



**FRIEDRICH NAUMANN  
FOUNDATION** For Freedom.

Romania and Moldova

# **BREAKING FROM OLD POLITICAL PRAXIS TOWARDS EUROPEAN POLITICAL DEMOCRATIZATION**

The Moldova case study



ANALYSIS

# Imprint

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# Introduction

The year 2022 represents one of the most complicated periods since Moldova's inception as an independent country. However, the political conditions inherited from the 2021 snap elections provide the ruling elites with the right levers to carry out reforms and address multiple crises simultaneously. The government has a huge credit of trust from Western partners, accompanied by continuous allocation of technical and financial resources. This lucky combination of circumstances seems to be used at only half its potential. Overwhelmed by a crisis-shaped agenda, the ruling elite is failing to achieve tangible results in the field of key reforms, such as the rule

of law and public administration, facing serious challenges in the field of European integration. Each of these areas requires a strategic approach, healthy skepticism, and effective accountability. Instead, these principles are overshadowed by institutional limitations, frequent "blame games", and a rather formalistic approach to transparency. These pathologies can have unintended consequences both on the quality of crisis management and on the transformative reforms envisioned and sustained by national and internal pro-democratic stakeholders who support Moldova's modernization.

## 1. General overview

In July 2021, Moldovan citizens voted at home and abroad for a reform-oriented parliament, seeking good governance and state institutions with strong integrity. The road to greater democracy and larger openness of the political party system did not appear out of nowhere. The path towards democratic progress has been paved by the tectonic political changes caused by the 2019 and 2020 elections. The anti-oligarchic votes obtained by the "Truth and Dignity" Platform and the Action and Solidarity Party (PAS) in the 2019 legislative elections<sup>1</sup> broke with the old static political habits. This was associated with an awakening of the rather dormant parliament and the revival of the entire system of state institutions. The unleashed circulation of the new elites began a complex process of de-ossification of political and public life. The critical juncture emerged contributed to the inevitable removal of the anachronistic old oligarchic regime that reigned for a decade from 2009, demoting itself to a "capture state" before falling apart in 2019. The kleptocratic-oligarchic groups were severely weakened and forced to withdraw and self-exile abroad. However, with rule of law reform proceeding slowly and political destabilization caused by a combination of exogenous Russia-driven crises and internal government weaknesses, there is the possibility of an eventual return of the oligarchic exponents.

The domestic policy adjustment has benefited from the significant improvement in foreign policy due to the 2022 presidential election, which freed the presidential office from pro-Russian influence. The diaspora vote was crucial

to Maia Sandu's<sup>2</sup> electoral victory over then-incumbent Igor Dodon. Subsequently, the country turned its face towards the European Union (EU) and engaged dynamically in dialogue with the West, gradually improving the country's image and pushing it towards political changes all the way to parliament and government. The integrity initially shown by the presidential position inspired the population to aspire to similar traits in the rest of the branches of power. The high public expectations have not fully materialized for the government appointed after the early elections in 2021. Although the PAS parliamentary majority built a diverse government, incorporating four women, two people from the diaspora, four people from the organizations of the civil society, public perception of its efficiency has been modest ever since. The government appears to be ignoring public polls showing a decline in popularity and tying the ineffectiveness of policymaking entirely to external factors. The multitude of crises revealed that central authorities have problematic communication with the population and some categories of local authorities (UTA Gagauzia), a propensity to blame avoidance seeking to shield the reputation, and an overzealous prioritization of the external agenda over internal reform needs. All of this has exacerbated the drop in public approval, although government's reformist genuine intentions are unquestionable both internally and among external partners. The rising issues lie in sectoral competence under crisis pressure, episodic inclination for arbitrary decisions, and lack of deep engagement with critical feedback.

<sup>1</sup> According to the result of the 2019 legislative elections, the Truth and Dignity Platform and the Action and Solidarity Party obtained 26 mandates out of 101 seats. This was enough to create a tactical coalition with the Socialist Party (35 seats), which then ended the rule of the oligarchic regime of Vladimir Plahotniuc.

<sup>2</sup> Denis Cenuşa, "[Moldovan presidential elections: Sandu wins the run-off, while Dodon faces a "checkmate"](#)", 3DCFTA, October 2020. During the 2020 presidential election, Maia Sandu received around 941,000 votes (57.7%), which is approximately 250,000 more votes than Igor Dodon (690,000 votes). Without a greater participation of the diaspora in the second round (from 150,000 to 260,000 voters), Maia Sandu would have lost the elections

The three areas where the biggest problems arise, as well as the biggest multiplier of the reforms' effects that can be unlocked, are the following: institutional limitations,

frequent "blame game" and constrained transparency. These deficiencies have sectoral crosscutting symptoms, as is concisely described below.

