



EASTERN PARTNERSHIP
Civil Society Forum

Monitoring and Evaluation of Association Agreements with the EU

Recommendations from civil society organisations

Based on the discussions at the Eastern Partnership Civil Society Forum's conference
"Strengthening the EaP CSF Platforms' Participation in AA/DCFTA Implementation",
Tbilisi, 24-25 September 2015



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Executive summary

The civil society in the Eastern Partnership (EaP) countries provided significant dynamism in the reform process. Although not all EaP countries have the necessary conditions to foster greater civic engagement in the process of reforms, the civil society has been by far the most reliable and consistent partner in steering the transformation. The six National Platforms of the EaP Civil Society Forum (EaP CSF) along with NGOs and individuals have contributed to the path towards Europeanisation.

With the entry into force of the Association Agreements (AAs) in Georgia, Moldova and Ukraine, a new reform agenda has been put on the table and despite the efforts, the results of carrying out the AAs are moderate. The implementation of the AAs with the DCFTAs should bring modernization and development. The civil society has an important role to play by providing monitoring and evaluation of the AAs, as well as policy advice in order to ensure that the implementation process is efficient, transparent and inclusive.

To make it happen, the civil society should coordinate their efforts by developing and improving the monitoring and evaluation mechanisms, including the revision of the National Plans for AAs Implementation. The creation of civil society coalitions and establishment of institutionalised formats of interaction with the authorities are key elements for an efficient communication and a growing influence on the process. Such instruments as public hearings and coordination between the government, parliament and civil society are often disregarded. However with the implementation of the Association Agreements the role of civil society and the use of instruments will increase, as should increase the impact and the transparency of the process.

Introduction

The civil society of the six Eastern Partnership countries has a crucial role in ensuring the reform process does not stall. The civil society creates the internal demand for reforms, helps to overcome resistance, explains the benefits of reforms, provides its expertise and monitors the implementation of reforms, regardless of whether the country signed the Association Agreement with the EU. The civil society is a natural ally of both the EU and the EaP partner governments as it helps to decipher the reforms required by the EU. It contributes to the synchronisation of the internal demand for reforms with the external pressure, at the same time helping the EaP governments to be on track with reforms and, with civil society's expertise and assistance, manage the expectations of the population.

The signature of the Association Agreements (AAs) with the European Union by Georgia, Moldova and Ukraine has been considered a significant step forward in advancing the relations between the three countries and the EU. The implementation of the AAs in these EaP countries is very important for the entire Eastern Partnership region. The success of the EaP initiative will be judged by the successful implementation of the policies and agreements convened within the EaP countries, with a special focus on the Association Agreements. The failure in implementing the Association Agreements by the EaP countries will lead to further disappointment of the population in the associated countries and losing their trust in the EU. The EU, as a co-owner of the process, is also responsible for the successful implementation of the Association Agreements.

The agreements have been negotiated for many years and cover all the areas of cooperation with the EU. The confidential process under which the negotiations of the AA were conducted did not bring any positive developments. Certainly, it is not possible to hold open negotiations since the procedure requires a certain degree of confidentiality, however, the non-involvement of experts from civil society and the lack of more detailed information for the public has played a negative role. Although for Georgia, Moldova and Ukraine the process is already accomplished, it still represents an issue for Armenia, which is now engaged in the process of negotiating the future upgraded framework of relations between Brussels and Yerevan. Moreover, for a regular and coordinated input from the civil society, one could consider the institutionalization of the consultations between the government and civil society. Such process is taking place in Georgia and would greatly expand the possibilities for civil society if it was implemented in other EaP countries as well.

Although the Association Agreements do not envisage a membership perspective for Georgia, Moldova and Ukraine, the implementation of these agreements will have a crucial impact on the integration of the three economies. It will create necessary conditions for membership negotiations, should the parties be interested in advancing their cooperation.

In spite of all the efforts by the governments of Georgia, Moldova and Ukraine and the support provided by the European Union in the process of AAs implementation, without constant participation of the various groups of society, the process cannot be considered inclusive and transparent. An underpinning principle of democratic

societies and participatory democracy is consultation with the public.¹ Therefore, the participation of civil society in monitoring and evaluation represents a key element for successful implementation of the Association Agreements.

The first results of the implementation show a wide range of challenges that the countries are experiencing in the process of implementation. The challenges vary from a lack of political will to insufficient resources, both in terms of financial means and human resources. The civil society also needs to continue developing the necessary capacity to provide constructive quality assessment of the key policies and especially of such complex documents as the Association Agreements. Further support from the donor community is crucial in this regard.

The shortcomings identified in the process of the AAs implementation could be addressed with the participation of the civil society that has already undertaken several attempts in monitoring and evaluation of this process. Learning from each other and establishing a permanent exchange of experience is of paramount importance to succeed. This is precisely the reason why the civil society organisations from the six National Platforms of the Eastern Partnership Civil Society Forum convened in Tbilisi for the event “Drawing Lessons and Strengthening the EaP CSF Platforms’ Participation in AAs/DCFTAs Implementation: Capacity Building on CSO Monitoring and Contribution to Policy-Making”. The experience of the civil society in Georgia, Moldova and Ukraine already involved in monitoring the AAs implementation has proven to be interesting for the representatives of the non-signatory countries, in particular for Armenia currently negotiating a new type of agreement with the EU.

This paper aims to provide successful tools that were used in the three EaP countries and advise on how to improve certain aspects that would lead to a more efficient implementation of the AAs, as well as to demonstrate possibilities for effective monitoring and evaluation with existing examples. Moreover, the document explores the relation between multilateral civil society national platforms created in the framework of the Eastern Partnership initiative and the bilateral civil society platforms created under the Association Agreements. Finally, the paper will highlight the proposals and recommendations from the thematic workshops held in Tbilisi.

