



European Economic and Social Committee

REX/271
**Civil society – Eastern
Partnership**

Brussels, 13 May 2009

OPINION

of the European Economic and Social Committee

on

Involvement of civil society in the Eastern Partnership
(exploratory opinion)

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Rapporteur: **Mr Voleš**
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In a letter dated 12 January 2009, Ms Milena Vicenová, Ambassador and the Permanent Representative of the Czech Republic to the European Union, asked the European Economic and Social Committee to draw up an exploratory opinion on

Involvement of civil society in the Eastern Partnership.

The Section for External Relations, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 16 April 2009. The rapporteur was Mr Voleš.

At its 453th plenary session, held on 13 and 14 May 2009 (meeting of 13 May), the European Economic and Social Committee adopted the following opinion by 160 votes to 15 with 18 abstentions.

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1. Conclusions and recommendations

- 1.1 The EESC welcomes and supports the proposal to create the Eastern Partnership as an upgraded form of collaboration with the countries of the European neighbourhood policy to the east. The partnership must be based on sharing common democratic values and respect for human rights, which includes social and civil dialogue and recognition of the important role of civil society organisations in democratic societies.
- 1.2 The programme of cooperation within the Eastern Partnership must provide tangible help to the partner countries, particularly at the present time, when their economies are being hard hit by the global economic crisis, with grave social consequences. The Eastern Partnership should also help strengthen the institutions and lead to the peaceful resolution of existing conflicts.
- 1.3 The Eastern Partnership does not resolve the issue of prospective EU membership for which some of the participant countries are striving. Where partner countries manage to harmonise their laws with the relevant EU legislation in a particular sector, they should be able to acquire a privileged status enabling them to participate without voting rights in the creation of the EU sectoral acquis, in a way to that of the European Economic Area countries.
- 1.4 Implementation of the Eastern Partnership should draw on the lessons learned from five years of the European Neighbourhood Policy:
 - Cooperation between the EU and the partner countries in drafting measures to implement Action Plans at national level should be improved

- Civil society, including the social partners, should be involved in putting together Action Plans and monitoring their implementation
 - The schedule for joint subcommittee meetings on cooperation in sectoral issues, set up under partnership and cooperation agreements, should be adhered to and civil society should be involved in monitoring the implementation of their conclusions
 - Conditions for inclusion in Community and agency programmes should be clearly defined so there is an incentive to assume the relevant part of the *acquis*
 - Civil society should have a say in choosing issues to be discussed at thematic platforms; these should primarily be matters such as good governance, rule of law, the principles of the social market economy and its regulatory framework, social and civil dialogue, migration, protection of intellectual property rights, energy security, poverty eradication, barriers to mutual trade, crossborder cooperation, environmental protection and people-to-people contacts.
- 1.5 The inclusion of the partner countries in the Eastern Partnership must be contingent upon their willingness and readiness to share common values with the EU, to respect fundamental human rights and freedoms and to nurture social and civil dialogue. This applies to Belarus in particular.
- 1.6 The Eastern Partnership should not give rise to new dividing lines in Eastern Europe and should enable the inclusion of third countries in areas where the EU and Eastern Partnership share common interests, such as energy security, migration and environmental protection. Many of the Eastern Partnership's priorities are the subject of a strategic partnership between Russia and the EU. The EESC suggests involving the civil society of Russia, Turkey and perhaps other countries in discussions on issues of common interest within the civil society forum and thematic platforms.
- 1.7 Mobility and people-to-people contacts must be stepped up if the Eastern Partnership goals are to be achieved. The EESC supports the relaxing of visa regulations for certain groups of citizens from the partner countries with a view to the incremental dismantling of requirements as and when the security interests of both sides permit.
- 1.8 The EESC is ready to play its part in implementing the Eastern Partnership by supporting civil society in the partner countries and offers to make available the experience it has gained from creating networks of organised civil society in a number of countries and regions, including the eastern neighbours. The EESC calls on the European Commission and the Council to give it a key role in the instigation of an Eastern Partnership civil society forum. This would be a flexible and open network of EU and Eastern Partnership civil society, meeting once a year and operating via working groups and teams which would address specific topics and issue proposals for programmes and projects to secure the partnership's objectives. The full and effective involvement of civil society in this forum should be supported by appropriate funding.

