Institute for European Studies of Tbilisi State University

PhD Thesis

External Europeanization through Conditionality: Explaining Varying Patterns of Policy Change in Eastern Partnership Countries

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Thesis submitted in part - fulfilment of the PhD Programme in European Studies

December, 2017

Abstract

This dissertation addresses Europeanization in third countries and aims to map and explain domestic dynamics of compliance patterns in EU's Eastern neighbourhood. While in the absence of membership prospect the EU has been challenged in terms of its success to induce neighbouring countries to being adherent to European norms and standards, this study attempts to define under what conditions the EU can trigger the transformation beyond its borders. In contrast to country level Europeanization arguments, this research is concerned with sector - specific explanations and dynamics of sectoral reforms under the European Neighbourhood Policy and Eastern Partnership. In order to discover if there is a link between the domestic change and the demands from Brussels, the observation across countries enables to uncover and identify a constellation of factors accounting for policy adjustment. The analysis proceeds in line with rationalist theoretical framework in three steps: (1) top-down adaptational pressures and their application through conditionality; (2) institutional and policy compatibility between European and domestic arrangements; (3) factors explaining the convergence patterns. Meticulous investigation of comparative case studies of Georgia and Ukraine allows for effective assessment of the EU's impact. The paper engages in exploration of migration policies in these countries, which represent the embedded units of analysis of the current study. This approach enables to empirically observe the inter-temporal variation over the dependent variable and test domestic changes against visa liberalisation conditionality, which was officially introduced to Ukraine in 2010 and to Georgia in 2013 through Action Plans. Through systematic and consistent analysis incorporating a number of variables and emphasising not only external determinants but local contextual settings, this research summarises the main findings in the context of theory development and contributes to the wide scholarly debates on Europeanization.

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Acknowledgements

I would like to extend special thanks to the Institute for European Studies of Tbilisi State University that provided me with vigorous academic environment in EU studies. I feel honoured and thankful to be selected as one of the candidates for the EU funded interdisciplinary PhD programme, which gave me the opportunity to conduct research in pursuant of my scholarly interests.

I feel tremendous gratitude to my supervisor Prof. Dr. Sergi Kapanadze, who has been my mentor from my first MA programme in EU studies and has constantly been encouraging me to undertake professional endeavours. He sharpened my thinking and taught me to look at phenomena from different perspectives. I am thankful to Prof. Dr. Olaf Leiße, who made my research stay at Friedrich Schiller Universität Jena lively and academically stimulating. My deep appreciation also belongs to Dr. Christine Reh, who inspired the collegiate path during my MSc programme at University College London.

I am grateful to Mr. Ivane Chkhikvadze from Open Society Georgia Foundation for his assistance to conduct interviews in Ukraine. I also thank my fellow classmate Levan Makhashvili for thought-provoking discussions and readiness to always answer my questions.

Lastly, but most importantly, I am wholeheartedly appreciative to my family. My parents, Revaz Maghlakelidze and Manana Basiashvili, who motivated me to take daring steps in life and always supported me in my decisions. My husband, Ilia Butikashvili, who kept me committed and persistent to continue my work and gave incredible stimulus my research project to come to life.

Abbreviations

AA - Association Agreement

AP - Action Plan

BM - Border Management

BCP - Border Crossing Point

CBC - Cross Border Cooperation

CBMM - Capacity Building of Migration Management

CES - Centre for Eastern Studies

CIB - Comprehensive Institution Building

CIS - Commonwealth of Independent States

CSO - Civil Society Organization

DCFTA - Deep and Comprehensive Free Trade Area

EaP - Eastern Partnership

EC - European Communities

EEAS - European External Action Service

ENI - European Neighbourhood Instrument

ENP - European Neighbourhood Policy

ENPI - European Neighbourhood and Partnership Instrument

EU - European Union

EUBAM - European Union Border Assistance Mission

EUAM - European Union Advisory Mission

EUSP - European Union Special Representative

EWB - Europe Without Barriers

FSJ - Freedom, Security and Justice

GAMM - Global Approach to Migration and Mobility

GBSLE - Georgian Border Security and Law Enforcement

IBM - Integrated Border Management

ICAO - International Civil Aviation Organization

ICMPD - International Centre for Migration Policy Development

ICPS - International Centre for Policy Studies

ID - Identification Document

IDP - Internally Displaced Person

IDSI - Institute for Development and Social Initiatives

INTERPOL - International Criminal Police Organization

IOM - International Organization for Migration

IPA - Institute of Public Affairs

IPAP - Individual Partnership Action Plan

IPP - Institute for Public Policy

JHA - Justice and Home Affairs

MFA - Ministry of Foreign Affairs

MIA - Ministry of Internal Affairs

MoI - Ministry of Interior

MoJ - Ministry of Justice

MP - Member of Parliament

MPC - Migration Policy Centre

MRA - Ministry of Refugees and Accommodation

NABU - National Anti-Corruption Bureau

NAP - National Indicative Programme

NATO - North Atlantic Treaty Organization

NIF - Neighbourhood Investment Facility

OSCE - Organization for Security and Cooperation in Europe

PCA - Partnership and Cooperation Agreement

PSDA - Public Service Development Agency

SBGS - State Border Guard Service

SBS - State Border Service

SCMI - State Commission on Migration Issues

SCIBM - South Caucasus Integrated Border Management Programme

SCNR - State Committee for Nationalities and Religion

SMS - State Migration Service

SMSU - State Migration Service of Ukraine

SSU - Security Service of Ukraine

TAIEX - Technical Assistance and Information Exchange

UEPLAC - Ukrainian-European Policy and Legal Advice Centre

UN - United Nations

UNDP - United Nations Development Programme

UNHCR - United Nations High Commissioner for Refugees

UNM - United National Movement

US - United States

USAID - United States Agency for International Development

USSR - Union of Soviet Socialist Republics

VLAP - Visa Liberalisation Action Plan

1. Introduction

This research contributes to the academic discussion regarding the Europeanization processes outside the European Union. The analysis proceeds within the framework of the European Neighbourhood Policy. It can be seen as "most-likely case for Europeanization beyond Europe because it deals with close neighbours, covers a broad range of policies and is based on the explicit commitment of the EU to extend its acquis beyond membership" (Schimmelfennig, 2015, p. 6). The European Neighbourhood Policy (ENP) was launched in 2004 to respond to the new challenges brought by enlargement and to avoid "drawing new dividing lines in Europe" (Commission Communication on Wider Europe, 2003: 4). The European Union's framework of cooperation with its neighbours was based on the 'proximity policy' taking into account mutual interests and commitments. Promoting European norms and values represented a centrepiece of the principles enshrined in the ENP. While the review of the policy in 2011 introduced 'more funds for more reform' approach aiming at enhanced mutual accountability, revised ENP in 2015 emphasised the stabilisation of the region through political, economic and security related terms. Within the neighbourhood policy, the EU applied differentiated approach towards Eastern neighbours by introducing EaP platform in 2009 and widened the scope of relationship with respective countries.

Under the ENP and EaP the EU attempts to motivate a number of reforms in third countries by incentivising domestic players in rapprochement with European standards and regulations. However, some scholars have questioned the success of the policy (see Freyburg, et al. 2009) since it does not offer the membership perspective. As opposed to promise for membership, which was widely acknowledged as the most powerful stimulus for the transformation of the country (e.g. Schimmelfennig, Sedelmeier 2004; Schimmelfennig et al. 2003; Sedelmeier 2011), the political conditionality had capitalised on the deepening of the political and economic relations in return for compliance. The latter has been one of the significant litmus test for the successful application of the EU's foreign policy tool inducing the third countries to being adherent to European norms. Discussing the Europeanization beyond the EU's borders, scholars observe varying patterns of institutional adjustment across countries and across policy areas and develop theoretical findings that are puzzling and inconsistent. They have introduced contrasting arguments whether the EU is able to motivate domestic change in neighbouring countries or not in the absence of membership

prospect. In line with this backdrop, scholars argued that the ENP countries may not be induced to undertake domestic reforms (e.g. Kelley, 2006; Schimmelfennig and Scholtz, 2008). Moreover, conditionality was described as inconsistent in ENP. (Schimmelfennig, 2005; Kelley, 2006; Epstein, Sedelmeier, 2008; Schimmelfennig, Scholtz, 2008). However, against this pessimistic view, recent scholarship on Europeanization in neighbouring countries revealed that there is a surprising degree of institutional change in these countries (e.g. Ademmer, 2017; Börzel and Risse, 2012; Langbein and Börzel, 2013; Lavenex, 2014). In developing a plausible explanation for the reasons inducing the approximation with European standards in third countries, scholars have recently focused on Europeanization of specific sectors and EU's conditionality tied to them (e.g. Ademmer and Börzel, 2013; Langbein and Börzel, 2013; Ademmer and Delcour, 2014; Langbein and Wolczuk, 2012).

Conforming to this sight of thought, this paper aims to address the causes behind the third countries' motives to Europeanise and identify mediating factors for policy change at sectoral level. The research will shed light to whether there is a causal link between the European Union's pressures emanating from Brussels and domestic policy adjustment. However, in terms of novelty, this research contributes to the academic discussion through systematic analysis incorporating a number of variables in policy development from a comparative perspective, while opting for more variables rather than only a few allows us to control for alternative observations and avoid spurious relationship between theorised caused and observed effects (Gschwend and Schimmelfennig, 2007: 6). The meticulous examination and detailed scrutiny enables to uncover causal mechanisms and identify a constellation of factors that motivate domestic change at sectoral level. Moreover, although a few papers have examined the role of other external actors, (Langbein and Börzel, 2013; Langbein, 2011), this variable has not been analysed comprehensively so far and little is known about its impact on Europeanised policies at domestic level. In order to fill this gap in the literature, this dissertation addresses the variable 'presence of other international actors' among others in order to find out if this factor facilitates convergence with EU standards and if so, to what extent. Apart from that, each variable is operationalised in a way that suits the particular context, because as Hughes, et al. (2004) claim, the logic behind the conditionality is not "a uniformly hard rule-based instrument" and its success depends on "the content of the acquis, the policy area, the country concerned and the political context in which it is applied" (p. 526). While, "it is too early to present a consistent theoretical framework to explain differential policy change across policy fields and countries in the EU's neighbourhood" (Langbein and Börzel, 2013: 574), this research is concerned

with the contribution to the process of theory development rather than the theory itself.

Consequently, this research engages in seeking the evidence of whether third countries' Europeanization processes are synchronised with the EU demands and explains how they respond to EU pressures coming from Brussels in the absence of membership 'carrot'. In other words, the research questions of the paper are: (1) Can the European Union be effective in Europeanising countries without the accession perspective? (2) To what extent these countries adapt to European norms, standards and values? (3) Which factors facilitate domestic change, which results in downloading of EU conditions in the domestic arena? (4) Which factors hinder Europeanization processes at sectoral policy domestically? In order to answer these questions, Georgia and Ukraine - two countries of Eastern neighbours are selected. They represent comparable cases since they are regarded to be "among the most active and most liberal participants in the ENP" (Freyburg, et. al. 2009: 919). These cases are suitable for testing EU's conditionality empirically, since both countries share a relationship of asymmetric interdependence with the EU. Moreover, Georgia and Ukraine are distinguished with their European aspirations and have made EU membership goals as part of foreign policy agenda.

In case of Georgia, credibility of EU's rewards held significant importance as reinvigorating the relationship with the EU permanently stayed in the country's foreign policy agenda. And although the ENP did not offer the most tangible incentive at its disposal, the it was assumed to be a "proper tool for EU engagement in the process of Georgia's reforms, and a good institutional anchor making deviation from the "European way" less likely" (Gogolashvili, 2009: 90). The Partnership and Cooperation Agreement (PCA) represented a legal framework governing EU-Georgia's relations until 2014, when Georgia signed Association Agreement with the European Union. The PCA was a platform for political dialogue to provide "support for Georgia's efforts to consolidate its democracy and to complete the transition into a market economy, to promote trade and investment and harmonious economic relations" (Art. 1, EU-Georgia PCA) and enhance social, financial, civil, scientific, technological a cultural aspects of cooperation. EU-Georgia partnership was accelerated after "the so-called 'Rose Revolution' in 2003 where a new Georgian government started to seek closer cooperation with the US, NATO and the EU" (Ghazaryan, 2010: 227). The process was followed by Georgia's inclusion in European Neighbourhood Policy and later in the Eastern Partnership.

In case of Ukraine, the degree of importance of EU's conditionality can be merely assessed by the fact that the country declared its European aspirations back in 1993 in the decision of the Verkhovna Rada of Ukraine (the Parliament of Ukraine) "On the Key Directions of the Foreign Policy of Ukraine". The document mentioned that "the priority of Ukrainian foreign policy is Ukrainian membership in the European Communities, as long as it does not harm its national interests" (Mission of Ukraine to the EU, Official Website). The first step in this regard was Partnership and Cooperation Agreement, which represented a legal basis for EU-Ukraine relations until signature of the Association Agreement. In other words, Ukraine and Georgia constitute most-similar cases, and insights from our discussion may also apply to another pro-EU Eastern neighbourhood country such as Moldova. As for the negative findings, it can be argued that if the EU is ineffective in Europeanising these countries, then it is more likely that it will be ineffective in other Eastern Neighbouring countries as well.

Theoretical arguments derived from the empirical research undertaken within this project is located at sectoral level rather than at country level. In other words, this dissertation focuses on examination of meso- and micro- dimensions of factors at respective policy fields in a comparative perspective. Consequently, this research is motivated to observe policy level Europeanization processes and constellation of internal as well as external determinants which can induce countries to download EU norms to domestic arena. Furthermore, "the empirically grounded discussion of concrete policy areas and countries allows for more nuanced findings of diverging effects" (Sasse, 2008: 300). This type of research, concentrated on more detailed scrutiny, aims to produce methodologically sound findings.

Georgia's and Ukraine's inclusion in the Eastern Partnership marked a new level of relationship with the EU. Key measures introduced by the EaP (AA, DCFTA and Visa Liberalisation) provided for EU's stronger leverage with participant countries. This was particularly evident at sectoral level in case of visa liberalisation. EU promulgated sector tied conditional rewards - country's prospect for visa free travel regime with the EU, which would be largely determined by the degree of implementation of internal reforms related to migration, border management and other relevant clauses of Justice and Home Affairs. Therefore, in order to address the research questions and observe sector- specific conditionality, the study analyses migration policies in Georgia and Ukraine. More specifically, issues of migration management, asylum policy

and border management are observed. The selection of respective policy fields are justified in the following terms: firstly, I investigate the units of analysis from the introduction of the ENP until the recent period of visa-free regime with the EU, which allows to identify milestones for change in the fields of migration and asylum as well as border management in Georgia and Ukraine; secondly, the methodology allows to test 'domestic changes' against the visa liberalisation conditionality, which was officially introduced to Georgia in 2013 and to Ukraine in 2010 through Action Plans. Technically speaking, migration management, asylum policy and border management fall under the second block of the VLAP and this research is limited to these small number of policy fields. This approach enables to empirically observe the inter-temporal variation over the dependent variable and make appropriate findings based on the detailed scrutiny of policy adjustment to European standards.

The paper conceptualises the Europeanization as the impact of the policy on domestic arrangements. In these cases, adaptational pressure rests on the compatibility between the European Union and domestic politics, policies and institutions (Knill and Lehmkuhl, 2002: 259). As for the dependent variable, 'policy change' as a result of the transformation of domestic structures and practices or creation of new ones in line with European requirements is measured based on the EU and other international organizations' official assessments of the progress achieved by the country at sectoral level.

In order to engage in the investigation of our case studies, I develop theoretical framework in line with classic Europeanization literature based on the 'rational-choice institutionalism' (Börzel and Risse, 2003). However, for our research purposes, I classify the theory in three general steps: (1) top-down adaptational pressures and their application through political conditionality; (2) institutional and policy compatibility between European and domestic arrangements; (3) constellation of factors for explaining domestic change.

This research analyses Europeanization as a top-down process, where countries receive and implement reforms at domestic level in response to pressures coming from supranational institution. In this regard, Europeanization proceeds through vertical mechanism, where the EU prescribes a specific model which should be downloaded in national legislations and practices. On the other hand, incumbents base their decisions on cost-benefit calculations. Sectoral policy represents a good framework for analysing top-down pressures in third countries. The research inquires to show how

the EU exerts adaptational pressures through the use of political conditionality, which is in line with the rationalist theoretical model. EU conditionality mainly follows a strategy of reinforcement by reward. Under this strategy, the "EU pays the reward if the target government complies with the conditions and withholds the reward if it fails to comply" (Schimmelfennig and Sedelmeier, 2004: 671). Consequently, this research explores what constitutes adaptational pressures through conditionality in migration, asylum and border issues in Georgia and Ukraine by looking at EU requirements such as changes in legislation and practices at national level. Thus, I operationalise adaptational pressures as EU demands at sectoral policies in Georgia and Ukraine.

After identification of EU requirements, the research investigates the degree of (mis)match between the European and national institutional settings, rules and practices. The second step of this approach applies to 'goodness of (mis)fit' framework put forward by Risse, Cowles and Caporasso, 2001; Börzel and Risse, 2003). In other words, the empirical investigation in policy areas in Georgia and Ukraine looks at what are the gaps in national arena, which have to be filled by the reforms in order to comply with European rules and standards. In opting for top-down rationalist framework, 'goodness of (mis)fit' represents a valid argument. It "assumes a clear, vertical, chain-of-command", in which EU policy is descended from Brussels to national level (Bulmer and Radaelli, 2004: 9). Adaptational pressures and 'goodness of fit' can be regarded as point for departure for our research analysis. Since they constitute necessary, but not sufficient conditions for domestic change, we turn to the constellation of factors for explaining patterns of domestic adaptation.

As it has been noted, previous empirical findings reveal the diverging patterns of policy change in neighbouring countries. On the basis of this reasoning, there is no single approach for explaining EU's domestic impact and there is a need to consider different independent variables in order to account for the varying degree of Europeanization. Drawing on the literature, previous research projects and primary observations, this study considers the following factors: the determinacy of conditions, credibility of incentives and assistance and capacity building as derived from 'the external incentives model' (Schimmelfennig and Sedelmeier, 2004); in addition, the presence of other international actors; effective coordinating mechanism and the capacity of administrative resources; favourable domestic context are analysed; moreover, the institutional capacity of the country to implement reforms, operationalised as (a) policy legacy, (b) veto players, (c) 'fit' with domestic agenda, is observed. Patterns of relationship between variables posited in our

framework for analysis can provide understanding of the interaction between these factors and possible impact of this relationship.

The empirical investigation of the policies across countries of EU's Eastern Neighbourhood is focused merely not on outcome of reform against EU demands. It also digs down to observations of evolving dynamics and particular context of change. This proceeds through in-depth and systematic inquiry of embedded units of comparative case-studies through application of process tracing technique, which allows to discover causal relationships between variables and identify hindering or stimulating determinants for policy compliance.

As for the research design, I apply qualitative research methodology in dissecting main determinants for domestic change in the process of Europeanization in EU's Eastern neighbouring countries. In light of Bryman's (1988) thought, this paper tries to look at the events, actions, etc. from the perspective of the cases being studied. According to Berg, case study permits the researcher to "effectively understand how the subject operates or functions" (Berg, 2008: 317). This research applies to the comparative case study approach, which allows for making appropriate findings as combination of several lines of sight making sure that the more substantive picture of reality is obtained. In claiming hypothesised effects of the EU's pressures on domestic policies, case study represents a unique approach since it emphasises on in-depth investigation and holistic understanding and engages in generating a detailed description and explanation, which accounts for behaviour, decision or preferences thoroughly.

I argue that case-study approach is particularly suited for our research design due to additional reason which is incorporating 'context' in our analysis. According to Yin, case study is "an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context" (Yin, 2003: 13). He emphasises the importance of "context", when contextual conditions of a case are highly pertinent to the phenomenon of study (ibid). It was one of the rationales for selecting few cases because we can observe not only outcome, but the process of development and context as well. In contrast to quantitative studies, this type of research design allows for "more intensive and less extensive [studies] since they encompass more of the nuances specific to each country" (Landman, 2008: 28).

This research focuses on process tracing and pattern matching as these are considered strong

analytical techniques for data analysis in qualitative studies. Process tracing, which "involves an intensive analysis of the development of a sequence of events over time" (Levy, 2008: 6), enables to establish a causal mechanism in examining factors influencing on domestic policies in our cross-country study. The aim is to provide a narrative explanation of a causal path between X(s) and Y. This technique is particularly suited for our research purposes since it allows "to identify intervening causal process- the causal chain and causal mechanism" between our explanations for observed processes and outcomes (George and Bennet, 2005: 206).

In regard to pattern matching, this paper engages in so called explanation building process. According to Yin (2003), this analytical tool allows for comparing empirical data and observed patterns of relationship between variables with initial theoretical statements. Consequently, this process implies revision of the primary theoretical argument as a result of analysis of empirical findings.

Taking into account the nature of this research design, this paper uses different data collection techniques. Firstly, traditional research materials such as books, articles as well as official EU documents - European Commission Progress Reports, Action Plans, the National Indicative Programs (NIP), Press releases, political statements from the EU, etc. are analysed. Also other international organization's assessment or other type of reports are scrutinised. In addition to that, the positions at national level are evaluated and explored in the strategy papers created by the government of Georgia and Ukraine. Data sources include commentaries of political elites, sectoral agencies and experts in these countries. In order to strengthen the validity of the research project, the triangulation of data sources (Denzin, 1970) is applied: in addition to these sources, in-depth semi-structured interviews with key stakeholders in Tbilisi and Kyiv were conducted. I have opted for this type of interviews in order to give the respondent the possibility of responding in detail, but also to identify new areas of interest through unstructured discussion or open-ended responses.

The dissertation is structured in the following way: firstly, the literature review chapter comprehensively covers the main arguments posed in the scholarship on Europeanization including different conceptualisations of the term, various analytical frameworks, conditionality principle enshrined in Europeanization; additionally, EU's external governance is examined. Secondly, the paper outlines research methodology and the framework for analysis according to which the research proceeds; more specifically, the purpose of the study and research questions are underlined;

theoretical model, operationalisation of variables and hypotheses are articulated; research design is in detailed elaborated. Afterwards, the clarity of EU's demands and credibility of incentives are addressed in the following chapter - presence of European model, top-down adaptational pressures and their application through conditionality. Then dissertation engages in empirical study of cases and looks at the institutional and policy compatibility as well as patterns of domestic change in policy areas across countries and attempts to provide explanation for (non)compliance with European standards. Finally, constellations of factors facilitating and hindering Europeanization of sectoral policies are analysed from a comparative perspective and the main conclusions are drawn.

2. Literature Review

2.1 Different Conceptualisations of Europeanization

The concept of Europeanization was introduced in European Union studies in the mid-1990s and became a prominent research subject in scholarly academic literature. There is a widespread debate about conceptual delimitation of the term and various authors provide different definitions adopting dissimilar perspectives (e.g. Ladrech 1994; Radaelli, 2000; Bulmer and Radaelli 2004; Hix and Goetz 2000; Cowles et al. 2001; Olsen, 2002; Börzel and Risse 2003; Wong, 2005; Buller and Gamble, 2002). With these burgeoning definitions, Radaelli (2000: 1) argued that Europeanization research "runs the risk of conceptual stretching", where the key problem is that it is impossible to "pin down precisely the territory covered by the concept" (Radaelli, Pasquier, 2007: 39). Generally, the literature on Europeanization represents an eclectic mix of analytical tools borrowed from different academic fields such as international relations, comparative politics, public policy and political economy. Radaelli (2006) claimed that Europeanization research subserved European Studies to become a mainstream topic in political sciences (cited in Quaglia, et. al. 2007: 408; also see Exadaktylos and Radaelli, 2009: 508).

Olsen asserted that the term Europeanization is "fashionable but contested" and he even questioned it due to its conceptual ambiguity (2002: 921- 922). In regard to the uncertainty surrounded by the term, there was a wide consensus among academics that it needs further explanation and conceptualisation and "it may be premature to abandon the term" (ibid). Ladrech was one of the forerunners offering conceptualisation of Europeanization that has become widely cited in the academic literature. He noted that "Europeanization is an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making" (1994: 69). By this definition he leaves a room for researchers to apply this conception at analysing governmental as well as non-governmental actors and in doing so he emphasises the role of adaptation, learning and policy change (ibid). This conceptualisation suggested by Ladrech largely falls under top-down approach to Europeanization, where the analysis is directed towards the impact of the European Union on the national systems and domestic policies and politics in the member states or third countries.

Applying to the same logic of downloading or EU effects on domestic politics, Radaelli, differentiated among Europeanization and other concepts such as convergence, harmonisation and integration (2000). Additionally, he provided an excellent definition of Europeanization: "Processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies." (Radaelli, 2000: 4; Bulmer and Radaelli, 2004: 4). The notion inherent in this conception is the understanding of the EU as a 'process'. As for Buller and Gamble, they saw Europeanization as 'a situation' where certain effects occur (2002). In their work of intensively exploring wider conceptualisations of Europeanization, they offered their own definition. Europeanization is "a situation, where distinct modes of European governance have transformed aspects of domestic politics" (ibid, 17). As for Howell, (2004: 2) he considered Europeanization in terms of 'content', 'situation' (substantive theory) and 'process' (meso theory).

Olsen provided five broad definitions of Europeanization which gives a researcher the opportunity to further re-conceptualise the term within each definition depending on the theoretical perspective adopted or the subject area chosen. According to Olsen (2002: 923-926), Europeanization can be seen as: 1) changes in external boundaries, which happens with the EU's expansion through enlargement; 2) developing institutions at the European level with the emphasis on centre-building; 3) central penetration of national systems of governance; 4) exporting forms of political organization and 5) political unification project. The latter's focus is on relations with non-European actors and how Europe finds a place in a larger world order (ibid, 924). In this regard, the EU is actively engaged in exporting its own governance model and it attempts to induce domestic changes in its neighbourhood or other third countries. Examples of it has been referred to as 'External Europeanization' (Börzel and Panke, 2010: 408). During the academic discussion about countries' convergence with European standards and values are often led by the introduction of new terms. For example, Wallace (2000) named this process 'EU-sation'. Although approach has its own implications, it could not be widely spread in academic literature. As Flockhart (2010: 791) argued, the term 'EU-sation' could be regarded as "a small, but important part of the much broader and longer term process of Europeanization".

Other scholars (Börzel, 1999; Knill and Lehmkuhl, 1999; Hix and Goetz, 2000; Buller and Gamble, 2002; Börzel and Risse, 2003;) have further pushed forward research in addressing Europeanization as a 'top-down' approach, which discusses Europeanization effects on domestic policies of member state or beyond as a result of adaptation pressures emanating from Brussels. Wong (2005: 151) entitles this approach 'national adaptation'. In accordance with this logic, Hix and Goetz identified European Integration as an explanatory variable and continuity and change in domestic politics or Europeanization as a dependent variable (2000: 2). They defined Europeanization as "a process of change in national institutional and policy practices that can be attributed to European integration" (ibid, p. 27).

In contrast to 'top-down' approach, the conceptualisation of 'bottom-up' Europeanization has also been developed (Börzel, 2002; Bulmer and Burch, 2001; Risse et al. 2001). It is largely concerned with the impact of the domestic preferences on the EU policies, political processes or institution building. Risse, et al. (2001) defined Europeanization "as the emergence and the development at the European Level of distinct structures of governance" (ibid, 3). With this conceptualisation, authors emphasise the creation of EU-policy making structures. Wong (2005) called this approach 'national projection' since it is concerned with exporting domestic ideas and policy methods to the EU level.

This dissertation applies to top-down approach of Europeanization. Therefore, we limit our literature review to this logic. Consequently, we may assume Europeanization as "a process by which domestic policy areas become increasingly subject to European policy-making" (Börzel, 1999: 574). Research in the field of Europeanization have been directed to analysing the effect of the evolving European system of governance on the member states (Marks, Googhe and Blank 1996; Cowles, Caporaso and Risse 2001, Goetz and Hix, 2000); another direction was exploring changes in different policy fields as a result of EU influence (Bulmer and Radaelli 2004; Harcourt 2003; Haverland 2003). The term Europeanization was largely associated with the 'big-bang' enlargement round of Central and Eastern European Countries and analysed national adaptation to EU norms and values of new member and candidate countries (e.g. Grabbe 2001; Lippert, et al. 2001; Kelley, 2004; Kubicek, 2003; Schimmelfennig and Sedelmeier, 2005; Schimmelfennig et al. 2003; Vachudova, 2005). The central question that dominated the Europeanization research agenda was: "what factors explain variation in the EU's influence across countries and issue areas?"

(Sedelmeier, 2011: 9). After the introduction of European Neighbourhood Policy, studies have also addressed this domain and analysed Europeanization in neighbouring countries. As Schimmelfennig (2009: 17) observes, the ENP can be seen as a framework of Europeanization, because of the similarities embedded in the enlargement policies. Scholars concentrated their research on the key difference between the ENP and enlargement policies: how could the EU induce domestic change without membership perspective? (e.g. Schimmelfennig, 2005; Bicchi, 2006; Kelley, 2006; Sedelmeier, 2007; Lavenex, 2008; Schimmelfennig, Scholtz, 2008; Sasse,2008; Lavenex and Schimmelfennig, 2009).

2.2 Analytical Frameworks of Europeanization

In order to account for the explanation regarding the means through which Europeanization takes place, scholars have developed various analytical frameworks. With the aim of exploration of Europeanization processes domestically, distinction has been made among domains, i.e. research objects to be studied and compared. Explicit distinction between policies, politics and polity is widely acknowledged in Europeanization literature (Börzel and Risse, 2003, Börzel, 2005). Authors also assertion that in reality these three categories might not be explicitly different from each other. since "European policies, processes, and institutions tend to affect not only one but two or all three dimensions" (Börzel, 2005: 49). Other authors (Radaelli, 2000; Radaelli, 2003) proposed different taxonomy for the domains of Europeanization. He made distinction between macro domestic structures, public policy and cognitive-normative structures. While domestic structures include political structures and structures of representation and cleavages, public policy domain considers actors, policy problem, styles, instruments and resources. However, it should be noted that public policy sometimes may overlap with political structures. Finally, in analysing Europeanization in the domain of cognitive and normative structures, one may address to the issues of discourse, norms and values, political legitimacy, identities, state traditions, policy paradigms, frames and narratives (Radaelli, 2003: 35-36).

In exploring domestic change at national level, 'goodness of fit' is regarded as widespread analytical tool for discussing Europeanization processes. 'Goodness of fit' that produces adaptational pressures on domestic politics represents a necessary but not sufficient condition for domestic change. (Börzel and Risse, 2003: 58). They argue that rule adoption must be 'inconvenient', which means there should be some degree of 'misfit' or incompatibility between European and domestic processes, policies, and institutions (ibid, 61). In general, scholars identify two kinds of 'misfits': policy misfit and institutional misfit (Börzel and Risse, 2003; Börzel, 2005; Cowles, et al. 2001). Policy misfit refer to incongruence of national policy goals, regulatory standards and instruments used to achieve policy goals in regard to EU standards, while institutional misfit implies that domestic rules and procedures and the collective understandings attached to them are not in compatibility with EU requirements (Börzel and Risse, 2003: 61-62; Börzel, 2005: 50-51). The logic assumes that "adaptational pressures [emanating from degree of fit] determines the extent to which domestic institutions would have to change in order to comply with European rules and policies" (Cowles, et. al. 2001: 6-7). According to this model, in order the domestic change to take place, there must be a second necessary condition such as facilitating factors (ibid, 10). Consequently, domestic impact of Europe takes place on two different levels: institutional adaptation and the adaptation of policies and policy processes (Featherstone, 2003: 7-9). However, this approach has not been without criticism. It is difficult to apply to this tool box, when Europeanization are based on less concrete requirements (Knill and Lehmkuhl, 2002). Alternatively, EU can exert its influence on domestic level through softer means, which is Open Method of Coordination (Radaelli, 2008).

In order to shed light to different means through which the process of change operates, scholars have developed different mechanisms of Europeanization. Knill and Lehmkuhl (2002: 256) identified three categories: institutional compliance, changing domestic opportunity structures, and framing domestic beliefs and expectations. In examining varying patterns of institutional adjustments change across countries and policies, authors have limited their analytical framework to the EU regulatory policy. The first category - institutional compliance - implies that European policy induces compliance at national level through specific institutional requirements. In this case the EU prescribes an institutional model with limited national discretion (ibid, p. 257). This category takes the form of positive integration. The second mechanism - Europeanization by changing domestic opportunity structures - which can also be labelled as negative integration, considers market-making

policies during which EU impacts indirectly through changing the domestic opportunity structures and distribution of power and resources between domestic actors (ibid, 258). The EU exerts its influence even less directly through third mechanism - framing domestic beliefs and expectations. This category focuses on altering beliefs and expectations of domestic players, which may in the long-term induce institutional adaptation (ibid, 259).

Explanation of Europeanization mechanisms from the actors' behaviour point of view lays its foundations in two different strands of neo - institutionalism: rational-choice institutionalism and sociological institutionalism. These perspectives discuss contrasting arguments in explaining different facilitating factors for EU norm promotion at national level (e.g. Cowles et al. 2001; Börzel and Risse, 2000; Börzel and Risse, 2003; Börzel, 2005). Rationalist emphasise coercion, cost-benefit calculations, and material incentives, whereas constructivists emphasise social learning, socialisation and social norms" (Checkel, 2001: 553).

The rationalist school follows the 'logic of consequences' rather than the 'logic of appropriateness' (March and Olsen, 1998). It assumes that a new opportunity structure emerges as a result of adaptation pressures, which provides societal and political actors with new agendas to pursue their interests. The theory treats actors as rational and goal-oriented, strategic utility-maximizers. They base their behaviour on cost - benefit calculations, taking into account rewards and sanctions from the EU side. Redistribution of power depends on the actors' capacities to exploit the opportunity. There are two mediating factors that can increase the likelihood of domestic change: formal domestic institutions and multiple veto players.

In contrast, sociological/constructivist approach emphasises the importance of social context and the process of persuasion and "actions are seen as rule-based" (March and Olsen, 1998: 311). In exploring the socialising role of institutions in Europe, Checkel (2005) affirmed that agents follow the logic of appropriateness in two different ways: first type of internalisation indicates that actors are motivated by what is accepted in a given community and they play the role based on the society's expectations; the second type implies that agents adopt the interests and identities of the community of which they are a part (ibid, 804). Europeanization results in the process of socialisation, where actors internalise norms and redefine their interests and identities. In this case, legitimacy of norms constitutes the important part. "Constructivists view norms as shared, collective understandings that make behavioural claims on actors" (Checkel,1999: 551). There are key

facilitating mechanisms such as norm entrepreneurs in the domestic context and EU norm resonance and legitimacy in accordance with local cultural understanding. Another facilitating factor is the participation of the target countries in "setting conditions and making of rules" (Sedelmeier, 2011:15). Interestingly, this principle is embedded in the ENP 'joint ownership' principle where action plans recognise mutual interests of the parties involved. (Commission of the European Communities, 2004: 8).

The EU applies different strategies in order to foster domestic change and norm adoption by target states. These are, according to rationalist framework, conditionality and, from the constructivist viewpoint, socialisation. Correspondingly, there is a debate in theory-driven explanations of Europeanization literature, which framework/ strategy provides more explanatory power. (e.g. Kubicek, 2003; Kelley, 2004; Schimmelfennig and Sedelmeier, 2004, 2005; Schimmelfennig et al. 2006, Sasse, 2008). However, some studies recognise the complementary power of these contrasting arguments. Kelley (2004: 425) in her study of ethnic politics in four Baltic and Eastern European Countries concludes that the "conditionality motivated most behaviour changes, but that socialization-based efforts often guided them". Sasse (2008: 304) argues that socialization can reinforce the conditionality. In addition, scholars claim that these two components are also embedded in the ENP (Kelley, 2006). Some scholars argue that even when neither material nor social rewards can induce domestic change, "conditionality can be effective via the transnational channel, that is, via societal actors in non-member countries" (Schimmelfennig, 2002: 7).

