

Adopting Experience of Bilateral EU-Moldova and EU-Georgia Civil Society Platforms to Armenia



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PROJECT SUMMARY

The aim of the project is to analyze the experience and current situation in the EU-Georgia and the EU-Moldova bilateral civil society platforms and developing recommendations for the decision makers on both making changes and improvements in these platforms as well as using their experience in forming of similar platform between Armenia and the EU. Three organizations from Armenia (Eurasia Partnership Foundation), Georgia (Foundation Liberal Academy) and Moldova (Promo-LEX Association) jointly examined the existing experience, used the expertise of Armenian, Georgian and Moldovan civil society organizations, meet with respective stakeholders in all three countries and the EU, developed recommendations for all three countries, as well as presented and advocated these recommendations to the decision makers.

The project consists of series of meetings and interviews with the representatives of national authorities, civil society actors, as well as representatives of the EU Delegations to develop country reports and recommendations addressed to Armenian, Georgian and Moldovan governments and the EU.

As a result of the project consolidated report and set of recommendations covering three countries were developed as a civil society input to the institutionalization of the bi-lateral relations between the three EaP countries and the EU.

List of abbreviations

AA-Association Agreement

ANP- Armenian National Platform

CC- Constitutional Court

CEC-Central Electoral Commission

CEPA- Comprehensive and Enhanced Partnership Agreement

CS-Civil Society

CSO- Civil Society Organization

CSP- Civil Society Platform

DCFTA- Deep and Comprehensive Free Trade Area

EAGGF- European Agricultural Guarantee and Guidance Fund

EaP CSF- Eastern Partnership Civil Society Forum

EaP- Eastern Partnership

EC- European Commission

ECHO- European Civil Protection and Humanitarian Aid Operations

ECtHR-European Court of Human Rights

EEU-Eurasian Economic Union

ENI-European Neighbourhood Instrument

ENP- European Neighbourhood Policy

EU DEL- European Union Delegation

EU- European Union

FPA- Foreign Policy Association

GCEI- Governmental Committee on European Integration

GNP- Georgian National Platform

GSP- Generalised Scheme of Preferences

HRD- Human Rights Dialogue

IPA- Independent Press Association

IPER-Institute for Politics and European Reform

MDG-Millennium Development Goals

MFAEI- Ministry of Foreign Affairs and European Integration
MIA- Ministry of Internal Affairs
MP-Member of Parliament
NAPIAA- National Action Plan for Implementation of the Association Agreement
NDI-National Democratic Institute
NGO- Non Governmental Organization
NIA- National Integrity Authority
NIF-Neighbourhood Investment Facility
NP-National Platform
OGP-Open government Partnership
OSGF- Open Society Georgia Foundation
PCA- Partnership and Cooperation Agreement
PD- Democratic Party
PPEM- European People's Party of Moldova
PSRM- Party of Socialists of the Republic of Moldova
RM-Republic of Moldova
SCC-State Constitutional Commission
SCM- Superior Council of Magistracy
SIGMA- Support for the Improvement in Governance and Management
TACIS-Technical Assistance to the Commonwealth of Independent States
TAIEX- Technical Assistance and Information Exchange
TI-Transparency International
UNDP-United Nations Development Program
UN-United Nations
USSR- Union of Soviet Socialist Republics
WG-Working Group
WTO- World Trade Organization

Moldova

Executive summary

Moldovan non-government organisations have always played an important role in the process of democratisation, taking consistent actions to make the idea of European integration a national priority. Some well-known organisations are part of this community, and their experience and expertise, recognised at the national and international levels, has often drawn the attention of both international society and strategic partners to the successes and failures of Chisinau, thus trying to strengthen the democratic path.

The national law on non-government organisations does not restrict the right to association, and the number of registered NGOs exceeds 11,000.¹ However, only a few hundred of them are active. In 2016, the Two-Percent Law was passed, allowing individuals to redirect 2% of their income tax to a non-government or religious organisation. According to the State Tax Service, 16,126 taxpayers have exercised this right to percentage allocation, of whom 4,452 of cases benefitted NGOs.

However, non-government organisations continue to rely almost entirely on foreign financing, which was supported and encouraged by Government authorities until 2014, while lately there has been a tendency to discredit civil society on the grounds of this very dependency, especially on the part of the national Government. This trend raises concerns for the representatives of Moldovan civil society, since the discrediting of non-government organisations has even become a regional trend (Hungary, Belarus, Russian Federation, etc.). At the same time, it is worth noting that the Government of the Republic of Moldova does not allocate enough resources to support the work of the non-government sector.

Additionally, civil society in the Republic of Moldova continues to promote and defend human rights, protect the environment, conduct civic education activities, develop and strengthen the democratic path, etc. using all legal means and existing tools. The RM-EU Association Agreement is the document that has offered civil society its own space in the European journey of the Republic of Moldova, thus emphasising the importance of the non-government sector in any democratic society.

Background

The formal relationship between the Republic of Moldova and the European Union began in 1994, when a Partnership and Cooperation Agreement was signed by the European Community and its Members States and the Republic of Moldova. The Agreement provided for the legal framework of the bilateral relations between Moldova and the EU in a number of areas, such as: politics, trade, economics, law, culture and science. The PCA entered into force on 1 July 1998 for a period of 10

¹<http://rson.justice.md/organizations>

years, with the possibility to extend it tacitly. It provided for the establishment of a Cooperation Council which was supposed to monitor the implementation of the PCA and meet once a year.

In 2005, the EU-Moldova Action Plan was developed under the European Neighbourhood Policy. It was passed by the Cooperation Council in February 2005. This document set up the strategic cooperation objectives for a period of 3 years, which was later extended. The EU-Moldova political dialogue, which involved discussing the reforms in Moldova, bilateral relations and matters of common interest regarding the foreign and security policy, was based on this document.

In 2014, the EU-Moldova Action Plan was replaced with the Association Agenda, based on the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, on the one part, and the Republic of Moldova, on the other part, and was signed on 27 June 2014, ratified by the Parliament of the Republic of Moldova on 2 July 2014 and by the European Parliament on 13 November 2014, coming into effect from 1 July 2016. The Partnership and Cooperation Agreement between the European Community and its Members States and the Republic of Moldova was thus repealed and replaced with the Association Agreement.

The Association Agreement also replaced the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs, signed on 26 June 2012 in Brussels and effective from 1 April 2013.

Thus, the Association Agreement established a new legal framework for EU-Moldova bilateral relations, including by setting up the Deep and Comprehensive Free Trade Area (DCFTA). Decision No 1/2015 of 18 December 2015 of the EU-Moldova Association Council provides that the AA is applicable all across the territory of the Republic of Moldova.

Also, at the Prague Eastern Partnership Summit, on 7 May 2009, the Eastern Partnership Platform was launched – an initiative to strengthen and deepen the cooperation between the EU and the states from the Eastern region (Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova, Ukraine), which also included the Republic of Moldova.

The EU-Moldova relationship went periodically through times when the EU would trust the Moldovan Government less. In recent years, Brussels sent more frequent reminders regarding the implementation of reforms as per the Association Agreement. While, in 2014, Brussels used to speak of Moldova as the ‘success story’ of the Eastern Partnership, in 2015 the implementation of the AA slowed down, as the internal policy in Chisinau was affected by a political crisis — the country had 4 Governments during a period of only 2 years: Iurie Leanca (31 May 2013 – 10 December 2014), Chiril Gaburici (18 February 2015 – 30 July 2015), Valeriu Strelet (30 July 2015 – 29 October 2015) and Pavel Filip (20 January 2016 – present). These events not only weakened the communication, but also suspended the direct budgetary support for the Republic of Moldova because of the lack of any progress in the investigation of the banking fraud. On the background

of the street protests against the newly established Government, the trust of the EU in the Chisinau Government was low in the beginning of 2016. Brussels changed its approach to Chisinau and adhered to the principle of ‘less talk and more concrete results in terms of the reform agenda’.²

Moreover, RM citizens lost their trust in the Moldovan Government, as well as in European integration and in the effectiveness of European institutions for reforming Moldovan institutions.

In this context, the newly established Government reconfirmed its commitment to European integration without much delay. It assumed the responsibility of implementing the Action Plan, the reforms in the roadmap, as well as developing a new National Action Plan for Implementation of the Association Agreement, NAPIAA (2017-2019) and a new Association Agenda. Thus, the EU restored the direct budgetary support for Moldova for the implementation of 4 direct budgetary support programmes: driving economic development in rural areas, the European neighbourhood programme for agriculture and rural development, the public finance reform and vocational education and training. Starting with 2006, the total trade between the EU and Moldova amounted to more than 3,343 million euros,³ and it was only in 2016 that Moldova received 94.9 million euros⁴ from the EU.

The economy of Moldova turned gradually to the European market in a not-so-favourable national (banking crisis, theft of one billion, depreciation of the Moldovan leu, appreciation of the dollar, unfavourable climate, etc.) and regional context (armed conflict in Eastern Ukraine, mutual economic sanctions and trade restrictions between the EU and the Russian Federation), and because the Russian Federation kept the restrictive tariff and non-tariff measures against the Republic of Moldova, which influenced its level of performance.

For these reasons, the monitoring report developed by the Institute for European Policies and Reforms revealed that on 31 December 2016, 63.1%⁵ of the NAPIAA had been implemented. However, the Government Progress Report on the NAPIAA Implementation (2014-2016) revealed that 73.73%⁶ of the planned activities had been implemented. At the same time, according to the European Commission Association Implementation Report on the Republic of Moldova, Moldova

² Annual Report on evaluation regarding the progress in implementation of the EU-Moldova Association Agreement, in the period 1 September 2015-1 July 2016, <http://ipre.md/2016/07/29/raport-anual-privind-monitorizarea-implementarii-acordului-de-asociere-rm-ue-1-iulie-2016/?lang=en>

³Trade in goods with Moldova, European Commission, the European Union, p. 3, http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113419.pdf

⁴Annual Report on Foreign Assistance to the Republic of Moldova in 2016, developed by Moldova State Chancellery, p. 23, http://amp.gov.md/portal/sites/default/files/inline/oda_raport_2016.pdf

⁵Progress Report on the Implementation of the NAPIAA – 2016-2017, Iulian Groza, Iulian Rusu, Mariana Platon, Adrian Ermurachi, 24 March 2017, Chisinau, Institute for European Policies and Reforms, p. 5, <http://ipre.md/2017/03/24/5175/>

⁶*Idem*, p. 4.

should invest its future efforts into strengthening the rule of law and the business environment, which are still plagued with endemic corruption and inconsistent policies.⁷

In 2017, the new President, Igor Dodon, elected in this position following the presidential election of November 2016, took an obvious stance against Europe and befriended the Kremlin. He pushed the idea of denouncing the European Union Association Agreement and refused to acknowledge the statistics regarding the financial support that the EU had granted to Moldova. In this way, the Moldovan President increased the divide in Moldovan society and among public institutions, while the Government based in Chisinau reiterated every so often that the implementation of the Association Agreement continued to remain a national priority.

The relationship between the EU and the civil society crystallised during the formal cooperation of Moldova with the EU. Civil society thus became an important stakeholder as relations with the EU grew stronger. It is believed that after the 2005 parliamentary election, ‘the state needs the expertise of the civil society more and more in this complicated European integration process.’⁸

In July 1992, the European Commission advanced the suggestion that partnership and cooperation agreements be signed with the new states that became independent after the USSR fell apart. To this end, in 1993, a reform agenda was developed in Copenhagen for Central and Eastern Europe states, to which Moldovan non-government organisations committed to call attention.

In fact, most non-government organisations supported European integration as a strategic priority for the development of Moldova, which is why they used all available legal tools to push for the European path and to provide assistance to any government willing to regard European integration as a national priority. At the same time, it is believed that ‘the Moldovan civil society became stronger thanks, to a great extent, to the European commitments that Moldova made.’⁹

On the one hand, the European Commission actuated civic participation, including by involving non-government organisations, while on the other hand – more and more NGOs implemented projects and conducted surveys, the medium- and long-term objective of which was ‘to strengthen democracy and the market economy in Moldova according to the European democracy model.’¹⁰ Thus, civil society participated in developing some important documents for the development of the collaboration with the EU. For instance, a civil society representative participated in the work of the National Commission for European Integration. Also, as many as 30 national experts from

⁷Joint Staff Working Document, Association Implementation Report on the Republic of Moldova, European Commission, 10 March, 2017, p. 2,

https://eeas.europa.eu/sites/eeas/files/association_implementation_report_on_the_republic_of_moldova_2017_03_10_final.pdf

⁸Organizațiile neguvernamentale din Republica Moldova: evoluție, activități și perspectivele dezvoltării [Non-government Organisations in Moldova: Evolution, Activities and Development Prospects], Eduard Tugui, Chisinau, 2013, pp. 31-32, http://www.viitorul.org/files/library/4183299_md_ong_site.pdf

⁹*Idem*, p. 46.

¹⁰*Idem*, p. 46.

the Institute for Public Policy and the Ministry of Foreign Affairs and European Integration participated in the development of Moldova's European Strategy.

Gradually, the Moldovan non-government organisations became part of a range of regional and European networks and platforms, continuing to work on developing the third arena, whereby non-government organisations from both the right bank and left bank of the Dniester River initiated collaborations and partnerships, including with international donors. They continued to stick together even when the Tiraspol administration refused to participate in the 5+2 negotiations.

Actually, the financial sustainability of Moldovan non-government organisations—even before the signing of the Association Agreement and after it too—relies on external funds to the extent of 80-90%.¹¹

Before the AA was signed, Moldova used tools created under the **European Neighbourhood Policy**, which was launched in 2004 and the objective of which was to regulate the relations of the EU with 16 countries neighbouring the European Union in the east and the south (South: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria and Tunisia. East: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). Thus, using the European Neighbourhood Instrument (ENI), Moldova continues to implement regional, interregional and cross-border cooperation programmes, namely Technical Assistance and Information Exchange (TAIEX), Support for the Improvement in Governance and Management (SIGMA), and Twinning programmes.

Also, Moldova participates in the Black Sea Basin Joint Operational Programme, the purpose of which is to contribute to a stronger and sustainable economic and social development in the Black Sea Basin. Another programme that Moldova is part of is the Romania-Ukraine-Moldova Joint Operational Programme, the purpose of which is to bridge three partner countries in order to support the communities near the border area in finding joint solutions to the similar issues they have. The Southeast Europe operational programme was another programme with the participation of Moldova. Its general strategic objective was to improve the territorial, economic and social integration process and to contribute to cohesion, stability and competitiveness by developing transnational partnerships.

