

By Iskra Kirova and Sabine Freizer

CIVIL SOCIETY VOICES: HOW THE EU SHOULD ENGAGE ITS EASTERN NEIGHBOURS



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EXECUTIVE SUMMARY

This report is informed by the views of civil society leaders in the countries of the European Union's (EU) eastern neighbourhood. The Open Society Foundations (OSF) held extensive discussions in June (Brussels) and September (Kyiv) 2014, to collect new thinking and local perspectives from these leading experts on the EU's Eastern Partnership (EaP) policy in light of recent dramatic political events and lessons learned since its launch six years ago. With this report we highlight their concerns and expectations about the EU's future role in their region and its continued support for democracy and stability, as well as their wisdom borne of decades of experience of being on the receiving end of EU policies and funding.

The EU's eastern neighbourhood has become more complicated than at the time of the EaP's launch. The challenge of Russia's resurgence and the resistance of domestic elites to reform is forcing the EU to re-evaluate its policies. But the EaP is still the EU's most effective instrument to bring long-term stability, transform local economies, build accountable institutions and the rule of law. By promoting reform the EaP encourages more stable and prosperous countries that are the best guarantee for EU security. It has succeeded in spurring change in the three eastern partners who have signed EU Association Agreements—Georgia, Moldova and Ukraine. It has not lost the potential to contribute to democratic processes and support reformers in the other three—Armenia, Azerbaijan and Belarus. The EU can make its EaP more effective if it uses carrots and sticks more astutely with governments and forges a partnership with its strongest local allies—civil society groups, rights defenders, but also parliamentarians, business, local authorities and other reformers.

The countries that have signed Association Agreements are already bound to detailed reform blueprints with strict timelines. They need to demonstrate strong will for implementation and be kept accountable. Reforms will have financial and political costs before they bring benefits, and require new skills and capacities to implement successfully. People need to see results in the coming years to continue to mobilize in support of EU integration. The three partners have made a big sacrifice for their EU ambitions, including with their security. The EU and its member states should ensure that they can make the most of the association process and re-affirm that it is their sovereign right to pursue closer relations, including the perspective of EU membership in the long term, if they meet the criteria.

Three other EaP countries are not interested in closer EU association today but seek relations with the EU to take advantage of human capital, skills, markets, and transport, and to maintain a multi-vector foreign policy. The EU has an interest to cooperate with them to increase energy security, regulate migration, counter terrorism and other security threats, including state failure due to centralization of power, atrophied institutions and corruption-ravaged economies. With these states the EU can build ties based on common interests, especially to strengthen the institutions that will secure state stability and transparency. The approach can be more focussed, for example to promote mobility, but partners' obligations should also be more clearly defined. When the EU's fundamental interests—which include respect of basic human rights—are violated, the EU should apply targeted sanctions.

The EaP has had a real influence in the east, supporting largely peaceful home-grown change. The EU should invest in those actors who are promoting domestic reform to achieve good governance and stability. Policy-makers should remember that every time they waver in their commitment to the EU's norms and values, they undercut their most reliable allies in the region. They should continue to build a partnership with societies, not just with governments. As the EU begins to review its neighbourhood policy and rethinks its vision for the EaP, we offer recommendations on how to make the policy in the east more effective and relevant to people, societies and government, and to secure the EU's interests in an increasingly polarized and unstable region.

RECOMMENDATIONS

- 1 Maintain the EaP umbrella policy to preserve a positive, forward-looking reform agenda for all neighbours and continue to **pursue stability and prosperity** based on political and economic inclusion, the respect for human rights, and democratic processes. Distinguish between partners who are interested in **deeper integration** and those for whom more **targeted partnerships** are better suited.
- 2 Monitor closely the implementation of agreements with Georgia, Moldova and Ukraine, frontloading tangible benefits and providing political and technical support. **Help bear the high political, economic and security costs** of European integration. Re-affirm those states' **sovereign right to pursue closer relations** with the EU, including the perspective of EU membership, if and when they meet the criteria.
- 3 **Reconsider the suitability of the integration logic** for Armenia, Azerbaijan and Belarus. Focus on a narrower set of issues that advance the EU's interests via concrete binding commitments. Use the full potential of frameworks like visa dialogues, financial assistance and cooperation in modernization and technology. **Do not compromise on democratic standards in differentiating** among partners and apply targeted sanctions consistently when egregious violations of EU values and interests occur.
- 4 Define **common interests** inclusively, considering not only the interests of elites, but also those of societies. Recognize that **civil society** groups are not only effective change agents but also the best ally to promote European norms and values. Involve them more in the negotiations of agreements and their implementation.
- 5 Focus on **anti-corruption** and link the fight against corruption at home with efforts in the neighbourhood. Invest in reforming justice and home affairs institutions, essential for the implementation of EU agreements with all partners. Tie large funding to reform in public administration. Develop synergies between the EU's existing practice of supporting **civilian security sector reform** through its Common Security and Defence Policy (CSDP) and the EaP's support of reform in criminal justice, police and anti-corruption.

- 6 Use the opportunities provided by the Association Agreements to **engage with non-recognized entities** in Georgia, Moldova and Azerbaijan to bring them closer to the EU, normalize economic and political exchange throughout the region and gradually transform conflict-affected societies.
- 7 Make **financial assistance conditional on clear results-based obligations**, focussed on policy implementation rather than legislative processes. Make these obligations public.
- 8 Revise **reporting on progress** for less ambitious partners to provide impartial expert evaluations of political and economic developments, rather than focus on alignment with EU standards. Devolve more responsibility to civil society in the reporting process.
- 9 Maintain and strengthen **multilateral platforms** to bring all partners together for political dialogue on important regional issues and to share experiences. Add new multilateral cooperation fora for the three countries that have signed Association Agreements.
- 10 Reach out to a more diverse group of actors, including youth, business, political parties, parliaments and religious groups. Improve **information and communications** about EU policies, using local languages, including Russian, and media outlets. Support independent local media to counter Russian disinformation and involve civil society and local authorities to multiply messages.

INTRODUCTION

The European Neighbourhood Policy (ENP) was conceived in 2003 at a high point for the European integration project.¹ Twelve years on, the EU, member states, partner countries and civil society agree comprehensive revision is needed to make it more responsive to the region's challenges. The EU High Representative for Foreign Affairs and Security Policy (High Representative) and the European Commissioner for Neighbourhood Policy and Enlargement Negotiations started consultations in March 2015 to improve the policy by asking: "should the ENP be maintained?"² Policy experts and civil society representatives from the eastern neighbourhood, who had already met in two 2014 seminars sponsored by the Open Society Foundations (OSF), overwhelmingly say "yes". But in the east at least, the EU should define clear and ambitious goals, back them with strong institutional and member-state commitment and pursue them in a principled way. When engaging with neighbours, the EU should consider society's interests, not only those of unaccountable governments or self-serving elites.

Sovereign and well-governed neighbours are a critical element for European security. In 2003 the EU believed that democratic neighbours, governed by the rule of law and respecting human rights, served its interests best. After the successful enlargement in central Europe, policymakers were confident that the attraction of closer European integration could advance democratic standards, accountability, freedom and equality.³ With the launch of the Eastern Partnership (EaP) in 2009, shortly after the Georgia-Russia war, they also saw the reinforcement of Georgia's independence, and that of other countries facing Russian threats, as a means to ensure security.

¹ The European Neighbourhood Policy was conceived in 2003 and launched in 2004. It was extended to Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, Syria, Tunisia, and Ukraine. Some countries chose not to participate, while others are involved in only limited ways. "Wider Europe — Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours", Joint Communication, COM (2003) 104 Final, Brussels, March 11, 2003.

² "Towards a new European Neighbourhood Policy", Joint Consultation Paper, JOIN (2015) 6 final, Brussels, March 4, 2015.

³ In 2003, twelve countries in central and eastern Europe and the Mediterranean sought to consolidate their democracies to join the EU, while the Western Balkan states were assured of their membership perspective if they reformed. Thessaloniki European Council Presidency Conclusions, 11638/03, Brussels, October 1, 2003.

“Two processes went in parallel after the collapse of the Soviet Union: many countries emerged as independent but chose to align to the Kremlin. Civil society was formed in alignment to the EU. There was no other choice.”⁶

ARTUR SAKUNTS

Vanadzor Helsinki Citizens’
Assembly, Armenia

The ENP now confronts an environment that has dramatically deteriorated. Moscow’s aggression in Ukraine and the pressure it put on Moldova and Armenia not to sign Association Agreements have raised integration’s costs. EU association short of membership comes at a high price for some partners, while others are not willing to reform and adopt the democratic standards linked to it. Confidence in the EU’s gravitational pull and transformative power when Russia looms large, domestic elites resist reform, and membership is not on offer, is in decline.

Today officials are questioning whether a partnership based on European integration and the promotion of democratic and economic reforms gives the EU enough political influence and secures its strategic interests. As the High Representative and the Commissioner point out, “the ENP has extended the EU’s influence in some respects, but in a number of areas, the reform agenda has stalled, in part due to competing interests, in part because not all partners are equally interested in a special partnership with the EU under the model of pluralism and integration.”⁴ High Representative Mogherini has said that the EU should move away from evaluating partners’ reform progress to a process of political dialogue and “political partnership.”⁵

Though conditions have become more difficult, the EU should not backtrack on its ambitions. The EU is a political player because of the values it promotes. The EaP has reinforced domestic constituencies for change in at least three EU partners—Georgia, Moldova and Ukraine—that in 2014 signed Association Agreements. It is more than ever needed to sustain reform agents in the other three—Armenia, Azerbaijan and Belarus—where elites have no further than Russia and the Moscow-led Eurasian Economic Union (EEU) to look to for an alternative model of governance that allows them to maintain their power at the expense of democracy and rights. The EaP is needed in the entire eastern neighbourhood to uphold the EU’s commitment to its neighbours’ sovereignty and their right to make independent foreign policy choices.

In the east a policy based on promoting norms and reforms has worked. Its most dramatic effects were manifested in the *Euromaidan* movement that defended Ukrainians’ right to build an accountable, better governed, less corrupt state, and seek the EU’s assistance in this effort. In Georgia and Moldova indigenous processes brought largely peaceful transformation of political power. The EU represented an important point of reference for pro-democracy advocates, and the EaP today is an anchor for reform. The more consistent the EU is in taking a firm and principled approach in relations with partner governments, the more it strengthens these reform agents.

⁴ Joint Consultation Paper, op. cit.

⁵ Federica Mogherini, “Towards a new European Neighbourhood Policy: the EU launches a consultation on the future of its relations with neighbouring countries”, Brussels, March 4, 2015.

⁶ Statements quoted in the margin of this report were made by experts and civil society leaders during the course of extensive discussions with OSF in June (Brussels) and September (Kyiv) 2014.

“By continuing to give money and ignoring serious deficiencies and suppression of basic freedoms, the EU legitimized corrupt and authoritarian regimes.”

VARUZHAN HOKTANYAN
Transparency International
Anti-Corruption Centre
of Armenia

Too often, however, commitment to promote good practices and democratic values has been weak. In civil society's view, *“the EU speaks of values but behaves as a realist actor.”*⁷ A *“pragmatization of relations”* between the EU and partners results in sacrifices in the democratic agenda for political or economic deals.⁸ At best, the EU has been negligent and too accepting of imitation reforms. This is palpable in partner countries where reform challenges oligarchic and political interests. The EU has failed to define an effective strategy to contain domestic spoilers, particularly to tackle the corruption of self-serving elites enmeshed in nepotism.

EU officials and member-state representatives speak of the need to become more “political” in the neighbourhood, but the EaP is already deeply political.⁹ It has helped citizens change how they are governed and offers them a developmental model based on democracy, rule of law, human rights and market economics. The Association Agreements, including a Deep and Comprehensive Free Trade Area (DCFTA), are reform blueprints to make partners more predictable and democratic. They liberalize economies and should create more accountable governments, therefore threatening corrupt vested interests and profoundly affecting the region's political economy. They could have a positive effect on protracted conflicts, particularly in Moldova's breakaway region of Transnistria where there is interest in the economic opportunities and visa-free travel with the EU.