As the tail-end of the analytical framework, outcomes of Europeanization attracts a particular attention. Drawing on the empirical evidence, there has been a diverging patterns of domestic change across countries and policy areas (Risse, Cowles and Caporaso, 2001; Risse, et al. 2001). In order to qualify the degree of change, scholars have developed different possible outcomes. The most common is four taxonomies presented by Radaelli (2000, 2003). These are inertia, absorption, transformation and retrenchment. This approach draws upon previous works and presents a new-institutionalist framework. Inertia means that change does not occur; Retrenchment implies that resistance to change may lead to increasing misfit and paradoxically, national policy may become less 'European' than it used to be; Absorption indicates to the low degree of change when European standards are transferred to domestic institutions without substantial changes; Accommodation is when medium degree of change takes place. This happens through adaptation to European

processes, policies and institutions without modification of core features; Transformation represents the high level of Europeanization, since member states change existing policies, processes and institutions with substantially new ones (Radaelli, 2000: 14-15; Radaelli, 2003: 37; Börzel, 2005: 59). Recently, in his analysis of Turkey's Europeanization under the AKP government, Leiße (2016) identified 5 innovative modes of Europeanization. Author speaks of the internalised Europeanization as the highest degree of change, when EU standards are entirely adopted and implemented in practice with the aim of accession. According to this model, Europeanization can also be regarded as instrumental when some players use EU's label for their own benefits in domestic debates; Partial Europeanization occurs when actors act due to EU or external pressure and change happens only in the partial area of policy field; With the simulated mode of Europeanization, country adopts EU norms, but the implementation of these norms is very limited; Regressive Europeanization indicates 'de-Europeanization', which resembles to the logic of retrenchment (Leiße, 2016). These conceptions are very useful for explaining diverging patterns of domestic change. However, researchers may encounter challenges in operationalisation of degree of domestic adaptation and should be careful in this regard.

Drawing on the literature on Europeanization beyond the European Union borders, Schimmelfennig attempted to map the mechanisms of EU impact beyond the member states and the conditions under which they operate and are effective (2010, 2015). It is based on two domains: logics of consequences and logics of appropriateness and specifies EU's direct and indirect impact through intergovernmental and transnational interactions. Under the rationalist framework, EU exercises its influence through conditionality (direct) and externalisation (indirect), which takes place at intergovernmental level and transnational incentives (direct) and transnational externalisation (indirect) at transnational level. As for the logic of appropriateness, socialisation though intergovernmental and transnational socialisation through transnational interactions may have a direct impact on countries, while imitation and societal imitation have indirect influence in inducing countries to Europeanise (Schimmelfennig, 2015: 8-9; Schimmelfennig, 2010: 8-10). This mapping underlines the conceptual overlap that exist in research that concentrate on Europeanization beyond the European Union borders.

2.3 Europeanization through Conditionality

The conditionality principle has been widely discussed in the Europeanization literature, since it is one of the main instruments that the EU employs for the rule transfer to candidate and non-candidate countries. Smith (1998: 256) defines conditionality as "linking, by a state or international organization, of perceived benefits to another state, to the fulfilment of conditions relating to the protection of human rights and advancement of democratic principles". Positive conditionality implies promising benefits in return for compliance with stated conditions. Conversely, negative conditionality involves reducing, suspending, or terminating those benefits if conditions are violated by the target country. (ibid)

Vachudova (2005: 63) distinguishes between 'active' and 'passive' leverage in his study of post-communist countries' reintegration into Europe. Passive leverage simply means the attraction of EU membership, whilst active leverage implies "deliberate conditionality exercised in the EU's pre-accession process". Other scholars reconceptualise conditionality as a process shaped by the formal and informal conditionality in which behaviour, of the actors involved, "operationalise the mechanisms by which the formal rules are transmitted." Thus it is highly influenced by the policy area, content of acquis and the country concerned (Hughes, et al. 2004:526).

The EU requirements fall under the following parts: democratic conditionality referring to the fundamental principles of human rights and liberal democracy, whereas acquis conditionality concerns the specific rules of acquis. (Schimmelfennig, Sedelmeier, 2004: 669). The ENP is based on the EU's commitment to foster the spread of principles of 'legitimate statehood' such as liberal democracy and human rights (Schimmelfennig et al. 2003). It also uses conditionality as the main tool for norm promotion. The policy is highly influenced by previous experiences; "from the use of action plans, regular reports and negotiations to the larger conceptualisation, […] ENP shows significant mechanical borrowing from the enlargement strategies" (Kelley, 2006:29). The conditionality principle is stipulated in the ENP strategy paper (2004: 13): "the level of the EU's ambition in developing links with each partner through the ENP will take into account the extent to which these values are effectively shared". This 'softly phrased reference to conditionality' (Kelley, 2006: 30) is aligned with the joint ownership principle of the ENP. Joint ownership means that parties involved agree on the reform agenda jointly, taking into account their shared values and common interests (Commission of the European Communities, 2004: 8). However, some scholars

argue that prospects for this promotion are 'gloomy' (Freyburg, et al. 2009: 916) as it does not provide a membership perspective for the ENP countries. Sasse (2008: 296) entitles it 'conditionality-lite': key defining incentives and enforcement structures are vague for the EU and ENP countries. The EU attempts to redefine incentives for domestic change and it offers 'a stake in the internal market'.

There is a consensus among scholars that the credible membership prospect is the most successful tool to making countries adherent to EU principles and, the 2004 enlargement is an example of it (e.g. Schimmelfennig, Sedelmeier 2004; Schimmelfennig et al. 2003; Sedelmeier 2011). Consequently, many authors argue that since ENP does not provide membership perspective, countries do not have enough incentive for Europeanization. Moreover, conditionality was described as inconsistent in ENP. (Schimmelfennig, 2005; Kelley, 2006; Epstein, Sedelmeier, 2008; Schimmelfennig, Scholtz, 2008).

On the other hand, Sasse (2008) poses counterarguments to the Schimmelfennig (2005) statement that ENP will not have an impact on democracy and human rights in ENP countries because political adoption costs are higher for the governments that are usually authoritarian. Sasse (2008: 303) argues that the central question is not about semi-democratic leaders, but "whether opposition forces, reform elites or society at large will see it as a sufficient incentive to mobilise against domestic veto players".

Kelley (2006: 38) also recognizes the limitation of conditionality in ENP, but the author offers other added values that may trigger domestic change, such as: enhanced trade preferences, development of interconnected infrastructure for energy and transport, and participation in EU's internal market. ENP is an interesting framework to explore to what extent conditionality can motivate countries to adopt European norms and events such as "the 2003 Rose Revolution in Georgia and the 2004 orange revolution in Ukraine may provide the EU with policy windows" (ibid: 50).

The debates among scholars regarding the conditionality paved way towards a logical transition from the concept of 'conditionality' to 'linkages'. This issue is addressed by Sasse (2013) in her research of democratisation processes in EU's eastern neighbourhood. The author argues that diverse international linkages in these countries play an important role in domestic politics and

reinforces internal competition, thus resulting in the creation of democratic openings (p. 553). However, if domestic competition does not exist and linkages are not diverse, Western 'democracy promotion' rhetoric and aid can be counterproductive (ibid, p. 581).

2.4 European Union External Governance

Another school of thought introduced the concept of external governance in order to explain the expanding scope of European Union standards and norms with third countries. The underling logic resembles the Europeanization. That is, "the EU is regarded as the central actor setting the rules and in considering rules' transfer as consisting of the extension of internal policies beyond the EU's borders" (Barbé, et al. 2009: 381). The analytical focus in the external governance school is made on the EU's regulative and legal boundary. It was referred to as the 'dynamics which spur the extension of parts of the Union's acquis communautaire beyond the circle of member states' (Lavenex, 2004: 681). European Union external governance can imply two notions: the first focuses on 'what is exported', i.e. the substance of governance modes and the second aspect concerns to 'how rule transfer happens'. Drawing upon the latter logic, authors have studied governance modes that lead to an effective transfer of EU rules to outside states and presented the following models: external incentives model, social learning model and lesson drawing model (Schimmelfennig and Sedelmeier, 2004, 2005).

The external incentives model is based on the logic of consequences, built on the material incentive rationale. The bargaining outcome depends on the relative power of the parties involved. The theory assumes that actors are "strategic utility-maximizers interested in the maximization of their own power and welfare" (Schimmelfennig and Sedelmeier, 2004: 663). The main idea of the theory is based on the EU's external governance by conditionality principle: the EU sets its rules as conditions that the target countries have to fulfil in order to receive rewards from the EU (ibid). There are two types of rewards that the EU offers in return for compliance: institutional ties and assistance. Second alternative explanation, social learning is modelled on the tenets of social

constructivism. The main proposition of the theory is the following: "A state adopts EU rules if it is persuaded of the appropriateness of EU rules" (Schimmelfennig, Sedelmeier, 2004: 668). EU's persuasive power is exercised by legitimacy, identity and resonance. The third, lesson-drawing model claims that a country looks for political rules abroad after domestic dissatisfaction with the status quo and then the country identifies the most suitable rules for domestic solutions (ibid). Based on the empirical evidence of CEE countries, authors find that rule transfer is best explained by rational incentives model.

European Union external governance has also been analysed in regard to neighbouring countries. The main argument developed in this literature is that network governance prevails over hierarchical governance in the EU's relations with neighbouring countries. (e.g. Youngs, 2009; Lavenex, 2004; Lavenex, 2008; Lavenex and Schimmelfennig, 2009; Freyburg et al. 2009). This is explained by the "lack of supranational competence and insufficient incentives that the EU can offer to these countries" (Lavenex and Wichmann, 2009: 83). As Youngs (2009: 895-896) mentions, the EU chooses hierarchical governance when bargaining is asymmetrical in favour of the EU.

The concept of external governance aims to capture the process of EU's values and principles promotion to third countries. Lavenex and Schimmelfennig (2009: 794) observe that "the governance approach is institutional processes of norm diffusion and policy transfer". Network governance, in contrast to hierarchical governance, is characterized by horizontal cooperation and focuses on the process rather than output; the emphasis is more on cooperation, and engagement rather than punishment. In line with these arguments embedded in the EU's external governance theoretical models, Sierra (2011) investigated EU's impact on Georgia. The author focuses on single market, energy security and foreign and security policy, each of them corresponding to different modes of EU governance. Based on the research findings, Sierra argues that theoretical expectations, which are in accordance with external governance literature (explaining change through level of communitarisation of EU norms, degree of clarity) were not met. On the contrary, domestic convergence can be explained by more constructivist approach, namely normative perceptions and the legitimacy and appropriateness of EU norms.

In addition, Lavenex (2008: 943; 2004: 680) notes that network governance expands the EU's legal and organizational boundary beyond the EU. Extension of these boundaries may contribute to more efficiency and better problem-solving mechanisms. Lavenex and Wichmann (2009) mention

the 'soft security' dimension of this cooperation. Due to the blurred distinction between internal and external security, the EU attempts to involve neighbouring countries through trans governmental networks. This approach of 'external projection of the internal solutions' recognizes network governance as a crucial part of policy transfer process.

In search of alternative explanations, authors have introduced the governance model of democracy promotion, which rests in functional cooperation between administrations and promotes policy-specific democratic principles (Lavenex and Schimmelfennig, 2011; Freyburg, et al. 2007; Freyburg, et al. 2009; Freyburg, et. al. 2011; Langbein and Börzel, 2013). According to this governance model, the focus is made not on the specific democratic institutions such as elections or parliaments, but on the underlying principles of democracy such as transparency, accountability and participation at the level of state administrations and their operation at the sectoral policy-making level (Lavenex and Schimmelfennig, 2011: 895). Based on a comparative study of 2 policy sectors in Moldova, Morocco, and Ukraine, it is argued that the EU is capable of inducing neighbouring countries to adopt policy-specific democratic governance provisions in the absence of membership conditionality (Freyburg, et al. 2009). Deriving from this logic, the EU exerts its influence and promotes democracy principles indirectly through sectoral cooperation, which in the long run may have a spill-over effect in the general polity of the country (Freyburg, et. al. 2007; 2009). Furthermore, authors have identified favourable conditions at sectoral level such as codification of democratic governance, institutionalised functional cooperation and interdependence with the EU, and low adoption costs. These conditions facilitate the rule adoption by the ENP countries (Freyburg, et. al. 2011).

In their studies of the external dimension of Europeanization, Lavenex and UçArer (2004) concluded that policy adaptation and transfer include different forms. Based on the study of immigration policies, authors identified four different modes of external governance: (1) adaptation through unilateral emulation, which takes place in case of imitation by a third country; (2) adaptation through externalities - when a country changes its policies in response to externalities of EU policies; (3) policy transfer through opportune conditionality - change is demanded from the EU side and coincides with the interests of the third country; (4) policy transfer through inopportune conditionality occurs when a country adopts EU norms as a result of the insistence of the EU, but incurs significant costs (ibid, pp. 420-421).

Recently, exploration of EU's impact in different context was analysed through 'diffusion' studies (Börzel and Risse, 2012). According to this approach, Europeanization represents a good instance of policy and institutional diffusion, where diffusion is defined as "a process through which ideas, normative standards, or -in our case - policies and institutions spread across time and space" (ibid, p. 5). Authors offered a very interesting typology of direct and indirect 'diffusion mechanisms' and contrasted them with each other. The logic assumes that the EU may diffuse its norms to third countries through coercion (force or legal imposition), manipulating utility calculations (instrumental rationality), socialisation (normative rationality) and persuasion (communicative rationality) (ibid, pp. 6-8). These diverse theoretical frameworks proposed by scholars in the field underlines the intensive development of research in the field of Europeanization beyond the European Union borders and the need to further refinement of theories, which would have an explanatory power and the ability to generalise across countries and policy areas.

3. Research Methodology and Theoretical Framework for Analysis

3.1 The Purpose of the Study and Research Question

The aim of this research is to contribute to the academic discussion regarding the Europeanization processes outside the European Union. The analysis proceeds within the framework of the European Neighbourhood Policy. It can be seen as "most-likely case for Europeanization beyond Europe because it deals with close neighbours, covers a broad range of policies and is based on the explicit commitment of the EU to extend its acquis beyond membership" (Schimmelfennig, 2015: 6). As literature review chapter of this dissertation showed, in exploring third countries' rapprochement with the European Union standards and norms, scholars observe varying patterns of institutional adjustment across countries and across policy areas and develop theoretical findings that are puzzling and inconsistent. Furthermore, they have introduced contrasting arguments whether the EU is able to motivate domestic change in neighbouring countries or not in the absence of membership conditionality, which represents the most effective tool for Europeanization. In line with this backdrop, scholars argued that the ENP countries may not be induced to undertake domestic reforms (e.g. Kelley, 2006; Schimmelfennig and Scholtz, 2008). However, against this pessimistic view, recent research on Europeanization in neighbouring countries revealed that there is a surprising degree of institutional change in these countries (Börzel and Risse, 2012; Lavenex, 2014). Therefore, the purpose of this paper is to develop plausible explanations and identify mediating factors for policy change in neighbouring countries and see whether there is a causal link between the European Union's pressures emanating from Brussels and domestic policy adjustment. While, "it is too early to present a consistent theoretical framework to explain differential policy change across policy fields and countries in the EU's neighbourhood" (Langbein and Börzel, 2013: 574), this research is concerned with the contribution to the process of theory development rather than the theory itself.

This research engages in seeking the evidence of whether third countries' Europeanization processes are synchronised with the EU demands and explains how they respond to EU pressures coming from Brussels in the absence of membership 'carrot'. In other words, the research questions of the paper are:

(1) Can the European Union be effective in Europeanising countries without the accession

perspective?

(2) To what extent these countries adapt to European norms, standards and values?

(3) Which factors facilitate domestic change, which results in downloading of EU conditions in the domestic arena?

(4) Which factors hinder Europeanization processes at sectoral policy domestically?

In relation to the first research question, the paper defines 'effectiveness' as "the capacity of the institution to engage 'actively and deliberately' in relation to other actors in the international system" (Sjöstedt 1977: 16 cited in Bretherton and Vogler, 2006:17).

The main focus of the study is Europeanization at domestic level, where we investigate policy change in third countries; in other words, transformation of domestic structures and practices or creation of new ones in line with European requirements. Therefore, I define 'policy change' as the dependent variable of the research. In order to observe inter-temporal variation over the dependent variable, I operationalise 'domestic change' in terms of different degrees of Europeanization at domestic level.

Graph 1 <u>Domestic Change and Different Degrees of Europeanization</u>

Domestic Change and Different Degrees of Europeanization			
Inertia	Selection of EU Standards and Rules	Adoption of EU Standards and Rules	Application of EU Standards and Rules
No change	Low Degree of Europeanization	Medium Degree of Europeanisaiton	High Degree of Europeanization
-	†	† †	† † †

I assume that there is a low degree of Europeanization when a country is motivated to adopt and implement EU standards and rules in the official relations, while medium degree of Europeanization is measured as the formal adoption of laws by national governments. In the latter case, the focus is on 'institutionalisation' of EU rules (Schimmelfennig and Sedelmeier, 2005: 7) such as signing international treaties mentioned in the regular reports, amending legislation

according to the EU standards and restructuring domestic institutions. The high degree of Europeanization implies the implementation of EU rules in domestic arena including the changes not only in legislation but in practices as well. Therefore, the starting point for Europeanization of policies and practices is the low level of domestic change in third countries. The study measures the dependent variable based on the EU and other international organizations' official assessments of the progress achieved by the country at sectoral level. The operationalisation of the 'policy change' is based on the fulfilment of EU requirements reflected in Action Plans, Progress Reports and other official documentations issued by the European Commission.

On the other hand, we could also observe inertia or no change in the policy area, which is among the one of the broadly distinguished outcomes about the scope and degree of change in the literature (Börzel, 2005: 59). However, this research is focused on the positive side of the EU- third countries' interaction as shown on the right part of the chart #1.

3.2 Comparative Approach at Sectoral Level

The European Neighbourhood Policy covers wide range of countries in East and South. Eastern neighbours of the EU grouped under the Eastern Partnership are Belarus, Ukraine, Moldova, Georgia, Armenia and Azerbaijan. To the South, EU cooperates with 10 Mediterranean countries, which share with the EU the Barcelona Process and Union for Mediterranean. These countries differ in terms of size, region and political system, which represents a challenge for researchers to present explanatory Europeanization mechanism that would be generalised to all these countries. Therefore, in order to produce methodologically grounded findings, this research is focused on the Eastern Neighbours in the European Neighbourhood Policy, which according to the classification by Emerson, constitutes one of the Europe's circles of neighbours outside the EU (Emerson, 2011: 54).

For this study, I have selected two countries of Eastern Neighbours such as Georgia and Ukraine. These countries represent comparable cases since they are regarded to be "among the most active and most liberal participants in the ENP" (Freyburg, et. al. 2009: 919). Both countries share a

relationship of asymmetric interdependence with the EU. Moreover, Georgia and Ukraine are distinguished with their European aspirations and have made EU membership goals as part of foreign policy agenda. Towards this road, on 27 June 2014, the EU signed Association Agreement with Georgia and completed the signature process with Ukraine, each providing for a Deep and Comprehensive Free Trade Area. In other words, they constitute most-similar cases, which means that we can generalise only negative findings: if the European Union is ineffective in Europeanising these countries, then it is more likely that it will be ineffective in other Eastern Neighbouring countries as well.

In contrast to country level Europeanization explanations, this dissertation focuses on examination of meso- and micro- dimensions of factors at respective policy field in a comparative perspective. Thus, this research is motivated to observe policy level Europeanization processes and constellation of internal as well as external determinants, which can induce countries to download EU norms to domestic arena. This type of research, concentrated on more detailed scrutiny, aims to produce methodologically sound findings located at sectoral level. Furthermore, "the empirically grounded discussion of concrete policy areas and countries allows for more nuanced findings of diverging effects" (Sasse, 2008: 300).

In order to address the research questions and observe sector- specific conditionality, the research analyses migration policies in Georgia and Ukraine. More specifically, issues of migration management, asylum policy and border management are observed. Although migration policy is under Justice, Freedom and Security of EU's cooperation umbrella with third countries, which includes wide range of areas such as "the rule of law and respect for human rights, protection of personal data, treatment of workers; mobility of workers; … fight against money laundering and terrorism financing; cooperation on the fight against illicit drugs; the fight against crime and corruption; cooperation in fighting terrorism and legal cooperation" (EEAS, Guide to the Association Agreement), the selection of respective policy fields are justified. Firstly, the investigation of the units of analysis starting from the introduction of the ENP until the recent period of visa-free regime with the EU reveals milestones for change in the fields of migration and asylum as well as border management in Georgia and Ukraine. Secondly, the methodology allows to test 'domestic changes' against the visa liberalisation conditionality, which was officially introduced to Georgia in 2013 and to Ukraine in 2010 through Action Plans. Technically speaking, migration

management, asylum policy and border management fall under the second block of the VLAP and this research is limited to these small number of policy fields. This approach enables to empirically observe the inter-temporal variation over the dependent variable and make appropriate findings based on the detailed scrutiny of policy adjustment to European standards.

It is noteworthy, that while the European Union stands for European values and promotes the fundamental principles of human rights and democracy, it is predominantly "a system of issue-specific, technical international rules applied to a great variety of public policy areas make up its *acquis communautaire* (Magen 2007: 364-366; Lavenex 2014; cited in Schimmelfennig, 2015: 12). Therefore, we observe Georgia's and Ukraine's Europeanization processes in migration policy, while the Europeanization is conceptualised as the impact of the policy on domestic arrangements. In these cases, adaptational pressure rests on the compatibility between the European Union and domestic politics, policies and institutions (Knill and Lehmkuhl, 2002: 259).

Graph 2 <u>Analysing Patterns of Domestic Change</u>

Analysing Patterns of Domestic Change	
	Migration and Border Management
Georgia	+ (Low degree of change) ++ (Medium degree of change) +++ (High degree of change)
Ukraine	+ (Low degree of change) ++ (Medium degree of change) +++ (High degree of change)

3.3 Theoretical Model and Framework for Analysis

In order to engage in the investigation of our case studies, I develop theoretical framework in line with classic Europeanization literature based on the 'rational-choice institutionalism' (Börzel and Risse, 2003). However, for our research purposes, I classify the theory in three general steps: (1) top-down adaptational pressures and their application through political conditionality; (2) institutional and policy compatibility between European and domestic arrangements; (3) constellation of factors of explaining domestic change.

This research analyses Europeanization as a top-down process, where countries receive and implement reforms at domestic level in response to pressures coming from supranational institution. In this regard, Europeanization proceeds through vertical mechanism, where the EU prescribes a specific model which should be downloaded in national legislations and practices. On the other hand, incumbents base their decisions on cost-benefit calculations (Schimmelfennig and Sedelmeier, 2004; Schimmelfennig, 2009; Sasse, 2008). Sectoral policy such as migration represent good framework for analysing top-down pressures in third countries. The research inquires show the EU exerts adaptational pressures through the use of political conditionality, which is in line with the rationalist theoretical model. EU conditionality mainly follows a strategy of reinforcement by reward. Under this strategy, the "EU pays the reward if the target government complies with the conditions and withholds the reward if it fails to comply" (Schimmelfennig and Sedelmeier, 2004: 671).

It is important to show that there was a dominant view in the literature of Europeanization beyond the EU that the conditionality could not have an explanatory power in inducing neighbouring countries for change since it did not hold the most credible incentive - membership. (Please, see the literature review part on political conditionality). On the other hand, recent research in the field was focused on the policy specific conditionality, i.e. specific rewards tied to convergence within a particular policy area (Gawrich, et. al, 2010; Langbein and Wolczuk, 2012; Ademmer and Börzel, 2013). In advancing this argument, this paper researches migration policy in Eastern Partnership region, where the EU introduced conditional rewards for visa free travel for the citizens of respective countries in return of compliance. Moreover, sector-specific conditionality satisfies two main criteria: firstly, interdependence between the EU and Eastern neighbouring countries is highly asymmetrical in favour of the EU. Whereas these countries, in this regard, Georgia and Ukraine are of only marginal importance to the EU economy, they are heavily dependent on the EU market and will benefit strongly from their association (Schimmelfennig and Scholtz, 2008: 191). Secondly, EU rewards can be regarded as credible because "the higher the costs of the rewards to the EU are, the more doubtful their payment to the target countries will be". (ibid). On this basis of reasoning, visa free perspective entails to be more credible rewards rather than accession. Consequently, this research explores what constitutes adaptational pressures through conditionality in migration policy area in Georgia and Ukraine by looking at EU requirements such as changes in legislation and practices at national level. Thus, I operationalise adaptational pressures

as EU demands at sectoral policies in Georgia and Ukraine.

After identification of EU requirements, the research investigates the degree of (mis)match between the European and national institutional settings, rules and practices. The second step of this approach applies to 'goodness of (mis)fit' framework put forward by Risse, Cowles and Caporasso, 2001; Börzel and Risse, 2003). In other words, the empirical investigation in policy areas in Georgia and Ukraine looks at what are the gaps in national arena, which have to be filled by the reforms in order to comply with European rules and standards. In opting for top-down rationalist framework, 'goodness of (mis)fit' represents a valid argument. It "assumes a clear, vertical, chain-of-command", in which EU policy is descended from Brussels to national level (Bulmer and Radaelli, 2004: 9). Adaptational pressures and goodness of fit can be regarded as point for departure for our research analysis. Since they constitute necessary, but not sufficient conditions for domestic change, we turn to the constellation of factors for explaining patterns of domestic adaptation.

Graph 3 Framework for Analysis
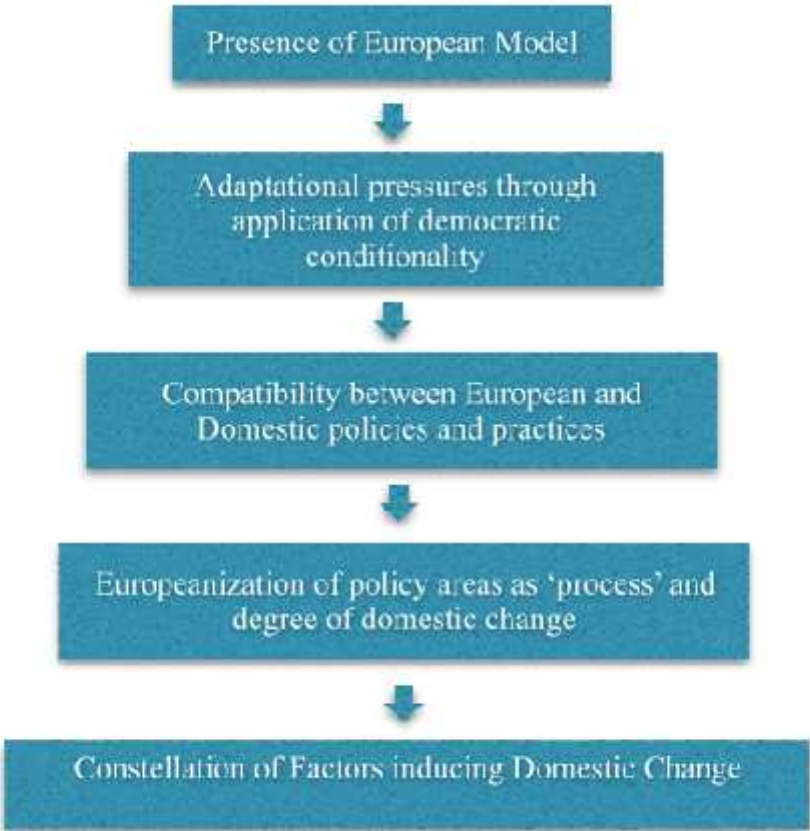
The empirical investigation of the policy across countries of EU's Eastern Neighbourhood is focused merely not on outcome of reform against EU demands. It also digs down to observations of evolving dynamics and particular context of change. This proceeds through in-depth and systematic inquiry of embedded units of comparative case-studies through application of process tracing technique, which enables us to uncover causal mechanisms and identify hindering or stimulating determinants for policy compliance.

As it has been noted, previous empirical findings reveal the diverging patterns of policy change in neighbouring countries. On the basis of this reasoning, there is no single approach for explaining EU's domestic impact and there is a need to consider different independent variables in order to account for the varying degree of Europeanization. Drawing on the literature, previous research projects and primary observations, this research considers the following factors: determinacy of conditions; credibility of incentives; assistance and capacity building; presence of other international actors; effective coordinating mechanism and the capacity of administrative resources; institutional capacity; favourable domestic context. Opting for more variables rather than only a few allows us to control for alternative observations and avoid spurious relationship between theorised caused and observed effects (Gschwend and Schimmelfennig, 2007: 6).

Graph 4 Operationalisation of Independent Variables

Operationalisation of Independent Variables (IVs)	
IVs	**Measurement**
Determinacy of Conditions	Clarity, Formality and Consistency of EU Demands
Credibility of Incentives	Promise for Visa Liberalisation and Increased Economic Assistance
Assistance and Capacity Building	Financial Aid and Capacity Building Programmes
Presence of Other International Actors	Cooperation Frameworks, Projects and Programmes with Donor Organizations as well as other International Agencies
Effective Coordinating Mechanism and the Capacity of Administrative Resources	Administrative Capacity and Insitutional Set ups Dealing with Sectoral Policy
Institutional Capacity	Policy Legacy, Veto Players, Fit with Domestic Agenda
Favourable Domestic Context	Country's European Aspirations and Pro/Anti EU Stances of Political Elites

3.4 Operationalisation of Independent Variables and Hypotheses

In investigating the adaptational pressures coming from the European Union through the application of political conditionality in Neighbouring countries, I look at the *determinacy of conditions* and *credibility of EU's rewards* deriving from 'the external incentives model' (Schimmelfennig and Sedelmeier, 2004). Observing selected policy areas, this research analyses how clearly the EU defined what kind of changes the target government had to implement and which measures satisfied European requirements. Apart from the clarity of rules, determinacy also refers to a formality of a rule. "The clearer the behavioural implications of a rule, and the more 'legalized' its status, the higher its determinacy" (Schimmelfennig and Sedelmeieir, 2004: 672). Clarify and formality of EU conditions are measured based on the demands for domestic change in all relevant of EU communications with target countries including action plans, country progress reports. Therefore, under determinacy of EU conditions, I explore the specification of EU requirements and concrete guidelines for compliance in sectoral policies in Georgia and Ukraine.

Inquiry of *credible incentives* for neighbouring countries looks at the promise for visa free travel opportunity for the citizens of neighbouring countries to Europe. This variable also considers EU's monitoring mechanisms, details on benchmarks, timings and follow up arrangements. These aspects represent good indicators for EU's credibility. Besides, EU's *assistance and capacity building* for Georgia and Ukraine, particularly, in specific policy areas is addressed to ascertain whether these measures facilitate domestic changes and downloading of EU regulations in national arena. This is explored by looking at EU's financial aid programmes and other instruments for capacity building in policy areas.

In order to control for alternative explanations and explore what factors facilitated positive implementation of EU's conditions in domestic policies, I look at not only EU's assistance and capacity building programmes, but also *presence of other international actors* in the field of migration and border management. This variable is operationalised in terms of cooperation frameworks, projects and programmes with Donor Organizations as well as other International Agencies.

The effective coordinating mechanisms and the capacity of administrative resources play an important role in reforming policy area in accordance with EU regulations. In order to deal with

considerable volume of inter-sectoral matters, government needs in-depth expertise and operation within tight time constraints (Wolczuk, 2009: 191). They represent key tools in the respective countries' public administrations in driving reforms. Consequently, this research explores the institutional set ups in Georgia and Ukraine in coping with changes in migration and border management.

This research also addresses the *institutional capacity* as one of the factors in explaining patterns of policy change. Under this term, I observe *veto players, domestic agenda and policy legacy*. Firstly, in discussion of top-down Europeanization processes, external incentives need to be checked against local contextual setting, which allows for positive actions. In this regard, domestic agenda may be a primary driver for convergence with EU standards. Secondly, analysis of domestic actors impinging the progressive processes towards convergence with European standards is in line with the rationalist framework based on the 'logic of consequentialism' (Börzel and Risse, 2003). "The more power is dispersed across the political system, and the more actors have a say in political decision-making, the more difficult it is to foster the domestic consensus or 'winning coalition' necessary to introduce changes in response to Europeanization pressures" (ibid, p. 64). The willingness of some actors to maintain the status quo and preference of existing familiar structures over European standards can impinge the Europeanization processes. Thirdly, the research incorporates the discussion of policy legacy variable. In order to introduce 'legacies' into existing explanation of Europeanization literature, Citrautas and Schimmelfennig argue that "post-communist conditions would attain the status of proximate causes or intermediate steps in the causal path from legacies to contemporary outcomes" (Citrautas and Schimmelfennig, 2010: 431). Drawing on the same logic, the research analyses post-Soviet policy legacy towards migration policy development in regard to EU regulations in Georgia and Ukraine. As scholars suggest, "post-USSR countries form a distinct post-Soviet migration system" (Brunarska, Nestorowicz & Markowski, 2014: 133). Thus, the legacy of very limited and highly controlled external cross-border migration is discussed in the context of Europeanization of migration and border management in Georgia and Ukraine.

Finally, favourable domestic context is examined. The research addresses country's European aspirations to see whether this represents one of the determinants for rapprochement with European norms domestically. On the other hand, pro/anti EU stance of political elites is considered to see the

decision-makers' commitment and support for the enactment of the EU-defined policy changes as well as their interaction with veto players in analysing if and how veto players limit their empowerment to achieve positive results towards approximation with EU standards.

Patterns of relationship between variables posited in our framework for analysis can provide understanding of the interaction between these variables and possible impact of this relationship. Therefore, in order to estimate the expected outcome in the case of Georgia and Ukraine, specific hypotheses are developed:

(1) The more precisely and determinately the EU requirements for domestic reforms are defined, the more likely the country implements these rules;

(2) More credible the EU incentives are, the more likely the state will comply with EU norms;

(3) More financial assistance and capacity building measures the EU offers in return for compliance with its stated conditions, the more likely the state will convergence with European standards and requirements;

(4) If there are other international players in the field rather than the EU, the more likely the state will adjust to European and internationally established practices;

(5) The more effective coordination mechanism and increased capacity of administrative resources the country develops, the more likely the state will adapt to EU demands;

(6) The higher number of veto players in the country and stronger post-Soviet legacy increases the likelihood of limiting institutional capacity of the country to Europeanise;

(7) The more EU's conditions 'fit' with domestic agenda, the more likely it is that political leadership is empowered to implement pro-European reforms;

(8) If the country has European aspirations and political elites are strongly pro-EU, the more likely Europeanization will be successful.

These expectations are in line with rationalist theoretical framework, when countries base their decisions on cost-benefit calculations. The research shows the posited relationship between identified variables in this context.

3.5 Research Design

This dissertation applies to qualitative research methodology and uses a non-experimental explanatory research design in dissecting main determinants for domestic change in theprocess of Europeanization in EU's Eastern neighbouring countries. In light of Bryman's (1988) thought, this paper tries to look at the events, actions, etc. from the perspective of the cases being studied. According to Berg, case study permits the researcher to "effectively understand how the subject operates or functions" (Berg, 2008: 317). This research applies to the comparative case study approach, which allows for making appropriate findings as combination of several lines of sight making sure that the more substantive picture of reality is obtained. In claiming hypothesised effects of the EU's pressures on domestic policies, case study represents a unique approach since it emphasises on in-depth investigation and holistic understanding and engages in generating a detailed description and explanation, which accounts for behaviour, decision or preferences thoroughly.

I have selected most similar cases in EU's Eastern Neighbourhood Ukraine and Georgia in order to scrutinise and observe patterns and relationships between variables in Europeanization processes from a comparative perspective. I aim to "produce causal explanations based on a logically coherent theoretical argument that generates testable implications" (Levy, 2008: 2). "This method has been variously called the comparative method, the 'comparable case strategy (Lijphart 1975), or 'focused comparison' (Hague et al. 1992)" (cited in Landman, 2008: 28). I argue that case-study approach is particularly suited for our research design due to additional reason which is incorporating 'context' in our analysis. According to Yin, case study is "an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context" (Yin, 2003: 13). He emphasises the importance of "context", when contextual conditions of a case are highly pertinent to the phenomenon of study (ibid). It was one of the rationales for selecting few cases because we can observe not only outcome, but the process of development and context as well. In contrast to quantitative studies, this type of research design allows for "more intensive and less extensive [studies] since they encompass more of the nuances specific to each country" (Landman, 2008: 28).

This research is interested explaining Europeanization processes at policy level rather than at country level. I observe domestic change in migration policy in cases of Georgia and Ukraine.

According to Yin's (2009: 50) and Berg's (2008: 318) categorisation, selected policy area represents the embedded unit of analysis. In order to make claims about the object of study, i.e. unit of analysis (policy area), I observe changes in legislation and practices across target sectors, which represent the units of observations for our research.

