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**“DEMOCRACY FROM THE OUTSIDE IN”?
THE EFFECTIVENESS OF NORMATIVE PRESSURE AND
CONDITIONALITY**

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Submitted in part completion of the PhD in Political Science, Department
of Political Science, Trinity College Dublin

2010



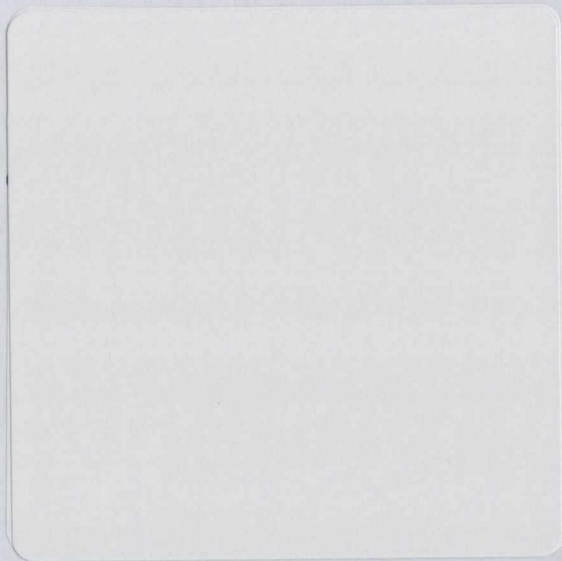
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“Democracy from the outside in?”¹

The effectiveness of normative pressure and conditionality

SUMMARY

This thesis presents an analysis of the effectiveness of democracy promotion strategies on post-communist democratising states of Eastern Europe. Specifically, it examines the impact on development of civil and political rights of democracy promotion strategies applied by the three European organisations – the European Union (EU), the Council of Europe (CoE) and the Organisation for Security and Cooperation in Europe (OSCE) – in Moldova in the years 1991-2005. Moldova is a case study of this thesis.

Nowadays, democracy promotion is at the top of the agenda of policy-makers around the globe. The results of various democracy promotion activities are quite mixed: some of them seem to work in certain cases, other seem to have no effect whatsoever. There is also a lack of consensus regarding the effectiveness of different democracy promotion strategies in the scholarly literature. The main aim of this study is to contribute to the existing literature by expanding the analysis to a new set of cases (Moldova), focusing on a specific policy sector (civil and political rights), and comparing the effects of the two types of democracy promotion strategies (normative pressure and conditionality). The developments within the civil and political rights sector are treated in this thesis as a proxy for democratic advance. Specifically, I

¹ The title of the thesis borrows from the title of an article by Pevehouse 2002.

examined the development of freedoms of expression and the media, and civil and political freedoms of national minorities.

I assessed whether the degree of governmental response and the timing of its policy decisions depended on the type of organisational involvement. I also analysed the intervening effects of the domestic factors – the domestic structure and the domestic salience of democratic norms – on the policy outcomes and the overall effectiveness of the external democracy promotion efforts. When explaining policy outcomes, I used a comparative method and a process-tracing technique applied to primary and secondary data. The primary data for this thesis was obtained from semi-structured interviews with the major stakeholders in the democracy promotion process in Moldova, as well as from extensive document analyses.

One of the most important findings of this study is that international institutions can influence certain domestic policies and, hence, indirectly foster further democratisation in target countries. The analysis revealed that domestic actors tended to respond more to incentive-based strategies (conditionality) than to socialisation-based ones (normative pressure). Softer strategies such as persuasion and social influence, when used alone, rarely produced policy change. Finally, the impact of European organisations' DPS was conditioned to a large extent by the domestic context. The important policy implication of this is that organisations 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 democratisation.

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In memory of my Dad, Nikolai. You are always in my thoughts.

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Thank you, thank you, thank you.

ABBREVIATIONS

AI	Amnesty International
AMG	Advisory and Monitoring Group
CAC	Coordinating Audiovisual Council
CFSP	Common Foreign Security Policy
CIS	Commonwealth of Independent States
CLRAE	Congress of Local and Regional Authorities in Europe
CoE	Council of Europe
CS	Common Strategy
DDAPs	Democratic Development Aid Programmes
DFID	UK Department for International Development
DPS	Democracy Promotion Strategies
EBRD	European Bank for Reconstruction and Development
ECHR	European Court of Human Rights
EIDHR	European Initiative for Democracy and Human Rights (EU)
EIU	Economist Intelligence Unit
ENP	European Neighbourhood Policy (EU)
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
FH	Freedom House
GATT	General Agreement on Tariffs and Trade
GUAM	Georgia, Ukraine, Azerbaijan, Moldova Regional Organization
HCNM	High Commissioner on National Minorities (OSCE)

HURIST	Human Rights Strengthening Programme
ICCPR	International Covenant on Civil and Political Rights
IFIs	International Financial Institutions
ILO	International Labour Organization
IMF	International Monetary Fund
IO	International Organisation
IOs	International Organisations
IR	International Relations
LOI	Letter of Intent
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OECD	Organization for Economic Co-operation and Development
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PCA	Partnership and Co-operation Agreement (EU)
PCRM	Partidul Comunistilor al Republicii Moldova [Party of Communists of Republic of Moldova]
PHARE	Poland and Hungary: Assistance for Recovery their Economies
PPCD	Partidul Popular Creştin Democrat [Christian Democratic Party of Moldova]
RBM	Results Based Management
RFM	Representative on Freedom of the Media (OSCE)
SDC	Swiss Agency for Development and Co-operation
SIDA	Swedish International Development Agency
TACIS	Technical Assistance for Commonwealth of Independent States

UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	UN High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WB	World Bank
WHO	World Health Organization
WTO	World Trade Organization

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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. Western liberal democracies and international organisations have become increasingly interested in promoting democracy, human rights, rule of law and good governance in these countries. Due to these and other factors of the international context the international dimension has been central to democratisation processes unfolded in the region. The international dimension of democratisation can be conceptualised in various ways: it can include unintentional effects (such as various diffusion or demonstration effects) as well as deliberate attempts to exercise influence (such as sanctions and threats); non-state global actors (such as global non-governmental organisations and multinational corporations); and national governments and international organisations. The latter set of international actors use a variety of democracy promotion methods: they may employ diplomatic measures such as supporting a pro-democratic leader and pro-democratic societal forces, criticising pro-authoritarian policies of a government, granting or withdrawing membership in an important regional or international organisation. Alternatively, international actors may use economic tools such as economic sanctions against undemocratic governments or trade embargos for states with the record of human rights violations; but they might also choose to reward states which succeed in democratisation efforts with preferential trade agreements and

fixed-term loans. The results of such democracy promotion activities are quite mixed: some of them seem to work in certain cases, others to have no effect whatsoever. Moreover, there is also a lack of consensus regarding the effectiveness of various democracy promotion strategies in the scholarly literature.

This thesis aims to explain variation in the effectiveness of various democracy promotion strategies applied to Moldova in the period 1991-2005. In particular, I assess when and how the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe (CoE), and the European Union (EU) have influenced the authorities of Moldova to pass certain legislation on civil and political rights such as freedoms of expression and the media, and civil and political rights of the national minorities. These organisations have been involved in Moldova for more than fifteen years and all three organisations made many specific recommendations on civil and political rights policy, but there has been little systematic examination both on the part of the organisations and the scholarly community of the policy effects within Moldova.¹ Why, despite the rhetorical commitment to democratic norms, were Moldovan authorities so slow in adopting and implementing legislation on freedoms of expression and the media in the 1990s? Does the blame for Moldova's "sinking into a grey zone" and lack of democratic progress lie exclusively with domestic factors and political elites? Why, on the other hand, during the same period (1991-1999) the Moldovan authorities managed to adopt one of the most progressive and liberal laws on national minorities and status of their organisations in the post-Soviet region? Did the democracy promotion strategies of European organizations involved in Moldova have any effect on this? What can explain different outcomes in the development of these two policies?

¹ And, indeed, within other post-Soviet republics.

Moreover, in 2001, when the Communists 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? Hence, the main puzzle that this thesis addresses is what can explain the degree of governmental response and timing of their policy decisions in both policy areas.

In this thesis I explain variation in the effectiveness of the democracy promotion strategies from the perspective of the two theoretical approaches explaining how international organisations may influence state behaviour: rational-choice models and socialisation models. For clarity of analysis I classify all democracy promotion strategies (DPS) into two broad types: incentive-based strategies and socialisation-based strategies. Specifically, I view the political conditionality as an incentive-based method to promote democracy and the normative pressure as a socialisation-based method. In brief, normative pressure occurs when an institution advises a government on the direction a policy should take, offering no reward other than approbation of the institution. In contrast, conditionality is an explicit linking the change advocated to an incentive, a particular benefit offered by an organisation. I argue that the effectiveness of DPS depends on what method has been used: normative pressure or conditionality. Thus, I focus on two lines of inquiry here: *what* an organisation offers to Moldova (for instance, type of benefits), and *how* (through which mechanisms) it offers. In addition, I assess the intervening effects of the domestic context of the democracy promotion process – the role of the domestic salience of democratic and human rights norms and domestic structure (institutional

framework, state – society relations, and patterns of post-communist leadership). I argue that the domestic context conditions to a great extent the effectiveness the democracy promotion strategies.

