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Assessment of progress in the fight against corruption in the EU-associated states of Ukraine, Georgia and Moldova

Recommendations for stronger
engagement by the Government of the
Federal Republic of Germany

by Khatia Kikalishvili



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About the author

Dr. Khatia Kikalishvili is the Program Director of the Eastern Partnership Project at the Center for Liberal Modernity (LibMod).

Before joining LibMod Ms. Kikalishvili worked for a number of years as an advisor for the Foreign and European Policy at the German Bundestag. Her areas of specialisation are the Eastern Partnership, EU integration, German foreign policy vis-à-vis Russia and Eastern Europe.

Khatia Kikalishvili earned a PhD in European law at Saarland University. Her dissertation focused on the approximation of Georgian law to EU law.

Eastern Partnership 2.0

is the project of the Center for Liberal Modernity (LibMod) that aims to bring innovative ideas and political recommendations for action from the region to the stakeholders in political Berlin. It was launched together with the Open Society Foundation in October 2019. The program includes workshops, policy papers, briefings, and public discussions in the German capital. The overall focus of the project is to promote political debate and EU engagement with the Eastern Partnership countries, especially Ukraine, Georgia and Moldova. The three association countries are to be provided with an opportunity to strengthen their mutual relations and establish intensive cooperation with partners and actors from politics, think tanks and civil society in Berlin.

Executive summary

For more three decades, the greatest challenges facing the associated states (Georgia, Ukraine, Republic of Moldova) have been those of strengthening the rule of law and combatting corruption. Despite the strong and continuous support from the EU and other Western partners, the pace of reform has been slow and there have been a number of setbacks. An analysis of the anti-corruption reforms in all three countries reveals that insufficient independence in the justice system and the political instrumentalisation of state institutions continue to pose an enormous obstacle to efforts to come to grips with corruption. Greater political will and a strong civil society are needed to put these countries on a stable reform path.

Since the comprehensive association agreements were signed, the significance of Georgia, the Republic of Moldova and Ukraine for the EU has increased to an extent that lends these relationships a relevance beyond the issue of stability and that could make possible at least a gradual economic integration with the European single market. There is a view in the civil society in the three countries that the mechanisms currently employed by the EU to evaluate the implementation of the association agreements are not yet sufficiently effective, particularly with respect to the implementation of rule-of-law and anti-corruption reforms. The visa liberalisation procedure is cited as an example of best practice: the use of concrete criteria and agreements on targets enabled the talks about reforms that were in the interest of both sides to proceed very successfully.

The Eastern Partnership Summit planned for December 2021 should set a new milestone, one that gives the three associated countries new incentives, lives up to the expectations of civil society there and that enhances the credibility of the EU and builds trust in the European Union.

As they seek to realign the Eastern Partnership for the coming period, the Federal Government and the EU should agree with the associated countries on concrete evaluation instruments, indicators and deadlines specifically in the area of fighting corruption in order to ensure that support for the reforms in the fight against corruption is effective and expedient. Failure to fulfil commitments should trigger a clear conditionality mechanism, although this kind of pressure should be seen as a means of last resort; suspending payment of macro-financial assistance should also remain an option. However, careful attention should be paid to ensuring that the majority of the population in these countries is not made to pay the price for failure on the part of the political elite.

We recommend that the Federal Government take up, together with other EU member states, a leadership role in supporting an EU-plus-associated-countries format for the three associated states in the new legislative period. This should involve regular meetings with representatives of the political elite as well as with representatives of civil society in Ukraine, Georgia and the Republic of Moldova that are used to identify shared challenges and interests and develop a joint strategy for a gradual European integration. Liberal democracy bound by the rule of law and the fight against corruption should be the standards by which all of these efforts are guided and against which they are judged.

In addition, the Federal Government should advocate the creation of support groups for the Republic of Moldova and for Georgia of the kind already set up for Ukraine (SGUA). The activities of the SGUA played a substantial role in clearing blockages and improving the quality of cooperation between Ukraine and the EU, particularly in the area of strengthening the rule of law and the fight against corruption.

