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How to Modernise the European Union's Eastern Neighbourhood Policy in the Age of the Internet: The Case of Ukraine

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The importance of debate about information and communication technology's social and political impact is growing gradually in the European Union. Recently, the EU has mentioned the approximation of legislation on electronic communications with the EU acquis in the framework of the Eastern Partnership initiative. These steps were taken primarily in the context of efforts to create a system of deep and comprehensive free trade areas within the region. This paper presents a proposal for the enrichment of the European Union's public diplomacy in the so called Eastern Neighbourhood with new tools provided by the development of modern communications technologies and based on the example of Ukraine. The country's internet audience is growing rapidly and as such constitutes a perfect starting point for new digitally-augmented public diplomacy in the Eastern Neighbourhood.

Introduction

The internet has become a constant element of modern social life. The influence of communications technologies is most evident in the economy, but the growing scale of internet penetration has had an impact on politics as well. Making attempts to adapt to a changing reality, states are trying to regulate the internet while also upgrading traditional policies with new possibilities provided by the technology. One of the most significant strategies of such adaptation is the introduction of e-diplomacy, which is the promotion of certain models of regulation related to the internet and enhancing public diplomacy with new communications tools.

The European Union supports the development of information technologies; however, this goal has not been incorporated into its external actions. At the same time, the EU's neighbouring states have experienced intensive growth in internet penetration. This paper focuses on the need to respond to this process and on proposals to formulate an e-diplomacy strategy towards eastern neighbours. Ukraine is used as an example of the tendencies of developments related to the internet taking place in the EU's Eastern Neighbourhood. Due to its close proximity, size and political significance, Ukraine may potentially become the first important area of operations for the EU's emerging e-diplomacy.

The Internet in European Union Policies

Modern communications technology has influenced almost all spheres of life. The EU pays much attention to the development of the information society within its borders. Innovation, development and information

technologies are buzzwords that have found their way into EU policies in recent years. The Union aims primarily at ensuring customers access to basic services at affordable prices. The stimulation of the growth of the digital economy recently became one of the most important elements of work on improvements of the EU's Single Market. As a result, the development of the information society is the subject of the "Digital Agenda for Europe." The initiative was launched in 2010 and is an important element of the European Strategy of Economic Development, "Europe 2020."

This strong focus on achieving qualitative goals of growth of the internet penetration rate has overshadowed the constantly growing importance of the technology's social and political impacts. The internet has emerged as a technology focused on openness. It has facilitated the introduction of a new quality of transparency in relations between citizens and state authorities in the form of e-government. However, the scale of the Web today has resulted in a rise in the number of cyberthreats, such as economic espionage, crime, cyberwarfare and cyberterrorism, creating new challenges for state authorities throughout the world.

The question of the need for regulation of online activities arises often. The main dilemma with the regulation of cyberspace is whether to opt for better security at the expense of openness. So far, the EU has not developed a coherent policy on this at the community level. The intensity of the debate is growing. Recent European-wide demonstrations against attempts to introduce new legal tools such as the Anti-Counterfeiting Trade Agreement (ACTA) in the fight against intellectual property violations have become an important turning point in the debate. The final rejection of the ACTA agreement confirms that the EU's general choice at the moment is not to restrict the openness and freedom of the Web. Individual Member States will continue to exercise various levels of control. As such, there is also no unanimous choice between security and openness. For example, only several states (such as Estonia, France, Finland, Greece and Spain) have included internet access in a catalogue of human rights.

First Uncertain Steps for European Union E-diplomacy in the Eastern Partnership

The legal environment supporting the development of the information society as well as regulations referring to different aspects of information technology's impact on society has gradually entered the EU's external relations agenda. This is particularly evident in relations with the EU's closest neighbourhood, the East, where the EU has attempted to promote its own norms and regulations according to the logic of normative power. Taking into account the EU's efforts to create a system of deep and comprehensive free trade areas within the region covered by the Eastern Partnership initiative, it is hard to imagine how such mechanisms will function if the neighbouring states introduce restrictions on the flow of information as it is one of the fundamental elements of a favourable investment and business climate. However, a total lack of regulations may also become an adverse factor for potential investors, partly because there may be an insufficient level of protection of intellectual property. From this perspective, it is important that regulations on the flow of information in these countries are harmonised with the regulations in the EU Single Market.