In this thesis a comparative method is employed as a research technique. This epistemological strategy is case-oriented. I conducted a qualitative analysis of the primary and secondary data on Moldova and I used extensively a process-tracing technique. The primary data comes from semi-structured interviews and document analyses. I interviewed the major stakeholders in the democracy promotion process including members of the government and opposition, representatives of the European organisations, human rights ombudsmen, representatives of local human rights NGOs and independent political experts in Moldova. In total I conducted twenty-one interviews in Chisinau in summer 2005. As regards document analyses, I examined major media reports, both local and international; all formal communication from each European organisation to the government, including press releases and communiqués, letters from and to governmental officials; regular reports, including reports from fact-finding missions; special resolutions and recommendations from European institutions' bodies; specialist publications from the local and international NGOs and advocacy groups. In addition, to provide a further validation of the argument and to extend the analysis, I examine the effectiveness of democracy promotion methods in Belarus and Ukraine. These cases are treated in this thesis as secondary case studies, analysis of which is based on primary (such as official reports of the organisations) and secondary (such as scholarly views in the literature) data sources.

This thesis is divided into four main parts. The first part is a general introduction to this research project. The second part clarifies the main concepts and

presents a theoretical framework of this study. The third part is an empirical analysis of the domestic context of democracy promotion in Moldova, developments in freedoms of media and expression, and political rights of national minorities. This part also presents an extension of analysis to secondary country-cases: Belarus and Ukraine. Finally, the concluding part summarises the findings of the empirical chapters in view of the theoretical and conceptual framework of the thesis. Moreover, the contribution of this thesis to the existing literature and implications for further research are also discussed in this part.

The rationale of the thesis

The scholarly reasons for this thesis are diverse. First and foremost, this research project addresses a research deficit in the area of democracy promotion and domestic policy change. While there are studies that examine the effects of democracy promotion activities on broad democratic trends (or lack thereof) in democratizing states, there is a lack of comprehensive analyses of the effects of various democracy promotion methods on particular policies. Moreover, the focus on the effectiveness of democracy promotion strategies applied to Moldova in the years 1991-2005 allows for a more insightful analysis of the theory and practice of democracy promotion.

In what follows, I will present the justification of this thesis by focusing on its main themes, namely, democracy promotion, civil and political rights, and Moldova as a case study.

- **Why democracy promotion?**

The literature on democracy promotion, which has grown considerably in recent years, increasingly recognises the importance of the changed international environment in the 1990s for providing new opportunities for democracy promotion. Studies of the international dimension of democratisation often come to similar conclusions: that any rigorous analysis of the democratisation process should not overlook its international dimension, and that external actors (along with other international factors) can influence domestic politics. Democracy promotion is, perhaps, one of the most visible processes of the international dimension of democratisation in a country. By applying various democracy promotion strategies international actors, including international organisations, aim to induce democratising states to achieve democratic transition and consolidation. Thus, from the analytical point of view, the examination of the effects of democracy promotion is more feasible in comparison to, say, more indirect influences of the international context such as effects of globalisation and democratic diffusion. Democracy promotion activities are conscious and deliberate actions by the international actors to impart new mentalities, new institutions, and new codes of behaviour in a target country. Thus, in order to provide additional theoretical insights with regard to the international dimension of democratisation, it is necessary to treat the international context as a “global agent” rather than an amorphous “structure” with no central logic or leading actor.

In addition, 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 democratisation and international relations literatures (see, for instance, Pevehouse 2002 and 2005; Kelley, 2004a and 2004b). 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 (Burnell and Calvert 2005, 433-8). By investigating the effects of democracy promotion on democratisation in Moldova, this thesis aims to contribute to the literature on the international dimension of democratisation.

Also, often the research on the role of international organisations tends to focus on a single institution and the particular strategy it applied (Kelley 2004a, 425). For instance, a considerable body of literature analysed the effects of EU conditionality on the domestic politics of the Central and East European candidate states (Henderson (ed.) 1999; Grabbe and Hughes 1998; Dimitrova (ed.) 2004; etc.). These studies, however, seem to disregard the vast diplomatic efforts of the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE) in Central and Eastern Europe and post-Soviet republics. Moreover, there is a lack of studies that evaluate the efforts of international organisations in comparative perspective: this thesis examines all three organisations and two distinct DPS – normative pressure and conditionality – in order to influence behaviour of the domestic authorities.

There is also a need to look at a policy level of analysis in research on effects of democracy promotion. Theoretical analyses of a *macro* dimension have often neglected the *meso* dimension and there are very few theoretically informed comparisons between policy areas. Many studies of democracy promotion focus

almost exclusively on macro politics and very few links are drawn between the external influences and changes of concrete policies. The failure of these studies to link their explanatory factors to substantive policies limits their contribution to a more nuanced understanding of the context in which the preferences of certain actors condition substantive outcomes (Schimmelfennig and Sedelmeier 2002, 523).

- **Why civil and political rights?**

In this thesis I adopt a substantive view of democracy that consists of four essential components: free and fair elections, open and accountable government, civil and political liberties, and a civil society (Bentham 1994). Thus, I view democratisation as a process of reforms and changes in these four substantive areas. All four components are intertwined and it is not possible to achieve one component of democracy, for instance, competitive elections, without the other components – a vibrant civil society, effective and accountable government, respect for civil and political rights. Specifically, I consider civil and political rights as both institutional and structural factors or, in other words, conditions which enable and favour democratisation. Civil and political rights are fundamental rights of an individual, or groups of individuals, in connection with their relationship with the state (Foster 2003). These rights include the right to life, freedom from torture and slavery, freedom of the person, the right to a fair trial, the right to private life, freedom of thought, conscience, religion, speech, assembly and association, the right to vote and the right to personal property. Civil and political rights are usually perceived as “rights from” or “freedoms from”, for instance interference from the state and its institutions.

I posit that democratisation, perceived as a process towards democracy, cannot succeed without genuine institutional, legal and policy reforms aimed at respect for and protection of civil and political rights. Thus, reforms in the civil and political rights policy sector are treated in this thesis as a proxy for democratisation. For instance, if the authorities in a democratising country are ready to undertake meaningful reforms to ensure respect for civil and political liberties of citizens of that country, then it is more likely that the process of democratisation is on the “right track”. I admit that the development of civil and political rights is important but not sufficient condition of successful democratisation. However, I think that such approach of focusing on civil and political rights as a proxy for democratic advance is particularly beneficial for analytical and conceptual clarity when assessing the effects of democracy promotion on domestic politics.

In addition, active exercise of civil and political rights by citizens or demands for respect of such rights may sometimes stop democratic backslide, change the undemocratic status quo and facilitate the return to democratisation, especially at the later stages of democratic transition. Such “windows of opportunity” opened with the help of civil and political rights are especially important in the context of the so called “hybrid regimes” – regimes characterised by the combination of authoritarian practices and the presence of basic institutions of procedural democracy, which are often regarded as meaningless. Moreover, extensive and meaningful civil liberties and public protests demanding their respect can not only promote successful democratisation but also initiate democratic breakthrough in hybrid regimes. Thus, when analysing a country’s path towards democracy, it is important to consider governmental practices in this particular area, as it is quite a good indicator of how meaningful the democratisation process is in that country.

In addition, international organisations tend to focus on this particular set of rights when establishing various human rights assistance programmes in target countries. Moreover, demands to improve various aspects of civil and political rights are often voiced as part of political conditionality. Thus, the analysis of civil and political rights in a democratising country provides a clear focus and allows drawing more precise links between the democracy promotion activities in this particular policy area and policy changes.

- **Why Moldova?**

The main rationale for choosing Moldova as a case-study is that it is a relatively unknown and under-researched case. Some scholars in the field argue that the new studies should re-direct their focus of analysis on to new cases: that is, countries and policies which have never been investigated (or have only been briefly looked at) by researchers before (see, for instance, Kelley 2004b, Ethier 2003). The lack of systematic analysis of the relationship between international actors and domestic changes in Moldova, and, in general, in other post-Soviet republics is puzzling given the fact that some of these countries seem to be quite receptive to the influences from the outside. Thus, this thesis aims to contribute to the literature by expanding the analysis on to a new set of cases.

Also, the existing studies seem to focus almost exclusively on those countries where membership conditionality by various international organisations was applied. There is a lack of studies that examine effects of other incentives offered by the international organisations to target countries. By considering the effects of additional incentives such as a privileged trade agreement, increase of various types of aid and

technical assistance, and signing of an enhanced form of co-operation agreement, this thesis attempts to address this gap in the scholarly literature.

In addition, less straightforward cases regarded as democratic “under-achievers”, which fall beyond the sphere of interest of the EU and other regional organizations and which, as a consequence, do not show clear links between the democracy promotion activities and domestic processes of democratisation also tend to be underrepresented in the researchers’ agendas. Therefore, examination of such cases is worthwhile as it can provide further insights to theoretical explanations of international organisations’ effects on domestic policy and the effectiveness of democracy promotion, in general, even in the context of unfavourable domestic context.

Part I. Democracy promotion and democratisation

Part 1 introduces the rationale and the context of the research project on the effectiveness of democracy promotion in Moldova. The main aim of the Part I is to set the background to the project's research question. The main puzzle that this thesis attempts to solve is to understand the patterns of effectiveness of various democracy promotion strategies (DPS) applied by the European organisations to Moldova. Why and how domestic compliance was achieved in some cases, but it was absent in other cases? What can explain the degree of domestic authorities' response and timing of their policy decisions? Part I deals with these and other questions in a broader research context.

In Chapter 1 I will discuss the scopes of democracy promotion: its main strategies, types and agents. Chapter 2 draws links between democracy, democratisation and human rights and it also explains why it is necessary to introduce the international dimension to any analysis of transition processes in a post-communist country.

Chapter 1

Democracy promotion and democratisation

In this chapter I will discuss what democracy promotion is, how it is usually promoted and what type of actors promote it. By focusing on the international dimension of democratisation I will attempt to establish links between democratisation, respect for human rights and, more specifically, civil and political rights, and democracy promotion.

