

Chapter 11

Transformations of Georgia, Moldova, and Ukraine Towards EU Membership



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11.1 Introduction

Since the collapse of the Soviet Union and the restoration of independence, many OSCE member states are engaged in democratic transformation. The relations of post-Soviet states with international actors, such as the European Union (EU), play an important role in this transformation process. Becoming closer to and joining the EU is the main goal of certain states within the process of the country's transformation. Ukraine, Georgia, and Moldova have been cooperating with the EU for several decades in different formats (Eastern Partnership, Associated Trio, etc.). Along with economic modernization, the primary task of all three countries is the transformation of democratic institutions, and the EU provides various ways of partnership in this regard, including financial support.

Despite many obstacles and challenges, the achievement of visa-free travel and a free trade and association agreement with the European Union can be considered a particular success of the transformation process. Today, these agreements are a significant framework, an agenda for developing these countries. All three countries have left behind many vicious features of post-Soviet statehood, although they still have many steps to take before achieving a perfect democratic system. Associate country status is undoubtedly a confirmation of progress. Its achievement could have been smoother, especially in the face of growing pressure from the Russian Federation. Today, the main task of these countries is to show more progress on the path to democratic transformation. This will allow them to receive candidate status for EU membership and become full members. In June 2022, in the context of Russia's aggression in Ukraine, the European Union granted candidate status to Ukraine and Moldova, with the European perspective on Georgia based on the condition of fulfilling certain obligations.

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The transformations of Georgia, Moldova, and Ukraine have been widely discussed by scholars, including from a comparative perspective. The development of these countries is examined in the context of democratization and security in the Eastern neighborhood (Nilsson & Silander, 2016), which is characterized by specific difficulties (Ahmad Way, 2022). The transformation process has also been a subject of research from a legal perspective (Elsuwege & Petrov, 2017), especially in terms of legal and constitutional challenges arising from the association agreement (Petrov, 2016). The processes of transformation have exhibited a lack of democracy (Nodia et al., 2017) and have encountered many obstacles (Grecu, 2015), including state capture, the influence of oligarchs on institutions (Delcour et al., 2019; Konończuk et al., 2017), and implementation of ineffective anti-corruption policy (Emerson et al., 2017). The transformation process of these countries is the subject of extensive research in the context of Europeanization, democratization, and external and internal challenges (Popsoi & Franchino, 2021). An important source of this research is also the decision of the European Union on granting candidate status to these countries (European Commission, 2022), which obliges the national governments to undertake multifaceted reforms. This chapter considers the transformation process in connection with European integration and its requirements. In the scholarly literature, European integration is defined as the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations, and political activities towards a new center whose institutions possess or demand jurisdiction over the pre-existing federal states. This broad definition includes both a social process and a political process, as well as the construction of new political institutions with a direct say in at least a part of their member states' affairs (Wiener et al., 2018).

The chapter assesses how Georgia, Moldova, and Ukraine have fulfilled the political criteria for EU membership. The following questions have been identified that will guide the analysis: (1) what conditions the countries must fulfill in the process of transformation, (2) what progress they have experienced so far, and (3) what concrete steps should be taken in the coming years to join the EU. The remainder of the chapter consists of five sections.

The following two sections address EU enlargement and membership criteria and the transformation achievements of the three countries under discussion since the entry into force of the association agreements. The following section addresses the main challenges of transformation in European integration and specific challenges in the change process, such as political polarization, improvement of the justice system and the rule of law, anti-corruption reforms, de-oligarchization, promotion of human rights, and others. Finally, the chapter analyzes the EU's decisions on Georgia's candidate status versus those for Ukraine and Moldova and related challenges.

11.2 The European Union Enlargement

EU enlargement is essential to its integration policy (European Council, 2006). Six rounds of enlargement have been carried out since the foundation of the EU. In the process of integration, the European Union uses various instruments for the Europeanization of partner countries. Conditionality and socialization are the most critical elements among these instruments, although the EU has other agencies. Schimmelfennig (2009: 8) identifies eight tools available to the EU when dealing with countries that are not members of the Union. Under conditionality, the European Union offers various incentives to partner states, e.g., financial assistance and access to the EU market, and in return, requires the fulfillment of multiple conditions. By contrast, socialization comprises all EU efforts to “teach” EU policies—as well as the ideas and norms behind them—to outsiders to persuade outsiders that these policies are appropriate and, therefore, to motivate them to adopt EU policies (Schimmelfennig, 2009: 9). Conditionality is one of the tools that the EU uses successfully to convert those states that have trade and economic relations with it, or that are trying to become closer (Lavenex, 2004: 682). Conditionality entails the linkage between fulfilling particular tasks (conditions) and receiving distinct benefits (rewards). The Copenhagen criteria and the *acquis* establish it, and EU conditionality influences the domestic structures in the applicant countries (Eli, 2015).

The first step of EU membership for a country is to meet the key criteria for accession. These were mainly defined at the European Council in Copenhagen in 1993 and are hence referred to as the “Copenhagen criteria”. Countries wishing to join need to have: (1) stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities; (2) a functioning market economy and the capacity to cope with competition and market forces in the EU; (3) the ability to take on and effectively implement the obligations of membership, including respecting the objectives of political, economic, and monetary union (Presidency Conclusions, 1993). After a country receives candidate status, the EU begins negotiations, and the government must ensure further compliance with the EU “*acquis*” (Access to European Union Law, 2022). This is the body of common rights and obligations binding on all EU countries as EU Members and includes 35 chapters. Applicant countries must accept the *acquis* before joining the EU (DG NEAR, 2012). Throughout the negotiations, the Commission monitors the candidate’s progress through regular reports, Communications, and clarifications on conditions for further progress (European Commission, 2012).