I. Introduction

Thirty years have passed since Georgia, the Republic of Moldova and Ukraine freed themselves from Soviet dictatorship and took their first steps towards establishing democracy and the rule of law. A shared Soviet past is far from the only thing these three countries have in common: all three have experienced territorial conflicts triggered by Russia and the increasing economic influence of China, entered into an association with the European Union and declared their aspiration become part of it. The Eastern Partnership summit planned for December 2021 will set a milestone for the Eastern Partnership going forward. This strategy paper provides an overview of the current status of the fight against corruption in Georgia, the Republic of Moldova and Ukraine and examines the EU's role in these complex reform processes. It also formulates recommendations, addressed to political decisionmakers in Berlin, for a differentiated approach to the three countries. The strategy paper is based on analyses of the individual countries provided by Aleksandre Kevkhishvili (TI, Georgia), Kateryna Ryzhenko (TI, Ukraine) and Ion Guzun (lawyer, Republic of Moldova) and on an expert discussion at an anti-corruption workshop held at the Center for Liberal Modernity. We wish to express our sincere gratitude here to all of those who took part in it.

II. The EU as a guidepost for rule of law reforms in the associated countries

The European Union has been a key factor in the foreign policy of most of the Eastern Partnership (EaP) countries since the mid-1990s. The legally binding partnership and cooperation agreements (PCAs) that the individual EaP states concluded with the EU represented the first significant stage in their relationships with the EU. These agreements mainly provide for regular political dialogue and the first steps towards legal approximation. The next big step was the creation of the European Neighbourhood Policy (ENP), which sought to surround the EU with what Romano Prodi called “a ring of friends” made up of neighbouring states. The aim of this policy was to create sustainable stability and security and promote the rule of law and economic development in the region through financial support and country-specific action plans. Through the ENP, the EU facilitated extensive alignment by the partner countries in public policy and economic fields, although it stopped short of integrating them into the EU’s institutional structure (“everything but institutions”).¹

In 2009, the EU and its Eastern neighbours entered into a new chapter in their relationships, in which they laid the groundwork for political, legal, economic and civil-society cooperation of the present-day. Under both the ENP and the EaP, the individual partner countries were responsible for implementing the projects and tasks agreed with the EU. The principle of “more for more” applied for both as well. The EU has never wavered in this approach. Despite strong criticism about the decision not to link a prospect of accession with the Eastern Partnership, the EU succeeded in concluding extensive association agreements (AA), visa liberalisation agreements (VA) and free trade agreements (DCFTA) with Ukraine, Georgia and the Republic of Moldova.² These are a very significant asset given the increasing geopolitical competition with the great powers Russia, China and Turkey in the South Caucasus.

However, the reforms aimed at establishing the rule of law, combatting corruption and ensuring good governance and full press freedom are plagued by substantial weaknesses in all three associated countries. All three also continue to face the problem of insufficient independence of the judiciary and the political instrumentalization of state institutions.

In all three associated countries, there are substantial weaknesses in the reforms to establish the rule of law, combat corruption, foster good governance and secure unrestricted press freedom.

The implementation of anti-corruption reforms is problematic in all three countries, though in different ways – despite the monitoring and evaluation in annual reports of association agreement implementation carried out by the European Commission, the European Parliament, the individual national governments and civil society in each of the countries. The control instruments available include, inter alia, decisions of the association councils, the parliamentary cooperation in the EuroNest group, public statements or calls addressed to the national governments, the participation of independent experts and, last but not least, diplomatic pressure.

In their current form, neither the association agreements nor the DCFTAs contain concrete action plans for strengthening the rule of law or the fight against corruption identifying concrete benchmarks or sanctions. The only specific references to combatting corruption in these agreements are as a general objective associated with the promotion of the rule of law, though the DCFTAs do contain some sectoral chapters that are of key significance for the fight against corruption, such as those addressing public procurement and corporate governance. Yet the fight against corruption is crucial for all areas and aspects of cooperation, whether with regard to economic and social recovery, large investments or a European climate policy.

