

# Closer to Europe? Domestic Changes and the Europeanization Processes in Post-Revolution Ukraine and Armenia

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**Abstract:** *This article explores the challenges and opportunities of the Europeanization processes taking place in post-Maidan Ukraine and post-Velvet Revolution Armenia. It argues that despite the constraining effects of “competing governance provider” Russia, the interests, perceptions and preferences of the domestic elites are critical to the implementation of the EU policies in Ukraine and Armenia. Thus, it offers a more dynamic structure- agency interplay approach to account for the dynamics of Europeanization in the EU-Russia contested neighbourhood. The article concludes that the domestic change in Ukraine has been positively correlated with its Europeanization, while Armenia has been showing positive signs of responsiveness towards the European policies since the 2018 “Velvet Revolution.” The article enquires into integration without membership dynamics between the EU and Eastern neighbours, as well as into the actorness of the EU in post-revolution state-building in Ukraine and Armenia.*

**Keywords:** *Europeanization; Ukraine; Armenia; domestic change; Association Agreement; CEPA.*

## Introduction

The drive towards Europe has been part of the Ukrainian and Armenian political agendas since the break-up of the Soviet Union. Ukraine and Armenia share much in common, in terms of their post-soviet legacy, troubled neighbourhoods and the “choice for Europe.” Yet, while small Armenia gave in to Russia’s pressure, by making a U-turn and joining the Eurasian Economic (Customs) Union (EAEU) in September 2013, Ukraine has showed strong resilience and persistence in asserting its European orientation vividly manifested in the 2014 Maidan Revolution.

Despite the thorny path, Ukraine ultimately signed the Association Agreement (AA) in June 2014, while Armenia, ended up with its edited and sacrificed version – Comprehensive and Enhanced Partnership Agreement (CEPA) with the EU signed in 2016. Moreover, the 2018 “Velvet Revolution” has not led to any significant foreign policy shifts and left Armenia’s centrality in the Russia-led socio-political order intact.

A question arises whether a positive correlation between the domestic changes and the Europeanization processes in post-Maidan Ukraine and post-Velvet Revolution Armenia can be established.

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The EU-Ukraine Association Agreement is largely viewed as an innovative legal instrument providing for a new type of integration without membership (Van der Loo, et al., 2014). As a unique form of political association and economic integration, it is characterized by three specific features: comprehensiveness, complexity and conditionality (Petrov et al., 2015).

Some observers have framed the AA as a vital tool for building Ukraine's resilience against Russian coercion, given that its implementation will allow Ukraine to derive benefits in the short-to-medium term, at the very time when "Russia is sparing no efforts to inflict harm on the Ukrainian economy to punish the country for its European orientation" (Wolczuk, 2014). Clearly, the mounting assertiveness of "competing governance provider" Russia towards the EU's greater engagement with Ukraine and Armenia has posed significant challenges to their Europeanization. Ademmer (2015) has drawn on the original work on interdependence in the discipline of International Relations to identify specific conditions under which Russia exerts either supportive or constraining effects on EU policy transfer. The comparative case study on energy policy change in Georgia and Armenia, shows that the distinction of different forms of interdependence and their interplay with Russia's quid pro quo bargaining, as well as with political preferences of domestic incumbents, are critical to make sense of Russia's seemingly Janus-faced role in the neighbourhood (Ademmer, 2015).

Overall, despite the constraining effects of "competing governance provider" Russia, domestic actors have considerable agency to implement the EU policies. That being said, despite the increasing external competition over the post-Soviet space, domestic actors remain the key agents to account for the pattern of change in the contested neighbourhood" (Ademmer, Delcour and Wolczuk, 2016). Therefore, this study offers a more dynamic structure-agency interplay approach to account for the dynamics of Europeanization in the EU-Russia contested neighbourhood.

Notably, the EU-Armenia CEPA has been regarded as an edited version of the Association Agreement, which gives a new impetus to the partnership following the setbacks, endured Armenia's perplexing U-turn (Kostanyan and Giragosian, 2017). Even though the new agreement includes a considerable amount of the EU *acquis* in legally binding provisions across a range of sectoral areas of cooperation, although the effectiveness of CEPA's essential degree of conditionality remains in question (Kostanyan and Giragosian, 2017). While the Europeanization literature emphasizes the transformative and democratizing power of the EU (Schimmelfennig and Sedelmeier, 2004; Vachudova, 2005; Grabbe, 2006), its conditionality (reforms in return for funds and membership) is deemed pivotal to EU policy transfer. Thus, there is a broad scholarly consensus that the EU has been able to influence domestic change through the policy of conditionality (Rakovita, 2011). Moreover, the "external incentive model (Schimmelfennig and Sedelmeier 2004)" has been more germane to accounting for the EU's ability to influence domestic change and rule adoption than models of socialization (Rakovita, 2011).

A question remains whether the EU's conditionality can actually prove effective in Armenia, given the country's membership in the Russia-led EAEU and limited openness to the "Market Power Europe" (Damro, 2010).

This study explores the integration without membership dynamics between the EU and its Eastern neighbours. By focusing on Ukraine and Armenia, it seeks to provide insights into the core challenges and opportunities in the EU-Ukraine AA, as well as EU-Armenia CEPA implementations. It explores the relationship between domestic changes and dynamics of the Europeanization processes in Ukraine and Armenia amid constraining conditions provided by “competing governance provider” Russia. It examines the influence of domestic political elites and local powerful groups over shaping, changing or even obstructing the process of the countries’ approximation towards Europe.

This article is an in-depth case analysis that uses policy analysis and process tracing to examine the core dynamics of the Europeanization processes in Ukraine and Armenia. The case study of Ukraine and Armenia serves as a plausibility probe that illustrates the integration without membership dynamics between the EU and its Eastern neighbours. The study builds its empirical argumentation by analysing a broad variety of sources, including the newspaper articles, observations from political speeches, official documents and interviews.