Thus, in the next few years, the EU and citizens of these non-EU countries expect intensive transformations of national political systems from the national governments of Georgia, Moldova, and Ukraine. The accession process of these three countries may be slower than it was for the granting of candidate status. The lesson from previous enlargements is clear: negotiations always take longer and become much more complicated than anticipated at the start (Grabbe, 2017). However, it is also necessary to consider the political significance of EU accession and the role of Ukraine in this matter. Some European scholars estimate that granting Ukraine

membership is a political and moral imperative as the Ukrainian people are fighting not only for their country but also for common European values of peace, democracy, fundamental freedoms, and civilized international relations (Emerson et al., 2022a, 2022b, 2022c). Membership applications raise existential questions not just about the borders of the Union and relations with neighboring countries but also about the future shape of the EU and how power and financial resources will be distributed internally (Emerson et al., 2022a).

11.3 Transformation in the Process of European Integration

On June 23–24, 2022, the European Council adopted a decision regarding the EU membership applications of Georgia, Ukraine, and Moldova. The European Council granted candidate country status only to Ukraine and the Republic of Moldova. The European Council noted it is ready to give Georgia the candidate country status after considering the priorities indicated in the Commission’s conclusion on Georgia’s membership application. The decision of the European Council places particular emphasis on the fulfillment of the Copenhagen criteria. It emphasizes the importance of reforms, especially in the rule of law, independence, functioning of the judiciary, the fight against corruption, and the rights and equal treatment of minorities (European Council, 2022). The European Commission proposed 12 recommendations to Georgia (Liboreiro, 2022), 9 to Moldova, and 7 to Ukraine (European Commission, 2022). The following paragraphs will discuss the main challenges facing all three countries according to the respective areas.

11.3.1 Political Polarization in Georgia

Polarization is not a new phenomenon in Europe (Bértoa & Rama, 2021) and affects the discussion of EU integration issues in the national parliaments (Wendler, 2016). According to the European Commission, one of the particular challenges faced by Georgia is political polarization. The polarization in Georgia is characterized by a lack of compromise, a winner-take-all approach, and a highly personalized political system without strong institutions. In the Georgian case, polarization is not based on ideological party differences but on mutual rivalry between two political camps (Gelashvili, 2021). Opinion-poll data show that Georgians’ stated ambitions to join the EU lag behind their understanding of what constitutes a civic and more inclusive national identity as it is broadly understood throughout most of the union—a phenomenon that Georgia currently shares with Hungary and Poland. This culture clashes over what it means to be “European” is now becoming more of a political battleground in Georgia (Gegeshidze & De Waal, 2021).

According to the commission, Georgia remains faced with critical challenges due to its overly divided political scene and political polarization. It suggests that strengthening democratic oversight and eliminating vested interests should be a priority (European Commission, 2022). In the final recommendation, the Commission indicates that Georgia should address the issue of political polarization by ensuring cooperation across political parties in the spirit of the April 19, 2021, agreement. This agreement was directly brokered between the political parties by the President of the European Council, Charles Michel, although the ruling party later declared the agreement annulled (EU, 2021). Political polarization remains one of the most critical challenges for the country. Besides hindering the achievement of consensus among the main political actors, it also impacts its ability to carry out essential reforms for European integration as the political parties only make statements and do not take real action.

11.3.2 Justice System and Rule of Law

All three countries are facing the need for significant reforms in the judicial system. However, there have been several attempts to implement reforms at different times (Cenuşa, 2019; Minzarari, 2022; Nakashidze, 2021; Zhernakov, 2016). The democracies of Ukraine, Moldova, and Georgia are not perfect, but they stand out among the Eastern Partnership countries. They have demonstrated steady improvement towards the standards set out by the Copenhagen criteria of a functioning market economy, stable democracy, strong rule of law, and the capacity to implement all EU legislation (The Eastern Partnership Index, 2021). The attention of the European Commission is directed towards Georgia. In particular, the Commission has recommended the country to adopt and implement a transparent and effective judicial reform strategy and action plan post-2021 based on a broad, inclusive, and cross-party consultation process; to ensure a truly independent judiciary, in particular, the Supreme Court; and to undertake a reform of the High Council of Justice and appoint the High Council's remaining members. The European Commission has especially emphasized that all these measures must fully comply with European standards and the recommendations of the Venice Commission.

Judicial reform is also one of the main challenges for Moldova (Minzarari, 2022). Moldova started to create the legislative foundations of an independent judiciary and reform implementation relatively late after the country's government changed following the last elections in 2021. The Commission's recommendations for Moldova are relatively general and require completing the essential steps of the recently launched comprehensive justice system reform, including through efficient use of asset verification and effective democratic oversight. From this point of view, the bill on 'pre-vetting' key judicial appointments, passed by the Moldovan parliament on 17 February 2022, should be noted. The law provides for a preliminary check of candidates for the positions of members of the Superior

Council of Prosecutors and the Superior Council of Magistracy. However, regarding the rule of law, experts still point to the politically corrupt judiciary and the need for reforms (Emerson et al., 2022c).

As for Ukraine, the European Commission draws attention to ensuring that Ukraine, following the recommendations of the Venice Commission, enacts and implements legislation on a selection procedure for judges of the Constitutional Court of Ukraine, including a pre-selection process based on the evaluation of their integrity and professional skills, in line with Venice Commission recommendations. The European Commission also advises Ukraine to finalize the integrity vetting of the candidates for the High Council of Justice members by the Ethics Council and select candidates to establish the High Qualification Commission of Judges of Ukraine. A common problem in Georgia and Ukraine is the composition of the Supreme Council of Justice. As the members are not appointed to the judiciary through an open and transparent process, their independence and impartiality could be better. New appointments to the court are in the hands of a select group of judges, and other judges have little influence over the council's decisions.

