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# What kind of EU does the Mediterranean need?

## INTRODUCTION

This paper proposes modalities for stronger and more efficient EU engagement in the reform of Arab countries that recently underwent revolutions, without necessarily putting extra burden on financial expenditure allocated for the region. It argues that the EU policy in the Mediterranean has to be grounded in structured partnership with non-state actors, which engages them in all phases of policy cycle including planning of goals and monitoring of results of EU-MED cooperation. The paper draws on lessons from the EU's Eastern policy and identifies the Eastern Partnership Civil Society Forum (EaP CSF) as a potential inspiration for the Union's efforts in the Mediterranean. The existence and trends within the EaP CSF are important evidence of the fact that without engagement

of civil society, the reform process in the EU's Eastern neighborhood is unlikely to bring fruit, and there are many reasons to believe that the situation is not different in the Mediterranean.<sup>2</sup>

Although the Union is not expected to be the driver of the Arab reform, it can and should be an important supporter. In order to strengthen its capacity to deliver in the reform process, the EU will most probably initiate talks with new governments of the Arab countries on upgrading the existing Association Agreements. Although the Union has already announced some principles of the new approach to the region, the concrete shape of the new policy has to be agreed jointly with representatives of the region.

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<sup>2</sup> We are aware of the potential vagueness of the term "civil society" and "non-state actors." As both terms are contested and subject to different interpretations, in this paper we do not elaborate on the terminological debate, but we are using an operational definition based on the lowest common denominator: groups of engaged citizens (institutionalized or not, registered or not) proposing and advocating for ideas for social change.

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Dialogue with civil society has to be an important source of stimuli and ideas for the revamped Euro-Med partnership. At the moment, the Union lacks concrete tools for systematic engagement of the region's civil society into shaping new relations with the EU on one hand, and new consensus within the respective Mediterranean countries on the other. For years, one of the major concerns of Egyptian or Tunisian civil societies about the EU has been that the Union chose to talk to and support mainly the illegitimate state authorities and (GO)NGOs<sup>3</sup> and it downplayed the voice of anti-regime forces.

We argue that a portion of the 288 million EUR pledged for the Southern neighborhood for the period 2011-2013 (and additional 1242 million pledged for the whole neighborhood until 2013 in the Commission's May 2011 Review of the European Neighborhood policy), should be used to support systematic and institutionalized engagement with civil society. Pooling the scarce resources it has into activities that will contribute to multi-stakeholder dialogue will help it respond to the needs voiced by the region and to restore the EU's credibility.

## NEEDS OF THE REGION AND EXPECTATIONS FROM EUROPE

Southern Mediterranean countries will be undergoing several key reforms in the upcoming years. The Arab Spring has mobilized masses who showed courage and risked lives by expressing disapproval with the authoritarian regimes. Yet, while calls for dignity and socioeconomic justice seem to be the key demands of the MENA citizens, there are plenty of ideas how to achieve them. While after years of suppression of freedom of expression and association, the boom in the number of political parties and informal civic groups is an understandable development, the competing

<sup>3</sup> GONGO is an acronym used for government-organized/initiated NGOs, i.e. organizations that pretend to be independent of state but in practice they act as its extended hand.

proposals for social change will have to be translated into a broader national consensus on reform priorities and methods. Such a consensus is a prerequisite for major reforms to take root and last.

The two obvious candidates for most immediate progress are Tunisia and Egypt. Tunisia already held its first post-revolutionary free elections on October 23, 2011, and the winning Ennahdha party announced ambition to form a government within a month. Egyptian parliamentary elections are scheduled for November 28, 2011. Egypt, however, might be under military tutelage until at least 2013, the earliest scheduled date for presidential elections. The appointment of new governments that will have come out of free and fair elections will be an important step in the reform process and, at the same time, it gives these two countries a head-start in comparison to Libya, where parliamentary elections might happen as late as 2013, or Syria, where state violence continues or Morocco and Algeria, where only moderate state-driven reforms have been announced.

The elections certainly are an important requirement for legitimacy of the reform process, yet, the new parliaments and governments will not be the only social forces with aspirations for proposing new policies. The Spring 2011 protests were not coordinated by any single 'committee' but were rather a result of spontaneous efforts of many formal and informal groups. Although the Tunisian and Egyptian regimes were brought down by revolt of hundreds of thousands of people, not all of them will be in the forefront of the country's reform. While many will continue expressing opinions on the government policy, only few will propose concrete ideas for social change and methods of achieving it. These will not only protest, but they will be willing to co-shape the policy cycle.

