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Eastern Partnership Association Agreements in the Mirror of Global Ungovernance: Where Does the DCFTA Lead?

ABSTRACT

The paper focuses on powers' dissolving effects brought by Eastern Partnership Association agreements, signed with Ukraine, Moldova, and Georgia, to associated states' governance systems and practices and the development of associations' institutions and procedures. To that end, the research utilizes the

concepts of “ungovernance” and “global ungovernance” that, in the authors’ view, possess significant explanation potential in the field. The paper reviews the emergence of said concepts, which may be traced back to the mid of 1990th. It emphasizes the main features of those concepts concerning both national states and transnational institution-building projects. The dispersion of powers due to the implementation of association agreements is caused by the extension of obligations far beyond those needed to implement the DCFTA and binding the market access with progress in other fields. Such agreement’s design brings the notions of “uncertainty” and “inconsistencies” into assessing the institutional and procedural issues of its implementation. The paper also analyses the side-effects of the lack of accession perspective, which, combined with extensive obligations towards approximation to the EU legislation, creates an “impossibility of closure” effect (i.e., impossibility to reach objectives set). Such an effect happens due to unclear goals and discouragement of actors involved in the implementation because of the absence of future membership guarantees. The paper also suggests that the implementation process’s failures may result in significant institutional and procedural rearrangements within the association agreements’ frameworks to adjust the governance mode to cope with such failures.

The key words: global ungovernance, governance, institutions, association agreement, DCFTA, integration, Europeanisation, Eastern partnership.

Introduction

Eastern Partnership Association agreements (AAs) that were signed with Ukraine, Moldova, and Georgia comprised a brand-new type of associations with the EU based on Deep and Comprehensive Free Trade Areas (DCFTAs). The AAs in question have a very similar design consisting of political obligations, obligations on the DCFTA, and on sectoral cooperation, establishing a political association and economic integration between parties. However, all Eastern Partnership AAs’ essential common feature is the lack of any notions of perspectives of accession to the EU. In Ukraine and Moldova cases, the AAs recognize them as the European countries sharing a common history and common values, which fall within the basic geographical criteria of membership. Nevertheless, all other formulations “does not entail any legal or political commitment towards further enlargement on behalf of the Union,” and thus,

these AAs cannot be “regarded as pre-accession instruments” (Van Elsuwege & Chamon, 2019, p. 30). Combining very ambitious DCFTA projects with extensive and conditional political obligations and obligations on legislative approximation creates enormous pressure upon all actors and institutions involved in the implementation process. This affects institutions, procedures, and in a broad aspect, the respective modes of supranational and national governance. Several theories and concepts are dealing with the side-effects of relations between the EU and associated states. However, in this respect, significant differences exist between associated states that are candidates for accession, states that do not consider the EU membership, and countries that are almost denied a close membership perspective. The latter ones, in our view, are mostly influenced by the asymmetric relationship with the EU, and the concept of global ungovernance looks very promising in terms of exploring such type of relationship. This approach may help trace the shift of powers from an associated state caused by obligations on approximation to the EU legislation and evaluate association institutional capacity to cope with such power shift and related adverse effects of political and economic integration within the DCFTAs.

Methodology

The paper utilizes the concepts of “ungovernance” and “global ungovernance” that evaluate the side-effects effects of globalization and transnational institution-building projects. The concepts in question are applied to investigate specific effects that AAs have on associated states’ governance systems and practices and the development of associations’ institutions and procedures. In particular, the focus is made on the dispersion of powers caused by extensiveness of political commitments and conditionality of market access rules. The idea of “impossibility of closure” is also applied to the lack of accession perspectives and implementation of obligations on legal approximation.

1. Emergence of “global ungovernance” concept: an explanatory potential

The initial introduction of the specific term “ungovernance” is usually awarded to Susan Strange. In mid-1990-th she utilized that term to adequately describe an observed phenomenon of markets outgrowing national governments and eroding governing systems based on state sovereignty. Or, in her words, the situation while “the world economy has greatly increased, the political capabilities to adjust to these changes has, if anything, declined” (Strange, 1998b, p. 43).

