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de Wekker, T.; Niemann, A.

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EU RELATIONS WITH MOLDOVA:  
NORMATIVE POWER EUROPE IN ACTION?

Tessa de Wekker and Arne Niemann

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European Foreign Policy Unit  
International Relations Department  
London School of Economics  
Houghton Street  
London WC2A 2AE  
<http://www.lse.ac.uk/Depts/intrel/EuroFPUnit.html>

# **EU relations with Moldova: normative power Europe in action?**

Tessa de Wekker and Arne Niemann

*University of Amsterdam*

## **INTRODUCTION\***

For several decades the literature on EU foreign policy confined itself mainly to questions concerning the extent to which such policy exists, to (the degree of) EU actorness in international politics, or to the role of Europe as a civilian (vs. military) power. In recent years however, scholarship has gone beyond these increasingly saturated debates. A more recent discussion is that surrounding the (potential) role of the EU as a normative power (Manners 2002). ‘Normative power Europe’ (NPE) constitutes a useful and significant concept that has provoked substantial debate and research among scholars (cf. e.g. JEPP special issue 2006; Tocci 2008, Whitman 2009 forthcoming). It reflects the seemingly (but not uncontested) normative orientation of EU external policy and emphasises the under-explored cognitive and ideational dimensions of EU foreign policy-making. While the literature on ‘normative power Europe’ was initially largely shaped on the conceptual level, a body of empirical work has begun to emerge. However, compared with the lifespan of the aforementioned debates, the ‘normative power Europe’ research agenda is still in its infancy and deserving of further attention. Given the geographical and thematic breadth of EU foreign policy, there is still substantial scope and need for additional empirical analysis.

We take the NPE concept as a point of departure for an analysis of EU-Moldovan relations<sup>1</sup> that have yet to be analysed from such a perspective. Moldova constitutes an interesting case (for the NPE debate): it has been incorporated in the European Neighbourhood Policy (ENP) and has, since the accession of Romania in 2007, a direct border with the EU. Ever since its independence from the Soviet Union, Moldova has been on a difficult/bumpy

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<sup>1</sup> In 1991/1992 the European Community started negotiations with Moldova on a Partnership and Cooperation Agreement that was signed in 1994 and ratified in 1998. This document provided the basis for legislative, cultural and especially economic cooperation between the parties and an institutional framework for political dialogue (European Commission 1994). Since 1996 Moldova has expressed an interest in EU membership. The Commission found that Moldova was not ready to start accession negotiation. Instead, it was offered a place in the European Neighbourhood Policy. On May 7 of this year, the Eastern Partnership Project (EPP) was initiated between the EU and Moldova, Ukraine, Georgia, Armenia, Azerbaijan and Belarus.

transformation process.<sup>2</sup> The country is also host to one of the remaining conflicts in Europe, the deadlocked conflict concerning Transnistria.<sup>3</sup> Interesting in this context is how the EU ‘handles’ this conflict – that is only about 100 kilometres from its external border – concerning which an important strategic partner of the Union (Russia) acts as an advocate of the status-quo.

Our case study regarding EU normative power concentrates particularly on two norms: democracy and good governance (and here especially anti-corruption). In addition, we ask how ‘normatively’ the EU acts in terms of working towards a pacification/solution of the Transnistrian conflict. These three themes/foci are closely related to each other. Without the resolution of the Transnistrian issue it will be extremely difficult, if not impossible, to transform Moldova into a well-governed democratic state. On the other hand, only a well-governed democratic state will constitute a real alternative to independence for the Transnistrian population. Our analysis seeks to go beyond the “inside-out” perspective (analysing NPE from an EU point of view) that many scholars have taken, but also emphasises the “outside-in” perspective, i.e. that taken from third countries and more neutral observers.

We will proceed as follows: first we review and critically discuss the relevant literature concerning ‘normative power Europe’. Second, we explain how we operationalise NPE in terms of empirical research, partly in response to claims that NPE studies lack clear standards and criteria for applying the concept empirically. The subsequent parts are then dedicated to our empirical analysis of EU-Moldovan relations. Part three highlights the extent to which the EU has acted inclusively and reflexively. Fourth, we analyse the degree of norm development in Moldova and the extent to which this can be attributed to the EU. The fifth part examines the genuineness and seriousness of the Union’s normative commitment. Finally, we draw some conclusions from our findings.

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<sup>2</sup> The latest chapter in this process was added this spring, when the communists won the parliamentary elections. Massive protests followed, mainly from the younger generation of Moldovans. In May the new parliament failed to elect a new president for the Republic, which in effect nullified the results of the parliamentary elections and new general elections have to be held. This will take months, during which time Moldova faces a constitutional crisis and a power vacuum.

<sup>3</sup> Moldova declared its independence from the Soviet Union in 1991. In turn, separatists in Transnistria – a disputed region located mainly in a strip between the Dniester River and Ukraine – declared independence of Moldova, which was followed by a short civil war. The two entities remain separated, with Moldova (proper) being recognised internationally while Transnistria is not. Since 1992 negotiations/mediations concerning the conflict are held in a five-sided format: while Moldova and Transnistria are parties, Russia, Ukraine and the OSCE function as mediators. Later the EU and the US joined as observers and the negotiations are since known to be conducted in the ‘5+2 format’ (Popescu 2005).

## 1. NORMATIVE POWER EUROPE

Since the 1970s research on European integration has explicitly looked at the role of the EU in international politics. The debate has been decisively framed by the concept of ‘civilian power Europe’, which emphasised that the European Community (EC), as a ‘civilian’ group of states with significant economic but low military power, has an interest in using ‘civilian’ means of exercising influence, in pacifying international tensions and in the juridification of international politics (Duchêne 1972). Although the concept did not escape criticism<sup>4</sup>, it remained influential in the academic discourse (cf. Hill 1990; Orbie 2006), not least as a point of reference in the debate concerning the ‘militarisation’ of the EU (Stavridis 2001; K. Smith 2004).

Thirty years after the advent of the idea of ‘civilian power Europe’, a new and important concept was coined regarding the EU’s international role, that of ‘normative power Europe’ (Manners 2002). For Manners the debate over concepts such as ‘civilian power’ and ‘military power’ are problematic, insofar as these discussions tend to portray the EU too much as sharing the characteristics of a state. The concept of normative power, by contrast, constitutes an attempt to refocus the analysis, away from the empirical emphasis on institutions and policies of the EU, towards cognitive and ideational processes (Manners 2000). According to Manners, the fall of the Berlin Wall and the velvet revolutions in Central and Eastern Europe were not so much a breakdown of physical/empirical power, but a collapse of norms (the communist ideology was perceived by the people and decision-makers as untenable). For a better understanding of the EU’s role in world politics, Manners therefore argues that it is worth reflecting on what these revolutions can say about the power of norms and ideas (Manners 2002: 238).

Normative power can be defined as ‘the ability to define what passes as “normal” in world politics’ (Manners 2002: 236), or in other words the ability to shape and determine international norms, with norms defined as ‘collective expectations about proper behavior for a given identity’ (Jepperson *et al.* 1996: 54). According to Manners, the EU has a special claim to the label of “a normative power”. The particular normative basis of the EU is founded largely on the historical post-World War II context, its hybrid (and partly supranational) polity and its political-legal constitution (Manners 2002: 240-241). Its normative foundation has thus created a disposition for normative action. For Manners the EU is normatively different from (other) states and projects universal norms and principles in its relations with third<sup>5</sup> countries.

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<sup>4</sup> For example, Bull (1982) argued that the civilian power concept was a contradiction in terms, while others criticised its lacking systematisation and specification (Zielonka 1998: 226; Whitman 1998; but cf. Smith 2004).

<sup>5</sup> The terms ‘third country’ and ‘partner country’ are used interchangeably here.

The ‘normative power Europe’ idea thus also implies that the EU constitutes ‘a force for good’ in the world (cf. Bicchi 2006: 299).

The EU’s broad normative basis has developed over the past 50 years, for instance, through a series of treaties, declarations and policies. According to Manners (2002: 242) one can identify five ‘core’ norms out of the enormous accumulation of laws and policies in the *acquis communautaire*: peace, liberty, democracy, the rule of law, and respect for human rights. He suggests that four additional ‘minor’ norms can be derived from the body of EU law and policies: social solidarity, anti-discrimination, sustainable development, and good governance. In short, Manners argues that the EU can be *conceptualized* as a changer of norms in the international system, that the EU *acts* to change norms in the international system and that the EU *should* act to extend its norms into the international system (Manners 2002: 252, emphasis in the original).

‘Normative power Europe’ (NPE) can be distinguished from the concept of ‘civilian power Europe’ in a number of ways. First, while the latter values direct physical power in the form of ‘real’ empirical capabilities (even if economic in nature), normative power rather emphasises the significance of cognitive and ideational processes. Second, civilian power seems to be a rather status-quo-oriented concept. Duchêne (1972) already stressed the maintenance of the European system (of states) and the fixed nature of the nation-state (cf. Manners 2002: 238). Conversely, ‘normative power Europe’ is about change, as the above elucidation indicates. Even though Manners (esp. 2006b: 175ff), unsurprisingly (but justifiably), tends to emphasise the distinctiveness of the concept, there are a number of overlaps with ‘civilian power’. Both concepts, for instance, seem to rely primarily on ‘soft power’ (Nye 1990) to attain (civilian/normative) foreign policy objectives (cf. Haukkala 2007). And while civilian power need not necessarily be guided by norms, it has been argued (though not without contestation) that normative power should predominantly be civilian in terms of means and goals.<sup>6</sup>

Manners’ formulation of NPE has triggered substantial research (cf. summary in Manners 2006b: 169; Whitman forthcoming 2009) and even some of his critics have acknowledged that the idea has had a significant impact on the study of EU foreign policy (e.g. Diez 2005: 619). Our general take on NPE is that it provides a useful additional concept to the body of work on the EU’s international role, largely for the reasons pointed out by Manners (2002; see above). In addition, it constitutes a welcome move beyond the now largely unproductive discussion on

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<sup>6</sup> Manners (2006a: esp. 194-195) argues that the militarisation of the EU threatens to undermine its normative power. But see Tocci’s (2007: 5-6) argumentation for why normative power may not necessarily be based on civilian means. For an account highlighting the similarities between civilian power and normative power, see Diez (2005).

whether the EU actually has a foreign policy (cf. Sjursen 2006: 235) and also goes beyond, but at the same time builds on, the literature which questions and assesses the EU's (degree of) 'actorness' in world politics (Sjøstedt 1977; Jupille and Caporaso 1998; Bretherton and Vogler 2006). Given the dynamic evolution of EU foreign policy in the past 15 years, the seemingly distinctive normative orientation of that policy compared with that of other powers such as the US (cf. Manners 2006b: 170ff), and the relatively young research agenda on EU normative power – certainly when compared with several decades of reflection on concepts such as civilian power Europe – more work is warranted on the NPE concept.