The greater the EU's strategic role in the east, the more Russia's current leadership is likely to push back. From its beginning though the EaP was not meant to compete with Russia, it was partially a response to Moscow's increased assertiveness in the shared neighbourhood.¹⁰ Fearing it might lose control of its near abroad, Russia has voiced verbal opposition to the EaP since its launch.¹¹ By 2013, when it took political, economic and later military measures to dissuade Ukraine, Moldova and Armenia from signing Association Agreements in favour of exclusive EEU membership, it was clear it considered these projects incompatible.¹²

The EU and its member states did not appreciate this challenge.¹³ While this report does not discuss relations with Moscow, the EU should clarify and sharpen its Russia policy. The EaP can help protect many of the EU's strategic interests in the region but it does not replace the need for a full complement of foreign and security policy responses to regional threats.

⁷ Giorgi Gogia, Human Rights Watch, OSEPI Seminar on the Eastern Partnership, Brussels, June 19-20, 2014.

⁸ Leyla Aliyeva, Center for National and International Studies of Azerbaijan, *ibid*.

⁹ Federica Mogherini, Brussels, March 4, 2015, *op. cit.* “The Council emphasizes the need to work on a revision of the ENP in order to ensure it provides the adequate framework for long-term relations with all ENP partners, while making it as well more political [...]” Council Conclusions on the Review of the European Neighbourhood Policy, Council of the European Union, April 20, 2015.

¹⁰ Preparatory work to launch the EaP was “accelerated, responding to the need for a clearer signal of EU commitment following the [August 2008] conflict in Georgia and its broader repercussions.” “Eastern Partnership”, Joint Communication, COM (2008) 823 final, Brussels, December 3, 2008.

¹¹ “EU's New Eastern Partnership Draws Ire From Russia”, Deutsche Welle, March 21, 2009.

¹² For more on the EEU see Iana Dreyer and Nicu Popescu, “Trading with Moscow: the law, the politics and the economics”, European Union Institute for Security Studies (EUISS), Brief Issue, November 7, 2014.

¹³ For more see “The EU and Russia: before and beyond the crisis in Ukraine”, 6th Report of Session 2014-15, HL paper 115, European Union Committee, House of Lords, UK Parliament, February 20, 2015.

“We need to recognize that the real impact of the Association Agreement goes beyond the text of the agreement. It opens a new page of EU external policy as such.”

OLEKSANDR SUSHKO
*Institute for Euro-Atlantic
Cooperation, Ukraine*

The review of the EU’s neighbourhood policy provides an opportunity to define a consensus among member states and institutions on the EU’s strategic goals and its tools to achieve them. EU member states have already agreed that “stability and prosperity based on principles of political inclusion, rule of law, the respect of human rights and inclusive economic development in its neighbourhood is a fundamental interest of the EU.”¹⁴

In this report we argue that the opportunities that the EaP offers, and the promise of closer integration with the EU, stimulate reform in Georgia, Ukraine and Moldova. This transformation can help build a shared area of stability and prosperity in the east and the EU should give it its full backing. In view of its neighbours’ different ambitions, the EU should review if the integration logic and the incentives it provides are appropriate for Armenia, Azerbaijan and Belarus. While the scope for relations with these three partners might seem more limited today, the EaP should keep the door open for closer ties and domestic reformers.

This work is the result of consultations with nearly 100 experts, primarily from EaP participating countries, in a series of focused workshops that discussed reforms; security and protracted conflicts; supporting open society and the shrinking space for NGOs; trade; EU and Russian soft power; and corruption as a source of power and vulnerability. The workshops were complemented by interviews with senior EU officials. While this report aims to reflect the local experts’ voices, the authors share responsibility for the content.

¹⁴ Council Conclusions on the Review of European Neighbourhood Policy, op. cit.



“There are three conditions that need to be fulfilled for the EaP to act as an agent of reform: political will translated into consistent policy across government, proper institutional arrangements and coordination, and economic capacity.”

OLEKSANDR SUSHKO
Institute for Euro-Atlantic
Cooperation, Ukraine

THE EASTERN PARTNERSHIP'S CONTRIBUTION TO THE NEIGHBOURHOOD

The EaP aims to bring the eastern neighbours closer to the EU and encourage reform. It has been most successful in Georgia, Moldova and Ukraine but even they have much work left to strengthen democracy, human rights and rule of law. Implementation of the agreements will test their political will and capacities. Compliance with Internal Market requirements will raise costs for the private sector and small and medium enterprises (SMEs), while Russia's punitive trade measures will compound difficulties, especially for heavy industry and agriculture.¹⁵ That tangible benefits will not be felt for some time may undermine support for EU integration. Georgian experts for example ask: *“Disillusioned with an unclear NATO and EU membership perspective, the drive to implement a new set of reforms is beginning to shrink. We need to ask, are we seeing a new reform fatigue in society? How can the EU help us get over it?”*¹⁶

Armenia, Azerbaijan and Belarus have taken less advantage of the EaP but are still interested in strengthening EU ties. Armenia in September 2013 decided to join the EEU of Russia, Belarus and Kazakhstan, despite years of working toward an Association Agreement. It will now negotiate a new agreement with Brussels that will test whether ambitious reforms and close relations are possible outside the association process and consistent with EEU membership. Azerbaijan blatantly violates EaP commitments to respect democracy and human rights but seeks a strategic partnership to support modernization, including EU commitment to support its territorial integrity and cooperate on energy. Belarus shows little interest in closer association or reform but uses limited engagement to broaden policy options with Russia.

- ¹⁵ In 2013, Russia imposed export restrictions on wine, followed by bans on fruit, meat and other products in 2014. In August 2014, Russia suspended Moldova's tariff-free preferences under the Russia-Moldova Commonwealth of Independent States Free Trade Agreement (CIS FTA) mainly for food products. With Ukraine in 2013-2014, Russia banned a list of agricultural and some manufactured goods on alleged safety and non-conformity concerns. Moscow has threatened to suspend Ukraine's trade benefits under its CIS FTA if it begins DCFTA implementation. Denis Cenusă, Michael Emerson, Tamara Kovziridse and Veronika Movchan, “Russia's Punitive Trade Policy Measures towards Ukraine, Moldova and Georgia”, Centre for European Policy Studies (CEPS), September 2014.
- ¹⁶ Kornely Kakachia, Tbilisi State University, OSEPI Seminar on the Eastern Partnership, Kyiv, September 29-30, 2014. The Trade Sustainability Impact Report (TSIA) published in October 2012 notes that in Georgia despite possible improvements in wages overall, there will be greater inequalities, particularly among the bottom 10% of income earners (single mothers, farmers, pensioners). Quoted in Stephen Jones, “Agreement by Association: Georgia edges closer to Europe,” OpenDemocracy, March 19, 2015.

“Back in 1992 it wasn’t clear where these countries were headed. They didn’t have a clear vision about their own long-term development. The Partnership and Cooperation Agreements (PCAs) reflected these minimalistic objectives. The policy grew as it went. It worked. The countries became friendly towards the EU. They started trading under World Trade Organization (WTO) rules even if they were not WTO members. Then they proceeded with the implementation of more ambitious and concrete ENP Action Plans and later even more ambitious Association Agreements.”

KAKHA GOGOLASHVILI

*Georgian Foundation
for Strategic and International
Studies*

1 | THE PARTNERSHIP’S OPPORTUNITIES

The ENP and EaP have helped bring the eastern countries, with the exception of Belarus, closer to the EU via stronger contractual ties and trade.¹⁷ The EU has substantially increased its human capacities working on the region, with new delegations in Baku and Yerevan, reinforced presence in Georgia, Moldova and Ukraine and more staffing in Brussels.¹⁸

The Association Agreements offer Georgia, Moldova and Ukraine comprehensive blueprints to sequence and monitor reform and integration, access to the Internal Market, and technical and financial assistance. To get these agreements, they had to demonstrate technical preparedness for the new trade regime and in some cases advance democratic reforms. In Ukraine, concerns over selective justice, electoral system flaws and corruption delayed the agreement by several years.¹⁹

By signing the agreements, the three countries committed to reform their electoral systems, courts, public administration and protect human rights and fundamental freedoms. Moldova is expected to revise its constitution to prevent further institutional deadlock; intensify the fight against high-level corruption; reform the prosecutor’s office and implement justice sector legislation; tackle media monopolies; establish oversight of the banking sector; and create a stable, predictable business environment. Georgia must tackle justice sector reform and concerns over politically motivated prosecutions; manage transition from a presidential to a parliamentary republic; protect personal data and end intrusive surveillance by law enforcement; and reform its civil service on a non-partisan basis. Ukraine, in very difficult circumstances, has committed to far-reaching reform of its constitution, public administration, and energy sector, including to vet corrupt judges and ensure judicial independence; build a strong anti-corruption agency; strengthen local and regional self-government with laws and money; and create an effective, transparent public finance management system.²⁰

¹⁷ The EU is the top trading partner for all but Belarus. It signed Partnership and Cooperation Agreements (PCAs) with Moldova and Ukraine in 1994; and with Armenia, Azerbaijan and Georgia in 1996. The EU negotiated ENP Action Plans with the five countries that included detailed reform programs.

¹⁸ The EU Delegation in Ukraine is the largest in the region with over 100 staff, while the Delegation in Minsk is the smallest with 27 staff. EEAS official figures, March 2015. The EU in 2014 set up a new Directorate General for Neighbourhood and Enlargement Negotiations (DG NEAR) and increased its human resources. In 2014, the EU established the Ukraine Support Group with some 30 professional staff.

¹⁹ Requirements included lifting technical barriers for trade, sanitary and phyto-sanitary measures, improved competition policy, intellectual property and others. With Ukraine negotiations ongoing since 2007, three technical issues remained to be resolved in May 2011: quotas on Ukrainian grain exports, access to the EU’s services market and geographical names of Ukrainian commodities. At the EU-Ukraine Summit in December 2011 the EU also expressed concerns about the jailing of former Prime Minister Yulia Tymoshenko. The EU delayed signing in 2012-2013 due to continued concerns over rule of law and selective justice, flaws in electoral laws and the influence of business interests over government decisions. “EU leaders: Ratification of Association Agreement and DCFTA depends on settlement of Tymoshenko-Lutsenko issue”, *Kyiv Post*, July 20, 2012. Piotr Kościński and Evgen Vorobiov “Ukraine’s EU deal: good or bad for the oligarchs?”, *Public Service Europe*, August 20, 2013. Geir Flikke, “Norms and Conditionality: the EU and Ukraine”, *Norwegian Institute of International Affairs Policy Brief*, 2013.

²⁰ Johannes Hahn, EU Commissioner for European Neighbourhood Policy and Enlargement Negotiations, “European Union - key partner for all countries in our neighbourhood”, 4th Ordinary Session of EURONEST Parliamentary Assembly, Yerevan, March 18, 2015. “EU-Ukraine Association Agenda to Prepare and Facilitate the Implementation of the Association Agreement”, EU-Ukraine Association Council, Brussels, March 16, 2015. “Association Agenda between the European Union and Georgia”, Brussels, June 26, 2014. “Association Agenda between the European Union and the Republic of Moldova”, Brussels, June 26, 2014. Progress Reports on Implementation of the European Neighbourhood Policy, European Commission and High Representative of the EU for Foreign Affairs and Security Policy, Brussels, March 25, 2015.

“The next few years will be a real test for the EU. Can it manage the high expectations and frontload benefits to avoid serious disillusionment among the general public?”

GIORGI GOGIA

Human Rights Watch

“Visa liberalization was the backbone for Moldovan politicians to make the process more attractive.”

SERGHEI OSTAF

Resource Center for Human Rights CReDO, Moldova

“I am absolutely sure that if it was not for the EU requirements envisaged in the Visa Liberalisation Action Plan (VLAP), the government of Georgia would not adopt the anti-discrimination law which strengthens the protection of minorities in the country.”