- 1.9 At the bilateral level, the EESC will foster the creation of mechanisms enabling the social partners and other civil society organisations to join in the consultation process for implementing EU bilateral programmes with the partner countries, including during the formulation and implementation of national action plans, and when assessing their results.
- 1.10 In order for civil society to assume its responsibility, the EESC calls on the Commission to make sure that civil society organisations are included in the Comprehensive Institution-Building Programme (CIB) and twinning programmes funded from the appropriate ENPI heading.
- 1.11 The EESC is ready to join with civil society organisations from the partner countries in all four thematic platforms, since these concern problems that the Committee is heavily involved with and on which it has drawn up a number of opinions and recommendations.

2. **Introduction and gist of the proposal to create an Eastern Partnership**

- 2.1 The Committee welcomes the Czech presidency's request for it to draft an exploratory opinion on how civil society can be drawn into the Eastern Partnership based on the proposal put forward by the European Commission in its Communication of 3 December 2008¹.
- 2.2 The European Neighbourhood Policy, which was a response to the 2004 EU enlargement, upgraded relations between the EU and neighbours at the eastern border² and notched up a string of successes in strengthening the bonds between them. At the same time, however, expectations were not fully met – especially those of countries that harbour greater ambitions vis-à-vis the EU.
- 2.3 Poland and Sweden grasped the initiative and at a meeting of EU foreign affairs ministers on 26 May 2008 put forward a proposal to set up the Eastern Partnership as an improved version of the ENP. The proposal met with the support of the Czech presidency, which made it one of its priorities.
- 2.4 The European Commission published its communication on the Eastern Partnership on 3 December that year. Following adoption by the Council at its meeting in March³, the Eastern Partnership will be proclaimed at the EU summit meeting with the Eastern Partnership countries in Prague on 7 May 2009.

¹ Communication from the Commission to the European Parliament and the Council: Eastern Partnership, 3.12.2008, COM(2008) 823 final.

² In this opinion, "(Eastern) partners" refers to the countries of Eastern Europe and the Southern Caucasus at which the European Neighbourhood Policy is targeted: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

³ EU Council conclusions of 19-20.3.2009, 7880/09.

- 2.5 The aim of the Eastern Partnership is to give the partner countries more support than hitherto as they strive to align themselves with the EU. It will provide them with the help they need in the areas of: the introduction of democratic and market-oriented reforms, the rule of law, good governance, respect for human rights, respect for and protection of minority rights, and the principles of the market economy and sustainable development.
- 2.6 The Eastern Partnership will be mostly implemented at the bilateral level, where the aim will be to conclude Association Agreements⁴, assuming there is sufficient headway on democracy, the rule of law and human rights⁵. Association Agreements will include the creation of a deep and comprehensive free trade area.
- 2.7 The multilateral level envisages the creation of four thematic platforms, for 1) democracy, good governance and stability, 2) economic integration and coherence with EU policies, 3) energy security, and 4) people-to-people contacts. The multilateral framework will strengthen ties between partnership countries and offer the prospect of a neighbourhood economic community. **Flagship initiatives**⁶, which would be funded by international financial institutions, the private sector, and various donors, should provide tangible results in the area of cooperation.
- 2.8 A summit of heads of state and government of the EU and Eastern Partnership countries should be held every two years, in addition to an annual meeting of foreign affairs ministers, a biannual meeting of senior officials according to particular platforms, and experts meeting in working groups.
- 2.9 The European Commission and the Council are counting on civil society involvement in achieving the Eastern Partnership objectives and propose the creation of a civil society forum (CSF) to dialogue with public administrations. The Commission has asked the Committee of the Regions and the EESC to join in the discussions of the thematic platforms on democracy, good governance and stability and on people-to-people contacts.
- 2.10 Funding for the Eastern Partnership will be increased from EUR 450 million in 2008 to EUR 600 million in 2013, which will require extra funding, which should be sourced from the ENPI budget.

4 Negotiations on such an agreement are already underway with Ukraine and this could serve as the template for the other partner countries.

