



Asociace pro podporu demokracie a lidských práv /
Association for Democracy Assistance and Human Rights

EASTERN PARTNERSHIP COUNTRIES AND CONTACTS BETWEEN PEOPLE

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The revision of the European Neighbourhood Policy adopted by the European Commission in May 2011 – *New Response to a Changing Neighbourhood* – updated the policy to reflect the changing environment in the neighbouring states of the European Union (EU). One of the significant triggers was the Arab spring, which resulted in a deeper revision of the European Neighbourhood Policy, including EU policies towards the eastern neighbours.

The Eastern Partnership initiative was launched in Prague in 2009, and was closely followed by the establishment of the Eastern Partnership Civil Society Forum, operating on a regular but voluntary basis, and organised along the lines of four thematic working groups. The Forum regularly delivers recommendations on topics of interest to relevant stakeholders. This is also the aim of this study. The delivery by civil society platforms of recommendations to representatives of the EU and of EU member states is an effective way of ensuring that the voice of civil society is heard.

This study, “Contacts between People”, is dedicated to issues of importance to civil society that also feature on the international agenda because they have an impact on the everyday lives of citizens of the partner countries and EU citizens alike. The eight policy papers cover the following topics: visa liberalisation, the NGO legal framework in the partner countries, association agreements, new financial perspectives, education and culture, youth cooperation, partner countries’ participation in the seventh framework programme, and the principal obstacles to cooperation in the context of contacts between people.

This study was made possible through a grant awarded in 2011 by the Ministry of Foreign Affairs of the Czech Republic. Furthermore, the accompanying meeting in Prague on 2 March 2011 of the fourth working group of the Eastern Partnership Civil Society Forum – *Contacts between People* – generated recommendations that were presented to the Ministers of Foreign Affairs of the Visegrad countries and Eastern Partnership countries, and EU representatives on the occasion of a summit hosted in Prague by the Czech Ministry of Foreign Affairs on 5 March 2012.

The recommendations adopted and officially presented are highlighted in the text in a separate box at the end of each study. The sub-groups of the working group of the Civil Society Forum elaborated more specific recommendations, and these served as a foundation for the updated version of the policy papers presented here.

Four DEMAS member organisations and the Secretariat co-operated on the elaboration of the study, namely: Association for International Affairs (AMO), Democracy and Culture Studies Centre (CDK), DEMAS – Association for Democracy Assistance and Human Rights, PASOS – Policy Association for an Open Society, and People in Need.

I. Fostering informal and market-driven contacts between EU and EaP countries

MARIA STASZKIEWICZ

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This paper is an endeavour to outline main obstacle and challenges of the Eastern Partnership (EaP) with special regard to contacts between peoples. After a brief discussion of structural and political hurdles of implementation, the paper continues with a presentation of current developments as well as planned projects and initiatives that will shape EaP in the near future. It concludes with a list of recommendations deriving from recent think-tank analyses, EaP Civil Society Forum and Council of the EU conclusions and other papers written in this series.

1. Introduction

There are number of obstacles that impede a fuller unfolding of the Eastern Partnership potential that result not only from structural drawbacks of this project but also from the environment in which its proponents try to implement it. Main restraints can be grouped into three general points:

- **divergence of goals and differentiation of approach**

As in the case of Union for the Mediterranean, which in 2008 substituted Barcelona Process, the Eastern Partnership is a way of political pigeonholing, when countries lacking shared goals (but also to some extent, common identity) are framed into one political structure. This way of structuring EU's external relations is understandable from the point of view of political marketing, yet it creates exaggerated hopes that stem from formulation ambitious goals. Moreover, underlying differences among EaP countries did not allow for "one-size-fit-all" implementation and evaluation of this policy, hence the need to introduce differentiation in form the conditionality, (the "more-for-more" principle) in EU's offer to EaP partners announced in the ENP review. Nevertheless, the application of the more-for-more principle entails another weakness. Decrease in (financial) support of those EaP governments and administrations less willing to follow democratic changes, will trigger off the need for stronger support of those countries' civil societies, who will become the main bearer of change.

- **ownership**

Political ownership of the Eastern Partnership varies both among EU and EaP countries. On the EU side, just a small number of countries are willing to promote the its goals and make the project alive. Among EaP countries there is a tendency to deal with pro-European objectives in a checklist approach rather than embracing their philosophical and political substance.

- **concretization and coordination**

Even a number of sound achievements will remain series unnoticed as long as they take place in a dispersed environment, which again

leads to negative evaluation of EaP. At the administrative level, the responsibility for the project implementation is split among numerous actors both on the EU side (DG DEVCO, DG Enlargement and ENP, EEAS) and EaP one (ministries and agencies).

2. State of play at beginning of 2012

After more than two years of over-ambitious declarations and bumpy implementation of basic EaP instruments¹ the focus is now on providing a timetable of specific projects that could provide at least some argument in favour of EaP. Many implicitly understand this call for concretization as the litmus test for the project's continuation.

This last chance shall come in the form of **Roadmap for the Eastern Partnership**² that is now being prepared by the European Commission and the High Representative to be presented at the end of April. The roadmap will draw on numerous documents, including the *Medium Term Programme for a renewed European Neighbourhood Policy 2011–2014* and the *Warsaw Joint Declaration of the Eastern Partnership Summit*, or – in regard to contacts between people – to the *Council conclusions on the Eastern dimension of youth participation and mobility*. These documents have already outlined concrete proposals for actions to foster people-to-people contacts engaging and benefiting both sides. Several of the major postulates are listed below:

- **participation in programmes and agencies** through continued co-financing,
- establishment and/or modifications of **new programmes** (e.g. Eastern Partnership Youth Programme, Eastern Partnership Culture Programme), inclusion of EaP countries into the mobility-related programmes (Lifelong Learning, Culture and Youth in Action) and their successor the under the new financial framework 2012–2014;
- establishment of a **Common Knowledge and Innovation Space** to give the policy more impact and visibility³;

Decisive not only for the Eastern Partnership but the entire ENP will be how the more-for-more principle be translated into concrete actions. The answer will be to provided by a dedicated programme for Eastern partners that European Commission (DEVCO Neighbourhood Directorate) is now preparing. The programme will support the implementation of the roadmap with additional resources of approximately €130 million, and will reflect the design of the SPRING programme already presented to the Southern partners. In practice, this means that actions financed from its budget will be identified by EU Delegations in cooperation with partner governments, EU Member States and international stakeholders. Another € 20 million will be allocated for Erasmus Mundus as well as Tempus programmes.

Last year saw inception of two initiatives that may prove vital for the people-to-people aspect of Eastern Partnership. They have to potential to further new, business-driven developments outside the official Eastern Partnership framework.

¹ e.g. the belated setting up of parliamentary network, Euronest, or dragging implementation of the Comprehensive Institution Building projects

² [ANNEX](#) to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Commission Work Programme 2012, p. 9

³ cf. A New Response to a Changing Neighbourhood. A review of European Neighbourhood Policy

- **CORLEAP** – Conference of Regional and Local Authorities for the Eastern Partnership⁴

is a institutional platform for the “[*expansion*] of the cooperation between local and regional authorities from the EU and EaP countries” under the auspices of the Committee of the Regions. On an annual basis representatives of the associations of regions, cities, towns and/or municipalities in partner countries should meet. In the meantime, the platform shall facilitate the joint projects and cooperation. The first meeting of CORELAP that took place in September 2011 formulated a series of recommendations. One of them advises amending the Regulation on the [European Grouping of Territorial Cooperation](#) (EGTC), an EU financed cooperation instrument for regional policy, to include Eastern Partnership countries.

- **EaP Business Forum**

makes another loose discussion and networking platform for business organization (i.a. Business Europe, European Economic and Social Committee, Eurochambers) and social partners (employers organizations, trade unions) with the focus on small and medium-sized business issues. Although discussed already during the inauguration of the Civil Society Forum in 2009 the inaugural meeting was organized only in September 2011. The platform shall meet on annual basis.

3. Main obstacles in contacts between people in the EaP context

Hurdles in fostering contact between people can be summarized into the following general block of issues:

- **impeded role of civil society organization (CSOs)**

Institutional and procedural arrangements in EaP countries do not always allow for, and in some cases are prevent, efficient operation of civil dialogue as CSOs are not recognized as genuine stakeholders of political and social change.

- **visa issues**

Time and money consuming process of EU visa application, a procedure which may be in many case humiliating experience. Moreover, in regard to EaP countries “removal of the visa requirement lies with EU member-states, many of whom are preoccupied with the impact that visa liberalisation would have on their own migratory balance”⁵.

- **technical barriers**

Include the lack of the command of foreign language, considerable geographic distance, economic factors.

- **low visibility and in scarcity information**

Pertains to information of EU programmes open to EaP countries’ citizens and the (perceived) complexity of administrative procedure when applying for EU support.

4. Recommendation

Presented recommendations to some extent derive from multiple discussion that have been lead since the EaP inception by numerous actors, in particular proponents of the EaP among EU member states (Czech Republic, Poland, Sweden), European Commission and Civil Society Forum. Here, they are group around the actors who have either the technical capacity or the political

European Union

- The EaP Road Map that is currently being prepared shall not only mention (1) concrete actions with reference to (2) timetable and deadlines, but also (3) modes of evaluation, and (4) naming persons/ institutions responsible for the implementation.
- Preparing a list of programmes and agencies opened for the participation of EaP partners together with clear information on support modalities (financial, professional etc.) of prospective participants
- Broad information campaign for EU funding conducted by EU representations
- Put emphasis on language skills and promotion of learning of foreign languages throughout EU programmes
- support and upgrade mechanisms of fostering business contacts and two-way transfer of knowledge and know-how that could be financed by business organisations like Eurochambers and Business Europe
- developing commercial schemes of supporting contacts between people, e.g. in form of European “Youth on the Move” card initiative
- EU should analyse the potential of virtual mobility

Member states

- Supporting two-way mobility in bilateral relations between member states and EaP countries, with special attention paid to non-formal learning activities of young people, professional networks, tourism
- Appoint informal “ambassadors of EaP” for the promotion of Eastern Partnership countries
- Revision and activation of opportunities offered by Mobility Partnerships
- Promote participation of states administration in the Eastern Partnership Multilateral Platforms as well as sector ministerial and officials’ bilateral meetings
- Funding synergy in the work of other international organizations active in the field of culture, youth, education, tourism etc.

Eastern partnership countries

- like the EU, EaP countries should be bound their administration with clear timetables and list of priorities
- disseminate information on principles and activities of the Eastern Partnership among the public, increase its visibility
- Actively use mechanism offered by Euronest Parliamentary Assembly and CORELAP

⁴ Committee of the Regions, 130th MEETING OF THE COMMITTEE OF THE REGIONS BUREAU, Item 7, 29 April 2011

⁵ Piotr Kaźmierkiewicz in association with PASOS, A vision of visa-free Europe, The challenges and opportunities of advocacy to make open borders with the European Union a realistic perspective for the Eastern Partnership countries, p. 2

EaP and EU Civil society

- Engage in monitoring and evaluating the future EaP Road Map
- Support regional projects
- CSO – focus more on regional rather than bilateral (EU-EaP country)
- Invite EaP CSOs to participate in international network and/or pay greater attention to EaP region in already existing youth/culture/tourism/business platforms (e.g. European Youth Forum)

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II. A vision of visa-free Europe

The challenges and opportunities of advocacy to make open borders with the European Union a realistic perspective for the Eastern Partnership countries

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Summary

The process of negotiations on visa-free travel to the countries of the European Union (EU) for the Eastern Partnership states⁷ has opened up new opportunities for civil society organisations' engagement in public debate in the six countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, and Ukraine). By making success conditional on meeting specific technical criteria, the process ensures that the exercise is based on verifiable facts, and balances conditionality with rewards. However, the outcome and timing of the process is uncertain due to the division of the process into two phases, the second of which investigates the actual capacity of the applicant states to prevent uncontrolled migratory movements. The ultimate decision on the removal of the visa requirement lies with EU member-states, many of whom are preoccupied with the impact that visa liberalisation would have on their own migratory balance.

For the negotiations to proceed without undue delay, concerted actions are necessary from the side of the governments of the Eastern Partnership states and from civil society organisations both within and outside the EU. The building of trust between the Interior Ministries and border and migration services of the applicant states and their counterparts in the EU is of primary importance, and can be achieved through the opening of more communications channels, enabling EU officials and experts to gain insight into the progress on the ground. In parallel to this, the activity of civil society organisations can on the one hand dispel the concerns of the European public by providing independent assessment of the overall reform efforts and on the other hand by stressing the value of free movement of people for the consolidation of democracy and of institutional reforms for making internal security sector more accountable to civilian control and more transparent.

⁶ PASOS is a network of more than 50 independent think-tanks in Europe and Central Asia. www.pasos.org

⁷ The Eastern Partnership initiative was launched in Prague, Czech Republic, on 7 May 2009. An agreement signed between the EU and six neighbouring countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, and Ukraine), the initiative provides an institutionalised forum for discussing visa agreements, free trade deals, and strategic partnership agreements with the EU's eastern neighbours.

Description of the problem with assessment of the situation from the perspective of civil society

a. Background to the process of visa liberalisation

Visa-free travel is an objective shared by all the Eastern Partnership states, which was recently acknowledged in the European Commission's communication on justice and home affairs⁸. The EU has developed a standard framework for realising this objective, which entails raising the capacity of the administration and operational services of the partner states for combating irregular migration and managing legal migratory flows. The framework involves a review of the partner states' legislative norms, institutional arrangements and operational practices, which helps identify gaps relative to the EU *acquis communautaire* and standards. Progress toward removal of visa requirements is conditional upon carrying out specific tasks, outlined in the country action plans, agreed upon through bilateral negotiations.

All the six Eastern Partnership states have engaged in a dialogue with the EU in the field of migration and visas. In February 2012, Armenia is starting preparatory talks, while Azerbaijan is commencing formal negotiations with the EU on visa facilitation and readmission agreements, which represent the first step in co-operation with the EU, upon which further progress towards visa-free travel is conditional. Such agreements entered into force in January 2008 with Moldova and Ukraine, and in March 2011 with Georgia. On the basis of these agreements, fees for Schengen visas⁹ were reduced for nationals of these states and conditions of travel were eased for several categories of travellers.

Successful implementation of readmission and visa facilitation agreements by the leaders of the process, Moldova and Ukraine, has enabled them to move on to the next step along the way – negotiations towards visa liberalisation – which would result in the waiver of short-term visa requirements for all nationals of these countries. The two governments launched the process of legal approximation, co-ordinated planning and effective implementation of measures that would provide for managed movement of citizens of these states with the EU while combating negative phenomena such as irregular migration, abuse of asylum systems or trafficking in persons. The process is based on strategic documents that set out benchmarks that need to be met in order for the EU to conclude that the states have achieved the required level of readiness. "Action plans toward the establishment of a visa-free regime for short-stay travel" were agreed upon in November 2010 for Ukraine and in January 2011 for Moldova. In principle, demonstration of successful implementation of the readmission and visa facilitation agreement should clear the way for launching an action plan towards visa liberalisation for Georgia as well.

b. Framework for evaluating progress toward visa liberalisation

The Action Plans provide a set of benchmarks, divided by categories that match the issues investigated in the process of liberalisation of

the visa regime for the Western Balkans: document security, border management, the fight against illegal migration, organised crime and corruption, and fundamental rights. However, unlike the Western Balkans states, the Eastern Partner countries need to clear two hurdles as the process is divided into two distinct phases: following the preliminary review, covering the legislative and institutional foundations, the EU will carry out a more in-depth assessment of the states' capacity to execute the obligations undertaken in an effective and sustainable manner. Another novelty is the introduction of an additional indicator – the European Commission is bound to verify the possible impact of the relaxation of controls on the scale of migration into the EU and emergence of unwelcome trends (for instance, an increase in asylum applications).

The progress of the partner states in meeting the technical criteria of the first stage is subject to regular evaluation by the Commission, which issued its first periodic reports concerning Moldova and Ukraine in September 2011. The reports reveal a mixed record, pointing on the one hand to clear progress and to continuing shortcomings, which suggest not only the two governments' capacity but also their will (or the lack of it) to carry out the obligations. Both states were given credit in the areas of border management, readmission, the legal foundations of public order and security as well as elaboration of the action plan for national migration management strategy. However, neither of the states were deemed ready to complete the first stage of the negotiations as they fell short in the adoption of anti-discrimination and anti-corruption legislation. In addition, Ukraine was criticised for failing to establish an anti-corruption agency and was exhorted to harmonise its asylum system with EU standards as well as to set up a migration-monitoring mechanism.

The decision to initiate the second phase of the evaluation will be taken by the Council of the European Union through a qualified majority vote following the recommendation of the European Commission. Thus, progress on the way towards visa-free movement depends on demonstrating to the EU member-states that a given partner state is in full compliance with all the benchmarks enumerated in the Action Plan for the first phase. Delays in addressing the gaps identified in the periodic reports or field-mission assessments, or failure to supply exhaustive and relevant information upon requests from the Commission, are not only going to slow down the process, but will also be taken as signs of the partner states' lack of commitment to this exercise.

The second phase of the evaluation will probe much deeper into the actual capacity of the central administrations and operational services of the partner states. It is also going to feature much closer oversight on the part of the EU member-states, which will send their national experts to carry out on-site inspections. Coupled with the detailed information collected through surveys administered by the Commission, material will be collected to demonstrate that the legal standards, institutions and procedures put in place in the partner states are sufficiently effective for reducing the volume of irregular migration and guaranteeing that visa liberalisation will not produce unwanted effects such as uncontrolled immigration into the EU. Only in the absence of doubts as to the state's capacity for actual reduction in the scale of irregular migration will the Commission be able to make a formal proposal to the European Parliament and the Council to remove the citizens of this state from the list of third countries whose nationals must be in possession of visas when crossing the external borders of the EU¹⁰.

