

ADVANCING EASTERN PARTNERSHIP: 23 CIVIL SOCIETY IDEAS FOR THE POLICY BEYOND 2020

EAP CSF POLICY PAPER



10 YEARS

EASTERN PARTNERSHIP

Civil Society Forum

MAY 2019

Methodological Note

This policy paper offering civil society assessment of the Eastern Partnership policy after ten years of implementation as well as recommendations for beyond 2020 is a key product of the EaP CSF 10 years anniversary campaign. It is based on collective input of the EaP CSF members and experts. Structured consultations at the level of EaP CSF National Platforms as well as with EaP CSF EU members were conducted in order to generate ideas presented in the paper. An online consultation was opened for all current and former members of the Forum on March 11 and ran until April 4 2019. Between March 11-31 2019, six focus groups were organised with selected experts in Armenia, Azerbaijan, Belarus, Georgia, Ukraine and in Brussels. The moderators followed the same scenario with a predefined set of questions. A total of 73 experts took part in the focus groups and online consultation. The focus group in Moldova did not take place and was replaced by individual input from Moldovan experts. The analysis was complemented where relevant on the basis of relevant Eastern Partnership Index indicators. The EaP CSF Secretariat prepared the first draft of the paper; all experts who contributed during the consultation stage were encouraged to comment. The final paper was edited by EaP CSF Secretariat and went through open external peer-review by two independent experts.

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

With 2020, a milestone year, fast approaching, the Eastern Partnership's (EaP) tenth anniversary offers an excellent opportunity to reflect on the current state of the Partnership, its successes, and its shortcomings, to seek ways of making it more effective. This paper, which is the result of consultations carried out among members of the Eastern Partnership Civil Society Forum (EaP CSF) in all six countries and the European Union (EU), argues why the EU should return to a partnership based on values and democratic reform, and proposes concrete ideas on how the EaP policy can be improved through changes in three areas: partners for democratic reforms, policy tools and financial instruments.

The EU's greater emphasis on stability has tended to undermine its normative soft power in the EaP region and the ability to work for reforms. Rule of law is the essential foundation of stable reforms in all areas: without it, progress is reversible, and investments in such a policy risk being lost. Democratic reforms should be the main focus of the EaP, and the reform process should be a shared responsibility of different actors within EaP societies. To do this, the EU should work with **partners beyond governments** and civil society in particular. The policy should be supported by effective policy tools and appropriate financial instruments. The **EaP policy tools** – sticks and carrots and the pioneering 20 Deliverables for 2020 roadmap – should be upgraded to improve their functioning and implementation beyond 2020. A better balance between quantitative and qualitative elements, a greater commitment to human rights, as well as the environment and climate change adaptation, would greatly enhance these tools. Last but not least, **financial instruments** supporting the EaP policy should be better tailored and dedicated to

specific purposes. The proposal to establish a single Neighbourhood, Development, and International Cooperation Instrument (NDICI) that would also include the European Neighbourhood Instrument (ENI), so far the main funding tool supporting the EaP countries – risks downgrading the EaP policy and sending negative signals to EaP, EU and third parties alike.

Thus, the Eastern Partnership Civil Society Forum recommends to:

ELEVATE CIVIL SOCIETY TO THE RANK OF THIRD AND EQUAL PARTNER FOR REFORM, WORKING TO BUILD COALITIONS WITH OTHER NON-GOVERNMENTAL ACTORS. To do so, the EU should:

1. **Lend firm and consistent political support to civil society and its statements denouncing human rights violations and failure to respect the rule of law**, thereby strengthening and further legitimising their demands.
2. **Make support to enabling civil society environment a top priority** along with capacity building, reversing the current logic.
3. **Include civil society in all Human Rights Dialogues**, not only preparatory meetings, and in Association and Cooperation Council meetings.
4. Nurture democratic values and demand for sustainable democratic institutions locally and **support the development of democratically-minded constituencies.**
5. Enhance the role of the National Platforms of the EaP CSF as a third party in EaP official documents and give them concrete implementation roles.

DROP THE CARROT AND STICK APPROACH IN FAVOUR OF CAREFULLY DESIGNED POLICY GOALS, ESTABLISHING BALANCED RELATIONSHIPS WITH EAP PARTNERS AND GIVING THEM MORE RESPONSIBILITY OVER THE IMPLEMENTATION.

To do so, the EU should:

6. **Formulate short term, mid-term and long-term policy goals in cooperation with other societal actors.** Short and mid-term policy goals should be conceived as a series of tangible steps like cancelling roaming charges or reducing bank transfer fees for remittances.
7. **Build a set of transformational tools requiring ownership by different actors into the new policy** – not only governments, but also civil society, business, local authorities – who would be directly involved and responsible for implementation.
8. Allow for **prompt and consistent responses**, as situations develop locally and in reaction to any deterioration of the respect of the rule of law, without regard for the current state of the relationship between the partner country government and the EU.
9. **Prefer loans to financial transfers.** Loans are partnerships and force the governments to treat them with responsibility. The parts of repaid loans can be earmarked for re-investments into public goods in respective EaP countries benefiting from the loan so that people see links to the results of the reforms, and the visibility of EU funding is increased.
10. Allow for **variable geometry of cooperation** among the EaP countries in various areas; ad hoc groups of countries could cooperate on a specific target or deliverable. Such an approach would balance the multispeed EaP and enhance regional links.

ENSURE THAT POST-2020 DELIVERABLES ARE AMBITIOUS ENOUGH AND IMPROVE IMPLEMENTATION METHODS.

