

Is democracy promotion effective in Moldova? The impact of European institutions on development of civil and political rights in Moldova

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Abstract

The main focus of this study is an analysis of the impact on civil and political rights of democracy promotion strategies applied by the three European organizations in Moldova in the 1990s-early 2000s. Nowadays democracy promotion is at the top of the agenda of policy-makers around the globe. The results of these democracy promotion activities are quite mixed: some of them seem to work in certain cases, others to have no effect whatsoever. There is also a lack of consensus regarding the effectiveness of various democracy promotion strategies in the scholarly literature. This study aims to contribute to the existing literature by expanding the analysis to a new case (Moldova), focusing on one sector (civil and political rights) and comparing the effects of the two types of democracy promotion strategies (incentive-based and socialization-based). The study argues that domestic actors in Moldova tended to respond more to incentive-based democracy promotion strategies than to socialization-based ones, and it also shows through qualitative analysis and process-tracing of the data that the absence of membership conditionality does not necessarily presuppose the failure of incentive-based methods.

Introduction

The transformational changes that swept across the states of Central and Eastern Europe and the former Soviet Union in the early 1990s pushed democracy promotion to the top of the agenda of policy-makers around the globe. As a result, the literature on democracy promotion, which has also grown considerably in recent years, increasingly recognises the importance of the changed international environment in the 1990s for providing new opportunities for democracy promotion.¹ Studies on the international dimension of democratization often come to similar conclusions: that any rigorous analysis of the democratization process should not overlook its international dimension, and that outside actors (and other factors) can influence domestic politics. However, often the research on the role of one set of such actors, international organizations (IOs), tends to focus on a single institution and the particular strategy it applied.² For instance, a considerable body of literature analysed the effects of EU conditionality on the domestic politics of the East European candidate states.³ These studies seem to disregard the vast diplomatic efforts of the Council of Europe (COE) and the Organization for Security and Cooperation in Europe (OSCE), or they tend to focus on broad democratic trends rather than particular policies.⁴ Cases regarded as democratic “laggards” or “hybrids”, which fall beyond the sphere of interest of the EU and other regional organizations and which, as a consequence, do not show clear signs of interaction between international democracy promotion and domestic factors, also tend to be underrepresented in these researchers’ agendas.

This study aims to address these gaps in the scholarly literature by analysing how the OSCE, the COE and the EU influenced the government of Moldova to promote

civil and political rights during the 1990s and the first half of the 2000s.⁵ Why, despite the rhetorical commitment to democratic norms, were Moldovan authorities so slow in adopting and implementing human right legislation? Does the blame for Moldova's "sinking into a grey zone" and lack of democratic progress lie exclusively with domestic factors and political elites? Or did the democracy promotion strategies of European organizations involved in Moldova have any effect on this? In 2001, when the Communists⁶ came to power, the cases of violation of civil and political freedoms by the authorities became more frequent. At that time it seemed that the return of the communists did not particularly favour the protection of civil and political rights in Moldova. Why, then, did the communist government adopt most of the required human rights legislation within the first two years of its rule? What can explain the degree of governmental response and timing of their policy decisions? These are some of the empirical puzzles which this article tries to answer.

The article starts with setting out conceptual and theoretical framework of analysis and discussing some insights from the existing literature. It then proceeds with setting the domestic context: it discusses peculiarities of transition in Moldova and also summarises the activities and strategies of the three European organizations involved in Moldova. Then the empirical analysis of the cases based on qualitative data follows. Finally, the article draws a number of conclusions and discusses some policy implications.

Democracy promotion by IOs: views from the literature and conceptual framework

External actors can promote, protect and enforce democracy around the world in a number of ways. Diane Ethier defines various methods of promoting democracy as

democracy promotion strategies (DPS) – strategies which have been used in recent years by western governments and international organizations to induce states to achieve democratic transition or consolidation.⁷ Given the growing importance of democracy promotion especially since the early 1990s various theory- and policy-related questions arise. When are DPS more likely to be effective? Which methods of democracy promotion can be expected to succeed in influencing domestic actors' behaviour and what mechanisms govern the interaction between external democracy promotion and domestic factors? The recent trend in the scholarly literature is an increasing number of studies that attempt to address these questions and fill the gap in democratization and international relations literatures.⁸ As Burnell and Calvert recently pointed out, 'contemporary scholarship is now well past the point where it was valid to say the international dimensions of Democratization had been neglected'.⁹ The conclusions of one such study are particularly relevant to this analysis, namely, that not all IOs are equally effective in democracy promotion; that some DPS seem to be more effective than others; that incentive-based methods such as membership conditionality are more effective in changing domestic actors' policies than socialization-based methods.¹⁰

A number of criteria can be used to classify DPS.¹¹ Various external actors use different DPS depending on their resources, democracy aid objectives, and organizational structure. This article follows Kelley's approach and focuses on two specific DPS or, as Kelley defines them, "specific mechanisms through which international institutions may influence state behaviour"¹²: conditionality and normative pressure. In order to avoid conceptual confusion, this article views political conditionality as an incentive-based DPS, and normative pressure as a socialization-based DPS. The reason for such categorization rests on distinction between two

different logics of action they follow: a 'logic of consequentiality' and a 'logic of appropriateness', respectively.¹³ In brief, according to the logic of consequentiality, domestic actors follow norms because they want to maximize their individual utility and decrease the costs of non-compliance. According to the logic of appropriateness, actors follow norms for intrinsic reasons: 'based on personal dispositions informed by social beliefs, they do what is deemed appropriate in a given situation and given their social role'.¹⁴ Therefore, IOs choose their democracy promotion activities according to their preferred logic of action in relation to a particular democratising state: for instance, teaching, convincing and arguing within the logic of appropriateness and social influence, material threats and promises within the logic of consequentiality.¹⁵

Conditionality implies provision of particular benefits by an IO to a democratising state under certain conditions. An IO can use negative and positive incentives in order to make a democratising state to comply with conditionality. Negative incentives comprise sanctions and the threat of sanctions in respect of international financial support to governments and economic development aid. Positive incentives offered by an IO to a democratising state can include institutional membership, association status, trade benefits, technical assistance and other types of democracy aid, as well as an increase of aid as an additional reward in case of satisfactory performance of the recipient. Overall, the effects of political conditionality on behaviour of domestic actors 'correspond with a rationalist set of assumptions that define domestic actors as cost-benefit-calculating, utility-maximising actors'.¹⁶ Democratising states comply with political conditionality because either positive incentives ('carrots') on offer are crucial for them, or the costs of negative incentives ('sticks') exceed the costs of compliance with conditions posed by democracy promoters.

The defining feature of the second mechanism of influence, normative pressure, is that IOs do not link any concrete incentives to behaviour but rely solely on the use of norms to either persuade, shame, or praise domestic actors into changing their policies.¹⁷ For instance, normative pressure occurs when an IO suggests a recipient government certain policy changes without offering any reward other than approval by an IO. By using normative pressure to promote democracy IOs rely on a set of socialisation processes such as social influence or persuasion. Various causal mechanisms operate here. The persuasion mechanisms cause policy change due to changing minds, opinions and attitudes and affecting identity¹⁸ of domestic actors. The social influence mechanisms are rationally based: actors will conform to policy change requests from the outside because they value certain social rewards (such as status, legitimacy, a sense of belonging)¹⁹ or want to avoid social punishments (such as shaming, shunning, exclusion).²⁰ Thus, IOs can ‘socialize’ democratising states into democratic practices via either persuasion or social influence, or both: they can teach and persuade as well as shame and pressurize domestic actors into democratic policies.