5 The spotlight here falls especially on Belarus, where progress to date has been inadequate.

6 These include a programme for integrated border management, an instrument for SMEs, support for regional electricity markets, energy efficiency and renewables, developing the southern energy corridor and cooperation in averting natural disasters.

3. **How to make the Eastern Partnership a vehicle for better implementation of the ENP**

- 3.1 The EESC views the Eastern Partnership as a new strategic framework for the ENP's eastern dimension and as a manifestation of solidarity with people in Eastern Europe. It must be grounded in the sharing of common values, support for fundamental human rights and freedoms, good governance and the building of a democratic society in which civil society is an essential ingredient. The political will of the partner country governments to promote a dialogue with civil society and to foster a dialogue between the social partners should be one of the indicators for deploying the cooperation instruments and programmes which the Eastern Partnership offers.
- 3.2 The deepening global financial and economic crisis is jeopardising the economic development and stability of the EU's neighbours to the east. It is important, in the EESC's view, that the Eastern Partnership cooperation programme and the funding allocated in the ENPI be directed in such a way that, in addition to supporting long-term structural reforms, it helps the partner country governments stabilise the economic and social situation and eradicate the damage the crisis has done to the most vulnerable sections of society.
- 3.3 The aim of the Eastern Partnership is to help the countries of Eastern Europe modernise in line with EU standards without offering an immediate prospect of membership, which should not, however, temper the ambitions of certain countries regarding their future relations with the EU. In order to increase their motivation to implement reforms and EU standards more vigorously, the EESC recommends that the partner countries be offered the prospect of acquiring a privileged status, once they have implemented the *acquis* in agreed specific sectors. In this way they could, similarly to the countries of the European Economic Area⁷, join in the single market, be involved in Community and agency programmes and participate (without voting rights) in discussion of new EU legislation at expert level.
- 3.4 The Eastern Partnership should be viewed as an instrument through which the EU can help Azerbaijan and, over the long term, Belarus fulfil the conditions for WTO membership. The fact that all the other countries of the Eastern Partnership have become WTO members creates an appropriate framework for establishing multilateral dialogue which focuses not only on the bilateral liberalisation of trade between the EU and individual countries but also on the regional liberalisation of trade between the Eastern Partnership countries themselves. Establishing a Neighbourhood Economic Community based on the EAA model⁸ should be a priority as soon as the Eastern Partnership is launched.

⁷ Norway, Lichtenstein and Iceland.

⁸ COM(2008) 823 final, p. 10.

- 3.5 The EESC recommends that the lessons learned from implementing the ENP from 2004 to 2008⁹ be incorporated in implementing the Eastern Partnership policy. These can be summarised as follows:
- 3.5.1 Civil society should be consulted as part of the impending negotiations on the association agreements between the EU and the partner countries, especially as regards its role and the possible creation under these agreements of joint consultative committees between the civil societies of the Eastern Partnership partner countries and the EU.
- 3.5.2 Action Plan priorities should be planned and executed at national level by the governments of the partner countries in collaboration with the European Commission and other stakeholders (political players, the social partners, civil society and local and regional governments) to ensure the broadest support for their implementation. Action plans should include measures that allow civil society to be involved more effectively in the consultation process, including ensuring that EU documentation is translated into the languages of the partner countries.
- 3.5.3 The Joint Consultative Committees for cooperation on sectoral issues, set up on the basis of the partnership and cooperation agreements and intended as a mechanism for channelling information and feedback within the ENP, have convened infrequently and irregularly (in some cases not at all). Their success has therefore been limited. Subcommittees should be obliged to sit and their monitoring should also be made mandatory. Representatives of the institutional platforms which are to be constituted in the Eastern Partnership (Euronest, Civil Society Forum and local and regional assemblies) should be invited to monitor the work of subcommittees and of national bodies in implementing the Action Plan priorities. Progress should be gauged on clear, commonly agreed, transparent and quantifiable evaluation criteria and civil society should be able to take part in the defining such criteria and evaluating their application.
- 3.5.4 The Eastern Partnership provisions should include more clearly defined sectoral instruments. The criteria for partner countries acceding to a given sectoral programme or agency should be clearly framed so that the country in question knows the conditions it has to meet to participate in European programmes and agencies.
- 3.5.5 The thematic platforms should enable the EU, Member States and the partner countries to share best practices regularly and to pinpoint joint multilateral projects in the relevant areas. Thematic platforms could examine matters such as:
- principles of the rule of law;
 - principles of a social market economy and its regulatory framework;

