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## Moldova – Giving in to Oligarchs or Fighting for Values and Democracy?

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### EU-Moldova Relations

Moldova joined the EU's Eastern Partnership in 2009 and the EU-Moldova Association Agreement (AA) entered into force on 1 July 2016. This includes the introduction of a Deep and Comprehensive Free Trade Area (DCFTA). The AA strengthens Moldova's political and economic ties with the EU. It sets out a reform plan in areas vital for good governance and economic development, and fosters cooperation in several sectors. By signing the agreement, Moldova committed to reforming its domestic policies on the basis of EU laws and practice. To do so.

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the country benefits from substantial EU support.

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**1. Elections haven't been under a good star lately in Moldova.** Just before the summer break, the Moldovan parliament postponed the parliamentary election scheduled for September until 2019. Earlier, in June, a Moldovan court had nullified the election for mayor of the capital Chisinau, after an opposition candidate had won, who opposes the present incumbents and their oligarch-financier. A Resolution of the European Parliament indirectly equated this election invalidation with the one billion euro banking fraud for which Moldova hit the headlines in 2014-2015. ***What do these developments mean for the democratic transformation of Moldova? And what's the mood among citizens now?***

Elections will be even more difficult for the opposition, and more predictable for the (ruling) "Democratic Party" that effectively controls all state institutions. Due to an electoral system adapted to their advantage, "administrative resources" and media at their disposal the "Democratic Party" will do everything to stay in power or to hold on to it through proxies. I expect future elections to be rigged, manipulated and not legitimate.

Over the summer break, the opposition and the government continued to test each other's nerves. The opposition leaders tried to bring more people to the streets to question the government's legitimacy. The government tried counter-protests against the opposition, led by a proxy political entity ("Party of Ilan Shor", represented by the mayor of Orhei city and financed by Ilan Shor, who was implied in the massive banking fraud of 2014 and who is closely associated with the "Democratic Party"). In this manner, the "Democrats" expected not only to reduce the impact of public criticism of oligarch-run politics. The aim was to deflect public attention from anti-government protests based on evidence of wrongdoing and make the protests look like a normal political-electoral contest between programmatically different parties. The government also used the police to suppress opposition protests announced for the Day of Independence (27 August 2018), once again signaling that it ignores the protesters' demand for a new rules-based system and instead building sham political realities to confuse voters.

Many Moldovans have the impression that democratic competition keeps eroding, that the opposition is left with even less democratic tools to counter-act the "Democratic Party".

**2. Which parties and topics will dominate future elections? For whom do you expect Moldovan citizens to vote?**

The ruling “Democratic Party” dominates the political landscape. However, it has become unpopular as people observe how it damages state institutions, social unity and economic opportunities. Around it orbit a few political entities, such as the “**European People Party in Moldova**” and the “**Party of Ilan Shor**”, which are useful for pretending the “Democrats” did not monopolize the political system – or for posing against the anti-oligarch opposition.

Anti-oligarch and pro-reform are the opposition parties “**Party of Action and Solidarity**” and “**Platforma Truth and Dignity**”.

Another party with a chance to enter the next parliament is the “**Socialists Party**” linked to the pro-Russian **President Igor Dodon**, though it is also controversial. The “Socialists” would support the “Democrats” in a future parliament and are seen as their “occasional partner”, always available to cast the necessary votes. In case less people vote for the “Democratic Party” they might form a coalition with pro-Russian forces, especially as the invalidation of the mayoral elections destroyed any possibility of forming a coalition with pro-European forces.

Moldovan citizens will vote on the basis of a new electoral law, adopted without the participation of opposition parties. The new system systematically reduces the chances of the opposition – although major opposition parties are highly positioned in opinion polls (<https://www.iri.org/resource/moldova-poll-high-voter-turnout-expected-upcoming-parliamentary-elections>), second and third after the “Socialists Party”.

Only extra-parliamentary opposition parties and the “Liberal Democratic Party”, once large, today a dwarf party, speak in favour of independent institutions, judicial independence, free media and a real fight against large-scale corruption.

### **3. What about Russian (political) influence?**

Russia has always been a factor in Moldovan politics, either by sympathizing with certain political parties or through dealings with the Moldovan political elites. Nevertheless, in 2003 the Kremlin had to make the bitter experience that the Moldovan Communist Party rejected Russia’s plan to federalise Moldova. Therefore, Moscow does not fully trust the “Socialist Party” and President Dodon, until they will prove their loyalty when in power. Until then, Russia offers “small gifts” (like the Memorandum of cooperation with the Eurasian Union, the observer status in the Eurasian Union, some access to the Russian market for a few wine brands and fruits). However, Russia does not put all its eggs in one basket, and is looking to diversify the risks it sees in a

potential detachment of the Moldovan political class. What really makes Russia confident about continuing its influence in the overall region and in Moldova in particular is the endemic corruption that makes Moldovan state institutions vulnerable to external bribing schemes. The same holds true for autocratic practices, and how Moldovan political parties keen to ally with the EU turn out to be self-defeating.