To do so, the EU should:

Improve the formulation of targets by:

11. **Making the quality of implementation and measurable impact criteria for the formulation of targets** to avoid the creation of a checklist of stand-alone results.
12. **Formulating precise deliverables** that answer specific questions, with clear **deadlines, outputs, results and goals** set, and identify the **resources** needed to achieve them.
13. **Retaining the regional approach while tailoring the deliverables to each EaP country and breaking down performance indicators** to the level of individual countries. Such a tailored approach should not serve as pretext or enabling pattern for any cherry-picking from the EaP policy goals and principles at the stage of the individual roadmap or targets formulation; the Charter of Local Self-Government can be used as model for such approach.
14. **Adding human rights to the list of cross-cuttings deliverables** and use the existing mechanism of Human Rights Dialogues to formulate targets and indicators on the basis of the operational conclusions from the Dialogues, and in cooperation with EaP civil society and governments.
15. **Mainstreaming environment and climate change in the list of deliverables**, taking into account global and regional human security concerns. Establish relevant environmental targets for each deliverable, and strengthen significantly the deliverable

focusing on the environment and climate change.

Strengthen implementation by:

16. **Enhancing the role of non-governmental stakeholders – especially civil society in the EaP policy implementation**, to improve the results and strengthen the local ownership of reforms. **Assign a specific role to civil society actors**, including EaP CSF and its National Platforms, in the new EaP roadmap post-2020 and its individual targets.
17. **Establishing permanent working groups, involving civil society representatives and other non-governmental actors tasked with supporting implementation and monitoring of the cross-cutting deliverables.** These working groups would feed the information directly into the regular assessments of policy implementation, run by the EU institutions and EaP governments.
18. **Dedicating each year of EaP implementation to a specific priority issue in order to underline the importance of specific topics.** The initiative could start with **EaP Year of Environment and Climate Change**. The EaP multilateral Platforms and Panels would address the main theme of the year and, where relevant, provide for cross-sectoral coordination and cooperation.

Upgrade monitoring by:

19. **Establishing joint monitoring bodies within each EaP multilateral Panel to monitor the progress of implementation;** the permanent working groups tasked with supporting implementation and monitoring of the cross-cutting deliverables would be part of this scheme.

20. **Making the inclusion of multi-stakeholder monitoring** into the assessment process in the EaP countries **mandatory for the EaP governments**, following the practice already established in Ukraine.

21. **Using** the already established **Human Rights Dialogues** as **monitoring bodies** of the targets, dedicated to human rights as new cross-cutting deliverable.

CONTINUE SUPPORTING THE REGION WITH A DEDICATED FINANCIAL INSTRUMENT AND CORRESPONDING DIRECTORATE GENERAL (DG) OF THE EUROPEAN COMMISSION.

To do so, the EU should:

22. **Re-establish the European Neighbourhood Instrument (ENI)** on the basis of the existing ENI regulation, enhancing the role of **civil society in programming, monitoring and evaluating the new funding instrument.**
23. **Retain DG NEAR within the next European Commission structure of portfolios** to avoid losing its expertise under other internal arrangements and to signal EaP countries' importance for the EU both to EU and EaP citizens and to third party actors.

INTRODUCTION

The Eastern Partnership (EaP) policy was initiated ten years ago at a favourable moment. After the European Union (EU) eastward enlargement and the Russo-Georgian War, the EU was ready to launch a complex regional policy umbrella that aimed at the transformation of EaP countries and societies. There were EU leaders committed to the issue and EU values were not challenged from within the Union. A decade later, for many citizens from the six EaP countries, the EU still represents a model of development, geared towards societies based on the rule of law and democratic principles, with strong economies and resilient societies. Yet, the context for formulation of new ambitious policy goals has become more complicated. We now have a different EU. It is less confident, facing protracted and painful Brexit negotiations, complicated relations with United States (US), namely in the area of trade. There are other challenges, including human rights norms, enlargement fatigue, lack of solidarity and unity over the migration crisis, as well as hybrid threats and propaganda, contributing to rising populism across EU member states. In this context, the EU is preparing for elections to the European Parliament, which are likely to produce unpredictable results, with a change of leaders in top jobs.

The EaP countries also face a number of problems. Internally, most of them are ruled by oligarchic elites, marred by corruption and slow pace of reforms. Externally, they face challenges coming from neighbouring Russia, whose government has become more revisionist and belligerent. Combating hybrid threats, fake news and propaganda has become a daily endeavour. The ongoing conflict in the East of Ukraine and Russian efforts to tear away parts of Georgian, Moldovan and Ukrainian territory pose additional challenges to the governance and economic and social stability

of these countries. At the same time, the response to these challenges, as well as voluntary contributions of some EaP countries to EU civilian and military missions worldwide, have demonstrated that EaP countries are not only a consumer of security but also active actors in security preservation.

Over ten years, the EaP has yielded a number of successes. All partner countries have progressed in many areas, although on different trajectories that have not been always linear. The policy framework that was established – schedule, roadmap and regular meetings that systemise the work of the EU bureaucracy – led to a beneficial socialisation of elites across the region, as well as the civil society. The EaP is not anymore merely six individual neighbouring countries with different regimes and relations with the EU. It has become arguably a region in itself, sharing tighter economic, political and personal connections.

The policy has also delivered results in the areas of people-to-people contact with visa-free regimes in place with Moldova, Ukraine and Georgia, significant increase of students studying in the EU via Erasmus+, youth exchanges and in systematic work with young entrepreneurs. Thanks to the three Deep and Comprehensive Free Trade Area (DCFTA) agreements the EU, concluded with Georgia, Moldova and Ukraine, the trade with the EU has been growing significantly. The whole region combined currently represents the tenth largest trading partner for the EU. There is significant headway on access to finance and support to Small and Medium Enterprises (SMEs), connectivity and transport, digital agenda and public administration reform. The recently concluded Comprehensive and Enhanced Partnership Agreement (CEPA) with Armenia is another milestone. Many results of the current efforts will still become visible in the (near) future.