Also, the European Commission provides support in the form of subsidies to partners, while the European Investment Bank and the European Bank for Reconstruction and Development add to this support by awarding loans.

Another instrument created on the basis of the European Neighbourhood Policy in which Moldova participates is the **Eastern Partnership**, approved in 2008 and launched in 2009. Its main

¹¹Mapping study: Organizațiile societății civile din Republica Moldova, Evoluția, sustenabilitatea și participarea la dialogul politic [Moldova's Civil Society Organisations. Evolution, Sustainability and Participation in Political Dialogue], Authors: Liubomir Chiriac, Eduard Tugui, Chisinau, 2014, p. 4, http://www.csdialogue.eu/sites/default/files/mapping_md_idis_ro_1.pdf

objective was to speed up political association and strengthen the economic integration between the EU and its neighbours to the east.

Since 2005, when the EU/Moldova Action Plan was signed, civil society has participated in monitoring its implementation. The consortium of ADEPT and Expert-Group Independent Think-Tank was involved in this – they developed the ‘Euromonitor’ quarterly reports (February 2005–December 2007), as well as Soros Foundation Moldova, via the European Initiatives Program, which developed a report for the period of February 2005–May 2006, and the Euroform Consortium Platform (consisting of 13 NGOs), which developed yet another report.

Although before 2009 non-government organisations were not regarded as important actors in the implementation of the action plan, despite being active in the monitoring process, after 2009 the Government in Chisinau took a number of measures to intensify dialogue and involve civil society. The initiative of the National Participation Council was relaunched, NGO representatives were made members of the collegiums in some ministries (the Ministry of Finance, for instance) and were invited to round tables on matters of public policy.

Still, the reports stressed that the phenomenon of developing and pushing decisions in a non-transparent fashion and without public consultations persisted, while civil society had limited capacity to share its expertise in narrow areas with the public authorities and was not significantly involved in the development of decisions.¹²

In 2015, the transparency of MIA and of the police increased. Cooperative relations were set up between the police and civil society as well as international organisations. The MIA developed the Consultation Council and representatives of different NGOs participated (Promo-LEX Association, Soros Foundation Moldova, and Institute for Public Policy etc.). Until today, the composition of this Council has not changed and all draft laws are consulted, for example: the law of meetings, public servants from the MIA and General Inspectorate of Police etc. The former Ministry of Youth and Sports set up a strong collaboration with civil society in order to take measures for the successful implementation of the law on volunteering. Nevertheless, the monitoring reports argued that the cooperation between the Government and civil society is a rather perfunctory one. What is more, the consultations with civil society in terms of decision-making are still perfunctory. Most of the suggestions coming from civil society are ignored by the Government and the Parliament, while the attempts to return to dialogue by creating working groups/commissions has failed. The recent examples are the NGO law and law on financing of political parties. In the first case, during one year the working group elaborated a draft law for NGOs. In 2017, the Justice Ministry proposed amendments which limited NGO activity. In the end, that draft law was not adopted. In the second example, the law on financing of political parties

¹² Implementarea reformelor inițiate conform Planului de Acțiuni UE-RM, Evaluarea progresului în perioada septembrie 2009-iunie 2010 [Implementation of the Reforms Initiated According to the EU/Moldova Action Plan. September 2009 – June 2010 Progress Assessment], Euromonitor. Authors: Igor Botan, Corneliu Gurin, Elena Prohntichi, Valeriu Prohntichi, Alexandru Oprunenco, Ana Popa, Adrian Lupusor and Vctoria Vasilescu, ADEPT and Expert-Grup, p. 11, <http://www.e-democracy.md/files/euromonitor18.pdf>

which was adopted by Parliament with some amendments, changed the limit of donations from 20 and 40 average salaries for individuals and legal entities to 200 and 400 average salaries. Civil society opinion leaders were even intimidated by public authority representatives because of their opinions regarding certain matters.¹³

Promo-LEX recommends that Parliament revise the thresholds for donations from individuals and legal entities at the level of 20 and 40 average salaries respectively, as originally set out in Draft Law 36 of 9 April 2015.

From October 2009 to December of the same year, civil society representatives participated in consultations between the Ministry of Internal Affairs, courts of law and the Prosecutor's Office. The dialogue between the Ministry of Internal Affairs, courts of law, the Prosecutor's Office and civil society on the development of the National Torture Prevention Plan lasted from September 2009 to June 2010.

In March 2011, civil society representatives participated in the public consultations organised by the Parliamentary Committee for Human Rights and Inter-Ethnic Relations regarding the 2011-2014 National Human Rights Action Plan. Civil society also participated in developing the 2011-2015 Roma People Support Action Plan.

From April to June 2011, civil society representatives participated in public consultations regarding the development of the Report on the Universal Periodic Review on Human Rights in the Republic of Moldova. At the initiative of the Ministry of Justice, civil society also participated in public consultations regarding the Draft Anti-Discrimination Law, which was not passed however – neither by the Government, nor by Parliament.

In 2013, the National NGO Forum was held. At this event, civil society discussed with representatives of the Parliament and Government the improvement of the legal framework on NGOs, representation of NGOs in the dialogue with public institutions, regional development, etc. In 2008, a communication from the European Commission to the European Parliament¹⁴ contained suggestions regarding the creation of a special partnership between the EU and 6 close countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). This way, the European Union sent a sustainable political message conveying its feeling of solidarity with these countries and its openness to provide additional and concrete support for efficient democratic reforms, whereby the population in these countries would be given the chance to develop and thrive. To implement this project, called the Eastern Partnership, 4 thematic platforms were chosen: 1. Democracy, good governance and stability; 2. Economic integration; 3. Energy security and 4. Contacts between people.

¹³ Realizări și dificultăți în implementarea Acordului de Asocierie UE-RM, august-decembrie 2015 [Achievements and Difficulties in Implementing the EU-Moldova Association Agreement. August – December 2015], Authors: Igor Botan, Denis Cenușă, Mariana Kalughin, Adrian Lupusor, Iurie Morcotilo, Polina Panainte and Elena Prohnițchi, Euromonitor, p. 18, <http://www.e-democracy.md/files/euromonitor36.pdf>

¹⁴<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52008DC0823&from=EN>

The same document highlighted the role and need to involve, as much as possible, civil society organisations and to create a **Civil Society Forum in the Eastern Partnership** in order to facilitate their dialogue with local public authorities. Thus, at this **CS Forum, National Platforms** of the Forum were established, including Moldova's – the National Platform of the EaP CSF. Just like other platforms, the Moldova CS Platform at the EaP CS Forum has 5 working groups (1. Democracy, human rights, good governance and stability; 2. Economic integration and convergence with EU policies; 3. Environment, climate change and energy security; 4. Contacts between people; 5. Social & Labour Policies and Social Dialogue).

In Moldova, the National Platform played an active role in promoting and monitoring the relationship of Moldova with the European Union, and later – the processes and reforms that were implemented by virtue of the documents and commitments made as a member of the Eastern Partnership. All these activities were conducted, however, under some direct and individual projects of some member organisations of the National Platform.

For example:

- 1) Several members of WG1: TI-Moldova, ADEPT, IDIS Viitorul and Legal Resource Centre Moldova elaborated the Study “State Capture: the Case of the Republic of Moldova.”¹⁵
- 2) On 23 March 2017, TI-Moldova and its partner IDIS Viitorul organised a press-conference with the title “The legal framework that regulates the activity of state enterprises needs substantial modifications based on corporate governance standards.”¹⁶
- 3) Foundation for Advancement of Moldova, member of the WG4 implemented the action Empowerment of rural librarian's community by training them in project management/design and accessing funding which has been funded by IREX/Novateca and the National Association of Librarians.
- 4) Research titled “Reintegration of vulnerable youth, including those lacking parental care and youth in conflict with the law” was conducted. After the research “Reintegration of vulnerable youth, including those lacking parental care and youth in conflict with the law”, CNTM, a member of WG4, was a stakeholder with expertise in this field; this positively influenced the relations with prisons' administrations. CNTM provided several pro bono trainings for youth in these institutions on different topics like “The concept of human rights and international framework of the UN and regional mechanism of human rights protection”, “The competencies of the ombudsman in the Republic of Moldova”, “The competencies and framework of the Equality Council in the Republic of Moldova”, “Discrimination on employment for youth from penitentiary No.9 – Pruncul”.

So, there can be no institutionalisation of the National Platform, and unfortunately, neither can there be an institutional memory of the platform in general, or of the working groups in particular.

¹⁵ http://www.transparency.md/wp-content/uploads/2017/06/TI_Moldova_State_Capture.pdf

¹⁶ <https://www.youtube.com/watch?v=1KP7B5RdAbk>

At present, there are about 60 NGOs in the National Platform. The activity of the Platform was coordinated by 6 facilitators – representatives of 6 member organisations.

Since 2010, the NP has encountered sufficient internal difficulties, which could not be fully settled due to the lack of a legal status and lack of financing for its Secretariat. According to some members, the NP's identity is one of its weaknesses. This means that, after 2014, when the AA was signed, the NP lost its role as a 'bridge between the EU and RM'.

The lack of some joint, NP-specific activities transformed the Platform into a space for discussing general topics. Its members failed to see in the NP new opportunities or efficient tools, other than those existing in the platforms to which they belong.

However, due to the fact that it was developed under the Neighbourhood Policy, the NP can represent a forum allowing for a European-level dialogue, not a forum for participation between two or more organisations. At the same time, according to civil society experts, the NP is an opportunity for Moldovan non-government organisations to develop international partnerships and to bring the internal issues on which they are focused into the limelight of European stakeholders. At the same time, the NP can be the platform for NGO reports and studies. During 2017, members of WG1 made a compilation of materials and assessments and the final report¹⁷ was made public at the meeting of the members of the Working Group in Brussels on 1-2 June 2017. This kind of activity represents good practice for the NP in general, because it can be more effective, especially for NP advocacy activity.

Small-sized NGOs at the local level could also be supported under the NP, thus developing their organisational capacities, including by identifying new international partners.

Association Agreement signing and provisions

The Association Agreement was signed by Moldova on 27 June 2014, with the Deep and Comprehensive Free Trade Area (DCFTA) being part of the AA. As of December 2013, for a period of 41 months, the EU helped Moldova in the area of capacity building in the Ministry of Economy and other relevant institutions by having consultations with civil servants regarding the drafting and selection of policies, approximation of laws, coordination, implementation, communication, monitoring and evaluation under the Support to the DCFTA Process in the Republic of Moldova Project.

For a joint dialogue platform to be created, the AA provides in Article 377 that the parties shall set up a joint dialogue forum that will consist of civil society organisations, members of their internal consultancy group or groups and the general public.

Implementing the actions provided for in the AA implied, among other things, strengthening the institutional implementation coordination and monitoring mechanism. The key role in this regard fell upon the Governmental Committee on European Integration (GCEI), the scope of which is the

¹⁷ <http://eap-csf.eu/wp-content/uploads/Moldova-EaP-CSF-monitoring-report-2017.pdf>

same as that of the Ministry of Foreign Affairs and European Integration. PlanPro, the AA implementation reporting and monitoring online platform (www.monitorizare.gov.md), played an important role in this regard since 2015 when it started to operate.

In this period, considering the implementation of the AA, the agendas of the Government and of the Parliament were synchronised. At the proposal of the Government, the Parliament approved in 2015 and in 2016 legislative programmes to fulfil the commitments made under the AA.

According to MFAEI, special focus was put in 2016 on implementing the incomplete tasks (88%), the purpose of which was to expedite the fulfilment of these tasks regarding the implementation of the action plan that was supposed to be carried out in 2015. Some actions were included in the Roadmap of priority actions for the reform agenda adopted as a result of the Conclusions of the Council of Foreign Affairs of 15 February 2016.¹⁸

Civil society monitored unceasingly the implementation of the AA, as well as of the DCFTA. From 2014 to 2016, more than 50 analyses, surveys and reports were developed regarding the implementation of the 15 chapters of the DCFTA. Tens of analyses and reports on the observance of AA provisions and their implementation in a range of areas were developed, namely in justice, public procurement, trade, digitization and technologies, development of public institutions, etc. Transparency International Moldova, IEPR, ADEPT, the Foreign Policy Association (FPA), Expert-Grup, IDIS Viitorul, the Regional Environmental Centre, Soros Foundation Moldova, the Independent Press Association (IPA), etc. were among the organisations that were involved in monitoring. A part of the DCFTA-related analyses was also conducted by organisations outside Moldova, such as: the Romanian Centre for European Policies, the Georgian Institute for Strategic Studies, the EaP Civil Society Forum, etc.

Cooperation of the authorities on AA DCFTA implementations

Both in 2016 and in 2017, the civil society monitored actively the activities that public institutions performed in relation to the implementation of the AA, as well as assessed whether their activities and the activities of governmental actors influenced the European course taken by Moldova positively or negatively.

As regards Title II of the AA: Political Dialogue and Reform, Cooperation in the Field of Foreign and Security Policy,¹⁹ one of the internal reforms provided for in the Action Plan Implementing the AA was about the national legal framework regarding the **political party and election campaign funding**. The Law Amending and Adding to the Electoral Code and the Law on Political Parties was passed by the Parliament in April 2015. Still, experts believe that the amendments and addenda were of little impact as the ceiling for annual donations from individuals

¹⁸2014-2016 Progress Report on the Fulfilment of the National Action Plan Implementing the EU-Moldova Association Agreement, developed by the Ministry of Foreign Affairs and European Integration, p. 2, http://www.mfa.gov.md/img/docs/Raport-privind-implementarea-AA-2014_2016.pdf

¹⁹ [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0830\(01\)&from=ro](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0830(01)&from=ro)

and legal entities is much too high.²⁰ The funding of political parties via intermediaries and off-shore enterprises, and their funding from the state budget are not applicable to the presidential election that we went back to, following a decision of the Constitutional Court.

