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More effective EU democracy and reform support with greater V4 engagement in the Eastern Partnership

Miriam Lexmann et al.

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I. Introduction

By *Miriam Lexmann*

At a time when Western democracies are facing multiple internal challenges this may seem an improper moment to be discussing external democracy support. With ongoing crises, questions about the future of the European Union integration process and populist rhetoric sweeping the transatlantic area, the post-Cold War European order is in flux. However, it is precisely this moment of ‘the political’¹ that provides us with the opportunity to take stock and rethink the instruments and means of democracy support at a time when we are rethinking our relations, both internal and external.

In the Visegrad countries, with their as yet unfilled gaps in democratic governance and continuing status as recipients of democracy support programs from other Western countries, the impetus has been created for a rethink on the way democracy support is provided. In the Eastern Partnership countries, the spiral of back-sliding and up-sliding makes this exercise all the more acute.

Moreover, four major factors have provided further incentive to revisit the democracy support provided through the Eastern Partnership by the EU, and especially the V4. Firstly, damaged by multiple internal and external crises, the EU has become increasingly unable to shape the “normal and or normative” in global politics. In the 1990s and early 2000s, the EU was famously called a Normative Power² by Ian Manners (2002), a reference to its ability to shape norms in international organizations, the emulation of the integration process in other parts of the globe, and the pull and transformative force of its enlargement process.

However, by the late 2010s this notion was being increasingly challenged: it was viewed as having captured a specific context, but also as lacking relevance, given the challenges faced by the EU and its inability to respond to them and to adhere to its own norms. Moreover, despite all the challenges presented by enlargement into Central and Eastern Europe (not to mention these countries’ problems dealing with the legacies of the twentieth century), the EU’s ability to spur on meaningful transformation in the six Eastern Partnership (EaP) countries has been made all the more complex

¹ Korosteleva, Elena; Merheim-Eyre, Igor and van Gils, Eske. 2018. *“The Politics” and “the Political” of the Eastern Partnership Initiative: Reshaping the agenda*; Routledge Basingstoke.

² Manners, Ian. 2002. ‘Normative Power Europe: A Contradiction in Terms.’ *Journal of Common Market Studies* Vol. 40 No. 2 235-258.

thanks to the stronger presence of Russia's interests, and the ongoing state capture by oligarchs.

It is also interesting to note how the language employed by the European institutions reflects its recognition of these limitations. For example, the European Parliament³ has recently begun moving away from its traditional self-referential use of the term “norm setter” in favor of “norm entrepreneur”, highlighting the distinction between promoting and supporting norms, and the ability to transform this into a process of doing things on the ground.

The second major factor is the insecurity being felt in EU and EaP countries. As Eurobarometer and polls⁴ published by the International Republican Institute (IRI) show, frozen conflicts, live conflicts, migration and terrorism are some of the key issues citizens of EU and EaP countries highlight as chief concerns. These security issues not only hamper the social, economic and political development in the EaP, but also highlight the need to address the plight of citizens.

Many democracy support practitioners are cautious about addressing such security concerns within democracy support programs, as they view this as a negative trend. By contrast, we believe that the security-democracy nexus is a natural development which ought to be utilized to bring about a broader response to certain destructive tendencies within our respective societies. We argue that such a comprehensive response, to be contrasted with one that separates democracy support from security, would not result in security responses (the securitization of the democratic process) but would instead produce democratic responses to security processes.

The third factor concerns changes in the media environment, the rise of social media and the ability of hostile forces to take advantage of the growing disinformation and misinformation trends which are impacting our societies and require further investigation in relation to practices of democracy support. Research conducted by the IRI's Beacon Project in the Visegrad countries increasingly shows how citizens' frustrations and gaps in democratic governance are exploited by domestic and foreign actors through disinformation.

Although not necessarily a new phenomenon, this combination of changes in the media environment and the rise of social media have provided

³ Democracy Support in EU external. 2018. Briefing March 2018; *European Parliament Research Service*

⁴ Visegrad Four Poll Reveals Vulnerabilities Russian Influence. *International Republican Institute*, May 24, 2017; <http://www.iri.org/resource/visegrad-four-poll-reveals-vulnerabilities-russian-influence> and New Poll: Germans Confident in Their Democracy; Pragmatic on Russia and Migrants. *International Republican Institute*, September 14, 2017; <http://www.iri.org/resource/new-poll-germans-confident-their-democracy-pragmatic-russia-and-migrants>.

those hostile actors with the wherewithal to undermine democratic societies and the advances made in democratic transitions. Democracy support must therefore be at the heart of any meaningful response to disinformation, but equally programs and instruments must be capable of responding to the increasing blurring of the online and offline worlds and the associated challenges, in particular those coming from anti-democratic forces such as today's Kremlin.

In this regard, the Russian Federation and the Kremlin's increasingly aggressive stance vis-à-vis both the West and its neighbors is the fourth major factor that underpins the need to rethink democracy support. One major obstacle is the EU's lack of policy on Russia, which stems from the lack of unity among member states. For example, while the United Kingdom, currently exiting the EU, has been a major proponent of taking a tougher stand on Russia (especially following the Skripal poisoning case), countries such as Italy, Greece and Hungary remain lukewarm, and Germany's ambivalent stance (especially on Nord Stream 2) remains a major obstacle. This is further exemplified in the fact no mention of Russia could be made in the EU–EaP joint declaration from the 2017 Brussels Summit.

Although the annexation of Crimea and the imposition of sanctions led to unity and a moral stand, the lack of enforcement capacity to deal with companies circumventing the sanctions is hindering what could be an effective response to Russian aggression in Ukraine and meddling in the domestic affairs of western countries. In this regard, our response to Russia's actions remains disjointed and lacks the adequate enforcement of existing measures, giving the Kremlin further opportunity to target our societies through various means, from waging war to low-intensity methods such as disinformation, cyber-attacks or fomenting support for populist parties.

Moreover, scholars and practitioners of democracy support have for too long believed that socialization via economic and political engagement would gradually bring about the democratization of Russia. Unfortunately, the trends of the past decade have shown the opposite to be true, as Russia is increasingly developing a new system of governance that incorporates elements of liberal economy with feudal-like political practices, and the criminalization of the state⁵. In turn, far from being isolated, the increasingly globalized world now finds itself confronting the diffusion of shady money and practices within the heart of Western capitals and their financial and energy markets. In this sense, as the EU's ability to shape the normal through the spreading of liberal democratic norms is under question, Russia's corrosive "crimintern" practices continue to penetrate both EU and EAP countries.

⁵ Galeotti, Mark. 2017. Crimintern: 'How the Kremlin uses Criminal Networks in Europe'. *European Council on Foreign Relations*. http://www.ecfr.eu/publications/summary/crimintern_how_the_kremlin_uses_russias_criminal_networks_in_europe

In this context, it is vital that we rethink democracy support, and this publication outlines various ways in which EU democracy support instruments could be revised in relation to the Eastern partnership, and includes broader discussions on the future of democracy support generally.

II. Challenges and opportunities

II.1 Inside the EU

II.1.1 *Why the Eastern Partnership should remain open*

By Alexander Duleba

Implementing the Eastern Partnership is a critical test case for the EU, especially in the context of the Russian–Ukrainian crisis that started in 2014. It challenges the EU’s capacity to act as a *transformative and integrative actor* in Europe, something the EC/EU has been developing since the late 1970s.

For the first time ever in the history of EC/EU enlargement – in both its differentiated and flexible forms⁶ – an integrative agreement offered to a partner country – in this case Ukraine’s Association Agreement – has led first of all to political revolution in that country, and second to a third country using military force to prevent that country from implementing its EU agreement. The recent Russian–Ukrainian crisis comes after almost four decades of the EC/EU European integration project and raises fundamental questions as to its future. That will depend on the way the EU handles the *external* Russian–Ukrainian crisis, as it will have a profound impact on both its own *internal* structure and the future role of European affairs.

The European Communities (and since 1993 the EU) played a crucial role in transforming, first, the fascist regimes of Southern Europe in the 1980s, and second, the communist regimes of Central Europe in the 1990s. It was the EU that brought peace and stability to the Western Balkan countries through the prospect of European integration following the eight-year war in the 1990s. Over the last four decades or so, the EU’s transformative capacity and core element of its external action towards the authoritarian regimes in

⁶ The concept of “differentiated and/or flexible integration” means that third countries are granted access to the EU single market and/or some of its sectoral policies in return for a commitment to modify the relevant national legislation, regulatory framework and institutions in accordance with the *acquis communautaire* and EU practices. Within the EU, this concept reflects the fact that under “enhanced cooperation” the basic EU treaty provision introduced by the Amsterdam Treaty and in force since 1999 allows for the formation of groups of member states who are willing to integrate more quickly and deeply vis-a-vis certain sectoral policies without all the member states taking part (for more see Holzinger and Schimmelfennig 2012).

its neighborhood has been based on the two-dimensional agreement which facilitated, first, the democratic transformation of the institutions, and second, access to the EC/EU single market. The last three decades have proved that enlargement has been the EU's best foreign policy. Former EU enlargement commissioner Olli Rehn sums up this EU role in European affairs thus: "Enlargement has proven to be one of the most important instruments for European security. It reflects the essence of the EU as a civilian power, extending the area of peace and prosperity, liberty and democracy. The EU has achieved far more through its gravitational pull than it could ever have done with a stick or a sword" (Rehn 2007).

The collapse of the communist bloc in the late 1980s/early 1990s helped deepen the integration process in Western Europe and it also pushed the EU into becoming more engaged in its neighborhood. The former Yugoslav republics look up to the EU as a source of stability and modernization know-how and, of course, as a trade partner. Although their reform processes have encountered several setbacks, including problems following the EU course, these countries are clearly not seeking an alternative integration project. In 2003 the EU had 13 members; today it has 28. The success of the integration model adopted in the 1980s for Greece, Spain and Portugal, which helped them overcome their authoritarian and fascist heritage, encouraged the EU to extend the prospect of enlargement to the former communist countries as well (Copenhagen summit 1993).

Since the 1990s the preparations for the "grand enlargement" to the East (2004–2007) have become part of the EU's internal agenda, creating pressure for further institutional reforms. In accepting the economically and institutionally underdeveloped countries of Southern Europe in the 1980s, the EC/EU was prompted to develop an internal cohesion policy. Furthermore, dealing with the war in the Western Balkans in the 1990s forced the EU to develop its capacities for external action. The grand enlargement, which included the former communist countries of Central Europe, Cyprus and Malta, led to a further deepening of EU integration. The Lisbon Treaty (2009) and subsequent changes to the EU's institutional design that introduced qualified majority decision-making for crucial internal policies could not have become a reality had eastern Europe not continued to fragment following the collapse of the communist bloc.

At the same time the EC insisted that the legal and economic integration of EFTA members should precede East/West integration (Kennedy and Webb 1993, 1102). In addition to full-fledged integration, including political membership, the EU has applied a policy of flexible and/or differentiated integration and extended governance in its immediate neighborhood since the early 1990s. This comprises the Western neighbors, that is, the EEA countries (Norway, Iceland and Lichtenstein) and Switzerland, who, unwilling to join the Union, have nevertheless committed to wide sections of the *acquis com-*

munautaire. It also concerns membership candidates, and has included the former Central Eastern Europe candidates and the current Western Balkan ones, in addition to, the countries of the ENP since 2004, and the Eastern Partners since 2009. There are also important elements of partial integration, part of the EU's agreement with Turkey on the Customs Union dating back to 1995. These modes of differentiated and/or flexible integration with the EU are implemented through specific integrative agreements between the respective countries and the EU.

Ultimately, looking back over the last 40 years or so, the EU has become the guarantor of peace and stability in the Western Balkans and is preparing the former Yugoslav republics for accession. It has deepened integration by amending its basic treaties. The European Communities became the European Union when the Maastricht Treaty came into force in 1993. The Schengen *acquis* became part of the EU's basic treaty in 1999. The euro – the common currency – was introduced in 2002. The Lisbon Treaty entered into force in 2009, bringing significant institutional changes. The EU successfully managed the 2004 “grand enlargement” by incorporating eight former Eastern bloc countries along with Cyprus and Malta, and this was followed by the accession of Bulgaria and Romania in 2007, and then Croatia in 2013. The number of member states has almost doubled since 2004. And finally, in 2009 the EU gave six former post-Soviet countries the opportunity to deepen and expand cooperation within the Eastern Partnership initiative, including economic integration through the implementation of Association Agreements with Deep and Comprehensive Free Trade Area (AA/DCFTAs).

