



Konrad
Adenauer
Stiftung

EASTERN PARTNERSHIP - ROADMAP AFTER VILNIUS SUMMIT

POLICY RECOMMENDATIONS

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Eastern Partnership - Roadmap after Vilnius Summit Policy Recommendations

On December 9, 2013, the Konrad Adenauer Foundation, in cooperation with Parliament of Georgia, organized the conference “Eastern Partnership - Roadmap after Vilnius Summit” that took place in Tbilisi. The conference summarized the outcomes and implications of the Vilnius summit and discussed the reforms and activities, which the Georgian government will implement within the next year to continue on the path of conforming to the standards of the EU before and after the signing of the Association Agreement (AA). The highest-level Georgian authorities in attendance pledged to sign the association agreement in the late summer of 2014.

The President of Georgia stated in his speech that Georgia’s approximation to Europe is irreversible.” Furthermore, the Prime Minister brought attention to the responsibility that the current generation assumes for Georgia’s path to integration with Europe. Representatives from the government, Parliament, diplomatic corps, international organizations, and civil society engaged in active discussions following the thematic sessions. The topics of the conference encompassed various issues of geopolitical challenges, government strategies and development perspectives. Ministers of Parliament, including Deputy Ministers of Justice, the Interior, Energy, and Economy and Sustainable Development presented their action plans to the audience.

The active participation of representatives from civil society organizations facilitated important policy recommendations to the government, in order to accelerate the process for the implementation of necessary reforms. In the period between the initiation of AA (28-29 November, 2013) and the slated signature of the agreement, the Georgian government must implement a number of legal and institutional actions to comply with the recommended criteria. The reforms concern the harmonization of food safety rules, product standards, quality infrastructure, and similar initiatives. Moreover, the State Minister of Georgia responsible for European and Euro-Atlantic Integration assured conference attendees that Georgia

stands firmly on its chosen path to integration with Europe, and that Georgia is currently in a position to thoroughly implement the assigned “homework” in the form of the aforementioned comprehensive reforms. Finally, he called on the EU and international community to support Georgia to overcome any possible obstacles, which may hinder the ongoing process of modernization, reformation and visa liberalization.

The conference was comprised of four thematic panels embracing the following topics: Future Policy Strategies after Vilnius: Perspectives from Government and Parliament, Priority Fields of Cooperation with the European Union, The Role of Civil Society, and Message of Civil Society towards the Government/Parliament. The Chairman of the Georgian Parliament, the Head of the EU Delegation in Georgia, various Ministers/Deputy Ministers representing major national interests (Justice, Reconciliation, Economy, Energy, Interior), the Chairs of relevant Parliamentary Committees (European Integration, Foreign Policy), diplomatic corps, representatives of Eastern Partnership Civil Society Forum (EaP CSF) – Georgian National Platform (National Platform), subject-matter experts, and other distinguished participants contributed their ideas to the conference panels, and these informed perspectives have been incorporated into the recommendations presented below.

POLITICAL REFORM

RECOMMENDATION 1: *The government of Georgia should make every possible effort to facilitate transparent, free and fair local elections in 2014 in accordance with international standards*

ARGUMENTATION:

The local elections of 2014 will occur in a new environment, considering that the Parliament of Georgia recently approved a modified self-governance code, which increases the number of self-governing municipalities, with directly elected mayors, from 7 to 12. International organizations and observers from the European Union view this election as another step for consolidating democracy in Georgia. Organizations and individuals active in civil society have raised certain concerns regarding the existing electoral system; therefore, they have requested that the Parliament provide for changes to secure better and more democratic representation of parties in local constituencies, and also enhance the legitimacy of elected mayors. Recently the Government accepted only one modification to the law, related to the election of mayors with a simple majority of votes. Other demands are yet to be satisfied.