⁸ "On Cooperation in the Area of Justice and Home Affairs within the Eastern Partnership", Brussels, 26 September 2011 (COM (2011) 564 final).

⁹ The Schengen Area comprises 26 European countries with no internal border controls. The Schengen rules were agreed upon in 1985 and absorbed into EU law by the Amsterdam Treaty in 1999, and the area also includes four non-EU member-states – Iceland, Liechtenstein, Norway, and Switzerland. All but two EU member states – Ireland and the United Kingdom – are required to implement Schengen and, with the exceptions of Bulgaria, Cyprus, and Romania, all other EU member-states are now in the Schengen area.

¹⁰ Regulation 539/2001.

c. Prospects for visa liberalisation: opponents and supporters

The progress toward visa-free movement between Eastern Partnership states and the EU may be stalled or even derailed not only by a failure to meet technical requirements. The success of this enterprise depends to a large extent on the alleviation of the broader concerns of EU member-states related to migration, which became apparent in the face of an influx of migrants across the Mediterranean and the Greek-Turkish border in 2011. Furthermore, a positive decision of the Council is dependent on overcoming the opposition to fast liberalisation that has built up in the Council of the EU in the wake of the visa waiver for most of the Western Balkans states in 2009/2010, and which was further accentuated in 2010/2011 when the question of the removal of border controls between the Schengen area and the new EU member-states of Bulgaria and Romania faced the Council, and the accession into the Schengen zone of Bulgaria and Romania was indeed postponed.

Arguments raised by opponents of fast progress on visa liberalisation echo those underlying the Council's assessment of the impact of visa-free relations with the Western Balkans states on the migratory situation, and of the readiness of Bulgaria and Romania to meet the obligations of Schengen membership.

Firstly, states such as the Netherlands, France, Austria and Germany have stressed that the applicant states need to demonstrate the "irreversible" and "sustainable" character of reforms¹¹. As a result, EU member-states might demand to see confirmation that the positive migration trends prevail over a longer period of time, which might require that they are confirmed in consecutive Commission reports.

Secondly, the sceptics are unlikely to be satisfied with receiving only the information supplied by the partner state subject to evaluation, even when confirmed by the Commission, and are going to request more extensive and repeated on-site missions with the participation of experts from the EU member-states.

Finally, the Council will pay attention to issues of broader governance, such as the rule of law, the independence of the judiciary, and the ability to stamp out corruption. This was stated by the German Minister of Interior, Thomas de Maiziere, in January 2011, who justified a negative stance on the accession into Schengen of Bulgaria and Romania as follows: "It is important to link the two issues – the technical aspects and the political aspects – and make a decision taking both into consideration."

Although the sceptical member-states' voice is going to be decisive, their weight is going to be countered by the supporters of fast progress toward visa-free movement. These comprise firstly the European Parliament, where a broad representation of MEPs from new EU member-states has been instrumental in putting pressure on the Commission and the Council to ensure that the negotiations should not be protracted beyond what is necessary, and that sufficient incentives are extended to the applicants. Thus, on 1 December 2011, a Parliament resolution recommended that the Council, the Commission and the European External Action Service (EEAS) – the new EU diplomatic corps launched in December 2010 – take active measures "towards the establishment of a visa-free regime between Ukraine and the EU". Moreover, the resolution postulated that the decision on ultimate removal of the visa requirement should be fundamentally based on the state's performance in meeting specific technical criteria

and that a mid-term incentive should be offered through waiving visa fees. This technical approach is shared by the European Commission, which is interested in playing a central role in the negotiations with the Eastern Partnership states by evaluating progress through the collection of information and maintaining direct communications with the governments of these states.

Support for keeping the agenda narrower, keeping the benchmarks measurable, and ensuring the transparency of the entire process also comes from a group of EU member-states, most notably countries that recently completed similar exercises prior to their own EU accession. Poland, the Baltic states, and Hungary also take a different view on the question of migration from the states of Eastern Partnership. Traditionally issuing large numbers of easily obtainable entry visas and maintaining small-border traffic schemes with some Eastern Partnership states, the supporters tend to stress the benefits of visa liberalisation to migrants and to the societies of these states. They argue, for instance, that the removal of visa requirements will facilitate people-to-people contacts while reducing the incidence of corruption and the demeaning experience (long queues, difficult conditions of application) associated with visa administration. Moreover, they stress the impact of reforms in the broad field of justice and home affairs, resulting in greater respect for civil rights, less-arbitrary decisions, and improved services to citizens.

One area where supporters and opponents of visa liberalisation agree is the priority of shared values between the EU and governments of the Eastern Partnership states. No matter how quickly Ukraine makes progress towards meeting the technical criteria, doubts as to citizens' rights to a fair trial or the independence of the judiciary represent a stumbling block to the country's progress along the road to visa-free travel. The commitment of the Polish EU Council Presidency (Poland held the Presidency in July-December 2011) to securing guarantees of continued progress in the process of visa liberalisation with all the states that meet the specified criteria could not overcome the stalemate in EU-Ukraine relations that followed the trial and conviction of Yulia Tymoshenko, the former prime minister and leader of the main opposition party in Ukraine. In statements made in October 2011, Polish and Swedish Foreign Ministers Radosław Sikorski and Carl Bildt agreed that the Tymoshenko case could "endanger" and even potentially "derail" the progress of EU-Ukraine talks on a host of agreements, including the visa liberalisation process.

Conclusions with assessment of the situation from the perspective of civil society

As long as the process of evaluating the Eastern Partnership states' capacity for controlling migration is based on a set of technical, publicly verifiable benchmarks, it presents an opportunity for civil society advocates of visa-free movement to monitor the progress. By collecting a wide range of data and publishing periodic progress reports in the first phase of the visa liberalisation talks, the Commission highlights areas of governance and operational capacity that need immediate attention. This formula for structured dialogue is supported by the European Parliament and a group of member-states (mainly those that joined the EU recently) which believe that a mix of clear technical requirements and mid-term incentives can assist in moving the process forward.

However, advocates of visa liberalisation are rightly concerned that the division of the negotiations into two stages and the broadening of

¹¹ For instance, this position was expressed in May 2011 by the Dutch Minister of European Affairs, Ben Knappen.

the agenda to include a set of “political” standards risk delaying, if not derailing, the process. The decision on advancement to the second phase is dependent on overcoming the broad concerns of several pivotal EU member-states concerning the spectre of a rise in uncontrolled immigration. The recent Council decisions to deny the entry of Romania and Bulgaria into the Schengen area, and attempts by a few member-states to limit freedom of movement within the Schengen area by re-establishing border controls, bode ill for the prospect of fast completion of the visa liberalisation talks with Moldova and Ukraine.

Civil society organisations are likely to be torn by the dilemma between continuing pressure for internal reforms of the governments of Eastern Partnership states and the desire to promote fundamental liberties, including freedom of movement. While they cannot turn a blind eye to the deteriorating democratic standards in the EU’s eastern neighbourhood (especially since witnessing the beacon of the democratic upheaval in the Arab world), they are likely to oppose keeping the process of visa liberalisation hostage to the anxieties of the EU public about irregular migration. This will require on the one hand basing the discussion of progress on facts demonstrating progress on the ground and on the other hand identifying and tackling the concerns of West European societies head-on. One of the biggest challenges might be the acknowledgment of civil society organisations as partners and allies by the governments of the Eastern Partnership states once they recognise the significance of NGO inclusion in the public debate as a matter of building their own credibility in the negotiation process.

Recommendations

Governments of the Eastern Partnership states need to demonstrate to the EU that they are committed to fulfilling the obligations undertaken during the negotiations. Their negotiation teams must be given a strong hand by ensuring that they are provided with sufficient and timely information, maintain working communications with all the involved ministries and agencies, and are able to secure the latter’s compliance with the technical requirements of the process. In addition, it is recommended that the **Ministries of Interior**, and border and migration services, take a proactive attitude and step up direct collaboration with their EU counterparts by engaging in exchange of liaison officers, organising joint events and inviting representatives of these services from EU member-states to witness the real progress on the ground. Greater openness and flexibility in meeting requests from the EU side at the level of central government and operational levels are essential to building the necessary trust and dispelling misconceptions prevalent in the policy-making circles in the EU.

Civil society organisations in Eastern Partnership states should seize the opportunity represented by the technical review process for making their governments more accountable in the internal security area. Visa liberalisation is an incentive for these states to transform their Ministries of Interior, and border and migration services, into civilian structures characterised by much more transparency and openness to public scrutiny. Civil society organisations from the region need to recognise who their allies in the EU are, building issue-based platforms of co-operation with their counterparts in the EU who are well positioned to press their agenda to sympathetic Members of the European Parliament and governments of the EU member-states supportive of fast liberalisation of visa relations.

Various types of advocacy strategies may be applied, depending on the audience and policy context: some civil society organisations are well placed to build on their reputation as providers of independent,

fact-based analysis of the negotiations process, and to support the European Commission’s commitment to keeping the process technical; others may rally behind the European Parliament in defence of fundamental freedoms and the commitment to the agenda of democratisation and people-to-people contacts.

The following recommendations emerged from *Eastern Partnership – Contacts between People*, a conference organised by the Association for International Affairs (AMO) and DEMAS, the Czech Association for Democracy Assistance and Human Rights, in association with the meeting of the Eastern Partnership Civil Society Forum Working Group 4 – Contacts between People. The meeting was hosted in Prague by the Czech Ministry of Foreign Affairs on 2 March 2012.

These recommendations were submitted to The Ministers of Foreign Affairs and EU representatives meeting in Prague on 5 March 2012, who were called upon to support implementation by EU institutions and member states of the following

- Further reduce Schengen visa fees for all categories of applicants from the Partner countries, with a view to removing visa fees altogether, promote among member-states successful models of online visa application schemes, and establish joint one-stop application facilities in all Partner countries.
- Prioritise speedy completion of the Visa Facilitation and Readmission Agreements (VFRAs) and Visa Liberalisation Action Plans between the EU and respective Partner governments, insist on publication in full of progress reports prepared by the Partner governments, and ensure that visa facilitation and visa liberalisation come into effect when the respective countries have met the stated criteria.
- EU delegations in the Partner countries should co-operate closely with CSOs to conduct effective promotion campaigns providing clear information about the rights of migrants to the EU originating from Partner countries – civil, political, and socio-economic, in particular labour protection rights – and assist support and guidance programmes concerning opportunities for return migration to the Partner countries.

III. Financial Perspective of the Eastern Partnership States for 2014–2020

HANA KONÍŘOVÁ, DEMAS

Introduction

The European Commission opened the debate on the future financial framework of the EU for the period of 2014–2020 when it proposed the budget in late 2009. The Eastern Partnership states are significant recipients of the EU external assistance under the European Neighbourhood Policy (ENP). Therefore, proposed changes of the EU foreign aid financial instruments which reflect the current events, the Arab Spring, revision of the ENP, etc. will also have an impact on the Eastern Partnership (EaP) states. Although the current drafting by the EaP states is extensive, it does not always reach the desired levels. Retuning financial instruments should lead to better targeting and efficiency of the support, a larger impact and more sustainable results. The goal of this analysis is to review the current conditions for providing financial support to the EaP states, the current use of the financial instruments of external action and the outlook for the budget period of 2014–2020. The analysis concludes with recommendations for the EU, the EU member states and civil society in the EaP countries.

Financial Framework 2007–2013

In the current financial framework of 2007–2013, 5.7% or EUR 50.01 billion were allocated to Heading 4 – EU as a Global Player which includes development (and transformation) policy. Between 2007–2013, almost EUR 12 billion were allocated for countries under the ENP (representing a 32% increase compared to 2000–2006). In January 2007, a new instrument entitled the European Neighbourhood and Partnership Instrument (ENPI) was created and it became the main financial aid tool for the neighbouring region. Before the creation of ENPI, aid was distributed as a part of geographical instruments of TACIS (assistance to Eastern neighbouring states and Russia; approx. EUR 3.1 billion) and MEDA (assistance to the South Mediterranean neighbouring states; approx. EUR 5.3 billion). The European Investment Bank also provided EUR 500 million in loans to the TACIS states and EUR 2 billion to the MEDA states.

The ENPI is divided into several programs – national, regional (East and South), thematic and cross-border cooperation. The largest share of funds, EUR 4,116.5 million over the period of 2007–2010, was allocated to national programs of bilateral cooperation with the European Neighbourhood countries determined by strategic, indicative and annual action plans. Further funds were allocated to regional programs (second largest share in the amount of EUR 827,6 million) and to cross-border cooperation programs (EUR 277.1 million). The amount of funds was determined both by the needs and the drafting capacity, approved action plans of individual states and program plans. Cross-border cooperation programs lend support also to civil society and local and regional subjects. A total of EUR 1.18 billion was allocated to these programs over 2007–2010. The EP countries can apply for loans from the European Investment Bank for bilateral programs for 2007–2013; up to EUR 12.4 billion were allocated for projects besides the ENPI funds.

EP countries	ENPI allocation, 2007– 010, EUR million	ENPI allocation, 2011–2013, EUR million
Armenia	98.4	157.3
Azerbaijan	92	122.5
Belarus	20	N/A
Georgia	120.4 (another EUR 500 million were allocated in response to the August crisis in 2008)	180.3
Moldova	209.7	273.1
Ukraine	494	470.1

The annual EC contribution for these six countries (excluding Ukraine) will be growing until 2013. In 2008, the total amount was EUR 450 million; in 2013, the total amount should reach EUR 785 million. 50% of these additional funds will be allocated to Comprehensive Institutional Building, CIB, and 20% will be allocated to regional development. For 2010–2013, the European Commission allocated EUR 1,900 million to better implementation of the ENP; these funds are primarily aimed for bilateral cooperation and regional development. Further funds for 2012–2013 will be allocated within the new instrument Eastern Partnership and Cooperation Instrument (EaPIC) that starts to operate in May 2012 and accompanies the implementation of the renewed ENP. The Neighbourhood Investment Facility (NIF) was created in late 2007 and launched since 2008. The Commission allocated EUR 700 million to this facility over the period of 2007–2013. The ENPI also includes the Interregional Program with an allocation of EUR 757.6 million for 2011–2013. This program has several priorities (reforms and transition to democracy – the TAIEX and SIGMA instruments; support of students and academicians – TEMPUS and Erasmus Mundus External Cooperation Window; support of inter-regional dialogue – the CIUDAD program; investment support – the NIF instrument).

A total of EUR 348 million was allocated to regional indicative programs of the ENPI – East. Support will be granted for projects in the field of transportation, energy, sustainable use of natural resources, as well as borders and migration, fight against organized crime, etc. Interpersonal contacts are also included. These are aimed at interregional cooperation of the third sector, specifically at mutual awareness, understanding, debates, dialogue and interaction. Four components are emphasized – journalist training and networking (ENJN – European Neighbourhood Journalism Network), media and ENPI Info Centre, research and development, media activities (online media, e-learning, etc.)

Cross-border cooperation (CBC) is financed both through the ENPI and the European Development, Social and Cohesion Fund within one budget line. For 2007–2010, EUR 583.28 million were allocated within the program – EUR 274.92 million from the ENPI and EUR 308.36 million from the European Regional Development Fund (ERDF). A total of EUR 535.15 million is planned for 2011–2013 (EUR 252.23 million for the ENPI and EUR 282.93 million for the ERDF). Out of the EP countries, Ukraine and Moldova are engaging the most actively in this program. These CBC programs are mainly aimed at interpersonal contacts (education, culture, civil society development, etc.). The concept of the program takes into account action plans of individual countries as well.

Success rate of individual countries

The EP countries draft the most funds from the ENPI financial instrument, primarily technical assistance, but also regional and cross-border cooperation. Human rights projects which are mainly focused on the topic of civil society have been and are included in the EIDHR instrument under Non-state Actors and Local Authorities (DCI – NSA-LA).

Grants to the EP countries in 2007–2010 as listed in the OECD DAC

Country / year	2007	2008	2009	2010	Total	EC, EUR thous.
Theme	All/HR,CS	All/HR,CS	All/HR,CS	All/HR,CS	All/HR,CS	All/HR,CS
Armenia	2 / 1	17 / 7	15 / 4	16 / 6	50 / 18	27,194.56 / 6,640.406
Azerbaijan	1 / 0	15 / 3	12 / 0	4 / 0	32 / 3	13,830.336 / 896.714
Belarus	6 / 3	10 / 5	11 / 10	8 / 8	35 / 26	12,492.9 / 7,264.23
Georgia	19 / 16	24 / 13	28 / 15	29 / 16	100 / 60	41,589.99 / 7,904.955
Moldova	4 / 1	15 / 4	10 / 4	12 / 6	41 / 15	34,670.93 / 7,548.031
Ukraine	28 / 11	22 / 8	17 / 4	19 / 7	86 / 30	147,722.05 / 8,654.686

Only publicly available data is included in the chart – DAC database

Source: European Commission <http://ec.europa.eu/europeaid/work/funding/beneficiaries/index.cfm>

As the chart shows, the highest number of projects was implemented in Georgia, overall and in the field of human rights and civil society. This is connected to the conflict in 2008 and the consequent consolidation of the country. Ukraine is significantly different from the other countries in the total drafted amount; this is caused by funds from the Nuclear Safety Cooperation Instrument (NSCI). Belarus has been the least successful; at the same time, it drafted the most funds for human rights and civil society projects compared to other themes. This is determined by the political situation and non-existent cooperation with the official structures. With mere three projects over the four analysed years, Azerbaijan is the least successful country in the field of human rights and civil society.