¹ Romano Prodi, “A Wider Europe - A Proximity Policy as the Key to Stability”, address to the ECSA-World Conference, 5-6 December 2002; https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_02_619

² Deep and comprehensive free trade agreement

The greater the EU's involvement in the reform process and the more concrete the wording of targets to be met, the greater the chances that anti-corruption measures will be implemented.

The control instruments mentioned above provide a general overview of reforms that have or have not been implemented. They do not contain recommendations as to specific actions to be taken the subsequent period, which might serve as the basis for evaluating implementation in the next report. It is important to bear in mind, moreover, that the association agreements are the highly complex products of years of negotiation. Even if there were consensus on the EU side about the need to word the passages on corruption more precisely, making a quick adjustment to these wide-ranging international agreements would be a very difficult undertaking.

The civil society representatives from all three countries see a need for the EU to become more involved in the reform process. They are also convinced that clearer and more specific definitions of objectives and conditionalities increase the likelihood that anti-corruption measures will be implemented. They point to the talks on visa liberalisation as an example: the success of these talks was due to the concrete criteria and the conditionality, though the very tangible goal of visa-free travel to the EU for the citizens of these countries was also an important factor, of course. Fulfilment of visa liberalisation benchmarks by all three countries is continuously monitored and assessed in an annual report by way of a suspension mechanism in place since 2017.³

It seems apparent that new impulses from the EU are needed to enable the EaP to stimulate more progress in the protracted rule-of-law reforms in the next stage. Experience suggests that assigning specific “homework” to each national government – combined with conditioned financial assistance and strong results-oriented oversight and coordination – could keep reform processes moving to an extent. However, history (and the present-day) has taught us that the rule of law and democracy are not goods that a country can import from Brussels or Berlin. Brussels cannot and should not govern these countries. Ultimately, a strong political will in the associated countries would be key to guaranteeing the success of reforms.

How can the EU strengthen the political will and motivation in these countries, and the will and motivation in their societies, when a membership perspective, even for countries that do everything, right is never either explicitly mentioned or explicitly ruled out? This crucial question remains unanswered. A clearly formulated new strategy for gradual integration in the EU is needed to create tangible incentives both for the governments and for the civil societies in this region.

3 Visa liberalisation action plan

III. Overview of current anti-corruption reforms and challenges in Georgia, the Republic of Moldova and Ukraine

A. Georgia

Since its “Rose Revolution” in 2003, Georgia has undertaken far-reaching and successful anti-corruption reforms that have reduced low- and mid-level corruption to a minimum.⁴ These include a complete restructuring of the system for public administration, the tax system and the police, the creation of a one-stop-shop approach for the provision of public services and a complete digitalisation and opening up of public procurement. However, the fight against corruption at the highest level (elite corruption) leaves much to be desired. During the past 18 years, corruption at this level has never been directly targeted with measures of a quality similar to those used for lower levels.⁵ If one accepts the Transparency International’s (TI) analysis of Georgia and considers the influence exercised over formal power structures and interference with anti-corruption institutions, the country is currently experiencing “state capture”.⁶ It should come as no surprise, then, Georgia has seen no significant improvement in its score in TI’s Corruption Perceptions Index since 2012 (only four points in eight years). Nonetheless, Georgia, 45th in the 2020 ranking of 180 countries, is considered one of the least corrupt countries in post-Communist Europe.⁷

At present, two state agencies share responsibility for investigating corruption in Georgia: the State Security Service and the Office of the General Prosecutor. These agencies have always been headed by individuals with ties to the founder of the ruling political party. This and political interference have made it impossible for the anti-corruption and criminal justice authorities to combat high-level corruption.⁸

The anti-corruption organisations in Georgia believe that the country needs an independent and multifunctional anti-corruption agency with a specific mandate to combat

