

New Opportunities for Moldova

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The legal framework governing relations between Moldova and the EU is still based on the Partnership and Cooperation Agreement (PCA) which entered into force in 1998, for a period of ten years. For Moldova, which in 2005 made European integration the major strategic objective of its domestic and foreign policy, the PCA in fact generated two major handicaps. First of all, the PCA did not provide a clear and well-defined goal for relations between Moldova and the EU in terms of Moldova's gradual integration into the European family. The PCA's major accomplishments include: the development of a structured and continuous political dialogue with the EU; the EU's involvement in the promotion of internal reforms in Moldova; and the commencement of the process of adapting Moldova's laws to EU standards in the realm of human rights, the legal and administrative system, the economy and trade, customs cooperation, food safety measures, food security, transportation, social reform, education, and so on.

When Moldova signed up to the European Neighbourhood Policy (ENP) in 2004, this did not change the legal framework of relations between Moldova and the EU. Consequently, the PCA remained the basic agreement governing Moldovan-European partnership, but it was now accompanied by a political document in the form of an individual Action Plan drawn up between the EU and the Republic of Moldova and intended to accelerate political, economic, and social reforms in the country in exchange for deepening its relations with the EU. The ENP generated high expectations regarding Moldova's chances of integrating rapidly in the EU family. However, the implementation of the ENP has not always been coherent, continuous, and consistent. This was pointed out in the European Commission reports of 2006, 2008, and 2009 on the progress made by Moldova in implementing the Action Plan, as well as in the evaluations conducted by local experts. Both the European Commission and local experts concluded that, despite the progress achieved by the Republic of Moldova in the majority of fields, effective implementation of reforms

remained a challenge. The critical observations primarily referred to the unsatisfactory tempo of judicial reforms and combating corruption, freedom of the press, and improvement of business and investment conditions.

The parliamentary elections of July 29, 2009 in Moldova resulted in a new government, headed by the Alliance for European Integration (AEI), a coalition of liberal-democratic parties: the Liberal Democratic Party, the Liberal Party, the Our Moldova Party, and the Democratic Party. Together they enjoy a simple (albeit shaky) majority in the Moldovan Parliament. All four parties are staunch supporters of Moldova's gradual integration in the EU in the near future. The parliament's failure to elect a president resulted in new elections, held on November 28, 2010. The results confirmed the AEI, albeit without the Our Moldova Party. Again, the three-fifth majority of votes necessary for the election of a president was lacking, and in December Marian Lupu was elected interim president of Moldova.

The peaceful and democratic transfer of power that took place in Moldova, as well as the determination of the new government to give new impetus to the course of European integration by accelerating the reform process, opened up new opportunities and prospects for Moldova's cooperation with its partners, particularly the EU. Since then, relations with the EU have improved significantly. The Eastern Partnership (EaP) became a key priority for the new Moldovan government established by the Alliance for European Integration and is considered a valuable tool for promoting Moldova's bilateral agenda in relations with the EU. The main expectations with regard to the EaP are: signing the Association Agreement; liberalizing the visa regime with the EU; and establishing a Deep and Comprehensive Free Trade Area (DCFTA). Building the efficient institutional capacities necessary for implementing the Association Agreement is also a key priority for the Moldovan authorities. Currently, the institutional mechanism in charge of the implementation of the European integration agenda is composed of:

1. the Government Commission for European Integration, which is the main decision-making and monitoring body – it includes all ministries and is headed by the Prime Minister of Moldova;
2. the Ministry of Foreign Affairs and European Integration (MFAEI) that coordinates the actions undertaken by ministries and governmental agencies; the Department for European Integration of the MFAEI undertakes the responsibilities of the Secretariat of the Government Commission for European Integration;

3. European integration offices set up in each ministry, which are charged with implementing and coordinating the actions/commitments of those ministries;
4. the Foreign Policy and European Integration Committee of the Moldovan Parliament, which is the interface between the European Parliament and the Moldovan Parliament.

