FROM NEIGHBOURHOOD TO MEMBERSHIP:

MOLDOVA’S PERSUASION STRATEGY TOWARDS THE EU

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Abstract

Moldova is complying with the European Neighbourhood Policy (ENP), the new framework of partnership with neighbouring countries that was created by the European Union (EU) in 2005. The ENP prompted in the partner countries a process of convergence with the EU rules. We argue that this process precedes a similar one to accession. The ENP urge towards legislation convergence in the Eastern partner countries can therefore be the first step to EU enlargement to Former Soviet Union Republics (FSURs) such as Moldova, Ukraine, Belarus and Georgia, even if it is generally understood that enlargement of the EU so as to include these countries is not yet in the cards. In this paper we analyse whether the ENP-prompted process of convergence of the Moldovan legislation with the EU rules (law, institutions, and practices) increases this country’s chances to EU membership. We argue that the ENP convergence prompted-process is enduring, it is similar to the compliance with the Copenhagen convergence criteria, and may bring Moldova’s accession sooner than expected.
Introduction

When Romania became a member of the EU on 1 January 2007, the Romanian-Moldovan border became an EU border. This situation presents Moldova with a range of opportunities and challenges. The opportunities is getting closer to the EU and possibly aspire to EU membership (a very attractive option for the political parties as it conveys strong popular support), and the challenges are the unclear EU position regarding its candidateship and a generally hostile Russian position to this aspiration.

Moldova’s position is one of a privileged EU partner through the European Neighbourhood Policy (ENP). With the ENP, the European Commission seems to enclose its neighbours into an unengaging partnership, removed from the prospect of membership for the foreseeable future (twenty-five to thirty years). Yet, some language in the Commission’s papers and on the positions taken by the European Parliament (EP) sheds doubts on this plan. Indeed, both institutions are on record as supporting Moldova’s, as well as other Former Soviet Union Republics (FSURs) European aspirations. In turn, Moldovan politicians have labelled ‘irreversible’ the country’s aspirations towards EU membership. Moreover, the conditions attached to the ENP assistance to FSURs look strikingly similar to enlargement conditionality, i.e. the 1993 Copenhagen criteria especially when it comes to harmonisation with the *acquis communautaire*, and the institutions to monitor them were inspired from the ones which dealt with the latest eastern enlargement (Kelley 2004). Is the EU preparing the ENP Eastern countries to membership by attaching to the disbursement of the assistance a conditionality similar to the accession one? If this is the case, the EU is apparently not doing so in a deliberate manner, as the current enlargement-fatigue makes it very difficult to contemplate new rounds of Eastern enlargement.

For the moment, the EU seems to have a clearer stand towards Southern Eastern European countries than towards the FSURs. Over the past years it had a more favourable approach towards accession “laggards” such as Romania and Bulgaria, and more recently towards the Western Balkans, than towards the FSURs. Presently, in exchange for a “national reform programme” modelled on the EU-Moldova ENP prompted Action Plan (EURMAP), EU is committing to Moldova administrative, technical and financial assistance provided only in the form of border security assistance and some other specific technical actions. This commitment enforces the confidence of major international donors, which are pooling together financial resources to finance investments in Moldova’s infrastructural projects.

The objective of this paper is to offer an assessment of the strategy that Moldova has taken to strengthen its chances for an EU candidate status. Our research question is: **why did Moldova choose to bring its rules to converge with the EU ones even without a clear membership perspective?** We will look at where this adaptation can be seen in action. What are the costs of this strategy and how can this adaptation result in a change of the EU preferences to enlarge? Three adjacent questions will enrich the perspective on the subject of Moldova’s voluntary adaptation: why did the Moldovan elites decide to embark voluntarily on the path towards membership preparation given the new
announced EU enlargement agenda (2006), which blocks further additions to the Union? Why did they decide to move away from Russian influence and get closer to the EU? Finally, what are the EU and its Member States positions on Moldovan aspirations?

Our hypothesis is that Moldova’s is attempting to follow the CEECs pre-accession template on these countries’ lookout for the EU membership. Moldova has learned from the CEECs experience what the rules of the games are: incorporate the acquis, have a “functioning market economy” and “the capacity to cope with competitive pressure and market forces within the EU, as well as the “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities”, i.e. the “Copenhagen” – convergence - criteria for acceding to the EU. Thus, since 2003 Moldova has been trying to convince the EU that it is creating conditions so that it can comply with enlargement-type conditionality EU applied to the CEECs. The immediate solution for this country was thus to adopt the acquis and generate an as-close-as-possible policy convergence with the EU rules, in case the EU was willing to open negotiations for accession. Is this strategy sustainable given the lack of EU’s commitment to Moldova’s accession? We anticipate a positive answer to this question. There are a few indicators that point in this direction. For instance, since its adoption, EURMAP has become the central point of reference in the domestic reform process. The EU on the other hand is committing financial and technical assistance which gives other donors and investors confidence in Moldova’s capacity of absorption and of generating returns to investments.

