



# Moldova's Europeanisation: beyond process

**Edited by:**

Iulian Groza

**With Contributions from:**

Cristina Gherasimov, Stanislav Ghilețchi, Iulian Groza, Dumitru Mînzărari,  
Sarah Pagung, Florent Parmentier, Erik Sportel



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## Executive Summary

European integration has dominated the domestic and foreign policy agenda of the Republic of Moldova for the last 20 years. However, the pace of the democratic transformation and broader Europeanisation process often stalled. Since 2009, EU-Moldova relations have been shaped by the EU's Eastern Partnership framework. In 2014, Moldova concluded and began the AA implementation, which also includes the setting-up of the Deep and Comprehensive free Trade Area (DCFTA) with the EU.

Today the Association Agreement not only frames relations with the EU, but it also offers opportunities for the modernization of the society as a whole and represents as such a roadmap for the democratization of the Republic of Moldova. The values enshrined in the Association Agreement, such as the rule of law, freedom of expression, human dignity and democracy, are widely accepted values in Moldovan society. However, despite some achievements in particular in terms of improving sectoral cooperation and economic rapprochement with the EU, the value-based part of the Association Agreement continues to be a challenge.

This publication includes the contributions of a group of researchers from the Republic of Moldova, Germany, the Netherlands and France who are analysing the Europeanization process of the Republic of Moldova via three dimensions that require decisive interventions at national level and with the support of the European Union, namely societal, political and security.

*The first chapter* answers the question of how to ensure Moldova's sustainable development based on European values, while ensuring an inclusive society able to address internal systemic problems faced by citizens, regardless of their political views, language or ethnic origin. Strong polarisation of Moldovan society is one of the obstacles for development. This phenomenon is one of the reasons for an increased vulnerability of Moldova's young democracy, which already suffers from a significant erosion of the public trust in the Government. Rather than focusing on which union to join, the ruling elites could use the Association Agreement to enact sustainable policies which will: increase the integrity of judiciary, restore public trust in state institutions, improve the efficiency of healthcare, innovate classrooms and research, or rebuild and expand roads and bridges. The Europeanization of the Republic of Moldova is an opportunity to eliminate the discrepancies that lead to the division of society on the basis of ethnicity. Europeanization has made this possible in many European countries, primarily as an instrument of transformation based on the values of democracy and human rights.

*The second chapter* analyses the process of parliamentary development in the Republic of Moldova in the context of EU policies to support democracy. Moldova's Europeanisation means, first and foremost, the strengthening of democratic institutions and the rule of law. But strong political will is absolutely necessary for comprehensive systemic reforms. The integration of democratic values in the processes carried out in the Republic of Moldova requires an active involvement of the Parliament. The new EU vision on democratization, recently renewed by the Council of the EU, provides an additional opportunity for the revision and consolidation of the EU assistance that would also include the support for parliamentary development. Parliamentary culture, a relatively new concept, should become a key indicator in assessing parliamentary performance. Improving MPs representation and accountability towards the public requires additional effort. Clear regulations at parliamentary level are



needed to address the party switching phenomenon that affects representation function and compromises Parliament's image. Another shortcoming for the legislative process is addressing the low transparency in the decision-making process. The Parliament must ensure an adequate and effective consultative process on draft laws before adopting them. The parliamentary control function needs to be strengthened. Enhance expertise and active participation of MPs in the implementation of the Association Agreement must remain a priority. The creation of a special Commission for European integration could be a solid step in strengthening the role of the Parliament in the Europeanization process of the Republic of Moldova.

*The last chapter* of the publication assesses the nature of hybrid interstate aggressions that undermines the sovereignty of other states. Potential aggressors can become direct participants of target state's political process, by injecting into these domestic political processes its proxy actors or agents. Due to globalization of communication and information, states lose sovereignty over their national informational space and face foreign competition in shaping domestic public opinion. This chapter assesses the emerging security environment, suggesting adjustments to the EU approach in EU's Eastern Neighbourhood and suggests ways to develop effective policy responses. This includes building an Early Warning and Early Response systems in the Republic of Moldova - a country where new conflict technologies are practiced and polished by Russia. This system will ensure prevention, will significantly decrease the cost of addressing security risks at EU borders of the type unravelling in Ukraine, and will create a knowledge base for applying the model in other regions. Moreover, the early warning mechanism will generate insights that would allow for a more effective and accurate preparation for crisis escalation, meaning a better use of funds and the ability to generate more security. In particular, this would guide the development of policies, methods and acquisition of technology, to be used for early response in the efforts to prevent crisis escalation.

# 1. Moldova's Europeanisation and interethnic cohesion – a delicate balancing act?

*Stanislav Ghilețchi, Cristina Gherasimov and Sarah Pagung*

The Association Agreement with the EU (AA) offers the possibility for modernization of the entire society. It is the roadmap towards democratization and development of the Republic of Moldova (hereinafter Moldova). The values that are enshrined in the Association Agreement, such as the rule of law, freedom of speech, human dignity and democracy, are generally accepted by the Moldovan society. But political elites continue to drive the polarization of society and nurture the geopolitical divisions over East versus West. By focusing on geopolitics and divergent foreign policy aspirations rather than on domestic policies and pressing issues, elites exploit existing differences and further deepen ethnic and linguistic fragmentation in the country. This allows elites to detract societal attention from mainstream grievances and lets them focus on the pursuit of narrow private interests rather than having to address practical policy issues that could improve the dire socio-economic situation in the country. Moldova's Europeanization is an opportunity to close the gap of division along ethnic lines. Europeanization has achieved this in many European countries, first and foremost because it is a tool of transformation based on values of democracy and human rights. The time has come for politicians to debate and offer solutions that will increase citizens' trust in the country's future, irrespective of their ethnic origin or language that they speak.

## **Introduction**

Strong polarisation of Moldovan society is one of the country's obstacles for development. It increases the vulnerability of Moldova's young democracy that already suffers from a significant erosion of trust in Government.

Moldovan society has long been divided along ethnic and linguistic lines as well as on vectors of foreign policy. Political leaders adopted extreme positions, pitting ethnic groups against each other in order to increase turn out, mobilize their voters, and appeal to loyal supporters. Parties reduced voters' political options: to a choice between the EU and the Eurasian Economic Union (EEU). And as polarization continued to run deeper, the main rhetoric built itself around pro- and anti-attitudes, such as the strong pro-EU and anti-EU dynamics with a pronounced alignment along the dimension of ethnicity.





This binomial approach reduces the need for a comprehensive debate regarding crucial developmental problems that Moldova faces and for complex policy planning necessary to address them. And each election cycle, which serves as a fertile ground for polarization, the distance between parties is growing and, as a result, newly elected politicians inherit a country that is more divided and polarized.

This highly polarized environment affects the way in which citizens reach political decisions, as leaders find it easier to influence the beliefs and opinions of citizens who have become less interested in facts and truthful information and more absorbed by partisan politics. Hence more and more differences in the society align along a single dimension, which contributes to an 'us versus them' mindset. This, in turn, decreases citizens' acceptance of and interest in different points of view. The continuously shrinking space for various political and civic ideas is a significant obstacle on the road to building a healthy and functional democracy.

The wreckage of Moldova's political climate combined with the anger expressed on social media does not offer a lot of hope in defeating polarization. Expressions of political and social differences have become significantly less polite. Statesmanship and vision are in short supply. Today, winning seems to involve the other lot's defeat. Limited possibilities for compromise, building bridges and reaching consensus, represent a significant hurdle in managing competing interests in a society in a harmonious and peaceful way.

The alignment on ethnicity shifts the debate, changing what should be a discussion about political, social and economic development into mutual resentments, paired with divisive rhetoric of 'us versus them'. The urgency of taking action is further emphasized by the fact that polarization becomes harder to reverse with the passage of time. Somer's<sup>4</sup> analysis of ethnic polarization describes how certain views initially expressed only at the individual level eventually succeed at becoming an integral part of society in general. When ethnic polarization reaches a critical level in society, the snowball effect can generate various undesirable scenarios. The failure to generate a powerful binding narrative means that other competing narratives will be created instead.

Growing inequality, corruption and injustice make a combustible mix and create an unstable environment. The political tug-of-war is not unusual for Moldova. Over the past years, the rival political camps frequently clashed with each other. But as interethnic division in Moldova is capturing the attention of policymakers, representatives of civil society and academia, the worry is that each election cycle becomes worse than the previous, leaving deep and painful consequences within the democratic fabric of Moldovan society.

### *Voting patterns and political preferences of ethnic minorities*

While main pressing issues look the same for all Moldovan citizens, including ethnic minorities, the voting patterns between different ethnic groups significantly differ. Poverty, increasing prices, unemployment, and future of the children are most important concerns for more than 30% of all citizens, regardless of ethnic background. Inter-ethnic relations represent a pressing concern only for 7% or less<sup>1</sup>. Considering the limited spectrum of real

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<sup>1</sup> <http://ipp.md/2018-12/sondajul-sociologic-barometrul-opinieii-publice-noiembrie-2018/>

political alternatives, these similar pressing concerns should, in theory, translate into similar voting patterns.

Voting preferences are, however, very different for ethnic minorities. These represent nearly 25% of total population with the Ukrainians (6.6%), Russians (4.1%), Gagauz (4.1%), Bulgarians (1.9%), and Roma (0.3%) representing the main ethnic minority groups. We take the regions of Taraclia and Gagauzia – regions and electoral districts where national minorities represent a high share of the electorate – to reflect on the differences. ACUM bloc won 26.8% of the votes based on the national constituency count, while Party of Socialists of the Republic Moldova (PSRM) won 31.2%. In contrast, election results show very high support for pro-Russian parties and almost no support for pro-EU parties both in Taraclia and Gagauzia (which includes the electoral districts of Comrat and Ceadir-Lunga).

In all these regions, PSRM took between 57-75% of the votes in single-mandate constituencies. Based on the single national constituency count, the Socialists won in these three districts between 78-88% of votes<sup>2</sup>. In contrast, Pro-European ACUM bloc won between 0.5%-1.1% of the national vote in these three constituencies, and 0.3% of the votes in Comrat. In Taraclia and Ceadir-Lunga ACUM has not even proposed a candidate. This data shows very little support for the strongly pro-European ACUM, and high approval for the pro-Russian Socialists.

According to a rare 2016 poll<sup>3</sup> conducted exclusively in the regions of Taraclia and Gagauzia, most pressing issues for their residents coincide with data for the general population of Moldova collected in national surveys. These are increasing prices, unemployment, poverty, and the future of their children. Over 40% of respondents mentioned these to be the main issues they are most concerned about<sup>4</sup>. Less than 2% of respondents mentioned inter-ethnic relations to be an issue of concern. Hence while problems national minorities encounter look the same as for the overall population, solutions they see can be provided by different political actors with diametrically opposed foreign policy vectors.

Nearly 70% of Gagauzia and Taraclia residents consider themselves part of the Moldovan society. This high percentage signals a high level of integration of national minorities. At the same time, their views of Moldova's geopolitical vector are very different. On average, 64.9% of residents consider Moldova to belong to the Russian world, and nearly 2% see it as part of Europe. These views inform also their political preferences and views. 33.4% see the future of Moldova as part of Russia, and only 17.3% see it as an independent unitary state.

Their views on Europeanization are also strikingly different. 73.6% consider that by signing the Association Agreement with the EU, Moldova has lost part of its sovereignty, and 71.3% consider that Moldova should withdraw from the Agreement. These geopolitical preferences have been exploited by political parties and subsequently led to the overwhelming majority of residents in these two regions to vote for the Socialists where the party won by a landslide.

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<sup>2</sup>[http://alegeri.md/w/Partidul\\_Sociali%C8%99tilor\\_din\\_Republica\\_Moldova\\_la\\_alegerile\\_parlamentare\\_din\\_2019](http://alegeri.md/w/Partidul_Sociali%C8%99tilor_din_Republica_Moldova_la_alegerile_parlamentare_din_2019)

<sup>3</sup> <http://ipp.md/wp-content/uploads/2016/04/SondajGagauziaTaraclia2016.pdf>

<sup>4</sup> <http://ipp.md/wp-content/uploads/2016/04/SondajGagauziaTaraclia2016.pdf>



## Parliamentary elections

The 24 February 2019 parliamentary elections took place in an environment characterized by decreased public confidence in state institutions which was aggravated by the invalidation of the results of the 2018 early elections for the mayor of Chisinau, the introduction of the new mixed electoral system without broad political consensus and lack of trust in the judicial system.

These elections were the first to be held under the newly introduced mixed electoral system. In the absence of an inclusive public debate, broad consensus, and meaningful consultations with relevant stakeholders, the previous ruling party (PDM) amended the electoral code and changed the system from a fully proportional to a mixed one. In the February 2019 elections, 50 MPs out of the total of 101 MPs have been elected through proportional representation from closed party lists in one single national constituency and 51 MPs in single-mandate constituencies through the first-past-the-post system. Upon review of the electoral changes, which were consequently enacted, the Venice Commission concluded that, the change of electoral system 'is not advisable at this time' due to important concerns regarding the political context at the time and the fact that the first-past-the-post component could allow for "undue influence over and manipulation of election stakeholders by well-resourced local business people or other actors who follow their own separate interests."<sup>5</sup>

Moreover, elections were expected to be another battle of divisive rhetoric of 'us versus them' rather than a policy-driven competition based on constructive debate among the main political forces in the country. The following sections will analyse the discourse and actions of the main political actors during and after the campaign in order to analyse the degree and depth of polarization.

### *Discourse in the electoral campaign*

Political elites drive the polarization of society which becomes particularly acute during election campaigns. By focusing on geopolitics and divergent foreign policy aspirations rather than on domestic policies and pressing issues, elites exploit existing differences and further deepen ethnic and linguistic fragmentation in the country. This allows elites to detract societal attention from mainstream grievances and lets them focus on the pursuit of narrow private interests rather than having to address practical policy issues that could improve the dire socio-economic situation in the country.

In 2014, the ODIHR Election Observation Mission concluded that the previous parliamentary election campaign "broadly focused on geopolitical issues such as engagement with the European Union and the Eurasian Customs Union." According to Emin Önen, Special Coordinator and leader of the OSCE observer mission, geopolitics was "at the heart of the campaign" in 2014.<sup>6</sup>

The 2019 campaign was, however, different. It paid less attention to geopolitics. The ODIHR Election Observation Mission concluded in its final monitoring report that main electoral campaign messages focused on employment, social assistance, pensions, emigration, anti-

<sup>5</sup> The ODIHR Election Observation Mission Final report, 22 May 2019, <https://www.osce.org/odihr/elections/moldova/420452?download=true>

<sup>6</sup> <https://www.osce.org/odihr/elections/128526>

corruption, and the state of economy. Most important, “geopolitical questions and Moldova’s foreign policy orientation received less attention in the political discourse.”<sup>7</sup> While thematic diversity was overall poor – in line with previous campaigns – topics such as European integration, Moldova’s foreign policy vector, the Transnistrian conflict settlement, have been only occasionally approached on online platforms and in the written press, according to a media monitoring report<sup>8</sup>.