One can rightly criticize the EU for many things; however, in the history of international relations it is a unique project. Malta, with its 400,000 citizens, has equal voting rights to Germany, which has a population of 80 million, in making EU legislative and policy decisions. This is a truly exceptional state of affairs to be found nowhere else in the world or in history. The EU in 2018 is a qualitatively different project – both internally and externally – to the pre-1993 European Communities. The integration dynamics of the EU over the last four decades have to be considered seriously if we are to understand, first, why in 2009 the EU offered its Eastern partners political association and economic integration, and second, what the EU's response will be to the current Russian–Ukrainian crisis.

In Eastern Europe the picture painted over this same period is completely different. None of the integration initiatives that sought to establish order in the former Soviet Union and within a group of former Soviet republics over the last three decades or so could be labelled a successful project. The disintegrating Soviet Union was supposed to be replaced by the Community of Independent States (CIS), initiated by the then leaders of Russia, Ukraine and Belarus in December 1991. Today barely anyone recognizes the abbreviation CIS. Russia and Belarus have been trying to renew a common federal state

since 1994. However, only a few Russian and Belorussian experts can still remember that project. Yeltsin's Russia was unable to produce a successful integration project in the post-Soviet space and era. In 2004 Putin's Russia found itself in conflict with Russia's largest ally – Lukashenka's Belarus, the very country with which Yeltsin wanted to create a federation. If we look at the gas crisis from today's perspective, let's not forget that Belarus was the first country to face cessation of natural gas supplies from Russia, first in 2004 and then in 2007 and 2010 (for more see Caldioli 2011). The first gas war between Russia and Ukraine occurred in 2006 and then again in 2009. Russia used military force on the territories of former Soviet republics: during the civil war in Georgia in 1991, and in Moldova in 1992 (Mörrike 1998). Russia also used her military power in August 2008 in Georgia and in 2014 against Ukraine, but on that last occasion annexed part of Ukrainian territory. We won't even mention the trade wars between Russia on the one hand and Belarus, Georgia, Moldova and Ukraine as well as other post-Soviet countries on the other, as it would take up too much space simply to list them all (Nygren 2008; Wilson and Popescu 2009).

Despite the presidents of Belarus and Kazakhstan signing an agreement on the establishment of the Eurasian Union in May 2014 – for their own reasons – nothing changes the fact that in the last 30 years or so Russia has not been able to offer its post-Soviet neighbors a constructive agenda involving normal, long-term cooperation based on the principle of equality in bilateral relations. It is pointless even attempting to search the post-Soviet space over the last 30 years to find an example like that of the Maltese–German equal status cooperation. That is the substantial difference between where Western Europe is today, and where post-Soviet space finds itself. The deepening and widening integration in Western Europe versus the continuing fragmentation in the East are the main trends that have shaped the pan-European agenda, including EU–Russia relations since the end of the cold war.

In 2009 the EU offered Association Agreements with a Deep and Comprehensive Free Trade Area (AA/DCFTA) to six East European neighbors following the logic and nature of EU enlargement policy as developed over the last four decades or so. These do not include a formal provision for political membership. They embrace the economic integration of Eastern Partner countries and their full access to the common integrated space of the four European freedoms. The Russian–Ukrainian crisis, which started with the Russian occupation of Ukrainian Crimea at the end of February 2014, is epochal, both for the direct actors in the conflict, that is, Russia and Ukraine, and for the EU, as an actor in Europe and in terms of its capacity to deliver European integration in the future. Should Russia be successful in stopping the EU from achieving in Ukraine what it succeeded in doing in Greece and Portugal in the 1980s, Slovakia and Poland in the 1990s, and Bulgaria and Croatia in the 2010s, it could undermine not only the EU's

external capacity to act in Europe but also the EU as an European integration project. That is why the Eastern Partnership should stay high on the EU agenda and remain open.

II.1.2 EU tools and means

By Miriam Lexmann & Věra Řiháčková

The EU's tools and means of supporting the EaP countries stem from bilateral contractual relations and obligations, and from the multilateral structure of the EaP. It is a complex system of overlapping agendas and instruments, work plans and action tools which sometimes conflicts, failing to produce synergy or complementarity.

The EU External Action financing instruments that are the primary financial tool used to support the reform processes in the EaP countries have recently undergone their mid-term review. The results were discussed in the European Parliament in February 2018, once the external assessment had been submitted to the European Commission. The financing instruments were declared fit for purpose in the evaluation reports on each of the instruments available for use with Eastern Partnership countries (ENI, EIDHR, NSA-LA under DCI). The post-2020 architecture of the instruments, linked to the next Multiannual Financial Framework, is also underway. The European External Action Service (EEAS) and the European Commission's DG DEVCO tested the waters by suggesting that from 2020 all the instruments could be united under one roof. DG DEVCO would manage a single instrument within which multiple envelopes would cover thematic and geographic priorities and provide the flexibility required to move funding from one place to another. Such room for maneuver would be of substantial assistance when dealing with situations like the negotiation and implementation of the migration deal with Turkey that was largely funded from the EU's external action financing instruments. However, it does not reflect the needs of the EU neighborhood countries, since the principle of differentiation applies to many of the partner countries as part of their contractual relationships, especially those that involve AA/DCFTAs.

The discussion about the future of the EU External Action financing instruments mirrors the general debate on how the EU positions itself towards the neighborhood and the rest of the world. The guiding principle of the EU Global Strategy is principled pragmatism. Previously the EU believed in and actively promoted the automatic diffusion of the EU's values, but enlargement has now become not part of EU foreign policy. Democracy support is seen as an additional issue; one the EU engages in when it can. There is a strong emphasis on stability, security and delivering tangible results to the people.

The EU's approach mirrors its firm belief that there is no EU transformative capacity per se.

The results of this policy shift were clearly manifest at the EaP multilateral level in the run up to the last EaP Summit (November 24 2017), when the Joint Staff Working Document 20 Deliverables for 2020 was elaborated.⁷ This document is considered a roadmap for the EaP and forms Annex I of the EaP Summit Declaration.⁸ The expected achievements and targets are listed in the policy areas covered by the Riga priorities. Issues such as communication and media, gender and civil society are presented as cross-cutting deliverables with specific targets, but it is unclear how they connect to the remaining policy areas. Human rights and a clear democratization agenda are largely absent. The EaP multilateral architecture has been reformed in line with the new roadmap. The “new” structure of platforms and panels has been designed as a delivery system with regularly scheduled stock-taking exercises. Unfortunately the multilateral component of the EaP policy has become a technocratic exercise combined with the wishful thinking that EU member states and EaP countries will deliver more political clout at Senior Official Meetings and within the EaP Platforms. The focus on tangible and deliverable results in selected policy areas, with no aspiration to support deep and sustainable reforms based on democratization, is the EU's current answer to the interests versus values dilemma. It is a response to the question of how to engage on norms with neighboring countries that have no interest in pursuing them.

A “multi-speed” EaP already exists in practice: there are existing bilateral agendas stemming from the Partnership Priorities and the AA/DCFTAs, and additional ones will soon come online in relation to the Comprehensive and Enhanced Partnership Agreement (CEPA), and these are more important to the partner countries than the multilateral process embodied in the implementation of the 20 Deliverables for 2020. The implementation of the EaP as a multilateral policy has involved various stakeholders, be they SMEs via the Business Forum, media via the Media conference or local authorities via CORLEAP. At the civil society level, the web of overlapping structures that responds to the needs of the EU, and in some cases domestic stakeholders, has grown organically over time. Efforts to synergize the activities of the civil society platforms relating to bilateral relations and the multilateral approach have not always been easy. The EU has not adopted a systematic approach and civil society organizations have simply responded to demands and funding opportunities that arise out of one or other of the structures or out of the technical assistance the EU provides to civil society at the bilateral and regional levels. The various vested interests of civil society actors

⁷ (EEAS, 2017).

⁸ (Council of the European Union, 2017).

from EU and EaP countries alike have played a significant role in shaping the system as a whole and have contributed to the current image of civil society networks and platforms. The EU and member state stakeholders, as well as some EaP representatives, have frequently recognized the need for civil society to have a stronger, cross-cutting role in pursuing the goals of the Eastern Partnership policy. However, there is no enhanced focus on facilitating an enabling environment for civil society that would allow it to perform its functions in difficult environments and engage in implementing the reform agenda, especially where Belarus and Azerbaijan are concerned. The EU has not fully endorsed calls for an enabling environment for civil society to be a precondition of financial support for EaP governments, and the response to worsening trends has been often slow.

The Eastern Partnership Civil Society Forum (EaP CSF) was established top-down in 2009 as a regional network for EU and EaP country civil society organizations in line with the EU's preference for communicating with civil society as a whole. The structure of this regional network copies that of the EaP multilateral structure. The EaP CSF National Platforms of CSOs were established in all six EaP countries. The Secretariat of the EaP CSF Steering Committee was set up in Brussels in 2012. The funding provided via the Secretariat covers annual meetings, capacity building, advocacy and communication activities, while the activities and projects of the working groups are financed via regranting (subgranting). The aim is to generate relevant policy input with regional added value. The EaP CSF can attend EaP platform and panel meetings as well as high-level ministerial ones. It can send two representatives, who contribute by conveying the civil society perspective and input. In addition to the activities arising out of the structure and internal procedures, there are also larger flagship projects like the EaP index or early-warning monitoring missions to the EaP countries. The CSF faces several structural challenges relating to the membership, the governance of the National Platforms and its lack of visibility which is associated with the weak sense of ownership of the network amongst its members. Nonetheless, it has delivered results and input to the EaP policy that go beyond the framework of the EaP agenda. There are ongoing efforts to reform the internal structure and processes. At the same time, the CSF is under pressure from its main donor, DG NEAR, to conform to its ideas on civil society and to constitute a body capable of delivering specific civil society expertise as an input in the implementation of 20 Deliverables for 2020. This is evidence of a change in the donor's approach: it no longer sees the EU funded EaP CSF as a self-standing organization with autonomy over internal procedures on how the activities are performed and the input developed and delivered. Instead the current preference and approach is to fund projects that implement specific activities in line with the 20 Deliverables for 2020 agenda. Anything beyond this has to be funded from different sources. However,

raising funds for the EaP CSF and its National Platforms has always been challenging, as the network has been perceived as an EU creation. While the need for strategic steering and complementarity is understandable, once the donor funding the activity seeks to coordinate and shape that activity, a very unhealthy relationship can emerge.

The bilateral civil society platforms (CSP) established under the AA/DCFTAs are more recent structures than the regional EaP Civil Society Forum. The bilateral civil society platforms were created, under the provisions of each agreement, to monitor the implementation of the AA/DCFTAs. They are composed of an equal number of EU organizations and CSOs from the EaP country. A new platform will soon be established for Armenia, under the provisions of the CEPA. Each Platform meets once or twice per year. The CSP is a joint civil society consultative body responsible for representing civil society and conveying its positions and interests to the joint bodies. The CSP responds to consultations submitted by the Association Council or the Association Committee set up under the Association Agreements. The CSP also submits recommendations to the Association bodies and other political authorities drawn up under its own initiative. The CSP acts as an advisory body to other joint bodies established by the agreement, such as the Parliamentary Association Committee. Both the Parliamentary Association Committee and the Association Committee maintain regular contact with the CSP in order to obtain its views on the attainment of the objectives of the AA/DCFTA. The CSP expresses its views on its areas of competence in the form of recommendations, opinions, statements, reports, letters or any other similar means it considers appropriate. The EU side of the CSPs is managed by the Economic and Social Committee (EESC) and copies its structure. However, civil society is represented by organizations that are not members of the EESC. For example, the EaP CSF holds permanent observer status in all CSPs from the EU side, and each year one representative of the EU CSOs, members of the CSF, participates in the meetings. EU funding for CSP operations rests with the EESC, and only covers the costs of EESC members. Various funding approaches exist on the EaP side. In Ukraine, the EU-funded Civic Synergy project implemented by the International Renaissance Foundation is designed to support the work of both platforms – the bilateral CSP and the EaP CSF National Platform. This project will run until mid-2019 and will cost €2.1 million. It has received funding from the EU and other sources, and has helped significantly improve the capacity of Ukrainian CSOs to play a strong role in driving the reform process. However, the regional dimension and interest in developing a multilateral approach have weakened as a result.