After the presidential election in November 2016—on the basis of the conclusions drawn by the Promo-LEX Association election observation missions, as well as on the basis of the Decision No 34 of 13 December 2016 of the Constitutional Court—the civil society demanded, in February, by means of a public appeal, for a working group to be established to develop proposals for the amendment of the Electoral Code and related legislation.²¹

In 2017, by public appeal, Promo-LEX Association drew the attention of political parties and of the public authorities concerned at transparency, at the need for political parties' financial statements for the second half of 2016 to be submitted to the CEC.²²

In May 2017, a number of non-government organisations condemned the actions of the MPs of PD, PSRM and PPEM parliamentary fractions for having included on the additional agenda of the plenary meeting in the Parliament two drafts introducing crucial amendments to the electoral system.²³

Later, these organisations were attacked for their position through special discretisation in the media. By means of another joint declaration, they demanded that the representatives of public authorities, decision-makers and the media refrain from attacking civil society organisations that had contrasting or criticising opinions about the actions or initiatives of the Government and to start an open and inclusive dialogue about actual priority reforms with all the civil society organisations.²⁴

The **reform of the judicial system** made no great progress. The process of *appointment and promotion of judges* did not improve. The reform of the prosecution authorities was implemented only partially. The Anti-Corruption Prosecution Office, which was established to fight against cases of severe corruption, conducted criminal investigations of small corruption cases. The

²⁰ <http://ipre.md/2017/03/24/5175/>

²¹Public Appeal of the Signatory Organisations on the need to establish a Working Group responsible for developing proposals on changing the Electoral Code and related legislation, 2 February 2017, <https://promolex.md/4939-apelul-public-al-organizatiilor-semnatore-cu-privire-la-necesitatea-crearii-unui-grup-de-lucru-responsabil-de-elaborarea-propunerilor-de-modificare-a-codului-electoral-si-a-legislatiei-conexe/?lang=en>

²²APPEAL of Promo-LEX Association on the necessity for reports on the financial management of political parties in the second half of 2016 to be presented and examined by 15 January 2017, <https://promolex.md/4674-apelul-asociatiei-promo-lex-cu-privire-la-necesitatea-prezentarii-si-examinarii-rapoartelor-privind-gestiunea-financiara-a-partidelor-politice-pentru-semestrul-ii-al-anului-2016-catre-15-ianuarie-2017/?lang=en>

²³DECLARATION: The parliamentary majority is amending the electoral system by breaching the legislation and common sense, undermining the principles of democracy, 5 May 2017, http://www.crjm.org/wp-content/uploads/2017/05/2017-05-05-Declar-CSOs-change-elect-syst_en.pdf

²⁴DECLARATION: The attack on civil society organisations because they oppose the amendment of the electoral system is inadmissible and erodes trust in state authorities, 19 May 2017, <http://crjm.org/wp-content/uploads/2017/07/2017-05-19-Declaratie-ONG-NEafiliere-politica-EN.pdf>

reform of the Constitutional Court was not completed either. Actually, at a meeting that took place on 26 January 2016, the civil society commented on the way in which some judges are appointed and promoted²⁵ by the Superior Council of Magistracy, as it believed that the SCM decisions are adopted with disregard to the principles of meritocracy and incorruptibility.

The civil society spoke up in relation both to the trial of the case of the ex-Prime Minister Vlad Filat, demanding for the court sessions to be public, as this is an essential procedural safeguard of the right to a fair trial of the defendant and a tool to make sure that the public trusts the act of justice, and in relation to the fact that the Government did not abide by the decision of the Committee Selecting Candidates to the Position of Judge in the Constitutional Court, whereby Veaceslav Zaporojan was nominated as a judge in the CC. The non-government organisations made an appeal²⁶ to the Prime Minister and the Cabinet of Ministers to adopt a decision regarding this nominee and to ensure transparency in the selection of judges to the CC.

At the end of April, a number of non-government organisations condemned the way in which the authorities treated several participants in the anti-governmental protest that took place on 24 April 2016 in Chisinau Municipality and asked²⁷ the Chisinau Court of Appeal to examine the cases through the lens of the ECtHR standards, as well as for the criminal prosecution bodies and the Prosecutor's Office to conduct the criminal prosecution promptly and correctly while observing human dignity and human rights. They also asked the SCM to bring to disciplinary liability those judges who did not comply with the standards that provide for a detailed and well-founded substantiation of court decisions. On 4 July, the SCM declared Judge Manole to be unfit for the position of judge.

In May, the civil society condemned the fact that Judge Dominca Manole was subjected to criminal prosecution and asked the Acting Prosecutor General to explain the charges against her and make the notification against her public. They also asked the SCM to examine the notification at a public sitting and look thoroughly into all the aspects of the case and provide a strong substantiation for the adopted decision.²⁸

The **reform of the institutional framework on anti-corruption and integrity control** was not completed as the National Integrity Authority is not operational yet because the activities regarding the integrity control mechanism will be implementable after the Integrity Council of NIA elects the Chair and Deputy Chair.

²⁵Public Appeal: Civil Society Organisations are Concerned About the Manner of Appointment and Promotion of Some Judges, 8 February 2016, <http://crjm.org/wp-content/uploads/2016/02/2016-02-08-Apel-CarieraJudecatori-ENG.pdf>

²⁶ PUBLIC APPEAL regarding the nominee to the position of judge in the Constitutional Court, 29 March 2016, <http://crjm.org/wp-content/uploads/2016/03/16-03-25-apel-numire-judec-CCM-final1.pdf>

²⁷ The civil society condemns the way in which the authorities treated several participants in the anti-governmental protest of 24 April 2016 <http://crjm.org/declaratia-societatii-civile-participanti-arestati-protestul-din-24-aprilie/>

²⁸ PUBLIC APPEAL: civil society organisations concerned with the actions of the Prosecutor General in relation to a judge, 30 May 2016, <http://crjm.org/apel-public-fata-de-actiunile-procurorului-general/>

In June 2016, the civil society asked²⁹ the Parliament to postpone the adoption of the Draft Law on Integrity to avoid its adoption without coordination with other laws as well as without public consultations. The non-government organisations asked the Government of Moldova around the same period of time to take the required measures to initiate the necessary procedures for the development of a 4-year integrated action plan in the area of human rights.³⁰

At the end of 2016, civil society launched a new appeal whereby the non-government organisations drew the attention of the Parliament, Government, civil society and development partners to legal initiative No 452, registered in the Parliament on 1 December 2016, which provided that individuals and legal entities that failed to report their property shall be relieved of any obligation so long as they report by 15 April 2017 and pay the state 2% of the value of the property they failed to report previously.³¹

Title III of the AA – Justice, Freedom and Security – according to the IEPR Monitoring Report 2014-2016,³² the Law on Reorganising the Courts of Law provides only for the merging of the offices, not for the optimisation of the courts. There are no effectively functioning mechanisms that improve access to justice etc.

Also, the “Big Brother Law”—the special investigation measure for cyber crimes violating one’s privacy and for crimes involving copyright infringement and violation of related rights—is a ‘violation of the right to privacy in favour of public interest.’³³

The non-government organisations asked the Prime Minister Pavel Filip, by public appeal,³⁴ to make the results of the 2014 Census public as soon as possible. In April of the same year, the civil society asked for the “Big Brother” Draft Law—submitted by the MIA and adopted by the Government—to be subjected to international expert review on 30 March 2016. The organisations

²⁹ The civil society asked the Parliament to postpone the adoption of the Draft Law on Integrity (Draft Law No 267), 30 June 2016, <https://promolex.md/1903-societatea-civila-solicita-parlamentului-amanarea-adoptarii-proiectului-de-lege-a-integritatii-proiect-nr-267/?lang=en> <https://promolex.md/1903-societatea-civila-solicita-parlamentului-amanarea-adoptarii-proiectului-de-lege-a-integritatii-proiect-nr-267/?lang=en>

³⁰ PUBLIC APPEAL regarding the need to develop a 4-year integrated action plan in the area of human rights, 30 June 2016, <https://promolex.md/1901-apel-public-privind-necesitatea-elaborarii-unui-plan-integrat-de-actiuni-in-domeniul-drepturilor-omului-pentru-urmatorii-patru-ani/?lang=en>

³¹ PUBLIC APPEAL: the adoption of the law on the liberalisation of capital and financial incentive undermines anti-corruption efforts and discourages honest taxpayers and state servants, <https://promolex.md/5590-apel-adoptarea-legii-privind-liberalizarea-capitalului-si-stimularea-financiara-submineaza-eforturile-anticoruptie-si-descurajeaza-contribuabilii-si-functionarii-onesti/?lang=en>

³² Progress Report on the Implementation of the Association Agreement (NAPIAA) – 2016-2017, Iulian Groza, Iulian Rusu, Mariana Platon, Adrian Ermurachi, 24 March 2017, Chisinau, Institute for European Policies and Reforms, pp. 37-46, <http://ipre.md/2017/03/24/5175/> <http://ipre.md/2017/03/24/5175/>

³³ *Idem*, p. 46.

³⁴ APPEAL to the Prime Minister of the Republic of Moldova – Pavel Filip, <http://crjm.org/wp-content/uploads/2016/03/16-03-17-CRJM-APEL-catre-Prim-ministru-recensamint-2014.pdf> <http://crjm.org/wp-content/uploads/2016/03/16-03-17-CRJM-APEL-catre-Prim-ministru-recensamint-2014.pdf>

that signed under the appeal³⁵ stressed some of the potential consequences for fundamental human rights and the abuses that the draft would allow.

The implementation of **Title IV of the AA: Economic and Sector Cooperation**, following the monitoring reports, has gone through modest developments. Thus, it should be noted that the 2016-2020 Public Administration Reform Strategy and its Action Plan were adopted in 2016. The banking system has also gone through moderate developments, with legislative and regulatory changes, although investigations have not led to the expected outcome. In addition, the law transposing the EU Third Energy Package into the electricity and natural gas fields was adopted.

Cooperation with the civil society also registered positive trends. We should mention the adoption of the law allowing individuals to donate 2% of their income tax to non-government organisations. However, the working environment of civil society worsened at the beginning of 2017. Moreover, in March 2017, the member organisations of the National Platform of the Eastern Partnership Civil Society Forum, through a public appeal, asked the public opinion and the development partners to closely monitor, prevent and disapprove of all actions undermining the freedom of association, freedom of opinion and expression in the Republic of Moldova. Civil society even reacted to a campaign aimed at discrediting representatives of the diplomatic corps that monitored the evolution of reforms in the Republic of Moldova, with the NGOs demanding³⁶ that interest groups stop their unfounded and inadmissible attacks.

In the media sector, legal amendments to reduce concentrations on the media market have been taken, but the actions planned on the media segment have mostly focused on the audiovisual sector and have been unable to respond effectively, according to the experts, to the real provisions of the AA, nor to the need to create and develop a democratic, pluralist and professional media system.³⁷ Besides, in March 2016, mass-media non-government organisations warned the public and the President of the Republic of Moldova about the lack of transparency and violation of legislative procedures during the amendment of the Broadcasting Code, qualifying these actions as being an attempt to mime reforms and to protect the ‘private interests of some media owners.’³⁸

³⁵PUBLIC APPEAL regarding the draft law submitted by MIA and adopted by the Government, which extends and deepens the control of law enforcement bodies on the information space, 8 April 2016 <http://crjm.org/wp-content/uploads/2016/04/2016-04-08-Apel-Control-Informatic1.pdf>

³⁶ Declaration of civil society organisations on the campaign aimed at discrediting representatives of the diplomatic corps in the Republic of Moldova, http://crjm.org/wp-content/uploads/2016/04/16-04-19-CRJM_Declr_corp_diplomatic.pdf

³⁷ MONITORING REPORT on the fulfilment of mass-media commitments undertaken under EU-RM Association Agreement, No 1, March – May 2017, http://www.api.md/upload/files/Raport_1_Implementarea_prevederilor_Acordului_de_Asociere_UE_-_RM_pe_segmentul_mass-media_SUPERFINAL.pdf

³⁸ The Civil Society Asks the President of Moldova Not To Sign the Law on Modifying the Broadcasting Code <http://www.api.md/news/view/en-the-civil-society-asks-the-president-of-moldova-not-to-sign-the-law-on-modifying-the-broadcasting-code-1124>

It is worth mentioning that the non-government organisations condemned³⁹ the distortion of the democratic process in the Republic of Moldova based on the manner in which Filip's Government was established, voted and sworn in. The representatives of non-government organisations believe this had a severe impact on confidence in the Chisinau Government. And when the Metropolitan Bishop of Moldova Vladimir made, in April 2016, discriminatory statements during the session of the Parliament of the Republic of Moldova, being supported by some MPs, civil society condemned these statements vehemently.⁴⁰ He advocated for the repeal of the Anti-Discrimination Law and his statements seriously affected LGBT equality and human dignity.

As far as the resolution of the Transnistrian conflict is concerned, in August 2016, a number of non-government organisations, people from the areas of culture and science, diplomats, journalists and politicians requested the constitutional authorities, through a Declaration, to negotiate only with those representatives of the Transnistrian region who had not committed crimes, persecuted Moldovan citizens and promoted purposes contrary to the Constitution of Moldova.⁴¹ In addition, the right to education in the Transnistrian region was the subject of another public appeal to the President of the Republic of Moldova, Igor Dodon. The latter was requested to contribute to protecting the right to education in this region, since the European Court found that the local legislation ('RMN') contains discriminatory provisions, incompatible with the guarantee of the right to education for all residents of that region of the Republic of Moldova. The unjust provisions restrict the use of the Latin script for working and teaching in Romanian in that region (Article 6 of the 'Law on the Use of Languages', Article 12 of the 'Constitution of the RMN', Article 200/3 of the 'Contraventional Administrative Code of the RMN')⁴².