The article has the following structure: First, the EU external governance towards the Eastern neighbourhood will be briefly discussed, focusing on the specificity of Ukraine and Armenia. Subsequently, the Europeanization processes in these countries will be examined from the perspective of the EU’s “competing governance provider,” as well as that of the Ukrainian and Armenian domestic actors. The final section focuses on the main challenges and opportunities in the implementation of the Association Agreement in Ukraine and CEPA in Armenia. The conclusion summarizes our main findings and suggests new lines of academic enquiry.

### **EU External Governance and Eastern Neighbours**

The main rationale behind the EU’s European Neighbourhood Policy (ENP) and Eastern Partnership (EaP) has been to bring the countries situated in its strategic vicinity “closer to the European Union in a number of priority fields”, thus creating a “ring of friends” with whom to share “everything but institutions” (Prodi, 2002).

Yet, the EU has been confronted with the proverbial ‘expectation-reality’ gaps in its Eastern neighbourhood amid low responsiveness from the part of its neighbours towards some of its demands for reform, on the one side, and a mounting Russian resistance to the policies of Europeanization and region-building, on the other side.

When introducing the ENP review in November 2015 the EU Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, aptly noted that the EU’s neighbourhood was degenerating from a ring of friends to “a ring of fire or volcano” (Hahn, 2015).

Essentially, one of the biggest challenges facing the EU is how to encourage its neighbours to comply with its policies and thus translate its vision of a prosperous, secure and stable neighbourhood into reality. This provokes an enquiry into the modes and prerequisites for the EU external governance, i.e. effective application of the EU rules beyond its borders amid complex interactions with “competing governance provider”

Russia. According to the external governance approach – a major analytical perspective on non-accession Europeanization – the effectiveness of rule transfer is chiefly explained by existing EU institutions, which ‘provide the template for the externalisation of EU policies, rules and modes of governance’ (Lavenex and Schimmelfennig, 2009, p. 802).

Therefore, its effectiveness considerably depends on its hierarchical mode and the ability of the EU institutions to monitor and enforce the agreements and ensure rule compliance. In contrast to the institutional approach, the power-based explanation suggests that external governance is determined by the EU’s power and its interdependence with regard to third countries as well as competing ‘governance providers’ in its neighbourhood – mainly the United States and Russia (Lavenex and Schimmelfennig, 2013, pp. 14-15). In this regard, the modes of external governance correspond to external structures of power and interdependence rather than EU internal institutional structures. The hierarchical mode of governance requires third countries to be both strongly dependent on the EU and more strongly dependent on the EU than on alternative governance providers (Lavenex and Schimmelfennig, 2009, pp. 803-804). Without such sheer and asymmetric interdependence in its favour, the EU will be incapable of imposing hierarchical governance upon third countries.

Some observers find the above mentioned approaches more applicable to partner countries, rather than the domestic structure explanation, referring to the compatibility of EU rules with partner countries’ traditions, institutions and practices (Delcour and Wolczuk, 2015, p. 493). In other words, domestic structure explanation is based on the assumption that the effectiveness of external governance is contingent upon its compatibility with domestic institutions, rather than upon international institutions and power (Lavenex and Schimmelfennig, 2013, p. 15).

Arguably, according to all three accounts identified above, Armenia should not be responding to EU demands for reform, while Ukraine’s response should only be partial.

Firstly, Armenia has not pursued EU membership and has limited its aspirations to the deep and comprehensive partnership option, while, despite its desire to obtain EU membership, Ukraine has been confined to a framework meant to provide integration without membership. Former President of European Commission Romano Prodi went as far as to say that “Ukraine has as much reason to be in the EU as New Zealand” (Barysch and Grant, 2004). Meanwhile, the lack of a clear membership perspective would inevitably hinder the effective transfer of the EU rules in Ukraine.

Secondly, the powerful oligarchic clans both in Ukraine and Armenia would not have strong incentives in the Europeanization of the two countries’ political and economic systems, given the foreseeable challenges for their oligopolies. In other words, oligarchs tend to selectively support new laws and reform that seem conducive to maintaining and increasing their wealth and fiercely oppose to those that may somehow jeopardize their positions (Bayramov and Marusyk, 2019, pp. 80-81).

Last but not least, Armenia’s huge political and economic dependence on “competing governance provider” Russia, vividly manifested in the country’s membership in the Russia-led Collective Security Treaty Organisation (CSTO) and Eurasian Economic Union, would inevitably interfere with consistent compliance with the EU policies. As

for Ukraine, even though approximation towards the EU was the main rationale behind the Maidan Revolution of 2014, Russia has made Ukraine's path to Europe extremely thorny, by illegally annexing Crimea and fuelling ongoing instability in the Donbass region since the same year. Arguably, well acknowledging Russia's possible reaction to Ukraine's European choice, former President Yanukovich refused to sign the Association Agreement with the EU at the Eastern Partnership Summit in 2013. While the eventual signing of the Association Agreement in June 2014 confirmed Ukraine's European orientation, Russia has spared no effort to thwart its European path.

While Ukraine's drive towards the EU may seem irreversible, the post-revolution Armenian leadership has confirmed the strategic choice of a Russian alignment. Therefore, the question of whether and to what extent Armenia's Eurasian integration is agreeable with the EU approximation comes down to determining the preferences, perceptions and interests of the domestic actors, as well as to the Russian impact on the European rules and norms diffusion inside its "sphere of influence."

### **EU vs. the "competing governance provider": Ukraine and Armenia between *constrained EU and affirmative Russia***

While the institutionalist approach would find the EU institutions indispensable to the effectiveness of the EU external governance, the power-based explanation would posit that "external governance is determined by the EU's power and its interdependence with regard to third countries as well as "competing governance providers" in its neighbourhood – mainly the US and Russia (Lavenex and Schimmelfennig, 2013, pp.14-15).