Georgia's EaP CSF National Platform was established in 2010 and currently brings together 171 leading NGOs. The establishment of the Georgian National Platform (GNP) has contributed to the institutionalization of civil

society and has become an important instrument for structural dialogue with the government. On November 13, 2015 the GNP signed a memorandum of cooperation with the government⁹, and then on February 26, 2016 it signed a similar memorandum with the parliament's European Integration Committee.¹⁰ The EU–Georgia Civil Society Platform (CSP) was established under the AA/DCFTA and includes 18 representatives from Georgian civil society organizations, including members of the Georgian National Platform, as well as business, trade union and non-platform organization representatives.¹¹ The two platforms have overlapping efforts and financial sustainability is a challenge.

In Moldova, there are currently about 60 NGOs in the EaP CSF National Platform. Since 2010 the National Platform has encountered internal difficulties, and these have proved impossible to resolve fully owing to lack of legal status and insufficient funding for its Secretariat. After 2014, when the AA/DCFTA was signed, the EaP CSF NP lost its role as civil society bridge between the EU and the Republic of Moldova.¹² On June 30, 2014, fifty civil society organizations signed a Declaration supporting Moldova's European path and launched the "Pro Europe" Platform, calling for civil society to unite around a national idea. Most EaP CSF National Platform member organizations are also members of other similar civil society platforms and structures such as the bilateral EU–Moldova Civil Society Platform under the AA/DCFTA, the Gender Equality Platform, National Participation Council, NGO Council, Civic Coalition for Free and Fair Elections–Coalition 2009 and Life without Violence in the Family National Coalition. These platforms generally operate separately in narrow areas. They do not have any joint activities and nor do they coordinate aspects that would help streamline their efforts.¹³

The main source of civil society support in the EaP countries comes from the bilateral components of the Civil Society Facility East (European Neighborhood Instrument). These are complemented by use of country allocations under the European Instrument for Democracy and Human Rights (EIDHR) and the Non-State Actors-Local Authorities (Development and Cooperation Instrument) programs. There is also the regional component of Civil Society Facility that, for example, funds the Eastern Partnership Civil Society Forum and two other projects. The Civil Society Facility technical assistance makes a range of services available for civil society support via procurement.

⁹ (Memorandum of Cooperation between EaP CSF Georgian National Platform and the Government of Georgia, 2015).

¹⁰ (Memorandum of Cooperation between EaP CSF Georgian National Platform and the Government of Georgia, 2015).

¹¹ (Hovhannisyanyan, Sahakyan, Manole, Tughushi, Sichinava, 2017).

¹² (Hovhannisyanyan, Sahakyan, Manole, Tughushi, Sichinava, 2017)

¹³ (Hovhannisyanyan, Sahakyan, Manole, Tughushi, Sichinava, 2017)

The way the EU funds civil society, one of its tools to support the implementation of the multilateral and bilateral policies in the EaP region, has been changing. The European Commission has talked of a paradigm shift, in the sense of going beyond a narrow definition of civil society and further strengthening the regranting (subgranting) component of EU funding, while increasing the overall grant amounts and focusing on citizen engagement and on covering all the policy areas set out in the 20 Deliverables for 2020 and bilateral agendas. The DG NEAR view is that the approach adopted by donors has reinforced particular patterns of established professional CSOs (donor darlings) and that there is a need to look for new entry points to deliver the messages and promote the reform agenda. Within decision-making on the ENI's Civil Society Facility budget line, there is a trend towards shifting support away from operational grants and towards action grants, with the EU being more involved in shaping the activities and in overseeing project implementation. Regranting is seen as a panacea for reaching out to the grassroots and new forms of civil society; at the same time, liability and the administrative have been completely transferred to organizations that act as intermediaries, but there is no proper guidance, guarantees or procedures in place. Furthermore, there is no synergy or complementarity between these projects and no guarantee that policy will reflect the priorities of the multilateral and bilateral agendas. The Commission wants to address the problems by ensuring funding coherence and complementarity, and that there is flexibility within the restructuring of the external financing instruments after 2020. In line with the 20 Deliverables for 2020, six large-scale technical assistance projects for civil society are being implemented in the EaP countries. So far, the feedback from the ground has been rather cautious. Several of these projects are being implemented by the EU consultancies and do not include strong regional and civil society expertise. Many of the activities are focused on support for the EU Delegations rather than on developing the capacities of local civil society. Local civil society has only a very marginal role in the programming of the implementation stage of the projects and no role at all in the preparatory phase for the calls and tenders. No direct support is envisaged for the civil society structures and platforms the EU initiated in the EaP countries (the bilateral and regional platforms). The EU Delegations have been distributing larger funding envelopes via local calls in which the average grant amount has gradually been increasing and includes a mandatory regranting component.

By focusing on regranting as a panacea, the EU has started building a new donor community out of organizations that generally do not have the necessary procedures in place nor the experienced staff, consequently services are being externalized and disproportionate sums are probably being spent on administering small grants. Under the upcoming Multiannual Financial Framework, the EU should consider establishing intermediary

organization(s) like the European Endowment for Democracy, following the US model. These intermediaries would be better at ensuring synergy and complementarity of funding and would not transfer the additional burden of grant administration to CSOs that were often established for a different purpose.

II.1.3 EU, V4 and a credibility problem

By Grzegorz Gromadzki

In the last two years interest in Eastern Partnership has declined among the EU member states. There are several reasons for this. Some of the most important factors are not directly related to EU relations with the Eastern Partnership countries.

The first is the refugee crisis which started in 2015 and resulted in greater attention being directed toward the Southern neighborhood. Meanwhile the Eastern neighborhood became a less urgent problem for most EU member states and for the European institutions. One could say this was a return to the situation 15 years ago, when the Southern neighbors dominated the EU's neighborhood policy. This changed partly as a result of the "color" revolutions in Georgia, and especially Ukraine, and partly because of the activities of new EU member states, particularly the Visegrad Group. The EU approach to these two parts of its neighborhood (Southern and Eastern) has become more balanced, but more emphasis is still placed on its Southern neighborhood.

Brexit is the second reason for the reduced interest in the Eastern Partnership countries, and there are two aspects to this. First of all, Brexit is the biggest challenge the EU has faced so far, and since it requires the deep involvement of the EU institutions and member states, other challenges perceived as less important are pushed onto the backburner. Secondly, the United Kingdom has traditionally been an advocate of EU involvement in the EaP countries. As it is leaving the EU, the UK no longer has much influence on EU policy towards the Eastern neighborhood.

Of the reasons most directly related to the EaP countries, two seem to be particularly important. The first is the growing disappointment within the EU with the slow pace of reforms in EaP countries that have signed association agreements. There is a growing belief in the EU that the reforms already carried out may not be fully effective or could even be reversible. However, at the same time many politicians in the EU may view the slow pace of reform as a "positive" factor because it is convenient justification for the lack of new proposals and deep engagement from the EU side.

Secondly, many EU member states view the EaP states that have signed association agreements as an additional burden that should be avoided. An

example of this was the referendum in the Netherlands on the ratification of the EU–Ukraine Association Agreement (for more see Van der Loo, 2016). A wait-and-see strategy has therefore prevailed in the EU since the signing of the association agreements (AAs) with Ukraine, Moldova and Georgia. The belief that the ball is in the court of the associate countries (who have to implement the agreement) is widespread in political circles in many member states.

It should be underlined that political association and economic integration was a compromise formula for the EaP from the beginning, supported by all EU member states. But behind this, clear differences have always existed between member states – some have treated it as the end goal, but others have seen it as a transitional objective leading to the true goal – EU membership for (some) EaP countries. The first group (which has always prevailed) is much stronger today than it was a few years ago.

EaP countries (associate countries) perceive EU member-state reluctance to propose EU membership as a sign they are not being treated as potential members of the “European democratic family”. This view is not taken seriously (or even recognized) in the EU. In turn this raises questions about the credibility of the EU in EaP countries.

When assessing EU policy on EaP countries, one more factor should be taken into account: Russia. Russian military aggression in Ukraine has certainly led to greater EU interest in the EaP countries, especially in 2014–2015, but it has also meant that EU relations with EaP countries have become associated with EU–Russia relations. Therefore EU–EaP relations have become more “indirect”.

The V4 countries have adopted a similar approach towards the EaP countries. Since 2016 there has been a notable decline in their interest in the EaP countries. One crucial factor is Poland’s decreased engagement since the autumn of 2015 (with the change of government). Previously Warsaw had led the V4 countries in its approach to engagement with the EaP countries, especially Ukraine.

However, the sharp deterioration in relations with Ukraine, caused primarily by a concern with historical issues in Warsaw and its conflict with the EU institutions over the rule of law, has meant Poland has less of a voice in both Brussels and the EaP capitals, especially Kyiv, on EU policy regarding the Eastern Partnership (Iwaniuk, 2017). Poland’s position has also led, to some extent, in less EU (and V4) involvement as a whole in the Eastern Partnership, simply because one of the main advocates has disappeared.

It seems that no one in the V4 is able (and willing) to take on Poland’s role. One can hypothesize that Slovakia is currently the most active Visegrad Group country in the EaP countries, but its involvement is also limited. This situation creates difficulties regarding support for reforms and the promotion

of democracy in the EaP countries, especially given the illiberal tendencies in Hungary and Poland.

Looking into the future, one cannot exclude long-term stagnation in EU relations with EaP countries that have signed AAs. Possible recovery depends on at least three issues. Firstly, it requires the proper implementation of reforms in the EaP countries, as this would enable the full implementation of the AAs. Secondly, there is the question of what state the EU will be in following Brexit, especially given the illiberal trends in some member states. The EU response to illiberal tendencies in the member states (Poland and Hungary especially) has been carefully observed in the EaP countries. A failure to address this issue will undoubtedly undermine the perception of the EU as a community of liberal democracies in partner countries, and this could impact significantly on their democratization processes. Finally, it is dependent on the future of the recently launched enlargement process in the Western Balkans (Communication from the Commission 2018). A Western Balkan success story could reinvigorate the debate on membership prospects for East European countries.

II.2 In the Eastern Partnership countries

II.2.1 Ukraine

By Petro Burkovskiy

The uprising against an authoritarian president and the massive voluntary territorial defense movement against Russian aggression revealed the great resilience and creative capabilities of Ukrainian civil society. Non-governmental organizations and volunteer crowd-funding initiatives filled the vacuum left by the collapse of the administrative structures of the Yanukovich government. Numerous organizations supplied the armed forces with the necessary equipment and goods; helped displaced people caught up in military action and provided assistance for the post-war rehabilitation of combatants. Another important aspect of the civic action has been the advocacy for urgent reform by coalitions of willing NGOs, evident in efforts such as the “Reanimation Package of Reforms” and the establishment of important civic initiatives to raise public awareness about the most effective ways of fighting corruption and promoting the restoration of Ukraine’s territorial integrity.

The most significant civil society achievements include the establishment of anti-corruption bodies such as the National Anti-Corruption Bureau, the introduction of compulsory e-declarations of revenue and property for state officials and the successful campaign on implementation of the law required to pave the way for the visa-free regime with the EU. An opinion

poll conducted in December 2016 showed that Ukrainians saw NGOs and volunteers, the West, and the people themselves as the major driving forces behind the reforms, while oligarchs, the bureaucracy and Russia were identified as obstructers (DIF 2016). Moreover, in September 2017, 53 per cent of Ukrainians trusted volunteers and 43 per cent trusted NGOs and NGO activists because they had proved their ability to help ordinary people solve their everyday problems (USAID/ENGAGE 2017).

The cultural and linguistic diversity of Ukraine has proved to be an additional consolidating factor at a time of crisis, whilst politics have emerged as a divisive force. Despite differences in ethnic identity or language use in everyday life, 95 per cent of Ukrainians see themselves as citizens of Ukraine (and 72 per cent completely agree with this statement) (Razumkov, 2017). An absolute majority of Ukrainians (83 per cent) consider themselves to be patriots of Ukraine and 76 per cent would endorse the country's independence if they had to vote in a referendum on the issue. Majority support for independence was found in all age groups, regions and among the main linguistic groups (SG Rating, 2017). People indicated that their patriotism had been strengthened by the sacrifices made by military servicemen and volunteers during the war against Russia, but had been weakened by the government's failures to implement reforms. Consequently, the majority of Ukrainians do not consider the president, prime minister, speaker of parliament and national security secretary and defense council to be patriots (Razumkov, 2016).