⁹ See the findings of the project of the Research Center of the Slovak Foreign Policy Association undertaken with the support of the F. Ebert Stiftung and published in *The Reform of the European Neighborhood Policy: Tools, Institutions and a Regional Dimension* (Duleba, Najšlová, Benč and Bilčík, 2009).

- good governance;
- combating corruption and the black economy;
- social problems, including gender equality;
- migration and people-to-people contacts;
- fostering social and civil dialogue;
- dismantling barriers to mutual trade;
- protecting intellectual property rights;
- eradicating poverty;
- energy security and efficiency;
- respecting food safety standards;
- protection from dangerous goods imported from third countries;
- protecting the environment, public health, plants and animals, and
- crossborder cooperation.

Civil society organisations belonging to the civil society forum should have a say in choosing and discussing these themes. Civil society organisations must be given appropriate funding if they are to carry out such tasks.

- 3.6 The EESC takes the view that the participation of partner countries in the cooperation programme under the Eastern Partnership must be contingent upon the adoption and full recognition of common values such as fundamental human rights and freedoms, good governance, and dialogue with an independent civil society and the social partners. The EESC notes that this especially applies to Belarus and its inclusion in the Eastern Partnership.
- 3.7 It is important, in the EESC's view, that the Eastern Partnership should not create new dividing lines in Eastern Europe and that it remain open to the involvement of representatives of third countries where shared interests are in play. Many of the Eastern Partnership's priorities are covered by the strategic partnership between Russia and the EU. There could, for instance, be dialogue on energy security issues, migration problems, the environment and other regional or global problems where tangible results will only be achieved if Russia, Turkey and possibly representatives from the countries of Central Asia are involved. The EESC proposes that civil society representatives from these third countries be invited to take part in the negotiations on these issues in the civil society forum or other platforms.
- 3.8 The Eastern Partnership should be an initiative which complements the Black Sea Synergy. While each pursues separate objectives and uses different instruments, they share a number of important areas of activity. It is therefore vital to strengthen coordination in both initiatives so as to avoid any duplication of activities.
- 3.9 It is very important, if the Eastern Partnership goals are to be achieved, to step up people-to-people contacts. Mobility is a major issue in both bilateral and multilateral relations. The ultimate goal of scrapping visa restrictions with these countries must be achieved gradually by relaxing requirements for students, businessmen, regular visitors to the EU countries and

family members, and by cutting fees for issuing visas. For this, the relevant agreements must be concluded with the partner countries.

- 3.10 The EESC proposes conducting a dialogue with the partner countries, Member States, social partners and civil society on matters relating to the labour market, including the development and the mobility of labour force as well as on the adoption of joint measures to combat illegal employment and the violation of the ILO's important conventions.

4. **Civil society organisations in the Eastern Partnership countries**

- 4.1 The historical, political and socio-economic situation is different in each of the six Eastern Partnership countries, yet their civil societies have many common traits born of a shared history during Soviet times, when civil society organisations were merely the extended arm of the ruling Communist Party.

- 4.2 The collapse of the Soviet Union gave these countries the opportunity to gain independence, but also led to a slump in their economies. Implementation of the economic reforms designed to turn centrally planned economies into market ones was slow and patchy, with political instability and power struggles aggravating the situation. In at least four of the countries (Moldova, Armenia, Azerbaijan and Georgia), matters were made worse by armed conflicts with neighbours or with break-away regions.

- 4.3 Despite economic growth at the end of the 1990s and since 2000, the situation in these countries remains shaky, further compounded by the heavy blow delivered by the current economic crisis. There are deep social divides and a large section of the population lives from the grey economy or has emigrated in search of work abroad. The prime obstacles to modernisation and development – red-tape, inflated regulation and the corruption that goes with it – persist.

