



## The Eastern Partnership Roadmap to the Vilnius Summit

*An assessment of the roadmap implementation by the Eastern Partnership Civil Society Forum, co-ordinated by the Regional Environmental Centre, Moldova, and PASOS – Policy Association for an Open Society, 13 November 2013*

**Assessment May 2012 – October 2013**

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### An open road from Vilnius to Riga

**To achieve sustainable democratic development, EU and partner countries must promote deep democracy, respect free and fair elections, and embrace more inclusive policymaking**

*The Civil Society Forum's status reports on implementation of the Eastern Partnership roadmap to the Vilnius Summit indicate the need for both EU and partner country governments to communicate more openly and improve engagement of the public and all stakeholders – from business to civil society – in policymaking to strengthen the effectiveness, accountability and sustainability of policy outcomes*

**THE VILNIUS SUMMIT** should mark the launch of a new phase of European integration for all the eastern neighbours of the EU. For Georgia, Moldova, and Ukraine, there is the prospect of initialling or signature of Association Agreements and Deep and Comprehensive Free Trade Area (DCFTA) Agreements with the EU. For Azerbaijan, there should also be the signing of visa facilitation and readmission agreements.

In the case of Armenia, the substantive progress made in finalising negotiations on the content of an Association Agreement and DCFTA with the EU must be built upon to renew its integration prospects, and engagement with all sectors of society with a view to sustainable democratic development and closer European integration should be a renewed priority in EU relations with Belarus.

In the months leading up to the summit, the partner countries have been subjected to the negative diplomatic offensive from the Russian Federation – from imposition of trade embargos to calls for them to join the Customs Union of Russia, Belarus, and Kazakhstan. In the case of Armenia, despite the successful conclusion of negotiations with the EU on a DCFTA agreement, on 3 September 2013 President Serzh Sargsyan overturned expectations when he agreed to join the Customs Union.

The EU's active diplomacy towards Ukraine has been a welcome contrast to the negative diplomacy from Moscow, with its threats of

cutting Ukraine off from Russian markets, but with the exception of Moldova and Georgia the conditions are not in place in the partner countries for realisation of the ambitions of the Association Agreement. There is far from an open and participatory policymaking process – which will be essential to democratic development and European integration.

The European Union also has to make greater efforts towards open government and a firmer commitment across all EU institutions to respect for free and fair elections and promotion of deep democracy in the partner countries.

After the declaration by MEPs who “monitored” the Presidential elections in Azerbaijan on 9 October 2013 that they had been free and fair despite the OSCE ODIHR report stating that the election “was undermined by limitations on fundamental freedoms, lack of level playing field and significant problems on election day”,<sup>1</sup> a complete review of the level and status of participation of MEPs in election monitoring is now essential.

Moreover, the level of secrecy around the negotiations of the agreements between the EU and the partner countries – under the guise

<sup>1</sup> Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe). <http://www.osce.org/odihr/elections/106908>



This project is funded by the European Union.  
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of diplomacy – has weakened the EU's case for European integration. An opportunity has been lost for public debate and for generating wide ownership of the European integration process among the citizens of the partner countries. This would not have stopped pressure from Moscow, but it would have strengthened the hand of those pushing for closer integration with the EU, especially in Armenia.

The monitoring of developments in the partner countries during the period since the launch in May 2012 of the roadmap to the Vilnius summit shows that Georgia and Moldova were the only two partner countries whose policymaking process was considered substantially open and receptive to policy initiatives from civil society and expert stakeholders, with limited receptiveness existing in Ukraine, and the beginning of more openness in Armenia.

Despite the permanent participant status accorded to the Civil Society Forum at the intergovernmental panel meetings, civil society has been given a seat in regular trilateral forums - including government, the EU delegations and civil society - only in Georgia, not in the other partner countries, although in Moldova civil society now has an observer attending Cabinet meetings. While substantial initiative on the part of the EU to engage with civil society has been welcomed, efforts have been less effective in fostering dialogue between partner governments and civil society. Greater impetus from the EU side towards this objective is believed to be necessary by civil society actors in Armenia and Ukraine.

However, the need for inclusive and participatory policymaking seems to have been set aside across the board when it comes to Association Agreements between the EU and the partner countries. The talks and drafting process have been marked by "closed doors" to the general public and largely to civil society and business associations (a key policy stakeholder that should have been consulted on the content of DCFTA agreements) on the part of both the partner countries and the EU.

This has meant there is a lack of understanding of the importance of the Association Agreements in bringing the partners closer to the values and standards promoted by the European Union and the clear benefits to their countries from closer European integration. In Ukraine, there was in some policy areas more outreach to civil society experts from the Ukrainian government than from the side of the EU, so it seems that the EU's position was more than acquiescence with national governments in keeping the draft agreements secret; in fact, opening the drafts to public debate might have met with no objection from

partner governments, and would have clearly given the process and the final agreements stronger legitimacy and ownership in the eyes of the public.

An opportunity has been lost to foster greater understanding of the importance and relevance of the content of the Association Agreements, and a perception that European integration is an elite, bureaucratic endeavour; rather than an important project empowering citizens' lives.