In terms of political choice, for Ukrainians democracy, reforms and human rights are as important as welfare. People assign a high value to living in a democratic state, but think the current form of government is far less democratic than it should be (Razumkov 2017). This observation is supported by another sociological survey on public attitudes to civil liberties. According to a 2016 DIF and UNDP poll, 35 per cent of Ukrainians thought the situation regarding civil rights and liberties had deteriorated since 2014, while 22.5 per cent said that certain rights had improved while others had diminished. Most of all, people had experienced a weakening of their social and economic rights (right to a job, welfare programs, affordable healthcare, and to conducting entrepreneurship freely) (UNDP 2016). At the same time, in 2017 more people had become resilient to the unfavorable economic conditions and almost 40 per cent would tolerate them for the sake of reform (Institute of Sociology, 2017).

The protests had decreased but people were radicalized by the deteriorating economic conditions. Almost 15 per cent of Ukrainians reported that they had participated in some kind of protest activity to protect their rights in 2017 (Institute of Sociology, 2017); while at the beginning of the year potential protesters amounted to 49 per cent (KIIS, 2016). Special monitoring of protest activity conducted by the Centre for Social and Labor Studies indicated that the number of protest actions had increased substantially since

2014. It is acknowledged that a higher level of radicalism and confrontation during the protests could provoke excessive use of repressive power by the authorities (Ishchenko, 2016). Meanwhile, people are more willing to use protests as a means of showing disapproval at the government's decision to increase communal tariffs; protect civil liberties, labor rights, and the right to pension payments; demand the prosecution of corrupt officials; and close down hazardous or ecologically harmful production and construction sites (Institute of Sociology, 2017).

Four years after Maidan, Ukrainians are still attracted by the idea of EU integration because it is a driver of important reforms which benefit ordinary people. In 2015, 50.2 per cent of Ukrainians believed that EU integration would bring more benefits than costs. For instance, people expected free movement across Europe, an improvement in their welfare, free access to European universities for young people and the implementation of domestic reforms (DIF, 2015).

European aspirations also shape the political choices of Ukrainians. When asked about their ideological preferences, the majority of Ukrainians confirmed that they would vote for parties which were either seeking to join the EU (51 per cent) or to develop close relations with the EU (53 per cent) (Rating and IRI, 2017). At the same time only 38 per cent of Ukrainians identified as Europeans, while 55 per cent stated they did not regard themselves as Europeans. The European identity was much stronger among the younger generation – 49 per cent of people under 30 considered themselves Europeans (DIF, 2017).

As relations between the EU and Ukraine developed beyond the point of formally approving the Association Agreement, Ukrainian citizens remained more attracted by long-term expectations on the benefits of EU integration rather than short-term ones such as the visa-free regime. A DIF opinion poll from July 2017 revealed that people associated a European identity with a higher level of welfare (59%), protections offered by the rule of law (36%) and respect for democracy and human rights (26%). It is important to note that these perceptions were common to all regions and age groups. Ukrainians who would vote in a possible referendum on EU accession expected better living conditions for ordinary people, more vibrant economic development and more opportunities for personal success.

On the other hand, the general public in Ukraine does not consider the visa-free regime to be a significant achievement in terms of EU integration. According to sociological polls, those who thought it important fell from May 2016 to July 2017 (from 43.5 per cent to 38.7 per cent), while the majority of those who considered it unimportant rose from 50.4 per cent to 57.5 per cent (DIF, 2017).

In the mid-term, pro-European sentiment among Ukrainians, especially the younger generation, will depend on the performance of the national

economy and improvements in well-being. According to a national opinion poll conducted in October–November 2017, four of people's top five concerns were economic in nature: inflation, salaries, unemployment and high utility tariffs (SOCIS, KIIS and others 2017). By mid-2017, 73 per cent of Ukrainians were still complaining about the deteriorating economy and family living conditions. On the other hand, for the first time since September 2013 those who regarded the outlook for economic development in the next 12 months to be negative had fallen to below 50 per cent and 37 per cent of Ukrainians were cautiously hopeful (Rating and IRI, 2017). Furthermore, 48 per cent said that the most urgent tasks facing the country in the next 10 years were improvements in general welfare and sustainable economic growth (Rating and IRI, 2017).

The decentralization reform is absorbing the positive energy of civil society and provides practical training for a new type of responsive and responsible governance. Initially, the decentralization reform was prompted by two factors. Firstly, the redistribution of power between the center and the regions would represent a viable alternative to Russian pressure to transform Ukraine into a federal state. Secondly, decentralization was demanded by the local councils and elites that had supported Maidan and who wanted to prevent the dangerous concentration of power in any future central government. The key element to this reform was the voluntary merger of neighboring communities to increase local budget revenues, and consequently, ensure more money was spent on improving community life. By mid-2017 almost 26 per cent of all communities had merged and established new self-governing bodies. It is worth noting that 16 per cent of Ukrainians stated that they had seen positive changes due to the implementation of the reforms, namely, local road repairs and improvements in public services. Nonetheless almost 55 per cent had not noticed any differences (DIF 2017).

After 2014 the Ukrainian people chose democratic consolidation, while the regrouped political elites both fought and collaborated in an attempt to recapture key state institutions. The forceful removal of president Yanukovich from power did not create a legal or political vacuum in Ukraine. Two months before Yanukovich left for Russia, the leaders of the opposition parties, under pressure from civil society and protesters, approved the Maidan Manifesto Program (Tyzhden 2013). Despite the general nature of the provisions, it included demands to reinstate parliament as the main decision-making body, ensure the lustration of the judicial and law enforcement systems in order to strengthen the rule of law, and delegate more power and resources to local councils. Detailed obligations to change the system of governance, fight corruption and give more power to the people were set out in the "European Ukraine" coalition agreement, signed by the five winning parties of the parliamentary elections in October 2014 (Rada, 2014).

However, four years after EuroMaidan most of these demands have not been met. The return to a semi-parliamentary republic did not result in greater transparency and effective government policies. First of all, the post-revolutionary parliament failed to change the electoral system from a mixed to a proportional one. Most of the MPs who had endorsed the “dictatorial laws” of January 16, 2014, managed to get re-elected in the new parliament and formed three groups which traded votes to the government and coalition for personal political and business gains.

Secondly, the former opposition political forces, who had won a comfortable parliamentary majority, failed to operate as a cohesive and collaborative coalition in performing its legislative work and was not effective in holding the government to account. The majority coalition lasted for only nine months. In total, in the 30 months of the coalition cooperating (December 2014–June 2017), only 25 per cent of the government’s bills became law. Furthermore, the appointment of a new government in April 2016 was possible only because of the votes of former Yanukovich loyalists, whipped into supporting it by the Poroshenko administration. It made the Hroisman government vulnerable and dependent on relations between the president and the parliamentary lobbying of other oligarchs. Moreover, the level of public trust in the highest authorities (president, cabinet of ministers and parliament) dropped significantly between 2014 and 2017. By the end of 2017 people thought that bureaucracy, the oligarchs, the cabinet of ministers and the president were the true obstacles to implementing the reforms (DIF and KIIS, 2017).

Thirdly, the lustration of the judiciary has been extremely superficial. Official information held by the Interim Special Commission on Lustration and the Ministry of justice indicates that only eight judges have been removed from office despite the 2,302 public and administrative requests (VRP, 2015). By the end of 2017 the courts remained the most distrusted state institution. According to an opinion poll, the negative balance between trust and distrust was -71 per cent, second to the Russian media (Razumkov, 2017).

Anti-corruption policy is considered to be the main failure of the post-Maidan governments. According to a DIF and KIIS opinion poll in October–November 2017, 60 per cent of Ukrainians thought the anti-corruption efforts were totally flawed. Sixty per cent blamed the president for this failure, 42 per cent thought parliament was responsible and 37 per cent considered the judicial system liable. A DIF and USS poll from September–October 2017 indicated that parliament, the courts, the prosecutor’s office, customs services and public healthcare establishments were considered to be among the most corrupt state institutions. In 2017 people reported that they had to bribe officials in public hospitals, schools and universities (DIF and USS 2017). Ukrainians demand that corrupt officials at the highest level should be prosecuted and imprisoned as a means of reducing the high level of social and political tension in society (Institute of Sociology, 2017).

Despite this obvious and popular requirement, the new power elites began reversing anti-corruption policies. For instance, the president managed to win parliamentary approval for the appointment of his long-time subordinate as the new prosecutor general, despite him lacking the necessary legal training. Additionally, there was evidence that the so-called open and competitive selection of the highest executive officials was manipulated in favor of those loyal to the president, regardless of professional background. The president also turned a blind eye to a Security Service smear campaign against anti-corruption NGOs, and the police and prosecutors allegedly falsified criminal charges against members of the Anti-Corruption Action Center. Additionally, when speaking with civil activists in December 2017, the president objected to providing the required funding for independent TV channel Suspilne Movlennia (Public Broadcasting) in 2018. It had aired numerous journalist investigations into cases of corruption.

Public policy continues to serve as a screen for political backroom deals on key national issues. It is worth mentioning that before publicly announcing his nomination for president, Petro Poroshenko had to enter into secret negotiations with Dmitry Firtash, an influential gas and media tycoon, who invested money in developing close relations with three former Ukrainian presidents, including Yanukovich. Before Poroshenko was elected, interim president Olexandr Turchinov appointed the well-known oligarch and co-owner of the biggest Ukrainian private bank Ihor Kolomoyskiy as governor of his native Dnipro region, while his business associate Ihor Palytsia was made Odessa governor. Later, Poroshenko selected former president Kuchma, the father-in-law of Viktor Pinchuk – another oligarch – to represent Ukraine in the Trilateral Contact Group in the Minsk negotiations with Russia, despite Pinchuk having commercial interests in the Donbass region. Furthermore, Poroshenko approved the appointment of another former oligarch Viktor Medvedchuk as chief negotiator in the Ukraine–Russia dispute over the exchange of POWs and hostages with the separatists.

President Poroshenko even established a network of personally loyal executives in the security and defense sector. The defense industries are supervised by the president's former business partner Oleh Hladkovskiy, while important operations by the Security Service and the General Prosecutor's Office are controlled by another of the president's cronies, Ihor Kononenko (Kamenev and Nikolayenko 2016). However, it should be mentioned that this practice is also entered into by political allies from the People's Front. For instance, interior minister Arsen Avakov used his powers to protect police officers who participated in the suppression of Maidan in exchange for their loyalty (Zakrevska 2017). Avakov also provided legal justification for transforming the former volunteer troops into special police forces loyal to him personally. Another member of the People's Front, influential justice minister Yevhen Petrenko, established a special commission on the protection

of property rights. It abused its power and facilitated the hostile takeover of dozens of private enterprises (DT 2017).

Oligarchs use their control over the main TV channels to shape the national political agenda. According to different polls, television is the most influential media in Ukraine. Eighty-seven per cent of Ukrainians prefer television as their source of news about events in the country (KIIS and Detector media 2016), while 67 per cent of Ukrainians acknowledged that they received their information on reforms and politics through television (GFK and Pact, 2017). According to DIF Director Dr. Bekeshkina, the national TV channels could be responsible for persuading people that they are unable to make positive changes in their lives. They also only broadcast negative news (Bekeshkina 2017). Since major Ukrainian TV channels are owned and managed by the five oligarchic groups, it is possible that this media policy aims to de-mobilize people and is disapproving of any form of civic activity.

Disappointment with the post-Maidan governments and frustration over the slow pace of reform laid fertile ground for the growth of populism and radicalism in Ukraine. Forty-eight per cent of Ukrainian citizens stated they could not tolerate the tough economic realities any longer. The main factors people mentioned that might increase social tensions included the war in Donbas, the growing unemployment and poverty, and corruption and power abuse by the authorities (Institute of Sociology, 2017). People urgently demand the punishment of corrupt officials, improvements to social welfare and the cessation of the armed conflict in Donbas. Sociologists warned that the deterioration in living conditions would provoke mass protests among the poor, while well-off citizens would join in the protests against the violation of civil and political rights. Thus it is entirely possible that populist political forces (which the author estimates to attract around 28 to 30 per cent of voters) will try to hijack the political agenda of the 2019 elections and force Ukraine away from EU integration and into political isolationism and economic protectionism.