In summary, we argue that the EU may change its mind so as to accept Moldova’s candidateship and this for two reasons. First, Moldova will have made more progress towards institutional reform and legislative adaptation so as to converge with EU rules (law, institutions and practices) and thus turn out to be a suitable candidate. Second, similar to the case of Kosovo today, the EU may benefit from being involved in an area that contains a volatile conflict (Transnistria) for countering a possible intervention of Russia (which is usually greatly implicated in conflicts as the latest retort in South Ossetia and Abkhazia in August 2008, and in Transnistria itself in the early 1990s). An additional reason is the steady first step Ukraine made in July 2008 towards closer association with the EU and that it may join. This perspective would offer Moldova a geographical advantage to its EU related ambitions: by being Romania’s neighbour and surrounded by a country with increased chances to membership as Ukraine, tiny Moldova will appear a logical new addition to the Union.

The remainder of this paper is structured as follows. We present first the actual state of EU’s relations with Moldova. Secondly, Moldova’s case for accession, including predictions with regard to the EU and its Member States attitude towards Moldova’s EU integration, and assessment of the most likely future patterns of this likelihood. The forth section briefly talks about the main barrier which makes the EU integration unfeasible for Moldova, the Transnistrian conflict. Section five analyses the main findings against the theoretical framework set up at the outset. The final section concludes.
1. The state of EU’s Relations with Moldova

In 2003 Moldova made European integration its main foreign policy objective. The EU’s reaction in exchange was simply to acknowledge Moldova’s European aspirations but not to make any further steps. Despite this cold welcome, EU continued the relationship started in 1998 with the ‘Partnership and Cooperation Agreement’, for the initial period of ten years, which ‘remains a valid basis for EU-Moldovan cooperation’\(^8\) (trade liberalization, legislative harmonization, political dialogue and cooperation in many sectors). It agreed also that it will ‘encourage’ and ‘support’\(^9\) Moldova’s objective of further integration into European economic and social structures.

Romania’s accession to the EU meant that Moldova acquired the ‘neighbour’ status with the EU in the then launched ENP. Thus, in 22 February 2005, Moldova and the EU signed an ENP Action Plan (EURMAP) aimed at supporting Moldova’s own programme for democratic and economic reform. The Action Plan invites Moldova to ‘enter into intensified (our emphasis) political, security, economic and cultural relations with the EU, enhanced cross border co-operation and shared responsibility in conflict prevention and conflict resolution. One of the key objectives will be to further support a viable solution to the Transnistria conflict’.\(^10\)

EURMAP is now at the centre of the government's domestic reform programme. It aims at achieving Moldova’s transition to democracy and market economy by strengthening the institutions guaranteeing democracy, the rule of law, and the respect for human rights (the political criteria); promoting economic reform and improving living conditions (economic criterion); strengthening of institutions and reform of judiciary (building administrative capacity).\(^11\) Thus, the programme resembles one designed to enforce a state capacity to cope with enlargement-like conditionality. The ENP aims in the ENP Action Plans are expressed in adapted terms to each country’s reality but cover the same bottom line objectives, i.e. democracy and market economy by strengthening the institutions guaranteeing democracy, the rule of law, and the respect for human rights.\(^12\)

The terminology is slightly different for Moldova – ‘consolidating democracy, the protection of human rights and fundamental freedom; consolidating the rule of law\(^13\), effective fight against corruption; public sector reform; improving the investment climate; improving welfare, increasing living standards and enhancing the provisions of social services’\(^14\), but covers the same reality: bringing about democracy, economic prosperity and functional judiciary and administration to guarantee democracy, the rule of law, and the respect for human rights\(^15\). As for the ‘economic criterion’, the wording is also slightly different indicating nevertheless the early stage of adaptation in the case of Moldova compared with the CEECs: ‘promoting economic reform, improving living conditions and the business climate’ versus ‘achieving a functional market economy capable of coping with competition on the internal market’. The EU indicated that it remains open to offer quite significant economic partnership perspectives (for e.g. a ‘stake in the Internal Market’, ‘the opportunity for convergence of economic legislation, the opening of economies to each other’\(^16\), on the basis of the Stability Pact and the Central European Free Trade Agreement - CEFTA - of which Moldova is part).
Establishing the exact meaning of the term ‘intensified’ relations is left at Moldova’s own discretion (from the text of the Action Plan, as well as from the Commission’s response in the December 2007 opinion on the implementation of the EURMAP). The EU sets up a relation based on motivation and merit with Moldova (‘the pace of progress of the relationship will acknowledge fully Moldova’s efforts and concrete achievements in meeting those commitments’)\(^\text{17}\); the Commission’s language is strikingly similar as to the one used when it opened accession negotiations with the ‘illiberal’ (Vachudova 2005) or ‘anti-liberal’ (Schimmelfennig 2005) CEECs states in Helsinki 1999: ‘as Moldova makes genuine progress in carrying out internal reforms and adopting European standards, relations between the EU and Moldova will become deeper and stronger’\(^\text{18}\).

