



Position of the Ukrainian National Platform of EaP CSF

17 December 2023

Civil society organisations need full inclusion in the European integration progress of Ukraine

This position document is prepared within the framework of the Ukrainian National Platform of EaP CSF to inform the Ukrainian authorities and international partners of the need to strengthen the role of civil society organisations in Ukraine's path towards EU membership, including through various platforms, including the Eastern Partnership initiative. The document outlines the main areas of work of civil society organisations and UNP EaP CSF on Ukraine's EU membership, as well as the interaction of CSOs with public authorities and international institutions.

Introduction

On 23 June 2022, the leaders of the 27 EU member states adopted a decision to grant Ukraine EU candidate status. This decision, on the one hand, signifies the European perspective and legal consolidation of Ukraine's European future. On the other hand, it marks the beginning of a complex path towards full membership. This includes the necessity of reforming and extensively transforming the country, which involves aligning with European legislation and policies in all areas, practical implementation, and application of such legislation.

Ukraine already has considerable experience in implementing European legislation and policies in a variety of areas, gained in the course of implementing the EU-Ukraine Association Agreement. According to the Pulse of the Agreement, the Government's tool for monitoring the implementation of the Agreement's action plan, the progress of implementation ranges from 98% in the area of intellectual property to 24% in the area of financial cooperation and combating fraud.¹

However, on the path to EU membership, Ukraine needs to implement the entire EU acquis, which, in addition to the implementation of directives and regulations, also includes policies, case law, judgements, recommendations, and, most importantly, their practical implementation. The Government of Ukraine has just completed the self-screening process of all EU legislation and plans to adopt a National Adaptation Programme to EU Law and an EU Acquis Implementation Plan by the end of the year. Particularly significant work is expected following the start of the negotiation process, which will take place according to the 35 chapters of the future EU-Ukraine Association Agreement.

¹ <https://pulse.kmu.gov.ua/ua>

Ukraine's civil society has traditionally been active in any processes related to the country's reforms, European integration, Ukraine's reconstruction, anti-corruption activities, etc. Civil society organisations advocate for necessary changes, influence political processes and the development of legislation, monitor policy and law implementation, control the use of financial resources, and actively work at international, national and local levels.

Civil society organisations in Ukraine enjoy a high level of trust among citizens. According to a sociological survey conducted by the Razumkov Centre in early 2023, 66% of respondents trusted CSOs, and 88% trusted volunteer organisations.²

1. Role of Civil Society in European Integration Processes

The process of preparing for EU membership requires a lot of work and resources, including human resources, which means the need for the consolidation of efforts of all stakeholders involved in the issues of European integration and reforming the country. Having extensive experience in European integration processes and expert resources, civil society organisations, including their associations and coalitions, particularly the Ukrainian National Platform of the Eastern Partnership Civil Society Forum (UNP EaP CSF), can play an important role in bringing Ukraine closer to the European Union.

Civil society organisations already possess a range of tools, platforms for interaction and expertise on Ukraine's European integration, gained both through advocacy efforts for deeper integration with the EU and during the implementation of the EU-Ukraine Association Agreement.

The pro-European civil society platforms (UNP EaP CSF and EU-Ukraine CSP) traditionally united civil society organisations and analytical centres that advocated for European values and the country's reform based on European principles and standards. Their effective tools included statements, appeals, open letters, joint position papers and reports with European partners and Eastern Partnership countries.³ It is important to note that this work was carried out not only at the national level, but also at the EU institutional level.

It is worth mentioning the monitoring of the implementation of the EU-Ukraine Association Agreement or other European integration processes and issues. Here are some examples. In particular, the Agreement Navigator, an online tool created to display quantitative and qualitative results of independent expert monitoring of the implementation of the EU-Ukraine Association Agreement by Ukraine⁴, regular analytical reports "Integration within Association: Implementation Dynamics of the EU-Ukraine Agreement"⁵, annual and

² <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-gromadianamy-sytuatsii-v-kraini-ta-dii-vlady-dovira-do-sotsialnykh-instytutiv-liutyi-berezen-2023r>

³ For more information about UNP EaP CSF, please visit: <http://eap-csf.org.ua/>. For more information about UA CSP, please visit <https://eu-ua-csp.org.ua/>.

⁴ <https://navigator.eurointegration.com.ua/>

⁵ <http://www.ier.com.ua/ua/integration>



quarterly monitoring reviews "Ukraine and the European Green Deal"⁶, assessment of good environmental governance in the three Eastern Partnership countries⁷, etc.