II.2.2 Other Eastern Partnership countries

By Věra Řiháčková, Maria Baldwin & Eduardo García Cancela

Although Ukraine is both perceived to be and perceives itself a pivotal state in the region, the situation in the remaining EaP countries, including the AA/DCFTA countries, has not been a source of great optimism. In Georgia, constitutional amendments, media pluralism and the situation regarding minorities and the implementation of antidiscrimination legislation are a source of concern. Moldova has been severely backsliding on rule of law, democratic standards and electoral processes, media plurality and creating

an enabling environment for civil society. Despite its slow economic recovery, migration and the brain drain are further depleting the country's human resources. The population remains passive and distrusts its political leaders as well as civil society. In Armenia, Azerbaijan and Belarus, the political elites rule without the legitimacy which only free and fair elections, respect for human rights and the rule of law can bring. All three of these countries that are lagging behind, tagging onto the AA/DCFTA countries, display different levels of openness to cooperation and efforts to comply with their commitments, and pursue various tactics vis-à-vis the EU and the member states. The extent to which there is real engagement and readiness to deliver on the bilateral and multilateral agenda is questionable. At the same time, all these countries, except Belarus, are having to deal with conflicts on their territories and Russian interference in their domestic matters.

Georgia

When the visa-free regime for Georgian citizens came into effect in March 2017, Tbilisi had achieved its most important European integration aim – the driving force behind its domestic reforms. And yet, Georgia's political system has turned more opaque. The overwhelming majority obtained by the ruling Georgian Dream party in the 2016 parliamentary election gave it 115 of the 150 seats in parliament, in effect giving it unchecked governance and turning Georgia into a de-facto one-party state.

While Georgia's democratic institutions have been consolidated and important anti-discrimination and human rights laws passed, serious concerns persist over the independence of the judiciary. Major changes have been implemented in relation to the transparency of court hearings but other issues remain problematic. The final version of the legislative package does not reflect most of the substantive recommendations submitted by the local CSOs and the Venice Commission. The judiciary is also the most problematic area in the Association Agenda, together with the democratization of the country in general.

Concerns have also arisen with regards to the proposed amendments to the constitution. The prohibition of electoral blocks and the requirement that parties attain a 5% threshold before they can enter parliament clearly restrict the political competition, violating the principles of proportionality and equality. The ruling Georgian Dream party also decided to postpone implementation of crucial amendments such as the introduction of a fully proportional system and the reduction of the threshold to 3% by 2024.

Georgia still lacks an investigative mechanism for abuses by law enforcement officials. In May 2017, Azerbaijani journalist Afghan Mukhtarli was kidnapped in Tbilisi and reappeared 24 hours later in the hands of the Azerbaijani border police, who accused him of illegally crossing the border.

The involvement of Georgian police officers in these actions still has to be further investigated. These unchecked elements of power in the intelligence services and law enforcement are often referred to as the “deep state”, since the suspicion is they acted without the knowledge of the prime minister.¹⁴

In the run-up to the 2017 municipal elections, xenophobic, ethno-nationalist, homophobic, and ultra-conservative rhetoric began to emerge, and on July 14, 2017 more than 2,000 protesters held a “March of the Georgians” anti-immigration rally in Tbilisi. The low political participation of women and the protection of sexual minorities remain important challenges, despite Georgia having antidiscrimination legislation that guarantees the equal treatment of men, women and minority groups. The generally pro-European sentiment is being undermined by Russian propaganda which spreads information about the “failing EU”; Russia often positions itself as the guardian of traditional Christian values.

Georgia’s media environment has been rated as “partly free”; however, there are concerns media pluralism is at risk. The case of Rustavi2 (a television channel) and the merger of three TV stations into a single group have raised concerns about media independence and attempts at interference by different actors. Access to the internet remains relatively limited. According to Freedom House, in 2017 internet penetration was 50 per cent.¹⁵

The EU has a unique leverage in Georgia and should use it to further support implementation of the reforms and the association agenda.

Moldova

Once a front-runner among the Eastern neighbors, Moldova is regarded today as a captive state in which intertwined private and political interests (oligarchization) have taken full control of the state and endemic corruption exists at all levels of governance.

The financial fraud of 2014 has led to the government’s accountability and credibility deteriorating over the last three years. The financial scandal has deeply affected public trust in the government and its legitimacy among the pro-European sections of society. The government has therefore put its efforts into rebuilding trust with the EU and other international actors, proving its commitment to the European integration agenda and adopting a new National Action Plan for the implementation of the Association Agreement.

The key reforms have only been partly implemented. The government estimate is that the delivery rate on AA/DCFTA NAP stands at 66% for 2017, while the independent civil society monitoring puts it ten percentage points lower. The progress on judicial, public administration and anti-corruption

¹⁴ (De Waal, 2017)

¹⁵ (Freedom House, 2017)

initiatives has taken place mostly on paper. The initiatives have not been implemented due to weak government capacity, inconsistent policy-making, and state capture.¹⁶ The Moldovan authorities should ensure timely and consistent implementation of the country's commitments under the EU–Moldova Association Agenda 2017–2019. It will be one of the country's main challenges this year. Moldova's relationship with the EU has slowly started to improve. Many actors, including civil society, recommend that Brussels should link Moldova's direct budgetary support from ENI to tangible and objectively measurable outcomes in combating corruption and in strengthening the independence and transparency of the judiciary and law enforcement agencies.

Its anti-corruption measures and justice reforms are still falling short. Transparency International's 2017 Corruption Perception Index ranked Moldova 122 out of 176 countries. This was similar to its position in 2016, when it ranked 123 following its dramatic tumble from 102 the year before.¹⁷ The political stakeholders clashed with civil society, smearing the organizations and their leaders. In 2017 the government tried to undermine CSO operations through a proposal to sever reporting obligations. Ultimately it was prevented through the concerted efforts of the EU and the member states. The media environment continues to be problematic, as there has been a further deterioration in media freedom and pluralism, with most of the key outlets under the control of oligarchs.

The failure of the pro-European governments to implement pro-democratic reforms and measures which would have tackled the corruption has led to a revival of the ancient East– West divide, with pro-Russian movements profiting from broad public dissatisfaction with the country's path towards European integration. The election of the pro-Russian candidate Igor Dodon as president in 2016 reignited the debate about Moldova's geopolitical orientation. Igor Dodon based his campaign on proposals to withdraw Moldova from the EU–Moldova Association Agreement and to build closer ties with Russia, which served to deepen the already existing polarization in society.

Despite Moldova's political volatility and slow economic recovery, the EU is its main economic partner, while trade with Russia has decreased significantly¹⁸. As in other AA/DCFTA countries, private interests and oligarchic structures continue to play an important role and have the potential to thwart reforms. The EU should work to support political consolidation and insist on adherence to democratic standards and tougher institutional checks and balances.¹⁹

¹⁶ (European Parliament 2017, p. 41)

¹⁷ (Transparency International, 2016)

¹⁸ (European Parliament, 2017)

¹⁹ (European Parliament 2017, p. 77)

Armenia

The signing of the Comprehensive and Enhanced Partnership Agreement (CEPA) in November 2017 could bring a new positive trend to EU–Armenia relations, if the CEPA is ratified and a proper roadmap developed and put in place. The government’s decision to reject the Association Agreement with the EU in September 2013, and Armenia’s joining the Russia-led Eurasian Economic Union (EAEU) in October 2014 have made building an effective partnership very difficult over the last few years. The CEPA is a good opportunity to redress the situation and emphasize the inclusion of civil society in the discussions, and open up new channels of cooperation with Armenia. However, success will depend on EU efforts to minimize imitation share in the reform agenda; deploy reliable monitoring mechanisms, identify and support the real agents of change in the country; structure an efficient communication strategy; and further increase the presence of the EU institutions in the country.

The political will, which currently favors the monopolization of power, remains the main challenge for the EU. In that sense, the ongoing transition towards a parliamentary system of executive power – to be concluded in April 2018 – could open up the way for political stakeholders, Armenian civil society and the EU to contribute to the process and strengthen democratic governance and accountability.²⁰ On the other hand, external geopolitical factors continue to be an obstacle in the implementation of the reforms. For instance, the adoption of two draft laws on equal rights (anti-discrimination) and domestic violence (criminalization) was postponed due to counterpropaganda from pro-Russian circles.²¹

Other challenges include the need to improve the investment climate and business environment; make progress on the anti-corruption, judiciary and public administration reforms; improve media plurality; and show a stronger commitment to raising security issues to assist the peaceful development of the Nagorno-Karabakh conflict.²² At the same time, the country’s elite is skilled at denying the human rights challenges and the situation of several political prisoners, mostly incarcerated during pre-trial detention since the clashes in 2016 (Andreas Ghukasyan and others).

Azerbaijan

Despite improvements in sustainable development, energy cooperation and the business climate, Azerbaijan remains one of the most challenging coun-

²⁰ (EaP Index 2015-2016, p. 65)

²¹ (EaP Index 2015-2016, p. 64)

²² (EaP Index 2015-2016, p. 68)

tries in the Eastern Partnership. Its poor human rights record, including the imprisonment of journalists, human rights activists and opposition politicians, prevents the country from achieving closer integration with the EU. This is particularly relevant given the early presidential elections announced for April 2018. Previous experience suggests there may be a lack of transparency and little or no independent monitoring of the process.

Since February 2017 the EU and Azerbaijan have negotiated the new Strategic Modernization Partnership Agreement, which focuses on sector cooperation rather than democracy and human rights, and has not included consultations with civil society²³ and other key players like the European Parliament. Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy, announced at the Azerbaijan Cooperation Council meeting in February 2018 that the agreement could be concluded soon. She also named several challenges relating to EU–Azerbaijan relations, such as Azerbaijan not being a member of the World Trade Organization (WTO) and the status quo regarding the conflict in Nagorno-Karabakh.²⁴ The EU is pursuing a pragmatic approach to the negotiations, reflecting its interests, especially in energy.

To engage more deeply with the EU, Azerbaijan has to comply with its commitments within the Council of Europe and the Open Government Partnership. In the Council of Europe, Azerbaijan has been challenged over its implementation of the ECHR ruling in the Ilgar Mammadov case.²⁵ At the same time, the covert practice of attempts by Azerbaijani officials to corrupt European politicians (“caviar diplomacy”) have been uncovered and exposed by civil society, think tanks and investigative journalists, leading to the first prosecutions in Italy (MP Luca Volonte case).²⁶

The list of comprehensive reforms that need to be implemented starts with the judiciary and electoral law, and ends with progress over the decentralization of the public administration and fiscal governance processes. Azerbaijan needs to significantly improve its enabling environment for civil society.²⁷ Several conditions have been established in this direction enabling Azerbaijan to recommence participation in the Open Government Partnership initiative. The issue of political prisoners has been endemic, and the EU chose to address this from behind closed doors to avoid megaphone diplomacy. Although EU stakeholders claimed success had been achieved, the revolving door policy is a persistent characteristic of the approach the Azerbaijani authorities are pursuing. Individual cases and destinies are turned into bargaining chips in

²³ (EaP Index 2015-2016, p. 72)

²⁴ (EEAS, 2017)

²⁵ (Council of Europe, 2017)

²⁶ (European Stability Initiative, 2016)

²⁷ (EaP Index 2015-2016, p. 72)

the EU–Azerbaijani negotiations. Fikret Huseynli, a Dutch citizen of Azerbaijani origin, is the most recent case of a person under threat of extradition to Azerbaijan. In this alarming development following the case of Afgan Mukhtrali, the Azerbaijani authorities claim that Mr Huseynli committed fraud and illegally crossed international borders.

Belarus

In the last two years, EU–Belarus relations have improved slightly.²⁸ Despite Belarus ranking last in its approximation to European standards in the Eastern Partnership Index 2015–2016, owing to its very weak scores on human rights, sustainable development and the market economy, a certain level of engagement has been achieved in people-to-people mobility, cultural exchange and cooperation in science and education. In addition, new opportunities for dialogue have resulted from the launching of the EU–Belarus Coordination Group in 2016 and the resumption of the EU–Belarus bilateral Human Rights Dialogue in 2015. The current geopolitics in the region, in the context of the Ukrainian conflict, has also favored rapprochement between the EU and Belarus.²⁹

The repressive political regime remains the main obstacle to further engagement with the EU. Despite some positive steps, such as the adoption of the Action Plan on Human Rights for 2016–2019, Belarus still enforces the death penalty, restricts basic civil and political rights and lacks effective mechanisms of consultation with civil society at the national level.

On the other hand, higher education reform has emerged as a new channel for cooperation. Belarus entered the Bologna Process in 2015 on condition of its implementing the Roadmap for Higher Education Reform in 2018. Although the vast majority of the commitments have not been implemented yet, the process is seen as a window of opportunity for establishing dialogue and achieving progress on academic freedoms. Moreover, the EU and Belarus signed the Mobility Partnership in October 2016. Further developments were also expected regarding the Visa Facilitation and Readmission Agreement. The negotiations should have ended in 2017.