The Attitudes of Moldova's Political Opposition and Moldovan Society to the EU

According to the Barometer of Public Opinion issued by the Institute of Public Policies in 2010, 61.4 percent of Moldova's citizens are ready to vote for their country's inclusion in the EU, and only 17.7 percent would vote against. Most supportive of Moldova's drive to European integration are people between 18 and 55 years of age; least supportive are citizens aged 60 and older. Regarding Moldova's national groups, EU membership is favored by 68.9 percent of Moldovan Romanians, 35.9 percent of Russians, 31.1 percent of Ukrainians, and 37.2 percent of other nationalities. Paradoxically, when asked who should be Moldova's main strategic partner, 50.1 percent of respondents state that Russia has to play this role: only 27.3 percent would like to see the EU in this capacity.

To a large extent this broad support for Moldova's integration into the EU can be explained by the fact that the EU is viewed by Moldovan citizens as capable of contributing significantly to Moldova's economic modernization and true democratization and, moreover, of improving living standards. During the past five years the EU has also begun to be perceived as an important and trustworthy political partner that can help to identify and ensure a viable political solution for the legal and institutional reintegration of the Transnistrian region into Moldova.

All major Moldovan political parties, such as the Liberal Democratic Party, the Liberal Party, the Democratic Party, and the Our Moldova Party (the first three form the current governmental Alliance for European Integration), along with the main opposition party (the Party of Communists) are strongly in favor of Moldova joining the EU. However, the respective political parties have different opinions about the compatibility or incompatibility of Moldova's European aspirations and its membership of the Community of Independent States (CIS). The Party of Communists sticks to the position that integration with the CIS

is compatible with Moldova's European integration policy. This stance is partially shared by the Democratic Party, which holds that as long as Moldova limits its CIS membership to economic cooperation, there is no incompatibility with the process of European integration. The main center-right parties (the Liberal Democratic Party, the Liberal Party, and Our Moldova) are less optimistic in this regard. Moreover, according to their party programs, the CIS is an obstacle to Moldova's integration into the EU and, therefore, future abandonment of the CIS is inevitable.

In order to convince the Democratic Party to become part of the governmental Alliance for European Integration, all center-right parties of the Alliance agreed to promote a balanced course towards the CIS. The current political consensus with regard to CIS membership is that of pragmatic tribute paid by Chisinau to Moscow in order to attain the goodwill of the Russian Federation in matters of paramount importance for Moldova, such as the settlement of the Transnistrian conflict, the stable import of natural gas, and access for Moldovan goods to Russia's huge market.

At the same time, the Party of Communists believes that Moldova's integration into the EU should not take place before the Transnistrian conflict is settled. This position runs contrary to the official policy of the AEI, which calls for solving the Transnistrian conflict in the course of Moldova's Europeanization process, arguing that the implementation of democratic, economic, and social reforms would increase the attractiveness of Moldova in the eyes of its citizens living in the Transnistrian separatist region. According to many Moldovan experts, by conditioning the process of European integration on first solving the Transnistrian conflict, Moldova would hand the Russian Federation the leverage it needs to effectively control Moldova's European integration agenda and ultimately to keep Moldova within its sphere of influence.

Perceptions of the Eastern Partnership in Moldova

The Moldovan political elite expected that the EaP would provide Moldova with a clear European prospect. Instead, the EaP has set up new far-reaching objectives, but only within the legal and political framework established by the PCA and the ENP. Therefore, all the main political parties, as well as the majority of civil society experts, believe that the EaP has failed to overcome the key structural weaknesses of the ENP.

Nevertheless, leading civil society experts believe that this new initiative does bring new opportunities for deepening partnership relations between the EU and Eastern European states, in particular for those states that not only make declarations concerning their wish to join the EU, but are ready and able to fulfill the political, institutional, legislative, economic, and social commitments necessary to translate this desire into concrete actions. In this context, experts point to six very important objectives of the EaP:

1. Negotiating new contractual relations with Moldova, Ukraine, Armenia, Azerbaijan, Georgia, and Belarus in the form of Association Agreements that will create close political connections between the signatory states and the EU.
2. Promoting the economic integration of partner states with the common European market by establishing DCFTA, which entails mandatory harmonization of the internal regulatory framework with the *acquis communautaire* in trade-related fields.
3. Starting a visa liberalization dialogue that will outline the conditions needed to facilitate the flow of people between the Eastern European states and the EU.
4. Strengthening the energy interdependence of partner countries with the EU.
5. Building modern and efficient institutional capacities.
6. Increasing the financial assistance allocated by the EU to its Eastern European partners.