Table. Government shortcomings and their impact on the quality of policymaking

	Institutional limitations	"Blame games"	Constrained transparency
Impact on policy making	<ul style="list-style-type: none"> <li>• Slow dynamic of key reforms;</li> <li>• Tardive reaction to crisis;</li> <li>• Unsustainable institutional memory.</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of ownership over problem solving;</li> <li>• Shift of responsibilities towards external factors;</li> <li>• Preoccupation about reputational costs above political responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Weakening of public and political legitimacy;</li> <li>• Lax political accountability;</li> <li>• Exclusion of healthy skepticism and the culture of feedback.</li> </ul>

Source: Author's assessment

## 2. Institutional limitations

Post-2021 state institutions have undergone several significant changes; some were good, others had negative effects. In terms of healthy development, the institutions excluded controversial people and improved public image. On the negative side, the institutional culture faced three challenges: 1) *tendency of politicization*; 2) *lack of specialized human resources*; and, 3) *the constraints to deliver*.

First, the government that obtained total control of political power decided to incorporate into the institutions people who represented the PAS or with politically non-affiliated sympathizers of the ruling party and its leadership. Only as an exception, people who served in previous governments were accepted to occupy positions in the new political-institutional setting. Naturally, this political concentration of PAS militants or sympathizers in state institutions crystallized the perception of a certain degree of politicization. Given that the ruling party has not faced any proven accusation of political corruption to date, the filling of institutions with pro-PAS people has not raised red flags so far. However, this form of political overrepresentation affects the plurality of opinions, representativeness and inclusiveness, and leads to a closed way of group thinking, which can cause various blind spots in policymaking. Consequently, this prevents from having highly timely reaction to critical situations and there is a tendency for preoccupation for reputational costs.

Second, the government has promoted work in state institutions as a prestigious option for specialists in the country and in the diaspora. It has even raised funds from the EU to cover the costs of internships (150 euros per month<sup>3</sup>) for young

specialists aged below 27. However, the results fell short just at a time when the country seeks to hire sectoral specialists in EU affairs for the (pre-) accession negotiations. Government officials stressed that even salaries of around €850 or 16,000 MDL lei (the minimum wage is €187 or 3,500 MDL lei as of October 2022) are not attractive enough to keep staff in some line ministries<sup>4</sup>. This poses serious problems for the government's ability not only to attract valuable human resources but also to build strong institutional memory. Such institutional limitations increase the vulnerability of the public sector to the informal influence of kleptocratic groups.

Third and lastly, the aspect of politicization and the low magnetism of the public sector for specialists means that the modernization of state institutions is rather sporadic and slow. Although the current government is the first in history to create a post of deputy prime minister for digitization, to trigger modernization, the government needs to involve both the state ministries and agencies as well as the local administration in an improvement. The digitalization is only a part of the modernization process. The development of a strong, competent and depoliticized state apparatus must be at the center of national strategies. This also requires revising the National Strategy "European Moldova 2030"<sup>5</sup> already approved by the government to propose clear steps on how to upgrade the public sector and motivate staff at central and local level, taking into account the ongoing personnel shortage.

3 <https://eu4moldova.eu/ro/opportunitati-pentru-tineri-stagii-de-practica-in-institutiile-statului-gratie-programului-pilot-de-burse-lansat-de-uniunea-europeana-in-parteneriat-cu-guvernul-republicii-moldova/>

4 <https://tv6.md/ro/2022/09/11/budianschi-avem-plecari-din-minister-practic-in-fiecare-saptamana-am-lansat-de-cateva-ori-concursuri-nu-a-venit-nimeni-nici-la-salarii-de-16-mii/>

5 The National Strategy "European Moldova 2030" lists the objectives for the reform of the administration (pp. 59-61), but the measures do not focus on increasing the capacity of the institutions as such and only mention salary motivation fleetingly. <https://replicamedia.md/ro/article/bGL0b08dQ/doc-executivul-a-aprobat-strategia-nationala-de-dezvoltare-moldova-europeana-2030.html>

If the capacity of state institutions at all levels, including at the stage agency, is not improved, then sectoral reforms could be delayed and institutional reactions to crises could suffer from

tardiness. The capacity of state to address crises rests on the resilience of the institutions to absorb, respond and recover.