Table 1.1 summarises the theoretical concepts discussed above and outlines instrumental tools used by IOs when applying incentive-based or socialization-based DPS.

Table 1 about here (see next page)

Table 1. International organizations' strategies to promote democracy: definitions, causal mechanisms and institutional tools

	Conditionality	Normative pressure	
Definition	Provision of particular benefits by an IO to a democratising state under certain conditions such as democratic advance and respect for civil and political rights	Reliance by an IO on norms to persuade, shame or praise a democratising state into democratic policies including respect for civil and political rights	
Causal mechanisms of domestic impact	<p>Positive incentives (rewards)</p> <p>Negative incentives (sanctions)</p>	Persuasion (teaching, convincing, arguing)	Social influence (social rewards and punishments)
Institutional tools	<p>1. Gate-keeping: accessing to negotiations and further stages in the accession and/or association process</p> <p>Privileged trade / Trade barriers and embargos</p> <p>Additional aid and technical assistance / suspension and withdrawal of aid</p> <p>Signing an enhanced form of association agreement / No association agreement or significant delays in signing it</p> <p>2. Benchmarking and monitoring:</p> <p>Evaluation of overall progress/regress in regular reports</p> <p>Decisions at important meetings/official requests for policy change that provide deadlines for action / for introducing sanctions</p> <p>Partnership agreements and other official documents identify gaps in legislation</p> <p>More intensive dialogue and interaction / Weaker dialogue and interaction</p> <p>3. Opening of accession / association negotiations</p> <p>4. Accession / New association status in an IO</p>	<p>1. Direct official statements and declarations expressing opinion about current state and desired direction of policy</p> <p>2. Guidance and argumentation in written follow up reports from fact-finding visits</p> <p>3. Missions in the field / ad hoc visits</p> <p>Numerous personal interaction opportunities</p> <p>Observation in policy process on political committees and parliament</p> <p>Monitoring and production of reports</p> <p>Project-based aid and technical assistance</p> <p>4. Legal expert teams to guide and advise the policy as it is forming</p> <p>5. Providing recommendations that outline the general standards for laws</p> <p>6. Participation by national officials in institutional meetings / short-term national chairmanship of the main institutional bodies of an IO</p> <p>7. Twinning and training</p> <p>Secondment of officials from established democracies to work in national ministries and other parts of public administration</p> <p>Training courses aimed at main national stakeholders involved in the democracy promotion process</p>	

Adapted partly from Kelley 2004b²¹ and Grabbe²².

It is noteworthy that some of the institutional tools can be used within both types of DPS and there is a certain degree of overlap between them: for instance, aid and technical assistance, production of reports, provision of legal expertise, dialogue and interaction. So, the main difference here lies not only in what an IO can offer to a democratising state but in how it can offer. For instance, when IOs allocate aid and technical assistance under incentive-based DPS, they are more explicit in outlining conditions of this offer: what a recipient state should do, by when and how the actions of the latter will be rewarded or punished in case of compliance/non-compliance, respectively. Assistance, allocated under socialization-based DPS, is accompanied by more vague expectations on the part of an IO and it usually estimates fixed annual financial funds regardless of a recipient's performance. Also, reports produced by IOs that use incentive-based DPS are, in general, more frequent and explicit in their evaluation and assessment in comparison to reports following socialization-based DPS which tend to have a softer, recommendatory tone. Dialogue and interaction facilitated via both types of DPS differ along similar lines.

Before proceeding to the empirical analysis of the case under investigation, an important caveat is necessary. The division between incentive-based DPS and socialization-based DPS is not always clear. The main difficulty lies in the fact that very rarely IOs use incentives towards a democratising state without trying to achieve certain level of normative convergence, or socialization, with the latter. Usually, IOs start with socialization-based DPS and only in case of non-compliance and/or lack of democratic progress they proceed to using more material incentives. In this regard, it becomes challenging to separate effects of the two types of DPS and link them with policy results. As Kelley similarly notes: 'since conditionality is always used as an extension of normative pressure, however, evaluating the effectiveness of conditionality alone is more difficult'.²³ One of the methodological possibilities to tackle this challenge is via detailed case study

with process tracing that provides information on the timing of events and action, as well as motivation, attitudes and rhetoric of actors on both sides of the democracy promotion relationship. Also, analysing instances of normative persuasion applied in the absence of incentive-based methods can strengthen the power of inferences on effectiveness of the two types of DPS. Counterfactual analysis might also prove to be beneficial in disentangling the effects. This article makes use of all three methods.

Setting the domestic context: transition to democracy in Moldova

Moldovan politics after independence can be characterized as a period of high political instability and economic stagnation. Like other post-Soviet republics Moldova suffered from unstable government coalitions and subsequent frequent changes in government, even between elections. Moldova has had 6 prime ministers in the period from 1990 till now. The current prime-minister, Vasile Tarlev, has the longest ‘political life-span’ – 5 years in power so far. Both parliamentary and presidential elections have been bitterly contested, bringing to the political scene new presidents and causing considerable changes in the party and ideological composition of the parliament.²⁴ As a consequence, the Moldovan party system is usually characterised as extremely pluralist and fragmented especially in the 1990s.²⁵ Overall, elections are considered free and fair, however some international observers report irregularities prior to the elections such as unequal campaigning opportunities and bias of the electoral code rules in favour of the governmental party.²⁶ The Moldovan constitution underwent a significant change in 2001: a semi-presidential system of government was changed to a parliamentary system vesting more powers in the national legislature including election of the president and approval of the cabinet. Thus, Moldova became one of the few parliamentary regimes in the former Soviet Union, which acquired all necessary attributes in order to meet the standard minimum definitions of democracy.²⁷

In light of such positive developments, which one might regard as a good start in any Democratization process, a fair question arises: did democracy follow in Moldova? Unfortunately, it did not. Moldova can be regarded as one of the hybrid regimes which despite the establishment of some democratic procedures remains largely authoritarian and weak in democratic terms. A high level of political pluralism in this case is not due to an inherent difficulty to establish and implement democratic institutions but rather due to fragmentation of the Moldovan government and weakness of its leaders to impose a truly authoritarian rule.²⁸ The 2006 Freedom House's Democracy Score (FH DS) for Moldova is 4.96, which places it on the borderline between such regime type categories as 'transitional government or hybrid regime' (FH DS=4) and 'semi-consolidated authoritarian regime' (FH DS=5).²⁹ The Polity IV Scores for Moldova are on a more positive side: in the period from 2001 to 2004 Moldova's Democracy Score was equal to 8, which represents the lowest threshold for a country to be considered democratic.³⁰ The discrepancy between the two scores does not seem to be very high if placing Moldova among hybrid or transitional regimes that have certain democratic minimums in terms of procedures but lack democratic substance.