VANO CHKHIKVADZE

Open Society Georgia Foundation

The DCFTAs will transform the regulatory basis of the Ukrainian, Georgian and Moldovan economies according to EU standards, including in competition policy, intellectual property, food safety, customs, consumer protection, public procurement and road safety. Partners will transpose some 300 EU directives and eventually adopt nearly 80 percent of the acquis.²¹ The EU has removed the bulk of its customs duties since the agreements’ provisional application.²² Improved technical regulations, standards, and competition should produce more transparency in business, ensure better products and services, raise productivity and encourage new foreign direct investment.²³ The DCFTA should help all three countries become more energy efficient and strengthen energy security through implementation of the “third EU energy package” and membership in the EU Energy Community.²⁴ Yet, economic costs and painful reform will test government and popular commitment to EU integration quickly, while positive impact will be felt mainly in the long term.²⁵

Mobility and ease of travel that directly affect people’s lives are the EU’s clearest positive incentive. Moldovans already enjoy visa-free travel to the EU; Ukrainians and Georgians should attain it in 2016. Armenia and Azerbaijan have negotiated visa facilitation and readmission agreements and could launch discussions on visa-free travel at the Riga Summit. Belarus, too, is negotiating a more open visa regime. Civil society welcomes visa liberalization as one of the most effective EaP tools to give citizens a tangible benefit of EU integration. To obtain visa-free travel required serious reform, including legal and institutional protection against discrimination, improved personal data protection and anti-corruption action. If visa dialogues start with Azerbaijan and Armenia, equally far-reaching reforms should be included in their Visa Liberalization Action Plans (VLAPs).²⁶

The EaP’s most significant achievement has been to facilitate the emergence of a pro-democratic, pro-European civil society by providing funds and a legal and political framework for governmental accountability. Regardless of how governments aligned and whether they actively pursued reforms, the EaP built a constituency in civil society that remains its strongest ally. *“Two processes went in parallel after the collapse of the Soviet Union: many countries emerged as independent but chose to align to the Kremlin. Civil*

21 Taras Kachka, American Chamber of Commerce, Ukraine; Denis Cenus, Expert-Grup Moldova, OSEPI Brussels Seminar.

22 Provisional DCFTAs implementation with Moldova and Georgia started on September 1, 2014. The EU currently unilaterally implements its DCFTAs commitments with Ukraine, having removed customs duties on Ukrainian exports as of April 23. Implementation of the DCFTA has been suspended until January 1, 2016.

23 For a listing of how the economies of Moldova, Georgia and Ukraine may benefit from the Association Agreements see “The EU’s Association Agreements with Georgia, the Republic of Moldova and Ukraine”, European Commission, memo, Brussels, June 23, 2014.

24 The third legislative package for an internal EU gas and electricity market—the “third energy package”. Moldova and Ukraine are already members of the Energy Community while Georgia is negotiating to join.

25 In part due to the economic crisis in the region and to the war in eastern Ukraine, in 2015 Moldova’s economy is expected to contract by 0.2-1.8% and Ukraine’s by close to 5%, while Georgia’s is to grow by a maximum of 4%. Across the EaP, nearly four respondents in five judge the economic situation in their countries as bad (79%). EU Neighbourhood Barometer – Eastern Partnership, Autumn 2014 at http://euneighbourhood.eu/wp-content/uploads/2015/02/6009ENPI_Report-Wave-6_East_EN_final.pdf.

26 Belarus and the EU had two rounds of negotiations on Visa Facilitation and Readmission Agreements in 2014.

"The EaP is a good program because it gave impetus to the European spirit of civil society in Azerbaijan. Despite repression, there is permanent resistance."

LEILA ALIEVA

Center for National and
International Studies, Azerbaijan

"The choice between a DCFTA or the Customs Union is not about foreign trade only but about governments' will to undertake comprehensive internal structural reform. For Belarus, the EEU is a way to preserve the existing economic model."

SIERZ NAURODSKI

Case Belarus

society was formed in alignment to the EU. There was no other choice."²⁷

Through the new European Endowment for Democracy (EED) that focuses on supporting non-registered or marginalized groups such as LGBTI and political activists in the neighbourhood, the EU sustains 157 initiatives, among them many that could not access other financing, as in Azerbaijan.²⁸ The EaP also created the Eastern Partnership Civil Society Forum as a formal channel for civil society to access EU institutions and policy discussions. Meeting yearly and in working groups, it has helped professionalize local civil society by creating national platforms and preparing joint policy inputs.²⁹ It fosters links and cohesion between civil society and a common democratic culture. The Forum has taken strong positions on Russia, particularly calling for sanctions on its media for "propaganda [that] supports President Vladimir Putin's war in Ukraine, seeks to destabilise other Eastern Partnership countries, and promotes fear, insecurity and aggression in the region."³⁰

2 | THE PARTNERSHIP'S CHALLENGES

Weak governments and elites bent on regime survival obstruct the EaP's reform agenda.³¹ In state-controlled economies, the model of open trading relationships fundamentally clashes with patronage and protection systems. *"The economic potential of the EU28 is six times higher than the joint potential of Russia and Kazakhstan. But the choice between a DCFTA or the Customs Union is not about foreign trade only but about governments' will to undertake comprehensive internal structural reform. For Belarus, the EEU is a way to preserve the existing economic model."*³² Elsewhere, powerful economic interests resist change to protect their privileged positions. *"In Armenia, business was not in favour of a DCFTA. It feared the unknown and preferred the old ways. The DCFTA would have introduced a healthy dose of competition that was unwelcome."*³³

In Moldova and Ukraine, the fight against corruption and the creation of a predictable business environment is only starting. In November 2014, "raider" attacks on the three biggest Moldovan banks caused rapid currency depreciation and the loss of some €1 billion of public funds (one fifth of the GDP). An investigation is ongoing, but there have been no indictments, though it is assumed several senior officials were involved.³⁴

²⁷ Artur Sakunts, Vanadzor Helsinki Citizens' Assembly, Armenia, OSEPI Kyiv Seminar.

²⁸ For more see www.democracyendowment.eu. In Belarus, the "Clearing House" initiative and EU special measures financing gave a lifeline to independent organizations. "European Neighbourhood and Partnership Instrument. 2007-2013 Overview of Activities and Results", Development and Cooperation – EuropeAid, European Union, Brussels, 2014.

²⁹ The five Working Groups focus on democracy and human rights; economic integration; environment and energy; people to people contacts and social and labour policies and social dialogue. For more see <http://eap-csf.eu/>.

³⁰ Civil Society Forum Steering Committee Position on Imposing Sanctions against Russian Media, March 6, 2015.

³¹ The EU admits reforms "were sometimes prevented or slowed by vested political or economic interests." "Neighbourhood at the Crossroads: Implementation of the European Neighbourhood Policy in 2013", Joint Communication, JOIN (2014) 12 final, Brussels, March 27, 2014, p.5.

³² Sierz Naurodski, Case Belarus, OSEPI Brussels Seminar.

³³ Richard Giragosyan, Regional Studies Center, Armenia, OSEPI Kyiv Seminar.

³⁴ Natan Garstea, "About the exchange rate of the leu and what will follow", Jurnal.MD, February 17, 2015. Mark Baker, "Moldova's Missing Millions: Massive Bank Scandal Roils Chisinau," RFE/RL, April 23, 2015.

"In Armenia, business was not in favour of a DCFTA. It feared the unknown and preferred the old ways. The DCFTA would have introduced a healthy dose of competition that was unwelcome."

RICHARD GIRAGOSIYAN
Regional Studies Center,
Armenia

"In the EU's eastern neighbourhood—a region of weak states and complicated geopolitics—corruption is not just a bad-governance issue, but a security issue. For both the states in question and the EU itself. That is why a much stronger focus on security sector reform and anti-corruption is key for the EaP."

NICU POPESCU
European Union Institute for
Security Studies

Only Georgia has done the deregulation and liberalization needed to score well in the World Bank's Ease of Doing Business report, where Moldova and Ukraine ranked a miserable 63rd and 96th place respectively in 2014.³⁵ Reform of electoral laws and political party financing is needed in all three countries so oligarchs do not deform the political playing field.

EU officials acknowledge that *"the oligarchization of society is one of the biggest obstacles to creating normal accountable democracies. All efforts should be made to open as much as possible the economic sphere and create normal economies to get rid of this oligarchization."*³⁶ A range of concrete requirements to fight corruption were introduced in the ENP Action Plans, reviewed and extended in the Visa Liberalisation Action Plans and updated in the Association Agendas.³⁷ But the EU underutilized the instruments at its disposal. In Yanukovych's Ukraine, anti-corruption groups collected a rich body of evidence exposing state corruption and use of the Western financial system to syphon off millions of public funds.³⁸ A response from Western law enforcement under the EU's own anti-money laundering regulations was not forthcoming until after the regime's collapse, when the EU imposed targeted sanctions and sought the restoration of stolen state assets.³⁹

The EU should do more to monitor use of its own corporate structures for money laundering and state theft. In an already captured state, there are few means to fight corruption domestically. Local watchdogs can help uncover facts, but only a more stringent EU response can halt abuse of the EU financial system. *"If in our countries we cannot achieve investigations, we have to trigger a reaction in the West."*⁴⁰ Consideration should be given by member states, who are now making attempts to better coordinate anti-corruption efforts, to how anti-corruption at home can support the fight against corruption in the neighbourhood.⁴¹

Inability to tackle corruption is part of the EU's broader reluctance to stand up for the democracy and human rights standards all EaP members claim to uphold. The EU makes statements when activists or the political opposition are imprisoned, elections rigged or political protests suppressed, but does little else to defend the normative basis of the partnership. This has led to growing civil society disillusionment about the EU's commitment and goals in the region.

Azerbaijan is a case in point. Over the past two years, its government has cracked down on civil society and political activists, arresting dozens of

³⁵ World Bank Group, *Doing Business* Ranking, June 2014, at www.doingbusiness.org/rankings.

³⁶ EU official, OSEPI Kyiv Seminar.

³⁷ These cover laws, anti-corruption strategies and upgrade of the institutional set-up, such as establishment and strengthening of national anti-corruption bureaus, as well as the obligation to follow the recommendations of specialized international bodies such as GRECO.

³⁸ These groups include the civil society organizations Anticorruption Action Centre (AntAC) (<http://antac.org.ua/en/>) and Nashi Groshi (<http://nashigroshi.org/>). For more see also <http://yanukovich.info/>.

³⁹ Regulations of the EU Financial Action Task Force (FATF) bar dealings with clients whose assets are suspicious. Dariya Kalenyuk, AntAC, Ukraine, OSEPI Kyiv Seminar. The timeline of Council decisions on restrictive measures in response to the Ukraine crisis is at <http://www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/>.

⁴⁰ Dariya Kalenyuk, AntAC, Ukraine, OSEPI Kyiv Seminar.

⁴¹ For more on anti-corruption in the EU see "EU Anti-Corruption Report," European Commission, COM (2014) 38 final, Brussels, February 3, 2014.

“The EU’s inconsistency when it speaks of rights but doesn’t penalize leaders and governments who violate them both lowered the costs for undemocratic regimes and undercut its credibility.”

LEILA ALIEVA

Center for National and International Studies, Azerbaijan

“In Armenia ‘more for more’ meant more money for more laws adopted, but failed to take into account implementation.”