This comes down to the challenges of Europeanization in the EU-Russia contested neighbourhood, where the EU's "transformative power" and region-building policies are faced with Russian "authoritarian resistance" and "region-spoiling" measures (Ambrosio, 2016; Delcour and Wolczuk, 2017).

The ongoing crisis in Ukraine is indicative of the volatile new phase of the EU-Russia relations in their common neighbourhood, fraught with the Kremlin's unshakable determination to obstruct further Europeanization in the sphere of its "privileged interests." Russia's mounting assertiveness has been manifested in its unrelenting efforts at promoting its preferred vision of order beyond its borders under the form of the Eurasian Economic (Customs) Union launched in 2010. As a long term project aimed at regaining the Russian control over post-Soviet space, the Eurasian Union was bound to collide with the Eastern Partnership as the European and Russian visions for the 'shared' Eastern neighbourhood remain self-centred and exclusionary (Korosteleva, 2016).

In effect, the EU and Russia find themselves locked in parallel rather than complementary relations with the 'shared' region, each attempting to institutionalise its own political order (Korosteleva, 2016). Delcour and Wolczuk (2017) argue that while the EU promotes soft and indirect region-building, Russia pursues regional integration as well as region-spoiling with a view to securing regional hegemony (Delcour and Wolczuk, 2017).

When viewed from Brussels, the Eastern Partnership would step up EU's

“constructive engagement” with its neighbourhood, with the view to transforming it into an area of democracy, peace and prosperity (Haukkala, 2018, p. 84). Meanwhile, the Kremlin would treat the EaP as European intrusion in its sphere of influence, as for Russia, converging with the *acquis* means a shift away from what ties EaP countries have with Moscow (Delcour and Kostanyan, 2014, p. 3).

It is for these reasons that Putin threw his back behind promoting the Eurasian Union, most vividly by forcing Armenia to join it. A glance at Armenia’s perplexing U-turn on the eve of signing the Association Agreement are indicative of the depth and scope of the coercive measures that Russia took to prevent the Association Agreements from taking effect. Nevertheless, the Armenian society has not offered much resistance to country’s integration into the Russian-dominated Eurasian Union. While post-revolution Ukraine’s President Piotr Poroshenko promptly signed the Association Agreement, the Armenian Prime Minister, Nikol Pashinyan was quick to confirm Armenia’s commitment to Eurasian integration (Terzyan, 2019a, p. 27). He denied the possibility of foreign policy U-turns while stressing the necessity of further rapprochement with Armenia’s ‘indispensable ally’ Russia (Pashinyan, 2018a).

Overall, there is a broad consensus among the representatives of the Armenian political elite that the acute threats posed to Armenia by Azerbaijan and Turkey prompt to put heavy reliance on Russia. Thus, despite some resentment that Russian policy may generate, Armenia has to abstain from ‘provoking’ Russia. Otherwise, the latter would ‘hit where it hurts’, by arming Azerbaijan, increasing gas prices or even mistreating the Armenian community in Russia. It follows that Armenia has no choice but to abide by the rules determined by the Kremlin (Terzyan, 2017, p. 192). That said, irrespective of the domestic change, Armenia is faced with the path dependency and there is no magic bullet to reverse the country’s immense dependence on Russia and its absorption into the Russia-led Eurasian Union.

While, in contrast to Armenia, Ukraine stood up for its European choice, it is obvious that the conflict in Eastern Ukraine and the illegal annexation of Crimea and Sevastopol by the Russian Federation continue to weigh heavily (European Commission, 2018, p. 18). The hybrid war waged by Russia against Ukraine in the Donbass region, has led to a situation, where, instead of building democratic institutions, Ukraine is forced to build up its military capabilities and counter the Russian aggression.

The reviewed ENP’s emphasis on conflict prevention, crisis management, stabilization and regional cooperation leads to presume that the EU would reinforce its engagement in conflict settlement in its volatile neighbourhood (European Commission, 2015). A question remains whether the new phase of the EU-Ukraine relations would lead to the EU’s deeper and broader engagement with crisis resolution and peace-building in Ukraine.

The EU’s passiveness amid Crimea’s annexation and full-blown escalation of the Ukrainian crisis, showed that ‘the EU is not organisationally geared up for geopolitical contestation [with Russia]’ (Mass, 2019, p. 11). Put simply, the EU’s capabilities in its response to the Ukraine crisis were undermined by the lacking effect of the restrictive measures to either coerce Russia’s policy or contribute to peace - building (Mass, 2019, p. 12).

The European Union Advisory Mission (EUAM), which was established in December 2014, was meant to mark the EU's presence in Ukraine's resilience-building efforts. It aimed to assist the Ukrainian authorities towards a sustainable reform of the civilian security sector through strategic advice and practical support for specific reform measures based on EU standards and international principles of good governance and human rights (EUAM Ukraine, 2019).

However, as Maass aptly notes, in light of Russia's affirmative foreign policy towards Ukraine, the EUAM's outreach capabilities as a non-executive mission merely reflect the EU's lack of capabilities and opportunities (Maass, 2019, p. 15). Not surprisingly, there has been public disillusionment with the EU taking a back seat and some European countries' indifference towards the Russian aggression inflicted on Ukraine, and not least, with the neutral rhetoric some European diplomats use to describe the conflict (Gressel, 2019). The comparative analysis of the strategic narratives and perceptions of the EU present in Ukrainian news media and those formed by young Ukrainian elites, suggests that Ukrainians see the EU's capabilities as limited in conflict resolution and mediation (Chaban and O'Lughlin, 2018). Yet despite the expectation-reality gaps, the EU remains the most desired partner in Ukrainian public consciousness, deemed capable of transmitting a number of political values to Ukraine (Chaban and O'Lughlin, 2018).