RECOMMENDATION 2: *To strengthen and promote equality among citizens, the government of Georgia should accelerate reforms and adopt relevant legislation, particularly anti-discrimination laws.*

ARGUMENTATION:

In February 2013, the EU's Commissioner for Home Affairs, Cecilia Malmström, visited Georgia and delivered the Visa Liberalization Action Plan (VLAP). This document envisages a set of reforms that the government of Georgia has to implement. According to EC's relevant progress report, the Georgian government made significant progress in the implementation of the first (legislative) phase of the VLAP. Indeed, Georgia still has to adopt the "anti-discrimination law," the major

milestone to initiate the second (implementation) phase. The law is proposed to strengthen equality among the citizens of Georgia and to create relevant mechanisms to mitigate the risks of violating minority rights. In addition, AA, while discussing Employment, Social Policy and Equality, obliges the parties to provide for “equal opportunities and antidiscrimination, aiming at enhancing gender equality and ensuring equal opportunities between women and men, as well as combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation”.

CONVERGENCE WITH EU POLICIES

RECOMMENDATION 3: *The Georgian government should accelerate the adoption and implementation of relevant technical regulations, development of quality infrastructure (in accordance with DCFTA provisions) and preparation for ACCA protocols.*

ARGUMENTATION:

Article 47 of the AA provides for approximation of Georgian legislation to that of the EU in the areas of “technical regulations, standards, metrology, accreditation, conformity assessment, corresponding systems and market surveillance system,” and moreover, “undertakes to follow the principles and the practice laid down in the relevant Union acquis.” The terms and list of measures for such an approximation are delineated in Annex III-B of the agreement. This measures implemented in time will lay the foundation for amending the AA with ACAA¹ protocols (Article 48) to open markets in sectors where the aforementioned procedures and regulations have been fully approximated.

1 Agreement on Conformity Assessment and Acceptance of Industrial Products

RECOMMENDATION 4: *The Georgian government, in cooperation with civil society and expert community, must develop the capacity to measure sustainability impact assessment in the areas affected by the implementation of the trade provision of the AA.*

ARGUMENTATION:

According to Articles 238 and 239 of AA, the parties commit to assess and to monitor the impact of the implementation of trade-related provisions on sustainable development. The EU and Georgia, through their respective institutions, shall cooperate *inter alia* in such areas as impact of trade on labor and environmental legislation, and vice versa. The Georgian government does not have adequate experience and capacity to conduct impact assessment studies.

RECOMMENDATION 5: *The Georgian government must reconsider criteria for granting SME status to small and medium sized enterprises.*

ARGUMENTATION:

The criteria for recognizing the status of “SME” are by far stricter for Georgian enterprises than for analogous enterprises in the EU. The Eastern Partnership Flagship Initiative on SME has held several panels and conducted work on the convergence of SME support practices of EaP countries with those of the EU. Georgian legislation concerned with SME lacks adequate support for such enterprises. Moreover, a significant number of small and medium enterprises in Georgia do not fall under the official SME category as it exists at present, and thus, cannot benefit from any advantages or preferences under government initiatives designed to help SMEs in their development. In addition, Article 313 of the AA states, “regulatory framework for both Georgian and EU businesses operating in Georgia and the EU...should be based on the EU’s SME and industrial policies, taking into account internationally recognized principles and practices in this field.”

COMMUNICATION AND AWARENESS

RECOMMENDATION 5: *The government of Georgia should establish better communication with the country's population on the benefits associated with the EU integration process – in particular, those of the Association Agreement, including the Deep and Comprehensive Free Trade Area. The government should ensure the adequate financing of measures to enhance awareness among specific population groups and the general public.*

ARGUMENTATION:

The government of Georgia, in close cooperation with Eastern Partnership Civil Society Forum – Georgia National Platform, and the European Integration Committee of the Parliament of Georgia, delineated the Communication and Information Strategy of the Government of Georgia on European Integration for the period from 2014 to 2017. The document was endorsed by the Cabinet of Ministers on September 6th, 2013, followed by the approval of the 2014 Action Plan. Since the time of signing, the Association Agreement is approaching the Government of Georgia, in close cooperation with National Platform requirements to promote its information campaign and to mitigate the risks of third parties' disseminating misleading information to society. Local self-government authorities must play a crucial role in this process, since limited information is available to the majority of the population of the regions, rendering this segment of society more vulnerable to the influence of anti-European propaganda. The financing of the Action Plan is very limited; therefore, its success depends on the active support of the international donor community.