Despite the differences between the two countries, justice sector reforms in Ukraine and Moldova have run into the same problems. Scholars believe that transforming the justice sectors in the countries is blighted by the legacy of Soviet institutions. It requires changing the operating environment for politicians and businesspeople to the point where they see the value of independent courts for upholding rights. Society has a vital role in this process by holding its leaders accountable and demonstrating a sustained demand for impartial justice (Lough & Rusu, 2021).

11.3.3 Institutions and Elections

For Georgia, Moldova, and Ukraine in the last few decades, it has been a big challenge to hold democratic, accessible, and fair elections (Leshchenko, 2016). The task of integration into the European Union puts before these countries the necessity of holding democratic elections following European standards. According to the European Commission and the Office for Democratic Institutions and Human Rights (ODIHR), the 2020 parliamentary elections in Georgia were competitive, and overall, fundamental freedoms were respected. However, at the same time, the European Commission indicates that the ODIHR highlighted allegations of voter pressure, vote buying, and the blurring of the line between the ruling party and the state.

The situation in Moldova is slightly different. According to the European Commission, the 2021 elections were well-administered and competitive. However, at the same time, ineffective campaign finance oversight, political bias of news outlets, and the partiality of the Central Election Committee remain to be addressed. The parliamentary nature of democracy has been confirmed by recent competitive elections at the parliamentary and presidential levels (European Commission, 2022). Therefore, the European Commission only generally indicates that Moldova

should address the shortcomings identified by the OSCE/ODIHR and the Council of Europe/Venice Commission. Despite the electoral democracy in Moldova being greatly improved after years of instability and oligarchical power (Emerson et al., 2022c), public accountability has not been achieved since actual power is not located in public institutions, but within the informal networks controlled by the oligarchs (Crowther, 2022).

As for Ukraine, the European Commission has not given any specific election recommendations (European Commission, 2022). However, the assessment does mention the new electoral code of Ukraine adopted in 2019, which introduced an open-list proportional representation system, enfranchised internally displaced persons, and strengthened gender quotas. The Commission notes that Ukraine first tested the Code of Conduct during the 2020 local elections but identified the need for additional changes regarding campaign finance transparency, balanced and unbiased media coverage, and election complaint procedures. Noteworthy, the law on national referenda was adopted in January 2021, and a new law on local referenda is underway based on the Venice recommendations of the Council of Europe (CDL-PI (2022) 001-e, 2022). The need for legislative regulation of local referenda was determined by the election program of President Volodymyr Zelenskyy, “Democracy through referendums”, which provides a legislative mechanism according to which the Ukrainian people should carry out the main tasks of government through referendums and other forms of direct democracy (Verkhovna Rada, 2021a). According to the conclusion of the European Commission, Ukraine is a vital parliamentary, presidential democracy with competitive elections at national and local levels based on a comprehensive constitutional, legislative, and institutional framework that corresponds to European and international standards (European Commission, 2022). It should be noted that a similar assessment concerning Georgia is not to be found in the conclusions of the European Commission. Indeed, the 2020 parliamentary elections were followed by a large protest in Georgia and the opposition’s announcement to boycott and refuse to enter the new parliament.

11.3.4 Anti-corruption Reforms

Corruption has been a significant challenge for all three countries since independence. Georgia has been, to some extent, successful in the fight against corruption, and it has been a valuable experience for Moldova and Ukraine over the years (Corruption Perceptions Index, 2021). Nonetheless, although Georgia moved from being a “failed state” to a state with low corruption rates following the Rose Revolution of 2003 (Gvindade, 2012; Kupatadze, 2012), today, there are institutional problems in the fight against corruption, and cases of corruption are observed at high levels of the public sector. This is why the European Commission advised Georgia to strengthen the independence of its Anti-Corruption Agency, bringing together all essential anti-corruption functions to address high-level corruption cases rigorously (European Commission, 2022). Creating a special investigative service is also a big challenge for

Georgia and has been under constant discussion for the last ten years. The protection of personal data is an additional important challenge. The European Commission advised Georgia to equip the new Special Investigative Service and Personal Data Protection Service with resources commensurate with their mandates and to ensure institutional independence.

Moldova faces several challenges in the fight against corruption. The European Commission has advised Moldova to deliver on its commitment to fight corruption at all levels by taking decisive steps towards proactive and efficient investigations and ensuring a credible track record of prosecutions and convictions (European Commission, 2022).

As for Ukraine, the country needs to strengthen the fight against corruption, particularly at high levels, through proactive and efficient investigations and a credible track record of prosecutions and convictions (European Commission, 2022). In Ukraine, a Specialized Anti-Corruption Prosecutor's Office was established; however, this development has not succeeded. Hence the recommendation of the European Commission to complete the appointment of a new head of the Specialized Anti-Corruption Prosecutor's Office and the appointment of a new director of the National Anti-Corruption Bureau of Ukraine. On the other hand, Georgia boasted the best score among the ten countries in 2016 and 2021 (André, S. 2022).

11.3.5 De-oligarchization

Since the signing of the Association Agreement, oligarchs in Ukraine, Moldova, and Georgia have been considered key obstacles to reforms (Konończuk et al., 2017). After the last democratic elections, Moldova and Ukraine have removed the oligarchs from the country's government structures and reduced their influence on politics. Nevertheless, this problem has not been entirely overcome in the EU's integration process. Referring to Georgia, the European Commission pointed out that the country should implement the commitment to "de-oligarchization" by eliminating the excessive influence of vested interests in economic, political, and public life. Before the recommendation of the European Commission, the European Parliament adopted a resolution (European Parliament, 2022) that directly mentions Bidzina Ivanishvili, the former Prime Minister, who formally maintains influence over the ruling party. Likewise, regarding Moldova, the European Commission has pointed out that Moldova should implement the commitment to "de-oligarchization" by eliminating the excessive influence of vested interests in economic, political, and public life.