#### **4. What role does the frozen conflict in a part of Moldova, in Transnistria, play?**

The region is a nexus of Russia's regional agenda. Tangible changes and effective reintegration can take place only after the Russian military presence is gone, both weaponry and soldiers, and an authentic democratic process can be launched. Current changes of the status quo are rather in terms of increasing the opportunities for the region than in terms of reintegration with Moldova. Dialogue with Moscow is very much alive, though the Kremlin is less willing and capable to offer big financial support. The OSCE presidency of Austria attempted to move forward the negotiation process. However, civil society in Moldova does not support what they see as 'half-commitments' of the separatist regime, like access to property in the separatist regions, freedom offered in specific areas only, like access to international transport traffic for the separatist region or the recognition of any documentation issued by Tiraspol regarding education. The Moldovan Constitutional Court in May 2017 acknowledged that Transnistria is occupied by Russian military forces, and in June 2018 a UN Assembly Resolution demanded the unconditional withdrawal of Russian forces.

**5. Let us turn to the challenge of establishing the rule of law.** It is an oligarch, Vladimir Plahotniuc, who effectively leads the “Democratic Party”. Officially, he is only the party leader, but he seems to be the focal point of the political regime in Moldova. Decision-makers in post-soviet countries have shown themselves very capable of skillfully imitating democratic institutions, but with Moldova's incumbent leaders, the picture seems unambiguous. You have once criticized the EU for a lack of strategic thinking and a lack of strict observance of legal provisions (in the case of Moldova that would be the EU-Moldovan Association Agreement) and refusing to enter the game of local players”. Now the European Commission suspended the transfer of the first tranche of the EU's macro-financial assistance package. ***Is this what you had in mind? How else would you imagine that the EU should interfere in local political power relations? Where would you draw the line to an unjust interference into the internal affairs of Moldova?***

The EU changed in a positive sense over the last four years. Representatives became more precautious and principled with Chisinau. However, the EU lacks

decisiveness in taking radical decisions. Via the Eastern Partnership Platform of Civil Society we, a group of pro-reform civil society activists, suggested not only to suspend the first tranche of the macro-financial assistance, but to think seriously about invoking the 2015 precedent of freezing the entire budgetary support until the government does undertake specific actions. The resolution of the European Parliament adopted on 5 July 2018 has taken up our idea.

We do not ask Brussels to interfere in our domestic affairs, but to take a stand against actions by our representatives that directly contradict the letter or the spirit of the Association Agreement. The EU should be pro-active and not just reactive in the face of evident and calculated steps made by our government. Such a reaction not only encourages the currently ruling “Democratic Party” and the oligarch groups it is linked to, it encourages similar forces going for their vested interests in our immediate region, say in Ukraine or Georgia. A too cautious reaction from Brussels also discourages our opposition that still relies on the EU’s stance.

***6. How do you assess the current EU-Moldovan political dialogue – and the prospects for future implementation of the Association Agreement? What about the instruments the EU has in case a partner state deviates from the democratic norms the Association Agreement stipulates? What do you think of the principle of conditionality?***

The political dialogue has cooled down, and this makes some aspects of the AA’s implementation more complicated. The drive is missing that a positive agenda with Brussels offers. There is a lack of trust in the EU about the quality of reforms, even if there are sectors where real progress can be noticed and where public servants are less involved in political games. Bilateral trade increased and technical regulations were adapted. Obviously, the EU has limitations because it cannot impose anything, but still expects its partners to fulfill their commitments on their own accord. In the case of Moldova the process of transformation is slow, delayed or mimicked. This shows that the EU needs to apply the “principle of conditionality”, not only in the legislative, but also in the implementation phase.

***7. Who is responsible in Moldova for the failure of judicial and justice sector reform?***

All parties who ran Moldova as of 2009 after the “Communist Party” share that responsibility. The parties which engaged with the EU did not want to reform areas of governance that have a multiplying effect like justice, but only sectors that would bring minor and short-term fascination from the EU – and not generate conflicts between greedy-for-power partners. Sadly, reforms

regarding the justice sector were cosmetic only. The beneficiary is the “Democratic Party”, which got the justice sector as it is, afterwards obtained control over the key institutions like the Prosecutor’s Office and the Anti-Corruption Centre. It has no incentive to reform the judiciary, because reforms would be to its own disadvantage and damage its prospects of preserving its power. The status quo is delaying for unknown time any real reforms essential for all reforms set out in the Association Agreement, like fighting corruption.

**8. Observers fear a new law, also passed shortly before the summer break, might turn Moldova into a heaven for money laundering. At the same time, EU markets remain the key driver for Moldovan exports. Who is influencing whom here? The democratic-liberal European system Moldova or is the traditionally non-transparent system practice persisting in Moldova affecting the EU? About which sums are we talking?**

The amount of EU support is accounting for a few hundreds of millions EUR by the end of 2020, and can increase if Moldova receives the macro-financial assistance now under question. A big share of it goes to regional development, implementation of the DCFTA and visa liberalisation aspects. This money is meant to improve the quality of life in basic areas (water supply, heating systems, rebuilding the social infrastructure), and improve the image of the EU in Moldova at the same time. However, any financial support should also lead to more democracy, not only to a change of the façade.

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