Yet, presently, civil society is fragmented, overwhelmed by the scale of reconstruction to be done and eager to hear about other reform projects carried out elsewhere. Important inspiration comes from Central and Eastern

## RECOMMENDATIONS

Based on the analysis presented here, we recommend the following concrete steps to be undertaken by EU policymakers in order to deliver on commitments made to North Africa and the Middle East.

*Key recommendation:*

- The EU Council should ask the European Commission to reflect on the successes and shortcomings of the EaP CSF and to **provide an expert opinion on the feasibility of launching a pilot version of the Southern Mediterranean Civil Society Forum**. Such a forum would have positive impact on creating national consensus on reform priorities in respective South-Med countries, and would strengthen the flow of information between the EU, partner states and civil society. More importantly, it would contribute to a more constructive dialogue between states and civil society in Arab countries, something that people who brought down the old regimes deeply long for.

*Activities that might support implementation of the key recommendation:*

- The EU grant agency Europeaid should, after consultation with respective EEAS and Commission and Council DG's, adjust the priorities of the calls under existing instruments (chiefly ENPI, EIDHR, LA&NSA schemes) to **create more opportunities for South-East peer learning**. Although the Eastern and Southern neighborhood of the EU are addressed by a single policy, this policy shares merely a common website (even that is, with the exception of general information, divided into Euro-Med and Euro-East). The representatives of Southern civil society should have opportunity to attend and observe meetings of EaP national platforms in the six Eastern partner countries and/or National convention proceedings in Moldova and Ukraine.

The opportunity to observe these dialogues and to ask questions might be a source of inspiration for MENA reformers on how to structure institutions with similar goals in their respective countries. Importantly, opening the doors to the Eastern experience might have a positive impact on the EU's image problem, as it would clearly show that not all its policies towards the neighborhood have been motivated by self-interest and to the detriment of the neighborhood. Moreover, **creating funding opportunities for exchanges with**

**Turkey**, a country whose reform experience certainly might be an inspiration for reformers in Arab countries, would also be a step towards fulfilling the EU's goals in the neighborhood and responding to the demands of South-Med civil society. Again, no additional funds would be necessary, merely a readjustment of priorities of existing calls or calls under preparation. Presently, Turkey and the Middle East and North Africa are rarely if ever listed as eligible countries in EU funding calls supporting civil society networking with EU policymakers.

- Several new EU member states (e.g., Slovakia and Estonia) have programs for sharing the lessons of their own transitions. These do not target only civil society, but state servants. It is essential that the state elites are also a target of EU assistance, since it is the dialogue of state and civil society that should lead to reforms and change. Thus, the EU and member states' instruments for support of reforms in the Southern neighborhood should promote **engagement of both representatives of state institutions and civil society** in joint activities. The goal of this should be stronger awareness among South-Med political elites that civil society is not an enemy but can be a useful co-worker and partner.

- The EU's new instruments, such as the **Civil Society Facility and the European Endowment for Democracy** should be, in the Southern Mediterranean, used to **fund the proposed systematic and institutionalized dialogue** between state and civil society in the respective countries, and for dialogue with the European Union. Although ad hoc workshops and exchanges have their merit, now that experience shows that systematic dialogue is more efficient, it should receive adequate funding.

- Although the Union has carried out and will carry out a number of useful initiatives that benefit the region, civil society in the Southern Mediterranean has little awareness of the policy cycle in the post-Lisbon EU, and of the instruments that can be used to support its work. **EU financial instruments should prioritise and support awareness raising and education on the EU policy process**. The EU should empower non-state actors to become equal partners in discussing the policy process. With a greater awareness of the nuances of EU decision-making, accompanied by access for non-state actors to EU policy-makers, a truly deep engagement with civil society becomes possible.

Europe and Turkey<sup>4</sup>, where reforms leading to democratization and liberalization of the public sphere have occurred. Above all though, civil society does not want to be sidelined during the reform process but requests presence in the center of reforms to come. The civil society networks, some of which are transforming themselves into policy research units, have proven crucial in mobilization for regime change and will continue to be an important source of reform ideas. As neither the EU nor the Mediterranean states have a track record in systematic and institutionalized engagement of non-state actors in the respective North African countries, it is not an easy task to respond to this demand. Yet, it might well be a crucial one.