- 4.4 Recent years have seen a space for civil society activities gradually opening up in all the partner countries and there has even been a slight improvement, under pressure from the EU and the international community, in Belarus. The ENP and its instruments, allied with activity from the International Labour Organisation, are helping social dialogue to gradually find its feet and become institutionalised in the partner countries. There is still a long way to go in meeting EU standards on the following: the impartiality of the judicial system, the division of powers and responsibilities between central and local public authorities, correct interpretation and respect of civil rights and freedoms, and independence of the media. Governments are dragging their feet when it comes to accepting social pluralism, the independence of the social partners and civil society organisations and their right to social and civil dialogue designed to strengthen society as a whole.

- 4.5 In the last five years, the EESC has looked at the state of civil society in all the partner countries from a number of angles – freedom of association, registration and tax laws and

procedures, freedom of expression and the operation of tripartite consultations – and has drafted a whole series of recommendations¹⁰.

4.6 Participants at the conference on Social and Civil Dialogue in the Black Sea Synergy and the Eastern Partnership, held by the EESC in collaboration with the ILO on 2 and 3 March 2009, affirmed that while all the countries had tripartite dialogue in theory, in reality it was woefully ineffective. It is also proving impossible to install social dialogue at regional or sectoral level. All those taking part noted the need to involve civil society effectively in both regional initiatives.

4.7 **Situation of the various civil society players**

4.7.1 **Employers' organisations**

All the partner countries have organisations such as chambers of commerce and business associations which have traditionally represented businesses and offered them services. As the reforms progressed and the need grew for employers to join together to take part in the dialogue of social partners, employers' organisations were formed that bring together large companies and unions. Still plagued by a raft of difficulties, these organisations lack unity and compete with one another; many are insufficiently representative. In some countries, especially those where the state sector continues to dominate the economy (Belarus, Moldova and Azerbaijan), they are closely allied with the government and are therefore hampered in opposing or voicing independent criticism of its policy. This puts a considerable damper on their interest and readiness to engage in the social dialogue.

4.7.2 **Trade unions**

4.7.2.1 Traditional Soviet-style unions have undergone reforms in most of the partner countries and have embraced with varying degrees of success the principles of freedom, democracy and independence, which international and European trade union movements fight for. New trade unions have been set up in Belarus and Ukraine. However, there is still a long way to go before the independence of workers' organisations can be taken for granted, as evidenced by government meddling in certain countries, the subject of a number of complaints to the ILO alleging violations of union rights.

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Opinions: Opinion of the European Economic and Social Committee on a 'Wider Europe—Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours', rapporteur Karin Alleweld, OJ C 80, 30.3.2004, p. 148–155; Opinion of the European Economic and Social Committee on Belarus Civil Society, rapporteur David Stulík, OJ C 318, 23.12.2006, p. 123–127; Opinion of the European Economic and Social Committee on the EU's relations with Moldova: What role for organised civil society?, rapporteur Ms Pichenot, OJ C 120, 16.5.2008, p. 89–95; REX/252: EU-Ukraine: a new dynamic role for Civil Society, rapporteur Ms Hellam, September 2008 – not yet published in the Official Journal; Opinion of the European Economic and Social Committee on the setting up civil society organisations networks in the Black Sea region, rapporteur Mr Manoliu, OJ C 27, 3.2.2009, p. 144–151; and REX/241 - Civil society involvement in implementing the ENP Action Plans in the countries of the Southern Caucasus, rapporteur Mr Adamczyk, May 2009, not yet published in the Official Journal.

4.7.2.2 Although the ILO's core conventions have been ratified in all the countries, those on collective bargaining and freedom of association, in particular, have been infringed, as evidenced in difficulties in registration and curtailment of the right to strike. Fundamental rights are abused in companies, including the sacking of trade union officials.

4.7.2.3 Generally speaking, however, progress has been made and this has enabled the unions to play a beneficial role in bolstering democratic processes in the partner countries.

4.7.3 NGOs

4.7.3.1 The number of civil society organisations has risen in all the partner countries. They concern themselves with European integration, social issues such as migration, education, healthcare, the social economy, combating poverty and corruption, protecting consumer rights and championing those of farmers and craftsmen. These organisations are part of European and international networks and played an active part in defending democratic values in the revolutions in Ukraine and Georgia.