### 3. Frequent practice of "blame games"

The government has massively won the votes of the electorate by promising to carry out rule of law reforms. However, it seems that due to the crisis-shaped agenda, the government frequently resorts to prioritizing the external agenda over internal needs regarding key reforms, as well as uses various strategies of blame avoidance. *In some cases, the government showed temptation to reject constructive criticism from demanding civil society, which can hamper or undermine pluralism and the expense of inclusive decision-making.*

*Rule of law reform:* Regarding the issue of the appointment of judges who meet the integrity criteria, President Maia Sandu has been postponing her decision concerning the eligible judges, which created additional delays for the completing of the vacancies in the self-management body of the judicial body (Superior Magistracy Council)<sup>6</sup>. Government officials were shifting responsibility to the old system, which would prevent the removal of corrupt judges. The real problem appears to be in the government's ability to screen and remove corrupt judges. Instead, he has faced criticism for pushing out judges with high-integrity records. The fairness of justice is one of the conditions for the EU to advance in the pre-accession dialogue. Power is in the hands of one political party and the success of this judicial reform rests entirely on their shoulders. Any attempt to deflect responsibility from the government or the presidential office will only damage the reform and delay its results. The more complex the evaluation process, the more likely the government is to dilute responsibility.

*Anti-corruption efforts:* The situation with the settlement of old banking crimes is also problematic. As positive results, it can be stressed that the authorities appointed independent individuals from civil society and the diaspora as heads of two anti-corruption agencies. This is already showing a certain degree of efficiency in the investigation of leaders of the Socialist Party, Shor Party or former members of the Democratic Party on charges of political corruption (illegal financing, illicit enrichment, etc.). Although the progress in other anti-corruption files is important, there is less dynamism in relation to the financial crimes of 2010-2014, which ended with the theft equivalent to 15% of the country's GDP. Prior to 2021-22, both PAS and external partners along with civil society organizations were demanding quick and tangible results on the recovery of public money stolen during the 2010-2014 banking crimes. Such requests are now less visible in relation to

the PAS-controlled government. Instead, the authorities are justifying the lack of results with the foreign governments' decision to extradite or not the fugitive oligarchs. Equally, it is unclear what is complicating the location and recovery of the stolen money from the offshore jurisdictions. As a result of the robust foreign policy, which cost money from the public budget, government officials and, mainly, the presidential office, could have carried out a more aggressive diplomacy of demanding deportations from the United Kingdom, Israel or Turkey (Veaceslav Platon, Ilan Shor, Valdimir Plahotniuc), where they are supposed to be. In addition, the authorities did not provide sufficient evidence that they had exhausted the possibilities of addressing the offshores, starting with those linked to Europe, in search of the stolen Moldovan money.

*Socio-economic shortcomings:* Finally, there is strong evidence that external factors are to blame, in terms of the country's socioeconomic situation, which faces a critical inflationary situation of 34% year-on-year, driven by the volatility of the energy market. Largely responsible for the worsening living conditions in the country is Russia's destructive geopolitical agenda in the region, fueled by its aggression against Ukraine. The political calculation of the government was to fully align with the West and show solidarity with Ukraine against Russian aggression. In such circumstances, the authorities began to attack the gas contract signed by them with the Russian supplier "Gazprom" in October 2021, which provided for a price formula praised many times by the Moldovan side to date. Due to this formula, for 8 months of 2022, Moldova paid a price 25-50% lower than that of the EU. The government has consciously ignored the comparative advantage of the price of gas for Moldova. Instead, it normalized the deviance from the contract through non-compliance with the terms of the audit or payments. The past and current geopolitical pressures exerted by Russia on the country have been used to validate the decisions of the incumbent government to disregard certain contractual arrangements. By blaming Russia for inflation and other economic difficulties, the ruling party created the "rally round flag effect" by ensuring minimal support from the population, as well as gaining international consideration and support for addressing humanitarian, energy and security crises.

<sup>6</sup> <https://unimedia.info/ro/news/959ebb66c9e1e919/soarta-judecatorilor-in-mana-maiei-sandu-voi-lua-in-curand-o-decizie-cei-care-nu-se-vor-regasi-in-lista-vor-merge-la-urmatorul-csm-si-vor-raspunde-la-intrebari.html>

## 4. Constrained transparency

The government's openness to the public, media and external partners has improved compared to previous governments. Dialogue with various civil society organizations helped the ruling party create the perception of an inclusive and participatory decision-making process. Media freedom continued to function unhindered, with the exception of sources of propaganda and disinformation. Addressing the EU's condition of ensuring cooperation with civil society, the government is willing to allocate public funds to the non-government sector. However, a more nuanced evaluation reveals some imbalances in the performance of transparency, which refers to the participation in the drafting of norms and laws by the government and the legislature.

In the case of the executive branch of power, there is a rather selective approach towards non-governmental organizations. Engagement with the critic is limited and their comments may even be ignored. During the August 2022 consultation on the action plan aimed at fulfilling the EU's conditions linked to the pre-accession dialogue, the government displayed a formalistic and superficial attitude, refusing to take into consideration numerous recommendations coming from the exigent wing of the organizations of civil society. This represents a missed opportunity to improve the quality of the final documents<sup>7</sup>, avoiding criticism from the pro-Russian opposition and becoming a target of disinformation. Similarly, only a limited number of organizations were invited to contribute to completing membership application questionnaires. These situations increased the perception that the government is trying

to "co-opt" a limited number of civil society organizations and exclude others considered less compatible with its political agenda. This can create the risk of lax accountability from the ruling party, as critical views are undermined or pushed into irrelevance.

