

Commissioner José Manuel Barroso
European Commission
200, Rue de la Loi
B-1049 Brussels

Commissioner Benita Ferrero-Waldner
European Commission
200, Rue de la Loi
B-1049 Brussels

Brussels, 8 October 2007

Dear President Barroso,
Dear Commissioner Ferrero-Waldner,

We write to you as representatives of several non-governmental organisations from the EU and neighbouring countries who participated in the conference “Working Together - Strengthening the ENP”. With this letter we would like to express our gratitude for the invitation to participate in the conference you convened on 3 September 2007. We would like to share with you our observations from this first and important conference. Please find attached our reflections on ways in which we believe the ENP could be effectively strengthened.

The conference succeeded in bringing together a wide range of high level state representatives in order to share perspectives in this ambitious and important policy initiative. We welcome that the EU and neighbourhood governments expressed a clear wish to work together within the framework of the ENP and to participate in similar ENP events to be organised on a yearly basis.

By inviting civil society representatives together with state officials, the EU has set a significant example to show that active civil society is essential for making any political reform process a success. Even if space for debate was limited, the conference provided some civil society representatives with the opportunity to address their government representatives and that dialogue will hopefully continue at home.

However, a consistent civil society involvement in the preparation of this event would have greatly improved the outcome of the conference. We deeply regret that many NGOs working on the ENP in partner countries did not have the chance to participate in the event despite their involvement in the development of the ENP. Unfortunately two human rights defenders from the occupied Palestinian territory were not allowed by Israel to participate in this conference in spite of EU intervention. We urge that civil society be consulted and involved in the development of the ENP as well as in its implementation and evaluation. Civil society should be a fully-fledged partner of the ENP.

In the morning session, the presentations focused on trade liberalisation, energy and mobility which are at the top of the EU agenda. We welcome the fact that environment has become a key dimension of a strengthened ENP, both at national and regional level. We were nevertheless concerned that the “common values” at the heart of the ENP, such as rule of law, good governance, respect for human rights and democratisation, as well as core elements of EU external policies, such as sustainable development, poverty eradication and gender equality, were not highlighted as key dimensions of a strengthened ENP aiming at peace, stability and prosperity. These issues should be kept high on the agenda of a strengthened ENP and be a priority in the implementation process.

We would be glad to have an exchange of views with you and your services on the outcomes of this conference and more generally on approaches to strengthening the ENP. In light of public interest in this matter, we hope you don't mind if the contents of this letter are made known to a wider public.

Yours sincerely,

Signatories:

Mahmoud Abu Rahma, Al Mezan Center for Human Rights, Gaza

Paloma Agrasot, WWF European Policy Office

Wadih Al-Asmar, SOLIDA (Soutien aux Libanais Détenus arbitrairement), Lebanon

Nataliya Andrusyevych, Chairperson, Resource and Analysis Center "Society and Environment", Ukraine

Rola Badran, Palestinian Human Rights Organization (PHRO), Lebanon

Aurelia Bondari, Director, AGROInform, Moldova

Rob van Drimmelen, General Secretary, Aprodev

Dina Dukhqa, Director, Partners – Jordan, Center for Civic Collaboration, Jordan

Ivan Gerevich, Director, ADVANCE Transcarpathian Advocacy and Development Centre, Ukraine

Sabine Gürtner, Director, WOMNET, Germany

Samir Isayev, Chairman, Environmental Law Center "Ecolex", Azerbaijan

Shawan Jabarin, General Director, Al Haq, West Bank

Munqeth Mehyar, Chairperson, Friends of the Earth Middle East, Jordan

Karen Nazaryan, Director, Armenia Inter-Church Charitable Round Table Foundation, Armenia

Allam Jarrar, The Palestinian NGO Network (PNGO)

Gila Orkin, The Association for Civil Rights in Israel (ACRI), Israel

Marc Schade-Poulsen, Executive Director, Euro Mediterranean Human Rights Network

Simon Stocker, Director, Eurostep

Israa A. Thiab, CDFJ (Center for Defending Freedom of Journalists), Jordan

Mohamed Zeidan, General Director, Arab Association for Human Rights, Israel

Attached:

- *European Commission ENP conference, 3rd September - Reflections from Civil Society representatives*

European Commission ENP conference, 3rd September Reflections from Civil Society representatives

Issues on the agenda of the conference:

Trade liberalisation

Trade facilitation has been repeatedly mentioned as a way to strengthen the ENP. However, goals and instruments should not be mixed: the aim of the ENP is first of all to contribute to prosperity for all and support partner countries in their reform efforts towards EU values and standards. Trade liberalisation does not necessarily lead to prosperity for all. A free trade area in itself should not be the aim of a strengthened ENP, but should be an instrument to support fair economic development and the rule of law in the regions concerned. The strengthened policy should refrain from supporting policy reforms that have negative impacts on the most marginalised in the region. The political and social components of the ENP should therefore not be compromised for the sake of enhancing economic liberalisation and free trade agreements.

Various assessments (including Commission financed studies) have shown that, in the short and medium term, the signing of Free Trade Agreements (FTAs) with the EU would impact negatively on neighbouring countries with regard to employment, average wages, government spending on social services, gender equality or environmental sustainability. Any new proposal should therefore work towards addressing the financial and human challenges of signing FTAs with the EU. Indeed resources will be needed to lead any reform process, while neighbouring countries will be likely to face high budget constraints and loss of revenues due to the trade liberalisation agreements themselves.

In particular, potential liberalisation of services should be looked at very carefully by differentiating between basic and strategic services and other commercial services. No agreement should threaten the rights of people to have access to quality public services. Furthermore neighbouring countries have already enjoyed a certain degree of privileged access to EU markets. This did not necessarily lead to increased trade flows to the EU. While increased asymmetrical liberalisation could benefit neighbouring countries, more attention should be paid to removing non-tariff barriers (e.g. reformed rules of origin, etc.), and enhancing supply side capacities. This should be addressed in any strengthened ENP.

We believe that the proposal to set WTO membership as a requirement for neighbouring countries to sign an FTA with the EU could lead these countries to accelerate the pace of accession and thus push them into making a lot of unnecessary concessions.

Finally, already existing regional integration processes should be strengthened and not undermined by any trade liberalisation process promoted on the EU side. The plan to develop a series of deepened FTAs between the EU and neighbouring countries should therefore aim at reinforcing processes such as the Greater Arab Free Trade Area.

Climate change and Energy

The current pattern of investments and technical and development cooperation in the energy sector neither serves sustainable energy supply nor climate protection or other environmental and social concerns, being dominated by infrastructure elephants (“highways and pipelines”). Renewable energy, energy efficiency and environment generally, as well as adaptation, while

growing, are still marginal compared to other budget lines; and energy, transport and environment investments are not coherent in their impacts.

The energy dimension of the ENP needs a complete overhaul, and should be directed to:

- global and regional energy needs (instead of EU energy interests, as the external dimension of the EU energy package and the Solana strategies of 2006 spell out);
- the commitment to keep global warming well below 2°C.

Both these overarching policy goals need to be encapsulated in all relevant documents, including in the Action Plans, and in the new ENP energy agreements. For the formulation of this new energy agreement, we reiterate our call to improve NGO participation in the energy segments of the ENP.

The high-level discussions showed two faces of the ENP energy dimension. Firstly, a traditional approach focuses on ENP countries as an energy supply source to the EU and aims at transferring market liberalisation concepts to the neighbourhood. This approach fails to adequately take into account national circumstances, distorted playing fields, social and environmental concerns or the still existing failures of EU energy market liberalisation to deliver the required renewable energies and energy efficiency progress. Secondly, a modern approach looks at renewable energy and energy efficiency potential and prioritizes energy poverty and needs. We underline that a new ENP energy agreement must not be dominated by traditional approaches with some ornamental modern elements.

Concretely, in a new ENP energy agreement, the neighbourhood countries should be invited to take the EU Spring Council 2007 renewable energy and energy efficiency targets as aspirational targets, and the ENP should support the neighbouring countries to reach these targets (including capacity building and technology transfer). An ENP energy agreement building on this vision would also serve to add “Monnet spirit” to the ENP.