A variety of criticisms have been levelled against the NPE idea. In the following paragraphs we briefly summarise what we consider to be the most important critiques in the literature, along with a number of points that have so far largely escaped the debate, before indicating how some of these insights should be taken on board for an operationalisation of the concept. Hyde-Price (2006) criticises the NPE idea from a neo-realist angle. He contends that the EU does not display real normative power but rather that the EU is used by the Member States as an instrument for shaping foreign policy in a way that is beneficial to them. According to Hyde-Price (2006: 227), the EU acts as an instrument for the exercise of collective hegemony in its neighbourhood where the EU imposes its norms on its Eastern neighbours. An indirect challenge to the idea of normative power Europe is found in the work of Nicolaïdis and Howse (2002: 769, 788). The authors warn of an 'EUtopia' effect. They argue that the norms, which the EU projects in its foreign policy, do not reflect the EU itself but an 'EUtopia'. For them the EU must orient itself internally on the utopia that it represents externally, i.e. internal and external goals and policies must be consistent.

Bicchi (2006) notes that the EU has the tendency to reproduce itself in its relations with third countries. In that process the EU projects internal, i.e. intra-EU, solutions to external issues. According to Bicchi, the EU's normative power is not based on the universal character of the norms it promotes, as Manners professes. Instead, the EU advances its own norms which it claims to have universal value. She thus charges the EU with a certain 'eurocentrism' (Bicchi 2006: 287). Sjursen advances a similar argument. Overall she disapproves of the uncritical and apologetic tendencies she makes out in the literature on normative power Europe. She notes that the conceptualisation of the EU as a normative power closely resembles the EU's own description of its role in international politics, which 'could be enough to set the alarm bells ringing' (Sjursen 2006: 235). She points out that the idea of the EU as a normative power easily evokes images of European imperialists who try to model the world in accordance with their supposedly superior values, or that 'normative power Europe' could be 'the stuff of hypocrisy, a simple cover for the promotion of particular interests' (Sjursen 2007: 2). Sjursen

recommends more systematic empirical research on the topic, including a more thorough analysis of whether the EU really acts according to norms, or rather out of self-interest. Sjursen (2006: 236) rightly argues that the term ‘normative power Europe’ lacks precision, particularly in terms of criteria and standards that can be applied for analysing the concept empirically, a theme that will be taken up again below.

The criticisms of Bicchi (on ‘eurocentricism’), Nicolaïdis and Howse (especially on consistency), and Sjursen (generally on lacking criteria for research and more particularly on norms/self-interest) point to important aspects that will be revisited in the next section in which we specify our operationalisation of NPE. Hyde-Price’s critique (like those of Bicchi as well as Nicolaïdis and Howse) would need to be subjected to (more substantial) empirical analysis for substantiation. His account will be taken up again when sketching out different conditions for the EU’s normativity. Yet, beforehand we would like to add a number of points that have so far not been sufficiently registered in the debate.

First, to expand upon the points made by Bicchi and Sjursen, it should be noted that the discussion on NPE seems to have been predominantly internally oriented. On the political level this entails much (of the EU’s) foreign policy action not appearing to seek change in partner countries, but rather to satisfy certain domestic groups.<sup>7</sup> When EU or European politicians pose human rights questions in their discussions with China, do they really believe that China will budge an inch from its stance, or do they (more likely) simply not dare to return home without having raised such issues? The academic discussion on NPE must be careful not to fulfil a similar function, i.e. be excessively internally oriented. Most empirical studies have been largely approached from an EU perspective and focused chiefly on EU sources (but see e.g. Harpaz 2007). In addition, it is conspicuous that the academic debate is primarily led by European scholars<sup>8</sup> – in a sub-field (European integration studies) where the proportion of North American scholars is substantial. At the risk of overstating the point one could ask: if the EU exercises a policy clearly distinct from that of other Western powers/actors, why have so few colleagues outside of Europe caught on to the idea? Going one step further, care needs to be taken that the discussion does not turn into a complacent navel-gazing exercise from a European perspective. The way forward should be to engage in substantive empirical work on normative power Europe (whilst going beyond the European perspective).

Second, it can be argued that the debate on NPE fails to sufficiently embed EU foreign policy in the broader international relations/structures. The discussion is often led as if bilateral relations between the EU and third countries can be isolated from the worldwide fabric of

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<sup>7</sup> This goes back to Krippendorff (1963) who wondered if ‘foreign policy’ really is ‘foreign policy’.

<sup>8</sup> Exceptions include Adler and Crawford (2004) and Harpaz (2007).



relations in which many other actors play a role, including most importantly the US, but regionally (i.e. in Europe) also significantly Russia. Closely related is the point that the NPE debate often seems to ignore or forget that there are a number of other, potentially competing, normative powers (and not only nation-states). International organisations, such as the UN, some of its sub-organisations including the World Bank and the IMF, the WTO and perhaps also the OECD have considerable influence on domestic legal norms (particularly) in developing countries. But are they competing with the EU? The EU countries are after all members of these organisations. The latter could thus also be instruments of EU foreign policy, providing the EU with more scope and leverage. But it seems that overall the above-mentioned organisations constitute ‘transmission belts’ of US rather than EU/European policy (cf. Foot *et al.* 2003). The US often propagates very similar norms as the EU. Since the EU often does not speak with one voice or does not formulate succinct and distinct positions from the US (environmental policy being the most obvious exception) there is also the danger that the EU is merely seen as a barely distinguishable part of ‘the West’ from the perspectives of many non-European countries. The existence of other entities promoting (very) similar norms in the same countries poses a challenge for empirical research, a point which is revisited below in our specification of indicators for NPE.

## 2. OPERATIONALISATION

Taking up Sjørusen’s (2006) aforementioned critique concerning the prevailing lack of criteria and standards for empirical research, it is true that – instead of probing and questioning the empirical reality of the NPE concept – a large part of the literature (particularly in the initial stages of the debate) seems to take its existence for granted and thus rather engages in conceptual questions.<sup>9</sup> The last few years have seen a growing number of more empirically-oriented works on the topic (cf. e.g. Whitman 2009 forthcoming; Tocci 2008). It is obvious, however, that there are still significant question marks concerning the operationalisation of the concept for empirical research. More concretely, what is lacking in most works, above all, is a systematic formulation of the most important indicators of normative power: How do we recognise normative power? What qualifies as a case of normative power? How can it be observed and, at least to some extent, be measured? Subsequently, we indicate in a systematic

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<sup>9</sup> The existence of NPE cannot be taken for granted. This, however, does not mean that we conceive of norms (*per se*) as strategically or rhetorically framed for the pursuit of self-interests. Instead, genuine normative action (in itself) should be viewed as rational behaviour (Habermas 1981; Sjørusen 2006), while leaving it up to empirical research to ascertain whether such action has taken place in the policy process.

fashion how we seek to operationalise the NPE concept empirically (also cf. Niemann and Junne 2009 forthcoming).

First of all, one can distinguish between three levels that are important for an operationalisation of ‘normative power Europe’: (i) normative process: the extent to which an inclusive and reflexive foreign policy is pursued (vs. an ‘our size fits all’ approach); (ii) normative impact: the development of norms in third countries; (iii) normative intent: the seriousness/genuineness of normative commitment. While the second dimension is more outward-looking (does the EU induce change), the first and third dimensions are more inward-looking (why/how does the EU act).

**i. Normative process: does the EU pursue an inclusive and reflexive foreign policy (or rather an ‘our size fits all’ approach)?**

This first dimension is important for an exploration of normativity in several respects: if the EU really is a force for good, it surely cannot exclude external input, (self-)criticism and reflection about possible impacts of its action. Its openness to learning can thus be seen as an indicator of the EU’s virtue and goodness. Further to this, as rightly asserted by Bicchi (2006: 289), normative power is relational, and in order to be normatively justifiable, it must take (the views of) those outside the EU into account. An exclusive and unreflexive foreign policy informed by the conviction that the EU’s experience is a lesson for everyone has been termed an ‘our size fits all’ approach.

As for *inclusiveness*, Bicchi (2006: 289) emphasises that there is a fine line between ‘giving voice to’ and ‘speaking for’ others. More generally, the question is whether the EU takes account of the views of those whose normality will be affected. Concretely, inclusiveness means that EU decision-makers give a role to external actors (of affected third countries) during certain stages of the policy process.

Whereas (institutional) inclusiveness concerns involving non-members, *reflexivity* is about (a) learning and changing behaviour when faced with better arguments, and (b) anticipating (adverse) consequences of exporting an EU norm to non-members and (pre-emptively) adjusting EU policy to those consequences (Bicchi: 2006: 288-289). As Bicchi has shown, for instance, the norm of regionalism does not make sense everywhere and should therefore not be unreflectively exported. Reflexivity may be ‘measured’, for example, by exploring the degree to which EU external action is founded on a ‘conscious’ effort by EU decision-makers to critically analyse the expected effects and adapt the proposed action accordingly. ‘Conscious’ here denotes the opposite of ‘routine-based’ behaviour, which is built

on practices that have lost their original meaning and have thus become more symbolic and ritualised. For example, the (standard) application of certain templates, blueprints and best practices by EU foreign policy-makers to a partner country, without taking any particularities of that country into consideration, can be regarded as routine-based behaviour. By contrast, a conscious and wilful effort of the EU to evaluate its policy – for instance by commissioning external reviews or organising conferences and hearings on the subject, and modify it accordingly – would indicate reflexivity.

