

DESCnet

Jean Monnet Network DESCnet
Developing European Studies in the Caucasus
Newsletter 4/2016

1 - Editorial.....	2
2 - Upcoming DESCnet events.....	3
3 - Disseminating DESCnet.....	5
4 - Related upcoming events.....	13
5 - News and ongoing.....	14
6 - Reports, opinions and comments.....	18
7 - New publications.....	29



1 – Editorial

Dear colleagues and friends!

This is to welcome you to the fourth issue of our DESCnet newsletter.

As you can see by its size, our network keeps growing in numbers and extent of topics covered, which is also expressed in the current issue.

The most important issue in 2016 was the establishment of the “Association of European Studies for the Caucasus” (AESC) in Tbilisi with Thomas Kruessmann (Tartu University) as acting president and Gaga Gabrichidze (New Vision University) and myself, Oliver Reisner (Ilia State University) as initial board members. We are now very much looking forward to the first convention of “our” AESC at Yeditepe University in Istanbul in April to become fully operational. This will also be the first time to gather all scholars and young researchers from the DESCnet project and beyond to discuss “Challenges and Opportunities of Europeanisation in the Caucasus” in detail. As you can see in the “New Publication” section there is a lot of new research worth to be shared and discussed widely. To support this endeavour is our objective, and we hope we can count on your active support and active membership in AESC.

In the meantime, our activities to support students at all levels in studying the Caucasus region will be continued with the Stavropol Winter School in February. The preparations for this winter school are already underway.

In 2017 we are also planning to launch a working paper series to support the dissemination of research from the Caucasus region into the broader scientific community as one of our major goals. Further details will be shared on our new website <http://aesc-online.eu/>, which is also worth a visit, if you have not done so yet.

Thus we are very confident that with our plans and activities for 2017 we will support you and strengthen the network of scholars engaged in European Studies related to the Caucasus region. We are looking forward to your proposal for give directions for its future development.

Yours sincerely,



Oliver Reisner
Jean Monnet professor, Ilia State University

2 — Upcoming DESCnet events

DESCnet Winter School 2017, Stavropol, Russia

„European Integration and Anti-Corruption Studies in the Caucasus“

27 February - 4 March 2017

The Stavropol Winter School is the first to take stock of experiences in fighting corruption in the socio-economic context of the Caucasus. The participants will also have the opportunity to study the experience of a variety of European countries in introducing innovative approaches to anti-corruption, e.g. e-governance, and new types of collective action models. An important part of the School will be student projects aimed at developing local solutions to the problem of corruption. Student presentations are scheduled at the final part of the School programme.



Photo: Monument in Stavropol dedicated to the First Teacher in front of the North Caucasus Federal State University (open resources)

The School is open to participants from all countries of the Caucasus including Russia and Turkey as well as to international students from the EU and beyond. Participants should be at the final year of their B.A. studies or obtaining their M.A. degree in political science, sociology, criminal justice, European Studies or EU Law-related disciplines. Participation will be equal to 6 ECTS credits.

DESCnet Summer School in Yerevan, Armenia

“European Integration and Energy Security in the South Caucasus”

July 2017 (TBC)

The school organized by Yerevan State University will aim at spreading knowledge and examine interrelated processes of European integration and energy security issues in the South Caucasus, Russia and Turkey with a special view of challenging geopolitical situations in the region, existing conflicts, closed borders as well as economic developments. The main part of the course will focus on EU's energy policies and the problems of energy security in conflict-stricken regions, review challenges and possible developments in a view of changing geopolitical situation.

Similarly, the seasonal school will host up to 30 students from all countries of the wider Caucasus region and Europe, however will be also open for public to attend public lectures. Participation will be equal to 6 ECTS credits. The call for participation will be available in early 2017 online at www.descnet.eu.



Photo: Yerevan State University (open resources)

2 – Upcoming DESCnet events

First AESC Convention "Challenges and Opportunities of Europeanisation in the Caucasus"

Yeditepe University, Istanbul, Turkey

27 - 28 April 2017

This Convention will not only offer a platform for young scholars to present their research. It will also be the place to discuss the latest issues concerning Europeanisation in the Caucasus, and we look forward to presentations by leading authorities from Turkey and beyond. Attendance and participation is open to all interested. Please submit your individual paper, panel or roundtable proposal **by 31 March 2017 (deadline)**. For details on the requirements for participation see <http://aesc-online.eu/convention>.

What happens with forms of regional integration within the premises of the EU or under its direct patronage?

(2) Studying sportive and cultural events. Interesting cases to explore could be Azerbaijan (Eurovision and first European Olympic Games, preparing for Islamic Solidarity Games in 2017), Sochi (stripped off the World Cup on Bobsleigh as part of the ongoing anti-doping campaign), and Kazakhstan's bid for winter Olympics.



The framework topic of the Convention is „Challenges and Opportunities of Europeanisation in the Caucasus.“ The Convention will be open for proposals from all relevant disciplines.

In addition, for a more structured approach the following two sub-topics

are proposed:

(1) Studying institutions and practices of regional integration that have been formed at Europe's margins, more specifically the Black Sea region, the Caspian Sea region, the *Intermarium* concept, the Union for Mediterranean, the Visegrad group, the Baltic and Nordic regions. The extant literature on each of them basically deals with individual regions and lacks a cross-regional comparative perspective. Besides, the most recent developments (identity crisis within the EU, the growing securitisation momentum in regional agendas, the EU-Russia conflict) pose a number of new questions - how regional institutions react to the growing insecurity?

Both sets of topics can be researched from a variety of perspectives - cultural studies, sociology of international relations, political economy, legal studies, etc. It is planned to use presentations for launching book projects or special issues of international peer-reviews journals. Those interested in either of these two possibilities please contact Prof. Andrey Makarychev (andrey.makarychev@ut.ee).

The Convention will be held at 26th August Campus of Yeditepe University which is located on the Asian side of Istanbul (İnönü Mahallesi, Kayışdağı Caddesi, 34755 Ataşehir - İstanbul). The nearest airport for the Convention venue is Sabiha Gökçen International Airport, located at a distance of 24 km. There are various options of transportation including public buses, Havabus buses (private airport bus service) and taxi services to Kadıköy or Ataşehir which is close to the campus. Depending on the arrival times of participants, a service bus may be arranged. Additionally, there will be a limited amount of accommodation opportunities on campus.

Photos: Yeditepe State University (open resources)



3 — Disseminating DESCnet

Jean Monnet / ECSA Conference
„Global Governance in Times of Global Challenges“
17 – 18 October 2016, Brussels
(activity report by Prof Oliver Reisner, Ilia State University)

The annual Jean Monnet / European Community Studies Association (ECSA) Conference 2016 was convened in Brussels under the title “Global governance in times of global challenges” on 17-18 October.¹ The audience consisted of around 250 representatives of the Jean Monnet community. Despite the fact that this was a thematically focused event with much less participants than usual, the DESCnet consortium was represented by three consortium members, Prof. Haluk Kabaalioglu (Yeditepe University, Istanbul, Turkey), Prof. Gaga Gabrichidze (New Vision University, Tbilisi, Georgia) and Jean Monnet Prof. Oliver Reisner (Ilia State University).

In her opening remarks Claire Morel [European Commission (EC), Head of Unit International Co-operation in Education and Youth; Jean Monnet actions] assessed the first year after the launch of the ERASMUS+ programme which had extended its outreach to Africa, provided for a new possibility that JM chairs can apply for JM networks of excellence once their two terms have ended and also highlighted that 20% of the ERASMUS+ budget are envisioned for modules prepared by young researchers. This conference, she explained, was meant to be more interactive and therefore less participants from the JM community were invited to provide feedback on the “*Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union’s Foreign and Security Policy*” (hereinafter GS),² which was launched in June 2016 by Federica Mogherini, High Representative of the EU for Foreign Affairs and Security Policy, Vice-President of the European Commission.

Nathalie Tocci, special advisor to Federica Mogherini and one of the main authors of the GS, introduced in her key note speech the rationale for the new GS. In her words, in 2003 when the first EU Security Strategy was adopted, the context was more promising.

After the introduction of the single currency (2000), the prospects for the EU’s Eastern Enlargement and the international liberal order were uncontested. She conceded: “We thought the world is moving in our direction.” In 2016 the strategic assessment is of a worsening context with violence to the EU’s East and South. Insecurities like terrorism and fragmentation inside the EU nowadays need to be considered in a new global strategy.

Continuing on the process, while in 2003 France, Germany and Great Britain were dominant among the 15 member states and the public opinion was increasingly critical on the EU and no Lisbon Reform Treaty (2009) at hand, now there is a fundamentally different institutional process responding to a fundamentally changed environment. This allows for considering the different views inside and outside the EU. Tocci stressed that the global strategy is thematic and not geographic in its approach, broader than just security and defence, with the EC playing an essential role. Non-institutional actors, among them students and non-state actors, were involved in the drafting process through three conferences (Stockholm, Malmö and Paris). A student essay competition, with the winners invited to the concluding conference in Paris, demonstrated more optimism than the experts’ assessments. Overall, the process ignited a broader dialogue on security issues than in 2003.

For the content of the GS, Tocci argued in favour of a transformation towards a “principled pragmatism” approach which is not only transactional (focusing on the give-and-take of deal-making), but also driven by principles which cannot be compromised. On the other hand, by looking at the world as it is in a pragmatic way, there is no attempt to impose “our values” on others.

¹ The conference website for further details:
https://ec.europa.eu/education/events/20161017-jean-monnet-conference_en (15.12.2016)

² The document is available here:
https://europa.eu/globalstrategy/sites/globalstrategy/files/eugs_review_web.pdf

3 – Disseminating DESCnet (cont.)

Also, the role of the US has changed from the ultimate lenses of a unipolar world in 2003 towards one with a more self-reliant European today: "We have to take our defence and security more seriously." This will become a more pressing issue with the incoming Trump administration in the US in 2017. Since 2003 the "effective multilateralism" that was oriented towards preserving the existing system of "not rocking the boat too much" (mainly Eastern Europe and France), the world has become multipolar and European multilateralism needs to be reformed. As her third important point she stressed that the EU must become a much more transformative actor than before and with more representative multilateral institutions.

In terms of action, the Security Strategy of 2003 was a 3-5.000 word document, while the new GS has now a shared narrative of 10.000 words (60 pages), with much less commonalities than before, but more need to call for action in a deteriorating context. Tocci named an integrative approach to conflicts and crisis, major concerted action on security and defence ("a headache") with a context changing rapidly (Brexit). The EU member states alone will not make their citizens' lives safer. In France, Germany, Italy and Spain she sees an increasing readiness to act together. The EC can become a "game changer", which is no longer "toxic" towards defence issues. On defence she asked: "Why not, if not now, but who will be in the lead?" So far the Foreign & Security Committee (FSCO) and CSCP are "piecemeal" and need to be changed allowing for more contractual and shared goals. It could start in 2027!

The term "strategic partners" has been dropped altogether. Now there are three "core partners" left: the United States, the United Nations and NATO. All other partners are related to concrete problems at hand, e.g. cyber security (China, etc.). The GS is in line with the UN Sustainable Development Goals, but it should also be aligned and more integrated with security and defence, peace and security issues as part of development co-operation. Here she urged for a more strategic use of EU development co-operation. It should also be surveyed, how non-EU countries perceive the EU, to escape from achieving less visible impact with more money.

Tocci then explained the joint NATO-EU Declaration for the Warsaw Summit as a response to the necessity for more complementarity and joint action. She discarded the separation that NATO is only doing "hard stuff" and the EU "soft stuff" and demanded that Europeans must develop their own capacities in different contexts, taking up their responsibility for defence and security matters again.

The GS also contains an Internal Security Strategy, which has been elaborated with others including e.g. the TRADE strategy during the drafting process. However, internal and external threads are often intertwined with each other (hybrid warfare, migration), she concluded.

European Commissioner for Education and Culture, Mr. Tibor Navracsics, then continued declaring education and science as key elements to face the challenges of global governance and European values in a global scale. In 2017 at its 30th anniversary the ERASMUS programme will get another boost with an additional 200 Mio. Euro by 2020. The programme will especially focus on "our shared values and inclusion", voluntary service opportunities, the establishment of a European Solidarity Corps for supporting challenges like the integration of refugees. He claimed that culture would be at the heart of international co-operation, inter-cultural dialogue, a new global platform for cultural actors to be established and ideas like the "European capitals of culture" to be shared with the world.

The opening speeches left the impression of a much more defensive state of the EU than the self-confident 2003 Security Strategy. Obviously some overstretch effects after the Eastern enlargement made it more difficult to achieve consensus among 28 instead of 15 member states. The European External Action Service (EEAS), as well as various EC departments, participated in the working panels on the second day as well, providing the opportunity for the Jean Monnet community to interact with EU representatives.

This tied in with the two main objectives of the conference: (a) to provide an opportunity for the Jean Monnet community to be informed about the latest developments of European policies; (b) to provide an opportunity for the EU services involved to receive feedback from the Jean Monnet community on specific policy questions.

3 – Disseminating DESCnet (cont.)

On the second day there were six working groups, two per three thematic groups that should provide feedback on specific pre-formulated questions. The first panel on "Peace and security" (A.) was discussing "Internal security of EU citizens and territory" (A1.) and "Conflict prevention and addressing root causes worldwide" (A2.). Christian Calliess (European Policy Strategy Centre), an in-house think tank for EC President Juncker, introduced the three main questions on internal security:

1. stating that in a globalised world it is closely interlinked with external security, he asked, if internal security has become a European responsibility (esp. in the Schengen area).
2. Does the EU have a duty to protect its citizens? How should this be balanced with the freedom of its citizens protected by the rule of law and fundamental rights?
3. How should the EU deliver on security? What concrete measures should be taken on the European level? He mentioned for example a European counter-terrorism centre to overcome the lack of information sharing among the member states by establishing a single EU security database to be balanced with the right of data protection, a new intelligence agency for connecting all national ones within one framework.