In addition to further engagement to ensure the establishment of trilateral dialogue between the EU, partner governments and the National Platforms of the Civil Society Forum, a permanent co-operation platform should be established to facilitate dialogue between the National Platform and EURONEST MPs in the respective partner country. Thematic working groups of non-government experts and key stakeholders (e.g. business, human rights watchdogs) should also be established to link civil society and state agencies regulating the corresponding policy areas.

The findings above are part of a Civil Society Forum monitoring exercise of the progress since the launch by the European Commission in May 2012 of the Eastern Partnership roadmap to the Vilnius Summit.

The monitoring shows a number of areas of progress, but also some setbacks, and persistent challenges in the six countries.

On the **multilateral** level, the progress is included in the country reports, but it is worth noting particular progress in border management. Modernisation of border crossings between partner countries (e.g. Armenia and Georgia) has been launched, and working agreements have been signed with FRONTEX and Armenia and Azerbaijan (already in place in Georgia, Moldova, and Ukraine). A number of agreements have also been signed or initialled with Europol and EUROJUST.

In **Armenia**, the independence of the judiciary remains unreformed, but the beginnings of a greater willingness to engage with civil society are evident, including with the Ministry of Justice on human rights strategy. Government representatives do not engage in trilateral meetings with the EU and civil society, and broadcast media remains firmly under government control. The progress on signing a readmission agreement was combined with the completion of negotiations on the Association Agreement and DCFTA – before the announcement to join the Customs Union changed the direction of government policy.

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In **Azerbaijan**, the laws on freedom of assembly jeopardised participation in the presidential elections, political prisoners remain behind bars, and participatory policymaking processes are absent, as are trilateral talks between government, the EU, and civil society.

On the positive side, visa facilitation and readmission agreements are due to be signed at the Vilnius Summit, and the “Azerbaijan 2020: Look into the Future” development plans have been finalised.

In **Belarus**, the government does not engage at all in events initiated by the EU under the Dialogue of Modernisation, while the continued detention of political prisoners and curbs on free political association remain a major obstacle to European integration.

The parliamentary and presidential elections in **Georgia** in 2012 and 2013 respectively, despite polarisation of political forces, were free and fair. This marked a step forward, and there is greater openness to civil society engagements since the parliamentary elections, but there is a need for greater protection of minorities and anti-discrimination legislation. Legal changes have been adopted to increase the independence of the judiciary, and - in addition to completion of the Association Agreement and DCFTA Agreement negotiations - the Visa Liberalisation Action Plan was launched on 25 February 2013.

Concerns continue over the right to free assembly, e.g. the insufficient efforts of police to ensure the right to peaceful assembly of the lesbian and gay community.

**Moldova** now allows a civil society representative to attend cabinet meetings, a major breakthrough in relations, and the National Integrity Commission and Council on Prevention of Discrimination became operational. Moldova not only completed the negotiations on the Association Agreement and DCFTA Agreement, but also became the first partner country to embark upon the second phase of the Visa Liberalisation Action Plan.

On the other hand, the political crisis in spring 2013 was marked by no consultation during changes back and forth to the law on the electoral system. There is an urgent need for plurality in media ownership, and transparency in political finance, and reform of the judiciary and prosecutor's office to strengthen the fight against corruption. The second phase of the Comprehensive Institution Building programme is expected to focus on judicial reform.

In **Ukraine**, the law on referenda enables a government to bypass parliament to change or

even cancel the constitution. The problem of selective justice persists towards political opposition figures, even though the release of some has been welcome. Despite wide consensus on proposed reforms, a new election law has not been adopted.

However, as well as the initialling of the Association Agreement already in 2012, positive developments have included the new Code of Criminal Procedure, and the new Law on Civic Associations, removing administrative barriers to civil society organisations. Measured progress has been achieved with the adoption into law of anti-corruption measures, while Ukraine has also improved in the World Bank Doing Business ranking.

Corruption and the lack of a diverse media spectrum continue to be challenges in all the partner countries.

The Vilnius summit will indeed mark a new phase in relations with most of the partner countries with the EU, but all sides need now to recognise that any sustainable integration must include deep democratic change, and that must include engagement of independent experts, civil society and the wider public in the drafting of policy reforms. A key challenge is the need to monitor the use of EU funds to the partner governments, primarily the Comprehensive Institution Building (CIB) programme funding. A mechanism should be developed to incorporate dialogue between government and civil society into all CIB projects, and to ensure independent monitoring of the use and effectiveness of the funding allocated under the CIB programme.

Similarly, in Belarus, capacity-building programmes for civil servants should be broadened to include other policy stakeholders (civil society and business associations), and to consult these stakeholders, including the National Platform of the Civil Society Forum, at the stages of design, implementation and monitoring of these programmes. Public hearings and other forms of public discussion could precede the launch of such programmes.

In the EU, no one doubts the benefits of an inclusive policymaking process, where stakeholders can conduct cost-benefit analyses and raise the perspectives of different sectors in society to improve the quality and sustainability of policy and legislation. The roadmap plotting the trajectory from the Vilnius summit to the 2015 Eastern Partnership summit scheduled to take place in Riga during the Latvian EU Council Presidency should make open government and participatory policymaking apply to every step and every stop along the way. It should be an open road to Riga.