In particular, that was based on earlier observations of asymmetry in international relations between more influential and less influential states resulting in the latter dissipating certain powers in conducting their policy. Thus, it was suggested the division between “states whose domestic policies, whether deliberately or inadvertently, had an impact on societies and economies other than their own, and states which had no such power and were more likely to suffer and have to adapt to the domestic or foreign policies of the more powerful governments” (Kaiser, 1971 as cited in Strange, 1998a, p. 706).

Besides, there were also alleged distinct tendencies, whereas certain powers that traditionally belonged to national governments were dispersing between several other actors (both public and private), and some powers were just fading away. Such a trend was considered especially remarkable in the presence of a gap between declining political authority and an insufficiently developed civil society (Cox, 1997, p. 369). With that respect, Strange argued that the modern economy efficiently generated a kind of vacuum “What some have lost, others have not gained. The diffusion of authority away from national governments has left a yawning hole of non-authority, ungovernance it might be called” (Strange, 1996, p. 14).

In other words, initially, the term “ungovernance” reflected certain side-effects of globalization that invariably led to dispersion

and reduction of powers and competence of national governments due to peculiarities of economic development, in particular, due to growth of global markets. In that meaning, ungovernance is a synonym of the alleged absence of governance in general or of its gradual shifting away from a national state.

However, soon enough, the initial understanding of the vacuum or absence of governance became the object of criticism. It was pointed out that this phenomenon should be viewed not as a void, but as a new quality of governance. Which, nevertheless, remains full-fledged governance and can effectively perform its functions.

In particular, Cohen (1998, p. 124) emphasized the emergence of autonomous actors' rulemaking abilities because they were "freed to make up their own rules as they go along through practice and the gradual cumulation of experience". That rulemaking to a considerable extent, demonstrates the potential to adequately replace dissolved functions and powers traditionally held by national governments. The core of the respective process lies in the superseding of formal rules by informal ones emerging from patterns of behavior and resulting in certain standards of behavior that may take forms of rights and obligations. Such superseding helps to fill gaps in a regulative environment, so that: "A system governed by unwritten law is not «ungovernance» or a «yawning hole of non-authority». It is simply a different way to govern. An evolutionary process, relying on the development of informal norms rather than formal rules..." (Cohen, 1998, p. 125).

Later, some other global concepts have even developed a taxonomy to replace such gaps in the regulatory environment through multilevel administration carried out by formal and informal actors. That, precisely, includes:

- international organizations – as a formal mode of administration;
- extraterritorial legislation and contract – as distributed domestic administration;
- multi-stakeholder initiatives – as hybrid modes of administration;

– industry associations and companies’ codes of conduct – as private modes of administration exercising de facto regulatory functions (Richemond-Barak, 2011, p. 1042–1043).

In other words, if we consider dissolved governance as a traditional one, the emerging gap is to be filled out by different ether traditional and non-traditional types, including formal international, distributed, hybrid transnational, and private types of governance. In terms of redistribution of powers, the latter types of governance to some extent oppose the traditional governance of national states. Thus, in this context, they can be viewed as ungovernance.

It also took considerable revision of the possible directions along which the diffusion of government power occurred so that the initial concept of “ungovernance” focused on the processes developing at the level of national states to turn into “global ungovernance”. Whilst initially it operated just a three-dimensional model, which included:

- decline in the authority of states, an increase in the authority of big translational firms;
- a parceling of authority downwards from states to smaller territorial entities;
- a general erosion of power based on territory and a rise in non-territorial power in economy, technology, and communications (Cox, 1997, p. 367–368).