It can be argued that inclusiveness and reflexivity aid the EU in the export of (its/universal) norms because they engage partner countries and to help build a dialogue based on common understanding, which should be conducive to the diffusion of norms. The adherence to inclusiveness and reflexivity would also, at least partly, remove (some) doubts over potential eurocentric/imperialistic tendencies pursued by the EU under the cloak of normative power.

**ii. Normative impact: the development of norms in third countries: does the EU have the ability to shape conceptions of what is ‘normal’?**

In order to make decisive progress on this second level (at least) two steps have to be taken: first, it needs to be asked whether a normative change towards the norms promoted by the EU has occurred. Normative change – like several aspects of the overarching research question – can only be approximated. However, a number of things can be done. What may be investigated, for example, is the degree to which the norms projected by the EU are being referred to in the political and media discourse of the partner country, and the extent to which they become part of the dominant discourse. That norms become part of the discourse is in itself not yet a sign of norm adoption. One possibility of tracking (the degree of) internalisation is to analyse the extent to which political actors make consistent use of a norm. If norms are ascribed the same significance (and meaning) in different contexts and forums, then there is an increased probability that the relevant actors really mean what they say (cf. Risse 2000; Checkel 2001; Niemann 2004). This could be investigated, for instance, by analysing speeches of important third country politicians in different settings.

It is further to be assessed whether and to what extent the legislation of the partner country in question was amended in terms of the norms advocated by the EU. This does not constitute a sufficient indication of norm change, however, as laws may have been adjusted merely to fulfil a certain conditionality induced by the European Union. Therefore, it also needs to be questioned whether the decision-makers involved (fully) concurred with the implementation of

that norm into domestic legislation. For this (once again) the consistency in words and deeds on the part of national decision-makers on the significance of the norm would be illuminating. Also decision-makers and their aids may be questioned on this through interviews.

When norms have further entered the social and cultural life of a third country, for example through the integration of norms in domestic curricula, this may indicate more profound norm diffusion. Since norms are usually diffused first via (national) elites, an acceptance and use of these norms beyond the elite level can be taken as a sign of further reaching norm diffusion. A dissemination of norms to(wards) the (broad) public can be ascertained – if appropriate data is available – through opinion polls.

A second important step for answering the question of whether the EU has the ability to define what is normal in the world is to ascertain whether a certain normative change assessed in the first step was really induced by the EU. Alternative sources of norm change include influential third countries such as the United States, international organisations like the UN, the WTO or the Council of Europe, or the political system of the partner country in question itself. If there are/were other relevant third countries or international organisations at work, it is to be asked how similar their propagated norms are to those promoted by the EU and how close their relations with, or how direct their access to, the country in question has been. If there were different accentuations in the promotion of norms, then one can investigate whether norm implementation followed the line of the EU or rather that of another entity. Further clues may be provided by the political discourse in the partner country. Here, it is worth investigating, whether norms – when they appear in the discourse – are mentioned in connection with the EU or rather in context with another entity such as the US. In addition, one should analyse the timing of norm change. Did norms change after the EU's normative engagement in the country in question, or did it precede it? In the latter case the EU is unlikely to have been a (significant) source of that change.<sup>10</sup> The role of the EU as changer of norms would be substantiated, if it could be shown that the case for alternative sources of norm change is implausible.

### **iii. Normative intent: how serious/genuine is EU normative commitment?**

This question is relevant in terms of the EU's self-image/identity: if the EU claims to be a real normative power, acting for good, it ought to be a 'genuinely' normative actor, i.e. an actor that is normative because of the norms themselves and not to pursue a self-interested agenda (cloaked by normative rhetoric). Related to this is the finding in the literature that norms, if

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<sup>10</sup> It cannot however be excluded that norm change occurred via (EU) 'soft power' (attraction), for which no official and direct promotion of norms would be necessary.

they are genuinely internalised, are not enacted out of choice (strategic behaviour), but out of habit (Risse 2000: 6). Having said that, one can assume that the above question is not an 'either/or' one, but that (strategic self-)interests and normative concerns tend to go together in EU foreign policy (cf. Diez 2005: 624-625). Hence, while norms and interests may often run in parallel, this dimension can nevertheless shed some light on the genuineness of the EU's normative commitment.

To arrive at empirical findings of significance here is no small challenge. Nevertheless, a number of indicators (and sub-questions) can be suggested to make some inroads on this front. First, it is to be asked whether EU/universal norms are/were at the centre of relations with partner countries, or if norms were peripheral to the EU's engagement. This can help determine – for example by analysing (planned) agreements between the EU and its partner country – how seriously the EU takes norms in relations with the country in question. If norms are not centre state, genuine normative concern by the EU is less likely.

Second, it should be asked, whether the projected norms serve or hurt EU interests (cf. Goertz and Diehl 1992). If norms conflict with self-interest, this is a powerful indicator for the relevance of the norm because it has been invoked despite (political or economic) costs. For example, it should be investigated whether important material interests are at stake for the EU. These might be trade interests, for instance concerning market access or the security of energy supply. If the EU was to give priority to questions of human rights and democracy, despite these interests, this would strengthen the case of genuine normative commitment. Useful in this respect would also be a scenario in which the EU chooses to diffuse certain norms in the face of powerful opposition. And if this opposition consists of 'the strangest partners', like the unusual combination of the US and China concerning the death penalty, or finds itself at odds with (other) OECD states, this would rebut the argument that EU normative power in fact amounts to cultural imperialism in disguise (Manners 2002: 253).

A third possible approach to this question is to examine the degree to which the EU communicates (and acts) consistently and to what extent it uses double standards (cf. Lerch and Schwellnus 2006). Double standards suggest that norms do not constitute the most important basis for making decisions. Consistency applies and can be explored on different levels: (a) Does the EU apply the same standards that it asks of a certain third country internally? (b) Does the EU apply the same standards for different third countries? However, double standards need not necessarily indicate an absence of genuine normative action. It may be the case that double standards can be justified (Lerch and Schwellnus 2006: 307-308). For example, where there are competing (universal) norms in a certain situation, then – for better or worse – a pragmatic balance or prioritisation has to be found. Regarding the consistency of norms – as

already described concerning the internalisation of norms through third countries – one should question and investigate, whether (important) EU decision-makers attribute equal significance to a norm in different contexts and forums. In addition, if a certain norm really is deeply-rooted, different EU decision-makers – and also different EU institutions – should not significantly differ in the meaning and significance they ascribe to the norm. Another method that might reveal the degree of EU commitment to a norm is scrutiny of the consistency between the EU's words and deeds, i.e. if its declared (normative) objectives are in line with its foreign action, which could be seen as a variation of point (a) above. A truly normative actor would act to as to fulfil its normative intent (cf. Tocci 2007: 7).

Finally, another closely related indicator of a genuine normative commitment is an emphasis on (international) law. A true normative power would bind not only others but also itself to collective rules. An emphasis on the law would also ensure greater consistency in the use of norms and ease the risk of double standards as well as the strategic application of norms. The pursuit of a legal foreign policy would mean 'that it would not matter so much if particular interests coincided with legal obligations, as long as legal commitments would be respected also when the opposite was the case' (Sjursen 2006: 245). Adherence to the law asserts the primacy of 'right over might', as it tames the power of the strong while protecting the weak (Tocci 2007: 6). Hence, a foreign policy of the EU which is deployed within the remits of the law would be an indication of genuine normative commitment on the part of the European Union. This has an internal and an external dimension. Internally, it means that the norms that the EU projects externally should be legally well-grounded in the wider EU/EC *acquis*. Externally, the EU (Member States) should have signed up to relevant international treaties concerning the norm(s) in question, fulfil its external legal commitments, and more generally act multilaterally and within the confines of international law (Tocci 2007: 6). An emphasis on legal foreign policy also has some bearing on the first (above specified) dimension, as it reduces the risk of enforcing one's own understanding of norms on third countries through an 'our size fits all' policy (cf. Bicchi 2006: 286).

In the three following sections we will probe EU normativity (along the three dimensions outlined above) on the case of EU relations with Moldova. As mentioned in the introduction particular emphasis will be placed on the norms of democracy and good governance and EU engagement concerning the Transnistrian conflict.

### 3. NORMATIVE PROCESS: INCLUSIVENESS AND REFLEXIVITY

#### **Inclusiveness**

To investigate this indicator we will look particularly at the extent to which Moldova was included in the drafting process of the ENP Action Plan<sup>11</sup> and how involved it is in Union programs today. At first glance the creation of the Action Plan for Moldova in 2004/2005 seems to have been a bilateral project, in which the EU and Moldova both participated. The Plan itself and all the communication from the Commission about it emphasise this time after time. The document itself suggests that ‘the approach is founded on partnership, joint ownership and differentiation. It will contribute to the further development of our strategic partnership’(European Commission 2005: 1). The Commission also stressed the joint ownership of the Action Plan in a 2006 document by arguing that ‘the operational tool of the policy – the ENP Action Plan – is fully negotiated and mutually agreed at political level. It is not an imposition by either side, but an agreed agenda for common work’ (European Commission 2006b).

#### *Non-differentiation*

However, the Action Plan and the following Country Strategy Paper (European Commission 2007c) are not as bilaterally negotiated as they appear, nor as the Commission wants to make believe. One important aspect to be mentioned here is the non-differentiation of the various Action Plans for different countries, as a result of which the same policy is used for a number of EU partners in a standardised fashion. This was already in evidence during the negotiation process. The Plan was written after three rounds of negotiation. The first was held in Chisinau in January 2004. The second round took place in Brussels in February of that year. The third and last round should have been held in mid-March 2004, but was postponed because the Commission wanted to review the Plans of all countries of the first wave of the ENP<sup>12</sup> together. Despite Moldovan hopes for a swift implementation, the final document was signed only in February 2005, nine months after the conclusion of the negotiations in June 2004. Again the Commission wanted to wait for all seven countries before signing any of the Plans (Bascaneanu 2006: 21, Gheorghiu 2005: 3). By doing this, the Commission did not show

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<sup>11</sup> The Action Plan, the main tool of the ENP, is bilateral agreed upon set of action points needed to be undertaken by the third country involved, the EU or both. The first Action Plan for Moldova was launched by the European Commission in December 2004.