Similarly, the EU has not showed any sign of direct involvement in the Nagorno Karabakh conflict resolution. There seems to be some ambivalence among the EU officials from the European External Action Service (EEAS) about the breadth and depth of the EU's possible contribution to the conflict settlement. Some officials expressed doubts about the feasibility of the EU's direct engagement with the conflict settlement. Overall, they implicitly stated that along with other constraints, the EU's direct involvement could result in taking sides, which would adversely affect boosting bilateral partnerships either with Armenia or with Azerbaijan. Besides, the EU tends to treat the OSCE Minsk Group platform as a viable framework for conflict resolution<sup>2</sup>. Meanwhile, the persistence of Armenia's long-standing troubled neighbourhood is bound to further reinforce Armenian political leadership's perception of Russia as irreplaceable security ally in the face of Turkish-Azerbaijani hostilities (Aberg and Terzyan, 2018, p. 167).

### **Europeanization through the prism of Ukrainian and Armenian domestic actors**

Ukraine's and Armenia's responsiveness towards the EU's policies has a great deal to do with the influence of domestic political elites and local powerful groups over shaping, changing or even obstructing the process of the countries approximation towards Europe. That said "despite the increasing external competition over the post-Soviet space, domestic actors remain the key agents to account for the pattern of change in the contested neighbourhood" (Ademmer et al. 2016). This comes down to the interests, perceptions and preferences of powerful local actors, often called the 'gatekeeper elites' to determine how fast these countries approach Europe through the process of Europeanization (Kakachia et al., 2019, p. 4). It follows that the mechanisms which the EU uses to shape domestic actors' incentives and capacities for taking on EU rules are critical to the process

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<sup>2</sup> Interviews with EEAS – related officials from September 2015 to February 2016.

of Europeanization.

Clearly, overcoming the oligarchic resistance to reforms has been one of the formidable challenges on the path to Ukraine's and Armenia's full-hearted Europeanization. Even though there have been changes in the balance of power among the biggest oligarchs in Ukraine since the Maidan Revolution, curbing its residual influence remains an urgent priority. Studies show that during Poroshenko's presidency, the sharing out of monopolies among leading business groups continued with slow progress on de-monopolization (Lough and Dubrovskiy, 2018). While Poroshenko was trying to balance various oligarchic interests, he continued to be one of those he tried to manage, and expanded his business interests into agriculture, defence and energy sectors. Meanwhile, Poroshenko's perceived conflict of interest contributed to low public's trust in the central government (European Parliament, 2017). Some observers note that what describes the Ukrainian oligarchs is their tendency to apply the "rule by law" rather than "rule of law." Meanwhile, in conditions of systemic and in particular, judicial corruption, the law becomes a purchasable commodity (Bayramov and Marusyk, 2019, p. 80).

Not surprisingly the EU has been giving great weight to defeating oligarchy given that "meaningful progress with the implementation of the AA and the reforms will only be possible if the deoligarchisation process is pursued and does away once and for all with the entrenched system in which economic, political and media power is concentrated in the hands of a few individuals feeding off one another" (European Parliament, 2018). While Zelensky's government's reform agenda provides grounds for optimism, the process of deoligarchisation considerably depends on broader economic, political and legal reforms that would lead Ukraine down to the path to deep and comprehensive Europeanization.

As for Armenia, as a result of the "Velvet Revolution," oligarchs are no longer overrepresented in Armenian government. Yet, it is premature to contend that there are no oligarchs in Armenia, given that their huge influence over the Armenian economy may well translate into political power. Well acknowledging the depth of oligarchic influence across the country the Armenian government would avoid resorting to a shock therapy. Instead, it has adopted a gradualist approach to deoligarchisation.

Besides, there are two major factors that merit emphasis in terms of assessing the domestic actors' role in Europeanization in the two countries. The first factor/concern is the centralization of power in both countries to the point, where checks and balances become impracticable.

Both Nikol Pashinyan and Volodymyr Zelensky capitalized on their huge popularity and through snap elections significantly consolidated their power. They both are largely treated as "saviours" capable of turning their countries plights around and putting them on the path to prosperity and democracy. Meanwhile, the huge power in the hands of charismatic leaders is fraught with power abuses in the absence of powerful opposition. There has been a strong tendency both in Pashinyan's and Zelensky's discourses to style their regimes as "people's government" or "people's servant" that introduce a new form hyper-democratic interaction between state and society. More specifically, Pashinyan's discourse regarding the "people's government" has reached a point where there seems to be a blurred line between state and society. Given huge public support for Pashinyan's government manifested in its landslide parliamentary



victory in December 2018, Pashinyan and his proxies even contend that any step against their government is a step against the Armenian people, as they represent the “people’s government” (Factor, 2019). Pashinyan suggests that he embodies the will of the people and that Parliament’s legitimacy is based on that will: “In Armenia, there is no coalition government. In Armenia, there is no parliamentary majority. In Armenia, the ultimate power directly belongs to the people and the people carry out direct rule. This is the key meaning of the revolution that took place in Armenia” (Armenian Weekly, 2018).

Similarly, the Ukrainian President tends to distance himself from his predecessors and other presidents due to his resolve to bring people to power “who will serve the people” (Zelensky, 2019), The two leaders’ rhetoric has resonated with both Ukrainian and Armenian societies. Public opinion polls conducted in 2019 that the most trusted government institutions in Ukraine and Armenia are President and Prime Minister with 79 and 72 percent approval ratings respectively (UNIAN, 2019; IRI, 2019). Yet, despite their immense popularity, the sustainability of reforms in both countries considerably depends on their shift from charismatic leaderships to functional democratic institutions, that translate leaders’ visions into policies sustained by appropriate structures, rules, and procedures.

Inna Sovsun, a member of the Ukrainian opposition party Holos (Voice) aptly notes that while there is no denying that Ukraine is undergoing large-scale reforms during Zelensky’s presidency, the centralization of power remains a significant issue as “we don’t know who the next president will be” (Euronews, 2020).

Constitutional reforms aimed at ensuring decentralization of power have yet to be materialized both in Ukraine and in Armenia.