The Eastern Partnership roadmap for 2012–2013 (multilateral dimension) has included information society as a sub-priority of economic integration and convergence with EU policies. The EU's objective is to "support regulators in EaP countries in their work to approximate to the EU regulatory framework" and "support regulators in EaP countries in gaining a better understanding of the various complex regulatory issues regarding electronic communications and the information society."¹ At the bilateral level, this issue is mentioned in an equally general manner. For example, in the current Association Agenda with Ukraine it is mentioned in only one paragraph, according to which Ukraine will "further work towards the approximation of legislation in the field of electronic communications with the EU *acquis*."² It is worth noting, that a significant number of issues related to the problem of internet regulation (e.g., media freedom, intellectual property, etc.) already are directly or indirectly on the agenda of the EU in its relations with particular eastern neighbours. However, there so far has not been a comprehensive approach that would promote the general freedom and openness of the internet in order to stimulate the

¹ European Commission, High Representative of the European Union for Foreign Affairs and Security Policy, "Eastern Partnership Roadmap 2012-13: the Multilateral Dimension," *Joint Staff Working Paper*, 15 May 2012.

² European Union External Action Service, "List of the EU-Ukraine Association Agenda Priorities for 2011–2012," 20 May 2011.

development of a vibrant information society in that region. Some initial steps were taken at the end of 2012, when the European Parliament endorsed the idea to develop a Digital Freedom Strategy in EU foreign policy and called on the Commission and Council to adopt it as soon as possible.³

The global growth of the internet, as well as the transfer of the traditional political discussion at both the national and international levels to online platforms such as social network sites (SNS) brings new possibilities for diplomatic activities. The U.S. State Department is pioneering this field, promoting a new international regime that would be based on the so called freedom to connect⁴ and actively using internet-based communications technologies to enhance the possibilities of public diplomacy.⁵ The possibilities provided by the development of an information society in the countries covered by the Eastern Partnership have so far not been used by the EU to the same extent. There is a number of EU and Member State institutions, such as the European Commission, European External Action Service, and ministries of foreign affairs, that are present in social media. However, there is no comprehensive strategy aimed at the development of communication sto EaP countries having Facebook profiles (delegations to Ukraine and Belarus). A significant number of EU and Member State officials and politicians active on social media, and some of them target their communications to the societies of the EU's Eastern Neighbours.⁶ However, these actions are private in nature and not subordinated to the implementation of any kind of general communications strategy.

Internet Penetration Increases in the EU's Eastern Neighbourhood: Ukraine

With 46 million inhabitants, Ukraine is the biggest and politically most significant EaP state. At the beginning of 2012, the size of the Ukrainian internet audience consisted of about 14 million users, that is, about 30% of the total population. The growth dynamic remains high. For example, during the first three quarters of 2011, the number of users has grown by 24% year on year (see Figure 1 in the Annex). Although the Ukrainian internet audience is dominated by the young, the immense growth is observed in all age categories except those over age 60.⁷ Moreover, Ukrainians spend more time online and pay more attention to SNS. Although in 2009 only 26% of Ukrainians declared they used an SNS as a primary reason to access the internet, this share grew to 52% in the first quarter of 2012 and communication via SNS exceeded communication by e-mail⁸ (see Figure 3 in the Annex). As a result, the dynamic growth of the internet penetration rate in Ukraine has created an unprecedented possibility to communicate with what is one of the biggest internet audiences in Europe.

The internet is becoming an important factor in the development of Ukraine's economy. In particular, electronic trade has grown rapidly in recent years despite significant the economic slowdown after 2008. The market is estimated to have reached a value of \$1 billion by the end of 2012.⁹ According to forecasts by the Ukrainian Internet Association, this rapid development will continue in the following years in terms of the number of users, time spent online, its influence on everyday activity as well as entrepreneurial activity. This means the internet is becoming an important element of the economic infrastructure, which requires attention from regulators.

Ukrainian State Policy towards the Internet

Until recently, the Ukrainian authorities had not developed a comprehensive approach to adapt the existing or develop a new legal framework to regulate specific social, economic and technical issues that arise as the

³ European Parliament, "Report on a Digital Freedom Strategy in EU Foreign Policy," 2012/2094(INI), 15 November 2012.