This research focuses on process tracing and pattern matching as these are considered strong analytical techniques for data analysis in qualitative studies. Process tracing, which "involves an intensive analysis of the development of a sequence of events over time" (Levy, 2008: 6), enables to uncover causal mechanisms in exploring facilitating factors for domestic change in our cross-country study. The aim is to provide a narrative explanation of a causal path between X(s) and Y. This technique is particularly suited for our research purposes since it allows "to identify intervening causal process- the causal chain and causal mechanism" between our explanations for observed processes and outcomes (George and Bennet, 2005: 206).

In regard to pattern matching, this paper engages in so called explanation building process. According to Yin (2003), this analytical tool allows for comparing empirical data and observed patterns of relationship between variables with initial theoretical statements. Consequently, this process implies revision of the primary theoretical argument as a result of analysis of empirical findings.

The empirical part of this dissertation covers the progress made by Georgia and Ukraine in identified policy areas from the time they joined the European Neighbourhood Policy cooperation framework until 2017, when the EU granted visa free regime with these countries. These two points in time constitute critical junctures for our analysis. Starting point for empirical analysis in case of Georgia is 2006 - when ENP Action Plan was adopted and in case of Ukraine it is 2005 - when the Action Plan was approved by the EU and Ukraine. The study is longitudinal, which permits observations over an extended period of time in order to properly explore the change over time. It should be noted that this dissertation does not deal with the Association Agreements with these countries and their implementation processes, rather it intends to explore how Georgia and Ukraine managed to get rewards in return of Europeanization in specific policy sector.

Taking into account the nature of this research design, this paper uses different data collection techniques. Firstly, traditional research materials such as books, articles as well as official EU

documents - European Commission Progress Reports, Action Plans, the National Indicative Programs (NIP), Press releases, political statements from the EU, etc. are analysed. In addition, the positions at national level are evaluated and explored in the strategy papers created by the government of Georgia and Ukraine. Data sources include commentaries of political elites, sectoral agencies and experts in these countries. In order to strengthen the validity of the research project, the triangulation of data sources (Denzin, 1970) is applied: in addition to these sources, in-depth semi-structured interviews with key stakeholders in Tbilisi and Kyiv were conducted. I have opted for this type of interviews in order to give the respondent the possibility of responding in detail, but also to identify new areas of interest through unstructured discussion or open-ended responses.

In regard to validity and reliability, I hope to improve the validity of this research design since this paper has accurately conceptualised and measured the concepts and variables we are observing. Thus, I aim to produce robust findings based on the rich and comprehensive account of actions, decisions and behaviours through process tracing and pattern matching. As for reliability of this research, I have tried to clearly explain the methodology that enables the replication of this study in order to check for the accuracy - whether using the same measures the results are similar over a series of iterations.

In terms of novelty, this research contributes to the academic discussion regarding the application of EU's conditionality in third countries through systematic analysis incorporating a number of variables in policy development in a comparative perspective. The meticulous examination and detailed scrutiny enables to uncover causal mechanisms and identify a constellation of factors that motivate domestic change at sectoral level. Moreover, new variable such as 'presence of international actors' is introduced that has not been addressed in classic Europeanization literature. Apart from that, each variable is operationalised in a way that suits the particular context and holds better explanatory power.

Finally, I would like to mention the limitation of the study. Since I deal with similar cases, we can only assume that the findings will be application to similar cases. As usual in case study research, which investigates only few cases, generalisation of theoretical claims is limited. However, this research identifies 'necessary' conditions for domestic change or constellation of facilitating factors under which countries may take up similar behaviour and actions. This, on the other hand, may stimulate further research in the field.

4. Presence of European Model, Top-Down Adaptational Pressures and their Application through Conditionality

4.1 Presence of European Model

The European Union exerts its influence with third countries through political conditionality; it sets conditions and promises rewards in case of compliance. According to this logic, the effectiveness of EU's impact can be assisted by how clearly and determinately conditions are imposed for target countries (Schimmelfennig and Sedelmeier, 2004). Consequently, this part addresses the formality and substance of EU's requirements for migration policy in Georgia and Ukraine and quest for convergence with European and international standards that may lead to successful conditionality.

One of the ways to assess the clarity of EU's conditions for target countries is to observe the degree of 'communitarization' of the policy (Sierra, 2011; Lavenex and Wichmann, 2009), because common rules of the EU create the clarity of conditions, which, on the other hand, may lead to successful compliance. In analysing domestic change induced through top-down pressures coming from Brussels, the existence of a clear acquis and strong EU competence can be important indicator of EU's successful policy with third countries. Migration policy falls under the Justice, Freedom and Security area of cooperation and was part of the action plans agreed with third countries from the introduction of the European Neighbourhood Policy. As scholars have mentioned, this "dimension is important, as the political initiation of the ENP was also caused by the EU's geostrategic fear of new threats stemming from insecure borders with new neighbours" (Gawrich, Melnykovska and Schweickert, 2010: 1214).

If we trace the development of the policy at the EU level, we find out that Justice and Home Affairs were sensitive areas to national sovereignty for member states and discussions have been held regarding decision making about this policy at the European Union level. Primarily, according to the Maastricht Treaty (1993) Justice and Home Affairs fell under the intergovernmental cooperation. However, under Amsterdam Treaty the policy of asylum, migration and judicial cooperation were transferred to the first pillar and the third pillar was renamed as Police and Judicial Cooperation in Criminal Matters. Thus, "the communitarized aspects of JHA policy making prevail

in the areas of visa, asylum and some aspects of irregular migration control" (Lavenex, Wichmann, 2009: 88). Although Lisbon Treaty (2009) abolished pillar system, it still outlines that the EU has shared competences in the area of Freedom, Security and Justice. Lisbon Treaty sets out areas of the immigration policy where the EU has common rules. Most EU member states have both EU rules and their own national rules. For example, countries individually regulate issues regarding: "the total number of migrants to be admitted to the country to look for work; decisions on migrant applications; rules on long-term visas; conditions to obtain residence and work permits when no EU-wide rules have been adopted" (European Commission website, EU immigration portal). "In contrast to most 'first pillar Community policies', it [JHA] is not fully communitarized: incomplete communitarization coexists with non-legislative and more operational modes of governance" (Lavenex, Wichmann, 2009: 84).

Migration and border management under JHA umbrella are one of the key issues of EU's cooperation with third countries. ENP Strategy Paper (2004) defines Justice and Home Affairs as one of the priorities in its relations with neighbouring countries. "External Dimension of the Justice and Home Affairs aims to step up international security by strengthening the resources and abilities of third countries, to act in the field of security, including border management" (Balzacq, 2009: 3). More emphasis is made on migration policy in the ENP revised document by the European Commission "A New Response to Changing Neighbourhood" (2011). The document states that the European Commission shall "pursue the process of visa facilitation for selected ENP partners and visa liberalisation for those most advanced; develop existing Mobility Partnerships and establish new ones; support the full use by Member States of opportunities offered by the EU visa code" (European Commission and High Representative of the EU, 2011c: 11). EU's aims in the area are largely in line with the Global Approach to Migration and Mobility (GAMM). The latter document is the Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee and the Committee of Regions and represents an overall framework for EU's external migration policy. It consists of 4 main pillars: organising and facilitating legal migration and mobility; preventing and reducing irregular migration and trafficking in human beings; promoting international protection and enhancing the external dimension of asylum policy; maximising the development impact of migration and mobility (European Commission, 2011a: 7). This document is a good manual for EU's conduction of policy dialogue and cooperation with third countries since it is based on clearly defined priorities and actions.

Eastern Partnership, established in 2009, also created panels (Panel on Migration and Asylum and Panel on Integrated Border Management) under the first Platform - democracy, good governance & stability for multilateral cooperation among EU's eastern neighbours.

4.1.1 EU's Demands in Migration Policy in Georgia

The European Union exerts adaptational pressures on target countries through already determined rules and specific requirements hierarchically. Theoretically speaking the degree to what extent this mechanism is utilised by the EU can be largely reasoned how clear, determinate, consistent these conditions are. The substance of rules also indicates the importance of the topic. "In order to observe a high direct EU pressure on non-member states, EU policies should be determinate, that is unambiguously designed and holding a binding power. (Franck 1990, 52-83; Legro 1997, 34; Schimmelfennig and Schwellnus 2006, 5) Some scholars have referred to it as the 'density' of the rules or the extent of EU demands (Jacoby 2004, 9-10)" (Timu , 2007: 16). In order to assess the determinacy of EU rules in migration policy in Georgia, European Commission country progress reports from 2008 until 2015 are analysed. In addition, the ENP Action plan (2006) and Visa Liberalisation Action Plan (2013) are considered as they set out the concrete steps and objectives for the policy convergence in Georgia. Furthermore, observing EU's conditions over an extended period of time gives a broader picture how consistent the EU has been with its conditions, which would lead to extending adaptational pressures on Georgian officials in complying with European and International standards.

Georgia signed Partnership and Cooperation Agreement with the EU in 1996, which served as a legal basis for relations until Association Agreement. The PCA came into force in 1999. the document mentioned migration policy in Art. 75 under the Title VIII, where the focus was made on the prevention of illegal immigration of activities. Other sectoral parts of the migration policy, for example asylum or border management, are not referred in the PCA. EU-Georgia ENP action plan identifies enhanced cooperation in the area of Justice, Freedom and Security, notably in the field of

border management and migration as one of the perspectives of the new partnership under ENP and lists specific actions to be undertaken by Georgian officials. EU's requirements in this area are mainly related to migration and asylum issues, matters related to the movement of people (readmission and visa issues), border management. More specifically, EU's conditions refer to the elaboration of national action plan on migration and asylum issues; establishing electronic database for migration flows; exchange of practices on migration and asylum issues; fight against illegal migration possibly leading to EC-Georgia readmission agreement; reintegration of returned asylum seekers and illegal migrants; cooperation with international organizations and relevant agencies of countries of origin, transit and destination; exchange of information on visas; security of travel documents; implementation of the principles of the 1951 Geneva Convention and 1967 Protocol; improvement of the national legislation on asylum and refugees; provide support to IDPs (EU-Georgia Action Plan, 2006: 8-9; 19-20). Apart from these requirements, objectives and actions for border management are separately identified: development of the border management strategy; ratification and implementation of the UN Convention against trans-national organised crime and its three "Palermo Protocols" as well as UN Protocol on illicit manufacturing and trafficking of firearms; fulfilling border management reform; dialogue on fight against terrorism and organised crime, trafficking, illegal arms trading; inter-agency cooperation; border delimitation, demarcation and control; implementation of border cooperation agreements; education and training strategy on border management; enhance efficiency of Georgian relevant authorities; adopt and implement a strategy for integrated system of border management (ibid, pp. 8, 18-19).

EU's demands in migration and border management became more specific and determinate once the visa liberalisation dialogue was launched and its corresponding action plan was released. The VLAP once again pressured Georgia to adopt national migration strategy; to establish Georgia's migration profile. In regard to matters related to the movement of people, the EU's conditions in VLAP became more detailed and deemed Georgia's compliance and implementation to specific actions as opposed to ENP AP which was more focused on exchange of information and practices, particularly in regard to the security of travel documents. In border management, legal and institutional framework, inter-agency cooperation, ethical code and training programmes, IBM strategy and action plan were further emphasised. EU has been consistent with its demands in migration and border management in its annual country progress reports. Although 2011, 2012 and 2013 makes reference to only issues such as mobility partnership, visa facilitation and readmission

agreement and biometric passports, migration management system, EU's monitoring was complemented at visa dialogue platform during this period - in 2012 Georgia submitted a comprehensive report on the measures in regard to visa dialogue and from 2013 European Commission issued annual progress reports on the implementation by Georgia of the action plan on visa liberalisation. Moreover, VLAP introduced benchmarks for effective compliance under each block. These set milestones for assessment introduced by the EU. The complementary monitoring mechanism under visa dialogue strengthened EU's clarity and determinacy of conditions.

4.1.2 EU's Demands in Migration Policy in Ukraine

Justice and Home Affairs has been one of the most dominant issues on EU-Ukraine cooperation agenda. In observing adaptational pressures coming from Brussels on Ukrainian government in the field of migration and border management, a review of EU-Ukraine contractual agreements as well as prominent policy documents, action plans and European Commission country progress reports provide good basis for analysis. Ukraine signed the Partnership and Cooperation Agreement with the EU in 1994 which entered into force in 1998. The document defined the goals for cooperation with the dimension of the JHA being "limited to the issue of internal market-related legal harmonisation only" (Gawrich, Melnykovska and Schweickert, 2010: 1224). In late years, EU's relations with Ukraine in the area of Justice and Home Affairs, notably migration and border management was regulated with separate action plans (2001, revised version in 2007). This underlines the important substance of EU's requirements for Ukraine.

After the inclusion in the ENP, a joint Action Plan with Ukraine was developed in 2005. The document introduced the establishment of a dialogue on visa facilitation among other 13 priorities for action. As for the specific conditions in migration and border management, the reference was made to the already agreed EU Action Plan on Justice and Home Affairs with Ukraine (2001). While the latter document laid the foundations for broad range of activities including the security issues of border management, the revised Action Plan in 2007 made more precise and clear demands

in the field. In other words, within the framework of ENP, more emphasis was made on legal harmonisation and practical implementation of internationally recognised standards. It is noteworthy, that cooperation became more prominent after 2004 enlargement which resulted in a EU-Ukraine common border. The EU urged for Ukraine's compliance in the field of migration and border management with the aim to "improve the management of migration, including asylum and the fight against illegal migration; facilitate human contacts and travels while strengthening cooperation in the fields of border management and document security" (EU-Ukraine Action Plan on Freedom, Security and Justice, 2007: 2-3). The EU has been consistent in its requirements for Ukraine and pressured officials for the convergence; specifically EU demands referred to approximation of Ukrainian legislation on foreigners, asylum, immigration and refugees to the EU norms and standards; implementation of the 1951 UN Convention relating to the status of refugees and i.a. its 1967 Protocol; appropriate conditions in detention centres for illegal migrants; procedures related to treatment of applications on refugee status and asylum in line with European standards; effective migration management; establishment of State Migration Service of Ukraine; monitor of migration movements and risk assessment; Migration profile for Ukraine; in addition quest for effective implementation of the EU-Ukraine readmission agreement was regularly made. These issues were mentioned in EU Action Plan on JHA with Ukraine in 2001 and its revised version of 2007. EU-Ukraine Association Agenda of 2009 and EU-Ukraine Association Agenda of 2013 also incorporated above mentioned demands. Moreover, Visa Liberalisation Action Plan (2010) made reference to these demands and made them more precise.

Border management, visa issues and security of documents were incorporated in EU-Ukraine's relations from the very first Action Plan on Justice and Home Affairs. However, similar to migration policy, more required actions were more specified in 2007 as a result of revised Action Plan and VLAP in 2010. The EU introduced following demands border management: adoption and implementation of national integrated border management strategy; demarcation of Ukraine's borders in line with international standards; improvement of legal framework and procedures of integrated border management; development of the State Border Service; improvement of border crossing points; implementation of the law enforcement programmes; support for an effective border management; continuation of a dialogue on visa issues (more specifically outlined in VLAP). As for the condition regarding the cooperation and improved coordination with Moldova on border issues and with the EU Border Assistance Mission is expressed in all strategic documents except for

VLAP. This could be an indication that EU's demands have been more result oriented when a specific conditional reward such as promise for visa liberalisation was introduced and benchmarks for effective implementations were set. Requirements about document security were more clearly stated in Revised AP on FSJ (2007) and in VLAP (2010) and was mainly connected to conformity with European, particularly ICAO standards in introducing machine-readable passports and travel documents. EU-Ukraine Association Agenda in 2009 and in 2013 make no reference to document security requirements. Furthermore, EU stressed for compliance in identified areas in each annual country progress reports issued by European Commission and has been consistent with its demands deriving from relevant Action Plans and strategic documents. The pressure for adaptation became stronger from 2010 when the EU issued VLAP with Ukraine and strengthened its monitoring in migration and border management areas in VLAP progress reports.

Based on these observations, we can argue that the EU has been clear and determinate in its requirements related to migration and border management in Georgia and Ukraine. Although the EU introduced a separate Action Plan on JHA with Ukraine as early as 2001, while in Georgian case migration and border issues were mentioned under ENP AP later in 2006. This was reasoned by EU's security considerations related to 2004 enlargement and despite these differences the EU has been consistent with its demands with both countries. Furthermore, higher degree of clearness is noted once Visa Liberalisation Action Plans were handed to the governments of Georgia and Ukraine. These documents set determinate rules and clearly formulated the measures to be undertaken by countries. Clear demands that enable "more bargaining power to the EU and a more active involvement in in observing the implementation of its requirements" (Timu , 2007: 16), were present in this process. More determined requirements contributed to effective monitoring and benchmarking as well, that is essential for successful application of EU's conditionality.

4.2 EU's Conditionality in Georgia and Ukraine

In line with rationalist theoretical framework of Europeanization, successful external Europeanization of policy specific standards and regulations in agreed areas of cooperation between the EU and a neighbouring country can be largely determined by the credible conditional promises upon compliance, where credibility refers to the extent the EU can deliver its promises. In order to evaluate the credibility of the EU's conditionality, we observe EU's promised rewards for Georgia and Ukraine in main strategic documents as well as EU's monitoring mechanism, which assesses convergence and positive domestic change.

In case of Georgia, credibility of EU's rewards holds significant importance as reinvigorating the relationship with the EU permanently stays in the country's foreign policy agenda. And although the ENP does not offer the most tangible incentive at its disposal, the it is assumed to be a "proper tool for EU engagement in the process of Georgia's reforms, and a good institutional anchor making deviation from the "European way" less likely" (Gogolashvili, 2009: 90). The Partnership and Cooperation Agreement (PCA) represented a legal framework governing EU-Georgia's relations until 2014, when Georgia signed Association Agreement with the European Union. The PCA was a platform for political dialogue to provide "support for Georgia's efforts to consolidate its democracy and to complete the transition into a market economy, to promote trade and investment and harmonious economic relations" (Art. 1, EU-Georgia PCA) and enhance social, financial, civil, scientific, technological a cultural aspects of cooperation. EU-Georgia partnership was accelerated after "the so-called 'Rose Revolution' in 2003 where a new Georgian government started to seek closer cooperation with the US, NATO and the EU" (Ghazaryan, 2010: 227). The process was followed by Georgia's inclusion in European Neighbourhood Policy, which expanded the scope of cooperation.

The European Neighbourhood Policy also introduced predetermined rules to be downloaded at national level in a partner country and established monitoring mechanism to observe compliance. This hierarchical i.e. top-down approach is largely facilitated by EU's conditionality, which is consistently mentioned in strategic documents by the EU in ENP policy. Commission Communication on 'Wider Europe' (2003) stated that "in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms ... the countries ... should be offered the prospect of a stake in the EU's Internal Market and further

integration and liberalization to promote the free movement of – persons, goods, services and capital' (Commission of the European Communities, 2003: 4). Furthermore, ENP Strategy Paper (2004) referred to the conditional incentives in the following terms: "the level of ambition of the EU's relationships with its neighbours will take into account the extent to which these values are effectively shared" (Commission of the European Communities, 2004: 3). This approach is also embedded in EU's relations with Georgia as proven in the ENP Action Plan. The pace of progress of the relationship would be dependent on the Georgia's "commitment to common values and as well as its capacity to implement jointly agreed priorities, in compliance with international and European norms and principles" (EU-Georgia Action Plan, 2006: 1).

General reference to conditionality became more clear and credible after the introduction of the Eastern Partnership, which marked the next stage of development in Georgia's relations with the European Union. An extraordinary Council meeting in 2008, which discussed post war developments in Georgia, reaffirmed its position and underlined the need to step up relations with Eastern Neighbours (European Council, Secretariat of the Council of the EU, 2009: 1). EaP brought a multilateral dimension of cooperation between countries on four policy platforms, but "with the bulk of its implementation pursued bilaterally with the participating states" (Whitman, Juncos, 2009: 203). EaP's key element was the prospect for AA with neighbouring countries and establishing better market access and Deep and Comprehensive Free Trade Agreement (DCFTA). Discussing capabilities and costs, Schimmelfennig and Sedelmeier (2004: 665) argue, that association can be more credible reward rather than membership. Apparently, this was the case with ENP countries. In addition to that, EU promulgated sector tied conditional rewards - country's prospect for visa free travel regime with the EU, which would be largely determined by the degree of implementation of internal reforms related to migration, border management and other relevant clauses of Justice and Home Affairs.

Georgia's 'homework' was very well illustrated in Visa Liberalisation Dialogue launched in 2012 and was organised under four blocks: document security, including biometrics; integrated border management, migration management, asylum; public order and security; and external relations and fundamental rights. This case represented a good case for the credibility of EU's conditional promises since visa dialogue with Georgia was launched only after the "effective implementation of the visa facilitation and readmission agreements with Georgia" (Warsaw Eastern

Partnership Summit Declaration 29-30 September 2011 cited in EU-Georgia VLAP, 2013: 1). "The EU is able to exert a strong pressure on Georgia because of the linkage between an effective implementation of readmission agreements and further progress towards visa liberalisation" (Delcour, 2013: 350).

The EU's conditional rewards were accompanied by financial aid and capacity measures as well. EU Assistance National Indicative Programme was defined by 300 million EUR in 2007-2013 years, which itself is divided into Annual Action Plans. Since 2012 under the EU new initiative "More for More" additional funds were allocated for Georgia. Apart from that, in order to facilitate the implementation of Visa Liberalisation Action Plan as well as Association Agreement, 8 Million EUR was provided within the Comprehensive Institution Building (CIB) Programme (Office of the State Minister of Georgia on European and Euro-Atlantic Integration, Official Website).

In case of Ukraine, the degree of importance of EU's conditionality can be merely assessed by the fact that the country declared its European aspirations back in 1993 in the decision of the Verkhovna Rada of Ukraine (the Parliament of Ukraine) "On the Key Directions of the Foreign Policy of Ukraine". The document mentioned that "the priority of Ukrainian foreign policy is Ukrainian membership in the European Communities, as long as it does not harm its national interests" (Mission of Ukraine to the EU, Official Website). The first step in this regard was Partnership and Cooperation Agreement, which represented a legal basis for EU-Ukraine relations until signature of the Association Agreement.

Ukraine was one of the forerunners in Eastern European region. After the introduction of the ENP it was the first country along with Moldova who agreed the Action Plans with the EU. Besides its European aspirations, Eastern enlargement in 2004 and 2007 made the county an important neighbour in the east for the EU. Due to no reference to membership promise in ENP, Ukraine declared that this policy did not meet country's determined European choice and was eager to get more than the EU was offering. "There was a strongly held opinion within the Ukrainian political elite that the country, geographically situated in the centre of the European continent, should not participate in the ENP; her aspirations are more ambitious than merely subscribing to partnership with the EU" (Stegniy, 2011: 54). On the other hand, "the EU continuously bemoaned the patchy implementation of the PCA, which was presented as the first step towards any new type of relationship" (Sasse, 2008: 306). EU's conditionality was also reflected in EU-Ukraine Action Plan

2005, which stated that "the pace of progress of the relationship will acknowledge fully Ukraine's effort and concrete achievements in meeting commitments to common values" (Joint EU-Ukraine Action Plan, 2005: 1). EU's conditional promises referred to closer degree of integration, stake in EU's internal market and Ukraine's participation in key aspects of EU policies (ibid, p. 2).

After "Orange Revolution" Ukraine's demonstrated determination for closer relations with the EU was welcome by the EU in its "10-point programme", which listed preparations for a free trade area and more intense cooperation about visa facilitation among other incentives such as consultations on an enhanced agreement to succeed the PCA. This promise was delivered when in 2007 the EU started negotiations on a new type of agreement, which would "renew the EU - Ukraine common institutional framework, facilitate the deepening of relations and strengthen political association and economic integration" (EU-Ukraine Association Agenda, 2009: 2). This perspective included Ukraine's access to Free Trade Area, upon the entry of Ukraine to the World Trade Organization. The speed of deepening relations with the EU would be reasoned by country's implementation of identified priorities on a sector by sector basis. This was pre-conditional for the Association Agreement. The progress would be monitored, reported and assessed annually. Despite the fact that the EU did not offer membership incentive with this new agenda, its conditionality was still credible due to the promise for Association Agreement and its entailing DCFTA.

In case of Ukraine, when determining conditions in the field of migration and border management, EU-Ukraine Association Agenda (in 2009 and then updated version of 2013) referred to the revised EU Action Plan on Freedom, Security and Justice (EU-Ukraine Joint Action Plan made reference to AP on JHA with Ukraine of 2001). This document noted that the JHA AP would be "reviewed to strengthen the partnership between the EU and Ukraine and to take stock of progress made in the light both of the development of the EU's area of Freedom, Security and Justice and of the new shared border" (Revised EU-Ukraine Action Plan on Freedom, Security and Justice, 2007:1). The new momentum was marked in 2010, when the EU offered the prospect for visa liberalisation and provided VLAP to Ukraine. It created a new impetus for the country to comply with EU demands. Scholars argue that the only visa liberalisation could be a credible motivation for domestic reforms because visa free regime was regarded as one of the key priorities for all Ukrainian governments (Nizhnikau, 2015: 499; Jaroszewicz 2011 cited in Wetzel, 2016: 78).

The country's commitment to convergence with European standards and internationally

established practices was precondition for the EU's increased financial assistance as well. The EU provided impetus for change through financial aid. In 2007-2013, the EU committed €1 billion for bilateral assistance to Ukraine under the ENPI. Furthermore, Ukraine could benefit from additional financial assistance through 'more for more'- the incentive-based mechanism that rewards progress towards building deep and sustainable democracy (European Commission Website, Countries of the Region, Ukraine, 2016.).

It should be noted that the EU exercised conditionality at sectoral level through tight monitoring and gate keeping. Progress related to migration and border management were assessed separately in VLAP reports in addition to Commission annual evaluation documents. The conditions in return for promised reward were set in Visa Liberalisation Action Plans with Georgia and Ukraine, which introduced clear benchmarks of two phases - legislation and planning and implementation. The EU's evaluation mechanism related to assessment visits, monitoring reports, benchmarks, timings and follow-up arrangements also contributed to the better functioning of the conditionality with third countries.

5. Migration Policy in Georgia

5.1 Converging with European Standards and Norms in Migration and Border Management in Georgia: Institutional and Policy Compatibility and Patterns of Domestic Change

European Union's top-down adaptational pressures for Georgia in migration policy is illustrated in its demands for reforms outlined in ENP as well as EaP political instruments for cooperation. The quest for clear regulations and procedures to control migration flows in Georgia was exercised through consistent monitoring over years as well as through different incentives in order to mobilise domestic actors in inducing domestic change. The incompatibility between Georgian and European norms in migration policy was high before the introduction of the ENP, because similar to other post-soviet countries Georgia's migration policy was unregulated due to the freedom of movement within the Soviet Space. As for the Georgia's territory, the country was not considered as a key transit country for irregular migrants because its transport system is underdeveloped and its location does not represent a direct route to the EU (IOM, 2008a: 13; Pataraia, 2011: 41). However, in its assessment report the International Organization of Migration underlined that Georgia's migration management required a particular attention because the legal migration into Georgia was easily available due to lack of regulation and it could "fuel the flow of irregular migrants, transnational crime and other abuses directly and indirectly linked to migration - potentially jeopardising the country's security and interests" (IOM, 2008b: 5). Security considerations have been important in articulating EU's migration policy with third countries. Political unrest and military conflicts in the neighbouring states resulting in the loss of human lives and the displacement of hundreds of thousands of people could lead to irregular migration. It necessitated a strong and common EU policy in the field of migration and asylum so that the security of the Union's external borders is not undermined (European Commission, 2011b: 3-4).

European Union's demands for reforming migration policy in Georgia was related to strong migration management as well as appropriate policies and legislations and procedures and a clear coordinating agency. These requirements were largely in line with The Hague Programme, which stated that "EU should assist third countries […] in their efforts to improve their capacity for migration management and refugee protection, prevent and combat illegal immigration, inform on

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legal channels for migration, resolve refugee situations, build border-control capacity, enhance document security and tackle the problem of return" (European Commission, 2006: 5). There was a high misfit between Georgian and European standards. As opposed to EU's strong coherent approach towards migration, the Georgian policy was rather loosely regulated and non-convergence with European standards was observed in the first years of ENP implementation: Georgia's liberal visa regime made its border legally accessible practically for every nationality; the absence of central agency resulted in the lack of coordination between relevant national agencies dealing with migration issues; there were no specific requirements for issuing residence and work permits for foreigners in the country; non-written migration policy document made Georgian migration policy incoherent; no law on data protection was adopted and lack of coherent guiding principles for data collection, analysis and exchange was observed; biometric passports were not introduced; bilateral readmission agreements were signed only with three EU member states (IOM, 2008b: 4, 20; Commission of the European Communities, 2008a: 7-9; Commission of the European Communities, 2009a: 14-15). Georgian legislation was also not aligned with European norms since it contained only general provisions and did not specified many peculiarities in accordance to internationally recognised standards (IOM, 2008b: 5). At this stage, EU's capacity building measures also failed to induce viable changes in regard to policy and institutional reforms. In 2006 Ministry of Refugees and Accommodation applied for AENEAS-funded project with the aim to develop a national action plan on migration in accordance with the requirements stipulated in the ENP. Although the grant was approved and a working group was created, substantial results have not been achieved (Ademmer, 2017: 115). Thus, progress as a result of EU's assistance was not proved in domestic arena. EU's pressure to Europeanise migration policy was negatively responded by Georgian government in the first years of the ENP cooperation due to rational cost-benefit analysis - reformation in migration policy would incur costs that would not outweigh economic losses for the country. In order to support this argument, we provide explanation through variable such as misfit with domestic political agenda. This factor also prevails when observing change in policy area in later years as well.

The Rose Revolution of Georgia in 2003 brought western educated young reformers in power led by the former Minister of Justice of Georgia Mikhail Saakashvili. New government was characterised by pro-European aspirations and declared European and Euro-Atlantic Integration as a foreign policy objective of the country (Foreign Policy Strategy of Georgia 2006-2009). The

regulation of migration policy in convergence with European standards did not constitute and urgent issue on the political agenda by that time and it was not advocated by incumbents in the office. Political "debates failed to translate into a migration policy agenda and have remained as mere rhetoric" (Makaryan and Chobanyan, 2014: 54). Neither political platform of the ruling party of the United National Movement made a strong reference to migration regulation issues in its party programme, which is confirmed by inaction of central authorities from 2006. The UNM performed poorly in this direction "taking into account the achievements gained today in terms of international relationships maintained with neighbour countries" as well (Chelidze, 2012: 5). Rather new government had prioritised to deal with internally displaced persons and their movement within the country since Georgia had experienced ethnic conflicts which resulted in the secessionist regions. On the other hand, Georgian authorities were emphasising the need for the promotion of Georgian labor migration and increase in labour mobility, as outlined in Georgian Government's Basic Data and Directions Document for 2010-2013 (Ademmer, 2011: 23; Chelidze, 2012: 5). "As opposed to halting migration, mobility was put upfront of the Georgian agenda in order to keep a steady inflow of remittance payments and boost the tourism sector" (Ademmer, 2011: 23). With the aim to attract investors and create good business environment in the country, a number of reforms have been held: the government reduced overall tax rate, developed banking system, announced an open door policy in migration and amended legislation granting citizens of more than 118 countries visa-free entry and stay in Georgia for up to 360 days (ICMPD, 2015: 9). Moreover, "deregulation, such as reducing the number of licenses and permits, has limited the legal grounds for government's interference with businesses. Reducing the import-tax base for agricultural products and construction materials as well as the annulment of the import taxes for other goods have made Georgia much more competitive" (Papava, 2009: 9). Under Saakashvili's government migration policy was considered as a pillar of liberal economic policy, which was in line with maximal deregulation of the state with the aim to increase the economic growth of the country. This course of action was further strengthened as a result of introducing Kakha Bendukidze as a Minister of Economy and Sustainable Development in Georgia in 2004, who was characterised as the "main architect of liberal reforms" in Georgia, (Vestnik kavkaza, 2014) overhauling the post-Soviet economy of the country. Furthermore, Saakashvili had many times reiterated that the country should follow the "Singaporian Model" removing obstacles for foreign investments and making Georgia "the fastest growing economy in Europe" (Civil.ge, 2011). The government strategy pursued in the

economic policy was in contradiction with the motivation of the provisions of EU's demands laid out in ENP Action Plan. It has been noted, that the libertarian attitude developed by Kakha Bendukidze under Saakashvili's government created obstacles for Georgia's closer cooperation with the EU at sectoral level since regulations in number of areas were abolished over the period of 2004-2006 during Bendukidze's service in the government as the Minister for Reform Coordination (Tabula, 2014). European norms, which required specific standards, control over migration flows, clear management of the policy, was not in accordance with the government priority. It resulted in no compliance in the first years of cooperation under ENP. Although authorities recognised that there was a need for a mechanism to counter irregular migration flows, they emphasised that it only be done with a "main focus on foreign workers and investors" (IOM, 2008b: 12), viewed as significant "push factor" for Georgian economic, agricultural and tourist development, in particular" (Pataraia, 2011: 42). The non-compliance with European standards in the first years of the ENP cooperation can be explained by the misfit with political agenda. The government's priority to create a Georgia fast growing economy was pursued by an overall neoliberalism agenda. Under this strategy migration was developed as part of the 'open-door' economic policy. The rationale of non-compliance with EU regulations can also be explained by cost-benefit analysis. The changes needed to implement EU demands in migration policy incurred high costs and benefits would not outweigh the loss, since the EU did not offer a strong incentive such a membership and the conditionality under ENP remained weak. As a result, the EU could not trigger domestic transformation which would accelerate reforms in migration policy area in convergence with internationally recognised standards.

Georgia has been reluctant in introducing changes in accordance with strong EU migration regulations in the first years of ENP cooperation. However, later years' evidence that there has been a gradual change in the policy area. As Ademmer and Delcour notice, two major milestones can be identified: during 2010-2011 country started to select and adopt EU demands and from 2013 until 2015 Georgia engage in a more systematic adoption and implementation of EU requirements (Ademmer, Delcour, 2016: 102). Substantial progress was achieved in the areas of document security, border and migration management (Delcour, 2013: 353). These are the areas the EU made a strong emphasis under the requirements for the visa free regime promise. The conditionality principle attached to the migration policy and enhanced EU benefits introduced by the EaP platform reveals to be a strong incentive for the country's domestic change. Detailed examination of the

policy development over time with the aim to investigate temporal variation in Georgia's compliance patterns with the EU standards enables us to identify driving and hindering factors for Europeanization processes and establish hypothetical patterns of domestic change. In order the 'trace the process' and identify the degree of change, we discuss major sub-fields of migration policy in Georgia in which the EU demands reforms in return to benefits.

5.1.1 Migration Management

In regard to policy management, Georgia was largely criticised by international organizations. In the beginning of ENP, country did not have a written migration policy document, there was no national plan regarding how to promote legal migration, combat illegal migration, shape asylum policy and ensure measures through which the reintegration of returned asylum seekers would happen; absence of the central database, that would monitor and manage migration flows, contributed to the inefficiency for combatting irregular migration; non-existence of central migration agency and lack of coordination and information exchange among central agencies dealing with migration issues of Georgia represented another challenge in policy management (IOM, 2008b: 12-13; Commission of the European Communities, 2008a: 8). The EU appealed that Georgian government takes appropriate actions by introducing relevant measures in migration governance that would be in accordance with EU acquis and internationally established practices.

The issue of the National Migration Strategy and corresponding Action Plan was addressed as early as 2008 when the first draft was presented by relevant governmental agencies. A special working group was created with the composition of several line ministries under the auspices of the Ministry for Refugees and Accommodation that was tasked by elaboration of the policy document. The initiative was supported by EU financial assistance as part of the AENEAS funded project for reintegration issues (European Commission, EuropeAid, Aeneas programme, Projects Funded 2004-2006: 73). At that point of time, discussion regarding the policy document and its consequence adoption by authorities have failed. The EU capacity building measures could not drive change in

this regard. Furthermore, government prioritised more liberal approach towards economic policy that would not align with regulated migration policy, which could have set limits to entry for foreigners to the country and foreign investments. Working process on the national action plan was progressed after 2010, when the government clearly identified that EU would reward countries in return for compliance. The conditionality was further reinforced after the introduction of the EaP in 2009. During that time, the EU was negotiating visa facilitation and readmission agreements and signed Mobility Partnership with Georgia. After the EU advanced visa liberalisation dialogues with other EaP countries such as Moldova and Ukraine and EU's benefits were realistic and tangible, Georgian officials were further incentivised to accelerate reform process. Additionally, government priorities for closer relations with the EU became top on the agenda at that time when the EU was pursuing visa dialogue with Russia in 2011. The consequences   in regard to Russia's illegal passportization processes in Georgia's occupied territories touched highly sensitive political issues for country. As Ademmer notes, "shortly after the announcement by the EU and Russia in April 2011 about deepening their cooperation on visa liberalisation issues, the State Commission on Migration decided to establish a working group charged with task of developing a National Action Plan on Migration and Asylum in May 2011" (2017: 117).