Rene van Nees (EEAS) introduced the issue of conflict prevention in the EU's external relations around the following set of questions: 1. how do we know what the root causes of violent conflict are? What kind of analytical tools do we have to detect them? 2. Is there in practice a dilemma between supporting stable regimes and promoting human security? And if so, how should the EU approach this dilemma? 3. Which conflicts should we prevent, and on the basis of which criteria? It means that it is better to invest in conflict prevention, but it is unclear from where should this start. He stated that security should address violence through a human security approach, where it is incremental that peace processes should be started on the local level. Security should cover the whole continuum from early warning, crisis prevention etc.

In summarizing the results of the working groups for Panel A the next day, Prof. Emil Kirchner (University of Essex) stated a clear linkage between internal and external security, which is enshrined or embedded in EU Law. The member states and EU institutions should ensure greater co-ordination between both levels despite challenges like refugee crisis or terrorism (in-/external, populism, Euroscepticism, Schengen). A multi-dimensional approach to address numerous and diverse causes of conflicts should be elaborated. The lack of trust among intelligence agencies on the transnational level needs to be addressed and more attention has to be paid to prioritise the tools at hand. Concerning the root causes of conflict and linkages between external and internal, he stated that EU citizens expect protection by the EU (see Eurobarometer results) which represents a dilemma of how to combine "stable conditionality principles" with a pragmatic approach in external relations to safeguard EU interests. Therefore (potential) conflicts should be categorized and dealt with according to its (potential) impact. This will require clearly formulated assessment criteria. There are still lessons to be learned from the "Arab Spring" in addressing potential conflicts in Central Asia and Africa, esp. on how to deal with non-state actors in the future.

The second panel (B.) addressed issues of prosperity inside and outside the EU. Frank Siebern-Thomas (EC DG GROW) presented the main questions for the two sub-groups. The first one (B1.) addressed how to "Promote growth, jobs, equality and a safe and healthy environment":

1. How does economic policy co-ordination in the EU contribute to inclusive growth policies, positive spill-overs and convergence? Which policy areas are priorities? What reforms are necessary?
2. What are the links between productivity, competitiveness and equity or inclusiveness? Which are the relevant transmission channels and institutional factors? How can we measure and evaluate the inclusiveness of growth? What are the relevant benchmarks?
3. What role do new business models (circular, collaborative economy, advanced manufacturing, etc.) play in fostering smart, inclusive and sustainable growth?

/cont. next page/

3 – Disseminating DESCnet (cont.)

The second group (B2.) on “Internal market and international economic systems” was introduced by Luca De Carli (EC DG Trade). It focused on the following questions: 1. How can we ensure that trade policy tools remain sharp and keep on delivering growth and jobs in the EU? 2. How far can trade policy be used to pursue non-economic objectives? Is this to the detriment of its economic goals? How does it relate to values? 3. What are the drivers of the concerns about globalisation? How can the EU institutions better respond to them? It tried to “price in” the value of ecology, protection of consumers or employees into trade policy and prioritize properly as a leading trading agent, balancing protectionism and openness of markets, responding to the demands of increasing transparency of trade agreements.

For the results of Panel B., the single market and trade in the overarching context of EU economic and social performance are more and more perceived negatively among its citizens. Growing disparities in European societies (gender, generations, social groups, etc.) coincide with a lack of trust, a rise of populism and anti-EU sentiments. Therefore, both working groups recommended to address the need for a more “social Europe” where economies have to serve consumers, producers and citizens. At the same time some participants cautioned to be realistic about goals and options for successful implementation of EU policies in the economic sphere. EU institutions and member states should consider and calculate positive and negative effects of technological innovation. EU policies should balance smart, sustainable and inclusive objectives in socio-economic models. In terms of governance participants demanded to make more efficient and coherent use of the already existing instruments always considering the social costs. To preserve the high level of competitiveness and to encourage specialisation global value chains based on innovations should be used widely. Also the JM economists asked the EU and member states to be more pro-active in using trade policy to fight violations of international law (e.g. Crimea) and carefully balance economic and political policies and interests. Last, but not least there should be more transparency esp. in trade policy / agreement negotiations, since public perceptions are decisive.

The third panel addressed the issue of Democracy (C.). Riccardo Serri (EEAS) introduced the questions for working group C1. “Promotion of human rights, fundamental freedoms and rule of law”:

1. How effective are the human rights policy tools available to the EU (political dialogues, guidelines, human rights country strategies, financial instruments)? Could their interplay be further improved? Can human rights be better mainstreamed into other external policies?
2. Is the EU external human rights policy still credible in the light of violations of human rights and shortcomings in some member states for example in relation to the treatment of migrants? Can the coherence of external and internal human rights policies be enhanced?
3. Does a consistent approach of principles bring greater long- term benefits than making progress pragmatically? The new EU Democracy and Human Rights Strategy, launched only in 2015, can look at the implementation of its first year Action Plan right now. Testing the limits of “principled pragmatism” and identifying a “consistent approach” seemed to be quite challenging.

Finally, Alexander MacLachlan (EEAS) introduced the last working group C2. on “State and societal resilience outside the EU”, which was already discussed during the “EU Resilience Forum” at the EU Development Days 2016¹. The EU member state foreign ministers endorsed the Global Strategy on 16th October 2016 with “resilience” being the key term used. In GS resilience is defined as “the ability of states and societies to reform, thus withstanding and recovering from internal and external crises” (p. 23).²

¹ Cf. <https://eudevdays.eu/content/eu-resilience-forum-2016>

² Cf: “A resilient state is a secure state, and security is key for prosperity and democracy. But the reverse holds true as well. To ensure sustainable security, it is not only state institutions that we will support. Echoing the Sustainable Development Goals, resilience is a broader concept, encompassing all individuals and the whole of society. A resilient society featuring democracy, trust in institutions, and sustainable development lies at the heart of a resilient state”

3 – Disseminating DESCnet (cont.)

1. How can a focus on resilience be used as a corrective to over-ambitious models of "state-building" and the weaknesses of a pure demand-driven approach?

Mariam Stoicheva (associate Jean Monnet professor St. Kliment Okhridski University, Sofia), summarised that internally resilience could only be strengthened by better designed international agreements, notably foreign trade agreements require improved co-operation among different EU institutions. At the same time funds for non-compliant EU member states should be cut. In its external relations the meaning and use of "resilience" needs to be defined, if the concept should guide a pro-active policy formulation. The question here is, how to operationalize "resilience" which is dependent on a proper analysis of the context and its actors. Therefore, a methodology should be developed on how to learn and listen on the ground and not just "communicating" the EU. This might help to avoid a mere descriptive and normative approach to specific contexts.

2. How could resilience be brought into conflict analysis and to our assessment of sustainable stability?

Here double standards should be avoided as well as competition between different EU institutions. On the other hand, participants recommended a better application of infringement procedures by the EC. In external relations there should be more capacity-building to strengthen the abilities and capabilities for resilience and democratisation. Another point is conflict analysis which should be based on experience of positive co-operation in a more ex-ante instead of ex-post analysis. The need for more comprehensive approaches was acknowledged. This is easier said than done and compared to building a "bridge over troubled water" (song by Simon and Garfunkel).

3. How can work on resilience strengthen states from hybrid threats or deliberate strategies by third countries to destabilise societies and undermine confidence in the core values guiding EU foreign and security policy? Implicitly, this meant finding ways to respond to cyber-attacks, propaganda or on a controlled system by adhering to a value-based approach, acting externally, but also achieving impact internally. The GS rightly considers that sustainable stability cannot be achieved by authoritarian regimes.

Therefore, a "resilience analysis" should be a starting point for conflict assessment, i.e. how actors are or can be empowered to analyse local, regional and national level conflicts themselves. The participants saw the necessity for a consistent application of the new "principled pragmatism" pursuing an adequate policy of conditionality in the accession process (lessons learned from Bulgaria and Romania) and a pragmatic application of principles of rule of law and human rights based as non-negotiable standards. In answering this question, participants stated that they had more questions than answers referring to complexity theory and pure constructivism. Here a real dialogue between EU and partner countries should be based on equal footing and common interests. There is more need to reflect on the conceptual dimension of "resilience" to become an effective tool in the future and not another fashionable "catch phrase". Civil society must actively be involved in all areas, since in the end resilience is very much related to the capacity of an effective self-organisation of a given society.

A round table was then turning to "The role of academia in global governance", where Prof. Luís Miguel Poiarés Maduro (Professor of European Law, European University Institute, Florence) looked at it from different angels:

- How does global governance influence our research agenda? As an object of study global governance follows globalisation and impacts effectiveness and legitimacy of traditional ways of governance on the national level (organisation of political power including democracy). It emerges from (limited) global public goods, externalities of international orders, also generates problems of collective action. Finally, it is insufficiently expressed in the media that effectively respond only in a national reference framework. For the academic disciplines paradigms are changing in many ways, looking not only at the monopoly of the state as international actor, but elaborate more pluralist assumptions.

3 – Disseminating DESCnet (cont.)

- What is the role of academia in impacting policy? Poiares Maduro acknowledged a certain disconnection between the social sciences and the real world. Trying not to become auto-poetic, scientists should stand off from politicians and stick to their highest academic standards. He stressed that not only applied research is relevant for policies, but fundamental research is as valuable. The difference between academics and policy makers is that academics must calibrate their ideas, escape being overly enthusiastic, while politicians are looking for practicable and controllable results.

Finally, Poiares Maduro tried to provoke the audience for discussion by stating that our higher education systems will increasingly be exposed to competition on global markets for higher education and global science area. European universities have now to choose to join the global champions' league or restrain themselves to a "European championship". Online courses do not represent competition for first class higher education institutions, but for the lower ranking ones. What kind of incentives have to be offered by the EU to make European HEI competitive?

For Christian Calliess (Jean Monnet Chair for Public and European Law, Free University Berlin) it is all about transnationalisation. The question, how to react to globalisation could not only be addressed on national or European levels, but on several and global levels following common global interests. The *global commons* need to be introduced and adhered to in multilevel governance with specific contributions of the EU perspective. There is also the question of what to share on the European level with its pluralism of approaches. While English being the international academic language, he asked why not to develop a European approach instead of taking over US models without questioning their added value. The current crisis of EU policies occurs in several fields (Schengen, Brexit, visa liberalisation, refugees, etc.) The relationship between Geneva Convention and EU Law, the UN Refugee Convention and multilevel governance need to be readjusted, since often possible strategic perspectives are missing. There is no model on how to deal with all these challenges. He suggested that Jean

Monnet conference could establish a platform to share accumulated knowledge for improved global collaboration. The moderator Amalia Hadfield (Director of the Centre for European Studies and Jean Monnet Chair in European Foreign Affairs Politics & International Relations at Canterbury Christ Church University, UK) was curious about the narrative of global governance, its reflection in the media and the trend of Western higher education institutions investing in the non-Western world.

On how to operationalise academia's involvement in policy formulation, Calliess holds academia responsible to design concepts for the implementation of "resilience" in a more flexible and dynamic way, than for example "stability" before. He wondered that policy took up the term. For him the EU academia has a duty to contribute to the definition of this term, since politicians do not have the time to reflect on it. He recommended not to export our model of democracy, because democracy with reason and passion would be like "Beatrice" in Dante's "Divine Comedy" guiding high politics and policy makers.

On how academia can contribute to increase the low public awareness of EU affairs, both panelists saw a tension between politics, media and academia. Only politicians react to latest news, but need space for strategic thinking in mid- or long-term perspectives. The EU has yet to find its own approach: "What works well in the US, might not succeed in the EU. We do not know yet, why and how to achieve it.", thus leaving the academic in a similar perplexity as the EU policy makers with the GS. General rapporteur V. Ntousas (Foundation for European Progressive Studies) concluded that the perplexing, variegated and changing environment needs to be analysed. The EU as an internally and externally challenged actor responds with its GS. The EU is not a passive by-stander, but trying to shape the global order according to its values. Thus, the document provides only a compass to what is needed for action. Thematically it responds to a grim and dissatisfied outlook, to populism and nationalism. As a common denominator of discontent the "suboptimal" performance of the EU, the lack of unity, coherence and consistency were identified. Certainly, the lack of solidarity undermines the capacities of the EU to effectively respond to global challenges, which is also due to differing perceptions (and interests) among an enlarged number of member states.

3 – Disseminating DESCnet (cont.)

The way that discussions are formed today demonstrates the interconnectedness of the challenges ahead, which for him requires “more Europe”.

He stressed the need of the EU to act together, since separate states cannot ensure the security of their citizens. Thus Europe is not lacking strength, but missing strategic prioritisation, self-confidence to contribute to a better global governance. In the end he quoted Nikos Katsantakis that there are no ideas, but only people carrying them and expressed his hope to overcome this crisis of the EU.

Finally, Adam Tyson (EC, Acting Director for Modernisation of Education II: Education policy and programme) asked the audience: How to operate as experts in post-truth society where people don't want to listen to experts? If people do not understand you, it is your fault. How to make a better use of the Jean Monnet community? His answer was that the EC is trying to identify smaller groups to work with on particular topics helping to do the “translation” work in more structured and regular fora. “We need you to our attempts as policy makers! We need to deepen and identify our co-operation than annual conference and thematic seminars.” Like several speakers during the two days he closed with quoting a song by Nobel laureate Bob Dylan “The times, they are changing”, which was played aloud like a new hymn for the perplexity of EU policy makers and scholars alike.

Since we are observing a serious shift in our accustomed post-World War II international order, we can expect a longing for new paradigms coming to terms with these changes that started much earlier and will take its term to be properly conceptualised in the academic sphere. The concept of resilience can only become a corrective, if it is properly understood and applied. This will be questionable as long as the EU and member states continue working in a crisis mode with limited or no resources left to properly apply possible findings in its daily practice. At least the GS will provide some guidance to this end, but it cannot replace vision and commitment in the EU and member state institutions.