Evaluation reports of individual countries mapping progress and use of external action funds are often published together with indicative plans with financial allocation for future periods. Indicative plans for 2011–2013 were elaborated for all EaP countries excluding Belarus. The plans state that country strategic plans remain a valid framework.

Neither the implementation plan nor the evaluation was elaborated for Belarus (presidential elections in 2010 and the repressions that followed) as the situation in the country required postponement¹².

Evaluation reports do not provide exact information on whether something would not be working properly; unfortunately, they also do not specify the actual amounts drafted. Overviews published on sites of delegations of individual EP countries show that Moldova, Armenia and Ukraine are the most active countries. Georgia and Azerbaijan are lagging behind moderately, while Belarus is the least active due to its political situation.

¹² A partial temporary improvement took place in October 2008 but following the December elections in 2010 the decision with regard to tougher sanctions was renewed as of 31st January 2011.

Evaluation and indicative reports of the EaP countries

EP countries	ENPI allocation, 2011–2013, EUR million	Priorities for 2011–2013
Armenia	157.3	1) democratic structures and good governance, 2) trade and investment, social and economic reforms, 3) sustainable development
Azerbaijan	122.5	1) democratic structures and good governance, 2) social and economic reforms and sustainable development, 3) implementation of the Agreement on Partnership and Cooperation with the EU (including security, mobility and energy security)
Belarus	N/A	1) social and economic development (including activities aimed at mitigating Chernobyl aftermath), 2) democratic development and good governance
Georgia	180.3	1) democratic development and the rule of law, 2) economic development and implementation of the ENP action plans, 3) social reforms and addressing poverty, 4) peaceful resolution of internal conflicts
Moldova	273.1	1) good governance, the rule of law and basic freedoms, 2) social and human development, 3) trade and sustainable development
Ukraine	470.1	1) good governance and the rule of law, 2) facilitating the Association Agreement force (including the complex deep free trade zone, DCFTA), 3) sustainable development

Source: European Neighbourhood Policy: Reference Documents http://ec.europa.eu/world/enp/documents_en.htm

Conclusions of experts and EaP countries' evaluation reports differ. According to *Věra Řiháčková*, a EUROPEUM analyst, recently, Moldova has been the only satisfactory EaP country. Reforms in the other EaP countries have slowed down, the situation in the field of democracy and human rights has worsened and authoritarian regimes have been consolidating. The EU ambitions of some of the EaP countries (Ukraine) have subsided, other problems are implied directly by the internal political situation (imprisonment of the ex- Prime Minister Tymoshenko; her trial and conviction).¹³ The renewed ENP was presented in May 2011. The renewal features a strong democratic principle as well as stability in the region (especially with regard to the events in the Arab world). However, it is impossible to draw the line between stability and democracy. The Commission is trying to implement the “more for more” principle, even if the government in question doesn't meet the terms. The intention of the Commission is to make it possible to transfer funds allocated for the given state onto its civil society thus enabling stronger support of civil society and decreasing the support provided to the government in question. The EaP countries have not successfully completed the transition towards democracy, and human rights there are violated on a regular basis. Local civil society plays a very important role in monitoring of observation or violation of human rights; it acts as an alternative source of information, innovative principles, knowledge and expertise. The Eastern Partnership Civil Society Forum (EaP CSF) is an important active platform featuring multilateral segments of the EaP.

Since late 2011, the creation of the new Civil Society Facility has been begun. Three priorities have been determined for three years with an official content from October 2011. For the period of 2011–2013, EUR 20–22 million per annum were allocated last fall. The three priorities include these three elements: 1. Capacity building of civil soci-

¹³ Nevertheless, Association Agreement negotiations were completed with Ukraine, including the general and deep free trade zone, in December 2011.

ety – exchange of best practice and negative experience, 2. Support of non-state actors (regional and rural programs), 3. Support of inclusive approach to reforms – inclusion in a dialogue, supporting implementation of bilateral programs (calls for proposals for this priority should be announced only in 2012–2013). We expect that the core of support will be directed to the South with regard to the setting of priorities of the Facility and the recent developments.

The [ENP Implementation Report](#) lists new initiatives with financial allocations approved in 2009 or 2010. These include, among others, Integrated Border Management (EUR 13 million), SME Facility (EUR 27 million), Regional Energy Market, Renewable Sources (EUR 27.6 million), Prevention, Preparedness and Response to Natural Disasters (EUR 6 million), as well as culture-related ENP activities (EUR 12 million), Facility of the Council of Europe (EUR 4 million), EP Youth Program (EUR 4.5 million) and the EP Territorial Cooperation Support Program (EUR 6 million).

South Caucasus authors¹⁴ believe that the financial aid provided by the EU is often insufficient and inefficient. The reason for that is mainly long programming which does not correspond with reality and development. Therefore, real impact of support is rather ambiguous.

Changes after 2014–2020

The current ENPI, the main instrument of financial assistance to the EaP states, will be transformed into the European Neighbourhood Instrument (ENI) after 2014 which will remain the main instrument of financial assistance to the EaP states. Regulation and measures included in the framework of the ENI shall support complementarity, coherence and mainstreaming of the political priorities of the EU in accordance with the Europe 2020 strategy as well as in line with the main goals and priorities of the European Neighbourhood Policy. Like the ENPI, the ENI will provide direct support to 16 partner states. It will be based on the principles of “differentiation”, “more for more” and “mutual responsibility”. The support will be provided, first of all, for democracy, human rights, the rule of law, good governance, sustainable economic and social development and progressive economic integration in the single European market.

The instrument will continue to be directed at two regional sub-groups, the Southern states and the Eastern states. Due to the developments in the Arab world and the Arab spring, the focus has shifted towards the South neighbouring region. As one of the results, more funds have been allocated for the ENI in the new EU budget. According to [EUROPEUM analyst Tomáš Weiss](#), this increase is the most likely to be directed to the South. In response to the Arab Spring, in May 2011, the European Commission added EUR 1.2 billion to the EUR 5.7 billion originally allocated for Neighbourhood Support for 2011–2013. The European Investment Bank and the European Bank for Reconstruction and Development also increased the loans available for the South region. In September 2011, the new program was presented with the title SPRING (Support for Partnership Reform and Inclusive Growth) based on the “more for more” principle with the 2011–2012 budget of EUR 350 million. The priorities of the new facility targeted at civil society with EUR 26.4 million allocated for 2011 also imply a greater focus on the South. A total of EUR 30 million was allocated for the Southern countries in the school year 2011–2012 for the Erasmus Mundus program. The Eastern region also recognized a new program – Eastern

Partnership and Cooperation Instrument (EaPIC) that was elaborated according to the SPRING.

In the joint declaration adopted by the summit of the EP states in September 2011 summarizes and confirms that the financial assistance provided by the EU to these countries between 2010 and 2013 will amount up to EUR 1,900 million. Its main purpose is to assist the implementation of the EP in bilateral plans and regional programs of external action of the EU. In accordance with conclusions drawn by the External Relations Council of the EU on 20th June 2011, the decision about allocating funds for 2011–2013 was to be made based on the renewed EP. New programme Eastern Partnership Cooperation and Integration programme (EaPIC) was designed according to the SPRING. This instrument that shall start to operate in May 2012 was allocated 130 EUR million plus 20 EUR million for Erasmus Mundus, Tempus). It shall focus on democratic transition and sustainable and inclusive growth. Larger consideration will be paid to those partners who try and achieve results. The new Neighbourhood Instrument will also reflect the level of ambitions of the partner states.

At the beginning of December, the EC presented its proposal on allocation of funds for the period of 2014–2020. The amounts will be increased (decreased) within individual instruments in response to the dynamically changing environment. The changes will aim for better optimization, efficiency and flexibility. Some of the instruments will be merged, others reorganized; new ones will be created. A total of EUR 96,249.4 million is allocated for Heading 4 – Europe as a Global Player. The budget of the new instrument, the ENI, will be increased by 40% for 2014–2020 compared to the previous allocation, amounting EUR 18.182 billion. DCI, IfS and EIDHR (by 20%) will also be increased. The EU expects that these changes will ensure better targeting and easier and more efficient cooperation. A stronger emphasis will be placed on democracy, human rights, the rule of law and good governance. Certain instruments (such as the EIDHR) will reserve its specific features, including the possibility of engaging a non-registered partner, re-granting and intervention without the approval of the official authorities of a non-free country.

Instrument	2007–2013, EUR million	2014–2020 (proposed), EUR million
ENPI / ENI	11.181	18.182
NSA-LA (DCI)	1,639 / (16.897)	N/A / (23.295)
EIDHR	1,104	1.578
IfS	2,062	2.829

The proposed instrument, the ENI, which will remain the main instrument for the EaP countries, will introduce the following new elements: 1. The “more for more” principle. 2. The programming process will be less complex, shorter and less complicated. 3. The instrument will be targeted more directly (at the key objectives of the relevant action plans of the individual partners, mainly in the field of security, people-to-people contact, sector-based cooperation and civil society). 4. The cross-border cooperation programs will also be reviewed and updated. 5. Stronger links to internal instruments and EU policies are desirable (primarily in the field of student mobility and education in general, civil society support, easier assistance for implementation). 6. The relationship with Russia is going to change; in the new proposal, Russia will only be able to access cross-border cooperation funds together with its neighbours eligible for the ENP (a new Partnership Instrument will be accessible to Russia itself). 7. Implementation measures will be simplified and mainstreamed in a joint implementation directive regulating all external action instruments of the EU.

¹⁴ Popescu, Nicu.: ENP and EaP: relevant for the South Caucasus? In: The South Caucasus: 20 years of Independence. Fridrich Ebert Stiftung.

This instrument should be focused mainly on the following areas: 1) promotion of human rights, basic freedoms, the rule of law, deeper-rooted and stronger democracy, a successful and active civil society, 2) progressive integration in the European internal trade, closer sector-based cooperation, convergence with the EU and international standards, 3) creating conditions for mobility of persons and developing people-to-people contacts, 4) sustainable development, poverty reduction and private sector development, promotion of internal economic, social and territorial cohesion, rural development, disaster resilience, 5) promoting confidence building and other measures contributing to peace and conflict prevention, 6) enhancing sub-regional, regional and cross-border cooperation. The budget of the new instrument for 2014–2020 is EUR 18.2 billion. This increase reflects the fact that the Neighbourhood Policy has been identified as a priority of the EU foreign policy. More debates will take place in 2012 both on the national and on the EU level. The new rules and measures will come into effect on 1st January 2014.

In the Instrument for Stability (the IfS; used by Georgia after the August crisis in 2008), EUR 3 million will be allocated for unexpected and pressing urgent situations. Such situations will not require *a priori* approval of the EC and response may be provided within 48–72 hours.

The Joint Implementation Directive for the four geographical instruments (IPA, ENI, DCI, PI) and the three thematic instruments (INCS, EIDHR, IfS) is introduced. For the EP countries, the relevant instruments are the geographical instrument ENI, the thematic instrument EIDHR, the Instrument for Stability and the thematic part of the NSA-LA of the DCI. The advantage of the Directive lies in the speed of the implementation measures which allows for the EU aid to be provided faster. The Directive offers a summarization of simplified rules and procedures and introduces the possibility to merge grants and loans. The proposal is in full accordance with the Agenda for Change which determines a more strategic approach of the EU towards poverty reduction by better targeting the financial support. EU funding in the future will be better targeted at promoting democracy, human rights and good governance in general, as well as at long-term inclusive development. It will be directed mainly to those countries which need assistance the most, and where the assistance could have the strongest impact.

After 2013, the European Endowment for Democracy (EED) will begin its work focused on promoting a broader civil society in the neighbouring countries; however, it will not become a new EU financial instrument. Its competencies, powers and structure remain unclear. The European Commission has promised an annual allocation of EUR 20 million; however, this will depend on the activity of the EU member state and their willingness to contribute to funding (until now, only Poland has promised EUR 2 million).

Outlook

This outlook is based on the renewed ENP strategy, its update and new rules, as well as on the proposed reforms of the financial instruments, especially the ENI. The active EaP countries (especially Moldova) that can prove achieving results have a real chance for increased allocations (in accordance with the “more for more” principle). On the other hand, those countries who cannot present convincing results may lose funding, or it can be relocated to promoting civil society in those countries. Proposed monitoring and implementation is more detailed as well. It includes monitoring of democratic elections, the level of cor-

ruption, trade flows, indicators measuring differences within national economies, including the unemployment rate. Donor efforts should become better coordinated. All this will determine the amount of funding allocated to the individual countries based on the implementation of strategic plans and new principles. The European Commission is aware of the importance of the third sector, its development and inclusion in consultations with regard to creating strategic plans and individual programs. This process should continue and become more intensive.

Conclusion

The EU has realized that the offer made to the EP countries was relatively poor. For this reason it has significantly extended, connected, modified and improved this offer. After 2013, the external action instruments will be optimized and simplified. At the same time, it is possible that due to the economic crisis the ENPI funds may have reduced financing, which could lead to another wave of unrest (especially unmet expectations in the South Neighbourhood region).

Recommendations for the EU

- For the period of 2014–2020, it is necessary to link 50% of the funds allocated for administrative reforms and budget support to performance, in order to motivate the states to continue the reforms. The performance should be evaluated based on pre-defined specific measurable criteria with obligatory deadlines.
- Less funding should be allocated in the beginning in order to make it clear where the support will have to be corrected/increased/decreased, to see where there is will for true reforms.
- Caution with applying the “more for more” and “less for less” principles, considering the impact of positive/negative conditionality on the partner states. The negative conditionality can have a dual impact (i.e. Belarus where neither the sanctions, nor their alleviation, forced President Lukashenko began reforms and opened the country; another example is Azerbaijan being on the way to consolidating its undemocratic regime by violation of human rights on a regular basis). The most important is not to isolate civil society in these neighbouring countries with authoritarian political regimes.
- Implementation and monitoring reports should be more realistic with a focus on what works and what doesn't. Properly analyzing the situation will help to target future plans and recommendations better, i.e. to focus on the priority to motivate and stabilize the neighbouring countries and to offer and allocate funds correctly.
- To hold a broad information campaign for EU funding conducted by EU representations. Institution capacity building deserves a stronger focus. The partner state should have sufficiently solid foundation and institutions for introduction and implementation of reforms.
- In general, financial instruments should be more flexible (performance-based allocation). This would also enable achieving tangible short- and medium-term results. Those were often missing, and this demotivated the partners. With this regard, key information about the actual progress of implementation can be provided by civil society.

- The EIDHR instrument should also be enhanced; at the same time, it is crucial to maintain its specifics and avoid including it in joint implementation directives for the sake of simplifying rules; joint implementation directives could damage the uniqueness of this instrument.

Recommendations to civil society

- Civil society should actively participate in public consultations (Transparency Register) announced by the European Commission. A positive signal of interest and the possibility to influence the strategic plans for the future should be very motivating.
- The CSOs in partner countries are still relatively weak. NGOs should elaborate on ways how to actively enhance its capacity and know-how. Those in non-free regimes shall be supported by the EU that finds a way to go around the official government structures. More extensive use of the EIDHR could be one of the ways of achieving it.
- The new Civil Society Facility is a positive signal and the correct impulse stimulating the activity and development of civil society. Civil society should be aware of the priorities of the facility and monitor calls for proposals in order to be able to use the full scale of the facility for its development. The budget of the facility was designed for three years (2011–2013) but an extension is not ruled out if good results are achieved.
- The new European Endowment for Democracy should promote civil society, media, new pro-democratic leaders, funds and non-governmental organizations. Civil society should show an active interest in the creation of the Endowment and its priorities; it should also bring pressure upon the EU to establish the Endowment as soon as possible. It should also lobby for support for this initiative from national governments.
- The new EaPIC programme shall be as concrete as possible and its launching shall not be delayed, the CSO shall make sure this remains on the agenda.

Recommendations of sub-group 2: EaP Objectives and Programmes in the EU New Multiannual Financial Framework 2014

EaP objectives and programmes in the EU new multiannual financial Framework 2014

- To ensure participation of civil society organizations on drafting and consulting specific programmes modalities. This could be achieved through structural dialogue between European Commission and Civil society organizations with the use of Eastern partnership civil society forum working groups and national platform.
- Support and enhance of ENPI CSF continuation in the new MAFF.
- Other programme targeted CSO should reflect similar flexibility as the EIDHR.
- To ensure the open access of Eastern Partners into the new generation programmes.

- Adult, non-formal and non-vocational education as well as youth have to remain separate autonomous chapters with the single new generation programmes.
- The CSOs in cooperation with EU delegations in EaP countries should conduct promotion campaigns providing clear information on funding and participation possibilities preferably in the local language.

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IV. The Association Agreement

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1. Summary

The Association Agreements will replace the existing agreements (Partnership and Cooperation Agreements, PCAs) between the EU and the six states of Eastern Europe and South Caucasus. The process of negotiating and concluding the Association Agreements with the Eastern European neighbours is taking place on an individual basis and it depends on the ability and the willingness of the country to adopt extensive commitments in its relation with the EU.

The purpose of the Association Agreements is to grant mutual access to markets and to create a comprehensive deep free trade area. Agreements between the partner states and the EU should also be based on shared values; for this reason, progress in building democracy, the rule of law and respect for human rights has been determined as the key prerequisite for the initiation and progress of negotiations on the Agreements. It is expected that the Association Agreements will provide an impetus for completing reforms, establishing democratic institutions, and that it will motivate the partner states not only to adopt but also to implement the necessary legislative and non-legislative measures.

The most significant progress was achieved in negotiations on the Association Agreement between the EU and Ukraine. The negotiations about the Association Agreement with Ukraine were completed; signing and ratification of the Agreement are expected currently. However, taking into account the internal political developments, especially last year, the EU expresses its concerns, and conditions signing and ratification by political development in Ukraine.