The European Commission has advised Ukraine to implement an anti-oligarch law to limit the excessive influence of oligarchs in economic, political, and public life. Despite the differences of opinions at the national (Denisova, 2021) and international levels (Zakaria, 2021), the country has already taken some steps in this direction and adopted a law on oligarchs (Verkhovna Rada, 2021b), taking into account the recommendations of the Venice Commission of the Council of Europe (CDL-REF (2021)

086) and international experience (Hubareva, 2022). The law entered into force on 7 May 2022, though its implementation has been somewhat delayed due to the war and because the register of oligarchs still needs to be compiled. Ukraine has already taken important steps in this direction, such as the arrest of Viktor Medvedchuk (Breuninger, 2022), the imposition of sanctions on Kolomoisky (Blinken, 2021), the initiation of criminal proceedings against ex-president Poroshenko (DW, 2022), and others. Similarly, Moldova has also engaged in this field through the calls for the arrest of ex-president Igor Dodon (Euronews, 2022), the removal of oligarch Plahotniuk from the government, and the imposition of international sanctions (OFAC, 2022).

The goal of de-oligarchizing Georgia has also been mentioned in EU official documents (European Parliament, 2022). The major problem faced by the country is that the ruling party “Georgian Dream” framed the de-oligarchization campaign as an attempt to discredit the country’s governance system (CIVIL GE, 2022f). In addition, it will be quite difficult for Georgia to comply with the European Commission’s de-oligarchization condition, primarily because state institutions (including the courts) in such a weak democracy do not enjoy the trust of civil society (Menabde, 2022).

11.3.6 Fight Against Organized Crime

Creating effective mechanisms to fight against organized crime is another essential condition for integration in the European Union. At the legislative level, all three countries have partially implemented international standards and adopted special laws. However, effective implementation still needs to be solved. The European Commission, for example, indicates that Georgia has made significant efforts to fight organized crime within the framework of its national strategy and corresponding action plans and has stepped up cooperation with Europol and EU Member States (European Commission, 2022). Nevertheless, European Commission also advised Georgia to strengthen the fight against organized crime based on detailed threat assessments, rigorous investigations and prosecutions, and guaranteeing accountability and oversight of law enforcement agencies.

Moldova is facing a significant challenge against organized crime. According to the European Commission, Moldova is a source, transit, and destination for trafficking in human beings—particularly for sexual exploitation and forced labor—although there have been few convictions of perpetrators. The Commission noted that the General Police Inspectorate tackles organized crime, but conviction rates are unavailable. Therefore, the European Commission has advised Moldova to strengthen the fight against organized crime based on increased cooperation with regional, EU, and international partners. With Ukraine, the European Commission has recommended that the government ensure that its anti-money laundering legislation follows the Financial Action Task Force standards and adopts an overarching strategic plan to reform the entire law enforcement sector (European Commission, 2022). Even in this case, the ineffectiveness of law enforcement mechanisms is a significant challenge. Remarkably, Georgia successfully fought against organized crime in 2004–2012

when the parliament adopted the law “On Combating Organized Crime and Racketeering” (Law of Georgia, 2005). The law was relevant for fighting against organized crime, and this experience could be helpful in Ukraine and Moldova.

11.3.7 Free Media and Human Rights

Media freedom is one of the essential indicators of the success of all three countries on the path towards integration into the EU. The media environment has always been different in the three countries, and cases of oligarchs or government influence have caused concern in Europe. After applying for EU membership, the issue of media freedom was raised most acutely in Georgia. The European Parliament also adopted a special resolution on the media environment in Georgia, where strong criticism was expressed towards the country (European Parliament, 2022). Accordingly, the European Commission mentioned that Georgia should vigorously guarantee a free, professional, pluralistic, and independent media environment by ensuring the highest legal standards and by launching impartial, effective, and timely investigations in cases of threats against the safety of journalists and other media professionals.

Regarding media freedom, compared to Georgia, the European Commission has a weak note with Ukraine and notes that the country should tackle the influence of vested interests by adopting a media law that aligns Ukraine’s legislation with the EU audio-visual media services directive and empowers an independent media regulator. Steps have already been taken to improve media freedom in Ukraine. For example, one of the oligarchs—Rinat Akhmetov—said that his System Capital Management (SCM) group is set to transfer the licenses of the television channels owned by its Media Group Ukraine to the Ukrainian government. These media holdings include the Ukraine and Ukraine 24 TV channels, which before Russia’s full-scale invasion, were among the most-watched channels in the country (The Kyiv Independent, 2022). Regarding Moldova, the European Commission has not expressed any opinion or recommendation on the media environment.

The human rights situation in Georgia, Moldova, and Ukraine has always been a subject of attention from the EU, and the specific conditions are reflected in the annual reports on the implementation of the Association Agreement. After applications for EU membership by the three countries, the European Commission has yet to present detailed recommendations in this field. The European Commission emphasized that Georgia should move swiftly to strengthen the protection of the human rights of vulnerable groups by bringing perpetrators and instigators of violence to justice more effectively. In particular, the country should consolidate its efforts to enhance gender equality and fight violence against women, especially considering that crimes against women represent a big challenge (Public Defender of Georgia, 2021). The European Commission made similar recommendations concerning Moldova, which faces discrimination against minorities, especially in Transnistria (Emerson et al., 2022c). Finally, the European Commission has indicated that Ukraine should finalize the legal framework reform for national minorities currently under preparation as

recommended by the Venice Commission. The country has indeed started implementing relevant reforms in the mentioned area, although enforcement mechanisms still need to be fully implemented.

In addition, the European Commission advised Georgia to adopt legislation so that Georgian courts proactively consider European Court of Human Rights judgments in their deliberations. Georgia should also ensure that an independent person is nominated as a new Public Defender (Ombudsperson) and guarantee the Office's practical institutional independence. The Government of Georgia has already announced that it will not appoint the candidacy of Public Defender and has requested non-governmental organizations to submit an agreed-upon candidate.