Last but not least, the role of civil society organisations within the formulation, implementation and assessment of the multilateral policy has grown significantly, also thanks to consistent support from the EU side. Civil Society Organisations (CSOs) stand behind most of the success stories of the EaP. The regional network of CSOs has grown stronger and civil society organisations have been learning how to address stakeholders and convince them that the long-term engagement of non-governmental actors beyond the governments benefits policy implementation and leads to more sustainable results. There are still many challenges and ways to improve the inclusiveness and deliberation process, as well as the enabling environment for the work of civil society.

Overall, the EaP can claim individual successes but has critical weaknesses that should be addressed and taken into account for the future. Success in trade and mobility has to be evaluated against the backdrop of patchy rule of law reforms, insufficient respect of human rights, widespread corruption and weak environmental protection and climate change mitigation.

More can be done to strengthen democratic institutions. Political reforms are needed, namely in Azerbaijan and Belarus. In all EaP countries, consistency is of critical importance when implementing reforms of judiciary, tackling corruption, money-laundering, and discriminatory practices or facilitating good working environment for media and civil society. In some partner countries, the growing influence of oligarchs has not been successfully addressed or challenged—and various processes, including otherwise successful decentralisation, brought about new features of this chronic problem. At the same time, the peaceful change of regime in Armenia, as well as the role civil society played in this process shows that change is possible. Shaping the EaP policy to primarily stabilise the countries cannot be achieved by conserving existing structures that do

not enjoy legitimacy and trust of the citizens. The policy has to reflect that change and reforms always bring risk of uncertainty, but that the change itself is not a risk, the risk is unpreparedness and absence of new actors and structures capable of taking responsibility for consequent developments. The EaP should be adjusted to lay the preparation for those changes.

In this paper, which is the result of consultations carried out among the Eastern Partnership Civil Society Forum (EaP CSF) members in all six countries and the EU, we argue that the EU needs to re-focus its attention and efforts to democratisation because the enhanced stress on stabilisation does not bring about long term sustainable results and goes against the will of many EaP countries' citizens. We propose a menu of concrete ideas on how the EaP policy can be improved, through big and small changes in three areas: partners for democratisation, policy tools, and financial instruments. In the first section, we argue for the return of a fully democratic-reform centred EaP, and how this can be done working with **partners**, civil society in particular. In the second section, we delve into **EaP policy tools** – sticks and carrots and the pioneering roadmap 20 deliverables for 2020 – proposing concrete adjustments to improve their functioning and implementation beyond 2020. In third and last section, we are looking into the **financial instruments** supporting the EaP policy, assessing the proposal to establish a single Neighbourhood, Development, and International Cooperation Instrument (NDICI) that would also include the European Neighbourhood Instrument (ENI), so far the main funding tool supporting the EaP countries, and the effects connected with such a proposal.

SECTION 1: WORKING WITH PARTNERS TO STRENGTHEN DEMOCRATIC REFORMS

The Eastern Partnership region has changed a lot since the policy was launched in 2009, and so has the EU in its scale of ambition towards its Eastern neighbours. The European Neighbourhood Policy (ENP) revision of 2015 has paved the way for a less ambitious agenda, in which support to the democratisation of EaP countries has stopped being an objective in itself and has become a nice-to-have side effect. The adoption of the principled pragmatism approach, formulated in the EU's 2015 Global Strategy, also following Russia's annexation of Crimea and military intervention in Ukraine, has put into further question the EU's ability – and will – to defend normative Europe under this new strategy, which prioritises stability over transformation. The existing tension between the EU's normative soft power and its new focus on stability creates contradictions that stand in the way of a truly transformational agenda. This change in focus is not only undermining the EU's greatest competitive advantage – its normative soft power – but also putting into question the sustainability of ten years of investments in the neighbourhood. Continuing investing in effective rule of law and democratic institutions is the only way not only to maintain the investments of the past but also, and most importantly, to secure long-term, sustainable and irreversible change. If the EU wants to be a credible actor in a neighbourhood increasingly affected by competition of influence and between different state models, and maintain its leverage, it must address these contradictions and re-commit itself to supporting democratic reforms in the EaP countries.

The lack of political will for democratic reform on the side of EaP governments has been used as an argument for the elaboration of the 'more for more' principle and for the EU's increased focus on

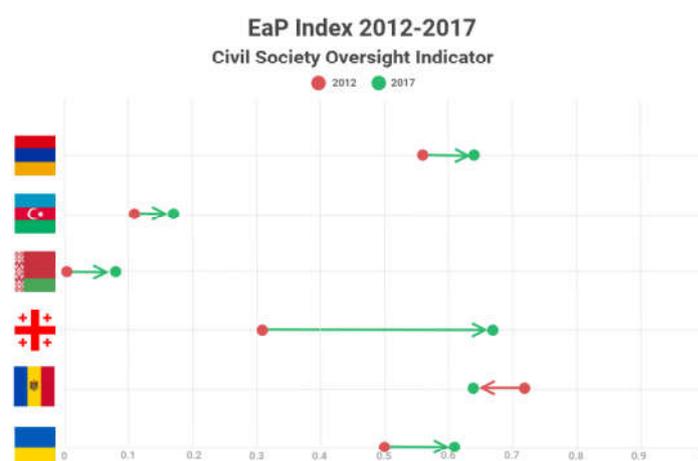
stability. But such an approach implies that EaP governments are the only agents of change in the region. This carries risks: the construction of a democratic society has to be a process shared by many actors and leaving the formulation and implementation of democratic reforms to the sole responsibility of EaP governments – the same often responsible for human rights violations and cherry-picking reforms – sets it up for failure. **The EaP beyond 2020 must be modelled around a renewed and strengthened cooperation between the EU and democratically-minded constituencies in the EaP region, especially civil society, who can support the EU in the formulation, implementation and assessment of democratic reforms.** Such cooperation can be effective in supporting democratic reform only provided two conditions are met: that civil society has the space to operate, and that the EU and the EaP governments consider it to be a true and equal partner.