¹ Treaty of Lisbon, http://europa.eu/lisbon_treaty/full_text/index_en.htm

Why do monitoring and evaluation?

Despite the fact that the words “monitoring” and “evaluation” are often used in combination, they represent two different processes. *Monitoring* represents the process of data collection that is carried out systematically in order to obtain information on a particular policy at a given time and in relation to certain targets and results. *Evaluation*, based on the collected data and monitoring, is a logical continuation of the monitoring process that is intended to measure and analyse the impact of the implemented policy. Therefore, the processes of monitoring and evaluation are separate but also complementary.

Table 1. Complementary roles of monitoring and evaluation²

Monitoring	Evaluation
<ul style="list-style-type: none">• Clarifies programme objectives• Links activities to their objectives• Translates objectives into performance indicators• Collects data on indicators and compares actual results with targets• Reports on policy development and draws attention to problems	<ul style="list-style-type: none">• Analyses why intended results are achieved or not• Examines implementation process• Explores unintended results• Provides insight for lessons learned• Identifies positive aspects of policy implementation• Provides recommendations for improvement / change of the policy

“Institutional mechanisms, which are more adequate for ensuring CSO involvement in monitoring and evaluation would contribute to a clearer understanding of their role. This role is multifaceted and includes (1) monitoring public policies within their field of expertise and raising public awareness on those issues, (2) advocating of a particular approach or solution to a problem, (3) conducting research activities and generating studies useful for policy monitoring and evaluation, or (4) providing services for the purpose of policy monitoring and evaluation.”³

² Jelena Žarković Rakić et al., *How to get results in Public Policies? Monitoring and Evaluation with the evidence supplied by the civil society*, Belgrade, 2014

³ Ibid.

Monitoring and evaluation of the Association Agreements and DCFTAs

In over a year of implementation of the Association Agreements with the EU, the three countries of the Eastern Partnership have shown relative progress. The challenges in implementing the agreements reveal that the documents are very complex and it will take years until most of results are delivered and even more until the reforms become sustainable. As in the case of other documents (e.g. Visa Liberalisation Action Plan) previously implemented by Georgia, Moldova and Ukraine, political will, prioritisation, trained personnel, resources and the ability to channel those in the right direction will be crucial for a successful implementation. However, the picture would not be complete without the involvement of the civil society that is capable, by the way of monitoring and evaluation, to advocate for better implementation, communication and policy advice for the decision-making.

The progress of the three associated countries is uneven and differs from one area to another. While in Georgia the reform of the Prosecutor's Office was positively assessed and took place with the contribution of civil society, in Moldova and to some extent in Ukraine, the same reform failed and no significant progress was noted. At the same time, the reform of law-enforcement agencies, with a special focus on police, is taking place in Ukraine. The interim results are encouraging and a spill-over effect is expected to take place in other institutions. On the contrary, Moldova has been working well on the technical side of the process, however, the political part has witnessed a regress. The lack of reform in the judiciary and an increasingly problematic media environment, along with the endemic corruption cast shadow on the progress that was achieved in other areas.

The AAs cover many areas and the driving force of the agreements are their economic parts - DCFTAs. The DCFTA replaced FTA and it is important to highlight why it was decided to advance to the DCFTA. The "classic" trade agreements focused on tariffs, however, over the last two decades, the issue of tariffs has not been the most important. The growing element of trade agreements is non-tariff measures, which refer to issues such as food safety standard that could be abused quite often, as the example of the measures adopted by the Russian Federation shows. Therefore, the DCFTA, unlike the previous trade agreements, are rather about rules than tariffs. Certainly, the DCFTA aims to help the de-oligarchisation of economy in the associated EaP states, improve public procurement, foster fair competition, etc., but the DCFTA is in no way a substitute for public procurement and other domestic rules. DCFTA cannot solve corruption issues, help to increase salaries, etc., however it can help to develop services, lead to abolition of tariffs, attract investments and modernize the economy, if it is implemented in conjunction with domestic rules.⁴

Georgia and Moldova started to implement the DCFTA in late 2014, unlike Ukraine which is set to start the implementation as of January 2016. The delay in the implementation of DCFTA was generated by Russia's objections related to the alleged harm to the Russian economy. Despite Moscow's warnings, which were rather political and were not underpinned by economic arguments, Moldova started the implementation of DCFTA. Chisinau's decision was criticized by Russia who, besides

⁴ Luc Devigne, Conference "Drawing Lessons and Strengthening the EaP CSF Platforms' Participation in AA/DCFTA Implementation: Capacity Building on CSO Monitoring and Contributing to Policy-Making", Tbilisi, September 2015

the trade restrictions imposed before the signature of the AA, has also cancelled trade preferences for imports of 19 categories of products, suspending provisions of the Russia-Moldova Commonwealth of Independent States (CIS) Free Trade Agreement. The same would have been applied to Georgia, however, the restrictions for Georgia were already in place since 2006. In the case of Ukraine, a series of punitive trade measures have been employed since 2013. However, the Russia- Ukraine CIS Free Trade Agreement was not suspended, as Ukraine is not yet implementing the DCFTA and Russia managed to delay its implementation by reaching an agreement with the EU and Ukraine on 12 September 2014. The main claims from the Russian side in justifying its actions were related to allegations of non-conformity with the Russian standards and fear of re-export, “although the correlation of these allegations with movements in Russia’s geopolitical postures makes it obvious that the Russian technical agencies are following political guidelines dressed up as scientific evidence.”⁵ The claims from the Russian side were presented during the EU-Ukraine-Russia trilateral talks, however, no evidence of potential economic losses for Russia were provided – it was rather about reshaping (downgrading) the DCFTA with Ukraine in order to make it possible for Ukraine to eventually join the Eurasian Economic Union.⁶

The DCFTA implementation in Georgia has been the most successful so far. Benefiting from a relative political stability and a good start due to previous reforms, Georgia has implemented many of its commitments taken for 2015, including adoption of many EU standards. The exports to the EU have grown by 25%, which is a rewarding start for the DCFTA implementation. Unlike Georgia, Moldova did not manage to show such a progress. On the contrary, despite the good technical work done for the DCFTA implementation, the political crisis, the banking scandal which revealed the misappropriation of 1 billion USD, the currency devaluation and corruption have overshadowed the positive sides of DCFTA. For Ukraine, where the DCFTA is not yet in force, the preparations are going well, with progress in many areas such as, for instance, food safety and procurement.

