place, at least in the case of Tunisia. These practices should be a source of concern for the EU because the Tunisian security sector plays a lead role in this aspect of migrations policies. This sector remained widely untouched by democratic reform after 2011 and operates largely outside legitimized public control.*
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> *In the case of Egypt, migration is even much less regulated. … In some parts of the country, the centralized military rule does not exercise complete control. Under these circumstances, migration from, into and via Egypt allows corrupt and even criminal networks, outside (and probably inside) the system of public administration to benefit from this phenomena. Migrants and refugees in Egypt enjoy little protection in a public system characterized by the absence of rule of law.*
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> **Any negotiation by the EU of mobility partnership agreements with Egypt must take into consideration the inability of this partner country to provide a minimum of human rights standards to its own population, as well as host communities.**

In other words, the EU is dealing with migrants once again on a transactional policy, clearly with political backing, rather than one that responds to all the areas in which the ENP should be relevant, especially mutuality and flexibility. The need for a nuanced approach in North Africa is actually based in the very nature of some states there:

> *Tunisia and Morocco, are traditionally migration countries with large segments of their populations residing in EU member states or living on both sides of the Mediterranean while having multiple citizenships. At the same time, both countries are transit locations for mainly sub-Saharan migrant communities. While Morocco started a reluctant process of changing its public policies towards migrant communities, Tunisia has yet to realize the need to regulate the presence of non-Tunisian citizenship holders within its borders. At the moments, Tunisia may host a population of non-recognized foreign residents of far beyond 10% of its population in the country. Tunisia does not have the legislation to guarantee the rights of migrants, refugees and asylum seekers.*

Keeping these factors in mind, alongside the tragic and ever growing loss in human life in the Mediterranean, it is clear a change is necessary:

> **Replacing the Mobility Partnership Agreements with a Common Migration Policy – within the EU and between the EU and neighbouring states – is deemed a way to create more agreement on the issue, and strengthen the ENP.**

As the view from Poland reflected: "if the EU has a common agricultural policy, analogically it can create a migration policy, which could dispose of funds to support

the activities of acceptance and integration of migrants. It is essential, to enable legal and safe paths to reach the EU – which means the possibility of applying for a visa / asylum in countries outside the EU without running over the dangerous Mediterranean waters, risking lives."

❖ **Mutuality**

The ENP is a policy of the EU, and the union as a whole is manifestly larger and stronger than any of the sixteen surrounding states involved in the policy. However, the ENP will succeed only if both sides are invested in it, with each gaining and compromising in measure.

The ENP is neither an exercise in altruism by the EU, nor is it a zero sum game – yet it often seems either, especially to the states in the neighbourhood. Take the issue of security: as noted above, the perception in many states is that the EU is interested only in its own security, regardless of the cost in human and political terms to the security in the neighbouring state. Thus the EU is seen as a rich and powerful bloc that can purchase its interests when it needs to, crashing through values and most of its own rhetoric on anything from rights to good neighbours. Or as seen from Georgia: "the EU lacks proper understanding how to engage in the partners' security concerns."

Apart from the obvious conclusion, that a security that creates animosity is no security, it is also bad policy since it is unsustainable: the neighbouring state is not invested in it, and so can abandon it easily. Worse, it may take the money, but the EU negative image is only enhanced:

> *Financial and economic benefits and possibly (material) support in the security field are the priorities of the southern neighbourhood – with as little interference and conditionality as possible.* ***The latter are seen as indicators that the EU does not treat its southern neighbours at eye level.***

The Moroccan perspective on mutuality is broader than security:

> *Moroccan civil society representatives clearly expressed their lack of a sense of shared ownership. It was reasoned that this is due to the general power imbalance in negotiations between the EU and its partner countries. It was strongly questioned whether Morocco is able to negotiate with the EU on an equal footing. … Further, the terminology of the ENP was criticized …* ***the term "neighbourhood" was seen as controversial – implying that "Europe" is to be placed at the centre and its "partners" in a peripheral*** *and thus subordinate position. The term "partner" was further questioned regarding the lack of sense of shared ownership in the framework of the ENP.*

There is no simple solution to the lack of mutuality, other than a determination to create policies based upon it.