At the moment, the cooperation between EU and EaP civil society is based on the grounds set by the 20 Deliverables for 2020, which include civil society as a cross-cutting deliverable, under the recognition that *“high-quality sector reform dialogue can only be achieved through increased technical expertise and stronger leadership of civil society organisations”*. However, the targets included under this deliverable, such as expanded opportunities for capacity building for CSOs, miss the larger issues of civil society's operating space in each country and position in relation to the EU and the EaP governments. Increased funding opportunities and capacity building do not address the fundamental challenges civil society organisations face, while acting as watchdogs to their governments. These range from legal frameworks that do not include consultations with civil society, restrict access to funding, prevent legal registration or authorises surveillance, all the way to downright repressive actions, such as politically motivated prosecution, imprisonment and torture of civil society activists. The example of

Azerbaijan, where changes to the national legislation creating additional obstacles for foreign donor organisations working in the country have resulted in loss of activities and human capital of local CSOs, shows that capacity building alone is not enough.

So far, civil society organisations' participation in policy formulation and coordination remains challenging: only Moldova and Ukraine have national legislation providing for mandatory consultations with the public. In Belarus, it is up to the discretion of the agency in charge of the respective policy to initiate public discussions. In Armenia, although there is a legal obligation to hold public discussions on draft laws, in practice the process is largely formal and ineffective. In Georgia, there is no legal requirement to hold public consultations, although civil society representatives are engaged on specific pieces of legislation, and standard practices include working group meetings with NGOs. Indeed, Georgia set a good example of cooperation between civil society and governments, with the signing of the 2015 Memorandum of Understanding between the Government and Parliament of Georgia and Georgian National Platform of the Eastern Partnership Civil Society Forum, which serves as basis for the involvement of civil society in the implementation of Georgia's Association Agreement with the European Union. However, more generally, the problem exists down to the local level: in Belarus, Georgia, and Azerbaijan, local authorities are not obliged to hold public consultations before making policies or taking decisions that concern citizens directly or if obliged – in most cases simulate this process. In Ukraine, the obligation for local authorities is limited to certain infrastructural projects, or where stipulated in local statutes. The EU is getting better at involving civil society in policy monitoring and evaluation and its implementation, however there is room for improvement. When it comes to CSOs ability to monitor human rights abuses, the EaP Index Civil society oversight indicator – measuring

CSOs' possibilities to hold security and law enforcement institutions accountable – with the exception of Georgia, shows abysmally low progress in the advancement of civil society oversight over the period 2012-2017. While in the last five years civil society oversight over security and law enforcement institutions has improved in all countries with the exception of Moldova - where Interior and Defence Ministries have restricted access to documents and consultations - the situation remains difficult overall, and does not allow civil society to truly hold authorities to account.



In this context, **technical and capacity building programmes must be matched by policies and politics when it comes to CSOs working and operating environment.** The EU should deliver political backing to EaP civil society organisations and consider the creation of true enabling environment for civil society as the essential condition for a deeper value-based cooperation with the EaP countries. The most effective way the EU can do this, is by **including civil society as a third and equal player in policy design, implementation and evaluation and pushing for EaP governments' acceptance of a heightened status for civil society.** This should be done inclusively and foresee provisions which prevent governments from including government-organised non-governmental organisations

(GONGOs) to simulate the process instead of holding genuine consultation with civil society organisations. Civil society has demonstrated by actions that it is essential in the reform process and should be informed about the negotiations, which currently happen behind closed doors. The role of the National Platforms of the EaP CSF as a third party within the EaP official documents should be enhanced and National Platforms should be entrusted with concrete roles with regards to the EaP implementation. Local CSOs should be present in all Human Rights Dialogues in the role of observers, similarly to what happens in Moldova.

The EU should also support civil society's statements denouncing human rights violations and failure to respect the rule of law firmly and consistently, thereby strengthening and further legitimising their calls. Vocal and consistent criticism of EaP governments' violations in support of local civil society's protests would make the EU a more credible actor and raise its profile and image among EaP citizens. The EU's silence on instances of corruption or on attacks on civil activists – as on the 55 attacks on Ukrainian activists that took place in relative silence over the last year¹ – signals lukewarm commitment and double standards that undermine its credibility. While supporters of silent diplomacy argue that public criticism of human rights abuses could be exploited by governments to steer anti-European sentiments, particularly in Azerbaijan or Belarus, silence over such abuses will lead to people losing confidence in the EU and damage the EU's image as a human rights and rule of law champion. A consistent approach would help to win hearts and minds of the local people, and boost internal support for relations with EU. As shown by the EU's decision to reduce financial support to Moldova due to the deterioration of the rule of law and democracy and to redirect its financial

assistance to projects benefiting citizens directly was met with an increase in Moldovan citizens' support to the EU. **The EU should consider replicating this practice, rerouting funding from corrupt governments to civil society in case of deterioration of democratic standards**, to further assert the EU's commitment to values and rule of law to both EaP governments and citizens.

In parallel to treating civil society as a full partner for reform, the EU should **support nurturing of democratic values locally**, promoting the development of democratically-minded constituencies demanding sustainable democratic institutions. So far, mobility programmes have been successful in facilitating the creation of groups of EU-minded youth in the EaP region, but the target groups of such programmes are increasingly narrow and often limited to already EU-enthusiastic cohorts. The EU should look beyond the usual suspects, reaching out in parallel to target groups of different ages and background.

