



Implementation of the European Neighbourhood and Partnership instrument:

Time to reach consistency between rhetoric and actions

The European Neighbourhood and Partnership Instrument (ENPI) will be the main framework for the provision of EU financial assistance to countries in Eastern Europe, the Caucasus and the southern shore of the Mediterranean between 2007 and 2013¹. All but two of the countries covered by the ENPI are considered as developing countries by the Development Assistance Committee (DAC) of the OECD.

The ENPI's main objective is to “avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union”². But this can only happen if the implementation of this instrument addresses the root causes of poverty, instability and inequalities and promotes all human rights and the building up of participatory and sustainable societies in a way that reflects people’s aspirations.

The implementation of the ENPI must therefore be **guided by EU development policy** as outlined in the European Consensus on Development. It should aim at delivering on the objectives of the Millennium Declaration. This can be ensured by:

- guaranteeing that the primary and **overarching objective** of assistance is the **eradication of poverty in the context of sustainable development**, including the pursuit of the **Millennium Development Goals (MDGs)**, as enshrined in the European Consensus on Development
- engaging in a **real partnership between the EU and its neighbours**, where both partners are on an equal footing, and development assistance is truly owned by recipient countries, both at government and society level. This should include letting EU neighbours the **right to protect their food security and sustainable development needs** instead of insisting on “reciprocity” in on-going and future trade negotiations.
- providing sufficient resources to **enforce all human rights**, including civil, political, social, economic and cultural rights, and the right to development, alongside the thematic instrument for human rights and democracy.
- **addressing consistently and systematically gender inequalities and environmental sustainability** within the programming, implementation and evaluation stages of the ENPI - namely through specific actions and through mainstreaming across all other activities.
- promoting the participation of civil society in the decision making process as well as in the context of the implementation of EC assistance under the ENPI, particularly in supporting sustainable development and democratisation³. The EU should set the example by promoting the **establishment of clear and transparent mechanisms for structured consultation of civil society by both the EC and national governments** in the planning, implementing and monitoring of assistance provided under the ENPI. Furthermore, EC assistance’s implementing rules should provide for **flexible financial mechanisms to reach grass-root actors**.

This position paper has been drafted by the CONCORD Task Force European Neighbourhood⁴ in close consultation with civil society organisations from Eastern Europe, the Caucasus and the Mediterranean. This taskforce includes:

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¹EC assistance will be provided under the ENPI to the following countries: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestinian Authority, the Russian Federation, Syria, Tunisia, Ukraine.

² ENPI Regulation, Recital 2.

³ ENPI Regulation, Articles 2 and 4.

⁴ This taskforce currently sits within the Working Group Enlargement.

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Time to reach consistency between rhetoric and actions

The European Neighbourhood and Partnership Instrument (ENPI) will be the main financial framework for the provision of EU financial assistance to countries in Eastern Europe, the Caucasus and the southern side of the Mediterranean between 2007 and 2013⁵. It is a financial regulation which operates within the framework of the EU's policy towards these countries. This policy is enshrined in the European Neighbourhood Policy and the European Consensus on Development, as well as in numerous international commitments that the EU has endorsed, such as the Millennium Declaration. It is also one of the tools that the EU has at its disposal to deliver on the commitments made in the Barcelona declaration, which established the Euro-Mediterranean process in 1995.

The ENPI's main objective is to “avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the European Union”⁶. This statement must be seen in light of the fact that the new neighbourhood faces very pressing challenges. Notably, the lack of access to water, sanitation, health care, education, land and adequate shelter as well as income generating activities based on decent employment often leads to insecurity within the neighbourhood of the European Union. Moreover, human rights and fundamental freedoms are at risk in many countries covered by the new regulation. This is having tremendous consequences not only on the populations of these countries but also on EU citizens. We therefore believe that the Union should, in the context of the relations it has with its eastern and southern neighbours, fight harder in favour of a fairer world in which injustices and inequalities are abolished, women are empowered, human rights are respected and the environment is protected. The implementation of the ENPI should contribute to these objectives if EU members are to deliver on their commitments to help realise the Millennium Development Goals (MDGs) as well as other international commitments such as the Beijing Declaration and Platform of Action adopted by the fourth world conference on women, the Copenhagen Declaration and Programme of Action on Social Development, the ICPD Cairo agenda and the Rio Declaration on Environment and Development.