Thus, the issue of uncertainty and diffusions in powers of international and supranational organizations in that scheme was somehow omitted. Or such international actors were considered as a kind of impartial observers or as beneficiaries intercepting dissolving powers of domestic governance. For example, in one case the matter was described that “the key characteristic of present international regulation is ‘ungovernance’: an increasing number of issues remain unregulated... Central issues never get onto the agenda of international organisations (IOs) and, if they do, the IOs have little chance of arriving at and implementing decisions that do not reflect the interests of dominant actors” (Leander, 2001, p. 116–117).

However, later it has been recognized that in course of ungovernance state authority has also “moved upwards to inter-national or regional institutions” (Leander, 2002, p. 1.) and the issue is rather consisting in that not all respective regulating functions have been efficiently institutionalized by other actors. This, in particular, results by excluding certain matters from politics among states and international institutions and overrating expectations towards said international institutions. Such conclusions have moved us to the notion of global ungovernance, which is characterized by the fact “that some of the crucial political developments in our time are taking place outside the realm of institutional politics” (Leander, 2002, p. 15). Which, in turn, erects the problems of regulating and administrating within emerging gaps and respectively limiting ungovernance.

A new round of academic interest in global ungovernance came in 2020 when this concept has been considered in the context of the activities of international institutions. The latter approach generally supports the understanding of global ungovernance as a specific form of governance at the global level. However, it is applied in an attempt to explain the notable changes in the procedures and practices of activity, as well as in the institutional building of international actors that arise in the context of the modern distribution of geopolitical and geoeconomic forces.

The said application of global ungovernance concept to international institutions due to Desai & Lang (2020) is based on four primary arguments, that include:

- 1) it operates in the context of transnational institution-building projects which at once pursue big visions of aggregate institutional forms with claims to universality (eg, building ‘markets’ or the ‘rule of law’), and at the same time offer no adequate prescriptions nor pathways for attainment;

- 2) it is distinctive with ‘impossibility of closure’, which is interpreted as the ultimate practical impossibility of matching institutional structures with desired outcomes;

3) it is a set of organized practices, and evinces a commitment both to pursue closure and to embrace its impossibility;

4) it changes the nature, purpose, and conditions of possibilities of institution-building techniques and practices (Desai & Lang, 2020, p. 2).

This iteration of the concept absorbs earlier reflections from the investigation of “decisive failures that constitute ‘celebrated’ success” in international law (Desai, et al., 2019). And also, it utilizes the experience of experts during consultations on justice and security indicators for the Sustainable Development Goals, in terms of developing an understanding of “the politics of instantiation and determination along the chains of governance produced from the global to the local, taking in the different types of actors in between” (Desai & Schomerus, 2017, p. 111). Thus, global ungovernance is viewed as “a distinctive mode of practice as it does not resolve the tension between the commitment to, and embrace of the impossibility of, closure, but rather makes it productive; and that GU diffuses failure as much as it allocates it, in the service of facilitating collective action” (Desai & Lang, 2020, p. 16).

In our opinion, the concept of global ungovernance has significant explanatory potential towards a new type of AA between the EU and the countries of the Eastern Partnership, and in particular Ukraine. The promising of this approach, in our opinion, is supported by challenges and transformations in governance processes that have arisen during the period after AAs’ enactment. Moreover, these trends arise simultaneously at the level of interactions within the AAs frameworks, as well as at the level of national governance of states that have undertaken obligations on approximation to EU legislation.

2. Eastern Partnership AAs’ Design and Principles: Premises for Dispersion of Powers

AA became an indispensable instrument of EU common foreign policy since 1960th when the first bunch of such agreements was

concluded. Also, from that distinct point, AAs revealed a specific set of principles that determined their performance. Slightly paraphrasing Feld (1965, p. 244) these principles are:

- despite declared equality of parties, in terms of political power AAs represent a relationship between unequal partners;
- the manifold obligations for consultation among the association partners affect the EU internal decision-making process;
- the EU bears the challenging task of coordinating activities in the institutions of associations, especially on economic measures or political problems in the relationship between associated states;
- the principle of reciprocity exists between the advantages and obligations of the association partners, which must be viewed in the light of long-range economic and political benefits.