Two major structural factors influenced Moldova's prospects for democratization. One of them is the slow and contradictory pace of the economic transition. In the first half of the 1990s Moldova managed to conduct a number of market-oriented reforms earning 'a reputation as one of the leading reformers in the region'.³¹ As a result of these reforms, Moldova's private sector is estimated at around 80 per cent of the official GDP dominating in the services sector and agriculture.³² Despite these achievements in moving towards market, the Moldovan economy fell into deep and long recession in the second half of the 1990s, resuming economic growth only in 2000 and onwards. The economy remains extremely dependent on external factors such as trade with Russia and Ukraine, and inflow

of migrant workers' remittances which accounted for more than 30 % of GDP in 2005.³³ The second factor, is the on-going political conflict in the eastern part of the country, Transnistria. The authorities of the self-proclaimed 'Dniester Moldovan Republic' refuse to recognize the authority and jurisdiction of the Moldovan state claiming its special status and striving for closer links with Russia and Ukraine. The un-settled conflict undermines Moldova's capacity to emerge as a viable and stable democratic state as well as to sustain economic growth by broadening the country's economic base.

What is the situation with civil and political rights in Moldova? Radical reforms in the Soviet Union in the late 1980s caused a boom in political activity in all former Soviet republics, including Moldova. Among the main demands of the newly emerged political movements in Moldova was to put an end to the dominance of the Russian language over the Moldovan language and to give the latter the status of the state language. In the first half of the 1990s various reforms were pursued by the ruling elites in order to support and promote the use of the Moldovan language and, overall, these reforms can be regarded as positive developments in ensuring respect for the civil and political rights of ethnic Moldovans in Moldova.

The development of free media in Moldova since independence has followed a somewhat similar path. Compared to the Soviet period, there have been definite positive changes in the Moldovan media: with the advent of glasnost and perestroika, pluralism of opinions as well as freedom of expression were encouraged. The number of print and electronic media including the ones in the Moldovan language has considerably increased. Thus, the demands of the population for more sources of alternative information were met to a certain extent. However, Moldovan governments seems to be very slow in adopting and implementing legislation in order to ensure the freedom of media in Moldova. Moreover, there was some backsliding away from democratization and respect for civil and

political rights after 2001, when the Communists came to power in Moldova. They managed to adopt a number of controversial legislative acts which created new challenges for further reforms in the field of civil and political rights in Moldova.

Overall, Moldova has made some progress in reforming legislation on civil and political freedoms in comparison to the Soviet era. But its human rights record is still far from perfect. The most frequently infringed political rights are those which interfere with attempts on the part of the leadership and government to consolidate more power. Among them are: freedom of expression, freedom of assembly and association, the right to non-discrimination, the right to a free press, etc. Annual reports by the Amnesty International (AI) for the 2001-2003 period registered serious restrictions imposed by the Moldovan government on freedom of expression as well as attempts to silence opposition politicians.³⁴ For the period from 1997 to 2006 the Freedom House's (FH) average score for press freedom in Moldova is 4.5, which puts it into a 'partly free' category.³⁵ There are also significant implementation problems. Moldovan authorities were always quite positive in their pro-democratic rhetoric and recognise the respect for civil and political rights as a necessary attribute of any viable democracy, but they were quite slow and at times even reluctant to transform their words into actions. The question is: did international organizations (IOs) have any influence on the government's determination to pursue reforms in the civil and political rights sector in Moldova?

European organizations and promotion of civil and political rights in Moldova

Most of the European organizations involved in democracy promotion in Moldova recognise the importance of the rule of law and respect for civil and political rights for achieving meaningful democratic consolidation. However, there is a certain variation in

IOs' efforts to influence human rights policy in Moldova: they seem to approach this issue with different strategies, resources and levels of involvement.

The COE's initial DPS in Moldova were mainly socialization-based: membership conditionality prior to accession was never applied towards Moldova, and the main focus was on teaching and persuading domestic elites to accept democratic norms via various legal assistance programmes. However, as the empirical analysis below will show, on several occasions the COE did apply incentive-based DPS to Moldova. Among them were allocation of additional aid, evaluation of overall progress in regular reports, provision of deadlines for action and a more intensive dialogue and interaction. Via numerous visits, reports and communiqué the COE officials made sure that the conditional nature of the COE assistance was fully understood by the Moldovan authorities. As a COE official pointed out: 'The COE uses a soft pressure towards Moldova: we don't normally use sticks, but we use lots of carrots. But carrots depend on Moldova's commitment to democratise...'.³⁶

The Organization for Security and Cooperation in Europe (OSCE) established its mission in Moldova in 1993. The OSCE's activities cover a broad spectrum of issues such as democratic transformation, human rights, combating trafficking in human beings, military security. The cooperation between OSCE and Moldova was not conditional on either fulfilment of minimal democratic criteria or adoption of legalised standards in the field of democracy and human rights. The Moldovan case is not unique in this sense: the OSCE used normative pressure towards most of the post-communist states in the region that embarked on the 'journey' of democratic transition and consolidation in the early 1990s. The main OSCE mechanisms for addressing human rights issues in Moldova are monitoring of the major developments, issuing of recommendations to the authorities, sending of fact-finding and rapporteur missions, establishing a permanent field office

which is primarily responsible for conflict resolution and facilitation of closer contacts with the OSCE. In general, the OSCE's principal democracy promotion strategies can be characterized as mostly socialization-based methods focused on persuasion and norm promotion rather than on offering various incentives in exchange for compliance with conditions on democratic progress and respect for human rights.

Formally, the relationship between the European Union (EU) and Moldova started in 1994 when Moldova signed the Partnership and Cooperation Agreement (PCA) with the EU. It should be noted that the emphasis was initially put on economic cooperation in order to support the efforts of Moldovan authorities to develop economy and to complete the transition into a market economy. No special programmes were initially set up for promoting respect for civil and political rights in Moldova. However, despite this, it would be too simplistic to rule out the EU as a potential promoter of further democratization. By having a closer look at the main provisions and conditions of assistance to Moldova as set out in a number of the EU's Council of Ministers' and European Commission's regulations throughout the 1990s, including the PCA itself, one can note that a 'democratic progress and respect for human rights' clause as a condition of further assistance and, more significantly, future EU-Moldova cooperation, is present in almost all of them.³⁷ And although complete termination of PCA and consequent withdrawal of assistance was never applied by the EU in relation to Moldova, it did gradually offer a number of positive incentives such as gate-keeping, signing of privileged trade agreements and an enhanced form of association agreement, additional aid and technical assistance.

The EU's and other donors' financial assistance is important to Moldova in a number of aspects. First of all, the EU is among the top three donors which provide Overseas Development Assistance (ODA) to Moldova. Also, the EU is the second largest technical assistance donor after the USA. According to the World Bank (WB) and OECD

data in 2003-04 the EU's share of gross ODA equalled to \$ 9 million.³⁸ Secondly, foreign financial aid constitutes an important part of government's revenue. In the period from 1999 to 2003 the average net receipts from all donors constituted about a third of government expenditure.³⁹ Over the same period the EU's share was about a quarter of total external aid received by Moldova. Thirdly, the Moldovan economy is desperate for external help. Moldova has been labelled as 'the poorest country in Europe' and is classified by the WB as a low-income economy. The country's GDP per capita is the lowest in Europe: real GDP in 2004 was still less than half of the 1989 level. Also, Moldova's external debt is extremely high: in 2003 it exceeded \$ 1.5 billion. The external debt/GDP ratio in 2003 was about 76 per cent. Thus, these figures show that the Moldovan government simply cannot afford to not receive financial assistance from external actors.