The EU in particular should keep eyes and ears open to those who are ready to engage with it, since European legacy in the region has been tainted with hypocrisy and narrow self-interest.<sup>5</sup> Although 'values' and 'rights' were used frequently in the communication of the EU and most member states, they have rarely been enforced by concrete action. And, what is more worrying, even when the European Union and its member states had done something positive, it often went unnoticed by citizens of Southern Mediterranean countries.

<sup>4</sup> South Africa or Malaysia are floated as well as possible sources of inspirations. With regard to Turkey, our review of EU funding opportunities have shown a striking lack of EuropeAid calls that would support exchange between the non-state actors in Turkey and Middle East and North Africa. Turkey's civil society is mostly eligible for funding under Instrument for Pre-Accession Assistance (IPA), while the Mediterranean is eligible to receive support from ENPI. Even when calls are launched (e.g., under the Non-State Actors and Local Authorities Programme), Turkey and the Mediterranean rarely if ever find themselves in the same group of eligible countries. This makes practical exchange and cooperation impossible under EU funding tools.

<sup>5</sup> The negative legacy of Europe is not restricted to colonialism. The Suez crisis in 1956, the overthrow of Iranian government in 1953 and many other incidents including the repeated failure to denounce several rigged elections in the region all testify to the fact, that European states emphasized their own national and economic interests over the interests of the countries in the Southern Mediterranean. A fitting illustration of European approach has been infamous statement of Jacques Chirac in 2004, who commented the Algerian elections with words: "I honestly and truly don't see what is to be criticized about those elections." (For more, see Burgat, F.: *Europe and the Arab World: The Dilemma of Recognising Counterparts*, International Politics (2009) 46, 616-635.

Despite its mixed legacy, European engagement is welcome in the region. The EU and member states will be irreplaceable in providing resources and know-how for transition projects.

At the same time, there are many concrete expectations from the EU's policies, ranging from access to European market through mobility partnership to visa liberalization. Above all, the non-state actors expect the EU to become an ally in reforming the state institutions and improving governance. Importantly, there has not been any significant effort exercised by the Union to jointly (with actors in the region) decide on the nature of the future EURO-MED relations.

Although there is a long list of concrete tasks and policy areas where the EU can make a difference, the early discussions on its involvement should not omit the method of EU engagement. We should not only be asking what to do, but also how to do it. What civil society expects (and what the states as such can only benefit from) is a whole new approach: the EU should talk to both states and the non-state actors. More importantly, the EU should encourage domestic dialogue between states and representatives of civil society in respective Southern Mediterranean countries.

## THE EU'S PAST AND PRESENT ENGAGEMENT IN THE REGION

The first concise policy of the EU, the Euro-Mediterranean partnership, was launched in 1995 with the Barcelona Declaration.<sup>6</sup> Despite the noble commitments of all signatories to human rights, the declaration contained an important clause – that the Euro-Med partners will "refrain ... from any direct or indirect intervention in the internal affairs of another partner." Although the partnership has brought

<sup>6</sup> Barcelona Declaration on Euro-Mediterranean partnership of 1995, [http://www.eeas.europa.eu/euromed/barcelona\\_en.htm](http://www.eeas.europa.eu/euromed/barcelona_en.htm)

a number of useful initiatives<sup>7</sup>, it is fair to argue that the non-interference clause was perhaps the most observed one from the long list of commitments the signatories pledged to deliver.

The EU has comfortably played its role of payer (not player) and the dictators were left a free hand in suppressing dissent. Under Euro-Med partnership, the non-state actors in the region received some EU support but this support was neither sufficient nor systematic enough to enable the pro-democracy forces to facilitate social and political change.

The European Neighborhood Policy launched in 2004<sup>8</sup> was supposed to bring stronger and more concrete commitment, yet, it has achieved very little, largely because the EU's main interlocutors in the region continued to be the representatives of the illegitimate states. Moreover, there was no independent evaluation of this policy. In 2008 the Union for the Mediterranean was announced<sup>9</sup>, but although its ambition was to focus on concrete and visible projects that improve quality of life in Arab countries, it came too late and failed to deliver significant departure from earlier approaches. In the end, there is no evidence that the Arab Spring was in any way enabled by the EU neighborhood policy. The low awareness of the positive sides of EU engagement so far supports this claim.

