

20 April 2018, Brussels

**Remarks at the Meeting of the Eastern Partnership Platform 1
“Strengthening Institutions and Good Governance”**

Dear Ladies and Gentlemen,

This meeting is timely as it addresses two key questions for the EaP countries (and some EU Member States): rule of law related reforms and anti-corruption measures.

But the question will be whether what is discussed here will move us meaningfully towards establishing the rule of law as a 2020 deliverable in many EaP countries when it is clear that the key issue is still the independence of the judiciary from the political and oligarchic sphere. And here, the chances of success, it must be admitted, are limited. For example, a paper by the NGO ISFED, one of the CSF members from Georgia, published last autumn, conveys the point that political promises were made by the victorious Georgian Dream movement during the 2012 election to improve the state of the judiciary. However, five years later, the paper says that “they have not made any necessary steps for establishing an independent judiciary”.

It is clear that political will, which is what is lacking, is needed in the EaP countries to clean up the judiciary and to improve the situation. But it also appears that the urge to stimulate such change from the side of the EU is also weakening, as our colleague Andrei Yahorau, from the EaP CSF Belarusian National Platform, told the EaP CSF Steering Committee in Minsk last week. He said that he and other members of the civil society had noticed a lowering of ambition on the part of the EU to push for democratic change. This, he said, “is being replaced by a willingness to compromise, and by a search for compromise” by the EU with the authorities in his country. In effect, he was calling for the EU to demonstrate more determination and leadership in pushing for reform and this is the sentiment that I want to reiterate here.

The other area which needs to be addressed is support for civil society, including independent lawyers associations to monitor, and if the need arises to name and shame travesties of justice in the EaP countries. This is easier in some countries. Not so easy in others like Azerbaijan, where a defence lawyer can be disbarred for saying in court that his client was tortured in prison. In addition, these lawyers’ organisations and justice reform NGOs must show solidarity for colleagues in distress. It is also worth considering whether lawyers in countries where the rule of law is endangered like Poland and Hungary might not be encouraged to establish links with lawyers in the EaP countries, where the same is true. Surely Polish lawyers working at home reminding peaceful demonstrators of their rights when confronted by the police would find a common language with the lawyers in Yerevan who this week have been going to police stations to help protesters detained at the demonstrations.

Similarly, with the fight against corruption. It is absolutely right that in the afternoon we should be looking at the indicators that can tell us how to measure progress in implementation of justice reforms or looking at transparency tools needed to combat corruption. However, shouldn’t we also be looking here at the implications for the fight against corruption of what has been happening with the increasingly

effective US sanctions against Russian oligarchs. Indeed it seems that the atmosphere is changing, with western countries coming around to the view that something has to be done about money laundering by their banks, and who are also looking at such sanctions as a possible tactic. I note that Robert Wainwright, the outgoing head of Europol, said last autumn that Europol was losing the fight against money laundering as he called for a targeted and flexible system and complained about poor cooperation with European banks in this field. Is not this a problem, which should be addressed at a future Platform meeting?

After all, it should be in the interest of the EaP countries to keep money at home or to have it invested abroad legally and to avoid situations such as happened in Moldova, where around 1 billion dollars went missing from the banking system. Lilia Carasciuc, my colleague from the Civil Society Forum and Transparency International Moldova, tells me that ‘the authorities have not taken real action to hold those involved in the theft of these funds’ while whistle-blowers and civic activists continue to be persecuted. As a result, Lilia Carasciuc asked me to pass on the message that ‘international institutions and development actors should take a position on developments in the Republic of Moldova’.

After all, we have the issue of beneficial ownership of our agenda but are we discussing the problem of beneficial ownership in the Member States? Are these not two sides of the same coin especially in smaller member states such as Malta, Cyprus or recently Latvia?

We in the Civil Society Forum are committed to supporting the Deliverables 2020 programme approved by the latest EaP summit in Brussels but also we reserve the right to suggest that sometimes the programmes should be complemented by additional actions in the form of 2020 deliverable plus initiatives.

Thank you for your attention.

Delivered by Krzysztof Bobinski, Co-Chair of the EaP CSF Steering Committee