Overall, the IOs' activities in Moldova conform well to the definitions and conceptualisations of the two DPS. Out of all three the OSCE was the only IO to rely solely on socialization-based methods in order to change governmental policies in civil and political rights. Two of the IOs, the EU and COE, have used incentive-based and socialization-based methods interchangeably at various times. How effective were these methods?

Freedoms of media, expression and information in Moldova: the role of European organizations

Out of the three organizations under consideration, the COE and, later on, the EU clearly stand out in terms of the frequency, content and character of their involvement. Moldova was the first post-Soviet republic to be granted membership in the COE on the 13th of July 1995. The Parliamentary Assembly's opinion on Moldova's preparedness for the COE membership optimistically stated in June 1995:

‘Membership of the Council of Europe at this juncture should strengthen the cause of democracy and the rule of law, improve the protection of human rights and freedoms and enhance political and economic stability in [Moldova]’.⁴⁰

As part of the admission commitments concerning freedoms of expression and information taken by Moldova were: adoption of the new Criminal Code and Code of Criminal Procedure in conformity with the COE standards within a year of accession; ratification and application of the major COE conventions; confirmation of complete freedom of religion and the peaceful solution to the dispute between the Moldovan Orthodox Church and the Bessarabian Orthodox Church⁴¹; non-application of the articles 54 and 55 of the Moldovan Constitution in a manner restricting fundamental human rights and contrary to international standards⁴². Out of all commitments mentioned above only those regarding signing and ratification of the major COE conventions have been more or less fulfilled by Moldova within the time-frame set out by the COE: most of the conventions have been ratified by Moldova by the late 1990s. As regards to more substantive policy issues there were major delays with the adoption of the new Criminal and Criminal Procedure Codes, Moldova failed to solve the dispute between the two orthodox churches independently, and the European Court of Human Rights had to intervene in 2004; and during 2001 and 2002 the Moldovan authorities continued to interpret provisions of articles 54 and 55 contrary to the European Convention of Human Rights⁴³.

As the COE had granted its membership to Moldova ex-post, it was left with only one option in following up how the authorities were fulfilling COE membership commitments: normative pressure via persuasion. In this regard, the COE’s and other European organizations’ strategies to solicit changes in Moldova’s human rights policy in the 1990s are interesting to analyse because they provide a good test of the independent effect of normative pressure as one of the DPS highlighted by this article. The OSCE’s

major methods of involvement in Moldova during the same period were also socialization-based and the EU did not set up any special cooperation programme devoted to promotion of freedom of expression and information in Moldova. This crucially simplifies the case of determining effects of the socialization-based DPS because any findings of interactions between the organizations that apply them and Moldova as well as findings of policy changes after such interactions would strengthen the argument of the effectiveness of socialization-based DPS.

Throughout the 1990s the COE's main focus was mainly on promoting democratic norms in Moldova via teaching and persuading domestic political elites. Two co-operation programmes were initiated in Moldova: on legal assistance and freedom of expression and media. The main working methods of these programmes were organising training courses, workshops, seminars and conferences with the participation of Moldovan journalists and lawmakers, and the COE experts; and providing written legal expertise on proposed legislative acts and drafts. Similarly, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) also undertook 'democratic persuasion' and 'teaching' activities in Moldova: throughout the second half of the 1990s ODIHR has organised a number of seminars for Moldovan journalists and representatives of NGOs, dispatched legal expert assessment and review missions including assistance in the drafting of laws and practical management training for the constitutional court⁴⁴.

As part of its election monitoring activities in the Moldovan parliamentary elections of 1994, 1998 and in the 1996 presidential elections, the OSCE expressed a number of concerns regarding the use of broadcast media during electoral campaigns and pointed out that the government should secure a more equal access to the media for all contestants participating in the elections.⁴⁵ However, the OSCE's concerns did not gain much attention on the domestic scene.⁴⁶ The 2001 parliamentary elections have received the same

criticisms from the OSCE and other independent observers.⁴⁷ In July 1999 two advisers of the OSCE Representative on freedom of media (RFM) conducted for the first time an assessment visit to Moldova. Among the major problems identified in the report to the OSCE Permanent Council were: ‘...lack of funding, lack of serious independent journalism, extensive domination of the media by political parties...’⁴⁸ It was also recommended to the Moldovan authorities that ‘[they] should avoid for the time being any strict regulation of the Moldovan and Russian [language] percentage of broadcast programming’.⁴⁹ However, the authorities ignored the OSCE’s recommendations regarding this and in September 1999 adopted quite a restrictive legal provision on language quota in broadcasting.⁵⁰

In sum, despite rhetoric that the government was working on these issues, no real progress was made. By 2000 Moldova still lacked legislation that would guarantee and protect freedoms of expression and information including new Criminal and Criminal Procedure Codes, Civil Code, Law on Press, Law on National Broadcasting Company. Moreover, the draft Penal and Civil codes, which the national legislature approved on several occasions during 1997-2001, contained provisions that negatively affected freedom of expression in Moldova. Among such provisions were excessive penalties for the expression of the state secret, for defamation, for insult of a judge, Prosecutor, member of police forces, for civil disobedience and profanation of state symbols.⁵¹ As a representative of the Moldova’s Helsinki Committee for Human Rights pointed out: ‘These provisions clearly represented a step towards establishing a criminal sanctioning machine against freedom of expression in Moldova’.⁵² These cases show that the socialization-based DPS used by the COE and the OSCE in the 1990s were insufficient and didn’t bring necessary policy changes. In 2002 both FH and AI reported deterioration in freedom of the press in Moldova and identified domination of the ruling party as the main cause for it.⁵³ The

number of applications from Moldovan citizens to the European Court for Human Rights (ECHR) has almost doubled in 2000 and 2001 in comparison to previous years.⁵⁴

The cases of institutional non-engagement are also interesting to explore because they are useful control cases for illustrating domestic policy reforms in the absence of the IOs' DPS. As Kelley points out: 'To demonstrate a cause-and-effect relationship, one must also show that outcomes in the absence of institutional engagement were not equally compatible with international standards'.⁵⁵ And, indeed, some laws adopted in the absence of any institutional engagement (or in the context of weak institutional engagement) were not compatible with the international standards: they contained somewhat vague definitions, which allowed the authorities to use them for consolidating their dominant position in domestic politics. For instance, in 1995 the parliament passed the Law on Audiovisual Broadcasting. No international institution was involved in drafting the law. The law was so vague that since 1995 it went through a number of misinterpretations and misapplications as well as inadmissible interference by the legislative and executive branches.⁵⁶ The most questionable were the law's limitations with regards to independence of the Coordinating Audiovisual Council (CAC):

'that the leaders of national public radio and television institutions are appointed by the Parliament upon the proposal of the CAC' and 'that the number of licenses to emission issued by the CAC requires acknowledgement and approval by the Ministry of Communication and Information'.⁵⁷

However, despite such obvious limitations, the IOs did not react. Representatives of several Moldovan NGOs on human rights acknowledged the link between institutional non-engagement and the low democratic quality of the law: 'Without support from international institutions, we were on our own in protesting the law. The law would have been more meaningful if international institutions would have been involved'.⁵⁸ Similarly, an

independent analyst of Moldovan politics commented: ‘One of the reasons to such underperformance on this law was a lack of effective constraints and checks on elites in power exercised from both the inside and the outside of Moldova’.⁵⁹ The government’s position on the law changed, however, in 2002 when the COE became directly involved with the issue.