This lesson was not lost on EU policymakers and the Spring of 2011 forced the EU to come up with a new policy announced in the March 2011<sup>10</sup>

<sup>7</sup> Although in general the Barcelona process failed to deliver its main goals, there have been many individual activities that certainly proved useful (e.g., youth exchanges, research cooperation, minor infrastructure support and regional cooperation projects). Given the EU's emphasis on political stability in the region, these initiatives however were too weak to contribute significantly to changing the system.

<sup>8</sup> Wider Europe communication (2003) and European neighborhood policy communication (2004)

<sup>9</sup> European Commission (2008): Barcelona Process -Union for the Mediterranean. Communication to the European Parliament and the Council, Brussels, 20/05/08, COM(2008) 319

<sup>10</sup> European Commission & EEAS (2011a). A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean. Joint Communication to the European Parliament, the Council, the ECOSOC and Committee of the Regions. COM (2011) 200, Brussels, 8.3.2011

and May 2011<sup>11</sup> joint communications of the European Commission and High Representative Catherine Ashton. The EU's new approach has received criticism from Arab NGOs, chiefly for underestimating the role of non-state actors and for a lack of consistency of proposed economic policies with the national development needs of the countries in question.<sup>12</sup> In the May 2011 review of ENP, the EU announced commitment to 'deep democracy,' i.e. free and fair elections accompanied by real exercises of fundamental freedoms and rights. Apart from the existing instruments that can be used to achieve this goal, two new ones are in preparation: the Civil Society Facility and the European Endowment for Democracy.

While both of these instruments do foresee support for civil society and informal political pro-democratic groups, they are in the end not only more of the same but 'much more of the same' (as we have seen so far), as one Commission representative has proudly admitted. The new tools do not foresee any systematic engagement of civil society in the whole policy cycle of domestic reform in the first place and Euro-Med relations in the second.

While it is understandable that the European Commission welcomes projects (meetings, workshops, trainings of limited number of people on limited number of occasions), that are easy to evaluate in the short-term, if these projects will not contribute to systematic engagement in the policy cycle, the EU is unlikely to achieve its objectives in the region. In the end, the May 2011 ENP review issued by the European Commission stipulated "deeper engagement" with civil society but so far has not come up with sufficient tools for that.

The EU instruments are more likely to produce an impact if they are used to support an institutionalized dialogue between Mediterranean states and civil societies on one level, and Mediterranean actors (states + civil

<sup>11</sup> European Commission & EEAS (2011b). A New Response to a Changing Neighbourhood: A Review of the European Neighbourhood Policy. Joint Communication to the European Parliament, the Council, the ECOSOC and Committee of the Regions. COM (2011) 303, Brussels, 25.5.2011

<sup>12</sup> See e.g.: ANND & EUROSTEP & SOCIAL WATCH (2011). 'Civil Society Reaction to the Joint Communication 'A Partnership for Democracy and Shared Prosperity'.

societies) & EU on the other. Should the support be restricted only to ad hoc workshops and consultations, it is unlikely to deliver the goals of truly assisting Mediterranean reform. The EU's success will not necessarily rest on how much it will spend in the region, but in what way will it spend the money.

## LEARNING FROM THE EU'S EFFORTS IN THE EASTERN NEIGHBOURHOOD

Although there are arguably contextual differences between the EU's Eastern and Southern neighborhoods, local demands and the EU's objectives are in the end the same: better governance in the respective countries of the neighborhood. It is often suggested that the EU can never be as efficient in the South as in the East, since the East has some prospects of integration. EU integration of the Eastern neighbors is however unlikely to happen anytime soon and yet this lack of early integration prospects does not prevent the Union from supporting better governance.<sup>13</sup> At the same time, while the problems of Moldova and Egypt might be different in scale, they are very similar in principle. Thus, it makes sense to get inspiration from the EU's unfinished efforts in the East.

Presently, the EU's program for its Eastern neighborhood targets six post-Soviet republics: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The states of their societies and economies are similar to the Southern Mediterranean: political and economic power has been centralized in hands of a handful of elite established in the old authoritarian system, corruption and bureaucracy have hindered progress, and freedom of speech and association have been limited for most of their

<sup>13</sup> As of now, the East European states do not even have a 'prospect of membership' (i.e. the commitment from the EU that the Western Balkans have). Given ongoing 'enlargement fatigue' and economic crisis in the EU, even Western Balkan early membership seems hard to imagine.

post-Soviet trajectory.<sup>14</sup> Although these states are still far from fulfilling even moderate criteria on good governance, a number of changes have taken place in the last decade, driven by domestic pro-democracy forces and supported by EU funding and know-how.