The AEI government has fully embraced civil society's position on the EaP, deeming it one of the key priorities in the area of European integration. Consequently, the government Action Program clearly stipulates that Moldova will undertake the measures necessary to fully exploit the opportunities of the EaP.

At the same time, the Party of Communists, which is currently the most influential opposition party, is maintaining an ambiguous position with regard to the EaP. When in power the leaders of the Party of Communists repeatedly expressed their concerns that the EaP might impede the development of Moldova's bilateral relations with the EU. They are also unhappy that Moldova was put in the same basket as countries such as Azerbaijan, Armenia, and Belarus: in other words, countries that have not declared an ambition to join the EU. This makes them think that the EaP is yet another EU political instrument designed to avoid giving a clear European prospect to Ukraine and Moldova. Vladimir Voronin,

chairman of the Party of Communists, has openly criticized the EaP, particularly in his former capacity as Moldova's President (2001–2009). For instance, in an interview given to the Russian newspaper *Kommersant* on February 27, 2009, Voronin compared the EaP to a kind of »CIS 2« under the control of the EU, aimed at encircling the Russian Federation. Moreover, referring to the EaP's financial assistance he derided it as mere »bonbons.« Voronin made these critical remarks in the context of the parliamentary election campaign of April 2009; consequently, many Moldovan political analysts and experts do not rule out that they were purely tactical declarations aimed at getting the support of the Kremlin for the Party of Communists. Coincidentally or not, Voronin's comments at that time were in line with the concerns about the EaP expressed publicly on March 22, 2009 by Sergey Lavrov, Russia's Foreign Minister. After repeated parliamentary elections in July 2009, when the Party of Communists lost power, Moldova's participation in EaP activities became a secondary issue for the Party of Communists, which is now preoccupied mainly with derailing the efforts of the government Alliance for European Integration to stabilize the political situation in the country.

Government Involvement in EaP Activities

In the view of the present Moldovan government, active involvement in all four thematic platforms of the EaP – (i) »Democracy, Good Governance and Stability«; (ii) »Economic Integration and Convergence with EU Policies«; (iii) »Energy Security«; and (iv) »People to People Contacts« – will create the necessary basis on which Moldova may negotiate an Association Agreement that will meet its main objectives. It will also create the institutional prerequisites needed for efficient and qualitative implementation of the same agreement. Moldova's authorities are currently involved in preliminary consultations on all four thematic platforms and have achieved important results.

The good record of the current Moldovan government was also stressed by the European Commission Progress Report on the Implementation of the ENP in 2009. According to that report:

»[...] the efforts to effectively implement structural reforms, based on a strong European integration government program aligned with the objectives of the EU-Moldova Action Plan, were stepped

up in the last quarter of 2009. Dialogue with civil society was noticeably improved and measures were taken to increase access to information and transparency of the public decision-making process. Amendments to the electoral code were adopted as requested by the Council of Europe's Venice Commission, and progress was made in fighting corruption and money laundering as well as on judiciary reform and implementation of the rulings of the European Court of Human Rights.«

At the same time, the European Commission pointed out that the Moldovan government needs to strengthen the mechanisms designed to prevent violations of human rights and fundamental freedoms; ensure the neutrality of the state media; and promote a pluralistic media environment. In addition, particular attention should be paid to proper implementation of adopted legislation, further reform of the judiciary, strengthening the rule of law, intensification of the fight against human trafficking, and improving the matching of labor market needs with skills development.

Civil Society's Response to the EaP

Dialogue with civil society has noticeably improved and measures have been taken to increase access to information and the transparency of the public decision-making process. This positive trend was possible through the government's new approach to engaging civil society. The AEI's new approach is intended to capitalize on the expertise and knowledge of civil society, as well as to ensure a large basis of public support for government decisions and policies. Therefore, after the recent parliamentary elections, civil society constituents have been involved in drafting a series of strategic development documents, such as: the Activity Program of the Moldovan Government »European Integration: Freedom, Democracy, Welfare«; the Medium Term Development Action Plan »Rethink Moldova«; the Economic Stabilization and Recovery Program 2009–2011; and so on.