Geopolitics, however, remained a key campaign message mainly for PSRM – one of the main driving political actors of the geopolitical discourse along with Democratic Party of Moldova (PDM) – and some smaller parties.<sup>9</sup> Four out of ten priority objectives formulated as part of its electoral campaign focused on foreign policy issues: (a) pursuing a balanced foreign policy by restoring Moldova’s strategic partnership with the Russian Federation and becoming a full member of the Eurasian Economic Union, (b) stopping NATO integration, (c) settling the Transnistrian conflict, and (d) banning parties and movements advocating for reunification with Romania.

This change from geopolitics to domestic issues in the political discourse of main political players can have multiple explanations. First, a societal fatigue in regard to the dominance of the geopolitical discourse could be noticed. Throughout the last four years PDM and PSRM exploited this geopolitical scarecrow to create a distorted view for the EU about the most serious threats that the country is currently facing and detracting attention of Moldovan citizens from key development issues. This exaggerated narrative has been rejected by the pro-European extra-parliamentary political opposition who insisted on the fact that domestic issues need to be discussed and debated with a double purpose: to bring back the democratization agenda for Moldova but also to maximize their wins in elections by addressing the issues that the ordinary citizens cared about most. According to ACUM staffers, focusing on domestic issues, such as dismantling the oligarchic system, which was installed by the previous ruling PDM party, and avoiding geopolitical narratives was a strategic approach that Action and Solidarity party as well as Dignity and Truth party chose to pursue in this election.

Second, Moldova has used for the first time since independence a mixed-electoral system. In mature democracies, this system should bring politicians closer to the people by focusing on the issues which are salient at local level. While the new system has been harshly criticized by the civil society, opposition parties, and the international community, some novelty to the usual campaigns in the past could be observed. In order to be able to compete in single-mandate districts, political parties needed to reach out in a more consistent manner to the local and quite apathetic electorate. This was particularly important for the political parties and candidates who had no access to state resources. While administrative resources have been extensively misused particularly by the ruling PDM to leverage their chances of winning more votes in the single-mandate constituencies, opposition parties did not have this ‘luxury’ at their disposal.

More activities during this campaign which were organized particularly at local level could be observed on average. The most frequently used electoral activity for all parties were meetings

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<sup>7</sup> <https://www.osce.org/odihr/elections/moldova/420452?download=true>

<sup>8</sup> <http://alegeri.md/images/e/e3/Raport-final-mass-media-cii-api-alegeri-parlamentare-2019.pdf>

<sup>9</sup> Democracy at Home, Liberal Party, National Liberal Party and Antimafie movement focused on unification with Romania.



with voters (51% of all promotional activities)<sup>10</sup>. PDM's electoral meetings represented 63% of its activities (549 meetings with voters reported in total), PSRM's – 46% or a total of 336 meetings, ACUM's – 57% or 179 meetings, Political Party "Sor" – 37% or 103 meetings. Yet the votes that the three leading parties accumulated were distributed almost the same. Speakers at campaign events mostly presented their national level programs<sup>11</sup>, however, which hints at poor skills of current politicians in understanding how to approach local-level problems in a more efficient manner. These explanations are both plausible but carry different weights. The first one, namely the societal fatigue from the geopolitical discourse that high-jacked the domestic reform agenda, is more credible in the context when Moldova's fragile democracy is unable to bring to the fore the benefits of a mixed electoral system that mature democracies usually enjoy.

At the same time, candidates continued to use during the electoral campaign hate speech and elements of discrimination. The number of cases was much higher than in previous campaigns. In terms of types of hate speech, in nearly 40% of identified cases, sexist prejudices and gender stereotypes were used. Also, there were at least 12 situations, where electoral competitors generated messages that incite hatred and discrimination, according to Promo-LEX<sup>12</sup>. Such incidents fuel societal tensions and further polarize the society.

The electoral outcome in these regions where ethnic minorities represent a significant share of the population reflect traditional patterns of voting based on geopolitical preferences. These are shaped by an imbalanced mediatic space with a limited diversity of information sources which is available to the average viewer. When asked in what language the residents of Taraclia and Gagauzia prefer to usually watch the news, staggering preferences for the Russian language can be noticed – 97.5% and 91.1% respectively. Only 1.8% and 2.4% respectively watch news in Romanian language<sup>13</sup>. These numbers are in stark contrast with national averages where 53.6% of population usually receive their news from Moldovan TV and radio channels, and 28.6% from Russian TV and radio channels<sup>14</sup>. Moldovan TV channels do not enjoy high popularity ratings in comparison to the high-quality and attractiveness of the Russian channels in Taraclia and Gagauzia which beyond the linguistic advantage that they have, also shape the content of the narrative provided.

### *Participation of national minorities*

Electoral parties and candidates avoided to discuss the situation of national minorities in this campaign.<sup>15</sup> Yet, due to the change in the electoral system, national minorities had more possibilities to participate themselves or to be proposed as candidates by parties in single-mandate constituencies. While the legal framework allows national minorities to participate in elections on an equal basis, existing regional requirements for the set-up of political parties and the 6% threshold for entering the parliament pose challenges for the representation of regionally based minorities. These barriers undermine their chances to be politically represented.<sup>16</sup> Moreover, the existing legal framework does not provide any special support

<sup>10</sup> [https://promolex.md/wp-content/uploads/2019/04/Raportul\\_final\\_alegeri\\_parlamentare\\_2019\\_Eng.pdf](https://promolex.md/wp-content/uploads/2019/04/Raportul_final_alegeri_parlamentare_2019_Eng.pdf)

<sup>11</sup> <https://www.osce.org/odihr/elections/moldova/420452?download=true>

<sup>12</sup> [https://promolex.md/wp-content/uploads/2019/04/Raportul\\_final\\_alegeri\\_parlamentare\\_2019\\_Eng.pdf](https://promolex.md/wp-content/uploads/2019/04/Raportul_final_alegeri_parlamentare_2019_Eng.pdf)

<sup>13</sup> <http://ipp.md/wp-content/uploads/2016/04/SondajGagauziaTaraclia2016.pdf>

<sup>14</sup> <http://ipp.md/2018-12/sondajul-sociologic-barometrul-opinieii-publice-noiembrie-2018/>

<sup>15</sup> <https://www.osce.org/odihr/elections/moldova/420452?download=true>

<sup>16</sup> <https://www.osce.org/odihr/elections/moldova/420452?download=true>

to assist and facilitate minority representation. Only several political parties included few representatives of national minorities in their party lists or had candidates in single-mandate constituencies.<sup>17</sup> 23 out of 101 newly elected MPs have self-identified as national minorities.<sup>18</sup>

### *Discourse after the electoral campaign*

Over the course of the next months after the parliamentary elections until June 2019 when the parliament had time to actively negotiate a new governing coalition, political parties engaged in a rather limited dialogue. The lack of any formal negotiations between the parties that entered into the Parliament reflected the factious mood in the society. The timid initiatives and proposals from the various actors, concerning coalition formation did not have a positive dynamic. As a result, a rather strange period of political silence covered the country during these three months.

In the past, political cooperation among parties had negative consequences, either by diminishing their role on the political arena or by making them obsolete altogether. In 2005, the Christian Democratic People's Party voted in Parliament for the presidential candidate proposed by the Communist Party. The Christian Democrats never recovered after this vote and voters accused its leader of unforgivable betrayal<sup>19</sup>. In 2017, the European Popular Party from Moldova (PPEM) entered into a coalition with PDM (the main governing party at that time). The cohabitation was so damaging, that the PPEM did not even participate in the 24 February 2019 parliamentary elections. Voters on opposite sides of the divide, manifest a tendency to punish actions that lead to compromises and dialogue between various groups. The potentially very high political costs of such compromises reduce the likelihood of them being reached, and further increases the obstacles to cross-party cooperation.

But considering the fact that the latest parliamentary elections placed less emphasis on geopolitics and the attention of political parties had been focused on other fields of interest such as local development<sup>20</sup>, the lack of dialogue is of interest. It would have been fair to assume that an agenda without geopolitics and with a desire to improve the lives of citizens would foster multiple engagements over this period of time – particularly when there is national consensus over the main pressing issues that Moldovans are facing on a daily basis.

The political, constitutional and social crisis which was observed in Moldova at the beginning of June 2019 is a direct result of the failure of the political elites to engage in dialogue until it was too late. Even after it was clear that there was no other solution to a hung parliament than to hold a constructive dialogue between the winning parties, each political party was more interested in playing only to its audience by exploiting divisive public debate.

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<sup>17</sup> PSRM - 41 per cent; PCRM - 31 per cent; ACUM - 5 per cent and PDM - 4 per cent.

<sup>18</sup> PSRM 17 out of 35 MPs; ACUM 2 out of 26; Shor Party 2 out of 7; and PDM 1 out of 30.

<sup>19</sup> [http://www.bbc.co.uk/romanian/news/story/2005/04/050406\\_ppcd\\_vot.shtml](http://www.bbc.co.uk/romanian/news/story/2005/04/050406_ppcd_vot.shtml)

<sup>20</sup> Nota Analitica IPRE no. 3/2019: Adio vot geopolitic?, Mihai Mogildea, <http://ipre.md/2019/04/26/nota-analitica-nr-32019-adio-vot-geopolitic/>





Statements and actions presented in Table 1 cannot be considered constructive and definitely play a role in increasing political polarization throughout the country. There are two main reasons why these are problematic. First, they transmit a false belief that success is unaffected by the failure of others. While in today's political landscape, where no party has won enough votes to govern alone, there is no other solution than a certain degree of mutual cooperation. And second, they create false expectations in society. While the society is a living organism and it can change and adapt, it is important to create proper, realistic and timely expectations for its citizens. The governing class should strain to persuade citizens of the necessity of dialogue and its attendant hardships, exactly the opposite of the current public discourse. Only increased interaction with people with diametrically opposed viewpoints can raise the respect that people bestow on others.

**Table 1. Examples of polarizing actions after the elections**

- On 27th February 2019, three days after the Parliamentary elections, one of the co-leaders of the ACUM bloc reiterated their commitment not to agree to a coalition with any other political party that entered the Parliament;
- On multiple occasions, political leaders declared that the level of confidence in other parties is zero;
- During one meeting with the Moldovan President, former opposition party members refused to shake hands;
- PDM and its leadership, including Mr. Vladimir Plahotniuc, disappeared from the public space for over eight weeks.

Learning from history is hard in itself, but deep polarization makes it impossible to discover the right lessons from the past mistakes and may serve as perfect spark. Although Moldova, so far, has benefited from tolerant interethnic relations, this harmonious coexistence must not be taken for granted, as ethnically diverse societies tend to have a higher probability of ethnic conflict and an increased level of political instability<sup>21</sup>. And with little overlap between rival camps, each simply believes its own narrative and draws different conclusions. Rising polarization will continue to threaten the foundations of democracy and erode furthermore the trust of citizens in state institutions, especially if the fiery rhetoric will not be replaced by pragmatism and a new quest for compromise.

## Opportunities for change

Today's challenge is not merely about weak human capacities, dysfunctional institutions or poor public policy solutions. Moldovan society has no worthwhile binding narrative that would unify the country. But the turning point on this journey filled with challenges was the signing of the AA. The signature of this Agreement was an important sign of Moldova's commitment to the ambitious programme of economic and social reform and of the EU's commitment to assist in this endeavour.

<sup>21</sup> Okediji, Tade O. "The Dynamics of Ethnic Fragmentation. A Proposal for an Expanded Measurement Index." *American Journal of Economics and Sociology*, vol. 64, no. 2, 2005, pp. 637–662

The Association Agreement with the EU provides for a roadmap for modernization of the entire society. It is one of the paths Moldova should pursue towards sustainable democratization and development. And rather than focusing on which union to join, the ruling elites could use this roadmap to enact sustainable policies which will: increase the integrity of judiciary, restore public trust in state institutions, improve the efficiency of healthcare, innovate classrooms and research, or rebuild and expand roads and bridges. Values that are enshrined in the Agreement, such as the rule of law, freedom of speech, human dignity and democracy, are generally accepted by the Moldovan society. Thus, this document offers the unique possibility for modernization. Its implementation should generate dialogue and debate on the country's political, social, and economic development of and how this should benefit all ethnic groups. Choosing one side of Moldova's growing ethnic divide can bring short-term results, but in the future this gamble will prove to be a losing strategy for everyone: politicians, citizens, civil society and the country itself, as polarization will further decrease the possibilities for compromise and consensus.

Government's legitimacy is strengthened when political forces that form the government manage to go beyond identity politics, securing votes from every part of the society and thus bringing people together. To strengthen interethnic relations, the government should not be afraid to propose sensitive policies, even though they will inevitably raise difficult issues. Acknowledging the problem, rather than ignoring it, can help identify the right solutions to reduce the drift into ethnic divisions.

By enhancing local community capacity and advancing authentic participation in the decision-making process it might be possible to alter the current institutional design that encourages polarization. The state ought to invest in human capital, in education and training, and emphasise the advantages of inter-ethnic cooperation in the administration of public services. With a new government in place, the pitfalls of the past should be avoided by spurring a serious debate over improving ethnic group representation within the public service and increasing Romanian language learning within various ethnic groups that will strengthen the capacity at community level to participate in local and national decision-making. By drawing from a wider source of knowledge and experience, the Government will increase citizens' trust in state institutions. And the increased Romanian language skills will facilitate economic, social and democratic participation in society of the representatives of various ethnic groups.

Building local ownership and expanding interethnic dialogue at the local level will be crucial for improving social cohesion. People in Moldova, as elsewhere, are worried about jobs, economic growth, housing or health policies. The national objective of strengthening interethnic relations should acquire a more distinct local component. Empowering local groups like civil society representatives and local councillors means decisions can reflect actual needs on the ground. This will also reduce bureaucracy and increase efficiency of public funds.

Political actors must change the way they talk about the European integration process. It is detrimental to present the EU in the role of a panacea or bogeyman every time elections come. If the ruling class wants to ensure that Moldova's progress towards EU integration is irreversible, then they should take action to win the support of sceptics from various ethnic groups—not to activate cleavages that further split the country in two. Instead of writing off entire categories of voters, the political class must engage with and understand those who





are anxious or uneasy regarding Moldova's Europeanization. In the past, the public debate and public agenda was mainly concentrated on geopolitics, with less and less talk dedicated to process of building a fair society and how European values and respect for rule of law can help Moldova on the path to building a country where everyone can prosper. In order to convince and win over sceptical ethnic groups, the norms of public discourse employed by politicians must be rewritten, and the futile practice of parties focusing on geopolitics rather than programs and policies of modernization must be changed.