The monitoring of the actions of **Title V: Trade and Trade-Related Aspects, DCFTA**, shows that in 2016 the value of exports to the EU increased by 6.9% as compared with 2014, the volume of exports reaching an increase of over 27% (2014-2016),⁴³ given that the first two years of DCFTA implementation, according to Expert GRUP Monitoring Report, 'were marked by serious

³⁹ DECLARATION The Undersigned Organisations Condemn the Undemocratic Manner the Government led by Pavel FILIP was Sworn In, Chisinau, 22 January 2016, <http://crjm.org/wp-content/uploads/2016/01/2016-01-22-CS-Declar-Filip-Gov-Vote-en.pdf> <http://crjm.org/wp-content/uploads/2016/01/2016-01-22-CS-Declar-Filip-Gov-Vote-en.pdf>

⁴⁰ Declaration on the non-admission of discriminatory statements during the sessions of the Parliament of the Republic of Moldova, http://crjm.org/wp-content/uploads/2016/04/CRJM_16.04.28_DeclaratieMitropolit.pdf http://crjm.org/wp-content/uploads/2016/04/CRJM_16.04.28_DeclaratieMitropolit.pdf

⁴¹ Declaration of the Civil Society regarding the Redlines of the Transnistrian Settlement, 21 August 2016, <https://promolex.md/2767-declaratia-societatii-civile-cu-privire-la-liniile-rosii-ale-reglementarii-transnistrene/>

⁴² Appeal on ensuring the right to education in the Transnistrian region of the Republic of Moldova, <https://promolex.md/4682-apel-cu-privire-la-asigurarea-dreptului-la-educatie-in-regiunea-transnistreana-a-republicii-moldova/?lang=en>

⁴³ Progress Report on the Implementation of the Association Agreement (NAPIAA) – 2016-2017, Iulian Groza, Iulian Rusu, Mariana Platon, Adrian Ermurachi, 24 March 2017, Chisinau, Institute for European Policies and Reforms, p. 63, <http://ipre.md/2017/03/24/5175/>

internal and external economic and political issues that affected the country's trade performances and generated some speculations about the benefits and opportunities of this agreement.⁷⁴⁴

At the same time, the value of agrifood exports to the EU increased by 25%, Despite the fact that climate conditions have not been favourable to this sector, and the Russian Federation has imposed trade restrictions with the signature of the AA, it managed 'to compensate to a certain extent the loss of eastern markets.'⁷⁴⁵

Wheat, corn, barley and sugar are among the top agrifood products that have had the highest export dynamics, so that 'of all agrifood products subject to quotas and exempted from entry prices, the quotas for grapes and plums were practically fully used,⁷⁴⁶ while those for apples remain unused.

It should be noted that despite fears and speculation about the 'invasion' of agrifood goods from the EU, the reality here is the opposite – the agrifood imports from the EU registered a negative trend during 2014-2016, shrinking by 15%.

Cooperation with EU institutions

At the national level, the National Platform member organisations have developed a long-standing communication with the European Union Representation in Chisinau, the Delegation of the European Union, which in turn has developed financing programmes for the projects implemented especially by local small-sized organisations (economic development, good governance, etc.) and not necessarily for the activities of the National Platform of the Eastern Partnership.

Note that many NGOs, members of the Platform, have implemented individual projects promoting European values and standards over the years, thus contributing to increasing the level of knowledge of the EU among Moldovan citizens.

At the same time, there is no trilateral communication mechanism between the EU Delegation to the Republic of Moldova, the Government and civil society. Most of the time, the EU Delegation communicates separately with each stakeholder, and then merges the information. As far as the existing national platforms are concerned, the Delegation believes that the National Platform of the Eastern Partnership is not very active and has not achieved concrete results, and many organisations in recent years avoided getting involved in the National Participation Council – a platform developed by the Government.

According to some civil society representatives, the cooperation mechanism between the Government and civil society worked much better until the Association Agreement was signed, when Government representatives were doing their homework more diligently and had a wider

⁴⁴ Evolution of the RM-EU Trade Flows after 2 Years of DCFTA Implementation, Vadim Gumene, Expert-Grup Independent Think Tank, p. 26, <http://dcfta.md/uploads/0/images/large/evoluyia-fluxurilor-comerciale-rm-ue-dupii-2-ani-de-implementare-zlsac.pdf>

⁴⁵ *Ibid*, p. 27

⁴⁶ *Ibid*

openness to the dialogue with civil society experts and activists. However, the interest in the Strategy for Civil Society Development has decreased after the AA was signed.

On the other hand, non-government organisations still need the openness of Government authorities to reach the objectives of their projects, including those funded by the EU. Most of civil society organisations continue to have an attractive cooperation with the European institutions, since funding opportunities are pivotal for their work, and from a financial point of view, national NGOs remain dependent on donor resources. At the same time, we should mention that a vibrant civil society is more than necessary for the RM's long transition to democracy.

Some representatives of non-government organisations believe that the recommendations made by civil society on various topics and submitted both to the EU Delegation and to the Government, could certainly be submitted directly to other relevant European institutions too, if the national non-government organisations knew more about how European bureaucracy works or were better organised within National Platforms.

At the same time, the communication with national and local non-government organisations, according to NGOs representatives, is the weak point of the European Union in general and of the EU Delegation to the RM in particular. The communication and cooperation with national NGOs and Government stakeholders, which most of the times work in parallel, should be strengthened.

As regards the Eastern Partnership, a number of non-government organisations, especially the new ones, hardly understand the Eastern Partnership philosophy, and many of them give up and choose to no longer engage in the Platform or adopt a passive behaviour. From a different perspective, it is quite difficult to motivate and maintain member organisations due to the fact that the Platform does not perform its own activities. The procedures for participation in the Eastern Partnership Civil Society Forum are not clear and fair either, fuelling a lack of confidence in its format and effectiveness.

Note that non-government organisations participated in the consultations on the Association Agreement Agenda, and some of the recommendations have been included in both the AA Agenda, in general, and the article on civil society. Nonetheless, AA implementation by Government institutions is either partial or delayed.

National Platform – bilateral platform relations

On 30 June 2014, 50 civil society organisations signed a Declaration supporting the European path of Moldova and launched the 'Pro Europe' Platform, calling for civil society to unite around a national idea – preparing Moldova for accession to the European Union.⁴⁷

⁴⁷<https://promolex.md/3123-declaratie-organizatiile-societatii-civile-sustin-parcursul-european-al-republicii-moldova-si-lanseaza-platforma-pentru-europa/>

The Civil Society Forum operates under the Eastern Partnership and aims to publish recommendations to influence the EU institutions and the national governments of the Eastern Partnership countries.

Most of the National Platform member organisations are also members of other similar civil society platforms and structures such as: EU-Moldova Civil Society Platform, Gender Equality Platform, National Participation Council, NGO Council, Civic Coalition for Free and Fair Elections – Coalition 2009, National Coalition ‘Life without Violence in the Family’, etc. Most of the times these platforms work separately, in narrow areas; they do not have any joint activities and do not coordinate aspects that would help streamline their efforts.

Recommendations

NGOs from the National Platform

- a. There is a need to strengthen the National Platform in terms of the development of its institutional capacities and positioning in Moldova
- b. The registration of the Secretariat is needed, as is fundraising for NP activities via the Secretariat to ensure regular meetings, expertise collection and communication.
- c. Membership of CSOs in the NP should be more explicit, representation of the NPs by its member organisations is important in terms of positioning the platform as a key actor in Moldova.
- d. The expertise of separate organisations is significant, however the civil society in Moldova is lacking consolidation efforts, and the NP can become an important actor to play the consolidating role for civil society.
- e. The Georgian experience of sectoral meetings and an annual conference can be applied, the Armenian experience of registering the Secretariat is also worth consideration.

Moldavan Government

- f. Develop a trilateral communication mechanism between the EU-Government and Moldovan Civil Society to facilitate direct dialogue, thus eliminating parallel communication.

EU Delegation in Moldova

- g. Appoint a person in the EU Delegation in Chisinau in charge of ensuring permanent communication with National Platform members, as well with his/her counterparts from EU Delegations in other Eastern Partnership countries.

Georgia

Executive summary

Civil society organisations have more than two decades of experience in Georgia. According to the 2016 data, there are more than 23,561 non-government organisations registered in the country.⁴⁸ However, the number of organisations that are active in the process of effectively implementing their agenda is much smaller. Nevertheless, the number of NGOs is still large, especially taking into account Georgia's total population. The existing regulations in Georgia that define the rules for establishing and functioning NGOs in most cases facilitate the simplicity and flexibility of their operation. A survey conducted by the Institute of Social Studies and Analysis⁴⁹ states that civil society organisations consider the country's legal environment to be liberal and favourable.

One of the key components for the sustainable development of civil society is ensuring its financial stability. The Georgian Law on Grants⁵⁰ allows non-government organisations to seek a wide variety of funding sources both inside the country and outside its boundaries. In addition, it is not mandatory to legally register for civic activism and implementation of projects in Georgia, which in turn contributes to the expansion of the civil sector. Therefore, the country's civil society combines both formal and informal associations, such as initiative groups.

The activities of the civil society organisations and their capabilities have moved to a completely new phase after the intensification of Georgia-EU relations. On the one hand, the European Union's policy focused on the importance of having constant and active communication with civil society, and on the other hand, the increase of financial assistance to the civil sector has contributed to the strengthening of its capabilities and skills, as well as to the introduction of high civic participation and engagement practices in the country.

This part of the study analyses civil society's level of participation and the engagement tools at its disposal for the decision-making process in Georgia. It also assesses the institutional mechanisms of civic participation and current practice of cooperation between the Georgian authorities and civil society in the context of the Association Agreement between Georgia and the European Union and EU Eastern Partnership Programme.

⁴⁸United States Agency for International Development, Bureau for Europe and Eurasia; The 2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia (2017)

https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_Report_7-28-17.pdf

⁴⁹Institute of Social Studies and Analysis; Engagement Of Civil Society In Policy Dialogue In Georgia (Tbilisi, 2014)

http://www.csdialogue.eu/sites/default/files/mapping_study_of_engagement_in_policy_in_%20georgia_georgian.pdf

⁵⁰ Georgian Law on Grants <https://matsne.gov.ge/ka/document/view/1498915>

Background

The European Union and Georgia have enjoyed a very close and positive relationship since 1992, after the recognition of Georgia's independence by the European Union. The EU strongly supports Georgia's ambitions for closer ties with the EU and considers it an important partner both within the European Neighbourhood Policy (ENP) and its eastern dimension under the Eastern Partnership (EaP).

After the European Union and Georgia initiated the Association Agreement (AA), including the Deep and Comprehensive Free Trade Area (DCFTA) Agreement at the Vilnius Eastern Partnership Summit, the cooperation between the parties became more comprehensive and fruitful.

Georgia's European aspirations are fully recognised by its citizens. According to a public opinion poll (2017) released by the National Democratic Institute (NDI) and CRRC Georgia, support for the European Union (EU) has risen to 77 percent from 72 percent in November 2016.⁵¹ The reasons for supporting Georgia's European integration are largely related both to economic and employment concerns, as well as the fact that Georgian citizens have benefitted from visa-free travel to the Schengen area since 28 March 2017. This significant achievement is a tangible result for all citizens.

Civil society in Georgia was actively involved in the EU-Georgia relationship after the inception of the European Neighbourhood Policy (2004). The European Neighbourhood Policy (ENP) was intended to enhance democracy in the target countries, encourage economic development, protect human rights and bring the countries closer to the EU. Georgia agreed to a set of reform priorities with the EU under the ENP in an individual action plan that was ratified in 2006. The plan covers a wide range of areas of Georgian domestic politics, economics, governance and security. Civil society in Georgia has been actively involved in the development and monitoring of the ENP process from the beginning and its involvement has been important to ensure wider understanding of the ENP process, and broader participation in the development of the action plan. In September 2005, approximately 70 civil society organisations, with the support of the Open Society-Georgia Foundation and the Heinrich Boell Foundation, prepared recommendations to be considered during the development of the action plan.

Since 2006, the Georgian Government and the EU have continued to update and evaluate the implementation of the action plan. In order to maintain civil society involvement, in 2006 the Open Society-Georgia Foundation, the Heinrich Boell Foundation and the Eurasia Foundation initiated a European Neighbourhood Policy monitoring group. As a part of this initiative the group prepared

⁵¹ Public attitudes in Georgia, NDI , CRRC Georgia , April 2017
https://www.ndi.org/sites/default/files/NDI%20poll_April%202017_Foreign%20Affairs_ENG_vf.pdf

recommendations that were discussed with the European Commission and some of the comments were incorporated into their ENP progress report published in April 2008.

To that end, in 2008 the Heinrich Boell Foundation, Transparency International Georgia (TI), the Georgian Young Lawyers' Association and Green Alternative initiated an informal coalition to monitor the implementation of the European Neighbourhood Policy in Georgia. They elaborated several reports and the focus of analysis has been on issues that relate to the rule of law, human rights and the environment. The majority of their recommendations were included in the 2008 Implementation Plan adopted by the Government. However, the assessments of positive or negative progress by the NGO coalition highlight omissions in the implementation schedule as well as forthcoming problems and areas which have not been paid sufficient attention by this Government.⁵²

Later, in a 3 December 2008 communication (COM (2008) 823), the European Commission emphasised the necessity for the Eastern Partnership of civil society's active participation.⁵³

The Eastern Partnership is the specific Eastern dimension of the European Neighbourhood Policy. A joint declaration concerning it (the "27+6 declaration") was adopted at the Eastern Partnership Summit 20 held on 7 May 2009 in Prague. EU partner countries undertake a commitment to draw closer to the EU, while in return the Union offers eventual Association Agreements and the gradual integration of each DCFTA, the Deep and Comprehensive Free Trade Areas with each partner country established under the policy.

In 2010, the Eastern Partnership Civil Society Forum Georgian National Platform (GNP) was established in the framework of the program which currently unites 171 leading NGOs. The main aspects of GNP functioning are related to the promotion and realisation of the Eastern Partnership goals. The establishment of the Georgian National Platform has contributed to the institutionalisation of civil society and become an important instrument of structural dialogue with the Government.