11.4 Georgia's Current Challenges

From the beginning, scholars expected that the decision of the European Union towards Georgia would be different (Emerson et al., 2022a). As became known after the decision, the European Commission set Georgia different conditions for obtaining EU candidate status than Moldova and Ukraine, including addressing issues of political polarization, the full functioning of all state institutions, judicial reform, the independence of an anti-corruption agency, de-oligarchization, the fight against organized crime, an independent media environment, the protection of human rights and gender equality, and the involvement of civil society in decision-making processes, as well as taking into account ECHR judgments and nominating a new Public Defender (Ombudsperson) (EU, 2022).

It should be noted that the Georgian authorities criticized the different decisions of the European Commission towards Georgia. In the beginning, the ruling team criticized (CIVIL GE, 2022b) the European People's Party, which pointed to oligarchic governance (EPP, 2022); they then said that Georgia had been prevented from obtaining this status due to its geographical location and European leaders had directly indicated this in advance (GPI, 2022). The ruling party responded to US State department's statement (Civil Ge, 2022h) and also actively criticized the EU ambassador to Georgia and said that the Ambassador "played a strictly negative role in relations between the European Union and Georgia" (Civil Ge, 2022g). The Georgian Dream party also said that if Georgia were to go to war against Russia before December, the country would be "guaranteed" European Union candidate status (Civil Ge, 2022d). The Government of Georgia stated that Georgia would not apply for EU membership until 2024 (Civil Ge, 2022a) and that granting candidate status to Ukraine was offered only because of the ongoing war (GD, 2022).

However, despite such a position, after the decision of the European Council, which was followed by public protests against the government in Georgia, the ruling party slightly changed its political tactics (Kobakhidze, 2022) and presented a plan to implement the 12-point recommendations written by the European Union (BMG,

2022). The plan was met with skepticism by the President of Georgia and the opposition (Civil Ge, 2022c). However, the ruling party nevertheless discussed implementing the European Commission's recommendations with a part of the opposition (Civil Ge, 2022e). The action plan to implement the 12 recommendations of the European Commission was also presented by Georgian civil society organizations (OSGF, 2022b). In this plan, all 12 issues are described in detail, with the only exception of de-oligarchization. Nonetheless, in the 5th step of the plan, the authors write that fulfillment of all other priorities in this 12-point list should automatically reduce the oligarchic influence on democratic institutions (OSGF, 2022a). Such an approach may not be justified since the implementation of the other 11 recommendations, which are doubtful to be achieved based on the authorities' attitudes, cannot automatically lead to oligarchization.

The ruling party created working groups in the Georgian parliament to implement the recommendations. These working groups are for further institutional strengthening of de-oligarchization, judicial reform, electoral code revision, anti-corruption measures, special investigation service, and personal data protection service. The working group for the revision of the Election Code of Georgia is headed by the first deputy chairman of the Georgian Dream faction, and all other groups are governed by the chairman of the legal committee (Parliament of Georgia, 2022). Regarding the composition of the groups, not all opposition parties and leading non-governmental organizations participate in their work. For example, the ruling party announced that one of the professional organizations, "Fair Elections" (ISFED) will not participate in any working group. In solidarity with ISFED, four other non-governmental organizations also suspended their work in the functional groups, who considered that the decision contradicts the recommendations of the European Commission number 10 about broad involvement of civil society in the decision-making process (ITV, 2022; Radio Liberty, 2022a, 2022b).

The Parliament developed the rules for staffing the working groups. According to this rule, each group should have four members from the parliamentary majority, another four from the non-majority, and representatives of the CEC, State Audit Service, National Communications Commission, and civil society. Only a few minor political parliamentary groups are represented in the working group. In addition, since the parliamentary majority determined that only two civil society members from the representatives of the "Georgian National Platform of the Eastern Partnership Civil Forum" should be allowed in the group, this participation was somewhat limited. The Government of Georgia has indeed started working on the implementation of the recommendations of the European Commission. Still, there are no high expectations regarding this, particularly because of the position of the ruling party regarding de-oligarchization.

The attitudes of the citizens of Georgia indicate such a conclusion. According to a July 2022 survey by CRRC-Georgia (CRRC Georgia, 2022), almost a third of respondents (30%) could not name a reason for Georgia to have been refused the candidate status (CRRC Georgia, 2022). The interviewees said that the reasons for such a decision were non-fulfillment of demands (14%), obstruction of the opposition (8%), Georgia not engaging in the war against Russia (4%), and action of the

Russian government (3%). Most of the population did not think that obtaining EU candidate status was dependent on the start of a war with Russia, and 60% of the population believe that this is little or not at all true. According to the survey, a large part of the population (45%) does not expect that the Georgian government will carry out the reforms requested by the EU by the end of the year. Fifty-one percent (51%) of Georgian Dream supporters do not know what the European Commission means by oligarchs, while most of the opposition supporters (60%) assume that the European Union is referring to Bidzina Ivanishvili when talking about de-oligarchization (CRRC Georgia, 2022).

11.5 Conclusion

Georgia, Moldova, and Ukraine have made significant democratic transformations after the Association Agreements with the European Union came into force. These three countries are distinguished by their democratic reforms among the members of the Eastern Partnership; however, the functioning of state institutions, the fight against corruption, the rule of law, and ensuring high standards of human rights protection and media freedom remain significant challenges on the way to EU integration.

One of the critical challenges for all three countries is the reduction of the influence of oligarchs and the weakness of state institutions, although significant differences emerge. Moldova and Ukraine, where the oligarchs have been officially removed from power, have more political will and ability to complete the reforms. Georgia, where the oligarch is behind the ruling party, will need much effort to fully implement de-oligarchization. Without that, it will be challenging to implement the reforms necessary for EU integration. Ukraine's experience in this field should be shared with Moldova and Georgia, and Georgia's experience in the fight against corruption should be shared with the other two countries.