In sum, the EU does not promise membership to Moldova although it recognizes that ‘the partnership is intended in particular to promote Moldova’s transition to a full-fledged democratic and market economy (…) able to share the EU’s stability, security and prosperity’\(^\text{19}\), characteristics similar to the ones of a Member State. The distinction comes with the adagio ‘(…) in a way that is distinct from EU membership’, although ending ‘the Action Plan has provided a concrete tool for furthering Moldova’s European aspirations’\(^\text{20}\) which for Moldovans mean “membership” adds even more to the confusion.

2. Moldova’s EU integration case

2.1 Reasons to seek integration with the EU

The attraction to integrate the EU is also stemming from a range of cultural and social factors. But in general the main factors seem to be political, economic and security reasons.

The main factor was the realisation that European integration was the popular choice of Moldovans. Thus, supporting the European integration project meant for the Moldovan political class the guarantee of electoral support. This rosy prospect explains why almost all political factions, including the until-then-pro-Russia communist government changed tone towards the EU integration. Naturally, another important realisation contributing to this choice was that Moldova would soon become a direct neighbour of the EU. Also, the incontestable success of the European integration process and the fear, after the 2003 Yalta moment\(^\text{21}\), that being in the CIS is not a guarantee for economic and security stability contributed to the shift.

The Republic of Moldova, a tiny FSUR, one of the poorest countries in Europe, has an economy largely agricultural with few natural resources. Its dire situation is exacerbated by its dependence on energy debts to Russia.\(^\text{22}\) Substantial emigration resulted in growing inflows of worker’s remittances (at least 25% of GDP in 2003-2004 according to DG External Relations and 30% in 2007 according to interviewees in Chisinau conducted by the authors in June 2007). Recent reports are nevertheless optimistic. Thus, the Chisinau
bureau chief of the International Monetary Fund reported in November 2007 that ‘the economic situation in Moldova is much better as compared to initial projections’, giving as an example the growth rate, 8% of Gross Domestic Product (GDP) compared to the 6% GDP that was forecasted, and the current level of investments at the level of such in the countries of Central Europe prior to joining the European Union.

As for the cultural and social factors, Moldova features strong Latin roots due to its historical past. It also has close linkages to Romania: its territory constituted prior to 1812, together with the Eastern part of Romanian territory (called also ‘Moldova’), the Principality of Moldova, one of the three Romanian speaking principalities (along Valachia and Transylvania). The main difference between the two countries is its recent history, with Moldova having been dominated for 150 years by Russia/Soviet Union, whereas Romania under Ceauşescu was not under Soviet control. The unification with Romania, an EU Member State, can be one possible alternative path for Moldova’s EU integration. But when it comes to the question of unification with Romania, which was envisaged by some at the beginning of the 1990s, in recent years this objective has lost most of its supporters. At the beginning of the 1990s, when Soviet Union imploded, Moldova’s constitutive republics faced two options: unity with Romania or independence while cultivating strong ties with Russia. Unity with Romania was a popular feeling in both Moldova and Romania (public manifestations and acceptable calls for unity: the ‘Flowers Bridge’ between the two borders of the river Prut, separating Romania of Moldova, regular and instituted family connections, twined Moldovan and Romanian families). But the lack of commitment from the successive Romanian governments – concerned first and foremost with meeting EU’s economic conditionality for membership (considered to be compromised if the unity with Moldova was endorsed in the same way Germany bore the burden of its unification with East Germany), and secondly, in maintaining good relations with Russia – jeopardized this opportunity. The unclear stand from Romania towards a project of ‘two Romanian States’ from 1991 was abandoned (Schmidtke and Chira-Pascanut 2007: 141) and it certainly played in bringing about in Moldova stronger ties with Russia. In these conditions, the COMECON connection was therefore a natural laying against for the weaker-and-weaker Moldovan economy. Already in 1994 there were clear signs that Moldova abandoned the idea of being another Romanian state. Currently, politicians – with the exception of the Romanian President Basescu and citizens alike overwhelmingly consider it “unnecessary”, “unfeasible” or altogether “undesirable”. Individuals have others leverages to benefit from their Romanian ancestry in the form of useful Romanian passports for travelling in the EU. But in general the subject remains taboo on both sides of the Prut.

From a European integration stand, undoubtedly, Moldovans are culturally and historically ‘Europeans’. Without entering into details what ‘Europe’ and ‘Europeans’ mean, in the case of Moldova is sufficiently straightforward to be rest assured that there are no grounds in the EU Treaty to reject Moldova. But the EU has to be reassured that its Member States function on the same set of rules and that there are no within-borders conflicts. The “Copenhagen criteria” resolved the vagueness of the articles 6 and 49 regarding the entry conditions so, belonging to the EU now means: 1) accepting the EU acquis; and, in the specific case of Moldova 2) resolving the Transnistrian conflict.
Aware of this, Moldova started its EU entry road by asserting its EU pledge in 2003 first by a unanimous ‘Declaration on Political Partnership to Achieve the Objectives of European Integration’ by the newly elected Moldovan Parliament at its first plenary, reiterated generally in all official discourses after that date. Later, it was working to prove its resemblance with the Western Balkans, which received at Feira (2000) and at Thessalonica (2003) Summits assurance of their EU suitability. In 2007, Moldovan technocrats wanted to impose a model of identification with the Western Balkans in order to lobby its EU candidateship. In 2008, this strategy has been already forgotten. Another strategy has been announced by the communist government, an idea of a unique, à la Moldave, way of seeking EU membership by staying neutral, i.e. without acceding to NATO. Even though President Voronin argues that this is to resemble small neutral EU countries as Austria, Cyprus, Ireland, Malta, and Sweden, it is clear that the new position stems from Russia promises to support the communist party in the 2009 election in exchange of abandoning the idea of acceding to NATO.