Development of the migration policy document in Georgia continued in 2012. The process was protracted, the first Migration Strategy of Georgia was adopted only in March 2013 and corresponding action plan was approved in June 2013. The progress was facilitated by EU's capacity building measures through EU funded initiatives and technical expertise. European experts were involved in the strategy elaboration through Mobility Partnership Targeted Initiative Project (European Commission, 2013a: 10). The EU contributed to this process through its EUR 16 million programme for 'Capacity Building in Support of Border Management and Migration Management' in the framework of the ENPI. (European Commission, 2015b: 11). As EU Integration Programme Manager at Open Society Georgia Foundation in his interview acknowledged, IOM played an important role in elaborating this document (Interview 1). However, along with IOM other international agencies such as ICMPD and UNHCR were also involved in this process, but their engagement was within other ongoing or planned EU funded projects (Makaryan. and Chobanyan, 2014: 61). As we can see, the EU's assistance is a necessary but not sufficient condition for domestic change, since solely capacity building measures present in 2008 could not trigger domestic change. Other important facilitating factors in inducing reform process were EU's stronger benefits,

increased capacity of administrative resources as a result of the establishment of the State Commission on Migration Issues in Georgia.

European Commission opened Visa Liberalisation dialogue with Georgian authorities in 2012, which clearly and in further details outlined conditions for secure migration flows with neighbouring countries. Migration management among a number of requirements with concrete benchmarks for progress. "Granting Visa Liberalisation Action Plan in 2013 accelerated the implementation of the issues outlined in 2013-2015 National Migration Strategy and State Commission on Migration Issues decided to make changes to the corresponding Action Plan and accommodate all topics relevant to VLAP along with concrete deadlines" (Executive Secretary of State Commission on Migration Issues of Georgia. Interview 4). New government with Bidzina Ivanishvili as the Prime Minister was willing to regulate liberal visa policy for Georgia especially if it would contribute to closer relations with the EU. "In fact, Georgian government rapidly shifted toward greater regulation of migration flows". (Ademmer, Delcour, 2016: 102). The process was also coupled with Georgia's legislative approximation with the EU acquis. Notwithstanding the results achieved in terms of the compatibility of Georgian standards with the EU norms, it should be emphasised that the liberal visa policy is still observed in Migration Strategy of Georgia 2013-2015. Article 4.1.2.2 about the revising the legislation and possible changes underlines that "Georgia's liberal visa policy is based on the country's social-economic development needs. This process is dynamic … Based on the results and state interest the possible changes will be reflected accordingly" (Migration Strategy of Georgia 2013-2015, unofficial translation: 13). State Commission on Migration Issues continued elaborating the consequent Migration Strategy document of Georgia for the period of 2016-2020. The work was pursued in cooperation with ICMPD with the support of the EU's incentive based approach 'More for More programme' (European Commission, 2014a: 3). In regard to the Action Plan, previous experienced showed that 3-year planning was not effective and the Commission decided to create annual Action plan. "It created more dynamic process and activities became more concrete with clear indicators for progress" (Interview 4).

As for the Georgia's legislative framework for migration, the policy was largely not in line with European and International standards at the initial stages of the ENP. This particularly referred to categorisation of visas, residence permits, procedures and requirements for obtaining visas as well as visa interrelations of the visa validity period and period of stay. The Law on the Legal Status of

Aliens, which regulates the entry, stay, transit as well as the scope of freedom and responsibilities for foreigners, allowed for only few categories of visas such as diplomatic, business, ordinary and student visas. Practically, ordinary visa was suitable for all purposes of the entry to the country except study purposes (IOM, 2008b: 13; Commission of the European Communities, 2008a: 8). Furthermore, labor migration was highly unregulated. In his study of compatibility of EU law with Georgian legislation, Gabrichidze proclaims that regulatory effect of Georgian law for the aliens' access to Georgian labour market is very low. "According to Art. 47 of the Constitution of Georgia, Foreign citizens and stateless persons residing in Georgia shall have the same rights as Georgian citizens with exceptions envisaged by the Constitution and law. As to carrying out labour activities by foreigners, Georgian legislation stipulates limitations only with regard to employment in the public service and also to becoming an attorney (Gabrichidze, 2012: 4). Country's domestic preferences for liberal visa policy was further illustrated in the management of inflow and movement of foreigners in Georgia. Citizens of more than 100 countries did not require visa to enter the country and they could stay in Georgia for more a year - live and work - without the requirement to get work or resident permit. In case of these countries, study visa condition was also absent (ICMPD, 2015: 19). These regulations were not harmonised with European standards and the EU consistently appealed for policy management. "Georgia is a sovereign country and it needed regulated migration", claimed IOM Georgia Representative (Interview 3).

The change occurred along with the progress achieved with the migration strategy document and the draft law on the Legal Status of Foreigners and Stateless Persons was approved by government in 2013. New law made changes in compliance with EU and IOM recommendations. It restricted granting visa at the Georgian border and immigrants were required to take visas in advance at one of the Georgian diplomatic missions abroad prior to their travel to Georgia. Number of countries not requiring visas to enter the country was reduced to 94 and the duration of stay for the citizens of these countries was restricted for 90 days within a 180 day-period (ICMPD, 2015: 19). New visa categories similar to Schengen visa code were also introduced (Migration Profile of Georgia, 2015: 60). Amendments were positively assessed by the European Commission in its monitoring report within the framework for Visa Liberalisation Action Plan and noted that the legal framework for migration policy in Georgia was established (European Commission and High Representative of the EU, 2013a: 9). IOM was also involved in drafting process in terms of providing necessary comments. "The law was balanced, logical for the given period and

comparatively radical and different from previous practices. However, when the law came into force, communication problems with target groups appeared. Civil servants could not provide detailed explanation for foreigners regarding new changes" (Interview 3). Apart from challenges posed in implementation period, a number of civil society representatives criticised the adoption of the law and argued that these amendments would have negative consequences for foreigners studying in Georgia; for the inflow of tourists; foreigners living in Georgia; attracting foreign investors. Although CSOs recognised the need for regulation, they maintained that Georgia's commitments for the migration reform with the EU did not require limiting the stay period for EU citizens, creating additional bureaucratic barriers for foreign students, determining the visa regime for countries in the way as it was pursued by Georgian government (Georgia's Reforms Associates, 2014: 28). In order to combat negative costs for these changes adopted by the government in 2013, few years later Georgian Parliament adopted a package of amendments to the law that reintroduced 360-day visa-free stays for citizens and permanent residents of 94 countries listed in a governmental decree (Ademmer, Delcour, 2016: 103).

In 2015 Georgia introduced the country's first electronic visa (e-visa) online service to make it 'as easy as possible' for travellers and business visitors to Georgia (Agenda.ge news, 2015). This practice, according to IOM Georgia assessment, is quite simple and does not entail differentiated approach, which means that granting visa for foreign nationals would be merit-based. "Unlike the EU approach, where visa is a controlling mechanism, Georgia has more open policy for foreigners. More than 10 years, consequent governments try not to introduce visa as an impeding factor for foreigners who want to come and invest in Georgia". (Interview 3). As the empirical evidence suggests, changes were motivated by EU's reinforced conditionality at sectoral level. However, governmental preferences for liberal visa policy played an important role in shaping legislative processes. Measures taken by the country shows that the deviation from the status quo incurred high costs for the government and the cost-benefit rational calculations determined the outcome in the process.

Another important requirement from the EU in regard to streamlining the more evidence-based policy making in the country and enhancing migration management was to establish electronic database, which would gather the data on migration flows and could be used as an effective tool for combating irregular migration. The database would facilitate information exchange

and accumulate data regarding migrants who entered or left the country during reforms. The need for creation of a single interagency body, that would enable collection and analysis of the migration flows, was repeatedly conditioned from the EU within the ENP as well as visa dialogue. This issue was better addressed after the State Commission on Migration issues was introduced in 2010. Despite of the governmental efforts to establish such a database, responsible bodies faced a number of challenges regarding the ways through which they should have integrated all the data dispersed throughout different line ministries/bodies such as Civil Registry Agency of the Ministry of Justice, Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Internally Displaced Persons, Refugees and Accommodation (Pataraia, 2011: 57). This process was facilitated in the framework of the "Building Migration Partnerships" project funded by the EU and implemented in 2009-2011. One of the part of the initiative focused on data collection with the purpose to analyse statistics and enable informed decision-making process in EU's neighbouring countries (ICMPD, official website, migration dialogues). The concept for the development of the Unified Migration Analytical System was created with the aim to establish operational electronic database for irregular migrants. Relevant agencies started data and information gathering regarding persons crossing the border, residence permits, visa and duration, foreigners in the country, etc. (European Commission, 2013a: 10). EU's technical expertise was also needed to accelerate progress in this regard and working group under the State Commission on Migration Issues in Georgia consulted international experts (European Commission, 2014a: 3). Towards these measures, Migration Profile of Georgia 2015 was created and at the moment of writing, the consequent document for 2017 is being produced (Interview 4). As a result of these actions, Unified Migration Analytical System, which collects and processes information based on the electronic database, was set up; the "Over-Stayers' Alert System" was officially launched in September, 2014; the risk analysis concept developed by the Ministry of Internal Affairs was further improved and became mode detailed covering different fields of migration. (European Commission, 2013a: 10; European Commission, 2014a: 3; European Commission, 2015b: 3). The fact that Georgian government proclaimed its commitment to one of the challenging initiatives in the reform process underlines increased institutional capacity of the country and fit with domestic agenda that inspired closer EU integration and was incentivised by the EU policy-specific rewards.

Effective coordinating mechanism and the capacity of administrative resources of the governmental bodies dealing with reforms in alignment with the European demands is another

important factor, which can contribute to progress achieved by the country. Absence of the capacity can deadlock processes and delay country's drive towards Europeanization. EU also attached its demands to this area appealing Georgian government to ensure coordination between relevant agencies involved in migration processes. This was important, because in order to make policy changes, not only decisions taken at high political level matter, but the capacity and expertise of appropriate bodies are key in following implementation phase. Georgia's administrative capacity was rather weak in the first years of the ENP. In its assessment report, International Organization for Migration fiercely criticised the system about the absence of a single agency engaged in needed inter-agency coordination in regard to migration policy decisions and implementation as well as legislation review. […] Individual ministries/bodies gathered their own data without any unified principles or guidance (IOM, 2008b: 20). This resulted in irregular information about foreigners residing in the country as well as Georgians residing outside the country (Commission of the European Communities, 2008: 8). There were a number of ministries in charge of migration policies among which the Ministry for Refugees and Accommodation (in 2010 renamed as the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia) was responsible for the policy development. Despite its terms of references, it mainly dealt with the issues of asylum seekers, refugees and it had not human resources to carry out this work (IOM, 2008b: 18).

In order to progress with enhanced coordination, Georgian government established a ministerial working group and shifted responsibilities for coordination and formulation of policy to the Ministry of Justice (Commission of the European Communities, 2009a: 15). Currently, there are following institutions responsible for management issues: President of Georgia, Ministry of Justice / Public Service Development Agency (PSDA), Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, Ministry of Internal Affairs (MIA) / Patrol Police Department and Border Police, Ministry of Foreign Affairs, The Office of the State Minister of Georgia on European and Euro-Atlantic Integration, The Office of the State Minister of Georgia for Diaspora Issues (Migration Strategy of Georgia 2013-2015: 4-6). There was neither single government agency dealing with migration management in Georgia nor clear 'terms of reference' for the division of tasks between above mentioned ministries being responsible for migration in different competencies. (Badurashvili, 2012: 4). However, the creation of the State Commission on Migration Issues established in 2010 represented a clear benchmark in enhancing

policy management. The commission represents a consultative body of the government of Georgia and is comprised of 13 entities chaired by the Minister of Justice and co-chaired by the Deputy Minister of the Interior. The commission is charged for better coordination among line ministries, state agencies, non-governmental organization and international organizations and proposes initiatives to the government in accordance with Georgia's obligations undertaken with the EU (State Commission on Migration Issues, Official Website). "The Commission is convened minimum twice a year with the participation of decision-makers such as ministers or deputy ministers of line ministries and director or deputy director of National Statistics Office. However, the huge bulk of work is done within seven working groups by medium layer officials. Personnel of these groups have good institutional memory as 50% of them employed since 2010 still remain in their offices" (Interview 4). As for the decision-making process, the proposals are initially adopted by the Commission and then approved by the Government. Hearings of the Commission are presented by International Organizations and Non-Governmental Organization, which increases the transparency of the Commission's work and finances (ibid).

The European Union has positively evaluated the establishment of the Commission and underlined that "institutional framework for coordination of migration policy is well developed" in Georgia (European Commission, 2013a: 9) and "the capacity and human resource management of the Georgian administration are generally sufficient and effective" (European Commission, 2015a:3). In terms of coordination of EU related reforms in migration, the SCMI had more of a supervisory character, while "the Ministry of Justice and the Ministry of Internal Affairs of Georgia were the main drivers for change" (Interview 1). Corresponding changes were also introduced in the Ministry of Internal Affairs, where the new department for migration was established in 2014 (European Commission, 2014a: 3). The Readmission Case Management Electronic System coordinated by the Ministry of Foreign Affairs was also introduced. The EU's capacity-building impact was evident in this progress. Firstly, the latter system was financed by the EU (European Commission, 2013a: 10) and the interministerial commission was financially supported by the EU within the framework of the project "Institutional Development of State Commission for Migration Issues" (Public Service Development Agency, Official Website, 2015).

In the process of analysing the role of coordinating mechanism and administrative capacity for Georgia's progress in the field, the effectiveness of the Civil Registry Agency under the Ministry of

Justice of Georgia should be underlined. It was one of the most important bodies dealing with changes in the issues related to document security. However, the Civil Register had been itself reformed as early as 2008. The European Commission noted that the it was a noteworthy indication of progress (Commission of the European Communities, 2009a: 15). According to its 2007-2011 Development Strategy document, "the Civil Registry began to compile an integrated database of biometric passports and electronic IDs. The database contains full biometric data, compliant with international standards, on every Georgian citizens" (Pataraia, 2011: 60). Indeed, Giorgi Vashadze, Head of the Civil Registry Agency of Georgia (2005-2010) and then Deputy Minister of Georgia was key political player in the process and successful reforms related to introduction of biometric passports, ID cards and document security were associated with him (Princeton University, Innovation for Successful Societies, 2009). Efficiency of the agency was achieved through number of changes introduced in the system as a result of the capacity building measures of international organizations and donors. OSCE Mission and USAID supported Georgia in renewing its civil registry system. USAID granted over 1.5 million USD to Georgian government, which OSCE mission supported training activities back in 2005, when the Konstantine Kemularia served as a Georgian Minister of Justice (OSCE, 2005). Evidence suggests that the capacity of the administrative bodies dealing with change was increased as a result of presence of other international actors ensuring the efficiency of functioning coordinating mechanism at governmental level.

In discussing effectiveness of the coordinating mechanism and the capacity of the administrative resources, institutional set-up for coordination of EU policies in Georgia attracts a particular importance since this mechanism can facilitate dialogue, information exchange, cooperation with the final goal to reach positive reforms. Main decision-making body on EU issues is the Governmental Commission on European Integration, which was created in 2004 with the chairmanship of the Prime Minister. As for the coordination, the State Minister for European and Euro-Atlantic Integration holds the responsibility and it serves as the Secretariat for the Government Commission (Kapanadze, 2015: 109). Among of the tasks of the Commission is to facilitate PCA and ENP implementation process as well as harmonise Georgian legislation with EU acquis and closely engage in discussion for recommendations of the EU-Georgia Cooperation Council, Committee and Subcommittees (Office of the State Minister of Georgia on European and Euro-Atlantic Integration, Official Website). As shown, this coordination set-up is supported at high

political level. In terms of performance indicators, 42 sessions have been held by the Commission by May, 2012 (ibid). As for the sector policy coordination, ENP working group for migration issues was established by the State Minister for Euro-Atlantic Integration, which consisted of subgroups on migration (led by the MRA), visa and readmission (headed by MFA and MoI). High ranking officials are part of this group (IOM, 2008b: 12). Importantly, coordination with the EU on migration issues did not occur through a single institutional body since there were a number of line ministries engaged in the policy. The dialogue with the EU was held under different set ups - there was a separate EU-Georgia subcommittee on Justice, Freedom and Security in the framework of the PCA (EU-Georgia Action Plan, 2006: 18); as well as EU-Georgia Visa Facilitation Joint Committee and EU-Georgia Readmission Agreement Joint Committee. Cooperation under these committees were regarded to be successful by the European Union (European Commission, 2013a: 26; European Commission, 2015a: 10). As for the implementation of the Visa Liberalisation Action Plan, the main coordination body was the Ministry of Foreign Affairs and "a group of representatives of state institutions, led by the Deputy Foreign Minister, was created to deal with the implementation of the VLAP on a daily basis" (Chkhikvadze, Mrozek, 2014: 4). This type of institutional architecture covers sectoral policy at different platforms dispersed among Georgian governmental bodies and positively contributes to the Georgia's integration processes with the EU.

Creation of the State Commission on Migration Issues in Georgia has definitely facilitated migration management processes in the county and is in charge of bringing policy in convergence with EU set of standards. It held important responsibilities in developing national migration strategy of Georgia, monitoring the law on the Legal Status on Aliens and Stateless Persons, developing a unified analytical system through its subject-specific working groups (ICMPD, 2015: 12), which represented one of the key requirements of the EU in migration policy. Although a single governmental body was inexistent in Georgia, positive developments were largely facilitated by EU's capacity building measures in the area of enhanced coordination.

5.1.2 Asylum and Readmission Issues

European Union's cooperation with Georgia also laid required changes in convergence with European standards in asylum policy, legal framework and corresponding procedures in line with European regulations for asylum seekers and refugee protection system, fight against irregular migration including implementation of readmission agreements, reintegration of returned asylum seekers and illegal migrants. There conditions were outlined in EU-Georgia ENP AP and became further detailed and specific in Visa Liberalisation Action Plan under block 2.

Georgia took proactive measures in relation to legislative regulations for refugees and stateless persons in the first years of ENP collaboration. The Law on Refugees, which entered into force in 1998, was amended in April 2007 and government started to grant temporary residence permits to refugees (Commission of the European Communities, 2008a: 9). However, these acts were not enacted as a result of EU's pressure on Georgian incumbents. Rather these changes were introduced as a result of presence of other international organizations in the field. UNHCR office in Georgia was actively engaged in the process of drafting laws, elaborating on status identification procedures for refugees (ibid, Pataraia, 2011: 54). Granting asylum and providing support to refugees were rather new for Georgian politics since it had experience only with Chechen refugees in the late 1990s (ICMPD, 2015: 26) and progress to be achieved in this regard was not dominated by domestic political agenda. Georgian authorities attached more attention to this area only after few years when the external incentives offered by the EU became after the EaP motivated domestic reforms. Legislative framework - Law on Refugees - regulating issues in regard to asylum seekers and refugee statuses was replaced by further detailed and elaborated Law on Refugees and Humanitarian Status was adopted in 2011. The law laid down provisions for two types of international protection such as refugee and humanitarian status and regulates the treatment of the asylum seeker from the entrance to the country until the final decision made by Georgian authorities. The European Commission positively assessed the adoption of the law and outlined that granting humanitarian status is in accordance with Art. 3 of the European Convention on Human Rights and adopted by-laws lay down clear procedures for granting procedures, regulates accommodation issues (European Commission, 2013a: 11). Despite positive assessment the EU called for the further improvement in existing legal and institutional framework in regard to documentation for asylum seekers (ibid, 12). Vano Chkhikvadze, EU Integration Programme Manager at Open Society Georgia Foundation in his

interview underlines that there was a high number of rejected refugee status applications on the ground of state security purposes and reason behind the rejection was not justified. This issue was often put forward by EU evaluation mission of VLAP (Interview 1). In order to address this shortcoming, Georgia amended Article 25 of the "Law on Refugees and Humanitarian Status". According to this provision, MRA could receive information from the State Security Agency about asylum seekers' potential threat to national security (European Commission, 2015b: 5). Apart from these improvements, Georgia introduced changes in 2013 and 2014 in regard to documentation and issuance of temporary identity cards for asylum seekers and stateless persons. Although these amendments were rather recent for Georgia, they "closely follow European and international standards", mentioned ICMPD research group (ICMPD, 2015: 26). Progress was also observed in improved conditions for temporary reception centres for asylum seekers: in achieving European standards, translation services, access to medical care, language courses and education was provided for asylum seekers (European Commission, 2013a: 12). EU's financial assistance played a key role in reconstruction of the buildings (European Commission, 2010a: 16). In terms of the administrative capacity, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees responsible for asylum applications was strengthened in late years of the EU-Georgia visa dialogue. While ministry employed only 6 officials in charge of taking decisions, it recruited additional staff; additionally, the Country of Origin Information Unit was set up (European Commission, 2014a: 4). Apart from the EU support, government of Georgia in its migration policy (2013-2015) underlined "improvement of the asylum system, integration process of refugees' and individuals with humanitarian status' according to the international standards" (Art. 4.3) as one of the priorities (Migration Strategy of Georgia, 2013-2015: 15).

Evidence suggests that process in the area of asylum issues were further improved after the EU was able to exercise its positive conditionality: it offered clear visa free prospects for Georgia after the introduction of the EaP that would be tied to successful policy Europeanization processes. Reformation of asylum procedures and legislative framework was proceeded in parallel to other issues on the migration management agenda by that time. The change was reinforced by a general governmental priority for establishing rules in convergence with the EU standards. Prime Minister of Georgia by that time, Irakli Gharibashvili proclaimed that reforms held by Georgian government was in response to EU requirements: "One of the main EU demands was to regulate migration policy and we started working on this issue within the framework of Visa Liberalisation Action

Plan" (Tabula, 2014). Apart from these facilitating factors, presence of other international actors other than the EU should be mentioned. UNHCR played an important role in Europeanization of asylum policy in Georgia. It provided substantial financial assistance and needed expertise for policy-makers and interlocutors. According to the UNHCR Global Report, significant results were achieved in Georgia: "some 380 refugees of Chechen ethnicity were naturalised, the remaining refugees as well as members of their host communities benefited from a joint UNHCR-UNDP programme contributing to sustainable livelihoods in the remote Pankisi Valley" (2011: 287). The report also outlined that it operated as a lead agency on humanitarian assistance to protection issues (ibid). The government of Georgia absorbed this capacity to address EU requirements in the field and achieve positive results.

Fight against illegal migration including readmission and reintegration issues were one of the most important parts of EU-Georgia cooperation under migration. Initial EU demands were laid out in ENP Action Plan and Georgia signed bilateral readmission agreements with EU member states: with Bulgaria (2003), Switzerland (2005), Germany (2008), Latvia (2009), UK (2011) (MPC, Migration Profile of Georgia, 2013: 5-6). However, EU managed to pressure further influence on Georgian government by signing the agreement on the readmission of persons residing without authorisation in 2010, which takes precedence over bilateral readmission agreements. Within the framework of this agreement, Georgian government took obligation to readmit own nationals, third-country nationals and stateless persons (EU-Georgia Readmission Agreement, 2011: 48). European Commission noted that Georgia started to implement agreement provisions smoothly and the process was supported through new projects on "readmission management and capacity building on processing of readmission requests under the EU-Georgia Mobility Partnership" (European Commission and High Representative of the EU, 2012a: 12).

Apart from assistance, the EU was well equipped to exert its influence on Georgia and apply reinforced conditionality in 2007, when Georgian government demanded visa facilitation reasoned after Russia signed bilateral visa facilitation agreement with the EU in 2007 (Ademmer, 2011: 24). The EU managed to link readmission conditions to visa facilitation along with document security requirements, because "Georgian government should have held additional activities to effectively implement readmission agreement including integrating biometric data for higher security of documents" (European Initiative - Liberal Academy, 2012: 48). Although the EU signed visa

facilitation and readmission agreements with Georgia in the same year, it was clear that Georgian government should have implemented concrete demands if it aimed to reach visa free regime with the EU. "Visa Facilitation agreement did not bring great benefits for Georgian society, but it was a step towards visa liberalisation. Implementation of the respective agreement represented an important precondition in this process", mentioned Mr. Chkhikvadze (Interview 1). As a result of the positive evaluation, the EU handed visa liberalisation action plan to Georgian government in 2013 and reiterated readmission requirement. In response to EU's policy-specific conditionality, Georgia's policy was positively assessed: the approval rate for readmission applications was over 90% (Chkhikvadze, Mrozech, 2014: 6). The representative of the IOM office in Georgia mentions that "Georgia reached tangible results in readmission issues, it is a 'success story' even at global level as recognised by EU officials" (Interview 3). Improvements in readmission issues can be explained by the political readiness of Georgian authorities to implement reforms in this area. "These changes did not concern to politically sensitive topics and results were achievable. These reforms would pave way towards closer relations with the EU" (ibid). Georgia was the forerunner in introducing online readmission management system through secure web-based portal in South Caucasus Region. The EU funded the project "Supporting the Establishment of Effective Readmission Management in Armenia, Azerbaijan and Georgia" though which IOM experts provided needed support to Georgian authorities. From 2014, this system operates smoothly and connects the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees, which is responsible for coordinating the reintegration of readmitted migrants" (IOM Newsletter, 2014).

Integration and reintegration issues, inclusion and integration of immigrants, of persons granted protection as well as return and reintegration of emigrants ensuring their equal participation and inclusion in country was another important EU requirement under ENP and later visa dialogue. With the aim to assist country in reintegration issues, the EU funded project "Toward Durable Re-Integration Mechanisms in Georgia" for 2006-2009 through AENEAS programme (European Commission, Europe Aid, Aeneas programme, Projects Funded 2004-2006: 73). However, better results were achieved within the framework of the Mobility Partnership, which was signed by the EU and Georgia in 2009 and three-year project on the reintegration of returning migrants was launched (European Commission and High Representative of the EU, 2011a: 15). Moreover, Mobility Centres were opened in 4 cities of Georgia providing different type of support to returned

emigrants. The project is supported by the European Union within the Mobility Partnership framework (ICMPD, 2015: 35). Thus, it can be hypothesised that Georgia achieved progress in asylum and readmission issues as a result of the EU's conditionality, capacity building measures as well as fit with Georgian political agenda.

5.1.3 Border Management

The border management has been one of the sectoral policy areas under migration policy umbrella, where the progress achieved over years is observed. Georgia has been successful in its efforts to converge with European standards in accordance with EU requirements under the ENP AP, Visa liberalisation dialogue and Eastern Partnership platform. As the European Commission notes, "Georgia has managed to transform its former military-based system for border protection into a law enforcement system based on the European Model" (European Commission, 2013a: 6). Indeed, reforms related to the border management of Georgia has been smoothly implemented by Georgian government over years. In response to EU demands, National Border Management Strategy was adopted in 2008 and its consequent Action Plan for implementation was approved in 2009. The strategy was in line with European Model of Integrated Border Management and envisaged the actions regarding the "attainable goals, assigned responsibilities and ensuring the necessary supervision" (ibid, p. 7). The National Security Council had a leading role in creating this document from 2006 until 2008 and involved all line ministries. After the Georgian-Russian war in 2008, the strategy and its comprehensive Action Plan were updated in 2012 in order to illustrate the structural changes in border agencies. European Union's capacity building measures were absorbed in this process. The EU provided technical expertise to Georgian authorities in drafting and updating strategic documents through EU special representatives's Border Support Team and EU-funded South Caucasus Integrated Border Management Programme (SCIBM) (IOM, 2008a: 43; European Commission, 2010a: 5; Samkharadze, 2013: 148). The fact that the Temporary Interagency Commission on Border Reforms under National Security Council of Georgia was created in 2008 in charge of elaborating the National Strategy on Border Management, underlines increased

administrative capacity dealing with the Europeanization processes in the policy area. Moreover, National Security Council of Georgia was the governmental body dealing with the monitoring of the implementation process. As Samkharadze notes, another important step in terms of institutionalisation of the strategy elaboration process was to include border management in the national security review process, "which envisages mainstreaming the elaboration of all security related strategic documents in the same period" (Samkharadze, 2013: 149). Amending the strategy after Georgian Russian war in 2008 and discussion of border management issues imperative to Georgia's national security considerations underline the importance of the topic for Georgian government and its resilience on the political agenda. The strategy for the consequent years of 2014-2018 regarding state Border Management and its associated action plan were adopted in 2014, which were positively evaluated by the Commission (European Commission and High Representative of the EU, 2015a: 13).

The development of the legal framework in convergence with European norms has been positively assessed. The main laws regulating border management issues in Georgia such as the Law on the 1998 State Border of Georgia, the 2013 Law on Police, the 2006 Law on Border Police, the 1998 Law on Maritime Space, the 1997 law on Defence and Presidential Decrees as well as other agreements are in alignment with EU standards (European Commission, 2013a: 6). After the introduction of the visa dialogue, several important amendments have been made. For example, in 2012 the Order #265 of the Minister of Internal Affairs on Regulation on Border Representatives-Border Commissioners was adopted according to which, "a border commissioner is responsible for implementation of the Georgia's state border policy, addressing the issues related to protecting the border regime and resolving border incidents" (Transparency International, 2014: 18). These changes approximated Georgian legislation with European regulations that brought "Tbilisi close to fulfilling of all the requirements in this field" (Chkhikvadze and Mrozeck, 2014: 5). Furthermore, European Commission in its evaluation reports under Visa Liberalisation Action Plan positively assesses not only the development of these legal acts but also the implementation process (2015a: 3).

Strengthening the coordination mechanism and administrative resources for efficient governance of the border management issues was illustrated in the changes in institutional framework. The reform started in parallel with the European Neighbourhood Policy and intensified

in later years. The State Border Defence Department, which was incorporated in the Ministry of Internal Affairs (MIA), was renamed as the Border Police Department in 2006. As Mr. Samkharadze, Manager of Integrated Border Management Programmes at UNDP Georgia in 2010-2017 in his interview mentions, in 2006 new government made a political decision to reform border system and transform it from military-based to law-enforcement organ. Initially, it was based on the German model and European expertise was exploited in this process. It coincided with the introduction of the European Neighbourhood Policy (Interview 2). In the upcoming years, "the border guard department of the Ministry of Interior was transformed into a Border Police" (Commission of the European Communities, 2008a: 8). The reform process continued in 2008, when Georgian government made Patrol Police responsible for carrying out the operations of the border entry points. It has been argued, that it was "necessitated by the need to avoid an overlap of functions and additional expenses" (Pataraia, 2011: 62). These changes resulted in consolidation of different governmental bodies sharing responsibilities and duties for border management. It stimulated an efficient inter-agency cooperation between all agencies involved in the border management, which represented another important EU condition. "Today, Border Police of Georgia is fully fledged law enforcement organ as well as Patrol Police each of them having explicit functions: MIA Border Police of Georgia is responsible for land border defence and coast guard, while Patrol Police is assigned its role for state border control at check points" (Interview 2). Inter-agency cooperation is streamlined by joint order between the Ministers of Internal Affairs and Finance; between ministers of Justice, Foreign Affairs and Internal Affairs. Coordination is further enhanced through the memorandum of cooperation on "General Rules of Cooperation between the Patrol Police and Border Police Departments and the Revenue Service" the Border Police Department and Patrol Police Department of the Ministry of Internal Affairs and the Revenue Service of the Ministry of Finance are responsible for managing borders (Transparency International, 2014: 18; European Commission, 2013a: 6). Additionally, a Joint Maritime Operations Centre was established with the aim to enhance coordination in maritime border (Samkharadze, 2013: 150; State Minister Office of Georgia Report, 2014: 99). In response to European standards, increasing knowledge and skills for Georgian agencies in border management was pursued through the Ministry of Internal Affairs Academy, which includes FRONTEX Common Core Curriculum. Mr. Samkharadze, in his interview mentioned that it represented an important component of the reform process. Initially, MIA academy was more specialised for

training of patrol police personnel and offered only short courses to border guard staff. However, the situation improved after 2012 with the governor of the academy. In terms of career development, there is still space for improvement (Interview 2). As for the adoption of the Ethical Code, this requirement was fulfilled only in 2013 by several codes governing Border Police and Patrol Police, Georgian Customs Officers (European Commission, 2013a: 7).

In terms of state border demarcation and delimitation, a slow progress is observed. Among neighbouring countries, Turkey is the only state with which borders are fully demarcated and delimited. The talks are being held with Armenia and Azerbaijan. However, the situation with Russia is stalled due to the military conflict in 2008. Although no evident results are achieved in this area, experts note that "this is a bilateral process and it would be wrong to blame only Georgian authorities for the lack of the progress" (Samkharadze, 2013: 149). In regards to international cooperation, Georgia concluded its cooperation plan for 2013-2015 with FRONTEX and created draft agreements on Border Commissioners that were bilaterally discussed with Armenia and Azerbaijan (European Commission, 2014a: 3).

European Union demands in border management outlined in the European Neighbourhood Policy are clear and focused and they are very similar, though further detailed, in Visa Liberalisation Action Plan. This underlines the consistency of EU demands and importance of determinacy in appealing country to reproach with its standards. Since 2000 Border Management issues were mentioned in each official document signed between Georgia and the EU. The conditionality principle was strengthened after the introduction of the Eastern Partnership which introduced incentives for Eastern neighbouring countries including visa dialogue. As the 2011 EaP Summit declares "EU and partner countries will take gradual steps towards visa-free regimes in due course on a case-by-case basis, provided that the conditions for well-managed and security mobility set out in the two phase action plans for visa liberalisation are in place" (Council of the European Union, EaP Summit Declaration, 2011: 4). After introducing motivating stimulus for positive change, the EU was further equipped to reinforce adaptational pressure on the country if the latter was willing to intensify its relations. However, as the evidence suggests, EU conditionality has not been the primary and most important driving factor in accelerating reforms in border management, since it does not coincide with timing. The changes in this area started from 2006 in parallel to the European Neighbourhood Policy(Pataraia, 2011: 62). "When we moved to more intensified dialogue on visa

issues with the EU, reform process in border management continued. In fact, many EU standards had already been implemented in Georgia by the time VLAP was introduced. In my opinion, VLAP did not introduce a stimulus for positive change in Border Management since reform had started much earlier", mentions Mr. Samkharadze in his interview. Europeanization process can be explained by other facilitating factors such as fit with domestic agenda and motives for increased financial assistance from the EU and other international actors.