A “multi-speed” EaP is already a fact. Some countries benefit more, some less, however, no country should be left behind in the future and new formats of cooperation between EU and EaP partners, not necessarily along the associated/non-associated divide, should be found. Bilateral agendas are generally more important to the partner countries than the multilateral process embodied in the implementation of the 20 Deliverables for 2020. So far, the multilateral architecture is underexploited, and **better complementarity of EaP multilateral policy format and bilateral agendas should be achieved**. Bilateral and multilateral agendas should be constructed and geared towards transformation. While the bilateral dimension depends on the interests of two parties, the multilateral dimension is the space to address

¹ Transparency International Ukraine, Open Statement of Civil Society Representatives Regarding Attacks on Public Activists and Politically Exposed Persons, 26 September 2018, [https://ti-](https://ti-ukraine.org/en/news/open-statement-of-civil-society-representatives-regarding-attacks-on-public-activists-and-politically-exposed-persons/)

[ukraine.org/en/news/open-statement-of-civil-society-representatives-regarding-attacks-on-public-activists-and-politically-exposed-persons/](https://ti-ukraine.org/en/news/open-statement-of-civil-society-representatives-regarding-attacks-on-public-activists-and-politically-exposed-persons/), accessed on 05/05/2019

regional problems, including the ones that are pertinent to the EU. Rule of law reforms should be mutually reflected in both the multilateral and bilateral agenda, reinforcing implementation.

The policy beyond 2020 should allow for a **variable geometry of cooperation** among the EaP countries in various areas; *ad hoc* group of countries could agree on cooperation on a specific target or deliverable, with the rest of the EaP partners having the possibility to join at later stage. Such an approach would balance the multispeed EaP and enhance the regional links.

The multilateral framework should enhance the transformation process and **boost regionalisation**, promoting cooperation in sectors that require cross-border cooperation and solutions, such as transport, interconnectivity, energy security, environmental protection and climate change mitigation and adaptation and infrastructure.

SECTION 2: EVALUATING EXISTING POLICY TOOLS – WHAT TO DESIGN FOR BEYOND 2020 IN ORDER TO IMPROVE PERFORMANCE AND POLICY DELIVERY?

The European Neighbourhood Policy (ENP) 2011 review formulated the 'more for more' principle, introducing additional financial support for results implemented on top of agreed priorities. The principle was designed as a positive, softer form of conditionality to motivate further reforms, with its 'less for less' part not frequently put in use since the agreement on employing this principle was rarely reached when the partner countries underperformed. The incentivisation via more for more has not delivered better results and deeper reforms on the course of time for various reasons. Moreover, the 'more for more' principle has been criticized by civil society as it gives the impression

the EU tailors the financial support and policy priorities to the preferences of the country authorities of the day. The change of approach towards multifaceted incentives, including in trade, people-to-people (visa policies) or the digital area in combination with 'less for less' has started gaining ground but has not been applied consistently. The discourse of carrots and sticks, and the need to find a new carrot every time the reform efforts needed a boost, has become a communication nightmare complicating the management of expectations both vis-a-vis the political elites and the citizens.

The ENP review the EU finalized in November 2015 was not a strategic revision, but an adjustment to a changing reality that was driven by many variables, which were neither generated, nor controlled by the EU policies, like the developments in Ukraine – war in the East and annexation of Crimea by Russian Federation. It mixed old and new frameworks with priorities listed as menu *à la carte* for the neighbours. This line of thinking aimed to reduce the cooperation to a set of three selected partnership priorities in response to an underperforming incentive-based approach. This 'fewer and bigger' approach should have allowed for a concentration of resources and more focused action, and complement the bilateral agenda based on three AA/DCFTAs concluded with Georgia, Moldova and Ukraine, and other bilateral contractual relations that also include more conditionality. The technical roadmap for the Eastern Partnership policy implementation 2017-2020 that streamlines the agenda, targets and results in the policy areas outlined in the Riga priorities from May 2015 was adopted at the EaP Summit in Brussels in November 2017 and currently serves as the main basis for programming of the policy.

Moving beyond sticks and carrots

In 2009, the EaP was established on the basis that the EU could push transformations without the perspective of EU membership. With the membership perspective not on the table and Russia becoming more belligerent and revisionist, the ultimate carrot for the EaP countries and its citizens regardless of the current EU offer is an alternative vision for future, true independence and holding full sovereignty over their territories, and resilience in the face of the Russian stick. The revolutions and changes across the region testify to that.

At the level of imminently tangible incentives, this approach has been less effective, especially in countries without political will for reform. In the countries where direct carrots were used successfully to encourage government actions, like Visa Liberalisation Action Plans (VLAPs), the EU incentives were used in a positive and a negative way to justify government actions towards their citizens and the results still need to pass a test of implementation endurance. Indirect inducements – like achieving a fair legal environment – that work rather in long-term perspective for the citizens has not resonated that well with the EaP political elites as they are not so easy to convert into direct political messages and in claiming success.

The EU and the EaP countries should move away from the carrot and stick logic and discourse, as it creates an imbalanced relationship of dependency and leads to a lack of ownership by the partners. Moreover, the EU has been designing the carrots with self-interest: this needs to be acknowledged more clearly to have a true partnership that runs both ways. In the upcoming period, **the partnership has to be seen as a two-way street** where experience from EaP countries and its civil society has become increasingly relevant for the EU member states and can be shared for mutual benefit of both sides. **The**

EU and EaP governments in cooperation with other societal actors should spell out short-term, mid-term and long-term policy and explain them to EaP citizens to create ownership over the reforms. The short and mid-term policy goals should be a series of tangible steps, such as cancelling roaming charges, reducing bank transfer fees for remittances, developing infrastructure projects, and supporting start-ups, cross-border e-payments or digital partnerships. To stimulate reform, the new policy should be built as a set of transformational tools (participative decision-making bodies, joint responsibility for implementation, funding, etc.) available to different actors – not only the governments, but also civil society, business, local authorities so that the role of motivated actors within society is strengthened. To use the full potential of the policy, the revised approach should include working with the entire array of drivers of change – from those who provide intellectual solutions for the development of their countries, to those who inform and educate people locally, to the grassroots level. The loss of any of these levels of cooperation makes the support ineffective, the communication one-sided, and the problems chronic.