The European integration work of civil society organisations at the local and regional level was also important, including information work, communicating the benefits of European integration in certain areas at the community level, and the practical application of European instruments. Among other initiatives, the "Advancing Reforms in Regions" project⁸ by the Institute for Economic Research and Policy Consulting can be mentioned.

An example of high-quality interaction between public authorities was the work on filling out the EU questionnaire for obtaining the EU candidate status in the spring of 2022. According to Olha Stefanishyna, Vice Prime Minister for European and Euro-Atlantic Integration, more than 300 experts⁹, including representatives of civil society organisations and analytical centres, were involved in preparing the answers. Civil society organisations also actively monitored Ukraine's compliance with the 7 EU recommendations for further advancing Ukraine's EU membership.¹⁰

2. Areas of CSO Activities in Ukraine's Path to EU Membership

Despite the active participation of civil society organisations in the European integration process, with the EU candidate status and the need for further work to obtain membership, civil society organisations face a number of new challenges and needs in their work. These challenges are exacerbated by the impact of the war on all processes in the country, the security environment in which organisations operate, and the need to strengthen the synergy between European integration and post-war reconstruction and recovery of Ukraine.

Advocacy of Ukraine's Membership

This area of activity of civil society organisations will become even more relevant as the negotiation process begins. Advocacy is particularly important at the level of EU institutions and member states. Various platforms can be utilised to convey messages about Ukraine's future membership, highlight the benefits of Ukraine becoming an EU member in various sectors, and disseminate information about reforms taking place in Ukraine. The Eastern Partnership Civil Society Forum may continue to be one of these platforms, both for interaction with EU institutions and working with civil society organisations in the EU and Eastern Partnership countries.

⁶ <https://dixigroup.org/analytic/richnij-monitoringovij-zvit-ukra%20na-ta-%20vropejskij-zelenij-kurs/>

⁷ <https://www.rac.org.ua/priorytety/ekologichnyy-vymir-evropeyskoyi-integratsiyi/good-environmental-governance-implementation-in-georgia-moldova-and-ukraine-stay-of-play-key-conclusions-and-recommendations-policy-paper-2022>

⁸ <http://www.ier.com.ua/ua/projects?pid=5293>

⁹ <https://eu-ua.kmu.gov.ua/node/4580>

¹⁰ <http://neweurope.org.ua/analytics/kandydat-check-5-de-ukrayina-perebuyaye-u-vykonanni-7-rekomendatsij-yes/>

It is necessary to work on advocating for the transparency of the negotiation process and the involvement of the public at every stage of this process. Therefore, having access to information, including documents related to the negotiation process, and engaging civil society organisations in the development, commenting on relevant documents, and participating in public consultations and events is very important. Transparency should be ensured both from the Ukrainian authorities and EU institutions to make the process as open and inclusive as possible.

Participation in Political Processes and Legislative Initiatives

Taking into account the huge amount of work that Ukraine has to do to become an EU member, representatives of civil society organisations and analytical centres can actively engage in strategic planning and legislative initiatives of the Government. This includes, in particular, involvement in the development and commenting on strategic planning documents, laws, resolutions and bylaws necessary for implementing EU legislation. It is especially important to involve highly specialised experts in areas that were not previously covered by the Association Agreement and are not regulated in Ukraine.

Of course, civil society organisations cannot replace the activities of public authorities, but their contribution to supporting public discourse on topical issues of EU acquis implementation, studying practices and experience of EU countries in applying certain thematic acts, providing comments and recommendations will definitely strengthen and accelerate the process of Ukraine's approximation to the EU and facilitate the consideration of the opinions and interests of various stakeholders.

In the legislative process, the expert work of representatives of civil society organisations and analytical centres, which already have experience in such activities and relevant knowledge in the fields of EU law and policy, can be vital.

Monitoring of Commitments

Civil society organisations will need to engage in monitoring the reforms aimed at implementing the EU acquis, as well as the negotiation process itself. It is important to prepare monitoring reports with recommendations for both Ukrainian authorities and the EU institutions, in particular, through submitting relevant contributions to the progress reports on implementation prepared by the European Commission.

In this context, an interesting practice could be the preparation of so-called "shadow reports", which civil society organisations from other candidate countries have used on their path to EU membership, such as Croatia.

In addition, one of the tasks in monitoring European integration processes will be to track the progress of the Ukraine Plan, which is currently being developed for the funding purposes under the Ukraine Facility regulations¹¹. This plan will contain not only goals and objectives related to the reconstruction and recovery of Ukraine, but also preparations for Ukraine's future EU membership, as these two processes are interrelated.

Information and Training

One of the important functions that civil society organisations can perform is to inform about the European integration process, including the negotiation process, the progress of Ukraine's commitments, innovations related to the implementation of EU acts, and the benefits that Ukraine's membership in the EU will bring to specific areas and to ordinary citizens.