The business sector could also play a more encouraging and a catalysing role in terms of strengthening interethnic relations in the framework of Moldova's association with the EU. In 2017, 65%<sup>14</sup> of all exports went to the EU. The share of exports to the EU has been on an increasing trend for the last years. While 2018 was the first year when exports to the EU exceeded 70%<sup>15</sup>. But abstract facts and figures alone about the benefits of implementing the AA are not effective for changing beliefs and attitudes. Even if statistics show that the AA is good for the Moldovan economy, ethnic minorities believe that it is working for other groups but obviously not for them. Business can play a useful role in the debate by speaking directly to the public about the positive impact of direct access to the EU market on their sales, exports, and revenues.

Changes in attitudes must happen throughout every level of society, including political elites, in order to co-create a new future across perceived differences. Blaming "them" is counterproductive as for the other side "them" is this side. Instead, an "you and I" approach can start working towards improved relations. This paradigm shift will help the society to overcome political polarization and divisions. Identification of shared goals can play a significant role in achieving higher levels of cooperation and mutual long-term agreements. It is not so much about people agreeing on everything or locking arms together, but more about being able to converse without steaming with rage.

## **The EU's supporting role in overcoming the politicization of identities**

A common feeling of belonging is seen as crucial for creating coherence, enabling solidarity among EU member states and citizens, and building acceptance and legitimacy for the Union itself and its policies. Creating a common European identity has been a priority of the EU since the 1970s. But despite massive investments in cohesion policy, national and regional/local identities are still much stronger. Thus, polarization issues are not characteristic only to Moldova and in the next section European lessons on dealing with these problems will be explored.

### *Building a European Identity*

The EU has a long tradition of formulating and implementing cohesion policies in its member-states. In fact, the cohesion policy funds of 351.8 bln. EUR make up one third of the total of EU funds in the period between 2014 and 2020<sup>16</sup>. The European Social Fund, one of the instruments of the European cohesion policy, is explicitly dedicated to furthering social integration and fighting discrimination. The EU not only seeks to strengthen policy fields like

education, employment or environment, but also to foster European solidarity and help disadvantaged regions catch up. This policy instrument is viewed as an essential measure to support understanding between European ethnic groups and nationalities, as well as to create support for the European project itself and to help build a European identity.

Nevertheless, various studies have shown that the relationship between cohesion projects, mutual understanding among ethnic and national groups, and the creation of a European identity is complex—and that the objectives of the EU in cohesion policy are not easy to achieve. Despite support of EU cohesion funds for structurally weak areas, support for the EU is still higher in wealthier regions that receive less financial support<sup>17</sup>. Local projects across borders and/or including different ethnic and national groups often create a more positive picture of the other group. But this impact is often limited to personal contacts and does not necessarily transfer to a broader political context. Studies also show that the awareness of being a direct beneficiary of EU policy translates much more into a positive view of the EU than does the bare knowledge of EU policies and measures<sup>18</sup>. When discussing the countries of the Eastern Partnership, scholars and politicians often refer to the Central Eastern European (CEE) member states accessing the EU after the end of the Cold War. These states with post-socialist or post-soviet legacies underwent a comprehensive transformation of their politics, economy, and society. Today's approach towards the countries of the Eastern Partnership is based on the experience of the integration process of these states. However, it does not foresee offering them accession to the EU in the foreseeable future - the offer is, as Romano Prodi, former president of the European Commission put it, "all except for institution."

CEE states, just as the countries of the EU's Neighbourhood, have been shaped by a complex history regarding their identity, language, and territory. Nevertheless, CEE states enjoyed a rather stable identity based on a national majority and a completed process of state building. This included a strong will for European integration. Ethnic (or non-ethnic) minorities did not seek to hinder the creation of these states centred around a national majority group. The main challenge for these states after the fall of the Iron Curtain therefore consisted of transitioning their system, aligning to the Copenhagen Criteria, and building a European identity. The latter is by far the most complicated and longstanding challenge, not only for the new member states. It is therefore seen as one pillar of European stability, especially in times of crisis. The EU's efforts to build a European identity are based on the findings of creating identities in nation states. The EU refers to common values, history and symbols. In contrast to identities in nation states, the EU emphasizes its diversity and prioritises the demos over ethnos to bridge the numerous ethnic and cultural groups living in the Union. Still, researchers and political practitioners disagree about whether a European identity is a condition for or a product of a successful integration project.

In a 2012 review of its own policies the EU Commission found two models of European identity building: first, a culturalist top-down approach based on European values and their manifestation in practices and policies; and second, a structuralist bottom-up approach based on personal association and interaction of European individuals<sup>24</sup>. This reflects the fact that identity creation can be supported but not forced by institutions.

The Eurobarometer 2018 revealed that, for the first time since 2010, more than half of the EU's population consider themselves citizens of Europe<sup>25</sup>. This trend has been consistent since then. However, national and regional/local identities are still much stronger. Given the



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decade-long efforts of the EU and massive investments in cohesion policy, these are mixed results. Thus, the struggle to preserve one's sense of identity is not a characteristic of the Moldovan society alone. Culture and identity are important elements that matter to people whether they live in the EU or in Moldova. And although the process of building a European identity is still ongoing, Moldova can learn from the EU, especially in terms of designing projects to build local governance and funding of local communities.

## Conclusions

Geopolitical divisions over East versus West will continue to provoke heated debates. But the debate should focus on the shared priority of improving the lives of Moldovan citizens rather than on narrow geopolitical interests. Differences about policies are an inherent part of any democratic society, but exploitation of grievances between different ethnic groups is not. The debate about the future of the country should not be one between the majority ethnic group and the national minorities, but among the citizens of the Republic of Moldova.

Representatives of ethnic groups are concerned about the impact of Europeanization on the activities that make up their daily lives, ranging from growing and selling fruits and vegetables to receiving education in their native language and having their culture and values respected. Identity wars in political narratives of the ruling elites do not bring added value and should have no place in Moldovan society. Dialogue and engagement have, on the other hand, a transformational potential.

The biggest challenge for the European integration narrative in Moldova is in fact, that it has become part of the societal rift. It is clearly associated with a conflict drawn in black and white and not with its values or a comprehensive concept of political, social and economic development.

Moldova's Europeanization should not contribute to more divisions along ethnic lines but must be used as an opportunity to transform it into a catalyst to close that gap. Europeanization has achieved this in many European countries, first and foremost because it is a tool of transformation based on values of democracy and human rights. Rhetoric alone cannot make Moldova's path towards Europe irreversible, nor can pitting ethnic groups against each other. Only by convincing Moldovan citizens from all ethnic groups can this be achieved.

The time is ripe for politicians to debate and offer solutions that will increase citizens' trust in the country's future, irrespective of their ethnic origin or language that they speak. Otherwise, Moldovans will continue to be divided and society will become lastingly polarized. The country will be forced to pay this high price because the political establishment failed "in its most basic functions of protecting the lives of citizens or preventing the pilfering of public money."<sup>31</sup>

The Association Agreement with the EU offers the possibility for modernization of the entire society. It is the roadmap towards democratization and development of Moldova. And rather than focusing on which union to join, ruling elites should enact policies that will: increase the integrity of judiciary, restore public trust in state institutions, improve the efficiency of healthcare, innovate the classrooms, or rebuild and expand roads and bridges. The norms of public discourse employed by politicians must be rewritten and the futile practice of parties focusing on geopolitics rather than programs and policies of modernization must change. It is hard work. But the prize is well worth the effort, as this will save the already fragile democracy in Moldova.



## Recommendations

### **Recommendations for the Moldovan authorities:**

- To step up its efforts in developing better programmes aimed at increasing interethnic relations and social cohesion: (i) promotion and increasing of Romanian language learning; (ii) improving representation of various ethnic groups in local and central governmental structures; (iii) raising employment opportunities in public and private sectors;
- To appoint and delegate special competences to an advisor to the Prime Minister responsible for overseeing interethnic policies to be implemented at national level. Also, for cities with a higher share of ethnic groups, to appoint a deputy mayor for interethnic relations;
- To improve cooperation with local public authorities and support local projects as well. Empowering local groups like civil society representatives and local councillors means decisions can reflect actual needs on the ground.
- To identify ways to involve the business sector in more informational campaigns, especially in order to target those ethnic groups that have the lowest levels of trust towards EU. The government should encourage businesses to think innovatively about the contribution that they can make concerning this particular issue. Business can play a useful role in the debate by speaking directly to the public from its perspective and expertise.
- To ensure that independent media channels are able to operate and broadcast in districts where ethnic minorities represent a significant share of the population;
- To consolidate the role of the state in strengthening Moldovan mass media capacities to offer objective and high-quality content to TV program consumers in the Republic of Moldova by allocating necessary state budget funds not only to public but also to private broadcasters;
- To ensure informational integration of the various linguistic segments of Moldovan society;
- To further analyse the possibility of introduction of mechanisms that would encourage greater participation and representation of minorities in public and political life.

### **Recommendations for the European Union:**

- The EU needs to further strengthen its policy and degree of involvement in its Eastern neighbourhood to be able to compete with other interested global players, including Russia. At the moment, the EU is often seen as Russia's rival and competitor in the struggle to pull Moldova into the orbit of a larger bloc. But to bridge political rifts in politics and society it needs to be perceived as an actor offering a sustainable path for political, societal, and economic development for the Moldovan society. A broader reform of the Eastern Partnership concept and of the EU's communication strategy about the support it provides in the region is needed to pursue this goal.
- To strengthen civil society initiatives that use the ethnic and linguistic diversity that exists in Moldova as an advantage towards building a national dialogue about the country's future;

- To strengthen the capacity of media outlets (at both, regional and local levels) to provide news and analytical reports in languages used and understood by ethnic minorities - such actions will ensure an inclusive information space that would promote diversity and democratic values. Bridging the media gap that exists at the moment among various ethnic groups will represent a first step in building a nation of shared belonging;
- To develop and finance innovative exchange programmes for the Moldovan political class on consensus building, compromise and dialogue.



## 2. Parliamentary Development in the framework of Moldova's Europeanisation process

*Iulian Groza and Erik Sportel*

This chapter reviews the Moldova's parliamentary development process against the background of the European Union's democracy support policy, Moldova's changing political landscape, and commitments to implement the Association Agreement with the EU. It begins with a brief overview of the current Moldovan political landscape and continues by introducing the EU's view on democracy support and parliamentary development. Then it identifies the main needs and challenges for parliamentary development in Moldova, which in turn leads to a set of key recommendations for the EU and Moldovan policy makers. The most important findings are the following: EU democracy support for Moldova should explicitly include a parliamentary dimension; more attention is needed on capacity-building in Moldova's parliament, with the aim of developing a culture of transparency and accountability; investigating options for stronger affiliation of individual parliamentarians with constituencies; taking measures to boost the transparency of the legislative process; helping to strengthen parliament's rules and procedures with a view to strengthen democratic oversight; and initiating an awareness-raising and training campaign for members of parliament (MPs) in order to develop their knowledge on the implementation and oversight of the EU-Moldova Association Agreement provisions.

### **As the dust settles – where to with democratic reform in Moldova?**

European integration objective dominated Moldova's foreign and domestic policy agenda, although the pace of the democratic transformation and broader Europeanisation process often stalled.

Since 2009, EU-Moldova relations have been shaped by the EU's Eastern Partnership framework. In 2014, Moldova concluded and began the AA implementation, which also includes the setting-up of the Deep and Comprehensive free Trade Area (DCFTA) with the EU. Today the AA not only frames relations with the EU, but also Moldova's internal policy reform process. Despite certain positive developments in implementing the AA, over the last five years, such as improving sector cooperation with the EU, benefiting from EU support, and getting closer economically to the EU, the value-based part of the Association Agreement continues to be a challenge.





In 2018, the EU-Moldova dialogue underwent a frosty phase, marked by the suspension and recalibration of EU assistance due to severe democratic backsliding and continuous lack of reform of the rule of law system in Moldova.

This accumulated in the European Parliament resolution of 14th November 2018, which referred to Moldova as a “*state captured by oligarchic interests with a concentration of economic and political power in the hands of a small group of people exerting their influence on parliament, the government, political parties, the state administration, the police, the judiciary and the media and leading to highly unsatisfactory implementation of legislation with little benefit for the citizens.*” Later, the European Commission decided to cut its financial assistance to Moldova and suspend the macro-financial assistance program until further notice, amid concerns about the rule of law and democratic backsliding of the country.

Against this background parliamentary elections took place on February 24th, 2019, based on the new mixed electoral system, by which 50 MPs were elected on party lists and 51 - in single-mandate constituencies. It resulted in a hung parliament without a political force holding the majority. Namely PSRM with 35 MPs (18 elected through party list and 17 in single-mandate constituencies), PDM with 30 MPs (13 through party list and 17 in single-mandate constituencies), Electoral Bloc “ACUM” with 26 MPs (14 through party list and 12 in single-mandate constituencies) and Party “Șor” with 7 MPs (5 through party list and 2 in single-mandate constituencies). In addition, 3 independent candidates managed to enter the parliament. Thus, 72 out of 101 members of parliament were newly elected.<sup>22</sup>

Many analysts expected at that time a continuation of the coexistence between the PSRM and PDM as the most likely scenario, but on June 8th, 2019, a surprising coalition between the pro-Russian PSRM and pro-European reform ACUM bloc was formed. Unified only in their mutual desire to oust the PDM and its controversial leader Vladimir Plahotniuc, at first glance, the actors within the coalition were diametrically opposed on most issues.

Soon after the pro-reform government led by Maia Sandu was voted into office, EU assistance was resumed. During July – October 2019, three tranches of EU direct budget support were disbursed to Moldova, amounting to almost 54 million Euros, accompanied by strict conditionality linked to progress being made with regards to the reform agenda. The support aimed to help the government deliver key reforms for the benefit of citizens in the areas of policing, the fight against corruption and money laundering, agriculture, and rural development.