Other observers as Jan Zielonka (Oxford University) see the pillars of Europe's security already damaged beyond repair and Europe's leaders in denial. He expects very heavy turbulences starting in 2017: “Security is not necessarily about building an adequate military hardware against the perceived enemy. It is more about creating an environment conducive to peace through common rules of engagement, mutual trust, and normative convergence. This is why institutions such as NATO and the EU were crucial in maintaining peace together with the liberal consensus about legitimate and illegitimate behaviour. Without these pillars of European order, a small, unexpected conflict can go out of hand producing mutual insults and suspicion leading to the break-down of communication, conspiracy theories, irrational behaviour, and aggression. Hardly anyone expected that the assassination of Archduke Franz Ferdinand of Austria in Sarajevo in 1914 will lead to a war killing millions of people. We do not know what kind of surprises await us a century later, but as we enter a new period of confusion and turbulence it is important to fasten our seat belts and stop arguing with each other.”³ With this reference to pre-World War I situation he is reminding us of the more serious crisis of the self-evidence of “our European values” and unique multi-lateral institutional set-up that need to be revived by another re-invention of the idea of European integration as after World War II.



*Prof. Dr. Oliver Reisner
Ilia State University,
Tbilisi, Georgia*

Photo: courtesy of the author

³ Jan Zielonka: Europe is no longer safe, ZEIT Online, 16 December 2016, <http://www.zeit.de/politik/ausland/2016-12/democracy-european-union-nato-brexit-donald-trump?print>; Daniel Keohane: Selbstverteidiger. Die neue EU-Sicherheitsagenda kann Europa sicherer machen, muss sie auch. <http://www.ipg-journal.de/rubriken/ausen-und-sicherheitspolitik/artikel/selbstverteidiger-1716/> (26.11.2016);

Olga R. Gulina: Time of Uncertainty: How the EU and Germany See Today's Russia, <https://www.wilsoncenter.org/blog-post/time-uncertainty-how-the-eu-and-germany-see-todays-russia> (January 12, 2017).

3 – Disseminating DESCnet (cont.)

CASCADE Final Conference „The Democracy-Security Nexus in and around the Caucasus“
20 – 21 October 2016, Brussels



The conference has become a meeting point and discussion platform for representatives of several DESCnet partner universities. The young researcher from University of Tartu Ryhor Nizhnikau, Dr Benedikt Harzl (University of Graz) and Prof Oliver Reisner (Ilia State University) commonly joined and discussed the Caucasus in comparative perspective, conflicts and unrecognised areas, democracy security issues. In addition, Dr Harzl's talk entitled "Self-determination as Opium of the Peoples: Engaging Abkhazia" deprived much attention and created constructive discussion.

In general, the conference aimed to re-examine the link between security and democratisation in the context of growing authoritarianism and new protest movements, as well as conflict transformation resulting from broader political upheavals in the wider neighbourhood.

A full conference report is included in the 6th [CASCADE Newsletter](#), available online.

Xth Congress of the Ukrainian European Studies Association

"Resolution and Transformation of Conflicts through Science and Education: Best European and Ukrainian Practices"
L'viv 21-22 October 2016

The Xth Congress of the Ukrainian European Studies Association (UESA) took place on 21-22 October 2016 in Lviv at the National University "Lviv Polytechnic" and the Ukrainian Catholic University. The event marked the anniversary of 200 years of foundation of the National University "Lviv Polytechnic". The topic of the Congress was "Conflict Resolution and Conflict Transformation through science and education: Best Ukrainian and European experiences". Leading Ukrainian and European academics took part in the event. The Congress focused on studying and discussing best European and Ukrainian experiences of conflict transformation through science and education. The event was organised by the UESA and the Jean Monnet Centre in EU Studies at the National University of Kyiv-Mohyla Academy and Department of trade and customs at the National University "Lviv Polytechnic".

The event comprised two parts. In the first part Prof. Roman Petrov (National University of Kyiv-Mohyla Academy), Prof. Olga Melnyk (National University Lviv Polytechnic), Prof. Nina Didenko (Donetsk State University of Management) and Dr. Stefan Lorenzmeier (Augsburg University) delivered reports on impact of teaching and research on conflict transformation in the EU Member States and Ukraine. The second part of the Congress took place as a round table wherein Ukrainian and European scholars and experts [Dr. Alessandra Russo (Pisa University, Italy), Dr. Oksana Holovko (Ukrainian Catholic University), Prof. Ludmila Batchenko (Donetsk State University of Management) and many others] vividly discussed best practices of conflict transformation in Ukraine and abroad.



Photo: courtesy of CASCADE group

4 — Related upcoming events



UNIVERSITY OF TARTU
Johan Skytte Institute of
Political Studies

Third Eastern Platform – Tartu Seminar

„A Divided Continent in Search of a Common Language”, Tartu 7-8 April 2017

The two-day seminar is organised by the Johan Skytte Institute of Political Studies of the University of Tartu in co-operation with Eastern Platform-Platform Ukraine, a multidisciplinary project based at the School of Slavonic and Eastern European Studies (SSEES), University College London. The event is generously supported by the Konrad Adenauer Stiftung.

The seminar constitutes an opportunity for researchers and practitioners from very different disciplinary areas to debate and discuss potential future practical and conceptual scenarios that might characterise the region in years to come. Multiple crises and growing uncertainty are not only undermining the post-Cold War security architecture in Europe, but also challenging agreed definitions of “borders” and “neighbourhoods”. The event seeks to shed light on the evolution of the multiple crises affecting Europe and analyse possible short- and mid-term geo-political developments (i.e. escalation, stabilisation, normalisation, and frozen conflict) and their impact on EU-Russia and West-Russia relations. Given the temporal proximity of the event to Estonian presidency of the Council of EU, specific attention will be devoted to the priorities and challenges of the forthcoming presidency and to Nordic-Baltic cooperation.

The organisers of the seminar welcome contributions on the developments in the relations between EU, Russia, and the post-Soviet space and the respective interactions, from different disciplinary and methodological perspectives including politics, history, economics, anthropology, sociology, geography, semiotics, and media studies. Contributions are expected to address the multidimensionality of the current developments and the future patterns and relevant cleavages in the Eurasian political and cultural space. Comparative analytical perspectives are particularly encouraged.

The seminar aims not only to map the challenges to the instable development of the EU-Russia relations, but also to understand and conceptually frame these challenges and their expansive potential within the former Soviet space and at the global level.

Contributions are welcome from multiple perspectives addressing (but not limited to) the following issues:

1. Making sense of the post-Soviet space's relationship with Moscow and the West;
2. Rising populisms in an increasingly instable region: winners and losers;
3. Beyond geopolitics: What future for the EU-Russia relations?
4. Assessing multiple crises from different regional and national perspectives;
5. Challenges to Nordic-Baltic cooperation in a region of instability;
6. Which priorities for Estonian Presidency of the EU in Europe and beyond: Focus on EU2017.EE.

Paper proposals can be submitted by February 10, 2016 via <http://skytte.ut.ee/en/about-institute/eastern-platform-seminar> or by e-mail directly to Dr Stefano Braghiroli (stefano.braghiroli@ut.ee). Selected paper proposals will be notified by February 12.

International Conference “EU Association Agreements with Georgia, Moldova and Ukraine: Through Co-operation Towards Integration”, Tbilisi 26- 27 April 2017

Association Agreements with Eastern Partnership countries are international agreements that the EU concludes with the aim of setting up an all-embracing framework to conduct its bilateral relations. The Conference aims to re-unite professionals in order to discuss and reflect not only about the different aspects of the Association Agreements concluded with Georgia, Moldova and Ukraine so far, but also the state of affairs with other Eastern Partnership countries: Armenia, Azerbaijan and Belarus. These instruments follow the principles of differentiation and flexibility. Further on, what do the Association Agreements strive at? What is next after signing the Association Agreements? Is the general goal to integrate Eastern Partnership countries in the larger family of the European Union or to have functional bilateral relations?

Authors are invited to submit original and innovative papers to the conference. For any inquiries, please contact Prof. Gaga Gabrichidze from New Vision University (ggabrichidze@newvision.ge).

5 – New and ongoing projects

Founding of the Association of European Studies for the Caucasus

In October 2016 the DESCnet consortium realized its central deliverable, i.e. the founding of an Association of European Studies for the Caucasus (AESC). The AESC was founded a non-commercial entity under Georgian law. It will hold its first general assembly meeting in the wings of the AESC First Annual Conference in April 2017. Acting President is Thomas Kruessmann (Tartu University), joined by Oliver Reisner (Ilia State University) and Gaga Gabrichidze (New Vision University) in the Management Board.

AESC

Association of European Studies for the Caucasus

The AESC is to become a leading EU thematic association that is not only run by local academic circles but also flexibly accommodates to the region's developments depending on the activities of its members. AESC commits itself to synergize the efforts of its partner institutions and create a benchmark for excellence.

AESC's mission is to support science and research, general political education as well as cross-border co-operation in the countries of the Caucasus (Armenia, Azerbaijan, Georgia, Russian Federation, Turkey as well as other neighbouring countries). Its goal is to enhance the study of European integration processes with a multidisciplinary and transdisciplinary focus. Its mission is also to become a hub for the scholarly community in the Caucasus. By co-ordinating research and building capacity among researchers of the region, it provides expertise and enhances perspectives for EU-Caucasus relations.

Apart from creating the formal legal structure, setting up a website and issuing the call for papers for the First AESC Annual Convention in Istanbul at Yeditepe University, it is now membership that defines the central benchmark of AESC's success. Membership in AESC is first and foremost for individual scholars, young researchers and everybody taking an interest in developing European Studies in the Caucasus. Membership is also open for academic institutions and NGO's both from the region and from EU Member States and beyond.

The basic rate for individual members is € 50 for the calendar year. At this stage, membership for applicants holding a citizenship of one of the countries of the DESCnet region (Armenia, Azerbaijan, Georgia, Russia and Turkey) as well as from Belarus, Moldova and Ukraine is free. At the First Annual Convention, which is to be held in Istanbul in April 2017, a discount scheme will be elaborated.

Further information: <http://aesc-online.eu>



5 — New and ongoing projects (cont.)

Second German-Georgian Criminal Law Project on Internationalised and Europeanised Georgian Criminal Law

In 2016, a new three-year project (2016 to 2019) was launched to promote young academics in Georgia in the field of international and European criminal law. Prof. Dr. Edward Schramm (Friedrich Schiller University of Jena, FSU) is directing the project in Germany, Assoc. Prof. Dr. Giorgi Tumanishvili (Ivane Yavakhishvili Tbilisi State University, TSU) in Georgia.

Within the first project (2006 to 2013), funded by the Volkswagen Foundation (project leader: Prof. Dr. Dr. h.c. Heiner Alwart, FSU), a textbook on Georgian criminal law as well as a modern curriculum of criminal law training, to be implemented at TSU's Law Faculty, was developed. The second project deals with "theory and practice of criminal procedural law" in the Georgian criminal justice system. This project is also sponsored by Volkswagen Foundation. The thematic object is Georgian criminal procedure, which is exposed to many disparate influences of Anglo-American, continental European, traditional Georgian and Soviet criminal process cultures. The focus is on internationalisation and, in particular, the Europeanisation of Georgian criminal law in the present and the future, including the evaluation of the recently concluded EU Association Agreement with Georgia.

The project consists of a three-stage structured study and graduate programme aimed at students, postgraduate and postdocs. At the level of doctorate and postgraduate studies, within the framework of the research programme, four triennial doctoral fellowships will be awarded to excellent applicants from TSU and other first-rate universities in Georgia, as well as four scholarships for a six-month stay of Georgian doctoral students at a German university. At the level of study, a Summer School on European and international criminal law in Batumi, aimed at students from Georgia and Georgian doctoral students, will be held in the summer of 2017. Finally, a handbook on internationalised (Georgian) criminal procedural law will emerge as the joint result of the work of the Georgian jurists, postdoctoral students and doctoral students as well as the involved German criminal law scholars. The manual is to be published in Spring / Summer 2019.

The doctoral students, doctoral fellows, postdocs, project applicants and partners have gathered at the first meeting in Tbilisi (September 2016) and will meet again in Jena and Berlin (March 2017), in Tübingen (Spring 2018) and during the Summer School in Batumi (September 2017). There they discuss the issues of international and European Criminal Law. Students and junior scientists from the participating German universities will also take part. Prof. Dr. Bachana Jishkariani (University of Georgia, Tbilisi), Prof. Dr. Bernd Heinrich (University of Tübingen) and Prof. Dr. Martin Heger (Humboldt University of Berlin) are the project partners of Prof. Tumanishvili and Prof.

Schramm. This project also contributes to the internationalisation of the German and Georgian university landscape in the form of a networked co-operation between the participating universities of Tbilisi, Jena, Tübingen and the Humboldt University of Berlin. In addition, Prof. Dr. Dr. h. Heiner Alwart and Prof. Dr. Merab Turava, judge of the Constitutional Court of Georgia, accompany the project as consultants.

*Prof. Dr. Edward Schramm
Friedrich Schiller University of Jena
Jena (Germany)*

Photo: courtesy of the University of Jena





5 – New and ongoing projects (cont.)

New EU Projects on Criminal Justice Reform in Georgia

There are currently three new EU projects on criminal justice reform in Georgia coming on stream: „Support to the Independence, Accountability and Efficiency of the Judiciary“, „Support to the Development of the Criminal Policy, Prosecution and Investigation“ as well as “Support to the Development of the Penitentiary and Probations Systems in Georgia”. Projects will be implemented by a variety of consultants. The first project, the implementation of which has begun in October 2016 with a duration of 32 months, is run by Human Dynamics (Vienna) with the German International Foundation for Legal Co-operation (IRZ) as the most substantial partner. In the following, some information shall be shared on this first project, with more on the other projects following later.