⁴ H. Clinton, "On Global Politics, and the Internet," Vital Speeches International, vol. 3, no. 4, 2011.

⁵ F. Hanson, "Revolution@State: The Spread of Ediplomacy," Lowy Institute for International Policy, March 2012.

⁶ A Facebook profile by Polish MEP Paweł Zalewski which is offered in Ukrainian is a good example.

⁷ According to GfK Ukraine, www.gfk.ua/imperia/md/content/gfkukraine/presentations/20120517_imu_vyshlinsky.pdf.

⁸ According to GfK Ukraine, www.gfk.ua/imperia/md/content/gfkukraine/presentations/111119_blogfest.pdf.

⁹ S. Pishkovtsiy, "Rynok elektronnoyi torgivli v Ukrayini tsogo roku vyroste do I mlrd" ("E-commerce market's value will grow to I billion hryvnas this year"), *Watcher*, 15 May 2012, http://watcher.com.ua/2012/05/15/rynok-elektronnoyi-torhivli-v-ukrayini-tsoho-roku-vyroste-do-I-mlrd.

rate of internet penetration grows and usage affects new spheres of life. On a declarative level, however, there is a willingness to support the development of the information society. For example, 2011 was announced as a year of education and information society by the president. In general, the development of the internet in Ukraine has been largely unfettered by state interference. There are no restrictions on access to the internet. The state does not require any form of registration of internet publications. Freedom House classifies Ukraine's internet freedom status as "free"¹⁰ (see Figure 2 in the Annex).

2012 marked a time of a more active approach by Ukrainian authorities towards internet-related issues. The beginning of the year was marked by a shutdown of one of the most popular websites in Ukraine, filesharing service Ex.ua. In response, hackers attacked a number of government websites. It was the first time that the Ukrainian authorities had faced this problem on such a significant scale. As a result, the Ministry of Interior proposed regulating access to information available on the internet. At the same time, the first attempts to create favourable conditions for the development of the Ukrainian IT industry were made. In particular, laws on a special tax regime for IT-companies and a special "tax experiment" for software development companies were adopted by parliament in May 2012. However, some critical voices appeared in media claiming the new regulations would create a new area for corruption.¹¹

The state itself is far beyond business and society in terms of using the development of communication technologies to facilitate relations with its citizens. A number of legal acts important from the point of view of e-government, such as the development of the information society, electronic documents, electronic signatures, access to public information, citizen appeals to state organs and the protection of personal data, have been adopted or modified in recent years. In order to support coordination, research, expertise, technology development, consulting and the education of central and local authorities in terms of the implementation of e-government, a National Centre for Electronic Governance was created by a decision of the government in April 2010. Furthermore, in December 2010 a National Concept of the Development of Electronic Governance in Ukraine was adopted by the government. The document is aimed at defining the principles and conditions for achieving European standards of quality, openness and transparency of state and local self-government services in their relations with citizens by 2015.

Despite the existence of basic legal foundations, the possibility to interact with state organs on official issues remains limited so far. In particular, entrepreneurs may now send tax reports via e-mail. The state administration utilises online communication with citizens to a very narrow extent, primarily one-way communication through traditional websites.

"Politicisation" of the Internet in Ukraine

As the attention of a significant part of Ukrainian society is increasingly attracted to the internet, politicians are looking at how to use new media to influence public opinion, though television remains the main medium for political marketing. Except for traditional tools, such as official websites, new forms of online electoral battles have become evident. In particular, attempts to influence the editorial policy of popular nationwide and local internet publications have been reported. Taking into account that the transparency of media ownership remains poor in Ukraine, it is often hard to assess the level of political neutrality and objectivity of online publications. Furthermore, parties and prominent political figures create and promote their own web-based resources outside of official websites and containing indirect suggestions of a political nature (e.g., analytical materials, results of opinion-polls).¹² Internet-based votes¹³ are another way to promote candidates who will try to enter the parliament through majority districts. So called "trolling," that is, posting negative comments on websites, especially on news sites with stories related to political opponents, is also a popular means of online political struggle.