Overall, the IOs’ DPS towards Moldova began to change, in 2001 after the ‘spectacular comeback’ of the communists to power.⁶⁰ Despite the fact that the communists’ leader Vladimir Voronin publicly expressed his commitment to adjust Moldovan legislation and governmental policies to European policies⁶¹, there was a general deterioration in the human rights situation and especially in relation to freedoms of expression and media in Moldova in 2001-2002. The drafts for the Criminal Code, Criminal Procedure Code and Civil Code discussed by the Moldovan Parliament in 2001-2002 contained a number of provisions, especially the ones related to defamation and libel to protect the state, its authorities and symbols from criticism, which could have affected freedom of expression. In April 2001 the permanent bureau of the Moldovan Parliament adopted a new regulation, which considerably limited public access to parliamentary hearings and discussion records. The delay in modifying the law on audiovisual broadcasting has led to the state’s domination of the press and uneven distribution of the press between public (state-controlled) and private owners. There were wide spread allegations by journalists from the state and private television companies of open censorship by state institutions.⁶²

This regress in respect of civil liberties in Moldova could not remain unnoticed by the democracy promoters involved in Moldova. They gradually changed their DPS from normative persuasion to social influence methods and, later on, more incentive-based DPS in order to influence the government’s human rights policy. The main ‘triggers’ for such

shift in DPS were political instability and the standoff between the ruling communist party and the main opposition party (the Christian-Democratic Party of Moldova) in February and March of 2002. Again, international institutions started with normative pressure in order to influence government's behaviour in relation to the opposition. At first, the COE was reluctant to interfere at all. On January 17, 2002 the PACE (The Parliamentary Assembly of the COE) Chairman Lord Russell-Johnston met with President Vladimir Voronin and emphasized that the tackling of ongoing protest demonstrations in Chisinau is 'strictly the competence of Moldovan government'.⁶³ However, the political crisis intensified after 22 January, when the government suspended the activities of the opposition Popular Christian Democratic Party (PPCD) for one month. The EU also decided to start with normative pressure via 'shaming': in the letter sent to the Moldovan government on 30 January the European Commission urged it to annul the suspension of PPCD and expressed concerns that 'suspending a political party represented in the parliament is incompatible with Moldova's democratic character and contravenes the values to which Moldova subscribed when it joined the COE'.⁶⁴ On the same day the suspended PPCD petitioned the government demanding consideration of the European Commission's letter, but no reaction from the government followed on this.

However, only after the COE demanded from the Moldovan government to provide explanations on 'how the restrictions on the PPCD comply with articles in the European Convention on Human Rights covering elections, freedom of thought, expression and organization' by 22 February⁶⁵, the response from the authorities was quick to follow. Already on 8 February the one-month suspension of the PPCD was lifted and this allowed the PPCD to participate in electoral campaigning for the April 2002 local elections. The Justice Minister Ion Morei confirmed that this decision 'reflected a response to the concerns expressed by the COE over the suspension'.⁶⁶ In terms of the COE's strategy on

this matter we can classify it as conditionality because firstly, clear deadlines were indicated for change of the government's position, and secondly, implicit threats concerning Moldova's membership in the COE and its compliance with the COE's human rights acquis were voiced.⁶⁷ There was also another important factor which changed government's position on this issue – promise of a positive incentive. As the then head of the EU's TACIS Office in Chisinau revealed, in early February the government was notified that the European Commission's delegation was going to visit Moldova at the end of February in order to discuss possibilities to disburse the €15 million credit and the results of negotiations would also depend on the political situation in the country.⁶⁸

In March 2002 there was a new wave of protests on the streets on Chisinau. This time the main demands of the anti-communist demonstrators in the streets of Chisinau in 2002 were the end of country's 'information blockade' and, specifically, the transformation of Teleradio Moldova, the state-owned television and radio company into a national public service modelled on Western public broadcasters like the BBC. The Parliamentary Assembly of the COE (PACE), acting as mediator between the Communist government and the opposition, demanded in its Resolution 1280 of 24 April 2002,

the revision of...legislation and amendment of the status of Teleradio Moldova to make it an independent public corporation; an immediate start of work by the relevant parliamentary committee; use of the COE experts' assistance in defining the public service status of the Moldovan radio and television corporation. This work should be completed by the end of the current parliamentary session, on 31 July 2002....⁶⁹

Other demands were related to the situation of freedom of expression in Moldova,

The Assembly invites the authorities to revise the 1994 Act on the Status of Members of Parliament, regarding the provisions governing the lifting of immunity and removal from office; and to revise parliament's rules of procedure in order to widen the opposition's rights...⁷⁰

Additionally, the PACE recommended to the Council of Ministers and the COE member states to afford Moldova increased assistance including legal expertise and initiation of new co-operation programmes.⁷¹ Thus, not only have explicit policy changes been requested with clearly set out deadlines for compliance but also new incentives of increased assistance have been offered. It is also noteworthy that the COE's demands were fully backed by the USAID, the largest bilateral donor in Moldova: on 20 March 2002 the U.S. Foreign Minister Colin Powell also threatened to stop all U.S. programmes of technical assistance to Moldova, as well as those assisting Moldova in its relations with international financial institutions (IFIs) and for achieving European integration.⁷²

What was the reaction of the OSCE to the deterioration of political and civil freedoms in Moldova in 2001 and 2002? The OSCE again relied only on socialization-based methods such as persuasion and social influence in order to change governmental human rights policies. No additional incentives were offered and no credible punishments for violation by the government of civil freedoms have been identified. In September 2002, the Office of the OSCE Representative on Freedom of the Media undertook a second assessment visit to Moldova during which the main concerns with the newly adopted law on transforming the state company Teleradio-Moldova into a public broadcaster were identified. In March and April 2002 the OSCE Chairman in Office Jaime Gama expressed

on several occasions concerns about confrontation between the government and protesters and ‘called on both sides to show restraint and engage in dialogue’.⁷³

As regards to the EU’s involvement the situation has also radically changed in 2002 as in the COE’s case: in the 2002 alone, the PCA Coordination Committee met twice (in March and April). Partly, this had to do with the political instability and the government-opposition standoff that emerged in February and March 2002. European officials wanted to find out what was happening in Chisinau at that time directly from the representatives of the government and opposition.⁷⁴ In its April meeting a new area of cooperation was added to the existing ones: assistance in the reform of the judicial system and harmonisation of Moldovan legislation with European standards. Also in April 2002 the EU decided to grant Moldova (together with Ukraine and Belarus) a special status of ‘EU neighbour’ and include it in the new European Neighbourhood Policy (ENP). Although at that time it wasn’t entirely clear yet what the new status would offer to Moldova, it was still regarded by the Moldovan authorities as ‘a clear sign of attention of the EU to Moldova’⁷⁵. As Mariana Zolotko, the then head of the European Integration Department within the Ministry of Economics, put it: ‘At this moment, we can talk about a serious change of perception of Moldova by the EU’.⁷⁶ Among the new incentives on offer were: the start of talks on preferential trade agreements for Moldova in the European market, assistance in attracting foreign direct investments (FDI) into Moldova, increase of technical assistance through TACIS. For comparison, in 2003 alone the European Commission allocated to Moldova through TACIS a total of € 50 million euro, whereas for the whole period of 1991-1999 the total from the TACIS assistance to Moldova is estimated at only € 61.8 million euro.⁷⁷ Since 2001 the EU also became more actively involved in promoting further democratization in Moldova: it established a joint programme of cooperation between the

European Commission and the COE in order to strengthen democratic stability in Moldova, one of the priority themes of which is to support independent media.