The common challenge for all the three countries are the implementation of EU standards and finding trade partners in the EU countries, especially for Ukraine which has a significant potential of export. Also, the ability to use EU assistance represents a problem in all the associated countries, which is driven either by insufficient experience or by high turnover rate of employees. That means that it will take a few years before the three countries fully benefit from the DCFTA, especially since reports highlight difficulties for SMEs in Georgia, Moldova and Ukraine to “understand the changes resulting from the AAs/DCFTAs compliance and to adapt their administration procedures, production processes and facilities.”⁷ However, the DCFTA implementation also helps to boost the role of civil society. The latter became more

⁵ Cenusă D., Emerson M., et al., Russia’s Punitive Trade Policy Measures towards Ukraine, Moldova and Georgia,

http://www.ceps.eu/system/files/WD%20300%20Punitive%20Trade%20Measures%20by%20Russia_0.pdf

⁶ Tatiana Sylina, Россия — страна гуав и манго (Russia is a country of guava and mango), <http://gazeta.zn.ua/internal/rossiya-strana-guav-i-mango-kak-rf-pytaetsya-besparonno-pravit-tekst-soglasheniya-ob-associacii-ukrainy-s-es-.html>

⁷ East Invest reports highlight DCFTA challenges for SMEs in Georgia, Moldova and Ukraine, <http://www.enpi-info.eu/eastportal/news/latest/42326/East-Invest-reports-highlight-DCFTA-challenges-for-SMEs-in-Georgia,-Moldova-and-Ukraine>

involved in a number of bodies related to the process of the DCFTA implementation, which also leads to an increased level of expertise.⁸

The governments of Georgia, Moldova and Ukraine have all presented monitoring reports on the AAs implementation. The reports prepared by the governments of the three countries have a strong component of monitoring and generally present detailed information about the actions taken. However, they lack an evaluation dimension, which would bring greater understanding of what the actions taken under the National Action Plan for the AA implementation mean for the modernisation of the country and its progress toward the European integration.

From the side of the civil society, Ukraine has not produced yet a comprehensive monitoring and evaluation report on the AA implementation. However, there are attempts to assess the impact of actions taken under the National Plan for implementation of the AA. In Georgia the first report was presented in October 2015 preceding a series of policy briefs on the most pressing issues that could pose a risk for the AA implementation. Finally, Moldovan civil society organisations (CSOs) presented two parallel monitoring reports that aim at assessing the process of implementation but also at explaining the importance and meaning of certain actions foreseen by the AA.

Successful implementation of any given reform is strongly related to the communication efforts. The three countries, with certain exceptions in the case of Georgia, have made insignificant efforts in communicating about the European integration process and the Association Agreement, at least before the signature of the AA. There were almost no funds allocated from the budget to promote the reforms related to AA. Unlike the government, the civil society in all the three countries has been very active in raising awareness about the European integration process. Information campaigns carried out by NGOs and the EaP CSF National Platforms took place in all the three associated countries with participation of public officials. This is a positive example of cooperation between the government and civil society, since quite often, governments are more ready to discuss with the EU than with its own population, and such a situation is unlikely to contribute positively to the implementation process. In certain cases, for example, in Georgia, the government and the civil society have developed and are implementing a joint Communication and Information Strategy for the EU integration (2014-2017). Moreover, the Georgian government sees the Georgian National Platform of the EaP CSF as one of the most reliable partners in communication and monitoring of the European integration process.

One particular problem for implementation of the AA is the lack of communication in the regions of the countries involved. The usual practice is to hold all the important events in the capitals. However, with the support of the civil society many events took place in the regions of Georgia, Moldova and Ukraine. The current effort is not sufficient, since the biggest part of the beneficiaries are actually located in the regions and these should be the primary target of any information campaigns.

Institutional cooperation is equally important for successful implementation of

⁸ Cecilia Malmstrom, The EU and Moldova - Partners for Growth, http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc_153908.pdf

the AA. Quite often the governments and the parliaments have different priorities and thus different tracks. A smooth coordination between the government and the parliament is instrumental for a timely implementation and sustainable approach to the European integration process. For instance, the parliament of Moldova in cooperation with the government adopted a list of priority laws that should be adopted in 2015-2016. Similarly, parliaments are instrumental in monitoring the implementation of the AA through various instruments such as public hearings.

One more issue on the radar of all three associated countries is the breakaway regions. Although it is not yet clear how Kyiv will manage the conflict in the Eastern Ukraine, it is becoming more evident that the application of the Association Agreements in the separatist regions of Abkhazia, South Ossetia, Transnistria and the illegally annexed Crimea is unlikely. There are no expectations that the entire Association Agreement would be applied in these regions, however, originally, there were some considerations of implementing the DCFTA part. The difficulty of the AA application in the separatist regions is related to the fact that, unlike the FTA which is mainly about tariffs, the DCFTA is also about rules, which are not recognised in the regions and could not be applied by the constitutional authorities.

It is difficult to give a detailed assessment of the results for the first year of implementation since all the countries had a different start with different situation in each country. On the technical level, the reports on all the three countries indicate that a significant amount of work has been done, while at the political level reforms are still often overlooked.