On 13 November 2015 the GNP inked a memorandum of cooperation with the Government,⁵⁴ and on 26 February 2016 a similar memo was signed with the Parliament's European Integration Committee.⁵⁵ The memorandums ensured institutional establishment and the essential

⁵²Report on the Implementation of Georgia's European Neighbourhood Policy Action Plan, 2007-2008

<http://www.transparency.ge/en/content/stub-65>

⁵³Communication from the Commission to the European Parliament and the Council, Brussels, 3 December 2008

[http://www.euronest.europarl.europa.eu/euronest/webdav/shared/general_documents/COM\(2008\)823.pdf](http://www.euronest.europarl.europa.eu/euronest/webdav/shared/general_documents/COM(2008)823.pdf)

⁵⁴ Memorandum of Cooperation between EaP CSF Georgian National Platform and the Government of Georgia

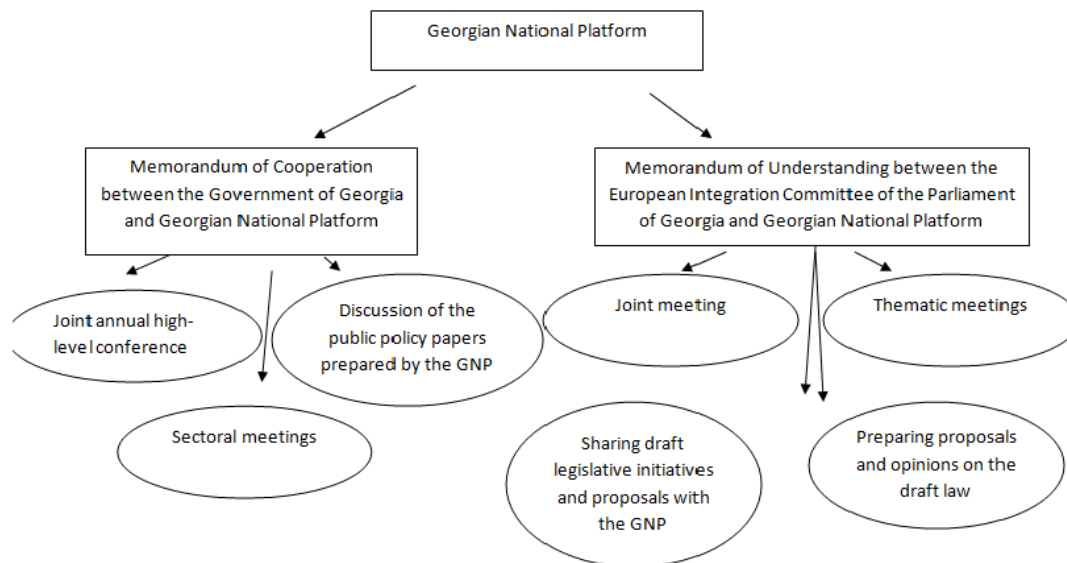
http://eap-csf.ge/index.php?option=com_content&view=article&id=341%3Amemorandum-of-cooperation-signed-between-eap-csf-georgian-national-platform-and-the-government-of-georgia&catid=3%3Anews&Itemid=1428&lang=en-GB

⁵⁵ Memorandum of Cooperation between EaP CSF Georgian National Platform and the Government of Georgia

http://eap-csf.ge/index.php?option=com_content&view=article&id=341%3Amemorandum-of-cooperation-signed-

improvement of mechanisms that enables the participation of civil society in the decision-making process (see figure 1).

Figure 1.



According to the memorandum signed with the Government, two pre-agreed sectoral meetings are held every six months with two ministries focused on discussing thematic challenges and other relevant issues. The Government has also made a commitment to consider policy documents developed by the Georgian National Platform. The policy documents may be discussed at sectoral meetings as well as annual joint meetings. The later format includes summing up the annual results and planning the priorities for future cooperation. Practice has shown that communication with the Georgian Government has been more intense in many directions than outlined in the memorandum.

In 2015-2016, the GNP actively participated in the development of the Association Agreement Action Plan with the European Union. While working on the Action Plan, the GNP prepared a total of 39 recommendations, out of which 10 recommendations were fully adopted by the Government and 7 were partially adopted. A similar work process is underway to draw up the Action Plan 2017, but as long as the Association Agenda is still in development, there are some obstacles in this regard. It should be noted that there is no practice of such cooperation between the Government and civil society in any of the other EaP countries.

[between-eap-csf-georgian-national-platform-and-the-government-of-georgia&catid=3%3Anews&Itemid=1428&lang=en-GB](#)

Another extremely important issue is the discussion of policy documents with the Government. By the end of 2016, the GNP developed 24 policy documents on issues related to the Association Agreement, which are being discussed in the format of sectoral meetings with the Government. Altogether, 12 sectoral meetings have been held and, on seven occasions, the GNP has received feedback from the relevant bodies. Effective implementation of this format is a significant progress on the way to strengthening civic participation.

As for the memorandum signed with the Parliament's European Integration Committee, it includes a specific action plan. The latter states that in order to approximate and harmonise Georgian legislation with EU laws, the Parliament's European Integration Committee shall ensure the Georgian National Platform's participation in the process of drafting legislative initiatives. The committee also has to inform the GNP about planned committee meetings and ensure the attendance of its members.

The committee shall attach the GNP's assessments to all draft laws prepared by it. The action plan defines that the thematic meetings shall be held once a month between the Georgian National Platform and the Committee, and once a year a joint session shall be held to review and discuss the annual report on the committee's activities. If necessary, the action plan may be revised and/or updated.

At this stage, the committee has submitted 15 draft laws and 11 agreements to the GNP for consideration. According to the GNP secretariat, it submitted 169 recommendations on the 4 draft laws. Two of these draft laws are in the process of consideration and on the remaining two draft laws, the GNP has not yet received feedback from the committee.⁵⁶

The Georgian National Platform was also actively involved in the development of constitutional amendments. Furthermore, the GNP representative was a member of the State Constitutional Commission (SCC) along with representatives of six major NGOs. In addition to the SCC format, the GNP held several meetings with the President of Georgia and the Chairman of the Parliament. Platform members presented their opinions at the meetings. It should be noted that several proposals by the GNP representative were included in the final draft of the Constitution.⁵⁷

Besides active involvement in the form of a direct dialogue with the Government, the GNP takes part in various other activities; it permanently issues statements and releases on important state issues and is active in the media in delivering the opinion of civil society to the public. In addition,

⁵⁶ Interview with GNP secretariat. 10 August 2017

⁵⁷ GNP activities in the development of constitutional amendments, 2017
http://eap-csf.ge/index.php?option=com_content&view=article&id=779%3Ainformation-meeting-with-the-speaker-of-the-parliament-of-georgia&catid=3%3Anews&Itemid=1428&lang=en-GB
http://eap-csf.ge/index.php?option=com_content&view=article&id=794%3Asaqarthvelos-erovnuli-platformis-shekhvedra-saqarthvelos-prezidentthan-sakonstitucio-cvlilebebis-sakithkhebze&catid=1%3Aakhali-ambebi&Itemid=1338&lang=ka-GE

in 2017 the Platform issued an address to the Venice Commission of the Council of Europe on the revision of the Georgian Constitution.⁵⁸

Significant progress is evident in the cooperation between the Government and civil society. The above-mentioned memorandums and the quality of their implementation is its unequivocal proof. However, despite that fact, there are still a number of issues that require an adequate response to increase the effectiveness of this process.

According to GNP National Coordinator Kakha Gogolashvili, more preliminary consultations and preparation should be undertaken between civil society organisations as well as relevant authorities in order to make existing cooperation formats more efficient and productive.⁵⁹

When considering the Georgian National Platform's efficiency and sustainability, it is important to mention issues related to its funding. In the framework of the European Neighbourhood Instrument 2014-2020 Action Plan, in 2017 a direct grant was allocated to the GNP. However, it is not yet known whether the EU will continue funding the GNP. Thus, the issue of diversification of donors is still on the agenda.

Association Agreement signing and mechanisms of civil society involvement

The EU-Georgia Association Agreement entered into force in July 2016 and strives for political association and economic integration between the EU and Georgia. The EU and Georgia have also entered into a Deep and Comprehensive Free Trade Area (DCFTA).

For effective implementation of reforms under the Association Agreement, the latter provides direct mechanisms for civil society involvement in the decision-making process. All parts of the AA foresee a general principle of transparency by which the Government of Georgia is obliged to provide the transparency of its decision-making process through preliminary, timely notification and public discussions, relevant and timely communications and consultations with the non-government sector.

Institutional mechanisms contained in the AA provide important opportunities for civil society organisations to engage in the decision-making process. The institutional mechanisms for strengthening civic participation within the Association Agreement are:⁶⁰

- Joint civil society dialogue forum;
- Government consultations;

⁵⁸Appeal of EaP CSF GNP to the Venice Commission <http://eap-csf.ge/images/doc/gancxadeba/appeal%20of%20eap%20csf%20gnp%20to%20the%20venice%20commission.pdf>

⁵⁹ Interview with GNP National Coordinator Kakha Gogolashvili, 8 June 2017

⁶⁰ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part https://eeas.europa.eu/headquarters/headquarters-homepage_en/9740/EU/Georgia%20Association%20Agreement

- EU-Georgia Civil Society Platform.

The Parties to the Association Agreement shall facilitate a joint forum with civil society within their territories, including members of the local advisory group(s) and the general public. The Dialogue Forum aims at organising a dialogue on trade and sustainable development issues, introducing updated information and discussing the proposals and opinions of the forum members. According to the agreement, the forum will meet annually.

The format of Government consultations includes setting up consultative groups/advisory councils composed of representatives of NGOs, experts, educational circles, who are actively involved in the implementation of the Association Agreement, and provide their recommendations to the Government.

Creating these types of formats for trade-related issues is obligatory, but it should also be noted that similar types of advisory groups had been created in some ministries even before signing the Association Agreement. In accordance with the AA, the Ministry of Economy and Sustainable Development of Georgia established an advisory group on DCFTA issues in 2015, which gives the opportunity to the parties to the Agreement to submit their opinions or recommendations on their implementation, including by their own initiatives. Up to now, four meetings were held at the advisory group. The last meeting on 7 June was mainly dedicated to providing the relevant information to civil society members.⁶¹ A recent meeting of the advisory group was very interesting. On 2 November 2016, the attendees discussed the DCFTA part of the draft EU-Georgia Association Agenda for 2017-2020. Lia Todua, the programme manager of the momxmarebeli.ge project of the Centre for Strategic Research and Development of Georgia, laid out several specific recommendations at the meeting and, after that, concrete thematic issues were discussed. However, according to Lia Todua, she was unaware whether the ministry took her recommendations into account.⁶² This cannot be determined from the protocol of the meeting received from the Ministry.

The EU-Georgia Civil Society Platform (CSP) is staffed by nine civil society representatives on the EU side, including members of the European Economic and Social Committee, and 18 civil society organisation representatives on the Georgian side. The latter includes nine full members and nine associates, including members of the Georgian National Platform, as well as representatives of businesses, trade unions and non-platform organisations.

It is important to note that, in accordance with EU practices, the Georgian side of the platform was initially set to be staffed by only nine representatives. However, the Georgian side considered that

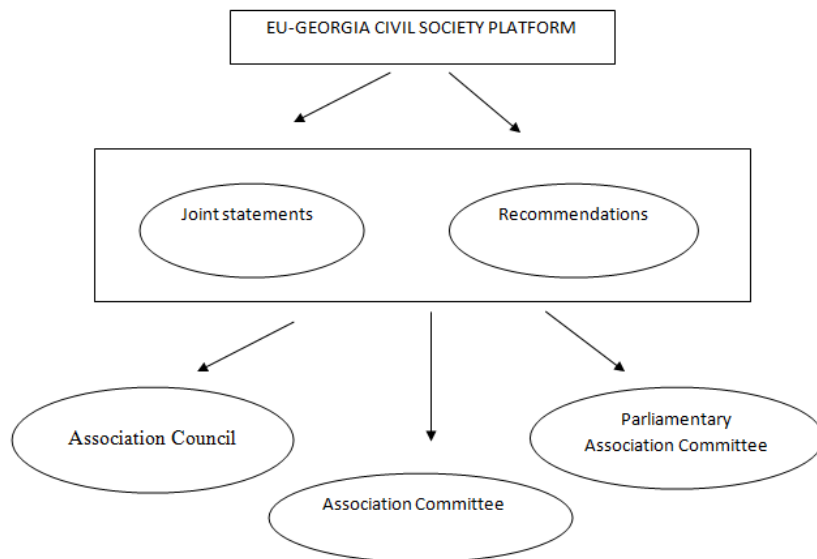
⁶¹ DCFTA Advisory Group meeting <http://www.economy.ge/?page=news&nw=213&s=ekonomikis-saministroshi-dcftas-sakonsultacio-jgufis-shexvedra-gaimarta>

⁶² Interview with Lia Todua, programme manager of momxmarebeli.ge at the Centre for Strategic Research and Development of Georgia

it was important for the platform's efficient functioning to have more expertise through the greater involvement of civil society actors.

The Civil Society Platform is an important mechanism for civil society both for active engagement in the process of Association Agreement implementation and a direct dialogue with the EU side. The Platform statute includes two basic tools, a general statement and drafting recommendations, by which it carries out its mandate (see Figure 3).

Figure 3.



It is noteworthy that the Civil Society Platform has direct mechanisms for engagement with the joint bodies established in the framework of the AA. These bodies are staffed by Georgian and EU representatives. Consequently, the CSP interacts with three main target groups: the Association Council, the Association Committee and the Association Parliamentary Committee.

The Association Council consists of members of the European Council, European Commission and Georgian Government representatives. It supervises and monitors implementation of the AA and meets at least once a year. As for the Association Committee, it assists the Association Council to perform its duties and functions.

The Association Committee consists of representatives of different parties, mainly at the level of high-ranking public officials. The Association Parliamentary Committee is a forum for the exchange of views and opinions between the members of the European Parliament and the

Parliament of Georgia. It is composed of members of the European Parliament and members of Parliament of Georgia.

The Association Agreement also provides that the Association Committee and the Parliamentary Association Committee shall establish regular contacts with the representatives of civil society, in order to obtain their views on the attainment of the AA objectives. However, according to the GNP co-chairman, Mr. Kakha Gogolashvili, no such consultations have been held so far.

On 16 June 2016, the CSP gathered in Georgia and adopted its rules of procedure.⁶³ According to the rules of procedure, the GNP meets twice a year, which is quite inadequate and creates significant challenges for the GNP's efficient functioning.

Besides the general recommendations laid out in the joint statement, the CSP also prepares recommendations for association bodies and other political institutions. It should be noted that the CSP has developed two reports on equal opportunities⁶⁴ for women and men in audiovisual media and the labour market, with recommendations for both the Georgian authorities and the EU.

According to Kakha Gogolashvili, GNP co-chairman, the above-mentioned platform is a very effective tool that facilitates civil society's participation not only on the national level but also beyond its borders.

“If there are issues that we cannot resolve with the Government or the Parliament, or if they do not engage in dialogue, then through this tool we will be able to bring up this issue directly with the Association Council. This platform is an even greater opportunity to assist civil society activities,” Kakha Gogolashvili said.⁶⁵

It is important to mention the issue of funding the EU-Georgia platform, which has already created significant challenges for its proper functioning. The rules of procedure indicate that both Georgian and European sides will assume the necessary expenditures to ensure the participation of its members and secretariat in the CSP meetings. But the current practice shows that the first CSP meeting in Georgia was attended by only three of the nine European Union members, while the Georgian delegation could not attend the meeting in Brussels, which was postponed and held in February instead of December.