VARUZHAN HOKTANYAN

Transparency International Anti-Corruption Centre of Armenia

human rights defenders, journalists, bloggers and lawyers.⁴² NGOs, including EU grantees, have been unable to register grants since summer 2014. The EU issued eight statements condemning these developments, and the European Parliament passed a resolution calling for a freeze in talks and targeted sanctions.⁴³ Yet, the EU continues to talk to Baku about a strategic modernization agreement with an even weaker normative basis than the current ENP Action Plan.⁴⁴ A day after Azerbaijan’s main election observation NGO—the Election Monitoring and Democracy Studies Center—was raided and its head, a prominent EaP Civil Society Forum member, was arrested, European leaders signed in Baku a contract on a major gas project in clear demonstration that common energy interests trump values.⁴⁵

Armenia pledged to reform the judiciary and electoral law, improve media freedom, fight against corruption and deregulate the market, but it has taken few concrete steps. Only 1 percent of Armenians believe the judiciary is independent.⁴⁶ Serious violations occurred during the 2013 presidential elections.⁴⁷ The recent switchover to digital broadcasting resulted in fewer licences and limits media diversity.⁴⁸ Armenia’s ranking in the Transparency International Corruption Perception Index has remained almost unchanged for three years.⁴⁹ Moreover, Armenia never completed discussions on adoption of anti-discrimination legislation, failed to pass a long-promised domestic violence law and has yet to match its torture definition to international standards. Yet, the EU accepted this imitation of change to deliver “more for more” assistance, which is meant to offer more funds to countries that are proven reformers.

The Armenian and Azerbaijani experiences demonstrate the limitations of the EU’s stated focus on promoting democratic reform when it is not willing to confront delinquency. Until it decided in September 2013 to drop plans for an Association Agreement, Armenia was set to sign, though it had kept few of its promises.⁵⁰ In Ukraine, the EU initially imposed strong conditions on electoral and justice reform, but later was

⁴² Among those arrested are internationally renowned activists Leyla Yunus and her husband Arif, who for two decades have led dialogue with Armenian counterparts; Intigam Aliyev, a lawyer who has brought hundreds of rights cases to the European Court of Human Rights and advised the Council of Europe; and Rasul Jafarov, who with other rights defenders gave evidence to the Parliamentary Assembly of the Council of Europe (PACE) on Azerbaijani political prisoners. In 2014, Azerbaijan completed its Chairmanship of the Council of Europe Committee of Ministers without disruption, and the NATO and OSCE Parliamentary Assemblies met in Baku.

⁴³ See http://www.eeas.europa.eu/azerbaijan/news/index_en.htm#top. “European Parliament resolution on the persecution of human rights defenders in Azerbaijan”, 2014/2832 (RSP), Strasbourg, September 18, 2014.

⁴⁴ “Azerbaijan and EU race to agree ‘modernisation’ pact”, EUObserver, September 27, 2013. A European Parliament observation mission that gave the 2013 elections a clean slate, in contrast to the OSCE/ODIHR conclusions, is one of the most egregious examples of such capture. See also “Caviar Diplomacy. How Azerbaijan Silenced the Council of Europe”, The European Stability Initiative (ESI), Berlin, May 24, 2012.

⁴⁵ “Final investment document on Shah Deniz-2 project inked”, Azernews, December 17, 2013. Azerbaijan supplies 4-5% of EU oil needs. It will be able to provide about 2% of the EU’s annual gas requirement through a new pipeline to European markets in which it is likely to invest some \$20 billion. Guy Chazan, “Azerbaijani gas pipeline aims to carve out a niche across Europe”, *Financial Times*, January 1, 2014. But other gas resources coming on line and the shale gas explosion may undermine the importance of Azerbaijani gas.

⁴⁶ Caucasus Barometer 2013 available at <http://www.crrc.am/caucasusbarometer/documentation?lang=en>.

⁴⁷ “ENP Country Progress Report 2012 – Armenia”, European Commission, Brussels, March 20, 2013. OSCE/ODIHR Election Observation Mission Final Report, Warsaw, May 8, 2013.

⁴⁸ Giorgi Gogia, Human Rights Watch, OSEPI Brussels Seminar.

⁴⁹ It placed 94th among 175 countries in 2014.

⁵⁰ Larisa Minasyan, Open Society Foundations, Armenia, OSEPI Kyiv Seminar.

"If the EU stopped tolerating abuses and falsified elections, we might make a bigger step towards democracy."

STEPAN GRIGORIAN

Analytical Centre on
Globalization and Regional
Cooperation (ACGRC),
Armenia

"The Association Agreements were not open to civil society for consideration. Therefore there was no ownership of their content and goals."

GIORGI GOGIA

Human Rights Watch

prepared to reconsider these requirements to secure the agreement's signature at the Vilnius EaP Summit.⁵¹

Finally, two of the EaP's biggest failures are that it has not captured the public's imagination, and some of its policies are deeply misunderstood. According to one EU-funded poll, positive attitudes and trust towards the EU are 58 percent in Georgia, 56 percent in Ukraine, only 28 percent in Azerbaijan.⁵² Other polls put support for the EU in Georgia much higher (85 percent), and show a rise of favourable attitudes towards the EU in Ukraine—from 47 to 56 percent in 2014.⁵³ Even where support is high, EU policies and the opportunities that closer integration offers are not sufficiently understood. In Georgia, a 2013 opinion poll showed that respondents were largely under-informed about the EU, and only 23 percent of Georgians and seven percent of minorities said that they had heard of the EaP.⁵⁴ After the signature and start of provisional implementation of Moldova's agreement with the EU, 60 percent said in the latest November 2014 country-wide Barometer of Public Opinion that they were poorly or not at all informed about the Association Agreement.⁵⁵

Russia subtly and effectively undermines the EU and misrepresents its policies through its more professional media, influence over local information sources and some NGOs. It capitalizes on the fact that *"while many people's minds are rationally in Europe, people believe that their identity and traditions are better protected by Russia. Emotionally their memories are in the Russian sphere, the Russia world."*⁵⁶

Meanwhile, civil society has been given only limited access to EU discussions, making it harder for it to advocate for EU policies and secure popular buy-in. In Armenia, for example, NGOs started receiving invitations from the EU Delegation for consultations on the future of EU-Armenia relations only after the government decided to join the EEU.⁵⁷ Without proper information on the agreement, NGOs could do little to refute widespread (and false) rumours that it would have required concessions on Nagorno-Karabakh.⁵⁸ *"The involvement of civil society is critical. CSOs should be part of all discussions. They can help ensure the buy-in of society especially in regions prone to conflict or emerging from conflict."*⁵⁹

⁵¹ The Verkhovna Rada failed to decide on the situation of former Prime Minister Tymoshenko, and reform of the electoral and the justice systems. "5 days before Vilnius summit 2 conditions for association agreement still not met", European People's Party, Brussels, November 13, 2013.

⁵² EU Neighbourhood Barometer – Eastern Partnership, Autumn 2014 at http://euneighbourhood.eu/wp-content/uploads/2015/02/6009ENPI_Report-Wave-6_East_EN_final.pdf.

⁵³ Public Opinion Survey: Residents of Georgia, February 3-28, 2015, International Republican Institute (IRI). Figures for Ukraine from Razumkov Centre at www.razumkov.org.ua/eng/poll.php?poll_id=919.

⁵⁴ "Knowledge and Attitudes towards the EU in Georgia: Changes and Trends 2009-2013", CRRG-Georgia.

⁵⁵ 39 percent said they would vote to join the EU, 43 percent to join the Customs Union. "Barometer of Public Opinion", Institute for Public Policy, October-November 2014.

⁵⁶ Moldovan expert, OSEPI Kyiv Seminar.

⁵⁷ Varuzhan Hochtanyan, Transparency International Anti-Corruption Centre of Armenia, OSEPI Brussels Seminar.

⁵⁸ The agreement had no provisions on the conflict. Aghasi Yenokyan, Armenian Center for National and International Studies, OSEPI Brussels Seminar.

⁵⁹ Erwan Fouéré, Ambassador and former Special Representative for the Irish 2012 Chairmanship of the OSCE, OSEPI Brussels Seminar.



A NORMATIVE AGENDA, FOCUSSING ON COMMON INTERESTS

“Conditionality has become a spooky word in EU quarters. Dealing with Ukraine’s Yanukovich set a bad example. The perception in Brussels is that conditionality failed in Ukraine and it doesn’t work.”

GIORGI GOGIA
Human Rights Watch

The EU’s mixed record in promoting reform has led to doubt in the effectiveness of the ENP’s normative agenda. When launching the ENP review, Commissioner Hahn was candid: “The promotion of democracy, human rights and rule of law is a defining characteristic of the EU. But let us ask ourselves, whether the ENP as currently constituted, has been the success we hoped, in transmitting these values.”⁶⁰ The Commissioner and High Representative now ask, “can partnerships be focussed more explicitly on joint interests, in order to increase ownership on both sides?” They add that the ENP review will aim to “clarify what are the interests of the EU and each partner, and those areas of strongest common interest.”⁶¹

While Moscow’s countervailing influence has played an important role, this new focus on interests is also partially due to realization among policy-makers that the EU lacks an effective strategy to deal with those who do not seek an ambitious partnership based on a community of values. In its 2011 ENP review, the EU stressed that support for partners was conditional “on progress in building and consolidating democracy and respect for the rule of law” and that “it will uphold its policy of curtailing relations with governments engaged in violations of human rights and democracy standards.”⁶² But the 2015 consultation paper makes no mention of conditionality or sanctions.⁶³ Instead, EU officials stress the need for a “partnership of equals” that is not “condescending, patronising or preaching.”⁶⁴

1 | THE EASTERN PARTNERSHIP’S NORMATIVE AGENDA

A weaker normative approach would limit the EU’s strategic foothold in the region. The promise of democracy, rule of law, transparent institutions and better living standards is what sustained change there. Euromaidan activists

⁶⁰ Johannes Hahn, “European Neighbourhood Policy: the way forward”, Speech/15/4530, Vienna, March 2, 2015.

⁶¹ Joint Consultation Paper, op. cit.

⁶² “A New Response to a Changing Neighbourhood”, Joint Communication, COM (2011) 303, Brussels, May 25, 2011.

⁶³ Joint Consultation Paper, op. cit.

⁶⁴ Johannes Hahn, Speech to AFET Committee at the European Parliament, Strasbourg, March 10, 2015.

“The EU was quick to give up in the more difficult country contexts.”

LEILA ALIEVA

*Center for National and
International Studies, Azerbaijan*

went into Kyiv's streets in 2013 ostensibly because of Yanukovich's decision to drop the Association Agreement, but thousands of people did not suffer freezing temperatures and police repression night after night for the document, but for the values at its core. In Georgia in 2003 and Moldova in 2009, protestors used European values to legitimize their largely peaceful struggle against corrupt, ineffective elites. EU norms and standards were a framework of reference. The more consistently the EU insists on democratic practices, the more it reinforces domestic agents of reform.

To partners that do not want to do the deep reforms necessary for closer integration, the EU already offers to pick and choose from a rich cooperation menu based on their interests and initiative: market access in return for economic reforms; mobility of people in return for rule of law and border protection; financial assistance in return for reforms in the public administration reforms.⁶⁵ Conditionality did not prevent the EU and member states from concluding trade and energy deals or seeking tailor-made “strategic partnerships.” EU officials stress that human rights and EU values “will always be on the agenda,”⁶⁶ but there is a danger that a re-focus on short-term exigencies and areas of easy convergence of interests—such as energy or counter-terrorism—will undermine further the ENP's promotion of reforms.

One of the most important lessons the EU seems to have learned from the Arab Spring is not to invest exclusively in relations with government. With the 2011 ENP review, the EU prominently stated that it seeks a “partnership with societies alongside the relations with governments,” to promote government accountability, inclusive policy-making and economic growth.⁶⁷ This is not proposed as an area of focus in the 2015 consultation paper, though many partner governments lack domestic credibility and are not representative of their citizens' interests. While much is said about identifying “shared interests”, the EU should define those inclusively, considering not only the interests of the EaP countries' small elites, but also those of their societies. To strengthen state stability, it is also in the EU's interest to support resilient, dynamic societies and encourage an informed and active citizenry that can partake in governance and withstand manipulation and demagoguery, including extremist ideology of all kinds.

In countries where elites reject the association reform agenda, Council President Donald Tusk has suggested that the EU focus on institution building and EU member states have confirmed that particular efforts should be devoted to advance cooperation in state building.⁶⁸ The EaP

⁶⁵ “A New Response to a Changing Neighbourhood”, op. cit.

