



No recovery without democracy: rule of law and democratic accountability at the heart of recovery, resilience and reform

*EaP CSF Position Paper
on the Joint Staff Working Document on recovery,
resilience and reform: post-2020 Eastern Partnership
priorities*

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Note

This position paper is based on previous EaP CSF positions, consultations with national platforms and members over summer 2021 and inputs from the EaP CSF Working Group Consultants.

The Eastern Partnership Civil Society Forum (EaP CSF) welcomes the release of the [Joint Staff Working Document \(JSWD\), ‘Recovery, resilience and reform: post 2020 Eastern Partnership priorities’](#) on July 2, 2021. The JSWD is illustrative of the EU's goals and its commitment to contribute to the reform and recovery of the Eastern Partnership (EaP) region. It details comprehensive targets to deal with the challenges faced by the EaP countries in a great number of fields, while also considering the particularities of each country through dedicated flagship initiatives. However, due to the challenging circumstances brought about by the COVID-19 pandemic, the previously existing social, economic and political problems of the EaP region have worsened, with apparent democratic regression also in play. Consequently, the EaP CSF fears that the JSWD might not meet expectations and lacks balance between supporting economic recovery and democratic development.

By establishing the ‘Top Ten Targets’, the EU has clearly defined its goals for the coming five years, but unfortunately is lacking a clear vision as to how these targets and flagship initiatives will narrow or eventually eliminate the gap between the EU and the EaP region in the future. The EaP CSF also finds that there is no clear correlation between the proposed priorities and the country-specific flagship initiatives, as not all priorities seem to cover the entire region to the same degree. Furthermore, the emphasis on the regionally existing issue of gender mainstreaming is welcome but remains insufficient in its focus on vulnerable groups (disabled, low income, minority, elderly and rural members of society).

Finally, the document is omitting details of what system of accountability European stakeholders have set up for the stakeholders involved in the inclusive dialogue and decision-making process. Even though it reinforces the role of the independent civil society organisations (CSOs) there is no proposed solution on their identification and inclusion in the dialogue, implementation and monitoring of the new agenda.

The EaP CSF is committed to uphold European values, integration, reform and democratic transformation in the Eastern Partnership region, in line with the overarching objectives of the EaP policy for the 2021-2025 period. This position paper outlines several issues within the proposed post-2020 priorities that deserve further reflection from the European Union (EU) in order to set out a convincing, definitive and ambitious plan to chart an unambiguous course of action for recovery that also delivers on the political promises of the joint initiative.

COVID-19 vaccine gap

The European Commission and its member states need to acknowledge that the dearth of vaccines is actively imperilling the continuation of economic, political, social and environmental reforms, let alone recovery, in the EaP region. The COVID-19 pandemic has put an immense strain on these countries, which in almost every case translated to a suppression of personal freedoms conjoined with an economic crisis.

The EaP CSF and many civil society representatives have pointed out that the region would require 59 million doses in order to vaccinate the citizens of the Eastern Partnership countries. This amounts to 1.59% of secured doses. Such a small donation from the EU would not only allow for the EaP policy of recovery to be properly set in motion but would also give the Partnership the validation it demands. This unique opportunity can still be seized by the EU ahead of the EaP Summit in December but failing to capitalise on it would send a very different message about the EU's commitment to the Partnership.

JSWD proposed post-2020 priorities

Together for resilient, sustainable and integrated economies

The economic development covered by the priority “Together for resilient, sustainable and integrated economies” is the most detailed in the JSWD and overshadows the other parts crucial for the democratic progress of the region. The green/environmental and digital transformations play an inevitable role in the economic development of the EaP region as the foundation of the new resilience framework, while other policy objectives play supporting roles, however, the JSWD fails to address the consequences of the COVID-19 pandemic. The EaP countries struggling with the impact of the Covid-19 crisis should be offered tailored financial packages to save the vital parts of their economies and to support the sectors in which it is most needed. Nevertheless, the EU should use economic development as a smart tool to leverage the important issues of rule of law and democratic governance. The economic benefits should be linked to tangible improvements in governance rather than being promoted as desirable objectives.

Mobility programmes and people-to-people contacts have been very successful over the last decade and should be maintained as they strengthen cooperation between the EU and EaP countries, and create a layer of EU-minded EaP citizens, indirectly contributing to a local demand for extended intra-regional cooperation. The direction of mobility opportunities should also allow for exchanges from the EU towards the EaP, encouraging EU citizens to interact with different segments of society from the EaP countries, and learn more about the history, culture and challenges of the region.