With the exception of Azerbaijan and Belarus<sup>15</sup>, the EU's Eastern partners are becoming increasingly pluralistic democracies, in which groups of organized citizens, including political parties and civil society organizations, articulate and pursue their interests. The considerable liberalization of public space was assisted by the pressure of international organizations including the EU, the OSCE, the Council of Europe, the United Nations, and the International Labour Organization. Consequently, the governments of Armenia, Georgia, Moldova and Ukraine introduced legislation that improved the position of civil society organizations in their respective countries.

In the East, the EU has been adopting a 'trial and error' approach. The current policy framework – the Eastern Partnership (EaP)<sup>16</sup> – has predecessors in Partnership and Cooperation agreements signed shortly after the break-up of the Soviet empire, and upgraded with the European Neighborhood Policy (2004) and the ENP Plus (2007). Although the EU's present approach to the East carries on with many mistakes of its predecessors<sup>17</sup>, there is one important difference.

<sup>14</sup> Popescu, N. and Wilson, A. (2009) *The Limits of Enlargement-Lite: European and Russian Power in the Troubled Neighbourhood*. London: European Council on Foreign Relations.

<sup>15</sup> See the ratings of Economist Intelligence Unit, Freedom House and Reporters without Borders.

<sup>16</sup> Communication from the Commission to the European Parliament and the Council: Eastern Partnership, COM (2008) 823 final (Brussels: European Commission, December 3, 2008; (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0823:EN:NOT>); Joint Declaration of the Prague Eastern Partnership Summit, Prague, 7 May 2009, 8435/09 (Presse 78) (Brussels: Council of the European Union, 7 May 2009) [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/107589.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf)

<sup>17</sup> i.e. the mechanism of interaction between the EU and the government of EaP country remains the same as it was under older version of neighborhood policy. In practice this means that there are still no clear benchmarks and criteria for evaluation of progress and the process of defining priorities and evaluation of results is not always open to non-state actors.

The policymakers involved with the Eastern policy are increasingly becoming aware that improvements in governance in respective partner countries can be achieved only if the civil society is part of the process. Although the non-state actors are not yet granted access to decision-making systematically, the Eastern Partnership came with one important tool to achieve this that is likely to gain relevance and strength. Before we look closer at the tools for civil society engagement, let us briefly recap the basic goals and tools of EaP.

The goal of EaP is to improve domestic governance in the respective EaP countries. The EaP counts on harmonization with the EU *acquis* as a chief instrument for the modernization of partner states. In order to implement the activities of the Eastern Partnership, the EU has supplemented the original ENPI<sup>18</sup> budget with €350 million of new funds on top of the planned resources for 2010-2013. It also re-programmed €250 million of the ENPI Regional Programme East for the same period.

Although the Eastern Partnership is an initiative with good intentions, there is a marked discrepancy between ambitious political policies and the practical capacities of partners. The capacities of the EaP countries to harmonize with the sectoral *acquis* of the EU are limited and so is the EU's ability to provide technical assistance and appropriate funding. Although it provides for long-term vision of modernization and integration with the EU, EaP has nothing to contribute to the urgent economic crises the Eastern partners are now facing.

In the bilateral track, the Eastern partners were offered to conclude new Association Agreements (AA), including integration into Deep and Comprehensive Free Trade Areas (DCFTA). The policy should facilitate the gradual integration of the Eastern partners' economies in the EU single market. Yet, the EU's insistence to condition the entry into force of the Association Agreement by adoption of the DCFTA appears to be counter-productive.

Ukraine, the first of the Eastern six to conclude the sectoral part of its AA in 2009, took two

more years to negotiate the DCFTA. Had the two processes been separated, much of the sectoral *acquis* could have been implemented already. Ukraine's government has been less ready to move ahead with sectoral reforms agreed within the AA, which is not a contractual deal without the DCFTA. Vice versa, the EU leverage on the Ukrainian government has been weakened when it comes to sectoral reforms since the AA cannot come into force without the DCFTA.

The EU also offered gradual visa liberalization, accompanied by measures to tackle illegal immigration and to improve home security standards. Mobility and visa dialogue was expected to become a "winning area," making the EU closer to populations of partner countries. The governments of partner countries are requested to meet mostly technical criteria that would allow the EU and the Schengen countries to liberalize visa regimes for their citizens. However, the only achievement of two years of visa dialogue are roadmaps for visa liberalization with no real benchmarks and without impact on everyday life.