<sup>12</sup> The countries included in this first wave are Israel, Jordan, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine.

commitment towards Moldova, nor towards its norms of promoting peace, democracy and good governance (in third countries). If the Commission had prioritised improving the situation in Moldova, it would have launched the Action Plan as soon as it was ready, to avoid losing precious time. The whole matter also contradicts the differentiation principle which the Commission sees as an important characteristic of the ENP: ‘the country-specific approach within the ENP provides for flexibility and differentiation, and there are as many possible responses as there are partner countries, according to each partner’s political situation, its level of ambition with regard to the EU, its reform agenda and achievements, and its level of socio-economic development’ (European Commission 2007b: 3).

The non-differentiation is not only visible in the process; the content of the Action Plan also shows signs of it. Valeriu Gheorghiu, present at the negotiations, suggests that the experience of negotiating with the EU was overall not the best for Moldova. Especially the limited amount of time – the Commission gave its Moldovan ‘partners’ only one or two days for responding to a new version of the Action Plan – created many problems for Moldova. The English text had to be translated into Romanian, then sent to ministries for a reaction, the various criticisms had to be included in a new version, and then the whole document had to be translated back into English (Gheorghiu 2005: 10) This procedure allowed Moldova only limited input to Commission proposals and did not contribute to the inclusiveness of the process. In particular, Moldova was not happy the way the articles about visa facilitation were phrased. The country wanted concrete action points on this matter from both the Moldovan and the EU side. The EU however, did not want to go any further than talking about a dialogue on the possibilities on visa facilitation.<sup>13</sup>

Nonetheless, on two other issues Moldova was able to include its views in the Action Plan. The most important one is Transnistria. In the original draft, Transnistria was mentioned in the chapter concerning human rights. For Moldova, however, Transnistria is much more than just an aspect of human rights. Owing to the initiative of the Moldovan delegation, during the negotiations a separate chapter about the conflict was included in the Plan. The second issue for which Moldova was able to secure inclusion was regional cooperation, especially under the activities of the Stability Pact for South Eastern Europe (interview with V. Gheorghiu, 2008). The exact action that has to be taken, however, remains unclear. ‘Concentrate on those S[tability] P[act] initiatives that can bring added value and contribute to Moldova’s domestic agenda of reforms’, ‘use existing flexibility to participate in S[tability] P[act] activities’ and ‘EU support for the participation of Moldova to the South-East European

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<sup>13</sup> Interview with Valeriu Gheorghiu, Minister-Counsellor of the Republic of Moldova and former member of the negotiation delegation of the ENP Action Plan for Moldova. Interview held in Brussels, 18 June 2008



Co-operation Process' (European Commission 2005). What is exactly meant by all this? Which existing flexibility? How will the EU support Moldova in its participation in the South-East European Co-operation Process? Moldova sought to include concrete benchmarks in the Action Plan, in order to be able to evaluate successes and failures. Moldovan representatives hold that the EU wanted to remain vague on purpose and thus rejected concrete benchmarks for the Action Plan (interview with V. Gheorghiu, 2008).

While the construction of the Plan 'was supposed to be in joint ownership' (Popescu 2006: 8), it is not felt by Moldovan representatives that the Action Plan is owned by both the EU and Moldova. 'It is not joint ownership. The plan was mostly drafted by the EU but it is now fully Moldova's responsibility' (interview, Brussels, June 2008). The Commission has acknowledged the concerns of Moldova and other partner countries and emphasised again that joint ownership 'must be further promoted' (European Commission 2007b: 3). According to the Commission, differentiation will increase as the bilateral policy dialogue deepens.

#### *Involvement of Moldova in European policies and programmes*

The ENP has on many occasions been described as 'sharing everything with the Union but institutions' (E.g. Prodi 2002). This means that eventually, if they have implemented the Action Plans, the ENP partner countries could participate in Union programs and policies without becoming a full member. The question is thus, what does Moldova share with the EU four years after signing the ENP Action Plan? This might yet reveal something of how inclusive the EU is towards third countries, also after the signing of an agreement. The inclusion of Moldova in Union programmes and policies was meant as a reward for implementing the Action Plan.

The institutional framework between the EU and Moldova has stayed the same as it was before in the PCA. Processes of (mutual) engagement, however, seem to have changed. For example, at parliamentary level there is a Cooperation Committee with (an equal number of) representatives from the Moldovan parliament and its EU counterpart. Moldovan members of parliament have become increasingly involved in the discussion. When the committee first met, the Moldovans were reluctant to speak out and discussion was dominated by EU delegates. Recently however, Moldovan representatives have been more outspoken and the discussions have become more balanced and inclusive.<sup>14</sup>

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<sup>14</sup> Interview with Marianne Mikko, European Parliament, chair of the Cooperation Committee European Parliament-Moldovan Parliament. Brussels, 2 June 2008.

As regards the possibility of participation in several Union policies and programmes, Moldova is most interested in participating in the programmes concerning asylum and migration, human and social development, environment and food security.<sup>15</sup> However, the country has not joined any of these programs to date. In June 2007 the European Council gave the Commission the authority to negotiate a protocol with Moldova to establish general principles for participation of Moldova in Community programmes. In March 2008 an inter-ministerial meeting took place in Chisinau, where representatives of the Commission provided a general overview of the Community programmes in which Moldova could participate and what the costs and benefits would be (interview with L. Palii, 2008). The protocol that was reached constitutes the first of two steps towards participation. After this, programme specific memoranda of understanding need to be signed (European Commission 2006a:2). The slowness of the process indicates the difficulty of gaining access to the different programmes. National institutions need to adapt to European standards and this takes time and money. To help Moldova with this, the EU granted compensation for the costs to support participation in Community programmes, agencies and networks (European Commission 2007c: 17).

A step further would be involvement in the internal market and the so-called four freedoms, the prospect of which has generally been offered by the Commission as part of the ENP (European Commission 2003a: 4). Despite improvements of the visa system (for Moldovans travelling to the EU), Moldova is far from any real stake in the internal market. There are no complaints from the Moldovan side in this respect (given the magnitude of such step). A significant complaint from the side of partner countries is, however, that the EU remains vague as to the requirements to achieve the four freedoms. The EU is not explicit about what has to be done by the partner countries or by the EU itself. Further, there is no straightforward way to measure the progress made by the ENP countries. They do not know when they have progressed enough in the eyes of the EU. Therefore the EU did not set time frames by when the ENP partner countries could be fully involved in these mechanisms (Emerson et al. 2007: 38). This lack of clarity is the main problem for Moldova regarding (potential) inclusion in Union policies and programmes.

## **Reflexivity**

Reflexivity is an important aspect of normative power. A genuine normative power needs the ability to correct its original policy when the evaluation suggests that the policy is sub-optimal (Bicchi 2006: 289). The Commission reflects upon the ENP by producing progress reports on

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<sup>15</sup> Interview with Lilia Palii, member of the Moldovan Mission to the EU, electronic interview June 2008.

each ENP country. Since the adoption of the Action Plan for Moldova, the Commission has issued three such reports, one in December 2006, one in April 2008 and one in April 2009. Additional evaluations from EU side were made in November 2005, March 2006 and May 2007 (European Commission 2008a: 2). In the documents all reforms, legislation and memoranda of understanding Moldova introduced in the prior period are listed, as well as the work that still needs to be done in the different fields of the Action Plan. No least because such progress reports are written for all countries in the ENP, in the end the EU should get a well documented evaluation of the ENP Action Plans. These frequent evaluations show a certain commitment on the EU side to reflect upon its policy. However, the progress reports focus solely on Moldova's actions.

Besides EU monitoring of the implementation of the Action Plan, the Moldovan government itself monitors the progress made. In both 2007 and 2008 the government issued lengthy reports (Moldovan government 2007, 2008a). These progress reports are much more detailed and positive than those of the Commission. They explain in detail all the laws that have been passed. Two Moldovan NGOs, the EXPERT Group (an independent analytic centre) and the Association for Participatory Democracy, ADEPT, also publish a quarterly evaluation of the implementation of the Action Plan, the Euromonitor. The Euromonitors not only outline the successes in the implementation of the Plan, but also point out the failures and the areas where progress is absent and even areas where regression is visible. With all these reports, the EU should have enough information to evaluate the entire Moldovan ENP process properly.

One of the complaints, also in Brussels, is that the ENP is quite a weak instrument, especially when compared to the association process. Some would like to include the element of screening in the ENP, an instrument that provides the opportunity to control whether promises are kept, thus increasing the likelihood of timely implementation. As one observer has noted: 'a couple of years ago I was a reporter on the progress of Slovakia, before its EU accession. I saw that the instrument of screening works. It gives the EU the power to keep a country on track. The Commission however, does not want to include screening in the ENP, because then the ENP would look too much like pre-accession.'<sup>16</sup> As the first wave of ENP countries, including Moldova, lag behind in the implementation of Action Plans, the Commission has so far been unwilling to include the screening method, despite the promises in terms of speeding up implementation processes that are attached to this instrument (Cf. Kellermann (2000)).<sup>17</sup> The Commission therefore does not display much reflexivity here.

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<sup>16</sup> Interview with Jan Marinus Wiersma, European Parliament, member of the Cooperation Commission European Parliament-Moldovan parliament. Brussels, 2 June 2008

<sup>17</sup> Interview by telephone, 3 June 2008.

In an attempt to improve the shortcomings of the ENP there have been two communications from the Commission. The first was released in December 2006. The only weakness it discovered was the lack of immediate incentives for the partner countries (European Commission 2006b: 4). Otherwise the document is uncritical, suggesting that ENP is indispensable and has confirmed its great potential. It is worth noting that experts described the ‘offers made by the EU to its neighbours after releasing the ENP as insufficient to encourage consistent reforms in the EU neighbourhood.’ (Buscaneanu *et al.* 2008: 10). The internal reflection of the Commission in this communication thus appears rather meagre. The second communication issued in December 2007 admits that greater effort is needed from both the partner countries and the EU in implementing existing commitments (European Commission 2007b: 2). However, what exactly should be done remains vague.