⁶⁶ Johannes Hahn, “Towards a new European Neighbourhood Policy: the EU launches a consultation on the future of its relations with neighbouring countries”, Speech, Brussels, March 4, 2015.

⁶⁷ “Towards a new European Neighbourhood Policy: the EU launches a consultation on the future of its relations with neighbouring countries”, press release, European Commission, Brussels, March 4, 2015. “A New Response to a Changing Neighbourhood”, op. cit. “A Medium Term Programme for a renewed European Neighbourhood Policy (2011-2014)”, European Commission, SEC (2011) 650, Brussels, May 25, 2011.

⁶⁸ Conclusions of the European Council Meeting, EUCO 11/15, Brussels, March 20, 2015. “Leaders agreed a priority area is to help build up state institutions and strengthen the rule of law, based on each country's needs and preferences. In other words, the next phase will be about strengthening the democratic institutions to the east.” Remarks by President Donald Tusk after the first working session of the European Council meeting, Brussels, March 19, 2015.

“The EaP gives a false sense of equality for all parties. Yet some are free of Russian influence and others are still under it. Some aspire to EU membership and are willing to sacrifice for it. For Georgia closer EU integration has resulted in the occupation of 20 percent of her territory by Russia. Moldova faces similar problems, as does now Ukraine.”

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 Strategic and International
 Studies*

is a strong tool for this. The EU has already set up an institution building program for the east and in 2011 promised to give it more resources.⁶⁹ In all EaP countries (except Belarus), it strengthens the capacity of select institutions to implement EU agreements, including to manage mobility partnerships and visa facilitation. As it agrees to new contractual frameworks with Armenia and Azerbaijan, including visa dialogues, the EU should take great effort to engage with justice and home affairs institutions to fight corruption and ensure accountability. Any large funding should be tied to public administration reform, as the EU is asking of Armenia.⁷⁰

For their efforts to succeed, the EU and member states should more clearly define their goals in bilateral relations and take a more principled, consistent stance in pursuing them. This would mean strengthening carrots and sticks with more and less ambitious partners alike.

2 | DEEPER INTEGRATION WITH AMBITIOUS PARTNERS

With three of the EU's eastern partners—Georgia, Moldova and Ukraine—the normative framework brought results. But they now face a “reversed integration paradigm”: unlike their Balkan neighbours, they have to make substantial reforms before they can seek an EU membership perspective. As Moldova's ambassador to the EU points out, “we consider that the ball is in our court. We need to be the driving force. We have to prove ourselves to the EU.”⁷¹ It remains to be seen if this framework will work. “The high political costs of reform domestically are welcome—they lead to the transformation of the country. But the economic costs are already mounting and partners pay a big price with their security. Georgia and Ukraine have lost people and territory.”⁷²

Most experts from Moldova, Georgia and Ukraine are eager for their countries to obtain an EU membership perspective as a clear incentive for further reform and to help improve their security prospects. The governments of the three countries realize, however, that such a perspective is not imminent. They expect the Riga summit and EaP review to restate the EU's principled position and commitment to support their democratic transition and European aspirations and that, at a minimum, the door to membership should not be locked.

EU member states have said the Association Agreement is not a final goal and regularly acknowledge the “European aspirations and European choice of some partners.”⁷³ But member states also strongly resist any talk of more

⁶⁹ This refers to the Comprehensive Institution Building (CIB) program. “A New Response to a Changing Neighbourhood”, op. cit.

⁷⁰ OSEPI interview, EU official, Yerevan, March 17, 2015.

⁷¹ OSEPI interview, Ambassador Eugen Caras, Mission of the Republic of Moldova to the EU, Brussels, February 17, 2015.

⁷² OSEPI interview, Ambassador Natalie Sabanadze, Mission of the Republic of Georgia to the EU, Brussels, March 24, 2015.

⁷³ Conclusions on Ukraine, EU Foreign Affairs Council, Brussels, February 20, 2014. “Eastern Partnership – the Way Ahead”, Joint Declaration of the Eastern Partnership Summit, 17130/13, Vilnius, November 29, 2013, p. 2.

“Russia will always try to influence the Association Agreement. When it asked to postpone it, it was only to buy time. In Ukraine, we are living under the threat of Russian invasion. But our first and main battlefield is to implement reforms for which we need the EU’s support to succeed.”

OLEKSANDR SUSHKO
*Institute for Euro-Atlantic
 Cooperation, Ukraine*

enlargement. Commission Head Juncker pledged “no more enlargement for the next five years” on assuming office. Even moderate politicians fear nationalist backlash for talking about new membership perspectives in a time of economic austerity and growing euro-scepticism and anti-immigrant sentiment (especially in the UK, France, Spain, and Greece).⁷⁴ More than domestic sentiment in EU countries, however, EaP partners worry about Moscow’s determination to crush their European ambitions. Georgia’s EU ambassador noted: “We respect internal considerations. But foreign policy should not have an effect on this decision.”⁷⁵ The Ukraine crisis showed that further EU expansion into former Soviet space is a red-line for Moscow, and partners are concerned that Russia has acquired a *de facto* veto.

While the EU is loath to offer a membership perspective, the partners are prepared to be “visionary” and show that they will deliver on agreements. In Moldova’s view, “the situation in the region is not conducive to bold statements on enlargement. We have to take the time to deliver. By being pragmatic but visionary we can change our situation.” The priority for now is to fulfil the potential of agreed commitments. “For Moldova the key word is implementation. Riga will be a ‘summit of implementation.’ Changes should incrementally put us in a better position.”⁷⁶

It is premature to confirm any membership perspective, but the EU should commit to partners’ freedom to pursue one, if and when ready, and prove this by committing time, people and resources to support successful implementation of the Association Agreements. Article 49 of the Lisbon Treaty guarantees that “[a]ny European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union.”⁷⁷ Once eastern neighbours have implemented their agreements and aligned most of their legal and regulatory practices with the EU *acquis*, they would be in a much stronger position to ask for a screening of legislation that regularly occurs in countries that have been granted EU candidate status and, if they have met the Copenhagen Criteria, be allowed to prepare a membership application or begin the kind of High Level Accession Dialogue (HLAD) process that the Former Yugoslav Republic of Macedonia has had since 2012.⁷⁸

3 | INTEREST-BASED TARGETED PARTNERSHIPS

Increased differentiation is a natural outcome of the implementation of new agreements in Georgia, Moldova and Ukraine and should be formalized more explicitly. Unlike those who eventually wish to have a membership perspective, Armenia, Azerbaijan and Belarus are primarily motivated

⁷⁴ José Ignacio Torreblanca and Mark Leonard, “The continent-wide rise of Euroscepticism”, European Council on Foreign Relations (ECFR), May 2013.

⁷⁵ OSEPI interview, Ambassador Natalie Sabanadze, March 24, 2015.

⁷⁶ OSEPI interview, Ambassador Eugen Caras, February 17, 2015.

⁷⁷ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007.

⁷⁸ The Copenhagen criteria are: political (stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities); economic (functioning market economy and capacity to cope with competitive pressure and market forces within the Union); and acceptance of the *acquis* (ability to take on membership obligations, including adherence to the aims of political, economic and monetary union).

by other interests: better mobility, access to the EU internal market, technological transfers, economic cooperation, financial assistance, and (for Azerbaijan) EU commitment to its territorial integrity. EU willingness to engage with Armenia and Azerbaijan on tailored agreements that fall short of full association deals is a welcome attempt to maintain strong relations, but both should advance the EU's stability and reform goals in return.

Armenia can be a test case of whether the EU can maintain close ties and an advanced reform agenda in the context of EEU membership. "Armenia would offer a blueprint for Belarus down the line."⁷⁹ Yerevan says EEU membership will not affect its human rights and reform commitments, and it is ready to fulfil all obligations under the political and home affairs chapters of the already negotiated Association Agreement.⁸⁰ It has agreed to an EU human rights budget support program in exchange for reform in elections, gender equality, anti-discrimination, children's rights and combatting torture and ill-treatment.⁸¹ This first such EaP country program could be an important precedent if the EU monitors and insists on implementation of commitments.

The EU has levers with each partner. Armenia wants more EU financial aid.⁸² Azerbaijan is interested in deepening trade and energy links.⁸³ Both want visa liberalization. As with others, the EU should use the full VLAP potential, including to secure progress on fighting corruption and developing equality and anti-discrimination legislation and practices. Any talks on visa liberalization with Azerbaijan should be conditional on freedom from repression and political prosecution and release of political prisoners.

The EU and Azerbaijan are discussing a new Strategic Modernization Partnership and the EU should apply leverage to ensure that it meets its own interests too. Azerbaijan's ambassador to Belgium insists that while cooperation with the EU is likely to be driven by shared energy interests, "we assess the SGC [Southern Gas Corridor] as a huge economical and commercial foundation upon which we can build a very serious political dialogue. About everything, about human rights, about democracy, about social issues, about multiculturalism."⁸⁴ Azerbaijan needs the EU as a reliable customer for its energy, especially as Russia is planning a southern gas corridor that will compete with Azerbaijan's supply. The cooperation in energy, support for territorial integrity, education, culture and mobility that Baku seeks should be tied to reforms. Improved access to EU markets, support to Azerbaijan's agriculture sector or IT industry should be conditioned on a liberalized economy whose rules are transparent and rid of corruption. Closer political relations should occur when the climate of fear

⁷⁹ OSEPI interview, EU official, Brussels, February 20, 2015.

⁸⁰ OSEPI interview, Government official, Yerevan, March 18, 2015.

⁸¹ The program will offer €11 million over 5 years. OSEPI interview, EU official, Yerevan, March 17, 2015.

⁸² OSEPI interview, EU official, *ibid.* OSEPI interview, Armenian expert, Yerevan, March 19, 2015.

⁸³ 52 percent of its trade is with the EU. "So we have a very pragmatic approach to have a sustainable economic basis, on which we can build political dialogue. An equal, future oriented, pragmatic approach based on strategic partnership agreement", quoted in "Ambassador: Azerbaijan is unfairly targeted," Euractiv, March 6, 2015. "Azerbaijan is interested in a DCFTA", OSEPI interview, EU official, Brussels, February 20, 2015.

⁸⁴ "Ambassador: Azerbaijan is unfairly targeted," *op. cit.*

“Belarus’ government is technically advanced. If it chose to align with the DCFTA, it could make very speedy progress.”

BALAZS JARABIK
Carnegie Europe

and repression of political critics and rights activists is lifted. This would focus relations around a clearer set of deliverables that meet the EU’s interests.

While Belarus pursues more limited cooperation, it expects to sign a Visa Facilitation and Readmission Agreement at the Riga Summit, and there is talk of high-level representation for the first time if it releases political prisoners.⁸⁵ President Lukashenko said in 2014, “if the West offers us cooperation, we cannot miss the chance.”⁸⁶ Belarus has shown interest in technical aid and carried out reform in sectors such as road transport in compliance with European standards.⁸⁷ Despite its limited participation in the ENP, Belarus consistently is third among ENP countries in seeking exchange of best practices, know-how and experience with the EU under programs such as TAIEX.⁸⁸

Azerbaijan and Belarus need relations with the EU and the EaP to broaden their foreign policy options and strengthen independence vis-à-vis Russia. They should remain in the partnership but the EU should make better use of this leverage, including with restrictive measures as the EU pledged to “uphold its policy of curtailing relations with governments engaged in violations of human rights and democracy standards, including by making use of targeted sanctions [W]hen it takes such measures, it will not only uphold but strengthen further its support for civil society.”⁸⁹

Sanctions were imposed on Belarus in 2004 and Ukraine in 2014. They have included an arms embargo, asset freezes and travel bans against persons responsible for serious human rights violations. However, the EU’s unwillingness to impose similar measures on Azerbaijan is selective and inconsistent. To maintain the EaP’s credibility engagement with Azerbaijani civil society, even if located abroad, and sanctions against the most consistent violators of human rights would be more principled than continuing to behave as though Azerbaijan is upholding EU values.