1.1. Democracy assistance and democracy promotion

The end of the twentieth century was remarkable in many respects among which are the triumph of democratic values over authoritarian ones and an end to state socialism and totalitarian control in the countries of Eastern and Central Europe and the former Soviet Union. In a relatively short period of time, these countries have been swept over by the so-called “third wave” of democratisation which brought considerable changes to the region. The totalitarian system has been replaced by the democratic one, a single ruling party has yielded its previously held monopoly of power to other, ideologically different, parties, the public has gained its long-awaited political and civil liberties, and “the choice of the rulers” by the means of democratic elections for the first time has seemed to be not a charade. Most of the newly born democratic politicians and economists have been faced with difficult dilemmas and choices on how to enhance the prospects for democracy in their countries, and how to make these democracies actually work. In consequence, a new field of interdisciplinary studies has been created – democratisation or transition studies, where

“academics have attempted to map, analyse and explain democratisation while politicians, governments and a range of international organisations from the UN to aid agencies, have reacted to it” (Grugel 1999, 3). The transition to democracy takes place in a range of different social, economic and cultural contexts, and it can partly explain the differences in the successes and failures while moving along a democratic continuum. Some of the democratising countries have succeeded in establishing relatively stable democratic political systems; others either have failed or have still been undergoing a “painful” and prolonged process of institutional design and searching for the most suitable type of democracy. Why does this occur? What influences democratic advancement? What are its limits? How can the domestic push for democratic reforms and changes be conceptualised? Should we blame or praise only the actions of domestic political elites or does success in democratisation depend also on “developments which are not bound by the borders of the nation state or by domestic phenomena alone” (ibid. xiv). The latter question is related to the phenomenon of “internationalisation of democratisation” which “ranges from the growing impact of activities of the European Union to the obstacles experienced by non-democratic states in defending their status and position in the world” (ibid.). The democratisation process, even if it takes place within the boundaries of one particular state, is not merely a domestic affair exercised exclusively by the domestic state actors and institutions but it is a process which requires a much broader conceptualisation by including the international factors within it. One set of such factors are international multilateral and bilateral institutional actors which try to encourage domestic political elites to democratise and liberalise.

Democracy promotion surged to the top of the international policy agenda at the end of the 1980s with the fall of the Berlin Wall and the outbreak of democracy

movements around the world. The emergence of new democracies in Central and Eastern Europe and in the former Soviet Union in the early 1990s was followed by a dramatic increase in interest among established western liberal democracies and international organisations in promoting democracy, human rights and good governance as the global gold standards for states (Burnell 2000, 3). Various factors can account for the emergence of the “new policy agenda” which is, according to Crawford, the linking of development aid to the promotion of human rights, democracy and good governance (Crawford 2001). Firstly, the end of the Cold War with the collapse of communism and the ideological victory of democracy can be regarded as the most significant factor. The global expansion of democracy meant an end to rivalry between the communist East and the capitalist West, between the market economy and the planned economy, between liberal and communist ideological movements. The triumph of democracy afforded an opportunity to pursue “predominant Western political norms and interests – relating in particular to governmental system ... and human rights, above all civil rights – and of the prevailing Western economic system” (Stokke 1995, 9). Governments in the West could now bring forward on their diplomatic agendas issues that previously they would not have dared to raise (Burnell 2000, 39). The end of the Cold War meant that there was less justification for Western donors to support right-wing authoritarian regimes and that uses of aid need no longer be shaped by geo-political considerations and compromises (Moore 1993, 1). Also, the increased demand for foreign aid resulting from the collapse of the Soviet bloc has made it easier for donors to impose political conditions on recipients and to tie the granting of economic assistance to former communist countries in Eastern Europe with specifically required

commitments to democracy and liberal market reform – a kind of new “Marshall Plan” for the 1990s (Uvin 1993, 63).

Secondly, democracy assistance provided an excellent opportunity to revive and rescue development aid from growing unpopularity, connected with lack of positive results in donors’ efforts to combat poverty and raise economic performance in the countries of the third world. There were domestic needs of donor government aid agencies to provide a new justification for foreign aid – important for mobilising support, both within government and amongst the general public – for the protection of aid budgets in the context of public expenditure cuts (Burnell 1993, Lancaster 1993, Uvin 1993, Stokke 1995). Most bilateral donors announced the promotion of democracy and respect for human rights as priorities of their foreign policy. As Peter Burnell points out, democracy and human rights offered reasons to support international cooperation that were difficult to oppose, so long as the instruments were thought to be effective (Burnell 2001, 40). Thus, with the new focus on democracy, human rights and good governance it was more difficult to criticise donors for “aiding dictators” and applying double standards when allocating democratic aid. The introduction of the “good governance” criteria and other political conditions, which recipients had to fulfil before receiving aid, reassured critics that donors were committed to spending their democracy aid budgets more effectively and making democracy assistance more accountable.

Thirdly, according to Burnell, there were “pull” factors acting on international support for democratisation, namely domestic pressures for political reform in a growing number of countries in Central and Eastern Europe, Africa and elsewhere (Burnell 2000, 40). In the late 1980s and early 1990s these countries were (and some of them still are) undergoing the dramatic period of multiple transformations –

economic, political and social changes – and individuals and organisations that were struggling to open up authoritarian regimes needed moral, political, diplomatic and financial support from the West. Moreover, when all these countries finally became independent (as with the Soviet republics) or ceased to be the “satellite” states (in the case of Central and Eastern European countries), they still need financial and technical support from the West in order to consolidate democracy and make the newly created democratic institutions actually work.

The fourth factor that had a certain influence on the emergence of the new policy agenda relates to the relationship between economic development and political development. Crawford points out that “the view of a positive interrelationship between democracy and economic liberalisation became widespread” and replaced the prevailing wisdom that “authoritarian governments were better placed to implement harsh economic adjustment measures” (Crawford 2001, 13). In 1960 the American political scientist Seymour Martin Lipset argued that social and economic progress is a necessary requisite for stable democracy (Lipset 1960). Other proponents of the modernisation theory suggested that certain levels of socio-economic modernization and development are preconditions for democratisation and that democracy can be achieved only through development. In other words, democracy is a luxury that developing countries cannot afford. Importantly, the link between democracy and economic development was perceived as indirect: economic development and the accompanying social changes will lead to complexity of relations in society, and authoritarian leaders will not be able to cope with increasing demands. Thus, liberalization and democratisation of such regime will be more or less inevitable.

Various cases of developing countries, especially those in Africa, which did not experience either economic development or democratisation, indicated ineffectiveness of economic aid. As a result, new policy agenda emerged and international donors' focus shifted on creating political preconditions for democratisation. Many international financial institutions (IFIs) began to link the failure of structural adjustment programmes with poor governance on the part of recipients: in a 1989 report on sub-Saharan Africa the World Bank concluded that donors' policies were correct, but not being implemented properly, which in turn raised the issue of competence and quality of governance (Crawford 2001, 13). As a result, democracy began to be valued as providing the political context most likely to sustain economic reform efforts and democratisation was desirable not only as an end in itself but also as a means to the end of economic liberalisation (ibid. 13).

To sum up, the emergence of democracy assistance and the shift of foreign aid policies to promote democracy and human rights can be explained by a range of factors which changed perceptions among donors themselves regarding conditions of economic and political development of the democratising states, and the necessity to reform foreign aid policy in order to make it more effective and accountable.

1.1.1. Democracy promoters and types of democracy assistance

Who promotes democracy? External actors that try to promote democracy vary in a number of ways: for instance, the kind of institutional organisation and structure, the actor's primary functions and objectives, whether it is an international membership body or a national or sub-national organisation, sources of their funding, technical capacity, etc. Many established democracies set up regional development

bureaus and departments in democratising states in order to become more involved in the domestic processes of democratisation. There are many national and international development cooperation agencies, such as SIDA (Swedish International Development Agency), USAID (United States Agency for International Development), DFID (UK Department for International Development), UNDP (United Nations Development Programme), etc. Among other multilateral organisations which work on “the supply-side of the democracy assistance industry” (Burnell 2000, 52) are the OSCE, the CoE, the EU.

During the 1980s and 1990s some international financial institutions (IFIs) both widened and deepened the scope of their economic conditionalities by incorporating a new political condition of “good governance”. As researchers from the World Bank (WB) Institute argue, the good governance incorporates six main dimensions: voice and accountability (includes civil liberties and political stability), government effectiveness (includes the quality of policy making and public service delivery), the lack of regulatory burden, the rule of law (includes protection of property rights), independence of the judiciary and control of corruption (Kaufmann, Kraay and Zoido-Lobaton 1999). Since 1996 the WB has begun over 600 governance related programs and initiatives in 95 countries and is involved in supporting significant programs of governance and public sector reform in 50 countries (Development Committee of the World Bank 2000). Through its programmes the International Monetary Fund (IMF) also attempts to promote good governance. For instance, when seeking financial support from the IMF, country authorities describe their economic policies in a letter of intent (LOI). Since 1997 about 60 percent of LOIs deals with issues of "governance" and 40 percent to with issues of "corruption."

When warranted, specific anticorruption measures may also be part of the conditionality of IMF-supported programs.¹

International Organisations (IOs) usually create separate institutional bodies which deal with specific democracy promotion tasks: for instance, the EU's European Initiative for Democracy and Human Rights (EIDHR), PHARE (Poland and Hungary: Assistance for Restructuring their Economies) and TACIS (Technical Assistance for the Commonwealth of Independent States) programmes, the OSCE's Office for Democratic Institutions and Human Rights, the CoE's Commissioner for Human Rights and Congress of Local and Regional Authorities, etc. Membership of some IOs is sometimes conditional upon domestic liberalisation and democratisation. The EU requires all members to be liberal, free market democracies, as does the Council of Europe. States which seek membership of these two organisations have to meet a number of political and economic criteria in order to qualify as potential members. Many analysts emphasise the role of IOs as promoters of democracy and stability (for instance, Dimitrova and Pridham 2004; Pevehouse 2002, Burnell 2000). Jon Pevehouse finds that not all IOs are equally effective in democracy promotion, that full membership of democratic organisations positively affects democracy promotion and that small, homogeneously democratic IOs have a stronger influence in promoting democratisation (Pevehouse 2002, 515).