2.2 Moldova’s efforts to converge with EU rules

At the moment the EU supports mainly border security and economic alleviation. But the European Neighbourhood Partnership Initiative (ENPI) assistance will come as budgetary support. It is a policy-driven instrument aiming at supporting reforms and approximation to EU policies and standards. This funding will increase Moldovan institutions’ ownership over the process and will shape them in a durable way unless external shocks intervene. We argue that this is a perfect ‘increasing returns processes’ (Pierson 2004) model, and it will have as effect the adaptation by Moldovan institutions of the EU’s mode of governing programmes. A series of factors as poverty and instability at the borders of the EU are also creating momentum. EU is conscious that ‘greater neighbourhood problems ask for greater commitments and more effective leverage [from the EU] and the latter can only be provided by a conditional membership offer.’ (Zielonka 2007: 174).

The legal adaptation of the Moldavian legislation with the acquis started in 1999. It was supported by the EU through a technical assistance project within the ‘Partnership and Cooperation Agreement’. Its Art. 50 required the creation of a mechanism which ensured the systematic harmonisation of the new legislation with the EU framework. This only came in 2007 by the creation of the Centre for Legal Approximation by the Ministry of Justice. In general, the approximation has been driven by donors (Gutu 2006). Occasional attempts to harmonise legislation undertaken by certain ministries and institutions deserve credit, but such an approach towards legal approximation was, until 2006, “neither sufficient nor satisfactory” (Gutu 2006) for the purposes of European integration.

During the year of 2006, Republic of Moldova amended two organic laws on legislative and normative laws respectively to include the mandatory provision of drafting the national legislation to be compatible with the Community law and a government decision was adopted to set the procedures of elaboration of legislative and normative acts in compliance with the Community legislation. In order to systematise the approximation
process annual legislative plans for approximation will be developed. European experts consider that the biggest progress since the launching of EURMAP was the harmonisation of laws\textsuperscript{30}.

In general, the cost of harmonisation with the acquis is significant. Thus, Moldova chose trade rules to be harmonised in first, this sector being identified as a basis towards economic modernisation bringing about also the maturing of the private sector and Moldova’s investment attractiveness.

Even though the adaptation is not going at a pace comparable with pre-accession as in the case of CEECs, it is profoundly in place in the Moldovan system. Moreover, in the pre-electoral year 2008 the communist government does not push towards accomplishing more – there is no doubt that the process will be halted or reversed. The European integration is the main political objective of both, the ruling party and the opposition. Also, the EU technical assistance through ENPI is bringing changes which will be too costly to reverse as they are entrenched in the functioning mechanism of Moldovan institutions. The ENPI disbursement is managed to shape the way in which the institutions in charge work, i.e. scrutinise accountability, transparency and management. Reversing this trend will not only jeopardise the EU assistance, but also the assistance from other donors. The cost of non-compliance would be “significant” (Gutu 2006) and would translate into losing export markets and not expand into new markets (mainly into the EU). In the positive side, convergence with the EU regulatory framework represents the key to an improved business and investment climate, an increase in trade ability, a stake in the EU’s Internal Market as promised by the EU and eventually a successful rapprochement with the EU.

In these conditions, what is the position of the real gatekeeper in this game, the EU, and of its Member States, which will all need to give their accord to an eventual accession?

A natural supporter of Moldova’s efforts to integrate the Union is Romania. Indeed, this country would greatly benefit to have Moldova as a partner within the Union. This will strengthen its economic exchanges with a traditional trade partner, will help the cooperation in view of securing its Eastern frontier and it will benefit of the reinforcement of the economic and security cooperation in the region as a whole. On the other hand, 74.3% Moldovans perceive a good relation with Romania as the most positive foreign policy option in its European quest\textsuperscript{31}.

However, in the past years, the moldo-romanian relations suffered a great deal. This had as a consequence the entire paralysis of the political dialogue between the two countries. Thus, the two countries could not agree in signing the framework agreement and the new border treaty\textsuperscript{32} between the two. The reason is obviously a lack of political will\textsuperscript{33}. The Romanian part is disappointed that the governing Moldovan party has a double language towards the EU and Russia, and that in this context, any efforts are ineffective. On the other hand, the ruling party in Chisinau interprets the Romanian attitude as aggressive, fuelling fears regarding Romania having territory claims towards Moldova. The Romanian support towards Moldova’s EU aspirations is nevertheless undeniable. The last
case in point is the fact that one of the 2007 Romanian National Security Strategy main points are to sustain neighbouring states, including Moldova, to integrate the Union. However, Romania is still hesitant to advocate concrete actions, which is mainly a sign of Romania’s dysfunctional institutions and inconsistent vision in the field of external relations. In the case of Moldova, many gather that the stalemate is convenient for the communist government, who, despite the rhetoric for EU integration, is seeking Russia’s approval.