The European Union provided substantial financial assistance as well as technical expertise for border management agencies in border, which increased the capacity of the country to actually modernise the policy sub-field based on the European and international standards. Southern Caucasus Integrated Border Management programme (SCIBM) has been created by the EU funding after the introduction of the ENP, which aimed to strengthen strategic border management in the region. The project had been implemented during 2010-2012 by the UNDP with ICMPD as implementing partner. The total budget of the project amounted EUR 6 million. As Manager of Integrated Border Management Programmes at UNDP Georgia notes, the project had different components including legal aspects, infrastructure development, trainings, piloting border crossing points, etc. It was the first EU funded project in the area. (Interview 2). The project also supported Georgia's border management strategy elaboration and development process. (European Commission, 2010a: 15). Further technical expertise was provided by the EU through the EU special Representative (EUSP) Border Support Team, which is operational in Georgia during 2005-2011 and closely collaborated with the Georgian Border Police. In terms of cooperation in South Caucasus region, 2 EU-funded projects with Armenia were launched: "Enhancement of the border management capacities at Bavra-Ninotsminda Border Crossing Point (BCP)" with Armenia (European Commission and High Representative of the EU, 2012a: 12) and another one on Sadakhlo-Bagratashen border crossing point started in 2013. Additionally, 2 projects with Azerbaijan were funded by the EU: "Pilot project on Introduction of advanced Integrated Border Management at the land border between Azerbaijan and Georgia within the framework of the Eastern Partnership Programme (EPPIBM)" was launched in 2014 (State Office on European and Euro-Atlantic Integration Report, 2012: 54) and the second project aimed at improvement of veterinary and phytosanitary control at the Red Bridge crossing point of Azerbaijan-Georgia border (European Union External Action Service, Press Release, 2017). Furthermore, under capacity building mechanisms of the BM Flagship Initiative Training Project under EaP (EaP IBM FIT)

Georgian personnel skills were enhanced in order to facilitate border related cooperation in the wider region of East of Europe (State Office on European and Euro-Atlantic Integration Report, 2012: 53). Incentives for EU's increased financial assistance provided Georgian agencies with better motivation to implement reforms. "Georgian agencies saw that more convergence with EU standards and norms would lead to more financial assistance. They were particularly interested in infrastructure development, because border guards had to work in really difficult conditions. Initially the EU restrained from allocating money to infrastructure. However, once the EU saw that country achieved the progress, it started to allocate finances in infrastructure as well. Apart from that, the prospect to receive more financial support through 'More for More' appeared" (Interview 1). In 2012 the EU provided EUR 12 million to Georgian government in order to support Border management and migration reforms within the framework of "More for More" initiative (State Office on European and Euro-Atlantic Integration, Official Website, EU Financial Assistance). EU's blueprint was evident in Georgia's progress in the area. Apart from convergence with EU norms in legislative and institutional framework, Georgia's border checkpoints were modernised and the infrastructure was compliant with international standards for organised movement of different entry and exit flows (ICMPD, 2015: 14).

As evidence suggests, there is a substantial correlation with Georgia's positive change in BM and EU's capacity building measures. However, merely EU's assistance cannot explain positive convergence process. Fit with domestic agenda and presence of other international organizations in the field should be taken into account. First of all, as mentioned above, the reform started from 2006 in parallel to the ENP. It was prioritised by the new government, which came to power after revolution, there was a high political will and these issues were high on the agenda (Interview 1). From that period onwards Georgian authorities were assisted in these reforms by other international donors and organizations. As IOM report claims, Georgian Border Police cooperates with IOM, OSCE, EU, ICMPD, UNDP (IOM, 2008a: 43). Although involvement of these international actors are of particular importance in reform process, actions delivered by them are most frequently implemented under EU funding. As experts in the field note, another international key player in this field is US state agencies, which also supports the Georgian Border Police and the assistance is mainly addressed at training and equipping border check-points (Pataraia, 2011: 63). As State Office on European and Euro-Atlantic Integration of Georgia in its 2012 report mentions, "all road, sea, railroad and air BCPs are fully equipped with radiation detection equipment, provided by US DoE;

[…] In the frame of South Caucasus Integrated Border Management project as well as US State Department "Georgian Border Security and Law Enforcement program" (GBSLE), second line document inspection equipment has been purchased: fixed integrated passport readers, mono-microscopes video spectral comparators, etc. (2012: 52-53). As Mr. Hulst, Georgia Programme Office at IOM mentions, US was a big donor and there was coordination between the EU and the US regarding the allocation of finances in border management areas (Interview 3). Georgia has been implemented reforms in border management not only under EU requirements but also under the NATO Individual Partnership Action Plan (IPAP) as well (ICMPD, 2015: 14). The reform started as early as 2005 and coincides with the time when Georgia officially joined the initiative for Individual Partnership Action Plan at NATO Summit held in Istanbul in 2004. Georgia's commitment for NATO integration has been paramount in Georgia's political agenda after country gained independence and relations intensified after Rose Revolution. Accession to the organization is one of the top foreign and security policy priorities (Ministry of Foreign Affairs of Georgia, Official Website, 2014). NATO Integration bears security considerations for Georgia, which have been highly sensitive for country due to its secessionist regions as a result of the conflict with Russian Federation. Thus, NATO integration could have been another important and strong stimulus for Georgian government to modernise border management. As Defence Minister of Georgia, Bacho Akhalaia noted in 2010 at the meeting of the NATO-Georgia Commission, Georgia is "ready for successful implementation of the reform process and are committed to use intensively all the existing partnership mechanisms to accelerate Georgia's integration into NATO" (Ministry of Defence, Official Website, NATO-Georgia Commission, 2010). The political priority of NATO Integration did not change after the change of government in 2012. A new prime minister, Bidzina Ivanishvili had reportedly claimed his intention to intensify ties with NATO and even intended to get NATO Membership Plan in year of 2014 (Kucera, 2013). Therefore, Georgian successive governments successfully managed to utilise EU resources in pursuing its own political agenda since modernisation of Border issues were of paramount importance in Georgia's Euro-Atlantic Integration aspirations. Positive domestic change in border management in convergence with European and International standards was facilitated by EU demands' fit with domestic agenda as well as presence of other international actors.

5.2 Explaining the Change Theoretically: Constellations of Factors in Facilitating/ Hindering Europeanization of Sectoral Policy

Empirical observation over migration policy development from the introduction of the ENP Action Plan in Georgia until Visa Liberalisation suggests that country managed to implement a number of substantial reforms in line with European standards and fulfilled EU requirements at sectoral policy. Georgia created State Commission on Migration Issues, adopted the National Action Plan on Migration, introduced biometric passports, modernised border police, satisfactorily implemented EU-Georgia readmission agreement, conceptually developed and set up unified database for migration (operational since 2015). These changes met requirements set out in the first and second blocks of Visa Liberalisation Action Plan. As a result of European Commission's positive assessment, Georgia had fulfilled first phase requirements of VLAP in 2014 and met all the benchmarks set in respect of the blocks of the second phase (European Commission, 2015b: 12). Reform process, that resulted in positive change in migration policy in terms of Europeanization, was accompanied by constellation of determinants that induced Georgia to download EU norms to domestic arena. On the other hand, a number of hindering factors were identified impeding Europeanization processes at sectoral level. Based on the detailed scrutiny of the process development, evidence suggests that variables such as EU conditionality tied to specific sector, EU capacity building measures, presence of other international actors, effective coordinating mechanisms and administrative resources as well as institutional capacity of the government have largely contributed to shaping reformation of the migration policy in accordance with EU requirements.

EU conditionality principle tied to specific policy has been one of the main motivators for country to Europeanise. EU demands in migration implied prospects for benefits such as visa facilitation and liberalisation in return of compliance. While visa facilitation allowed for the reduction of the number of documents required to obtain a visa to the EU for Georgian citizens as well as opportunity to obtain short-term Schengen visas, the final goal of visa liberalisation process meant to grant visa-free regime for Georgia. Possibility for visa facilitation agreement with Georgia was mentioned under ENP cooperation framework, while visa liberalisation dimension was added to it and became one of the priority activities under the Eastern Partnership platform. These topics constituted an imperative part in EU-Georgia cooperation agenda in sectoral policy.

Evidence suggests that the EU was successful to pressure Georgian incumbents through conditionality when it clearly linked conditions for signing EC readmission agreement and security of travel documents to the signature of the visa facilitation agreement. The argument is further strengthened by the fact that reform process was accelerated in Georgia after EU 'carrot' for visa free regime for Eastern neighbouring countries became realistic under EaP platform. Progress were conditional upon successful implementation of the EU requirements in terms of readmission obligations in return for benefits by visa facilitation. Afterwards, Georgia should have satisfied all benchmarks set out in visa dialogue. EU Integration Programme Manager at Open Society Georgia Foundation, Mr. Chkhikvadze noted that Georgia had already started reform process before the VLAP was introduced. "From Moldova's experience, Georgian officials wanted to 'do homework' in advance and by doing so speed up processes in visa dialogue. Minister of Justice at that time, Zurab Adeishvili was leading these issues" (Interview 1). The process was continuous and each consequent step was dependent on the positive assessment by the European Commission. EU conditionality definitely triggered positive changes particularly after the Visa Liberalisation Action Plan for Georgia was developed setting out very clear conditions. "It was the most effective document in EU-Georgia relations. Firstly, concrete rewards were promised and secondly, the benefits would be available for each Georgian citizen having biometric passport - the EU Integration as an elite project became available for ordinary citizens" (ibid). While visa dialogue was a strong stimulus for change in migration policy, security considerations and political priority of government for border issues played an imperative role in border management. "By the time VLAP was introduced, a large portion of border management requirements were fulfilled by Georgia. It was preceded by a long process, which started in parallel to the ENP. However, VLAP motivated Georgian incumbents to adopt new strategy for IMB", mentioned Manager of Integrated Border Management Programmes at UNDP Georgia during 2010-2017 in his interview.

EU's financial assistance and capacity building measures have positively impacted on numerous developments in migration policy. EU's financial support put evident blueprint on the elaboration of the national migration strategy document, establishing electronic database, increasing the efficiency of the administrative capacity of policy area, improving conditions for temporary reception centres for asylum seekers, creating Mobility Centres, introducing biometric passports, transforming border agencies into law-enforcement organ and others. Apart from it, EU's technical expertise was highly relevant and needed for Georgian interlocutors in drafting strategic documents

of national plan on migration as well as on border management. European practices and experiences were also shared with Georgian officials during the establishment of the electronic database and regarding different mechanisms through which data on the migration flows should be gathered, information to be shared among key agencies. Notwithstanding the importance of EU's financial and technical contribution in the area, research shows that it is necessary but not sufficient condition for domestic change. For example, in the beginning of the ENP, Ministry of Refugees and Accommodation was granted EU funding through AENEAS programme under which the national action plan on migration should have been developed. However, merely EU's financial assistance could not trigger domestic change. Progress in this regard was achieved only after few years in 2013 when the EU's capacity building measures were also present on the ground, but the changes were mainly driven by the EU's reinforced conditionality under visa liberalisation action plan and increased institutional capacity of the government to implement reforms.

While EU conditionality and capacity building measures are dominant explanatory postulates developed in the Europeanization literature, detailed investigation and scrutiny of the reform process at sectoral level suggests that convergence with the European and international standards may not be driven by the EU agenda only, but presence of other international actors can play a paramount role in country's modernisation processes. As evidence suggests, convergence with European standards in asylum and refugee was very much facilitated by UNHCR which provided financial and technical expertise to Georgian government as early as 2006 and is a lead agency on humanitarian assistance and protection issues. In case of border management, US agencies contributed to reform process of Georgian Border Policy and provided training for stakeholders. Although EU's contribution in the area has been imperative, the progress on number of issues on border management proceeded the introduction of the ENP. Moreover, USAID along with OSCE mission in Georgia were main donors in reforming civil registry agency and increased the capacity of administrative resources of Georgian side for implementing needed measures in security of travel documents.

Institutional capacity of the government to implement changes has strong explanatory power in understanding Europeanization processes at sectoral level in Georgia. The variable was operationalised in terms fit with domestic agenda and political priority of the respective government.

It is noteworthy that Georgia inherited unregulated policy from Soviet Union and modernisation of the area in line with European standards was quite new for independent Georgia.

Afterwards, migration was regarded as a part of the 'open-door' economic policy under Saakashvili's government, which necessitated liberal visa regime and the policy remained unregulated. This context is important in explaining following developments. Although in later years (especially after 2009 as well as after the change of government in 2012) Georgia succeeded in converging with EU norms, liberal approach is observed in many ways. It was evidenced in negotiation processes on readmission agreement with EU. Ademmer mentions that Georgian government criticised EU proposal regarding the provision to readmit third country nationals back to Georgia if their documents showed that they entered Georgia before (Ademmer, 2011: 25). Georgia had liberal visa regime which meant that many county's citizens could easily cross the border. Georgian government tried to reach the compromise regarding taking obligations about readmitting third country nationals who hold a valid or shortly outdated visa from Georgia (ibid). Another evidence is found in the Law on the Legal Status of Foreigners and Stateless Persons adopted in 2014 which restricted entry to Georgia through different regulations. Amendments that were made to this law one year later re-introducing 360-day visa free stays for citizens of 94 countries suggests "how deeply entrenched the liberal approach to migration is in Georgian politics" (Ademmer, Delcour, 2016: 103). Furthermore, Art. 4.1.2.2 of the Migration Strategy of Georgia 2013-2015 states that country's social -economic development needs and state interest might lead to possible changes (Migration Strategy of Georgia, 2013-2015: 13). Accordingly, political priority for liberal approach towards migration represented a hindering factor in Europeanization process.

The (mis)fit of EU demands with Georgian political agenda and government priorities usually lead to facilitation or hindrance of Europeanization processes and it was evidenced many times in policy development. One of the examples was in Border Management when EU demands in this area positively correlated with Government priorities for various reasons. On the one hand, it touched upon the security issues of the country that became dominant especially after the war with Russia. On the other hand, EU requirements in the field coincided with Georgia's commitments under NATO Individual Partnership Action Plan. Thus, the EU's border management requirements fitted with the domestic agenda. As for the 'misfit' with Georgian politics, it was evident in early years of the ENP Action Plan implementation, when EU requirements related to migration policy demanding strict regulations contradicted with Government's overall economic policy, which resulted in lack of progress.

Effective coordinating mechanism and capacity of administrative resources of the line ministries as well as other agencies dealing with migration related changes in response to EU demands draws particular attention in analysing determinants and impediments for Europeanization processes. The importance of this variable is underlined by the fact that the EU itself required that Georgia increases the efficiency and capacity of the administrative resources so that it could better addressed reforms in the area. Lack of resources in the beginning of the ENP implementation contributed to the lack of change. As IOM reported, there was no single agency that would coordinate matters in migration policy such as policy decisions, implementation, legislative review and information exchange (2008b: 20). Positive developments in later years positively correlates with the establishment of the State Commission of Migration Issues in Georgia in 2010. The Commission was an important factor in drafting National Action Plan on Migration, Law on the Legal Status on Aliens and Stateless Persons, developing Unified Analytical System. The progress was achieved in each of these areas. Apart from that, positive changes related to the document security were largely facilitated by reformed Civil Registry Agency under the Ministry of Justice in Georgia. Notwithstanding the importance of this variable, it should be noted that effective coordinating mechanism and capacity of administrative resources itself is not the main driver for reforms. It only facilitates Europeanization processes when political priorities of the government aim at converging with the EU norms. Thus, it represents a necessary but not sufficient condition for domestic change.

The research shows that a number of factors contributed to the Europeanization processes in the migration policy in Georgia. EU policy specific conditionality and institutional capacity of the government such as fit with domestic agenda and political priority of the respective government have strong explanatory power in this regard. Also, the scrutiny of the issue proves that presence of other international actors plays an important role in country's convergence with European standards. EU's capacity building measures, effective coordinating mechanism and administrative resources are evidenced to be necessary but not sufficient variables for inducing change. Overall, as a result of identification of milestones and looking at the policy development through process tracing, it can be argued that Europeanization process at sectoral level was in line with rationalist argument of the cost-benefit analysis. Government took viable actions in regard to reforms only in case when benefits (or prospects for benefits) outweighed costs caused by changes and it was largely in response to EU's positive conditionality tied to specific rewards in return for compliance.

6. Migration Policy in Ukraine

6.1 Converging with European Standards and Norms in Migration and Border Management in Ukraine: Institutional and Policy Compatibility and Patterns of Domestic Change

Ukraine is the most important EU's eastern neighbour. It was the first post-soviet state to sign the PCA with the EU in 1994 and it became the second country with Common Strategy (after Russia) in 1999 (Sasse, 2002 cited in Sasse, 2008: 307). Despite country's long-standing European aspirations and its declared European choice, the analysis of Europeanization processes in migration policy shows the importance of local contextual setting in analysing policies of external intervention shedding light to explanation whether and through which mechanisms the EU may affect the strategies and preferences of the political elites in motivating domestic convergence with EU norms.

Geographical location of Ukraine emphasises the security considerations of the European Union's cooperation in Justice and Home Affairs, particularly in aftermath of 'big-bang Eastern Enlargement' in 2004 and 2007. Ukraine is located on the Eastern Border of the EU and shares a 1400 km long border with the EU (specifically with Poland, Hungary, Slovakia and Romania) (Zimmer, 2010: 343 cited in Wetzel, 2016: 66). Its location makes Ukraine to unwillingly become a transit route for legal or illegal migrants to Western Europe. There is no exact data on annual flows from Ukraine to EU countries, but the UN data shows the estimated overall stocks for migration destinations in the EU: Poland (433,100 by 2009), Italy (174,129 by 2010), Germany (137,527 by 2010), Czech Republic (130,933 by 2010), Spain (81, 718 by 2010) (Sasse, 2013: 563). As a joint study conducted by the Institute for Public Policy, Institute for Development and Social Initiatives "Viitorul" and International Centre for Policy Studies mention, Ukraine is not "only the major supplier of migrant labor to Europe, but also the major sending country of irregular immigrant workers" (2008: 35). These facts and figures empirically shows why the JHA became a top priority for EU's cooperation with Ukraine.

Relations in sectoral policy started as early as 2001 with EU Action Plan on Justice and Home Affairs with Ukraine (revised in 2007), which represented the basis for ENP cooperation on JHA issues. In terms of institutionalised relations, implementation of the Action Plan (and earlier PCA)

was monitored through a respective administrative framework such as (a) annual joint Cooperation Councils operated through Cooperation Committees and seven sub-committees; (b) Parliamentary Cooperation Committee addressing legislative matters. (Korosteleva, 2012: 91). In specific to AP on JHA, there is a Ministerial Troika on EU-Related JHA issues (Gawrich, et al. 2009: 17). The EU's monitoring and evaluation of the AP on JHA proceeded through a 'Scoreboard', which was set up in consultation with Ukrainian authorities (Council of the European Union, 2003: 4-7). EU's demands were consistently and clearly illustrated in other official documents such as in Association Agenda (2009), Visa Liberalisation Action Plan (2010), EU-Ukraine Association Agenda updated in 2013 as well as in EU-Ukraine Association Agreement signed in 2014. EU's monitoring and evaluation in regard to VLAP related implementation progress proceeds through EU-Ukraine Joint Visa Facilitation Committee, the EU-Ukraine Readmission Committee, EU-Ukraine Joint Sub-Committee on Justice, Freedom and Security, and in the Human Rights Dialogue (European Commission, 2015c: 10).

Scholars argue that before the ENP the EU demands were more focused on cross border cooperation (CBC) with the aim to minimise the risks related to various kinds of cross-border crime, such as money laundering and human trafficking after enlargement, while under the ENP, the scope broadened and moved to a much wider range of governance related matters (Gawrich, et al. 2009: 17; Franke, et. al. 2010: 163-164). This is also well illustrated in Visa Liberalisation Action Plan handed to Ukrainian government in 2010, which puts emphasis on migration management issues and provides mechanisms for close monitoring and evaluation. The EU's approach with Ukraine in migration policy was in accordance with its external migration objectives: "address the root-causes of migration and control migration flows onto ints territory" (Wunderlich, 2013: 28). However, EU's actions did not exert strong influence on domestic scene and could not motivate political actors and elite to drive the change after the introduction of ENP and later EaP. Ukraine Ukraine positively responded to EU demands only when rewards became clear from the EU and changing political context allowed for EU's stronger pressure on incumbents to implement reforms.

The incompatibility between Ukrainian regulations in migration and European standards was rather high during the first years of the ENP implementation and positive change only occurred in late years. Primarily this can be attributed to the policy legacy remained from the Soviet emigration control regime. As Ms. Ryzhykh underlined, Ukraine used to be part of a closed society with very

limited and highly controlled external cross-border migration flows and suspicious if not negative attitude towards international movements. There was a gradual liberalization process in both the public's attitude and the legal regulations during past 26 years. (Interview 5). Consequently, as experts note, "implementors lack established approaches and internal support structures when engaging on more complex measures other than border controls" (Wunderlich, 2012: 1425). In contradiction to EU's coherent and regulated migration standards, Ukraine's migration policy was chaotic and inconsistent in its approach. In evaluating the implementation progress of the EU-Ukraine Action Plan on Justice and Home Affairs of 2001 until its revision, the European Commission's assessment mission to Ukraine concluded that "Ukraine has developed policies and enacted legislation with a view to approximate EU principles and to comply with provisions of International and Regional Conventions and Protocols. However, an overly burdensome administrative system and an ill-defined division of responsibility between government agencies hamper effective implementation" (ICMPD, 2006: 12). In regard to migration and border management issues, the mission outlined the need for overall national strategy; revision of the institutional set up dealing with migration and asylum issues; Ukrainian asylum procedure adherence to fundamental principles and alignment to EU best practices; a gradual shift from a border protection system to an effective border management system" (ibid, pp. 12-13). Moreover, the asylum system deteriorated in 2007 (Commission of the European Communities, 2008b: 13). In the absence of a single inter-agency coordination, it was impossible to fulfil "the basic tasks of migration control, such as coordinated control over the entry, temporary residence and exit of foreigners and interdepartmental information exchanges" (IPP, IDSI "Viitorul" & ICPS, 2008: 36). Lack of convergence with European standards and demands outlined in EU-Ukraine strategic documents on JHA was observed in consequent years following the introduction of the ENP as well. For many years, experts have called for elaboration and adoption of the state migration policy concept, that "could define objectives of state activities, allocate responsibilities for dealing with the issue and provide basis for mid and long-term planning (Chumak, Kazmierkiewicz 2009; Malynovska 2010 cited in Jaroszewicz and Ka mierkiewicz, 2014: 17). This also hampered adoption of new legislation regarding the sphere of migration (Chumak, 2010: 5).

Although Ukraine showed little compliance with EU demands in migration and asylum issues in the early stages of the ENP cooperation, positive developments are observed in later years. Wetzel notes that the milestone for domestic change in the policy area can be dated from 2010

onward (2016). Legislative and institutional adjustments to European standards are illustrated in a number of initiatives: the Concept of State Migration Policy of Ukraine was adopted in 2011; the Operational Plan of Action for the Regulation of Migration Processes in Ukraine in 2011-2012 Years was issued as a government decree on 11 March 2011; A law on the legal status of foreigners and stateless persons was adopted; the State Migration Service (SMS) reestablished and a regulation defining its basic tasks, functions and organization was adopted (Wetzel, 2016: 77; Jaroszewicz and Ka mierkiewicz, 2014: 17-18; European Commission and High Representative of the EU, 2012b: 14-15). These changes corresponded to the EU demands outlined in VLAP Block 2, illegal migration including readmission. As independent monitoring findings produced by Europe Without Barriers in 2012 concluded that Ukraine had the highest implementation level of VLAP Benchmark in this block (EWB, 2012: 13; Interview 7). In its monitoring report of the Visa Liberalisation Action Plan, the European Commission positively evaluated the Ukraine's attempts: "Ukraine has in a very short time adopted the legislative framework and established an institutional framework for migration management and for the implementation of migration policy" (European Commission and High Representative of the EU, 2012c: 4). Along with acknowledgement of the progress, the EU also indicated the need for the adoption of the additional by-laws, rules and regulation in order to finalise the National Migration Management Strategy (European Commission and High Representative of the EU, 2012b: 14; European Commission and High Representative of the EU, 2012c: 4). As for the area of border management, the reform of the State Border Guard Service started earlier in 2000s and progress continued in later years. In its first Visa Liberalisation Action Plan progress report, Commission noted that "Ukraine had made a very good progress in adopting the legislative framework in the area of border management" (European Commission and High Representative of the EU, 2011d: 3).

However, meticulous investigation of process reveals that the momentum for real change was created only after Euromaidan Revolution 2013/2014. Local experts, who are closely engaged in monitoring processes claim that changes initiated during 2010-2012 under the presidency of Yanukovych had 'imitation character' (Interview 7). Although VLAP gave some push in 2010, changing domestic context in favour of the EU and real promise for rewards after granting second phase in 2014 created higher pressure for decision-makers. "VLAP argument became a big factor in political debate in Parliament and in government. At that time benefits became much visible, which strengthened public argument that reforms had to take place if Ukraine wanted visa free regime with

the EU" (Dmytro Shulga, European programme Director at International Renaissance Foundation, Interview 6). The progress in Migration and Asylum policy was accelerated. Changes were prevalent in Migration Management areas: the amendments were made to the Asylum Law in 2014 (European Commission, 2014b: 3); Law on Labour Migration was adopted in 2015; the Migration Profile for 2014 was published (European Commission, 2015c: 4; the State Migration Service established a new unit for the fight against irregular migration (Europe without Barriers, 2016: 5); Law on Legal Status of Foreigners and Stateless Persons was improved (Verkhovna Rada of Ukraine, Official Website, News, 2016). The progress in Border Management continued and investigation of cross-border crimes was streamlined through access to Interpol databases (EWB, 2016: 5).

Changes in other Blocks of VLAP were prevalent during Poroshenko's presidency as well. While reform process in migration management, asylum policy and border issues continued, changes in document security was introduced only in 2015. "In terms of VLAP, it was one of the most significant and important issues, because only holders of biometric passports could use the privileges of visa-free regime. It incurred high costs - it involved demographic registration, infrastructure development, production of new documents, databases, information campaigns" (Interview 5). Ukraine's progress was widely recognised. As experts mention, Ukraine's migration policy has been reformed in all aspects "from border management to readmission, from the management of all forms of migration to the integration of recognised refugees and Ukrainians displaced by the conflict in the East (IDPs), from cooperation with EU countries and agencies to respect for human rights regarding to the movement of people" (Kulchytska, Sushko, Solodko, 2016: 1). Despite these changes, Ukraine had shortcomings in anti-corruption legislation as well as non-discrimination clause in the labour relations based on sexual orientation (European Commission, 2015d, Interview 6). While the Parliament of Ukraine adopted Law "On the National Anti-Corruption Bureau of Ukraine" setting goals and responsibilities for the National Anti-Corruption Bureau (NABU) (EWB, 2016: 3), implementation of these laws remains to be seen. Ukraine's commitment toward EU oriented reforms especially after Euromaidan events were acknowledged and although full convergence with EU standards were not observed in 3rd and 4th blocks of VLAP, the EU granted visa free regime to Ukrainians in 2017.

The timing of the start of the reform process in sectoral policy coincides with the prospect for

Association Agreement and free market access as well as the clear visa free regime reward introduced by the Eastern Partnership platform in 2009. The latter was institutionalised in Visa Liberalisation Action Plan in 2010, which provided an important conditionality principle for rapprochement with EU standards in migration policy. The UNHCR in its Aide Memoire notes that the VLAP "has had a significant impact on the tempo of legislative and administrative reform related to the asylum system in Ukraine, as it mobilised the political will to change migration policy" (2012: 1). While "visa liberalisation process is widely acknowledged to be an effective instrument for implementing reforms and creating positive policy environment" (Interview 7), close observation of the developments in respective areas from the introduction of the ENP until visa free regime with the EU reveals other hindering and facilitating factors for domestic change.

Several features prevail in analysing lack of change in Ukraine in the first years of the ENP cooperation, which largely conforms with theoretical expectations of rationalist approach. The drive for change was largely determined by cost - benefit analysis of incumbents in the governing bodies and positive developments are observed when rewards became clear and tangible. Several considerations draw particular attention when discussing lack of change in migration policy in Ukraine in the first years of the ENP cooperation: the ENP offer as a weak incentive; weak capacity administrative resources; "ongoing political instability in Ukraine, the politician's limited interest in the Action Plan" (Wolczuk, 2009: 207).

The introduction of the EU's policy for its neighbourhood did not represent a credible and strong incentive for a Ukraine - a country with long-standing EU membership aspirations. Political elites believed that Ukraine, which is "Geographically situated in the centre of European continent, should not participate in the ENP; her aspirations are more ambitious than merely subscribing to partnership with the EU" (Stegniy, 2011: 54)". This attitude was also shaped as a result of the legacy of Kuchma's presidency. He argued that "the litmus test of EU credibility of Ukraine was nothing less than an offer of prospective membership, regardless of the domestic developments in Ukraine" (Wolczuk, 2009: 197). A number of declaratory documents adopted during his presidency proves Ukraine's pro-EU orientation: 'Strategy for Ukraine's Integration into the EU' in 1998; the 'Programme for Ukraine's Integration into the EU' in 2000; complemented by the 'National Programme for the Adaptation of Ukraine's Legislation' as well as additional programmes and guidelines with the aim to take measures in implementation of these documents (Stegniy, 2011: 51).

Although experts argue that "Kuchma's policy towards the EU was rhetorical and EU bemoaned the patchy implementation of the PCA" (Sasse, 2008: 307), it managed to shape the idea that Ukraine could only expect membership perspectives in its relations with the EU. This perception was also "unduly hyped up by the expectations the Orange Revolution and new elites" (Korosteleva, 2012: 85). There was a public discussion in Kyiv in the aftermath of the Orange Revolution, whether country should have agreed to the EU's offer for ENP partnership since it declared EU's membership aspirations five years earlier. Borys Tarasyuk, a former minister of foreign affairs argued: "We do not see ourselves as Europe's neighbours, we are in the centre of Europe. Thus, we believe, a more correct name for EU policy would be the Neighbourhood Policy of the EU but in no way the European Neighbourhood Policy. Furthermore, we do not consider the European Neighbourhood Policy an alternative to the prospect of Ukraine's eventual accession to the European Union" (cited in Stegniy, 2011: 54). Although Ukrainian government accepted the ENP Action Plan as proposed by the EU, experts asserted that negotiation process undertaken by the vice-president of the Institute for European Integration, Gennadiy Druzenko, revealed that the agenda was EU-dominated and "often to the detriment of Ukraine's own needs" (ibid). Consequently, the ENP offer itself did not motivate Ukraine to implement reforms in migration and border management under this type of cooperation.

Analysis of the institutional set up for coordination of EU policies in Ukraine indicates that weak administrative resources of the country further hampered Europeanization processes. After the Orange Revolution, the government headed by Julia Timoshenko established the post of the Deputy Prime Minister for European Integration in 2005. Although the primary goal was to improve the coordination of European integration, the creation of a new post resulted in "simply increasing personnel numbers to 50 in corresponding sections of the Secretariat for the Cabinet of Ministers" (Stegniy, 2011: 52). Increased bureaucracy resulted in ineffectiveness of the post. Moreover, Oleh Rybachuk, the first holder of the post lacked relevant experience in the field. The post was soon abolished (Wolczuk, 2009: 200). Further attempts to establish institutional set-up with the EU included shifting responsibilities for coordination of EU affairs to the Governmental Committee on European and Euro-Atlantic Integration headed by the Minister of Foreign Affairs. However, due to bureaucratic system of the government, a single ministry occurred to be ineffective in influencing other line ministers. Later in 2006, a new governmental Committee on Defence, Legal Policy and European Integration was created led by the prime minister. However, the committee could not

manage to raise EU related matters (ibid, page: 201).

Later in 2008 Ukraine's political elite lobbied the idea of creating a National Agency for European Integration. Instead in July 2008 Coordination Bureau for European and Euro-Atlantic Integration (hereafter Bureau) within the Ukrainian government itself was created, which among other duties was responsible for providing profound analysis of relevant EU-related questions for the governmental Committee for European Integration and International Cooperation. The latter institutional body was established for shaping single policy towards European social space and was operational only during 2008. In 2010 the Bureau ceased its existence and in April a new one the Bureau of European Integration within the Secretariat of Cabinet of Ministers was established (Stegniy, 2011: 53). These developments empowered responsible ministries in engaging implementation of the EU-Ukraine Action Plan. Korosteleva argues, that three ministries in particular - the Ministry of Foreign Affairs, The Ministry of Economics and Ministry of Justice became the 'real engines' for convergence with EU acquis (2012: 86). However, 'pro-European enclaves within the state apparatus' (Wolczuk, 209: 202) could not be the primary drivers for positive changes since they lacked the back up at higher political level. Stegniy argues that "the created system of institutions responsible for the implementation of EU integration policy was ambiguous and disparate" and division of duties among ministries was not clear (Stegniy, 2011: 52).

In addition to weak administrative resources, domestic political agenda that attached low priority to the JHA related areas also hindered progressive initiatives in the country. Negotiations on the ENP started in the aftermath of the Orange Revolution, which brought in power President Viktor Yushchenko in late 2004. He reiterated EU and NATO integration as a cornerstone for country's foreign policy and prioritised these issues in domestic reform path (Sasse, 2008: 308). The government adopted an "Action Plan Programme Towards the People in 2005, which outlined necessary reforms in convergence with EU standards including Justice, Freedom and Security area (ICMPD, 2006: 12). Experts pointed out that although emigration was a high level priority for both Yushenko and Tymoshenko voters (Jaroszewicz and Ka mierkiewicz, 2014: 23), domestic political agenda was preoccupied by other issues such as instability and conflict between President Victor Yushchenko and Prime Minister Yulia Tymoshenko. The reform process was further hampered following the parliamentary elections in 2006, which introduced Victor Yanukovych as prime minister "keen supporter of cooperation with Russia" (Korosteleva, 2012: 86). His government

rejected NATO membership and as Worczuk mentions, based EU integration on cost-benefits (2009: 198). Despite the fact that EU elaborated on the 'Ten Points' document annexed to the Action Plan after Orange Revolution and emphasised its commitment towards Ukraine's modernisation, these influences "proved insufficient to overcome domestic political barriers to reform" (ibid, 199). Moreover, "the presidential elements of the semi-presidential system weakened under President Yushchenko (2005–2010)" (Tudoroiu 2007: 329–31 cited in Wunderlich, 2012: 1426) and the struggle among different executive branches between presidency and government became common. This was also evidenced in establishing country's foreign policy priorities. The constitutional reform of 2006, which put the president in charge of country's foreign policy and provided other powers to the prime minister and parliament, challenged president's role. This was the case when Yanukovych through parliament dismissed Yushchenko's ally, pro-EU Foreign Minister Borys Tarasyuk. Sasse affirms that "the divide between two foreign policies, pursued by different institutions and individuals, temporarily widened" (2008: 309).

These developments had a negative impact on migration policy development. Domestic agenda covered with intensive power struggle, poor quality of ruling elite and internal conflict made "the adoption of any ambitious law (like an Act on Labour Migrants that would comprehensively alter a state system) almost impossible" (Jaroszewicz and Ka mierkiewicz, 2014: 22). This was further evidenced in the process of establishing State Migration Service of Ukraine as outlined in EU-Ukrainian AP 2005. "A three-year struggle between cabinet and president broke out on whether the body should be inter-ministerial or located in the Interior Ministry" (Wunderlich, 2012: 1426).

While first years of the ENP cooperation shows lack of progress in migration policy, gradual improvements in policy area is observed after 2010 and more systematic rapprochement with EU demands from 2014. Detailed scrutiny of policy development reveals that the EU has effectively used VLAP instrument for pressuring decision-makers to implement reforms. Apart from that clarity of demands, visible benefits and favourable domestic political context represent necessary conditions for domestic change. The discussion of different areas of migration reveals the importance of other facilitating factors including EU's assistance and capacity building, presence of other international actors, role of the capacity of administrative resources.

6.1.1. Migration Management

Ukraine's attempt to design its migration policies and enact legislation in a way to reproach with European standards and comply with internationally established practices and provisions of International and Regional Conventions and Protocols was acknowledged by European Commission's justice, freedom and security assessment mission to Ukraine (ICMPD, 2006: 12). These actions were aligned with the EU Action Plan on Justice and Home Affairs with Ukraine of 2001. Despite some positive developments, a number of challenges were prominent on migration policy agenda. Particular emphasis was on the need for an efficient coordination among Ukrainian law enforcement agencies and appropriate institutional set of up authorities dealing with migration and asylum issues (ibid, p. 20; 27). Ukraine showed protracted and low progress in governance related issues, which became more notable in EU-Ukraine relations after the introduction of the ENP as evidenced in the revised Action Plan on Freedom, Security and Justice in 2007 and later in VLAP in 2010. European Union's demands in terms of migration management was related to the creation of the State Migration Service; adoption of the Migration Policy Strategy and its accompanying Action Plan; inaction of necessary legislations in compliance with European and International standards; creation of the electronic database. These actions would lay foundation to necessary reforms in the country with the aim for effective policy management, data analysis, fostered coordination among agencies in combating illegal migration, legal framework allowing for efficiency and policy implementation. European Commission country progress reports systematically addressed these issues and observed no change in policy in the first years of the ENP cooperation. Among other critical observations, mentioning of the absence of overall long-term strategy (Commission of the European Communities, 2006: 13) and clear migration policy and a unified, efficient migration service (ibid, 2009: 13) underlined the importance of the migration management issues in EU's cooperation with Ukraine on Freedom, Security and Justice.