Did the government make any attempts to change the policy as explicitly requested by the European institutions? Yes, it definitely did. On the 26 July 2002, 5 days before the expiration of the deadline set by the COE, a new law on the national public broadcasting company Teleradio-Moldova was adopted; and the 1994 Law on the Status of Members of Parliament was amended on the same date. Opposition was given a prime time slot on the national television channel for preparing its own programme 'Opposition Hour', as well as free space in the national press. President Voronin's rhetoric confirms the link between the policy changes and direct involvement of the European institutions:

'We wish to fulfil all our commitments necessary for improving our relations with the EU, COE and other European organizations. And for that we should engage in a democratic dialogue with our political opponents and the society'.⁷⁸

An active participant at the protests in March and April 2002 and a member of the oppositionist PPCD party noted:

'In 2002 the COE and other European institutions were very important in pressuring the government to change its undemocratic policies. They were our important allies in the process'.⁷⁹

Moreover, even a member of the governmental party, PCRM, admitted that policy changes were instrumentally motivated:

'The pressure from the outside was intensifying. We could not ignore it and had to re-consider our position. Besides, European organizations promised us closer cooperation and more assistance: how could we not take this into account?'.⁸⁰

Hence, the discussed cases show that European institutions were very much part of the policy change process, and their involvement became more effective when conditionality and new incentives were applied.

Moreover, the COE was quite vigilant in following up the degree of implementation of its demands. A few months later, after monitoring the situation on the ground, PACE adopted another resolution stating its dissatisfaction with the quality of the new law on Teleradio-Moldova and demanded further changes in the drafting procedures.⁸¹ The authorities complied again, and although the political opposition and NGOs were still not completely satisfied with the degree of independence of state television, these were clear signs that the authorities were willing to cooperate with both the opposition and the COE.

In sum, the analysis above shows that human rights policy process in Moldova has had a great deal of variation in the 1990s-early 2000s. At the beginning the authorities were extremely slow in adopting new legislation in conformance with international standards despite vast socialization-based efforts by the COE and the OSCE. In those cases where the European organizations were not engaged at all, the government did even worse: it passed laws that were incompatible with international standards. However, we witnessed considerable policy changes only when the institutions became more actively involved and switched to explicit incentive-based DPS. Moreover, the timing of several cases supports the causal connection between incentives and policy change because, as Kelley notes, 'it is possible to see a pattern of issue-linkage by the institutions and response by policy makers within a short period of time'.⁸² The policymakers' rhetoric, which accompanied policy changes, also confirms the influence of the European institutions and incentive-based DPS on government's behaviour.

The cases of policy deterioration in early 2000s are crucial for the article's main argument in one important aspect. A contra-argument regarding the ineffectiveness of the

socialization-based DPS to bring about policy changes could be that of ‘duration versus type of involvement’.⁸³ The fact that the government, although slowly, still adopted some legislation could be actually in favour of the socialization-based methods: due to the nature of the democratic socialization process it takes time for the domestic elites to acquiesce its undemocratic practices and translate democratic norms into meaningful policies. In this regard, one can argue that socialization-based DPS applied by the COE and the OSCE to Moldova in the 1990s had lagging results and could not be so easily traced as in case of the incentive-based DPS. Even if this is the case, why do we witness clear democratic ‘reverses’ in Moldova’s human rights policy in 2000 and onwards? Surely, a country that is truly committed to democratic norms and democratization would be moving steadily, although at times slowly and with difficulties, along the democratic continuum. But this was not the case with Moldova. And why are the policy changes in 2002 temporally linked to the requests by the European organizations expressed via conditionality? As Kelley importantly notes: ‘If behavioural change occurs only when conditionality comes into play(...), this strengthens claims that conditionality really was the efficient cause’.⁸⁴

A counterfactual analysis can take the discussion even further. Would the case of the suspended oppositionist party have turned out differently without a more direct engagement on the part of the COE and the EU? Probably yes. At that time the government’s party, PCRM, still enjoyed high popular support of 73 per cent and the president was the country’s most popular politician with 45 per cent of support.⁸⁵ So, it was definitely not a level of popular support that the government was most concerned with. Besides, the national law was on the government’s side: the protests in February and March 2002 were never sanctioned by the Ministry of Justice and the Mayoralty of Chisinau, and, therefore, the government had every right to declare them illegal and prosecute the protesters. But it did not. Instead, it chose to change its policies in relation to freedoms of

expression and media in Moldova. Case-studies and process-tracing revealed that the concerted efforts of the European organizations and a more explicit incentive-based pressure from them were the main factors that motivated change.

Before proceeding to conclusion, one important caveat is worth mentioning. When analysing reforms of the human rights policy in Moldova, this article focused mostly on legislative changes. The main motivation behind this approach is methodological: changes in human rights legislation are easier to identify and trace than, say, implementation policies. However, the article did consider implementation issues in the case of the law on national broadcasting company: the government failed to fully implement the new law despite the COE's conditionality and the latter had to intervene again. So, obviously, the results of the analysis are weakened if we take into consideration the issue of policy implementation. However, if we look at the human rights policy as a process, the legislative stage precedes the implementation stage and, in this regard, is crucial. Hence, positive legislative changes can be viewed as a progress in the right direction and does not refute the article's argument per se.

Conclusions

The human rights politics of Moldova throughout its democratization process illustrates quite clearly how and when IOs can influence domestic policy. The European organizations have used both socialization-based and incentive-based methods in order to promote respect for civil and political rights in Moldova. The qualitative analysis and process-tracing of the changes in democracy promotion strategies of some of the European organizations and of the authorities' responses to these changes showed that the latter responded more to incentive-based methods than to socialization-based methods. When the international democracy promoters gave the authorities clear conditions and concrete

deadlines for compliance, they usually were quite quick in getting the message and in most of the cases complied with recommendations voiced from the outside. Thus, the degree of governmental response and timing of their policy decisions depended on the type of institutional involvement. In the cases analysed, incentive-based DPS were more effective in bringing policy change than socialization-based DPS.