The opinions provided by the European Commission as part of the EU candidate status process are an essential guide for all three countries. They will significantly assist national governments in implementing the reforms necessary to meet the membership criteria. However, it is vital to recognize the existing problems and develop clearly defined strategies for development. This concerns especially Georgia, whose government does not fully accept the recommendations issued by the EU and instead criticizes the EU itself. In the coming years, the challenge for Ukraine and Moldova will be the implementation of reforms and active preparation for negotiations with the EU. The success of this process will also depend on the end of the war in Ukraine. Everyone acknowledges that Russia's invasion of Ukraine and the struggle of the Ukrainian people have influenced European enlargement priorities. However, the progress made by countries in previous years should be considered when granting candidate status. Different decisions on the part of the EU towards Georgia, as compared to Ukraine and Moldova, resulted from several failures of the Georgian authorities in various fields in the past years. First, Georgia saw significant deterioration in media freedom and human rights. In addition, it was detrimental that

the agreement reached between the parties on April 19, 2021, providing a detailed plan for democratic transformation with the unprecedented involvement of the President of the European Council, was later annulled. The process was also negatively affected by the weak support provided by the Georgian government to Ukraine and its European partners in the contest of the current Russia-Ukraine conflict. Membership in the European Union means first partnership and respect for shared values. In the nearest future, it is necessary to strengthen the collaboration between all three countries and show commitment to common European values.

References

- 1TV. (2022, August 24). US Ambassador says ISFED informed public of its PVT miscalculation immediately. Retrieved January 16, 2023, from <https://1tv.ge/lang/en/news/us-ambassador-says-isfed-informed-public-of-its-pvtmiscalculation-immediately/>
- Access to European Union Law. (2022). <https://eur-lex.europa.eu/homepage.html>
- Ahmad Way, L. (2022). Georgia, Moldova, and Ukraine: Democratic moments in the former Soviet Union. In S. Mainwaring & T. Masoud (Eds.), *Democracy in hard places*. Oxford University Press
- Bértoa, F. C., & Rama, J. (2021). Polarization: What do we know and what can we do about it? *Frontier Political Science*. <https://www.frontiersin.org/articles/10.3389/fpos.2021.687695/full>
- Blinken, A. J. (2021, March 5). Public Designation of Oligarch and Former Ukrainian Public Official Ihor Kolomoysky Due to Involvement in Significant Corruption Press Statement. <https://www.state.gov/public-designation-of-oligarch-and-former-ukrainian-public-official-ihor-kolomoysky-due-to-involvement-in-significant-corruption/>
- Breuninger, K. (2022, April 12). Zelensky says Ukraine captured pro-Putin politician Viktor Medvedchuk who escaped house arrest. *CNBC*. Retrieved January 16, 2023, from <https://www.cnn.com/2022/04/12/zelensky-ukraine-arrested-viktor-medvedchuk-pro-putin-politician.html>
- Business Media Georgia. (2022). “Georgian Dream” submitted a plan to implement the 12-point recommendation of the EU. <https://bm.ge/ka/article/qartulma-ocnebam-eu-s-12-punqtiani-rekomendaciis-shesrulebisgegma-waradgina/112233>
- Cenuşa, D. (2019, May). EU policy on strengthening resilience in Moldova, Ukraine and Georgia between the rule of law and oligarchic influence. *CEPS*, No. 2019-02. http://aei.pitt.edu/98663/1/LSE2019-02_StrengtheningResilience-MoldovaUkraineGeorgia.pdf
- Crowther, W. (2022). Moldova’s first quarter century: Flawed transition and failed democracy. *Nationalities Papers*, 1–14
- CDL-REF. (2021, November 25). 086. European Commission for Democracy Through Law (Venice Commission). [https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2021\)086-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2021)086-e)
- CDL-PI (2022) 001-e. (2022). Ukraine—Urgent joint opinion of the Venice commission and the OSCE/ODIHR on the draft law on local referendum. <https://bit.ly/3E8ptlB>
- CIVIL GE. (2022a, March 3). No EU Application Before 2024, Kobakhidze Says. Retrieved January 16, 2023, from <https://civil.ge/archives/476433>
- CIVIL GE. (2022b, June 2). Georgia’s Vice PM, Parliament Speaker Hit Out at EPP, Tsulukiani Claims EPP Wants Georgia’s EU Bid to Fail. <https://civil.ge/archives/493801>
- CIVIL GE. (2022c, July 4). Opposition, president skeptical about GD’s EU candidacy plan. Retrieved January 16, 2023, from <https://civil.ge/archives/499344>
- CIVIL GE. (2022d, July 6). GD chair sees connection between joining war, EU candidacy. <https://civil.ge/archives/499699>