Nevertheless, by using a broadly unified methodology and joint efforts, the trends will become more visible in the years to come and will also allow for comparison. Therefore, based on the existing reports, on presentations and debates at the event in Tbilisi, as well as the interviews, one could suggest the following conventional list of steps with examples that would contribute to a better monitoring and evaluation process.

Issue #1: Indicators of progress

All the three countries, which signed the Association Agreements, have adopted National Action Plans for their implementation. The National Action Plans contain detailed information of the actions that need to be implemented in relation to concrete provisions from the Association Agreement. Ideally, for each action foreseen in the National Action Plan there are clear indicators of progress, responsible institutions and a deadline. However, in practice, in many cases the indicators are missing or do not correspond to the action. Therefore, it is quite difficult to assess to what extent certain reform/action has been successful when indicators are missing. The missing indicators create significant problems in monitoring and evaluation of the AA, but also allow the governments to adopt very generalist narratives on the implementation of the National Action Plans.

Highlight #1

The civil society organisations involved in the monitoring and evaluation process of the Association Agreements should examine the National Action Plan and suggest indicators when these are missing. By now, civil society organisations in all the associated countries have noted the lack of indicators, however, did not suggest new indicators.

Issue #2: Avoiding vagueness

One of the issues of the National Action Plans is not only the missing indicators, but also the quality of the benchmarks and of the actions when these exist. Quite often the indicators are too general, not realistic, vague and not adequate. Therefore, adding missing indicators would not be sufficient. One has to consider also the revision of the indicators and actions when these are not sufficiently clear and concrete. There could be often observed general indicators such as increase efficiency, consolidate efforts, take appropriate measures, etc., that do not give a sense of the task that should be accomplished (see Example 1 for concrete illustration of the above-mentioned problem). In all the three EaP countries, the civil society complained about the ambiguous formulation of certain tasks in the National Action Plan. In August 2015, Moldova amended the National Action Plan in order to make it more concrete and assessable.

Highlight #2

Criticizing the National Action Plans without offering policy options for authorities might be considered as non-constructive. Therefore, one has to make sure that along with the critics there are proposed the possible improvements of the actions and indicators. The proposed revisions could be inserted in the amended National Action Plan.

Example #1

Georgia					
33		Develop proposals and take appropriate measures within the framework of the juvenile justice reform	High Council of Justice	2015	State Budget Donors Assistance
Moldova					

	2.1 <i>Political Dialogue and Reform</i> Anticorruption and administrative reform: <ul style="list-style-type: none"> addressing efforts to prevent and combat corruption at all levels of society, especially high level corruption 	1. Efficient implementation of GRECO recommendations	General Prosecutor's Office Ministry of Justice Central Election Commission National Anticorruption Centre	2014-2016	Within the limits of budgetary resources. Extra-budgetary funds
Ukraine					
Chapter 12. Transparency					
171	Article 281, 283	Ensuring operative publication of information as regards measures of general application	2014-2017	Ministry of Justice Ministry of Economic Development and Trade Ministry of Foreign Affairs Other central bodies of the executive power	

Issue #3: Monitoring and evaluation reports

Up to this moment, all the responsible institutions for European integration in Georgia, Moldova and Ukraine presented reports on implementation of the Association Agreements. Georgia and Moldova presented one report each and Ukraine already presented two reports. Despite the fact that the reports seem to be very complex and sometimes long, these have few analytical features. For instance, in certain areas of the Georgian report “there is a clear mismatch between the agenda and the reform implemented and the actions taken. In many cases, reports contain the details of the working process, but not the results achieved. Therefore, the approach on the reports should be more analytical and holistic and not just provide how many meetings were held, but to make analytical assessment of the results of the implementing reforms.”⁹ The reports are very often a compilation of activities without delivering a concrete conclusion or assessment that would shed some light on what it means for the implementation process. Therefore, reading the report does not necessarily allow to have a good understanding of the results achieved.

Highlight #3

The reports presented by the state institutions should contain not only monitoring but also evaluation. The civil society could be a partner in providing assessment of the reforms. Also, aside from data, the reports need to give explanation on the reforms and their impact on the process of implementation.

Issue #4: Data reliability

One particular problem in producing solid reports is the access to data and data reliability. Aside from open data gathered through desk research, the most often used method of collecting data about the stage of implementation are the official inquiries

⁹ Ana Natsvlshvili, Conference “Drawing Lessons and Strengthening the EaP CSF Platforms’ Participation in AA/DCFTA Implementation: Capacity Building on CSO Monitoring and Contributing to Policy-Making”, Tbilisi, September 2015

made by the civil society organisations to various institutions. In some cases CSOs also conduct interviews, however, this is not yet a permanent practice.

For state institutions, which are quite often understaffed, giving an exhaustive answer to the inquiries made by civil society represents a challenge. Nevertheless, they are obliged by law to provide an answer. However, often those answers are incomplete or unsatisfactory for the experts working on parallel monitoring. Most often, the answers are purely formal. One particularly positive example of making the full set of data available is the online reporting system implemented in Moldova. As shown in Example 2, all the data on implementation that the state institutions report to the Ministry of Foreign Affairs and European Integration (MFAEI) is available online. The data is provided every month through a special online information system. The access to data input and editing is granted solely to the reporting institutions. However, everyone can consult the data provided on the MFA webpage.

Highlight #4

The relationship of civil society and state institutions varies from one country to another and has been different at various points in time. In all the three countries civil society maintains contacts with officials that work on the European integration issues, however few of them conduct interviews with officials when preparing a monitoring report. For producing qualitative analytical reports, civil society needs to create permanent channels of direct communication with people in charge of AA implementation in line ministries.