The analysis also reveals another important finding. Many students of the international dimension of democratization tend to find in their studies that the most important incentive for domestic ruling elites to democratise and comply with outside pressures is membership in a successful regional organization. The most illustrative example to this is the membership incentive offered by the EU to Central and East European candidate states in the 1990s and 2000s. The benefits of the eventual EU enlargement outweighed the domestic power costs to the ruling elites and they chose to comply with EU conditionality. Thus, these studies conclude, membership incentive and conditionality tied in with it can be seen as the most successful incentive-based methods to influence domestic policy. However, as the Moldovan case suggests, additional incentive-based methods of democracy promotion can also be quite effective in bringing about changes in domestic policy. European institutions could change domestic policy by applying conditionality without clear membership incentive: they explicitly demanded Moldova's compliance with international legal commitments, and also, they offered other incentives such as the increase of bilateral cooperation and democracy assistance. The latter were crucial motivational factors for the Moldovan authorities in their decision to comply, especially in the context of the discussed structural conditions of difficult economic and political transition in Moldova.

It is important to note, however, that this study by no means questions the effectiveness of membership conditionality applied by IOs. Rather, this study posits that

the absence of membership incentive does not always precipitate the failure of democracy promotion strategies. IOs can still promote democracy and influence domestic policy as long as they choose the most appropriate methods for that. As this case shows, additional incentives as well as stricter monitoring of how international legal commitments are fulfilled might help. The important policy implication of this is that IOs need to be more committed to their democracy promotion endeavours and be more responsible when designing their methods of how to encourage domestic political elites towards further democratization.

Notes

¹ Peter Burnell, *Democracy Assistance. International Co-operation for Democratization* (London: Frank Cass, 2000), p.39.

² Judith Kelley, 'International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions', *International Organization*, Vol.58, Issue 3, (2004a), p.425.

³ See, for instance, Karen Henderson (ed.), *Back to Europe: Central and Eastern Europe and the European Union* (London and Philadelphia: UCL Press, 1999); Heather Grabbe and Kirsty Hughes, *Enlarging the EU Eastwards* (London: Royal Institute of International Affairs, 1998).

⁴ Kelley 2004a (note 2), p.426.

⁵ More concretely, the time-frame for the analysis of democracy promotion in Moldova is from 1995 to 2002.

⁶ The official name of the party in Moldovan language is 'Partidul Comunistilor din Republic of Moldova' (PCRM).

⁷ See Diane Ethier, 'Is Democracy Promotion Effective? Comparing Conditionality and Incentives', *Democratization*, Spring 2003, Vol.10, No.1, (2003), pp.99-120.

⁸ See, for instance, Jon Pevehouse, 'Democracy from the Outside-In? International Organizations and democratization', *International Organization*, Vol. 56, Issue 3, (2002); Jon Pevehouse, *Democracy from Above: Regional Organizations and Democratization* (Cambridge: Cambridge University Press, 2005); Kelley, 2004a (note 2) and Judith Kelley, *Ethnic Politics in Europe. The Power of Norms and Incentives* (Princeton and Oxford: Princeton University Press, 2004b).

⁹ Peter Burnell and Peter Calvert, 'Introduction: Promoting Democracy Abroad', *Democratization*, Vol.12, No.4, (2005), pp.433-438.

¹⁰ See Kelley 2004b (note 8).

¹¹ For an overview of classification criteria see Peter Schraeder, 'The State of Art in International Democracy Promotion: Results of a Joint European-North American Research Network', *Democratization*, Vol.10, No.2, (2003), pp.21-44.

¹² Kelley 2004b (note 8), p.7.

¹³ For a more detailed discussion of both logics of domestic impact by IOs, see James G. March and Johan P. Olsen, *Rediscovering Institutions: the Organizational Basis of Politics* (New York: Free Press, 1989), pp.160-161.

¹⁴ Frank Schimmelfennig, 'Introduction: The Impact of International Organizations on the Central and Eastern European States – Conceptual and Theoretical Issues', in Ronald H. Linden (ed.), *Norms and Nannies. The Impact of International Organisations on the Central and East European States*, (Lanham: Rowman & Littlefield Publishers, 2002), p.12.

¹⁵ *Ibid.*

¹⁶ Kelley 2004a (note 2), p.428

¹⁷ *Ibid.*

¹⁸ Alastair Johnston, 'Treating International Institutions as Social Environments', *International Studies Quarterly*, Vol.45, No.4 (2001), p.496.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ Kelley 2004b (note 8).

²² Heather Grabbe, 'How Does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity', *Journal of European Public Policy*, Vol.8, No.6 (2001), pp.1013-1031.

²³ Kelley 2004b (note 8), p.23.

²⁴ Lucan A. Way, 'Pluralism by Default in Moldova', *Journal of Democracy*, Vol.13, No.4, (October 2002), pp.127-141.

²⁵ See Valeriu Mosneaga, 'Formarea sistemului pluripartidist in Moldova', in *Statul National si Societatea Polietnica: Moldova in anii '90* (Chisinau: Perspectiva, 1997), pp.115-122.

²⁶ See, for instance, FH's 'Nations in Transit' Report for Moldova, 2005 and 2006, available at <http://www.freedomhouse.org>.

²⁷ See Stephen Levitsky and Lucan Way, 'The Rise of Competitive Authoritarianism', *Journal of Democracy*, Vol.13, (April 2002), p.53.