Therefore, in order **to achieve its objective and to respect its policy framework**, the ENPI must be implemented in such a way that promotes priorities and principles outlined in, notably, the European Consensus and the Millennium Declaration, to promote the **economic, social and political dimensions of development**.

European Consensus on Development – key element of the policy framework for EU's relations with its neighbours

All but two of the countries covered by the ENPI **are** considered as **developing countries** by the Development Assistance Committee (DAC) of the OECD. The European Consensus on Development, adopted in December 2005 by the three Institutions, very clearly states that its principles and objectives which define Europe's development policy, should apply to the relations between Europe and all developing countries according to the OECD/DAC definition.

“Development policy is at the heart of the EU's relations with all developing countries (Developing countries are all those in the list of Official Development Assistance recipients, due to be decided by OECD/DAC in April 2006.)”⁷

Moreover, the regulation establishing the ENPI highlights the need to reflect the European Consensus on Development in the implementation of aid to European Union Neighbours:

*‘(...) support to be provided to neighbouring developing countries within the framework established by the European Neighbourhood Policy should be **coherent with the objectives and principles of the European Community Development Policy, as outlined in the Joint Statement entitled ‘The European Consensus on Development’** adopted on 20 December 2005 by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the Commission..’⁸*

⁵ EC assistance will be provided under the ENPI to the following countries: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestinian Authority, the Russian

⁶ ENPI regulation, recital 2

⁷ 2006/C 46/01: Joint statement by the Council, the European Parliament and the Commission on European Union Development Policy: ‘The European Consensus on Development’

⁸ ENPI regulation, recital 10

Ensuring that the principles and objectives of the European Consensus on Development are driving the implementation of the ENPI is thus both a legal and a political requirement.

We therefore call on the EU to ensure that the primary and overarching objective of assistance provided under the ENPI is the eradication of poverty in the context of sustainable development, including the pursuit of the Millennium Development Goals (MDGs), as enshrined in the European Consensus on Development.

Enforcing common principles of the Consensus in the implementation of the ENPI

As the European Consensus on Development provides part of the policy framework for implementing EU's assistance to the neighbours, there is an obligation on European institutions to ensure that common principles of the Consensus are being advanced when drafting Action Plans, Country Strategy Papers and their mid-term reviews, Indicative programmes and their mid term reviews or annual reports and programmes. These common principles include:

Ownership and partnership:

The EU has reaffirmed in the European Consensus that it *"is committed to the principle of ownership of development strategies and programmes by partner countries."* EC development assistance must be truly owned by recipient countries. Europeans have a specific responsibility towards people living in difficult conditions in neighbouring countries. While populations in countries such as Morocco or Georgia are expecting improvements in their access to health, education or the position of women in the society, the EU should not use aid programmes to advance its short-term economic (further trade liberalisation) and security interests (the fight against terrorism, migration policies) instead of contributing to the achievement of the Millennium Development Goals. Indeed the establishment of a true *"multilateral and lasting framework of relations based on a spirit of partnership, with due regard for the characteristics, values and distinguishing features peculiar to each of the participants"*⁹ is a requirement of the Barcelona declaration establishing the Euro-Mediterranean partnership. EU citizens are expecting the Union to be a responsible player engaging in a real partnership with its neighbours, where both partners are on an equal footing. This spirit of ownership and partnership must inspire the approach taken by the EU to the implementation of the ENPI, "on the basis of partnership and joint ownership"¹⁰, and **ensure that EU assistance will be coherent with other national strategies such as the PRSP.**

Participation of civil society:

The implementation of the ENPI should promote ownership by all the sectors of the society. Participation of civil society often provides an appropriate channel to deliver aid to the population or to advance human rights in partner countries. Especially in case of "difficult partnership", the EU should recognise the need for political participation of civil society and strengthen their ability to get involved in the decision-making processes. It must also be ensured that all civil society actors have equal access to participate in these processes and particular attention should therefore be paid to groups that are often sidelined, such as women's NGOs. The EU should set the example by promoting the **establishment of clear and transparent mechanisms for structured consultation of civil society by both the EC and national governments** in the planning, implementing and monitoring of assistance provided under the ENPI¹¹. The drafting and negotiation of Action Plans have been up to now exclusively highly political intergovernmental processes, in which no systematic and transparent consultation of civil society actors has so far taken place. Notwithstanding this, the EU should see as an opportunity for a better targeted and country-owned assistance to set up clear and transparent mechanisms for structured consultation of civil society concerning, at least, the strategy papers and indicative programmes.