- CIVIL GE. (2022e, July 8). Opposition hesitant, as speaker hosts first EU candidacy strategy meeting. <https://civil.ge/archives/499877>
- CIVIL GE. (2022f, July 12). De-oligarchization campaign aimed at 'Discrediting' governance system, says PM. <https://civil.ge/archives/500216>
- CIVIL GE. (2022g, July 20). GD chair slams EU ambassador as tenure ends. <https://civil.ge/archives/501474>
- CIVIL GE. (2022h, July 21). Ruling party, opposition respond to state Dept. Statement supporting US Ambo. Retrieved January 16, 2023, from <https://civil.ge/archives/501609>
- Corruption Perceptions Index. (2021). Transparency International, 11. https://images.transparencycdn.org/images/CPI2021_Report_EN-web.pdf
- CRRC Georgia. (2022). Public attitudes towards the unsuccessful attempt to obtain candidate status of the European Union. <https://bit.ly/3riUIIy>
- Delcour, L., Dimitrova, A., Maniokas, K., & Wolczuk, K. (2019, June). State capacity, state capture and their effects on the implementation of association agreements in the eastern neighbourhood. EU-STRAT Working paper.
- DG NEAR. (2012). Chapters of the acquis, 6 June 2012. https://neighbourhoodenlargement.ec.europa.eu/enlargement-policy/conditions-membership/chapters-acquis_en
- Denisova, L. (2021). Points to violations of the constitution in the bill on oligarchs, calls for sending it to the Venice Commission. *Interfax-Ukraine*. <https://en.interfax.com.ua/news/general/765895.html>
- DW. (2022, January 19). Ukraine court refuses to arrest ex-President Poroshenko. <https://www.dw.com/en/ukraine-court-rejects-request-to-arrest-ex-president-petro-poroshenko/a-60482710>
- Eli, G. (2015). European union enlargement conditionality (pp. 25–26). Palgrave Macmillan.
- Elsuwege, P., & Petrov, R. (2017). Legal perspectives on the study of the European neighbourhood policy. In *The Routledge handbook on the European neighbourhood policy* (1st Ed.). Routledge.
- Emerson, M., Blockmans, S., & Akhvlediani, T. (2022a). Interpreting the Commission Opinions on the membership applications of Ukraine, Moldova and Georgia, and next steps for the European Council. *Policy Insight, CEPS*, No 2022-22/6.
- Emerson, M., Blockmans, S., Movchan, V., & Remizov, A. (2022b). Opinion on Ukraine's application for membership of the European Union. *Policy Insights, CEPS*, No 2022-16/12.
- Emerson, M., Cenusă, D., Blockmans, S., & Akhvlediani, T. (2022c). Opinion on Moldova's application for membership of the European Union. *Policy Insights, CEPS*, No 2022-18, 6.
- Emerson, M., Hriptievski, N., Kalitenko, O., Kovziridze, T., & Prohntich, E. (2017, September 29). Anti-corruption policies in Georgia, Moldova and Ukraine. *CEPS*. <http://www.3dcftas.eu/>
- Euronews. (2022a, May 29). Former Moldovan President Igor Dodon arrested on suspicion of corruption. <https://www.euronews.com/2022/05/24/igor-dodon-former-moldovan-president-arrested-on-suspicion-of-corruption>
- European Commission. (2012, June 6). Conditions for membership, https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/conditions-membership_en
- European Commission. (2022). The European Commission opinions on the EU membership applications. https://ec.europa.eu/commission/presscorner/detail/en/IP_22_3790
- European Council. (2006, December 13). Council conclusions on enlargement and stabilization and association process. <https://www.consilium.europa.eu/en/policies/enlargement/>
- European Council. (2022, June 24). Note from general secretariate of the council to delegations on European Council meeting (23 and 24 June 2022) Conclusions. <https://www.consilium.europa.eu/media/57442/2022-06-2324-euco-conclusions-en.pdf>
- European Parliament. (2022, June 9). Violations of media freedom and safety of journalists in Georgia. European Parliament resolution on violations of media freedom and the safety of journalists in Georgia. https://www.europarl.europa.eu/doceo/document/TA-9-2022-0239_EN.pdf
- EU. (2021, April 19). A way ahead for Georgia. https://eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication_0.pdf

- EU. (2022, September 29). The twelve priorities. https://www.eeas.europa.eu/delegations/georgia/twelve-priorities_en
- EPP. (2022). Statement on Georgia adopted by the EPP political assembly. <https://www.epp.eu/papers/epp-statement-on-georgia>
- GD. (2022, March 1). Emotional uproar has been created... it will take years for Ukraine to join the European Union. Kobakhidze on Ukraine's application, "Mtavari Arkhi". <https://www.fac ebook.com/watch/?v=963297374390963>
- GPI. (2022). What are the prospects of institutional reforms in the conditions of state capture? Interview with an expert—Professor Michael Johnston, Georgia Institute of Politics, Institute of Politics of Georgia, 11–4. Reference Global Peace Index, July 2022. <https://www.hsdl.org/c/global-peace-index-2022/>
- Gegeshidze A., & Waal, T. D. (2021, December 8). Divided Georgia: A hostage to polarization. *Carnegie Europe*. <https://carnegieeurope.eu/2021/12/08/divided-georgia-hostage-to-polarization-pub-85937>
- Gelashvili, T. (2021). The Georgian far right and the post-election crisis, Georgia's political crisis: Actors and instruments of polarization. *Special Editor: Dr. Stefan Meister*, Caucasus Analytical Digest, No. 123. <https://noek.info/bilder/hinweise/2021/CAD123.pdf>
- Grabbe, H. (2017). Enlargement policy towards central and eastern Europe: what EU policy-makers learned. In A. Ikonomidou, Haakon, A. Andry, & R. Byberg, (Eds.), *European enlargement across rounds and beyond borders*. Routledge.
- Greco, S. P. (2015). Difficulties of democratic transition in Ukraine and the Republic of Moldova. *Symposium*, 2(1), 55–69.
- Gvindade, D. (2012). *The transformation of Georgia from 2004 to 2012 state building: Reforms, growth and investments*. Palgrave Macmillan. <https://link.springer.com/book/10.1007/978-3-319-59201-5>
- Hubareva, V. (2022). De-oligarchization: How it will work in Ukraine and how it worked in the world. *Rubryka*. <https://rubryka.com/en/article/deoligarchization/>
- Kobakhidze, I. (2022). Irakli Kobakhidze statement. <https://www.facebook.com/GeorgianDreamOfficial/videos/2133915780145471>.
- Konończuk, W., Cenuşa, D., & Kakachia, K. (2017). Oligarchs in Ukraine, Moldova and Georgia as key obstacles to reforms. https://gip.ge/wp-content/uploads/2017/07/Oligarchs_14-June_FINAL_0.pdf
- Kupatadze, A. (2012). Explaining Georgia's anti-corruption drive. *European Security*, 21(1). <https://www.tandfonline.com/doi/abs/10.1080/09662839.2012.656597?journalCode=feus2>
- Lavenex, S. (2004). EU external governance in wider Europe. *Journal of European Public Policy*, 11(4).
- Law of Georgia On Combating Organised Crime and Racketeering. (2005, December 20). <https://matsne.gov.ge/ka/document/view/27814?publication=1>
- Leshchenko, S. (2016, June 2). Ukraine's Verkhovna Rada: an oligarchs' club or a real parliament? *Open Democracy*. <https://www.opendemocracy.net/en/odr/ukraine-s-verkhovna-rada-oligarchs-club-or-real-parliament/>
- Liboreiro, J. (2022). Why was Georgia not granted EU candidate status? <https://www.euronews.com/my-europe/2022/06/24/why-was-georgia-not-granted-eu-candidatestatus>
- Lough, J., & Rusu, J. (2021). Why is progress towards rule of law so challenging? The cases of Ukraine and Moldova. *Bertelsmann Stiftung*. <https://bit.ly/3RvE9yi>
- Minzarari, D. (2022, April 11). Justice reform as the battleground for genuine democratic transformation in Moldova, insights for the eastern partnership. *SWP Comment* 2022/C 27.
- Menabde, G. (2022). Is De-oligarchization of Georgia possible? *Eurasia Daily Monitor*, 19(134). <https://jamestown.org/program/is-de-oligarchization-of-georgia-possible/>
- Nakashidze, M. (2021). The Association agreement and the implementation of domestic reforms towards strengthening the rule of law, in Georgia, Moldova, and Ukraine. *International Comparative Jurisprudence*, 7(1), 51–74.