4 | CONFLICT RESOLUTION AND REGIONAL STABILITY

EU member states call for an EaP that “should contribute to promoting stability in the neighbourhood ... instruments should be used more widely to strengthen partners’ capacity to address security threats, notably through security sector reforms.”⁹⁰ EaP partners expect that the EU will do more to assure regional

⁸⁵ Four rounds of intergovernmental consultations on modernization and two rounds of consultations on visa facilitation took place between Minsk and Brussels in 2014.

⁸⁶ “President: If the West offers us cooperation, we cannot miss the chance”, Tut.by, December 30, 2014.

⁸⁷ Sierz Naurodski, Case Belarus, OSEPI Brussels Seminar.

⁸⁸ TAIEX is an EU program for sharing best practices, know-how and experience in managing reforms with partners. It offers technical help and information exchange through EU expert and advisory missions, seminars, study visits for EaP officials to EU member states and reform assessment missions. Ukraine and Moldova surpass by far other neighbourhood countries in TAIEX requests and participation, with Belarus third. “European Integration Index 2014 for Eastern Partnership Countries”, February 2015.

⁸⁹ “A New Response to a Changing Neighbourhood”, op. cit., p. 3. The European Parliament added that sanctions could include “increased diplomatic pressure and the introduction of individual targeted measures, travel bans and assets and property freezes directed at officials ... responsible for human rights violations, and of stepping up efforts to stop money laundering and tax evasion by companies and the businesspeople of the country concerned in European banks.” “European Parliament resolution on assessing and setting priorities for EU relations with the Eastern Partnership countries”, 2013/2149 (INI), Strasbourg, March 12, 2014. See also “European Parliament resolution on the persecution of human rights defenders in Azerbaijan”, 2014/2832 (RSP), op. cit.

⁹⁰ Conclusions on the Review of the European Neighbourhood Policy, op. cit.

“The involvement of civil society is critical. CSOs should be part of all discussions. They can help ensure the buy-in of society especially in regions prone to conflict or emerging from conflict.”

ERWAN FOUÉRE

Ambassador and former Special Representative for the Irish 2012 Chairmanship of the OSCE

security and stability. However, even though the EU in the ENP context describes itself as a “diplomatic actor and provider of security,” it cannot offer hard security guarantees.⁹¹ *“The EU was not set up for security. It is a political reality. There is no EU army. This is the role of NATO with its limitations.”*⁹²

The Association Agreements contain a section on “foreign and security policy” that emphasizes strengthening cooperation on Common Foreign and Security Policy (CFSP); conflict prevention and crisis management; the fight against terrorism; non-proliferation of weapons of mass destruction; and peaceful conflict resolution through dialogue (with Transnistria, Abkhazia and South Ossetia). The three signatories of Association Agreements are requested to bind themselves closer to EU security priorities and operations, but not much is offered to them to address their own insecurity. Russia is not mentioned, though the countries consider it their biggest threat. The EU expresses political support for the territorial integrity of countries with an Association Agreement, but it was not until 2014 and the annexation of Crimea that member states were able to reach consensus on restrictive measures against Russia for violating a partner’s sovereignty.

Moldova has asked for EU police to replace the Russian dominated peacekeeping force in its breakaway region for several years. Since February 2015, Ukraine has been calling on the EU to send a police mission to its eastern districts controlled by pro-Russian separatists.⁹³ Member states show little interest in either request.⁹⁴ In Georgia, an EU mission monitors former conflict areas, but its effectiveness is limited by inability to patrol territory Tbilisi does not control.

Opportunities exist for closer coordination between the EaP and the wider EU Common Security and Defence Policy (CSDP).⁹⁵ In the eastern neighbourhood, the latter is largely an instrument for security sector and border management reform and focuses on confidence building measures around conflict zones. The EU’s two missions in zones of conflict (EUMM and EUBAM),⁹⁶ together with the international discussions in Geneva on the Georgian conflicts and the 5+2 Negotiations on Transnistria, help normalization but do not serve to resolve the conflicts. In situations of acute conflict or aggression, as in Georgia in 2008, assistance was mainly limited to funds, humanitarian assistance, monitors and mediation.

But the EU has developed a niche supporting civilian security sector reform via CSDP missions, such as the advisory mission to help Ukraine reform

⁹¹ “Neighbourhood at the Crossroads”, op. cit. It concludes: “[T]he EU’s objective remains to ensure that the ENP is relevant and effective for all its partners, including those facing pressures and conflicts. The ENP needs to effectively contribute to conflict prevention, management and resolution, and to provide the right set of incentives for partners to move towards democratic, economic and structural reforms.”

⁹² EU official, OSEPI Brussels Seminar.

⁹³ Bernd Riegert, “EU Police as Peacekeepers in Ukraine?”, February 19, 2015, DW, <http://dw.de/p/1EeqH>.

⁹⁴ The Joint Statement of 17th EU-Ukraine Summit on April 27, 2015 made no mention of the possibility of deployment of EU police or peacekeepers. “17th EU-Ukraine Summit: Joint Statement”, Kyiv, April 27, 2015.

⁹⁵ As called for in the Conclusions on the Review of the European Neighbourhood Policy, op. cit.

⁹⁶ The EU Monitoring Mission in Georgia (EUMM) and the EU Border Assistance Mission to Moldova and Ukraine (EUBAM).

“Transnistrian businesses were interested in the agreement already before the start of negotiations. As smuggling has dropped with the set-up of EUBAM and if they can no longer export to the EU, the economy will suffer. Pressure could be brought to bear on the regime from the economic decline.”

ARCADIE BARBAROSIE
Institute for Public Policy,
Moldova

its security sector (EUAM). Synergies could be improved for the EaP to assist in the fight against corruption in the security services and support broader criminal justice and police reform.⁹⁷ Joint CSDP/EaP security sector reform missions might be offered to EaP countries, including to improve penitentiaries and end ill-treatment. More could be done with NATO to ensure democratic control of armed forces, a priority of both the Association Agreements and NATO's Individual Partnership Action Plans (IPAPs).⁹⁸

DCFTAs can contribute to conflict transformation. Already many Transnistrian firms have agreed to register in Moldova to benefit from autonomous trade preferences (ATP) with the EU.⁹⁹ As former Special Representative for the Irish 2012 Chairmanship of the OSCE Erwan Fouéré points out, *“in Transnistria interest in the agreement and its economic opportunities is high. More could have been done to bring them in to talk about the DCFTA. Forty percent of Transnistrian exports go to the EU, compared to 20 percent each to Russia, Moldova and Ukraine.”*¹⁰⁰ The breakaway entity sent a representative to the EU-Moldova DCFTA negotiations, though a sole participant with a limited observer mandate could not partake effectively in the many rounds of technical trade talks.¹⁰¹ With the start of implementation, Transnistria will be surrounded by DCFTA countries; more than 25 percent of its exports may be lost, with possible political consequences.¹⁰² Visa-free travel for Moldova encouraged some 300,000 people in Transnistria to take Moldovan passports.¹⁰³ Abkhazia and South Ossetia have firmly rejected joining the DCFTA or taking Georgian passports to benefit from EU visa-free travel, but in the longer term this may change.

Cooperation in education, such as Erasmus Mundus and Tempus, could be extended to the un-recognized entities, together with civil society support initiatives, including funding under the Civil Society Facility.¹⁰⁴ The European Endowment for Democracy already works in several such places.¹⁰⁵ The Civil Society Forum could be used to foster dialogue and cross-border projects, but though its liberal format may allow groups from un-recognized entities to participate, they have so far not been invited.¹⁰⁶

⁹⁷ The 2011 ENP review suggested that the EU should “back partner countries’ efforts to reform their justice and security sectors with rule of law missions or other Common Foreign and Security Policy (CFSP) instruments that they will consider useful.” “A New Response to a Changing Neighbourhood”, op. cit.

⁹⁸ “An important priority is to promote the development of effective defence institutions that are under civil and democratic control,” at www.nato.int/cps/it/natohq/topics_80925.htm. NATO has signed IPAPs with Armenia, Azerbaijan, Georgia and Moldova.

⁹⁹ The existing ATPs will remain in place until the end of 2015.

¹⁰⁰ Erwan Fouéré, Ambassador and former Special Representative for the Irish 2012 Chairmanship of the OSCE, OSEPI Brussels Seminar.

¹⁰¹ Arcadie Barbarosie, Institute for Public Policy, Moldova, OSEPI Brussels Seminar.

¹⁰² Denis Cenusă, Expert-Grup Moldova, OSEPI Brussels Seminar.

¹⁰³ Arcadie Barbarosie, Institute for Public Policy, Moldova, OSEPI Brussels Seminar.

¹⁰⁴ Iskra Kirova, “Public Diplomacy and Conflict Resolution: Russia, Georgia and the EU in South Ossetia and Abkhazia”, CPD Perspectives on Public Diplomacy, Paper 7, 2012, p. 56.

¹⁰⁵ OSEPI interview, EED official, Brussels, April 28, 2015.

¹⁰⁶ Aghasi Yenokyan, Armenian Center for National and International Studies, OSEPI Brussels Seminar.

IV

IMPROVING THE EASTERN PARTNERSHIP'S TOOLBOX

“Benchmarks should be in areas where real improvements to the viability and strength of institutions are possible. They should be based on specific indicators and monitor implementation not just commitments made.”

LARISA MINASYAN
OSF–Armenia

The EaP is a unique policy in the region because of its extensive toolbox that includes bilateral and multilateral dialogue frameworks, monitoring reports, financial assistance, technical and know-how exchange, and outreach with a range of actors. Yet, the tools could be made more inclusive and flexible to encourage, stimulate best practice, improve understanding of EU policy and prevent abuse.

1 | FINANCIAL ASSISTANCE AND TECHNICAL SUPPORT

The EU spent about €2.5 billion of its budget in the EaP region over 2010–2013 and will maintain the same levels of financing over the next seven years.¹⁰⁷ Budget support is the main form of EU assistance and it is used to help reforms in areas such as justice, agriculture, energy, and regional development. Countries have also been given access to some institution building programs originally designed to support those in the enlargement process to align with the *acquis*.¹⁰⁸ All except Belarus and Azerbaijan rely on EU direct or indirect financial support. Moldova receives the highest per capita share of EU assistance in the world and overall EU aid is 2.19 percent of its GDP. Georgia is also a big recipient of EU assistance, while in response to the crisis in Ukraine the EU has offered €6 billion in loans and grants since March 2014.¹⁰⁹

The EU is interested in ways for this financial support to “be recast in an investment rather than donor dynamic.”¹¹⁰ Results based monitoring of investment, is perhaps even more important than monitoring of grants. For this the EU can better partner with local civil society. The EU will need to

¹⁰⁷ “European Neighbourhood and Partnership Instrument. 2007–2013 Overview of Activities and Results”, op. cit. €15.4 billion is foreseen for 2014–2020 under the new European Neighbourhood Instrument (ENI) for the whole neighbourhood, of which one third will be allocated to the East and two thirds to the South.

¹⁰⁸ “EU Cooperation for a Successful Eastern Partnership: Supporting Reforms, Promoting Change”, European Commission, available at <http://ec.europa.eu/europeaid/sites/devco/files/eap-flyer-results.pdf>.

¹⁰⁹ In Moldova, the EU provided €131 million in assistance compared to € 5.984 billion GDP in 2014. National Bureau of Statistics of Moldova at <http://www.statistica.md/category.php?l=ro&idc=191>. Georgia received the same amount. Assistance to Belarus and Azerbaijan is much smaller, amounting to €19 and €21 million respectively. “Implementation of the European Neighbourhood Policy Statistics”, Joint Staff Working Document, SWD (2015) 77 final, Brussels, March 25, 2015. “17th EU-Ukraine Summit: Joint Statement”, op. cit. “European Commission support for Ukraine”, memo, Brussels, April 27, 2015.