As for the other EU Member States, a picture of their commitment is most visible in the case of the May 2008 Eastern Partnership proposal of Sweden and Poland, which is underlying the fact that the Eastern Europeans states, including Moldova, has a specific place within the ENP, which should be acknowledged: the initiative is for strategic partnership agreements with the EU's eastern neighbours, with the important underlying message that it should avoid the controversial topic of these countries’ accession to the EU. The objectives of the newly proposed partnership are supported by all EU Member States. They are about avoiding dangers in the region related to the frozen conflicts as the one in Transnistria, the instability of state systems related to internal corruption, bad governance, weak democratic institutions, etc., crime and terrorism.

The support to Moldova’s EU aspirations comes from these countries’ population support to Eastern enlargements. Hungary and Poland are largely in favour (64% and respectively, 76%) of Eastern enlargements and therefore, extremely sensitive to Moldova’s aspirations. The Baltics and Sweden are very active in supporting Moldova’s aspirations in order to straighten the East side of the EU for security reasons. The Czech Republic, Slovakia, Slovenia, Austria and Finland are also voicing approval for similar reasons, Belgium is usually in favour of any integration project and the UK, Italy, Greece, Spain and Portugal, and possibly Germany, may be willing to agree because they have common interests to promote Moldova’s interests (investment opportunities, the presence of Moldovan workers in their territories, etc.). The cumulated votes in favour of Moldova’s accession in the Council would therefore be above the necessary 232 votes. The successful application of the Eastern Partnership could result in strengthening Moldova’s supporters’ arguments in favour of its accession.

3. Transnistria: the main test to Moldova’s EU Integration

The external challenge that may thwart Moldova’s accession to the EU is the Transnistrian conflict. Transnistria (or Pridnestrovie in Russian), a separatist territory on the right bank of the river Nistru, populated by Moldovans, Ukrainians and Russians, succeeded in establishing a de facto independence from Moldova in 1992, but has not been internationally recognized as an independent country. Chisinau wants a unitary state, on the basis of the ‘Law on the Main Provisions of the Special Legal Status of the Localities Situated on the Left Bank of Nistru River (Transnistria) as an inalienable part of Moldova’, adopted by the Parliament of Moldova on 22 July 2005. Transnistrian authorities want equal status in a confederal arrangement in which they will have equal power. Parts of the 14th Russian army are still present in Transnistria, although it had
been agreed at the Summit of the Organisation of Security and Cooperation in Europe (OSCE) in Istanbul in 1999 that they all leave by the end of 2002. After the ceasefire in 1992, a security zone was established, guarded by peace-keeping forces consisting mostly of Russian troops and troops from the two sides, as well as some Ukrainians.

Since 2005, there is a 5+2 formula of negotiation (OSCE, Russia and Ukraine, the EU and the US + Moldova and the authorities from Tiraspol). Romania was not allowed to take place in negotiations although at the beginning President Voronin did not see any impediment to this possibility. Negotiations are advancing at a slow pace. Russia was for a longtime pushing President Voronin to accept a return to an old negotiation format (dating back to 1998). In the pre-electoral year 2008 Voronin voiced that it got Russians to agree in a settlement of the situation (in exchange of no-seeking NATO membership). The main points of the agreement – yet to be confirmed – are: Transnistria will be according to Voronin an “autonomy with wide powers of republic. (...) the coat of arms, flag (...) will remain in Transnistria. Certainly, the Moldovan language will be the state language, under the Constitution, but all the other languages can be used (...). Russian has the status of language of inter-ethnical communication in the [whole] Moldova and Transnistrians want [also] the Ukrainian. If that is their wish, then why not!” Moldova, on the other hand, will remain a unitary state with two autonomous formations – Gagauzia and Transnistria. The most concrete steps toward making Transnistria a secure territory and its borders secure is the newly set-up EU Border Assistance Mission (EU-BAM), put in place in 2005, with support from Ukraine and Moldova. EU-BAM will also have as an effect to circumvent claims form the Tiraspol government that Chisinau is not capable of ensuring the security of Transnistria, and that the maintaining of the peacekeeping Russian army in Transnistria is a necessity.

Despite rhetoric of ‘deep ethnic divide’, there is no evidence that these two populations – Moldovan and Transnistrian – would not live together the way they did during the Soviet Union. The population composition is similar, Moldovans, Ukrainians and Russians. The use of the ‘deep ethnic divide’ formula is therefore not justified. The divide seems to be rather between the two governments, the one from Chisinau and from Tiraspol, and possibly some foreign interests to keep them apart. The remaining disputes are over customs duties, public utilities, privatisation, and the use of Latin or Cyrillic script. Polls show that Transnistrian people are in majority pro-European, and that they are keen to be part of a territory with a functional economy, with a currency accepted elsewhere than in the small transnistrian territory, and with prospects of travelling and working in Western Europe. Yet it is clear to all partiers, that in the eventuality that Moldova will achieve an EU candidate status, without a solution to the Transnistrian conflict, the country would likely not join the Union.