The EaP's multilateral track addresses four themes: 1. democracy, good governance and stability; 2. economic integration and convergence with EU policies; 3. energy security; and 4. contacts between people.

The EU as well offered to launch five multilateral flagship initiatives: 1. Integrated Border Management Programme; 2. SME Facility; 3. Regional electricity markets and energy efficiency; 4. Southern energy corridor; and 5. Disaster prevention and preparedness.

More than two years after EaP's launch, however, the multilateral track offers only limited progress. The research<sup>19</sup> in Ukraine and Moldova showed that officials in the relevant ministries and state agencies in the partner countries, not to speak of the general public, are not informed about agenda, outcomes and/or benefits of the flagship initiatives and thematic platforms.

<sup>18</sup> European Neighborhood Policy Instrument – a funding tool for both Eastern and Southern dimensions of the ENP.

<sup>19</sup> We draw on data from the research project 'Taking Stock of the Eastern Partnership' implemented by RC SFPA with the support of the Friedrich Ebert Foundation and the International Visegrad Fund. Detailed results will be published in forthcoming (2012) paper.

Another tool, the Comprehensive Institution-Building program (CIB), aimed at strengthening administration capacities of the EaP states, started to become a reality only in the second half of 2011 and it is not ready to be launched in all EaP countries. In short, instruments that should be an important part of the EaP and make it more efficient and visible for both governments and citizens of partner countries, still do not work. A slow-paced start of new instruments undermines the positive dynamics of the EaP.

From the perspective of the major instruments, the EaP so far does not look successful. It might well seem that the biggest chance for success lies in something that many at the beginning termed a "mandatory ride" to appease civil society: the Eastern Partnership Civil Society Forum (EaP CSF). Although there are other forums for non-state actors<sup>20</sup>, the EaP CSF has the biggest potential to have impact at the national level in each of the six partner countries. Although not yet fully responding to its potential and expectations, the EaP CSF is the only multilateral non-governmental forum established within the EaP framework that has the potential to become a platform for systematic dialogue between civil society and policymakers.

## THE EASTERN PARTNERSHIP CIVIL SOCIETY FORUM

The establishment of the Civil Society Forum (CSF)<sup>21</sup>, composed of NGOs from the EU and partner countries, was met with a great enthusiasm. Not surprisingly, civil society has long been seeking inclusion in the EU's debates with the governments of partner countries, desiring to take part in defining the priorities of EU-East partnerships and monitoring the implementation thereof. While more than 400

<sup>20</sup> Euronest Parliamentary Assembly, an annual Conference of Local and Regional Authorities of the EaP, and the EaP Business Forum

<sup>21</sup> "Communication from the Commission to the European Parliament and the Council: Eastern Partnership", COM (2008) 823 final (Brussels: European Commission, December 3, 2008; (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0823:EN:NOT>)).

NGOs wanted to take part in the Forum's first meeting in 2009, the second has seen more than 500 applying.<sup>22</sup>

The CSF's organs include the elected steering committee<sup>23</sup>, four working groups and six national platforms. Although the flagship event of the EaP CSF is its annual assembly, for its goals the far more important organs are the thematic working groups (that follow developments in EU-partner country relations in four thematic platforms of the EaP) and, especially, the national platforms. Presently, the forum has no stable Secretariat, although its preparation is underway, since the steering committee within its ad hoc meetings cannot manage coordination of the Forum's activities and outputs.

The institutional structure of the EaP CSF is very different from any other initiative the EU has so far tried for civil society involvement in any of its neighborhoods, including the Mediterranean. The strength lies in the fact that the overall goal of the CSF is not to serve as one big annual gathering, but that its most important work is expected to be done on the national level.

The EaP CSF has had a positive impact on networking and channelling the voice of civil societies to their governments and the EU institutions. However, there are a number of unfinished tasks in the Forum, and they relate chiefly to the process of selection of members; funding; opportunities for policy impact and strength of national platforms.

<sup>22</sup> Due to technical and budget limits of the European Commission only 230 could take part in the opening of EaP CSF, 150 of which were from the six Eastern countries. The second meeting in Berlin in 2010 again convened 230 NGOs, 153 of them from partner countries (Armenia - 26, Azerbaijan - 23, Belarus - 27, Georgia - 25, Moldova - 23, and Ukraine - 29), the rest from the EU.