In November 2007 the European Parliament adopted a resolution concerning the strengthening of ENP. It involved some strong points of critique. For example, it pleaded for a greater involvement of the Union in the resolution of ‘frozen conflicts’, such as Transnistria. Especially the complaint about non-differentiation of Moldova and other countries has been taken into account by the EP. The Parliament ‘strongly advocates that the entire implementation of the policy take as much account as possible of the differing identities of all the countries covered by the ENP, in order to develop the most appropriate and tangible middle- and long-term incentives for reform [...] (EP 2007)’. Different parties before the Parliament had noted the non-differentiation problem (cf. Emerson *et al.* 2007: 7; Buscaneanu: 2006).

The reflexivity of the Commission’s response to such criticism has been varied. In March 2008 the Commission admitted for the first time ‘that future adaptations should lead to documents that are more closely calibrated to the partner countries’ specific ambitions and capacities, reflecting the differentiated relations of the EU with its partners’ (European Commission 2008b: 8). This suggests that the Commission is now beginning to attach greater value to true differentiation between partners in its policies. On the other hand there remains reason to doubt that the Commission is genuinely critically reflecting its policy. There have been voices in the Commission that argue: ‘[t]he rules of the ENP were set at the beginning. If a third country is not able to implement the Action Plan, this is a failure of that country and not of the policy.’<sup>18</sup> This underlines that even though the Commission has acknowledged some minor shortcomings, there still seems to be a certain unwillingness to confront potential deficiencies.

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<sup>18</sup> Interview with Vaclav Navratil, Moldova desk officer at the External Relations Directorate-General of the European Commission. Brussels, 18 June 2008.

Now that the first Action Plans of the ENP have formally expired, and the EU has taken the ENP a step further by starting the Eastern Partnership with six countries including Moldova, this is a good moment for the EU to evaluate the whole process; not only the progress being made in partner countries but certainly also the actions of the EU. This is certainly necessary because the Eastern Partnership is supposed to go further in than the ENP in forging closer relations between the EU and its neighbours (European Commission 2008c: 1). If the Union aspires to be a normative power, it should start including its partners more in the policies that concern them. Until now – aside from some small adjustments and finally the admission that the ENP is not as differentiating nor as bilaterally owned as previously maintained – the Commission has not shown much reflexivity on the policy as a whole nor on its own role within the ENP. Somewhat encouraging, however, are the Council conclusions of February 2008 ‘for further reflection by the Council on making the European Neighbourhood Policy (ENP) more effective and more attractive to our ENP partners, with the aim of making full use of the ENP’s potential’ (Council of the EU 2008: 1). The future will tell whether the EU will display a genuinely inclusive and reflexive attitude in its policy towards Moldova, and the ENP more generally.

#### **4. NORMATIVE IMPACT: THE DEVELOPMENT OF NORM CHANGE IN MOLDOVA**

Moldova began implementing democratic reforms soon after its independence from the Soviet Union and in the beginning of 1995 Moldova was considered internationally to be a model of democratic reform. In July of that year, Moldova was the first member of the CIS to join the Council of Europe. This has been viewed as a first step on the way to EU accession (Moldovan Government 2005). Nonetheless, different political parties kept diverse views on European integration (ibid.). That changed in 2000, when the majority of political parties adopted a declaration to support the idea of European integration. In November 2002 a National Commission for European Integration was set up. A survey held in 2004 showed that 65 percent of the Moldovans were convinced that their lives would improve if their country were to join the EU (Ibid.). As a result, all political parties, including the ruling Communist Party, which had been pro-Russian until then, made European integration a central theme in their 2005 parliamentary election campaigns. This led to the beginning of norm change in Moldova. For Moldova to have any chance of EU accession much has to change in the country – ranging

from democratic reforms to fighting corruption, and from protecting human rights to market reforms. Given the scope (limitations) of this paper only democracy and good governance will be taken into account.

### **Change in national legislation**

Even before the establishment of the ENP, Moldova had started to work on a European Strategy Paper that was published in 2005. This was meant to prepare Moldova for joining the EU and was based on various pre-accession strategies of previous candidate countries, the *acquis communautaire* and the Copenhagen Criteria. When the ENP Action Plan was adopted, the European Strategy Paper of Moldova was modified to comply with the AP. Since the ratification of the Action Plan, Moldova adopted several new laws in the fields of democracy and good governance.

#### *Democratic reform*

In 2005 two important laws were adopted in terms of democratic reform; one for the modification and completion of the parliament's regulation, which stipulates the mandatory live broadcasting of public plenary sittings and publication of records of plenary sessions, and one for the modification and completion of the Electoral Code, which lowered the threshold for parliamentary representation to four percent (ADEPT & Expert Grup 2006a). A year later the parliament adopted a new Broadcasting Code to ensure the freedom of expression. The government also allowed representatives of trade unions, employers and business to participate in governmental sittings and began to consult NGO's on some decisions (ADEPT & Expert Grup 2006b). In late 2005 additional legislation on parliamentary reform was adopted, which included rules of procedure and parliamentary immunity (European Commission 2008a: 3; Moldovan Government 2007: 2).

In 2007 the media watchdog CCA approved a strategy on broadcasting coverage of national territory. This strategy should support the democratic process in Moldova, as it contributes to the right of citizens to receive and spread information (ADEPT & Expert Grup 2007b: 13). In addition, the government, together with civil society and representatives of EU members, set up a number of projects to help develop the mass media (Moldovan Government 2007: 22). Furthermore, the parliament approved the modification and completion of the law on petition, regulating the submission of electronic petitions. (ADEPT & Expert Grup 2007d: 9) A law on political parties has also been adopted, which lowered the minimum number of

persons required for the registration of a political party by 20 percent. The law also stipulates the financing of political parties from the state budget. The amount of money a party receives has been set at 0.2 percent of the state budget and starts at 1 July 2009 (Ibid.: 11). As a result, several political parties were created at the end of 2007, fostering pluriformity in the Moldovan political landscape.

### *Good governance*

The most important issue that falls under good governance is the fight against corruption. Since 2001 corruption has been on the government's agenda. In 2006 the parliament adopted a law that makes an anti-corruption survey of draft legislative acts compulsory (ADEPT & Expert Grup 2006c: 22). In 2007 new anti-corruption campaigns were launched to raise public awareness (ADEPT & Expert Grup 2007a: 19). Several cases of corruption were investigated, some of which involved high-ranked public officials. To emphasize the fight against corruption and to add legal status to the procedures, the parliament adopted two additional laws concerning corruption. The first ratified the United Nations Convention against Corruption and the second ratified the Additional Protocol to the Criminal Law Convention on Corruption (ADEPT & Expert Grup 2007d: 18 & European Commission 2008a: 3).

Another important issue related to good governance is transparency. To improve transparency, the government started to organise public consultations and hearings in 2005 (ADEPT & Expert Grup 2006a: 30). Transcripts of debates and draft laws were published on the website of the Ministry of Justice in order to encourage public debates. Further policies to reform public administration have also been introduced. In 2006 a package of laws on the reform of local autonomy and administrative decentralisation was adopted (ADEPT & Expert Grup 2006b: 21).

### **Theory versus practice**

Although Moldova adapted important parts of its legislation to European standards and continues to do so, there are numerous issues with the implementation of the new procedures. Whilst the country had a fairly active and independent media before 2004, in recent years more and more cases indicate a certain degree of stagnation, if not a backwards trend. The European Court of Human Rights has passed a number of judgements against Moldova concerning freedom of expression. Major TV stations have editorial policies in favour of the authorities and independent journalists have been intimidated (ADEPT & Expert Grup 2007a & 2007c).

According to the report *Global Press Freedom 2007* from Freedom House Moldova had no free press in 2007. The country ranked number 144, tied with Liberia, in the list of 195 countries. In Europe, only Russia and Belarus are ranked lower (Freedom House 2007: 12). Nevertheless, the 2005 parliamentary elections and the 2007 general local elections were deemed reasonably free and fair. They were well administrated and voters had a genuine choice (European Commission 2008a: 3). The main problems were the media access, which was not fairly distributed among the different candidates and parties, and the right of citizens to bid for public posts that was not fully respected (ADEPT & Expert Grup 2007b: 11).

About the recent Parliamentary elections and the mass demonstrations following them much is still unclear. The European Parliament passed a resolution in which it ‘strongly condemns the massive campaign of harassment, grave violations of human rights and all other illegal actions carried out by the Moldovan Government in the aftermath of the parliamentary elections’(European Parliament 2009). The Moldovan government, in the person of Grigore Petrenco, chairman of the EU-Moldova parliamentary cooperation committee and member of the Communist Party, denies the accusations (ADEPT 2009). However, also the OSCE/ODIHR is very critical in its final report about the elections. In 2005 the organization called the elections in general free and fair, which cannot be said this time around. The report talks about police interferences with opposition party rallies, the possibility of voter registration fraud, insufficient transparency in the tabulation of polling station results and mistreatment of detainees after the demonstrations (OSCE/ODIHR 2009). All of this seems to erase the parts in the election process that do show improvements compared to 2005, such as the pluralistic environment and media attention for all parties (Ibid.). The elections and their aftermath show that Moldova is still far away from being a well-functioning democratic state.

Perhaps the largest gap between theory and practice concerns the implementation of legislation. It is understandable that it takes time for a society to adjust to new norms, but the implementation in Moldova has been (much) slower than, for instance, in Ukraine (cf. European Commission 2008a). An important reason for this gap is that Moldovan policy-makers do not really believe in the new norms. It has been argued that they changed the laws partly/largely to please the EU.<sup>19</sup> Commitment to the new norms is lacking however, which is a major concern of the Commission. One sign of this lack of commitment is the partial reversal of a law on democratic reform, bringing the threshold for parliamentary representation back to its original six percent and prohibiting electoral blocks, a step taken against the advice of the Commission (interview with P. Berizzi, 2008).

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<sup>19</sup> Interview with Paolo Berizzi, Head of the Political and Economic Section of the EC Delegation to Moldova, by telephone, 3 June 2008.