Example #2: Report on the realization of the National Action Plan for the Implementation of the Moldova-EU Association Agreement ¹⁰

Articol	Prevedere	Masura	Raportare	Instituții	Data de începere	Data de finalizare
Articolul 18. Spălarea banilor și finanțare a terorismului	(1) Părțile cooperează pentru a preveni utilizarea sistemelor lor financiare și a celor nefinanciare relevante în scopul spălării veniturilor provenite din activități infracționale, precum și în scopul finanțării terorismului. Această cooperare cuprinde și recuperarea	1. Realizarea prevederilor Strategiei naționale de prevenire și combatere a spălării banilor și finanțării terorismului pentru anii 2013-2017 și a Planului de acțiuni pentru implementarea Strategiei nominalizate, aprobate prin Legea nr. 130 din 6 iunie 2013	05.05.2015 Pe parcursul anului 2014 Banca Națională a Moldovei a întreprins următoarele acțiuni: a monitorizat entitățile raportoare cu privire la respectarea prevederilor Legii nr. 190 XVI din 26 iulie 2007; a organizat instruirii și seminare pentru entitățile raportoare în scopul aplicării corecte a legislației cu privire la prevenirea și combaterea spălării banilor și finanțării terorismului, precum și în scopul informării cu privire la schemele existente în acest domeniu. La necesitate, Banca Națională a Moldovei a conlucrat cu Serviciul Prevenire și Combaterea Spălării Banilor și a fost acordată asistență reciprocă în investigarea cazurilor complexe de spălare a banilor și de finanțare a terorismului. 05.05.2015	Cancelaria de Stat Ministerul Economiei Ministerul Justiției Ministerul Finanțelor Alte instituții Ministerul Afacerilor Interne Ministrul Tehnologiei Informației și Comunicațiilor Centrul Național Anticorupți	01.01.15	31.12.16

¹⁰ The example is available only in Romanian language. One could observe the data in column number 4. As you can see, the data has been regularly introduced and one could see it without having special access. The online report could be accessed from the MFA webpage www.mfa.gov.md (PlanPro) or at the direct link <https://monitorizare.gov.md/reports/Raport%20PNAAA.html>

	<p>activelor sau a fondurilor provenite din veniturile obținute din infracțiuni</p>		<p>În vederea realizării acestei acțiuni, Banca Națională a Moldovei întreprinde următoarele acțiuni: monitorizează entitățile raportoare cu privire la respectarea prevederilor Legii nr.190 XVI din 26 iulie 2007 cu privire la prevenirea și combaterea spălării banilor și finanțării terorismului; conlucrează cu Serviciul Prevenire și Combaterea Spălării Banilor și acordă asistență în investigarea cazurilor complexe de spălare a banilor și de finanțare a terorismului.</p> <p>10.07.2015 Procuratura anticorupție, care conduce și exercită urmărirea penală în cauzele privind infracțiunile de spălare a banilor, efectuează permanent analiza și identificarea metodelor de comitere a acestora și respectiv, de prevenire și combatere a lor. Ministerul Justiției a inițiat formarea unui grup de lucru cu participarea reprezentanților organelor Procuraturii, Centrului Național Anticorupție și Ministerului Justiției, care a elaborat un proiect de lege privind modificarea Codului Penal și Codului de Procedură Penală, urmând ca Ministerul Justiției să inițieze procedura de avizare legislativă. CNA a efectuat expertiza anticorupție a proiectelor în cauză.</p> <p>05.10.2015 test</p> <p>08.10.2015 Prin Hotărârea CNPF nr. 36/15 din 26.06.2015 a fost aprobat proiectul Hotărârii privind modificările și completările Regulamentului privind măsurile de prevenire și combatere a spălării banilor și finanțării terorismului pe piața financiară nebanară. La 07.08.2015, hotărârea CNPF a fost publicată în Monitorul Oficial nr.206-210/1366.</p> <p>09.10.2015 Pe parcursul trimestrului III, 2015 Banca Națională a Moldovei a întreprins următoarele acțiuni: - a monitorizat entitățile raportoare cu privire la respectarea prevederilor Legii nr.190-XVI din 26 iulie 2007 cu privire la prevenirea și combaterea spălării banilor și finanțării terorismului; - a conlucrat cu Serviciul Prevenire și Combaterea Spălării Banilor și a acordat asistență în investigarea cazurilor complexe de spălare a banilor și de finanțare a terorismului.</p>			
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Issue #5: Reality check