<sup>23</sup> The first Brussels' forum of 2009 elected the CSF Steering Committee, which consists of 17 members of whom 8 are coordinators of the 4 working groups (established in a line with the structure of the four EaP official thematic platforms), 6 are national coordinators elected by the national delegations of partner countries' CSOs to the CSF, and 3 are representatives of CSOs from the EU member states, including international networks. In a sum, 10 of 17 members of the EaP CSF are representatives of CSOs from partner countries. The Steering Committee is elected at the annual meeting of the forum and rules the CSF activities till the next annual meeting. There is no permanent Secretariat and/or any central administrative body that would ensure continual operations of the EaP CSF in-between the annual meetings. For more info see EaP's web site: <http://www.eap-csf.eu/en/about-eap-csf/the-steering-committee/>.

Although the Eastern CSF is still a work in progress, its very existence and the present trends of its development are based on years of experience with (non)functioning EU policy in the East. This experience has shown that ad hoc workshops and briefings can never be as efficient as systematic and institutionalized dialogue with civil society. Let us briefly address a few key dilemmas currently faced by the EaP CSF that can be inspiring for engagement of the Mediterranean civil society.

### **i) selection process of NGOs**

The obvious first question to be asked when one proposes a civil society dialogue with countries that have thousands of registered NGOs and many informal groups (as is the case of Egypt) is: Which organizations will be represented and who will choose them? In the EaP CSF, the first step towards representation was a declaration of interest. These declarations were then evaluated by the Forum's Steering Committee. The number of declarations of interest, however, by far exceeds the budget of the Forum (still relying chiefly on the contribution from the European Commission), and the selection has to be done not only for budgetary reasons but also for the sake of efficiency.

Naturally, the selection procedure often leads to perceptions of unfair treatment and invites questions about the legitimacy of the process. The present debate in EaP CSF is split between those who argue that the EU should choose the partner NGOs and those who believe that it is more legitimate if national civil societies make their own selections. At the moment it is still the Steering Committee making choices about who gets represented and who does not. We expect that once the national platforms in partner countries are more developed, they will determine selection and criteria for entry.

### **ii) funding**

Another important question comes with funding. Funding so far largely relies on the European Commission, although part of the activities of national platforms are co-financed by other

donors, including the EU member states. It is advisable that the new EU instruments for democracy and good governance support are used to support NGO engagement in this systematic forum. A concern of some EU-based NGO's has been that the European Commission covers participation costs exclusively to representatives of CSOs from partner countries, not from the EU member states, with the exception of members of the Steering Committee, which leads to a growing disbalance between participants from the EU and Eastern European countries. While the difference is not so visible on the annual assembly (since it is easier to finance one trip a year), it is visible on the more regular work of thematic groups. This way, EaP CSF is becoming increasingly the Eastern European CSOs forum, instead of being a joint venture of the EU and EaP CSOs. The latter raises the question about how the EaP CSF could serve its original mission to facilitate exchange of best practices and knowledge between CSOs from the EU and the partner countries.

We do not argue for additional funding, but, the EU should consider prioritization of activities related to CSF in its instruments such as ENPI or EIDHR. EuropeAid regularly announces calls worth hundreds of thousands of euros to support networking between EU policymakers and citizens of EU partner countries. Our advice is that priority allocation of funds already earmarked for the neighborhood should go to the support of the EaP CSF, especially its thematic working groups and national platforms. Thus, there is no need for much more money, just for careful targeting of money which has already been pledged for the neighborhood. Let us reiterate that even though ad hoc workshops have their merit, once experience showed that institutionalized dialogue is a must, then this new policy has to be supported by resources.

### **iii) policy impact of working groups**

What is it that the Civil Society Forum is producing that is so valuable that it should receive support? A simple answer is that on the multilateral level, the CSF should feed the EU and partner country policy-makers with opinions on the conduct of official diplomatic

relations and cooperation. The aim of the four multilateral working groups is to produce policy recommendations for the work of official EaP platforms, where EU and partner country representatives lead a dialogue. Presently, in the EaP CSF, each working group is led by two coordinators, one of whom is the representative of a CSO from a partner country and the second one represents a CSO from an EU member state. So far the working groups have proposed 96 projects aimed at implementing EaP priorities.<sup>24</sup>

However, due to the negative positions of some of the governments of the partner countries, the representatives of EaP CSF have been denied participation in the official meetings of the thematic platforms on the level of senior officials. They have even been denied the status of observers. This makes the policy impact of the EaP working groups limited. One way of strengthening the impact would be if the CSF was asked to present opinions on all phases of the policy cycle. Key EU institutions should also invite Forum representatives on a regular basis to provide their opinions on the agenda of the Eastern Partnership that will be deliberated at the EU level.