If one accepts Transparency International’s analysis, Georgia is currently experiencing a „state capture“.

corruption at the highest level. An anti-corruption bill which Georgia TI was instrumental in drafting was proposed in Georgia’s parliament in 2020.⁹ If enacted, this legislation would concentrate the competence to fight corruption, which is currently spread over multiple public institutions, in a single independent agency with investigative authorities with a mandate to tackle elite corruption through transparent procedures. Of particular importance in this context is the resolution of the European Parliament calling on Georgia to build up an independent anti-corruption agency that is “free of any political interference and separated from the State Security Service” and stressing that “fighting corruption requires an independent judiciary and a solid track record of investigations into high-level cases of corruption, yet to be established”.¹⁰ Thus far, however, Georgia’s Parliament has refused to discuss this bill.

4 Uwe Halbach: Korruption und Korruptionsbekämpfung im Südkaukasus, SWP Studie Nr. 8, May 2020: p. 9, <https://www.swp-berlin.org/publikation/korruption-und-korruptionsbekaempfung-im-suedkaukasus>

5 Sandro Kevkhishvili: Input Paper on Anti-Corruption Environment in Georgia, <https://libmod.de/input-paper-on-anti-corruption-environment-in-georgia-d>

6 Transparency International Georgia: Is Georgia a Captured State? 11 December 2020, <https://bit.ly/3gWYeit>

7 Emerson, Cenusă, Kovziridze, Movchan: The Struggle for Good Governance in Eastern Europe, CEPS, 2021, p. 201, <https://www.ceps.eu/ceps-publications/the-struggle-for-good-governance-in-eastern-europe/>

8 For more on this topic, see the introduction to the list of alleged cases of elite corruption drawn up by TI Georgia, version dated August 2021: Uninvestigated Cases of Alleged High-Level Corruption in Georgia – A Periodically Updated List, <https://transparency.ge/en/blog/uninvestigated-cases-alleged-high-level-corruption-georgia-periodically-updated-list>

9 Transparency International Georgia: A new legislative initiative, if supported, to greatly improve anti-corruption capacity of Georgia, 1 September 2020, <https://bit.ly/3eJukeH>

10 European Parliament resolution of 14 November 2018 on the implementation of the EU Association Agreement with Georgia, 2017/2282(INI), https://www.europarl.europa.eu/doceo/document/TA-8-2018-0457_EN.html

Commercial and political interests intermingle to a substantial degree in Moldova. Nonetheless, the EU's conditionality mechanism was an important impetus for the reforms carried out in recent years.

Civil-society experts from Georgia argue that the existing EU instruments are not adequately equipped to accurately assess the core problems and challenges associated with anti-corruption reforms in Georgia. They therefore recommend that the EU pursue a conditionality-based approach specifically in relation to the fight against corruption and consider attaching specific benchmarks developed specifically for fight against corruption, deadlines and follow-up mechanisms to financial assistance from the EU.¹¹ The best-practice methods developed by the OECD's Anti-Corruption Network for Eastern Europe and Central Asia (ACN) could serve as a basis for this.

B. Republic of Moldova

Most of the Republic of Moldova's anti-corruption reforms were not initiated until after the pro-European coalition came to power in 2009. Despite substantial efforts to create a legal and institutional framework to fight corruption since then, Moldova's implementation of its association agreement continues to be unsatisfactory. The country takes 150th place among the 180 countries ranked in TI's 2020 Corruption Perceptions Index. Moreover, there is evidence of a substantial degree of intermingling of commercial and political interests. Faced with this situation, the EU rightly decided to introduce a stricter conditionality and recalibrated its financial assistance to the Republic of Moldova.

So far, three anti-corruption agencies have been set up in the Republic of Moldova: (1) the National Anticorruption Centre (CNA), which has the authority to prevent, counter-act, and investigate corruption and to conduct integrity tests; (2) the National Integrity Authority (ANI), which is responsible for reviewing declarations of asset and interests; and (3) the Anti-corruption Prosecutor's Office (APO), which specialises in high-level corruption cases.