Legislative aspect in the field of migration was addressed in Ukraine since it became an independent state in 1991 and elaborated a normative base for immigration control and management. International organizations have positively assessed these changes and gave Ukraine "high marks for being one of the most evolved among CIS countries" (IPA and ICPS, 2009: 15). Legislative basis for migration policy in Ukraine included: the law "On immigration" (2001), the Law "On Refugees" (2001), the Law "On Ukrainian Citizenship" (2001); the Law "On Legal Status

of Foreigners (1994, amended in 2005); the ratification of the 1951 Convention on the Status of Refugees and the 1967 Protocol (2002); the Law "On the State Border Service of Ukraine" (2003); and the Law "On amending certain legislation due to the adoption of the Law "On the State Border Service of Ukraine" (2003) (IPP, IDSI "Viitorul" & ICPS, 2008: 36). Despite positive developments, experts claimed that these changes were not introduced as a result of detailed analysis of the context as part of a "conscious Ukrainian vision of the development of migration policy as a whole" (IPA and ICPS, 2009: 15). Rather these initiatives were related "mainly to the Ukraine's participation in regional consultative processes" (Davydovych, 2013: 77). In order to increase country's capacity to effectively manage migration processes, adoption of new legislation was required. For example, amendments were needed "to the legal framework of asylum, rules for entry and stay of foreigners and foreign labour" (IPA and ICPS, 2009: 17). This process was hindered by the absence of a normative document such as migration policy concept that would establish the overall policy with its goals, mechanisms and instruments (Chumak, 2010: 5). This issue was addressed as early as 2004, but the process was slow and protracted. The first bill (4227) was presented to the government in June. There was another bill developed by national deputies (I. Haidosh and M. Shulga), who also submitted their version. The latter version was used by the legislators and sent the bill to the Verkhovna Rada Human Rights, Minorities and Interethnic Relations Committee. The bill failed to pass. (IPA and ICPS, 2009: 16). Adoption of such strategic guidelines were necessary for further legislative reforms laying foundations for effective migration management.

EU's relations with Ukraine on Justice and Home Affairs intensified after the new migration trends posed by the Eastern Enlargement. It was proved in a number of official documents agreed between parties. AP for Freedom, Security and Justice was revised in 2007; EU-Ukraine Readmission and Visa Facilitation Agreements were signed in 2007 and entered into force in 2008 and dialogue on visa liberalisation was launched in 2008. Broader EU- Ukraine political agenda included prospect for a new Association Agreement to replace the PCA for which negotiations started in 2007. Ukraine also acceded to the WTO in May 2008, which included the prospect for the establishment for the FTA with the EU and further visa liberalisation (Korosteleva, 2012: 87). These new dynamics brought new demands for the Ukrainian government and the readmission agreement brought new obligations in regard to migration policy management to be fulfilled by the country. The European Commission, which viewed readmission agreements as "a necessary tool for efficient

management of migration flows" and "a major element in tackling irregular immigration" (European Commission, 2011a: 2 cited in Wunderlich, 2013: 30), exerted pressure on the country to return to the issue of comprehensive management of migration policy. Besides, there was a need for "ensuring orderly movement of the population being open to the external world" aimed to participate in the international labour market and globalisation processes (Malynovska, 2011: 3). This context and external factors pushed domestic actors to address migration policy management issues.

There have been a number of attempts in Ukraine to approve national migration strategy. It started with the decision of the National Security and Defence Council of 15 June 2007, which concluded that migration was conceptually undeveloped and there was a need for "immediately establishing the underpinnings of Ukraine's migration policy and increasing the effectiveness of efforts to counter phenomena that represent real threats to national security: illegal migration, a deepening demographic crisis, and the outflow of the most qualified part of the nation's human and intellectual resources" (cited in (IPP, IDSI "Viitorul" & ICPS, 2008: 37). The decision was approved by Presidential Decree #657 of July 2007 and appealed for elaboration of a draft Concept on State Migration Policy in Ukraine by the end of 2007 with the participation of the different stakeholders such as CSOs, academics, experts and submit it to the Verkhovna Rada of the 6th Convocation. It also called for necessary measures to be carried out with the aim to optimise of state migration management system over 2007-2008 and consider the establishment of the central executive body dealing with migration management in Ukraine (IPA and ICPS, 2009: 16; IPP, IDSI "Viitorul" & ICPS, 2008: 37). Consequently, the government had to work out a comprehensive conceptual document laying foundations for principles, strategic tasks, goals and standards for migration policy at national level. The Cabinet of Ministers under then Prime Minister Yulia Tymoshenko entrusted the Ministry of Justice to develop a draft policy document. As a result, the bill #3506 "On a Concept of State Migration Policy" of 19 December 2008 was presented to Verkhovna Rada. The draft law was rejected on 1 April 2009. It was noted that anumber of provisions in the bill did not comply with the Constitutional norms of Ukraine (IPA and ICPS, 2009: 16-17). Experts also provide explanation for the failure of the draft law. Firstly, the concept was based on the old draft law, developed in late 1990s and already dismissed by the Parliament and did not correspond to the changing migration patterns since then; secondly, the Ministry of Justice attempted to take into consideration all proposals submitted by other ministries and institutions

resulting in lack of strategic vision. It looked more like a action plan rather than a legal regulation (Malynovska, 2011: 3).

Shortly after the failed draft law in April 2009, the government proposed a revised law "On a Concept of state migration policy," 5085 of 02 September 2009 by Ministry of Justice and submitted to the Parliament in September. The second alternative bill 5085-1 of 16 September 2009 created by a group of MPs was also registered. Verkhovna Rada of Ukraine rejected governmental law in February 2010 and at the first reading adopted the legislative proposal by MPs. Despite of this fact, the Central Scientific Experts Office of Verkhovna Rada of Ukraine largely criticised this law making attempts. "The document was kept at a general level and merely reiterated some of the declarations made earlier" (Jaroszewicz and Ka mierkiewicz, 2014: 17). Finally, 5085-1 of 16 September 2009 bill by a group of members of parliament was not passed at the second reading (Malynovska, 2011: 3).

Similar pace of developments is also observed in establishing institutional framework for effective migration management in Ukraine. The process was sometimes referred to by experts as "the war of decrees" (Tolstokorova, 2012: 2), which was reasoned by a continuous confrontation between power branches. The requirement to establish State Migration Service of Ukraine was consistently outlined by the EU in main strategic documents in Justice and Home Affairs. The absence of a single executive body dealing with migration issues in terms of its development and implementation hindered effective migration management processes. The absence of central coordination mechanisms made it impossible to monitor migration flows and address issues such as "control over the entry, temporary residence and exit of foreigners and interdepartmental information exchanges regarding the individuals with the entry visas who have crossed the border and those who have been prohibited to enter Ukraine" (IPP, IDSI "Viitorul" & ICPS, 2008: 36). There were a number of state agencies among which migration functions were scattered and responsibilities among them were duplicated. It is evidenced by the fact that "the responsibility for expelling irregular migrants was split between the Ministry of Internal Affairs and Security Service of Ukraine" (IPA and ICPS, 2009: 22).

At the institutional level there were a number of different central bodies dealing with migration issues. Ministry of Internal Affairs of Ukraine was responsible for countering illegal migration and established the State Department of Citizenship, Immigration and Registration of

Persons in 2002; the Ministry of Foreign Affairs dealt with visa policy and consular activities; the Ministry of Labour and Social Affairs performed duties related to the sphere of labour migration such as licensing of business activities of agencies dealing with overseas employment, monitoring labour migration and setting quotas; the Ministry of Health of Ukraine involved in controlling epidemiological situation in the country; State Committee for Nationalities and Religion (SCNR) under the Ministry of Justice of Ukraine responsible for refugee related issues; the Ministry of Justice itself launched a number of legislative proposals as showed above; State Border Service of Ukraine (SBS) dealing with border control and countering illegal migration at the state border; Security Service of Ukraine (SSU) charged with control of foreigners related to national security (Chumak, 2010: 7; IPP, IDSI "Viitorul" & ICPS, 2008: 36; IPA and ICPS, 2009: 22).

There were two unsuccessful attempts to establish state migration service of Ukraine in response to EU demands, which coincide with legislative proposals in State Migration Policy Concept after 2007. In response to above mentioned Presidential Decree #657/2007 approving the the National Security and Defence Council Decision of June 2007, the Cabinet of Ministers was tasked to create a State Migration Office. Consequently, it approved the Resolution #558 of 18 June 2008 "On Certain issues of state management in the area of migration policy" on renaming the Department on Citizenship, Migration and Personal Registration Matters at the Ministry of Interior into the Department of Migration Service. Although Presidential Decree called for the creation of the independent agency, new resolution equipped the MoI with the functions of central executive body of migration. "In essence, the Cabinet set up a state administrative organ that is part of MIA and whose activities would be directed determined by the Interior Minister (IPP, IDSI "Viitorul" & ICPS, 2008: 37). This decision was challenged by the Presidential Decree #643/2008 of 21 July 2008 as unconstitutional, because "according to the Constitution the functions and structure of law enforcement agencies as well as basics of migration process regulation are defined exclusively by the laws" (Malynovska, 2011: 8) and the proposed resolution violated these principles. Although afterwards the Cabinet approved a new regulation redirecting the activities of the MoI and creating State Migration Department, the president again suspended the regulation and filed a claim to the Constitutional Court (ibid).

The second resolution #643 on establishing State Migration Service of Ukraine was issued by the Government on June 24, 2009, according to which independent executive authority would be

created. Newly created State Migration Office inherited the power from the State Department on Citizenship, Migration and Personal Registration Matters at the Ministry of Interior and the Department on Refugee Matters at the State Committee on Nationalities and Religions. One of the main duties of the SMSU was "to counter illegal migration, enforce legislation on the legal status of foreigners and implement readmission treaties" (IPA and ICPS, 2009: 26). This initiative was also largely criticised related to the fact that "it exceeds its authority and approved the decision belonging to the Presidential field of competence" (Malynovska, 2011: 9). Moreover, the newly established State Migration Service was not authorised to take any legislative measures against illegal migration. Relevant tools needed for the body to fulfil duties imposed on it in regard to implementation of Readmission Agreement were not set up (Chumak, 2010: 8). President Yushchenko suspended Cabinet's decision in 2009 and appealed to the Court, which declared the certain provisions of the regulation unconstitutional (Sushko, 2010: 42). Finally, the Service was abolished as a result of the Cabinet's resolution of July 7, 2010 and returned the competences in the sphere of migration to the Ministry of Interior and and State Committee on Nationalities and religions. Thus, the problem of absence of central authority and a clear division of powers in migration issues remained in Ukraine until 2010.

These developments show that the Europeanization processes was largely hindered by the political instability in the country. Although a number of legislative initiatives were put forward with the aim to converge with European standards and comply with EU demands, the confrontation between power branches hampered this process. This was very much proved in the attempt to pass a draft law on migration policy concept in 2009 when the Governmental draft law was accompanied by an alternative bill proposed by the MPs. However, as experts noted, "such situation existed not only in the field of migration law making, but in concerning other governmental initiatives as well" (Malynovska, 2011: 3). On the other hand, there were veto players present at agency level, that represented obstacles in reforming migration management policies in the country. For example, different bodies in charge of migration duties were struggling to maintain their functions to hold on human and financial resources. They were reluctant to any changes which would result in their loss of power and resources. One of the most visible examples of it was the subordination of the centers for detaining irregular migrants and refugees. "The transfer of such centers to the migration service would take major human and financial resources, including international technical assistance, away from the bodies that were responsible for them" (IPA and ICPS, 2009: 24). Therefore, changes

needed to implement reforms in migration policy were costly and the process was further complicated with the domestic agenda being busy with political stand-off among power branches. The situation did not change as a result of new pressures from the EU in 2007, since rewards occurred to be insufficient for domestic drive towards Europeanization processes. Visa facilitation agreement did not result in tangible benefits for the citizens of the country. Ukrainians could travel without visa restrictions to the whole post-communist countries "from the Adriatic and the Baltic to the Pacific" (Shulga, 34). However, after EU's enlargement in 2004, the respective Eastern European countries acceding to the EU were obliged to introduce visa requirements for Ukrainian citizens. Since then, the visa regime and the Schengen 'paper wall' became quite a sensitive issue for Ukrainians (ibid). Apart from insufficient incentives, the lack of change can also be attributed to the weak administrative capacity of the coordinating institutions and lack of consistent commitment among high state authorities towards domestic reforms. Since these issues were not supported at high political level, experts argue that "in general progress has largely been down to the efforts of individuals within key ministries" (Wolczuk, 2009: 191). Furthermore, although the EU demands related to migration management issues in Ukraine were accompanied by a broad-based capacity building mechanisms in the area (IPP, IDSI "Viitorul" & ICPS, 2008: 37), it failed to induce Ukraine to embark on reforms. The first years of the ENP Policy, the EU provided assistance though several tools such as TWINNING and TAIEX with the aim to promote good governance in Justice and Home Affairs. In 2006 the EU started implementation of three twinning projects with 22 further projects planned in Ukraine. However, as Wichmann (2007) mentions, "Ukrainian request for TWINNING on JHA issues is rather moderate because of the long-term preparations' procedures and 'domestic' sensitivity of the issues dealt with, for example conservative attitudes among bureaucracy unwilling to change to EU practices" (cited in Gawrich, et al. 2009: 17). Ukraine was more cooperative with TAIEX programmes with short-term consultative character. Additionally, UEPLAC (Ukrainian-European Policy and Legal Advice Centre) assisted legal harmonisation processes in law drafting to authorities (ibid).

Positive developments for more convergence with EU standards in legal and institutional aspects in migration policy are observed in 2010 onwards, with the new President Viktor Yanukovych in power. In July 2010 the Cabinet of Ministers proposed another draft concept for the adoption of the State Migration Policy Concept. The Ministry of Justice of Ukraine presented the draft legislative proposal for public discussion on its website and sent it to relevant stakeholders for

feedback. Interestingly, experts notice that this version was not largely different from old versions of the draft concepts by the MOJ that were rejected in previous years (Chumak, 2010: 6; Malynovska, 2011: 4). The context of two alternative documents submitted to the Parliament was created again because a group of MPs registered their own draft law as well. In order to avoid deadlock situation, the Concept of Ukraine's Migration Policy was adopted by a Presidential Decree in May 2011. With the new president in power and non-existence of the conflict among power branches any more enabled legislation to be passed. "Responding to the EU's preoccupation with controlling irregular movement through Ukraine, the document focused on the area of immigration, border control and asylum" (Jaroszewicz and Ka mierkiewicz, 2014: 17). The concept was accompanied by the Action Plan for the Implementation of State Migration Policy adopted in May 2011. "It contains activities and indicates a time-frame and the authorities responsible for their implementation" (European Commission and High Representative of the EU, 2012c: 8). These changes were responsive in fulfilling the obligations imposed by the Visa Liberalisation Action Plan. In order to meet the commitments of the terms of the first phase of visa liberalisation, further measures to be taken by the country was enumerated in the Operational Plan of Action for the Regulation of Migration Processes in Ukraine in 2011-2012 Years, issued as a government decree on 11 March 2011 (Jaroszewicz and Ka mierkiewicz, 2014: 17).

The adoption of the policy document, which laid out strategic guidelines for national migration policy led to measures addressing the regulation of rules for entry and stay of foreigners in Ukraine. Law "On the legal status of foreigners" originally adopted in 1994 amended in 2005 failed to regulate a number of questions especially "those that arise since the signing of the Readmission Treaty with the EU" (IPA and ICPS, 2009: 18). The draft legislative proposal "Law on the legal status of foreigners and stateless persons" submitted to the parliament was adopted on 22 September 2011. The law establishes the legal status of foreigners and their basic rights, obligations and freedoms. More specifically, it deals with "visas related issues, entry bans, the return of foreigners, registration of foreigners on entry to Ukraine, prolongation of stay, voluntary return, compulsory return and expulsion". (European Commission and High Representative of the EU, 2012c: 7).

Legislative adjustments were accompanied by positive changes in institutional aspect of migration policy in Ukraine. Under the presidency of Yanukovych, administrative reforms were

launched and the establishment of the State Migration Service of Ukraine was brought back on the agenda. The process was speeded up by the appeal of the Ombudsmen, which expressed her concern regarding the "absence of an advocacy agency for rights of migrants in Ukraine" (Tolstokorova, 2012: 2). Following these discussions, the SMS of Ukraine was established by Presidential Decree of 9 December 2010 and the regulation defining its basic tasks, functions and organization was adopted on 8 April 2011 (European Commission and High Representative of the EU, 2012c: 8). Since the independence of Ukraine it was the 5th attempt of the state to launch a central executive agency dealing with migration issues that was finally successful. SMS of Ukraine is empowered to deal with issues of migration citizenship and immigration with the key duties including: "granting the Ukrainian citizenship to non-nationals; granting a refugee status to applicants; maintaining documentation of persons who acquired or terminated Ukrainian citizenship; issuing licenses for immigration, etc." (Tolstokorova, 2012: 2). The service has become fully operational with 199 officials at the central office and 5133 officials at its regional offices and is competent for both legal and irregular migration (European Commission, 2013b: 8). However, as Jaroszewicz and Ka mierkiewicz notice, the agency does not deal with regulation of labour migration, which was the mandate of the Ministry of Social Policy and this function was signed to the State Employment Service in 2013 (2014: 18). Tolstokorova argues that the establishment of the SMS of Ukraine was "a bit step forward in the development of the national system for regulation of migration processes" (2012: 3). It represented a precondition for further positive developments in the area. For example, it enabled "the amendment to the Law of Ukraine on the regulation of migratory processes and the enforcement of responsibility for undocumented (illegal) migration to come into force in May 2011" (ibid). Furthermore, in line with visa dialogue with the EU, the Council for Labour Migration was created by the governmental decision of 12 October 2011 aimed at initiating and implementing state policy on social protection of migrant workers (Jaroszewicz and Ka mierkiewicz, 2014: 18). Positive developments were also marked in country's integration policies since the Action Plan on Integration of Migrants in Ukraine and Reintegration of Ukrainian Migrants until 2015 was approved on 15 June 2011 (European Commission and High Representative of the EU, 2012c: 8). Finally, the progress in establishing an unified national database for migration management was accelerated in 2012, the Cabinet of Ministers approved resolution on setting up a mechanism for controlling migration flows, which would be a sub-system of Arkan operational since 2002. European Commission, 2013b: 9). In regular updating of the migration profile of the country, the

EU's capacity building positively contributed in this regard through EU funded project implementing the Prague Declaration on Building Migration Partnerships (ICMPD, 2016).

As empirical evidence suggests, a number of initiatives were taken by Ukraine after 2010 in Europeanising migration policy management issues. The Effectiveness of established mechanisms remained to be tested after a certain period of time in its implementation, while a number of areas still needed to be improved (for example, increasing the capacity of the State Migration Service; strengthening language training for staff of the SMS; adopting the law on external labour migration; establishing the 'contact analytical centre' and database for monitoring of migration processes, etc;) (European Commission, 2015c: 4). Moreover, shallow implementation of the AP on Integration of Migrants in Ukraine and Reintegration of Ukrainian migrants was observed (Interview 7). In providing plausible explanation for domestic change a number of aspects need to be analysed: new impetus by the EU after the introduction of the Eastern Partnership and EU's demands in return for conditional promise of visa free regime.

The positive change was preceded by intensified developments between the EU and Ukraine as a result of the introduction of the Eastern Partnership Platform for cooperation. Despite the lack of progress in Ukraine in converging with EU AP requirements at national level, the EU offered Ukraine deepening relationship by the development of the Association Agenda (AA) for the preparation and implementation of the Association Agreement. The AA "differs in its essence from the EU-Ukraine Action plan which legally ceased to exist in March 2009 (Stegniy, 2011: 53)". In 2010 the parties agreed to narrow this document to a number of priorities for 2010, which included continued cooperation on the issues of Justice, Freedom and Security (Korosteleva, 2012: 88). Apart from new prospects, the EU offered visa free regime reward to Ukrainians and made it conditional on a number of reforms in document security, migration and border management, asylum policy. Other blocks under VLAP referred to Public Order and Security (Block 3) and External Relations and Fundamental Rights (Block 4). The Visa Liberalisation Action Plan was presented by the EU to Ukraine in November 2010. Free movement perspective provided a solid instrument for Ukraine to induce change. Scholars argue that the only visa liberalisation could be a credible incentive for domestic reforms because visa free regime was regarded as one of the key priorities for all Ukrainian governments (Nizhnikau, 2015: 499; Jaroszewicz 2011 cited in Wetzel, 2016: 78). Experts note that reforms were driven by the EU Visa Liberalisation Action Plan (Davydovych,

2013: 77). Mr. Shulga, European programme Director at International Renaissance Foundation in Ukraine in his interview affirms that although VLAP turned out to be a successful tool, "it was mere of a coincidence that the EU granted Action Plan to Ukraine when Yanukovych came to power. It was not his achievement, because the negotiations had started much earlier" (Interview 6).

The EU exerted adaptational pressures on Ukraine through visa free conditional promise during Yanukovych's presidency in 2010-2014. Some positive developments were observed. Firstly, this can be attribute to the fact that rewards to be obtained were short-terms with achievable determinate conditions and the visa free perspective being "attractive to both citizens and ruling elites" (Wetzel, 2016: 78). Secondly, reform process was facilitated by the removal of the power struggle among executive branches after 2010 due to 'increasing autoritarianism' (Wetzel, 2016: 77). Yanukovych made some critical constitutional and institutional amendments, which "allowed him to assemble and command majority in the Ukrainian Parliament and reversed power back to the president" (Korosteleva, 2012: 89). Although VLAP created a momentum for downloading EU standards at domestic level, local experts involved in visa liberalisation action plan implementation monitoring and evaluation argue that changes initiated during 2010-2012 under the presidency of Yanukovych had more 'imitation character' (Interview 7) and decisions were made to "sell" to external actors (Interview 6). Although positive steps were taken in migration management related areas, these were not genuine actions towards EU integration. This is proved by the fact that implementation of other Blocks of VLAP was resisted from political and economic vested interests. For example, process in document security was limited and protracted because of some business groups' interests lobbied decisions in the Parliament in order to get financial benefits for their private companies as a result of issuance new documents (Interview 7). The progress was neither achieved in other politically sensitive issues, particularly in anti-corruption and non-discrimination policies. Apart from these difficulties, Ukraine's long lasting European aspirations were slowed down during Yanukovych times. He was widely seen as "a caveat for Ukraine's further rapprochement with the EU" (Fischer 2010). Yanukovych declared country's foreign policy priorities to become 'more pragmatic and realistic', in order to serve 'the national political and economic interests of the country and the provisions of security'. (Korosteleva, 2012: 90). Furthermore, the goal of NATO membership was dropped during his presidency and relations with Russia became more intensified. "In the period of two months had seen a record number of meetings with Russian President Dmitry Medvedev, Prime Minister Vladimir Putin and a few dozen other

senior officials" (Korosteleva, 2012: 88). He refused to sign the Association Agreement with the EU in 2013 at Vilnius Summit instead chose closer ties with Russia and the Eurasian Economic Union, which resulted in Euromaidan events. According to an official statement by Yanukovych, be based his decision on cost-benefit logic of argumentation and claimed that Ukraine could not afford to sacrifice the deal with Russia, which opposed the deal and EU's offer to lend Ukraine 610m euros (£510m; $828m) was inadequate for Ukraine's economy to upgrade to "European Standards" (BBC official website, 2013).

Ukraine's rapprochement with the EU was streamlined after Ukrainian Revolution in 2014, which created a new momentum for change. The political context was largely changed in favour of the EU with new pro-European government and the President Petro Poroshenko. Moreover, the EU provided more motivation for decision-makers by granting second stage of VLAP in 2014, which created political pressure. "It really showed that the EU is serious about its promises and is ready to go forward. After that decision, the people in the Government and the Parliament started to take more seriously the prospect of eventually getting visa liberalisation" (Interview 6). "The impetus for reform was increased" (Interview 7). Indeed, the progress in Migration Management issues were accelerated. The amendments were made to the Law on Asylum on the scope of complementary and temporary protection in accordance with EU requirements on 13 May, 2014 (European Commission, 2014b: 3). The law on external labour migration was adopted in 2015, which also addresses reintegration issues. The Migration Profile for 2014 was updated and published (European Commission, 2015c: 4). The capacity of human resources was streamlined at the State Migration Service by establishment of a unit for combating irregular migration and new contact informational and analytical centre for monitoring of migration (Europe without Barriers, 2016: 5). Law on Legal Status of Foreigners and Stateless persons was improved as a result of adoption of the legislation "On amendments to Article 5 of Law of Ukraine "On legal status of foreigners and stateless persons" (touching grounds to assign certificate of temporary residence to representatives of foreign mass media organizations) (Verkhovna Rada of Ukraine, Official Website, News, 2016). The State Border Guard Service of Ukraine was assigned to detect and investigate cross-border crime. It was granted access to Interpol databases and developed cooperation in border checks at crossing points with neighbouring countries. (EWB, 2016: 5). Changes in other Blocks of VLAP were noticeable as well. While reform process in migration management, asylum policy and border issues continued, changes in document security was introduced only in 2015. Measures were taken in anti-corruption

legislation as well as non-discrimination policies. However, implementation of respective legislation remained to be seen. "At that time it was not very clear whether anti-corruption institutions were operational or not" (Interview 6). However, as a result of reforms, "pro-Ukrainian lobby in the EU including Poland, Sweden, Germany as well as Euromaidan events that proved pro-European orientation of the country to be costly for the country" led to the EU's decision to grant visa free regime to Ukraine in 2017 (Interview 8).

Close investigation of the process development reveals some interesting findings. Conditional promise for visa liberalisation proves to be successful tool in fostering reforms at sectoral level. However, it is not a sufficient condition for domestic change. External incentives need to be checked against domestic political context, which allows for positive actions. Although a number of measures were taken because of the pressure outside, local contextual setting and pro-European stance of the political elites in the country occurs to be a necessary factor in Europeanization processes. Domestic agenda largely dominates in country's efforts to exploit external resources and get promised rewards in return of compliance.

Another facilitating factor that draws scholarly attention is EU's capacity building. In 2011 Ukrainian government created the Centre on VLAP Implementation and adopted corresponding Action Plan. This document, which represented a roadmap for measures to be undertaken in regard to VLAP implementation, "included one of the key aspects - capacity building of the relevant state institutions" (Nizhnikau, 2015: 509). Technical assistance was provided by the EU to Ukraine through the Comprehensive Institution Building Programme within the Eastern Partnership. It assisted in establishing coordination groups on institutional reforms as well as elaboration of the institutional reform plans (Sushko, 2010: 47). The EU also supports reforms through 'Thematic Programme for the Cooperation with Third Countries in the Area of Migration and Asylum' (former AENEAS) that targets to state institutions and their capacity for rule adoption. The European Commission provided €1 billion for bilateral assistance to Ukraine under the ENPI with the projects concentrating on Association Agreement and DCFTA as well as reforms in sectoral policies including migration (European Commission Website, Countries of the Region, Ukraine, 2016). The EU funded the project MIGRECO targeted strengthened migration management systems in line with international standards and EU best practices in Eastern Europe including Belarus, Moldova and Ukraine. The project was implemented by IOM from 2013 until 2015 (International Organization

for Migration in Ukraine,Official Website). The empirical evidence suggests that the capacity building measures cannot be a driver for domestic reforms unless respective issues are prioritised by the incumbents in the country. This is also proved by the lack of change before 2010 when EU's assistance programmes for Ukraine were also present.

6.1.2 Asylum and Readmission Issues

Asylum policy in Ukraine has experienced a number of turbulences in its development. The country has been attempting to comply its policy provisions and legislation with international legal standards and European practices. It signed 1951 Geneva Convention and its 1967 New York Protocol without reservations in 2002 and took the obligation for protection duties towards asylum-seekers and refugees. Ukraine is also a party to the European Convention on Human Rights and other relevant human rights conventions. It adopted its first refugee law in 1993 followed by related implementing provisions (UNHCR, 2013: 4). Despite these measures international organizations in their reports (e.g. Human Rights Watch's Report «Ukraine: On the Edge. Violation of Human Rights of Migrants and Asylum-Seekers on the New Eastern Border of European Union» in 2005) claimed that the Government of Ukraine violates the rights of asylum-seekers and provisions of international treaties. UNHCR as well as European Commission in their evaluations assessed the Ukraine was not a secure country for asylum seekers (IPP, IDSI "Viitorul" & ICPS, 2008: 39). European Commission appealed Ukraine to approximate its legislation on asylum and refugees to the EU norms and ensure the implementation and realisation of relevant legislation; ensure appropriate conditions and adequate infrastructure in detention centres; improve procedures related to the examination of applications for international protection. These conditions were reiterated in EU-Ukraine AP on JHA 2001; revised AP in 2007; EU-Ukraine Association Agenda, 2009; VLAP with Ukraine 2010; EU-Ukraine Association Agenda 2013. However, concerns in the policy area remained during almost the first decade of cooperation on JHA with the European Union.

The high level of incompatibility between Ukrainian asylum policy and EU standards were

reasoned by the shortcomings in the legislation and their implications for rule application. The Law on Refugees adopted in 2001 allowed for the rejection of the claims without investigation through the provision of the accelerated asylum procedure. Moreover, limitations related to transparency and participation were evidenced by the fact that the law did not provide access for legal specialists to refugee files and on the other hand, refugees did not have legal representation during their refugee status determination interviews (Freyburg, et, al, 2011: 1039). UNHCR noted that the amendments of the law in 2005 resulted in more arbitrary rejections (ibid). There were problems in regard to refugee protection system in Ukraine as well. National legislation provided for protection only to the victims of prosecution according to the criteria outlined in the Geneva Convention (IPA and ICPS, 2009: 18). Ukraine did not have additional protection mechanisms neither for persons facing serious danger in their home nor for human trafficking victims on the humanitarian grounds in the need of international assistance (Malynovska, 2011: 6; Europe Without Barriers 2011: 39). Adequate protection of minors without a guardian seeking asylum in Ukraine was also absent in the country. There were challenges in legislation implementation as well. Government of Ukraine could not provide temporary locations for refugees to everyone, including persons belonging to the most vulnerable groups (Malynovska, 2011: 6; Europe Without Barriers, 2011: 40). Furthermore, the coordinating mechanism and administrative resources of the state agencies dealing with asylum issues was weakened by a number of institutional reformations of the migration service. It caused "constant staff turnover with correspondingly low skills levels" (Wunderlich, 2013: 32). For example, in 2007 when the State Committee for Nationalities and Migration was transformed to the State Committee for Nationalities and Religions stopped the Department of Migration and Asylum to take any decisions for 8 months. Again in 2008 the procedure for granting refugee status was suspended due to the government's new resolution granting duties of the authorised governmental agency to the MoI (Tolstokorova, 2012: 2). The absence of competent body on asylum issues "led to the the suspension of more than 600 cases of asylum applications, leaving migrants with undetermined status and an inability to access social services" (European Commission, 2010b: 14). These developments resulted in the collapse of the asylum policy in 2009.

As the evidence suggests the weakened capacity of administrative resources and the collapse of the Ukrainian asylum system in 2009 was reasoned by a continuous confrontation between the legislative and executive branches about the creation of the State Migration Service. "A three-year struggle between cabinet and president broke out on whether the body should be inter-ministerial or

located in the Interior Ministry. It drew in fragmented migration actors on either side" (Wunderlich, 2012: 1426). Similar to migration management issues, internal political instability hampering positive changes prevails in asylum policy area as well. Apart from that, demands for asylum system in Ukraine were not high and the number of people seeking asylum was relatively low. "On average, about 1,500 persons apply for asylum each year in Ukraine, and these applications are scattered amongst various medium-sized cities" (UNHCR, 2012: 1). And the majority of asylum seekers are interested in moving further to the west and see Ukraine primarily as a country of transit (UNHCR, 2013: 4). Wetzel argues that this situation "did not create pressure on the government to act" (Wetzel, 2016: 67).

Positive changes in asylum policy are observed after 2010 in parallel to reforms undertaken in migration management. The approval of the National Concept on Migration enabled adoption of legislative acts in Asylum policy. On 28 July 2011, President Yanukovych signed the law "On Refugees and Persons in Need of Complementary or Temporary Protection of Ukraine (No. 3671-VI). The law introduced important concept such as a complementary form of international protection and provided for a unified asylum-seeker certificate. It also stipulated that minor children are recognised as refugees simultaneously with their parents (UNHCR, 2012: 2; UNHCR, 2013: 5-6). UNHCR was concerned regarding the gaps in the legislation such as the narrow definition of complementary protection and temporary protection as well as unavailability of the medical care and social protection to asylum seekers (UNHCR, 2012: 3; UNHCR, 2013: 5). Taking into account the remarks by the UNHCR and underlining the need to make further amendments to the law, the European Commission noted that the law "provides a solid legal basis for asylum procedures that is largely in line with European and international standards", though further amendments were needed (European Commission, 2013b: 9). The adoption of the law was accompanied by a number of legal acts important to ensure the implementation process. During the period January 2011–March 2013, Ukraine adopted 22 laws and some 29 Cabinet of Ministers' resolutions and ministerial instructions related to asylum and migration (UNCHR, 2013: 6). Apart from legislative changes, institutional progress was related to the establishment of the State Migration Service of Ukraine, a new agency equipped with duties to deal with asylum issues. European Commission recommends Ukraine to increase a number of staff in charge of asylum applications and streamline the decision-making process (European Commission, 2013b: 10). The agency has 27 regional directorates and each of them has a unit responsible for conducting refugee status determination interviews and facilitating

the integration of refugees. At the central level, the SMS has a Department of Refugees' and Foreigners' Affairs (UNHCR, 2013: 7). Europe Without Barriers, a civic initiative, which produced independent monitoring findings regarding the implementation of action plan on visa liberalisation by Ukraine in 2012, concluded that Ukraine achieved the best results in Block 2 (illegal migration including readmission) compared to other blocks. "Implementation indicator of the first phase of VLAP Block 2 has been defined as 85%" (EWB, 2012: 13). Mr. Sushko underlined that conditional rewards produced significant pressure on decision-makers to implement reforms (Interview 7).

Compliance with EU demands in asylum policy was further accelerated after changing political context as a result of Euromaidan events and new authorities in power. Ukrainian government took international organizations' recommendations into consideration and made amendments about the scope of complementary and temporary protection. Further changes provided medical care and access to employment for asylum-seekers (European Commission and High Representative of the EU, 2015b: 16). Positive steps were taken at implementation phase as well. The 'refugee' subsystem of the foreigners' database was established providing country of origin information to case processors; legal aid centres for international protection applicants became operational in 2015 throughout the country; conditions were improved at the temporary accommodation centres; staff of reception centres, case handlers and judges were trained; the reception capacity of the country was increased as a result of opening new accommodation centre in Yahotyn, Kyiv Oblast (European Commission, 2015d, 2015b: 4). Changes introduced in legislative and administrative aspects of the asylum policy in convergence with EU requirements were acknowledged by the EU in its evaluation report and noted that "asylum benchmark is deemed to have been achieved" (European Commission, 2015d: 5). and at the same time emphasised that the country needed to make further progress in regard to the practice of detaining certain categories of asylum seekers (ibid).

Some factors explaining change in case of migration management remains valid in asylum issues as well since progress was simultaneous and responded to the obligations taken in the context of the visa dialogue with the EU. The change in the government, that removed the power struggle among executive and legislative power branches, enabled a number of laws to be adopted and agreement to be reached among political elites on migration issues from 2010 onwards. Apart from that, experts claim that "it is a widely shared opinion that EU's conditional visa free regime was a

successful tool. It was one of the most important motives, which made Ukrainian authorities to make efforts in reforming migration system", mentioned Ms. Ryzhykh (Interview 5). The government prioritised successful implementation of the Action Plan on Visa Dialogue (UNHCR, 2013: 5). However, changes introduced during Yanukovych's presidency had "imitation character and Ukrainian and European experts tried to check what Ukrainian government and parliament did because for us it was important to have a qualitative approach to VLAP and some legislation was reformulated and repudiated because some shortcomings were noticed", mentioned the director of Europe Without Barriers in her interview (interview 7). In line with this argument, Dmytro Shulga, European programme Director at International Renaissance Foundation, emphasised that the "decision-makers during Yanukovych times were not genuine European reformers. They have been following sceptical modes of trying to reach as much as possible by doing minimal. They were doing things to "sell" instead of taking genuine steps towards the EU" (Interview 6). This is also evidenced by the fact that changes in asylum issues in convergence with EU norms were introduced in rapid speed with overall reforms being "poorly sequenced and inadequately financed, resulting in haphazard implementation" (UNHCR, 2012: 1). While EU's incentives mobilised domestic political will and reforms were undertaken "mainly due to the implementation of the EU VLAP AP" during Yanukovych (Hnatiuk, 2012: 25 cited in Wetzel, 2016: 78), real changes started only after Poroshenko's presidency. Euromaidan events created some kind of momentum. "European Integration was the main moto and visa free issue was one of the central topics with which Poroshenko came to power" (Interview 5). The European Union soon acknowledged Ukraine's attempts and granted second phase of VLAP in 2014 under new government.