When it comes to climate change impacts, neighbouring countries are today among the hardest hit. Climate change affects natural resource availability in unpredictable ways and will lead to important population disruptions in the near future. Therefore, there is an urgent need for the EU and the NC to develop and implement a joint adaptation strategy in the framework of the ENP, aimed at strengthening ecological, economic and social resilience to the impacts of climate change. This also means that an ENP migration policy and management, which should not be exclusively defensive, needs to include a climate change and adaptation dimension.

All of the above together can also serve as a basis for the EU and the NC working together more closely in the framework of negotiations for a post-2012 agreement, towards and beyond Bali.

Issues not directly on the agenda of the conference:

Ownership:

During the morning session of the conference we noted that several neighbouring governments expressed their concerns with the lack of joint ownership within the ENP process. Indeed, this policy can only be strengthened if there is a real sense of ownership within the EU and the neighbourhood, both among governments and societies. Ownership implies that the substance of the ENP reflects the concerns of the EU and those of the neighbouring countries. The principle of co-ownership is a basic principle of the ENP and implies that not only governments but civil society as well should be involved in developing and applying this policy.

Poverty eradication and Millennium Development Goals

The focus on economic growth as an objective in itself has often maintained and sometimes increased inequalities within the ENP region and done little to support poverty reduction. It has even in certain cases helped to maintain human rights violators in power.

The EU should be encouraged to support alternative sustainable development models as well as sharing their ideas with other donors, some of which have promoted specific and sometimes controversial developments in the region. The economic integration component of the ENP should lead to courageous and fair reforms aiming at promoting social development, guaranteeing environmental protection and advancing human rights. The ENP would then provide a tremendous opportunity to help EU Member States and neighbouring countries in realising their commitment to meet the Millennium Development Goals.

Human Rights

Key issues such as press freedom, minorities, and the necessity to establish human-rights subcommittees with all neighbouring countries were eventually tackled during the workshops.

We very much regret that the issue of human rights and democratic reforms within the ENP has hardly been raised during the official part of the conference, whereas human rights and political reforms are key priorities of the EU ENP Communications and of the jointly agreed ENP Action plans. They should therefore be at the heart of the debate on strengthening the ENP.

We urge a full and effective implementation of the Action Plans especially as regards their human rights and political reforms chapter. The human rights and democratisation chapter of the Action Plan should constitute a roadmap for the implementation of mutual commitments regarding respect for human rights. Human rights NGOs should be broadly consulted and actively involved in the implementation and evaluation of the ENP.

We welcome the convening of Subcommittees on Human Rights between the EU and some countries which contributes to the reinforcement of the dialogue on human rights between ENP countries and the EU. Such structures should be set up with all ENP partners to assess the evolution of the situation of human rights in all the ENP countries with consultation and involvement of civil society.

Gender

It was disappointing that gender issues were almost invisible during the ENP conference. The magnitude and intensity of gender injustices and the absence of significant programmes and financial resources to address these are very apparent in the ENPI programming documents. The very welcome Mediterranean EC programme on gender has unfortunately no equivalent for Eastern neighbours. Widespread sex trafficking persists in the eastern region and gender inequalities largely continue in the Southern Mediterranean countries in spite of some progress in a few countries. These impingements on basic human rights are contrary to international commitments such as the Beijing Declaration and CEDAW signed by the EU and a number of neighbouring countries, and delay the road to poverty eradication. We therefore call for a stronger European Neighbourhood Policy, which would specify that gender equality is at the core of the policy framework and give significance to gender in policy dialogue, as well as programming.

Conflict prevention and International law

A renewed conflict prevention effort with regard to the neighbourhood's frozen and open conflicts is also part of a strengthened ENP, but was only briefly touched upon at the conference. The EU's increased political will to engage in conflict prevention efforts was mentioned, but coherent EU thinking on conflict prevention strategies was not evident.