> **Establishing "cooperation for creation of mutual security systems" was one option offered. Another was to maintain Broad Action Plans as long term objectives, but also "establish shared committees which monitor the process. This would allow a more equal relation between partner countries and the EU."**

The creation of mutuality in the ENP will not be easy given the built-in imbalances between the EU and the neighbouring states. However, it is crucial.

> **Mutuality, an equilibrium in which both sides have something to both gain and lose, is the only real way to ensure the success of the ENP.**

❖ **Flexibility**

Sixteen states from two vastly differing regions cannot be fitted into one policy if it is to be effective – and adaptable to change. Within common themes, each region must have an overarching policy aim, but then a distinct policy and relationship must be developed with each state.

The ENP was originally created within assumptions of stability – both conceptual and geopolitical, and thus for the long term. Borders and global governance appeared set, while the values and institutions that had enabled the EU to prosper seemed deeply anchored. Reality has proven this wrong: in the past five years much has changed, not least the economic situation in the union as well as massive instability in the neighbourhood. Yet the ENP has proven unable to adapt to these realities, nor to easily be adapted to the unique circumstances of each state and region (with the possible exception of delivering aid to the mass of refugees in Lebanon and Jordan.) In all states and both regions the claim was the same: "The ENP Instruments are not flexible enough." "Representatives stressed the inflexibility and ineffectiveness of the current framework." "Quicker decision making is vital."

There are fundamental differences between the two regions. In the Eastern Partnership, most states have some or indeed fully functioning institutions, whereas in the southern region some states barely have any: governments may have ministries, but they are often corrupt and far from accountable; while separation of the three branches of state is not necessarily a common concept. Contrast the perspectives from the two regions. Thus Kiev notes that the "EU needs a coherent Eastern Europe policy oriented towards the long-term objective of an integrated "Common European House" based on Copenhagen criteria; with a common European security order (renewed Paris Charter)." On the other hand the view from Lebanon is that in "the Southern Mediterranean, economic development is held back by the lack of infrastructure and insufficient intraregional trade and economic integration."

These contrasts are borne out more broadly too. Thus the Polish perspective is that:

> *The prospect of membership, even if it is not currently on the agenda, applies only to the EaP countries. This is the driving force for them, and even if today it seems an abstraction, from the experience of countries like Poland, we know what a valid argument it is for the political elite. … Breaking the EaP also could prove harmful - the programme's countries are competing in the positive sense of the term and the EaP is considering a political brand, which is also important in the context of political lobbying and support for this region.*

Far from prospects of membership or political brands, the situation in the south is very different, reflecting an absence of institutions. Thus the view from Tunisia:

> *The lack of reform of the education sector in most partner countries of the southern neighbourhood constitutes a major structural problem and an obstacle to empower the younger generations. … The EU should highlight this point in its negotiations with partner countries and develop joint long-term strategies to improve this sector. The involvement of multiple stakeholders is crucial. The need to reform [other]… fields (anti-corruption, judicial reform, governance and security) are obvious. There are few positive lessons learnt of how economic incentives could be linked to effective reforms of partner*

governments. Technical assistance proved ineffective, when not backed by a political will to reform.

It is worth considering that the immediate failure of the Arab revolutions in Egypt and Libya was in many ways because there were only two functioning sets of institutions in each: the military and the religious. Once you took away the military, which propped up the dictators – or as in Egypt, it switched sides – there were only the religious institutions, which set about taking over the states. Other state institutions and civil society were simply too weak – or did not exist. In Syria, where the only institution was the military propping up a dictatorship, it is a tribute that civil society was strong enough to initiate a challenge. However, its understandable weakness allowed not only the military to remain as a challenge but also for various religious factions to enter the arena and vastly complicate the situation. The next iteration of the ENP must address this absence in the south, and help reshape the institutions in the east.