The financial sustainability of civil society in Georgia is a significant challenge; thus, ensuring adequate financial support is one of the strategic tasks in order to ensure that the CSP can carry out its activities at the appropriate level.

⁶³ Rules of procedure http://eap-csf.ge/images/doc/rop_eng.pdf

⁶⁴ Reports, http://eap-csf.ge/index.php?option=com_content&view=article&id=737&Itemid=1473&lang=en-GB

⁶⁵ Interview with EU-Georgia Civil Society Forum co-chairman Kakha Gogolashvili, 8 June 2017.

Apart from the mechanisms and instruments provided by the Association Agreement, in Georgia there are other less formal coalitions that are also actively involved in the ongoing processes. These coalitions are mainly established by and combine NGOs with specific narrow competences. As a rule, they are more flexible. For example, such coalitions include the Coalition for Independent and Transparent Judiciary, Human Rights House, Georgian Association of Regional Broadcasters, Coalition for Equality, etc. It should also be noted that most of them are members of the GNP both as coalitions and constituent members.

In addition to establishing coalitions, civil society in Georgia has a good practice in advocacy campaigns through the formation of civil society movements. It is worth mentioning one of these campaigns – “This Affects You Too”. The movement first started in February 2012 and it has encompassed both civil society organisations and individual activists. In 2012, the goal of the campaign was to change electoral legislation through actively engaging citizens and creating a competitive, democratic pre-electoral environment. This goal was achieved, which was confirmed by the 2012 elections.

The campaign was revived in 2014 and continues till now, this time against secret eavesdropping and surveillance. The goal of the campaign is to change the legislation and practice of secret surveillance and to protect the constitutional guarantees of personal data, as well as the creation of a permanent independent investigative body to handle crimes committed by law-enforcement agencies. The campaign has already achieved some success, the movement has won a suit in the Constitutional Court, and in August 2014, significant positive changes initiated by the campaign were introduced into the law.

In order to summarise the complexity of civil involvement in the Association Agreement process with the EU, information about relevant legislative acts and civil engagement has been requested from various public agencies, including the Office of the State Minister of Georgia on European and Euro-Atlantic Integration. However, the government agencies replied that they do not have accurate statistical data about the number of meetings with civil society, as well as about CSO recommendations provided to and adopted by state bodies in the course of the AA implementation process.

Due to the above, the project team reviewed the implementation of the Action Plan 2014-2016 for the AA and the Association Agenda, which provide the implementation of all activities envisaged by the AA and examples of civil society participation in the process.

Although the AA Action Plan implementation reports provide information on civil society participation in specific activities, it should be noted that the information is quite fragmented, which does not provide valid and representative data for the assessment of civic engagement. Based on the Association Agenda, interviews and information requested from the state, it is possible to find approximate quantitative data about the meetings held with non-government

organisations. However, the qualitative analysis of the meetings is often very complicated, since the information is not properly documented. As the analysis demonstrated, there are no studies or reports that would assess the impact of civil engagement and its further impact on the lawmaking process. In addition, there is no systematisation and analysis of information on CSO involvement and participation. According to NGOs, the process of civic participation is often not systematic and planned but spontaneous, which significantly diminishes its effectiveness.

According to Archil Karaulashvili, Deputy State Minister of Georgia on European and Euro-Atlantic Integration, civil involvement in the AA implementation process was fruitful and active. “The involvement was very fruitful, and many proposals of civil society have been adopted.”⁶⁶

Experts estimate that the transparency level of civil participation and the association process has generally increased, but there are significant challenges associated with the involvement of CSOs in the process.

Considering the harmonisation of laws with the EU, it is particularly important to involve civil society in the lawmaking process. The roles of the Georgian Government and Parliament are strategically important in the process, as the absolute majority of the laws are developed by these two institutions. The Parliament of the 8th convocation adopted 1,505 laws in 2012-2016, out of which 865 laws were initiated by the Government, 440 laws were proposed by Parliament, 177 laws were submitted by parliamentary committees and the remaining 22 laws were initiated by other institutions.⁶⁷

According to Lika Sajaia,⁶⁸ Parliamentary Secretary at Transparency International-Georgia, in cases where the laws were drafted by the Government, civil involvement was often very low; moreover, as the drafts used to be pre-agreed with the Government, it is even more difficult to reflect CSO remarks and proposals. Summarily expressed, this factor significantly complicates the situation.

One more important problem that experts often mention is the issue of time limits in the process of legislative changes. According to their assessment, very often the Parliament adopts laws in a hasty manner, including those prepared in the framework of the Association Agreement, which makes the NGO sector’s efficient involvement impossible. As for the Parliament of Georgia, Lika Sajaia of TI-Georgia states that it ensures better involvement of civil society, as the sessions are open and the agenda of parliamentary activities is well known in advance: “Civil society is proactive and ensures participation in the process by itself. Nevertheless, usually the Parliament

⁶⁶ Interview with Archil Karaulashvili, Deputy State Minister of Georgia on European and Euro-Atlantic Integration, 6 June 2017.

⁶⁷ Transparency International Georgia, *Performance of Parliament's 8th Convocation*, Tbilisi, 2015, http://www.transparency.ge/sites/default/files/post_attachments/parliamentary-work-report-2016-eng_0.pdf

⁶⁸ Interview with Lika Sajaia, Parliamentary Secretary at Transparency International - Georgia, Tbilisi, 17 August 2017.

does not invite CSO representatives and is reluctant to set up joint thematic working groups to effectively utilise civil society expertise.”

According to Ivane Chkhikvadze,⁶⁹ European Integration Programme Manager at the Open Society Georgia Foundation, since CSO involvement is directly prescribed by the Association Agreement, in most cases CSOs have to urge the authorities to express their readiness to hold consultations on various issues. However, there are cases when, in spite of intensive consultations and meetings, CSOs have been unable to influence the steps taken by the authorities. Lika Sajaia of TI-Georgia referred to the reform of the Prosecutor's Office of Georgia as one such case. Although a number of workshops were held between the Government and the non-government sector in the process, the former did not take into consideration many essential issues. Despite a high level of participation, civil society assesses the current legislative amendments in a negative light.⁷⁰

Along with the current challenges, problems exist within civil society and hinder its effectiveness. The most evident challenges are a lack of adequate knowledge and qualifications. As it was deduced by desk research and interviews with experts, only few CSOs have the capability to work steadily at a high level; in most cases, civil society lacks the resources necessary for sustainable and active work.

The desk research has shown that one of the problem's main sources is a constant attempt by NGOs to handle several unrelated issues simultaneously. Naturally, working in such a manner, they cannot attain narrow expertise on every specific matter. When talking about challenges, the issue of financial sustainability should not be omitted as most CSOs depend on donor funding and therefore should adapt to their priorities. CSOs participate in different grant competitions and therefore work fragmentarily on various topics, which in turn impedes the accumulation of knowledge on specific narrow issues.

As the Deputy State Minister for European and Euro-Atlantic Integration, Archil Karaulashvili, notes: “The [Georgian] Government and EU agreed to allocate 6 million euros to civil society to monitor the AA implementation. This is a very big sum and therefore we expect qualified analysis and recommendations from them, which is a great help for us. Nevertheless, there have been a number of occasions when different NGOs submit completely different, sometimes even diametrically opposite recommendations to the Government.”

⁶⁹Interview with Ivane Chkhikvadze, European Integration Programme manager at Open Society Georgia Foundation, Tbilisi, 7 June 2017.

⁷⁰Appeal of the Coalition for an Independent and Transparent Judiciary: The Parliament Adopts Legislative Amendments on Constitutional Court, which Threaten Democratic Development of Georgia (Tbilisi, 2016) <https://gyla.ge/en/post/parlamentis-mier-sakonstitucio-sasamartlostan-dakavshirebit-mighebuli-cvlilebebi-qveynis-demokratiul-ganvitarebas-saftrkhes-uqmnis#sthash.sQFelev7.dpbs>

Within the framework of the programme, a consortium consisting of five CSOs carries out the project “Civil Society Development Initiative”, which includes supporting CSO networking and cooperation in public policy monitoring and EU Association Agreement Advocacy.

It is noteworthy to mention the coalition supported by the Open Society Georgia Foundation, which has been continuously monitoring implementation of the AA since 2014. However, due to limited resources, it is unable to monitor all relevant sectors.

The study results show that more communication and close consultations—both between different CSOs and between civil society and the general public—are needed for strengthening the organisational capacity of CSOs. The existing challenges clearly indicate that more efforts by CSOs and authorities and closer cooperation between them are essential in order to strengthen civic participation in the policy cycle, which in turn renders the process more predictable and efficient.

Conclusion and recommendations

In Georgia, strengthening civic participation in decision making is closely linked to the European integration process. The development of civic participation culture and respective institutions is often included in all agreements and programmes that determine the agenda of relations between the EU and Georgia.

The two most important civil society platforms, which should provide structural dialogue between civil society and authorities on the most crucial issues of the country's development, have been created within the framework of the EU-Georgia Association Agreement and the EU Eastern Partnership Programme. Together with efforts by the EU, it is important to note the increased willingness of the Georgian Government to cooperate with civil society on various issues. This is evidenced by the memorandums of cooperation signed by the Georgian National Platform with the Government of Georgia and the European Integration Committee of the Parliament, as well as by similar memorandums separately signed by other coalitions and CSOs operating in Georgia. Nevertheless, often the intensity and forms of civic participation do not determine civil society's influence on politics. The authorities often neglect civil society's views and recommendations in relation to a number of issues.

Despite significant progress, various complex challenges still remain that are associated with the sustainability and efficiency of civic participation. The authorities often lack a uniform systematic approach to civic engagement and participation in the implementation of the policy cycle. Additionally, CSOs do not have equal opportunities to actively participate in political decision-making even on acute public problems, which is not good practice.

It is noteworthy that, in most cases, the impact and effectiveness of civil participation have not been assessed, nor have the relevant statistical data and the critical analysis and evaluation of the process been carried out, which would have significantly enhanced the efficiency of the process.

Still, developing adequate skills and qualifications for both civil servants and civil society organisations remains a challenge, which impedes civil society participation from becoming as consistent and targeted as possible.

It is noteworthy that ensuring the necessary financial resources for active civil involvement and participation is one of the strategic issues that should be given more attention by both the Government and civil society. As the study reveals, in some cases, a lack of necessary financial resources makes it impossible to carry out very important activities, which negatively affects the civil participation process.

For an effective response to the existing challenges, it is crucial to have strong political will on the part of the Government to increase opportunities for civil society involvement in policy planning, implementation and monitoring. On the other hand, it is important to further deepen cooperation between various civil society organisations and increase their capacities in order to elaborate and introduce the most effective instruments of civic participation in political decision-making based on broad public discussions.

Recommendations for civil society

- Strengthening internal coordination and cooperation in order to enhance expertise and feedback;
- Ensuring closer links with those public and professional groups whose interests they represent;
- Enhancing cooperation between different civil society platforms;
- Strengthening coordination and cooperation with civil society organisations of Eastern Partnership countries and EU member states;
- Ensuring equal quality of expertise in terms of WG representation through capacity building activities, involvement of new CSOs, involvement of international organisations and EU partner organisations;
- Ensuring more regular communication with the EU Delegation and EU institutions;
- Providing civil society organisations with more information and training on civic participation tools and methods;
- Developing mechanisms of closer communication and greater exchange of information between various civil society organisations in order to conduct appropriate joint preparatory works aimed at drastically enhancing the quality of bilateral meetings;
- Commencing active discussions on mechanisms for strengthening civil society's financial sustainability, including the possibilities of funding from the state budget;

- Improving communication of the Georgia-EU Civil Society Platform with the EU-Georgia Association Council, Association Committee and Association Parliamentary Committee;
- Ensuring more efficient utilisation of the Association Platform and EU Eastern Partnership capabilities by CSOs for more intensive participation in advocacy campaigns, lobbying and political decision-making.

Recommendations for Government

- Providing public servants and individual decision-makers with more information and training on civic participation tools and methods;
- Developing mechanisms of closer communication and greater exchange of information with civil society organisations in order to enhance the quality of bilateral meetings;
- Ensuring civil society participation not only in the area of policy monitoring and evaluation, but also in policy planning and implementation, which will facilitate better decisions;
- Strengthening by the government of cooperation with civil society, especially in those spheres where civil society can provide significant assistance (research, awareness raising, expert analysis, etc.);
- Developing relevant statistics related to civic participation in order to assess its results and improve existing practices;
- Providing feedback to the GNP's recommendation in order to significantly improve the memorandum of cooperation signed between the GNP and the Government;
- Creating working groups involving CSOs by parliamentary committees; providing them with purposeful information and ensuring their involvement in the lawmaking process;
- Introducing the practice of preliminary work meetings with civil society to discuss draft laws initiated by the authorities in order to ensure feedback and efficient participation of civil society;
- Drafting by the Parliament of an annual, time-framed action plan for the legislative harmonisation process with the EU to ensure appropriation of reasonable time for discussing draft laws, as well as better transparency and proper civil participation;
- Conducting joint consultations and ensuring coordinated efforts of cooperation with donor organisations by the Government and civil society;
- Starting discussions about the possibilities of funding CSOs through the state budget of Georgia.

Recommendations for the EU

- Intensifying efforts to facilitate cooperation of Georgian CSOs, on the one hand, with Eastern Partnership countries' CSOs and on the other hand, with the EU member states' civil society.

- Ensuring financial assistance to the EU-Georgia Civil Society Platform;
- Introducing opportunities for institutional assistance in order to strengthen the sustainability of CSOs;
- Improving communication and cooperation between the EU representation in Georgia and civil society in the process of policy elaboration;
- Strengthening the tripartite EU-Government-CSO cooperation format;
- Creating an additional format of participation for CSOs representing both sides at the EU-Georgia Association Council meeting;
- Ensuring the development of a format of regular meetings with EaP countries.

Armenia

Executive Summary

Relations with the EC, EU and other European institutions have been of extreme importance for Armenia ever since its independence. Both politically and economically, Armenia has always been searching for a multipolar foreign policy, which is natural for a landlocked country that has closed borders with two out of four of its direct neighbours. In this respect, integration and cooperation with Europe was also important from the point of view of the cultural and systemic transition that many post-Soviet countries have declared after gaining independence. Thus, relations between Armenia and the European Union are perceived in Armenia not only within the context of international relations, but also from the point of view of internal institutional development in the country.