Nonetheless, the coalition between PSRM and ACUM proved to be short lived. A vote of no-confidence initiated by the Socialists and backed by Democrats on November 12th, 2019, over the selection of the new prosecutor general, sealed the fate of the Sandu government. Even though only in office for less than half a year, Sandu's administration initiated key reforms in the judicial sector and managed to win the trust of international partners. Within two days, the Socialists, with the support of the Democrats, appointed a minority “technocratic” government led by Ion Chicu, the former economic adviser of President Igor Dodon and former finance minister in one of the previous governments of the PDM. The new minority government does not have a very stable basis. The EU has urged then the government to proceed with the initiated reforms and expressed its willingness to work

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<sup>22</sup> List of Members of Parliament, accessed on 16.12.2019:  
<http://www.parlament.md/StructuraParlamentului/Deputies/tabid/87/language/ro-RO/Default.aspx>

together with all those from Moldova who support the reform process. These are not hollow declarations. Another suspension of EU assistance became imminent as the full compliance with all of the EU's technical and political benchmarks lacked.

The short period in which the Sandu government was in power showed that clear commitment to reform is matched by the EU with substantial financial support. Thus, in this situation, the Chicu government has to convince the international partners that it is taking the necessary reform process seriously.

Meanwhile, on March 16, 2020, in full pandemic crisis of COVID-19 outbreak, one day before the set-up of the state of emergency, PSRM and PDM formalized an official supporting the Chicu government with reshuffling some members of the government. At the same time, a group of seven MPs left the PDM parliamentary fraction and formed the so-called Pro-Moldova parliamentary group.

Although during the state of emergency the parliamentary functions were not suspended, the ruling coalition admitted situations that limited the ability of the Parliament to conduct its legislative and oversight functions. Against this background, the Moldovan parliament is also in dire need of moving away from its rubber stamp status to an institution that actually exercises its powers in overseeing the executive and representing the interests of the citizens of Moldova. This is in line with the EU's vision of democratization in third countries, including in Moldova, which it considers parliaments to play an instrumental role.

## **The EU's vision and support policy on parliamentary development**

On October 14th, 2019, the Council of the EU renewed its commitment to democracy support, ten years after it adopted the "EU Agenda for Action on Democracy Support in EU External Relations." The EU Council felt that the current political context worldwide, in which "democracy is being challenged and put into question" compelled them not only to reiterate their support for democracy, but also to identify specific spearheads.<sup>23</sup> It is expected that EU member states will agree on an updated action plan for democracy support in 2020, proposed by the European Commission<sup>24</sup>. The previous 2009 document laid down the EU's vision on its contribution to democratization in third countries. It pointed out that democratic governance is a multi-faceted concept, with interrelated processes and actors, emphasizing that the Agenda on Democracy Support targets "Governments, Parliaments and other state institutions, political actors, civil society organizations and other actors".<sup>25</sup>

Democratic governance is based on the principle that people have the right to knowledge and that therefore the government should reveal, explain and justify their actions and inactions. Parliament plays a pivotal role in this since it is the institution that is commissioned with conducting oversight on behalf of the citizens and is expected to keep an eye on the

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<sup>23</sup> Council Conclusions on Democracy, Council of the European Union, 14 October 2019, 2. available at: <https://data.consilium.europa.eu/doc/document/ST-12836-2019-INIT/en/pdf>

<sup>24</sup> European Commission EU Action Plan on human rights and democracy 2020-2024, accessed on 6 March 2020, available at: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12122-EU-Action-Plan-on-Human-Rights-and-Democracy-2020-2024>

<sup>25</sup> Council Conclusions on Democracy Support in the EU's External Relations, Council of the European Union, 17 November 2009, 1. available at: <https://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2016081%202009%20INIT>



activities of the executive and hold it to account. As highlighted in the conclusions attached to the EU Agenda for action on Democracy Support in EU external relations, the EU and its Member States “act in support of democracy drawing on strong parliamentary traditions, based on the role of national parliaments and regional and local assemblies in Member States and that of the European Parliament.”

Hence, strengthening the capacity of parliaments is one of the specifically mentioned tasks in EU democracy support and accordingly, the EU encourages the increased involvement of parliaments in domestic policymaking. Moreover, in its October 2019 Council Conclusions on Democracy, the EU emphasized the need “to strengthen and support the capacities of parliaments, and (in a non-partisan manner) political parties on national and sub-national levels, to play their essential role in democratic societies.”<sup>26</sup>

The current EU's European Neighbourhood Instrument (ENI) for the period 2014-2020 is also based on these strategic documents in the field of human rights and democracy that shapes the EU development programming for the Eastern Partnership countries. Promoting good governance and establishing sustainable democracy are among the key EU objectives of development cooperation in the Republic of Moldova.

In 2010 the European Commission performed a thorough review of its parliamentary development activities worldwide, taking stock of past practices in a variety of different contexts. Based on this review, several important conclusions were drawn, leading to the formulation of practical guidelines for parliamentary support worldwide.<sup>27</sup> The reference document looks into the conditions necessary for successful parliamentary development.

In a broader context, this entails two political conditions. *First*, there is common agreement between groups within societies to live by a set of rules and not use “extra-constitutional methods to undermine their opponents”. In these countries one seeks political settlement to resolve issues based on the agreed written (and unwritten) rules. *Second*, a context of overall democratization is available. The democratic development of the Parliament or any other state institution for that matter, is only conceivable if democratization takes place in societies at large. Parliaments should be chosen by knowledgeable citizens. For this free expression to exist, the availability of independent information, and free media, is a necessity. Furthermore, it highlights the pre-conditions for a successful parliamentary development programme. First and foremost, there must be a clear will from the side of the Parliament to improve and develop into a stronger and more effective institution. *Secondly*, the Parliament must be able to exercise the full range of constitutional powers over legislation, oversight, and representation, required for the effective functioning of a legislature in a democratic system.

Strengthening Moldova's democracy will be successful only if deep democratic reforms will be implemented, which in turn would open new opportunities for wider EU participation in supporting the reform processes in the country. Next to already identified priorities such as

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<sup>26</sup> Council Conclusions on Democracy, Council of the European Union, 14 October 2019, 5.

<sup>27</sup> *Engaging and Supporting Parliaments Worldwide. Strategies and Methodologies for EC Action in Support of parliaments*, Luxembourg: Publications Office of the European Union, October 2010, available at: [https://ec.europa.eu/europeaid/sites/devco/files/methodology-tools-and-methods-series-engaging-and-supporting-parliaments-200810\\_en\\_2.pdf](https://ec.europa.eu/europeaid/sites/devco/files/methodology-tools-and-methods-series-engaging-and-supporting-parliaments-200810_en_2.pdf)

the judicial sector, it would also allow for the EU and/or its member states to engage in parliamentary development in Moldova, along the lines of its vision and policy.

So far, the EU support to the Parliament of Moldova has been through two Twinning Programmes (2008-2010 and 2017-2019). The second twinning programme with the Moldovan parliament was entitled “*Strengthening the capacities of the Parliament of Moldova for the EU approximation process*”. The twinning partners were the Parliaments of Hungary, the Czech Republic and Slovakia. The main objective of this project was to facilitate the implementation of the Association Agreement by strengthening the institutional capacity of the parliament to create a better understanding of the EU approximation process. Its main target group were members of the Secretariat and, only in the second instance, MPs. Nevertheless, the project was mainly technical in nature and did not address fully the development of the oversight role of the parliament as such.

## **Mapping key challenges and needs for parliamentary development in Moldova**

Politics will also determine the range and scope of parliamentary development. Even though the functioning of the parliament in the last decade had more shortcomings in its legislative, budgetary and oversight role, possibilities to work on these were not politically opportune for the Moldovan side. Establishing a culture of transparency and accountability in a society ravaged by corruption starts with creating an oversight actor that is elected by the people, which proactively upholds transparency and accountability of the government's work. In the next section the key challenges and needs in this regard will be discussed.

### *Parliamentary culture*

As posited by the Parliamentary Centre and the World Bank Institute, the notion of parliamentary culture should become one of the key indicators used to assess parliamentary performance. The set of indicators relating to parliamentary culture measures important aspects of parliamentary motivation and values, highlighting the role of political parties, relationship of MPs with the voters, and the relationship between government and opposition in parliament. However, these are focused mainly, if not solely, on the budgetary process. As highlighted by the World Bank research, parliament's role in the budgetary process is “*perhaps its single most important role*”, but parliamentary culture comprises more than that. More than anything, it is about the actual enforcement of a culture of parliamentary transparency and accountability.

This goes beyond the letter of the law, which in transitional democracies often provides parliaments with powers to ask questions, to amend and approve the budget and so on. It is about how these given powers are put to use on a day-to-day basis in exchanges with the executive and citizens. It also goes beyond enabling parliaments to work professionally and efficiently.

Indeed, capable staff and sufficient resources are very important, but also enabling conditions for parliamentarians to do their work of holding the executive to account. This, at the end of the day, relies solely on the Member of Parliament and/or his or her political group.



Essentially, parliamentary culture relates to all four functions: (1) legislative, (2) budgetary, (3) accountability/oversight, and (4) the representative function.

To put it in a broader context, when recalling the definition of political culture<sup>28</sup>, which is a composite of basic values, feelings and knowledge that underlie the political process in the country, it encompasses the notion of parliamentary culture as well.

Currently, there is a gap in capacity-building efforts for MPs to do with their obligations, skills, tools, and techniques. Thus, the need to further address and enhance parliamentary culture, in addition to strengthening the capacities of parliamentary staff, institutional support for the parliament should also target MPs to empower them to actively use their given legal powers, and thus contribute to the necessary culture of upholding transparency and accountability of the executive.

Hence, it is important that they have the capacity, skills, tools, and techniques to fulfil their role as legislators. Peer-to-peer exchanges supported by the previous and ongoing EU funded projects showed some promising results. In addition, informal coaching-sessions for MPs could be a useful tool. The age of the internet makes it easier to expand these sessions on a case-by-case basis alongside personal meetings. It would take effort from the side of MPs from EU countries, but it could also be done by seasoned former MPs. Such an approach would work with those MPs that have a clear interest in developing their craftsmanship.

Next to the capacity of actors in parliament, the rules and procedures of parliamentary work form a necessary framework to ensure development and lay down tracks towards an improved parliamentary culture.

The regulation of the Parliament<sup>29</sup> and the 1994 law on the status of MPs<sup>30</sup> provides for the main rules of procedure, rights, and obligations, as well as key provisions on the code of conduct and ethics. In 2016 a draft Code on ethics and conduct of MPs was drafted<sup>31</sup> to respond to the need to improve the legal framework in the fields of prevention of corruption and promotion of integrity. It provided not only for rules of behaviour of MPs during parliamentary sessions, but also ethical rules to avoid conflicts of interests, and the establishment of a Commissioner's office of ethics. However, the draft Code was not adopted by the Parliament, as the parliamentary political parties pushed back on the proposed implementation mechanism and sanctions. After additional review and pressure by the Council of Europe Group of States against Corruption (GRECO), OSCE and UNDP, the initial legislative proposals were incorporated into a new Code on procedures and rules of parliament, developed in 2018, that aimed to replace existing rules<sup>32</sup>, but was not yet adopted or discussed by the new parliament.

Finally, one should be aware that parliamentary culture cannot be effectively addressed solely at the parliamentary level only. Political parties are an integral part of political culture

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<sup>28</sup> Definition of "political culture" by Britannica.com, <https://www.britannica.com/topic/political-culture>

<sup>29</sup> Law no. 797/1996 on the adoption of the Regulation of the Parliament, available in RO at: <http://parlament.md/CadrulLegal/RegulamentulParlamentului/tabid/154/language/ro-RO/Default.aspx>

<sup>30</sup> Law no. 39/1994 on the status of the member of Parliament, available in RO at: <http://www.parlament.md/CadrulLegal/StatutuldeputatuluiinParlament/tabid/155/language/ro-RO/Default.aspx>

<sup>31</sup> Draft Code of ethics and conduct of members of parliament, available in RO at: <http://parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/3158/language/ro-RO/Default.aspx>

<sup>32</sup> Draft Code on parliamentary procedures and rules, available at: [http://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/4433/language/ro-RO/Default.aspx?fbclid=IwAR2BiWrT\\_Osrolb9fsgS5bqJ9lJEN0Kl4oRuwu1aGuer\\_yaij6Ts1W08Yys](http://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/4433/language/ro-RO/Default.aspx?fbclid=IwAR2BiWrT_Osrolb9fsgS5bqJ9lJEN0Kl4oRuwu1aGuer_yaij6Ts1W08Yys)



as well as a starting point for developing parliamentary culture. The political party system in Moldova has shown several shortcomings when it comes to issues of the integrity of political parties' executives, future members of parliament, party financing, and internal electoral systems. Also, more transparency in the decision-making process at the level of political parties is needed. One of the problems identified by the EU in the October 2019 Council Conclusions on Democracy regarding the role and environment for opposition parties not only in parliament but also outside of it, is also valid for Moldova.

### *Representation and accountability*

Most established political parties in Moldova implement an internal mechanism of regional responsibility for individual MPs to interact with voters. According to this mechanism every MP is usually responsible for the communication and coordination with one or more rayons, carrying many duties such as: holding political consultations with different groups of interest advocating for the region's infrastructure or social projects; collecting suggestions or objections on certain issues. There is not a legal requirement for individual MPs elected on the party list to be accountable by a specific constituency.

Out of 101 MPs in the current legislature, 50 were elected based on party lists. In this case, there is only one national constituency that they formally represent. On the other hand, the remaining 51 MPs represent single-mandate constituencies. In theory the current structure of the parliament should improve the ability of MPs to improve their representative functions by having greater opportunities to strengthen the links with their constituencies. In reality however, given that this is a relatively new practice, this would imply even more effort to increase capacities of this group of MPs as many of them have limited political or party culture experience. In fact, the majority of the elected MPs in single-mandate constituencies are local or regional leaders (mayors or chairs of rayons) and have more experience in local management and less experience in policy development or law-making on the national level.

In August 2019, the parliament voted to cancel the mixed electoral system and to return to the proportional electoral system<sup>33</sup>. This is providing a new opportunity both for the parliament's secretariat and development partners to reassess the gaps and needs of parliamentary representation and accountability and thus improve the links between MPs and citizens on the local level.

In addition, parliamentary representation is affected by the vicious phenomenon of "*party switching*" accompanied by alleged political corruption practices common in particular in the previous legislature of the Moldovan Parliament. After the 2014 parliamentary elections, 19 MPs representing the PDM entered parliament. However, since 2015 until the end of 2018 the PDM parliamentary fraction doubled in numbers (i.e. 42 MPs) by accepting MPs who left other parliamentary fractions, in particular former members of Party of Communists and Liberal Democratic Party. The fact that over a half of MPs in the course of one legislature changed their parties in a short time and in non-transparent circumstances has seriously affected the credibility and legitimacy of the parliament.