As a whole, the aforementioned principles are reassured in the precise wording of Article 217 TFEU, which establishes the EU's competence to conclude agreements on establishing association "characterized by reciprocal rights and obligations, joint actions and special procedures" (Consolidated version of the Treaty on the Functioning of the European Union). The emphasis on obligations of a third state has also been made in a well-known *Demirel v Stadt Schwabisch Gmund*, where CJEU, in particular, ruled that "an association agreement creating special, privileged links with a non-member country which must, at least to a certain extent, take part in the community system" (Case 12/86).

What is essential in our context is the inherent extent to which the system of obligations of third countries, written out in the AA norms, affects governance mode in the respective associated state and transforms the powers of its national government and administration procedures. To be more specific, the question is if we can observe the dispersion and reduction of powers of the national government of the associated state due to performing AA obligations; and whether such dispersion goes upwards to the association institutions or sideways to some other actors, or if some powers may even be losing The

last part of the question also embraces whether AA's institutional frameworks are sufficient and efficient to fill the gaps that may arise from the dissolve of powers, as mentioned earlier.

From the political and economic point of view, we can find a significant shift of powers within AA frameworks to the EU institutions, due to its leading role at least in two aspects of performing AA provisions, including 1) the extension of other party's obligations beyond DCFTA, 2) binding the access to EU market with other party's progress in the fields above DCFTA.

Firstly, the significant extension of the scope of obligations of the associated state above those needed for the functioning of a free trade area creates noticeable distortions in the reciprocity of the volume of commitments, which is the leverage to promote the EU agenda, however, compensated by economic advantages.

Such extension is much more salient in EU – Ukraine AA, which has also become a blueprint for AAs with Moldova and Georgia, than in the previous AAs. In particular, it features extensive requirements in terms of volume, scope, and variations of each partner obligations across chapters, legislative undertakings covering areas beyond integration in the internal market, and the EU reliance on strict approximation with EU *acquis* as a means for modernization (Wolczuk et al., 2017, p. 13–14).

Basically, comprehensiveness is a distinctive feature of an above-mentioned new type of AA. From the EU prospect, the whole thing has evolved into “a kind of special case study concerning its ability to exercise influence in the direction of reform and democratization in neighboring countries” and “a test of the EU capacity to impose its agenda and basic values in its relations with the former Soviet republics” (Spiliopoulos, 2014, p. 257). Such an extension of the EU agenda definitely has a significant impact on the associated country's governance processes. Also, it keeps the ball on the EU side in terms of evaluation of the whole process of fulfillment of AA. The latter matter is crucial for all future developments of the association.

Even within three new AAs, the EU adopted a slightly different approach towards allocating and strengthening the extended obligations. For example, in EU-Ukraine AA the “respect for the principle of the rule of law” is set as one of the “essential elements of this Agreement” that may trigger a suspension clause (Para 1 Article 2 EU-Ukraine AA), whilst in cases of Moldova (Para 3 Article 2 EU-Moldova AA) and Georgia (Para 3 Article 2 EU Georgia AA) they provide just “reaffirmation” for their respect for the principles of the rule of law, which is noticeably less strict obligation.

At the same time, the Article 14 of EU-Ukraine AA envisages a broad understanding of consolidation of rule of law principle, which triggers extensive actions within governance system of the associated state and proactive position of the EU and institutions of association. In particular, these include:

- reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular;
- strengthening the judiciary, improving its efficiency, safeguarding its independence and impartiality;
- and combating corruption.