Nonetheless, no tangible results have been achieved: the fight against corruption is guaranteed to go awry in the absence of independent institutions and an independent judiciary. The EU has paid particular attention to this issue in Republic of Moldova since a huge bank scandal¹² came to light there in 2014. There is currently an EU high-level advisers mission to Moldova, made

up of senior international professionals with significant expertise and experience in the relevant fields who are tasked with supporting the fight against corruption and money laundering in the country.

Another factor impeding a fight corruption at the highest level is the continuing ineffectiveness of the mechanism to verify assets. Those measures that are in place are aimed chiefly at lower-level officials and conflicts of interests. Flaws in existing legislation prevent the investigation of cases illegal enrichment.¹³

Nonetheless, it can be noted that the EU's conditionality mechanism was an important source of impetus for all of the anti-corruption reforms and reforms of the justice system that the Moldovan government has carried out in recent years.

President Maia Sandu, elected in 2020, has declared fighting corruption to be her top priority. Since the convincing victory of her pro-European party¹⁴ in the early parliamentary elections in July 2021, the current political leadership of the Republic of Moldova has embodied the great hopes of its Euro-Atlantic partners that the country will finally embark on an ambitious course of reforms that will strengthen the rule of law and fight corruption.

11 Sandro Kevkhishvili: Input Paper on Anti-Corruption Environment in Georgia, <https://libmod.de/input-paper-on-anti-corruption-environment-in-georgia-d/>

12 The Moldovan bank fraud scandal of 2014 erupted when it came out that over a billion US dollars had disappeared from the country's banking system. This resulted in the 2015 suspension of financial assistance to the country from the EU, the International Monetary Fund and the World Bank. The EU did not make funds available to Moldova again until 2018.

13 Igon Guzun: Input Paper on Anti-Corruption Environment in Moldova, <https://libmod.de/en/input-paper-overview-current-situation-challenges-fight-corruption-republic-of-moldova-guzun/>

14 Party of Action and Solidarity (PAS)

Since 2014, Ukraine has undertaken impressive reforms and can be described as a trailblazer in the region. The Achilles' heel remains a transparent, non-partisan procedure to select the heads of anti-corruption institutions.

C. Ukraine

Ukraine's "Revolution of Dignity" in 2013 was triggered by the refusal of the country's then president to sign an association agreement negotiated with the EU. Ukrainian civil society saw this agreement as a step down a path into the EU and had pinned their hopes for the rule of law and the fight against corruption on it. In 2014, civil society succeeded in its struggle to get this agreement signed, and since then Ukraine has undertaken impressive anti-corruption reforms. With its newly created institutions, the country can now be described as a trailblazer in the region.

In the last seven years, the Ukraine has created four anti-corruption institutions:¹⁵

1. The National Anti-corruption Bureau of Ukraine (NABU), a law enforcement agency that conducts pre-trial investigations into elite corruption. Since its establishment, it has completed over 300 completed investigations and passed them on to the courts, some 50 of which have resulted in convictions.
2. The Specialized Anti-corruption Prosecutor's Office (SAPO), which is responsible for supporting and supervising the criminal investigations initiated by NABU;
3. The High Anti-Corruption Court (HACC), which was established in 2019 at the urging of the EU – the judges of this court were selected through a transparent and extraordinary procedure that has come to be seen as the "gold standard";
4. The National Agency on Corruption Prevention (NACP), an executive body responsible for the formation and implementation of government anti-corruption policy.

In addition to setting up these institutions, Ukraine has carried out numerous anti-corruption reforms in a variety of areas and in close cooperation with civil society, for instance the deployment of ProZorro, now a well-established e-procurement system based on OECD standards. ProZorro is recognised around the world as an example for successful reform in the award of public contracts.