Largely because of the gap between official legislation and the implementation of those laws, ordinary citizens do not yet perceive a norm change. They do not understand their rights as citizens (interview with M. Mikko, 2008). Recently Moldovans were asked whether they were free to demonstrate. Most of them answered ‘no’, while in fact the parliament adopted a law on the freedom of assembly not long ago, as a result of which citizens actually have the right to demonstrate. In a Barometer of Public Opinion (BPO) of April 2008 by the Centre for Sociological, Political and Psychological Analysis and Investigations (CIVIS) it was asked what Moldovans worry about most. It was revealed that they worry most about corruption. This is slightly less than the year before, but a bit more than when the first BPO was conducted in 2001 (CIVIS 2008:15). Hence, the confidence in the new anti-corruption legislation remains low. In addition, it came out that Moldovans’ belief that they are free to criticise their government has decreased. Only 32 percent think they can do this, opposed to 45 percent in 2003. And almost sixty percent of the Moldovans say that the people’s will does not rule in Moldova, while only 34 percent believe that Moldovan elections are free and fair (Ibid.: 62).

The BPO makes clear that few people in the streets have yet noticed significant changes. Still, politicians do refer more to democracy in their speeches. This can mean two things: (1) the implementation of the norms is heading in the right direction, but has not sunk in yet with the people; or (2) Moldovan leaders want the EU to believe that the country is heading in the right direction. In 2005 Voronin addressed the European Parliament and emphasised the freedoms for Transnistrians. Without ‘removing barriers to free activity of political parties and of media [and] liquidation of pressing against civil society’ (Voronin 2005) there can be no solution for the conflict, according to Voronin. While this speech was held in front of the EP and as such would be expected to contain mainly elements that go down well with its members, Voronin could also have chosen not to say anything about democratic reforms in Transnistria, because by doing so, he could be held responsible also for the potential lack of democratic reforms in Moldova proper. He chose to address this subject anyway, suggesting at least some commitment to democratic reforms.

Thus it seems norms about democracy and good governance do change gradually in Moldova, albeit very slowly. The adoption of new legislation is a first step. Now it is time for the next one: proper implementation. The new norms have to settle down, and sink in, at the societal level. But what is to be expected from a country that was under Soviet communist rule until 1991? Changes in people’s norms and habits do take time. And as pointed out above, some progress is noticeable, certainly in terms of the legislation and discourse that have been adopted by political elites. The question is: has this progress been induced or triggered by the

EU? Only if the EU is (mostly) responsible for norm changes, can it really be regarded a normative power *vis-à-vis* Moldova.

### **Did the EU cause these changes?**

Several lines of argumentation can be advanced that link the modest norm change in Moldova to the EU. First, following Nye, an important source of power in modern politics is ‘soft power’, the ability to shape what others want (Nye 2004:5). Soft power is the power of attraction, as a result of which others – admiring the values or prosperity of the entity in question, seek to emulate or join it. Soft power can be best substantiated when harder forms of power are less present. That mostly applies to the pre-ENP period, although even then the EU held some harder powers through the PCA and the TACIS programme. The EU seems to ‘wield’ substantial soft power *vis-à-vis* Moldova. Soon after it gained independence, Moldova declared that it wanted to belong to ‘Europe’ again. In the beginning of this millennium, the European Strategy of the Moldovan government made clear that Moldova saw itself as part of the EU in the future. Apparently, the EU attracts Moldova. The attraction of the EU among Moldovan citizens is high. In a 2008 BPO, 71.7 percent of the Moldovans would vote in favour of joining the EU if a referendum was held and 71.3 percent believed that his or her life would improve if Moldova becomes an EU member (CIVIS 2008: 89-90). Already in the European Strategy, devised before the ENP Action Plan was finalised, the Moldovan government called for a gradual adaption to EU standards. Hence, this initiative occurred before the EU could put any pressure on Moldova through ENP mechanisms. Of course, at that time there was the PCA and several EU funding programmes such as TACIS, which monitored Moldovan development, but Moldovan policy-makers independently realised that, if it was ever to realise its ambition to join the EU, its society should change according to EU norms and standards (interview, Brussels, July 2008). There have been significant changes in the organisational structure of the Moldovan executive, such as the National Commission for European Integration, the addition of a European Integration department to the Ministry of Foreign Affairs and its subsequent name change to Ministry of Foreign Affairs and European Integration, and the establishment of a diplomatic mission to the EU in Brussels. These changes, which were largely completed before the ENP phase started, were undertaken precisely because Moldova sought to work towards EU accession (Osoian 2007: 22-23).

Secondly, when tracing the political discourse during the ENP period, whenever political elites talk about norm developments and changes in Moldova, they refer to the goal of European integration. Policy-makers tend to attribute changes of the domestic legislation (in

terms of democracy and good governance) to this very rationale. For example Moldovan President, Vladimir Voronin, has stated that ‘it is the Republic of Moldova that stood to gain... We all stood to gain, because the changes to the Moldovan legislation that have been made in the last several days are based on the requirements contained in the EU-Moldova Action Plan. And since we have committed ourselves to carrying out this plan we have to be conscientious and find the consensus in parliament needed to pass these laws. So, I believe that we have all benefited’ (Radio Free Europe 2005b). He also noted that ‘the integration into the European Union has been and will be the basic objective and the driving force for democratic reforms and development of the countries in the region’ (Moldpress 2008). Voronin and the government are not alone in referring to the EU when it comes to norm changes within Moldova; the opposition, including Oazu Nontoi of the Moldovan Social Democratic Party does the same (Radio Free Europe 2005a).

The political elite does not only refer to the EU’s importance in the process of bringing Moldova’s norms closer to Europe when they are talking with representatives of the EU, or about the ENP or other matters that have to do with European integration. Even when the context is not related to Europe, the EU is mentioned as the reason for transformation of norms in Moldova. A good example of this is the meeting Voronin had with (national) media representatives in June 2008 where problems that Moldovan journalists have to deal with in the exercise of their profession, such as the lack of freedom of press, were discussed. Voronin said that ‘Moldova is a country which made its European option, a country which went on the path of reforms, which implementation is impossible without the steadfast observance of the fundamental democratic standards. And naturally, we very painfully react to any worrying signal as regards the field of mass media’s freedom. (...) It is bad if the power silence[s] the journalists’ (Voronin 2008).

Thirdly, the European Parliament has had a certain influence on the way the Moldovan parliament works. MEPs in the Parliamentary Cooperation Committee EU-Moldova seem to have fostered an understanding of how political cooperation in parliamentary democracy can be accomplished. Leaders of the three biggest Moldovan parties, that had hitherto barely managed to talk to each other in a constructive way, reportedly learned from exchange with their EP counterparts how parliamentarians from even 27 different countries can manage to work together (interview with J. Wiersma, 2008).

Fourthly, in terms of harder powers, some of the legislative changes made in Moldova can be traced to the (positive) conditionality exercised by the EU through the ENP Action Plans. Certain funding was made conditional, for example, on Moldova’s ratification of

international conventions, including those concerning Freedom of Association and Protection of the Right to Organize and the UN Convention against Corruption (cf. Official Journal 2008).

Finally, the implausibility of potential alternative (external) sources of norm change further strengthens the rationale that the EU has had a substantial influence on the modest normative development in Moldova. Apart from the EU, Russia is the most important (external) actor in Moldova. Moldova depends heavily on Russia in economic terms and historically Moscow has had a great deal of influence in Moldova. Russian policy-makers tend to regard Moldova as part of its 'sphere of influence'.<sup>20</sup> However, as regards norm change in terms of democracy and good governance, it can hardly be expected that the Russian government – itself afflicted for several years with increasingly worrying records especially concerning democracy – advanced such developments. As for other external actors, the US is concerned about Moldova, but mainly regarding the situation in Transnistria. Furthermore the World Bank, IMF, OSCE, the Council of Europe, CIS and GUAM are actors in Moldova, but their role is significantly smaller than that of Russia and the EU. They are mostly donors, but the EU and Russia play a much larger part in Moldova's economy and in the provision of technical assistance. If Russia did not contribute to the changes, this strengthens the case of EU impact. That Russia opposes Moldova's EU orientation and the changes of norms and legislation in line with EU standards (Lukyanov 2008), but Moldova still pushes ahead, indicates the (normative) power of the EU.

While the EU seems to have influenced the modest gradual norm changes in Moldova, the question is, whether the Union does this out of a genuinely normative commitment and/or out of self-interest. The next section will address this question.

## **5. NORMATIVE INTENT: HOW SERIOUS/GENUINE IS EU NORMATIVE COMMITMENT?**

The third question is whether the EU behaves out of genuine normative commitment towards Moldova and/or (rather) out of self interest. As pointed out above this may not be an "either or" question as different types of motivations can run in parallel. Of course, it is possible that the EU seeks to export democracy and good governance out of normative conviction. At the same time, norm export may be beneficial in terms of EU (strategic) interests, such as creating stability in its neighbourhood. Still, to be a genuine normative power, the EU should display

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<sup>20</sup> E.g. Russia's ambassador to Moldova, Nikolai Ryabov, in Radio Free Europe (2006); Kommersant (2005).

consistent behaviour and abstain from using double standards. In addition, norms should be central in EU dealings with Moldova.

### **Centrality of norms on democracy and good governance in the EU-Moldovan relationship**

On the whole, the promotion of democracy and good governance appear to have a central place in EU policy towards Moldova. The first paragraphs of the AP are devoted to core norms of the EU: democracy, human rights, the rule of law and good governance. The second priority for action, after a mention of the Transnistrian conflict reads ‘further strengthening the stability and effectiveness of institutions guaranteeing democracy and the rule of law; ensuring the democratic conduct of parliamentary elections [...] in Moldova in accordance with European standards’ (European Commission 2005). Freedom of media and expression, and reinforcing the administrative and judicial capacity are also very high on the list.

Support for ‘democratic development and good governance’ also attained a sizable share in the National Indicative Program (NIP) for the years 2007-2010. For priority 1, democracy and good governance, between 52,4 and 73,4 million Euro has been reserved (25-35 percent of the total budget). This is substantial – both in terms of overall amount and share, and also when compared with previous EU aid programmes such as PHARE and TACIS – and indicates the priority the Commission accorded this subject. An even larger share is reserved for poverty reduction and economic growth (40-60 percent). This is logical because this is the area where people are most in need. Moldova is the poorest country in Europe and only when the general quality of life improves can people concentrate issues beyond survival, such as democracy and their rights as citizens (European Commission 2007a). In the bilateral institutionalised relationship between the EU and Moldova, however, the first meeting of EU and Moldovan democracy and human rights experts only took place in October 2007. This is rather late for an issue of high relevance (ADEPT & Expert Group 2007d: 8).