The 2012 parliamentary elections became the first in which social media were used as tools of political communication on a large scale. However, according to one internet-communications expert, neither

¹⁰ Freedom House, Freedom on the Net: A Global Assessment of Internet and Digital Media, 24 September 2012.

¹¹ Y. Vinnychuk, "IT-rynok potrapyv do ruk Semynozhenka" ("IT market in Semynozhenko's hands"), *Ekonomichna Pravda*, 28 May 2012, www.epravda.com.ua/publications/2012/05/28/324876.

¹² For example: http://vybor-ua.org.ua.

¹³ For example: http://kandydat2012.livetoday.org.ua/; http://polityk.if.ua.

political party has developed a deliberate SNS-oriented campaign,¹⁴ which would involve active interaction and dialogue with the potential electorate instead of the traditional one-way communication. Such actions can potentially provide added value in achieving the goals of an electoral campaign as they support community-building around the party's ideology and political programme, especially amongst younger voters who prize the social experience over a one-dimensional flow of information. SNS have not become pivotal channels of political communication in Ukraine yet and are regarded rather as additional platforms for disseminating information.

It is much harder to assess the impact of the internet on the level of political participation in society. Ukrainians use the internet predominantly for communication and entertainment. A significant number of users declare they use the internet to search for information and obtain news.¹⁵ The internet is often regarded as an independent source of information that is not controlled by certain groups of interests as with "traditional" media.¹⁶ Information portals containing news predominantly of a political nature are among the most popular sites visited by Ukrainians.¹⁷ This fact is important because "if internet is not used for political information, its likelihood of being actively used as an instrument of political participation decreases."¹⁸

Research into the reasons why Ukrainians use the internet based on respondents' declarations can be misleading as it may not reflect the specificity of the Web, which is not a traditional medium in which a consumer chooses from among a fixed set of one-way channels of communication with a definitely specified type of content. Because of interactivity, the internet constitutes a specific space in which other "traditional" media are present and each user is equipped with unprecedented tools to create and broadcast his or her own content. In practice, the internet is often used to perform several actions simultaneously.

Political engagement in real life can appear spontaneously in a place that is not political in nature. This is true also in the case of the internet, which should be regarded as a so called third space, "an online discussion forum with a primarily non-political focus, but where political talk emerges within conversation."¹⁹ This can be best exemplified by SNS. Although such sites may have a thematic specificity, they are first of all an innovative environment for communication. It is thus hard to define clearly whether the use of SNS should be generally classified as "entertainment," "search for information" or "professional use." The thematic scope of SNS communication is dynamically adjusted to the interests, motivation and preferences of each particular user and his or her network of "friends" at each particular moment (see Figures 3 and 4 in the Annex).

The growth of the internet in general, and SNS social media in particular, should thus be regarded as a significant shift in patterns of social behaviour in Ukraine. Facebook—although not the most popular SNS among Ukrainians—has become a significant platform for conversations of a political nature, focused around the profile pages of a number public figures who play the role of "aggregators" of political discussion.²⁰ Due to its global character, the site provides a dense network of cross-border connections for its users.

A number of grassroots activities using the internet to attract the attention of public opinion to certain problems are worth mentioning. Some of them focus on problems of a political nature, such as the civic

¹⁴ O. Vesnyanka, "Polityki aktyvizuyutsya u socmerezhah – chekayte vyboriv" ("Politicians become active on social networks—a sign of upcoming elections"), *Deutsche Welle*, 11 April 2012, http://maidan.org.ua/2012/04/polityky-aktyvizuyutsya-u-sotsmerezhah-chekajte-vyboriv.

¹⁵ According to GfK Ukraine, www.gfk.ua/imperia/md/content/gfkukraine/presentations/111119_blogfest.pdf.

¹⁶ A. Danko-Sliptsova, "Ukrayinska polityka ta internet (instrumentalna funkciya)" [Ukrainian politics and the internet (an instrumental role)], *Social-Science*, no. 4, 2011, www.social-science.com.ua.

¹⁷ M. Savanevsky, "Nayvidviduvanishi ukrayintsamy sayty v serpni 2012 roku" ("Sites most visited by Ukrainians in August 2012"), *Watcher*, 11 September 2012, http://watcher.com.ua/2012/09/11/nayvidviduvanishi-ukrayintsyamy-sayty-v-serpni-2012-roku.