The negotiation process with Moldova began in January 2010, and has also reached an advanced stage. In December 2010, the EU also decided to begin negotiations about the deep and comprehensive free trade area. Although the coalition government is formed by the Alliance for European Integration, the political situation cannot be considered as fully stabilized. The unresolved status of the Transnistrian Republic remains a problem for Moldova.

As for the three South Caucasus countries, Armenia, Azerbaijan and Georgia began the association talks in July 2010. Soon after the initiation of the association talks, Georgia also began a dialogue on the deep free trade area. Georgia is in a specific situation due to the issue of the separatist regions of South Ossetia and Abkhazia. The partner position of Armenia and Azerbaijan is problematic due to certain issues related to observance of the principles of democracy and the rule of law, although progress has been achieved recently in Armenia. However, the situation in Nagorno-Karabakh remains unresolved, including the armed incidents along the contact line. From the EU point of view, Azerbaijan is a very significant partner in the energy sector; however, negotiations on a more comprehensive free trade area are blocked by the fact that Azerbaijan still hasn't joined the WTO.

Analysis of the development of association talks in case of different states shows that the issue of human rights and other political criteria conditioning the progress of negotiations on Association Agreements should remain the conditions on which the EU places an emphasis – in

order to maintain the credibility and motivation impact of the preparations process and negotiations on the Association Agreements.

2. Context and the current situation

The European Commission (EC) proposed a gradual change of the agreements regulating the relations with the six countries of Eastern Europe and South Caucasus included in the European Neighbourhood Policy (ENP) already in the Communication of 3rd December 2008, on Eastern Partnership¹⁵. In the future, cooperation between the EU and Ukraine, Moldova, Azerbaijan, Armenia, Georgia and possibly Belarus – where the political situation has blocked ratification of a contractual relation with the EU – should be regulated by bilateral Association Agreements instead of the current Partnership and Cooperation Agreements (PCAs). It is important that the process of designing and concluding the Association Agreements with Eastern Neighbourhood countries is done on an individual basis and depends on the willingness of those countries to make rather significant commitments with regard to the EU. Unlike the current PCAs, an Association Agreement is more than a mere document strengthening cooperation of the parties at the political level; it also requires adopting certain EU legal norms and standards necessary for establishing a free trade area.

The content and particular objectives of individual Association Agreements will differ depending on the capacity of each individual partner country – at the same time, they will be based on the existing action plans (for all countries except Belarus) created under the ENP. As the Association Agreements between the partner states and the EU should be based on shared values, progress in promoting democracy, human rights and the rule of law has been established as the prerequisite for initiation and progress of negotiations on the Agreements. It is expected that the Association Agreements will provide an impetus for completing reform, establishing democratic institutions, and that they will motivate the partner states not to adopt but also to implement the necessary both legislative and non-legislative measures. For each partner state, capacity building programs¹⁶ also providing the essential financial support for creating the relevant administrative capacities have been created in order to promote the implementation of the Association Agreements on the bilateral basis.

From the economic point of view, it is natural that the partner states are mostly attracted by the fact that the Association Agreements allow mutual access to the markets. However, in order to create a comprehensive deep free trade area, the partner states must be members of the WTO – two Eastern Partnership states, Azerbaijan and Belarus, had not met this requirement by 31st January 2012; currently, they are holding the observer status but membership negotiations are in progress. Since the free trade also includes trading energy commodities, the Prague Declaration includes a recommendation that

¹⁵ See Communication from the Commission to the European Parliament and the Council, Eastern Partnership (COM(2008) 823).

¹⁶ CIB programs (Comprehensive Institution Building) had been prepared since 2010; their implementation based on signing specific financial agreements with the partner states began in 2011 (See European Commission: Vademecum on Financing in the Frame of the Eastern Partnership, online: http://www.eeas.europa.eu/eastern/docs/eap_vademecum_en.pdf). The programs are based on frameworks identifying for each individual partner state, on which institutions the efforts must focus, what specific measures should be adopted and what other issues must be taken into consideration. Sources of funding are also specified, while multi-source funding with contribution from the EU member states is preferred. See Implementation of the Eastern Partnership: Report to the meeting of Foreign Ministers, December 8, 2009, online: http://www.eeas.europa.eu/eastern/docs/2009_eap_implementation_report_en.pdf

the Association Agreements also contain provisions establishing and intensifying cooperation in the energy sector.

Only certain categories of agricultural products – the list of those will be cut to a minimum – are exempt from the liberalized movement of goods within the deep free trade area (FTA). Although the liberalization will be taking place asymmetrically, the partner states will benefit from it. In the long run, the free trade area will enhance free movement of goods, capital and services between the EU and the partner states. At the same time, the partner states must adapt their legislation to accommodate certain requirements.¹⁷ The partner states are required to modify not only legal norms but also certain customs.¹⁸ Similarly to the problematic issue of harmonization in agriculture, the EC is interested in intensifying the dialogue in the sensitive area of intellectual property rights.

On the other hand, stimulation of free movement of services between the EU and the partner states should make it easier for EU citizens to do business in the partner states and vice versa (incorporating companies, or easier short-term stays for business purposes, etc.). Liberalization leading towards establishment of a free trade area should be gradual; the long-term goal of the European Commission is to create a network of bilateral agreements between the partners and establish a kind of a special economic community in the neighbourhood of the EU with close economic ties to the EU. However, this is indeed a long-term goal which will depend on the level of willingness or ability of each partner state to conclude Association Agreements and link their markets of goods, capital and services to the single market of the EU.

The Association Agreements also require a certain modification of foreign and security policy to accommodate for the common foreign and security policy of the EU.

The most significant progress was accomplished in the association talks between the EU and Ukraine. The negotiations began at the EU-Ukraine Summit in Paris, before the actual launch of the Eastern Partnership program in September 2008, and in the beginning, the evaluation reports on the Eastern Partnership program implementation mentioned significant progress in the negotiations; the negotiations were expected to be completed by the end of 2010.¹⁹ Nevertheless, even at that time the political situation in Ukraine could not be deemed stable; there were disagreements within the “Orange Camp” (Yushchenko vs. Tymoshenko). Also, Ukraine was delaying implementation of certain commitments, and this posed the question whether the optimism of the official documents was not exaggerated. In 2010, President Viktor Yushchenko, one of the symbols of the Orange Revolution, lost the election to his rival Viktor Yanukovich. At that point, it was not only the media who expected that Ukraine’s foreign policy would turn from the EU towards the Russian Federation. However, shortly after commencing the office, Yanukovich declared that Ukraine is interested in continuing the association talks.

¹⁷ In the case of free movement of goods, this includes, for example, sanitary and phytosanitary norms applicable in the EU with regard to agricultural products and foodstuffs. These issues could be considered problematic by the partner states, as was evident in the negotiations on the Association Agreement between the EU and Ukraine.

¹⁸ Polemics often arose in Ukraine in connection with the provisions on agriculture, whether the Association Agreement would be beneficial for Ukraine. For a country with a strong agricultural sector, such demands are perceived a certain limitation of the competitiveness of local production incurring significant costs. On the other hand, we must consider that the Common Agricultural Policy is one of the most “tied” areas of the single market in relation to the outside world, but today this is expressed not as much by the classic barriers to trade as in consumer and health protection norms.

¹⁹ For instance, Implementation of the Eastern Partnership: Report to the meeting of Foreign Ministers, December 8, 2009, online: (http://www.eeas.europa.eu/eastern/docs/2009_eap_implementation_report_en.pdf)

During 2010, the relevant EU institutions gave a significantly worse evaluation of the domestic political situation in Ukraine. For instance, in November 2010, the European Parliament passed a critical resolution on Ukraine.²⁰ The EU intensified its criticism of Ukraine in 2011 in connection with the prosecution of the former Prime Minister Tymoshenko. Regardless the optimistic tone of the joint declaration adopted by the Eastern Partnership Summit in September 2011,²¹ the EU representatives expressed their disapproval of the events in Ukraine. The EU reacted to the seven-year prison sentence by postponing the meeting with Ukrainian President Yanukovich which was supposed to take place in the fall of 2011. In December 2011, the European Parliament passed another resolution in which it recommended to go ahead with the meeting about the association negotiations, as well as the December EU-Ukraine summit, and pointed out that Ukraine is a country of strategic importance for the EU.²²

Therefore, the negotiations on the Association Agreement with Ukraine have been completed, although they were complicated by a number of issues related to the deep free trade area. The most problematic issues were intellectual property rights or the issue of liberalizing trade in agricultural commodities. Currently, the Agreement is expected to be signed and ratified; however, the President of the European Council Van Rompuy explicitly mentioned at the press conference following the Summit that the EU is worried about the actions which it perceives as “selective justice” in Ukraine. He recommended implementing a comprehensive reform of the judiciary, and adopting measures which would guarantee the freedom of press and the freedom of association in Ukraine.²³ The signing and ratification of the document will depend on the development of the political situation in Ukraine, although President Yanukovich denies any connection between the Tymoshenko case and the Association Agreement in his speeches.

The second largest progress in the association talks was made by Moldova; Moldova began the negotiations in January 2010. The Agreement is designed to result in creation of a comprehensive deep free trade area and extensive liberalization of trade relations with the EU based on the level of preparedness of the country to implement necessary changes. Several rounds of negotiations have been completed since the beginning of the talks. The progress report on association talks dating from May 2011 describes a smooth course of negotiations and understanding in key issues, especially in the areas of political dialogue, foreign and security policy, justice and domestic security (in his case, the negotiations including also the issue of mov-

²⁰ Criticism regarded mainly influencing the Ukrainian media by the government, growing influence of secret services, and the new law on elections which soon impacted the results of municipal and regional elections in Ukraine in 2010. Regardless the criticism, the EU representatives continued to support Ukraine’s ambitions to further extend its relations with the EU. See Resolution of the European Parliament, 25th November 2010, on Ukraine, online: (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0444+0+DOC+XML+V0//CS&language=CS>)

²¹ The EU especially appreciated the fact that the association talks were practically completed and the dialogue on liberalization of the visa regime with Ukraine began, and Ukraine’s accession to the Energy Community, which will lead to implementation of the *acquis communautaire* in areas related to energy in the future; also the fact that Ukraine intends to extend its cooperation with the EU to such issues as energy efficiency, environmental protection and research (Ukraine signed a protocol allowing it to participate in European programs). See the Joint Declaration from the Prague Summit on Eastern Partnership, Prague, 7th May 2009, online: (<http://register.consilium.europa.eu/pdf/cs/09/st08/st08435.cs09.pdf>)

²² See European Parliament resolution of 1 December 2011 containing the European Parliament’s recommendations to the Council, the Commission and the EEAS on the negotiations of the EU-Ukraine Association Agreement: (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0545+0+DOC+XML+V0//CS&language=CS>)

²³ See Remarks of President Herman Van Rompuy, following the 15th EU-Ukraine Summit, Kyiv, 19 December 2011, online: (http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/127053.pdf)

ing of persons). Progress was also achieved in such issues as general goals and principles, institutional issues and financial provisions of the Agreement.²⁴

In the area of economic and sector cooperation, the majority of the 24 chapters was preliminary completed in May 2011; the remaining issues included the environment, taxation (which is important for the future of investment and business activities in Moldova) and transport. In December 2011, the EU decided to launch negotiations on the deep free trade area; a few sensitive issues to be covered were agriculture and food production²⁵. The progress of negotiations is conditioned by implementation of key recommendations presented to Moldova by the EU in April 2010. Subsequently, Moldova published the action plan for implementation in December 2010. It mainly includes technical regulations, phytosanitary and veterinary regulations, protection of intellectual property rights and legislation regulating economic competition. As for liberalization of trade between the EU and Moldova as such (cutting duties, etc.), the EU is the largest trade partner for Moldova, and preferential relations on the basis of TAP already exist; therefore, the main issues to be covered in negotiations will be the issue of free movement of persons, goods and capital, and also adoption and implementation of relevant regulations which are required by the EU for establishing the deep free trade area.

Moldova joined the Energy Community Treaty in 2010, even earlier than Ukraine. The EU has begun a dialogue on visa-free regime (Partnership for Mobility between Moldova and the EU was signed already in 2008). Progress in cooperation between the EU and Moldova was stated in the joint declaration of the EaP Summit in Warsaw in such areas as energy, research and aviation (negotiations on joining the Common Aviation Area).²⁶

Similarly to Ukraine, the domestic political situation and its issues must be given consideration. The general elections in 2009 were followed by large protests and the presidential elections took place several times without success. Since the pre-term general election in November 2010, which was repeatedly won by the Communist Party (gaining only 10 mandates more than the runner-up Liberal Democratic Party of Moldova), the country has been ruled by the coalition government which calls itself the Alliance for the European Integration. Logically, progress in association talks with the EU is one of the main priorities of this government, although the political situation in the country cannot be classified as fully stabilized. In February 2011, a dialogue on human rights was established between Moldova and the EU; this could be considered as another step in meeting the terms of successful continuation and finalization of Association Agreement negotiations.

The still unresolved status of the Transnistrian Republic remains the problem of Moldova.²⁷ The documents evaluating the progress of Moldova in the association talks do not make any links between these

negotiations and the development in Transnistria; the EU praises the fact that negotiations between the highest representatives of Moldova and representatives of the unrecognized Transnistrian Republic continue, and it supports continuation of the bilateral dialogue and negotiations in 5 + 2 format (Moldova, Transnistrian Republic, Russian Federation, Ukraine, OSCE + EU and USA). The official position of the EU supports a satisfactory peaceful resolution of the situation in Transnistria with full observance of territorial integrity and sovereignty of Moldova.²⁸ The Border Assistance Mission EUBAM should also be mentioned in this context.

As for the three South Caucasus countries, Armenia, Azerbaijan and Georgia began preparations for the Association Agreement negotiations in late 2009. The EU adopted the relevant directives for the launch of negotiations in May 2010. The negotiations began in July 2010.

The negotiations with Georgia began on 15th July 2010. Similarly to Moldova and Ukraine, Georgia also received recommendations from the EU with regard to the FTA on individual issues, e.g. safety of foodstuffs.²⁹ A great emphasis in the dialogue between the EU and Georgia is placed on the political situation, democratization and constitutional reforms. After the war in 2008, Georgia found itself in a difficult situation. The disputed regions of South Ossetia and Abkhazia declared independence and were recognized by some states (beginning with Russia).³⁰ The peaceful efforts to resolve the dispute are often stressed in the official documents (e.g. in 2010, Georgian government published an action plan of the strategy for the occupied territories). The EU remains involved also via its monitoring mission (EUMM).

The cooperation between Georgia and the EU continues regardless the development in the two regions; Georgia has completed negotiations on integration into the Common Aviation Area and joined the Mobility Partnership program. An agreement on the facilitation of visa regimes has been signed between Georgia and the EU. It can be said that these efforts of Georgia were significantly enhanced by the events from the summer of 2008. The Georgian representatives are aware of the support of Georgia's territorial integrity from the side of the EU, and the willingness to advance progress from the side of Georgia has increased significantly. The bilateral treaty between Russia and Georgia concluded in November 2011 and allowing Russia to join the WTO can be considered as an interesting accommodative step. The conclusions of the EU-Georgia Cooperation Council from December 2011 state that agreement was reached in the association talks on such issues as political dialogue, CFSP, justice and domestic security, as well as economic and sector cooperation. Negotiations on a deep FTA were also launched in December; similarly to Moldova, the EU is the most important trade partner for Georgia, and Georgia already enjoys a preferential access to the European Market. Therefore, it will be mainly about modification of the legal environment.

²⁴ See Second Joint Progress Report Negotiations on the EU-Republic of Moldova Association Agreement, Chisinau, 11 April 2011, online: (http://www.eeas.europa.eu/moldova/docs/2011_05_aa_joint_progress_report2_en.pdf)

²⁵ Already in April 2011, Moldova and the EU finalized the negotiations on the protection of geographical indications of agricultural products and foodstuffs.

²⁶ Joint Declaration of the Eastern Partnership Summit, Warsaw, 29–30 September 2011, online: (http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/124843.pdf)

²⁷ In 2009, the then President of Moldova Voronin, Russian President Medvedev and President of the internationally recognized Transnistrian Republic Smirnov signed a joint declaration which was perceived to be the outcome of a compromise and significant concessions, mainly from Moldova, as the presence of the 14th Army on the territory of Transnistria was labeled as a part of the stabilization peace operation; at the same time, the declaration did not specify the status of Transnistrian region with regard to Moldova. In the fall of 2010, Russia proposed to the EU the creation of a joint EU-Russia ministerial committee for foreign affairs and security including such issues as the future of the separatist Transnistria.

²⁸ See EU – Republic of Moldova Cooperation Council, Brussels, 21 December 2009, online: (http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/112025.pdf)

²⁹ For instance, Georgia concluded negotiations with the EU with regard to protection of geographical indication of foodstuffs in July 2010.

³⁰ In June 2009 and in December 2009, parliamentary elections were even held in South Ossetia and Abkhazia; however, the EU did not recognize the results of the elections and the Czech and Swedish Presidencies declared their support of territorial integrity and sovereignty of Georgia. See Declaration by the Presidency on behalf of the European Union on “parliamentary elections” in South Ossetia (Georgia), Brussels, 3 June 2009, online: (http://europa.eu/rapid/pressRelease_sAction.do?reference=PESC/09/64&format=HTML&aged=1&language=CS&guiLanguage=en); Declaration by the Presidency on behalf of the European Union on “presidential elections” in Abkhazia, Georgia, 12 December 2009, online: (http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/cfsp/111912.pdf). The reaction of the HR CFSP Catherine Ashton to presidential elections in both disputed regions in 2011 was similar.