The overall objective of „Support to the Independence, Accountability and Efficiency of the Judiciary“ is to assist with ensuring the independence, efficiency, impartiality and professionalism of the judiciary, towards being free from political or any other undue interference. The specific purpose of this Contract is to consolidate planning and strategies of the judicial administration, strengthen capacities of judges and other judicial personnel, rationalise selection and promotion procedures for judges, streamline the judicial case flow, enhance empowerment and integrity of judges, improve courts' communication practices, and consolidate the position and efficiency of the Constitutional Court. This project will provide support to implementation of a number of reforms envisaged under the third wave package of legislative amendments detailed in the Draft Organic Law of Georgia on Entering Amendments to the Organic Law of Georgia on Common Courts. Key project issues underlying the intervention are:

1. Making legislative reforms a reality – legislative amendments must be carried out in practice, not just on paper, to ensure full alignment with international standards to achieve their overall objective.
2. Promoting strategic planning across the judiciary – this complex reform package requires extensive planning to ensure its successful implementation. This project will provide extensive support to the Judicial Strategic Committee, as well as other beneficiaries such as the HCOJ, HSOJ, Supreme Court and all the courts of Georgia, to support strategic planning for this important work.
3. Strengthening self-monitoring of the judiciary to inform decision making – sustainability of the reform package requires the judiciary to conduct effective monitoring and evaluation, using results to inform future policy making decisions. Accurate judicial statistics are required in order to assess progress against expected judicial reforms, and to identify where actions may need to be varied in order to achieve further impact.
4. Modernising the judiciary to further promote judicial independence, efficiency and accountability – whilst complete judicial independence, efficiency and accountability will only be achieved through the day-to-day actions and interactions of judges themselves, modern electronic tools (such as randomised electronic case assignment software and electronic case management) can reduce human ability to influence court cases.
5. Co-ordinating efforts with past, present and future donor-funded projects – this project builds upon extensive work carried out during the EU-funded projects “Support to Criminal Justice Reform in Georgia” and “Support to the Constitutional Court of Georgia”. Furthermore, international actors including USAID, UNDP, UNICEF, GIZ and the CoE have all worked extensively on judicial reform in Georgia. Co-ordination with these projects will be instrumental to maximise impact of our technical assistance.
6. Improving public perception of the judiciary – improving public confidence is a long process that can often be halted when any deviation from judicial integrity takes place. The judiciary must work to communicate the impact of reform efforts to build public trust, whilst also recognising that this will take time and can be set back by any allegations of corruption.

*Jakob Zeidler,
Hulla & Co Human Dynamics KG,
Vienna (Austria)*

5 — New and ongoing projects (cont.)

New Regional Network for Caucasus Studies Meets at Uppsala University

During the last decade the Caucasus has increasingly become a popular and important region for academics worldwide focusing on, among other things, issues such as state- and nation building, conflict resolution, geopolitics, forced and voluntary migration, and Europeanisation processes. This trend is noticeable in the Nordic and Baltic countries as well but on a much smaller scale, since as a field of academic study Caucasus studies is still generally underdeveloped in this part of the world.

In order to more efficiently capitalize on the academic assets that do exist in many universities and research institutes in the Nordic and Baltic countries in this emerging field of studies, on 28-29 November Uppsala Centre for Russian and Eurasian Studies (UCRS) hosted an inaugural workshop for the creation of interdisciplinary network for the scholars in Sweden, Finland, Norway, Denmark, Iceland, Estonia, Latvia and Lithuania whose academic work relates the Caucasus region (North and South Caucasus). The meeting brought together a multi-disciplinary and international group of researchers in different stages of their academic careers, from the doctoral level and up.

On the first day each of the 19 participants presented their Caucasus-related research on a wide range of issues including (but by no means not limited to) borders, migration, religious activism, political opposition, conflict management and resolution, state surveillance and alternative milieus for activist practices, hybrid regimes, foreign policy, nationalism, state- and nation building, soft power, and gender history. The following day a meeting was held on the goals, uses and institutionalisation of the Network. A steering group consisting of Sofie Bedford (UCRS), Minna Lundgren (Mid Sweden University) and Barbara Lembruch (UCRS) was established. The main aim of the Network is to assist its members with more opportunities to discuss and forward the study of the Caucasus, and it was therefore decided to organise two research workshops annually, to set up a homepage, and distribute a quarterly newsletter. A second goal is to serve governmental and non-governmental organisations as well as media in the Nordic and Baltic countries with expert knowledge on the Caucasus.

The two days were notably filled with lively formal as well as informal discussions, and for many of the participants this get-together was a unique regional opportunity to meet others with similar research interests. To sum up, we all agreed this positive first step holds great promise for dynamic and creative cooperation within the framework of the newly established network.

For more information, please contact: Sofie Bedford (sofie.bedford@ucrs.uu.se) or Minna Lundgren (minna.lundgren@miun.se).

*Sofie Bedford
Uppsala University
Uppsala (Sweden)*



Photo: courtesy of the author

6 — Reports, opinions and comments

Perceptions of the EU in the Caucasus: CASCADE's Preliminary Results

By Laure Delcour

The European Neighbourhood Policy (ENP) and the Eastern Partnership (EaP) represent unprecedented attempts by the EU to shape developments in the post-Soviet space with a view to fostering stability, security and prosperity around the EU. However, the ENP has predominantly been analysed as an EU attempt to project externally its internal solutions,⁴ where the source of transfer is key to explaining the process itself and its outcomes. Yet this linear and vertical approach leaves important research angles unexplored.

In essence, the adoption of EU templates in the neighbourhood is voluntary (in the absence of a membership perspective). This calls for exploring domestic processes shaping the adoption and implementation of EU policies. However, there is a need to go beyond a mere legal or political analysis of whether and how partner countries apply EU templates. Still little is known about ENP countries' actual expectations and perceptions of the EU's role in the region. Yet these do matter. Given that external actorhood develops through a process of interaction between insiders and outsiders,⁵ partner countries' perceptions contribute to shaping the EU's actorhood.⁶ In the case of South Caucasus countries, perceptions also play a key role in shaping their receptivity and openness to the EU's influence.

As part of the CASCADE project,⁷ a team of researchers⁸ analysed the perceptions of the EU's roles in the region, based upon fieldwork carried out in Armenia, Azerbaijan and Georgia, as well as Abkhazia and Nagorno-Karabakh, in 2015-16.

Overall, 150 semi-structured interviews were conducted with state officials, opposition parties, representatives of the business sector and civil society; and nine focus groups were organised with representatives of the youth, the private sector and civil society.

Given that fieldwork was only recently completed, the aim of this brief note is to provide a first insight into our (very) preliminary findings.

In the South Caucasus, the EU first intends to act as a promoter of values and democratisation. As indicated in the EU's key strategic documents, closer relations with the EU as part of the ENP should be based on 'shared values', i.e. democracy, human rights and the rule of law. Georgia's expectations broadly coincide with the EU's self-conception of its own role. The EU is widely perceived as a model that the country should follow. However, as a result of the discrepancy between the expectations of the general public and specific EU demands under the visa liberalisation process, the EU is also perceived by some in Georgia as a possible threat to the national Georgian identity. In Armenia, the EU is clearly associated with democracy in the eyes of the public. Nevertheless, in recent years the EU has also been associated with other values that carry a negative connotation (like in Georgia), e.g. the defence of LGBT rights. Moreover, in Armenia the perception of the EU as a democratic actor does not systematically translate into strong role expectations as a democracy promoter. In Azerbaijan, while the EU's narrative about values is regarded as an interference into domestic affairs by the ruling elite, the EU is perceived as a weak democracy promoter by civil society – in fact, an actor who is prepared to sacrifice its values for the sake of energy cooperation with the country's authorities.

/cont. next page/

⁴ Sandra Lavenex. 2004. 'EU external governance in Wider Europe'. *Journal of European Public Policy*, 11(4): 680-700.
⁵ Charlotte Bretherton, John Vogler. 2006. *The European Union as a Global Actor*, London: Routledge.
⁶ Sonia Lucarelli. 2014. 'Seen from the Outside: The State of the Art on the External Image of the EU', *Journal of European Integration* 36 (1): 1-16.
⁷ 'Exploring the Security-Democracy Nexus in the Caucasus',

EU-FP7 grant 613354, www.cascade-caucasus.eu (coordinator: Fondation Maison des Sciences de l'Homme, France).

⁸ Including Ketik Emukhvar, Giulia Prelz Oltramonti, Christina Sargsyan, Jeyhun Veliyev, Kataryna Wolczuk and Laure Delcour.

6 — Reports, opinions and comments (cont.)

With the ENP / EaP, the EU also intends to promote economic growth and modernisation in the South Caucasus. It does so by integrating the partner countries into its own internal market, based upon a wide-ranging approximation of their legal framework with EU rules and standards. In Georgia, the EU's model for reforms is broadly regarded as desirable for the country; however, as underlined by some interviewees especially in the regions, the benefits of EU integration have yet to be reaped.

In Armenia, despite the country's accession to the Eurasian Economic Union, many still believe that the EU is a key partner to support their country's economic development; for some, it is also a model to emulate (even if only in the long-term). In Azerbaijan, the role of the EU is seen as a pivotal factor for both the economic development of the country and its independence vis-à-vis Russia. However, in the perspective of the ruling elite economic co-operation should be limited to those areas of common interest and it should develop on an equal footing.

Last but not least, with the ENP the EU seeks to 'contribute to efforts at conflict resolution',⁹ among others, by promoting political and socio-economic conditions favourable to conflict resolution, supporting multilateral negotiation mechanisms and developing confidence-building measures. Yet again, our research highlights a discrepancy between the perceptions of the EU's actions in Georgia and in other countries and entities of the region. In Georgia, many view the EU's role positively (either its role as a broker during the 2008 conflict or its inclusion in the Geneva process), yet with some (important) limitations, such as the impossibility for EUMM observers to enter the territories of the break-away regions. Both DCFTA and visa liberalisation are regarded as opportunities to influence and possibly attract Abkhazia and South Ossetia. In contrast, the research conducted in Abkhazia indicates that the EU is not perceived as a neutral mediator, but as a supporter of Georgia's position.

This is despite the fact that there is a demand for EU engagement in Abkhazia. In both Armenia and Nagorno-Karabakh, the views regarding the EU's engagement are complex. While the EU's emphasis on trust building is welcomed, it is not viewed as a strong and autonomous security actor. In addition, the EU's is criticised for keeping a strict equality between the two sides in its statements on the conflict; this is because in the eyes of the Armenian and Karabakhi public, Azerbaijan is broadly seen as the aggressor. In contrast, in Azerbaijan both the elite and civil society condemn the EU's lack of consistency: while the Union strongly supports the preservation of other EaP countries' territorial integrity, in the Azerbaijani perspective it has not done so in the case of the Karabakh conflict.

Overall, perceptions of the EU in the South Caucasus are multifaceted. This is because they are filtered by domestic actors' beliefs, preferences and interests. Yet understanding South Caucasian perceptions and expectations is crucial for the effectiveness of the EU's policies in the region, especially since the revised neighbourhood policy is expected to start from partner countries' needs rather than from the EU's own experience.



Photo: courtesy of the author

Laure Delcour
Project Co-ordinator CASCADE

⁹ European Commission, 'ENP Strategy Paper', COM 2004 (373) final, Brussels, 12 May, p.4.

6 — Reports, opinions and comments (cont.)

Labour Rights Protection in Georgia as Part of the European Integration Policy¹⁰

By Ekaterine Kardava & Elza Jgerenaia

Introduction

In 2014, eighteen years after signing the Partnership and Cooperation Agreement (PCA),¹¹ Georgia and the EU signed a second agreement: the EU-Georgia Association Agreement (AA, which replaced the PCA) and established an association between the parties. As a result of this twenty-year-long integration process, Georgia was recognised as a state with European aspirations. In 2013, prior to the ratification of the AA, the EU offered Georgia a Visa Liberalisation Action Plan (VLAP). Both documents required Georgia to integrate and implement European standards in the fields of labour law and employment relationships. It should also be noted that labour law is not only an area subject to regulation by the AA and the current agenda, but has also been a matter for discussion in numerous international documents and official talks on the road to European integration. Still, Georgia faces a lack of compliance with the European Social Charter, conventions of the International Labour Organisation (ILO) and EU laws. Even after the AA has entered into force, labour law reform remains problematic due to a highly bipolarized society and the absence of consensus among decision-makers and social partners.

Despite the fact that labour relations in Georgia have for many years been the subject of theoretical and practical research European standards are still a hot and permanent topic of social and economic life. There is in particular a lack of understanding of the sense of the AA provisions. In my opinion, the following aspects have remained under-researched in the context of the European integration policy:

- labour law requirements and an assessment of their implementation;
- history and dynamics of the legislative amendments and legal approximation;
- administration and institutionalisation processes of labour standards;
- compliance of the Labour Code of Georgia with the European Social Charter;
- interpretation of the goals and objectives of the AA, leading to a complex rethinking of policies in the labour field;
- activities to be carried out by the Government of Georgia within the VLAP;
- comparative review how well Georgia's labour legislation complies with directives envisaged by the AA, as well as a review of the current situation, where we are and what should be done in the future.

These are the most important issues to study in order to assess the current situation and to analyse how Georgian labour legislation approximates to European standards in the relevant political, legal and practical contexts.

Association Agreement, the Association Agenda and Annual National Plan

Before the AA can be implemented in the field of labour legislation, the goals and objectives of the AA must be studied and its provisions interpreted. Provisions regulating the labour relations are structurally placed under two different titles of the AA, namely the Trade (Title IV - DCFTA) and Social Policy (Title VI):

Chapter 13 of Title IV – Trade and Sustainable Development: In this part the importance of interconnection between three segments is highlighted: trade, decent work and environmental protection.