As the EU founding father Jean Monnet put it: "Nothing is possible without men; nothing is lasting without institutions." Indeed, besides values, which will be discussed below, the EU has built itself and thrived on its institutions: innovative, strong and responsive to change, even if it sometimes seems otherwise. The amazing success story of EU enlargement rests upon recreating the institutions in all candidate states. Sharing this institution-building capability with the neighbourhood must be a priority of the ENP, not least because it is scalable:

> **In many ways, the creation and administration of the EU is its greatest achievement, which it must instrumentalize in the ENP. It is no longer sufficient to aid faltering or corrupt governments: the ENP must aim to reform them into democratic, accountable institutions.**

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Beyond the lack of institutions, there is a need for differentiation among the states of the south, according to the view from Tunis:

> *The association agreements should be tailor-made. Economic conditions and economic and social policies framing economic developments in the southern neighbourhood differ from country to country. The Deep Impact FTA do not offer appropriate solutions for national economies and may pose existential threats to some sectors of economy. In the case of Tunisia, the EU and the Tunisian government established a consultation process lead by a pilot committee. The Tunisian government is delaying any potential agreement on the basis of structural inequalities in many economic sectors, most notably agricultural. A harmonization of markets would destroy domestic production in Tunisia, with strong negative impacts on the local labour market and the already unequal access to income and jobs in the country.*
> *A more dynamic approach to economic cooperation and integration, reflecting conditions in partner countries should be developed.*

The view from Morocco is much the same:

> *The general need for greater and more profound differentiation between ENP partner countries was stressed. Further, the idea was brought forth of facilitating collaboration between the EU and its partner countries not only*

along geographical aspects, but also along cultural, socio-economic or other affinities. Also, the idea was discussed of allowing more flexible regional cooperation along certain thematic issues, such as migration. … aspects of networking and regional cooperation between civil society representatives especially in Southern Europe and Northern Africa are crucial elements to support their work and increase their weight in the framework of the ENP. This remains especially true for the issue of migration.

A number of states emphasized the need for interregional activity, be it political, cultural or economic. Clearly the outreach could help to adapt more quickly to changing realities. Another option noted "is to act in cooperation and coordination other existing international frameworks (OSCE, NATO, UN)." In other words,

> **Rather than inventing ever more structures, there is much to be said for making it easier for the ENP to interface with other and existing levels and structures.**

At the more pragmatic level, the ENP is also inadequate in application:

> *The ENP Instruments are … very static as they need to be applied for long time in advance and the application forms are too broad (sometimes over 100 pages). Therefore, they do not allow to adapt to fast changing and challenging situations and are only accessible to organizations having an important administrative body and the possibility to invest their workforce on the filling out. … Another important problem is the high administration costs: sometimes around 50% of the budget goes into administrative costs to be able to write the activity reports and financial reports asked by the EU. Therefore, the project management is sometimes obliged to spend most of the budget on these tasks. This also leads to the fact that small organizations are not able to apply for EU support!!*

> *[To help resolve this issue]:*
> - **Establish a new fund for filling in of applications so that also smaller organization can do projects in the framework of the ENP.**
> - **Simplify forms to have slimmer formats for smaller proposals (civil society cooperation)**

It will not be possible to address all these issues immediately. However,

> **By focusing on institutions, the specific needs of each state, and easier access to the ENP much can be done to make it more flexible, and thus also adaptable to quick changes.**

❖ **Inclusivity**

While the EU as a whole may hold the overall relationship with the governments of the neighbouring states, the ENP will only succeed if the people and societies within them benefit and feel invested. If the ENP remains only an official and government focused policy it cannot achieve any significant aim.