- Nilsson, M., & Silander, D. (2016). Democracy and security in the EU's eastern neighborhood? Assessing the ENP in Georgia, Moldova, and Ukraine. *Democracy and Security*, 12(1), 44–61.
- Nodia, G., Cenu, D., & Minakov M. (2017). Democracy and its deficits: The way of Georgia, Moldova and Ukraine towards becoming European-style democracies. *CEPS*.
- OSGF. (2022a, July 3). 12 steps towards EU candidacy, the open society Georgia Foundation. <https://osgf.ge/en/12-steps-towards-eu-candidacy/>
- OSGF. (2022b, July 27). What needs to be done to fulfill the 12 recommendations of the European Commission. The Open Society Georgia Foundation. <https://osgf.ge/ra-unda-gaketdesevrokomisiis-12-rekomendaciis-shesasruleblad/>
- OFAC. (2022, October 26). Treasury targets corruption and the Kremlin's Malign influence operations in Moldova. US Department of Treasury. <https://home.treasury.gov/news/press-releases/jy1049>
- Parliament of Georgia. (2022). Working groups of the Parliament of Georgia, Legal Affairs Committee. <https://parliament.ge/parliament/committees/50928/documents>
- Petrov, R. (2016). Implementation of association agreements between the EU and Ukraine, Moldova and Georgia: Legal and constitutional challenges. In T. Kerikmäe & A. Chochia (Eds.), *Political and legal perspectives of the EU eastern partnership policy*. Springer.
- Public Defender of Georgia. (2021). Assessment of effectiveness of gender equality institutional mechanism in Georgia. <https://www.ombudsman.ge/res/docs/2022032913195236233.pdf>
- Popsoi, M., & Franchino, F. (2021, October 30). Europeanization versus democratization in Georgia, Moldova and Ukraine. Università degli Studi di MILANO.
- Presidency Conclusions. (1993, 21–22 June). Copenhagen European Council. https://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf
- Radio Liberty. (2022a, August 19). Exclusion of ISFED from parliamentary working group raises questions about sincerity of reform process—US Embassy. Retrieved January 16, 2023, from <https://www.radiotavisupleba.ge/a/31996126.html>
- Radio Liberty. (2022b, August 23). 12 steps to candidate status—crisis stage, confrontation with the third sector. Retrieved January 16, 2023, from <https://bit.ly/3SwTDmR>
- Schimmelfennig, F. (2009). Europeanization beyond Europe. *Living Reviews in European Governance*, 4(3).
- The Eastern Partnership Index. (2021). Eastern partnership civil society forum. <https://eap-csf.eu/eastern-partnership-index/#section-fillup-1>
- The Kyiv Independent. (2022, July 11). Akhmetov exits media business, says he doesn't want to be labeled oligarch. <https://bit.ly/3StjaND>
- Verkhovna Rada. (2021a, May 19). The draft law “On local referendum” registered in the Parliament of Ukraine Information Department of the Verkhovna Rada of Ukraine Secretariat. <https://www.rada.gov.ua/en/news/News/208588.html>
- Verkhovna Rada. (2021b, September 23). The Law of Ukraine on Preventing Threats to National Security Associated With Excessive Influence by Persons Who Wield Significant Economic and Political Weight in Public Life (Oligarchs). <https://zakon.rada.gov.ua/laws/show/1780-20#Text>
- Wiener, A., Börzel, T. A., & Risse, T. (2018). *European integration theory* (3rd Ed.). Oxford University Press.
- Wendler, F. (2016). *Debating Europe in national parliaments*. Palgrave Macmillan. <https://link.springer.com/book/10.1057/978-1-137-51727-2>
- Zakaria, F. (2021, September 13). Bill on oligarchs creates risks for freedom of speech in Ukraine—CNN leading commentator. *Ukraine News*. <https://bit.ly/3UUZY71>
- Zhernakov, M. (2016). Judicial reform in Ukraine: Mission possible? *Policy Report*. https://rpr.org.ua/wp-content/uploads/2017/02/Renaissance_A4_5JURIDICIAL-REFORM.pdf

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