¹¹⁰ Joint Consultation Paper, op. cit.

focus on fighting corruption and reforming courts, police, security services and public administrations which lack transparency. EU assistance, and particularly budget support, is opaque and difficult to monitor by watchdog groups. Civil society is often un-aware of obligations attached to EU aid. Expected outputs tend to be broad, focused on the passage of laws rather than the implementation of policies. Weak and ill-equipped civil service across the region also needs to be reformed to take advantage of the exchange of best practice. The EU should address these inadequacies and freeze or terminate assistance when reform progress is lacking to ensure an investment that really strengthens institutions instead of making them ever more vulnerable to corruption and the misuse of aid.

2 | PROGRESS REPORTS

The EU questions whether annual publication of ENP Progress Reports, which monitor partners' implementation of commitments adds value and if alternatives can "be developed that are seen as more respectful by partners and demonstrate a partnership of equals?"¹¹¹ Differentiation between countries is already creating some distinctions in monitoring and reporting formats. Since 2014, the Association Agenda has replaced the European Neighbourhood Policy Action Plan (ENP AP) for Georgia, Moldova and Ukraine and is subject to a host of reporting and monitoring assessments.¹¹² But in March 2015, when the EEAS unveiled country reports for all ENP states, those for the signatories of Association Agreements were not much different from the rest.¹¹³

Over the last five years Progress Reports have evolved to become detailed assessments with specific sets of recommendations for each country. Progress Reports have helped spur institutional change, such as difficult judicial reform in Georgia. Civil society groups have opportunities to contribute to reports, but more could be done to bring them in officially into the process by hosting joint reporting conferences and meetings with government where civil society could present its assessment of progress. This would devolve more responsibility to local groups in the reporting process, who are legitimate commentators on their government.

There may be a temptation to drop yearly Progress Reports for the three countries without Association Agreements, but they should be modified,

"It took civil society five years to convince the EU to make the Progress Reports more concrete with specific benchmarks, but today this is a reality."

TINATIN TSERTSVADZE
International Partnership for
Human Rights

¹¹¹ Joint Consultation Paper, op. cit. ENP Progress Reports monitor the implementation of obligations under Actions Plans and the Association Agendas for the countries that have signed Association Agreements. In addition to the annual ENP Progress Reports, there is an Annual Neighbourhood Package consisting of one strategic communication and two reports on the regional dimension, including a specific report on the EaP.

¹¹² New documents are being drafted, including National Action Plans (NAPs) for implementation of Association Agreements and Progress Reports on NAPs. Partners are taking greater ownership by preparing their own progress reports. Georgia prepared a Progress Report on Implementation of the ENP Action Plan and the EaP Roadmap in October 2014. Ukraine published its report on implementation of the Association Agreement (September 2014-January 2015) in February 2015. Moldova gave the European Commission its first implementation report in January 2015.

¹¹³ All contained 10-18 recommendations, including calls to adopt specific laws, implement resolutions or action plans, continue reforms or do assessments. For countries with Association Agreements, these were only slightly more specific and detailed. The 2015 Progress Reports on ENP implementation are at http://eeas.europa.eu/enp/documents/progress-reports/index_en.htm.

not eliminated. Rather than being comprehensive listings of partner countries' alignment to EU standards, reports could provide deep, impartial and expert evaluations of political and economic developments. Reports could focus on monitoring specific policies and agreements. Economic and mobility cooperation with Armenia and Azerbaijan requires assessments of the business and transparency climate.¹¹⁴ Visa dialogues oblige the EU to scrutinize conditions of political repression that could give reason for seeking asylum or prevent repatriation.

3 | MULTILATERAL PLATFORMS

The EaP assists regional cooperation through multilateral forums, including dedicated platforms for officials in areas such as democracy, economic integration, energy security and people contacts, as well as bi-annual Summits, a regional parliamentary assembly (EURONEST), a Business Forum, the Civil Society Forum and others.¹¹⁵ Even though differentiation among EaP partners has deepened, civil society and governments agree that a common regional approach still adds much value in bringing all neighbours to the table to share practices and discuss common regional or bilateral challenges. For Moldova, for instance, the multilateral track is an opportunity to discuss trade with Belarus and regional security and cooperation with Ukraine.¹¹⁶

For Ukraine, Georgia and Moldova, a new quadrilateral platform with the EU will be beneficial to identify commonalities to meet common challenges of implementation of the Association Agreements. Joint Association Councils or ministerials could be organized. Mid-level, specialized officials could benefit from greater cooperation and experience sharing via sectorial cooperation in areas such as trade, energy and security, including justice and home affairs. Civil society in Georgia and Moldova already cooperates in aligning their countries' food safety and consumer protection frameworks with EU standards and promoting civic engagement in the process.¹¹⁷

A regional free trade area (FTA) among the three countries (Eastern European Economic Area) and integration of Ukraine and Georgia into the Central European Free Trade Area (CEFTA) (Moldova is already a member) could be first steps to include DCFTA countries in the European Economic Area (EEA). Through their participation in the European Energy Community, Ukraine, Moldova and Georgia should benefit from increased support

¹¹⁴ Azerbaijan has most recently been downgraded to candidate country in the Extractive Industries Transparency Initiative (EITI) and an inquiry into its compliance is open within the Open Government Partnership (OGP). "Azerbaijan downgraded to candidate country", EITI, April 15, 2015.

¹¹⁵ The four multilateral platforms for 2014-2020 are Democracy, good governance and stability, Economic integration and convergence with EU policies, Energy security, and Contacts between people. For more see http://eeas.europa.eu/eastern/platforms/index_en.htm. The regional EURONEST Parliamentary Assembly was created in May 2011. For more see <http://www.euronest.europarl.europa.eu/euronest/cms/home>. The first EaP Business Forum took place in Sopot in September 2011 on the fringes of the second EaP Summit in Warsaw. The forum continues to meet on the sidelines of each EaP Summit.

¹¹⁶ OSEPI interview, Ambassador Eugen Caras. See also "European Parliament Resolution on assessing and setting priorities for EU relations with the Eastern Partnership countries", 2013/2149(INI), op. cit.

¹¹⁷ The project is entitled "Transparent Convergence to EU Policies in Sanitary Issues: the Case of Georgia and Moldova." It is being implemented by the Eurasia Partnership Foundation Georgia with the East Europe Foundation Moldova and Center for Strategic Research and Development of Georgia (CSR DG) over the next 30 months, at <http://www.mkidveli.ge/2>.

in building electricity and gas interconnectors with the European grid in exchange for implementing the EU's "third energy package". Multilateral cooperation in the EaP region would benefit greatly from an eventual opening of the Connecting Europe Facility to third countries.¹¹⁸ The €22 billion program supports common-interest projects in transport, energy and telecommunications only on member-state territory, unless activities in third countries are deemed indispensable for the initiative's success.

4 | BUILDING LOCAL OWNERSHIP AND ENGAGEMENT OF MULTIPLE ACTORS

High Representative Mogherini and Commissioner Hahn note "it is clear that substantial efforts are needed in the context of the ENP review to improve both the ownership of the policy by partner countries and to improve communications of its objectives and results both within the EU and its partner countries."¹¹⁹ However, they make little mention of the need to reach out to multiple groups beyond government who can contribute to build local ownership. Vilnius summit participants underlined that the EaP's ambitious agenda "requires the engagement of the broader society and ... the increased involvement of parliaments, civil society, local and regional authorities, [the] business community and other relevant stakeholders."¹²⁰ The European Parliament also "stresse[s] the importance of engaging with the broader society [...] in order to build constituencies for reform able to influence national decision-making."¹²¹

The EU, especially the European Parliament and party groups, could do more to develop their counterparts' knowledge of EU legislative practice and reforms based on harmonization with EU standards. This is especially important for the implementation of the Association Agreements as parliamentarians will need to sign off on substantial legal approximation. Positively, the European Parliament is starting a capacity-building project with Ukraine's Parliamentary Committee on European Integration and has made a similar offer to Moldova.¹²² The Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP) provides opportunities for coordination between regional and local politicians from the EU and the EaP countries. At its annual meeting in Tbilisi in 2014, it called on heads of state and government to take steps to increase local and regional authorities' role in implementing EaP policies and strategies.¹²³

"More should be done to explain the DCFTA, in terms of regulations but also of incentives for business. Businesses hadn't properly considered the options with the EU before."

TARAS KACHKA
American Chamber of
Commerce, Ukraine

¹¹⁸ For more on the Connecting Europe Facility see <http://ec.europa.eu/digital-agenda/en/connecting-europe-facility>.

¹¹⁹ Joint Consultation Paper, op. cit.

¹²⁰ Joint Declaration of the Eastern Partnership Summit, op. cit., p.3

¹²¹ In the same document, the European Parliament called "on the EU to increase its presence in the partner countries using more interactive audio-visual means and social media in the respective local languages ... calls on the Commission to prepare a clear communications strategy for the societies in the EaP countries ... aimed at anchoring the benefits of prospective association to public opinion." "European Parliament Resolution on assessing and setting priorities for EU relations with the Eastern Partnership countries", op. cit.

¹²² OSEPI interview, European Parliament official, Brussels, February 19, 2015.

¹²³ "Recommendations to heads of state and government in Riga May 2015 for EaP Summit", CORLEAP, COR-2014-04375-00-00-TCD-TRA, Tbilisi, September 29, 2014.

“The EU has not really talked with businesses, explaining the concrete pros of entering the EU market and approximating EU market law. It was a mistake.”

DENIS CENUSA

Expert-Grup Moldova

“In Georgia, when former Commissioner Füle visited, he met with the Patriarch [who had been skeptical about the EU previously]. Afterwards the Patriarch said “I see Georgia in the EU” which was a very important message for the public.”

KORNELY KAKACHIA

Tbilisi State University

In the three countries where DCFTAs are being implemented, local businesses are natural partners. *“More should be done to explain the DCFTA, in terms of regulations but also of incentives for business. Businesses hadn’t properly considered the options with the EU before.”*¹²⁴ The EU can support local entrepreneurs with technical assistance but also by helping them market their goods and fill their market quotas through export promotion programs, as it does for accession countries.¹²⁵ Some steps have been taken already. Agricultural experts from the Commission have started talking to Moldovan business and farmers. In Georgia, under the lead of the ENPARD program, farmers are receiving grants to support cooperatives across the country.¹²⁶

Greater attention should also be paid to youth to make them more aware of EU institutions, standards and values with more exchanges and training opportunities.¹²⁷ The church is an influential institution in many of the eastern partners and the clergy should not be sidelined.

5 | COMMUNICATION AND OUTREACH

The EU asserts that it stepped up efforts to communicate its policy to partner countries with the launch of an EaP “visibility strategy” in 2013 and recognizes that the EU should explain better the concrete benefits of its initiatives.¹²⁸ EU Delegations in EaP countries coordinate the organization of *Europe Day* every May. In the three countries that signed Association Agreements, the delegation heads are active in local media. Every project that delegations implement officially has a visibility component. At the same time, delegations themselves generally remain off limits to the general public with stringent security measures, and no real information centres that could serve as meeting and organizing hubs for people, especially youth, interested in the EU.

The new communications strategy has not been visible on the ground. Due to lack of resources at delegation level, a large pro-EU information campaign was carried out in Moldova during summer 2014 by OSF, with additional non-EU funding. In Georgia, the OSF led a coalition of civil society organizations to prepare an EU Integration Information and Communication Strategy (2014-

¹²⁴ Taras Kachka, American Chamber of Commerce, Ukraine, OSEPI Brussels Seminar.

¹²⁵ The European Commission, for instance, helped market Croatian wine through an export support program. Taras Kachka, *ibid*.

¹²⁶ ENPARD is the European Neighbourhood Programme for Agriculture and Rural Development. Sixteen Georgian and international organizations in four consortia – led by CARE Austria, Mercy Corps Scotland, Oxfam UK and People in Need – have received grants to support establishment of 160 cooperatives in 45 districts. In addition, the autonomous region of Adjara will benefit from a joint program co-financed with the United Nations Development Program (UNDP). For more see <http://www.enpard.ge/news/details/4081>.