There is no single issue that excites as much comment as that of inclusivity. In every state and both regions the opinion is identical: "The truth is civil society actors were not properly involved in the process." This is in fact another irony of the ENP, in that the people of the neighbouring states seem to feel exactly the same about the EU as its own citizens: that it is removed, bureaucratic and autocratic. The desire for a tangible sense of the ENP is identical to the desire for the tangibility of the EU – and in both cases the response has been near identical: mobility. If the Schengen scheme in the EU, which brought down most borders, allowed a sense of reality of the EU to its citizens, then visa liberalization has been the answer in the ENP, in some states. But that cannot be sufficient. Across the board all agreed that civil society must be much more involved in every aspect of the ENP, that it was the job of the EU to make this happen in the face of autocratic structures rather than simply cooperate with the autocracies, and that the best results would arise from far greater cultural and academic exchanges between neighbouring states and the EU.

Since the voices from the regions are so strong, it is best to start with the conclusions then let them be heard.

- **Include civil society into regular and binding consultation formats regarding policy design, action plans and progress reports**
- **Enhance the involvement of civil society actors from conflict regions into Civil Society Forums in the Eastern Partnership, and introduce the same approach in the southern region.**
- **Replace the inconsistent "more for more" approach with: "less democratic reform – more support for non-state actors" (including independent media)**

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The perceived exclusion of civil society from the ENP is a repeated issue, well explained by the view from the Southern Caucasus:

> *ENP AP always used to leave room for interpretations when national governments had to be accountable on their performance. The civil society organizations inside the countries used to have more maximalist approach to the assessment of the Action Plans' while the authorities used to appeal to reality check mechanisms. This is a dilemma both for the EU and its partners to decide what is better to leave the APs as they are (general points on wishful achievements) or to go into details and to give very concrete obligations to the EU partner governments. It is also true the negotiations among the EU and its partners used to transform into more concrete agreements. But negotiations are political-diplomatic process that is closed for the civil society consequently the latter was less tracked to the process.*

> *It would be desirable in future if the civil society organizations were more engaged (in some way) in elaboration of the agreements thus making them more efficient for developing assessment and evaluation mechanisms on progress of the ENP.*

On this issue there is no difference in the perspective from the southern region, which once again also underlines the need for flexibility:

> *The EU developed consultation mechanism with civil society. In practice, this leads to formalized meetings with NGO networks in partner countries, e.g. Tunisia and delegations of civil society to Brussels. This process is far from being systematic and depends on the political situation in partner countries. While in a country, only NGOs with a joint political background are part of the process, e.g. Tunisia, in others, NGOs and their individual representatives are subjected to political repression and find it difficult to be heard. Further, civil society does not only exist of NGOs and political parties, academics, unions, youth movements and/ or others should be included.*

> *A pluralistic approach should be adopted. However, this process needs to remain flexible and tailored to fit the context of each country. A standardized process will not be helpful.*

The view from Morocco was more scathing:

> *From the beginning, civil society representatives have been marginalized. This initial marginalization was said to be due to two main facts. On the one hand, the EU's preference of and focus on facilitating the partner states' structural changes (thus to make them more similar to European standards and procedures) was named. On the other hand, it was stated that ever since the reform of the ENP in 2011, the two key words were security and stability with a preferred cooperation on inter-state and governmental level on these issues.*

> *The spotlighting of good governance and human rights after the reform of the ENP in general and the ENP with Morocco in particular was referred to as "goodwill" from the EU and Moroccan side, which puts light on work done by civil society and values their work regarding these aspects. Despite this, it was stated that civil society has ever only been attributed a minor, if any, role regarding the ENP. Unsuccessful consultation meetings and processes or the prevalent disregard of claims and recommendations put forth by civil society representatives in Morocco are named.*

> *The role of civil society representatives should thus be given more weight, since it is often civil society actors which are in direct contact with the reality on the ground that is unarguably affected greatly by the policy decisions put forth in the context of the ENP.*

Visa Liberalization was a core issue, but interestingly it was not always deemed to be the most important – which is why the EU emphasis upon it seems not to meet the mark. For example, the view from Kiev:

Over last year visa liberalization and facilitation processes were widely utilized by authorities' rhetoric to prove their efficiency in implementing EU integration policy. … Certainly, mobility is crucial to the country's development, but at the moment neither visa application is too complicated, nor the rate of refusals is too high. … Nevertheless, what further work is necessary in terms of mobility is:

Academic contacts: more possibilities of Ukrainian youth and young professionals to study, to work and to do internships, study visits and other types of academic exchange.