The importance of EU-Armenia cooperation is also crucial for Armenian civil society for several reasons. The financial and political support of the EU to Armenian CSOs and other civil society actors has a strong positive effect on the level of their involvement in the key processes taking place in the country. Moreover, thanks to the support of the international community and the EU in particular, civil society plays multiple roles in this process, such as monitoring the activities implemented by the authorities, civic education, protection of human rights, etc. The existence of a framework agreement such as the Partnership and Cooperation Agreement (PCA) and involvement of Armenia in EU-supported regional initiatives such as the European Neighbourhood Policy (ENP) and Eastern Partnership (EaP) has allowed Armenian civil society to interact with the authorities not only directly through particular reforms and programmes, but also through the EU, using the latter as a mediator or facilitator in case of the most problematic and confrontational issues, such as elections, violations of human rights, etc.

The role civil society plays in EU-Armenia relations is also important in terms of providing opinions, expertise and evaluations alternative to the official ones. This allows the European Union to tailor its support to Armenia to the real needs of the country and address priorities more properly.

It should be mentioned though that the involvement of civil society in EU-Armenia relations is lacking stability and institutional structure and there is significant room for improvement in that respect. All three parties—the EU, Armenian authorities and civil society entities—should make additional efforts to improve the quality of cooperation, since it will allow the potential of the relations to be used more effectively.

Background

The chronology of EU-Armenia relations started immediately after Armenia's independence and has included several milestones that brightly illustrate the growing potential of bilateral cooperation.

Since 1991, the EC has supported Armenia through various programs, such as ECHO and Food Aid Operations through the European Agricultural Guarantee and Guidance Fund (EAGGF), as well as the TACIS programme that was aimed at contributing to the transition towards a market economy, notably through assistance in the fields of legal and regulatory reform, approximation of Armenian legislation to that of the EU and support for Armenia's WTO accession. TACIS has also contributed to Armenia's economic recovery through support to the private sector and small and medium enterprises. The Agricultural Cooperative Bank, funded through TACIS and the EAGGF food aid counterpart funds, has been highly rated and has contributed to improvements in agricultural production. TACIS has also supported Nuclear Safety.⁷¹

The Partnership and Cooperation Agreement⁷² (PCA) between the EU and Armenia was concluded in 1996 and entered into force in 1999. The PCA was the first framework agreement between the two parties that regulated multiple aspects and sectors of bilateral relations, such as political dialogue, promoting development of democratic institutions and economic development, as well as social, financial, cultural cooperation between Armenia and the EU and its member states.

In 2004, Armenia joined the ENP, which was established to share the EU values of security, stability and prosperity with EU neighbours. This framework of the ENP offered close political, security, economic and cultural cooperation. The ENP Action Plan of Armenia was adopted in 2006 and envisaged a wider framework of close cooperation with the EU.

With the launch of the Eastern Partnership, Armenia together with Georgia, Moldova and Ukraine negotiated an Association Agreement and Deep and Comprehensive Free Trade Agreement with the EU, which was supposed to be signed in fall 2013. However, on 3 September 2013, Armenian President Serzh Sargsyan unexpectedly announced the decision to join the Russia-led Eurasian Economic Union, which made the signing of the AA and DCFTA impossible.⁷³

The 3 September U-turn was shocking for both EU officials and a significant part of Armenian society, including many people involved in the establishment and development of the AA/DCFTA negotiations. However, the natural demand of the situation was to develop a new format of relations, since the PCA was already outdated and there was a need to replace the AA with a new framework agreement that would regulate bilateral relations.

After around 2 years of reflection, the EU and Armenia announced the launch of negotiations over a new agreement, the so-called "AA-minus" that would contain all the provisions of the already negotiated Association Agreement excluding those components that conflicted with the new

⁷¹ http://www.partnership.am/res/General%20Publications_Eng/Armenia_cr_0503%5B1%5D.pdf

⁷² https://eeas.europa.eu/sites/eeas/files/eu-armenia_partnership_and_cooperation_agreement_en.pdf

⁷³ European Commission, Implementation of the European Neighbourhood Policy in Armenia Progress in 2014 and recommendations for actions, 2014 http://eeas.europa.eu/archives/docs/enp/pdf/2015/armenia-enp-report-2015_en.pdf retrieved 13 October 2017

obligations of Armenia in light of its membership in the EEU. These components mainly related to customs and trade relations, since Armenia had granted that authority to the supranational EEU.

In parallel with the negotiations over a new framework agreement, the EU-Armenia Partnership Priorities were also discussed and were aimed at setting the agenda of EU assistance to Armenia in 2017-2020 through a single support framework. The Recommendation of the EU-Armenia Cooperation Council on the EU-Armenia Partnership Priorities⁷⁴ published in October 2017 outlines 4 major areas prioritised by the parties:

1. Strengthening institutions and good governance
2. Economic development and market opportunities
3. Connectivity, energy efficiency, environment and climate action
4. Mobility and people-to-people contacts

The indicative amount allocated for the implementation of the priorities for the 2017-2020 period is €144 million-176 million.

Negotiations on the Comprehensive and Enhanced Partnership Agreement (CEPA)⁷⁵ were successfully concluded on 26 February 2017 and signed in November 2017 during the EaP Summit in Brussels. The new document is based on the previously negotiated Association Agreement; however, it excludes provisions that conflict with Armenia's obligations in the Eurasian Economic Union, which mainly relate to the customs sector. The CEPA envisages cooperation in a wide variety of sectors including democratic reforms, cooperation in the energy sector, security, economy, etc. Similar to the Agreements signed with Georgia, Moldova and Ukraine, the CEPA envisions the creation of a bilateral civil society platform (Article 366) that will involve civil society actors from both sides in order to “keep them informed of, and gather their input for, the implementation of this Agreement.”⁷⁶

EU-Armenia sectoral cooperation and financial assistance

As a part of the ENP and EaP, Armenia benefits from cooperation with the EU in a wide range of areas. The EU has been supporting justice sector reforms in Armenia since 2009. The EU-Armenia human rights dialogue was established in December 2009, takes place annually and serves as a platform for discussing human rights-related issues in Armenia and the EU.⁷⁷ In 2014, the Human Rights Action Plan was adopted, which is an essential achievement in the sector. Nevertheless, the

⁷⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52017JC0024&from=EN>

⁷⁵ <http://data.consilium.europa.eu/doc/document/ST-12525-2017-ADD-1/en/pdf>

⁷⁶ Ibid, p. 337

⁷⁷ Ministry of Foreign Affairs of the Republic of Armenia, Press Releases EU-Armenia Human Rights Dialogue, 17.03.2016 http://www.mfa.am/en/press-releases/item/2016/03/17/arm_eu_humrig/ retrieved 13 October 2017

Action Plan does not cover many priority areas including the UN Convention against Torture (CAT).⁷⁸

In 2011, the EU and Republic of Armenia signed the Mobility Partnership, which aims at the control and better management of migration flows between Armenia and EU, as well as the fight against illegal migrant flows and regulations for legal entry allowances for citizens of Armenia.⁷⁹ Besides the migration policy, the partnership covers various fields of policy such external security, the labour market as well as development policy.⁸⁰ In this context, the EU-Armenia Visa Facilitation Agreement was signed in 2012. The main purpose of the agreement was the facilitation of short-stay visa issuance for citizens of Armenia, the simplification of documentations for several categories of travellers to EU, reduction of fee and visa processing time.⁸¹ In 2016, the Government of the Republic of Armenia officially initiated a visa liberalisation dialogue, but did not get a positive response.⁸²

In the scope of economic cooperation with the EU, Armenia benefited from the EU Generalised Scheme of Preferences (GSP) in 2006-2008, which meant that Armenia had preferential access to the EU market with zero duties on 3300 products and special reduced tariffs for another 3900 products. In 2008, Armenia qualified for a special arrangement of the GSP which is the special incentive arrangement for sustainable development and good governance (GSP+), which means that there are zero or special tariffs for more than 6200 products produced in Armenia. Under this scheme, the EU commission monitors Armenia's compliance and implementation of 27 international conventions on areas such as human and labour rights, environmental protection, good governance etc.⁸³ Referring to the latest GSP+ report of the Commission, despite the fact that Armenia puts efforts in this regard, there are still gaps in the implementation of international conventions mainly in the sphere of human rights, specifically a lack of judiciary independence, legislative and implementation framework and mechanisms against the use of torture, corruption.

⁷⁸ European Commission, Implementation of the European Neighbourhood Policy in Armenia Progress in 2014 and recommendations for actions, 25 March 2015, http://eeas.europa.eu/archives/docs/enp/pdf/2015/armenia-enp-report-2015_en.pdf retrieved 13 October 2017

⁷⁹ Ministry of Foreign Affairs of the Republic of Armenia, Press Releases Joint Declaration on a Mobility Partnership between Armenia and the EU, 27 October 2011, http://www.mfa.am/en/press-releases/item/2011/10/27/a_eu/ retrieved 13 October 2017

⁸⁰ Stefan Brocza, Katharina Paulhart, EU mobility partnerships: a smart instrument for the externalisation of migration control, European Journal of Futures Research, December 2015, <https://link.springer.com/article/10.1007/s40309-015-0073-x#Sec1> retrieved 13 October 2017

⁸¹ The European Neighbourhood Partnership Instrument for the Republic of Armenia, EU Visa Facilitation for Armenia, retrieved 13 October 2017

http://eeas.europa.eu/archives/delegations/armenia/documents/eu_travel/eu_visa_facilitation_booklet_en.pdf

⁸² Hrant Kostanyan and Richard Giragosian, EU-Armenian Relations: Charting a fresh course, 04 October 2017 http://www.3dcftas.eu/system/tdf/HKandRG_EU_Armenia_CEPA.pdf?file=1&type=node&id=377&force= retrieved 13 October 2017

⁸³ Delegation of the European Union to Armenia, Armenia and the EU, 11 May 2016 https://eeas.europa.eu/delegations/armenia/896/armenia-and-eu_en retrieved 13 October 2017

Other shortcomings relate to the labour code, which does not address discrimination in workplaces, health and safety requirements, abuse of contracts. However, the major issue is corruption.⁸⁴

In the cultural sector, Armenia is in the process of negotiating its participation in the Creative Europe Programme starting in 2018. In this regard, the EaP CSF Armenia National Platform adopted a statement addressed to the Armenian authorities to adhere to the programme. Three EaP countries—Georgia, Moldova and Ukraine—are already part of this programme. Armenia, as a partner country can join the participating countries in a consortium.⁸⁵

As a part of the European Neighbourhood Policy, Armenia benefits from the European Neighbourhood Instrument which has primary concentration on three main areas – private sector development, reforms in the public administration and judiciary sectors. The overall support for the period 2014-2017 amounts to 140-170 million EUR.

Public sector support includes civil service development, public finance management, local governance and the fight against corruption. Public finance management reform aims at supporting transparency and accountability in fiscal governance, enhancing accountability and oversight. 8 million euros has been allocated for the budget support component. The total cost for Public Finance Management is around 45 million euros.⁸⁶

Besides the mentioned financial assistance, Armenia benefits also through the Neighbourhood Investment Facility (NIF), where the EU provides complementary support in several areas such as energy, transport, water, public private partnership.⁸⁷

Another area of EU assistance through funding reform processes has been electoral reform. The EU, together with the UNDP and the United States, assisted in the implementation of the reform. The EU's support has been calculated at about 7 million euros. The EU's support together with

⁸⁴ Hrant Kostanyan and Richard Giragosian, EU-Armenian Relations: Charting a fresh course, 04 October 2017 http://www.3dcftas.eu/system/tdf/HKandRG_EU_Armenia_CEPA.pdf?file=1&type=node&id=377&force= retrieved 13 October 2017

⁸⁵ GOLDEN APRICOT INTERNATIONAL FILM FESTIVAL, Creative Europe Forum: Creative Europe Programme and EaP-EU Co-Operation Model, 22.09.2017 <http://www.gaiff.am/en/1506069906> retrieved 13 October 2017

⁸⁶ European External Action Service, European Commission Directorate General For Development And Cooperation – Europeaid, Programming of the European Neighbourhood Instrument (ENI) - 2014-2020 Single Support Framework for EU support to Armenia (2014-2017), http://eeas.europa.eu/archives/docs/enp/pdf/financing-the-enp/armenia_2014_2017_programming_document_en.pdf retrieved 13 October 2017

⁸⁷ "ibid"

Germany and United Kingdom comprises 90% of the overall assistance in the election reform initiatives.⁸⁸ The CS sector is supported through the Neighbourhood Civil Society Facility.⁸⁹

Besides the mentioned financial assistance, Armenia has benefited also through other tools. Before the Eastern Partnership Instrument, Armenia was supported under the European Neighbourhood and Partnership Initiative in 2007-2013, when the EU allocated 281.5 million euros. After 2013, the EU partially reviewed its assistance to Armenia in relation to the free trade area due to Armenia's decision to join the Eurasian Economic Union. Already planned programmes with the EU relating to trade promotion with the European Union were dropped or directed to other cooperation priorities.⁹⁰

Civil Society

Initially, the EU's approach towards civil society in Armenia was interaction through the third sector, the Government. At the beginning, it was mainly interaction and building relations with the state.⁹¹ However, this changed with the launch of the ENP and EaP projects, thus establishing multi-level contacts between the EU, its member states and Armenian CS.⁹²

In 2012, Armenian Civil Society was involved in the Single Support Framework preparation consultation processes. The Armenian CS was largely engaged in the discussions of EU sectoral assistance, budget support, regional development etc. Besides the above-mentioned consultation process, CSOs in Armenia were invited to contribute to the ENP Progress report annually on various sectors such as Human Rights, Justice, Freedom and Security, as well as social, economic and environmental issues. However, there were no clear mechanisms that would ensure the reflection of the civil society contribution to the ENP progress reports and receipt of the feedback provided by civil society actors regarding sectoral policies, priorities, etc.