What are the types of aid provided by democracy promoters? Here the choice depends on which sector the democracy assistance is to be allocated to. When analysing U.S. democracy promotion policies Carothers identified three core sectors to which democracy assistance was directed in order to promote democracy effectively (Carothers, 1999, 86-8): the electoral process, state institutions and civil

¹ For more information see the IMF official web site at <http://www.imf.org/external/np/gov/guide/eng/index.htm> (accessed on 02/09/2008)

society. The goal of democracy promotion in the first sector, the electoral process, is to ensure that elections in a democratising state are regular, free and fair, and that there are national political parties which are strong enough to challenge one another. The possible types of aid provided by democracy promoters in this sector are electoral assistance, election monitoring and political party building. The goals of promoting democratic state institutions are to ensure that the constitution is democratic; that there is separation of powers – an independent judiciary, a representative legislature and a competent executive; that the military is subordinate to the government. The types of aid allocated to this sector are constitutional assistance, rule of law aid, strengthening of legislation and local government development. The third sector is civil society and the goal of democracy promotion in this sector is to achieve a diverse, active and independent civil society that articulates the interests of citizens and holds government accountable to citizens. Here democracy promoters focus on NGO building, civic education, media strengthening, trade union building and so on. As a result of the multitude of types of democracy assistance, the list of democracy assistance beneficiaries is quite extensive as well: central government, local government, human rights groups, broader pro-democracy groups (political parties, media and journalist groups), interest groups and pressure groups (trade unions, religious groups, women's and minorities groups), independent think-tanks and research institutes.

1.1.2. Democracy promotion strategies (DPS)

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 organisations to induce states to achieve democratic transition or consolidation (Ethier, 2003). Various criteria can be used to classify different DPS. One criterion could be the degree of involvement of democracy promoters in the domestic processes of democratisation. At the more passive end of the spectrum, setting a good example and demonstrating the benefits of democracy at home might be considered the least costly method of promoting democratisation abroad. Burnell points out that “the continually advancing technology of international communications, growing mass travel and the consequences of economic interdependence make it increasingly difficult even for highly autocratic regimes to prevent demonstration effects reaching their own society” (Burnell, 2000, 7). More active DPS range from the use of “diplomatic persuasion” in the virtues of democracy and the promotion of democratic norms and values in the international arena, to more coercive methods such as direct intervention and the imposition of international trade embargos and economic sanctions.

Another criterion to classify DPS could be a “spectrum of violence” in which a variety of interventionist tools have been employed in the name of democracy (Schraeder, 2003). Listed in order from the least to most coercive, they are: classic diplomacy; allocation of democracy assistance to fund democratic elections, state institutions and civil society organisations; attachment of political conditionalities to democracy aid and/or membership of regional trade, economic and political organisations; adoption of economic sanctions to punish authoritarian leaders and governments; pursuit of covert intervention against authoritarian regimes; use of paramilitary intervention; use of direct military intervention in order to overthrow an authoritarian regime and install a democratic regime.

A further way of classifying DPS is into negative and positive ways of promoting democracy. Negative DPS comprise sanctions and the threat of sanctions in respect of international financial support to governments and economic development aid. In other words, democracy promoters apply conditionality towards a recipient state. Burnell defines conditionality as “the reduction, suspension, withdrawal or termination of financial and economic assistance when a government’s conduct is judged unsatisfactory” (Burnell, 2000, 8). However, conditionality may include not only “sticks”, but also some positive elements (“carrots”): for instance, using additional aid to buy off further reforms, or increasing aid as an additional reward in case of satisfactory performance by the recipient. Political conditionality, preceded by the “first generation” conditionality (economic conditionality designed to promote economic reforms in Latin America and Sub-Saharan Africa in the 1970s and the 1980s) became widely used at the end of the 1980s and in the early 1990s, when systemic transformation in Eastern and Central Europe and the disintegration of the USSR took place (see Stokke, 1995).

The positive methods to promote democracy, including democracy assistance, comprise “elements of support, incentive, inducement and reward” (Burnell, 2000, 9). The typical examples of positive DPS are the provision of advice, instruction and expertise, training programmes and workshops for policy-makers and representatives of civil society, and technical assistance such as office equipment and other forms of material support to enhance institutional capacity building. In other words, external actors that use positive DPS recognise to greater extent than any other external actors that democratisation is, above all, a domestic process which is locally driven, and democracy promoters may only indirectly encourage domestic forces to democratise.

Among the most frequently used DPS are the use of “democracy diplomacy”, democracy assistance, political conditionalities, and, perhaps, economic and trade sanctions. A number of reasons can explain this tendency. First of all, “democracy diplomacy” and democracy assistance are the least controversial forms of international democracy promotion. Nobody would criticise democracy promoters for inviting government officials of democratising states to international democratic forums and conferences; or for sending election monitoring teams to observe elections in new democracies. Another matter is how effective these strategies are, how consistent donors in their application are, and what impact do they have on democratisation. Here one will find plenty of studies and analyses, the authors of which try to address these and other issues.

Secondly, democracy promoters are reluctant to use the most coercive DPS (paramilitary intervention and direct military intervention) because “the use of force is simply antithetical to the democratic ideal” (ibid. 27). Democracy cannot be exported or imposed from the outside²; it can only be created over time by domestic pro-democratic forces given favourable socio-political and economic conditions. The task of international democracy promoters here is to encourage domestic actors to democratise and create conditions which would make transition to democracy and its further consolidation easier.

Thirdly, over time it has become more difficult to use direct military intervention in order to oust authoritarian leaders and dictators out of power. Certain regimes of international law were created, including a United Nations Charter on state sovereignty (Article 2:7) and other conventions on protection of sovereignty and rights to self-determination of nations, which makes the direct intervention in a

² However, one might argue with this assertion if analysing the development of democracy in Germany and Japan after the Second World War.

country's internal affairs not possible without putting the issue of intervention for discussion by the international community. However, some authors may contradict to this by calling certain countries' DPS a "new political intervention" (see, for instance, Robinson 1996 and Carothers 2004 about the U.S. democracy promotion policies).

Overall, various external actors use different DPS depending on their resources, democracy aid objectives, and organisational structure. The main goals are similar across the wide range of DPS: to promote democratic reforms, involving the system of government, democracy and participation, respect for human rights, especially civil and political rights. The instruments used to achieve these aims differ, however. The overarching aim of all DPS is to promote and protect democratisation in transition countries. What is democratisation and how it can be developed with the help of external actors?

1.2. Democratisation

1.2.1. What is democratisation?

The development of theorising about democratisation has been just as spectacular a feature of the 1990s as the growth of democracy assistance (Burnell, 2000, 22). Democratisation has become an essentially contested concept, especially when "the worldwide democratic revolution has cooled considerably", and democratic stagnation and retrenchment have been most pronounced in the former Soviet Union, Africa and the Middle East since the mid-1990s (Carothers 2004, 156). Everyone understands that democratisation denotes some sort of change and movement in the direction of the final end-point, which is (or at least, ideally, it should be!) strong and viable democracy; but where and when does this change start, and how one can judge

whether a country is still democratising or backsliding to a non-democratic past, is less clear.

There are many definitions of what constitutes democratisation. Their multiplicity can be explained by the fact that the concept of democracy itself is a complex and contested phenomenon. There is no general consensus among either scholars or politicians about what democracy is and what important elements it should comprise. Crawford identifies three general debates around the concept of democracy (Crawford 2001, 16-22). The first debate occurred between proponents of various political systems, “all attempting to enhance the legitimacy of their particular system by labelling it as ‘democratic’” (ibid., 17). Among these systems were “liberal democracies” of the West, “peoples’ democracies” of the communist systems of the East, and “one-party democracies” of post-colonial states, especially those in Africa. However, given that the latter two were not successful in their democratisation efforts and were accompanied by dangerous pro-authoritarian trends, there remained a few alternatives to the project of “liberal democracy” as the only democracy it is possible to create and sustain in the future.

A second debate is within the “liberal democracy” framework itself: between the advocates of a narrow, procedural model of democracy and those who favour a broader, participatory model. Procedural democracy emphasises the role of “procedures of democracy” (democratic institutions): representative government, regular and competitive elections, universal suffrage and individual liberties (Schumpeter 1943, Dahl 1971). In contrast, proponents of participatory democracy do not recognise such narrow institutionalist and electoralist definitions of democracy and argue in favour of deepening democracy by extending democratic decision-making beyond government to other institutions, for example civil society

organisations, trade-unions, NGOs, etc, which might also hold government accountable for its policies (see Pateman 1970). Crawford also points out that “social reform is a third element of a participatory approach, integrating ‘progressive change’ in the direction of reduced economic and social inequalities and the elimination of social relations of subordination” (Crawford 2001, 17).

The third argument, closely related to the previous one, is that the procedural model of democracy is actually “undemocratic”: regular elections and the establishment of political institutions do not automatically lead to the creation of a democratic state because democracy cannot be meaningful without democratisation of political institutions and of society as a whole. A government is democratic not only because it has been elected by the population, but also because the decision-making process it engages in is transparent and accountable to the electorate. Free and fair elections are not possible where the parliamentary opposition has been subject to restrictions between elections (ibid. 18). Thus, the goal is to achieve a substantive form of democracy with four essential components: free and fair elections; open and accountable government; civil and political liberties; and civil society (Beetham and Boyle 1995). According to Crawford it is not possible to realise one element of democracy without the other; all four components are necessary parts of the whole of a functioning democracy (Crawford 2001, 19).