RECOMMENDATION 6: *Civil Society organizations should play a leading role and should be given opportunities to actively conduct public relations campaigns to promote the benefits of the European Integration process to the wider public.*

ARGUMENTATION:

Civil Society organizations are the best positioned to gain public attention and confidence. They are closer to the general public and can easily access the target audience with all necessary tools, including informal communication and outreach. To strengthen the participation of the civil society in these initiatives, it is important for the government to involve NGOs and experts in the process as extensively as possible. Furthermore, donor countries and organizations should, as extensively as possible, support projects and offer funding to support the relevant activities by civil society.

RECOMMENDATION 7: *Mobilizing the international community to minimize the risks that might be linked to possible Russian pressure to derail Georgia from the European track - namely, from signing the Association Agreement with the European Union.*

ARGUMENTATION:

The EU/Georgia Association Agreement is slated to be signed at the end of summer 2014. EU Institutions and Member States, as well as the Government of Georgia, continuously make efforts to guarantee this. Trade-related aspects of the agreement will come into force provisionally upon the signature of the agreement. Simultaneously, Russia is augmenting its pressure on all Eastern Partner states interested in developing closer ties with the European Union. To that end, Russia intends to stop the process of association of Eastern European neighbors with the EU and, rather, to force them to join the Customs Union (RBK) – an alternative integrative project initiated by Russia. Joining RBK would diminish Georgia's freedom to engage in external economic actions and minimize Georgia's prospects of advancement on the path to European integration. The government of Georgia, in conjunction with the EU and its member states, should make a concerted effort to anticipate and resist any Russian pressure in this direction.

STRENGTHENING THE INSTITUTIONS (INCLUDING CIVIL SOCIETY CONCERNED)

RECOMMENDATION 8: *To increase the role of the Parliament of Georgia in the process of negotiating and implementing the EU/Georgia Association Agenda and providing legal screening of the EU/Georgia Association Agreement.*

ARGUMENTATION:

The government of Georgia negotiated the text of the EU/Georgia Association Agreement. Similarly, the executive branch is engaged in the negotiation process of the EU/Georgia Association Agenda. The legislative body has limited involvement in the process. In order to increase democratic accountability of the process, it is crucial that the Parliament of Georgia, elected by the citizens of Georgia, should be actively involved in the process of negotiating this important political document with the European Union, and should also mobilize its expertise to carry out its legal screening.

RECOMMENDATION 9: *To implement a mechanism to establish a structural dialogue with the involvement of the government of Georgia, EaP CSF Georgia National Platform and EU Delegation to Georgia*

ARGUMENTATION:

In the past, there have been several attempts to establish a consultative mechanism with the participation of the Georgian Government, civil society and EUD, but these attempts did not result in tangible success. The previous unsatisfactory results may be attributed to the closed mode of AA negotiations, in which the parties tended to avoid any discussion of negotiation topics with a third actor (civil society). Upon the provisional application of the AA, when the process becomes fully transparent, the parties may establish a framework to facilitate a structural dialogue among the stakeholders. AA thereby assigns a very special role to the civil society to

monitor and contribute to the implementation of the agreement. Furthermore, the development of a permanent structural dialogue would help to ensure a prompt reaction from the civil society over any challenges that may arise before or during the implementation of the agreement.

RECOMMENDATION 10: *The government of Georgia to identify persons at aligned Ministries, or to establish a state body, to cooperate more extensively with civil society organizations.*

ARGUMENTATION:

The current government of Georgia is certainly open to collaborate closely with civil society organizations. In most cases, the NGOs are involved in the process of designing the reform strategies and drafting legislation. However, the current modes of cooperation lack a standardized framework, and thus, sustainability. To formalize the process, the government should identify the persons at aligned Ministries who would be responsible to liaise with civil society representatives.