Nonetheless, the country still faces enormous challenges, and takes only 117th place in the ranking of 180 countries in TI's 2020 Corruption Perceptions Index. Its Achilles heel remains the inadequate guarantee of the independence in the infrastructure created through a transparent, non-partisan procedure to select the heads of anti-corruption institutions. This also applies to the fair composition of self-governing bodies in justice system with the participation of international and local experts and fulfilment of Venice Commission recommendations on the reform of the Constitutional Court. It is also important is to introduce a system for the administration of state assets that ensures transparency and accountability and eliminates corruption in public procurement.

The EU played a key role for the establishment of the anti-corruption institutions, having held back an entire tranche of macro financial assistance in the conflict over anti-corruption reforms. In the view of the Ukrainian anti-corruption experts, the EU would do well to develop specific indicators that it can use to improve its monitoring of the reforms required under the Association Agreement.¹⁵

¹⁵ Kateryna Ryzhenko, TI Ukraine: Input Paper "Fighting corruption in Ukraine", <https://libmod.de/input-paper-fighting-corruption-in-ukraine-d/>

IV. The fight against corruption must remain a priority in the Eastern Partnership

In July of 2021, after long negotiations, the European Commission and the EU High Representative for Foreign Affairs and Security Policy presented a “joint staff working document” outlining a strategy and identifying specific priorities and commitments for cooperation with the Eastern Partnership countries for the period through 2025.¹⁶ The ten priority targets defined in this document, focusing on recovery, resilience and reform, will be discussed with the 17 member states, the EaP countries and civil society at the EaP summit in December 2021, after which a joint political declaration will be negotiated. The priorities defined for future cooperation continue to include strengthening the rule of law, the fight against corruption and good governance as they are necessary to ensure successful use of the planned investments (amounting to 2.3 billion euros) to increase trade, growth and connectivity, support the green and digital transitions and in other areas of relevance, among other reasons.

The strategy proposed in this document has won the support of civil society in the EaP countries and of some EU member states, including Germany, which see it as a means of strengthening the rule of law within the EaP and introducing specific, measurable post-2020 targets. Conditionality will play an important role in this strategy, which is structured around two pillars: investment and governance. An independent justice system (governance pillar) is crucial if these investments are to be effective and necessary to foster sustainable economic and social development. Therefore, the EU’s support will consist in an incentive-based approach combined with conditionality, and the rule-of-law reforms constitute necessary preconditions for economic promotion on the part of the EU. The new strategy emphasises on the following aspects of the fight against corruption: fighting corruption at the highest level, strengthening the independence of the judiciary, investigative and anti-corruption agencies, improving public procurement quality and the independent monitoring of the assets of all high-ranking political officials.

Everything will hinge on how the general objectives identified in the strategy are “translated” into the bilateral national action plans and anti-corruption strategies, though, and how they are implemented. A more precise articulation of the objectives will need to be necessary. The implementation of the plans and strategies must be monitored both by the EU and through intensive cooperation with and the participation of the civil societies

¹⁶ https://eeas.europa.eu/sites/default/files/swd_2021_186_f1_joint_staff_working_paper_en_v2_p1_1356457_0.pdf

The key question:
How will the general objectives identified in the EU strategy be “translated” and implemented into the bilateral national action plans?

of the three countries. The past failures of rule-of-law reforms have primarily been due to the politicisation of public office/political culture in all three of these countries, and thus ultimately to the lack of political will to implement effective reform. In terms of their legislation, the three associated states are already more or less in line with European standards. The problem lies in the implementation of those standards in practice.