However, the AA does not provide any specific measurements for the rule of law, which makes parties rely on whichever else methodology and makes the whole thing a bit subjective. The issue is pretty often criticized on the grounds of existence of “slight variations in the drafting of the clauses, which may alter their scope and create uncertainty and inconsistencies as to the (largely hypothetical) situations which might trigger them” (Hachez, 2015, p. 15). The notions of “uncertainty” and “inconsistencies” in our opinion the key for acknowledging the institutional and procedural issues of AA’s implementation, that demand the recognition of the extent of “uncertainty in a given case, generating uncertainty over governance stratagems” (Humphreys, 2020, p. 251). Such recognition in turn,

creates a demand of developing a specific mode of governance at all levels involved.

The next powers-dissolving feature of AAs with Eastern partnership countries is the binding the access to EU market with other party's progress in the fields above DCFTA, which is the core design of the whole DCFTA idea and is supposed to be the primary motivation for all actors at the side of associated countries. That is usually interpreted as accepting a "hierarchical style of relations with the EU", which utilizes undertakings "to take over a part of the EU acquis in the area of internal market, in exchange for additional trade benefits" (Austers, 2016, p. 19). Nevertheless, practically, such a "market binding" involves the issue of balance between economic and political interests, which in the case of big trading partners elevates the trade concerns in the first place. Thus, the EU is criticized for "posing as a strong defender of human rights in relations with poor countries but backtracking when dealing with major powers" (Zwagemakers, 2012, p. 5). We may suggest that different actors' common economic expectations can evolve specific informal rules of interpreting AA's provisions emphasizing trade bargaining. Alternatively, at least in the administration of AAs, the most attention is paid to the trade issues. Thus, to a certain extent, the whole thing follows the earlier discussed trend of markets "outgrowing" governance and eroding "political underpinnings" (Cohen, 1998, p. 111).

In fact, in the case of Ukraine, the only amendment to AA, which resulted in narrowing access of Ukrainian products to the EU market, has had solely economic motivation (Agreement in form of an exchange of letters..., 2019). That amendment concerned the protection of the EU from "the Ukrainian poultry imports of fresh or frozen "other" cuts" falling under the two tariff lines that were initially liberalized without any quantitative restrictions. The import issue, which combined value consisted of 43.9 million Euros, was pursued by EU authorities even though the EU accumulated a four bn Euros

overall annual surplus in mutual trade (Recommendation of European Parliament. 10720/2019 – C9-0105/2019 – 2019/0132(NLE)).

On top of that, the trading nature of AAs makes them pinned by different trade legal regimes. The DCFTA parts of AAs are grounded on the WTO regime and repeatedly reaffirm the application of different WTO instruments to the implementation and functioning of DCFTAs. Besides, the EU strategy of “marriage” trade with human rights and other political commitments potentially involves a too wide range of different actors, which leads to growing complexity of the legal regimes, institutional frameworks, and governance of the matter.

But such complicity of regimes and institutions opens possibilities of bypassing arising issues of uncertainty and inconsistencies by choosing the specific regimes and institutions that are most suitable for avoiding failure. For example, in words of Hafner-Burton (2009, p. 34) “Europe used trade institutions to avoid the enforcement problems of regional and international human rights regimes, PTAs to avoid WTO failures on human rights, and alternative forms of trade alliances to avoid the failure of PTA negotiations on trade”. This opens multiple choices for all actors involved and creates multiple combinations of rules applicable to any given matter within AAs’ implementation. Such choices available to all actors, including states, institutions, politicians, NGOs comprise possibilities of:

- choosing among institutions that allow them to get what they want,
- avoiding the rules, they do not like in an effort to gain political advantages;
- using one part of the system to get advantages in another (Hafner-Burton, 2009, p. 36).

However, we should consider that separate actors are bind with obligations and at the same time are implicated by the advantages of conditional trade and political commitments. Thus, their abilities to choose regimes and institutions are counterbalanced by agreed

general objectives and interests of other actors. It may lead to situations where actors create common unwritten rules for picking up a specific regime and institution to cope with a current uncertainty.