Consequently, debate between these various conceptions of democracy led to contestation of what democratisation is and how it can be explained. There are three main approaches to democratisation: the modernisation approach, the transition approach and the structuralist approach. The *modernisation* approach emphasises a number of social and economic prerequisites which are necessary for successful democratisation. These prerequisites are: capitalist development and industrialisation

(Moore 1973; Rueschmeyer, Stephens and Stephens 1992), economic growth (Diamond 1992), and socio-economic development, for instance higher literacy rates, urbanisation, exposure to mass media (Lerner 1958; Hadenius 1992). In other words, societies which are better developed, economically and socially, have greater chances to succeed in their democratisation efforts than poor and backward countries. Or as Lipset argued, democracy requires economic development to nurture and sustain it (Lipset 1960).

The *structuralist* approach to democratisation also suggests that democracy is an exceptional outcome which had occurred only in a few regions of the world, and that democratisation cannot happen in countries where either the required levels of development are absent or the class or social structure is unfavourable to it. According to Grugel, structuralism conceptualises democratisation not as a result of luck, tactics and elite compromise, but as an outcome of social and class struggles (Grugel 1999, 10). Democracy is legitimised because most groups experience some material gain from the compromises which emerge or because democracies espouse values of tolerance, respects and rights which people hold to be desirable in themselves (Held 1996, as cited in Grugel, 1999, 10). Structuralism does not recognise procedural democracy as a “true democracy” and ascribes central importance to society itself and to social struggles for creating democracy. For instance, establishment of mature democracy with universal (male) suffrage was a product of industrialisation and the working class’s struggle for political inclusion (Huber, Stephens and Rueschemeyer 1992). Another argument put forward by the structuralist approach is the role of the middle class as a positive condition for the emergence and survival of democracy. The presence of a large middle class, in which economic differences do not go beyond a certain range, is a condition that eases group enmity, which in turn increases the

acceptance of democratic power transfers between societal groups (Welzel 2009, 79). Thus, according to structuralists, democracy is anchored in social conditions in which resources of power are widely distributed among the population so that central authority cannot access these resources without their beholder's consent.

The proponents of the *transition* approach to democratisation suggest that democracy is not structurally determined and, therefore, democratisation can take place in societies which are neither economically developed nor structurally "ready" for changes of such a scale (see for instance, O'Donnell, Schmitter and Whitehead 1986; Higley and Gunther 1992; Linz and Stepan 1996). Thus, it was argued that transitology in comparison to modernization and structural approaches can provide better explanations of why in late 1980s and early 1990s many authoritarian regimes were collapsing and powerful democratic movements emerged in regions of the world where the "objective conditions" for democracy were lacking. Scholars favouring the transition approach shifted their focus of analysis from structures surrounding democratisation (for instance, levels of socio-economic development) to actors, their preferences, behaviour, and interactions during the process of political liberalisation and democratisation. As Weiner points out the "characteristics of societies that have become democratic are sufficiently diverse to suggest that less attention should be paid to conditions and prerequisites and more to strategies available to those who seek a democratic revolution" (Weiner 1987, 863).

Various approaches to democratisation and democracy have been used by IOs and other external actors to justify their democracy promotion policies. Some analysts criticise a narrow interpretation of democracy and democratisation by donors, restricted to the formal, procedural aspects, merely involving the creation of multi-party systems and the conduct of regular elections (for instance, Ottaway 2003,

Carothers 1999 and 2004, Stokke 1995, Sorensen 1995, Wedel 1998). Carothers outlines five general assumptions about the process of democratisation that have become dominant among international democracy promoters in the early 1990s (Carothers 2004, 168-70). The first assumption is that any country moving away from dictatorial rule can be considered a country in transition towards democracy, and the second assumption is that the process of democratisation consists of certain stages. During the first stage – liberalisation – the ruling elites abolish old rules and introduce new ones in order to overcome a crisis of legitimacy within the autocratic system. Then the transition stage comes, accompanied by the collapse of the existing regime, the election of a new government, and the establishment of a democratic institutional structure. During this stage, “the new rules of the political game are defined” (O’Donnell and Schmitter 1986, 6). In the third stage, the established new political regime and institutions become institutionalised and legitimised (in other words, consolidated) in order to make new democracy durable and resistant to crises. In the early 1990s, most of the democracy promoters believed that democratisation is a sort of evolutionary path comprising these three stages, and the end point of this “journey to democracy” is the establishment of substantive democracy. They did admit though, that sometimes it was quite possible for a democratising country to go backwards or stagnate when moving along the democratic path. Nevertheless, the general belief was that “while the success of the dozens of new transitions was not assured, democratisation was in some important sense a natural process ...” (Carothers 2004, 169).

The third assumption is the belief in the determinative importance of elections. Elections are seen as fundamentally important attribute of representative democracy, when citizens are given an opportunity to participate in the political process by

casting their vote in favour of or against a certain party or candidate. Thus, citizens are directly involved in selecting the rulers, which is an important feature of any democracy. But elections also contribute to the emergence of a pluralistic political culture by broadening and deepening political participation and ensuring the democratic accountability of the state to its citizens. In other words, it has been assumed that “in attempted transitions to democracy, elections will be not just a foundation stone but a key generator over time of further democratic reforms” (ibid. 170).

The fourth assumption is the so-called “no preconditions” view of democracy (Carothers 2004 and 1999). Such views took root from the transition studies providing plausible explanations of why democratic changes started to occur in such distinct countries as Poland, Brazil and Namibia, which did not appear to have sufficient levels of economic, social and historical development. For democracy promoters this new perception of democratisation meant a break with previous practices of supporting some dictatorial regimes and waiting until a country was “ready for democratic opening”. Their efforts came to be directed towards encouraging a country’s political elite to move towards democracy and helping them to fight the remaining antidemocratic forces.

The fifth assumption concerned the role of institutional design in transition states, which largely underestimated the variety and structural differences of countries undergoing democratisation. As Carothers points out, the process of democratisation is assumed to include some redesign of state institutions – such as the creation of new electoral institutions, parliamentary reform, and judicial reform – but essentially as a modification of already functioning states (Carothers 2004, 171). Most of the democracy promoters did not pay significant attention to the fact that some

democratising states, especially those which were formed after the collapse of a bigger state of which they were a part (for instance, most of the post-Soviet republics), struggle with establishing themselves not only as young democracies but also as new, independent states.

Most of these assumptions, unfortunately, did not hold true on practice and democracy promoters were faced with a need to reconsider them. By the mid-1990s many “democracies with adjectives” have emerged, which are labelled differently, but essentially they all mean the same: Burnell points out that more than 50 types have been identified (Burnell 2000, 25).³ These are democracies only in name because they have some attributes of democratic political life, including the existence of opposition parties and civil society organisations, as well as regular elections and democratic constitutions. But they suffer from serious democratic deficits such as poor representation of citizens’ interests, multiple frauds in compiling election results, extensive corruption of governmental officials, and in general poor institutional performance by the state institutions. Both scholars and practitioners of democratisation realised that the process cannot be seen merely as the establishment of democratic procedures and institutions because the mere existence of formally democratic institutions does not guarantee or indicate the existence of democracy. Democratisation must be substantive as well as formal. Jean Grugel places citizenship at the core of democracy and views democratisation as the “creation, extension and practice of social citizenship throughout a particular national territory” (Grugel 1999, 11). This means that democracy will be achieved when not only democratic institutions have been established, but when popular consent, popular participation,

³ Among them are: limited democracy, partial democracy, semi-democracy, quasi-democracy, pseudo-democracy, proto-democracy, hybrid democracy, grey democracy, etc.

accountability and respect for human rights, tolerance and pluralism have become deeply rooted in society.

1.2.2. The international dimension of democratisation

Democratisation should not be viewed as a process determined exclusively by domestic forces. All the original debates about democratisation focused on structural factors: economic development, political culture, political leadership, the emergence of a middle class, the historical legacy, etc. But no rigorous analysis of the dynamics and results of democratisation is possible without looking at the international context within which democratisation takes place. Whitehead suggests that “we must not overlook the distinctly restrictive international contexts under which the great majority of really existing democracies (‘polyarchies’) became established, or were re-established” (Whitehead (ed.) 2001, 3). According to him, only six out of the sixty-one democracies listed by Freedom House as “free” in January 1990 did not originate either from decolonisation, or from the Second World War, or during the recent fading of the Cold War (ibid. 3-4). Other authors emphasise that the international dimension has been central to democratisation in Central and Eastern Europe (for instance, Pridham, Herring and Sanford (eds.) 1994; Ethier 2003). Various forms of impact and factors have been summarised under the “international dimension” of democratisation: unintentional effects (such as market forces) as well as deliberate attempts to exercise influence (such as through trade barriers); non-state actors such as ethnic groups with cross-national allegiances, and entrepreneurs; international organisations as well as national governments (Pridham, Herring and Sanford (eds.) 1994, 1). Indeed, many regime changes in Latin America and Central and Eastern

Europe were initiated as a result of international pressures or the activities of external actors. Moreover, the influence of international factors did not end there: they continue to exert influence over the domestic factors, and therefore shape the dynamics and outcomes of the democratisation process.

The international context of democratisation can be categorised as follows (Pridham 1994):

- *background or situational variables* (the background of a country's foreign policy patterns under authoritarianism (isolation, semi-acceptance or involvement in international organisations); the geopolitical situation, the present state of the international economy and significant international events surrounding the transition process; the general situation in the international arena);
- *external actors* (either international organisations: regional, traditional or integrative; foreign governments: superpowers and countries in the same region; or non-governmental actors, both national and transnational, such as parties, interest- and social groups);
- *forms of external influence*: direct or indirect, coercive or persuasive, negative or positive (control, intervention, conditionality, consent, incentives).