RECOMMENDATION 11: *To streamline and facilitate the process of membership for the Eastern Partnership Civil Society Forum – Georgia National Platform*

ARGUMENTATION:

According to the statute of the Eastern Partnership Civil Society Forum – Georgia National Platform, one criteria that organizations must fulfill to attain member status is length of establishment – i.e., the organization must have been functioning for more than two years in order to be considered for membership. After the election of 2012, some former members of the government set up civil society organizations that do not meet the established criteria but still display a high level of expertise and motivation. To mobilize the perspectives of more subject matter experts, and to strengthen the capacity of

the Eastern Partnership Civil Society Forum – Georgia National Platform, the steering committee should consider lowering the aforementioned threshold.

RECOMMENDATION 12: *The civil society organizations should consolidate more effectively according to the thematic criteria.*

ARGUMENTATION:

The Eastern Partnership process is divided into the thematic platforms (multilateral track) and cooperation priorities (bilateral track). Naturally, the Civil Society Forum has organized itself with the same principle. The Georgian National Platform follows a similar path, in the same model. This is not the case for the rest of the civil society groups in the country. They are not consolidated, and there are neither well defined criteria nor mechanisms to support such a consolidation. It is important to create more NGO coalitions and working groups to guarantee the exchange of experience and knowledge, development of common positions, and higher level of professionalism.

RECOMMENDATION 13: The government and National Platform to start consultations immediately to establish a permanent mechanism for civil society involvement in the implementation of the AA, as provided by Title VII of the agreement establishing that “the Parties shall also promote regular meetings of representatives of their civil societies, in order to keep them informed of, and gather their input for, the implementation of this Agreement.”

FREEDOM OF MOVEMENT OF PEOPLE

RECOMMENDATION 14: *Consulates of EU Member States to Georgia should publish visa application information available in the Georgian lan-*

guage. This course of action would comply with the spirit of the EU-Georgia Facilitation agreement regarding visas, in force since 2011.

ARGUMENTATION:

Among the Eastern Partner countries, Georgia has the highest visa refusal rate. In 2012, the visa refusal rate for Georgian nationals was 12.2% (whereas in the same year, Armenia's rate was 8.0%; Moldova's 6.5%; Azerbaijan's 4.0%; Ukraine's 2.0%, and Belarus' 0.5%). Although it is a requirement of the EU Visa Code, the consulates of some EU member states still do not have visa information available in the Georgian language, which presents a challenge for visa seekers in submitting the proper application package, consequently preventing them from traveling to the European Union.

RECOMMENDATION 15: *Taking into consideration the rapidly changing geopolitical context and tensions of the international situation in the region, the Georgian government should accelerate the reform path in order to increase Georgia's probability of obtaining a visa-free regime with the EU as soon as possible.*

ARGUMENTATION:

Geopolitical tensions between Russia and Euro-Atlantic community increase risks for Georgia, in particular by raising pressure from Russia. Not only would DCFTA become a matter of irritation and concern for the Russian side, but also, any European and Euro-Atlantic interrogational projects in Eastern Europe have the potential to compromise Georgia's precarious position. To this end, the proposed visa free regime between Georgia and the EU will certainly become another target of pressure in the near future.

CONFLICTS AND TERRITORIAL INTEGRITY ISSUES

RECOMMENDATION 16: *Securing that in the official EU documents, the term “occupied territories” is uniformly used vis-à-vis Abkhazia and South Ossetia.*

ARGUMENTATION:

After the Russo-Georgian War of 2008, Moscow - in violation of international law – recognized the independence of Georgia’s breakaway regions of Abkhazia and South Ossetia, and established Russian military bases in those regions, in violation of its international commitments under the Implementing Measures (signed on the 8th of September) and amending the so-called “Six Point Plan” (also known as the Sarkozy-Medvedev Agreement). The Georgian Parliament recognized Russia’s behavior as an act of continuous occupation of the sovereign territories of Georgia. A number of national parliaments in third-party states, as well as the Council of Europe, have officially recognized the act of occupation of Georgian territories by Russia, but on an international scale, the use of the term “occupation” while criticizing Russia for her continuous unlawful behavior is still limited.