It is noteworthy that the former Armenian president Serzh Sargsyan, had altered the constitution to allow greater powers for the office of the Prime Minister. Pashinyan was one of the most vocal critics of that change. No wonder, Pashinyan-led “Velvet Revolution” prevented Sargsyan from wielding that power, which Pashinyan himself inherited. Yet, during his press conference, when journalists asked whether he had any intention of trimming some elements of that power, Pashinyan’s answer was that the revolution had already taken care of that issue (Mirror-Spectator, 2019). Thus, consistent with the narrative of “people’s government,” he would argue that he embodies the will of the people and that Parliament’s legitimacy is based on that will (Pashinyan, 2018). As for Ukraine, in December 2019 President Zelensky submitted to the parliament the draft law on amendments to the Constitution related to decentralization, yet subsequently withdrew it and sent for revision (Ukrinform, 2020). This decision owes to the heated debates and disagreements over the respective powers of the country’s central and local authorities (Sologup, 2020).

The second major factor in terms of increasing domestic actors’ responsiveness towards the European policies is related to the advancement of a vibrant and consolidated civil society in both countries. Indeed, it is impossible to underestimate the contribution of the civil society groups to post-Maidan reform process. The largest and most visible reform network – the Reanimation Package of Reforms (RPR) has brought together reform-minded NGOs, reform groups and experts, who develop, promote, and in some cases even implement judicial, anticorruption and economic changes (Smagily, 2017).

Remarkably, on the eve of the 2019 presidential and parliamentary elections the RPR prepared a “to do list” for the President’s reform agenda, aimed at ensuring the new government’s commitment to the reform path and, more specifically, to the successful implementation of the Association Agreement (Khomei, 2019). The underlying objective of the RPR has been supporting the advancement of reforms in order to build an independent, consolidated, democratic, state with a vibrant civil society (Reanimation Package of Reforms, 2019). The EU reports give credit to the Ukrainian civil society, which “continues to play a very active role in the promotion and oversight of reforms and, increasingly, in the monitoring of AA implementation” (European Commission, 2019, pp. 5-6).

Essentially, while the civil society in Ukraine has been one of the driving forces behind country’s Europeanization that consistently stood up for its “European choice,” the Armenian society has been less active in pushing for Europeanization and defying the Eurasian integration. Moreover, in contrast to the Ukrainian RPR with its robust commitment to Europeanization, there has been no such reform-oriented movement or an umbrella organization.

Studies show that despite the growing number of civil society organisations (there are more than 4,000 registered civil society organisations, mainly non-governmental organisations), the absolute majority of them are inactive with little to no potential to represent certain interest groups (Gevorgyan, 2017). Not surprisingly, the EU has placed a pronounced emphasis on establishing a bilateral EU-Armenia civil society organization platform as an integral part of the bilateral relations. The aim is to empower CSOs increase their involvement in promotion and oversight of reforms, leading to the successful implementation of the CEPA (Action Document for CEPA Reform Facility, 2019, p. 8).

The question remains if the CEPAs emphasis on civil society advancement can boost its actorness on the one hand and increase the demand for Europeanization on the other.

Shapovalova and Burlyuk (2018) emphasize the two dimensions of the civil society’s developmental path. The first dimension comes down to the changes in the nature of civil society relations with the state and society and its potential and ability to induce reform, or what is referred to as “change on the outside.” The second dimension has much to do with the nature of civil society per se i.e. with the way it is organized and operates, or what is referred to as “change on the inside” (Shapovalova and Burlyuk, 2018). The latter has a great deal to do with the development of adequate institutional and professional capacity in civil society organizations as a vital tool for influencing policy making and thus becoming agents of democracy and Europeanization.

Overall, for domestic actors’ responsiveness towards the EU policies, it is absolutely necessary to achieve a reasonable balance between executive and legislative power, with a vibrant civil society capable of holding domestic incumbents accountable.

### **Challenges and opportunities in the Association Agreement and CEPA implementations**

While the AA and CEPA open up huge doors to Ukraine's and Armenia's further Europeanization, their effective implementation depends on the governments' ability to tackle the long-standing challenges and seize new opportunities. Studies show that Ukraine performed best in implementing reforms when it faced precise demands from the EU (Fedorneko, 2017). More specifically, Ukraine has made considerable progress on reforms in the energy, public procurement, public administration, and law enforcement sectors (European Parliament, 2018). Energy security-related issues have occupied a prominent position in the EU-Ukraine partnership. In essence, Poroshenko's government placed a special emphasis on reforming the gas sector, as a critical step to build resilience against Russian "energy weapon" and made crucial strides in cutting subsidies on natural gas – previously misused by Ukrainian elites to ensure electoral support (Forbes, 2019).

The EU has been supporting Ukrainian government's efforts to reshape country's gas sector focusing specifically on reinforcing Ukrainian gas storage system and developing a business model for the new transmission system operator (European neighbours, 2018). The EU reports note that in terms of legal approximation, Ukraine has adopted strategies and implemented laws on energy performance, covering the issues of energy efficiency, fuel diversification, renewable energy and environmental protection (European Commission, 2018, pp. 14-16). To further this, Ukraine and the European Union signed the Memorandum of Understanding on Strategic Energy Partnership in November 2016, aimed at fostering Ukraine's full integration into the EU energy market, as well as enhancing mutual energy security and environmental sustainability (Mission of Ukraine to the European Union, 2017).

The EU has promoted energy sector reform in Ukraine through the EU4Energy initiative – which includes a four-year EU technical assistance programme (2016–2020). The programme specifically focuses on legal approximation with Eastern Partnership countries, with the view of supporting the electricity and gas markets and promoting energy efficiency (EU4Energy, 2019). The bilateral energy partnership arrived as a major accomplishment in June 2019, when the Verkhovna Rada of Ukraine ratified the renewed energy Annex XXVII to the Association Agreement between Ukraine and the European Union (Government Portal, 2019). This envisages EU energy rules transfer to Ukraine, with the view to the latter's integration into the EU's internal energy market (Government Portal, 2019). Indeed, the ratification of the energy annex is of crucial relevance in terms of Ukraine's compliance with the EU requirements and policies.