Armenia also launched negotiations with the EU on the Association Agreement in July 2010. A total amount of EUR 32 million was allocated for Armenia within the institutional building program in order to enable meeting the requirements for continuing the association talks. In 2010 and 2011, as the negotiations on the Association Agreement began, financial support for Armenia was increased. The National Indicative Program for Armenia for 2011–2013 mentions establishing democratic institutions and structures (including the administrative reform, local public administration reform, and respect for human rights, fight against corruption or building civil society) as the number one priority. Other priorities include promoting trade and investments, protection of borders and migration policy³¹ and socio-economic reforms.³²

The “frozen” conflict between Armenia and Azerbaijan involving the territory of Nagorno-Karabakh remains an unresolved problem. Although both countries participate in the so-called Minsk Group of the OSCE which is trying to resolve the conflict, armed conflicts along the contact line of Nagorno-Karabakh still happen occasionally. In 2009, the EU welcomed the fact that Armenia and Turkey agreed to begin consultations for establishment of diplomatic relations which had been impossible from the historic point of view due to the dispute about the interpretation of the Armenian genocide from 1915–1918. It is interesting that Switzerland – and not the EU – acted as the mediator in the early stages of establishing the diplomatic relations.³³

According to official positions of EU representatives, Armenia is going to have to launch institutional and administrative reforms and adapt relevant parts of the *acquis*³⁴ before negotiations on the deeper FTA begin. This includes not only economic issues, the issue of media pluralism³⁵ and observance of democratic principles of elections that the EU is going to continue monitoring; further association talks will be conditioned by positive developments in these areas. In spring 2012, presidential elections, and general elections in May 2012 will take place in Armenia. The year 2008 hasn't been forgotten, when several demonstrations took place in protest of the presidential elections which were won by the current President Serg Sargsyan. The demonstrations were suppressed with casualties. In May 2011, the EU representatives welcomed the decision of President Sargsyan to declare a general amnesty extended also to persons arrested in connection with the protests in 2008.

Azerbaijan also began negotiations with the EU on the Association Agreements in July 2010. Azerbaijan is an attractive partner state for the EU especially in terms of foreign policy and energy issues. Since

the Baku-Tbilisi-Ceyhan pipeline was constructed, Azerbaijan has been an important supplier of fossil fuels to some of the EU member states (including the Czech Republic). Azerbaijan is also one of the countries which could become a potential supplier of gas for the planned Nabucco project; it is an important link in considerations about building the so-called Southern Corridor.³⁶ For these reasons, the EU is sometimes criticized that it places its energy interests higher than monitoring of democratization, respect for human rights, etc. In this regard, Azerbaijan is also not a partner without issues. Before the association talks began, journalists were arrested and jailed in Azerbaijan, some foreign companies saw their broadcasting licenses restricted or recalled, the opposition protested against tampered elections or arrests of its supporters (especially in connection with the presidential elections in 2008) etc. The EU responded to such cases with criticism emphasizing the need for respect of human rights and basic freedoms, including the freedom of speech and press as the essential elements for continuation of the dialogue.³⁷

After the Prague Summit in May 2009, cooperation between the EU and Azerbaijan continued in areas such as energy or aviation. Azerbaijan is not a member of the WTO yet, and the relatively slow progress of negotiations was regularly criticized in progress reports on countries included in the European Neighbourhood Policy even before the association talks began.³⁸ The fact that Azerbaijan is not a member of the WTO blocks the beginning of negotiations on the deep free trade area.

The progress reports on achieving ENP goals in Azerbaijan have explicitly mentioned progress in economic and social issues since 2010; at the same time, progress in promoting human rights and basic freedoms is essential. Further reforms are needed, especially in justice (e.g. ensuring independent justice), the fight against corruption must be intensified – and relevant legislation must be adopted in order to ensure this. An example of this could be arrests of young activists mentioned by the EU delegation in Azerbaijan in 2010–2011,³⁹ or lack of transparency in the general elections in November 2010, although without violence this time. Similarly to Armenia, the unresolved conflict in Nagorno-Karabakh remains a problem; armed incidents took place along the contact line both in 2010 and 2011.

Regardless the above mentioned political drawbacks, the negotiations on the Association Agreements began in July 2010. The dialogue between the parties continues, especially in the field of economic and energy cooperation (negotiations on the construction of Trans-Caspian Gas Pipeline, signing a treaty on transit and gas trade between Azerbaijan and Turkey). In the context of the Association Agreement, however, we must take into account the fact that throughout 2011, a number of incidents were reported including the violation of human rights, intellectual property rights, arrests of protesters for the purpose of intimidation, hard actions against journalists, activists (some of those were released after a while) and political opponents, as well as human rights NGOs.

³¹ In November 2010, Armenia followed Moldova, Georgia and Cape Verde in establishing a Mobility Partnership with the EU. See European Commission – Press Release: Better mobility between the EU and Armenia (IP/11/1257), online: (<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1257&format=HTML&aged=0&language=EN&guiLanguage=en>)

³² See European Commission: European Neighbourhood and Partnership Instrument: Armenia, National Indicative Programme 2011–2013, online: (http://ec.europa.eu/world/enp/pdf/country/2011_enpi_nip_armenia_en.pdf)

³³ See Statement by Javier Solana, EU High Representative for the CFSP, on the normalisation of relations between Turkey and Armenia, Brussels, 1 September 2009, online: (http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/declarations/109899.pdf)

³⁴ See Statement by President Barroso following his meeting with Tigran Sargsyan, Prime Minister of the Republic of Armenia (SPEECH/11/180), online: (<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/180&format=HTML&aged=0&language=EN&guiLanguage=en>)

³⁵ As for the quality of observance of human rights and basic freedoms in Armenia itself, the freedom of the media was a hot topic. The fact that Armenian government agreed to hold public consultations about the prepared media regulation bill, and made certain concessions in the wording of the proposed bill under the influence of the OSCE, was presented as a success by the EU. See The European Union Delegation issues the following statement on behalf of the EU Heads of Missions in Armenia (10/06/2010), online: (http://www.eeas.europa.eu/delegations/armenia/press_corner/all_news/news/2010/20100610_en.htm)

³⁶ We could mention the May 2009 Summit which took place during the Czech Presidency and was dedicated to the Southern Corridor. Subsequently, President of the European Commission Barroso and Commissioner for Energy Günther Oettinger visited Azerbaijan in January 2011. The visit resulted in signing a five-point joint declaration on deliveries of gas from Azerbaijan in Europe.

³⁷ See e.g. EU-Azerbaijan Cooperation Council Ninth Meeting, Brussels, 9 December 2008, online: (http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/104593.pdf)

³⁸ See e.g. ENP Country Progress Report 2009 – Azerbaijan, Brussels, 12 May 2010 (MEMO/10/174), online: (<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/174&format=HTML&aged=0&language=EN&guiLanguage=en>)

³⁹ See Local EU Statement on Recent Arrests of Youth Activists, Baku, 10 March 2011, online: (http://www.eeas.europa.eu/delegations/azerbaijan/documents/press_releases/2011_03_10_local_eu_statement_on_recent_arrests_of_youth_activists_en.pdf)

3. Evaluation

The EU is not offering membership to the Eastern Partnership states in the short run; it is offering them the benefits of deeper cooperation, also within the framework of Association Agreements. The purpose of the Association Agreements is to enhance economic cooperation, open up the single EU market of goods, services and free movement of capital to the partner states, to extend the possibilities for investments. Conditionality is (or should be) an important feature of the Association Agreements. The partner states should meet not only the requirements regarding adoption of relevant legislative measures and norms but also share certain values and principles, and apply them. An emphasis is placed on compliance of election law and the practice of elections with international standards; the countries must cooperate with such organizations as the Council of Europe or the OSCE; this condition, for instance, disqualifies Belarus with its hard authoritative regime of Alexandr Lukashenko. Certain changes after the presidential elections of 2010 in Ukraine also pose questions, although the preparation of the Association Agreement with Ukraine has been completed and signing and ratification are expected.

In the case of Ukraine, by completing the negotiations on the Association Agreement the EU has shown that regardless the political development in the country it does not want to lose Ukraine completely, and it is interested in strengthening the relations, while the ratification process will indeed be conditioned by disagreements about political issues. This chance for Ukraine, albeit conditioned, is a logical decision with the view of significance of Ukraine. The EU has also begun and developed association talks even with some problematic partners in terms of human rights and basic freedoms (e.g. Azerbaijan).

Moldova has achieved relative progress in the negotiations on the Association Agreement and the deep free trade area. Further progress will depend on the domestic political situation; the issue of Transnistria also remains unresolved.

In the case of Georgia, the Georgian government has tried to strengthen its relations with the EU even more after the events of 2008. After the initiation of the association talks, the dialogue about the deep free trade area followed quite quickly. Nevertheless, Georgia is in a specific situation due to the issue of separatist regions of South Ossetia and Abkhazia. The EU emphasizes its support of territorial integrity of Georgia and refuses to recognize independence and elections in both separatist regions, which is acknowledged by Georgia.

Armenia and Azerbaijan are problematic partners in terms of observance of certain principles of democracy and the rule of law, although progress can be marked in the case of Armenia recently. The situation of Nagorno-Karabakh remains unresolved, including armed incidents along the contact line. Azerbaijan is a very significant partner for the EU in the energy sector but the negotiations on a deeper free trade area are blocked by the fact that Azerbaijan is not a WTO member state. The tendency to overlook serious drawbacks in democratization and respect for human rights in favour of strategic economic goals is an unsatisfying signal for civil society. Such approach relativizes the motivational effect of the association process which is always less than the outlook of actual membership. If the EU is not consistent, this effect diminishes in practice. With countries such as Moldova or Armenia, on the other hand, an important role is played by a realistic consideration of the country's abilities as they are not able to offer such potential as, for example, Azerbaijan to the EU; for this reason, they are better motivated by the conditionality, especially if a pro-European government is in power.

4. Recommendations

- 1) The issue of human rights as well as other political criteria conditioning the progress of Association Agreement negotiations should remain the conditions emphasized by the EU in order to maintain their credibility and motivational effect of the process of preparation and negotiation on the Association Agreement. On the other hand, exclusion and radical steps such as pending negotiations with a partner state should remain measures of last resort. The consequences of such radical measures should be weighed carefully, to prevent possible harmful effects for the citizens of the particular countries.
- 2) The conditions for continuation and progress of the negotiations about Association Agreement should be supplemented by a new paragraph concerning the creation of legal conditions for the effective functioning of CSOs. These conditions include legal framework concerning e.g. the facilitation of the processes of registration, re-registration and other administrative operations, relief of the tax burden, better conditions for the cooperation with foreign donors and foreign partner organizations etc. Particular legal conditions could be designed in a specific document (declaration) summing up these requirements for legislative changes on the national level of partner countries. These proposals should be discussed during the bilateral negotiations with the particular partner countries.
- 3) Another important condition for the progress of the negotiations about the Association Agreements is preventing intimidation and persecution of CSOs and their representatives by the authorities. CSOs and their representatives should not be prevented either in the exercising of charitable activities or in their cooperation with foreign donors and partners.
- 4) During the association talks the EU is in the position of the party which sets certain requirements and insists on their fulfilment; but at the same time, the EU should also sufficiently explain to the partner states what benefits the association (including the creation of the deep and comprehensive free trade area) brings to them. Emphasis should be put on the projects enhancing the knowledge and information about benefits of approximation to the EU with special accent on partnership projects between CSOs from the EU countries and EaP countries.
- 5) EU delegations in the Partner countries should co-operate closely with CSOs to conduct effective promotion campaigns providing clear information also about the benefits resulting from the Association Agreements, wherever possible in the local language.
- 6) Special attention should be paid to the situation with civil society groups in unrecognized territories (e.g. Transnistria). Possible solution way is to give to the representatives of these CSOs the opportunity to contribute, comment on, and provide independent input on the international level, including EaP CSF, where the approaches settling these issues could be discussed and adopted. On the other hand this problem of equal representation of CSOs representatives from territories, which are not under control of the national governments, on the international level is very sensitive for some of the partner countries (e.g. Georgia). Therefore any changes concerning these issues should be considered very carefully and with regard to the specific situation in particular partner countries.

V. Legal framework of NGOs as a condition for civil society development in the Eastern Partnership member states

MARYNA PUZDROVÁ

People in Need

Summary

The Eastern Partnership member states are facing very similar problems related to the civil society: authorities feigning democratic processes, non-functional laws and a merely formal checklist approach in dealing with pro-European objectives. NGOs comprise one of the most active groups of CSOs in these countries. For an NGO sector to be sustainable, the legal and regulatory environment should, in theory, support the needs of NGOs. It should facilitate new entrants, help prevent governmental interference, and give NGOs the necessary legal basis to engage in appropriate fundraising activities and legitimate income-producing ventures. For the time being, however, the concerns over registration, government harassment, and implementation of NGO legislation are present in all above mentioned countries.

This paper aims to give an overview of problematic areas of the legal framework for regulation of NGO's work in the Eastern Partnership member states by summarizing information from studies and survey conclusions. Additionally, the paper presents description of the special status of NGOs in Transnistria as support and development of civil society in Transnistria has started to get more attention.

Main legal obstacles for NGOs in the Eastern Partnership member states

It is a common denominator in all Eastern Partnership member states that authorities do not see NGOs as equal partners in solving common problems, while in some countries NGOs are perceived as outright enemies. In any case, if NGOs are trying to control and influence government decisions, governmental bodies create different kind of administrative obstacles and problems to NGO activities and intimidation.

According to the 2010 NGO Sustainability Index for Central and Eastern Europe and Eurasia⁴⁰, Georgia has the highest score of legal environment for NGOs sustainability (3,3⁴¹), followed by Ukraine (3,6), Armenia (3,9), Moldova (4,3), Azerbaijan (4,7) and Belarus with worst result (6,9). Main factors shaping the legal environment include the ease of registration; legal rights and conditions regulating NGOs; and the degree to which laws and regulations regarding taxation, procurement, access to information and other issues benefit or deter NGOs' effectiveness and viability.

Almost in every Eastern Partnership member state (except Moldova), we can observe that instead of changing legislative acts to give

NGOs more freedom, new legal documents of restrictive character are being adopted. Till now in Belarus and Azerbaijan, the key legal impediment to NGO development remains to be registration problems. In European practice, registration of NGOs is not compulsory and constitutes a formal legal act, allowing organizations to acquire legal personality and thus possess rights and obligations and enter into legally binding contracts. Under international standards, NGOs can be informal bodies or organizations with legal personality. It is thus not open to a State to require that freedom of association only be exercised by the establishment of an entity with legal personality. In many states it is a pure formality, often reduced to simple notification procedure. Legal grounds for refusal of registration are always limited and exhaustively listed in the legislation.

However, in Azerbaijan the length of time it takes an NGO to register and the amount of documentation an NGO must provide compared to a commercial entity continue to plague the registration process. NGOs also complain of artificial obstacles and discrimination by the Ministry of Justice during the registration process. Often registration is denied due to small technical mistakes in the registration documents, lack of documentation, or formal disparities with an article of the law.

This situation influences development of officially registered NGOs. According to the answers of the Ministry of Justice on the request of statistics on the number of newly registered NGOs, the numbers were as follows⁴²:

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Number	23	50	100	164	379	548	361	246	162	124

Besides, there are regulations over organizations' financial support. The new decree effective since January 2011 prohibits NGOs from making any transactions with grant funds unless the grant is registered with the Ministry of Justice, a requirement that already exists in the Law on Grants. On the one hand, this makes NGOs more responsible in terms of reporting, on the other hand, the amendment can be considered as a tool for strengthening governmental control over NGOs. The Ministry of Justice said that the purpose of this measure was to increase transparency and to fight against money-laundering. In practice, however, the absence of clear procedures for registering grants creates opportunities for the government to misuse power and disrupt or block financial activities of organizations which it finds objectionable. In this case this measure may become an effective tool to unduly control NGOs. The same opinion was also shared by the Commissioner for Human Rights of the Council of Europe in his report on a visit to Azerbaijan as he expressed concern by such attempts to control activities of NGOs in a strict manner and urged the authorities to strengthen their efforts to guarantee freedom of association⁴³.

In Belarus, problems with registration are followed by criminal responsibility for activists if they participate in activities of unregistered groups. Since February 2010, amendments to the Law on NGOs were implemented, extending the list of reasons for the Ministry of Justice to deny registration. In practice, denials of registration of new NGOs in Belarus are very common and often politically motivated. The registration process itself is costly and time-consuming, which means that many small organizations prefer to operate without official legal status.

⁴⁰ http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/

⁴¹ The NGO Sustainability Index uses a seven-point scale, to facilitate comparisons to the Freedom House indices, with 7 indicating a low or poor level of development and 1 indicating a very advanced NGO sector/environment.

⁴² Latest amendments to the law on NGOs in Azerbaijan, REPORT; Legal Education Society, Human Rights House Foundation, Baku, 2011,p.6

⁴³ Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Azerbaijan, para 46 <https://wcd.coe.int/ViewDoc.jsp?id=1642017>

However, the structures that operate without official registration are under special control of legislation. Prohibition of unregistered public associations, religious organization and foundations, as well as criminal liability for such activities, remains an important factor limiting the activities of unregistered groups. This factor causes the almost clandestine nature of most unregistered initiatives, including political, and their existence is under constant threat of sanctions from the state.

Since 2005, the situation with the prohibition of unregistered groups has deteriorated significantly, because a criminal responsibility for such activities has been introduced. The new law provided a fine or imprisonment for up to two years for taking part in the activities of a political party, other public association, religious organization or a foundation not having state registration (regardless of the purpose or types of activities of such association).