Specific support should be made available to civil society actors according to article 2 of the regulation establishing the ENPI: *"fostering the development of civil society and of non-governmental organisations"*, and *"supporting democratisation, inter alia, by enhancing the role of civil society organisations"*. This is also a requirement of the Barcelona declaration in which EU members and their Mediterranean counterparts commit to *"encourage actions of support for democratic institutions and for the strengthening of the rule of law and civil society"*. Civil society actors should therefore receive funding both **to support their participation in the decision making process and to help in the implementation of projects aiming at**

⁹ Barcelona declaration adopted at the Euro-Mediterranean Conference - 27-28/11/95

¹⁰ ENPI regulation, recital 3

¹¹ ENPI regulation, Article 4, paragraph 2 "The partnership shall involve, as appropriate, national, regional and local authorities, economic and social partners, civil society, and other relevant bodies." Consultation is always appropriate in any real partnership.

achieving the objectives of the Millennium Declaration in the EU's neighbourhood. Even though Community assistance under the ENPI regulation should be normally co-financed by the beneficiary countries¹², the co-financing requirements should be waived in duly justified cases and when this is necessary to support the development of civil society and non-state actors. The legal and political context in which many civil society actors are struggling must be taken into account. The EU should therefore provide for **flexible financial mechanisms to reach grass-root actors**.

Gender equality:

The European Consensus on Development clearly states that the EU *“will include a strong gender component in all its policies and practices in its relations with developing countries.”* Moreover Article 2 of the regulation on the ENPI insists on the fact that specific measures should be financed such as *“promoting and protecting human rights and fundamental freedoms, including women's rights”*. Numerous studies have also shown that strategies to achieve the Millennium Development Goals cannot succeed without the effective promotion of gender equality.

These strong commitments to the promotion of gender equality and women's human rights must be reflected in the EU's practices in its relations with neighbouring countries. Concretely this means that the EU must ensure that the programming, implementation and evaluation stages of its **assistance provided under the ENPI consistently and systematically address gender issues**. Every CSP should include a **gender profile of the country**, which systematically analyses the level of gender equality and women's human rights, **and a response strategy** addressing the identified problems. It requires specific budgetary allocations to the promotion of gender equality and women's rights in every CSP. Actions should be done through the twin-track approach for the promotion of gender equality, which the EU is committed to - namely women specific actions and gender mainstreaming across all other activities. The drafting process must involve meaningful consultations with women's rights NGOs, including grass-roots organisations. Evaluations must consider the actual impact of the ENPI's actions on the level of gender equality and women's human rights, rather than merely stating that, for example, gender has been mainstreamed throughout.¹³

Other commitments in the European Consensus on Development

Other aspects of the European Consensus on Development must be adequately reflected within the Action Plans, Country Strategy Papers and their mid-term reviews, Indicative programmes and their mid term reviews or annual reports. Specific attention should be paid to:

Environmental sustainability:

We have a collective responsibility to preserve our world for future generations. This responsibility is increasing over time. This is recognized within the European Consensus on development, which identifies *“environment and the sustainable management of natural resources”* as one of the key areas of actions of Community aid to all developing countries. It is also identified as a policy that should be integrated in all the relations that the EU has with developing countries, including neighbouring countries.

The EU must therefore **develop mechanisms for ensuring effective environmental mainstreaming** in implementing the ENPI. Measures should be taken to ensure that high quality environmental integration takes place throughout programming, implementation and evaluation stages of assistance provided under this instrument. Commission services should be properly staffed, structured and trained to ensure that both programming and implementation benefit from effective environmental integration. Effective environmental diplomacy with the Partner countries should be applied.

Protecting and promoting all Human Rights and Democracy:

*“The privileged relationship between the European Union and its neighbours will build on commitments to common values, including democracy(...)and respect for human rights”*¹⁴, and Community assistance provided under the ENP shall support measures *“promoting and protecting human rights and fundamental freedoms”*¹⁵. Human rights should therefore be both mainstreamed and specifically promoted under the ENPI. **Protecting and promoting all human rights should be considered as a cross-cutting issue and be addressed throughout the programming, implementation and evaluation stages of EU assistance.**

¹² ENPI regulation, Article 4, paragraph 4

¹³ Eurostep, Social Watch, “Accountability Upside Down: Gender Equality in a Partnership for Poverty Eradication”, February, 2005, p. 28.