The joint EU-Council of Europe project “Support for a better evaluation of the results of judicial reform efforts in the Eastern Partnership - Justice Dashboard EaP”,¹⁷ launched on 8 June 2021, will certainly help improve the evaluation of justice reforms in general. That this “Balkan methodology”, i.e. a justice dashboard, should be used for the EaP countries was one of the suggestions most frequently heard during the consultation procedure and in the subsequent joint communication¹⁸ prepared on the basis of this procedure. The aim is to facilitate

¹⁷ https://www.coe.int/en/web/cepej/justice-dashboard-eap/-/asset_publisher/lpqkU7qYgoK4/content/launch-of-the-justice-dashboard-eastern-partnership-project

¹⁸ https://eeas.europa.eu/headquarters/headquarters-homepage/76166/joint-communication-eastern-partnership-policy-beyond-2020-reinforcing-resilience-%25E2%2580%2593-eastern_en;https://www.consilium.europa.eu/media/43905/st07510-re01-en20.pdf

While conditionality has played a key role in the implementation of reforms so far, this kind of pressure can only be seen as a means of last resort. The majority is not responsible for corruption and should not bear the brunt of conflicts. This requires careful consideration.

better measurement of the current status of rule-of-law reforms and provide quantitative and qualitative data on the functioning of the justice system. This mechanism, employed by the European Commission for the Efficiency of Justice (CEPEJ)¹⁹, can be seen as a key instrument for achieving the policy objectives of the EU and the Eastern Partnership in the next decade.

Another new element in the mix is the “EU Integrity” programme jointly run by the EU and the OECD’s Anti-corruption network for Eastern Europe and Central Asia, which has been underway since May 2021. This programme provides a set of performance indicators for the fight against corruption and seeks to ensure effective participation by civil society organisations.²⁰

While the new programmes described above certainly appear likely to provide important stimuli for reform processes, they have yet to be proven in practice. A wait-and-see attitude would be advisable, particularly

in the case of the justice dashboard, the first results of which are likely come in the form of a large amount of data of various kinds that are difficult for non-experts to make sense of.

As section III’s brief overview of anti-corruption policies in the three EU-associated countries makes clear, the different countries have taken different paths and focus on different aspects. Small-scale corruption was tackled effectively with lasting results in Georgia; the same cannot be said of Ukraine or the Republic of Moldova. Ukraine appears to have made more progress getting appropriate institutions in place. All three countries share a common challenge though: none of them has managed to ensure the independence of the relevant institutions from the leading political elite.

Given its aim of achieving profound changes in this protracted and tedious process of transformation, the EU is pursuing the right strategy: promoting EU visibility in the region and thus increasing trust in the EU in the populations by focussing on the areas of direct investment, better connectivity, etc. So long as the prospect of accession continues to appear to be blocked, it is essential that people in the associated countries should benefit from the potential investment funds and directly experience positive change brought about through the association with the EU.

Although the experience in the three countries has been that conditionality has played a key role for the implementation of reforms, as an instrument to exert pressure, conditionality can only be seen as the means of last resort. At the end of the day, conditionality is not a panacea. The negative consequences of conflicts with the political elite should not be borne only by the majority of the citizens, who do not bear responsibility for large-scale corruption.

¹⁹ <https://www.coe.int/en/web/cepej/about-cepej>

²⁰ <https://www.oecd.org/corruption/high-level-launch-of-the-eu-for-integrity-programme-for-the-eastern-partnership.htm>

Avoiding this pitfall will require a careful consideration. Reading the EU's new strategy suggests that, in the future, incentives might take the form of a gradual economic integration into the European single market. This long-term aim is also cautiously formulated in the present association agreements and is in line with the aspirations of Ukraine, Georgia and the Republic of Moldova, recently reiterated by their foreign ministers in a kind of joint declaration of intent.²¹ In this context, the question arises as to how the four fundamental freedoms of the EU single market, including the freedom of movement for workers, could be gradually extended to the associated countries. These freedoms are connected

with the fight against corruption. Though it may sound now like a vision for a distant future, one cannot deny that EU interests beyond those of creating a stable periphery may in fact be at stake. At the same time, it is important to keep emphasising that the Eastern Partnership is and has always been a geopolitical project too. The EU must not lose its strategic patience; on the contrary, it should stand up with even greater resolve as a partner willing and able to help shape the region. Germany in particular, as a long time EU member, would be well advised to take on a leadership role within the EU in this area, in order to do justice to its own abilities and to fulfil the expectations of civil society in the AA countries.