Even though the focus on youth is very welcome, the approach should be broadened to include vulnerable groups in society, such as young people with disabilities, young people from rural areas, economically disadvantaged young people, women and girls and also elderly people in order to create and strengthen this inclusive approach.

To make the EaP countries more economically competitive, Research and Innovation (R&I) and the modernisation of education systems are essential. This should happen through strengthening the connection between education systems and the demands of the labour market by facilitating cooperation between vocational and higher education institutions, the private sector, and civil society organisations, as well as by developing macro-data analysis of job market needs and institutionalising effective skill matching mechanisms. Modernisation and innovation at all levels of education and training should also include the development of lifelong learning education and training programmes. For the development and efficient implementation of the EaP regional programme to support the participation of EaP countries in European research infrastructures, the coordination of R&I activities at the intergovernmental level of EaP countries and the alignment of the relevant national strategies to the EU’s R&I strategy is needed. This should be preceded by the identification and analysis of the current pitfalls of the EaP countries’ R&I systems in order to build a solid base for drawing further recommendations and measures applicable to all EaP countries.

Together for accountable institutions, the rule of law, and security

The JSWD focuses on centrally-led, top-down policies and programmes, which alone cannot succeed in addressing the complexities of governance, rule of law and security in the EaP countries. The document mentions the need for evidence based and inclusive policy making. It is important to stress that monitoring effective implementation of laws and policies should reflect the relevance of civil society oversight to measure the independence and fairness of the justice systems and boost domestic accountability at local and national levels.

Measures to strengthen judicial reform cover mainly the justice systems and legislative frameworks. Access to justice including normative legal protection, legal awareness, legal aid and counsel, as well as other measures to help citizens gain access to justice are not included.

Moreover, the legislative frameworks and strategies need to be implemented following inclusive public participation processes. Asset declaration and verification of high-level officials has been identified as a ‘Top Ten Target’. The need for countries to hold comprehensive and inclusive policy debates before the introduction or major modification of public officials’ declarations should be stressed. In addition, this target should be part of a wider anti-corruption strategy.

Digitalisation of justice is partially addressed. It would be important to include measures that facilitate data exchanges and cross-border judicial cooperation, but also safeguard citizens against the misuse of digital tools. The digitalisation of justice should lead to an improvement of access to justice for citizens, businesses and legal practitioners.

The reference to gender equality is made only with regard to public financial management. However, an inclusive public sector highlights the relevance of ensuring that the needs and aspirations of a diverse range of citizens are reflected in the decision-making process. Ensuring equal representation of women in public service remains a relevant goal that helps to restore trust and confidence in public institutions and enhance the sustainability and responsiveness of public policies. EU support should therefore be in line with the EU Gender Action Plan 2021-2025 and should support the EaP countries in meeting the relevant targets of SDG 5 on gender equality.

Good governance at the local level is not mentioned. Assistance to local authorities in the EaP countries should aim to enhance capacity and the means to execute institutional mandates as defined by law as well as exercise power of initiative as full-fledged policy-makers. Adhering to the principle of subsidiarity, the Commission should promote the role of local authorities as policy and decision-makers, in favour of transparent and accountable policy-making and service delivery at the local level.

The development of a framework to foster integrity and transparency in public administration should include practical training on public ethics on a permanent basis and should be based on concrete examples. This will also serve to advise civil society, the public and the media on the conduct expected.

There is no mention of the role of Supreme Audit Institutions (SAI) in fighting fraud and corruption. The constitutional and legal framework of the EaP countries needs to guarantee the independence, mandate and organisation of SAIs to perform their mandate autonomously

according to the standards applied to its work, allowing for high-quality audits that impact on public sector functioning.

Public financial management is mentioned with regard to public procurement. It would be important to add that national budgets should be formulated in compliance with transparent legal provisions and with the overall national medium-term budgetary framework.

When referring to the fight against organised crime, there is not a single reference to civil society, although many CSOs are situated in so-called hotspots of organised crime – locations that are either at strategic geographical positions for trafficking such as crossroads, borders or capital cities, or in areas of socio-economic vulnerability that make them attractive to criminal groups.

Law enforcement cooperation should include measures to improve skills, tools and training curricula for law enforcement agencies and civil society organisations to prevent and combat organised crime and strengthen security.

Finally, the JSWD proposal to strengthen cyber resilience refers to EU alignment with legal, institutional and cyber crime policy frameworks; however, there is very little focus on implementation. Efforts should be accompanied by measures to strengthen administrative capacities for proper implementation of the legislation. In the cyber security realm, the importance of participatory civil society needs to be acknowledged. NGOs are a prime target for cyber-crime because of NGOs prominent role in national and international affairs, the sensitive data and information they work with and a perception of them as soft targets. Measures to tackle other justice and law enforcement aspects of the fight against cybercrime such as e-evidence, encryption and data retention should also be reflected upon.