The view from the Southern Caucasus concurs:

Ironically Georgia, which is assumed to be the most ENP driven country in the South Caucasus, was refused the visa liberalization at the Riga summit last month. Also ironically, according to the studies on visa facilitation and liberalization conducted by Georgian CSOs (e.g. Liberal Academy Tbilisi), Georgia is the leading country among post-Soviet states in terms of the number of refusals on Schengen visas. … In the case of Armenia and Azerbaijan more openness to academia, civil society, political parties and businesses (small and medium) would give more stimuli for maintaining and developing of the democracy agendas. Azerbaijan is a case where people to people contacts could somehow balance the heavy burden of the authoritarian rule for civic and political activists. In Armenia's case this would allow the country not to be attached to the Eurasian Union only and not to be distanced from the EU.

On the other hand, the view from Lebanon is different:

Mobility is an important reason for Lebanon's will to work with the EU. Facilitation of work visas are on the Lebanese wish list to the EU, as well as further student exchanges could be promoted to strengthen relations between the EU – as well as the understanding for what the EU is and how it works. For Lebanese citizens it is comparably easy to get European visas; many Lebanese citizens anyway have double citizenship of either an EU country, the US or Latin America which enhances their mobility.

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The states and regions had many comments and pragmatic suggestions, which are well summarized in this list from Ukraine:

There are some possible steps to further engagement with civil society:

- ***The EU should address the question of state funding of NGOs, research and academic centres, cultural initiatives [within the partner states and by the partner governments]. This huge sector exists mostly due to foreign donors and lacks sustainable domestic funding.***
- ***The EU should stress the importance of taking into account proposals and achievements of the civil sector and expert environment.***

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- ***Ukrainian NGOs should be included into bigger European platforms to gain more expertise and weight.** (As an example I can draw from the programme of EaP "SPACES", which had very substantial influence on networking and expertise in the field of urbanism, city management and city activism in Ukraine)*
- ***The experts of civil society should be more regularly invited to EU meetings concerning Ukraine and be more present in European media. Different high-level meetings often lack presence of local experts.***
- ***The question of NGOs operating in Ukraine and their weight might be a topic for discussion itself for certain regular triangular meeting that may be established between ENP representatives, Ukrainian authorities and NGOs.***

The issues are further elaborated by the South Caucasus region:

- ***Intensified student exchange programmes;***
- ***Study visits of the South Caucasus civil society, academic and business institutions to the EU and vice versa;***
- ***Opening EU based international professional networks for membership;***
- ***Cooperation among public sector institutions for sharing best practices and experience;***
- ***Large scale donor aid and infrastructural projects;***
- ***Increasing watch dog capacities of local CSOs.***

The list from the southern region is slightly different, but on the same track:

- ***A major social and in its consequence political problem in the southern neighbourhood is social injustice.** Since this is one of the drivers of instability and also encouraging migration, cooperation within **the ENP framework should be aware of this problem, avoid enhancing it and ideally counter it with its programmes.***
- *Additionally it would be an asset to **work on preventing and limiting corruption, follow up on accountability** (establishing mechanisms for that? Strengthening existing ones?)*
- *Political parties and institutions are not functioning in democratic ways and this is something the EU is not likely to easily change.*
- ***Social and economic development should go hand in hand to foster social peace.***
- ***Micro-credits for marginalized regions could be envisaged.** Since these are often far from the capitals and in border regions, this might in many cases be a mechanism to address disintegration and insecurity in border areas.*

<u>Academic interchange</u> was highlighted as a potential area of greater interaction, definitely in the Eastern Partnership, but possibly also in the southern one, to a certain extent. However, it was felt that it should be more inclusive:

> *The EU is giving strong support to the creation of a common European educational space through mobility programmes between higher education*

institutions. The seven year Erasmus plus programme 2014-2020 overcomes the political divisions in Europe by including the EU, Russia and all ENP countries but it fails to integrate universities from breakaway regions. Universities are, however, part of civil society and its students should not be the victim of unresolved conflicts on sovereignty.