/cont. next page/

¹⁰ An earlier version of this paper has been published as a book in Georgian and as a booklet (explanatory summary) in English within the framework of the project launched by association "European Time" supported by Friedrich Ebert Stiftung, 2016, <http://www.fes-caucasus.org/news-list/e/labour-rights-protection-as-part-of-the-european-integration-policy-perspectives-of-developments-within-the-aa-vlap-and-social-charter/>

¹¹ Partnership and Cooperation Agreement between the European Communities and their member states, on the one part, and Georgia, on the other part of 22 April 1996, entered into force in 1999, http://eeas.europa.eu/archives/delegations/georgia/documents/eu_georgia/eu_georgia_pca_en.pdf

6 — Reports, opinions and comments (cont.)

Pursuant to article 235, the Parties recognise that it is inappropriate to encourage trade or investment by lowering the levels of protection afforded in domestic environmental or labour law. By unifying this especially important trio, the AA is focused on the policy of sustainable development as a part of a global approach. *Chapter 14 of Title VI – Employment, Social Policy and Equal Opportunities:* According to Chapter 14, Parties must strengthen their dialogue and co-operation to promote the Decent Work Agenda, employment policy, health and safety at work, social dialogue, social protection, social inclusion, gender equality and anti-discrimination, and corporate social responsibility and thereby contribute to the promotion of more and better jobs, poverty reduction, enhanced social cohesion, sustainable development and improved quality of life. Specific mechanisms contributing to the goals mentioned above are presented in the form of EU legislative acts in Annex XXX to the AA, which itself is divided into three parts:

1. Labour law (8 directives; implementation period - 4-6 years);
2. Anti-discrimination and gender equality (6 directives; implementation period - 3-4 years);
3. Health and Safety at Work (26 directives; implementation period - 5-9 years).

Provisions of the directives of the first and the second parts represent universal norms and are related to all forms of labour relations. The directives of the third part regulate relationships characteristic of a specific field and technical standards to be applied for these relationships.

In order to gradually implement the AA, the Association Agenda for 2014-2016 was approved. In this document, labour relations are discussed in three main policy areas:

1. In the section of trade union rights and core labour standards as well as in the Political Dialogue and Reform block it is mentioned that amendments to the Labour Code adopted by the Parliament of Georgia in June 2013 shall be implemented in line with ILO standards. The new Law should be strengthened with new institutions and procedures for resolving disputes and developing a negotiation culture, which involves creating a mediation centre.

The focus should be on improving safety in the working environment. An effective social dialogue shall be established, including through systematically convening a Tripartite Commission.

2. In the section related to the trade and trade-related matters in the Trade and Sustainable Development block, it is mentioned that the Parties will engage in a dialogue on the issues covered by the Chapter on Trade and Sustainable Development of the envisaged AA, in particular by exchanging information on the implementation of the Labour Code as well as by implementation of commitments related to sustainable development.
3. In the section related to employment, social policy and equal opportunities (which is included in the block related to other fields of cooperation) it is mentioned that the Parties will co-operate in order to prepare for the implementation of the EU laws in the areas, such as health and safety at work place, labour law and working conditions, gender equality and anti-discrimination, the establishment of an effective labour inspection system, building capacity of social partners, and the development of a strategic approach to employment.

In order to effectively fulfil the undertakings defined by the AA and the Association Agenda, the Government of Georgia adopts a National Action Plan on an annual basis. The 2014 National Action Plan¹² focused on the implementation of the objectives set forth in Article 348, Chapter 14, Title VI of the AA, by defining the following obligations: drafting the bills on employment, the bill on labour protection and hygiene and the bill on labour migration on the basis of the EU legislative acts (directives) stated in Annex XXX. The 2015 National Action Plan¹³ defined the adoption / implementation of the Labour Market Information System (LMIS) concept, drafting of the bill on occupational health and safety, and the adoption of the action plan on the National Strategy of the Labour Market. The 2016 National Action Plan¹⁴ envisages the following:

/cont. next page/

¹² http://www.eu-nato.gov.ge/sites/default/files/AA%20Action%20Plan-2014-Final-ENG_0.pdf

¹³ <http://www.eu-nato.gov.ge/en/eu/association-agreement>

¹⁴ <http://www.eu-nato.gov.ge/sites/default/files/AA%20NAP%202016%20ENG.pdf>

6 — Reports, opinions and comments (cont.)

Revision/discussion of the format of the Tripartite Social Partnership Commission together with social partners and the implementation of relevant legislative amendments; discussion of the issue of compulsory endorsement of the number of ILO Conventions; drafting the bill on occupational health; gradual revision of the national legislation in accordance with the directives listed in Annex XXX; monitoring the implementation of the ILO conventions ratified by Georgia, including the assessment of the provisions of the Organic Law of Georgia the Labour Code of Georgia; drafting recommendations and, if necessary, preparing a package of relevant amendments, etc.

The term of activities set for 2016 has not expired yet. However, the following can be said regarding undertakings defined by the 2014-2015 National Action Plans:

- In 2014, the bill on labour migration was drafted. In April 2015, it was adopted by the Parliament of Georgia.
- In 2014, the Law on Employment was not adopted. This undertaking was not reflected in the National Action Plan of the following year.
- From the 2014 undertakings, the draft Law on Occupation Safety and Hygiene had not been submitted for the consideration.
- Within the framework of the 2015 undertakings, the State Programmes on (1) Labour Market Analysis and the Introduction and the Development of the Information System and (2) the Assistance to the Employment were introduced.
- The 2015 undertaking on draft Law on Occupation Safety and Health did not come forward, either. This undertaking is now included in the 2016 National Action Plan.
- In 2016, the Labour Market Active Policy Strategy and its Implementation Action Plan for 2016-2018, the State Program for the development of the Labour Market Analysis and Information System, the State Programme for Labour Conditions Inspection 2016 and other documents were adopted.

Based on the few examples provided above, it is clear that in some cases the undertakings were met, while in others they were not.

In addition, in some cases, the plans were not implemented within the set term. The assessment of the abovementioned components in their dynamic development leads to the conclusion that there is a fragmented approach with regard to the labour regulation policy. A complex and systemic comprehension is necessary. Goals, objectives and specific obligation of the AA, the notion and methods of the gradual and dynamic approximation, an interaction between the activities / events set in the Annual Action Plans, the AA and the Association Agenda shall be thoroughly and properly analysed. It is necessary to apply a strategic-conceptual approach and tactics of the scheduled, gradual and dynamic approximation, also to conduct an overview of the tools and the mechanisms of the administration and the institutionalism within the framework of financial resources of the State and a preliminary analysis of the outcomes as a result of the influence on the market. As a result, the approximation policy should become effective, continuous, uninterrupted and fruitful.

Dynamic of the development of labour relation regulation policy: The Road from PCA to AA

The AA is a legally binding act. In the framework of the abovementioned agreement, Georgia is positively "forced" to regulate labour relations. It must be noted that the approximation of Georgian legislation with EU legislation and the integration of the provisions of the ILO conventions into Georgian legislation is not only today's agenda. The first foundations of the legal co-operation between Georgia and the EU were established by the aforementioned PCA, which, similar to the AA, considered both trade-economic and social aspects in the framework of a parallel and dynamic development.

Implementation of the PCA required the introduction of domestic legal instruments and the formation of an adequate normative environment. For this purpose, the country started to adopt normative acts that would ensure the development of EU integration processes and the legal approximation policy: The adoption of the Resolution by the Parliament of Georgia on "Harmonisation of the Georgian Legislation with EU Laws" was essential in this respect.

/cont. next page/

6 – Reports, opinions and comments (cont.)

Pursuant to this resolution, "all laws and normative acts adopted by the Parliament since 1 September 1998 shall be in compliance with the standards and the rules established by the European Union." In 2000, the President of Georgia issued the Decree on the Promotion of the Implementation of the Partnership and Co-operation Agreement between Georgia and the EU and the Decree on the Strategy of the Harmonisation of the Georgian Legislation with the EU Laws. Pursuant to this decree, "Until 1 February 2001, relevant ministries and agencies shall prepare notes on the document prepared by the Georgian-European Policy and Legal Advice Centre (GEPLAC)"¹⁵ "Recommendations for the Strategy of the Harmonisation of the Georgian Legislation with the EU Laws and Proposals Regarding this Strategy". In 2001, the decree on the "Strategy of the Harmonisation of the Georgian Legislation with the EU Laws" was adopted. It approved the National Harmonisation Strategy and instructed the Commission for the Promotion of the EU Partnership and Cooperation to draft the National Programme for the Harmonisation of the Georgian Legislation with the EU Legislation. In 2004, the Decree on the Unified Action Plan for the Implementation of the National Programme for the Harmonisation of the Georgian Legislation with the EU Laws and the Elaboration of the New Agenda on the EU Co-operation was adopted. The document approved the National Harmonisation Programme – Guideline Principles for the Action Plan and it was decided to prepare the Unified Action Plan for the Implementation of the National Plan in co-operation with GEPLAC.

A separate chapter was dedicated to the field of labour law where a comparative review of the compliance of Georgian labour legislation with the EU laws, as well as recommendations regarding necessary legislative amendments, were presented. As a result, the National Harmonisation Programme included provisions of the EU directives, which had to be integrated into Georgian legislation. It shall be highlighted that most of those directives are currently included in Annex XXX of the AA. In 2004, Georgia became a beneficiary of the ENP, and in 2005, negotiations were started on drafting the individual action plan necessary for actively including Georgia in it. To this end, numerous normative acts were adopted.

In 2006, the ENP Action Plan (AP) was prepared and from the same year, Georgia started its implementation. Since 2007, the EU Commission has been annually evaluating the ENP AP implementation.

The history of the formation and the establishment of the above-mentioned normative environment demonstrates the political will, which gradually resulted in a legal approximation process in the field of labour law. The systematisation of the normative acts adopted / approved with the purpose of promoting the EU integration processes is important for understanding the relationship between foreign policy and the policy for pro-European regulation of labour legislation.

When GEPLAC experts, in co-operation with the State Commission, analyzed the existing legislation (Labour Code adopted in 1973), they simultaneously studied the draft Labour Code, which had to replace the old Code of 1973. The new Code had to take into account the new realities of the labour market and labour relations, the current socio-economic situation and, at the same time, requirements of EU laws and European standards. However, despite the fact that the new Code included many universally recognised principles in the field of labour law and implemented new institutions relevant to the modern labour market, it was still far from the standards set by EU laws. It did not take into consideration the results of the experts' analysis and ignored the recommendations.

Adoption of the new Labour Code coincided with the period when Georgia became the beneficiary of the ENP. On the basis of the PCA, recommendations regarding the field of labour law were also included in the ENP AP. The annual assessment report on the ENP AP implementation by Georgia and the current situation in the country drafted by the EU Commission described the existing situation and underlined the following problems according to the years:

- 2007: Georgia has opted for total liberalisation of employment and labour relationships in which the market is the single regulator. There is a predominance of the long-term unemployment. A lack of effective employment and labour market policies and disrupted social safety nets have exacerbated labour market

/cont. next page/

¹⁵ The consultation center established in Georgia was an assisting instrument of legislative and economic reforms. Since 1997 it has

been consulting the Ministries of Georgia and other state bodies.

6 – Reports, opinions and comments (cont.)

- distortions. The 2006 Labour Code, which was prepared without prior consultation with trade unions, was not in line with ILO standards. Furthermore, the Labour Code contradicted both EU standards and the European Social Charter ratified the country in July 2005. No progress could be reported with regard to social dialogue.¹⁶
 - 2008: As to labour legislation, labour rights and social dialogue, Georgia declared its readiness for launching a more intensive co-operation between social partners, but no concrete measures have been conducted. No amendments have been made to the Labour Code.¹⁷
 - 2009: With regard to the employment situation, Georgia has no specific employment strategy in place and there is no employment agency. Following a joint statement issued by the ILO and Georgia in October 2008, a number of consultations were held during the reporting period between representatives of the Government, the trade unions and the Association of Employers. The aim of the consultations was to review the Labour Code provisions, which were not in line with the ILO Conventions on core labour standards. The social dialogue of October 2009 led to the issuing of a Decree institutionalising the tripartite National Social Dialogue Commission in November 2009.¹⁸
 - 2010: Challenges remained with regard to freedom of association, labour rights, and employment. The ILO expressed its concern with regard to the implementation of the conventions. Georgia has no employment strategy. There is still no employment agency as well. It is essential to amend the Labour Code and the Law on Trade Unions.¹⁹
 - 2011: The issue of labour rights continued to be a serious concern, including the insufficient implementation of core ILO conventions.
- Whereas in 2011 progress was made in the dialogue of Georgia with the ILO and certain recommendations, Georgia
- was still expected to address several of them, notably with regard to legislative amendments to the Law on Trade Unions and the Labour Code.²⁰
 - 2012: Labour rights have been identified as one of the principal challenges faced by the new Government. Previous reports noted an absence of the substantive social dialogue, and the perception that the authorities were obstructing activities of trade unions and putting pressure on trade union members. However, the new Government made a commitment to bring labour legislation into line with international and European standards and to work closely with the ILO and other partners to this end. The ILO was closely involved in preparing revisions to the Labour Code which is a significant positive development. The quality of social dialogue has also been enhanced; in December 2012, the Parliament adopted a law institutionalising the Tripartite Social Commission under the chairmanship of the Prime Minister.²¹
 - 2013: A new Labour Code in line with the ILO standards was adopted. This had been a longstanding EU request, but its proper implementation remained problematic. All ILO standards-related provisions were properly adopted which means that the Labour Code was now complying with the ILO Conventions.²²
 - 2014: The institutional arrangements to protect labour rights remained unchanged. There is a broad consensus between the Government and the social partners about work safety inspections, but the creation of broader labour inspections (linked to the AA/DCFTA) remained a contentious issue.²³

/cont. next page/

¹⁶ <http://www.eeas.europa.eu/delegations/georgia/eu_georgia_political_relations/political_framework/enp_georgia_news/index_en.htm>

¹⁷ <http://eeas.europa.eu/delegations/georgia/documents/eu_georgia/enp_progressreport2008_ka.pdf>

¹⁸ <http://www.eeas.europa.eu/delegations/georgia/documents/eu_georgia/progress%20report_en.pdf>

¹⁹ <http://eeas.europa.eu/delegations/georgia/documents/eu_georgia/enp_progressreport_2010_ka.pdf>

²⁰ <http://eeas.europa.eu/delegations/georgia/documents/news/enpprogressreport_2011_en.pdf>

²¹ <http://eeas.europa.eu/enp/pdf/docs/2013_enp_pack/2013_progress_report_georgia_en.pdf>

²² <http://eeas.europa.eu/enp/pdf/2014/country-reports/georgia_en.pdf>

²³ <http://eeas.europa.eu/enp/pdf/2015/georgia-enp-report-2015_en.pdf>

6 – Reports, opinions and comments (cont.)