Together for environmental and climate resilience

Green/environmental transformations not only reflect EU priorities, but reference the growing demand in EaP countries for the green agenda and green activities. However, green/environmental transformation is at a very early stage in the region, driven rather by the EU reform agenda, environmental CSOs and minority elements of the population, rather than by genuine demand from the majority of EaP citizens and/or governments. In order to boost reforms related to green/environmental transformations, it is necessary to strengthen the governance and implementation capacity of EaP countries' environmental institutions. Environmental and climate resilience is indispensable for the benefits for people's health and wellbeing within the EaP region.

Despite its apparent omission from the JSWD, organic agriculture is clearly an important aspect of the wider quest for a better environment and healthier societies, simultaneously tackling the issue of creating more sustainable food systems. It was highlighted that the European Green Deal (EGD) specifically talks about EU plans to produce a quarter of agricultural products organically by 2030. Indeed, the European Commission has acknowledged the important role organic agricultural practices can play in reaching the EGD's targets for biodiversity, climate change and quality food production. It was stated that organic farming is a major piece of the puzzle in solving growing demands for high quality food products, produced in accordance with high standards of environmental, biodiversity and animal welfare protection. EaP countries are particularly suited to organic agricultural

production due to their favourable climatic conditions and it seems to be a missed opportunity for the JSWD to have neglected this fact by not including organic agriculture as a key element of not only protecting biodiversity and the economy's natural assets base, but improving people's health and wellbeing too.

Regarding the strengthening of energy security, the target of increasing the share of renewable energy resources in the energy mix by 10% is ambitious and also lacking in some detail. There are differences in how the countries measure and define what is a renewable source of energy and of course the six countries are all at different stages so there will need to be an assessment as to whether this 10% target is feasible for all six. This lack of detail has also been pointed out for the 'Top Ten Target' that aims to have 250,000 households reduce energy consumption by at least 20% thanks to energy efficiency.

For successful green/environmental transitions, awareness of the climate emergency is crucial. Regrettably, environmental awareness remains critically low within the EaP region. Not only governments but also citizens should be on board. Each EU action on environment and climate resilience should include a capacity building component of governmental agencies and staff responsible for raising public awareness, promoting behavioural change, and creating a grassroots demand for green policies, mobilising local society through independent local civil society organisations.

The EaP CSF wants to see more concrete financial data as to how the target linked to environmental and climate resilience will be financially supported. It is also important that the implementation of the target does not place a burden on the general population as public consent and support will be crucial to its success. More details on how existing projects, funds and initiatives like the High-Level Energy Efficiency Initiative, the Green for Growth Fund, the Covenant of Mayors and the Eastern Europe Energy Efficiency and Environment Partnership will contribute towards this target and what share of the proposed funds and responsibility will come through these frameworks would be welcomed.

Together for a resilient digital transformation

The JSWD focuses mostly on digital solutions without referring to the design of public service policies around the needs of the user (citizen-oriented administration). Public service delivery solutions need to be consistently defined in the legal framework and applied in practice. Therefore, mechanisms to ensure the quality of public service, as well as training for public officials, but also awareness and educational actions towards all citizens should be included in this section.

This is also reflected in the 'Top Ten Target' for digital transformation which focuses too much on infrastructure and not enough on 'soft measures', particularly with regard to education and raising awareness of the benefits, but also pitfalls of, digital transformation, especially in the EaP region, which is one of the most vulnerable to hybrid threats.

Efforts to put in place institutional, policy and legislative cybersecurity frameworks in all EaP countries should be accompanied with measures to strengthen administrative capacities for proper implementation of the legislation. There is no reference to capacity building efforts to ensure the proper implementation of cybersecurity measures.

Together for resilient, gender-equal, fair and inclusive societies

The EU's commitment to create an enabling environment for civil society organisations (CSOs) is clear, welcome and tackles important issues brought to the forefront by organisations in the EaP region e.g., reaching out to grassroots organisations, also outside capital cities and in conflict-affected regions. The participation of citizens in decision-making processes and access to accountability mechanisms is particularly relevant at a local level. Thus, cooperation with local authorities should be mentioned specifically.

For CSOs to exercise their role, they should be granted a stronger position in EaP policy implementation by assigning specific roles to civil society actors, including the EaP CSF and its National Platforms, such as the implementation and monitoring of cross-cutting deliverables, and joint identification and development of clear benchmarks for measuring reform implementation. This should be mirrored also in domestic accountability at the local and national levels through monitoring effective implementation of laws and policies, development of budget proposals, public revenues and expenditures. Thus strengthening the capacities of CSOs to play their role in boosting democratic processes within the EaP region via different forms of support including sufficient funding, which is crucial for the future of EU and EaP region relations.