It appears that “international context of democratisation” is a quite complex term used to denote a variety of different external actors, institutions and structural conditions, all of which tend to have some sort of impact on the domestic processes of democratisation. In general, the international context may have an impact through promoting democratisation trends in authoritarian countries – for instance, by creating demonstration effects concerning the virtues of democracy or by putting pressure on authoritarian regimes, or it may contribute to the process of democratisation at crucial moments of regime change and transition. Thus, some elements of the international

context may produce long-term or continuous effects – for instance, it appears that popular attitudes in most countries of Eastern and Central Europe were so powerfully influenced by messages transmitted from the West that democratisation in these countries became unavoidable. Other impacts may be characterised as transition “events” or “one-off occurrences” (ibid. 10) which trigger the reform process and get the “ball of changes rolling”. One such event could be the dismantling of the Berlin Wall in November 1989 and the impact it had not only on the unification of Germany but on further economic and political liberalisation in the whole region, including countries of Central and Eastern Europe and the Soviet republics.

However, one should not overemphasize the positive effects of the international context of democratisation. Sometimes international factors may hinder, delay and even reverse the domestic process of democratisation. For instance, the deterioration in the international economy may double the difficulties of economic transition for democratising countries. The Russian economic crisis of August 1998 had devastating economic effects on some democratising countries such as Moldova and Ukraine whose import and export policies depended mostly on the Russian market. Also, the choice of wrong forms of influence by external actors can also slow down democratisation. For instance, in the early 1990s some leading economists of IFIs advocated the pursuance of ultra-right economic policies and the introduction of economic “shock therapy” in countries of Central and Eastern Europe in order to tackle the growing economic crises and to get rid of legacies of command economies. However, by the mid-1990s both Western economists and domestic governments realised that the “shock therapy” method to revive economies was not very applicable, and in places completely unworkable, in Central and East European conditions.

International organisations are usually treated as important external actors that can have an impact on the domestic process of democratisation. As Pevehouse indicates “once a regime has begun to open political space, pressure and coercion by the IO of which the regime is a member can push authoritarians to liberalise more than they otherwise would” (Pevehouse 2002, 522). As a result, pro-authoritarian leaders are usually pressured to step down or cease their undemocratic practices in two ways. Firstly, IOs can introduce some economic measures towards the authoritarian ruler such as trade embargos or suspension of financial benefits, which would create economic difficulties for the authoritarian regimes and make it harder for them to sustain the status quo. Secondly, IOs may exercise an indirect impact by applying various diplomatic pressures, with the main goal of isolating an authoritarian state internationally. These practices tend to undermine anti-democratic forces and delegitimise the authority of their power among their own population: “if allies and institutional partners treat the regime as a pariah state, this can influence public and elite perceptions of the regime within the state” which, in turn, “can weaken an authoritarian regime’s grip on power, ultimately pushing the regime to democratise” (ibid. 522).

Another important factor to consider when explaining the impact of IOs on democratising states is that even though most democratisations are initiated as processes to establish (or in many cases, to re-establish) national sovereignty and statehood, the domestic actors are still not completely “free” in their actions but are constrained by the international context in which democratisation takes place. There are certain regimes of international law (for instance, international conventions against torture and genocide) which all states should not violate, even if they did not formally subscribe to them. Many IOs serve as “watchdogs” of these international

legal regimes, and thus they can hold domestic ruling elites responsible for unlawful domestic practices. For instance, the active involvement and military intervention of the international community in the Yugoslav conflict in the mid-1990s led to an accumulation of international pressure on domestic ruling elites and, eventually, forced them step down and surrender power. This significantly boosted the spread of pro-democratic forces in some of the former Yugoslavian states and turned them back on to the democratic path.⁴ As Whitehead notes, “nearly two-thirds of the democracies existing in 1990 owed their origins, at least in part, to deliberate acts of imposition or intervention from without” (Whitehead 2001, 9). Also, thanks to the global expansion of the successful image of democracy and its values,⁵ it became “not popular” to be regarded as an authoritarian and undemocratic state, which, in turn, pressures democratising states to create systems that can be called “democratic” in order “to win international acceptance and success in the contemporary global order” (Grugel 1999, 19-20). Even states that seem not to care much about their “undemocratic” image in the international arena still are faced with pressures from the outside which can partly initiate democratic changes in the long term.

To conclude, any realistic analysis of democratisation cannot be focused solely on domestic structural or contextual forces that bring about regime change and further democratisation. International factors create constraints and opportunities for democratisation, and therefore they influence the dynamics and domestic political outcomes of democratisation. These influences adopt different forms and various

⁴ However, it is still too early to say that former Yugoslav states turned into democracies straight away. Most of them are still faced with multiple challenges to build a substantive democracy and not to revert to an authoritarian past. But the policies of IOs towards states of former Yugoslavia, especially of the EU, still remain one of the major driving forces behind the domestic processes of democratisation.

⁵ The following arguments support the “positive image of democracy”: democracies do not fight with each other; democracies prefer to trade, co-operate, and ally with one another; democracies promote economic growth and stability, etc.

degrees of intensity, and as recent experiences of democratisation in Europe and elsewhere indicate, their significance should not be played down or overlooked.

1.2.3. Democracy, democratisation and human rights

Many studies on democracy and its development start their analysis with a similar assertion: that democracy is an essentially contested concept. Some scholars admit that any realistic conception of democracy should disregard abstract statements of democratic ideals and principles and should be based on the existing procedures and structures of the Western political systems (see for instance, Schumpeter 1943, Dahl 1971). Among the main procedures of democracy are: representative government, regular and competitive elections, universal suffrage, etc. Others emphasize that democratic procedures such as regular elections and change of government are necessary but not the only indicators of democracy. A state can be characterised as genuinely democratic and not just “liberal”, “pluralist”, “polyarchic”, when its system incorporates other, more substantive, elements such as public participation, horizontal and vertical accountability of the elected authorities, civil and political liberties (see, for instance, Bentham 1994, Pateman 1970).

Both views have valid points. On the one hand, even the most elaborated theory of democracy will lose its value if it is based exceptionally on abstract democratic ideals and principles with prescriptions of how a democratic society should look. It should necessarily take a somewhat pragmatic stance: how are these principles applicable to the conditions of modern societies and how can they be realised in practice? In this regard, the experience of the Western liberal political systems and their democratic achievements over time should not be overlooked when

theorizing about democracy. On the other hand, as Bentham puts it, “why should we call the existing institutions and procedures of Western political systems as ‘democratic’ rather than ‘liberal’ or ‘pluralist’?” (Bentham 1994, 26). What about alternative, non-Western, views of realising democracy? (ibid. 27). Also, if modern conceptions of democracy are built on a set of existing institutions and practices, then how can we assess their democratic nature, or, using Bentham’s terminology, how can we perform a democratic audit of these institutions? (ibid. 25-44). In this regard, it is important to take both views not as competitive debates, but as two different sets of the same argument which are complementary to each other. As Crawford correctly points out: “The argument here is less a debate between different competing conceptions of democracy, narrow and broad, and more that the procedural version is itself unrealisable without the broader components” (Crawford 2001, 19). The main idea here is that the narrow, procedural view of democracy cannot in itself be democratic without the introduction of some substantive elements into it. For instance, elections even if they are regular cannot be considered as free and fair if all candidates are not treated equally and some of them are openly or covertly harassed by the state; public participation in politics is undermined if there are restrictions on freedoms of assembly, speech and information; the elected government is not fully representative if it fails to be accountable to its electors.

In this regard, any viable and effective democracy should consist of four essential components viewed from both procedural and substantive perspectives: free and fair elections, open and accountable government, civil and political liberties and a civil society (see Bentham’s democratic pyramid in Bentham 1994, 30). All four components are necessary but not sufficient for a good democracy. They are all linked and it is not possible to achieve one component of democracy, for instance,

competitive elections, without the other components – a vibrant civil society, effective and accountable government, respect for civil and political rights. The latter component, civil and political rights, is especially relevant for this research. What is the relationship between democracy, on the one hand, and civil and political rights, on the other? Does democracy promote civil and political rights, or vice versa?

One should first elaborate more on the relationship between democracy and human rights in general. Historically, democracy and human rights have been regarded as distinct phenomena: one has to do with the organisation of government and various institutional arrangements such as regular elections, separation of powers, rule of law; the other is more closely connected with the individual and his rights as means of defence against abuses by a state (Bentham 1999). However, today democracy and human rights are often seen in unity. There have been many scholarly attempts to highlight the relationship between democracy and human rights (Bollen 1980; Gurr 1986; Mitchell and McCormick 1988). For instance, Jongman, using the Freedom House data on “free” and “not free” political regimes around the world and information on human rights violations provided by the U.S. State Department, concluded in his quantitative study that the democratic (“free”) systems respect rights to a much higher degree than the authoritarian (“not free”) systems (Jongman 1991, as cited in Sorensen 1998). And, indeed, at first glance it seems that the relationship between democracy and human rights is positive and quite straightforward. If a definition of democracy includes protection and respect for human rights, and especially civil and political rights, then democracies, one would think, must promote these rights. Democracies may not always promote economic development and social and economic rights, but at least they provide for basic civil and political rights (Sorensen 1998, 90). Thus, democracies as a rule give higher respect to human rights

in general than authoritarian regimes do, and the former are usually correlated with a high respect for human rights, whereas the latter are often linked with the gross violations of human rights.