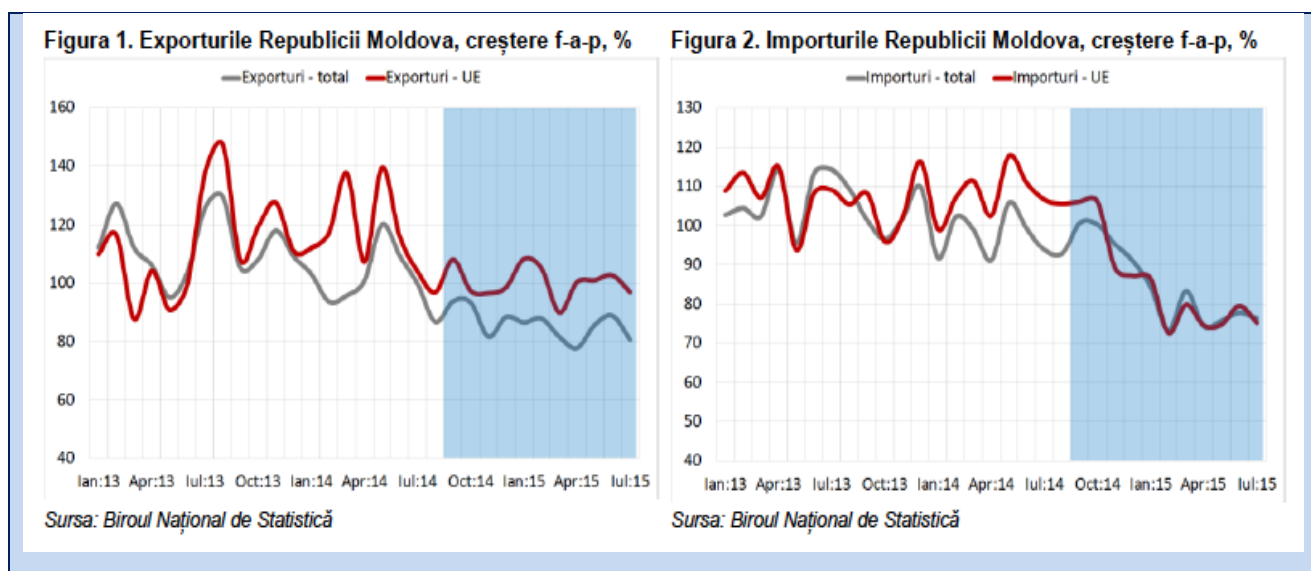
Before the signature and provisional implementation of the Association Agreements, many analyses on the possible impact of these on Georgia, Moldova and Ukraine were conducted. Positive sides and negative sides of the AA, especially on the side of DCFTA, were presented in a series of scenarios. Most notably, one could remember the arguments of those against the Association Agreement, which were extensively promoted through the Russian-owned or Russian-influenced media. As a case study, one could take the argument of the AA opponents who stated that with the DCFTA entry into force and the following trade liberalization with the EU, the imports would rapidly and significantly increase, which would lead to bankruptcy of the local producers. As shown below (Example #3), within the first year of implementation of the Association Agreement between the EU and Moldova, the level of imports from EU has decreased and correlated with total imports. Certainly, there are other elements that influenced the imports (devaluation of the national currency, decrease of domestic consumption, etc.), but there are always various elements that influence the forecast.

For implementing countries, the above example is very important, since both the civil society and decision-makers can advance from opinion-based policymaking to evidence-based policymaking.

Highlight #5

Monitoring allows to see not only whether the given country implements the obligations to which it has committed, but also provides evidence to test how real were certain assumptions about the effects of the AA/DCFTA implementation.

Example #3: Exports and imports of Moldova since the provisional entry into force of the AA/DCFTA¹¹



¹¹ Igor Botan et al., Euromonitor, The first achievements and difficulties in implementation of EU-Moldova Association Agreement, Association for Participatory Democracy, Independent Analytical Center “Expert-Grup”, September 2015