In aggregate, actions within the complex system of regimes and institutions should not be viewed as simple avoidance of failure, but rather as a specific mode of rearrangements inside the system that are performed due to the acknowledgment of the existing or possible failure, which “diffuses failure as a means of stimulating collective action” (Desai & Lang, 2020, p. 15).

3. Absence of Accession Prospective: Impossibility of Closure

Our next argument is that the design of Eastern Partnership AAs, which emphasizes lack of accession perspectives and practically limits the association with the DCFTA and with the burden of political obligations, promotes the impossibility of closure. In this context, it should be viewed as “a matter of observable relations between practices and outcomes” and where “these practices of ‘closure’ fail, in the specific and limited sense that they do not and cannot achieve the closure that they purport to seek” (Desai & Lang, 2020).

Concerning AAs in question, said impossibility to closure lies in two guises. Firstly, the silence of AAs about accession perspectives shifts the focus of such agreements from the clearly defined goals to declarations that are mere processes with an indefinite number of iterations. Secondly, the inconsistency between the institutional and procedural frameworks provided by AA and its objectives is aggravated by the ambition and difficulty of achieving and evaluating declared objectives themselves. All these lead to the institutional incapacity of the association towards its integration goals. Moreover, at the same time, such a situation may damage the governance capacity of associated statutes. Thus, very soon, the association may face the need for significant institutional and procedural rearrangements.

This problem most clearly peers out in such an aspect of AA implementation as fulfilling the associated states’ obligations on

approximation to the EU legislation. Not to mention that this aspect correlates with the redistribution of rulemaking functions and powers within the association. Eventually, commitments on approximation to EU legislation presume that future national legislative developments in respective fields will be determined by the EU internal decision making. This bounds the associated state with trajectories of the EU common policies that drawing the state in question, obviously, cannot affect.

According to Bruszt & Langbein (2017), the essential contrast of DCFTAs from the previous forms of integration for Eastern enlargement is scarce compensatory mechanisms to counter the negative externalities of changes. In this mode of integration, the EU proposes almost the same set of obligations for associated states as it does for candidate states (full trade liberalization, encompassed regulatory integration and, thus, supranational control over domestic markets). However, in contrast, it does not propose its proactive management and assistance in meeting common rules and mitigating negative consequences of integration.

In particular, the above mentioned can be explained by the fact that the DCFTAs are not initially designed to prepare associated states for future membership. Thus, the absence of a clear and measurable goal weakens the association's institutional capacity so far it does not purport to reach a high level of political and economic interdependence.

Several research pieces suggest the EU external integration capacity's weakness concerning Eastern partnership associated states primarily due to the lack of accession perspectives. In particular, the findings comprise such arguments, as:

- the EU external policies without a membership perspective do not produce any systematic democratic or good governance effects;
- deep economic integration alone does not provide measures to anticipate and alleviate the potential large-scale negative consequences of rule transfer;

– without securing the success of transformation, it could even harm neighboring countries (Börzel, et. al., 2017, p. 159).

In aggregate, the EU policy of denying accession erodes the associations' capacity itself concerning promoting its integration objectives and weakens the internal governance capacity of the associated state to pursue respective obligations. So far, such a policy “is likely to increase resistance to further integration once citizens in the neighborhood countries realize they cannot count on the intertemporal trade-off of getting future membership” (Bruszt & Langbein, 2017, p. 311–312).

For example, Ukrainian progress in AA's implementation shows that we would call “upside-down” trend. Considering that the whole association is built around the DCFTA, it would be natural that trade issues should be the key to the process. However, due to the data on overall progress in the AA implementation by area, most significant progress was achieved in the areas of “Political dialogue, national security, and defense” – 86 %, “Justice, freedom, security, human rights” – 82 %; whilst in the trade-related areas, it was significantly lower – “Sanitary and Phytosanitary Measures” – 52 %, “Customs Matters” – 42 %, “Intellectual Property” – 21 % (Report on Implementation, 2020, p. 12). This, in our view, may manifest a significant distortion of the initial objectives of the DCFTA and also the lack of mechanisms of alleviating side effects of economic integration and approximation of substantive law in economic areas.