As of May 1, 2011 human rights organizations had fixed 18 cases of persons convicted under Article 193.1 during the period of 2006–2009.

Even in countries, where formal problems with registration do not exist, there are also other administrative obstacles to NGO activities and pressure from the government. For instance in Georgia, according to the changes in tax code effective since January 2011 the NGO employee salary tax breaks were removed, increasing the tax rate from 12 percent to 20 percent. This tax increase places a significant strain on NGOs' budgets, since by law employers are responsible for paying payroll taxes. Non-profits now have to pay payroll taxes identical to those of for-profit entities, a matter of major concern among NGOs. The tax code in general fails to provide a detailed framework on NGO taxation and leaves substantial room for discretionary and potentially inconsistent interpretations by different tax officials.

In Armenia the legal framework continues to prevent NGOs from generating income and fails to provide beneficial tax exemptions. Membership organizations that are registered under the Law on Public Organizations are prohibited from engaging in direct income-generating activities, although foundations may do so. NGOs can apply to the Humanitarian Commission to receive a tax exemption for a specific project; however, this incentive is for the most part inaccessible for small and mid-scale projects because of bureaucratic and unclear procedures. In addition, the Commission traditionally exempts only humanitarian endeavors as opposed to development or other types of projects.

In Ukraine the Ministry of Economy's delays in the registration of international technical assistance projects and processing Value Added Tax (VAT) refunds inhibited NGOs from carrying out some of their programs. The tax authorities are also used to putting pressure on NGOs. In 2010, a number of local NGOs were charged and some dissolved following claims by tax inspectors that they violated tax regulations⁴⁴. Increased intimidation of NGOs and civil society activists, including those focusing on HIV/AIDS related therapy programs, by the Security Service of Ukraine (SSU) raised concerns of a number of international and European institutions. The concern over the SSU actions was voiced through the Resolution 1755 of Parliamentary Assembly Council of Europe⁴⁵.

In Moldova since the 2009 change in government, legal conditions for NGOs have improved considerably. Several important laws were approved in 2010 including: the Law on Volunteering; revisions to the Law on Public Associations, including amendments to the provisions on public benefit status; the Law on Social Services; and Methodical

Instructions on Specific Features of Accounting for Non-profit Organizations⁴⁶. The legal environment has been more supportive of NGO work; there has been more openness to cooperation from both national and local governments, including particularly the formation of a National Participation Council (composed of 30 non-governmental organizations working in various fields).

However in Transnistria, which is not controlled by Moldova, civil society work remains difficult. The limits for civil society development are present both on national and international levels. On national level, organizations which are active in a politically sensitive field, such as for instance human rights or engages in political activity may be refused registration with explanation referring to small technical mistakes in the registration documents. Until the elections in December 2011, the Ministry for State Security (or *MGB*) closely followed NGO activities with reports of MGB personnel having been assigned with some specific NGOs to follow. Besides that, it was a common practice for active members of NGO community to be invited for discussions with the *MGB*, or they or their family members were threatened with the loss of their jobs.⁴⁷

Since 2006 according to "presidential" decree in Transnistria, there was a prohibition of financing of Transnistrian NGOs from other foreign-government or international organizations. The scope of the decree was later reduced to include only those NGOs which are involved in political activities. However, representatives of local NGOs claim that term "political activities" is related not only to political parties but also to any election-related activities.

On the international level, legal status of the NGOs which are registered in Transnistria, an unrecognized territory, poses additional problems. Firstly, to be able to be a partner in any international projects organizations need to get Moldovan registration, which will be internationally recognized. This process requires finding reliable partner in Moldova and leads to taxation of the NGO in both regions followed by increased suspicion from the authorities in Transnistria. Secondly Transnistrian NGOs have no voice on international forums as being presented only in small number within Moldovan delegation with status of an observer. This leads to a situation where needs of Transnistrian civil society groups are mainly articulated by Moldovan NGO representatives.

Conclusions

Following the objectives and values of European Union, non-governmental organizations should play a crucial role within their societies in providing policy input, following new initiatives and in holding governments accountable. They can be active actors in promoting democratic and market-oriented reforms based on shared values, i.e. respect for democracy and human rights, the rule of law, good governance, principles of market economy and sustainable development. From paper presented we may see, that in Eastern Partnership member states the situation with NGOs legal framework is far from ideal.

Problems persist mainly in attitude of the public officials to democratic values and to actors which are promoting these values. In Azerbaijan and Belarus pro-democratic NGOs are perceived as opposition to existing government and face restrictive measures against their activities (restrictive legislation, attempts of influence and control by

⁴⁴ 2010 NGO Sustainability Index for Central and Eastern Europe and Eurasia, p. 206

⁴⁵ <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta10/ERES1755.htm>

⁴⁶ 2010 NGO Sustainability Index for Central and Eastern Europe and Eurasia, p. 139

⁴⁷ See for instance the experience of Oxana Alistratova, <http://www.frontlinedefenders.org/node/355>

the state). These conditions and limitations on types of activities impose a mark on the development of NGOs in the whole. For instance due to an unfavourable climate for NGOs activities the grassroots initiatives do not become professional, and rarely develop to the level of NGOs. The restrictions on the establishment of NGOs and overall control of civic activity leads to the fact that the NGO sector lacks “bottom feeding”: the local initiatives are set to dissolve soon after reaching the goals, and only some of them (often in the form of one or two leaders) move to a professional public sector.

Practices of restrictions in the spheres of taxation of NGOs and possibilities to generate income in Armenia, Ukraine and Georgia do not create favourable environment for NGOs’ development. These regulations influence organizations’ budgets and reflected in their activities.

When discussing the civil society development in the Eastern Partnership member states, special attention should be paid to situation with civil society groups in unrecognized territories. Representatives of civil society from these regions should have the opportunity to contribute, comment on, and provide independent input on the international level. It is desirable for the Eastern Partnership Civil Society Forum to discuss and adopt an approach settling this issue.

Recommendations of subgroup 3 – Legal framework of co-operation between the EU and EaP partners

(Meeting of the Working Group 4 of the Civil Society Forum EaP – Prague, March 2, 2012)

1) Multilateral level

We recommend to treat CSOs representatives from territories not under control of central governments on an equal base on national and international CSOs events (Transnistria –Moldova, Abkhazia, South Osetia – Georgia, Nagorno Karabakh – Armenia/Azerbaijan) and to enable them direct access to negotiations within EaP Civil Society Forum. The CSOs from these regions should have their own representations on these forums, not to be represented only by central CSOs representatives.

CSOs from territories not under control of the central governments should be considered eligible partners in projects funded from the EU sources.

2) Bilateral level

The issue of human rights as well as other political criteria conditioning the progress of Association Agreement negotiations should remain the conditions emphasized by the EU in order to maintain their credibility and motivational effect of the process of preparation and negotiation on the Association Agreement.

On the other hand, ostracization, exclusion and radical steps such as pending negotiations with a partner state should remain measures of last resort. The consequences of such radical measures should be weighed carefully, to prevent as much as possible harmful effects for the citizens of the countries.

We recommend the addition of a new paragraph concerning the creation of legal conditions for the effective functioning of CSOs to the

conditions for continuation and progress of the negotiations about Association Agreement. The conditions include legal framework of registration, re-registration and other administrative conditions, taxation, cooperation with foreign donors and foreign partner organizations etc. Particular legal conditions should be written in specific document (declaration) summing up these requirements for legislative changes on the national level of partner countries.

Another important condition is preventing intimidation and persecution of CSOs and their representatives by the authorities. They should not be prevented in their activities beneficiary for the society and in their cooperation with foreign donors and partners.

3) National level

Establishment of legal framework required for effective functioning of CSOs (see the attachment)

Attachment

Examples of legal requirements concerning functioning of CSOs in particular partner countries:

- Easy registration procedures for CSOs
- Easy possibility to resubmit registration applications when declined due to formal mistakes
- Requiring registration as an association only when citizens groups are to enter binding juridical relations with third parties
- Providing tax (income, VAT, donation, renting of owned facilities) that make it possible to sustain activities of CSOs on non-business, not-for-profit bases whenever activities are statutory
- Enabling extra income under regular business tax conditions to NPOs from auxiliary activities
- Allow service providing NPOs to gather fees for services provided when a limited profit is generated by these
- Secure for easy (on-line) possibility to publish activity reporting required by laws
- Simplify any tax related reporting to the level common to other juridical persons with full exempt for reporting when no profit (positive balance of incomes and expenditures) is generated
- Include into the publicly beneficial activities of the CSPs the watchdog and monitoring activities
- Allow registered persons representing CSOs to lobby for their policy recommendations in the policy-making legislative process
- Allow for access to tax free donation from foreign donors supporting concrete publicly beneficial projects of SCOs (transparently managed and financed)
- Exclude unequal treatment of staff of SCOs with respect to income tax regulations
- Allow for international information and visits exchange between CSOs of the whole EaP region and beyond
- Provide for participation CSO representatives on decision-making processes in EaP countries

VI. Education and Culture

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Summary

Platform IV of the Eastern Partnership fosters people-to-people cooperation, including in the area of higher education. Tempus and Erasmus Mundus are the flagship programmes of the EU for international cooperation in the field of higher educations. Beginning in 2014, the EU will roll out “Erasmus for All” – a single programme for Education, training, youth and sport for the 2014–2020 period. The Commission hopes that greater coherence and synergy will result in greater efficiency and cost-effectiveness.

Regarding cultural cooperation, the EaP countries cannot participate in the currently running Culture Programme, but they had the opportunity to benefit from the Special Actions 2009–2010 rolled out under this Programme (those of them who had ratified the 2005 UNESCO Convention on the protection and promotion of the diversity of cultural expressions). The new Creative Europe Programme (devised on the basis of the Commission proposal) will be open to participation of the EaP countries, thereby increasing their access to EU-sponsored initiatives in the field of cultural cooperation.

With the planned rolling out of “Erasmus for All”, it is important that the Commission continues to pay due attention to specific needs of the six countries in Eastern Europe and the Caucasus. The Internet offers a relatively inexpensive but effective way to build e-learning capacities in the EaP countries. As for cooperation in the field of culture, some models of supporting culture under the EU-wide programmes might not be applicable to the EaP countries. The EaP countries should bring their legislation up to the international standards. Finally, as the EU is gearing up to increase its funding for cultural programmes in the EaP, it needs to employ a functioning system of supervision and assessment of planned activities.

Education

Cooperation in higher education is one of the promising areas that the EU and Eastern Partnership countries are committed to pursue. For the countries of Eastern Europe and the Caucasus, it offers an opportunity to tap into European education system and receive technical as well as financial assistance from the EU in order to support modernisation processes. Furthermore, these countries would benefit from a better-educated workforce as a way to boost their economic growth and competitiveness. As far as the European Union is concerned, not only its education assistance to the EaP countries enables Brussels to support civic society, but it has a unique opportunity to showcase the European model of higher education and increase the attractiveness of Europe as an educational hub.

After joining the Bologna Process, the EaP countries began to implement a number of reforms in the field of higher education with the aim to bring their higher education standards more compatible with the EU. In the field of higher education, the Commission has utilized two programmes – Tempus and Erasmus Mundus – in particular to promote cooperation with the EaP countries.

Erasmus Mundus seeks to build on the successes of Erasmus Programme – the highly regarded cooperation and mobility programme exclusive to the EU member states. Erasmus Mundus facilitates educational exchanges of both higher education institutions and individual students as well as academic staff between the EU and third countries. Such exchanges should promote the European Union as a centre of excellence in learning around the world. The Commission launched the Erasmus Mundus programme in 2004 and the External Cooperation window in 2007. Erasmus Mundus II was launched in 2009, with two main actions:

- Action 1 provides support for the creation of joint degrees of excellent level, offered by consortia of European and sometimes non-EU higher education institutions and offers scholarships to students wishing to attend these joint programmes.
- Action 2 provides support for the establishment of cooperation partnerships between higher education institutions from the EU and third countries and funding for scholarships at all levels (from undergraduate to post-doctoral students). This action can be compared to the internal Erasmus programme.

The Erasmus Mundus programme remains limited in scope in comparison to its older cousin Erasmus in terms of the sheer number of scholarships available, however, it should be noted that students from non-EU countries receive more generous financial support. Programme and consequently offers far fewer opportunities than those enjoyed by EU students. This is corroborated by the small number of students who came from the EaP countries to study in the EU between the years 2004–2011 (only around 2500 scholarships were awarded).⁴⁸ To expand its cooperation with the third countries, the Commission launched the External Cooperation Window in 2007 and was subsequently succeeded by Action 2 of Erasmus Mundus.. Erasmus Mundus provides relatively generous allowance, in particular for Action 1 which is an action of excellence. Apart from tuition waiver, undergraduate and master students receive a subsistence allowance of €1000 a month, doctoral candidates receive €1,500 with academic staff receive €2,500.⁴⁹ An additional budget for Action 2 was made available for the academic year 2011–12, which allowed the funding of an additional 450 scholarships. The upward trend in total number of scholarships being awarded was clearly demonstrated by some 1800 students and 200 academic staff from the EaP countries who took part in higher education exchange programmes supported by the EU in 2010/11.

The Tempus Programme provides both financial and expert assistance to partner countries to help them reform their higher education institutions and sector. The Programme has now entered its fourth phase and celebrated its 20th anniversary. For the period 2007–2013, it has an average budget of around €20 million per year for the EaP countries. The Education, Audiovisual and Culture Agency Executive Agency (EACEA) is responsible for its management (and for the management of the Erasmus Mundus programme).

Tempus Programme offers assistance in three broad categories to the 27 countries in the Western Balkans, Eastern Europe and Central Asia, North Africa and the Middle East. First, “Joint Projects” facilitate partnerships between higher education institutions to develop, modernise and disseminate new curricula, teaching methods or materials, as well as boosting quality assurance and management of higher education institutions. Second, “Structural Measures” provide assistance to de-

⁴⁸ <http://www.easternpartnership.org/announcement/funding-cooperation-young-people-countries-eastern-europe>

⁴⁹ <http://erasmusmundus5.teithe.gr/>

velop and reform higher education institutions and systems in partner countries; to enhance their quality and relevance, and to increase convergence with EU developments. Finally, Tempus through “Structural Measures” runs information campaigns, conferences, and workshops.

For the coming years, the Commission has made a proposal to expand cooperation with ENP countries in the field of higher education in the framework of Erasmus for All (as of 2014).. However, cooperation between the EU and EaP countries in the field of formal education), especially concerning the mobility of university students (and academic staff), has been fairly limited. Currently, in fact, students from the Eastern Partnership have limited access to higher education in the EU.

Lastly, the Jean Monnet Initiative deserves mentioning as a vehicle to boost education cooperation between the EU and its Eastern Neighbourhood partners. Launched in 1989, the programme is now present in 62 countries throughout the world, including the EaP countries. The Jean Monnet Action stimulates teaching, research and reflection on European integration in higher education institutions worldwide. It includes the creation of Jean Monnet Chairs, Centres of Excellence, Modules, information and research activities as well as support for academic associations of professors and researchers in European integration. Thanks to the programme around 740 universities offer Jean Monnet courses as part of their curricula. For example, since 2001 the programme has helped fund study of European integration at Ukrainian universities.⁵⁰

It should be noted that the Polish EU Presidency played an important role in promoting education cooperation between the EU and Eastern Partnership countries. Among other things, it organized a meeting of ministers of education from both the EU and EaP countries “Erasmus goes East” to promote the opening of the internal Erasmus programme to EaP countries. The meeting was held to discuss possibilities for greater inclusion of students from the EaP countries in EU-sponsored education projects.⁵¹

But even more important from the point of view of cooperation in the field of research and higher education was the Warsaw summit of the Eastern Partnership Summit on 29–30 September 2011. The EU leaders announced that they would open education programmes to students from Eastern Europe and the Caucasus.⁵² In addition, the summit announced that Warsaw would host a newly established Eastern Partnership Academy of Public Administration. Modelled on the basis of the National School of Public Administration (KSAP), the Academy has recently welcomed the first batch of students.⁵³ Similar, the College of Europe has offered full scholarships for EaP students to study at its both campus in the since 2010.⁵⁴

Beginning in 2014, the EU will roll out “Erasmus for All” – a single programme for education, training, youth and sport for the 2014–2020 period. The Commission hopes that greater coherence and synergy will result in greater efficiency and cost-effectiveness. Some of the actions will be managed centrally by the Executive Agency for Education, Culture and Audiovisual while some others (mobility) will be managed through a network of National Agencies

Cooperation with third countries, including the EaP countries, will be fully integrated into the key actions of “Erasmus for All” building on

the experience of higher education programmes, such as Tempus and Erasmus Mundus. Erasmus for All will regroup several international higher education cooperation programmes thus putting them under one roof, with streamlined implementation mechanisms and timetables. The Programme will focus on three broad areas of action: mobility, cooperation and policy dialogue.

Culture

Regarding cultural cooperation, the EaP countries cannot participate in the currently running Culture Programme, but they had the opportunity to benefit from the Special Actions 2009–2010 rolled out under this Programme (those of them who had ratified the 2005 UNESCO Convention on the protection and promotion of the diversity of cultural expressions). The new Creative Europe Programme (devised on the basis of the Commission proposal) will be open to participation of the EaP countries, thereby increasing their access to EU-sponsored initiatives in the field of cultural cooperation. It should be noted that cultural cooperation has been rather slow to take off and no new programme tailored exclusively to the needs of the EaP countries has been under preparation lately. The flagship initiative is the Eastern Partnership Culture Programme. The Programme intends to support culture in the EaP countries while encouraging local ownership and long-term impact. The main objective is to enhance the role of culture to promote tolerance and social cohesion. To this end, the Programme strives to apply tried and tested means of supporting cultural projects in the EU to the six countries of the EaP. First, it is designed to provide technical assistance to address specific needs of public institutions. Second, the Programme will provide financial assistance in the form of grants to support civil society organizations. It will target the entire cultural sector, including cinema and the audiovisual sector, contemporary arts, tangible and intangible heritage, as well as support to heritage conservation projects. The Programme has the budget of €12 million. The EU Commission launched its first call for proposal in October 2010. The Commission has received a number of proposals.