²¹ <https://www.euractiv.com/section/eastern-europe/opinion/georgia-moldova-and-ukraine-a-higher-eu-ambition/>

V. Recommendations to decision-makers in Germany

1. Germany should move the Eastern Partnership higher up on its political agenda in the new legislative term and realign its political cooperation with the EU-associated states Ukraine, Georgia and the Republic of Moldova to enable a better differentiated approach. In doing so, Germany should continue to take its cue from the coordinated approach of the EU, which has met with repeated success. Further, it should act in consultation with other international partners of the associated countries and the International Monetary Fund.

The creation of concrete incentives in the form of sectoral integration would provide a new source of motivation to the civil societies in these countries, increase the EU's credibility and accelerate the reform processes. The EU has the resources necessary to influence the internal transformation of these states from the outside and should make greater use of this potential.

2. Germany should take a leadership role, together with other EU members states, and support an EU-plus-associated countries format for the associated states. Berlin should use regular meetings with representatives not only of the political elite but also of civil society in Ukraine, Georgia and the Republic of Moldova to identify shared challenges and interests and develop a joint strategy for a gradual European integration. The fight against corruption should play a key role in this context. A format of this kind could help maintain the momentum of a permanent process bringing the associated states ever closer to the EU.

3. Germany should actively support the measures proposed by the EU at EaP summit in December of 2021 by, for instance, developing national programmes of its own that could evaluate progress made specifically in the fight against corruption.

4. In view of the substantial weaknesses of the anti-corruption reforms, the civil society experts from Ukraine, Georgia and the Republic of Moldova continue to recommend establishing a clear conditionality for future provision of macro financial support that can serve to exert pressure as a means of last resort. However, careful attention should be paid to ensuring that it is not always the majority of the citizens in the countries who must pay the price for the weaknesses of the political elite.

5. Within the EU, Germany should seek to ensure that the anti-corruption targets identified in the new agenda are implemented appropriately in the national action plans. In this context, a decisive role should be assigned to EU oversight and an intensive cooperation with civil society. The experiences with the EU's Anti-corruption Initiative (EUACI) in Ukraine should be evaluated. This initiative should be continued in Ukraine and introduced in the other two countries as well.

6. The EU's engagement in the reform process in Ukraine through the Support Group for Ukraine (SGUA) has proven beneficial. The group made substantial contributions to improving the quality of cooperation and to clearing blockages. The Federal Government should make the creation of support groups of this kind for the other two countries a priority.

7. In order to achieve better results in the area of high-level corruption, associated states should be invited to engage in more intensive cooperation with EU law enforcement and anti-corruption agencies. An institutionalised dialogue between the recently established European Public Prosecutor's Office (EPPO) and the anti-corruption institutions in the AA countries could play an important role in this respect.

8. Berlin and Brussels should continue to attach top priority to the aim of increasing the involvement of civil society organisations, which is identified as a top target objective in the framework EU document. The importance of independent and fair reporting should be highlighted in this context. After all, independent and pluralist media are a guarantee for effective monitoring of the fight against corruption.

9. Particular attention should be paid to education in connection with the reform processes. A better understanding of corruption and its consequences could play a decisive role in coming to grips with it. This topic should be addressed along the entire education chain all the way through to advanced professional training and development, above all in the field of public administration.



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30 years ago, Georgia, the Republic of Moldova and Ukraine freed themselves from the Soviet dictatorship and started to build democracy and the rule of law. This policy paper provides an overview of the the current state of the fight against corruption and assesses the EU's role in this complex reform process.

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Herausgegeben vom

Zentrum Liberale Moderne
Reinhardtstrasse 15
10117 Berlin
Germany

T: +49 (0)30 - 13 89 36 33
M: info@libmod.de

www.libmod.de