Other challenges include the lack of an enabling environment for CSOs; Belarus's membership of the EAEU; the fact that it is not a member of the WTO; and the need to implement proper economic reforms that are in line with the recommendations of the international financial institutions.

²⁸ (EaP Index 2015–2016, p. 87)

²⁹ (EaP Index 2015–2016, p. 85)

II.3 Outside the EU

By András Rácz

The Eastern Partnership (EaP) project also has to confront a number of serious challenges from outside the EU, and these affect EU and EaP countries alike.

II.3.1 Decreasing visibility of U.S. support

Since the 2016 election of Donald J. Trump as President of the United States, the Trans-Atlantic partnership has faced a series of political and economic challenges. From the EaP perspective, the most important problem is the lengthy and cumbersome post-election transformation of the US State Department. Under State Secretary Rex Tillerson, the ministry faced serious staffing problems as well as a radical budget cut (Buren, 2017). The personal conflicts between the president and state secretary did not improve the situation either (Miller – Sokolsky, 2017). Ultimately, the situation escalated until Tillerson was dismissed on March 13, 2018.

The prolonged weakness of the State Department has meant that the EU and Eastern Partnership have been less able to rely on the firm and steady support of the US than previously. This has also been true of the EaP countries, and particularly the reformist transformationist political forces there.

The sole exception is Ukraine, where the appointment of Kurt Volker (US Department of State, 2017) as Special Representative for Ukraine Negotiations in July 2017 has resulted in the successful reinvigoration of negotiations on the implementation of the Minsk agreement. Another sign of stronger US engagement is that Washington has finally agreed to provide Ukraine with lethal weapons, namely sniper rifles and anti-tank missiles. This move is of political importance and demonstrates the strong engagement of the US with Ukraine. In terms of military significance, the weapons support will not enable Ukraine to forcefully change the military status quo, but they will make it extremely expensive for Russia to do so. In addition, there are intensive negotiations with Russia about the possible launch of a UN mandated peacekeeping mission (Mykhailyshyn, 2017⁷) in Eastern Ukraine.

At present the main question is whether the personnel change in the US State Department and the inauguration of Mike Pompeo, former CIA director, will bring further positive developments, through the reinvigoration of the functioning of the State Department and its engagement with the EaP countries. The risk is that a further cooling in US–Russia relations, particularly in light of the very recent sanctions introduced on March 15, 2018 will result in more aggressive Russian behavior towards the EaP countries and that the US may not be able to fully counterbalance that yet.

II.3.2 Pressure from Russia

Russia has long considered the EU and its Eastern Neighborhood Policy to be a threat to its own claims to this zone of influence. Although Moscow can see that the EU's policy is not heading towards future enlargement, Russia still perceives the spread of EU norms (especially on democracy and human rights) as a threat to its national interests, particularly in relation to regime security. Since the EaP was launched, Russia has therefore predominantly acted as spoiler, using all its available tools and means, ranging from diplomatic and energy security pressures to disinformation and special operations.

Nonetheless, the illegal annexation of Crimea was a landslide change. By grabbing Ukrainian territory through military force, Russia violated not only the general norms of the international order, but also its own numerous commitments to respect Ukraine's sovereignty and territorial integrity. By annexing part of Ukrainian territory and creating a proxy-war on another, Russia made it very unlikely that Ukraine would be able to join either NATO or the EU any time soon, and significantly weakened the country. Russia's moves significantly undermined the international order that is based on norms and agreements, and in so doing took a step backwards toward the nineteenth century and the great powers' game model of international relations.

Following the aggression against Ukraine it is not surprising that Russia was finally able to exert pressure on Armenia to water down its approximation plans with the EU and join the Eurasian Union in 2015 instead (The Moscow Times, 2015). At the same time, Russia's evident willingness to use military force for political purposes led to Kazakhstan and Belarus, two of the three founding members of the Eurasian Union, becoming equally concerned about potential Russian aggression. Fear of Russia has played a key role in Minsk's efforts to normalize its relations with the EU (Togt, 2017), as described in Chapter II.2.2.

Moldova has also been affected by fear of potential Russian aggression. Besides the long unresolved conflict in Transnistria, the country's domestic political crisis has been made worse by a referendum Russia instigated in the autonomous region of Gagauzia, seeking the potential separation of the region from Moldova (Catus, 2014). Although Chisinau was able to keep the situation under control, Russia is highly likely to keep using the region as a tool to limit Moldova's pro-European ambitions (Schleifer, 2014).

Russian pressure is also shaping the foreign and security policy choices of South-Caucasian EaP countries. In Georgia there are still two unresolved separatist conflicts backed by Russia, which determines the extent to which Tbilisi can pursue its pro-EU and pro-NATO agenda. The other two EaP countries in the region, Armenia and Azerbaijan, have long received support from Russia, through the provision of a defense guarantee and economic assistance to Armenia and the selling of high-tech arms to Azerbaijan. The

conflict that erupted in April 2016 put Russia in an awkward situation, as it was criticized by both countries: Yerevan blamed Moscow for failing to provide security assistance, while Baku was angry at Russia's efforts to broker a ceasefire, thus stopping Azerbaijan's advance (Waal, 2018).

The main challenge to the Eastern Partnership is the lack of reason to believe that Russia's interventionism, including its willingness to use military force for political purposes, will fade any time soon. The unresolved territorial conflicts that restrict the domestic and foreign policy options of all but one EaP country (the sole exception is Belarus) are also unlikely to be resolved soon. These factors, combined with economic and media pressure, will continue to shape and affect the foreign policies of the EaP countries in the long run.

11.3.3 Dominance of the South

In the South, the challenges posed by Islamic State (ISIS) and migration also affect the EaP, albeit in an indirect, but negative way. The reason is that attention and resources are diverted away from the EaP region and toward the Southern neighborhood and Turkey.

This was especially so in 2015 and 2016, when slightly more than 1.5 million asylum seekers entered the EU from the Middle East and Africa. Though the March 2016 agreement with Turkey has helped decrease the migration pressure, it cost €3 billion and there were concerns about human rights in Turkey (Gogou, 2017). The agreement expired in late 2016 and on March 14, 2018 there were news reports of a renewed deal (Rettmann, 2018). According to the new agreement, the EU would pay Turkey an additional €3 billion to keep the asylum seekers there, thus preventing them from coming to Europe.

The good news is that according to a recent report by the International Organization for Migration, the numbers are dropping fast: in 2017 half as many asylum seekers arrived as had the year before (Nebehay, 2018). On the one hand, this alone, if it stabilizes the situation, could provide an opportunity for the EU to concentrate once more on the Eastern neighborhood. On the other hand, the conflict in Syria, constituting the worst-ever humanitarian crisis in the EU's neighborhood, is unlikely to end in 2018. The EU and its member states will therefore have to keep mobilizing their funds and resources to aid those in need – which had already cost them more than €10 billion by 2017 (European Commission, European Civil Protection and Humanitarian Aid Operations, 2018). As a result, it is unlikely that significantly more resources can be allocated to the EaP region, as is evident from the final conclusions of the November 2017 Eastern Partnership summit (Council of the European Union, 2017).

III. Recommendations

III.1 For the EU

III.1.1 Deepening the association process

By Alexander Duleba

There is room for a further upgrade of the institutional framework for EU cooperation with the associated Eastern partnership countries – Georgia, Moldova and Ukraine. They should be given access to the Comitology committees of the European Union.

The Comitology committees are expert committees set up by the Commission at the agenda-setting stage of the legislative process in the central EU institutions – the Council and the parliament. The Comitology committees act as advisory bodies that assist the Commission in drafting new legislation. The right to participate in the Comitology committees under observer status has already been granted to experts from non-EU member states with agreements that come under the category of differentiated integration, the same as the Eastern Partnership Association Agreements. The relevant third countries were given access to the single market or part thereof or to certain EU sectoral policies on the provision that they approximate their national legislations to the *acquis communautaire* of the EU as required.

The EEA agreements grant Norway, Iceland and Lichtenstein the right to delegate experts to the Comitology committees. They can participate in committee meetings alongside experts from the member states; however, they cannot vote. This same right was granted to Turkish experts following the Customs Union agreement. Turkish experts have the right to participate in Comitology meetings, but only in the limited fields of the *acquis* covered by the agreement, and they do not have voting rights. The EU Comitology committees are also open to Switzerland, but the rules concerning the participation of Swiss experts vary depending on the provisions of the sectoral agreement in question; eight out of the roughly 120 Swiss bilateral agreements include the right for Swiss experts to participate in the Comitology committees. The Comitology committees provide a forum for early consultations between the European Commission and the associated countries' experts. The Commission can informally seek advice from them in the same way it seeks advice from EU member states in elaborating its proposals. This means that experts from the EEA countries, Switzerland and Turkey can access the Commission committees for the purposes of taking part in drafting relevant

EU legislation. Participation in the committees ensures the efficient incorporation of new EU legislation.

Former European Trade Commissioner Karel de Gucht, who supervised the talks on the Association Agreements with the Eastern Partner countries, declared that

these Association Agreements will provide one of the most ambitious levels ever of political association between the EU and a foreign country. They will affect businesses and citizens in several concrete ways since they cover most aspects of economic life – from consumer protection to company law, from environmental protection to education and training. They include a major trade component – a Deep and Comprehensive Free Trade Agreement or DCFTA in the jargon – which is the key driver for economic integration between the EU and the region (De Gucht 2011).

However, a comparative analysis of the Eastern Partnership AA/DCFTAs, including the EEA agreements, Swiss bilateralism and the Turkish Customs Union, has been conducted following the two key dimensions identified by Sandra Lavenex (2011): (1) scope of approximation with the *acquis communautaire* (regulatory boundary); and (2) access to the EU institutions (organizational boundary). It determined how far regulatory extension is accompanied by organizational inclusion in relation to the potential for the respective countries to participate in determining any relevant *acquis* and showed that the above statement by former Commissioner De Gucht is only partly true.

It is true only in relation to one of the three indicators we selected for the comparative analysis of the *regulatory boundary* of Ukraine's AA/DCFTA (for a detailed analysis see Duleba 2017). In terms of the range of approximation to the EU *acquis*, the Eastern Partnership AA/DCFTAs are the second most ambitious type of agreement-based framework for EU relations with third countries (EaP countries have to transpose around 95% of the EU trade and economic related *acquis*), following the European Association Agreements (EEAs) with former Central Eastern European candidates and the current Stabilization and Association Agreements (SAAs) with the Western Balkan countries (100% of the EU *acquis*). In this respect AA/DCFTAs are much more ambitious than the EEA agreement with Norway, Iceland and Lichtenstein, the Swiss bilateral sectoral agreements and Turkey's Customs Union. Under the AA/DCFTAs the largest proportion of the *acquis* will be adopted when compared with all other such frameworks the EU has concluded with third countries; nonetheless they do not include membership prospects.

The AA/DCFTAs are similar to the EEA agreement, Turkey's Customs Union, the EEAs and the SAAs in terms of dynamism, as they provide for the constant approximation of the national legislation to both existing and

newly adopted EU acquis. However, in terms of the legal quality of the transposition of the EU acquis, the AA/DCFTAs are less ambitious than the frameworks listed above, as they do not require strict legal homogeneity with the EU acquis. Unlike the above agreements, which include the harmonization principle, the AA/DCFTAs include approximation with the EU acquis. They stipulate legal equivalence with the EU *acquis*, bringing them closer to the Swiss model of differentiated integration that includes a “harmonization with flexibility” method for transposing the EU acquis into the national legislation. AA/DCFTAs have similar supervision mechanisms to the Turkish Customs Union, the EEAs and the SAAs. They all fall between the EEA agreement, which includes the highest level of supervision of both judicial and political institutions on the one hand, and the lowest or rather a zero level of supervision that is typical of Swiss bilateralism.

In terms of *organizational boundary*, the AA/DCFTAs of Georgia, Moldova and Ukraine do not provide for the most ambitious institutional arrangement on participation in the EU’s policy-shaping process. This is found in relations with the EEA countries, Turkey and Switzerland. Partner countries have access to the two most basic levels of non-member state participation in the EU institutions. The first applies to international organizations, to which the EU belongs; however, they are not part of the EU institutions, such as the Energy Community, and the second applies to EU programs and agencies, including their committees. However, unlike the EEA countries, Turkey and Switzerland, and associated Eastern partners do not have access to the EU Comitology committees, which is the first expert level of the legislating process in the EU.