Another stimulating factor facilitating convergence with European standards was the presence of other international actors in the field. In particular, the role of UNHCR in shaping asylum policies in the country attracts a particular scholarly interest. United Nations High Representative for Refugees has been present in Ukraine since 1994 and provides advice to the Government and monitors the implementation of the country's international responsibilities in regard to refugee protection (UNHCR Representation in Ukraine, Official Website). Apart from these duties, "UNHCR takes measures to directly protect asylum seekers and provides them with legal, material and social assistance in the course of the procedure (IPP, IDSI "Viitorul" & ICPS, 2008: 41). European Commission in its requirements for asylum policy in Ukraine had been consistently referring to the fulfilment of obligations of UN Conventions of 1951 and its 1967 Protocol. The

UNHCR, which has been a guardian of the principles an norms of these conventions, has become linked to the diffusion of EU external migration policies. Moreover, UNHCR's presence in third counties is much wider since "it aims to ensure the availability of protection and to transform transit countries into countries of destination for refugees" (Van der Klaauw 2002, 49 cited in Lavenex, 2016: 561). EU's strong coordination in asylum and migration issues with UNHCR is proved by the fact that this organization is a recipient of EU funding. "As a consequence, the policy agenda and concrete activities [of the UN agency] are being increasingly shaped by developments in the framework of the European Union" (Lavenex, 2016: 560). UNHCR was also engaged with EU funding implementation in Ukraine. For example, EU funded project "Local Integration of Refugees in Belarus, Moldova and Ukraine (1st phase)" within Programme for Cooperation with Third Countries in the Areas of Migration and Asylum was being implemented by the lead of UNHCR during the period of 2009-2011. The project aimed at enhancing the capacity of the target governments in regard to refugee integration issues and fulfilment of obligations under the 1951 Convention (European Union, EuropeAid Co-operation Office; 2010: 31). Although Ukraine applied these measures and adopted a relevant action plan only in 2011 (European Commission and High Representative, 2012c: 8), the UNHCR impact in the process was prevalent. Apart from that European Commission in its assessment reports uses 'relations with UNHCR' as a reference point for success in asylum policy (European Commission, 2013b: 10). Despite the fact that presence of UNHCR has not been the main determinant for change in asylum policy, it has played an important role in shaping policy in Ukraine. It was evidenced by the fact that the government took relevant measures taking into consideration some recommendations by UNHCR in regard to asylum issues in 2014 and thereby converged with European and international standards and managed to meet EU requirements.

Another facilitating factor for inducing changes in asylum policy is EU's capacity building measures. One of the examples supporting this argument can be the EU funded Project "Legal and Social Protection of Asylum Seeking and Refugee Children in Ukraine" within Programme for Cooperation with Third Countries in the Areas of Migration and Asylum. The main objective of this intervention was to develop and implement systems and procedures that uphold the rights of children to asylum and social welfare (European Commission, EuropeAid Co-operation Office; 2010: 33). The project was implemented in 2009-2011 and it had a positive impact on target groups. In addition to that the government took actions in this regard in 2011 when President Yanukovych

signed a new law "On Refugees" and in 2012-2013 when a number of legislative acts were adopted to ensure the implementation of respective law (UNHCR, 2013: 5-6).

Fight against illegal migration including readmission represented one of the important EU requirements since Ukraine represented a transit route to the EU and a potential source of illegal migrants to Europe (Sasse, 2013: 563). The EU reiterated this topic under each strategic document signed between the parties. Ukraine signed Readmission Agreement with the EU along with Visa Facilitation in 2007 (Amended version of Visa Facilitation entered into force in 2013). The country had also negotiated Implementing Protocols to the EU-Ukraine readmission agreement with several Member States as well as readmission agreements with third countries. As of September 2017, Ukraine had concluded 17 readmission agreements (European Commission, 2015c: 3). The EU's capacity building measures have been prevalent in this area. In regard to detention centres and improved infrastructure and procedural standards for irregular migrants in custody for the implementation of EU readmission agreement, the EU financed the Ministry of Interior with EUR 30 million (Wunderlich, 2013:31) and aimed to strengthen the expertise of Ukrainian authorities in implementing the provisions of the Readmission Agreement with the EU within the respective project during 2007 and 2008. However, these attempts did not bring tangible outcomes at that time. As Wunderlich argues, "inter-ministerial disputes over property rights and financing temporarily halted the building of detention centres" (Wunderlich, 2012: 1426). The EU's further assistance was provided through GUMIRA project during 2009-2011 and then through SIREADA, which ran from March 2011 to February 2013. MIGRECO project was a continuation of previous capacity building measures aiming at enhanced migration management on readmission in Ukraine, Moldova and Belarus in convergence with EU standards. The project was implemented during 2013-2015. (MIGRECO Anthology: 4). Although the functioning of the Readmission Agreement with the EU has been smooth (Interview 5), the EU called for the increased capacity of the State Migration Service to handle inland detection and fight against irregular migration (European Commission, 2015d: 4). Concerns also relate to the areas of refugees' integration and IDPs' reintegration (Kulchytska, Sushko, Solodko, 2016: 1).

Fight against illegal migration became more important area during Visa Liberalisation Action Plan Implementation, especially afterwards of 2013/2014 Ukrainian Revolution. After Euromaidan events, "a new type - Humanitarian Migration connected to the conflict- appeared" (Interview 8).

Member States viewed Ukraine as threat for illegal migration, because as a result of "the military Russia's aggression in the East of Ukraine, the annexation of Crimea and consequent economic crisis became main reason of increased flows of asylum seekers from Ukraine to the EU member states in 2014-2015" (Kulchytska, Sushko, 2017: 3). However, experts concluded that "the main route for Ukrainians from conflict areas seeking well-paid work and asylum is into Ukraine itself or the neighbouring countries of Russia and Belarus, not the EU" (Sushko, and Kulchytska, 2015). In facilitating fight against irregular migration, opening labour market for Ukrainians in Poland played a paramount role. "It is a quite an easy procedure. Ukrainians do not need any visas, they just need an invitation letter from employer and can work in Poland up to 6 months. The extension of stay requires very few formal procedures. Therefore, a big number of Ukrainians prefer to go and work in Poland legally rather than going to other countries illegally", mentioned Mr. Solodko in his interview (Interivew 8). The empirical observation of the developments in asylum and readmission issues shows that conditional rewards from the EU and fit with domestic agenda were drivers for change, while other facilitating factors included EU's capacity building measures and the presence of other international actors.

6.1.3 Border Management

European Union's cooperation in border management issues under migration policy agenda is dominated by the security considerations and concerns regarding the threats emanating from the illegal immigration from Ukraine to the EU. Among other neighbouring countries, Ukraine remained to be a major transit country for irregular migrants (Filippova, 2016: 73; IPP, IDSI "Viitorul" & ICPS, 2008: 35). Due to the undeveloped infrastructure for detention and accommodation of illegal migrants, Ukraine detained persons illegally entering to the country only at the border crossing points. According to estimates included in information received during the two missions, the Ukrainian authorities only apprehend a small part of all irregular migrants crossing the territory. (ICMPD, 2006: 13). In regard to 'fight against illegal migration', the border management cooperation is central tool the EU employs with third countries "with the unambiguous

objective of strengthening control capacities particularly in directly bordering countries" (Wunderlich, 2013: 29). Ukraine as a border country to EU member states of Poland, Slovakia, Hungary and Romania represented a challenge for the European continent due to its "incomplete legal frameworks, unfinished delimitation and demarcation processes, a lack of efficient infrastructure, and the existence of so-called "frozen conflicts" (Sushko, 2006: 45). This encouraged European counterparts to put pressure on the Government of Ukraine to introduce legislative and institutional changes in the area of border management and at the same time provided technical and financial assistance in order to upgrade and modernise border crossings and management related issues.

EU requirements in border management issues were mainly related to adoption, development and implementation of the border management strategy; enhancing inter-agency coordination; improve legislative framework; increase the effectiveness of the administrative capacity; support the process of border delimitation and demarcation; providing training for staff; etc. These demands were consistently reiterated in all strategic documents under EU's cooperation on JHA with Ukraine starting from AP of 2001 including Visa Liberalisation Action Plan.

The EU has been generously supporting reforms to be undertaken in Ukraine in border issues. First of all, the technical assistance was provided for the modernisation of the State Border Guard Service (SBGS) through the collaboration with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU (FRONTEX). FRONTEX, that became operational since 2005, is "the EU agency in charge of coordinating operational cooperation along with the EU external Border", in particular to Russia and Eastern Partnership (Sagrera, 2014: 171). There is a practical cooperation between SBGS and FRONTEX on joint operations that cover the total lengths of the EU's external border with Ukraine through the 'Five Borders' joint-pilot project. (Commission of the European Communities, 2009b: 12). In addition to FRONTEX, the promotion of the Integrated Border Management by the EU was pursued by the EU Border Assistance Mission (EUBAM). With the aim of to support the conflict-resolution process, EUBAM was set up in 2005 with the mandate to assist and advise Moldovan and Ukrainian border and customs services "on the reduction of irregular migration flows, combating cross border crime as well as providing know-how in the field" (Sagrera, 2014: 171). EUBAM provided support under the Integrated Border Management flagship initiative launched within the framework of the

Eastern Partnership (EUBAM 2011). In addition to that, Ukraine participates in cross border cooperation programmes adopted in 2008 for the period 2007– 2013: Romania– Moldova– Ukraine, with a budget of EUR126.718 million, Poland– Belarus– Ukraine (EUR186.201 million) and the Black Sea Basin (EUR17.306 million) (Olga Filippova, 2016: 75). After the launch of the visa dialogue and establishing specific demands for converging European models and practices in border management, the EU sector budget support was provided to Ukraine in the area with the amount of 66 million EUR for the period of 2011-2017 (Mission of Ukraine to the European Union, Official Website, EU's assistance to Ukraine). It supported the implementation of Integrated Border Management Strategy and Action Plan (European Commission and High Representative of the EU, 2013b: 14). Through EaP IBM Flagship Initiative under ENI, the EU also provided financial assistance for enhanced integrated border management along the Moldovan-Ukraine border in 2016 with the total amount of EU budget contribution: EUR 4 750 000. (European Commission, Annex 1 of the Commission Implementing Decision on the ENI East Regional Action Programme 2016 Part II). In assessing of Ukraine's capacities to ensure aid effectiveness, Valeriya Shamray claims that the cooperation between the EU and State Border Guard Service of Ukraine exemplifies a positive influence of external assistance in Ukraine (Shamray, 2012: 12). "On the one hand, the EU assisted in developing border infrastructure and construction of the migration custody centres and temporary holding facility through the CBMM, READMIT BOMUK and GUMIRA projects. On the other hand, the HUREMAS projects contributed to the improvement of the human resources management of the SBGSU and its gradual transition from the military type organization to the EU-like law enforcement agency" (ibid).

Apart from EU assistance, other international actors including USA, UN, OSCE, International Atomic Energy Agency contributed to the improvement of the border management. In 2007, the Administration of State Border Guard Service was a beneficiary of 26 projects of international assistance (IPP, IDSI "Viitorul" & ICPS, 2008: 38). As Ms. Yuliya Ryzhykh, expert of IOM office in Kyiv notices, "the US as a donor has been very active covering lots of issues including border security" (Interview 5). The US investments in Eastern Border became of paramount importance after the Russian annexation of Crimea in March 2014 and two breakaway eastern provinces seeking independence with Russia's backing. As a result of these events, "an estimated 2 million people forcibly were displaced as of May 2015 including 1.3 million internally displaced people" (Düvell and Lapshyna, 2015). "US provides assistance in Eastern Border by providing equipment in terms of

security as well as durable solutions for IDPs", mentions Mr. Solodko, Analyst at CEDOS in Ukraine (Interview 8).

These actions positively correlate with domestic changes. "The borders became more and more secured, especially western border where Ukraine has a common border with the EU countries. The progress was achieved with EU's support and the capacity of personnel is at much higher level compared to previous years; border guards are more professional. Ukraine got access to INTERPOL databases in 2015. There are several lines of checking identity and travel documents of foreigners and stateless persons arriving and exiting Ukraine" (Interview 5). However, the initial reforms started from 2000s and continued in parallel to the ENP and visa dialogue. The Government adopted a concept and programme for the development of the State Border Guard Service of Ukraine in April 2006 with the aim to "create modern integrated system of state border protection" (cited in EWB, 2012: 108). As a result, professionalism in the service increased, career development system became more transparent and merit-based. As for the legislative changes, a number of laws were prepared to approximate to EU acquis. More importantly, in 2007 government approved a Resolution about a law enforcement programme 'Organization and Reconstruction of the State Border until 2015', which aimed to upgrade a legislation, infrastructure and personnel training. The state budget also allocated up to about 133 million for these issues. (Commission of the European Communities, 2006: 13; Commission of the European Communities, 2008b: 13). As a result, the 'Law on Border Control was adopted in 2009 and amended in 2010 accompanied by adoption of a number of implementing regulations. In 2011 the Concept for the Maritime Border Guard and the aviation branch of the State Border Guard Service were adopted (European Commission and High Representative of the EU, 2011d: 4). In order to enhance inter-agency cooperation, the Joint Order of 4 January 2011 of the State Customs Service and the Administration of the State Border Guard Service of Ukraine identified the procedure for the exchange of information and established coordination mechanisms (ibid). Additionally, Ukraine addressed one of the EU's determined requirement in convergence with EU norms under Visa Liberalisation Action Plan and approved the Concept on the Integrated Border Management Strategy in 2010 for the period 2011-2015. (European Commission and High Representative of the EU, 2011b: 15). Its implementation was generously supported by the EU with EUR 66 million sector budget support programme (European Commission and High Representative of the EU, 2013b: 14). As European Commission monitoring mission noted the IBM Concept and its corresponding AP demonstrated a strong commitment by

Ukraine to transform the Border Guard Service into a modern law-enforcement agency (European Commission and High Representative of the EU, 2012c: 6). The consequent Integrated Border Management Concept for the period of 2016-2020 was also approved by the Cabinet of Ministers (Official Website of EUAM Ukraine, 2016).

This reform process resulted in increased capacity of administrative resources and positive change. The service was improved with better professionalism of the personnel and as Sagrera claims in his research, "the Ukraine State Border Guard service is considered to be the most developed body in the context of the European Integration of Ukraine, setting up controls according to EU standards. It is a leading agency in the context of the VLAP" (Sagrera, 2014: 179). In regard to further enhancing the staff expertise, the 'Code of Ethics for SBGS' was adopted in 2008 and 'Code of Conduct' was approved in 2011. The process of training and improvement for personnel qualification has become active since 2010 (European Commission and High Representative of the EU, 2012c: 6-7). Process in regard to border demarcation began with Belarus in 2014 and with Russia in 2012 with slow progress, while the demarcation of Ukraine-Moldova border was almost complete at the end of 2013 (European Commission and High Representative of the EU, 2014b: 17). The situation was implicated by Ukraine's loss of the control over its borders with Russian Federation of Crimea and Sevastopol in 2014. Because of the changing context, "resources were redirected to the security of eastern borders" (European Commission, 2015c: 3). It is noteworthy that although the EU appeals Ukraine to take measures in terms of border demarcation and delimitation under Revised AP on FSJ of 2007, specific requirements in the area are not set in VLAP. The overall progress was positively evaluated by the European Commission under visa dialogue and in 2015 Ukraine had achieved the integrated border management benchmark under VLAP (European Commission, 2015d: 4). Ms. Sushko, executive director of EWB asserts that Border Management area was a success story. "Modern European concept of IBM was introduced in accordance with European standards, which embraces and follows very important path towards border control and supervision including risk assessment and exploration, investigation of transnational crime in cooperation with competent law-enforcement agencies and measures with third countries" (Interview 7). She observes that in the context of national security and situation on Eastern borders, IBM strategy has a particular importance. Established system of risk analysis enable law enforcement agencies to make informed decisions aimed at detecting crime, reducing security risks and facilitating legal movement of persons and goods (ibid).

One can argue that positive developments in the area of border management in Ukraine was reasoned by EU incentives. Empirical evidence also confirms this explanation - measures taken in reform process were largely in compliance with European standards and EU demands and the continuous progress was observed during Visa Liberalisation Action Plan implementation as well. Experts affirm that "bilateral cooperation with the EU has driven Ukraine's progressive reforms in its policies of migration and border management" (Kulchytska, Sushko, Solodko, 2016: 4). Notwithstanding this argument, careful analysis of domestic political context suggests that change was determined as a result of the cost-benefit calculations of the political elites, which conforms with the rationalist approach of the Europeanization processes. While reforms could be costly, border issues represented a cornerstone for national security of the county and benefits were clear. This is proved by the fact that policy was prioritised in domestic agenda during Yushchenko, Yanykovych and Poroshenko presidencies. In fact, it hardly mattered "whether individual politicians adopted a pro-European or a pro-Russian stance. Ukraine's border and borderlands played a significant role in the definition of nation, whether conceived as part of a wider European or a Slavic identity" (Filippova, 2016: 68). EU requirements were well aligned with domestic political priorities and EU's presence was exploited in this regard. "The EU-Ukraine cooperation in this area [border management] has been driven by the common interest of the parties to effectively manage the large migration flows via the territory of Ukraine", reiterated Viktor Chumak, the Director of the Ukrainian Institute of Public Affairs (Shamray, 2012: 12).

Another motive behind the changes in border management was also related to some EU member states' perception of Ukraine as a 'migration threat to the EU' (Sushko, and Kulchytska, 2015). As Mr. Solodko mentions, "during visa liberalisation processes, there was a discussion in the EU that Ukraine was a high risk migration since it represented a transit country to the EU. In addressing issues of preventing illegal migration of foreigners to Europe, Ukraine implemented changes at the borders of Ukraine, some IT technologies were integrated, equipment was modernised" (Interview 8). However, situation was further complicated after situation with Crimea and conflict in Eastern Ukraine. In assessing "migration risk" from Ukraine to the EU, a civic initiative, Europe Without Borders based on research findings concluded that "the main route for Ukrainians from conflict areas seeking well-paid work and asylum is into Ukraine itself or the neighbouring countries of Russia and Belarus, not the EU" (Sushko, and Kulchytska, 2015).

Modernisation of the border agencies and transforming them into law-enforcement organ was the great achievement by Ukraine in border reform. The IBM strategy was "the main strategic document that prepares Ukraine to leave behind the post-Soviet system of border control and join the four-tier model of border management operational in the EU" (EurActiv, 2011; commentary by CES). Apparently, the post-soviet legacy of the country and a number of latent border disputes and 'frozen conflicts' was key in shaping domestic interests. In Ukraine, where "borders are closely associated with potential threats and national security" (Filippova, 2016: 68), changes introduced in Border Management and Europeanization processes in the area were also largely domestically driven.

6.2 Explaining the Change Theoretically: Constellations of Factors in Facilitating/Hindering Europeanization of Sectoral Policy

Detailed scrutiny of the sectoral Europeanization process in Ukraine in case of migration policy sheds light to specific pattern of domestic response to EU adaptational top-down pressures coming from Brussels. The analysis traces the progress in sectoral cooperation starting from the ENP until the introduction of visa free regime with the EU and reveals the determinants that assist policy convergence with European standards while takes the domestic context into account. The findings largely conform with the rationalist cost-benefit argument and emphasises the prominence of political context in the country.

As empirical evidence shows, Ukraine showed gradual improvements in migration policy in adherence to EU demands and best practices from 2010 onwards, while more systematic and consistent approach was applied only after 2014. A number of legislative and institutional changes were introduced during Yanukovych's presidency in convergence with European demands such as approval of the State Migration Policy, reestablishment of the State Migration Service, adoption of the law on the legal status of foreigners and stateless persons, Action Plan for the Regulation of Migration Processes. However, these changes were not sufficient and a number of areas still needed

to be improved (for example, increasing the capacity of the State Migration Service; strengthening language training for staff of the SMS; adopting the law on external labour migration; establishing the 'contact analytical centre' and database for monitoring of migration processes, etc.;) (European Commission, 2015c: 4). The formal adoption of rules was present in the country, while the application of these rules remained to be seen. As Nizhnikau claims, Ukraine met considerable obstacles during the first stage and the EU granted second stage to Ukraine only under the new government after Euromaidan revolution 2013/2014 (2015: 510). On road towards conditional visa free regime requirements, although some results were achieved in migration management issues, the difficulties referred to politically and economically sensitive issues in identification of documents, anti-corruption and non-discrimination policies. The milestone for change was observed after Ukrainian Revolution in 2014, which created a new momentum. The progress in migration and asylum as well as in border management was streamlined. A number of laws were amended in more compliance with EU standards (for example, Law on Legal Status of Foreigners and Stateless Persons, Asylum Law), the capacity of State Migration Service was increased; Country Profile was updated, border agencies got access to Interpol databases. The changes in other blocks of VLAP (document security, public order and security, external relations and fundamental rights) were also introduced but only after the EU granted second stage of VLAP to Ukraine in 2014. As Mr. Shulga mentioned, Ukraine did not quite logically fit in VLAP phases, which aimed at legislative processes in the first stage and implementation at the second stage. "However, we had the situation when a number of important legislative provisions on anti-discrimination and anti-corruption were postponed on the second stage and actually adopted at that time" (Interview 6). Closer investigation of process development reveals a number of important facilitating factors for domestic change.

Overall empirical evidence suggests that Ukraine took viable measures in terms of reforms only when rewards became tangible and clear from the EU side. Rationalist cost-benefit calculations by the incumbents in the country was in response to EU's sector specific conditionality principle. There is a common agreement that Visa Liberalisation Action Plan proved to be a very effective tool in its leverage. "It is a success story in terms of EU's incentives to modernise its policy" (Interview 6). "It created positive policy environment. EU's demands on the freedom of movement produced significant pressures on decision makers to implement reforms. Movement to the second phase contributed to a bigger momentum, which increased the pressure for reforms (Interview 7). Experts outline several reasons for VLAP success: firstly, it was concise and easy to understand; secondly,

rewards were clear with visible benefits for society and at the same time it was politically attractive; thirdly, there was external pressure from the EU; and lastly, monitoring mechanism was efficient (Interview 6, Interview 8). Thus, it can be argued that EU conditionality principle tied to specific sector drives Europeanization processes. However, it is not sufficient factor for domestic change as proved in case of Ukraine. Although VLAP exerted some pressure on the country during Yanukovych's presidency, the domestic change and more systematic adoption of rules in convergence with EU standards was marked under Pro-European President and a new government after 2014. In providing plausible explanation, it should be mentioned that external incentives need to be checked against domestic political context and pro-European stance of political elites. Country manages to exploit external resources and get promised rewards in return of compliance, only when domestic politics provide favourable environment.

Another facilitating factor for Europeanization of sectoral policy is European Union's capacity building measures and presence of other international actors in the field. Although EU has been successful in providing technical as well as financial assistance to targeted reforms resulting in improved convergence with EU standards, it failed to be the main driver for change through assistance. For example, in 2006 the EU started implementation of three twinning projects with 22 further projects planned in Ukraine. However, as Wichmann (2007) mentions, "Ukrainian request for TWINNING on JHA issues was rather moderate because of the long-term preparations' procedures and 'domestic' sensitivity of the issues dealt with, for example conservative attitudes among bureaucracy unwilling to change to EU practices" (cited in Gawrich, et al. 2009: 17). Another example refers to the EU's assistance to the Ministry of Interior with EUR 30 Million for detention centres and improved infrastructure and procedural standards for irregular migrants in custody for the implementation of readmission agreement during 2007-2008 (Wunderlich, 2013:31). However, these attempts did not bring tangible outcomes at that time. As Wunderlich argues, "inter-ministerial disputes over property rights and financing temporarily halted the building of detention centres" (Wunderlich, 2012: 1426). It is noteworthy, that although EU's capacity building measures have definitely contributed to the reform process (for example through the Comprehensive Institution Building Programme within the Eastern Partnership or 'Thematic Programme for the Cooperation with Third Countries in the Area of Migration and Asylum' (former AENEAS)), it has not been a main driver for reforms.

Similar to EU's capacity building measures, the variable for 'presence of other international actors' represents a necessary but not sufficient condition for the Europeanization process of migration and border management sectors in Ukraine. In particular, the role of UNHCR has been prevalent in shaping asylum policy in Ukraine. Acting as a guardian of the principles and norms established by international conventions and standards for the protection of asylum seekers, it has been an implementer of number EU-funded projects in Ukraine. Through this means, UNHCR facilitates Europeanization processes. On the other hand, European Commission in its assessment reports uses 'relations with UNHCR' as a reference point for success in asylum policy (European Commission, 2013b: 10). Additionally, the presence of other international donors such as USA, UN, OSCE, International Atomic Energy Agency has also contributed to the improvement of the border management issues in Ukraine. However, EU assistance and other donors were not main determinants for domestic reforms since they did not radically change cost-benefit rationale for incumbents in the country. This is proved by the lack of change before 2010 when EU's assistance programmes for Ukraine were also present and UNHCR had already operated in the country since 1994. Therefore, capacity building measures taken by the EU or other international donors did not incur substantial domestic change in reforming sectoral policy.

Research shows that EU's and other donor's capacity building measures had positive impact on process development only when benefits were clear and EU conditions coincided with domestic policy priorities. This is very well illustrated in case of border management. Although EU's technical assistance contributed to the modernisation of the State Border Guard Service through cooperation with FRONTEX from 2005 and 66 million EUR sector budget support programme assisted the implementation of the Integrated Border Management Strategy adopted in 2010, a careful analysis of domestic political context suggests that change was determined primarily due to the 'fit with domestic agenda'. The policy was prioritised in domestic political scene during Yanukovych as well as Poroshenko presidencies, while each of them had different foreign policy agendas. Despite this fact, border issues represented a cornerstone for national security of the country and benefits were clear. Incumbents in the country managed to exploit EU assistance when EU requirements in sectoral policy coincided with the policy priority at domestic level. As Ms. Sushko, executive director of EWB claims "Modern European concept of IBM was introduced in accordance with European standards, which embraces and follows very important path towards border control. [...] In the context of national security and situation on Eastern borders, IBM

strategy has a particular importance. (Interview 7). Thus, it can be argued that security considerations can motivate reform process. This logic largely conforms with rationalist approach of Europeanization processes.

As for the hindering factors for domestic change in Ukraine, closer investigation of the sheds light to reasons for lack of change in regard to migration policy in Ukraine during the first years of ENP implementation. Several factors attract particular attention such as internal political instability in the country; the politicians' limited interest in the AP with the EU; veto players at agency level and weak administrative resources. Experts note that when ENP negotiations started after Orange Revolution, emigration was a high level political priority for both Yuschenko and Tymoshenko voters (Jaroszewicz and Ka mierkiewicz, 2014: 23). Despite this fact, migration issues did not attract particular political attention since domestic agenda was preoccupied with issues such as conflict between President Victor Yushchenko and Prime Minister Yulia Tymoshenko. The reform process was further hampered following the parliamentary elections in 2006, which introduced Victor Yanukovych as prime minister "keen supporter of cooperation with Russia" (Korosteleva, 2012: 86). Furthermore, "the presidential elements of the semi-presidential system weakened under President Yushchenko (2005–2010)" (Tudoroiu 2007: 329–31 cited in Wunderlich, 2012: 1426) and the struggle among different executive branches between presidency and government became common. These processes hampered migration related Europeanization processes as evidenced number of times in the case of adoption of the State Migration Policy Concept as well as establishing State Migration Service in Ukraine. On the other hand, veto players present at agency level challenged reformation of migration management policies in the country. For example, different bodies in charge of migration duties were struggling to maintain their functions to hold on human and financial resources and opposing to any changes which would result in their loss of power and resources. Apart from these factors, limited progress can also be attributed to the weak administrative capacity of the coordinating institutions and lack of consistent commitment among high state authorities towards domestic reforms. An example can be found in asylum policy of Ukraine. The absence of a competent body led to the collapse of the asylum policy in 2009, which was largely in contradiction with European standards and hampered Europeanization related processes in migration issues.

Closer investigation of the sectoral Europeanization process in Ukraine suggests that a number

of factors facilitate domestic change in compliance to EU norms and standards including EU's capacity building measures, presence of other international actors. However, these conditions are necessary but not sufficient for domestic change. Other variables such as sector-specific conditionality and pro-European stance of the country represent main determinants for motivating reform processes in the country, while lack of strong administrative resources as well as weak institutional capacity operationalised as internal political instability, veto players, no policy priority hindered Europeanization processes.

7. Comparative Analysis: Europeanization of Migration Policies in Georgia and Ukraine

The comparison of the Europeanization processes at sectoral level across countries yields insightful findings on the mechanisms and factors that revitalise the convergence with EU norms and standards beyond the EU's borders. The meticulous investigation of the 'units of analysis' of the current research sheds light to the explanation whether and though which means the EU intervenes with domestic political arena and motivates local actors to translate their actions in rapprochement with European and internationally established practices.

Detailed scrutiny of migration policy development in Georgia and Ukraine from the introduction of the ENP until the visa free regime with the EU enables us to observe inter-temporal variation in compliance patterns with EU norms and identify driving and hindering factors for Europeanization processes in a comparative perspective. The empirical study reveals that Georgia had not embarked on reforms in accordance with strong EU migration regulations in the first years of the ENP cooperation. However, the later year's evidence that there had been a gradual change in the policy area. As Ademmer and Delcour notice, two major milestones can be identified: during 2010-2011 country started to select and adopt EU demands and from 2013 until 2015 Georgia engage in a more systematic adoption and implementation of EU requirements (Ademmer, Delcour, 2016: 102). Substantial progress was achieved in the areas of document security, border and migration management (Delcour, 2013: 353). Similar pace of development is observed in case of Ukraine as well. The incompatibility between country's standards related to migration issues and European ones was rather high during the starting phase of the ENP implementation and approximation process occurred only in later years. Wetzel notes that the milestone for domestic change in the policy area can be dated from 2010 onward (2016). However, the momentum for real reforms was created after 2014 (Interview 6, Interview 7). Unlike migration and asylum issues transformation of border agencies in convergence with European and internationally established practices started much earlier in both countries.

The starting point for our analysis is the low degree of Europeanization in each case. Both Eastern neighbouring countries had claimed their motivations for more rapprochement with European standards in their official relations with the EU, which were illustrated in respective

jointly agreed documents such as ENP Action Plan with Georgia and Association Agenda and separate AP on Justice and Home Affairs with Ukraine as well as Visa Liberalisation Action Plans. As for the formal adoption of the rules and systematic implementation and institutionalisation of these norms, the following patterns are outlined.

In case of Georgia changes were introduced in a number of issues. The State Commission on Migration Issues was established; the National Action Plan on Migration was adopted; the Migration Profile of Georgia 2015 was created; Unified Migration Analytical System was set up; the "Over-Stayers' Alert System" was launched; the risk analysis concept developed by the Ministry of Internal Affairs was further improved; The Law on Refugees and Humanitarian Status was amended; the administrative capacity for asylum applications was strengthened; EU-Georgia readmission agreement had been successfully implemented and corresponding Readmission Case Management Electronic System coordinated by the Ministry of Foreign Affairs was introduced; modernisation of the border agencies and transformation of former military-based system for border protection into a law enforcement system was fostered; the legislative framework regulating the entry, stay, transit as well as scope of freedom and responsibilities for foreigners was addressed, although the latter initiative was fiercely criticised at domestic level. Georgia showcased a high degree of Europeanization had met all the necessary benchmarks in response to EU demands by 2016 in migration management, asylum policy and border issues. However, the sustainable implementation of the legal and institutional framework in particular in the area of migration management remains to be seen while the regulations due to the security requested by the EU (such as databases, residence permits) may be a costly for Georgia's 'open-door policy', upon which the compromise is highly unlikely to be achieved among Georgian authorities (Ademmer, 2017: 118; Delcour, 2013: 353-354).

Ukraine reveals similar degree of convergence with EU rules in area of migration, asylum and border management. The following changes were introduced: The Concept of State Migration Policy of Ukraine was created; the law on the legal status of foreigners and stateless persons was adopted and later updated; the State Migration Service (SMS) re-established and a regulation defining its basic tasks, functions and organization was adopted; amendments were made to the Asylum Law; the Migration Profile for 2014 was published; the Law on Labour Migration was adopted. The progress in Border Management continued and investigation of cross-border crimes

was streamlined through access to Interpol databases. Although similar to Georgia, Ukraine had achieved a number of benchmarks with the EU on these issues, which resulted in visa free regime in 2017, more protracted process of policy development is observed. Ukraine showed gradual improvements in migration policy in adherence to EU demands and best practices from 2010 onwards, while more systematic and consistent approach was applied only after 2014. The progress was more evident in later years. It hints at relatively shallow compliance with EU rules, since "concerns related to the administrative resources of the State Migration Service" (Interview 5) as well as implementation of the Asylum Law in regard to detention procedure (European Commission, 2015d: 5) remained under migration management and asylum policy. Moreover, "there is still no mechanism for establishing a stateless person status; no mechanism for regularization or foreigners and stateless persons staying in Ukraine irregularly for long time and being de facto integrated here" (Interview 5).

Despite different pace and speed of developments, both countries display a high degree of Europeanization by 2016. The policy areas under investigation of current study coincides with the second block of Visa Liberalisation Action Plans. Indeed, an independent evaluation of Eastern Partnership countries' visa facilitation and liberalisation processes with the EU assigns high indexes to Georgia (9.3 out of 10) and to Ukraine (9.2 out of 10) to this block, which are significantly high compared to the third and fourth blocks of VLAP (EaP Visa Liberalisation Index Online). In order to explain which factors account for these changes and identify necessary conditions for domestic reforms towards more Europeanised sectoral policies, empirical research proposes interesting findings.

The discussion of the diffusion of EU's norms through hierarchical policy transfer leads to the determinacy of conditions as an important factor for successful application of the conditionality principle. "Having set some determinate rules of the game and nominating the responsible domestic players, the EU has the privilege in supervising the process of internal change and giving the required guidance when needed" (Timu , 2007: 16). The variable is measured in terms of clarity, formality and consistency of the EU's requirements. The concrete steps and objectives for policy convergence that the EU set for migration, asylum and border issues fall under the Justice and Home Affairs cooperation title and requirements were outlined in each strategic official documents with Georgia and Ukraine. In case of Georgia, the EU imposed demands for change in ENP Action Plan

and made consistent reference to the positive developments as well as drawbacks and consequent recommendations in each annual country progress reports. The EU had a separate action plan on Justice and Home Affairs (2001, revised version in 2007) with Ukraine and the ENP Action Plan only incorporated EU rules for compliance based on this document. EU-Ukraine Association Agenda of 2009 and EU-Ukraine Association Agenda of 2013 also referred to these demands. Furthermore, EU stressed for compliance in identified areas in each annual country progress reports issued by European Commission and has been consistent with its demands deriving from relevant Action Plans and strategic documents. It is noteworthy, that cooperation with Ukraine became more prominent after 2004 enlargement which resulted in a EU-Ukraine common border.

However, EU requirements in respective policy areas became more specific and determinate once the visa liberalisation dialogue was launched with EaP countries of Georgia and Ukraine and corresponding Action Plans were adopted. This format proved to be a very efficient in its leverage for domestic compliance. Experts agree that one of the reasons for VLAP success is that it was concise and easy to understand and monitoring mechanism was efficient (Interview 6, Interview 8). "A clearly formulated stipulation eases the process of monitoring and benchmarking and the final judgment on whether or not a specific country has successfully completed the implementation of EU policies" (Timu , 2007: 16). This was the case with Visa Liberalisation Action Plans. The EU introduced benchmarks for effective convergence under each block and set milestones for change. The complementary monitoring mechanism under visa dialogue strengthened EU's clarity and determinacy of conditions. The difference between Visa Liberalisation Action Plans of Georgia and Ukraine was noted by Delcour (2013: 351). He mentioned that AP handed to Georgian authorities listed less comprehensive conditions compared to Ukrainian case. "This difference can be explained by the fact that Georgia does not share a land border with the EU and does not raise similar challenges to the Union in terms of migration" (ibid). The empirical evidence suggests that clarity of rules and determinacy of conditions, which on the other hand contributed to the effective monitoring and benchmarking, facilitated domestic change. However, it was successful only when coupled with other measures applied by the EU through conditionality mechanism.