In the end, this is exactly the “deeper engagement with civil society” the latest EU ENP review calls for. There is a stark difference between providing NGO’s with funding for policy research (something which is happening yet without desirable impact), and regularly inviting them to comment on decision-making. This is where the Eastern CSF should be headed and this is also something that can be recommended to a proposed Mediterranean CSF.

#### iv) policy impact of national platforms

Although the multilateral working groups are important to liaison with the EU and to exchange information between the representatives of individual partner countries, the key instrument of the CSF should be the national platforms. In EaP, they were created in the six partner

countries in 2010 and early 2011.<sup>25</sup> With exception of Armenia, where CSOs failed to retain the existence of a united common platform, the national platforms in the other five partner countries have become a central point for CSOs active in the field of reforms related to the agenda of the EaP. However, their capacities to make a relevant impact on national policies are limited since most of the governments of EaP countries do not yet treat them as partners qualified for a regular dialogue. The situation has been changing recently in Moldova and Ukraine, where talks between representatives of the governments and EaP CSF national platforms on issues related to EaP agendas have begun, thanks to EU diplomacy. The crucial reforms in the end can be implemented on a national level.

However, the national platforms not only need to strengthen their unity, but also to make an impact on policy. For this, there are two parallel initiatives undergoing currently in Ukraine and Moldova within a project called “National Convention on EU”.<sup>26</sup> This is a clear positive contribution of the EU in the East and a similar trajectory should be adopted also in the South.

National platforms should give a priority to topical bilateral agendas of the partnership between their countries and the EU. In Eastern Europe, the partner countries differ from each other significantly, including the level of their bilateral engagement with EU. Ukraine finds itself at the end of its talks on an Association Agreement, while Moldova and Georgia are just launching their talks on Association Agreements.

Moreover, the EaP countries economies

<sup>25</sup> Azerbaijan in April 2010, followed by CSOs in Armenia in June 2010, Belarus in July 2010, Georgia in November 2010, Ukraine in January 2011, and Moldova in March 2011.

<sup>26</sup> The project is implemented by the RC SFPA in cooperation with partners in Moldova and Ukraine and financed by SlovakAid. It strengthens the institutional capacities for the process of harmonization of EU norms and legislation, which Ukraine and Moldova agreed to meet within the Eastern Partnership (EaP) framework. Within National Conventions, thematic working groups were established following specific priorities of a given country in its relations with the EU. Working groups prepare recommendations for the governments on specific issues. Slovak experts participate in the meetings of working groups and share Slovakia’s transition experience on concrete sectoral issues. For more info visit the web page of the National Convention on EU in Moldova (<http://conventia.md/>) and/or Ukraine (<http://www.euconvention.org.ua/>).

<sup>24</sup> Delcour, L. (2011) *The Institutional Functioning of the Eastern Partnership: An Early Assessment*. Estonian Centre of Eastern Partnership: Eastern Partnership Review 1, October.

are structurally different and their national interests toward the EU vary. While industrial production is a vital issue for Ukraine, it is not for Moldova. The same thing applies to the Mediterranean. While they may share some similar interests regarding the EU, Tunisia, Egypt and other countries do have different structure of economies and in the end different specific interests and demands vis a vis the EU.

The ideal scenario would be that national platforms create their own national working/sectoral groups that would follow the list of priority agendas of their countries and/or sectoral structure of future Association Agreements. The major lesson that we have learned so far from the Eastern neighborhood is that the EU-partner country relations have to be co-determined by the EU, partner government and civil society. The experience from Eastern Europe shows that joint subcommittees of EU-EaP Country Cooperation Committees that are supposed to serve as a reporting and feedback mechanism within EaP, many times did not serve this goal since they did not meet regularly (or in some cases not at all in a single year). For an efficient neighborhood policy, regular reporting and feedback meetings should be mandatory and a control body should be entrusted to oversee this process. National platforms should aim at being invited to participate and to monitor the work of joint EU-partner countries' subcommittees and the work of national authorities in implementing priorities of partnership with the EU.

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