¹⁴ ENPI regulation, recital 4

¹⁵ ENPI regulation, article 2, paragraph 2, point (i)

Moreover, in recognition of the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, governments of the European Union and neighbouring countries are bound to promote and protect all human rights. The implementation of the ENPI should therefore provide sufficient resources to enforce all human rights, including civil, political, social economic and cultural rights, and the right to development, alongside the thematic instrument for human rights and democracy.

Sexual and Reproductive Health Rights:

Without access to reproductive health information and services and the freedom to make reproductive decisions, significant poverty reduction will not be possible. The European Consensus states that the Community will **support the full implementation of strategies to promote sexual and reproductive health and rights** (art. 94). It is therefore of paramount importance that these commitments are implemented through the ENPI as they not only contribute to better health for all but sexuality information and education are also important tools in the fight against trafficking of human beings and violence against women.

In addition, sexual and reproductive health and rights (SRHR) have an **important role to play in the fight against HIV/AIDS**. The feminisation of HIV/AIDS and the vulnerability of young people to STIs including HIV/AIDS, necessitates an improved use of the synergies of sexual and reproductive health care and HIV/AIDS prevention programmes.

The right to health is a human right. Many of the neighbourhood countries have high maternal and child mortality rates, while HIV/AIDS infection rates are also increasing. SRHR should therefore be a priority throughout the implementation of the ENPI.

Peace building and conflict prevention:

The EU has committed in the Consensus on Development to *“maintain its support to conflict prevention and resolution and to peace building by addressing the root-causes of violent conflict, including poverty, degradation, exploitation and unequal distribution and access to land and natural resources, weak governance, human rights abuses and gender inequality. It will also promote dialogue, participation and reconciliation with a view to promoting peace and preventing outbreaks of violence.”* This is in line with the *EU Programme for the Prevention of Violent Conflicts*.

Moreover, Community assistance under the ENPI will be provided *“with the aim of developing a zone of shared stability, security and prosperity”*¹⁶. The EU and its Member States will fail to achieve their aim if the assistance provided under the ENPI does not **contribute specifically**, alongside the Stability Instrument, **to promote peace, peace building, conflict prevention and measures to support conflict resolution and the promotion of the rule of law**, specifically in countries where instability is high.

In this context it is also of utmost importance that particular attention is paid to the different ways in which women and men experience conflict and the ways in which their needs differ. The crucial role of women in conflict resolution and peace building must also be recognized and their meaningful participation at the negotiation tables must be ensured. In these contexts actions under the ENPI should aim to further the implementation of UN Security Council Resolution 1325 on women, peace and security.

Trade justice:

According to Recital 4 of the ENPI regulation, *“The privileged relationship between the European Union and its neighbours will build on commitments to (...) **open, rule-based and fair trade, sustainable development and poverty reduction**”*.

Strategy papers and action plans, when addressing the issue of trade agreements, should always aim at supporting trade justice, which will promote sustainable development and poverty reduction. Therefore, the possible consequences on local economic structure should be fully considered before any trade agreement is concluded. Furthermore, EC assistance should not be used as a mean to open the market of a partner country if this is not part of a country owned strategy. Instead of insisting on “reciprocity” in its on-going and future trade negotiations, the EU should offer partner Countries the right to protect their food security and sustainable development needs.

¹⁶ ENPI regulation, recital 8

Conclusion

The ENPI could contribute to the establishment of an area of peace and prosperity, which would go from Russia to Morocco and from Ireland to Jordan. It could lead to **an area in which people share “everything but the institutions”** as suggested by former Commission President Prodi. But this can only happen if the implementation of the EU’s neighbourhood policy addresses the root causes of poverty, instability and inequalities, promote all human rights and the building up of participatory and sustainable societies in a way that reflects people’s aspirations. **This can only happen if EU members are ready to deliver on the commitments** made at European and international level to make the world a fairer and more sustainable place.

We therefore call on EU institutions and member States to:

- Ensure that the European Consensus on Development drives the implementation of the ENPI.
- Guarantee that the ENPI delivers on international commitments taken both by EU members and their neighbours.
- Take the ENPI as a way to enhance the Euro-Mediterranean process

This will be done by emphasizing the following principles when drafting, implementing and reviewing Action Plans, Country Strategy Papers, Indicative programmes and annual reports:

- Ownership and partnership
- Participation of Civil Society
- Gender equality
- Environmental sustainability
- All human rights
- Sexual and reproductive health rights
- Peace building
- Trade justice