The assessments stated above suggest that for a certain period of time, labour legislation was in stagnation. This suggests that in the field of labour law, the envisioned dynamic and gradual legal approximation did not take place and the challenges faced by the country were not met from year to year in spite of the firm publicly declared will regarding EU integration policy.

Comparative review of some aspects of the Georgian Labour Code and EU legislative acts (Directives)

As the labour field represents one of the priorities of the AA and the EU integration processes, it is necessary to compare Georgia's Labour Code with EU laws. The survey discusses several directives and their compliance with the provisions of the Labour Code. The comparative review covers the current situation regarding the regulation of labour relationships in Georgia and highlights some issues that require legislative amendments.

*Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies*²⁴

The deadline for the implementation and the integration of the above Directive in the Georgian legislation is five years (2019). As labour relations are a part of not only social policy, but also criteria for the development of the economic policy, the Directive highlights the importance of the maximum effort for the protection of employees in case of collective redundancies while taking into account the need for a balanced economic and social development.

For the purposes of this Directive, "collective redundancies" mean dismissals effected by an employer for one or more reasons not related to the individual workers concerned where, according to the choice of the Member States, the number of redundancies is:

- (i) either, over a period of 30 days:
 - at least 10 in establishments normally employing more than 20 and less than 100 workers,
 - at least 10% of the number of workers in establishments normally employing at least 100 but less than 300 workers,
 - at least 30 in establishments normally employing 300 workers or more,

(ii) or, over a period of 90 days, at least 20, whatever the number of workers normally employed in the establishments in question.

Pursuant to the Directive, information and consultation play an important role. Therefore, when the employer decides to carry out collective redundancies, s/he shall start consultations with the representatives of the employees within a reasonable term with the purpose of achieving agreement. These consultations shall, at least, cover ways and means of avoiding collective redundancies or reducing the number of workers affected, and of mitigating the consequences by recourse to accompanying social measures aimed, *inter alia*, at aid for re-deploying or re-training workers made redundant.

In order to allow the representatives of the employees to work out constructive proposals, the employers shall in good time during the course of the consultations:

- (i) supply them with all relevant information and
- (ii) in any event notify them in writing of:
- (iii) the reasons for the projected redundancies;
- (iv) the number and categories of workers to be made redundant;
- (v) the number and categories of workers normally employed;
- (vi) the period over which the projected redundancies are to be effected;
- (vii) the criteria proposed for the selection of the workers to be made redundant in so far as national legislation and/or practice confers this power upon the employer;
- (viii) the method for calculating any redundancy payments other than those arising out of national legislation and/or practice.

As for the Labour Code of Georgia and its regulating norms, it does not include the notion of collective redundancies, however, the Code regulates cases of so-called massive layoffs:²⁵

/cont. next page/

²⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1465201380616&uri=CELEX:01998L0059-20151009>

²⁵ Article 38¹, Labour Code of Georgia, consolidated version,

<https://www.matsne.gov.ge/en/document/view/1155567>

6 — Reports, opinions and comments (cont.)

- Massive layoffs should be considered cases when at least 100 employees' labour agreements are terminated;
- the ground for massive layoffs could be economic circumstances, technological, or organisational changes requiring downsizing;
- in case of massive layoffs, labour agreements are terminated within 15 calendar days;
- employers shall be obliged to notify in writing the Ministry of Labour, Health, and Social Affairs of Georgia and the employees whose labour agreements are terminated, at least 45 calendar days before the massive layoffs.

Except the abovementioned note, the regulating framework for collective redundancies is not presented in the Georgian legislative space. Undoubtedly, it is not enough and is far from the standards set by the Directive. The abovementioned is problematic in regard to employees' protection and does not meet the principles of a decent and safe employment. Moreover, such an approach does not envisage the concept of a balanced economic and social policy.

*Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationships*²⁶

The term of the implementation of the directive is 4 years upon entry into force of the Agreement (i.e. 2018). Its goal is to establish relevant legislative flexibility as a response to new job forms and new employment relations types and new realities on the labour market, for the purpose of protecting the employees. In particular, it concerns an obligation to notify an employee regarding terms and conditions of the agreement in writing not later than two months after the commencement of the employment. The Directive clearly defines which employment relationships it covers and which not. In addition, it also clarifies cases of the modification of employment relationships/agreements and a list of the essential aspects of the contracts and employment relationships.

Despite the fact that the amendments proposed for the Labour Code in 2013 mostly regulate issues related to the form and essential conditions of the employment contract, approaches, standards and numerous aspects defined by the Directive are not reflected in the Labour Code. For instance, the employer is not obliged to notify the employee in writing regarding essential aspects of the agreement within two months of the commencement of work.

*Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time*²⁷

The Directive is to be implemented within a term of six years (2020). Its goal is to regulate issues related to working time that set a minimum standard for health and safety. The Directive regulates the following issues: a minimum rest period during a day and a week, annual leave, breaks, the maximum weekly working time, the length of night work and shift work.

Rest and Break: Pursuant to the Directive, the member States shall take measures necessary to ensure that every worker is entitled to a minimum daily rest period of 11 consecutive hours per 24-hour period. During the week or the seven-day period, every worker is entitled to a minimum uninterrupted rest period of 24 hours, plus the 11 hours' daily rest. The Labour Code of Georgia defined 12 hours as the minimum daily rest period. However, other details regarding working time are not included in the Code. For instance, the Code says nothing regarding the minimum uninterrupted rest period of 24 hours during the week.

Working Hours: The Directive defines the maximum working time per week as part of ensuring the protection of workers' health and safety. The average working time for each seven-day period, including overtime, must not exceed 48 hours. The notes of the Labour Code of Georgia regarding working hours are still subject to dispute and controversy. Pursuant to the Labour Code of Georgia, the duration of working time shall not exceed 40 hours, whereas, in companies with specific operating conditions, where the manufacture / work process requires more than eight hours of continuous work, the working time shall not exceed 48 hours a week.

/cont. next page/

²⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1474526910812&uri=CELEX:31991L0533>

²⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0088&rid=1>

6 – Reports, opinions and comments (cont.)

Annual Leave: The Directive sets a minimum of a paid four-week-long annual leave period. According to Georgia's Labour Code, an employee has the right to enjoy paid leave for at least 24 working days per annum. The minimum 4 weeks paid period defined in the Directive means 28 paid days including non-working days during the leave period (pursuant to common practice, Saturday or Saturday and Sunday). Pursuant to the Labour Code, paid leave covers 24 working days, not including days off. This Labour Code norm does not comply with the minimum standard of the Directive. For reasons of comparison, paragraph one of Article 41 of Georgia's Law on Public Service states that paid leave amounts to 30 calendar days annually which is in compliance with the minimum standard defined by the Directive (i.e. paid 4 weeks' period).

Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)²⁸

There is set a 4-year term for implementing the Directive in Georgian legislation (2018). Female workers represent a specific subject of protection in employment relationships. Therefore, the goal of the Directive is to establish special regulations for the protection of the health and safety of employed women who are particularly at risk.

Maternity Leave: According to the Directive pregnant workers, workers who have recently given birth or who are breastfeeding are granted the right to maternity leave for at least 14 continuous weeks, allocated before and / or after the delivery. Pursuant to the Labour Code, an employee shall be given maternity and parental leave, at the employee's own request, for a total of 730 calendar days due to pregnancy, giving birth and childcare. In general, for 183 calendar days out of the maternity and parental leave, an employee has a right to be paid, whereas in the event of pregnancy with complications or giving birth to twins, 200 calendar days shall be paid leave; i.e. pursuant to the Labour Code, maternity leave continues for approximately 104 weeks (2 years and 2 months), from which 26 weeks (or 28 weeks) are paid. The requirement in the Labour Code significantly exceeds the

minimum standard, defined by the Directive, but the duration defined by the law must proportionally protect the defined benefit by providing financial guarantees and financial measures.

Night Work: Pursuant to the Directive, Member States must ensure that pregnant workers, workers who have recently given birth and workers who are breastfeeding are not obliged to perform night work during their pregnancy and for a period following childbirth. The length of this period is up to the national authority competent for safety and health to determine, and it must be implemented according to the procedures based on a medical certificate. According to the national legislation or national practice, the following shall be provided: (a) a transfer to daytime work; or (b) a leave from work or an extension of maternity, a leave where such transfer is not technically and/or objectively feasible or cannot reasonably be required on duly substantiated grounds. The Georgian Labour Code prohibits employment of pregnant women, women having recently given birth or nursing mothers, as well as babysitters of children under the age of 3 for a night job without their consent. Despite the fact that the Code includes a restrictive norm, there is no protective norm for cases when a woman's job and job functions are connected to night work, which may be harmful to her. In addition, the Code does not include an obligation for the employer to take specific measures.

Ante-natal examinations: Pursuant to the Directive, pregnant workers shall be entitled to, in accordance with national legislation and / or practice, time off, without loss of pay, in order to attend ante-natal examinations, if such examinations have to take place during working hours. There is no norm with a similar content in Georgia's Labour Code, but pursuant to Paragraph 5 of Article 41' of its Law on Public Servants, "hours of absence from work of public employees due to medical examinations during pregnancy shall be considered as valid and they shall maintain their salary if they submit appropriate documents confirming the medical examination."

Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States related to safeguarding employees' rights in the event

/cont. next page/

²⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01992L0085-20140325&rid=1>

6 — Reports, opinions and comments (cont.)

*of transfers of undertakings, businesses or parts of undertakings or businesses*²⁹

The Directive must be implemented within five years, i.e. by 2019. The Directive underlines that the basis for its adoption is a tendency characteristic of a modern economy: structural changes of enterprises during full or partial transfers or merger of businesses or enterprises. This has impact on the employment and living conditions of employees. There may also take place collective redundancies or bankruptcy of enterprises. It is therefore necessary to safeguard the rights of employees, provide them with information and engage them in consultations about the expected negative outcomes. The implementation of a social dialogue policy will somehow neutralize, alleviate or terminate negative influence through searching for relevant ways, and, in addition, it will promote transparency and protection of process. Currently, this issue is not regulated in the Labour Code of Georgia.

Conclusion

To conclude, this study may be seen as a first attempt to look closer at the regulatory policy in regards to labour relations in a complex and comprehensive manner against the background of EU integration processes, covering all stages of the integration policy and important documents, and both negative or positive developments. By focusing on the pace, quality, periods and results of the legal approximation, it has reviewed and explained the issue from the perspective of EU legal sources, as well as against the background of interstate processes. The study also explained provisions and approaches of the AA, clarified a range of unfulfilled undertakings, and revealed activities and recommendations that are necessary to implement in the future.

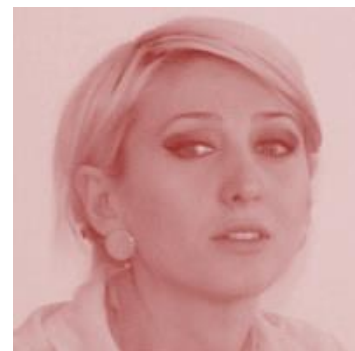
Despite problems with making the Labour Code comply with European standards, at present it is clear and there is no doubt that the process of the legal approximation has started, which requires continuity and a gradual development. It is advisable to continue to ground integration processes in academic research, public debate, specialist experience and thorough knowledge of

EU integration. The approximation policy, on the one hand, should be oriented towards the protection of the rights of employees, as decent labour represents a means for enjoying constitutional rights and freedoms and is one of the most important guarantees of justice. On the other hand, it should move at a pace that is compatible with the country's development in terms of industry, trade and economy and trends in the labour market.

Authors:

Ekaterine Kardava

Invited Lecturer at Caucasus International University, PhD Fellow at the Faculty of Law of the Tbilisi State University



Elza Jgerenaia

Head of the Labour and Employment Policy Department of the Ministry of Labour, Health and Social Affairs of Georgia. PhD Fellow in Business Administration at Ilia State University.



Photos: courtesy of the authors

²⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1474535240124&uri=CELEX:02001L0023-20151009>

7 — New publications

Adarov, Amat / Havlik, Peter

Benefits and Costs of DCFTA: Evaluation of the Impact on Georgia, Moldova and Ukraine

Joint Working Paper, Vienna Institute for International Economic Studies (Wiener Institut für Internationale Wirtschaftsvergleiche) and Bertelsmann Stiftung, December 2016

The study provides an impact evaluation of the DCFTA implementation in Georgia, Moldova and Ukraine. It analyses benefits and costs that have already materialised or are yet expected to manifest themselves in the longer run in the public and private sectors. While there is little doubt that in the long run the DCFTA will help the beneficiary economies to modernise and transform to a more competitive state, the analysis suggests that the net benefits are highly asymmetric along the time dimension (high costs in the short and medium run – benefits accruing mostly in the longer run), as well as across regions and economic sectors (less competitive sectors and regions will face particularly onerous adjustment costs). In the light of the macroeconomic and geopolitical challenges the DCFTA countries have been facing, this may jeopardise progress of reforms.