Nevertheless, Bayramov and Marusyk (2019) note that, despite remarkable natural gas and electricity reforms having been undertaken, Ukraine still has significant work to do in order reinforce its energy security (Bayramov and Marusyk, 2019). There has been little progress on the transformation and modernization of Ukrainian energy systems, compounded by Ukrainian elites' selective implementation of the European rules. Not surprisingly, the EU report on the implementation of the AA, would hail the persistence of the oligopolistic market structure as a hindrance to the implementation of particularly electricity reforms (European Commission, 2019, p. 18). The question remains if Zelensky's government has the capacity and political will to fully implement the EU-backed energy reforms (Bayramov and Marusyk, 2019).

Thus the biggest question to be addressed by Zelensky's government is whether it has the capacity and political will to fully implement the EU-backed energy reforms (Bayramov and Marusyk, 2019).

Given that Armenia has no importance for the EU as an energy supplier or a transit country, the European policy has chiefly targeted the areas of sustainable energy development and resilience-related matters. The EU reports would place emphasis on the power plant closure and a new one's compliance with the latest international safety standards (Terzyan, 2019b, pp. 105-106). However, the EU has been quite active in supporting the safe operation of Medzamor nuclear power plant until its full decommissioning in 1990 with more than €60 million. Besides, in order to facilitate energy exchanges between Armenia and Georgia and diversification of available energy sources, it has embarked on the creation of a transmission network in Ayrum (Terzyan, 2019b, p. 106). A question arises of whether the CEPA package has the potential to enhance Armenia's energy resilience and to boost energy cooperation. Notably, the treaty on the EAEU obligates its members to carry out coordinated energy policy with regards to the development of common electricity, gas and oil markets (Treaty on the EEU 2014, art. 79, 81, 83, 84). Moreover, in 2013, the governments of Armenia and Russia signed an agreement which granted Gazprom exclusive rights for gas supply and distribution in Armenia by 2044, rendering it the 100% shareholder of the country's gas industry (Azatutyun, 2014). The deal further plunges Armenia's energy sector into the orbit of Russian state-run companies and thus militates against its Europeanization. The EU's measures strike as insufficient in addressing Armenia's energy diversification amidst Gazprom's unshakeable dominance over the country's energy sector. Thus, energy remains the most challenging and closed sector in Armenia, compounded by the Eurasian integration.

Remarkably, former Armenian president Serzh Sargsyan once candidly admitted that one of the determining factors in Armenia's decision to join the Eurasian Economic Union instead of signing the Association Agreement with the European Union was heavy energy dependence on Russia. That being said, making a "civilizational choice," would condemn Armenian consumers to pay thrice more for the Russian gas (Terzyan, 2018, p. 238). In an attempt to counter Gazprom's abuses, Pashinyan's government launched an investigation in Gazprom Armenia and which led to finding a series of irregularities and even to accusing it of tax evasion and corruption (Terzyan, 2019c, p. 127). In response to Gazprom increased gas prices for Armenia in 2019, thus showing the consequences of fighting against its monopoly (Terzyan, 2019c, p. 127). That being said, by using Gazprom's "energy weapon" and increasing gas prices for Armenia, the Kremlin reportedly strived to thwart the repetition of Ukrainian-style gas reforms in Armenia.

The similar set of problems applies to the partnership in the field of transport and connectivity. While the EU consistently strives to foster cooperation in the fields of transport connectivity and telecommunications with the view to extending the core Trans-European Transport Network (TEN-T) to the Eastern partners, Armenia remains bound by the Eurasian constraints. More specifically, article 86 of the treaty on the EAEU stipulates that "the Union carries out coordinated transport policy, with the view to ensure economic development, step by step and consistent formation of common transport area based on the principles of competition, openness, security, reliability, availability and sustainability" (Treaty on the EEU 2014, art. 86). Clearly, the strong emphasis on

common transport policy within the EAEU may well prevent Armenia from advancing profoundly towards the European realm of transport and connectivity.

In contrast to the EAEU member Armenia, Ukraine has had way more room for the EU approximation. As a result of the provisional application of the AA/DCFTA, the EU has become Ukraine's largest trading partner by far, representing 42.4% of total Ukrainian external trade (European Commission, 2019, p. 16). In the first seven months of 2019 exports from Ukraine to the EU increased by 7.8 % year-on-year, while imports from the EU increased by 9% year-on-year (European Commission, 2019, p. 16). Moreover, Ukraine has improved its business environment in recent years, though this progress is stalling to some extent. According to the World Bank's Doing Business survey, Ukraine ranked 71<sup>st</sup> in 2018, which was an improvement from 76<sup>th</sup> in 2017, and 142<sup>nd</sup> in 2010 (European Commission, 2019, p. 12).

Remarkably, since 2014, the EU and the European Financial Institutions have mobilised a package of more than €15 billion in grants and loans to support the reform process, with strong conditionality on continued progress (EEAS, 2019a).

The Ukrainian government has achieved considerable accomplishments in the EU approximation in the areas of trade, customs, SPS, intellectual property, and social policy (European Commission, 2018; European Commission, 2019).

Besides, Ukraine has marked accomplishments in public procurement reforms, introducing a higher level of transparency on budget transactions and beneficiaries of procurements. In December 2015, the Verkhovna Rada adopted the law 'On Public Procurement', and a Public Procurement Reform Strategy (Roadmap) was adopted in February, 2016 to harmonise legislation with the EU acquis (European Parliament, 2017, pp. 20-21). Moreover, Ukraine has introduced in the public e-procurement system "ProZorro" new functionalities, such as framework agreements, developed a professional standard for the public procurement specialists, along with implementing the pilot Centralised Procurement Body at national level (European Commission, 2019, p. 17).