At the same time, the EU should be pragmatic about how the EU money is spent. To stimulate reforms, it should **respond flexibly, consistently and with a stronger voice on the situations in countries as they develop, coming up with concrete measures and adopting a pre-emptive approach.**

The EU should prefer **loans** – loans are partnerships. **The parts of repaid loans can be earmarked for re-investments into public good in respective EaP country benefiting from the loan so that people are more connected to the results of the reforms**, and the visibility of EU funding is increased. Such a step would also lead to more responsibility with funding and should be introduced through blending, i.e. efforts to attract additional funding for important

investments, as well as the EU funding provided via international financing institutions (IFIs). At the same time, the EU should prepare a phasing-out plan for the support that might be distorting competitiveness at certain segments of the market. In order to achieve these goals, the EU needs to strengthen its capacity and resources for policy implementation. Also for this reason, and as explained in more details in section III,) DG NEAR and the European Neighbourhood Instrument should be retained as a separate DG and funding tool for the upcoming EU budgetary period and under the new European Commission, and the staff of the EU Delegations should be complemented by experts on specific policy fields.

The EU should make the support smarter and do **competence-oriented investments**; meaning some EU member states see the opportunities to offer investment platform and boost their economies, some member states provide expertise, rather than funds.

The EU should also focus on the **local regionalisation of programmes** in EaP countries. Giving resources and stimulating the activities of local actors is necessary in order to support the development of regional elites and their cooperation across the region; regionalisation should be a condition for receiving financial support from programmes targeting namely decentralisation, education and communication.

The EU should increase **accountability for funding from EaP governments**; the EU monitors only 20-25% of the expenditure, which it channels to Georgia, for example. The EaP governments should ensure sound monitoring of spending and link it directly to impact assessment. Each EU programme should continue only after a thorough assessment of previous phase, the risk of blocking the disbursement of funding would serve as an incentive for improved monitoring tools and policies. Civil society organisations and other actors beyond governments should participate in the collaborative assessment. The EU should put in

place a complex and single assessment system that would allow to evaluate projects and financial support both in qualitative and quantitative way, this system should offer data in an open format for further use and independent evaluation of the policy impact. Currently, the monitoring data are scattered across different DGs and units responsible for programme implementation and the overall overview is not available.

Upgrading deliverables for post-2020

The current EaP roadmap, the 20 Deliverables for 2020 elaborated a set of concrete deliverables to be achieved by the EaP Summits in 2017 and 2020. The proposed 87 milestones and targets, combined with 94 means of implementation and more than 70 different responsible actors, are supposed to show if the EaP reform implementation is moving in the right direction. The roadmap includes a clear emphasis on the multilateral aspect, keeping the six countries together, promoting the emergence of the EaP as a region and building links among the EaP countries. The roadmap provides useful benchmarks, however the formulation of targets, often vague, overly quantitative and lacking country-specification, makes it difficult to assess the effects and impact of the endeavour. Responsibility over its implementation is limited to already existing mechanisms and tools and the role of civil society is highlighted but its involvement remains limited. Similarly, the monitoring process relies on governmental reports and EU assessment, with no mandatory provisions to involve other stakeholders. Overall, the roadmap reflects the responsibility shift to the EU Institutions and to a rather technical level of policy delivery, which has led to formal implementation with lack of political direction. The challenges the EaP and 2020 roadmap are facing are not inherent to the general design of the policy, but rather to its practical implementation by both the EU and EaP countries. From this point of view, the priority should be to

improve practices within the framework of the existing architecture.

The new roadmap should incorporate revised instruments and targets. **Instruments** will be constructed to ensure that targets are fulfilled in a more accountable and rigorous manner while decreasing the opportunities for avoiding the most painful but needed reforms. The targets should be focused in the areas of good governance, anti-corruption and the rule of law, that are a necessary foundation for the reforms in other sectors.

When **formulating** new targets, the focus should be on the possibility **to assess quality of implementation and measurable impact based on quantitative benchmarks**, not on creating a checklist of stand-alone results that are simply verifiable. The majority of the targets for 2020 lack precision in two core respects – some have only qualitative descriptions, which complicates the evaluation process. This creates a perception that the document is not really about showing individual progress of the EaP partners but rather about showing efforts of the European institutions in the region at large.

Second, the **deliverables should not be vague, but clearly answer to specific questions**, with clear deadlines, outputs, results and goals set, by indicating resources needed to achieve them so that the lack of thereof cannot serve as a pretext for non-delivery. The indicators have to be defined as measurable and comparable in the short, medium, and long-term. There should be indicators tailored for different types of actors – government, civil society, business, etc.

Keeping its regional focus, the deliverables should be **tailored to individual EaP countries** and the principle of differentiation put in practice. The performance indicators should be further broken down to the level of individual countries. There is a widespread call amongst the stakeholders to have country specific roadmaps within the roadmap,

where each country will have its own commitments and targets. This country-specific approach should not however be a pretext or enabling pattern for any cherry-picking from the EaP policy goals and principles at the stage of the individual roadmap or targets formulation; experts and civil society organisations repeatedly identified cherry-picking as a major hurdle to the EaP policies to deliver. **The Charter of Local Self-Government can be used as model** to such approach; in order to join the Charter, the government has to commit to at least 10 of the 14 key more politically more sensitive principles and 10 out of 16 less sensitive (optional) principles. The country roadmaps can be developed as one package to implement following this logic with more functional links between the economic development and improving democratic governance, rule of law and environment and adaptation measures to climate change.

Human rights should be added to the list of the cross-cuttings deliverables and the existing mechanism of Human Rights Dialogues could be used to formulate the targets and indicators for the new roadmap following the operational conclusions from the dialogues. The preparatory meetings in the EaP countries and Brussels that bring together civil society representatives and EU institutions could serve the purpose of draft targets formulation. The very Human Rights Dialogues can consequently serve as monitoring body for the targets. Civil society organisations should be invited to participate in all Human Rights Dialogues with EaP governments, like in case of the EU-Moldova Human Rights Dialogue in May 2018 in Brussels and to be involved into the interactions with the governments.