Aleksanyan, Arusyak (ed.)

Comparative Analysis of the Index of Democracy Level in the Context of Human Rights and Democratization (Armenia, Georgia, Azerbaijan, Russia, Belarus, Kazakhstan, Kyrgyzstan, Ukraine and Moldova)

Yerevan State University Press, 2016

This is an interdisciplinary research and it is conducted to show the development and comparative analysis of the Index of Democracy Level in nine post-Soviet countries, such as Armenia, Georgia, Azerbaijan, Russia, Belarus, Kazakhstan, Kyrgyzstan, Ukraine and Moldova. The study encompasses in-country and cross-country analyses.

In-country analysis includes the study of the developments of the political, economic, social, educational and health factors impacting the Index of Democracy Level of each country within the period of 1995-2014. Nevertheless, the factors and procedures influencing the Index of Democracy Level within the period of 2013 and 2014 have been elaborated in more details as this is the succession of the previously published research. Cross-country analysis concludes the comparative indices of factors conditioning the Index of Democracy Level in 2014.

Alexandrova-Arbatova, Nadia

Geopolitical Challenges for the Post-Bipolar Europe

Eastern Journal of European Studies 2016 Vol. 2 No. 2 pp. 31-46

In the context of the crisis in Ukraine and over Ukraine that has brought the Russia-West relations to a breaking point for the first time since the end of the East-West confrontation, it comes as no surprise that people are now asking themselves if we are heading towards a new Cold War. The Ukrainian crisis is viewed as the first direct conflict between differing regional strategies of Russia and the EU-Brussels' Eastern partnership and Moscow's Eurasia Union concept. Ukraine has been central to both strategies, and "the either/or" choice presented to Kiev ultimately made a conflict inevitable. However, the reason for this confrontation goes much deeper than the clash of two opposing regional strategies and is rooted heavily in the 1990s. Therefore, the Ukrainian conflict should be viewed as the quintessence of the mutual disappointment of Russia and the West, resulted from their mistakes after the end of bipolarity.

Bringa, Tone / Toje, Hege (eds.)

Eurasian Borderlands. Spatializing Borders in the Aftermath of State Collapse

Palgrave Macmillan, 2016

This book examines changing and emerging state and state-like borders in the post-Soviet space in the decades following state collapse. This book argues border-making is not only about states' physical marking of territory and claims to sovereignty but also about people's spatial practices over time. In order to illustrate how borders come about and are maintained, this book looks at border communities at internal, open administrative borders and borders in the making, as well as physically demarcated international state borders. This book also pays attention to both the spatial and temporal aspects of borders and the interplay between boundaries and borders over time and thus identifies some of the processes at play as space is territorialized in Eurasia in the aftermath of state collapse. It includes a chapter by Ketevan Khutsishvili entitled „Across the Enguri Border: Lives Connected and Separated by the Borderland Between Georgia and Abkhazia”.

/cont. next page/

7 – New publications (cont.)

Gogolashvili, Kakha (ed.)

Oversight of the Security Sector by Parliaments and Civil Society in the Caucasus: Cases of Armenia, Georgia and Azerbaijan

Georgian Foundation for Strategic and International Studies, September 2016

Oversight of the security sector is one of the most important issues which directly affects the prospect of democratic development of the countries of the South Caucasus. The past and recent history of all three South Caucasus states involves the Soviet legacy and continuous internal conflicts and wars, political instabilities and violence. These circumstances have caused the securitisation of the political environment and practically all areas of public life and favour the concentration of excessive powers in the hands of the military and law enforcement bodies. In some cases the political order relies on institutions or key personalities in army or law enforcement structures. Obviously, the weakness of democracy calls into question the ability of institutions and the general public to oversee the actions of the security bodies.

Gorgos, Elena-Alexandra / Vătămănescu, Elena-Mădălina / Andrei, Andreia Gabriela

Europeanization through Students' Lens: EU versus EaP Citizens. Is there a Collective Identity?

Eastern Journal of European Studies 2016 Vol. 2 No. 2 pp. 185-206

The process of Europeanization has been intensively discussed and participation in debates has been vigorously tested by the academic world, mostly concerned with examining political personalities. This process is often seen from a political and economic perspective, ignoring the spiritual part pointing to a collective identity rationale. Hereby, our interest consists in finding how this concept is perceived through students' lens. Authors investigate students' opinions, revealing young citizens' points of view. The conducted research is qualitative, consisting in in-depth interviews for discovering participants' standpoints and attitudes towards admitting European bonds and becoming Europeans not just as a frame, but in a substantial way, from the perspective of the sense of belonging to a EU member state or to an Eastern Partnership (EaP) member state. As the findings show, the bond with the European Union (EU) is seen through a political and cultural approach.

Grono, Magdalena

Isolation of Post-Soviet Conflict Regions Narrows the Road to Peace

Commentary, International Crisis Group of 23 November 2016

available at <<https://www.crisisgroup.org/europe-central-asia/caucasus/isolation-post-soviet-conflict-regions-narrows-road-peace>>

Unresolved conflicts and breakaway territories divide five out of six of the European Union's Eastern Partnership countries, most of them directly backed by the Russian Federation. But a policy of isolating the people living in these conflict regions narrows the road to peace.

Gstöhl, Sieglinde / Schunz, Simon

Theorizing the European Neighbourhood Policy

Routledge, 2017

Despite growing scholarly interest in the EU's flagship policy towards its Eastern and Southern neighbours, serious attempts at theory-building on the European Neighbourhood Policy (ENP) have been largely absent from the academic debate. This book aims at contributing to fill this research gap in a three-fold manner: first and foremost it aims at theorizing the ENP as such, explaining the origins, development and effectiveness of this policy. Building on this effort, it also pursues the broader objective of addressing certain shortcomings in EU external relations theory, and even beyond, in International Relations theory. Finally, it aspires to provide new insights for European policy-makers. It is one of the first volumes to provide different theoretical perspectives on the ENP by revisiting and building bridges between mainstream and critical theories, stimulating academic and policy debates and thus setting a novel, less EU-centric research agenda.

Guliyev, Farid (special editor)

Human Capital Development in Azerbaijan

Caucasus Analytical Digest 2016 No. 90

available at

http://www.css.ethz.ch/content/specialinterest/gess/cis/center-for-securities-studies/en/publications/cad/details.html?id=/n/o/9/0/no_90_human_capital_development_in_azerb

(no abstract / editorial)

/cont. next page/

7 — New publications (cont.)

Gurbanov, Ilgar

Perspective for Turkish Stream Project: Possible Scenarios and Challenges

Caucasus International 2016 Vol.6 No. 2 pp. 75-95

Following the cancellation of South Stream, Russia announced its plans to reroute the pipeline to Turkey, instead of Bulgaria. The new pipeline was dubbed "Turkish Stream", with same capacity of South Stream, but less vulnerable to EU competition law. "Turkish Stream" has also experienced delays due to the crisis in Russia-Turkey relations. However, following the recent normalisation of bilateral relations, the project regained its momentum. Russia's aim is to complete the construction of the pipeline as soon as possible, namely before the Southern Gas Corridor is finished, or acquires additional gas from Iraq, Iran, or Turkmenistan. This article examines the possible scenarios and challenges for the Turkish Stream gas pipeline project, and argues that Russian Gazprom's commitments to other pipeline projects, such as Nord Stream II and the pipeline to China, may prevent Gazprom from completing the pipeline in its entirety.

Huseynov, Vasif

Soft Power Geopolitics: How Does the Diminishing Utility of Military Power Affect the Russia-West Confrontation over the "Common Neighbourhood"?

Eastern Journal of European Studies 2016 Vol. 2 No. 2 pp. 71-90

This paper is based on the fact that a number of factors, but particularly the restricting utility of military force between great powers, increase the significance of soft power as a tool both for legitimization and expansion in international relations in general, and in the West-Russia confrontation over the "common (or shared) neighbourhood" in particular. It explores how this fact affects the policies of the Western powers and Russia within the frame of the confrontation they are in. The paper narrows down its analytical focus on the efforts of the Kremlin to affect the public opinion in its neighbourhood and to counter Western soft power. It is argued that the Ukraine crisis has affected Russia's perception of soft power, re-constructed its counter-revolutionary agenda, and increased the profile of propaganda in its foreign policy. The paper concludes that the soft power competition between Russia and West and the policies of the two powers to win over the hearts and minds of people in the shared neighbourhood re-define the character of geopolitical games in the Former Soviet Union.

Karamustafa, Osman / Kahraman, Ali Ihsan

The East-West Transportation Corridor TRACECA and Its Implications for Sub-regional Development: The Case of the Black Sea Region of Turkey

Caucasus International 2016 Vol. 6 No. 1 pp. 127-140

As a promising route for the promotion of economic development for countries located along the corridor, the East-West corridor has been analyzed overwhelmingly from geopolitical perspectives. This approach, however, fails to consider for the full range of benefits the corridor would provide. The sub-regional benefits, even at the individual country level, are often overlooked. In order to present a subregional/micro level analysis of the implications of the East-West corridor in general, and TRACECA in particular, this paper focuses on the place and position of Turkey's Black Sea region within TRACECA. It evaluates the influence of this cross-continental megaproject on a sub-region of Turkey. The paper suggests that TRACECA has significance not only in terms of regional geopolitics but also in regard to sub-regional development. The paper assesses official statements by the Turkish government and the Permanent Secretariat of TRACECA. The authors discuss the opportunities and challenges posed by TRACECA's development targets as well as those of the Turkish government at the local level.

Kustova, Irina

Regional Energy Security and Integration of Electricity Markets in the South Caucasus

Caucasus International 2016 Vol. 6 No. 2 pp. 167-176

This study argues that the development of electricity systems is a crucial aspect of the region's sustainable development. Regulatory and technical cooperation among national power markets can help improve energy security in the South Caucasus. However, the concerted operation of electrical power systems might also be affected by competitive regionalism. Thus, the study looks at how two regional integration projects, the EU Energy Community and the Eurasian Economic Union, might affect developments in the power markets. Despite lucrative opportunities for the countries to serve as a crossroads between the emerging Eurasian and European electricity markets, political barriers remain substantial.

/cont. next page/

7 — New publications (cont.)

Kolosov, Vladimir / Vendina, Olga / Gritsenko, Anton / Panin, Alexander / Sebentsov, Alexander / Zotova, Maria / Streletskii, V.

Local Modernisation Initiatives in the North Caucasus

Center of Geopolitical Studies, Russian Academy of Sciences, September 2016

Private enterprise is a major driver of socio-economic development in the regions of the North Caucasus. The inventiveness and hard work of the local population, its responsiveness to the changing market situation have fostered prosperity in some of the region's households. However, it is not possible to talk of sustainable development in the region: success stories involved primarily private backyards, small-scale production, or the service sphere and they have not transformed into regional development. The region counts among laggards in the Russian Federation and stands out, at the same time, as a large-scale shadow economy. The problem of providing it with a socioeconomic and political future remains open.

This paper maps successful private-enterprise economic projects in the North Caucasus Federal District. It focuses on the causes that hinder the expansion and viability of modernisation processes in North Caucasian society and emphasizes their non-economic nature. It shows that the universal mechanisms of socio-economic development are insufficient to solve local problems. Tailor-made strategies are required, involving not only investments and institutions but also measures of indirect influence resting on shared values. In conclusion, the paper provides recommendations that (in the authors' opinion) could help overcome the gap between the economic and socio-cultural modernisation of society, thereby facilitating the development of the North Caucasus.

Lavrelashvili, Teona

What the EU Can, May and Should Do to Support Georgian?

Wilfried Martens Center for European Studies, September 2016 (available [online](#))

The paper considers current political challenges encountered by Georgia and the geopolitical framework in which the EU-Georgia relationship develops.

While Georgia is apparently better off on the democratic front, clouds are gathering again ahead of the forthcoming parliamentary elections — a possible game changer. Economy remain sluggish, political landscape fragmented and unpredictable, and security concerns unabated. Plagued by a multitude of problems and challenges, the West's interest in the country has been diminishing, while Russia is intensifying its propaganda machine and other dangerous tools at its disposal. The EU can and should develop a more differentiated approach to the South Caucasus and the Eastern Neighbourhood — and Georgia, in particular — based less on geography and more on democratic achievements and strategic importance. It is also discussed what the EU and other actors such as Europarties can do to support Georgia on its European path.

Leal-Arcas, Rafael

Energy Transit in the Caucasus: A Legal Analysis

Caucasus International 2016 Vol 6 No. 2 pp. 53-74

This article provides an analysis of the commonalities and regional specificities of the intergovernmental agreements (IGAs) and Host Government agreements (HGAs) setting up the Baku-Tbilisi-Ceyhan (BTC) Pipeline and the South Caucasus Pipeline. The paper also assesses the IGA for the Nabucco Pipeline project. It provides a careful examination of the links between the agreements comprising these three pipeline projects and the Energy Charter Model Agreements on Cross-border Pipelines in conjunction with the provisions of the Energy Charter draft Transit Protocol. This article attempts to answer the following questions: To what extent can common principles and regional specificities be derived from the agreements in question? How do the agreements relate to the Energy Charter Model Agreements and the Energy Charter draft Transit Protocol? What recommendations can be made in view of the possible agreement on common principles or rules on Transit and Cross-border energy flows in the Energy Charter context?

/cont. next page/

7 – New publications (cont.)