¹²⁷ See also “Building a Stronger Compact with our Neighbours: A New Momentum for the European Neighbourhood Policy”, Statement by the Foreign Ministers of the Weimar Triangle, Weimar, April 1, 2014.

¹²⁸ At the Vilnius Summit, “participants invited EU institutions, EU Member States, Eastern European partners and other stakeholders to contribute to the Eastern Partnership Visibility Strategy implementation by further informing society in partner countries and in the EU of the benefits derived from the Partnership, the implementation of the Agreements concluded in the framework of the Partnership for citizens, businesses and society as a whole.” “Implementation of the European Neighbourhood Policy in 2013 Regional report : Eastern Partnership”, Joint Staff Working Document, SWD (2014) 99 final, Brussels, March 27, 2014. One instrument of the strategy is the European Neighborhood Info Center web portal (www.enpi-in.eu). EU Information Centres in Georgia, Moldova and Ukraine are also useful sources of information on EU integration. “Neighbourhood at the Crossroads”, *op. cit.*, pp. 6-7

“The problem so far is that European integration has been an elite driven process [in Georgia]. The government needs to work with society, in the regions. People there are interested, they want to know what the Association Agreement will bring them. Every ministry should be encouraged to have an Association Agreement communications plan.”

KORNELY KAKACHIA
Tbilisi State University

2017) that was eventually adopted by the government.¹²⁹ Brussels has given little money to increase knowledge about the EU in Georgia, where Russia is sowing political discord by using marginal political parties, and wielding influence over Russian-speaking minority areas and the Georgian Orthodox Church.¹³⁰ Delegations should work closely with local authorities and civil society, not just in capitals, to produce information that explains the EaP and the Association Agreement to citizens.

The EU has undertaken to elaborate a communication strategy to counter Russian propaganda.¹³¹ It will be a challenge to compete with slick Russian professionals who design based on the emotional pull of shared history and nostalgia and portray Western efforts to promote reform as part of a plan to subvert traditional values. Consultations with a wide range of groups, including media in the region, and in Russia, and local media development specialists, is essential if this strategy is to meet the region's needs. Rather than create a new EU-based media outlet broadcasting in Russian, EU funds and expertise should support local information providers that develop content in Russian and local languages to increase their reach, distribution and resources.

The EU should also continue to build capacity in government, as it did by financing a Strategic Communications and Policy Planning Adviser in the Moldovan prime minister's office in 2012. The creation in March 2015 of a Communication Coordination Unit on EU projects and implementation of the Association Agreement in Georgia may offer an even better way forward.¹³²

6 | COOPERATING WITH CIVIL SOCIETY

The EU has developed good practice of engaging civil society organizations (CSOs). In addition to the work of the Civil Society Forum, the Commission has country roadmaps for engagement with civil society at the delegation level. All EaP partners except Azerbaijan now have a roadmap for EU work with CSOs, elaborated with local groups.¹³³ Ukraine, Georgia and Moldova

¹²⁹ The government adopted the strategy in September 2013 and developed annual action plans for its implementation. The EU-NATO Information Center under the Office of the State Minister for European and Euro-Atlantic Integration is responsible for implementation of the strategy. The Office of the State Minister also plans to set up a communications department but doesn't have one in place yet.

¹³⁰ Sergi Kapanadze, "Georgia's Vulnerability to Russian Pressure Points", ECFR, June 2014.

¹³¹ In its January 15, 2015 resolution on Ukraine the European Parliament "[c]alls upon the European Commission and Commissioner Hahn to prepare and present to the European Parliament within two months a communication strategy to counter the Russian propaganda campaign directed towards the EU, its Eastern neighbours and Russia itself, and to develop instruments that would allow the EU and its Member States to address the propaganda campaign at European and national level", "European Parliament resolution of 15 January 2015 on the situation in Ukraine", (2014/2965(RSP)), Strasbourg, January 15, 2015. The March European Council invited the High Representative, with member states and EU institutions, to prepare by June an action plan on strategic communication. A team is being set up as a first step. Conclusions of the European Council, EUCO 11/15, Brussels, March 20, 2015.

¹³² The project is within the "Let's meet Europe – 4" program, launched in March 2015 for 15 months. It is funded by ENPI with a budget of €450 000. Another good example is a regional public communications training project financed by the Estonian foreign ministry. A Tbilisi seminar for Armenian, Azerbaijani, Belarusian, Georgian, Moldovan and Ukrainian public communicators was organized in April 2014. Bespoke training seminars were subsequently held in Moldova, Georgia and Armenia, followed by study visits to Estonia for communication officials and journalists. For more see <http://eceap.eu/en/estonia-shares-eu-related-communication-experience-with-georgian-government-press-people-and-journalists/>.

¹³³ The roadmaps provide analysis of the civil society arena, an assessment of the EU – CSO engagement in the country and set priorities for EU engagement and actions. For more see <http://capacity4dev.ec.europa.eu/public-governance-civilsociety/minisite/roadmaps>.

will set up Civil Society Platforms, foreseen by the Association Agreements, as one of the joint bodies to monitor implementation. Despite risks that representation might be skewed in favour of trade unions and employers' associations, a compromise has been reached in Ukraine's case to also include civil society. These platforms are important channels for independent monitoring and input on the implementation of the agreements and civil society should be prominently represented in all three national structures.¹³⁴

CSO funding is available through thematic programs focused on human rights and civil society, and non-state actors and local authorities. Yet it is estimated at only 5 percent of funds allocated to the neighbourhood region.¹³⁵ Most money goes to international NGOs, as disbursement conditions discourage smaller groups from applying.¹³⁶ The EU has difficulty funding NGOs in Belarus and Azerbaijan. In the latter, the delegation disbursed only two of 13 grants in 2014, due to groups' inability to get justice ministry authorization to register projects. A call for 2015 proposals worth €3 million is postponed.¹³⁷ The EU should prioritize in talks with the government re-establishing its ability to fund NGOs, devise more flexible funding formats, or allocate more resources to the EED to step up its work in difficult contexts.

The Civil Society Forum strengthens civil society involvement and forges a regional sense of community, but it is sometimes hijacked by political interests or blocked by NGO infighting. At its annual assembly in 2014, Azerbaijani delegates disrupted a presentation on human rights violations in Azerbaijan by the Czech NGO People in Need.¹³⁸ The Azerbaijani national platform is weak and deeply divided.¹³⁹ Separately, smaller NGOs consider that the Forum does not always represent their interests and accuse the EU of creating parallel civil society networks, undermining indigenous ones.¹⁴⁰ The Forum as a platform for all civil society from the region should make an active effort to stay inclusive and broaden EU contact with local civil society.

¹³⁴ Ukraine held the inaugural meeting of its Civil Society Platform on April 16, 2015. For more see <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-eu-ukraine-civil-society-platform>. The European Economic and Social Committee (EESC) has insisted that the composition of the national civil society platform match the structure of the European side of the platform, which is composed of EESC members.

¹³⁵ It is estimated at 5 percent of European Neighbourhood Instrument allocations. "Trouble in the Neighbourhood? The Future of the EU's Eastern Partnership," Adam Hug ed., Foreign Policy Center, 2015, p. 8. The whole Civil Society Facility allocation for the neighbourhood 2011-2013 was €22 million.

¹³⁶ Serghei Ostaf, Resource Center for Human Rights CReDO, Moldova, OSEPI Kyiv Seminar.

¹³⁷ OSEPI interview, EU Delegation official, Baku, April 1, 2015.

¹³⁸ 18 of 26 Azerbaijani NGO representatives boycotted the second day after a representative was expelled for violently dismantling the exhibit on Azerbaijani political prisoners set up by People in Need. Photos of those who did not boycott were circulated in Azerbaijani media with allegations that they were collaborating with Armenians.

¹³⁹ According to a women's rights activist, "we have completely lost the platform as such." OSEPI interview, Baku, March 30, 2015. The CSF Secretariat in Brussels is trying to remedy the situation by playing a role in selecting the Azerbaijani participants at the May Riga Summit. This has led the national platform leadership to ask, "don't they trust us?" OSEPI interview, Sabit Bagirov, Baku, March 31, 2015.

¹⁴⁰ Serghei Ostaf, Resource Center for Human Rights CReDO, Moldova, OSEPI Kyiv Seminar.



CONCLUSION: A POSITIVE AGENDA FOR ALL

There are strong arguments for keeping the ENP and EaP as a single common policy that mobilizes institutions and member states to support all partners in a broad range of areas from human rights to energy, transport to trade. A common policy ensures balance between member states' interests and buy-in, regardless of individual strategic focus on the south or east.¹⁴¹ It draws neighbours closer, making them an ambitious offer they might not have gotten individually. Some engaged lest they be estranged from a major regional initiative, even if the EaP itself did not much interest them.¹⁴² The EU needs a common EaP to preserve a positive, forward-looking reform agenda for all eastern neighbours. Despite still limited understanding of EU policies, there is demand from societies to align to European standards. The latest EU Neighbourhood Barometer shows that a majority across the EaP think the EU should play a greater role in their countries' economic development, security and defence, protection of human rights and justice reform.¹⁴³

The EaP cultivated and sustains pro-reform civil society, rights groups and other advocates of democratic change, in or out of power, in the whole region, not just the more reformist countries. If the EU gave up ambition in the more difficult contexts, it would cut the lifeline of reform-minded actors in hard times. Moreover, it would lose opportunities to stimulate change when political conditions improve. The EaP should remain open to all six partners and engage on the basis of firm principles and common interests—the latter defined with broad constituencies, not only elites seeking regime preservation or enrichment.

The EU still has many allies in the region. Some of them have carried the democracy agenda for decades through changes of government, often at great risk. The EU should not undermine them, and its own interests, by being unprincipled and inconsistent. Where government cooperation is limited, the EU can continue to work more closely with actors that want to keep the partnership's values, including civil society, SMEs, media, trade unions and business associations. They are its best chance of having an impact, including improving the understanding and visibility of EU policies.

To be consistent with the security and foreign policy dimensions of EU actions abroad, as called for by member states, the EaP cannot drop its commitment to building democratic, prosperous states, resting on the rule of law so as to ensure regional stability.¹⁴⁴ At the same time, member states need a better shared understanding of the EU's long-term goals and role in the region. This requires a coordinated, strategic foreign policy approach that goes beyond what the EaP review can accomplish and becomes part of the future global security strategy review currently underway. The EaP provides a means for the EU to act based on common interests and values, an important complement but not a full substitute, for firm political will and the security capabilities also required to guarantee EU stability and security in the eastern neighbourhood.

¹⁴¹ OSEPI interview, EEAS official, Brussels, February 20, 2015.

¹⁴² OSEPI interview, EEAS official, Brussels, February 19, 2015.

¹⁴³ "EU Neighbourhood Barometer – Eastern Partnership", Autumn 2014, op. cit.

¹⁴⁴ Conclusions on the Review of the European Neighbourhood Policy, op. cit.

ABOUT US

The **Open Society European Policy Institute (OSEPI)** is the EU policy arm of the Open Society Foundations (OSF), based in Brussels. We work to influence and inform decision-making on EU laws, policy and funding to ensure that open society values lie at the heart of what the European Union does, both inside and outside its borders.

OSEPI brings into EU policy debates evidence, analysis and recommendations drawn from the work of the **Open Society Foundations** in more than 100 countries. OSF began supporting the transformation of Eastern Europe and the South Caucasus in the late 1980s. We have since grown into one of the largest non-governmental funders for civil society in support of human rights, justice and accountability. OSF's work has contributed to the emergence of democratic governments and more open societies in many countries of the former Soviet Union. Today, OSF has four national foundations in the Eastern Partnership region, based in Armenia, Georgia, Moldova and Ukraine, and we run programs on Azerbaijan and Belarus from abroad.

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