At the same time, on the initiative of the Moldovan government, cooperation with civil society has been institutionalized with the establishment of a permanent consultation forum called the National Council for Participation (CNP), comprising 30 non-governmental organizations.

The activity of the National CNP is concentrated on two priority issues: (i) taking part in all stages of the strategic planning process – drafting, monitoring, and evaluating national development policies; and (ii) establishing an institutional framework for consultation at the level of the central public authorities. The chairman of the CNP attends weekly meetings of the Moldovan government and has the right to make public the CNP’s position on government draft decisions and policies. Before every meeting of the Moldovan government, the CNP’s members are informed about the agenda of the meeting and the decisions to be taken. Moreover, all draft decisions are sent to the CNP for possible legal and policy input. In parallel, the CNP’s members have been included in government decision-making in the Collegiums of the Moldovan ministries and agencies, which are the main administrative internal monitoring bodies of those institutions. In this way, the Moldovan authorities have increased the level of transparency of government institutions and, most importantly, have strengthened NGO watchdog capacities.

Importantly, the majority of the CNP’s organizations are members of the Eastern Partnership Civil Society Forum (CSF), while the CNP’s chairman is a member of the Steering Committee of the CSF. Consequently, the CNP is also playing the role of interface between the Moldovan government and the CSF of the Eastern Partnership. Hence, there is a stronger partnership between the Moldovan government and civil society in promoting Moldova’s objectives and interests within the framework of the Eastern Partnership. Over the past nine months, therefore, we have witnessed an increased level of coordinated actions designed to garner the EU’s support for assisting Moldova in: overcoming economic hurdles and political instability; accelerating the reform process; starting negotiations on political association and economic integration; and launching dialogue on visa liberalization.

Closing Remarks: The Way Forward

The EaP offers Moldova new opportunities to develop its relations with the EU. Nevertheless, it has not overcome the main structural deficiency of the ENP, which is the weak motivation and conditionality package designed to propel reform processes in the partner countries. It is obvious that, thanks to the ENP, the EU has become an ever-present actor on Moldova’s domestic stage. When we talk about modernizing

the economy, diversifying trade, harmonizing legislation with European standards, strengthening energy security, or solving the Transnistrian conflict, the EU is perceived as a crucial partner. However, despite its geographic proximity and its growing economic and financial presence in Moldova, the EU's political influence was constantly ignored by those who ruled Moldova between 2005 and 2009. For instance, in the period from 2007 to 2009, EU representatives of various ranks officially warned Chisinau that the implementation of the Action Plan with the EU was deficient in a whole range of areas, including freedom of the press, independence of the judiciary, respect for human rights, and the fight against corruption. But Moldovan politicians pretended not to hear, ignoring, disrespecting, and concealing recommendations and observations from various EU capitals. The lack of strict conditionality between progress in the field of reforms assumed in the EU–Moldova Action Plan is one of the main reasons why the EU has not managed over recent years to adequately bring to bear its real status and political influence.

Currently, this structural deficiency of the ENP and the EaP is somewhat concealed because Moldova has a pro-European government, one that is determined to implement all reforms needed to deepen the partnership with the EU in all areas without waiting to be given a clear-cut prospect of European integration. However, we cannot rule out a repetition of past experience, when Moldova was criticized for poor implementation of laws approved in line with commitments taken on the basis of the Action Plan signed with the EU in 2005. In order to avoid such a *déjà-vu scenario*, the legal framework that the EU is presently negotiating with Moldova's authorities will have to upgrade the conditionality system present in the ENP and the EaP. This must be done no matter what party or parties are in power in Moldova in the coming years. Thus, regardless of who governs in Chisinau, the EU must have real power to channel and stimulate the reform path in Moldova.

However, making conditionality more efficient (in terms of benefits for progress measured in tangible reforms) will be extremely difficult without clear prospects from the EU in areas such as visa regime liberalization or establishing a DCFTA. By offering a clear and definite prospect of visa liberalization, albeit strictly conditioned on the qualitative fulfillment of required criteria and reforms, the EU would, on the one hand, empower the Moldovan authorities to accelerate the reform process and, on the other, motivate Moldovan citizens to closely monitor their government's

actions aimed at meeting the conditions laid down by the EU. In this way, Brussels would help the EaP to become a real success story in Moldova.

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