In the political discourse democracy and good governance are issues much referred to by European politicians when they talk about Moldova. For example, Marianne Mikko, member of the European Parliament and chair of the Parliamentary Cooperation Committee EU-Moldova, addressed this subject in a speech last March. She urged Moldova to improve the freedom of press and the rule of law (Mikko 2008). Similarly, in a meeting with Voronin in Brussels in May last year Commissioner Benita Ferrero-Waldner expressed her concern about the progress in the field of democracy and good governance in Moldova. She advocated that Moldova pay more attention to reforms in justice, police, combating corruption and especially

the freedom of mass media (Moldova Azi 2008). Democracy was also one of the central themes Ferrero-Waldner spoke about on the ENP East conference, organized by the European Parliament in June 2007. She emphasized that Moldova's successful conduct of elections by European standard should not be taken for granted, as young open societies are fragile (Ferrero-Waldner 2008). EU officials seem to take for granted that norms of democracy and good governance are at the centre of the relationship. As one official noted with regard to Moldova, 'these norms are essential. If a state is governed well, this benefits all other areas, such as trade and economy. If this is not the case, all the efforts you put in other areas will be for nothing' (interview with V. Navratil, 2008).

In general the EU seems to be serious about the norms of democracy and good governance in Moldova. In order to be a genuine normative power however, the EU also needs to play by the rules it sets. Does the EU and its Member States live up to the norms exported through EU foreign policy?

### **Norm consistency (or double standards?)**

Norm consistency is very important. If the EU seeks to be a credible actor, it needs to set the right example. If the EU addresses a lack of democracy or good governance in Moldova, it must be sure that these issues are adequately dealt with in the member states and within the EU system of governance.

### *Democracy*

In terms of democracy at the level of member states we have concentrated our investigation on the state of elections. Here, the OSCE has found a number of deficiencies in several EU countries. Regarding Belgium, for example, the OSCE finds that the current election system calls 'into question the impartiality of the adjudicating body and the effectiveness of the remedy available to complainants' (OSCE/ODIHR 2007a: 23). In terms of France, the OSCE recommends that the transparency of the certification process should be enhanced (OSCE/ODIHR 2007b: 11). There were also problems with the transparency of the candidate registration process, including a 'lack of a clear appeal mechanism for issues pertaining to candidate registration'. Furthermore, the OSCE wants France to change election legislation to allow international observers at the next elections (Ibid: 19-20). As for Poland, at the 2007 pre-term parliamentary elections media coverage constituted a problem. There was a lack of qualitative balance by public television in the coverage of the three main contestants (OSCE/ODIHR 2008: 1). The government enjoys substantial influence on the composition of

the National Broadcasting Council, which does not contribute to the latter's independence. The OSCE also noted carelessness over the secrecy of the ballot with open voting in public view, and (potential) conflicts of interests with the Minister of Justice also holding the position of Prosecutor General (Ibid: 2, 6).

The OSCE monitored elections in these countries in the same way as it did in Moldova. These examples have one thing in common with the report on the 2005 parliamentary elections in Moldova: they were in general free and fair. The 2009 parliamentary elections are a different story though, as described earlier. Still these illustrations indicate that even EU countries that are (often unquestioningly) considered democratic have shortcomings in their democratic processes. The European Parliament has an extended election observation delegation, which observes elections in third countries, but not in EU member states (European Parliament 2008). The Parliament did not publish anything on the recent Belgian, French or Polish elections. Commission President Barroso spent merely three (uncritical) sentences on the Polish elections (Barroso 2007a), and only briefly stated that the French elections underlined the democratic vitality in France (Barroso 2007b). On Belgium there is not one word to be found. While the EU highlights the democratic shortcomings in Moldova, it appears less careful and more lenient in its observance of member states' democratic standards. As a result, the EU seems to have somewhat different democratic standards for its partner than for its own members.

Perhaps more important than the democratic standards in member countries is the state of democracy in the EU itself. Although accounts that emphasise the EU's democratic deficit have been directly or indirectly challenged (Scharpf 1999; Majone 2000; Moravcsik 2002), the majority of scholars (convincingly) argue that the EU does face a democratic deficit. A number of important claims have been made in that respect. These include amongst others<sup>21</sup> that (1) the process of European integration has reinforced executive powers at the expense of national parliamentary controls (Andersen and Burns 1996; Chrysochoou *et al.* 2003); (2) even after successive reforms, the power of the European Parliament remains relatively weak, not least since a sizeable amount of legislation is still passed under the consultation procedure (Chrysochoou 2007: 363); (3) there are no 'European' elections since national and EP election tend to be fought over domestic, rather than EU, issues and personalities (Hix 1999); (4) the EU tends to be too distant from voters, partly because EP electoral control over the Council and Commission, despite increased powers, is still too removed (Decker 2002), and partly because the EU lacks a European demos, a European civic identity (Grimm 1995; Chrysochoou 2000); (5) largely due to the above factors the process of European integration produces a policy drift, as a result of which the EU tends to adopt policies that are not

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<sup>21</sup> The below overview draws on Follesdal and Hix (2006: 534-538).

supported by a majority of citizens (Scharpf 1997); (6) an understanding of legitimacy purely based on outcomes is unpersuasive (Lord 1998) and problematic not least because member governments are likely to take credit themselves for (EU) policy developments that are popular with domestic electorates (Newman 2006: 388). EU democracy promotion in countries like Moldova loses some of its credibility in face of its own substantial democratic deficit.

### *Anti-corruption*

The EU pays considerable attention to the issue of (anti-)corruption in Moldova as part of the good governance norm. There is also corruption in EU member states. However, this is not the actual problem here. The fundamental issue is how policy makers deal with it, how anti-corruption is tackled in legislation and how well this legislation is implemented. The Action Plan for Moldova puts substantial emphasis on the implementation of a national strategy on combating corruption, and on ensuring progress in implementing the recommendations of the Council of Europe Group of States against Corruption (GRECO) (European Commission 2005a). However, by GRECO standards, a sizable number of member states do not perform very well in that respect. For instance, Belgium does not even have an anti-corruption action plan/strategy and only dealt with three out of nine GRECO recommendations (GRECO 2004: 10, 16). But Belgium is no exception. Only 11 out of the 25 member states (for which data is available) managed to implement more than half of the GRECO recommendations. Moldova managed to implement 60 percent of the GRECO recommendations.<sup>22</sup>

Thus most member states do not live up to part of the norm on corruption that the EU sets Moldova, namely the implementation of all the recommendations of GRECO. Hence it seems fair to say that the EU to some extent applies double standards. It suggests that the countries of the EU do not really mean the norms that they are setting for partner countries, which does not do the credibility and the legitimacy of the EU as a normative power much good.

In addition, member governments are not obliged to ‘transmit to the Commission information on matters regarding corruption of national public officials, as such actions constitute an infraction of national law’ (Official Journal 2003: 13). Apparently, national sovereignty of the member states is attributed greater importance than living up to EU norms. At the same time, national legislation of ENP countries such as Moldova needs to be changed in order to comply with EU norms. Again the EU seems to apply double standards.

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<sup>22</sup> For details see the report of the second GRECO evaluation round:  
[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/reports\(round2\)\\_en.asp](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/reports(round2)_en.asp)



### *Policy inconsistency between ENP partner countries*

It has been argued that inconsistency in the treatment of ENP partner countries may reduce the EU's credibility and legitimacy (Smith 2005: 766). Drawing on our case analysis, even though there is no 'hard evidence', there are some indications for such inconsistency in the (different) treatment of Moldova and Ukraine. For example, the April 2008 Progress Report on Ukraine's implementation of the Action Plan is very critical. 'The pace of progress stalled somewhat compared to the previous years, in particular as regards economic and structural reforms, also due to the political instability which characterised most of 2007.'<sup>23</sup> In some areas, such as the Ukrainian constitution, the fight against corruption and torture and ill-treatment, the Commission has been more critical of Ukraine than of Moldova. The EU nevertheless decided that negotiations about a new enhanced agreement would be started with Ukraine, but not with Moldova. The latter first needed to implement the Action Plan further and prove the democratic credentials of the country with the upcoming parliamentary elections this year. For Ukraine there were no such demands, even though Ukraine is also far from completing the Action Plan. One explanation for this seeming inconsistency is the fact that Ukraine is more important for the EU, not least because it harbours important pipelines through which gas runs from Russia to EU member states (interview Brussels 2008).

### *Centrality of Transnistria in EU-Russian talks*

In the Action Plan the EU stresses its commitment towards a settlement of the conflict in Transnistria. The Union's main efforts here take place through (substantial) technical assistance, such as EUBAM and other non-political projects that bring Transnistrians and Moldovans closer together. The EU reconstructed a bridge across the Nistru River and is currently looking for possibilities to restore the railway connection between Chisinau and Odessa that used to run through Transnistria (interview with V. Navratil, 2008). With these measures the EU seeks to contribute to a reintegration of both societies; yet these projects have thus far done little to settle the conflict. In reality, the EU cannot solve the issue by itself. If the EU was really committed to progress on the conflict, it would seek to regularly discuss the Transnistrian issue with Russia, which tends to oppose a settlement of the conflict. Thus far, however, EU involvement has not substantially induced progress as negotiations have remained stuck (for many years).

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<sup>23</sup> European Commission 2008

The Transnistrian issue has its place in the third common space of EU-Russian relations. In the biannual summit meetings the third common space is formally included. During most EU-Russia summits however, Transnistria does not (even) appear on the agenda. At the 2005 Moscow summit the roadmaps for the four common spaces were discussed and adopted. In the map for the third space, Transnistria is not explicitly mentioned (Council of the European Union 2005: 38). It is not a coincidence that Transnistria was not discussed at these summits, or at least not to the extent that the results reached the final statements. In the eighteen summits that have been held since 2000 Transnistria was referred to in the final press statements only five times (see table below). Not once was the topic mentioned on its own. It was always mentioned together with other conflicts such as Nagorno-Karabakh, Abkhazia and South Ossetia. There was never more than one sentence dedicated to this particular conflict, while Nagorno-Karabakh and especially South Ossetia and Abkhazia all received (much) more attention. Overall, it is clear that Transnistria does not have a central place in the institutionalized discussions between the EU and Russia (interview, by telephone 2008).