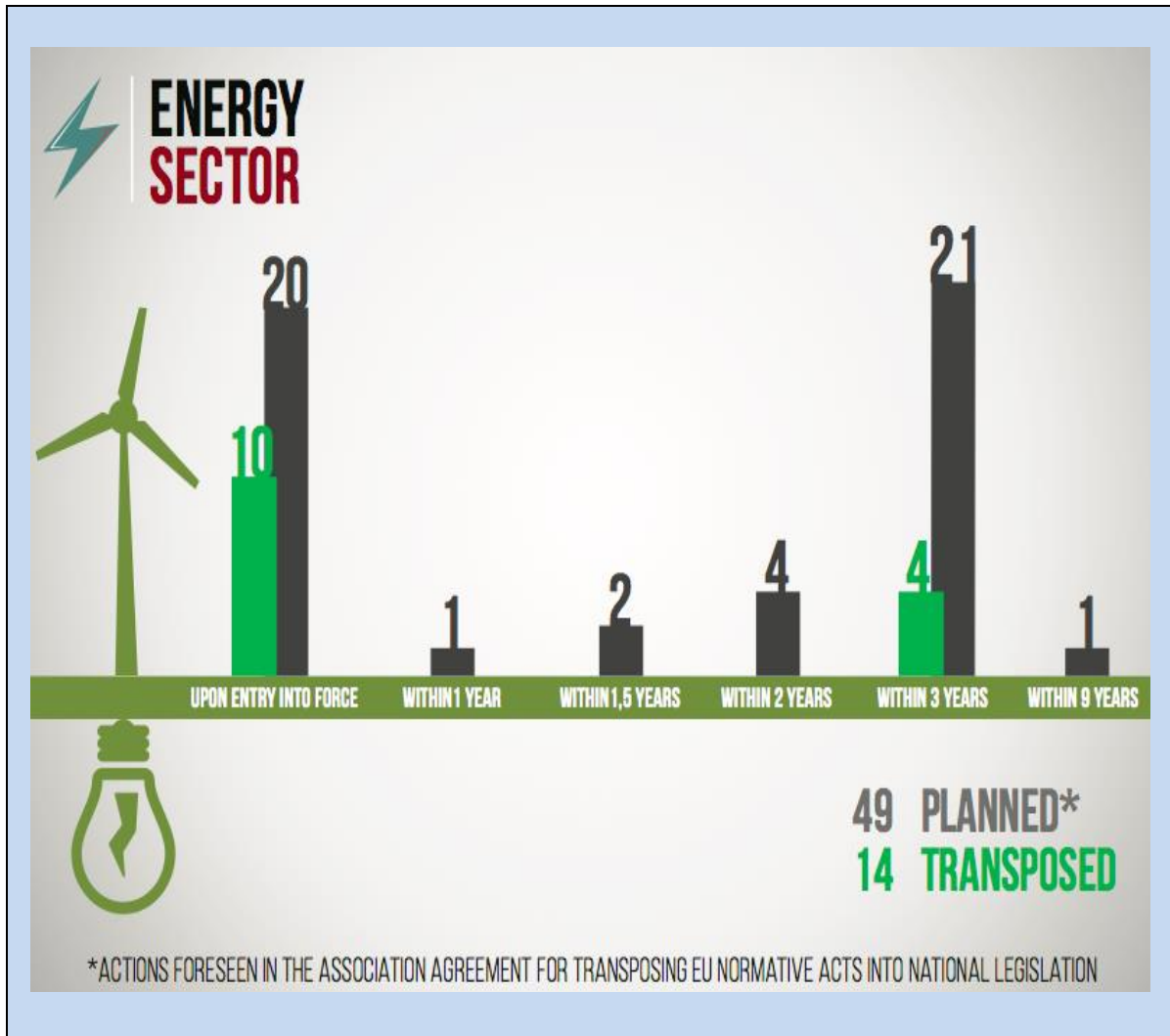
Issue #6: Presenting reports

The reports presented by the three responsible state institutions in Georgia, Moldova and Ukraine, are very different. The Government Office for the European Integration of Ukraine prepared the most detailed report. It includes information about the monitoring and evaluation process and it also includes analysis of the developments, failures and achievements within the implementation process. The Georgian government also presented the main achievements. The Moldovan government meanwhile has two types of reports: the one that contains raw data and is available online and the one that sums up the achievements of the first year and provides visualization of the developments in each sector of the Title IV and V of the Association Agreement (Example #4). Visualization is a very good tool for communicating the results of the work, however, these should not replace the analytical tools (monitoring and evaluation) since the visualization is complementary and not self-sufficient.

Highlight #6

In order to make the information more accessible but also to better communicate the results of the AA implementation, partnerships with the media need to be considered. The joint project of agora.md and Institute of European Policies and Reforms represents a good example in that sense (see Example #6).





Example #4: Visualization from the Moldovan MFAEI on the AA implementation in the energy sector



Example #5: Visualization of trade developments and legislation approval



Example #6: Reflection of the results of monitoring and evaluation in the media¹²

Description of the action	Responsible institution	Period of implementation	Progress
Drafting the amendment to the Constitution of Moldova with regards to the composition and criteria for selecting the judges of the Constitutional Court	Ministry of Justice	30 September 2014	 0% Big delay/ Stopped
Drafting the amendment of the rules on the functioning of the mediation in specific areas (family disputes, civil and commercial, labor, administrative, consumer protection)	Ministry of Justice	30 September 2014	 60% Delayed
Drafting the amendment to the Constitution of Moldova with regards to the initial term of appointment of judges and the selection of judges of the Supreme Court and a view to clarifying the role of the Superior Council of Magistrates in the judiciary self-administration, composition and its powers	Ministry of Justice Mediation Council	30 September 2014	 20% Big delay/ Stopped
Adoption of the Draft Law on the financing political parties and electoral campaigns	Ministry of Justice	30 September 2014	 90% Implemented in time

Issue #7: Combining efforts

The complexity of the Association Agreements requires significant effort in order to monitor and evaluate the progress. It is almost impossible to produce a detailed report of a high quality by a single organisation. That is why producing reports covering all the areas demands creating coalitions and groups of experts from various organisations. This would also help put more pressure on the authorities. In Moldova the civil society report is produced by think-tanks (ADEPT and Expert-Grup), while in Georgia the first report was issued at the end of October. An alternative to producing full-fledged reports is prioritisation and thus monitoring and evaluation of key areas. In Georgia, under the auspices of the Open Society Foundation, several policy briefs were produced that focused on the most pressing issues. The idea behind it was to bring the attention of Georgian authorities to a very concrete

Highlight #7

The successful report that is in red and quoted by media is the report that explains what the implemented actions actually mean for the reform process. The reports do not only present civil society's position to the policy-makers but also ensure that the wider public is informed about the implementation process.

¹² For more information see http://agora.md/to_do

subject and to give an impetus to stagnating reforms.¹³ Similarly, an interesting example is the monitoring and evaluation report produced by the Institute of European Policies and Reforms in Moldova. The report focused on eight key areas with a potential of spill-over effects on the implementation process and has an explanatory dimension.

Issue #8: Making authorities hear you

The reports are usually presented at a press conference. The presentation to the media is a right decision, since media is working as a multiplier of information and the wider public gets independent insight on the implementation process. At the same time, communication of results should also target officials and not only through the media but directly. The experience of presenting monitoring and evaluation results shows that the most efficient way to influence the policy-makers is by direct communication in combination with public presentations for the media. It is noteworthy that the report of the Georgian civil society was presented in the Parliament and therefore, the lawmakers heard the assessment of the civil society experts firsthand. Similarly, the reports would have greater impact if these were presented to members of the government in charge of the most challenging issues of the reform agenda.

Highlight #8

The Georgian National Platform of the EaP CSF has opened an office in the Georgian Parliament. The office allows getting easier access to officials and also engaging lawmakers in the activities of the civil society. One particular example to be followed by other organisations is the organisation of hearings in the parliament on the issue of AA implementation.

Issue #9: Interaction between civil society platforms in the EaP countries

With the creation of new Association Agreement platforms and domestic advisory groups stipulated by the Association Agreements text, the “division of labour” between the National Platforms of the EaP CSF and the bilateral civil society platforms newly created under the Association Agreement becomes a hot topic.

The National Platforms of the EaP CSF that were created in each of the 6 EaP countries and are operational since 2011 have been envisioned as instruments for monitoring the implementation of the bilateral agreements between the EU and each of the partner countries and as the key structures of the Eastern Partnership Civil Society Forum. This has created a strong linkage between the bilateral by nature National Platforms and the multilateral EaP CSF.

Moreover, under the DCFTA part, all three AAs provide for the creation of the Domestic Advisory Group (DAG), which will be composed of various actors from civil society and will provide expertise and monitoring of the DCFTA part. The DAGs are created in Georgia and Moldova and will be created in Ukraine once the DCFTA enters into force on 1 January 2016. Joint civil society dialogue forum

¹³ The thematic policy briefs could be found here: http://www.osgf.ge/?sec_id=8&lang_id=ENG

with a focus on DCFTA and sustainable development will convene once a year.