The second important indicator is the fulfillment percentage of the planned AA's implementation measures. The data for 2014–2019 clearly shows the constantly dropping percentage of implementation (Table 1). This reflects that Ukrainian internal governmental capacity to pursue AA's obligations is permanently lowering towards the growing number of planned objectives to be fulfilled.

| Year | Number of measures planned | Fulfillment |
|------|----------------------------|-------------|
| 2014 | 34 | 94% |
| 2015 | 405 | 94% |
| 2016 | 733 | 79% |
| 2017 | 848 | 60% |
| 2018 | 1591 | 59% |
| 2019 | 1556 | 37% |

Table 1. The Dynamics of The Number of Events and Their Implementation by Years (Report on Implementation, 2020, p. 13)

Furthermore, an approximation to the EU legislation without the clear perspective of membership makes relations between associated states' governments and the EU "strongly asymmetric" (Eriksen & Fossum, 2015). The core of such asymmetry for the associated non-member states consists in the fact that such countries "are excluded from the EU's decision-making sites, but not from the effects of the EU's decisions" (Eriksen, 2018, p. 991). Neither associated states nor their citizens have any representation in the rule-making process. However, they are subject to such rules, despite, in this case, national legislators play a role of a proxy between the EU and national legal orders. In any case, the long-term pass towards an approximation to the EU legislation is linked to the development of associated states' "damaged capacity to govern themselves", which is believed to be effectively resolved only by the "joining the union and shaping its laws from a position of equality with the existing member states and their citizens" (Lacey & Bauböck, 2017, p. 10). In our view, the ungovernance concept is perfectly suitable to approach the above-mentioned damaged governance capacity of associated states; so far, in this perspective, the "governance capacity" looks as not damaged, but extensively modified due to locating failures of the associations' institutional capacities and procedures.

Thus, the impossibility of closure “is baked into, and evidenced in, the structure, artefacts, practices and organization of a field of activity”. In our case, that can reflect institutional and procedural rearrangements in the field of AAs’ implementation, both at the supranational level and at the national level of associated states. Besides, it may cause an emergence of specific informal structures and rules to pursue respective developments “outside the realm of institutional politics” (Leander, 2002, p. 15).

An example of said rearrangements may be the attempts to bypass the institutions set by AAs seeking better effectiveness and additional channels of influence upon implementation processes in associated states. It is worth mentioning the G7 Ambassadors Support Group, established by ambassadors in Kyiv in response to the call at the G7 summit in 2015. Its task consists of “advancing Ukraine’s economic reform process through coordinated advice and assistance” (Leaders’ Declaration G7 Summit, 2015, p. 6). Such objectives are met through meetings with Ukrainian officials and other stakeholders both from public and private sectors and, through issuing G7 Ambassadors statements on topical reform issues, utilizing different media (G7 Ukraine Support Group) including even Twitter (G7AmbReformUA, 2020). In fact, the G7 Ambassadors group is deeply involved in the promoting AA’s implementation for recent years.

Conclusions

Relations between the EU and associated states are complex governance issues both at the supranational and national levels that involve such subjects as asymmetry, shift and dispersion of powers, and potential damage to associated states’ governance capabilities. However, such problems are enhanced with the Eastern Partnership AAs that, on the one hand, do not grant any perspective of accession to the EU; on the other, provide an extensive list of integration obligations. Such obligations are over-kill for mere the DCFTA goals, and without any further long-term goals (such as accession

to the EU), they seem like open-ended cycles of modernization that constitute an infinity process of actions and evaluations rather than a straight road to an ideal model. Non-accession AAs also put associated states in a position that they have to follow important policy or legal developments made without their representation. All these lead to potential inconsistency of institutions and procedures with AAs' objectives and, in this sense, may be viewed as ungovernance.