However, both empirical and theoretical studies of democracy and human rights show that the relationship between the two is not as perfect as one would wish. Firstly, even some established democracies tend to promote one set of rights while they violate the other. Most of the international human rights watchdog and transnational organisations such as Amnesty International and multilateral agencies such as United Nations Development Fund (UNDP) criticise and monitor such practices. Secondly, on the question of “what promotes what” it is quite possible to assume that human rights can promote a better and more meaningful democracy too. Bentham asks an important question of “what rights do citizens require if their basic democratic right of having a voice in public affairs is to be effective?” (Bentham 1999, 91). He emphasizes that without certain civil and political rights people are deprived of their main democratic right “to have a say, whether in the organisations of civil society or in matters of government policy” (ibid. 91). Therefore civil and political rights are an intrinsic part of democracy, and without them democracy cannot be meaningful and effective. They are a necessary prerequisite for achieving two basic democratic principles – popular control over government and public participation in political life.

The importance of civil and political rights in democracy has also implications for its development, the process of democratisation. The process of change towards democracy is a complex and multidimensional one. It incorporates a variety of factors, both structural and agency-based. The type and the nature of the newly adopted institutions after the change of regime also matter. Following the discussion

of the relationship between democracy and human rights one may assume that the protection of civil and political rights can also be considered as one of the important prerequisites for a successful democratisation. In this respect, civil and political rights are both institutional and structural factors or, in other words, conditions which enable and favour democratisation. What are civil and political rights and how can they promote democracy and democratisation?

Steve Foster defines civil and political rights as such rights that are regarded as fundamental or basic to individuals, or groups of individuals, in connection with their relationship with the state (Foster 2003). These rights are often referred to as “first generation” rights and include the right to life, freedom from torture and slavery, freedom of the person, the right to a fair trial, the right to private life, freedom of thought, conscience, religion, speech, assembly and association, the right to vote and the right to personal property. Social, economic and cultural rights are usually viewed as “second generation” rights and they include such rights as the right to food, shelter and housing, the right to education and the right to employment. One of the principal distinctions between the two sets of rights is with regard to the terms “rights” and “freedoms”. Social, economic and cultural rights are usually referred to as “a right to” or “freedom to”, which makes the state responsible for providing necessary resources so that individual can exercise these rights. Civil liberties, on the contrary, are usually perceived as “rights from” or “freedoms from”, for instance interference from the state and its institutions.⁶ However, as most human rights analysts indicate, this distinction is not exhaustive and most of the international human rights treaties and conventions do not classify the two sets of rights in the

⁶ For a thorough discussion of the notion of civil and political rights and their distinction from other rights see Foster 2003, 7-15.

same way. Civil and political rights are protected by both domestic and international instruments, which gives them a more global and universal value.

How can civil and political rights promote democratisation? First of all, in most of the post-communist states the processes of political liberalisation and democratisation in the late 1980s and early 1990s started with public demands for the extension of civil and political rights and their genuine protection by the state. It was under totalitarianism that human rights and especially civil and political rights became a political issue in Eastern Europe and USSR. If the striving to obtain more meaningful civil and political rights (together with other factors, of course) brought such an unprecedented political unity and public influence over political life prior to the regime change, then it is quite plausible to assume that further attempts by the new authorities to protect and promote civil liberties in the post-communist phase will sustain such public unity and will bring closer the desired goal of fully fledged democracy.

Secondly, if democracy and human rights are necessarily interlinked, then democratisation, perceived as a process towards democracy, cannot succeed without genuine institutional, legal and policy reforms aimed at respect for and protection of civil and political rights. To take democratisation of post-communist countries as an example, one of the most important and difficult tasks after the regime change is to eliminate all the negative elements of the totalitarian communist past. This means ensuring that the elections are free and fair, that political competition is genuine, that the media are not controlled by the state and are free from censorship, that citizens are free to form associations and participate in the political life in order to challenge the state and hold the authorities accountable for their actions, that minorities enjoy the same rights as the majority and so on. If the newly elected authorities work effectively

on the implementation of these tasks, then it is more likely that the process of democratisation is on the “right track”.

Thirdly, active exercise of civil and political rights by citizens may sometimes stop democratic backslide, change the undemocratic status quo and facilitate the return to democratisation, especially at the later stages of democratic transition. Some transitions can become protracted and “sink” into the grey zone. The regimes which are “stuck” in the grey zone cannot be considered as regimes still pursuing democratisation. They are usually labelled “hybrid regimes”, characterised by the combination of authoritarian practices and the presence of basic institutions of procedural democracy, which are often regarded as shallow and meaningless. Pro-authoritarian leaders concentrate power and strengthen their position by various means among which are control of the media, persecution of the political opposition, and manipulation of the judiciary and other legal institutions. One of the major sources of the democratic breakthrough in such regimes can be found in the struggle for respect of civil and political rights. Multiple violations of civil liberties have a cumulative effect and lead in the end to an outburst of public dissatisfaction against the authoritarian power holders. Such public protest can take various forms including mass demonstrations and pickets. An example to this might be recent “coloured revolutions” in some of the former Soviet Union republics such as the “Orange Revolution” in Ukraine, the “Rose Revolution” in Georgia, and the “Tulip Revolution” in Kyrgyzstan. Thus, extensive and meaningful civil liberties can not only promote successful democratisation but also initiate democratic breakthrough in hybrid regimes.

One important caveat is necessary here: the processes of democratisation and democratic consolidation depend on a multiplicity of factors, not only on the

development of civil and political rights. In this regard respect for civil and political rights is a necessary but not sufficient condition for successful democratisation. However, it is still possible to view the developments within the sector of human rights and particularly civil and political rights as a proxy for analysing democratic advance. If a country has adopted extensive legislation and developed multiple policies in order to protect civil and political rights then it is quite plausible to assume that this country is more likely to succeed in its democratisation efforts. And vice versa: a regime which is known for constant violations of the basic rights and freedoms of its citizens is less likely to accomplish democratic transition and to consolidate democracy.

Conclusions

This chapter has set out the context of this research project on effectiveness of democracy promotion in Moldova. I have discussed the essence and goals of democracy promotion, outlined major democracy promotion strategies and characterised actors that apply them. I have argued that adding the international dimension of democratisation to any analysis of transition processes is a useful tool to account for major developments within the domestic sphere. Finally, I have drawn links between democracy, democratisation and human rights and explained why protection of human rights, especially civil and political rights, is crucial for any democratisation process. Hence, I have established that developments within civil and political rights can be effectively used as a proxy for measuring democratic progress in a transition country.

Chapter 2

Democracy promotion by international organisations: views from the literature

This chapter presents a theoretical overview of the existing literature on democracy promotion and its impact on domestic structures. I refer to theories of the international dimension of democratisation, to the IR theories of effects of international institutions on democratisation and domestic policies, and to the literature of effectiveness of the rational-choice and socialisation models in influencing domestic politics. I have also reviewed studies which inquire about effectiveness of various DPS applied by IOs in the past.

The theoretical aim of this chapter is twofold. First, it aims to identify previous scholarly work on the topic and to show the gaps in the literature. According to Kelley (2004a and 2004b) much of the research on the role of international institutions in the domestic sphere tends to focus on a single institution and the particular strategy it applied. By expanding the analysis to a new case (Moldova) and the three European organisations (the EU, the OSCE, and the CoE), by focusing on a particular sector (civil and political rights), and by comparing the effects of the two types of DPS (incentive-based and socialisation-based) this study attempts to fill these gaps and thus to contribute to the existing literature of effects of democracy promotion on domestic policies. Second, I want to present in detail the assumptions and findings of the rational-choice and socialization models when explaining the “domestic – international” interactions. This is because in this thesis I seek to explain effectiveness of the two types of DPS: the incentive-based (rational-choice model) and the socialisation-based (socialisation model).

2.1. The international dimension of democratisation

A vast amount of scholarly work on regime change and democratisation has accumulated in the past two decades of the twentieth century, and especially during the 1990s. Fundamental differences among countries which underwent regime changes in various parts of the world, a lack of clear pattern and system of political change from authoritarianism to more democratic forms of rule, the unpredictability of multiple transition processes and uncertainty surrounding further democratic reforms represented serious challenges for students of democratisation. Several authors have marked the creation of a new sub-discipline in political science called “transitology” and “consolidology”, which was charged with providing accounts for the processes of democratic transition and consolidation of young democracies (see for instance, Pridham 2000, 1; Schmitter 1995).

Various attempts to explain and theorise about democratisation have prompted several schools of thought, which offered their own approaches to studying conditions and ways in which democratisation takes place. Broadly speaking, all these approaches can be classified as either structural or agency-based approaches (Schmitz and Sell 1999). The proponents of the former approach (Lipset *et al.* 1993; Diamond 1992; Diamond 1996; Leftwich 1996; Helliwell 1994, etc.) tend to stress the importance of underlying structural conditions such as socio-economic development and a high level of modernization for a successful process of democratisation. The advocates of the agency-based approaches (Karl 1990; O’Donnell, Schmitter and Whitehead (eds.) 1986; Di Palma 1990; Przeworski 1986 and 1991, etc.) have seriously challenged the structuralist school by questioning a number of democratic

transitions from the 1960s and 1970s, especially in Latin America, which failed to follow the democratisation scenario even if the important structures did exist. Instead they offered a new, micro-level perspective on democratisation, emphasizing the role of domestic actors, their preferences and reactions to the existing institutional constraints in determining the pace and character of democratisation. Despite fundamental theoretical differences between these two approaches, both “had in common a conviction that external factors were not of significant importance” (Youngs, 2001, 4). Most democratisation studies focused on domestic political processes, shaped only by internal actors, and not by actors from the outside the state. Even those few scholars who did acknowledge the possibility that the initial regime change can be partly caused by the factors outside the nation-state, could not offer a systematic account of the mechanisms and roles played by the international factors (see, for instance, Huntington 1991).