While the AA/DCFTA applications have produced tangible results in Ukraine, one of the intriguing questions regarding the CEPA is whether and to what extent its provisions can actually contribute to Armenia's economic development given a limited EU conditionality.

There has been a tendency for Pashinyan's discourse to revolve around "economic revolution." The government plan promised a significant decrease of the severe poverty in Armenia and a significant decrease in unemployment by 2023 (Eurasianet, 2019). Yet, there remain considerable obstacles to "economic revolution," emanating particularly from Armenia's steady integration into the Russian-dominated Eurasian Economic Union. It is worth to note that articles 4 and 8 of the treaty on the EAEU obligate member states to create a common market of goods, labour and services and have their economic policies complied with the goals and principles of the EAEU (Treaty on the EEU 2014, art. 4, 5). According to article 25, there is a common regime of trade of goods with third parties (Treaty on the EEU 2014, art. 25). All these stipulations limit Armenia's ability to boost trade and broader economic partnership with the EU. The EU has been exercising power by externalizing its internal market-related policies and regulations and thus acting as a Market Power Europe (Damro, 2010). Meanwhile, Armenian integration into

a competing rival project significantly prevents the EU rules and norms from travelling across the country.

Unsurprisingly, the EU officials from the EEAS were quick to foresee constraints in the EU-Armenia economic cooperation, noting that mostly non-preferential access to the EU market amid deepening Eurasian economic integration render a number of EU's economic tools impracticable vis-à-vis Armenia<sup>3</sup>.

It is noteworthy, that whilst taking full account of Armenia's obligations as a member of the EU, the CEPA contains commitments in several policy areas aiming to improve conditions for bilateral EU-Armenia trade. Boosting trade partnership is inherently related to tackling a series of differences between the EU and Armenia, which exist regarding technical regulations, metrology, standardisation, market surveillance, accreditation and/or conformity assessment procedures (Action Document for CEPA Reform Facility, 2019, p. 7).

Clearly, the Armenian economy would tremendously benefit from its full exposure to the EU's "market power," as the issues of comprehensive economic partnership get addressed trilaterally between the EU, Armenia and the EAEU.

Within the measures designed to stimulate economic development and enhance stability, the reviewed ENP places marked emphasis particularly on youth employment and employability (European Commission, 2015). Improving employability and promoting knowledge-based economic growth envisages reinforcing struggle against brain-drain and even promoting incentive schemes for well-educated people to return to their home country. Meanwhile, irregular migration and large-scale brain-drain remains one of the most formidable challenges facing Armenia. Clearly, the economic disarray has inflicted severe hardships on the Armenian population, forcing them to flee the country (Terzyan, 2019, p. 131). Russia remains one of the favorite and most accessible destinations for Armenian migrants and according to various estimates is home to over two million Armenians. More specifically, seasonal labour migration to particularly Russia has constituted a crucial survival strategy for many Armenian households to this day. According to the official data, annually, more than 200,000 Armenians go to Russia for seasonal employment (Terzyan, 2019b, p. 105). Given that Armenia's membership in the EAEU eliminates visa-related-barriers and thus facilitates the free movement of Armenian labour force, massive outflow of Armenian population to Russia seems bound to continue. While Armenia's most influential partner, Russia, does not oppose to irregular migration, the EU's policy tools would have a limited role in addressing the above-mentioned alarming trends. Nevertheless, the CEPA chapters related to equal opportunities, social policy and employment include substantial EU *acquis* on safety at work, equal treatment, gender and racial equality, anti-discrimination and essential labour market regulations (CEPA, 2017).

Thus, Armenia's consistent compliance with these provisions would allow for the EU's remedial measures to trickle down to country's sustainable development.

Delcour (2018) aptly notes that Armenia's "Velvet Revolution" took place at a time when the EU seemed prepared to support democratisation and political reform

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<sup>3</sup> Interviews with EEAS – related officials from September 2015 to February 2016.

more actively (Delcour, 2018, p. 19). More specifically, the launch of a visa dialogue with Armenia may give a strong impetus to reforms in the country owing to the increased conditionality as part of the Visa Liberalisation Action Plan (Delcour, 2018, p. 19).

In recognition of the post-revolution Armenian government's reform efforts, the EU almost doubled its support to Armenia in 2019 (EEAS, 2019b). The EU has emphasized the necessity of reforms that would lead to the rule of law, fight against corruption and respect for human rights, along with independent and accountable judicial system (EEAS, 2019b). Overall, the EU allocated an additional €25 million in the context of its 2019 Annual Action Plan of assistance for Armenia (EEAS, 2019c).

Admittedly, systemic and rampant corruption prevalent in Ukraine and Armenia has significantly hindered their advancement towards the EU, by condemning the countries to a vicious circle of underdevelopment, poor governance and inability to implement reforms. A question arises if the AA and CEPA implementations would have considerable effects on defeating the deeply entrenched blight in Ukraine and Armenia.

Poroshenko's government would repeatedly pledge to fight against corruption and eliminate its systemic nature. In 2015, the Ukrainian government set up the National Anti-Corruption Bureau, as well as the Specialised Anti-Corruption Prosecutor's Office, to investigate corruption cases and identify corrupt practices of Ukrainian officials. Moreover, Poroshenko introduced the anti-corruption court aimed at rooting out entrenched corruption (New Eastern Europe, 2019). Poroshenko's government significantly reduced the corruption, particularly in the gas, banking, and government procurement sectors, yet there was little progress on the fight against judicial corruption (European Commission, 2018).

Meanwhile, corruption and weak rule of law would considerably undermine the overall progress Ukraine had made with other reforms (Gressel, 2019). In essence, Poroshenko's steady decline as a political powerhouse significantly owed to his failure to eradicate corruption. As a result, Zelensky scored high amid popular disillusionment with Poroshenko's inability to defeat corruption and raise living standards. From the outset of his presidency, Zelensky targeted the fight against corruption as a top priority of his domestic agenda. "Let me name the key tasks facing my team. It is to eradicate corruption and create an independent court system" (Reuters, 2019). Notably, keen to give a new impetus to new Ukrainian government's fight against corruption, during the 21<sup>st</sup> EU-Ukraine Summit, EU Commissioner Johannes Hahn signed with his Ukrainian government counterparts four programmes, amounting to €109 million from the Commission's 2019 annual support package to Ukraine (European Commission, 2019).