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<sup>33</sup> Moldpres, 15 August 2019, "Mixed electoral system canceled in Moldova", 15 August 2019, available at: <https://www.moldpres.md/en/news/2019/08/15/19006393>



The current regulation of the parliament and the draft parliamentary code provides for the rules and procedures regarding the decisions of individual MPs to leave parliamentary fractions or groups. Article 4 (8) of the regulation of the parliament provides for a cooling-off period of 6 months and a status of 'non-affiliated MP' for those who decided to leave a particular parliamentary fraction. After the cooling-off period the respective MP may decide to join another parliamentary fraction or group. However, this procedure does not effectively prevent the phenomenon of party switching, it only delays it.

In 2015 the Parliamentary Assembly of the Council of Europe discussed and adopted a Resolution on Post-electoral shifting in members' political affiliation and its repercussions on the composition of national delegations.<sup>34</sup> The resolution looked at the phenomenon primarily from the point of the national parliaments' representation in the CoE Parliamentary Assembly. The Parliamentary Assembly underlined that account must be taken of the relationship between the phenomenon of party switching and principles of transparency, integrity, accountability and trust, on which the contract between elected members and citizens is based. Party switching is not a specific Moldovan phenomenon. It can also be seen in other countries within the EU. However, given the transitional state of democracy in Moldova, the lack of apparent ideological linkages to justify a switch to another party and the scale on which it has taken place in recent times, it gives rise to concerns regarding representation and accountability towards the people.

### *Transparency*

Transparency is key for assessing parliamentary development and is one of the main cross-cutting elements referring, in particular, to the manner in which parliament is exercising its legislative function. One of the outstanding challenges of the legislative process is that the parliament still does not have a consistent approach towards the adoption of its annual legislative plan. This obligation was first introduced in 2010 in the previous law on legislative acts<sup>35</sup> to ensure better planning and regulation of all areas of social relations and the transparency of the decision-making process.

Since 2015, at the beginning of each parliamentary session the parliament coordinated with the government to create a list of priority draft laws to be included in an annual legislative plan on the AA implementation. The most recent legislative plan was adopted in 2017.<sup>36</sup> However, since then, this practice was abandoned, and so the predictability and efficiency of the legislative process at the level of the parliament has decreased. The parliament should consider resuming this practice and including such an obligation in the parliamentary rules and procedures.

Another challenge in the legislative process is the inconsistent practice of transparency in decision-making process. The parliament, as any other public authority, must comply with

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<sup>34</sup> Resolution no. 2037 (2015) of the Parliamentary Assembly of the Council of Europe, 29 January 2015, available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21550&lang=en>

<sup>35</sup> Law on Legislative Acts no. 780 as of 27 December 2001, repealed as of 12 July 2018, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313239>

<sup>36</sup> Legislative program for the implementation of the EU-Moldova Association Agreement for the year 2017, available in RO at: <http://www.parlament.md/LinkClick.aspx?fileticket=Pzyl8GmQV1U%3d&tabid=203&language=ro-RO>

national legislation on transparency in the decision-making process,<sup>37</sup> namely to ensure an adequate and efficient consultation process of draft laws before their adoption.

Currently, the consultation process is often reduced to the publication of the draft normative acts and a summary of recommendations before the final reading on the parliament's website. However, practices of adoption of legislation avoiding the transparency requirements are admitted in the parliament. The rules of the parliament do not provide clear requirements and criteria for the adoption of draft normative acts as in a fast-track order. This procedure is left to the full discretion of the Permanent Bureau of the parliament, which does not publish a written and reasoned decision. It also refers to the exclusive right of the Speaker of parliament to introduce *ad-hoc* draft laws in exceptional cases on the agenda of the parliament, avoiding the review process within the standing committees. Moreover, the current legal framework does not provide for the publication of amendments proposed by MPs and preliminary versions of the drafts before the final reading.

Access to information on the legislative activity of the parliament is quite limited, although in the last years it was improved by uploading the draft laws, supporting memos, and table of correspondence of the draft laws, including those transposing the EU acquis, on the website of the parliament. Nevertheless, still not all information relevant to the legislative process is uploaded, for example the opinions of non-governmental stakeholders are not fully reflected.

### *Parliamentary Oversight*

The current practice of the oversight process over the executive is inconsistent and suffers from underperformance. Although there is a wide variety of tools available and the MPs, albeit from the opposition, are using them – the response of the Government and other public authorities is usually formal and evasive. There are many examples proving that: such as the cases of refusal by the prosecutor general to present reports to the plenary on the banking fraud or refusals of government officials to be present at the “Q&A” parliamentary hour sessions. In the current parliament, similar vicious practice continues to be observed in particular when referring to most recent limitations of the parliamentary oversight function during the state of emergency established in the context of COVID-19 outbreak. On the other hand, on the positive side, a series of special investigative committees were established to look into the banking fraud investigation, concession, or privatisation contracts carried out by previous governments.

Another challenge lies with the budgetary oversight process and its effectiveness. According to the existing parliamentary regulation, the budgetary process takes place twice a year, for the adoption of the annual public budget and for the mid-year budget revision. The regulation of the Parliament clearly states that all parliamentary committees have to approve the budget and sufficient time has to be offered for that process. Generally speaking, every MP is involved and has the possibility to participate in discussions in their commissions, parliamentary groups, and during the plenary session. However, there are certain constraints to the effective participation of MPs in the budgetary process and its oversight:

- insufficient transparency - key budget decisions are often made within ministries and the ruling majority without debate on the issue;

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<sup>37</sup> Law no. 239/2008 on transparency in the decision-making process, available in RO at: <http://lex.justice.md/md/329849/>





- politically motivated local investments - governing parties are admitting practices of approving infrastructure investment projects to local authorities that are politically loyal to them, and often the budget is used to blackmail local authorities;
- limited expertise of all MPs to understand, analyse and propose budgets and effectively contribute with inputs on issued of public finances.

Even though the implementation of practices remains a challenge, some of the constraints noted above can be partially addressed at least from an institutional point of view. One positive example to mention here is the setting-up of a Parliamentary Committee for the control of public finances<sup>38</sup>, with the role of ensuring the external audit of the Court of Accounts of the Republic of Moldova, conduct regular reviews of its yearly reports, and ensure parliamentary oversight over public authorities subject to public external audit. Currently, a representative of the opposition<sup>39</sup> is chairing this Parliamentary Committee.

The ex-post legislative scrutiny of the parliament is now better regulated. In 2018 the Standing Bureau of the Parliament discussed and adopted a methodology to conduct post-legislative scrutiny of the legislation. The methodology distinguishes between an ex-post legal assessment and an ex-post impact assessment of legislation. In this regard, the piloting of the ex-post legal assessment was initiated by the Legal Department of the Parliament's Secretariat. However, practical implementation of the post-legislature scrutiny is still a challenge. Parliament should start proper implementation of the respective methodology.

### *Parliament and the Association Agreement*

The Moldovan parliament has had a special role in the process of AA implementation in particular since September 1st, 2014, when its provisional application was initiated. The AA outlines key priorities for the reform agenda of the country, aiming at political association and economic integration with the EU.

The Moldovan parliament does not currently have a special Committee for European Integration in charge of reviewing the compatibility of draft laws with the EU acquis. These functions are shared by the Committee on Foreign Affairs and European Integration, and the Parliamentary Legal Standing Committee that should organize regular hearings on the AA implementation. The Secretariat of the Parliament provides support to MPs in reviewing the compatibility of draft legislation with the EU acquis. Over the previous years there was a positive practice of regular joint meetings of the Parliament and the Government took place to agree on the legislative priorities linked to AA implementation. In early 2016 a special consultative parliamentary Council for European Integration was established by the Speaker of the Parliament with consultative and coordination function at the parliamentary level.

Over the last years efforts have been channelled, including with the EU support, to improve the organization, functioning, and capacities of the Parliamentary Secretariat and the staff of the standing committees. While certain institutional decisions to improve the parliament's role in exercising legislative and oversight functions on AA implementation have been taken, the level of awareness and expertise about the key policy measures to ensure legal

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<sup>38</sup> Law no. 93/2018 on amending the parliamentary Regulation adopted by the law no. 797/1996, available in RO at: <http://lex.justice.md/md/376163/>

<sup>39</sup> Web-site of the Parliament of the Republic of Moldova. Composition of the Parliamentary Committee for the oversight of public finances <http://parlament.md/StructuraParlamentului/Comisiipermanente/tabid/84/CommissionId/35/language/en-US/Default.aspx>

approximation with the EU acquis is still rather low amongst MPs. The situation is slightly better with regards to members of the Foreign Affairs and European Integration Committee. With regards to the policy process related to AA implementation this lack of capacity and responsibility of Moldovan MPs is problematic since, which requires more attention, as they have the primary task to oversee whether the laws transpose and implement the EU acquis.

## Conclusions

Moldova's Europeanisation means, first and foremost, the strengthening of democratic institutions and the rule of law. In this sense, a strong political will is absolutely necessary for comprehensive systemic reforms. These are largely enshrined in the Association Agreement with the EU. The integration of democratic values in the processes carried out in the Republic of Moldova requires the active involvement of the Parliament. The EU vision on democratization, recently renewed by the Council of the EU, provides an additional opportunity for the revision and consolidation of the EU assistance that would also include the support for parliamentary development and the inclusion of the Parliament of the Republic of Moldova as a key institution with a key role in promoting reforms.

Currently Moldova, like most if not all transition countries, lacks a genuine parliamentary culture. Even though by law parliament has the powers to oversee the executive, the execution thereof is lagging behind. Developing a parliamentary culture would mean pro-actively enforcing a necessary culture of upholding transparency and accountability of the executive. For this, one needs MPs to actively use their given legal powers. Hence, it is important that they have the capacity, skills, tools, and techniques to properly fulfil their role as legislators.

In terms of parliamentary representation and accountability, Moldova has seen challenges resulting both from its party list system and the mixed system based on which 51 MPs were elected in February 2019 to represent single-mandate constituencies. In the meantime, the mixed-electoral system has been abolished in favour of the former with proportional representation. With the new-old proportional electoral system being reinstated, improvements are needed to further enhance representation and accountability towards regions and constituencies that needs to be addressed by ensuring more links between MPs and citizens on the local level. Another relevant issue to do with parliamentary representation, and one which subverted the functioning and image of the parliament, is the phenomena of party switching. Even though not uncommon in EU countries, the scale and discrepancy in ideological allegiance that was seen in the former legislature in Moldova gives rise to concern.

Steps should also be made regarding transparency of the legislative process. For one, there is yet to be a consistent approach towards the adoption of the annual legislative plan. Parliament, like any other public authorities, must comply with the provisions of the law on transparency of the decision-making process, in particular to ensure an adequate and efficient consultative process on draft laws before adopting them.

In terms of the oversight function of parliament, which also links to the issue of parliamentary culture, the situation seems to have improved under the current legislature, which shows signs of improvement, from the point of view of the instruments of legislative control and the investigation of the actions of the executive and other public authorities in the field of law



enforcement. However, shortcomings remain. Mainly, when it comes to recent practice admitted by the majority coalition to de facto limit the parliamentary control during the state of emergency COVID-19. Another constraint refers to the budgetary process, which still needs to gain ground in terms of effectiveness and transparency of the process. The operationalization of the Parliamentary Committee for the control of public finances is a positive step in this direction.

Regarding the role of Parliament in ensuring the implementation of the Association Agreement, continuous measures are needed to improve the expertise, knowledge and active participation of MPs in this process. Notwithstanding the work that has been done on this by means of technical assistance from the side of the EU, the understanding of the importance of the implementation of the AA and how to deal with this from the parliament's perspective has not really spread beyond the committee of Foreign Affairs and European Integration. Even members of this Commission would need assistance and capacity building. However, it is extremely important that the expertise and interest in the implementation of the Association Agreement be strengthened at the level of all parliamentary committees, so that Parliament strengthens its function in verifying and exercising control over the process of harmonizing national legislation with the EU acquis.

## Recommendations

### General Recommendations

**The EU should rethink its approach in supporting the democratisation process in Moldova by prioritising parliamentary development:**

- *The Moldovan parliament should discuss with the EU and other development partners a Parliamentary Development Strategy that would include a set of unified development priorities and performance indicators.*

**Parliamentary culture both in and outside the parliament should become a key performance indicator for measuring sustainable parliamentary development.**

- *The EU support for parliamentary development should include dedicated assistance to strengthen the capacity of MPs in terms of skills, tools, and techniques, to fulfil their representation, legislative, and oversight functions.*
- *Increase transparency and accountability at the party level for future MPs. It is recommended to widen the existing provisions of the law on integrity<sup>40</sup> that provides for the legal basis on strengthening the political integrity climate to include political parties with executive functions and subjects of the law.*
- *Strengthen the role of the political party foundations following the example and the model of the German political system via amending the party financing legislation by introducing a mandatory allocation (ex. 10%) to support political foundations, and finance research, policy development, political, and civic education activities.*

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<sup>40</sup> Law no. 82/2017 on integrity, available in RO at: <http://lex.justice.md/md/370852/>

## **Recommendations for Moldovan policy makers**

### **Enhance parliamentary representation and accountability:**

- *Strengthen individual MPs' capacities to improve outreach and reporting to the citizens.*
- *Establish a practice of regular reporting of MPs to the public by providing regular information on the parliamentary webpage of MPs about their parliamentary activities, calendar of meetings, and visits to at the local level.*
- *Prepare, publish, and present regular (annual) reports about MP's parliamentary activities (number of legislative initiatives, positions, statements, etc.).*

### **Address the phenomenon of "party switching" in line with the 2015 Council of Europe Parliamentary Assembly recommendations:**

- *Provide for a methodology for in depth analysis of party switching.*
- *Introduce requirements for, and consequences of, switches in political affiliation and the suspension, expulsion, or resignation of members from their political groups.*
- *Promote specific rules of conduct concerning members' integrity, if appropriate, by supplementing existing laws or codes of conduct or ethics, so as to provide for effective measures to prevent and sanction certain forms of corruption such as vote buying or bribing MPs to change parliamentary fractions or groups.*
- *Develop a record of party switches in affiliation by their members.*

### **Increase transparency of the legislative process:**

- *Advance the implementation of the new IT system of the parliament (e-parliament) that should include, apart from the e-voting system, an integrated legal documents management system and the new public web-portal of the parliament.*
- *Provide in the parliamentary regulation provision on the distance voting procedure by MPs in specific situations provided by law.*

### **Strengthen the oversight function of the parliament:**

- *Ensure more effective parliamentary oversight over government, legislation and budget, in particular by further operationalising in practice the new ex-post legislative scrutiny methodology.*
- *Provide for more detailed provisions in the rules of procedures of the parliament on public hearings and questions to the government, so as to ensure more effective oversight and post-legislature scrutiny instruments.*
- *Better regulate the role, rights, and obligations of the opposition in the Parliament by providing for the effective right of the opposition to have a leading role in conducting the oversight process over the government and other public authorities.*

### **Strengthen the role of the parliament in the implementation of the Association Agreement.**

- *Improve the capacities of MPs on the legal approximation process with the EU acquis.*
- *Establish a special parliamentary standing Committee for European Integration that should scrutinize the legislative process of EU approximation and consolidate the oversight function on AA implementation, following the example of Georgia and Ukraine.*



### 3. Arguing for a Hybrid-threats focused Early Warning and Early Response System in the Republic of Moldova

*Florent Parmentier and Dumitru Mînzărari*

As the nature of interstate aggression evolves, new conflict technologies are developed by some states, aiming to undermine and destroy the sovereignty of other states. This requires a fundamental review of contemporary security policy model. Territorial conquests are being replaced by interstate aggression models that penetrate domestic political process of the target states through bribing of politicians and officials, funding of parties, and manipulation of public opinion. Potential aggressors can become direct participants of target state's political process, by injecting into these domestic political processes its proxy actors or agents. Due to globalization of communication and information, states lose sovereignty over their national informational space and face foreign competition in shaping domestic public opinion. This chapter assesses the emerging security environment that affects the Republic of Moldova and recommends building of an Early Warning and Early Response systems in the Republic of Moldova, implemented in the context of special EU advisory mission. This would allow EU to i) better understand the emerging foreign aggression technologies; ii) learn how they interact with and exploit genuine democratic processes; iii) map the early warning signals that help distinguishing between genuine political process and their engineered version; iv) design preventive measure that would silently diffuse the effects of these foreign aggression technologies.