CSOs are playing a vital role in the rights-based gender agenda in the EaP region. Together with support from bilateral and international organisations the work of CSOs is the catalyst for reforms in the area of elimination of violence against women and domestic violence. Endeavours aiming to ensure gender equality and women's empowerment should equally apply to disadvantaged groups, including ethnic, national and religious minorities, rural residents, and people with disabilities (where applicable, those with multiple characteristics). Specific emphasis on these segments of society and their inclusion in the relevant programmes will ensure a pathway towards more democratic and inclusive societies in the EaP countries.

Multilateral Architecture of the future EaP

The EaP CSF welcomes the opportunity to discuss further the JSWD proposal on the reviewed EaP multilateral architecture. Over the course of the implementation of the 20 Deliverables for 2020, the EaP CSF had channelled with increasing levels of success and impact, comprehensive input from civil society on almost all topics covered by the multilateral agenda. In the next phase of the EaP policy implementation, civil society would like to play an even more active role, contributing to agenda setting and having more responsibility by securing a regular speaking role in topical discussions. The EaP CSF will be offering periodic civil society monitoring of the implementation of the JSWD via two tools: the EaP Index and tailored monitoring project of the JSWD targets funded through the EaP CSF FSTP. The results of civil society monitoring should be incorporated into the planning of the EaP architecture meetings, namely the two key Strategic Conferences.

Overall, the reviewed EaP multilateral architecture reflects the re-organised and new priorities of the EaP agenda. The proposal should be accompanied by a definition of the key stakeholders involved at each level and their roles and responsibilities, as well as by a detailed description of how different levels and parts of the structure will interact with each other for achieving the 'Top Ten Target' for 2025 across the existing silos. While the replacement of EaP Platforms with Strategic Conferences allows for more flexibility, high level focus, and complex

discussions about selected issues, a well-thought-out mechanism needs to be put in place to ensure that the agenda of these two conferences is relevant and corresponds to the needs of EaP societies, not only EaP governments. This mechanism should also devise how the two pillars - investment and governance, intersect, as well as how the cross-sectoral topics like youth or gender are integrated into the EaP multilateral architecture. Initiating a Working Group on gender equality acknowledges the need for reflecting on cross-cutting deliverables, in line with previous EaP CSF recommendations, but it is unclear whether this signals the introduction of a systematic approach that will be used for other cross-cutting priorities (including civil society) and how the eventual new working groups connect with the logic of the new EaP architecture.

Conclusion

The EaP region is one of the main strategic regions, but also politically sensitive for the EU and its member states. The JSWD is the EU's third comprehensive attempt to set clear and time-focused targets/benchmarks for the Eastern Partnership policy and this time it comes with a new policy approach and revised architecture, aiming to address global challenges - namely the impact of the COVID-19 pandemic, and bring about a full democratic transformation of the EaP countries and societies.

The outcome of the 6th EaP Summit and the resulting implementation mainly depends on a firm commitment by the political leadership of the partner countries, combined with a strong and consistent commitment by the European Commission and EU member states. Together with other non-governmental actors, civil society is crucial for a fully-fledged joint implementation of the agenda and is committed to playing its part.

The EaP CSF is prepared to play a leading role in shaping, implementing and monitoring the JSWD and the outcomes of the EaP Summit, including the "Top Ten Targets". The EaP CSF will continue to provide expert analysis, input and feedback as the reform processes in the Eastern neighbourhood progress. Being a permanent observer and the only civil society organisation (CSO) represented consistently at EaP multilateral architecture meetings, we remain committed to the success and coherence of the EaP policy. Our results in the past make us hopeful that we will be considered an equal partner in joint implementation and accountability for the delivery of the new EaP agenda. All stakeholders in this process should approach this new phase of EaP policy with the aim of benefitting citizens, leaving no one behind in this essential transformative process.

About EaP CSF

The Eastern Partnership Civil Society Forum (EaP CSF) is a unique multi-layered regional civil society platform aimed at promoting European integration, facilitating reforms and democratic transformations in the six Eastern Partnership countries - Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Serving as the civil society and people-to-people dimension of the Eastern Partnership, the EaP CSF strives to strengthen civil society in the region, boost pluralism in public discourse and policy making by promoting participatory democracy and fundamental freedoms. For more information, please visit the EaP CSF website at www.eap-csf.eu.

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