4.7.3.2 NGOs in all the countries have to contend with a raft of problems due to governments' mistrust of civil society, especially when they cannot control them and so seek to cramp their independence by legislative means. Short of funding, independent NGOs are forced to seek foreign aid and are then criticised for promoting foreign interests against those of their own country. Many of the partner countries have pro-government NGOs which are put forward for various civil society platforms.

4.7.3.3 The situation is gradually improving, however, as is the awareness of the need for civil dialogue, not least due to the exchange of information and experience and the creation of various civil society networks. Ukraine has made great strides forward in dialogue between the government and NGOs active in supporting European integration.

5. The role of the EESC in the Eastern Partnership

5.1 The EESC wishes to continue performing its role in reinforcing the position, capacities and development of regional and national networks of organised civil society in the partner countries so that they can be engaged as effectively as possible in bilateral and multilateral programmes and instruments to achieve the Eastern Partnership's aims.

5.2 In recent years, the EESC has garnered valuable experience in setting up civil society networks at regional and national level, in Euromed, ACP, the Caribbean, Central America, Mercosur, China, India and Brazil. It is also a partner in Joint Consultative Committees created by the Association Agreements with Turkey, Croatia and, in the future, with FYROM. The EESC's work has helped to bolster civil society in all of these regions and countries.

- 5.3 The EESC decided to adopt a similar approach in its relations with the countries of Eastern Europe and the Southern Caucasus. It set up an Eastern Neighbours Contact Group in 2004, carried out a comprehensive analysis of the situation and capabilities of civil society organisations in the partner countries and established direct contacts with them. It organised a number of joint events, including setting up a conference on social dialogue and civil society as in the Black Sea Synergy and the Eastern Partnership.
- 5.4 The EESC calls on the Commission and the Council to allocate it a key role in ensuring the active participation of civil society organisations in the Eastern Partnership's institutional structures. When creating the Eastern Partnership civil society forum, it could be useful to call on the EESC's important experience and know-how in this field, as well as its contacts with civil society organisations and the social partners and their regional and national networks in the partner countries and within the EU. The Eastern Partnership CSF should be set up without delay following the official launch of the initiative in the second half of 2009.
- 5.5 The Eastern Partnership CSF should be operational and elastic in character and bring together representative, democratic and independent civil society organisations from both the EU and the partner countries that represent employers, workers and other NGOs. These could bring a tangible added value to the implementation of this initiative. The CSF could meet at least once a year, alternately in the EU and one of the partner countries. It could set up working groups and teams to address specific clusters of problems (see point 3.5.5) under the forth operational level of the Eastern Partnership by establishing specific panels, and draft proposals and recommendations for EU representatives and partner country governments. The organisation and administration would be provided by a secretariat within the EESC drawing on funding from the relevant heading of the ENPI.
- 5.6 The EESC will continue to support the establishment of institutions which bring together civil society organisations, including the social partners, in the partner countries and enable their effective involvement in the consultation process, for laying down joint priorities of Action Plans and the European Neighbourhood Partnership Instrument, in defining essential actions at national level, and in the monitoring, feedback and subsequent evaluation of progress achieved. The CSF could act as a suitable platform for sharing best practices regarding the role of civil society in national decision-making processes and in the development of social dialogue.
- 5.7 Once Joint Consultative Committees comprising EU civil society and that of the countries in question are established on the basis of Association Agreements, they too could be brought into the process.
- 5.8 Civil society organisations must be afforded the necessary support and help to perform these very demanding tasks. The EESC therefore recommends that the Commission include not only the civil service in the Comprehensive Institution-Building programme (CIB), but also civil

society organisations to which partner organisations from the EU countries could impart their experience in twinning programmes.

- 5.9 The European Commission has invited the EESC to take part in the thematic platforms on democracy, good governance and stability and on people-to-people contacts. The EESC is convinced that it has the capacity and experience to be invited also to join the two remaining platforms on economic integration and energy security. It recommends that the civil societies of the partner countries and CSF also be included in these platforms.

Brussels, 13 May 2009.

President of the
European Economic and Social Committee

Mario Sepi