Zelensky's anti-corruption campaign has led to investigations into former President Petro Poroshenko and his allies" (Deutsche Welle, 2019). Besides that, the new High Anti-Corruption Court began functioning in September 2019, while in October Parliament adopted a new law reinstating illicit enrichment as a criminal offence (European Commission, 2019, p. 2).

Ukraine has improved its ranking in Transparency International's Corruption Perception Index since 2013, yet it was still is the 126<sup>th</sup> least corrupt nation out of 180 countries, according to the 2019 Corruption Perceptions Index reported by Transparency International (Trading Economics, 2020).

In line with Ukraine, rampant corruption has been one of the biggest hindrances to Armenia's democratic development and one the root causes of the "Velvet Revolution."

Unsurprisingly, the new government targeted the fight against corruption as a top priority. Namely, the anti-corruption efforts prompted Pashinyan's government to criminalise illicit enrichment (Calliher, 2019). Pashinyan has attached particular importance to judicial corruption. Following the controversial release of President Robert Kocharyan, Pashinyan contended that the judiciary is a remnant of the former corrupt system that would cook up conspiracies against the Armenian people (Asbarez, 2019). As a result, he called for a mandatory "vetting" of all judges in all of the courts in the country because of their ties to the previous regime (Asbarez, 2019). Such statements are testaments to the difficulty of eliminating the deep-rooted authoritarian legacy, especially when it comes to a fight against judiciary corruption. Nevertheless, as a result of the Armenian government's anti-corruption measures, Armenia has considerably improved its position in an annual survey of corruption perceptions around the world conducted by Transparency International. It ranked 77th out of 180 countries evaluated in the watchdog's 2019 Corruption Perceptions Index (Azatutyun, 2020). The EU's positive input cannot be underestimated. Following the launch of an EU-Armenia dialogue on judicial reform in September 2018, the EU has expressed its willingness to provide further support for comprehensive judicial reform based on a justice reform strategy (EEAS, 2019c).

Essentially, in both countries the political elites' robust commitment to curbing systemic corruption is vital to the success of anti-corruption policies. As the Romanian experience shows, the political will to defeat corruption may well offset the absence of a tradition of the rule of law and democracy. More specifically, the European Union pressure, along with the electoral pressure and the political will of the domestic political elite combined to ensure the establishment of the rule of law and defeating corruption in the Romanian judiciary between 1997 and 2006 (Ritse, 2010). Clearly, there is no magic bullet for eliminating corruption and much depends on public support for anti-corruption policies that should also increase domestic actors' responsiveness towards the EU's policies.

## **Conclusion**

This article contributes to the existing literature and ongoing debate regarding the anatomy of the Europeanization processes in the EU's Eastern neighbourhood, as well as on the relationship between domestic change and Europeanization, by examining the cases of post-revolution Ukraine and Armenia. Based on the previous discussion, there are three main concluding observations to make regarding the EU approximation trajectories of Ukraine and Armenia.

Firstly, and in terms of the dynamics of Europeanization from the perspective of domestic actors (political elites, powerful local groups), the latter's interests, perceptions and preferences significantly influence the ways in which EU policies are received and implemented both in Ukraine and in Armenia. The sustainability of reforms in both countries considerably depends on their shift from charismatic leaderships to functional democratic institutions that translate leaders' visions into policies sustained



by appropriate structures, rules, and procedures. Overall, to improve domestic actors' responsiveness towards the EU policies, it is absolutely necessary to complete the process of deoligarchisation, as well to achieve a reasonable balance between executive and legislative powers. All these have much to do with the advancement of vibrant civil societies, capable of holding domestic incumbents accountable.

Secondly, in terms of the AA and CEPA implementations, Ukraine has made remarkable progress on reforms in energy, public procurement, public administration, and law enforcement sectors. The Ukrainian government has achieved considerable accomplishments in EU approximation in the areas of trade, SPS, intellectual property, customs and social policy. Moreover, the provisional application of the AA/DCFTA has yielded significant results, by making the EU Ukraine's largest trade partner, as well as by improving country's business environment. Meanwhile, Armenia's obligations as a member of the Eurasian Economic Union adversely affect its ability to boost economic partnership with the EU, as well as to deepen cooperation in the fields of energy, transport and connectivity. Nevertheless, despite a series of challenges and constraints, stemming chiefly from Armenia's Eurasian integration, the CEPA opens up considerable opportunities for further Europeanization of country's legal and political systems. Its successful implementation significantly depends on Armenian leadership's ability at skilfully balancing Eurasian integration with further compliance with the EU policies. To further the processes of Europeanization, both countries need to step up their anti-corruption efforts, especially at defeating judicial corruption.

Thirdly, in terms of the interactions with "competing governance provider" and the EU's greater engagement with its troubled neighbours, both the AA and CEPA have not added a 'hard edge' to the EU's **soft power**<sup>4</sup> when it comes to crisis or conflict resolution. The EU has been significantly constrained to either oppose to the Russian policy or contribute to peace - building in Ukraine. Similarly, there has been no sign of the EU's deeper engagement with the Nagorno-Karabakh conflict resolution within the CEPA and beyond.

Furthermore, research is essential to explore the dynamics of the Europeanization in Ukraine and Armenia, focusing specifically on evolving preferences, perceptions and interests of domestic actors and their responsiveness towards the EU's policies.

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<sup>4</sup> Introduced by Joseph Nye in the late 1980s, the term "soft power" is the ability of a country to persuade others to do what it wants without force or coercion.

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