The ruling party showed the first attempts to rush the transparency procedures during the adoption of the prosecutor law in August 2021, which was criticized by the Venice Commission<sup>8</sup>. As a result of the precipitated consultation process and various deviations from the rules, the government has to make revisions in the already adopted legislation. Besides the critical civil society organizations, there are other stakeholders that have been excluded from the important reforms related to the optimization of the universities, rule of law legislation (extra-parliamentary opposition, trade unions, farmers, local public administration – UTA Gagauzia). The repetition of such episodes can lead to the creation of a kind of escape rooms for the government to eschew healthy skepticism and valuable feedback from a multitude of national stakeholders. In this way, the government adopts steps reported to the external partners as progress, without ensuring that the conducted reforms have solid public legitimacy that could make them sustainable and resilient. *Furthermore, by avoiding plural and participatory consultations, the government is creating the impression that it does not see the true value of transparency by default and in its entirety, but rather selectively.*

## 5. Conclusions and recommendations

The political changes that started in 2019 and solidified with the victory of the reformist political forces in 2020 and 2021 opened a new chapter in the democratic development of Moldova. Serious reforms have been undertaken to revive the rule of law and improve the management of public assets and funds. However, more reforms are required to achieve irreversible transformations in the functioning of the State and its institutions for the benefit of the population throughout the country. In this sense, the current government has to critically assess itself through the lenses of the three dimensions discussed in this policy brief: institutional constraints, blame avoidance, and transparency constraints. The resolution of these pathologies will be beneficial for the legitimacy of the reforms carried out and, ultimately, for the effectiveness of the European integration process, which will be undermined

if practices of formalism and superficiality continue to creep into the government process.

*Institutions:* The government needs to modernize the institutions both morally and physically. In this sense, the following steps must be taken: 1) depoliticization; 2) meritocratic approaches in the promotion and selection of personnel; 3) establishment of special funds to improve remuneration potential and encourage the best performance, preventing the loss of institutional memory; 4) promoting blame-free space and the culture of feedback; 5) introduce enterprise risk management (ERM) techniques to develop inner strength against the informal influence exerted by kleptocratic groups.

<sup>7</sup> <https://stire.md/declaratia-comitetului-pentru-unitate-si-bunastare-cub-cu-privire-la-conditionalitati-si-europenizare-in-r-moldova/>

<sup>8</sup> Venice Commission, Opinion on the amendments of 24 August 2021 to the law on the prosecution service, adopted by the Venice Commission at its 129th Plenary Session [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)047-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)047-e)

## 8 5. CONCLUSIONS AND RECOMMENDATIONS

*Reforms:* The prioritization of internal reforms should be at the core of the governing party's internal and external policy, which should consider the following aspects: 1) speed up key reforms in the field of rule of law and public administration in a timely and sustained manner, detaching them from electoral strategies around the 2023 local elections or other decisions favorable to the government's party agenda; 2) give up using blame avoidance strategies to dilute responsibility and focus on identifying smart, credible and well-communicated solutions to current socioeconomic shocks (exacerbated by the Russian factor); 3) explore the political-diplomatic possibilities of the geopolitical opening of the West to resolve major financial crimes (deportation of perpetrators and recovery of stolen funds); 4) use existing crises to address structural weaknesses (crisis and risk prevention and preparedness, energy security, critical infrastructure protection, etc.).

*Transparency:* The European democratization of Moldova depends on the political will of the government to apply full and genuine transparency in the decision-making process. This

would include the following actions: 1) strictly apply the principles of transparency and dose the freedoms offered by the emergency regime to avoid poorly consulted strategic decisions; 2) adopt a mandatory approach to the use of anti-corruption screening in the law-making process, thus fulfilling one of the EU conditions requested during the pre-accession dialogue; 3) review the policies and practices of engaging selectively with civil society organizations to avoid creating potential platforms for the functioning of (pro)governmental non-governmental organizations (GONGOs); 4) promote a culture of feedback and healthy skepticism in relation to civil society organization, the opposition, the media and other national stakeholders who are involved in promoting sustainable reforms leading to further European integration, which additionally will contribute to fighting propaganda and disinformation aimed at destabilizing public order and national security; 5) reiterate the commitment to inclusive decision-making through a political declaration from the government, seconded with a confirmation from the EU and other partners to prevent governance pathologies such as mimicry.





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