The institutional set up of the Erasmus plus program should be adapted to permit the participation of higher education institutions in territories controlled by non-recognized governments, such as Abkhazia or Transnistria*.*

Beyond Erasmus, the ideas and explanations put forth from Kiev could be widely applied across the ENP:

- ***Launching some international research centres*** *in Ukraine under the supervision of EU institutions;*
- *World renown scientists and professors are extremely rare guests in Ukrainian universities study rooms. This gap could be significantly filled by **encouraging EU academics to deliver guest courses** in Ukrainian universities **and providing them with teaching grants** since Ukrainian academic salaries are dramatically low.*
- *The opposite direction cooperation works better – Ukrainian academics have some opportunities to travel to European research centres, but this direction can be intensified.*
- ***Opening access to scientific databases, supplying libraries with up-to-date scientific literature****.*
- ***More opportunities for studying languages in a native environment*** *for Ukrainian students.*

Finally, the ENP progress reports by the EU are considered a crucial instrument to receive messages from the EU Commission. Civil societies very much depend on these reports as they give stimulus for demanding more from national governments – and for forming a broader democracy agenda. However, yet again it was emphasized that civil society needs to be brought much closer into the process.

❖ **Values**

The EU is a success because of the values it upholds, not despite them; no EU policy will succeed without these values. As long as the ENP is perceived to be devoid of true emphasis upon human rights, justice for all and social inclusivity it will not succeed.

As a summary of the problems of the ENP, there can be no doubt that apart from the lack of political backing, its transactional nature is a major flaw – which in effect begets all others. Above all, it allows for the values upon which the EU was founded, and which in many ways keep the union peaceful and prosperous, to be largely ignored – or at least perceived to be thus.

Repeatedly the view from the states, east and south, could be summarized thus:

> ***Civil society representatives deplored the lack of focus on aspects related to human rights, democratization as well as women and youth in the framework of the ENP. Hence, the interest to include the given aspects in a more pertinent way in the ENP was stated.***

That was the view from the south, but the east concurs:

> *People who rely on the EU and who promote democratic agendas in the region should have been supported and the ENP is the most efficient framework that brings together political elites and civil society together for building bridges with the EU and for promoting democracy in their own countries. … Regardless the level of partner countries' engagement the ENP stands on respect of human rights and democratic principles. Therefore it is needed not only to report on the economic topics agreed between the sides but also on issues that are vital for democratic development of these countries.*

At base, the ENP must observe EU values:

> *From a civil and human rights perspective, it seems of utmost importance … to further highlight the human rights standards in the future ENP and avoid establishing double standards; HR "dialogues" are not enough in case of Association Agreements which define binding legal standards, and in cases of violation of these standards the ENP needs to define negative consequences, as otherwise they have a reinforcing effect on on-going conflicts.*

As repeatedly shown throughout this report, much is done – or not done – in the name of security. However, it is this area which above all has allowed for a diminishment in emphasizing values across all the sixteen states. This is well summarized by the view from Lebanon, but it could equally apply to Azerbaijan or Armenia, or indeed any of the states in the neighbourhood:

> *Security cannot be the only priority as security in a stable but non-democratic system is not in line with the values of the EU! Co-operation for security reasons with neighbouring authoritarian regimes such as the Assad-regime in Syria would mean going against European values. **It seems that human rights** – not high on the agenda of most southern neighbours – **have tacitly been fading from the EU's priority list.** This is obvious in the issue of migration but also in the number of mentionings of the issue of human rights in EU documents about the region. It should be a constant concern of the EU, given its own values and particularly if it wants to be taken seriously by democracy oriented actors in the southern neighbourhood, which currently are more than ever under threat.*
>
> ***Sustainable security goes hand in hand with a stable democratic system and by respecting the rule of law.***

Religion and tolerance to minorities is another problem area. In the Southern Caucasus, for example, the church and religion are instrumental in anti western feeling and thus also anti EU.