In this context, work at the local level, at the level of cities and communities, is particularly important. Civil society organisations can help with the implementation of adopted policies and legislation at the local level, share best practices from other cities and EU countries, and ensure that local authorities are engaged in national processes and that their opinions are communicated and taken into account.

Training activities, such as workshops, seminars, summer schools, platforms, and youth work, can significantly contribute to the effectiveness of European integration processes and promote the adoption of European practices by ordinary citizens.

Training initiatives to increase the capacity of public authorities to implement the EU acquis can also be useful, considering the need for human resources and personnel with the appropriate knowledge and skills to work with European law and policies.

Public Diplomacy

Civil society organisations possess significant potential, experience and necessary resources to conduct effective public diplomacy. They are actively shaping and participating in platforms where Ukraine's interests are advocated, ranging from official consultations and meetings to discussion platforms and work within existing analytical and civil networks and associations in the EU, including thematic, sectoral and general political ones. Such work cannot be replaced by public authorities, and undoubtedly has a significant impact on shaping political and public opinion in the EU and its member states.

3. Strengthening CSO Capacities and Interacting with Other Stakeholders

Although civil society organisations play and can continue to play a crucial role as stakeholders in the European integration processes, influencing policy and monitoring the

¹¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0338>

implementation of commitments, they also need to be strengthened in order to effectively use their expertise, conduct effective advocacy and take advantage of the new opportunities that have arisen in connection with Ukraine's candidate status.

When planning their strategic development, civil society organisations, their coalitions, associations and platforms should take into account the European integration vector of Ukraine's development and the needs arising in the process of gaining EU membership. Knowledge in the field of European integration, implementation of the EU acquis, as well as advocacy and networking skills can significantly strengthen the role of CSOs during the negotiation process.

Cooperation between different stakeholders to reinforce each other in the process of European integration is the key to successful work. Interaction with civil society organisations working at the EU level and in member states should become one of the new areas of work, as understanding the European agenda in various areas and the emergence of another important platform for advocacy are important at this stage.

The use of new European instruments and funding programmes open to Ukraine will strengthen Ukrainian civil society organisations and create additional resources for activities related to Ukraine's approximation to the EU.

Recommendations

It is necessary to consolidate the efforts of civil society organisations, including UNP EaP CSF, to speed up the effective implementation of Ukraine's commitments on the path to EU membership and to ensure appropriate conditions for the involvement of civil society organisations in the negotiation process, including transparency and public participation.

The Government of Ukraine should:

- Involve UNP EaP CSF and other civil society organisations and their associations in the European integration processes of strategic planning and implementation of specific reforms in various areas to obtain Ukraine's membership in the EU.
- Include representatives of UNP EaP CSF and other civil society organisations and their associations in working groups dealing with the European integration of Ukraine.
- Legislate the mechanisms of public involvement in the negotiation process.
- Take into account proposals and comments from the public on improving the reform and implementation of the EU acquis.
- Involve civil society organisations in the development, implementation and monitoring of the Ukraine Plan.
- In addition to the general framework of transparency and public participation, a sectoral approach to public engagement should be ensured.
- Provide comprehensive support to the activities of civil society organisations, in particular, under martial law restrictions on international activities.

The EU, including the EU Delegation to Ukraine, should:

- Facilitate the involvement of Ukrainian civil society organisations in pan-European processes, including in the context of the EU membership negotiation process.
- Provide access to all necessary documents and the opportunity to participate in the development and implementation of documents related to Ukraine.
- Maintain a dialogue in the triangle of the Government of Ukraine-EU institutions-civil society and use cooperation with pro-European platforms as a platform for public dialogue and search for solutions on Ukraine's future membership in the EU.

The Ukrainian civil society organizations should:

- Actively advocate the issue of Ukraine's membership in the EU, to provide informational, expert, analytical support for the process in the spheres of their competence.
- Promote the use and actively use new opportunities and financial instruments that arise in connection with the preparation of Ukraine for EU membership.
- Help other stakeholders in strengthening the capacity for the implementation of the EU acquis.
- Use their communication channels, in particular with EU civil society, to convey the advantages and benefits of Ukraine's membership in the EU.

UNP EaP CSF has identified advocacy for Ukraine's membership in the European Union as one of the strategic goals of the Platform's 2024-2026 Strategic Development Plan. Therefore, it is important that the issues of openness, transparency, accountability and public participation become the basis of the negotiation process, and that the Government of Ukraine and European institutions are ready to use the potential of civil society to fulfil Ukraine's commitments in the context of future EU membership.