Strengthened relations with neighbouring countries involve an expanded range of contractual relations with neighbours in the form of deep free trade agreements, re-admission agreements and energy contracts. Also the opening up for third country participation in Community programmes and agencies will involve more contractual relations. At the conference there was little mention of the prospects of transmitting European values, such as respect for the rule of law and adherence to international law that would promote peaceful and rule-based behaviour among states, through these contractual relations. However, what was mentioned was the overlooked costs and negative effects that mismanaged contractual relations can have with regard to conflict prevention. The EU's failure to put an end to Israel's internationally unlawful implementation of the EU-Israel association agreement has undermined European efforts to halt Israeli settlement activity and ill-served the EU's interest in conflict prevention. Contractual relations also ill-serving the EU's interest in conflict prevention is the granting of visa facilitation for every holder of a Russian passport, including residents of separatist entities such as South Ossetia and Abkhazia.

Lawful rule-based behaviour binds the European Community together. If the EU wants to see neighbouring countries exercise rule-based behaviour, it has to lead by example. As a first step it should demonstrate its will to manage its contractual relations with these neighbourhood countries in accordance with its own obligations under international and Community law. An EU policy centred on respect for human rights and international law requires nothing short of this. Approaches overly focused on economic growth, emergency assistance or on simply being 'present on the ground' in conflict areas through ESDP missions do not suffice (in themselves) to promote just and sustainable resolutions of conflicts, good governance or security and stability. Consistent and coherent promotion of human rights and respect for international law does.

Regional dimension

We welcome the new approach in the ENP plus communication aiming to strengthen regional cooperation. As President Barroso and Ministers highlighted at the conference, regional and sub regional cooperation provide the appropriate scope to address issues of common concern such as energy, security and environment.

We believe that too much focus is being given to trade liberalisation and infrastructure development on transport and energy, while people to people contacts and enhanced political dialogue on democracy and human rights are lower on the list of the regional priorities. Further, we consider that strengthened cooperation at regional and subregional level should aim at preventing impacts of climate change and promoting sustainable management of natural resources (water, forest, marine, energy resources) to the benefit of the local stakeholders, in particular the poor, as they are more vulnerable to environmental degradation. Regional cooperation is often the most appropriate level to tackle common environmental challenges and try and find common solutions, especially because environment does not recognise borders. Likewise, cross-border cooperation on technical issues related to environment is an important tool for conflict prevention and understanding between peoples and complements high-level political

dialogue. The EU has an important role to play to facilitate the regional processes and to ensure that such issues are taken into consideration by the partner countries.

Towards democratic ownership, civil society participation

In some instances it seems that neighbourhood governments were involved in selecting the civil society representatives for the conference. Such selection seems to go against the very essence of promoting a meaningful and democratic dialogue. Furthermore the random selection process has unfortunately not allowed key civil society actors, working for a long time on the ENP, to be present at the conference. This is likely to discourage some of them from engaging in the ENP process in the future.

Likewise, the lack of transparency from the European Commission delegations and headquarters on the civil society participants lists and the very short timeframe, were a missed opportunity for civil society to better prepare valuable inputs on lessons learned with regard to the first years of the ENP and its implementation. To ensure proper understanding and useful input at the major events, we recommend that future annual ENP conferences, following the example of the Euromed Ministerials, be preceded by technical workshops and civil society meetings in the ENP countries.

It is unfortunate that some Action Plans were developed and negotiated behind closed doors, without proper consultation of NGOs. This contradicts all the commitments that were made to support civil society and its involvement in the democratisation process and improvement of the human rights situation. It is critical that NGOs be properly informed, consulted and involved in the ENP development, implementation and monitoring.

We hope for future opportunities to share experience – civil society’s role in supporting the implementation of the ENP has been underlined many times by the EU. The EU can set an important example to neighbouring governments, for instance, by systematically organising at delegation level open consultations with civil society actors on the implementation of the ENP action plans and EC assistance. Some delegations have already done so, others not yet. In the future we hope for joint governmental and civil society meetings where experiences on implementing the ENP are shared. These could happen in Brussels and some be decentralised at country level to facilitate the involvement of broader sections of the societies

We welcome the European Commission proposal to enhance appropriate civil society participation in the ENP. We also recommend that the EU supports strengthened dialogue and exchange of information between NGOs in the ENP region and sub-regions following the model of the “new NGO Forum” on environment and pre-accession currently supported by DG ENV.