4. Moldova’s EU membership undertaking: path dependency?

All through the above assessments, we considered a whole range of variables (convergence with EU rules and institutional framework, advantageous geopolitical situation which could make Moldova attractive for the EU, and support from EU Member
States which can see Moldova as a ‘client’ state) to quantify Moldova’s chances to change EU’s mind. We use as basis of this assessment the ‘increasing returns processes’ theory of Pierson (Pierson 2000) to see if Moldova’s efforts create path dependency towards accession.

The assumption is that legal and institutional adaptation with the EU rules, in other words, Moldova’s efforts to converge with EU rules, Moldova’s geopolitical situation and the support from EU Members States are likely to generate an ‘increasing returns processes’ prone to making the EU accession commitment strongly resistant to change, unless politically costly. If ‘exogenous factors’ as Russia’s pressure will not derail the process, Moldova will achieve the required degree of political and economic reform, as well as administrative capacity to cope with EU membership.

The ‘increasing returns processes’ are at work in the case of ENP’s countries, as Moldova’s case shows, and continues even when membership is not yet promised. Moreover, the ‘increasing returns processes’ thus started would be painful for both, Moldova and the EU, to reverse. We also believe that ‘rational intergovernmentalism’ and ‘social and constructivist institutionalism’ could also add to the understanding of Moldova’s earning the EU candidate status. However, we are still in early stages of understanding if the ‘rational intergovernmentalism’ (Moravcsik 1998; Moravcsik and Vahcudova 2003) requirement of proving what can Moldova offer to the other EU Member States in order to get their support is defined or fulfilled. The fact that the EU Member States did not agree in the Council for a membership offer to this country speaks of the uncertainty of their wishes. The ‘social institutionalism’ reading would be very interesting to apply as well to see if Moldova incorporated norms and values resembling those of the EU (the liberal norms of social and political order in the domestic sphere, and in democratic peace and multilateralism in the international arena). Socialisation is a mechanism for the ENP’s domestic impact in Moldova. By this logic Moldova considers the EU rules as having an intrinsic value, regardless of the material incentives for adopting them. Moreover, both elites and the public positively identified the EU membership as a highly rewarding external affairs policy. This is likely to make any government in power in Moldova more open to consider EU rules as positive (Börzel and Risse 2003; Kubicek 2003: 14-15; Schimmelfennig and Sedelmeier 2005: 19).

Constructivist institutionalism emphasises that the EU’s impact depends on the extent to which there is a ‘cultural match’ or ‘resonance’ between EU demands and domestic rules and political discourses (Kubicek 2003: 13-14; Schimmelfennig and Sedelmeier 2005: 20). Yet, in Moldova that would be difficult because of the identity splits. Both rationalist and constructivist institutionalist approaches see elites’ transnational networks as a facilitating factor for the EU’s influence (Kubicek 2003: 15-16; Schimmelfennig and Sedelmeier 2005: 23). All these considerations have to be taken into account with the bemol that these theories were first conceived to explain the path towards the EU of countries which have been offered membership, but they may not be fit to explain the path towards candidateship of non-invited countries. Indeed, if the “external europeanisation” of accepted countries was successfully theorised, the theories explaining the “Europeisation East” or “governance by enlargement” 44, the impact of EU policies and rules on the domestic structures, laws, and behaviour of non-invited countries, are
“under-theorised” or “suffer from almost reflexive reliance on prior models which may not be suitable to the challenges the ENP attempt to address.

The ‘increased returns’ argument is able to point out towards a predictable course of this country towards persuading the EU of its suitability, which is the stage Moldova is now. A series of phenomena can produce increasing predictable courses of political events in Moldova towards ‘a single optimal outcome’ (Pierson 2000: 253), in our case, EU membership. A vision of political equilibrium, which seems in our case to be European integration, is an attractive aim, and ‘each step away from equilibrium is more difficult than the one before’ (Pierson 2000: 254).

The theory of ‘increasing returns’ suggests that the benefits of any individual action or those of an organization are often enhanced if they are coordinated or ‘fit’ with the actions of other actions or organization. The case of Moldova’s legal and institutional adaptation to embrace the acquis communautaire particularly fits with this suggestion. The same theory points that it is best to ‘bet on the right horse’. For politicians, this means to bet on the political choice ensuring the highest electoral returns. The wrong horse seems to be to align its foreign policy to Russia (which may change unexpectedly as during Russia’s sudden embargo towards Moldova’s products and Moldova’s exclusion from the CIS trade agreement). But as the theory points out, actors must constantly adjust their behaviour in the light of how they expect others (in this case, Russia) to act. Thus, if the EU does not commit, disappointment and ‘fatigue’ will intervene, and EU membership may become the ‘wrong political horse’, especially if Russia allows more trade with Moldova.