A noteworthy activity by the Eastern Partnership Cultural Programme is the launch of a multifunctional website to inform about its activities. The website, although not completely functional yet, promises to offer a wide range of tools for organizations and institutions operation in the cultural sector in the EU and EaP countries. It should act as the main platform for networking and exchange of best practices in the field. In addition, it should provide the details on all the projects supported by the Eastern Partnership Cultural Programme. In the future, the website should contain a legal support section to provide information on cultural legal frameworks in all the countries involved. This might make it easier for organizations and individuals to pursue cross-border cultural projects.⁵⁵

In other developments, the Regional Monitoring and Capacity Building Unit (RMCBU) of the Eastern Partnership Culture Programme began in November 2011 to undertake a series of research visits to Azerbaijan, Georgia, Armenia, Belarus and Moldova. A number of round tables and interviews took place with key stakeholders of the Programme in each country with the aim to identify specific policy areas in the field of culture for assistance.⁵⁶

⁵⁰ http://eeas.europa.eu/delegations/ukraine/press_corner/all_news/news/2011/2011_07_11_02_en.htm

⁵¹ http://www.enpi-info.eu/main.php?id=26445&id_type=1

⁵² <http://www.warsawvoice.pl/WVpage/pages/article.php/24163/article>

⁵³ <http://www.easternpartnership.org/community/events/inauguration-eastern-partnership-academy-public-administration>

⁵⁴ <http://www.enpi-info.eu/eastportal/news/latest/27584/EU-offers-scholarships-to-the-College-of-Europe-for-graduates-from-ENP-countries>

⁵⁵ <http://www.enpi-info.eu/eastportal/news/project/27362/New-website-launched-by-Eastern-Partnership-Culture-Programme>

⁵⁶ <http://www.euroeastculture.eu/en/news/view-eastern-partnership-culture-programme-initiates-discussions-with-the-culture-sector-actors-of-aze.html>

A number of projects have taken place in the field of cultural co-operation. So far they have been mostly focused on identifying challenges and opportunities for cooperation. A good case point is a joint initiative to support tourism in Moldova and Georgia. Entitled “Towards an integrated approach to sustainable tourism”, the project has seen a number of expert seminars organized in both countries to develop strategy and action plans⁵⁷

Policy Recommendations

- The EU and member states should establish “EaP Regional Cultural Policy Reform Working Dialogue” as a collaboration framework for exchanging/debating new cultural policy standards.
- With the planned rolling out of “Erasmus for All”, it is important that the Commission continues to pay due attention to specific needs of the six countries in Eastern Europe and the Caucasus. This will require the Commission to tailor its policies to take into account lessons from Erasmus Mundus and Tempus.
- In the short run, the Commission should aim to expand its cooperation with the EaP partners through increased support for the Erasmus Mundus and Tempus programs. The programmes should become more open to students from the EaP countries.
- Planned under “Erasmus for All”, the initiative of forming mutually beneficial partnerships between higher education institutions and businesses, or also known as “Knowledge Alliances”, should be promoted in the EaP countries. This might provide cash-strapped universities with additional source of much needed funding. The Commission along with the interested parties should help in establishing such partnerships through workshops, seminars and awareness campaigns.
- EaP e-Twinning Programme could potentially become a powerful tool in advancing cooperation in education between the EU and EaP countries. The Internet offers a relatively inexpensive but effective way to build e-learning capacities in the EaP countries. This will also help the EaP countries to introduce innovative e-learning tools and methods. For this to succeed, however, the Commission in cooperation with local governments and NGOs needs to launch a broad information campaign to advertise the benefits of e-learning and fully acquaint schools with its true potential. Also an extra effort should be made to introduce these tools in local languages where possible.
- The EaP countries need well-trained government professionals, experts, and journalists who have a solid grasp of different aspects and processes of European integration. To that end, the Commission should continue to support the Jean Monnet Initiative in the Eastern Partnership countries. Moreover, the Commission should increase the number of scholarships available for students from the partner countries to study at the two campuses of the College of Europe.
- Some models of supporting culture under the EU-wide programmes might not be applicable to the EaP countries. It should be examined to what extent, for instance, the EU championed model of co-financing (attracting additional resources from private entities) might succeed in the cash-strapped countries of Eastern Europe and the Caucasus.
- The EaP countries should bring their legislation up to the international standards. It is therefore necessary that they ratify and fully implement all relevant international conventions and treaties in the field of culture. Given the fact that all the EaP countries have now ratified the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) they should now proceed with its full implementation.
- As the EU is gearing up to increase its funding for cultural programmes in the EaP, it needs to employ a functioning system of supervision and assessment of planned activities. Regular seminars, workshop and roundtables both in both the EU and EaP countries would help guarantee constant feedback and a steady stream of fresh ideas.
- EaP governments in close collaboration with local civil society, culture professionals (from both cultural NGOs and public cultural institutions but also cultural enterprises), local (city) administrations, national/European cultural policy experts and other relevant political stakeholders (European Commission, EU governments, EU Delegations) should elaborate roadmaps for cultural policy reform which would indicate tangible reform goals and milestones to achieve within a reasonable timeframe.
- EU Delegations in the EaP countries and relevant European Commission DGs should advise on streamlining of EaP national reform agendas with relevant EU policies (cultural components of EaP policies, Agenda for Culture, etc.) and should monitor reform progress (e.g. via the RMCB Unit in Kiev)
- The Commission’s RMCB Unit should closely coordinate its efforts and work plans with civil society-based initiatives in the field of culture in order to avoid duplication of efforts serving common development/reform goals. This especially concerns the planned capacity building efforts for public administrations in the EaP countries (which yet have to establish much more awareness on the importance/role of the independent cultural sector) and potential cooperation in the field of regionally comparative cultural policy reform analysis and progress monitoring (in cooperation with other relevant players such as the Council of Europe’s Kiev initiative, etc.)
- Meetings of EaP Cultural Policy Reform Forum should be held on regular basis. Such meetings should involve civil society led initiatives, government representatives involved in cultural policy reform, representatives of all relevant inter-governmental institutions in the field (European Commission, EU Delegations, Council of Europe, UNESCO, etc.) and representatives of comparable cultural policy reform processes going on in the neighbourhood of the EaP countries for a regular exchange of reform experiences and updates on recent developments/progress made
- The EU and EU member states should strive to promote “Erasmus for All and Creative Europe” in the EaP countries and ensure its proper funding for EaP countries.
- The EU and EU member states should continue to support the Jean Monnet Initiative and increase number of scholarship available for students from EaP countries to study at EU universities.
- The EU and member states should establish “EaP Regional Cultural Policy Reform Working Dialogue” as a collaboration framework for exchanging/debating new cultural policy standards.

⁵⁷ <http://www.euroeastculture.eu/en/news/view-towards-an-integrated-approach-to-sustainable-tourism-project-targets-cities-in-georgia-and-moldova.html>

VII. Youth Cooperation in the Eastern Neighbourhood Countries

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Summary

Youth cooperation is an important aspect of the EU's strategy to encourage the formation of a vibrant civil society in the six countries of the Eastern Partnership (EaP). The EaP youth initiative emphasises the need to promote cross border cooperation, non-formal learning, and intercultural dialogue. Although the Commission has unrolled an ambitious plan to promote youth-related activities in the EaP countries, major hurdles remain both within the participating countries and the EU itself. It goes beyond the remit of formal education and encompasses a vast area of activities through which young people may develop their skills and knowledge and places great emphasis on volunteering.

The problem remains that so far young people from the EaP countries have shown only tepid interest in different exchange schemes and programmes. This is especially worrying as the planned expansion of the EaP youth initiative might falter due to the lack of interest on part of the young people from the EaP countries.

Therefore, more is needed in terms of raising visibility and awareness of the EaP youth cooperation opportunities. Although electronic media seems to be an effective tool of communicating with young people, the effort on the ground needs to be redoubled to advertise opportunities the EaP youth programmes can offer. In addition, the Commission and non-governmental organizations should encourage the EaP governments to devise modern youth policies. Similarly, a conscious effort needs to be made to encourage the EaP governments to set a favourable framework for voluntary organizations and their activities in Eastern Europe and the South Caucasus. Corresponding legislative changes will have to be introduced. Finally, regular stock taking exercises should be held to evaluate progress and suggest possible ways for improvement.

The Current State of Play

Deemed as particularly promising to promote people-to-people contacts, the European Commission seeks to foster greater cooperation among young people. It is assumed that youth cooperation can engender a positive change across a whole range of issues as envisaged under the Chapter IV of the Eastern Partnership.

Given the limited access of the EaP countries to formal education programs (such as Erasmus Mundus, Leonardo da Vinci), it seems that youth activities in non-formal education have proved far more successful than cooperation in the field of formal education. Therefore, it merits analyzing youth activities somewhat separate from the field of education. The EaP youth initiative is a rather broad church as it focuses on a wide range of areas such as tolerance/fight against racism, environmental protection, equality and social inclusion. These programs are intended to help young people to develop a full range of skills and competences – not only those acquired at schools, universi-

ties or other formal education and training institutions. Apart from that it strives to promote the idea of European citizenship in order to make young people aware that they all live in Europe. To that end, the youth initiative promotes exchanges, voluntary service actions between the EU and EaP countries.

As of the moment, EU-sponsored youth activities takes place under the umbrella of the Youth in Action 2007–2013 Programme which strives to encourage youth cooperation. The Youth in Action Programme (2007–2013) makes it possible for around 110.000 young people and youth workers every year to take part in intercultural exchanges, voluntary projects and other non-formal education activities across Europe. It boasts a total budget of 885 million Euros.⁵⁸ The Youth in Action Programme targets Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russian Federation and Ukraine. It is concentrated into two categories – European Voluntary Service and Action 3.1.. The former supports participation of young people in non-profit, unpaid activities, while the latter supports various youth exchanges, training and networking projects.⁵⁹

The Commission has moved to refashion the Youth in Action Programme to respond to specific needs and realities of the six EaP countries. In this regard as pertinent to the region, especially regarding the South Caucasus, is the process of conflict resolution and what role young people can play in advancing it. The idea behind the initiative is to bring young people from the Caucasus together while helping raise awareness of historical and cultural facts and differences. The importance of conflict resolution in the Caucasus was, inter alia, raised at the EU Youth Conference held on 5–7 September 2011 in Warsaw. In the long run, new generation of Caucasian people less burdened by nationalism and historical grievances might aid conflict resolution in the region. Furthermore, youth activities should help kindle a European consciousness in order to help young people to fight nationalism and deep-seated prejudices.

To manage the Youth in Action Programme in the EaP country, the SALTO Resource Centre acts as the main coordinating hub to help improve the quality of projects. The SALTO Centre provides support and expertise to national agencies and other participating entities. Similarly, it is tasked with raising visibility and awareness of the Youth in Action Programme opportunities in the EaP region. The centre organizes number of seminars both in the EU member countries and neighbourhood countries – it organizes about one to two events a month. To promote its activities the Centre runs a well-developed website that offers a wealth of information, albeit the website proves rather difficult to navigate. Similarly, social media plays important role in reaching out to prospective applicants.⁶⁰ To complement its activities in EaP, the Resource Centre relies on the network of SALTO EECA Multipliers in order to support the development of the Youth Programme and raise awareness about youth programmes in the region. The network was created in 2004 and comprises some 20 NGOs from the EaP countries.

Youth activities within the framework of the Youth in Action Programme tend to receive support from local ministries of education and youth in the EaP countries. This varies from a country to a country. The Youth in Programme is relatively unknown in Belarus. It is rather difficult for Belarusian youth groups to participate in the programme but this is somewhat compensated for by the fact that they can do so via third countries. Similarly, despite the interest of young people in

⁵⁸ http://eeas.europa.eu/eastern/platforms/docs/platform4_261109_en.pdf

⁵⁹ <http://www.salto-youth.net/rc/eeca/eecacooperation/>

⁶⁰ <http://www.salto-youth.net/rc/eeca/>

the Programme, the Armenian government has been rather ineffective in implementing the relevant policies. In contrast, Ukraine stands out as a country with a very active network of multipliers who participate in the Youth in Action Programme. In addition, the “International Renaissance Foundation” supports pro-European initiatives of Ukrainian NGOs in European awareness and education.⁶¹

At the “Eastern Dimension of Mobility” conference in Warsaw on 6–7 July 2011, Commissioner for Education, Culture, Multilingualism, Sport, Media and Youth, Androulla Vassiliou, reiterated the need to strengthen cooperation with young people from the six countries of the EaP. The EU has decided to establish a special youth program focused on the region of the EaP. The current budget of €4.5 million has been earmarked for this purpose. As part of the European Commission’s proposal, a new programme for education, training and youth would allocate €15.2 billion (+73%) over seven years – in general for the member states and partner countries – through the EU programmes as well as through new initiatives.⁶²

With the additional funds allocated and declaring its commitment to youth cooperation, the European Commission created the Eastern Partnership Youth Window to spearhead its youth initiative activities in the EaP countries. Created within the framework of the Youth in Action Programme, the Window strives to support even a higher number of projects and participants for years 2012–2013. Unlike the Youth in Action Programme, the Window does not provide funding for projects in Russia. The additional funding amounts to 31.5 Millions of EUR. Applicants will be able to apply for grants either directly to Brussels (roughly 12.5 millions of EUR) or through their national agencies (roughly 19 millions of EUR). The Window specifically targets young people with fewer opportunities who live in rural or deprived urban areas. In terms of awarding grants, preference will be given to projects designed to raise awareness about the nature of youth work.⁶³ The Window for the first time gives youth organizations from the EaP countries a chance to apply for funding directly to Brussels (i.e. the Education, Audiovisual and Culture Executive Agency).

Main Challenges and Obstacles

Although many youth programmes have been considered relatively successful, major problems persist in the way how these programmes are being implemented on the ground in the EaP countries. With regard to the EaP countries, the problem is that youth work is largely unrecognized and poorly defined. Youth policy legislation mostly date back to the 1990s and largely rely on old Soviet-times structures and models. The EaP countries vary in the amount of legislation on youth (from no legal documents at all to those with several dozen such documents), cross-sectoral approach to youth policy and inclusion of European and international dimension.⁶⁴ Thusly, the rights of young people are regulated by laws of respective spheres (e.g. Law on Education, Labor Code, Family Code, and Law on Military Duty etc.).⁶⁵ In Moldova, for instance, a law on volunteering was adopted in 2010 to promote

and facilitate volunteering activities. But this varies from a country to a country as the EaP countries differ in their definition of youth as defined by the age.

To make matters worse, the EaP governments provide insufficient funding in the form of co-financing for the mobility projects.⁶⁶ However, it is to be noted that not much research has been done on youth activities in the EaP countries so far.

In addition, there has been relatively low number of applicants. This is especially troubling given the fact that the European Commission is planning to increase its funding for exchanges with the Eastern Neighbourhood countries from 2012 onwards. But all this pales in comparison to the most burring issue of insurmountable visa barriers that continue to dampen the prospect of effective youth cooperation between the EU and EaP countries. Therefore, even those who participate in official EU-sponsored programmes find it quite difficult to obtain their visas. Although, the issue of visa liberalization is addressed in a separate chapter of this study, it is correct to argue that the key to success of youth cooperation in many ways lies in the ability of the EU and EaP governments to ease visa requirements.

It has been widely recognized that the lack of information on the current situation with regard to youth and youth policy in the EaP countries remains a serious hurdle for more effective youth cooperation. To rectify this, the EU and the Council of Europe (CoE) joined forces to carry out a series of reviews of youth policies in Eastern European countries. The review process was based on the official data and the final reports had to be cleared by all the interested parties. Therefore, one might want to question the accuracy of such reports, they provide an important insight into youth policy in the EaP countries. A notable event in this regard was the Symposium on Youth Policy in Eastern Europe held in Odessa, Ukraine, on 14–15 July 2011 to discuss the review findings and suggest policy recommendations. The event highlighted the lack of existing research on youth policy in the region.⁶⁷

Policy Recommendations

- Given the fact that the EaP youth initiative is still in its early stage of implementation and more substantial activities are not to be unveiled until the beginning of this year, a robust system of monitoring youth activities ought to be deployed. The objective evaluation of on-going and future projects will serve to identify main challenges and opportunities on the ground in the EaP countries, thereby ensuring the EaP youth initiative can generate its desired impact.
- Regular stock taking exercises should be held to evaluate progress and suggest possible ways for improvement. Although similar events have been held in the past, it is necessary that they involve stakeholders drawn from NGOs as well as former participants. Rather than high level meetings, these stock taking workshops should strive to generate ideas and suggestions for improvement from bottom-up. For that to succeed, however, the EU Commission and EaP governments need to be ready to listen and establish effective channels of communications with current and prospective beneficiaries of the EaP youth initiative.