The European Union encouraged Europeanization processes and approximation of domestic rules with European standards through capacity building measures of financial and technical assistance. Georgia received a total of €642 million in EU assistance between 2007 and 2013 that

includes the new EU initiative "more for more" and support in the framework of Neighbourhood Investment Facility (NIF) (ICMPD, 2015: 18). The ENI bilateral assistance to Georgia in 2014-2017 is expected to range between a minimum of €335 million and a maximum of €410 million (European Commission Website, Countries of the Region, Georgia, 2016). The funds within 'more for more' programme also targeted to the implementation of Visa Liberalisation Action Plan as well as Association Agreement (Office of the State Minister of Georgia on European and Euro-Atlantic Integration, Official Website). EU's financial and technical aid fostered approximation process with EU standards in migration, asylum and border issues in Georgia. It put positive blueprint on a number of developments including elaboration of the migration policy document; establishing readmission management system; development of the institutional capacity of the State Commission on Migration Issues; implementation of the EU-Georgia Readmission Agreement; transforming border agencies into law-enforcement organ and other areas.

The European Union provided substantial capacity building measures for Ukraine as well. In 2007-2011 €1 billion was allocated to Ukraine for bilateral assistance under the ENPI with the projects concentrating on Association Agreement and DCFTA as well as reforms in sectoral policies including migration. In 2014-2020 the EU grant aid is envisaged to amount to €1 billion. Additionally, under exceptional circumstances that developed during and after Euromaidan events, the European Commission announced a large support package with the purpose to stabilise situation in the country. Furthermore, Ukraine could benefit from additional financial assistance through 'more for more'- the incentive-based mechanism that rewards progress towards building deep and sustainable democracy (European Commission Website, Countries of the Region, Ukraine, 2016). EU's capacity building measures to Ukraine contributed to the positive developments in the country in terms of approximation with European standards in migration, asylum and border issues through specifically targeted projects in these areas. Changes included regular update of the migration profile, strengthening migration management system, local integration of refugees, legal protection of asylum seeking and refugee children in Ukraine, implementation of readmission agreements with the EU and third countries, modernisation of border management agencies and etc.

Notwithstanding the importance of EU's financial and technical assistance for the Europeanization processes at sectoral level, research reveals that it is necessary but not sufficient condition for domestic change. The empirical evidence is present in case of elaboration of the

national action plan on migration in Georgia in early years of ENP. Although EU funded a number of actions in the Ministry of Refugees and Accommodation including developing the strategic document for migration through AENEAS in the beginning of the ENP, the change occurred only later in 2013. Ukraine largely conforms with this pattern as well. For example, in 2006 the EU started implementation of three twinning projects with 22 further projects planned in Ukraine. However, as Wichmann (2007) mentions, "Ukrainian request for TWINNING on JHA issues was rather moderate because of the long-term preparations' procedures and 'domestic' sensitivity of the issues dealt with, for example conservative attitudes among bureaucracy unwilling to change to EU practices" (cited in Gawrich, et al. 2009: 17). Research shows that EU's capacity building measures had positive impact on process development only when EU conditions coincided with domestic policy priorities. This is very well illustrated in case of border management. Although EU's technical assistance contributed to the modernisation of the State Border Guard Service through cooperation with FRONTEX from 2005 and 66 million EUR sector budget support programme assisted the implementation of the Integrated Border Management Strategy adopted in 2010, a careful analysis of domestic political context suggests that EU's capacity building was not a driving force for Europeanization processes and other important factors determined the change.

While the determinacy of conditions and EU's capacity building measures are dominant explanatory postulates developed in Europeanization literature, empirical evidence suggests that countries' approximation process with EU norms are largely facilitated not only through EU's aid, but through the contribution and active role of other international actors as well. The blueprint of UNHCR and IOM are particularly evident, when the discussion refers to the migration policies' convergence with European and International established practices in EaP countries. In analysing institutional interplay of these institutions with the EU, Lavenex distinguishes the following patterns: "IOs as counterweights, whereby they seek to complement and correct EU policies where they perceive deficiencies with respect to their own migration policy mandate; IOs as subcontractors and IOs as transmitters of 'transfer agents" (Lavenex, 2016: 555). Case of Ukraine and Georgia reveals similar patterns: UNHCR and IOM largely engaged in the transfer of EU standards to these countries through their supervisory and advisory functions; on the other hand, they acted as subcontractors for the EU as they implemented a number of projects under EU funding. Acting as a guardian of the principles and norms established by international conventions and standards for the protection of asylum seekers, the UNHCR had a prevalent role in asylum policy in Georgia as well

as in Ukraine. In Georgia it was actively engaged in the process of drafting laws and elaboration of identification procedures for refugees in Georgia (Pataraia, 2011: 54). Similarly, in case of Ukraine, it provided advice to the Government and monitored the implementation of the country's international responsibilities in regard to refugee protection (UNHCR Representation in Ukraine, Official Website, 2016). On the other hand, European Commission in its assessment reports used 'relations with UNHCR' as a reference point for success in asylum policy (European Commission, 2013b: 10).

Presence of other international organizations are also visible in case of modernisation of Border issues. According to the IOM report, Georgian Border Police cooperated with IOM, OSCE, EU, ICMPD, UNDP (IOM, 2008a: 43). More importantly, the support of US had been prevalent in this area, which addressed the assistance mainly at training and equipping border check-points (Pataraia, 2011: 63; Interview 2, Interview 3). The similar arrangement is observed in Ukraine. Apart from the EU, other international donors such as USA, UN, OSCE, International Atomic Energy Agency also contributed to the improvement of the border management issues in Ukraine. In 2007, the Administration of State Border Guard Service was a beneficiary of 26 projects of international assistance (IPP, IDSI "Viitorul" & ICPS, 2008: 38). "The US as a donor had been very active covering lots of issues including border security" (Interview 5). Its role became particularly ambivalent at Eastern Border of Ukraine in providing equipment in terms of security after the Russian annexation of Crimea in March 2014 and two breakaway eastern provinces seeking independence with Russia's backing (Interview 8).

As evidence suggests international organizations' impact on Europeanization and modernisation of sectoral policies was positive. Cases of border management in Georgia as well as in Ukraine largely conforms to this notion. Other international actor's engagement along with the EU widely contributed to the convergence with European and International standards and the process was pursued in parallel to the ENP. However, closer investigation shows that despite strong facilitating factor, this variable doest not constitute main determinant for domestic change. This is also proved by the fact that changes in asylum issues were accelerated only after 2010s in Ukraine as well as in Georgia, while the UNHCR has been present in both countries from early 90s. Similar to EU's capacity building measures, the 'presence of other international actors' represents a necessary but not sufficient condition for the Europeanization process of migration and border

management sectors.

Under EU's pressures countries' successful adjustments to specific standards largely depends on the effective coordinating mechanisms and the capacity of administrative resources. In order to deal with considerable volume of inter-sectoral matters, government needs in-depth expertise and operation within tight time constraints (Wolczuk, 2009: 191). They represent key tools in the respective countries' public administrations in driving reforms. EU also attached its demands to this area appealing Georgian and Ukrainian governments to ensure coordination between relevant interlocutors involved in reform process. This was important, because in order to make policy changes, not only decisions taken at high political level matter, but the capacity and expertise of appropriate bodies are key in following implementation phase. Creation of State Commission on Migration Issues in 2010 marks an important development in this regard in case of Georgia. It became an important factor in drafting National Action Plan on Migration, Law on the Legal Status on Aliens and Stateless Persons, developing Unified Analytical System and at the same time it strengthened coordination among all stakeholders in migration management policy. Apart from that, positive changes related to the document security were largely facilitated by increased capacity of the administrative resources as a result of reformed Civil Registry Agency under the Ministry of Justice in Georgia.

The absence of such capacity can deadlock processes and delay country's drive towards Europeanization. This was evidenced in case of Ukraine. The weak administrative resources of the coordinating institutions and lack of consistent commitment among high state authorities resulted in no compliance. The absence of a competent body led to the collapse of the asylum policy in 2009, which was largely in contradiction with European standards and hampered Europeanization related processes in migration issues. Thus, it can be argued that the degree of effectiveness of the coordinating mechanism as well as the capacity of administrative resources effects on the extent to which the countries approximate with EU standards, which results either in positive, negative or shallow compliance.

In identifying the main determinants for domestic compliance the institutional capacity of respective countries attracts a particular attention. The variable is measured in terms of policy legacy, veto players and 'fit' with domestic agenda. While domestic contextual setting offers either positive or negative background for the readiness of reforms, the policy legacy and veto players

represent impediments for domestic change.

Citrautas and Schimmelfennig claimed that Europeanization can be "increasingly informed by domestic political structures and resource endowments that have been shaped by legacies" (Citrautas and Schimmelfennig, 2010: 422-423). Drawing on the same logic, the analysis shows that post-soviet attitudes towards migration contributed to the hinderance of policy development and shallow compliance with EU demands in Georgia and Ukraine. The incompatibility between Georgian and European norms in migration policy was high before the introduction of the ENP, because similar to other post-soviet countries Georgia's migration policy was unregulated due to the freedom of movement within the Soviet Space. It is noteworthy that Georgia inherited unregulated policy from Soviet Union and modernisation of the area in line with European standards was quite new for independent Georgia. The same situation prevailed in Ukraine. As experts note, "implementers lacked established approaches and internal support structures when engaging on more complex measures other than border controls" (Wunderlich, 2012: 1425). In contradiction to EU's coherent and regulated migration standards, Ukraine's migration policy was chaotic and inconsistent in its approach in the first years of the ENP. However, as Ms. Ryzhykh underlined, "there are still some remnants of the old mentality occurring among the general public, politicians and decision-makers combined with non-embracement of the idea that in the present day world migration became inevitable; it cannot and should not be stopped; that it is not a problem to be solved, but a phenomenon to be properly managed to maximize its benefits and to reduce its negative consequences" (Interview 5). Thus, post-Soviet legacy represented a hindering determinant for domestic compliance with European regulations in migration and border issues.

Another impeding factor, that limits institutional capacity of the country to implement changes, is veto players at domestic level. The empirical investigation of case studies of Georgia and Ukraine conforms the argument in line with rationalist theoretical framework, which contends that "the more actors have a say in political decision-making, the more difficult it is to foster the domestic consensus necessary to introduce changes in response to Europeanization pressures" (Börzel and Risse, 2003: 64). It was the case with Ukraine. Although a number of legislative initiatives were put forward with the aim to converge with European standards and comply with EU demands, the confrontation between power branches hampered this process. This was very much proved in the attempt to pass a draft law on migration policy concept in 2009, when the

Governmental draft law was accompanied by an alternative bill proposed by the MPs. However, as experts noted, "such situation existed not only in the field of migration law making, but in concerning other governmental initiatives as well" (Malynovska, 2011: 3).

On the other hand, there were some actors that desired to maintain the status quo and preferred the existing familiar structure over European standards. One of the most visible examples of this argument in Ukraine was found in regard to the subordination of the centers for detaining irregular migrants and refugees. "The transfer of such centers to the migration service would take major human and financial resources, including international technical assistance, away from the bodies that were responsible for them" (IPA and ICPS, 2009: 24). As a result, these bodies were reluctant to implement any changes and aimed at sustaining the status-quo. In case of Georgia, this argument is illustrative in the process of modernisation of border agencies. "The problems appeared in the process of reforming the Ministry of Internal Affairs, when military based agency should have been transformed into a law-enforcement organ. Being a policeman was discrediting for those employed at that time. Challenges also appeared, when independent border department, which was subordinated to the President, was incorporated to the Ministry of Internal Affairs. The personnel working in the department opposed these changes" (Interview 2). Empirical study suggests, that although veto players impinged the process of Europeanising policies, the obstacles posed by these challenges were removed as a result of high political will and 'fit' with domestic agenda.

The institutional capacity of the countries to implement reforms was increased, when the EU's demands coincided with domestic priorities and political agenda largely allowed for positive actions. Checking the local contextual setting against external incentives exposits that 'fit' with local agenda can be a primary driver for convergence with EU standards. The analysis shows that countries exploited EU's resources and successfully aligned with European regulations and standards, when demands from Brussels 'fitted' well with domestic agenda. The empirical evidence from our case studies supports this argument. The reformation of Border agencies in Georgia started in parallel to the European Neighbourhood Policy, but the change was not determined as a result of EU's pressures. New government under Mikhail Saakashvili, who came to power after revolution, started to address border issues and aimed at the transformation of the military based agency into a law-enforcement organ (Interview 1). The reform process continued in 2008, when Georgian government made Patrol Police responsible for carrying out the operations of the border entry points

and intensified later years. In fact, Georgia had many EU standards implemented by the time VLAP was introduced. The EU's demands for border management in Georgia under ENP positively correlated with Governmental priorities for several reasons. Firstly, it touched upon the security issues of the country, that became dominant especially after the war with Russia. On the other hand, EU requirements in the field coincided with Georgia's commitments under NATO Individual Partnership Action Plan and the timing for change conforms this argument. NATO integration could have been another important and strong stimulus for Georgian government to modernise border management, while country's commitment for NATO integration has been paramount in Georgia's political agenda. Accession to the organization is one of the top foreign and security policy priorities (Ministry of Foreign Affairs of Georgia, Official Website, 2014).

Ukraine also confirms this line of logic. The detailed scrutiny of process in border management issues suggests that change was induced primarily due to the EU's demands' 'fit' with domestic agenda. The policy was prioritised in domestic political arena during Yanukovych as well as Poroshenko presidencies, while each of them had different foreign policy agendas. Despite this fact, border issues represented a cornerstone for national security of the country and benefits were clear. Incumbents in the country managed to exploit EU assistance when EU requirements in sectoral policy coincided with the policy priority at domestic level. As Ms. Sushko, executive director of EWB claimed "Modern European concept of IBM was introduced in accordance with European standards, which embraces and follows very important path towards border control. […] In the context of national security and situation on Eastern borders, IBM strategy has a particular importance. (Interview 7). Accordingly, we can argue that Georgian and Ukrainian governments successfully complied with European standards in border issues in pursuant of their own political priorities, which was derived from the national security considerations for respective countries. The positive change was primarily induced as a result of domestic agenda. While security considerations and political priorities of the governments for border issues played an imperative role in Europeanization of border issues in Georgia and Ukraine, other factors show a strong stimulus for change in other areas of migration policy.

Another important determinant for reforms, which constitutes an axis of the EU's application of positive conditionality, appears to be the credibility of incentives. This research displays that this variable holds a largely explanatory power and the EU exercises its leverage through reinforcement

by reward in third countries at sectoral level. Although the EU does not incentivise these countries through a membership prospect, which is the most successful tool to making countries adherent to EU norms, it successfully exerts adaptational pressures on decision-makers through promises, which might be less tangible, but real. This was the case with the conditionality tied to specific sector. The promise for visa liberalisation provided a strong impetus for domestic change at sectoral policy development in Georgia and Ukraine.

EU's conditional pressures through visa facilitation agreement, which allowed for the reduction of the number of documents required to obtain a visa to the EU for Georgian and Ukrainian citizens as well as opportunity to obtain short-term schengen visas, was not as strong as visa free regime prospect, but it provided a gradual step towards final goal of visa liberalisation. Evidence shows that the EU still managed to pressure Georgian incumbents through conditionality, when it clearly linked demands for signing EC readmission agreement and security of travel documents to the signature of the visa facilitation agreement (European Initiative - Liberal Academy, 2012: 48). The EU was equipped to exert its influence on Georgia and apply reinforced conditionality in 2007, when Georgian government demanded visa facilitation reasoned after Russia signed bilateral visa facilitation agreement with the EU in 2007 (Ademmer, 2011: 24). Progress was conditional upon successful implementation of the EU requirements in terms of readmission obligations in return for benefits by visa facilitation. In response to EU's policy-specific conditionality, Georgia's policy was positively assessed: the approval rate for readmission applications was over 90% (Chkhikvadze, Mrozech, 2014: 6). Unlike Georgia, visa facilitation occurred to be insufficient for domestic drive towards Europeanization processes. Visa facilitation agreement did not result in tangible benefits for the citizens of the country, because before that Ukrainians could travel without visa restrictions to the whole post-communist countries "from the Adriatic and the Baltic to the Pacific" (Shulga, 34). However, after EU's enlargement in 2004, the respective Eastern European countries acceding to the EU were obliged to introduce visa requirements for Ukrainian citizens. Since then, the visa regime and the Schengen 'paper wall' became quite a sensitive issue for Ukrainians (ibid). Apart from that, the ENP as a cooperation framework was not politically attractive for Ukraine - a country with long-standing EU membership aspirations. Political elites believed that Ukraine, which is "Geographically situated in the centre of European continent, should not participate in the ENP; her aspirations are more ambitious than merely subscribing to partnership with the EU" (Stegniy, 2011: 54)". While visa facilitation was

stipulated under the ENP, key measures (AA, DCFTA and Visa Liberalisation) introduced by the Eastern Partnership, provided for EU's stronger leverage with participant countries. This was particularly evident at sectoral level in case of visa liberalisation.

The EU's credible incentives linked to policy specific conditionality has been one of the main motivators for EaP countries to Europeanise. EU demands in migration issues implied prospects for benefits of liberalised visa policy with these countries in return for compliance. This argument is empirically supported in cases of Georgia and Ukraine. Visa liberalisation process was acknowledged to be an effective in driving reforms domestically. EU Integration Programme Manager at Open Society Georgia Foundation, Mr. Chkhikvadze noted that Georgia had already started reform process before the VLAP was introduced. "From Moldova's experience, Georgian officials wanted to 'do homework' in advance and by doing so speed up processes in visa dialogue." (Interview 1). The process was continuous and each consequent step was dependent on the positive assessment by the European Commission. The argument is further strengthened by the fact that reform process was accelerated in Georgia after the EU granted 'carrot' for visa free regime and handed Visa Liberalisation Action Plan to Georgian authorities. Empirical observation over migration policy development suggests that country managed to implement a number of substantial reforms in line with European standards in migration policy. Georgia created State Commission on Migration Issues, adopted the National Action Plan on Migration, introduced biometric passports, modernised border police, satisfactorily implemented EU-Georgia readmission agreement, conceptually developed and set up unified database for migration (operational since 2015). These changes met requirements set out in the first and second blocks of Visa Liberalisation Action Plan. As a result of European Commission's positive assessment, Georgia had fulfilled first phase requirements of VLAP in 2014 and met all the benchmarks set in respect of the blocks of the second phase (European Commission, 2015b: 12).

Ukraine also positively responded to EU's incentives for visa free regime. Wetzel notes that the milestone for domestic change in the policy area can be dated from 2010 onward (2016). Legislative and institutional adjustments to European standards are illustrated in a number of initiatives: the Concept of State Migration Policy of Ukraine was adopted in 2011; the Operational Plan of Action for the Regulation of Migration Processes in Ukraine in 2011-2012 Years was issued as a government decree on 11 March 2011; A law on the legal status of foreigners and stateless

persons was adopted; the State Migration Service (SMS) reestablished and a regulation defining its basic tasks, functions and organization was adopted (Wetzel, 2016: 77; Jaroszewicz and Ka mierkiewicz, 2014: 17-18; European Commission and High Representative of the EU, 2012b: 14-15). The UNHCR in its Aide Memoire notes that the VLAP "has had a significant impact on the tempo of legislative and administrative reform related to the asylum system in Ukraine, as it mobilised the political will to change migration policy" (2012: 1). While Ukraine showed gradual improvements in migration policy in adherence to EU demands and best practices from 2010 onwards, more systematic and consistent approach was applied only after 2014. Local experts, who are closely engaged in monitoring processes claim that changes initiated during 2010-2012 under the presidency of Yanukovych had 'imitation character' (Interview 7). Although VLAP gave some push in 2010, changing domestic context in favour of the EU created higher pressure for decision-makers. Furthermore, the EU granted second phase of VLAP in 2014 and made its promise more credible, which created further impetus. The progress in Migration and Asylum policy was accelerated. Changes were prevalent in Migration Management areas: the amendments were made to the Asylum Law in 2014 (European Commission, 2014b: 3); Law on Labour Migration was adopted in 2015; the Migration Profile for 2014 was published (European Commission, 2015c: 4); the State Migration Service established a new unit for the fight against irregular migration (Europe without Barriers, 2016: 5); Law on Legal Status of Foreigners and Stateless Persons was improved (Verkhovna Rada of Ukraine, Official Website, News, 2016). The progress in Border Management continued and investigation of cross-border crimes was streamlined through access to Interpol databases (EWB, 2016: 5). Changes in other Blocks of VLAP were prevalent during Poroshenko's presidency as well. While reform process in migration management, asylum policy and border issues continued, changes in document security was introduced only in 2015. Ukraine also made some progress after 2014 under third and fourth blocks of VLAP in the areas of anti-corruption and non-discrimination policies, which met resistance from political vested interests. Ukraine's commitment toward EU oriented reforms especially after Euromaidan events were acknowledged and although full convergence with EU standards were not observed in 3rd and 4th blocks of VLAP, the EU granted visa free regime to Ukrainians in 2017.

Overall empirical evidence shows that political elite in Georgia and in Ukraine took viable actions in terms of reforms only when rewards became tangible and clear from the EU. Sector-specific conditionality changed rational calculations of incumbents and costly reforms were

balanced, if not outweighed by the EU's rewards. Through this mean the EU managed to produce significant pressures on decision makers to implement changes.

Closer investigation of the processes reveals some interesting findings. Although conditional promise for visa liberalisation and credible incentives constitute helpful lenses to explain patterns of policy change, these factors solely fail to shed light to the dynamics in implementing reforms in rapprochement with EU standards. Although the EU managed to pressure Ukrainian authorities to certain extent, VLAP conditionality failed during Yanukovych presidency. As the empirical evidence suggests, the country managed to exploit external resources and get promised rewards in return of compliance, only when domestic politics provided favourable environment. In this regard, pro-European aspirations of the country and political elites provide a necessary condition for change. While consequent governments in Georgia had been consistently declaring EU Integration as a foreign policy objective of the country, situation had been somehow different in Ukraine during Yanukovych times. He was widely seen as "a caveat for Ukraine's further rapprochement with the EU" (Fischer 2010). Yanukovych declared country's foreign policy priorities to become 'more pragmatic and realistic', in order to serve 'the national political and economic interests of the country and the provisions of security'. (Korosteleva, 2012: 90). Furthermore, the goal of NATO membership was dropped during his presidency and relations with Russia became more intensified. Towards this direction, Yanukovych refused to sign the Association Agreement with the EU in 2013 at Vilnius Summit and instead chose closer ties with Russia and the Eurasian Economic Union, which resulted in Euromaidan events. According to an official statement by Yanukovych, be based his decision on cost-benefit logic of argumentation and claimed that Ukraine could not afford to sacrifice the deal with Russia, which opposed the deal and EU's offer to lend Ukraine 610m euros (£510m; $828m) was inadequate for Ukraine's economy to upgrade to "European Standards" (BBC Official Website, 2013). Ukraine's European aspirations had been necessary condition for fostering Europeanization processes. The momentum for change was marked after 2014, when the country embarked on more systematic adoption and implementation of EU rules under Pro-European President and a new government. The political context was largely changed in favour of the EU and domestic environment provided for EU's reinforced conditionality at sectoral level. Moreover, the EU more incentivised decision-makers by granting the second stage of VLAP in 2014 and created more political pressure. "It really showed that the EU is serious about its promises and is ready to go forward. After that decision, the people in the Government and the Parliament started to take more

seriously the prospect of eventually getting visa liberalisation" (Interview 6). Indeed, the progress in migration, asylum and border issues under second block of VLAP were accelerated. This argument is also strengthened by the fact that Ukraine embarked on real changes in other blocks of VLAP only after 2014. Although in this process a number of measures were taken because of the pressure outside, local contextual setting and pro-European stance of the political elites in the country occurred to be a necessary factor for Europeanization. Domestic context largely dominated in country's efforts to exploit external resources and get promised rewards in return of compliance.

In conclusion research supports the expected relationship between variables posited in our hypotheses. While veto players and post-Soviet legacy limits the institutional capacity of the country to implement pro-European reforms, the clarity of EU rules, EU's capacity building and assistance, presence of other international actors and adequate administrative resources speed up Europeanization processes. However, these facilitating factors represent necessary, but not sufficient conditions for domestic change. Compliance with EU rules at sectoral level can be explained as a result of EU's sector-specific conditionality of credible rewards provided that the country stands for European aspirations. On the other hand, convergence with European standards and internationally established practices is largely facilitated when EU's demands 'fit' with domestic agenda and incumbents capitalise on EU's resources in pursuant of their political goals. These findings conform with the patterns postulated in rationalist theoretical framework, when the countries base their decisions on cost-benefit analysis. The study showed that the EU is successful in application of its conditionality in third countries at sectoral level.

8. Conclusion

This thesis examined how the Europeanization unfolds in the EU's neighbourhood and which determinants contribute to shaping final outcomes. In contrast to country level explanations, this research addressed acceptance of the EU's rules at sectoral policies. Discussion of the Europeanization of migration issues in Georgia and Ukraine allowed to identify and control a number of factors that either increased or decreased the countries' capabilities to introduce changes in compliance with European standards. The analysis proceeded within the Eastern dimension of the European Neighbourhood Policy, which prominently featured secure and well-managed migration in its cooperation agenda. The literature review chapter of the dissertation showed that there are contrasting arguments in regard to EU's effectiveness in its foreign policy to induce third countries to adapt to EU norms. Furthermore, no single approach is dominantly established in exploring Europeanization issues that produce methodologically found findings with generalizable conclusions. As Langbein and Börzel (2013) claimed, "it is too early to present a consistent theoretical framework to explain differential policy change across policy fields and countries in the EU's neighbourhood" (p. 574). However, this paper attempted to shed light to the domestic dynamics of compliance patterns across countries beyond the EU's borders from the perspective of rational school of thought and introduced the conditionality principle as the main instrument deployed by the EU. Moreover, it evidenced that rationalist argument has explanatory power in Europeanising policies in EaP countries and while EU's promised rewards in return for compliance pushed for reforms, domestic actors based their decisions on cost-benefit calculations and adopted changes as a result of EU's pressures largely in pursuant of domestic political agenda.

The detailed scrutiny of the embedded units of analysis of the selected case studies enabled to uncover the causal mechanism under which the Europeanization at sectoral level took place. The empirical observation of the data and patterns of relationship between different factors in the migration, asylum and border management policies in Georgia and Ukraine from the introduction of the ENP until the visa free regime with the EU largely conformed the extrapolated theoretical expectations. Towards explanation building process, the research found out facilitating factors for domestic change and identified the necessary conditions under which they lead to successful Europeanization. Moreover, the inter-temporal variation over the dependent variable guided to appropriate findings regarding the policy adjustment to European standards in third countries.

The empirical study revealed similar patterns for domestic compliance in Georgia and Ukraine. However, different timing for reforms across policy areas is observed. While the approximation with European standards in migration and asylum issues was patchy and slow in early years of the ENP, respective countries embarked on reforms in accordance with EU regulations in later years. In case of Georgia, two milestones for change were identified: the selection and adoption of EU norms were observed during 2010-2011 and more systematic adoption and implementation occurred from 2013 (Ademmer, Delcour, 2016: 102). In Ukraine gradual change in migration management and asylum policy started from 2010 (Wetzel, 2016) and reached real momentum for reforms after 2014 (Interview 6, Interview 7). Unlike migration and asylum issues transformation of border agencies in convergence with European and internationally established practices started much earlier in both countries. As a result of measures taken by Georgia and Ukraine, both countries demonstrated a high degree of Europeanization in above mentioned policy areas by 2016.

The timing for reforms coincided with the introduction of the visa liberalisation promise through Eastern Partnership and changes were largely determined by the credibility of EU's incentives. Georgia started the adoption of the EU rules even before the VLAP was handled to the government. "From Moldova's experience Georgian officials wanted to 'do homework' in advance" (Interview 1). Reform process was accelerated after the EU granted 'carrot' for visa free regime and introduced VLAP to Georgia. Similarly, Ukraine applied a number of measures from 2010 as a result of EU's promised rewards with the developments being characterised as transformation "from halt to hurry" (Wetzel, 2016). More systematic and consistent approach was applied from 2014. Visa Liberalisation Action Plan proved to be a very effective tool in its leverage. "It was a success story in terms of EU's incentives to modernise its policy" (Interview 6). The empirical evidence confirmed the theoretical expectations. The credibility of EU's incentives mobilised domestic players and conditional reward tied to specific sector equipped the EU to pressure decision-makers to implement reforms towards more Europeanised policies. Notwithstanding the explanatory power of this variable, it is argued that the EU is able to exercise conditionality principle only when other conditions are fixed. Favourable domestic context is necessary for successful Europeanization even at sectoral level as proved in case of Ukraine. Although some changes were introduced during Yanukovych presidency, real progress was achieved only under pro-European president and a new government and changing domestic political context in favour of the EU after Euromaidan

revolution 2013/2014.

Similar to migration and asylum issues, the transformation of border agencies into a law-enforcement organs were further progressed as a result of EU's demands and governments of Georgia and Ukraine positively responded to VLAP conditionality in this area as well. However, this factor was a main determinant for domestic change in case of border management in Georgia as well as in Ukraine. The institutional capacity of the countries to implement reforms was increased, when the EU's demands coincided with domestic priorities and political agenda largely allowed for positive actions. The empirical evidence from our case studies supports this argument. Border management was prioritised by the governments in both countries reasoned by the national security considerations. Reform started in parallel to the ENP in Georgia, while Ukraine took initial measures towards modernised border guard service from 2000s. Checking the local contextual setting against external incentives exposited that 'fit' with local agenda was a primary driver for convergence with EU standards. The analysis showed that countries exploited EU's resources and successfully aligned with European regulations and standards, when demands from Brussels 'fitted' well with domestic agenda.

On the other hand, the paper argues that the institutional capacity of the countries to adjust their policies to EU rules was decreased due to the post-Soviet legacy and a number of veto players. Citrautas and Schimmelfennig claimed that Europeanization can be "increasingly informed by domestic political structures and resource endowments that have been shaped by legacies" (Citrautas and Schimmelfennig, 2010: 422-423). Drawing on the same logic, the analysis showed that post-soviet attitudes towards migration contributed to the hindrance of policy development and shallow compliance with EU demands in Georgia and Ukraine. The incompatibility between Georgian and European norms in migration policy was high because similar to other post-soviet countries Georgia's migration policy was unregulated due to the freedom of movement within the Soviet Space. The same situation prevailed in Ukraine.

Another hindering factor for domestic change was veto players at domestic level. The empirical investigation of case studies of Georgia and Ukraine conforms the argument in line with rationalist theoretical framework, which contends that "the more actors have a say in political decision-making, the more difficult it is to foster the domestic consensus necessary to introduce changes in response to Europeanization pressures" (Börzel and Risse, 2003: 64). In Ukraine,

although a number of legislative initiatives were put forward with the aim to converge with European standards and comply with EU demands, the confrontation between power branches hampered this process. Furthermore, there were some actors that desired to maintain the status quo and preferred the existing familiar structure over European standards. While reformation of institutional structures implied shift in human and financial resources, the relevant bodies were reluctant to implement any changes and aimed at sustaining the status-quo.

The study also identified a number of facilitating factors for successful sectoral Europeanization and incorporated the discussion of not only the variables conventionally addressed in relevant research projects, but draw attention to other factors, which are not systematically analysed in scholarship on Europeanization. The empirical data confirmed the theoretical assumption that the determinacy of conditions and EU's capacity building measures positively contributed to the compliance of standards with European ones in migration, asylum and border issues. The EU reiterated requirements in specific areas in official documents agreed with respective countries and appealed for compliance in each annual country progress reports issued by the European Commission. Moreover, EU requirements became more specific and determinate once the visa liberalisation dialogue was launched and corresponding Action Plans were adopted. One of the reasons for VLAP success was that it was concise and easy to understand (Interview 6, Interview 8). However, it was successful only when coupled with other measures applied by the EU through conditionality mechanism. Towards this path, the EU's extensive assistance in terms of financial as well as technical capacity building through different support packages positively impacted on the Europeanization of migration issues in Georgia and Ukraine. Apart from these variables, the research explored the role of coordination and administrative resources in this process, because they represented key tools in respective countries' public administrations to drive reforms. Based on the empirical investigation, the paper argues that the degree of effectiveness of the coordinating mechanism as well as the capacity of administrative resources affected on the extent to which the countries approximated with EU standards, which results either in positive, negative or shallow compliance.

While the determinacy of conditions and EU's capacity building measures are dominant explanatory postulates developed in Europeanization literature, empirical evidence suggests that countries' approximation process with EU norms were largely facilitated not only through EU's aid,

but through the contribution and active role of other international actors as well. The blueprint of UNHCR and IOM were particularly evident, when the discussion referred to the migration policies' convergence with European and International established practices in EaP countries. Case of Ukraine and Georgia revealed that UNHCR and IOM largely engaged in the transfer of EU standards to these countries through their supervisory and advisory functions; on the other hand, they acted as subcontractors for the EU as they implemented a number of projects under EU funding. Furthermore, the presence of other international actors rather than the EU including international organizations and multinational donor agencies were also tangible in case of modernisation of border management in Georgia as well as in Ukraine.

In overall, this research found out that the application of EU's conditionality constitutes helpful lenses in order to explain the patterns for domestic change at sectoral level in third countries. Empirical study largely conformed our hypotheses, but at the same time identified fix conditions under which the determinants positively impacted on final policy outcome. While EU's conditional reward for visa liberalisation acted as a strong impetus for sectoral Europeanization, it was successful only when the favourable domestic context was provided. The study also proved that approximation with EU rules was substantially reasoned by the 'fit' with domestic agenda, which empowered political leadership of the countries to implement pro-European reforms. These findings conform with the patterns postulated in rationalist theoretical framework, when the countries base their decisions on cost-benefit analysis. Apart from these variables, the research also determined other facilitating factors including: the clarity of EU's rules, EU's assistance, the presence of other international actors and adequate administrative resources. On the other hand, veto players and post-Soviet legacy limited the institutional capacity of the countries to implement changes.

This research established 'necessary' conditions for domestic change and constellation of facilitating factors under which countries may take up similar behaviour and actions. As usual in case study research, which investigates only few cases, generalisation of theoretical claims is limited. However, it is believed that since this paper dealt with most-similar cases, insights from our discussion can be application to another pro-EU astern neighbourhood country such as Moldova. This thesis may have implications for further discussion in the scholarship on Europeanization of third countries and stimulate future research to see whether these conditions also have explanatory power at other sectoral policies and if so, to what extent. In this regard, the presence of other

international actors as an independent variable is worth reviewing in the research on Europeanization. Finally, this paper emphasised the importance of the context and the need to incorporate the in-depth analysis of the domestic political arena against outside pressures in providing explanation whether and through which means the EU intervenes with third countries and motivates local actors to translate their actions in convergence with European standards.

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Interviews Conducted within the Framework of the Research

1. Interview 1. Ivane Chkhikvadze, EU Integration Programme Manager at Open Society Georgia Foundation (OSGF); Interview date: 19 September, 2017

2. Interview 2. Nikoloz Samkharadze, Manager of Integrated Border Management Programmes at UNDP Georgia during 2010-2017; Interview date: 21 September, 2017

3. Interview 3. Marc Hulst, International Organization for Migration (IOM) Georgia Programme Officer; Interview date: 24 September, 2017

4. Interview 4. George Jashi, Executive Secretary of State Commission on Migration Issues of Georgia. Interview date: 26 September, 2017

5. Interview 5. Yuliya Ryzhykh, Independent Expert, International Organization for Migration (IOM) Ukraine, Senior Project Specialist at Capacity Building in Migration Management Unit. Interview Date: 23 October, 2017. *The opinions and views expressed in the interview are the author's and does not necessarily reflect those of the IOM.*

6. Interview 6. Dmytro Shulga, European programme Director at International Renaissance Foundation, Ukraine. Interview Date: 26 October, 2017.

7. Interview 7. Iryna Sushko, Executive Director of Europe Without Barriers, Ukraine. Interview Date: 27 October, 2017

8. Interview 8. Andriy Solodko, Analyst in Migration, CEDOS Think Tank, Ukraine. Interview Date: 30 October, 2017