Leitner, Johannes / Meissner, Hannes (eds.)
State Capture, Political Risks and International Business.
Cases from Black Sea Region Countries
Routledge, 2017

In the OECD-area states provide security business to be conducted through a legal-institutional framework where state institutions, working in a legal-rational, predictable and effective manner, are often taken for granted. Worldwide, however, the situation is very different. Private actors seize public institutions and processes, accumulating ever more power and private wealth by systematically abusing, side-stepping, ignoring and tailoring formal institutions to fit their interests. Such forms of 'state capture' are associated with specific political risks international businesses are confronted with when operating in these countries, such as institutional ambiguity, systematic favouritism and systemic corruption. This edited volume covers state capture, political risks and international business from the perspectives of Political Science and International Business Studies. Uniting theoretical approaches and empirical insights, it examines Azerbaijan, Armenia, Georgia, Ukraine, Moldova, Romania, Bulgaria and Turkey. Each chapter deals with country specific forms of state capture and the associated political risks bridging the gap between political analysis and business related impacts.

Longhurst, Kerry
Implementing the DCFTA in the Context of State Capture:
Assessing the Position of Small and Medium Enterprises
Eastern Journal of European Studies 2016 Vol. 2 No. 2 pp. 145-164

The implementation of the DCFTA in the Republic of Moldova is an ongoing process, its ultimate objective being the modernisation of the Moldovan economy, broad prosperity and the creation of an open society. By using conditionality, the EU is banking on public and private actors aligning to European norms and practices. This article focuses on the position of SMEs and their interactions with the DCFTA. The overall argument posited is that the condition of 'state capture', twinned with a disadvantageous business climate serve as structural impediments to the full implementation of the DCFTA and to the capacity of the SME sector to benefit.

Mammadov, Farhad

The Armenia-Azerbaijan Nagorno-Karabakh Conflict as the Key Threat to Peace and Cooperation in the South Caucasus

Caucasus International 2016 Vol. 6 No. 1 pp. 157-172

Among the conflicts in the South Caucasus, the Armenia-Azerbaijan Nagorno-Karabakh conflict is undoubtedly the most complex, as well as the most dangerous conflict. It holds the most serious security and humanitarian implications not only for the South Caucasus, but also for the whole Eurasian region. The 23-year-old peace process, led by the OSCE Minsk Group, has so far failed to deliver peace and stability to the region. Impeded by problems such as lack of commitment, focus on conflict management instead of conflict resolutions, intergovernmental nature and rotating chairmanship of the organisation, the OSCE is failing to address the resurgence of violence in this simmering conflict. Taking advantage of the shortcoming of OSCE Minsk Group's peace efforts, Armenia has refused to make any compromises for the sake of peace. During the recent negotiations in Vienna and St. Petersburg, the presidents of Azerbaijan and Armenia agreed on the phased resolution of the conflict, creating hope that the deadlock would be broken and the peace process would be reactivated. However, the danger remains that if the peace process fails again, the resumption of violence will become inevitable and renewed war will have serious regional and global repercussions.

Mammadova, Jeylan

Gazprom's Refocus on Europe: The Replacement of the South Stream Pipeline with the Turkish Stream Pipeline

Caucasus International 2016 Vol. 6 No. 2 pp. 17-34

Why did Gazprom cancel South Stream and replace it with Turkish Stream? In addressing this question, the author examines the debate surrounding the need for the Turkish Stream pipeline, which divided interviewees. Some regarded this project as part of Gazprom's profit-oriented approach in the context of the threat to its market share amidst liberalization in Europe, its largest export market. However, others believed there is no demand for the project. Based on interviews conducted with experts in the energy sector as well as through corporate data, the paper concludes that the decision to replace the pipeline was part of Gazprom's strategy to tackle the challenges it has faced in the European market in order to secure its position in that market.

/cont. next page/

7 – New publications (cont.)

Mendelski, Martin

The EU's Rule of Law Promotion in Post-Soviet Europe: What Explains the Divergence Between Baltic States and EaP countries?

Eastern Journal of European Studies 2016 Vol. 2 No. 2 pp. 111-144

The EU and domestic "change agents" have promoted the rule of law in post-Soviet Europe with varying results. While the Baltic States (Estonia, Latvia, Lithuania) succeeded in establishing the rule of law, Eastern Partnership countries (Ukraine, Moldova, Georgia, Azerbaijan and Armenia) did not. Why did EU-driven legal, judicial and anti-corruption reforms not produce the rule of law in the latter group? Divided elites (reformers) in laggard EaP countries engage in detrimental political competition that creates incentives to misuse the law, the prosecution and judicial structures as "political weapons". The result of this power struggle is an erratic reform process which produces reform pathologies of Europeanization (e.g. legal instability and incoherence, reinforced fragmentation and politicization) that undermine the rule of law. Instead of serving as an external check on rule-of-law abusing reformers, the EU empowers reformist but unaccountable "change agents" in a partisan way, thus creating incentives for the accumulation and abuse of power, especially after regime changes. Reformers in the advanced Baltic States have avoided detrimental political competition, the fragmentation of the state and many reform pitfalls through de facto exclusion of ethnic Russians from the political and judicial system. This policy of partial exclusion allowed elites in Estonia and Latvia to build consensus, to create a unitary state, including strong, unified and independent horizontal accountability structures (e.g. judiciary, Ombudsman, Constitutional Court etc.) which in turn were able to check the executive. The argument is supported by an empirical, indicator-based analysis of the rule of law and several interviews with representatives in Brussels, Strasbourg and Chisinau.

Molchanov, Mikhail

Trans-Eurasian Energy Transportation Networks and the Necessity of Regional Cooperation

Caucasus International 2016 Vol. 6 No. 1 pp. 141-156

The Central Asia-Transcaspian region is rich in energy resources. However, these resources cannot be fully developed without fostering international cooperation. The 'pipeline wars' between competing consortia is not conducive to profit maximization. A cooperative regional regime for oil and gas exploration, extraction, and transportation could help improve the business climate and international security. The existing regional integration organizations with a degree of sway in the area – the Eurasian Economic Union and the Shanghai Cooperation Organization – still have some way to go to prove their usefulness as true promoters of multilateralism. Regional countries that do not belong to either of the two organizations prefer to cooperate on a bilateral basis – and this is also true of member states. Regional coordination is necessary to overcome self-interested, beggar-thy-neighbor behavior by business players and states alike in order to maximize regional welfare.

Paturyan, Yevgeniya / Gevorgyan, Valentina

Civic Activism as a Novel Component of Armenian Civil Society

Turpanjian Center for Policy Analysis, American University of Armenia 2016

Armenian civil society is now unquestionably more complex than it was ten or even five years ago. The emergence (or re-emergence, depending on one's historical framework) of civic activism creates some new internal dynamics in the field of civil society, producing new patterns of operation, networking and mobilising. Both NGOs and civic initiatives have distinct modes of functioning, strengths and weaknesses. They can and sometimes do complement one another. There is considerable evidence of NGO members actively participating in civic initiatives as individuals. In general, NGOs, as organisations, have thus far operated from behind the scenes, whether intentionally or unintentionally. Our research shows that there is both cooperation and tension between the 'old' NGO sector and the 'new' civic activism elements of Armenian civil society.

/cont. next page/



Photo: open resources

7 — New publications (cont.)

Podadera Rivera, Pablo / Garashchuk, Anna

The Eurasian Economic Union: Prospective Regional Integration in the Post-Soviet Space or Just Geopolitical Project?

Eastern Journal of European Studies 2016 Vol. 2 No. 2 pp. 91-110

Despite the strong competition on the part of the European Union (EU) to become a main integrator in the Post-Soviet Space, the Russian Federation (RF) has not abandoned the idea of continuing to promote integration among ex Soviet Union's republics and as a result, on the basis of the Eurasian Economy Community (EAEC), the Eurasian Economic Union (EEU), which is meant to become a link between Europe and Asia, has been created. This contribution aims to analyse the integration in the Post-Soviet Space and the role and perspectives of a new agent in the region, the EEU. With regard to methodology of research, such theoretical methods as analysis of literature and authors' opinions, analyses of official legal documents and statistics data and comparative analysis of institutions were applied.

Pop, Adrian

From Cooperation to Confrontation: The Impact of Bilateral Perceptions and Interactions on the EU-Russia Relations in the Context of Shared Neighbourhood

Eastern Journal of European Studies 2016 Vol 2 No. 2 pp. 47-70

Relying on the regional security complex theory and statements made by top Russian and EU officials and key decision-makers from the new EU Member States bordering Russia to the East, the article advances three main conclusions. First, that Russia's negative perceptions of the EU's Eastern Partnership initiative explains to a large extent the change of its EU's perception from a strategic ally to a competitor for influence in the shared neighbourhood and the speeding up of the Russian-led Eurasian integration project. Second, that faced with Russia's increasing bullying behaviour in its Eastern neighborhood in general and Ukraine in particular, the EU has been pushed into a confrontational mode with Russia. Third, that being at the forefront of condemning Russia's aggressive behaviour in Ukraine, the new EU Member States along the Baltic-Black Sea limes have created a new regional security subcomplex within the EU-Europe regional security complex.

Telli, Azime

Akkuyu Nuclear Power Plant from the Perspective of Energy Security: A Solution or a Deadlock?

Caucasus International 2016 Vol. 6 No. 2 pp. 151-166

Besides its lack of resources, Turkey's main problem in terms of energy security is its import dependency. Turkey is heavily dependent on imported fossil fuels, and natural gas is the most critical one among them. Natural gas has the largest share in Turkey's energy mix; 55% of Turkey's natural gas needs is met by Russia, which leads to interdependency between these parties in the energy domain. Turkey therefore is seeking ways to diversify its energy supplies. As part of such a search, Turkey initiated its nuclear expansion and started building a nuclear plant in Akkuyu, Mersin. Yet, Turkey's reliance on Russia in the construction and operation of the power plant has the potential of leading Turkey into a further stalemate in terms of energy dependency. This is because, Akkuyu Nuclear Power Plant will allow Russia to become more powerful within the scope of this interdependent relation with Turkey, which gives rise to serious geopolitical and geo-economical risks. This paper studies the implication of this dependency relationship on Turkey's energy security and argues that a nuclear power plant built by Russia in Akkuyu will be disadvantageous for Turkey. The paper also examines Akkuyu's possible effects on Turkey's natural gas dependency.

Terzyan, Aram

The Evolution of the European Union's Conception in the Foreign Policy Discourse of Armenia: Implications for U-turn and the Path Beyond the Association Agreement

Eastern Journal of European Studies 2016 Vol. 2 No. 2 pp. 165-184.

The question of why Armenia abruptly shifted from the Association Agreement (AA) with the European Union (EU) to the Russian-led Eurasian Economic Union (EEA) has produced perplexing conclusions. Drawing on discourse analysis and semi-structured interviews, this study seeks to explain the evolution of the EU's conception in foreign policy discourse of Armenia, delving into its implications for U-turn and the prospects of EU-Armenia further partnership. Departing from main stream explanations, it argues that Armenia's U-turn was preceded by marked disillusionment with the 'expectation-capability' gaps attributed to the EaP.

cont. next page/

7 — New publications (cont.)

Tsuladze, Lia / Esebua, Flora / Kakhidze, Irakli /
Kvintradze, Ana / Osepashvili, Irina / Amashukeli,
Mariam

Performing Europeanization – Political vis-à-vis Popular Discourses on Europeanization in Georgia

Center for Social Sciences: Tbilisi 2016

An analysis of political and popular discourses reveals how elites and population perform Europeanization in Georgia. Their perceptions of Europeanization are mainly dictated by the utilitarian and identity factors although the respective discourses are quite ambivalent: on the declarative level, the research participants offer socially desirable narratives on the EU and Europeanization process that are in compliance with Georgia's foreign policy course. However, their ambiguous attitudes are revealed behind this facade.

Valiyeva, Kamala

The EU's Eastern Partnership: Normative or Geopolitical Power Projection?

*Eastern Journal of European Studies 2016 Vol 2 No. 2 pp.
11-29.*

This paper examines the European Union's Eastern Partnership (EaP) initiative through the lens of theoretical debate between constructivist and rationalist approaches with a specific focus on the normative and geopolitical dimensions of the EU's power projection in a specific region. In doing so the paper aims to determine whether the initiative is a pursuit of the EU's interests in the post-Soviet area and an attempt to weaken Russia's traditional great power potential in the region or a policy to enhance regional stability through the promotion of fundamental European values which serves as a framework for democratic institution-building in partner countries. This paper argues that the EU's ambivalent actorness in this particular post-Soviet region, which is shaped both by value considerations and self-interest concerns, while lacking a strategic coherence, constitutes a fundamental reason behind a policy failure.

Voell, Stéphane / Kaliszewska, Iwona (eds.)
State and Legal Practice in the Caucasus
Routledge, 2015

Legal pluralism and the experience of the state in the Caucasus are at the centre of this edited volume. This is a region affected by a multitude of legal orders and the book describes social action and governance in the light of this, and considers how conceptions of order are enforced, used, followed and staged in social networks and legal practice. Principally, how is the state perceived and how does it perform in both the North and South Caucasus? From elections in Dagestan and Armenia to uses of traditional law in Ingushetia and Georgia, from repression of journalism in Azerbaijan to the narrations of anti-corruption campaigns in Georgia – the text reflects the multifarious uses and performances of law and order. The collection includes approaches from different scholarly traditions and their respective theoretical background and therefore forms a unique product of multinational encounters. The volume will be a valuable resource for legal and political anthropologists, ethnohistorians and researchers and academics working in the areas of post-socialism and post-colonialism.

DISCLAIMER

This newsletter is a part of the Jean Monnet network project that received funding from the EU.

DESCnet consortium assume no responsibility for facts or opinions expressed in articles, reports, abstracts and CofP or their subsequent use. Sole responsibility lies on the authors of these.

Design: studiofiur

Layout: paniola