#### **Introduction**

Despite growing evidence that modern interstate conflict is evolving, taking more obscure and stealthy forms, many analysts and policymakers continue to view conflict between states in terms of conventional war or tanks, rolling over the border. As Russia ably showed in Crimea, and voiced through declarations of its high-level officials<sup>41</sup>, it developed modern foreign aggression technologies that are no less effective than territorial contest in securing

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<sup>41</sup> Putin's press secretary Dmitri Peskov told in 2017 the New York Times correspondent that "the new reality [ability to influence masses across borders, through Internet] creates a perfect opportunity for mass disturbances, or for initiating mass support or mass disapproval". See The New York Times, "RT, Sputnik, and Russia's New Theory of War," 13 September 2017.



control over target country's sovereignty. The failure to understand the modern conflict dynamics may lead to strategic surprises and extremely costly errors in trying to devise a strategy of dealing with this conflict.

An example of such costs was offered by Jack Straw, the British foreign secretary in 2002. He contrasted the costs that UK paid to address the conflicts in Bosnia (£1.5 billion), Kosovo (£200 million), and Macedonia (£14 million).<sup>42</sup> Straw emphasized that the benefit of good diplomacy is when it provides good value for money, and indicated that Macedonia was cheaper to address due to the diplomacy of foresight, done through prevention. Prevention, though, needs effective early warning and early action strategies. And these strategies need an accurate understanding of the nature and the dynamics of the emerging conflict. Finally, even the best efforts may fail, if the policy and bureaucratic machinery meant for the implementation of strategy is either lacking or flawed.

**If, in the past, states conquered territory to control politically countries and peoples, today they aim to conquer the minds of the people of the targeted country, through which they then acquire political control over its territory.**

This chapter is going to address exactly these issues, with application to the Republic of Moldova (hereinafter Moldova). The recent political crisis in Moldova<sup>43</sup>, probably the deepest in its short history, indicates how fragile the situation is in the Eastern Neighbourhood of the EU. This kind of instability, as the authors argue, provides opportunities and entry points for crisis escalation, as they can be explored by malevolent state actors. The analysis reviews the EU approach to security development assistance and identifies discrepancies between the security environment in and around Moldova, and the security model EU is using. It then provides an assessment of the security dynamics affecting Moldova, suggests adjustments to EU policy, and recommends that a pilot Early Warning (EW) and Early Response (ER) system is developed in Moldova, implemented through a tailored EU Assistance Mission framework. This will ensure prevention, will significantly decrease the cost of addressing security risks at EU borders of the type unravelling in Ukraine, and will create a knowledge base for applying the model in other regions. The key idea developed in the analysis is that in developing countries the main effort should be focused on state-centric security assistance first. And only after achieving some success in that area, the EU-preferred human-centric security assistance should materialize, building upon that necessary foundation.

## Threat Assessment - Evaluating Security Risks Facing Moldova

### *Context overview: Concerns about the status-quo*

A country's threat and security assessment process represent a complex endeavour that attempts to identify and aggregate the existing security challenges confronting a state and how they may affect that state's vital interests.

<sup>42</sup> Speech by Jack Straw, British foreign secretary, at the Foreign Policy Centre, 25 March 2002. <https://www.theguardian.com/politics/2002/mar/25/foreignpolicy.thinktanks>.

<sup>43</sup> NOTE: This means the refusal, for the first time in Moldova's history of an incumbent party to transfer power, following democratic elections.



Unfortunately, upon the examination of most countries' threat assessments, one realizes that they all are usually based not on solid and rigorous foundations, but rather on certain mental and heuristic images. Policy practitioners have rarely used solid models to design rigorous threat assessments.<sup>44</sup> Moreover, because these are usually political documents, they are also heavily impacted by specific political conjunctures and interpretations, which affect particular country at the time of the assessment. Another specific "political" feature of these documents is that they are often deliberately general, for different reasons, including to avoid irritating states that are perceived to be sources of threat. This ill-defined feature of a threat assessment makes it less useful in designing and implementing threats mitigation measures, as the assessment creates a wide-range field for interpretation. These are only some of the major defects, affecting country threat assessments. All of them describe well the assessments that Republic of Moldova's policymakers, alone or with assistance from their Western partners, have produced over the years.

As a result, the national threat and security assessment processes become a sort of political ritual, which is conducted just because the international political tradition seems to suggest it. The instrumental value of the country threat assessments is thus strongly undermined. In the case of Moldova, there is another factor that contributes to the "ritualization" of the security assessment and the weakening of its instrumental value. This is what can be labelled as a liberal view on security, which is transferred into Moldovan policymaking through the institutional assistance mechanisms coming from EU.

This particular liberal security view is primarily centred on the security of the citizen, rather than the security of the state and its institutions. It is based on a political philosophy paradigm that emerged in the West following decades of safety under the United States security umbrella and, consequently, the collapse of the Soviet Union. In fact, most EU countries have first addressed state security, and only after having consolidated it, switched to the human security paradigm. This approach, thus, reflects the security environment of the most EU countries and is not very well designed to reflect and capture effectively the actual security challenges facing Moldova.

It can be even argued that, following the Russian military aggression against Ukraine, this view does not anymore reflect well the security environment of the European Union countries themselves.

This citizen-focused security assessments transfer into specific assistance policy of EU for Moldova. Specifically, this is reflected through significant EU support in building and consolidating the Moldova's police force and its Carabinieri troops. While this has some positive effects, this security assistance philosophy ignores the concrete security environment affecting Moldova. The assistance, therefore, becomes

**We should accept, though, that when this human-centric view on security becomes well-suited for Moldova, it would signify a considerable improvement in Moldova's national security and is a very desired long-term outcome.**

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<sup>44</sup> NOTE: Threat assessments have important practical applications, which guide planning of security and defense measures, including the allocation of resources and legal limits of these measures. For instance, given the initial application of hybrid aggression against Ukraine in 2014, analysts pointed out that NATO would not be able to invoke Article V to protect a member-state, given such an aggression was "below the threshold" of this response. Inability to understand and capture in threat assessments evolving threat may affect the ability of a state to respond, catch it unprepared or force to spend much more resources countering the threat manifestations.





another example of improper application of foreign aid, when local conditions are not thoroughly considered, similarly to now-recognised past mistakes of economic aid provision.

The difference this time is that the security development assistance is provided with disregard of the local conditions, which can have a stronger impact on assisted countries' wellbeing. As illustrated further in the text, this approach also triggers some alarming repercussions. In order to explain and support these claims, we would need first to provide an analysis of Moldova's security environment, based on a solid conceptual foundation. Then, we would have to explain why it would require that certain adjustments are made to the existing security assistance model and introduce the resulting security-building policies and approaches.

### *A tale of two approaches: human security vs state security*

The major threat to any country is ceasing to exist or be occupied either totally or partially by a foreign power. This threat has been viewed on European continent (mostly in the Western Europe) as an anachronism, in particular after the collapse of the Soviet Union. The threat emerged in a new form following the Russian military aggression against Georgia in 2008 first, and consequently the Russian hybrid aggression against Ukraine in 2014 and ongoing.

These developments caught analysts and policymakers by surprise. They could not imagine an interstate aggression is possible on European continent. There are a few explanations for that. Following the end of the Cold War, researchers and analysts from West-European countries took state security for granted. Consequently, they focused on other dimensions of security, in particular, on what was labelled as "human-centric security". This gave primacy to the securitization of the interests of the citizen, while calling for a departure from the "traditional" state-centric view of security. It gradually entered the policy of individual European countries and, then, the European Union. However, the Republic of Moldova is part of a different "regional security complex", to use the term of a European school of security studies.<sup>45</sup>

One explanation is due to the fact threats proliferate in space and distance has a strong effect on their intensity. Being closer to sources of traditional, state-centric insecurities, Moldova cannot apply the West-European model without adjustments, as it would jeopardize its security.

There is, though, a more important reason to be careful in applying the European "human-centric security" model at the expense of the state-centric model. The human security approach has as its key (implicit) underlying assumption the idea that state-centric security is already ensured at some minimally acceptable level, and therefore it is not a matter of concern.

**Unlike most countries to its West, Moldova is not a part of a military alliance, so it cannot take traditional security for granted and should invest significantly into mitigating related threats.**

To put it simpler, only when state security is ensured, one can redirect resources towards addressing human security in a more fine-grained and nuanced way. There is a simple reason behind this conditionality – it is the institutionally strong state, with consolidated and

<sup>45</sup> Buzan, Barry and Ole Wæver. 2003. *Regions and Powers: The Structure of International Security*. Cambridge, UK: Cambridge University Press.

balanced branches of power, that is better able to provide for the security of the citizens. When the state security is undermined, its institutions become dysfunctional and are neither able to provide for the interests of the citizens or strengthen their security.

**It should be stressed that this is not aimed at undermining the “human security” approach, or the EU security policies. It is just a call for careful judgement and analysis of the particular security environment that affects Moldova.**

A security environment, which is either different from the one affecting EU, or even if similar, may have differing implications on Moldova, due to the stronger state institutions and defensive capabilities of EU countries. In either of the two cases, we would need a different security development policy, to paraphrase the idea of economic development policies that are guided either by liberal (individual-oriented) or mercantilist (state-centric) philosophies. Given the considerable evidence of failures of economic development policies that were copied from developed countries and applied in developing countries, without adjustment, we argue that there are similar effects in the area of security

development assistance in the Republic of Moldova.

In order to bring more clarity to this claim, it is necessary to examine the security environment affecting the Republic of Moldova. The traditional view on interstate aggression was one of armies marching across interstate borders and taking over the capitals. That view was inspired by historical experience, the most recent powerful example being World War II. However, following the establishment of a body of international law condemning interstate aggression (UN Charter) and limiting the use of the military tool of foreign policy (International Humanitarian Law), states, in order to minimize related costs, have developed less obvious ways of foreign aggression.

By aggression, we mean actions that greatly undermine the sovereignty of another country and acquire the ability to influence its domestic and foreign policies. Through territorial occupation, this was achieved after installing occupational or puppet governments.

The *proxy* wars of the Cold War took a more indirect and stealthy approach to interstate aggression – an aggressor would first pick up a political force inside the target country (or create it). It would then provide support for it to take over the government. Thus, the aggressor ensured its indirect rule over the target country. This was extensively used by the Soviet Union in instigating a range of conflicts in post-communist countries, consequently labelled as “frozen” and erroneously viewed as “inter-ethnic” in origin.

An identical conflict technology, though in a modernized version, was used to take over Ukraine’s Crimea and to instigate the violent conflict in Eastern Ukraine. The analysis claims that these descriptions capture well the current threat environment affecting Moldova’s security. In support of this claim is the fact that Moldova continues to have over 10% of its territory under the occupation of the Russian military<sup>46</sup>, while this is presented to and accepted by large part of international community as an “internal conflict”. As developed

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<sup>46</sup> NOTE: Many European analysts tend to underestimate the role of the Russian military in maintaining the conflict frozen; they claim it is of insignificant size to have any effect. This is an extremely erroneous understanding of the role of the military forces in this conflict. First, its military capability should be assessed only in comparison with the Moldovan military, which makes the Russian military a formidable policy tool. Secondly, the Russian military establishes Russian physical control over the territory through its coercive potential, including on local Transnistrian elites. Finally, even one Russian soldier would have tremendous effect, because it would ensure Russian military and thus political presence and influence.



elsewhere<sup>47</sup>, in order to explain the emerging conflict technology that is replacing the interstate aggression through conventional war, the analysis proposes a model of sovereignty consisting of three pillars: territory, people, and the government.

This image conforms well with other descriptions of sovereignty. When we discuss the fact of interstate aggression, we usually implicitly mean the aggression model that uses military force to take control over the target territory – the most obvious of its forms. Given the political constraints for direct military aggression at present, states developed indirect aggression technologies, which are disguised as domestic conflicts on the territory of the target country, either violent or political. The aggressor gets involved into these conflicts either infiltrating its agents, to assist the “rebel” side<sup>48</sup>, managing the conflict through the “rebel” leaders that it controls, or through a combination of both approaches.

A more recent refinement of the indirect foreign aggression conflict technologies has been interfering into the local elections. The interference in elections in Western countries had more limited purpose, due to their higher resilience against Russia. However, in Moldova and other former post-communist countries, Russia had more ambitious goals – the exploration local *proxy* parties aiming to take over the government. Thus, if traditional conventional war aimed to take over the territory of the target country in order to control its population and government, the modern conflict technologies of interstate aggression aim to achieve control over the population, in order to acquire control over the target countries' territories.<sup>49</sup>

Viewed from a third-party perspective, an instance of modern technology of foreign aggression would hardly be noticed. It may look like there was an organic and simple change in the governance of the target country, which led to the adjustment of its foreign policy, diminishing cooperation with the West, and increasing it with Russia. In reality, the change was caused by foreign elections interference, corrupting and blackmailing of national political elites, and manipulation of public opinion by penetrating national informational space. This is the most challenging security risk scenario for Moldova – losing its sovereignty as a result of the application by Russia of an indirect, and more obscure technology of foreign aggression.