The successful coordination between National Platforms of the EaP CSF, Association Agreement Platforms and the Domestic Advisory Groups will be instrumental for a concerted influence of the civil society on the implementation process of the AA. There is a vast amount of work to do with regard to the implementation of AAs that will not leave any of the platforms idle. However having the strategic vision of the mission and goals of the each of the platforms, using their strengths and building synergies are of crucial importance. The three platforms have common interests and should identify the areas in which they can act jointly. Currently at least two of the three platforms have quite a similar mission and very often the same organisations/people are members of both platforms.

Highlight #9

One of the key elements that would make the National Platforms more influential and effective is institutionalizing of their dialogue with the decision-makers. National Platforms need to move towards signing memoranda with their governments for closer cooperation.

The success will depend on regular communication, including during the planning stages to ensure the clarity of functions and roles, well-established links, including through common members who are take part in several platforms, and possible back to back meetings.

The Association Agreement platforms and the National Platforms of the EaP CSF should not see their role as a source of possible funds and support for individual CSOs. The Association Agreement platform should establish itself as an influential actor that works all year round focusing on the AA implementation as stated in the text of the AA. The platform should not become a bureaucratic top-down entity without linkages to broader population.

The National Platforms of the EaP CSF among other priorities should ensure that the political and regulatory climate remains favourable to CSOs and to act as a shield for CSOs in their relations with the authorities. They should channel expertise and CSOs positions to national governments and the EU. The National Platforms should continue to be in contact with broader society and not only serve the interests of the partner governments and the EU in terms of the monitoring of the AA, but also continue to play a consolidating role. Working with broader population and ensuring the support for the European Union and its values should remain a priority of the National Platforms. They will need to intensify the information campaigns explaining the benefits of reforms to overcome the resistance. Developing a complex methodology for monitoring and evaluation of the AA implementation remains a topical issue for both platforms; the EaP CSF may be naturally more interested in developing the methodology to ensure comparability between the three AA countries.

In general the members of both platforms still have to build their expertise in the sectors covered by the AA, in particular, they lack expertise in economic and trade-related areas. For the platforms to become real players they require serious capacity-building, full-time professional management and performance

standards; they will need to focus not only on voicing concerns but on proposing the alternatives, strengthening their advocacy and increasing cooperation with stakeholders.

The experience of the National Platforms in monitoring the implementation of the agreements between the EU and each of the partner countries should not be wasted. The handover will happen naturally in Georgia where the AA platforms are mostly formed by the leaders of the working groups of the EaP CSF Georgian National Platform who will rely in their activities on the thematic groups of the National Platform that roughly correspond to the chapters of the AA.

The new context of the EaP with three AA signatory and three non-signatory countries strongly influences the EaP CSF National Platforms and the EaP CSF in general. With decreasing number of common points of interest between countries, more attention will need to be paid to identifying the areas for thematic cooperation between countries and between the National Platforms respectively. The solution might be not to group the countries geographically, but to link them in the thematic areas of their interest thus creating a large number of configurations/projects between the countries as possible.

Conclusions and recommendations

In the 6 EaP countries, no matter with or without Association Agreement, civil society, including the EaP CSF National Platforms, is a driver of reforms. To ensure that the reforms are happening, civil society will need to intensify the information campaigns explaining the benefits of reforms to the partner countries' population to overcome the resistance. It is important to synchronize external (from the EU) and internal demand for reforms. Exploring how people perceive these reforms and trying to match internal needs with external requirements is crucial. Prioritising reforms, developing the best sequence of reforms, coordinating with various stakeholders, and communicating reforms are indispensable.

Is civil society's monitoring and evaluation bringing results? The short answer is yes. Its importance is not only in directly advocating changes to decision-makers but also in informing the society through media.

The examples from different countries given in this toolkit demonstrate that there is a wide set of tools to be used in order to make monitoring and evaluation a powerful instrument **to achieve transparent and efficient implementation of the Association Agreement**. If combined, the suggested tools could represent a holistic approach to the monitoring and evaluation process but also to advocacy that could generate change at the level of policymakers.

The main important element is to strengthen the practice of evidence-based assessment that should replace the opinion-based assessment. Civil society could and should play an important role in policy advice to the government. It is important that the National Platforms **establish institutionalized formats** of communication with the authorities. At the same time, in order to succeed, civil society needs to **create coalitions with other organisations**, as well as media

partnerships. Otherwise, their efforts might remain unnoticed.

Civil society has the opportunity to advise the government on amending the National Action Plan for implementation of the AA, thus **providing a list of realistic and measurable benchmarks**. In addition, civil society is able to mobilize efforts for more **efficient communication** with various actors, including the regional ones.

On the one hand, the **cooperation of the civil society with the government and parliament** is an important link that would ensure greater success in implementation. On the other hand, such cooperation should be institutionalized and should allow for various formats that would ensure accountability of the incumbent governments. Public hearings that are organised in the national parliaments could provide such a format.

Last but not least, all the civil society platforms that exist in the associated countries but also in other countries of the EaP should **coordinate their efforts**. The overlap between the platforms is imminent but this should not constitute a problem. The greater the cooperation between the platforms, the higher is the impact of civil society on the European integration process.

This report was written based on the recommendations of the EaP civil society conference held in Tbilisi on 23-25 September, on the eight interviews with civil society experts involved in or related to the monitoring process in Georgia, Moldova and Ukraine and on the available reports from the governments and civil society of the three Eastern Partnership countries.

About the Eastern Partnership Civil Society Forum

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 - Azerbaijan, Armenia, 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, visit www.eap-csf.eu

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