¹⁸ M. Laura Sudulich, "Can the Internet Reinvent Democracy?," Irish Political Studies, vol. 26, no. 4, 2011.

¹⁹ S. Wright, "Politics as Usual? Revolution, Normalization and a New Agenda for Online Deliberation," *New Media Society*, vol. 14, no. 2, 2012.

²⁰ Author's interview with Maksym Savanevsky, founder of Watcher, the Ukrainian web portal covering internet issues.

movement "Chesno,"²¹ which is designed to provide social control over elections in Ukraine. Other efforts concentrate on problems such as when traffic police break the law (the independent journalist platform "Road control").²² There are also noteworthy examples of local initiatives, such as the public network for Andriyivskiy Uzviz street, which was started to protect the historic appearance of one of the oldest streets in Kyiv.²³ All of these initiatives use the potential of SNS in order to both collect information and disseminate it. Although the goals of these initiatives are different and the number of followers in SNS terms is relatively low (between 2,000 and 3,000), all of them have managed to use the opinion echo effect, which has helped them affect the public debate in "traditional" media. The internet in Ukraine thus has significant potential to influence public opinion, especially on very specific issues that may directly affect particular groups of citizens.

Conclusions and Recommendations: Towards Smarter EU Public Diplomacy in the Eastern Partnership

Ukraine constitutes good insight into the basic tendencies of the development of the internet in post-Soviet states. Representing the biggest internet audience among the EaP states, Ukraine has no well-defined policy on this matter, either on the "supply side" (e.g., the development of internet service providers, software and hardware development) or on the "demand side" (e.g., private consumption of internet-related products and services, government expenditures in this field). At the same time, the internet is becoming an increasingly important space for political communication. It is in the EU's interest to avoid the development of restrictive internet regulation in this part of the continent and to use the emerging possibilities to increase the effectiveness of its policies targeted at post-Soviet countries.

Poland has a perfect opportunity to submit a proposal, and later to coordinate the elaboration of a strategy of modernisation of the EU's approach towards its Eastern Neighbours, taking into account the threats and opportunities provided by modern communications technologies. Polish civil society and public administration have an advanced network of direct contacts with societies and administrations of countries covered by Eastern Partnership initiative, especially Ukraine. Thanks to its active engagement in supporting the transformative efforts of these states, Poland possesses the necessary capital of credibility and expertise essential in developing any novel public diplomacy efforts.

The development of an information society in accordance with the EU's own regulations in this field should occupy one of the central places in the Eastern Partnership agenda. The EU should use this fact to promote the general freedom and openness of the internet. It is impossible to distinguish between "commercial" and "political" channels of information flow in the internet. The argument that there will be potential economic losses because EU investors lack the will to enter markets in neighbouring states for fear of insufficient guarantees of secure data exchanges can be used to push for more fundamental issues of democratic freedoms online. Due to its complex and interdisciplinary nature, the information society and its development could be integrated into a separate topic of political dialogue. Furthermore, the creation of an adequate multilateral platform and flagship initiative in the framework of the Eastern Partnership should be considered in order to underline the importance of the problem as well as its political, economic and social aspects.

The EU should encourage its Member States and states in the Eastern Neighbourhood to exchange experiences with the development of e-government, potentially one of the most important instruments for introducing transparency to public administration. EU Member States have the additional possibility to provide the societies of the Eastern Partnership countries with practical examples of e-government in action, namely by developing a system of e-consulates. Although a number of EU consulates have enhanced procedures for visa applications with online tools (primarily adding the ability to register a visa application), there is no systematic approach. The EU should endeavour to harmonise its visa application procedures and bring as many of their elements online as possible in order to eliminate cases of corruption associated with issuing visas and facilitating the whole process. Taking into account that consulates are often the only places at which most citizens of the EU's Eastern Neighbourhood have contact with EU administration,

²¹ www.chesno.org.

²² http://roadcontrol.org.ua.

²³ More information: www.ua.boell.org/web/index-476.html.

positive tendencies in this area may support societies' expectations for such an experience in relations with their own governments.