⁶¹ Reviews on Youth Policies and Youth Work in the Countries of Eastern Europe & Caucasus – Synthetic Report: http://youth-partnership-eu.coe.int/youth-partnership/documents/EECA/Report_Partnership_Odessa_Symposium_Final.pdf

⁶² <http://www.easternpartnership.org/announcement/funding-cooperation-young-people-countries-eastern-europe>

⁶³ <http://www.salto-youth.net/rc/eeca/easternwindow/>

⁶⁴ http://youth-partnership-eu.coe.int/youth-partnership/documents/EECA/Report_Partnership_Odessa_Symposium_Final.pdf

⁶⁵ http://youth-partnership-eu.coe.int/youth-partnership/documents/EECA/Report_Partnership_Odessa_Symposium_Final.pdf

⁶⁶ <http://www.easternpartnership.org/announcement/funding-cooperation-young-people-countries-eastern-europe>

⁶⁷ http://youth-partnership-eu.coe.int/youth-partnership/documents/EECA/Report_Partnership_Odessa_Symposium_Final.pdf

- More is needed in terms of raising visibility and awareness of the EaP youth initiative among the young people of the six EaP countries. In order to match the newly allocated resources, the European Commission in cooperation with other stake holders needs to drive up the demand from suitable applicants in the EaP countries. Although electronic media seems to be an effective tool of communication with young people, the effort on the ground needs to be redoubled to advertise opportunities the EaP youth programmes can offer. Young people need to have a chance to learn about existing opportunities and how they can benefit from volunteering. It is clear that with time as more and more young people take part in activities sponsored by the EU, they will be able to inform their peers through a word of mouth. Although this might seem the most effective way of encouraging an even larger number of young applicants, in the meantime, workshops and seminars in the EaP countries will have to be held in cooperation with local governments and NGOs to inform young people about opportunities in participating in EU-sponsored programmes.
- The Commission and non-governmental organizations should encourage the EaP governments to devise modern youth policies. Similarly, a conscious effort needs to be made to encourage the EaP governments to set a favourable framework for voluntary organizations and their activities in Eastern Europe and the South Caucasus. Corresponding legislative changes will have to be introduced. This will require a two-pronged approach: First, the Commission and local NGOs need to explain all the benefits of voluntary work. Second, the EaP governments should be given assistance in devising relevant youth policies and legislation. Training of civil servants on youth policies should be encouraged as well. In order to set national priorities in the field of youth, the EaP government need to do their homework first by compiling relevant data.
- The Commission and EU member states should ensure participation of civil society organisations (CSOs) during the preparation of regular Eastern Partnership summits, intergovernmental platform meetings and ministerial meetings, as well as in the course of drafting specific programme modalities. Towards this goal, structured dialogue between the European Commission and CSOs should be fostered through the use of the Forum's working groups and national platforms.
- The Commission and EU member states should ensure open access for Eastern partners to the new generation programmes, especially programmes supporting Contacts between people, such as Erasmus for All and Creative Europe.
- Further reduce Schengen visa fees for all categories of applicants from the Partner countries, with a view to removing visa fees altogether, promote among member-states successful models of online visa application schemes, and establish joint one-stop application facilities in all Partner countries.
- Prioritise speedy completion of the Visa Facilitation and Readmission Agreements (VFRAs) and Visa Liberalisation Action Plans between the EU and respective Partner governments, insist on publication in full of progress reports prepared by the Partner governments, and ensure that visa facilitation and visa liberalisation come into effect when the respective countries have met the stated criteria.
- EU delegations in the Partner countries should co-operate closely with CSOs to conduct effective promotion campaigns providing clear information about: funding and participation possibilities, wherever possible in the local language, benefits resulting from the Association Agreements, the rights of migrants to the EU originating from Partner countries – civil, political, and socio-economic, in particular labour protection rights – and assist support and guidance programmes concerning opportunities for return migration to the Partner countries.
- The EU and member states should explore possibilities for researchers from the EU to visit the Partner countries, and vice-versa, through programmes such as Marie Curie Action.
- The European Commission and member states should continue to support the Jean Monnet Initiative, and to increase the number of scholarships available for students from Partner countries.
- Adult, non-formal and non-vocational education, as well as youth, must remain separate autonomous chapters within the single new generation programmes.
- Progress in Association Agreement negotiations should continue to be conditional on observance and protection of human rights, as well as other political criteria. However, radical steps – such as the freezing of negotiations – should remain measures of last resort to prevent possible harmful effects upon the citizens of the respective Partner countries.
- A new clause should be added to Association Agreements defining the legal conditions to facilitate the effective functioning and independence of CSOs (modalities of registration, taxation, co-operation with foreign entities). These particular legal conditions should be specified in a separate document summing up requirements for legislative changes to be made at the national level by Partner countries.

VIII. Eastern Partnership States and Their Participation in the Seventh Framework Programme

SABINA DVOŘÁKOVÁ, DEMAS

The Seventh Framework Programme for Science and Research

Decision No 1982/2006/EC⁶⁸ of the European Parliament and of the Council of 18 December 2006 established the so-called Seventh Framework Programme of the European Community for research, technological development and demonstration activities (hereinafter referred to as “the FP7”). The main goal of the FP7 for the period from 1 January 2007 till 31 December 2013 is to contribute to the European Union’s becoming the world’s leading research area in selected fields. With the view of this goal, the FP7 provides strong comprehensive support for the current research activities leading to this exclusive position in the global science, research and innovations.

The FP7 is targeted not only at industry, institutions of higher learning and the academia but also at SMEs who are trying to achieve the goals outlined by the European Community (hereinafter referred to as “the Community”).⁶⁹ Successful accomplishment of these goals shall be facilitated by strong support for the following four types of activities: 1) trans-national cooperation on policy-defined themes (“Cooperation Programme”); 2) investigator-driven research based on the initiative of the research community (“Ideas Programme”); 3) support for individual researchers (“People Programme”) and 4) support for research capacities (“Capacities Programme”).

The FP7 is primarily targeted at institutions and enterprises from the European Union; however, in order to ensure competitiveness and the leading global role of the European Community, it is necessary to engage non-EU subjects in cooperation, and coordinate research activities at the international level. This international policy pursues the following three interlinked objectives: 1) to support the competitiveness of the EU by establishing strategic partnerships with third countries in selected scientific areas, and to engage the best researchers from third countries to work in Europe and with Europe; 2) by facilitating contacts with partners in third countries to ensure a better access to research and research infrastructure elsewhere in the world; and 3) in accordance with the principle of common interest and benefit, to address specific issues faced by third countries or issues of global relevance.

⁶⁸ Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007–2013). Official Journal of the European Union, L412.

⁶⁹ In relation to Civil Society Organizations (CSOs) it is important to mention that the FP7 is open to all types of organizations, the CSOs including. One part of the Capacities program – the Science and Society, examines issues that may be of particular interest to the CSOs, such as public awareness, gender issues, science education etc.

International Cooperation

The European Community is aware of the benefits connected with internationalization of research; for this reason, it has concluded a number of international treaties for support of international cooperation in research, creation of global public goods and further involvement of the Community in research at the international level. The beginning of cooperation between the European Community and third countries in this area dates back from 1984.

Cooperation with third countries is targeted mainly at the following groups: 1) candidate countries; 2) countries neighboring the EU, Mediterranean partner countries, Western Balkans countries (WBC) and the Eastern European and Central Asian countries (EECA); 3) developing countries, focusing on the particular needs of each country or region concerned; and 4) emerging economies. Based on the income criterion, third countries are divided into two basic groups: ICPC (International Cooperation Partner Countries) – countries with a low to middle income, and HIC (High Income Countries) – countries with a high income, whereas the income of the country is the decisive criterion for drawing funds from the FP7.

International cooperation actions, showing European added value and being of mutual interest, under this part of the FP7 include: 1) actions designed to enhance participation of researchers and research institutions from third countries in the thematic areas, with appropriate restrictions for the security theme due to the confidentiality aspects, accompanied by strong efforts to encourage them to seize this opportunity; and 2) specific cooperation actions in each thematic area dedicated to third countries where there is mutual interest in co-operating on particular topics selected on the basis of the scientific and technological level and the needs of the countries concerned. Closely associated with the bilateral cooperation agreements or multilateral dialogues between the EU and these countries or groups of countries, these actions will serve as privileged tools for implementing the cooperation between the EU and these countries. Such actions are, in particular, actions aiming at reinforcing the research capacities of candidate countries as well as neighborhood countries, and cooperative activities targeted at developing and emerging countries, focusing on their particular needs in such fields as health, including research into neglected diseases, agriculture, fisheries and the environment. Such actions will be implemented in coordination with those within the “People” and the “Capacities” programmes. Thematic oriented actions of international cooperation take place within the “Cooperation Programme”. These activities are based on the general strategy for international cooperation within the Seventh Framework Programme.

The following three major lines of projects are used for participation of third countries in the current FP7:

- 1) SICA projects (Specific International Cooperation Action) implemented within “Cooperation” – their typical feature is the possibility to choose research topics relevant for the specific region.
- 2) INCO priority (International Cooperation) implemented within “Capacities” – it focuses on mapping scientific potential of different states and regions, informing about the FP7 and developing bilateral cooperation with the countries with which the European Community has a bilateral agreement on cooperation in the field of science and research.
- 3) Projects supporting mobility of research workers within the “People Programme”.⁷⁰

⁷⁰ Frank, Daniel: Dosavadní účast třetích zemí v 7. RP. p. 9.

Participation of the Eastern Partnership States in the FP7

The Eastern Partnership states, i.e. Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, are strategically important neighbors for the European Community, both from the economic (trade and energy) and political (security and stability) point of view. For this reason, the European Community pays a lot of attention to these countries and provides support in all areas integrating them into a number of its instruments, especially the European Neighborhood Policy Instrument (ENPI). Support for cooperation in the field of science and research is explained by the above mentioned considerations.

These six countries rank among the low to middle income countries (ICPC) and, therefore, they are eligible for funding from FP7 sources under the same rules as the EU member states or associated countries. In this regard, it is necessary to mention that Moldova is now associated to the FP7. In the context of the FP7, the Eastern Partnership states are often mentioned in connection with the post-Soviet republics of Central Asia (EECA). The EECA states are the most active participants in the FP7 (with a total number of 626 projects), having received EUR 66 million in financial contributions from the European Commission, ranking second in terms of drawing the funds.⁷¹ All parts of the FP7 are open to researchers from the Eastern Partnership countries; they are able to participate in the programmes and receive funding under the same terms and conditions as their counterparts from the EU Member States. This is particularly important for the Cooperation Programme, which covers thematic research (e. g. ICT, Health, Energy, Social Sciences, Environment, Space etc.) as this is where the majority of the budget lies and so represents the greatest set of opportunities. There is a tendency for researchers from the EaP countries to focus only on the small number of topics, which are specifically targeted to them (in Cooperation this is generally less than 0.5% of the topics) and not consider the rest of the activities, which are not targeted, but fully open to them to work with their EU counterparts.⁷²

Based on the data provided by the Technology Centre of the Academy of Science of the Czech Republic and publicly available sources on the website dedicated to FP7 (www.cordis.europa.eu; Community Research and Development Information Service), it is obvious that all six countries are participating in FP7 successfully implementing dozens of projects. In the first five years of duration of the FP7, there were 225 of them with total eligible costs reaching EUR 25,805,934, out of which the contribution by the European Community amounted EUR 19,062,758.

With its 123 projects, Ukraine is the most active country; however, we must note here that Ukraine with its 46 million inhabitants is the country with the largest population in the Eastern Partnership. It is followed by Georgia with its 31 projects, Moldova with 23 projects, Armenia with 21 projects, Azerbaijan with 15 projects and Belarus with 12 projects.

As for participation in programme priorities, a total number of 125 projects fall into the "Cooperation" priority, where the highest number of projects addresses health, information and communication technologies, the environment, foodstuffs, agriculture and biotechnologies, as well as energy, space, transport, socio-economic sciences and humanities. A total of 12 projects have been or are being

implemented as a part of the "People" priority, "Marie Curie" actions supporting mobility of researchers. The "Capacity" priority includes 84 projects mainly focused on research infrastructure, international co-operation activities, research for SMEs and science in society. Besides participation in the above mentioned priorities, Ukraine is involved in four projects of the "Euratom" priority, in the part focused on nuclear fission and radiation protection.

Country	Project participation	Eligible costs (€)	EU contribution (€)
Armenia	21	1,473,644	1,191,722
Azerbaijan	15	825,316	722,217
Belarus	12	695,740	536,512
Georgia	31	2,749,278	2,294,077
Moldova	23	2,035,850	1,615,612
Ukraine	123	18,026,106	12,702,618
Total	225	25,805,934	19,062,758

Participation of the Eastern Partnership states in Horizon 2020

Horizon 2020 is an integrated system encompassing all of the current science and research financing instruments, such as FP7, Competitiveness and Innovation Framework Programme, or the European Institute of Innovation and Technology. A flexible tool for funding a large scale of scientific, research and innovation activities should arise from integrating these instruments under the umbrella of Horizon 2020. Although the whole framework should cumulate a number of various programs with a different focus, the simpler and more flexible Horizon 2020 should be launched on 1st January 2014.

With Horizon 2020, third countries should have an easier access to activities and funding. Generally, international cooperation in the field of science and research will be focused on the following three major groups: industrial developed and emerging economies; candidate countries and neighbouring countries; developing countries. As for the Eastern Partnership states, they are eligible to participate in the actions – in accordance with Art. 7(b) *Association of third countries of the Proposal for a Regulation of the European Parliament and of the Council establishing Horizon 2020 – The Framework Programme for Research and Innovation (2014–2020)* of 30 November 2011⁷³ – if they fulfill all of the following criteria: have a good capacity in science, technology and innovation; have a good track record of participation in Union research and innovation programmes; and have close economic and geographical links to the Union. Integration in the European Neighbourhood and Partnership Instrument (ENPI) is the last criterion in this case.

Closing remark

From the point of view of civil society organizations, who generally emphasize respect for human rights and observance of ethical standards, it is important to note that "research activities supported by the Seventh Framework Programme should respect fundamental ethical

⁷¹ Ibid. p. 9.

⁷² As discussed with Martin Penny, European Commission, Directorate-General for Research and Innovation.

⁷³ Proposal for a Regulation of the European Parliament and of the Council establishing Horizon 2020 – The Framework Programme for Research and Innovation (2014–2020) of 30/11/2011

principles, including those reflected in the Charter of Fundamental Rights of the European Union”, and that “the opinions of the European Group on Ethics in Science and New Technologies are and will be taken into account”.⁷⁴

Recommendations

Recommendations adopted during the Eastern Partnership Civil Society Forum Working Group nr. 4 “Contacts between People” meeting in Prague on March 2, 2012:

- National governments of the Eastern Partnership states should themselves invest in science and research, as well as in enhancing international cooperation.
- The EU should enhance raising awareness about current (FP7) and future (Horizon 2020) opportunities in the Eastern Partnership states in this field, including the National Contact Point structure enhancement.
- Both sides should explore possibilities for EU researchers in the Eastern Partnership states and vice versa.
- The EU and its Member states should decide on regulation of cooperation with research institutes from countries with an undemocratic regime, such as Belarus.

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⁷⁴ Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007–2013). Official Journal of the European Union, L412(30).

Recommendations of the Eastern Partnership Civil Society Forum Working Group 4 – Contacts between People

The Ministers of Foreign Affairs and EU representatives meeting in Prague on 5 March 2012 are called upon to reflect on the following recommendations submitted by the participants of the Contacts between People working group of the Eastern Partnership Civil Society Forum. Meeting in Prague on 2 March 2012, the Forum participants propose to the ministerial meeting that they support implementation by EU institutions and member states of the following:

- *Ensure participation of civil society organisations (CSOs) during the preparation of regular Eastern Partnership summits, intergovernmental platform meetings and ministerial meetings, as well as in the course of drafting specific programme modalities. Towards this goal, structured dialogue between the European Commission and CSOs should be fostered through the use of the Forum’s working groups and national platforms.*
- *Ensure open access for Eastern partners to the new generation programmes, especially programmes supporting Contacts between people, such as Erasmus for All and Creative Europe.*
- *Further reduce Schengen visa fees for all categories of applicants from the Partner countries, with a view to removing visa fees altogether, promote among member-states successful models of online visa application schemes, and establish joint one-stop application facilities in all Partner countries.*
- *Prioritise speedy completion of the Visa Facilitation and Readmission Agreements (VFRA) and Visa Liberalisation Action Plans between the EU and respective Partner governments, insist on publication in full of progress reports prepared by the Partner governments, and ensure that visa facilitation and visa liberalisation come into effect when the respective countries have met the stated criteria.*
- *EU delegations in the Partner countries should co-operate closely with CSOs to conduct effective promotion campaigns providing clear information about:*
 - *funding and participation possibilities, wherever possible in the local language,*
 - *benefits resulting from the Association Agreements,*
 - *the rights of migrants to the EU originating from Partner countries – civil, political, and socio-economic, in particular labour protection rights – and assist support and guidance programmes concerning opportunities for return migration to the Partner countries.*
- *The EU and member states should explore possibilities for researchers from the EU to visit the Partner countries, and vice-versa, through programmes such as Marie Curie Action.*
- *The European Commission and member states should continue to support the Jean Monnet Initiative, and to increase the number of scholarships available for students from Partner countries.*

- *Adult, non-formal and non-vocational education, as well as youth, must remain separate autonomous chapters within the single new generation programmes.*
- *Progress in Association Agreement negotiations should continue to be conditional on observance and protection of human rights, as well as other political criteria. However, radical steps – such as the freezing of negotiations – should remain measures of last resort to prevent possible harmful effects upon the citizens of the respective Partner countries.*

- *A new clause should be added to Association Agreements defining the legal conditions to facilitate the effective functioning and independence of CSOs (modalities of registration, taxation, co-operation with foreign entities). These particular legal conditions should be specified in a separate document summing up requirements for legislative changes to be made at the national level by Partner countries.*

Imprint

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Partners to the Project: Association for International Affairs, Democracy and Culture Studies Centre (CDK), DEMAS – Association for Democracy Assistance and Human Rights, PASOS – Policy Association for an Open Society and People in Need.

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