At the moment Moldova’s bet on the EU membership appears the most supported in the polls (77%). This orientation was the safest internal political strategy to ensure the communist party’s re-election and permitted an alliance between communists and the opposition to advance European integration. The adaptation in view of resembling EU candidates to membership has implied without doubt that Moldova had to incur considerable political costs (Russia’s concern about this development, stemming from the more general over EU enlargement to the East - which has been watered down by EU’s support to Russia’s WTO accession - is a case in point). But given the advantages Moldova acquired through the ENP, and more opportunities to open up naturally through the open relationship with the EU Member States, especially with neighbouring Member States, we can therefore safely assume that Moldova’s embracing of the EU integration aim, is rather steadfast, it brings ‘increasing returns’, and changing it would not serve any logical political purpose, electoral for the party in power or ensuring Moldova’s a safe international stand.

Moldova’s communist ruling party plays nonetheless a double card. In the context of its diminishing popularity, the governing Moldovan communist party is using the East (Russia) - West (EU, NATO) disagreements, especially the disagreement towards the Russia’s missile program, to attract political capital. First, it is playing some of its cards to get Russia to agree on some concessions over Transnistria. This strategy can work in the context where Russia, as the legal successor of the Soviet Union and where Yedinaya
Rossiya ("United Russia") Party of the powerful Putin-Medvedev couple is growing in influence, is sensible, as it is interested on keeping former soviet Republics on its influence sphere, by contributing to solve their internal issues. Russia could therefore be willing to agree to temporary and inconsequential concessions to solve the Transnistrian conflict if this helps a complying Moldovan government. Second, as the role of the EU in the region and the popular support\textsuperscript{49} to the EU integration is strong in Moldova. The party maintains a rhetoric favourable to Moldova’s EU integration.

In the case of EU’s vision for Moldova, we can argue that the EU kept a safe, unassuming and unengaging position: EU cannot be accused that it does not fulfil its promises of including this country in the club for the simple fact it never promised it membership! But if the developments continue the way they started, EU’s neighbour Moldova will start to look disenchanted like many of its recently acquired members.

5. Conclusion

In spite of regular internal divisions between faithfulness towards West or East, Moldova’s critical switch to a definitive EU orientation in 2003 was punctuated by the critical conjuncture of securing its economic and security survival between two ambitious and competing political giants, the EU and Russia.

After becoming an ENP partner for EU, Moldova was more and more associated with a whole range of EU mechanisms and institutions which brought along much needed financial assistance. The financial assistance was conditional on compliance with the commitments under the ENP. Yet, Moldova took the compliance even further, and strives to accomplish convergence criteria like the ones the CEECs observed before their accession. There are of course degrees and prioritisation of the convergence efforts according to the stage the EU-Moldova talks are on. The important thing is that an institutional mechanism was put in place to carry this on steadily. Thus, the legal and institutional voluntary convergence effort is bit by bit at work in Moldova. It receives external approval and popular support and few would like to see it reversed.

These changes are profound and costly to give up or reverse. The voluntary convergence effort with the EU \textit{acquis} and the institutional adaptation with a view for European integration induced in Moldova institutional and social self-enforcing dynamics common to the ‘increasing returns processes’ (Pierson, 2000). Thus, Moldova’s way seems to be since 2003 sturdy towards the EU, despite the communist ruling’s close ties to Russia. The government is aware that these processes will guarantee them electoral support; the citizens realise that these processes create checks and balances essential to a democratic society and are eager to support them. We can therefore assume that these two variables will perpetuate attitudes to make these processes endure. And if the other major variable, i.e. EU’s willingness and capacity to enlarge, is also in place, we can expect that this country’s European integration objective will be attained.
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**NOTES**

1 The research for this paper was made possible by a grant of the European Commission— Jean Monnet Project “Transnational Network on Euroisation and Democratisation at the Eastern Borderline of the European Union”. In late June 2007 the authors conducted 16 interviews face-to-face interviews with key informants in Chisinau, Moldova. The interviews were based on a semi-structured list of questions. The interviews lasted on average 80 minutes. Key informants were represented a number of government institutions (ministries of finance, foreign affairs, the central bank, parliamentarians) as well as international organization offices (European Delegation, the European Bank for Reconstruction and Development, the International Monetary Fund, International Office of Migration, the United Nations...
Development Office, the World Bank), and with local print, radio and television media. The authors wish to thank the interviewees for generously giving their time and sharing their insights with them.

2 When we refer to the FSURs, in this paper, we refer to those FSURs that are not yet in the EU.

3 European Council in Copenhagen, 21-22 June 1993, Conclusions of the Presidency, SN 180/93.

4 The period of implementation of EURMAP was fixed for 3 years, so that the date of 22 February 2008 is considered to be the date when EURMAP expires.


6 POPESCU, Nicu, Perspectives, 2006: ‘Outsourcing de facto Statehood: Russia and the Secessionist Entities in Georgia and Moldova, June 2006: “Russia has been heavily involved in the conflicts. Assessments of its role in the conflicts vary, but none disputes the fact that Russia plays an important role in the conflict regions”.