The EU should enhance its public diplomacy with opportunities provided by modern communications technologies. First of all, there is a need to invest in regular research about online communications in the post-Soviet states in order to obtain comprehensive and up-to-date data so as to measure its effects and allow the adoption of tactics for electronic public diplomacy. At present, though public data are readily available, they are predominantly fragmented and obtained for commercial purposes and thus do not cover all of the aspects of the development of the internet in the Eastern Partnership states that would be valuable from this perspective. An effective strategy of "listening" to online discussions taking place there could become a foundation when it comes time to "speak" effectively with them.

In the short term, it is essential to support existing and new cross-border online media projects. Special attention should be paid to online resources focusing attention on various aspects of how the EU functions. Such support should be provided to both EU-based resources as well as initiatives undertaken by the societies of the Eastern Partnership states. Potentially, the most efficient model for EU policy here can be described in terms of a "public-private partnership," in which the EU provides the necessary financial support in exchange for the expected increase of interest in and understanding of EU-related affairs in the societies of the Eastern Neighbours. It is essential to exclude any interference in the editorial policies of such undertakings, encouraging them, however, to go beyond exclusively political content in order to draw the attention of wider circles of users.

In the long term, the development of a comprehensive, consistent and long-lasting approach to online communication with neighbouring societies should be elaborated. Taking into account the nature and specificity of communication on the internet, it would be wrong to take any attempt to design a top-down strategy that would create strict rules regulating every aspect of this communication. Instead, consultations should be performed among Member State foreign offices and the European External Action Service to formulate a "code of conduct" that would determine nothing but a general outline—the objectives and desirable outcomes—for this aspect of the EU's e-diplomacy. In order to facilitate the development of such a code as well as its further implementation, appropriate EU and Member State institutions should consider creating special e-diplomacy units within their foreign ministries that would deal with the tasks of conducting public diplomacy on the internet. These should be managed by new media specialists who are also aware of specific problems in modern international relations. The approach of such e-diplomacy units should be creative and open to experimenting with new solutions, such as rapid responses to new multilateral communications tools. It is impossible to block mistakes altogether. It is important, however, to use these mistakes constructively.

The principle of openness is crucial because the proposed communication type should go beyond the simple dissemination of information, which may even be regarded as propaganda by internet users. Instead, it should encourage open discussion. It is important to take into consideration that it is hard if not improper for a foreign official to join an internal political debate in a third country. It is possible, however, to inform public opinion about important initiatives of a political nature that would be coupled with information of a cultural or economic nature. It is also possible to encourage open discussion on EU-related issues. From this perspective, web resources previously mentioned as well as SNS-based discussions should be designed in accordance to the logic of a "third place" where discussion on important issues of political weight emerge in a natural way along with discussion on other topics.

Due to the quick development of technology as well as changes in social preferences, any specific practical recommendations should be developed on an *ad hoc* basis, responding dynamically to changes in the field. It is thus important to highlight that proposals presented in the last chapter of the report should be regarded as key directions for the development of public e-diplomacy. These solutions should also not be understood as an alternative to traditional diplomacy, but as tools for its augmentation. On the one hand, e-diplomacy should be understood as the use of new tools provided by modern information technologies. In particular, corporate experience has also proven internet communication to be much more cost-effective than "traditional" forms of communication. This fact cannot be ignored at a time of economic hardship in the EU, and it is important to develop smart approaches that ensure better performance from diplomatic actions. On the other hand, it is a response to the challenges related to political and social changes caused by the development of these technologies.

Annex



Figure 1. Growth in the number of internet users in Ukraine, population age 16 or older

Figure 2. Freedom of the internet in Ukraine in comparison to selected other states, 2012²⁴

	Ukraine	Germany	Russia	Belarus
Internet Freedom Status	Free	Free	Partly Free	Not Free
Obstacles to access (0–25)	7	4	11	16
Limits on content (0–35)	8	3	18	23
Violations of user rights (0–40)	12	8	23	30
Total (0–100)	27	15	52	69

Source: Freedom House.

Source: GfK Ukraine.

²⁴ Indicators reflect the level of freedom with respect to selected issues of online activity: "0" = most free, "100" = least free.





Source: GfK Ukraine.





Source: GfK Ukraine.

Figure 5. Reach of the most popular information portals in Ukraine, August 2012

Domain	Reach
yandex	67%
i.ua	31%
ukr.net	28%
meta.ua	27%

Source: watcher.com.ua.