**Table 1: Transnistria discussed in EU-Russian summits**

Summit	Transnistria mentioned in final statements	How mentioned
Khabarovsk 2009	No information available yet	
Nice 2008	No	-
Khanti Mansiisk 2008	No	-
Mafra 2007	No	-
Samara 2007	No	-
Helsinki 2006	Yes	'Over lunch, international matters were discussed, including Iran, the Western Balkans, the Middle East, North Korea, Georgia, Belarus and Moldova.'
Sochi 2006	Yes	'In the Common Space of External Security, the leaders reviewed co-operation on the international scene, including on countries in the common neighbourhood (Belarus, Moldova, South Caucasus). The EU side expressed hope for a breakthrough in Nagorno-Karabakh.'
London 2005	No information available	-
Moscow 2005	Yes	'They will co-operate to promote resolution of frozen conflicts in Europe (e.g. in Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh), in line with UN and OSCE commitments'
The Hague 2004	No	-
Moscow 2004	No	-
Rome 2003	No	-
St. Petersburg 2003	No	-
Brussels 2002	No	-
Moscow 2002	Yes	'Russia and the EU will cooperate to resolve

		regional conflicts, including the Transdnistria issue in Moldova.’
Brussels 2001	Yes	‘We are agreed that a solution must be found as soon as possible to the Transdnistria conflict in Moldova. We attach the utmost importance to implementation of the commitments entered into at the OSCE.’
Moscow 2001	No	-
Paris 2000	No, not even in a special declaration on security matters in Europe	-
Moscow 2000	No	-

Source: [http://ec.europa.eu/external\\_relations/russia/sum11\\_08/index\\_en.htmhtm](http://ec.europa.eu/external_relations/russia/sum11_08/index_en.htmhtm)

The conflict in Transnistria is not thoroughly discussed at a high level between the EU and Russia. As Adriaan Jacobovits de Szeged, former EU special representative for Moldova, has noted: ‘in Russia, conflicts such as these are decided upon on at president or prime minister level. If the EU really wants to do something about Transnistria, it has to go talk with Russia at that level. The head of government of one of the largest countries of the EU, like Germany, the UK, France, Spain or Italy, should have some serious conversations with Medvedev or Putin. But that does not happen. The EU is afraid to upset Russia about a relative unimportant matter as Transnistria.’<sup>24</sup>

The highest level at which the Commission could send a mediator to Russia is Commission President Barroso. The Commission would not ask a national leader to do so on behalf of the EU (interview with V. Navratil, 2008). But Barroso does not carry enough weight in Moscow, where only the big countries count as significant actors (interview with A. Jacobovits de Szeged, 2008). Since 2003, when Jacobovits de Szeged was still the personal representative of the OSCE Chairman-in-office for Moldova, he tried to get member states’ head of state and government interested to become involved in the conflict. In Europe he started with Prime Minister Blair. ‘He was not interested as Britain was focussing on Iraq and Afghanistan. Berlusconi did not want to put pressure on Russia, since he is a friend of Putin. Spain did not care enough, as Transnistria is far away. I then put my hopes on Merkel, but that also turned out to be a false hope’ (interview with A. Jacobovits de Szeged, 2008).

Maintaining good relations with Russia is more important to the EU and its member states than a settlement of the Transnistrian conflict. Europe depends to a large degree on Russian gas and this gives Russia quite a political power tool. Germany especially fears to upset Russia, even though Germany holds the key for a settlement due to its close relations

<sup>24</sup> Interview with Adriaan Jacobovits de Szeged, former Special Representative of the EU to Moldova, The Hague, 5 June 2008.

(‘strategic partnership’) with Russia (Lippert 2007). When Jacobovits de Szeged proposed the possibility of substituting the Russian troops in Transnistria with an international peacekeeping mission (including Russian, EU and US troops) in the EU’s Political and Security Committee (PSC) in the second half of 2006, the German representative objected. Only when he found out that Russia wanted to talk about it did he change his mind (interview with A. Jacobovits de Szeged, 2008). This shows that Russia has quite some leverage over EU decisions concerning the shared neighbourhood.

As regards a serious approach to the settlement of the conflict, the EU (and its member states) do not seem prepared to take the required firmer stance *vis-à-vis* Russia, which would include raising the issue of Russian commitments to withdraw its troops, and go beyond the sporadic ‘talks over lunch’ at summit meetings (European Commission 2006c). It suggests that the EU clearly favours its self-interests, which are particularly related to energy security (Sander 2007)<sup>25</sup>, over its stated normative concern, i.e. a solution of the Transnistrian conflict. This calls the genuineness of EU normative power (further) into question.

## CONCLUSION

In terms of inclusiveness EU normativity was rather limited. While the Action plan appears to be a bilateral document at first glance, on closer examination it becomes apparent that Moldovan requests for differentiation, swift implementation and clear benchmarks were hardly taken into account by the EU. Nor did the ‘negotiation’ process provide scope for Moldovan authorities to give significant input/feedback. This puts the alleged ‘joint ownership’ of the Action Plan into question. As regards reflexivity, the EU’s record is also somewhat disappointing: EU progress reports focus solely on Moldova, there is a lack of willingness to include the screening method on the part of the Commission, communications by the Commission on ENP are rather uncritical and vague in their analysis, and Commission responses to criticism concerning ENP or the Action Plan with Moldova were often simply passing blame (e.g. to Moldova). Only recently has the Commission acknowledged some (minor) shortcomings.

Since the signing of the Action Plan, norms concerning democracy and good governance have begun to change in Moldova. The first step, the adjustment of national legislation to European standards has almost been completed. The second step, the implementation of the new norms, is lacking however. In this regard, the ENP Action Plan has

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<sup>25</sup> Interviews with Mikko, Wiersma, Berizzi and Jacobovits de Szeged.

not brought the level of change that has been hoped for. This suggests that the time frame of three years was too optimistic. Furthermore, opinion data indicates that norm changes have not yet arrived at the level of citizens, who have not sufficiently comprehended and embraced these norms. At the same time there were signs that politicians had not always adequately internalised those norms since some laws were adopted only ‘for the EU’. Even if norm change has so far been moderate and not taking place at the anticipate speed, the level of progress should not be viewed too sceptically, since norm changes do take time. Although norms are only starting to change, our analysis suggests that the EU has significantly contributed to this effect, both through the soft power of its attractiveness (to Moldova) and ENP positive conditionality.

As for the seriousness and genuineness of EU normative commitment, norms concerning democracy and good governance do seem to have a central role in the relationship between the EU and Moldova. However, our analysis suggests that the EU, to some extent, applies double standards in terms of what it expects from (EU) member states and what it asks of Moldova. Its own shortcomings in terms of election processes (and the uncritical handling thereof), and dealing with the recommendations flowing from GECO’s anti-corruption reports, have somewhat undermined the credibility and legitimacy of EU normative power; as have continuing problems concerning the EU’s own democratic deficit and its inconsistent policies towards Moldova on the one hand, and the more lenient line towards Ukraine, on the other. In the case of Transnistria EU normative commitment seems even more vague, as the EU prefers not to push the issue and thus avoids endangering relations with Russia, at the expense of working towards a genuine resolution of the Transnistrian conflict.

So how can EU action *vis-à-vis* Moldova be characterised best? The relative lack of genuine normative commitment/intent – e.g. through the use of double standards – points to a certain ‘strategic’ (or opportunistic) behaviour. The relative absence of inclusiveness (and reflexivity) indicates certain ‘hegemonic’ tendencies. And the influence of slow and moderate development of norms in Moldova does not necessary require the terminus ‘power’. Still, ‘norms’ of democracy and good governance are at the centre of the relationship (even if the EU makes use of double standards) and we have observed a certain EU induced ‘normative’ development in Moldova. We thus conclude that the term ‘strategic normative hegemon’ (even though it exaggerates the above-mentioned tendencies) more aptly describes EU action than that of ‘normative power’. To be fair, EU action would be characterised best somewhere between these two descriptions, while coming closer to the former one.

The above analysis also suggests that the EU is not willing or able to act alone in situations that contain potential security threats for the Union. Even if Transnistria is half a

globe away from the United States and only one hundred kilometres from the EU border, the EU still looks for encouragement of the US in this matter. Only after the US initiated the travel ban on Transnistrian leaders did the EU decide to follow suit. The case of Transnistria also seems to indicate that the EU not only lacks *normative* power, but also other types of power (including *civilian* power) since it is unable to get towards a solution or genuine pacification of a relatively small conflict close to home.

In addition, the EU should start to think seriously about a follow-up of the ENP.<sup>26</sup> Conducted with the best intentions six years ago, the way it stands now, is not the strongest policy possible. That the ENP Action Plan did not bring about all the changes in Moldova which were anticipated also reflects the imperfection of the policy, such as the overly optimistic timeframe, the lack of clear benchmarks in the Plan, the non-differentiation between the partner countries, the lack of credibility of the EU because of its use of certain double standards and the lack of clarity for countries such as Moldova about their status and future prospects. The basis for this would have to be a comprehensive, critical (and also inward-looking) evaluation process.

Finally an internal debate about the possibility of future enlargements is necessary. Countries such as Moldova should know where they stand, and whether they have a chance to join the EU in the future. Moldova, for instance, does not ask for a concrete date, only whether the door is open or not in principal (interview with V. Gheorghiu, 2008). The country runs significant risks. On the one hand it follows the European path, hoping for a better agreement with the EU and possible membership in the future. Moldova does this against the will of Russia, an important 'partner' of Moldova. If Russia turns its back on Moldova, and at the same time the EU will not give Moldova a clear sight of its European future, Moldova could be left without options. If the EU wishes to be a normative power vis-à-vis Moldova, it should not let that happen. The EU must therefore sort out what policy it intends to pursue concerning future enlargement(s) and communicate its intentions clearly.

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<sup>26</sup> For more elaborate views concerning the future of the ENP, see Emerson *et al.* 2007; Gromadzki, Lopata & Raik 2005; Gänzle 2008.

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