7 On 22 July 2008, the Ukrainian foreign affairs minister has announced that the EU General Affairs Council decided that a ‘Stabilisation and Association Agreement’ will be signed between Ukraine and the EU on September 8, 2008 in Evian (France). New enhanced agreement between Ukraine and EU called “Agreement on Association”, UNIAN Press, http://www.unian.net/eng/news/news-263031.html; German Chancellor Angela Merkel said that “(…) the Federative Republic of Germany, may imagine that [a new agreement with Ukraine] means not only an agreement about enhanced cooperation, but also as an agreement on associated membership”. New agreement between Ukraine and EU might be viewed as agreement on Ukraine’s associated membership, Merkel says, Kyiv, 21 July 2008, Interfax-Ukraine.

8 EURMAP, p.3.

9 Ibidem, p.3


11 EURMAP targets: trade access to the European market through the trade preference scheme known as GSP+ (Generalised System of Preferences Plus), autonomous trade preferences (EU lifts trade tariffs for certain Moldovan products), technical support for improvements to health and phyto-sanitary systems, visa facilitation and readmission and an EU Border Assistance Mission (EUBAM) ensuring transparent management of the Moldova-Ukraine border, improving customs services and increasing revenue.

12 ‘Moldova has been a member of the Council of Europe since 1995 and is still subject to a monitoring procedure’. Parliamentary Assembly of Council of Europe, 2007, p. 2.


16 EURMAP p.3.

17 idem, p.1.


19 Ibidem.

20 Ibidem.

21 Yalta 2003 CIS Summit where Moldova was not invited in the new Trade Agreement between Kazakhstan, Russia, Ukraine, Belarus.

22 European Parliament Delegation to the EU-Moldova Parliamentary Cooperation Committee, 2007, p.2

23 After 50 years of separation, thousands of Romanian and Moldovans met on the Prut river banks and symbolically thrown flowers on the water.

24 From 1942 until 1990, villages have been split in two, separating de facto families (see the case of Costuleni and Macaresti villages). in Liviu Iol, “Podul de flori” s-a prabusit pe Prut, Evenimentul Zilei Nr. 5039, 30 decembrie 2006.


26 The latest declaration of the Romanian President Basescu regarding the subject was in Seoul in 11 September 2008, when, wishing to the hosts that the two Koreas will unite, he drew the parallel for Romania and the Republic of Moldova, wishing that, when the Republic of Moldova will join the European
Union, the Romanians will have a united country, an unclear declaration which can be interpreted as implying that Romanians from both rivers of the Prut will live in the same political space, the EU.

27 According to authors’ interviews in Chisinau, 2007.

28 According to authors’ interviews in Chisinau, 2007.

29 The Russian support in the form of political endorsement and benevolent media coverage in Russia is indeed necessary to the communists to win: some say Putin and Medvedev are very popular in Moldova, and that as much as 90% of Moldovan population watch the first channel of the Russian public television (Lupan 2008) which ranks among the first three most trusted sources of information along with the Metropolitan Church of Moldova and the EU institutions and ahead of Moldovan institutions and the Metropolitan Church of Bessarabia, associated with Romania (58,9%) (EURASIA, IDIS VIITORUL, AXA, p.9).


31 EURASIA, IDIS VIITORUL, AXA, 2008, p. 22.

32 This treaty is expected to be signed before the 2009 elections.

33 “Chisinau often accuses Bucharest of funding the opposition and the Romanian Orthodox Church of wanting to set up a bishopric in Moldova, where the Russian Orthodox Church predominates. Most of all, Voronin is annoyed by Romanian President Traian Băsescu's claim that there is only one people in the two countries – Romanians. But when relations between Moldova and Russia were cool and Moldova was financially straitened, Băsescu came to Voronin’s aid. Now that Voronin is once again welcome at the Kremlin, he is freer in expressing his true opinion of Romania”. Moldova Squabbles with Romania, Cozies with Russia, Kommersant, 14 Dec. 2007.


37 Voronin, 2005: ‘(…) why not our neighbour, Romania, which is already close to EU membership? We will be neighbours with an EU member. Why not include this country in the negotiations party?’


40 ibidem.

41 The removal of the 14th Russian Army involves a huge social undertaking (social coverage, pensions) which for now, no government wants to assume.

42 Minzarari, 2007a.


44 Magen, p. 387.

45 ibidem.

46 idem, p. 383.


48 In its attempts to keep former satellites within Russia’s influence, the Yedinaya Rossiya (“United Russia”) Party of Vladimir Putin even went on to propose a joint economic area - a kind of a Eastern-European union to include Russia, Belarus, Kazakhstan, Ukraine, Turkey, Moldova and some other countries, aside of integration forms as CIS and GUAM active in the region. The Stolichniye Novosti [Capital City News] newspaper of Moscow quoted Russian State Duma deputy Sergei Markov as saying that such economic area should be analogous to the European Union, and should use an analogous organization model. Yedinaya Rossiya proposing to create an alternative to EU, Infotag, 7 August 2008.

49 EURASIA, IDIS VIITORUL, AXA, April 2008.