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Кормич А., Завальнюк В. Угоди про асоціацію країн Східного партнерства у дзеркалі глобального неурядування: куди веде ГВЗВТ? – Стаття.

У статті розглядаються ефекти дифузії влади, що виникають внаслідок дії Угод про асоціацію, підписаних країнами Східного партнерства – Україною, Молдовою та Грузією, що впливають на системи та практики управління у цих державах та на розвиток інституцій та процедур у рамках асоціацій. З цією метою у статті використовуються концепції “неурядування” та “глобального неурядування”, які, на думку авторів, мають значний потенціал пояснення відповідних процесів. У статті розглядається розвиток згаданих концепцій, який розпочався з середини 1990-х років. Робиться акцент на головних особливостях цих концепцій у контексті національних держав

та транснаціональних проєктів інституційного будівництва. Перерозподіл повноважень внаслідок імплементації угод про асоціацію відбувається завдяки розширеним політичним зобов'язанням асоційованих країн, що значно перевищують необхідні для імплементації ГВЗВТ та прив'язки доступу до ринку та прогресу у інших сферах. Специфічний дизайн угод про асоціацію обумовлює те, що категорії “невизначеність” та “невідповідність” стають визначальними у інституційних та процедурних питаннях їх реалізації. Значна частина статті присвячена аналізу побічних ефектів поєднання відсутності норм щодо перспективи членства в ЄС із значним обсягом зобов'язань щодо наближення до законодавства ЄС, що створює ефект неможливості завершення (тобто неможливості досягнення поставлених цілей). Це відбувається через брак чітких цілей та брак мотивації акторів через відсутність гарантій майбутнього членства в ЄС. Вважається, що невдачі у процесі імплементації угод про асоціацію можуть призвести до значних інституційних та процедурних перебудов для коригування режиму управління з метою подолання таких невдач.

Ключові слова: глобальне неурядування, урядування, інституції, угода про асоціацію, ГВЗВТ, інтеграція, європеїзація, східне партнерство.

Кормич А., Завальнюк В. Соглашения об ассоциации стран Восточного партнерства в зеркале глобального неуправления: куда ведет ГВЗСТ? – Статья.

В статье рассматриваются эффекты диффузии власти, возникающие вследствие действия соглашений об ассоциации, подписанных странами Восточного партнерства – Украиной, Молдовой и Грузией, влияющие на системы и практики управления в этих государствах и на развитие институтов и процедур в рамках ассоциаций. С этой целью в статье используются концепции “неуправления” и “глобального неуправления”, которые, по мнению авторов, имеют значительный потенциал объяснения соответствующих процессов. В статье рассматривается развитие упомянутых концепций, которое началось с середины 1990-х годов. Делается акцент на главных особенностях этих концепций в контексте национальных государств и транснациональных проєктов институционального строительства. Перераспределение полномочий в результате имплементации соглашений об ассоциации происходит благодаря расширенным политическим обязательствам ассоциированных стран, значительно превышающих необходимые для выполнения ГВЗСТ и привязки доступа к рынку и прогрессу в других сферах. Специфический дизайн соглашений об ассоциации обуславливает то, что категории “неопределенность” и “несоответствие” становятся определяющими в институциональных и процедурных вопросах их реализации. Значительная часть статьи

посвящена анализу побочных эффектов сочетания отсутствия норм о перспективах членства в ЕС со значительным объемом обязательств по сближению с законодательством ЕС, что создает эффект невозможности завершения (т.е. невозможности достижения поставленных целей). Это происходит из-за нехватки четких целей и недостаточной мотивации акторов при отсутствии гарантий будущего членства в ЕС. Считается, что неудачи в процессе имплементации соглашений об ассоциации могут привести к значительным институциональным и процедурным перестройкам для корректировки режима управления с целью преодоления таких неудач.

Ключевые слова: глобальное неуправление, управление, институции, соглашение об ассоциации, ГВЗСТ, интеграция, европеизация, восточное партнерство.