Besides the consultations, the EU also funds various projects (thematic instruments). Since 2008, over 5 million Euros have been allocated to various projects implemented by NGOs. Under the European Instrument for Democracy and Human Rights, approximately 11 projects were funded to address the issues of fundamental rights and freedoms, women empowerment, children's rights,

⁸⁸ European External Action Service, Local EU Statement on electoral reform in Armenia, 01 December 2016, https://eeas.europa.eu/headquarters/headquarters-homepage_en/16231/Local%20EU%20Statement%20on%20electoral%20reform%20in%20Armenia retrieved 13 October 2017

⁸⁹ European Commission, European Neighbourhood Policy and Enlargement Negotiations Armenia, 06 December 2016 https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/armenia_bg retrieved 13 October 2017

⁹⁰ *Ibid*

⁹¹ Raika cited in Valentina Gevorgyan, Eastern Partnership Civil Society Forum Revisited, Open Society Foundations – Armenia, March 2014, http://www.osf.am/wp-content/uploads/2016/03/EaP-CSF-Revisited_English.pdf retrieved 13 October 2017

⁹² *Ibid*

elections etc. Armenian CSOs are engaged in the ENP Civil Society Facility. In 2013, 1.7 million Euros was allocated to CSOs in the field of enhancing CSO capacity in budget monitoring and acting as a watchdog to fight against corruption. It should be mentioned though that many experts and civil society representatives were considering the level of involvement of civil society in the process of implementation of the EU-Armenia agenda insufficient. Major gaps that were constantly pointed out by the Armenian civil society related to the lack of clarity in the formulation of deliverables, poor level of transparency in implementation of the direct budget support programmes, low level of involvement of civil society in the process of monitoring of the reforms implemented within the framework of EU-Armenia cooperation, as well as lack of conditionality in the process of evaluation of the activities undertaken by the Armenian authorities.

Currently, the EU reinforces CSOs engagement in budget support operations in agreement with the Ministry of Finance and Ministry of Economy. The idea of CSO engagement was put forward and, as a result, 6 NGOs—Oxfam, Transparency International, Open Society Foundation, the Armenian Young Lawyers' Association, Union of Armenian Government Employees and the Chamber of Commerce and Industry—are already involved in the processes of drafting and monitoring the Budget Support Conditions in the following areas: Public Finance and Management, Anti-corruption and the reform in the sector of Civil Service.⁹³

As can be seen from the above-mentioned, prior to the launch of the Eastern Partnership, Armenian civil society has been actively involved in EU-Armenia cooperation through both monitoring of the PCA and ENP and implementation of various projects aimed at raising public awareness about the EU in Armenia, contributing to ENP implementation, or strengthening civil society involvement in the EU-Armenia agenda. However, the launch of the EaP has made a qualitative change in the perception and understanding of the role and participation of civil society in EU-Armenia cooperation. One of the major reasons for that was the establishment of the Civil Society Forum that was an unprecedented platform for participation of the civil societies of 6 EaP countries in the shaping and implementation of the EaP priorities.

The process of forming and institutionalisation of the Armenian National Platform (ANP) of the Eastern Partnership Civil Society Forum (EaP CSF) was launched simultaneously with the beginning of the EaP as an official initiative. Several Armenian CSOs took part in the first conference organised in Prague in spring 2009 and, after the event, gathered in Yerevan to discuss the participation of Armenian civil society in the EaP.

Since the CSF was the first of its kind as a mechanism for the involvement of civil society, the initial period of institutionalisation was difficult and problematic both on the regional and national levels. In this respect, it should be mentioned that, so far, the history of the ANP in this respect

⁹³ Armenia-EU Country Roadmap for Engagement with Civil Society 2014-2017, https://eeas.europa.eu/sites/eeas/files/20141027_eu_armenia_cs_roadmap_en_0.pdf retrieved 13 October 2017

can be conditionally divided into 4 major phases. The first phase was mainly focused on the institutional development of the ANP. During this period, the structure and internal rules and procedures of the Platform were formed. The second phase can be perceived as the most effective one due to the fact that negotiations between Armenia and the EU, with the AA and DCFTA, were in an active phase and thus the relations between the Armenian authorities and the ANP were quite cooperative. During this period, there was an informal mechanism of cooperation between sectoral ministries and the ANP, which played an important role in terms of collecting and submitting sectoral expertise from the ANP member organisations to line ministries. This phase was followed by the disappointing U-turn when Armenia joined the EEU, and for almost two years there were very few cases and opportunities of cooperation between the ANP and the Armenian authorities. During this period of time, the quality of cooperation between the two sides turned from cooperative to confrontational.

Armenia's decision to join the EEU revealed several gaps and problems both in terms of the fragility of internal decision-making in the country as well as the lack of wide public support towards European integration in Armenian society at large. The low level of public trust towards the authorities and lack of positive changes despite the declaration of large-scale reforms has resulted in a transfer of mistrust from the Government to its donors and partners, which in its turn has caused low expectation from EU-Armenia cooperation. This means that the communication strategy of the EU in Armenia should be rethought and tailored to local specifics. This, in parallel with a strong Russian informational presence, creates significant obstacles for the more effective implementation of the EU-Armenia cooperation agenda and forms ground for manipulative actions aimed at discrediting the reforms implemented within the framework of the EU-Armenia cooperation. In this respect, the role of the civil society as an effective communicator and an alternative information provider should be considered.

The low level of trust towards the authorities and discredited essence of the electoral processes in Armenia have put Armenian civil society in a position where, apart from regular activities carried out by "classic" civil society, Armenian civil society actors should also take upon themselves certain political functions as well, such as forming and promoting an alternative political agenda aimed at stimulating the political plurality in the country.

In this respect, the institutional mechanisms of involvement of civil society in the process of reform implementation provided by the Eastern Partnership and the CEPA should be used to the maximum extent possible.

Recommendations

General recommendations

1. In case of a particular process such as CEPA implementation, there is a strong need to define a Civil Society subject that will be able to become the institutional entity to represent civil society in the process of communication and cooperation between Armenian authorities and the European institutions in the process of the implementation of the CEPA. At the current stage, the ANP is the main civil society subject that has the institutional strength, history and formulated mission that coincides with the philosophy of civil society engagement in the process of implementation of the CEPA.
2. In terms of the possible functions of civil society, there are three major functions that civil society can perform:
 - a. Monitoring of the implementation of the CEPA, which can include monitoring of sectoral reforms, legal approximation, as well as overall strategic monitoring with a special focus on defining priorities, developing action plans for implementation and formulating deliverables and outcomes.
 - b. Formulation and delivering of sectoral expertise to the decision makers, which is an ongoing process that will need a certain institutional framework for engaging civil society in dialogue with the line state institutions responsible for particular sectors, directions or processes.
 - c. Raising public awareness on the CEPA and wider format of EU-Armenia relations. This function needs intensive communication with the EU as well as various EU-funded projects and should aim at addressing specific issues, successes or expected results that are within the framework of EU-Armenia cooperation. This function includes both raising awareness within civil society itself and using civil society as an information channel to reach society at large.
3. It is necessary to involve the ANP in the process of making the CEPA more instrumental, namely in the process of developing detailed priorities in each sector, monitoring mechanisms, identifying deliverables, cross-cutting themes and working formats. It is also important to ensure a single instrumental framework for the CEPA similar to the Association Agenda in Georgia, Moldova and Ukraine, since it will allow to ensure conditionality and the more precise formulation of deliverables, as well make the process of monitoring of the implementation more effective.
4. In order to make sure that the bilateral civil society platform envisioned by the CEPA is effective, there is a strong need to link it with the ANP. There can be several mechanisms for this:

- a. Ensure that there is a significant presence of the ANP in the bilateral platform through a quota for the ANP in the bilateral platform.
- b. Make the bilateral platform a horizontal structure of the ANP with an opportunity to nominate WG members upon necessity and based on particular topics discussed in the given period and ensure room for participation of CSOs that are willing to contribute to the implementation of the CEPA but do not want to be involved in any institutional framework.
- c. The EU-based CSOs of the bilateral platform should include the CSOs actively working in Armenia with a strong knowledge of the country situation. It is important to ensure the sectoral variety of these CSOs. ANP members as well as the EaP CSF can be a valuable source for the identification and involvement of relevant EU-based CSOs.

Recommendations to the Government of Armenia

1. Armenia needs a strict format of internal bilateral agreements between the ANP and the Armenian authorities, not only outlining the principles of cooperation but also formulating the duties and responsibilities of the parties and stating the mechanisms and the timeline of cooperation.
2. The Georgian experience in holding periodic sectoral dialogue meetings between the line ministries and NP Working Groups is very much applicable to Armenia and can ensure an ongoing and content-based participatory process.
3. In order to ensure transparent implementation of the CEPA, it would be useful to develop a www.cepa.am website similar to <http://aa.ge/en/> developed by OSGF, where all the legal acts that are envisaged for approximation with the EU Acquis will be placed and room will be available for providing feedback and receiving answers. On top of this, the Armenian version of the website can include information on other activities implemented within the framework of the CEPA, provide details on Direct Budget Support, etc.
4. During the past decade, Armenia has been involved in several integration frameworks (ENP, EaP, MDG, OGP, etc.) that are aimed at supporting a country to define its development priorities and identify the mechanisms for their implementation. According to many civil society actors, this process was more an imitation rather than a real one and resulted in huge discrepancy between the regulatory framework and vision of people. The CEPA gives the Armenian society and state an opportunity to initiate deeper and more conceptual discussions on reforms, legislation, the process of development of legal acts and ways of simplification of the regulatory frameworks. This should be used to compensate the enormous amount of lost opportunities for doing so.

Recommendations to the EU institutions

1. Decision making on EU funding to civil society needs more transparency and clarity. Often, the principles behind funding decisions are unclear. This can be achieved through more

significant capacity building for CSOs so that they can successfully apply to the EU for funding. The ANP can become an important platform for these activities.

2. There is a strong need to intensify and institutionalise the communication between the EU Delegation and the ANP. The interactions of the ANP and CSOs in general with different sections of the Delegation often create miscommunication in case there is no institutional involvement of both the political and operational sections of the delegation.
3. There is a strong need to establish a tripartite format for periodic communication between the EU, Armenian authorities and civil society that will allow the discussion of issues in all their complexity with the involvement of all interested parties.
4. It is important to build the capacities of the Armenian CSOs regarding the process of applying to EU calls, evaluation of applications, major principles in reading EU announced calls, etc. The ANP can play the role of a major platform for such activities.

In order to do that, it is recommended to develop a document which clarifies the elements in PRAG that are applicable to Armenia or to a group of countries, such as the EaP. The areas that need clarification or other issues can be mentioned such as:

- a. The background of NGOs applying: when did they register or start operation, do they have sufficient experience etc.?
- b. The verification process for NGOs approved for funding: what kind of inquiries should they expect?
- c. Capacity-building for NGOs that are the recipients of funding: what type of activities does the EU envision for them to enhance their performance?
- d. The level of flexibility in tendering: what is the threshold for allocation of funds for services with no open tenders?
- e. The level of engagement of EU project managers: what are their mutual rights and obligations, i.e. which actions can be done only after approval by EU DEL and which ones can be done with no approval?
- f. The level of flexibility in budget reallocations: what are the most appropriate rules for the conditions of Armenia/EaP?

Such issues and others are important to be clarified for local circumstances, since PRAG provides only very general guidelines, which in some cases are too flexible for local conditions. In case the EU has restrictions in implementing these kind of initiatives, the sub-grantees that are implementing capacity building projects should be navigated by respective EU institutions to address these issues and to work closely with the ANP and other civil society entities working in the sphere of EU-Armenia relations.

It is also advisable to study more carefully the background of EU applicants and their partners in Armenia: those applicants who have not worked in Armenia should have strong and well-known

partners, to make up for the lack of expertise. If the EU applicants have worked in Armenia and have a positive history, this is not so relevant.

Also, it is advised to arrange meetings between EU evaluators and failed applicants for direct personal feedback, or to provide a comparison between winning proposals and those who did not pass, in order for the authors of the latter to understand better what have been their deficiencies.

There is an opinion that this may create a conflict of interest. However, for NGO development in Armenia, the best way is as much openness as possible.

1. Decision making on direct budget support should also be made more participatory and involve civil society through the ANP. This can be implemented by delegating it to ANP representatives in the Steering Committees of the direct budget support projects.
2. There should be steps ensuring at least partial synchronisation of communication strategies between the ANP, the Government of Armenia and the EU Delegation regarding the CEPA and broader EU assistance and cooperation with Armenia. The communication strategy should be aimed at opposing the misinformation on the processes initiated within the framework of the EU-Armenia cooperation and beyond. More user-friendly and strategically long-term awareness raising activities should be undertaken on the real outcomes of EU-Armenia cooperation.
3. Communication between the ongoing EU-funded projects and the ANP can be important for both increasing their transparency and accountability and raising awareness on EU support to Armenia for a broader audience.

Recommendations to the ANP and Civil Society

1. There should be significant structural reform adapting the ANP to the new situation, namely:
 - a. Strengthening Working Groups and making their work more result-oriented and sustainable
 - b. Development of horizontal cross-cutting structures that unite ANP members' activities in the spheres of monitoring, advocacy and awareness raising.
 - c. Developing the ANP communication strategy and plan.
 - d. Initiating internal and public discussions of the CEPA content and developing proposals for making the CEPA more instrumental at the stage of its implementation.
 - e. Implementing capacity building activities aimed at familiarising CSOs on various content-related aspects of EU-Armenia cooperation (CEPA, HRD, GSP+, Creative Europe, etc.) on one hand and developing monitoring, advocacy and awareness raising capacities on the other.

2. The ANP should undertake steps to ensure the involvement of a wider spectrum of society in the Platform through business associations, labour unions and regional CSOs.
3. The ANP should play the role of disseminator of its members' products. In order to ensure the more effective utilisation of products developed by its members, the Platform can develop a mechanism for uniting the products of its members under one format. This can be implemented particularly with monitoring reports and policy recommendations.
4. In order to ensure more effective circulation of information throughout the country, the ANP should establish regional representations through mandating this function to its strong regional members.
5. There should be intensive communication between the ANP and other civil society entities involved in the EU-Armenia dialogue. Particularly, communication of the ANP with the CSOs that are implementing various EU-funded projects can ensure the additional flow of EU-related information. The ANP can also act as a platform for EU-funded capacity building projects to connect these projects with ANP member CSOs both in terms of institutional capacity development and building the capacities related to EU policies and procedures (see point 2 of the recommendations to EU institutions for more details).
6. Representation mechanisms should be more actively utilised by the ANP in terms of delegating Platform members to the Steering Committees formed within the framework of Direct Budget Support projects. This will allow to increase the circulation of information both raising awareness of CSOs on the processes and allowing them to deliver recommendations to the decision makers regarding particular programmes and activities.