Considering the AA/DCFTAs with Georgia, Moldova and Ukraine are much more ambitious than the EEA agreements with Norway, Iceland and Lichtenstein and the Swiss bilateral agreements and Turkish Customs Union in terms of the volume of EU legislation transposed, we argue that it is of critical importance for both the EU and its associated Eastern partners to upgrade the institutional framework for cooperation laid down in the AA/DCFTAs in order to improve the effectiveness of implementation. The EU should offer associated Eastern partners access to the Comitology committees.

III.1.2 Democracy support

By Miriam Lexmann & Věra Řiháčková

Democracy as a political system is currently a highly contested term. Its character as a means of delivering public services is questioned not only by autocrats and totalitarian leaders, but equally by political leaders inside the EU. For the first time waves of insurgency against political leaders and policy

making methods are unifying the West with the rest of the world. For the first time in the history of democracy very similar trends can be observed across old democracies, new democracies, countries that are becoming democracies, and autocratic and totalitarian regimes. Some of the trends are inherently contradictory, for example, diminishing trust in democratic institutions alongside growing demand for direct decision making through referenda, or lower electoral turn outs amidst increasing expectations that political decisions can be made through mass street protests. This is having a dramatic effect on traditional political parties, with self-proclaimed social media gurus able to garner double digit support in a matter of weeks and thus challenge traditional political parties. Equally we are witness to radicalization, mainly among the younger generations, and tradeoffs between political rights and freedoms versus stability or security to the benefit of the latter. This is bolstered by the growing security challenges facing people in the West, as security structures are unable to protect citizens from scattered and sophisticated acts of terrorism. The lack of trust in the media and expertise is accompanied by growing trust in individual opinions, self-proclaimed experts and information shared via social media. Sweeping disinformation and sentimental or emotional manipulation dominates the public discourse and thus relativism prevails over norms, values and truths. As a result this lack of trust is challenging democracy support institutions, since no distinction is made between the illiberal meddling or interference performed by the Kremlin for example and genuine efforts to support citizens' desires to live in the kind of free society provided by various Western institutions and states.

Lack of trust is the underlying diagnosis that brings together all these challenges faced by societies around the globe. In order to address the disease, *trust* needs to be broken down and repackaged as the political deliverables people expect as the primary equilibrium for their participation in statehood. The first issue that requires addressing is the growing *fear* among populations. The distinction between citizens of somewhere and citizens of anywhere³⁰ needs not only to be addressed, but to be accommodated in policy approaches. Second, the collapse of the social *justice* system requires an immediate response. The system is being challenged through two channels primarily – the difficulties of defending the social welfare system given the declining proportion of the productive population and the increase of service costs on the one hand and the growing lateral corruption that is deepening the gaps between social groups on the other. Third, as mentioned in the introduction to this publication, the polls show that the general trend is for *security concerns* to outweigh other worrying issues. For this reason,

³⁰ Goodhart, David. 2017. *The Road to Somewhere: The Populist Revolt and the Future of Politics*. London, C. Hurst & Co. (Publishers) Ltd.

policies should respond sensitively to the very fragile equilibrium between security guarantees and liberties.

As noted above, scholars have pointed out that the EU is increasingly focused on democracy from below via support for civil society rather than through government institutions. The examples given of programs designed to achieve these goals include the EaP Civil Society Forum and the Business Forum. However, an analysis of the EU's financing priorities and the objectives of the instruments shows that state institutions continue to be prioritized. The EU attempted to link democracy with the concept of resilience in its 2015 Global Strategy, but even here in practice the focus is still more on the resilience of democratic institutions rather than the resilience of societies. In fact, one area which is disappearing and is completely absent from the Global Strategy is support for political parties.

This approach is confusing because, as the case of Ukraine has highlighted time and time again, the state structures in EaP countries are not weak but excessively strong and rigid. What they suffer from is weak democratic oversight and accountability. Political parties are still the key bodies that are capable of providing such oversight. This is particularly important in EaP countries where the political parties tend to be either short-lived or dominated by their leaders or financial backers. There is both an absence of stable political structures capable of providing adequate oversight and an absence of party structures in the regions, and this means there is no grassroots to stimulate democracy from below.

The weak political structures and perceptions that the political system is corrupt and captured by oligarchic figures have led to citizens increasingly choosing alternative methods of political engagement (Maidan being the most explicit manifestation of this). Thus, while programs such as the EaP CSF can provide support for civic movements, there are few attempts at building structured political parties, and this exacerbates the gulf between state institutions and the citizen.

What we are in fact witnessing is that EU democracy support is becoming both increasingly depoliticized and more technocratic. On one hand, as noted above, despite claims to prioritize local ownership, the objectives of the various instruments include pre-defined norms, giving limited space for dialogue between the EU and local actors. Democracy support is therefore rarely tailor-made but rather is pre-determined by the instruments and their hidden political logic.

On the other hand, the EU's technocratic nature (stemming from its origins as a regulatory project) limits its ability to engage in political work, such as support for political parties, and wider questions about norms and values tend to be reduced to technical discussions, while internal political divisions within EU member states tend to limit this discussion further. "Big-L Liberal principles" have therefore been replaced by more obscure "discur-

sive and practical paradigms” such as “managerial tools, guidance manuals, technical standards and rules of best practice”, resulting in a simultaneously “de-politicized and ‘small-l liberalized’” technocratic process of democracy support (Kurki 2013: 18).

Admittedly, this approach allows the EU and the project implementers to work with more problematic countries, such as Belarus and Azerbaijan. Nevertheless, even in such autocratic countries, the EU continues to strengthen government institutions (in the belief that they may eventually democratize), and sometimes even justifies the lack of support for civil society or political parties in terms of the constraints placed upon its activities by third country governments as is the case, for example, in Azerbaijan.

The EU’s continued prioritization of security and stability over democratic principles and peoples is still in evidence, while the need to build adequate democratic structures to support democratic processes continues to be ignored. Ultimately, supporting civic activism without advancing political activism at the local and regional levels, as a means of connecting and engaging citizens renders democracy support shallow and limits the potential to enact change or to create a sustainable environment within which democratic societies can flourish.

III.1.3 Countering disinformation

By Miriam Lexmann & András Rácz

Despite EU enlargement being an ever successful EU foreign policy strategy, the citizens of EU member states have never accorded it the popular support it requires. For this reason, it has always been about wise political leadership and a tight struggle often fought through repeated referenda.

However, for too long EU foreign policy failed to reflect that what it considered to be its greatest success story was not welcomed by Russia, its *strategic*³¹ partner. The revealing moment only came when first Armenia and then Ukraine abruptly turned course when they dropped their plans to sign an association agreement with the EU practically hours before the Eastern Partnership summit. Since then Russia’s efforts have been seen as focused on distorting and disrupting this successful EU foreign policy in EU member states and candidate countries by i) undermining EU enlargement and its association efforts; ii) calling into question the fundamental underpinnings of

³¹ The term *strategic partnership* is used by the EU when referring to the EU–Russia Partnership and Cooperation Agreement (PCA): “The EU and Russia are not only neighbors but strategic partners...” Available online: http://europa.eu/rapid/press-release_MEMO-11-104_en.htm (accessed on February 16, 2018).

liberal³² democracy as well as rule of law in general; by iii) discrediting Transatlantic cooperation. It seeks to broaden the scope of Moscow's military and political options by polarizing attitudes in countries with Russian-speaking populations and by providing false information on US and EU policies and intentions regarding target countries in order to weaken public support for closer ties within the transatlantic community. Its various strategies also seem to constitute an attempt to discredit EU narratives, erode support for legitimate governments, demoralize local populations, disorient Western policymakers and undermine the concept of a free and pluralistic society. This was confirmed by Russian President Vladimir Putin, who, writing in *Moskovskie Novosti* newspaper, referred to these strategies as "soft power" (*miagkaya sila*) and described them as "a matrix of tools and methods to reach [sic] foreign policy goals without the use of arms but by exerting [sic] information and other levers of influence."³³

The term was subsequently included in the country's 2013 "Foreign Policy Concept" – the first time it had been mentioned in an official document.³⁴ Subsequently, the new Foreign Policy Concept adopted in December 2016³⁵ devoted an entire sub-section to the issue titled "Information Support for Foreign Policy Activities of the Russian Federation." It stated that the objectives of the Russian state are: "*to bolster the standing of Russian mass media and communication tools in the global information space and convey Russia's perspective on international process to a wider international community.*"

However, it was only after the Russian military offensive in Ukraine, the annexation of Crimea and the downing of the Malaysian Airlines flight MH17 that the West realized that its citizens were being exposed to a sophisticated disinformation campaign. The years that followed are likely to be seen as a watershed in the contemporary political history of the transatlantic community. The unexpected result of the Brexit referendum and the seismic shifts occurring across the EU have sent shockwaves throughout the continent and have added to the fear that further populist events may occur in the EU and be instigated by autocrats beyond the EU. The evidence points to Kremlin attempts to interfere in the US elections, the Brexit referendum campaign

³² For the purposes of this article a liberal democracy is a society that respects the liberty and dignity of every person and is thus fully compatible with the social teachings of the Catholic Church.

³³ Russia and the changing world; RT, 27 February 2012, Available online: <http://rt.com/politics/official-word/putin-russia-changing-world-263/> (accessed on 16 February 2018).

³⁴ 'Concept of the Foreign Policy of the Russian Federation', The Ministry of Foreign Affairs of the Russian Federation, 12 February 2013, Available online: http://www.mid.ru/brp_4.nsf/0/76389FEC168189ED44257B2E0039B16D. (accessed on 16 February 2018)

³⁵ http://www.mid.ru/en/foreign_policy/official_documents/-/asset_publisher/CptlCk6B-BZ29/content/id/2542248

and other elections and political decision-making across the EU, including a cyber-attack on the German parliament.

All the above highlight that the need to develop a strong, transatlantic response to Russia's "soft power" efforts – already underway for over a decade – has become even more acute.

As regards EU enlargement, significantly more attention and resources should be devoted to countering disinformation on the EU's EaP policies, both at the EU and member-state levels. Disinformation campaigns within the EU on the EaP region and within the EaP region on the EU need to be addressed effectively. This requires elaborate, long-term planning and sufficient resource allocation.

The reasons are multiple. First, adversarial powers may use disinformation campaigns to directly influence the domestic politics of EU countries, weakening support for the EaP – and causing many other harmful effects. Second, by worsening or distorting perceptions of the EU in EaP countries, disinformation tools could hamper and weaken the EU's external policies as well. The third main reason is that disinformation campaigns are unlikely to disappear or end any time soon. Disinformation on the EaP region has so far originated mostly in Russia; however, in the long run, one cannot exclude the possibility that other powers interested in countering EU approximation of the EaP countries will use similar tools in the future. Russia's sophisticated online, social media-based disinformation machinery could be imitated by other hostile actors seeking to use similar tools against the EU.

Some effects have already been felt. The Dutch referendum on Ukraine's Association Agreement is an example of how disinformation from Russia influenced EU decision-making from within (Noordaa, 2016). The Russian information machinery was able to penetrate the Dutch domestic debate by using a range of sophisticated information tools, from distorted narratives to fake "experts" and outright falsehoods, to influence decision-making in an EU country, directly impacting on the EU's Eastern policy. (Heirbrant, 2017)

Russia's efforts to intervene in the domestic politics and primary elections of EU countries is another example. Had Marine Le Pen, the candidate backed by Russia, become president of France, the EU's Eastern policy and relations with Russia would have been dealt a serious blow. Massive disinformation and hacking actions were launched against Le Pen's opponent, Emmanuel Macron. While problems attributing blame meant that in the end France did not officially accuse Russia of the hacking (AP, 1 July 2017), there was little doubt the disinformation campaign was connected to Russia, as was evident in Sputnik's blatant violation of French laws when it presented information as public opinion polls, despite it not fulfilling French criteria on opinion polling (Balmforth – Rose, 2017).

Anti-EU disinformation campaigns conducted in the EaP countries could be equally harmful. By presenting a false image of the EU and of its

agenda, disinformation campaigns have the potential to weaken support for and the legitimacy of pro-EU political forces in those countries, thereby influencing those countries as well as the local effectiveness of EU policies (Dimitrova et al, 2017). A further specific example is the way in which the Russian disinformation machinery tried to distort facts about the 2017 EaP summit in Brussels (EUvsDisinfo, 23 November 2017).