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- ²⁸ For instance, Way labels Moldovan political system as a 'pluralism by default'. See Way (note 24), pp.127-128.
- ²⁹ For methodology and codification procedures see the Freedom House's web site at <http://www.freedomhouse.org>.
- ³⁰ The Polity IV data set, the Users' Manual and Polity IV Country Report 2003 Series can be found at <http://www.cidcm.umd.edu/polity/>.
- ³¹ Stuart Hensel and Anatol Gudim, 'Moldova's Economic Transition: Slow and Contradictory', in Ann Lewis (ed.), *The EU and Moldova: on a Fault-line of Europe*, (London: The Federal Trust, 2004), p.89.
- ³² *Ibid.*
- ³³ See Occasional Paper by the Directorate-General for Economic and Financial Affairs, 'European Neighbourhood Policy: Economic Review of ENP Countries', No. 25 and No. 18, (Brussels: European Commission, April 2005 and June 2006).
- ³⁴ See the 2001, 2002, and 2003 AI reports on human rights in Moldova, available at <http://www.web.amnesty.org>.
- ³⁵ See FH's reports on freedom of the press in Moldova, available at <http://www.freedomhouse.org>.
- ³⁶ Author's interview with Vladimir Philipov, Ambassador of the COE in Moldova, 6 July 2005.
- ³⁷ Take, for instance, Council regulation (EC, EUROATOM) No. 99/2000: "When an essential element for the continuation of cooperation through assistance is missing, in particular in cases of violation of democratic principles and human rights, the Council may(...)decide upon appropriate measures concerning assistance to a partner state..." (Article 16, Council regulation No. 99/2000, Official Journal of the European Communities, L12/1, 18.1.2000).
- ³⁸ Data taken from the OECD and WB, available at <http://www.oecd.org/dataoecd/18/62/1901379.gif>.
- ³⁹ *Ibid.*
- ⁴⁰ Opinion No. 188 on the application by Moldova for membership of the Council of Europe, Parliamentary Assembly of the Council of Europe. Adopted on the 27th of June, 1995. Available at <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta95/eopi188.htm>
- ⁴¹ This dispute escalated when the government denied official recognition to the Metropolitan Church of Bessarabia in 1999. According to the then legislation, which was much criticized by European organizations, all unrecognised churches were denied the right to own property and to function normally on the territory of Moldova. The real cause for the dispute had to do with political struggle between the Orthodox Church authorities in Russia and Romania for control of Orthodox churches in Moldova.
- ⁴² See the Parliamentary Assembly of the COE: Opinion No. 188 (note 40).
- ⁴³ See the Report of the Moldovan Helsinki Committee for Human Rights: 'Respect of human rights in the Republic of Moldova: January 2001-January 2002', in *Moldova: two years under the communist rule* (Chisinau: Colograf-Com, 2003).
- ⁴⁴ See the 1995 and 1997 Annual reports on OSCE activities, OSCE, Vienna, available at http://www.osce.org/publications/show_publication.php?a=1&grp=193&limit=6&pos=0.
- ⁴⁵ See the Final Report by the ODIHR (OSCE) on the 2001 parliamentary elections in Moldova, Warsaw, available at http://www.osce.org/documents/odihhr/2001/04/1280_en.pdf.
- ⁴⁶ Author's interview with Iurie Perevoznic, Parliamentary Advocate on Human Rights (Institution of the Human Rights Ombudsman in Moldova), 2002 to present, 24 of June 2005, Chisinau.
- ⁴⁷ See the ODIHR Final Report on 2001 elections in Moldova (note 45).
- ⁴⁸ See Annual Report 1999 on OSCE activities, OSCE, Vienna, 1999, p. 63, available at http://www.osce.org/publications/sg/2000/03/14113_282_en.pdf.
- ⁴⁹ Report to the OSCE's Permanent Council by the RFM, Freimut Duve, Vienna, 22 July 1999, available at http://www.osce.org/documents/rfm/1999/07/2298_en.pdf
- ⁵⁰ According to the new provision the share of the Moldovan language in the total broadcasting airtime should not be less than 60 per cent.
- ⁵¹ 'Moldova's compliance with the COE's obligations on freedom of expression and information', in *Moldova: two years under the communist rule* (note 43) pp.37-39.
- ⁵² Author's interview with Serghei Ostaf, Deputy Chairman of the Moldovan Helsinki Committee for Human Rights, 26 June 2005, Chisinau.
- ⁵³ See the 2002 FH's report on freedom of the press in Moldova, available at <http://www.freedomhouse.org/template.cfm?page=251&year=2002>. See the 2002 AI report on human rights in Moldova, available at <http://web.amnesty.org/report2003/Mda-summary-eng>.
- ⁵⁴ See the ECHR's 'Surveys of Activities 2002', p. 33, available at <http://www.echr.coe.int/NR/rdonlyres/ADA993B5-8591-42BA-80F5-CD26A6E598B8/0/SurveyofActivities2002.pdf>

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- ⁵⁵ Kelley 2004b (note 8), p.76.
- ⁵⁶ Author's interview with Raisa Apolschii, Parliamentary Advocate on Human Rights, 2003 to present, 16 June 2005, Chisinau.
- ⁵⁷ 'Moldova's compliance with the COE's obligations' in *'Moldova: two years under the communist rule'* (note 51), pp.40-41.
- ⁵⁸ Author's interview with Serghei Ostaf, Deputy Chairman of the Moldovan Helsinki Committee for Human Rights, 26 June 2005, Chisinau; Author's interview with Paul Strutzescu, Chairman, The League for Defence of Human Rights in Moldova (LADOM), 1 July 2005, Chisinau.
- ⁵⁹ Author's interview with Anatol Gudim, Executive Director of the Center for Strategic Studies and Reforms (CISR), 10 July 2005, Chisinau.
- ⁶⁰ In the 2001 parliamentary elections The Communist Party of Moldova (PCRM) obtained 50.7 per cent of the vote and 71 of the 101 seats in parliament.
- ⁶¹ See the official statement by Mr. Voronin at the summer session of the Parliamentary Assembly of the COE on 27 June 2001, in *'Moldova: two years under the communist rule'* (note 43), pp.59-60.
- ⁶² Author's interview with Ms. Angela Sirbu, Centre of Independent Journalism, 27th of June 2005.
- ⁶³ *RFE/RL Newslines*, 18 January 2002.
- ⁶⁴ *RFE/RL Newslines*, 31 January 2002.
- ⁶⁵ *RFE/RL Newslines*, 5 February 2002.
- ⁶⁶ *RFE/RL Newslines*, 11 February 2002.
- ⁶⁷ At the same time a more explicit threat of Moldova's COE membership withdrawal was expressed by the deputy chairman of the COE's Congress of Local and Regional Authorities, Claude Casagrande, who criticised the new law on administrative division and, in general, the dominant position of the governmental party on the domestic scene. See *RFE/RL Newslines*, 30 January 2002.
- ⁶⁸ Author's interview with Fiona McLean, head of the European Commission's TACIS Office in Chisinau, 7 July 2005, Chisinau.
- ⁶⁹ Resolution 1280 (2002) of the Parliamentary Assembly of the COE, 24 April 2002 (available at <http://assembly.coe.int/Documents/AdoptedText/ta02/ERES1280.htm>).
- ⁷⁰ *Ibid.*
- ⁷¹ See Recommendation 1554 (2002) by the PACE to the Committee of Ministers, April 2002 (available at <http://assembly.coe.int/Documents/AdoptedText/ta02/EREC1554.htm>).
- ⁷² *RFE/RL Newslines*, 28 March 2002.
- ⁷³ *RFE/RL Newslines*, 27 March 2002 and 8 April 2002.
- ⁷⁴ *Logos Press in Moldova*, No.10 (458), 22 March 2002, (note 43).
- ⁷⁵ *Logos press in Moldova*, No.16 (464), 3 May 2002, (note 43).
- ⁷⁶ *Ibid.*
- ⁷⁷ Data taken from the official EU web site (<http://www.europa.eu>).
- ⁷⁸ *RFE/RL Newslines*, 26 April 2002 and 10 June 2002.
- ⁷⁹ Author's interview with Stefan Secareanu, member of the opposition party (PCDM), member of parliament since COE 1994 and member of the Parliamentary Committee on Human Rights and National Minorities since 2004, 21 June, 2005, Chisinau.
- ⁸⁰ Author's interview with Ludmila Borgula, PCRM member and member of the Parliamentary Committee on Human Rights and National Minorities since 2004, 22 June 2005, Chisinau.
- ⁸¹ PACE's Resolution 1303 (2002), September 2002 (available at <http://assembly.coe.int/Documents/AdoptedText/ta02/ERES1303.htm>).
- ⁸² Kelley 2004b (note 8), p.92
- ⁸³ Kelley talks about the possibility of a similar contra-argument in her analysis: 'What if the duration of involvement by international institutions is decisive rather than the kind of involvement?' *Ibid.* p.164.
- ⁸⁴ *Ibid.*
- ⁸⁵ In comparison, the oppositionist party, PPCD, had only 6 per cent of support. This public opinion poll was conducted by the Romanian polling institute IMAS. See *RFE/RL Newslines*, 30 April 2002.