In fact, if security environment affecting Moldova will not be considered in designing security assistance programmes for Moldova, this is more likely to deteriorate the situation with human security. An obvious and immediate repercussion would be the emulation by Moldova of the Russian domestic legislation, as many post-communist countries dependent on Russia have done. Authoritarianism is diffusing across political borders similarly to democracy. And this would have tremendous impact on human security in the Republic of Moldova. Even though Moldova has been performing less well in different political freedoms and liberties rankings, it still outperformed Russia and countries from post-communist space that emulated Russian political model of governance.<sup>50</sup>

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<sup>47</sup> Minzarari, Dumitru. 2018. “Reassembling a Russian Empire: Annexing Territories through Deceiving Hearts and Minds.” In *A New Security Agenda for the Eastern Partnership*, 13-24. Bucharest: EaP Think Tank Forum.

<sup>48</sup> Russian Federation has been practicing sending its military and security officials to the “secessionist” regions of South Ossetia in Georgia and Transnistria in the Republic of Moldova, to serve in various key positions in the “governments” of these proxy entities.

<sup>49</sup> Minzarari, 2018.

<sup>50</sup> According to the Freedom House “Freedom in the World 2018: Democracy in Crisis” report Moldova and Ukraine were ranked as “partly free” states comparing to the former USSR countries like Russia, Belarus, Kazakhstan, Uzbekistan, etc., which were ranked as “not free”. While Kyrgyzstan was ranked as “partly free”, its score was almost twice lower than that of Moldova, given Kyrgyzstan started to emulate Russian domestic policies in the area of democratic freedoms.

There is a tendency that the closer ties a country has with Russia, the less well it performs in terms of protecting democratic freedoms and thus, provides lower human security to its citizens. Consequently, a deterioration in state-centric security, triggered by the erosion of sovereignty due to consolidation of foreign control over national institutions and decision-making, would inevitably transfer into less human security.

Thus, Moldova needs to consolidate its state security as a first step, in order to be better able to advance in the area of human security – a perspective which is not always well understood among European partners. Nevertheless, Moldova desperately needs the assistance and support of its Western partners for launching security development assistance projects specifically in the area of state security. This, consequently, will serve as a solid foundation for assuring the security of its citizens.

The analysis claims that a model, initially implementing the state-centric approach and then, consecutively, the human-centric one, is able to deconflict the misleading and artificial contradictions linked to these two different approaches to security. It is the most optimal way to strengthen Moldova's resilience against internal and external crises, and which is fully in line with the EU Global Strategy.<sup>51</sup>

### *Moldovan security through the EU's eyes: Transnistrian region, corruption and good governance*

#### Transnistrian region: European markets vs Russian geopolitics

The Transnistrian small-scale conflict erupted in the aftermath of the collapse of the Soviet Union. It attracted little attention from EU, compared to simultaneously occurring Yugoslav wars. The Yeltsin – Snegur agreement<sup>52</sup> concluded in 1992 had opened the way for Russia to continuously station its military troops on Moldova's territory under the disguise of peacekeepers. It also created conditions for Russia's unimpeded institution-building activities in the secessionist Transnistria. Finally, Russia managed to erect a smokescreen of legitimacy for these actions, by imposing on Moldova a negotiation process that qualified Russia as a mediator, along with the OSCE.

In this framework, Russia's position is disproportionately strong. Russia became a mediator and is also a participating State of OSCE (the second mediator), which in practice weakens the effectiveness of the organization in negotiations. Russia also directly controls Transnistrian authorities.

As a young state, Moldova's ability to effectively build its statehood was inevitably undermined by the Transnistrian conflict. A large role in that was played by a defunct negotiation process, which was tailored more towards preserving the status quo than to genuinely solve the conflict. The European Union raised its profile since the early 2000s, by joining the negotiations process as observer in what became the 5+2 format.

However, the EU is not very tempted to replace the OSCE as a leading conflict mediator or to send peacekeepers to the region. Rather, the EU tries to engage Russian-backed

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<sup>51</sup> European External Action Service, "Shared Vision, Common Action: A Stronger Europe. A Global Strategy, Brussels, 2016.

<sup>52</sup> NOTE: According to President Mircea Snegur, this agreement followed after military ultimatum he received from Moscow.



Transnistrian self-proclaimed authorities through neutral, technical areas. These include the trade issues, where EU leverage is traditionally strong and not as politically controversial for some Member States. An increased level of involvement of major EU countries, such as France and Germany, may have positive political and diplomatic outcomes, based on its negotiating experience of the 'Normandy format' in Ukraine.

Preparing a lasting solution for a regional peace in the EU neighbourhood is a desirable objective in the long run. But it can only work with more support offered to Moldova in the short run - in political as well as in economic terms. Thus, for instance, the German Chairmanship of OSCE in 2016 aimed first at implementation of the "Berlin Plus" protocols, increasing the level of trust between people on the two banks of the Nistru river, alleged to be able to contribute to the normalization of the relations at the political level. This approach was based on the assumption that an increased level of trust would ease tensions, reinforce EU's power of attraction and lower the risks of further conflict.<sup>53</sup>

**However, the European "win-win approach" may not reach its objective in the short run because of Russia's obstruction, which employs a zero-sum game perspective.**

At the same time, the EU does not have a homogeneous position on the conflict. This is visible in particular on issues such as raising its military profile in the region or other effective measures that would speed up the departure of the Russian military troops. These troops are erroneously presented as peacekeepers, even though Russia accepted the obligation to withdraw them at the OSCE Istanbul Summit in 1999. Moreover, the way they are engaged violate the UN standards of peacekeepers impartiality and neutrality. Under these conditions, some experts insist that the focus on human security rather than on state security is due to the fact that most EU member states do not expect an escalation in Transnistrian region, at least as long as Odessa region – Transnistria's natural outpost – is still firmly under Kyiv's control. It is an erroneous approach though, as regardless of this, a human-centric approach is impossible to effectively implement in the context of weak state security capacity.

It is widely assumed inside EU that Russia's goal is not to annex this territory, but rather to maximize Russian influence in a reunited Moldova. A formal annexation is not necessary. Instead, a *de facto* Russian annexation can be achieved by promoting a *proxy* conflict model and sending its officials to rule the region as part of the secessionist administration, which is what Russia does routinely. As part of the *proxy* conflict technology, Russia also distributes passports to the local population in the Transnistrian region, similarly to its actions in other post-Soviet areas.

This is why Moldovan authorities constantly raise the issue of Russian military presence, including some 1500 troops, as well as the Russia's control of the Transnistrian military and security services. The most recent case when Moldova brought international attention to the situation was at the UN General Assembly in June 2018.<sup>54</sup>

<sup>53</sup> NOTE: The approach though, while having some justification on political grounds supporting the so-called step-by-step policy, falls short from producing the expected impact on the overall advancement of the political settlement. To date, the confidence building measures have been less able to credibly weight out the pre- and post-project trust or confidence effects.

<sup>54</sup> Vlas Cristi, 'UN General Assembly adopts Moldova's resolution on withdrawal of 'foreign military forces' from its territory', Moldova.org, 22 June 2018, <https://www.moldova.org/en/un-general-assembly-examine-moldovas-resolution-withdrawal-foreign-military-forces-territory/>



The EU's approach has been so far to focus predominantly on trade issues, which is an approach that is believed to be creating much less strain with Russia. This reorientation was largely due to EU: starting 2006, in order to benefit from the ability to export to the European markets (since Moldova has benefited from the EU Generalized Scheme of Preferences), companies from Transnistrian region had to register and obtain export certificates in Chisinau. They also had to fulfil certain conditions, such as certification of quality of products, harmonization of economic and trade-related legislation, among others. The way this procedure is implemented though, can have certain repercussions for Moldova's sovereignty, in particular if no effective measures are ensured for the region to comply with all requirements of the DCFTA.

The business community in Transnistria is generally interested in the DCFTA, but it is also well conscious that the respective economic adaptation may come at a price. The support for the trade arrangements is not fully homogeneous though: large exporters, such as Moldovan steel factory ("MMZ"), are heavily dependent on EU markets, smaller economic agents seem less enthusiastic. However, the Transnistrian secessionist authorities tend to downplay the importance of these trade opportunities with EU that Moldova and Brussels offer to local economic agents. It is mostly for political reasons, as they want to display a false limited interest, to discourage potential exploitation of these trade opportunities as leverage against them in negotiations.

### Corruption: reforms to recover people's trust in institutions

Anti-corruption activism has regularly mobilized people in the region against incumbent authorities: protests occurred in Moldova in 2014-2015, in Romania in 2017, while aversion against corruption was an important factor to play out in Ukrainian Presidential elections in 2019. More recently, the temporary alliance between the pro-Russian Party of Socialists (PSRM) and pro-European ACUM bloc, created in June 2019 had a short-lived partnership to oust the country's most influential tycoon, who consolidated control over state institutions. Even in this regional context, Moldova proved particularly corrupt: it ranks 117 in the world according to the Corruption Perceptions Index.<sup>55</sup>

**Corruption is largely associated with human security, generating implications for security's economic, environmental, food and health dimensions, as well as for state security, by undermining statehood.**

Hence, the Republic of Moldova has been perceived a 'captured state', controlled by corrupt politicians. Corruption is a multifaceted phenomenon - it fundamentally harms the effectiveness of public policy, the optimal allocation of resources, it undermines development efforts and erodes the effects of social justice. It also constitutes a direct threat to the security and stability of the state.

This fact has been documented by several European institutions, which raised concerns among officials. In one of its resolutions, the European Parliament expressed "*grave concern about backsliding in relation to democratic standards in Moldova, with core values, to which Moldova had subscribed notably as part of the Association Agreement (hereinafter AA), such as democracy (...) being undermined by the ruling political leaders colluding with business*

<sup>55</sup> Transparency International, "Corruption Perception Index 2018", <https://www.transparency.org/cpi2018>



*interests and unopposed by much of the political class and the judiciary, resulting in the Republic of Moldova being a state captured by oligarchic interests with a concentration of economic and political power in the hands of a small group of people exerting their influence on parliament, the government, political parties, the state administration, the police, the judiciary and the media and leading to highly unsatisfactory implementation of legislation with little benefit for the citizens”.*<sup>56</sup>

The views of the EU Council reflect a similar perception as it is “*convinced that renewed efforts should be urgently dedicated to a more decisive fight against corruption with tangible results that should be also accompanied by a thorough reform of the judiciary, including the prosecution service. A functioning, independent, impartial, transparent and accountable justice system, a proven track-record of convictions for corruption (in particular high-level corruption) and respect for the rule of law are key conditions, necessary to restore the trust of citizens of the Republic of Moldova in state institutions.*”<sup>57</sup> Arguably, the short-lived PSRM-ACUM coalition that was created under the banners of “de-oligarchization” (June-November 2019) has collapsed on the issue of justice reform, when ACUM pushed for an independent prosecutor general.<sup>58</sup>

So, why corruption remains so high on the European agenda?

Corruption is seen as an impediment to provide human-centred security and an impediment to the good-functioning of the DCFTA. While the anti-corruption legal framework has formally been set in place, the issue of implementation remains crucial. It is also an economic problem, as it raises the risk of doing business, notably due to a burdensome regulatory environment. While the overall score of Moldova is fairly good – ranking 47<sup>th</sup> of 190 countries, with Hungary and Bulgaria ranking respectively 53<sup>rd</sup> and 59<sup>th</sup> – its main weaknesses are linked to corruption (one prominent challenge has been the issuing of construction permits).<sup>59</sup>

**In the framework of the AA, Moldova is expected to meet social, political and human rights standards as prerequisites for a deepened integration with the EU. As its social and political life is beset by corruption, the efforts to eradicate corruption should not weaken.**

For instance, companies have to pay bribes to obtain construction permits, operating licenses and to secure public contracts. Favouritism reflected in the decisions of government officials is often reported, eroding the trust in an adequate use of public spending.

### Good Governance: resilience, transformation and stability

Good governance can strengthen Moldova and its societal resilience by developing capacities, democratic institutions, rule of law and legitimacy of the state. Trust in institutions and common values constitutes a first line of defence against hybrid threats, which aim at

<sup>56</sup> European Parliament, “Implementation of the EU-Moldova Association Agreement”, 14 November 2018, [http://www.europarl.europa.eu/doceo/document/TA-8-2018-0458\\_EN.html](http://www.europarl.europa.eu/doceo/document/TA-8-2018-0458_EN.html)

<sup>57</sup> Council of the European Union, “Relations with the Republic of Moldova”, 26 February 2018, <http://data.consilium.europa.eu/doc/document/ST-6280-2018-INIT/en/pdf>

<sup>58</sup> Dumitru Minzarari, Eurasia Daily Monitor Volume: 16 Issue: 158, “The Socialist Party Tries to Derail Justice Reform in Moldova, Topples the Government”, 12 November 2019, <https://jamestown.org/program/the-socialist-party-tries-to-derail-justice-reform-in-moldova-topples-the-government/>

<sup>59</sup> The World Bank, “Doing Business – Moldova”, 2018 <http://www.doingbusiness.org/en/data/exploreconomies/moldova>



destabilizing social and political system and putting a country at risk of losing sovereignty. However, the question is how do we reach good governance under conditions of state institutions that are captured by private interests of political actors and exploited by foreign actors? The EU should refer to some of its member states experience immediately after the WWII. Then, strengthening state institutions involved protecting them from foreign interference – in modern Moldova the situation is not much unlike that one. Corruption is not purely a domestic phenomenon, but it is heavily explored and intensified by foreign actors – an example is the Russian-Moldovan “Moldova-Gaz” company<sup>60</sup>, which has a tremendous influence on governing elites.

**By delivering tangible and visible results for citizens, good governance helps to consolidate political stability and gain confidence among citizens and foreign economic actors.**

All these factors also reflect an important state capacity – that of resilience, which has become a key concept in the Review of the ENP<sup>61</sup> and the Global Strategy<sup>62</sup>, replacing the emphasis put on transformation. It is among the four areas of intervention (“Strengthening institutions and good governance including the Rule of Law and Security”) found in the common strategic objectives of the EU, EU Member States and

Switzerland, and is aligned with the new EU-Moldova Single Support Framework 2017-2020.

According to the European Commission, *“further efforts, however, are still needed especially in order to address high level corruption, recover the misappropriated funds from the one-billion-dollar banking fraud and bring to justice those responsible for the fraud. A thorough reform of the judicial system is also to be addressed.”*<sup>63</sup>

Until 2011, Moldova had the regional reputation of a country with the least progress in reforming prosecutorial services, with the inherent risk of creating a ‘selective justice’. A strong judiciary power is a factor of democratic resilience and the rule of law. In other words, “the issue is rather to insulate the pockets of successful reform while supporting drivers of change in their fight against illiberal forces”.<sup>64</sup>

Unfortunately, judicial reforms have mostly addressed the procedural and technical levels but have not been successful in terms of independence and integrity of judges, as the recent contested pre-selection process of the new general prosecutor has revealed. Civic trust is not just a state of mind, it is a host of conditions that make institutions trustworthy to local actors and empower them. This is much more difficult to achieve today, in the era of hybrid warfare, as foreign countries may explore influence operations to manipulate public opinion and erode trust in governments or use cyber tools to affect the information systems, affecting citizens wellbeing.