In the Visegrad Four, citizen frustration with Western institutions is breeding ground for the Kremlin's exploitations and the driving sentiments behind this call for a "new" international order and security arrangements. A poll indicates support among V4 citizens for the following: "the EU needs to be rethought" (40 per cent in Poland to 62 per cent in Czech Republic); "NATO needs to be rethought" (35 per cent in Poland to 53 per cent in Slovakia); "Russia should be brought into European security structures" (35 per cent in Poland to 75 per cent in Slovakia); and "the security of *my* country would be better protected by remaining neutral" (53 per cent in Poland to 73 per cent in Slovakia).³⁶

EU counter-measures to defend its thus far successful foreign priorities and people's legitimate demands for democracy should concentrate on countering disinformation from both inside and outside the EU. Domestically, first and foremost there needs to be a significant increase in resources allocated to the EU East Stratcom Task Force so a robust monitoring methodology can be developed to help address the disinformation. Second, the EU should encourage and support coordination between all governmental and non-governmental actors involved in the disinformation counter-measures. There also needs to be support for close cooperation between actors from within and outside the EU over joint research, exchange programs and training sessions. Third, opportunities to create greater synergy with NATO should also be utilized, particularly regarding cooperation with the NATO Center of Excellence for Strategic Communication in Riga.

In addition media literacy in EU and EaP countries should be promoted, as should the survival of traditional media and the raising of professional reporting standards. As there is no single information space between the EaP countries except ones dominated by Moscow-centered media, new creative information flows should be established to counter Russia's dominance. Stronger measures to counter hate speech could be considered at the national level. By involving the private sector in resilience building efforts, advertising revenues could be directed away from disinformation networks (EaP CSF Recommendations, 2017).

³⁶ "Visegrad Forum poll reveals vulnerabilities to Russian influence," International Republican Institute, May 24, 2017. Available online: <http://www.iri.org/resource/visegrad-four-poll-reveals-vulnerabilities-russian-influence> (accessed on December 15, 2017).

And finally, any effective response to this complex phenomenon – which exhibits similarities across countries but has different triggers depending on the circumstances – must be informed by targeted research to identify vulnerabilities and tactics as well as sources of resilience to disinformation. It is vital that politicians understand the frustrations and fears of their voters and craft policies that take these views on board, as disinformation thrives in conditions where the population feels disaffected and disconnected from its political representatives.³⁷

III.1.4 Visegrad Four

By Grzegorz Gromadzki

Despite all the difficulties described in previous chapters (or perhaps because of them), the Visegrad Group as a whole should still strongly support the European aspirations of the Eastern Partnership countries, while advocating their future membership in the EU. In this context, one of the main tasks of the Visegrad Group could be to support the accession process of the Western Balkan states. It should be noted that the European Commission wants to reinvigorate this process. The successful accession of the Western Balkan countries to the EU would facilitate the start of a real debate on the future membership of the Eastern Partnership countries in the Union.

The Visegrad Group could initiate and support cooperation between candidate countries from the Western Balkans and the three associated countries belonging to the Eastern Partnership. The aim of this cooperation would be to provide the EaP countries with the experience of the Western Balkan countries with their reforms related to the EU integration process. The experience of the Balkan countries is more relevant than the V4 countries because they relate to current times. However, experts from the V4 countries could participate in these activities, what in turn would be interesting for the Balkan countries. In fact, it could be a tripartite cooperation: the EaP countries – Western Balkan countries – Visegrad countries.

The V4 countries should be deeply involved in convincing others in the EU in the matter of further upgrade of the institutional framework for the EU cooperation with the associated Eastern partnership countries – Georgia, Moldova and Ukraine. They should be given – as it was already said earlier – an access to the Comitology committees of the European Union. Moreover, the countries of the Visegrad Group along with the three countries that signed the association agreements could carry out an audit of the existing

³⁷ Miriam Lexmann, “The Vulnerable V4”, Available online: <http://visegradinsight.eu/the-vulnerable-v4/> (accessed on 16 February 2018).

involvement of the countries in various EU policies and also propose in which other policies they could participate.

Much bigger role for Czech Republic and especially Slovakia in the democracy support in the EaP countries is needed due to illiberal tendencies in Hungary and Poland which have lost the credibility. Moreover, Poland has earlier dedicated massive resources to democracy support, thus now not only the credibility of these efforts have decreased, but also the resources available.

As both the Polish and the Hungarian governments are less and less likely to agree to contribute to democracy support efforts, it is necessary to elaborate such democracy support formats in Central Europe, for which the consent of official Warsaw and Budapest is not necessary, but can still ensure the representation of the two countries. As the financial sources of the Polish and Hungarian non-governmental sectors are evidently limited, the best – and the only realistic – way for them to contribute to democracy support is to become partners of the active Czech and Slovak organizations. By such closer cooperation Czech and Slovak organizations of democracy support may both get additional expertise, and also additional legitimacy by internationalizing their efforts via taking Polish and Hungarian NGOs on board. Last, but definitely not least, such partnerships may well mean a lifeline for the increasingly suppressed Polish, and particularly Hungarian non-governmental organizations.

Therefore much bigger role for NGOs than before – including watchdogs from Hungary and Poland – would be highly recommended. They can share their experience in the defending of democracy with partners from EaP countries.

In order to cope with the increasing assertiveness and voluntarism of Russian foreign and security policy (also towards EaP countries), closer and more operative cooperation of V4 countries (both state institutions and NGOs) with the competent U.S. actors is necessary.

III.2 For the Eastern Partnership governments

III.2.1 Ukraine

By Petro Burkovskyi

EU can be more creative and innovative in advancing rule of law practices. For instance, *there is possibility to introduce “smart”, targeted suspension of the visa free regime*. EU institutions might establish a register of the Ukrainian politicians, judges and law enforcement officers, who, according to reports of the independent Ukrainian media and NGO’s, neglect or violate due process, use questionable legal practices or obstruct fight with corruption. This register

might be used to suspend these people from entering the Schengen zone. This can be of tremendous psychological effect upon the targeted individuals and groups and would change their behaviour.

Reforms in the healthcare system, decentralization and anti-corruption policies, which are said to be based on the European standards, will determine attitudes of the people toward European integration in the middle-term. Therefore, it is critical for the EU to monitor closely implementation of these policies in order to keep them on track and help civil society in protecting them from the vested interests. For instance, Nordic EU members may unite efforts to assist in implementing healthcare reform, especially in planning territorial structure of the facilities and equipping them. Spain and Italy with some other countries may support anti-corruption efforts and monitor process of re-training judges and prosecutors. The Visegrad countries may assist in giving strategic advice to the newly merged communities on budgeting and restructuring of the communal public services.

On the national level EU should continue putting political pressure on the Ukrainian authorities on the matter of establishing and securing independence of the Public Broadcasting Company (Suspilne Movlennia under UA: Pershyi brand). It is critical to protect this new national independent media outlet on the eve of presidential and parliamentary elections in 2019, since all other national TV channels are controlled by oligarchs and would be used to manipulate public opinion in favour of the certain frontrunners. Moreover, independent TV company will play role of a deterrent to Ukrainian government and its plans to reverse reforms in such sensitive areas as fight with corruption.

Another practical step is to continue *support for the local networks of non-governmental organizations which are actively protecting people's right and mobilizing local communities* for legal actions and campaigns to improve transparency and efficiency of redistribution of the local funds and subsidies from the central government. Especially, it is important to support such networks in Donbas, where they can make real changes and help people in need.

The economic cooperation within EaP framework must be focused on topics and projects, which will facilitate implementation of the elements of the so-called fourth industrial revolution and create ground for the future economic growth in the countries and in the region. It is not done there is a risk of future disruption on labour markets in the Central Eastern Europe. It would bring more tension to domestic political process and more suspicion and protectionism in relations between countries of the region. Supporting business cooperation between Ukraine and neighbouring EU member states can mitigate this risk and create opportunities for economic growth. For instance, Ukraine has got natural and scientific resources to make silicon cells for the solar panels, which are demanded across the region. There are smart people who think about making public electric transportation working on a network of stations which will replace discharged accumulators.

Also, *EU should support projects, designed to change energy consumption structure*, making it cheaper for final consumer especially households, and making traditional fossil generation industry more climate change friendly. Additionally, EU must assist Ukraine in determining future of its nuclear power industry. So far, Ukraine has been moderately successful in diversifying nuclear fuel supplies with the help of Japanese-American Westinghouse. However, in the long-term Ukraine should make choice between building new nuclear power plants or supplementing them with the alternative sources of power.

Finally, *it is important to stress that Ukrainians will assess EU for its ability to withstand Russian pressure and maintain sanctions for annexation of Crimea and intervention in Donbas*. Despite the fact that these sanctions are the matter of internal debate inside the EU, it would be productive to invite representatives of the Ukrainian government to the EU foreign relations council sittings or EU parliament hearings about developments and changes on the ground in the conflict zone. This kind of consultations will not only play role of the confidence building between Ukraine and the EU but also establish transparent platform for the exchange of information about concerns, which certain EU members may have about peace process and Ukraine's policy toward Donbas.

III.2.2 Other Eastern Partnership countries

By Věra Řiháčková

In Armenia, the EU should focus on properly implementing its agenda, setting benchmarks and monitoring progress using all the tools and measures available, including the CEPA roadmap, Partnership Priorities, the Human Rights Dialogue and implementing the agenda enshrined in the 20 Deliverables for 2020. Proneness to imitation is high and the authorities are skilled at demonstrating progress without there being any real impact. Furthermore, the EU and the member states should encourage the meaningful and structured involvement of civil society in preparing and implementing the CEPA roadmap and the 20 Deliverables for 2020 agenda. The setup of the bilateral civil society platform under the CEPA should be inclusive and based on the existing structures of pro-European CSOs. There should be synergy with the activities of existing civil society platforms and networks.

In Azerbaijan, the EU and the member states should focus on achieving real progress in lifting the pressure on an independent civil society and activists. There is a need to devote attention to, uncover and investigate the extraterritorial activities and corrupting practices of the Azerbaijani regime and its exponents. Coordinated efforts should be made to prevent the misuse of the existing international formats by the Azerbaijani regime. The EU member

states and the European Parliament should make sure the Strategic Modernization Partnership Agreement between the EU and Azerbaijan contains strong human rights guarantees and a suspension mechanism for breaches, including suspension of the financial assistance and loans provided by the EIB.

In Belarus, specific indicators are needed to measure progress on the EU–Belarus bilateral agenda and for monitoring progress in implementing the 20 Deliverables for 2020. The independent civil society should have full and equal participation in the Coordination Group meetings, including the sectoral formations, where stocktaking of the interim results of cooperation is carried out. Belarus was admitted into the European Higher Education Area (EHEA) on condition it complies with the requirements set out in the Belarus Roadmap for higher education reform. The Bologna Process is part of the Partnership Priorities the EU agreed with Belarus and the 20 Deliverables for 2020. The mandate of the oversight body set up by the Bologna Follow-up Group should be extended with the support of the EU and the member states so that Belarus can return to the reform track in this area.

The year 2018 is an electoral one in Moldova and it is crucial to its future. The Venice Commission's response to Moldova's electoral law has shaken belief in democracy in the country, and in the country's European prospects. Civil society organizations will play a key role in the coming year in halting, and eventually reversing, the gradual rollback of reforms. The EU and the member states should provide financial assistance as well as political backing as was the case with the draft proposal hardening the reporting obligations for the CSOs. Moldovan civil society should restore its credibility with the citizens and address their concerns. It should focus on work in the regions.

The EU and Eastern Partners should make sure that empowering civil society and providing it with an enabling environment becomes a real commitment, not just a promise on paper. This is essential to achieving the goals of the Eastern Partnership. Diplomacy should be matched with comparable and compatible support for a civil society that is still struggling to be accepted by governments as an equal partner. Genuine empowerment will enable it to meaningfully engage in implementing the reforms.

While there are indisputably differences among the EaP countries and new formats of cooperation for the three AA/DCFTA countries can be developed according to requirements, the EaP should retain a solid multilateral dimension that involves the six countries in all possible configurations. The EaP is a valuable regional policy that goes beyond the official multilateral institutional layer – it includes the Euronest Parliamentary Assembly, the EaP Business Forum and even non-institutionalized formats such as the EaP Youth Forum. All these networks contribute to the formation of a regional Eastern Partnership identity and may help solve the many problems the region is currently facing.

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