> *Moreover, these attitudes "are efficiently transformed into xenophobia and intolerance towards religious, ethnic and sexual minorities. … Therefore it is needed two elaborate a two-fold strategy: on the one hand, dialogue with religious institutions should be maintained (engaging them in international networks also) and on the other hand, more pressure should be put on governments for giving more space for self-expression and self-realization of minority groups."*

Looking into the region from Poland, there is a clear opinion that both the EU and ENP states must address this issue.

> *They "need to explore the culture, identity, religion, system of values, etc. In the politicians statements there is a significant lack of knowledge that may lead to misunderstandings (see the issue of Polish-Ukrainian history from the time WW2). Societies, such as the Polish one, are not sufficiently prepared for interaction with countries as culturally and religiously distant as, for example North African countries, and even proximity to the Ukrainians and Georgians is sometimes only superficial."*

The view from Morocco was much the same, this time focused upon

> *"countering the spread of phobia related to the issue of migration. It was said that in order to counteract and critically question stereotypes utilized by right populist political movements, such as blaming migrants for national or European economic predicaments, a shift away from the security-orientated discourse regarding migration is crucial. Within the framework of the ENP, civil society representatives hence need to be given more weight and participation opportunities in order to be able to take part in the policy processes from the start and in order to increase the effectiveness of the policies and their work with the Moroccan civil society."*

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Seeking to address these issues, it is useful to note this list of recommendations, which was compiled from the perspective of Israel-Palestine, but could as easily apply to most states in the ENP, in both regions:

- **The Action Plans should extend and specify mention of human rights issues. The human rights language is often vague and generally worded. The human rights provisions need to be elaborated precisely and in details.**
- **Create benchmarks to assess performance and progress or timetables for implementation.**
- **Create a Human Rights Sub-Committee within the framework of the EU-Israel Association Agreement (informal working group on human rights exists) and increase transparency.**
- **ISR and PAL Human rights and civil society organizations should be consulted intensively in the framework of the consultation process.**
- **Assessment of Israel's and Palestine's compliance with IHL obligations should be included in all reports and assessments and taken into account in the determination of future inclusion of the bilateral and the**

multilateral relations in the framework of ENP; there need to be consequences for non-compliance!

- **Alleged violations reg. military operations, including indiscriminate attacks on civilians, the disproportionate use of force, the deliberate targeting of civilians and civilian objects and the use of collective punishment, should be addressed**
- **Continue to support and encourage to implement a policy to address violence against women and women's socio-economic vulnerability**

In addition, many offices note the need for security sector reform. Thus in Lebanon, "a stronger cooperation with the security forces could be developed. This cooperation should include a stronger monitoring of the respect of human rights." The view from Tunis is stronger:

> *SSR should be given greater importance. Particularly, professional training of security forces and establishment of democratic control mechanisms.*
>
> *The tasks will not be easy given the fact that security forces with functioning command structures are needed to fend off external threats by armed actors with destructive agendas. Further, the lack of interest by governments in reforming a sector which serves in many cases as their back bone of power. However, the task is paramount to democratic reform and to building trust relationships between governments and citizens.*

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Values are the heart of the EU. Allowing them to be diminished or ignored simply diminishes the EU. As a conclusion it is best to let those dealing with the ENP be heard:

> *It is often said that stability guarantees security. But the EU should be aware not to give up its values (democracy, human rights etc) for short-term security reasons. The EU often discusses democratization and stability as oppositions. For a long term stability (and security), the democratic process has to be enhanced. The ENP therefore has to be better prepared for change.*