<sup>60</sup> “Casa de un milion, cu banii ‘Moldova-Gaz’ [A million-worth house with Moldova-Gaz money], Center for Journalist Investigations, 21 February 2003, <https://www.investigatii.md/ro/investigatii/coruptie/casa-de-un-milion-cu-banii-moldova-gaz>

<sup>61</sup> European Commission, “Review of the European Neighbourhood Policy”, 18 November 2015, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/neighbourhood/pdf/key-documents/151118\\_joint-communication\\_review-of-the-enp\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/neighbourhood/pdf/key-documents/151118_joint-communication_review-of-the-enp_en.pdf)

<sup>62</sup> European External Action Service, “Shared Vision, Common Action: A Stronger Europe. A Global Strategy, Brussels, 2016.

<sup>63</sup> European Commission, “EU report: The Republic of Moldova advances in reform implementation but considerably more progress is needed”, 5 April 2018

<sup>64</sup> Steven Blockmans, Nadejda Hriptievski, Viacheslav Panasiuk, Ekaterine Zguladze, “Integrity on Trial: Judicial Reform in Georgia, Ukraine and Moldova”, CEPS Working Document N°2018/04, June 2018. [https://www.ceps.eu/system/files/WD2018-04\\_SB%20et%20al\\_JudicialReform.pdf](https://www.ceps.eu/system/files/WD2018-04_SB%20et%20al_JudicialReform.pdf)



However, it must be stressed that a citizen-focussed strategy would be beneficial in the case of Transnistrian negotiation process. This could be the only available to EU effective strategy, given Moldova does not have an institutional control over the left bank of Nistru River. This could be achieved by reviewing the current strategic objective of the 5+2 format, which is currently searching for a special status to the Transnistrian region. It fails to grasp though, that the key goal is to ensure that all Moldovan citizens, irrespective of their ethnic self-identification, are treated equally and rightly. The special status is one of the means towards this goal, but not the only. It is deeply flawed to have a negotiations process focussed just on one of the means, instead of looking into the major issue to be solved and explore all available means. In fact, the 5+2 format, if it is to look into a citizen-based approach, will explore other mechanisms of ensuring that the rights of all people in Transnistrian region are respected.

## Developing an Early Warning mechanism against hybrid threats

### *Early Warning rationale and mechanism*

The obscure nature of the emerging interstate aggression technologies makes it possible to disguise the aggression as some natural political process, such as a violent conflict or contested elections. It is, therefore, very important to design EW mechanisms that allow distinguishing between a genuine political process and an act of hybrid, foreign aggression.

For instance, some analysts argued that Ukrainian authorities did not realize initially what they were facing in Eastern Ukraine, viewing the protests just as a reflection of dissatisfaction by Yanukovich supporters.<sup>65</sup> Because of that, they failed to quickly react and stop the Russian military proxies taking over the Ukrainian towns and cities. It was only after realizing the true nature of the threat that the Ukrainian authorities took a different approach, preventing the take-over by Russian proxies of Odessa and Kharkiv, among others.

### *How does an early warning mechanism work and what is the logic behind it?*

Any political action sends a signal and some noise. The signal, for instance, may be the take-over of Ukrainians villages and towns by what seem to be Russian servicemen. The noise is that these armed people, perhaps, are locals - Ukrainian citizens that are disgruntled by the (language or ethnic) policies of the authorities.

Depending on which of the two scenarios is emerging, the government needs to select appropriate policy response. On the other hand, if Russia wants to obscure its aggression, it will try to amplify the noise component of the action and suppress the real signal. Research shows that it is both possible to identify the signal and separate it from noise, predicting crisis escalation with a high probability.<sup>66</sup>

<sup>65</sup> Washington Post. "Russia Supporters in Eastern Ukraine Pose Challenges to Pro-Western Government." 14 March 2014. Also see Andrii Portnov. "How 'Eastern Ukraine' Was Lost." Open Democracy, 14 January 2016. <https://www.opendemocracy.net/en/odr/how-eastern-ukraine-was-lost>.

<sup>66</sup> Chadefaux, Thomas. 2014. "Early Warning Signals for War in the News." *Journal of Peace Research* 51 (1): 5-18.

A working EW mechanism will be able to capture the differences between the signal and the noise, allowing both to gain time but also acquire valuable knowledge for building effective policy responses. Building effective EW mechanisms requires solid knowledge of the political processes that are explored to disguise the indirect, hybrid type of aggression.

Often, the EW mechanisms are designed and built, after conducting targeted security assessments, aimed to monitor specific threats' entry points. For instance, for Germany, a more likely form of Russian attempt to undermine its sovereignty is through attempts to interfere in elections or foment anti-immigrant feelings among the conservative strata of the society.

A tailored EW mechanism for Germany will pay specific attention to these political processes. There are three key areas that an EW mechanism for Moldova would have to focus on. The first, and the most significant in terms of severity of the consequences, is the escalation of a political standoff between a region and the central authorities, instigated by Russia. Research reveals that consideration of foreign support may embolden regional elites to escalate conflicts with central authorities.<sup>67</sup> The Gagauz Territorial Autonomous Unit, due to historical and political reasons, is a potential focal point for such escalation.

**For countries like Ukraine or Moldova, a more likely foreign aggression technology will aim to incite or exploit civil unrest or violent conflicts in their regions. These are the entry points that should top the list of the threat assessment.**

Another area that needs to be monitored relates to the Transnistrian region of the Republic of Moldova, currently under the control of the Russian Federation military forces. There are strong historical reasons to examine this particular risk. In particular, since both in Georgia and Ukraine, Russia used its military forces stationed on the territory of these countries to prepare and initiate both direct and stealthy military operations. Therefore, the Russian military presence is the second risk deserving attention.

A third area that would require monitoring relates to the instigation of popular discontent, targeted at the government, and exploiting Russia's political proxies that it funds on the territory of Moldova. This risk scenario can materialize both during and outside elections cycle. For instance, social tensions can be incited in order to contest election results that are disliked in Moscow, to put pressure on Moldovan government for the approval of favourable outcomes, or to prevent the voting of certain domestic or foreign policies. As an example, Russia used local activists to mount protests of different scale in Ukrainian port cities, against the arrival of NATO ships.<sup>68</sup>

There are different ways to build an EW mechanism that would monitor the escalation dynamics of the three risk scenarios mentioned above. Most of them would involve collecting data, in support of the specific crisis escalation model for each of the three scenarios and checking its variation against certain thresholds. While the data collection is a technically challenging endeavour, it is also very rewarding, while the quantity and thus the value of data

<sup>67</sup> Kaplan, Morgan L. 2019. "Foreign Support, Miscalculation, and Conflict Escalation: Iraqi Kurdish Self-Determination in Perspective." *Ethnopolitics* 18 (1): 29-45.

<sup>68</sup> Novyi Den'. "Aktzii Protesta Sorvali Shvartovku Korablej NATO u Morvokzala Odessy." 10 July 2007. <https://newdaynews.ru/kiyv/128289.html>



increases. The benefit of data collection is that it can be used to make sense of and explain other crises that have similar dynamics and drivers.

Provided that this (and other) EW model is of a probabilistic nature, more data will improve the quality and accuracy of model prediction. Its value is in informing the policymaking process and allowing for designing anticipatory and early response policies that are not necessarily publicly observable, but nevertheless are effective. This is of particular importance when, due to political sensitivities, a government would prefer not to expose its conflict early response and mitigation actions.

There are more benefits to this conflict management strategy, in particular for the EU. Acquiring EW data on different conflict escalation scenarios would be useful in building a database of crisis escalation dynamics and its precursors. The data from different areas around its borders could be combined and aggregated to generate better escalation algorithms. Thus, these data frameworks could be also fed into artificial intelligence engines that would monitor media and news sites to feed the models. It would assist not only the Moldovan government but also contribute to the edification of an EU-large early warning system, with focus on neighbourhood regions, vulnerable to the escalation of political tensions or violent conflicts.

## Conclusions

The security assistance that Moldova is receiving from its Western partners, in various forms, could generate a larger impact, if adjusted and tailored to the local security environment and risks. This analysis introduces a modified framework for assessing the nature of security development assistance, based on a country-specific and a regional security context risk assessment. This should allow for the improvement of Moldova's state and societal resilience, its crisis responses and risk mitigation policies.

This approach has a few beneficial effects. First, it would allow a much more effective use of the EU assistance funding. Secondly, it would make it easier to measure and justify the effects of this security development assistance to the interested stakeholders inside Moldova. It would build upon a solid methodological foundation, instead of following the existing heuristic view of security assistance, which lacks both theoretical grounds, but it is frequently challenged by contradicting empirical evidence. Therefore, the proposed security assistance approach will better conform to a result-oriented perspective. Moreover, the EW mechanism-generated insights would allow for a more effective and accurate preparation for crisis escalation, meaning a better use of funds and the ability to generate more security. In particular, they would guide the development of policies, methods and acquisition of technology, to be used for early response in the efforts to prevent crisis escalation. However, this approach would create some friction inside the EU bureaucracy. It might be difficult to enact changes and adjustments to the current policy, due to its political and bureaucratic inertia. With the cultivation of political will, and an evolution of the European discourses towards more realism, this obstacle can be removed. There are other benefits for assisting Moldova in building an early warning and early response system for addressing crisis escalation dynamics - both for Moldova and EU. Given the very evasive and obscure nature of the emerging security threats at the eastern borders of the EU, it would be beneficial for EU to establish mechanisms that would allow it to better assess the nature of these threats, closer to their origin.

As threats travel through space, they evolve and adjust, in accordance with the new political and social environments that they encounter, thus perhaps even further obscuring their nature. Monitoring them at earlier stages would assist technical experts to propose better policy options to EU decisionmakers.

New challenges require new responses. Given the emerging nature of modern interstate aggression technologies, it makes sense to reassess our perception of security threats and how to counter them. Moldova, given its size, geographic location, and the history of being affected by hybrid types of conflict, immediately after its independence, presents a perfect candidate for a pilot project in building a crisis Early Warning and Early Response System. The EU has already made the first steps towards this direction, by discussing with Moldova possible assistance in the area of countering hybrid threats. The discussion needs to be continued, and built on a country-specific assessment, as well as on the good understanding of the nature of modern conflict technologies. In addition, to addressing directly hybrid aggression more should be done in tackling Moldovan vulnerabilities, by coordinating with local and international actors. Some areas to focus on include designing and implementing measures for diminishing the vulnerabilities of its governance, agricultural, energy and digital sectors. The EU should also assist Moldova in building civic trust in state institutions, police and justice, through an inclusive dialogue and partnership.



## Recommendations

### *Building a Pilot Early Warning and Early Response System*

As the nature interstate aggression evolves, and new conflict technologies are developed by some states, aiming to undermine and destroy the sovereignty of other states, a fundamental review of security policy is necessary. Territorial conquests are being replaced by aggression models that penetrate domestic political process of the target states, through the bribing of politicians and officials, funding of parties, and manipulation of public opinion. Potential aggressor can become direct participant of domestic political process, by injecting into that process its *proxy* actors or agents. Due to globalization of communication and information, states lose sovereignty over their national informational space and face foreign competition in shaping domestic public opinion.

States can lose their sovereignty as a result of elections won by foreign proxies, or due to erosion of loyalty of its citizens and contestation of the elected government, including through violent means. Traditional democratic rights, such as freedom of assembly, can be exploited to stage civil unrest and fire rebellions. We poorly understand these conflict technologies and cannot yet design effective countermeasures. The state may fail to deliver the most important public good to its population – public order and security.

Thus, urgent measures need to be taken to i) understand the emerging foreign aggression technologies; ii) learn how they interact with and exploit genuine democratic processes; iii) map the early warning signals that help to distinguish between genuine political process and their engineered version; iv) design preventive measure that would silently diffuse the effects of these foreign aggression technologies. Moldova represents, perhaps, one of the most vulnerable countries to this type of conflict technologies.

This is due to the presence of foreign troops on its territory, the polarization of its population, the almost-lingua-franca status of the Russian language among its population, and the ongoing foreign aggression operations of hybrid type, conducted by Russia. Moldova is the country where hybrid foreign aggression technologies are tested and perfected. It is the country, where European Union could monitor, map, and learn the dynamics of these conflict technologies, and be better equipped in countering them.

### *From the EUBAM to 'EUAM Moldova'*

To complement a Pilot Early Warning and Early Response System, which would protect against external interferences, Moldova would also benefit from consolidating state and societal resilience, including by fostering institutional reforms.

A foundation for that complement could be provided by the existing European Union Border Assistance Mission (EUBAM). Its mandate could be complemented by a European Union Advisory Mission (EUAM) in Moldova, whose goals would be to achieve the consolidation of Moldova's resilience against hybrid threats, and the restoration of trust between state institutions and citizens. The mandate for a possible EUAM would reflect the following implications for the EU:

- To assist Moldova in building a pilot Early Warning system, which would collect data on the mapped threats dynamic;

- To provide support in analysing, jointly with Moldova the data and model threat scenarios that would allow it to better assess the underlying mechanisms of modern foreign aggression technologies of hybrid nature;
- To explore the framework of a possible EUAM to pilot and implement the EW and ER systems against hybrid treats;
- To increase the social and state resilience against hybrid including following areas:
  - Law enforcement and judicial reform sector - the focus would be to support the implementation of a *vetting* system in the process of selection, appointment, promotion of judges and prosecutors, improve disciplinary procedures and other means to fight corruption in the judiciary system.
  - The reform of the national security and intelligence (Information and Security Service and Military Intelligence) - capacity-building and technical assistance initiatives would concern the intelligence, military rapid reaction teams, police, with emphasis on strengthening these organizations' accountability, transparency, efficiency and professionalism.





## Abbreviations

AA	Association Agreement
CEE	Central and Eastern European
CoE	Council of Europe
DCFTA	Deep and Comprehensive free Trade Area
EEU	Eurasian Economic Union
ENI	European Neighbourhood Instrument
ER	Early Response
EU	European Union
EUAM	European Union Advisory Mission
EUBAM	European Union Border Assistance Mission
EW	Early Warning
GRECO	Council of Europe Group of States against Corruption
NATO	North Atlantic Treaty Organisation
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
UNDP	United Nations Development Programme



## Notes on the contributors

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