The new roadmap should also devote more attention to environmental protection and climate change mitigation. The EaP countries have so far achieved moderate success in improving environment and climate change mitigation and

adaptation. Environmental policies remain weak within the governments' agendas. The decline of ecosystems and nature resources exhaustion² caused by human and economic activities increase the risk of irreversible losses of natural environment with unpredictable multiplication effects catalysed by climate change. Preventing catastrophic climate change, ensuring environmental integrity and achieving the 'well below 2°C' Paris Agreement target requires a speed of decarbonisation at least six times faster than anything the global community has achieved so far. The new policy cycle should take into account the fundamental importance of preserving natural capital in the EaP countries.

The new roadmap should include the mainstreaming of environment and climate change targets to the existing deliverables, taking into account global and regional human security concerns. Relevant environmental targets should be established for each deliverable, and the Deliverable 16 on Environment and Climate should be strengthened significantly. The integration of environmental policy to the economic sectors' policies is envisaged by the EaP policy, yet the implementation remains critically low. Environmental integrity requires more robust framework for the upcoming period of EaP policy implementation. Mainstreaming environment and climate change whenever relevant to other deliverables would boost cross-sectoral cooperation and enhance the standing of the agenda within the EaP governments' policies.

Despite some progress and ongoing efforts of civil society, the representation of non-governmental stakeholders in the EaP policies **implementation** is still rather weak. High-level official meetings usually include very few participants from civil society who are invited to participate during a limited period of time. The EaP CSF has the

possibility to participate in each working meeting of EaP multilateral Platforms and Panels and send two representatives who can deliver the civil society input and expertise. While civil society organisations are given access to this process and their contribution has been increasingly recognised, there should be a bigger push for consultations and inclusion of civil society and non-governmental actors into the policy formulation, planning, implementation, monitoring and evaluation. **Civil society actors, including EaP CSF and its National Platforms, should be assigned specific roles in the new EaP roadmap post-2020,** including a part in the implementation of individual targets and reporting back during the EaP multilateral meetings. In parallel, **permanent working groups tasked with supporting implementation and monitoring of the cross-cutting deliverables – involving civil society representatives and other non-governmental actors – could be established.** These working groups would feed the information directly to the regular assessment of the policy implementation run by the EU institutions and EaP governments.

The complex EaP agenda makes it very difficult to keep a focus on singular issues and targets. **In order to underline the importance of specific topics, each year of EaP implementation could be dedicated to a specific priority issue.** The initiative could start with an “**EaP Year of Environment and Climate change**”, due to the urgency to act and turn these topics into a priority for the whole roadmap cycle. The EaP multilateral Platforms and Panels would address the main theme of the year and where relevant, provide for cross-sectoral coordination and cooperation. The thematic awareness raising initiatives could include

² In particular water pollution and overuse, alarming rate of species extinction, shrinking of wild nature habitats and deforestation.

campaigns, *ad hoc* thematic events, and thematic dialogues with civil society.

The content of the 20 Deliverables for 2020 is not well communicated in the EaP countries and the EU visibility guidelines are often only executed formally, and limited to EU flags that are included on publications. One of the main aims of the visibility activities, supported within the EaP policy framework, should be to increase in pro-European content available in EaP countries' public and civic space. To achieve this, **a special programme for development of all forms of meaningful content for cultural industries and the media in the EaP countries should be established.**

The results of the policy implementation should be regularly **monitored**, reported and communicated to (EU and EaP) citizens. **It is crucial to ensure inclusive monitoring**, in which civil society organisations and other actors beyond the governments will regularly take part. A key condition for the new EaP roadmap implementation should be **transparency in implementation from the side of EaP governments and mandatory inclusion of multi-stakeholder monitoring that involves civil society and other actors beyond the governments into the assessment process.** There is already an example of such a practice in Ukraine where the government holds joint meetings with civil society on the deliverables implementation at the national level. At the same time, the EU should make sure that genuine civil society is involved in this process, avoiding GONGOs inclusion as much as possible, especially in sensitive policy areas where the independent voices need to be heard and reflected upon.

To strengthen monitoring, the EU should consider establishing **specific joint monitoring bodies** including representatives of governments, EU institutions, civil society, international organisations and other actors (such as business)

within each EaP multilateral Panel to monitor the progress of implementation of the EaP roadmap. The permanent working groups tasked with supporting implementation and monitoring of the cross-cutting deliverables would be part of this scheme. The established Human Rights Dialogues with participation of civil society could serve as monitoring bodies of the targets, dedicated to the human rights as the new cross-cutting deliverable.

The new **EaP roadmap should involve the entire EU institutional structure**, not just the European Commission and European External Action Service (EEAS); the role and participation of the European Parliament and member states could be strengthened via improved access and control over programming of the new financial instrument for the EU neighbourhood and EaP and its enhanced monitoring. EU member states that declare the EaP as their political priority should step up their efforts in engaging in the multilateral framework implementation.

Additionally, **the number of EU programmes and agencies that EaP partners have access to within the roadmap should be substantially increased** to facilitate the sharing of best practices and increase socialisation. Participation to EU working groups should be opened to **EaP representatives** – even without voting rights as a sort of Norway model – in order to facilitate their engagement in policy debates within the EU (following the existing positive example of EaP representatives' participation in EU ministerial meetings on research and development). Such a target can be incorporated into the respective deliverables for specific policy areas.

SECTION 3: FINANCIAL INSTRUMENTS: EASTERN PARTNERSHIP AS EU POLICY PRIORITY AFTER 2019

The EU has been undertaking its major internal task of preparing a new Multiannual Financial Framework (MFF) 2021-2027 and appointing new leaders to its top jobs. The negotiations on the next MFF are ongoing, with a proposal to establish the single Neighbourhood, Development and International Cooperation Instrument (NDICI) that would also include, among other existing EU financial instruments, the European Neighbourhood Instrument (ENI), so far the main funding tool supporting the EaP countries, and the EU neighbourhood in general. The new instrument is designed to mitigate challenges like migration, while catering namely to the development agenda and its goals. It should cement the principled pragmatism approach and stability with money, as the major long-term foreign policy goal long after the current High Representative of the Union for Foreign Affairs and Security Policy/Vice-President (HR/VP) Federica Mogherini and Commissioner Johannes Hahn leave their offices. If the NDICI is adopted, EaP countries will continue receiving funding from the new instrument but the political work within which the funding is programmed and disbursed is equally as important. By absorbing ENI within one global instrument primarily focused on development, the **EU will send a signal to the partner countries in the East, as well as to Russia, as to where in terms of prioritisation these region stands and runs the risk of voluntarily losing credibility as driver of the complex reforms agenda.**

Furthermore, there are specific challenges in the region that require tailored funding responses – namely mitigation of hybrid threats, security and intelligence cooperation including training and interoperability of staff, support and facilitation of the access of the EaP countries products and

services to the EU single market or harmonisation of digital markets and cross-border services. The EaP countries with AA/DCFTAs in place need similar support in transposing the EU legislation to their legal frameworks as the acceding countries. All these elements and many more are forming unique features of the EaP countries and should be catered to by a specific funding instrument.

The majority of civil society, both from the EaP countries and the EU, argues that financial support to the EU neighbourhood should be taken out of the NDICI, and that the **European Neighbourhood Instrument should be re-established** on the basis of the existing ENI regulation and further improved. The role of **civil society in programming, monitoring and evaluating the new funding instrument should be enhanced, corresponding** to the growing engagement and current practice of involving civil society into the policy-making cycle at the EaP multilateral and bilateral level.

Based on the current implementation know-how acquired by DG NEAR, the ENI 2.0 budget and funding to civil society should be increased, while keeping all its important features, including civil society support programmes, such as Civil Society Facility and the well-functioning principle of up to 5% of the bilateral envelopes – that are agreed with partner governments to be dedicated to civil society support. Civil society and other key actors beyond the governments should have an explicit role in the annual assessment of the performance-based approach, and the **extra financial allocations for the individual countries (more for more) should be linked to the results of the joint assessment.**

DG NEAR should be retained within the next European Commission (2019-2024) structure of portfolios. It has accumulated a significant implementation practice that could be lost under other internal arrangements, i.e. if merged with DG DEVCO due to the introduction of

NDICI. It also **bears both a symbolic and strategic role projecting the importance the neighbouring countries have for the EU to EU citizens, EaP countries and their populations, but also to other actors** in the international arena.

Specific funding allocation for the 3+1 EaP countries (Georgia, Moldova, Ukraine and Armenia) would support joint projects of the four countries in the areas of enhanced cooperation with the EU. A **specific regional funding** line should be developed for strengthening **regional resilience** for all six countries in the area of **hybrid threats** under multi-country programmes within ENI 2.0, in addition to bilateral envelopes, other multi-country programmes and cross-border cooperation support. **A variable geometry of funding should allow for a more flexible cooperation of EaP countries on ad hoc basis.**

The European Parliament elections are taking place at the end of May 2019, and there are major concerns over the gains of the populist parties, as well as loss of prominent MEPs, who supported the EaP agenda and balanced the approach of other EU institutions with more value-based attitudes and policy actions. New leaders will be taking over as President of the European Commission, High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission and the President of the European Council. After negotiations with the EU member states, the new President of the European Commission will decide on the division of the policy portfolios as well as new commissioners. At the same time, EU member states cannot agree on a common vision for the policy and the circumstances might not be right for debates on ambitious goals for EaP beyond 2020, however, **the EaP policy should not be marginalised within the upcoming processes.** EaP CSF will contribute to the sustainability of the policy by working intensively with the new actors after the elections to the

European Parliament and key stakeholders in the European Commission and EEAS.

CONCLUDING REMARKS

The Eastern Partnership region has come a long way from 2009, when the EaP was launched, but many challenges still lie ahead. The tenth anniversary offers a good chance to take stock of what the policy delivered so far and formulate on these basis recommendations for its future. This paper offers civil society ideas and recommendations on how to improve EaP policy with its final goal of a democratic EaP region. The recommendations were developed through an inclusive process of consultations carried out among members of the Eastern Partnership Civil Society Forum in all six EaP countries and the European Union, promoting out-of-the-box thinking. EaP CSF members and experts who work on different aspects of the EaP implementation in different countries identified problems in three major areas pertinent to the future of the Eastern Partnership policy – partners, tools and financing – and formulated a number of solutions that could inspire further policy steps and managerial decisions leading to a more effective, inclusive and stronger EaP implementation. The ambition of the paper is to promote partnership and inclusive policy-making, monitoring, assessment and shared ownership of the reform processes inspired and driven by the EaP policy. The underlying assumption is that accountability and rule of law have to be nurtured locally, and that going beyond governments, involving wider sections of society is the recipe for long-lasting results and genuine democratic development and stability of the EaP region. The EaP CSF and its members remains committed to strengthening the policy and open to increased involvement in formulation, implementation and monitoring.

About EaP CSF

The Eastern Partnership Civil Society Forum (EaP CSF) is unique multi-layered regional civil society platform aimed at promoting European integration, facilitating reforms and democratic transformations in the six Eastern Partnership countries - Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Serving as the civil society and people-to-people dimension of the Eastern Partnership, the EaP CSF strives to strengthen civil society in the region, boost pluralism in public discourse and policy making by promoting participatory democracy and fundamental freedoms. The EaP CSF is a non-partisan bona fide non-governmental organisation.

Acknowledgments

The focus group in Ukraine was conducted with support of the Civic Synergy Project which is funded by the European Union, co-funded and implemented by the International Renaissance Foundation.

This publication was produced with the financial support of the European Union co-funded and implemented by the International Renaissance Foundation. The sole responsibility for the content of this publication lies with the authors. It does not necessarily reflect the opinion of the European Union and the International Renaissance Foundation.



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MAY 2019