The emphasis on domestic factors of democratisation became less dominant in the mid-1990s, and this brought an important conceptual reorientation of many studies of democratisation. Many prominent analysts suggested that it was impossible to study certain democratisations (in particular, those in Africa, Latin America and Eastern Europe during the last two decades of the twentieth century) purely in their “domestic terms”, and emphasised the need to incorporate an international dimension into any study of democratisation (Whitehead (ed.) 1996 and 2001, Whitehead 1999, Pridham, Herring and Sanford (eds.) 1994, etc). As Geoffrey Pridham wrote in 1991: “The international context is the forgotten dimension of regime transition Theoretical and empirical work on the causes, processes and outcomes of transition from authoritarianism to liberal democracy ... has largely chosen to ignore international influences and effects on such major political change”(Pridham 1991, 1).

The early studies of the international dimension of democratisation went beyond simply admitting that international factors are relevant in any explanation of regime change and democratisation, and attempted to systemise knowledge of the international context of democratisation. One way to achieve this was by categorising various external influences, or, as Pridham *et al.* put it, “by unscrambling the international context” (Pridham *et al.* 1994, 11). Pridham and his colleagues suggested a distinction between background variables, external actors, and forms of external influence (*ibid.* 11-13). Laurence Whitehead suggested three main categories under which international factors may be grouped and analysed: *contagion* (democratic diffusion through neutral and unintentional transmission mechanisms from one country to another); *control* (promotion of democracy by one country in another via explicit policies accompanied by positive or negative sanctions); and *consent* (a set of interaction between domestic and external factors, in which the latter contributes to the generation of the consent upon which new democracies must be based) (Whitehead 1996, 3-26).

Philippe Schmitter has added a fourth category to the Whitehead’s three: *conditionality* (Schmitter 1996). Conditionality is often seen as the most recent method of exerting influence from the outside. International actors, mostly intergovernmental organisations, attach various sets of conditions (economic or political, or both) to the distribution of benefits to recipient countries. Thus, IOs closely monitor developments on the domestic scene, and reward or punish domestic actors for their policies and political behaviour. Schmitter identifies the IMF, the Council of Europe, and the EU as IOs which successfully use conditionality in order to exert influence on their member-states (*ibid.*, 30-1). When analysing empirical cases and comparing the possible impact of the four international factors which might

impinge on domestic processes of democratisation, Schmitter makes an important assumption that, because power is still an inevitable component of the international context and relations among states, “contagion and consent alone are unlikely to be sufficient to bring about democratisation – even in conjuncture with favourable domestic forces” (ibid., 35) In this regard, international actors might use elements of control and conditionality in order to give domestic changes a pro-democratic direction.

Another pair of prominent scholars of democratisation studies, Linz and Stepan, in their seminal comparative work on democratisation in Southern Europe, South America and Eastern Europe, have categorized three dimensions of external factors: *foreign policy* (the impact of other states’ attitudes and foreign policies towards democratising states), *zeitgeist* (prevailing norms and ideologies of the existing international system), and *diffusion effects* (born of short-term events or single occurrences with global significance) (Linz and Stepan 1996, 72-6). Kummel critically assesses the above-mentioned studies on categorising external factors and finds them unsystematic and even somewhat confusing (Kummel 1998, 243-61). Instead, he proposes his own way of categorising the international dimension by distinguishing five groups of dynamic external factors: the international security order (geo-political and geo-strategic international order and/or constellation alliances in the world); the international politico-ideological order (the position of the country under analysis within the pattern of global and regional political conflicts; the nature of predominant norms of international behaviour and action); the international economic and financial order (the economic position and performance of a country; its integration into the world’s economic structures and trade alliances; the degree of its industrialisation and the level of its dependence on raw materials, etc.); the

international communication order (the so called “channels” through which the effects of international demonstration and diffusion come into play: technological innovations in telecommunications including media and television, Internet, etc.); time (a perhaps surprising category, as Kummel himself admits (ibid. 259) but, nevertheless, an important one): “the date when liberalisation and democratisation occurs or is set in motion is elementary and crucial for success or failure” (ibid. 259).

Overall, the early studies of the international dimension of democratisation focused almost exclusively on questioning the predominance of domestic factors in initiating the regime change and shaping further democratisation processes. They were among the first in democratisation studies to “dilute” the effects of domestic factors on democratisation by recognising the importance of the international context surrounding democratisation. However, looked at from the political science perspective, most of the early studies of the international dimension of democratisation lacked sufficient analytical attention and explanatory power in their association of international factors with democratic transitions or democratic consolidation. Perhaps some authors put too much effort into formulating and categorising multiple external factors that appeared to have an impact on domestic processes of democratisation. It seems that, by doing so, they made an already complex picture of the “inside – outside” relationship even more complicated. They were not specific enough about how, when and where international factors produced their main effects, through what mechanisms and channels they exerted influence, and why in some cases the international dimension was stronger and clearer to identify than in others. There was also little empirical investigation of the relationship between external factors and democratisation. Some regions – for example, the new

independent states formed after the collapse of the USSR – have been largely overlooked in these analyses.

As a result, in the mid-1990s the international factors remained characterised by transition and democratisation studies as largely secondary in determining the path of democratisation. The main analytical and explanatory values were assigned to domestic factors in democratisation. As some scholars point out, this has led to a certain revival of conventional approaches, structural and agency-based, in the study of democratisation (see, for instance, Schmitz and Sell 1999, 23-42; Schmitz 2004, 403-26). Both approaches have used the “third wave” as an opportunity to re-conceptualise and refine their theoretical approaches and both have claimed victory in terms of explaining democratisation (Schmitz and Sell 1999, 33). But as Schmitz and Sell correctly point out, “while there are strengths and weaknesses in both approaches, neither has paid sufficient attention to the international context in which democratisation in the contemporary order takes place” (Schmitz and Sell 1999, 33).

The studies of post-communist transitions in the former Communist states of Eastern Europe and USSR continued to question the relevance of analytical approaches in the democratisation literature and posed some serious challenges of linking the emerged theories of democratisation with real cases. It was quite clear that the EU enlargement policies towards the Eastern European candidate states could not be seen merely as secondary in exerting influence on the domestic agents of democratisation – ruling political elites and opposition. The EU’s leverage over eight candidate states from Central and Eastern Europe plus Cyprus and Malta was among the most important (international) factors which determined the course and pace of

democratisation.¹ In consequence, one can observe a revival of studies of the international dimension of democratisation. Some of the external factors began to be seen again as “important – and even decisive – in shaping post-Cold War regime outcomes” (Levitsky and Way 2003, 1).

Thus, scholars re-considered some established ideas about the relationship between domestic and international factors in recent democratisation processes and re-focused their analysis of the international dimension of democratisation on regional rather than global processes (Whitehead (ed.) 2001, Pridham 2001). Some studies also highlighted the democratising impact of transnational factors and the role of non-state actors in bringing about political change (Grugel (ed.) 1999, Keck and Sikkink 1998, Florini 2000), the increased commitment on the part of Western governments and IOs to promote democratisation from abroad (Carothers 1999, 2002 and 2004; Youngs 2001 and 2004; Ethier 2003; Pinkney 2005), the use of various democracy promotion strategies in order to encourage further democratic reforms including political conditionality (Burnell 2000; Ethier 2003; Crawford 1997 and 2001; Stokke 1995; Sorensen 1993; Olsen 2000), the globalisation of new telecommunication technologies including the Internet (Ferdinand 2000; Simon 2002), and the role of IOs in promoting democratisation from abroad (Pevehouse 2002 and 2004; Whitehead 2001).

Nevertheless, our view of the international dimension of democratisation remains limited in a number of important respects. The first and perhaps the most challenging analytical difficulty is to establish causality when explaining the impact of international factors on democratisation. Are domestic developments conditional upon the international context, or, in contrast, does the degree of influence by outside

¹ For a penetrative analysis of the EU's influence over Central and Eastern European candidate states see Vachudova 2004.

actors totally depend on the behaviour and preferences of domestic actors? Indeed, it appears to be a sort of “chicken and egg” problem which is not likely to produce straightforward answers. But one should note that these analytical dilemmas are not unique to the studies of the international dimension of democratisation. As Pridham correctly points out: “It is generally difficult to isolate an effective ‘cause’ in a process such as regime change, so it is safe to assume there are usually several factors behind this” (Pridham in Pridham *et al.* 1994, 13). Some authors indicate that it is almost impossible to assign to international factors an “independent variable” status and decide to treat them as intervening or facilitating variables “rather than the central causal force that brings a democratic transition” (Pevehouse 2002, 517 and Pevehouse 2004; Zielonka and Pravda (eds.) 2001; Schimmelfennig 2002). It is also noteworthy that in some post-communist countries, especially hybrid regimes,² international factors, even if treated as intervening variables, can play a very significant role in changing perceptions and behaviour of the local ruling elites. In this regard, studies that examine the influence of international factors on hybrid regimes can bring some useful insights when theorising about the effects of international factors.

Second, as Levitsky and Way stress, “there exists little scholarly agreement over exactly which of the myriad international factors are most influential in shaping regime outcomes” (Levitsky and Way 2003, 1). There is an ongoing debate among scholars regarding the effectiveness of specific mechanisms of influence exercised by external actors (Carothers 1999 and 2004; Ottaway 2003; Crawford 2001; Stokke 1995, Ethier 2003). No single mechanism of influence received an overall approval regarding its abilities to encourage democratisation from the outside: democracy

² Hybrid regimes are usually seen in the democratisation literature as regimes which combine features of both democracy (mainly, procedural) and authoritarianism (for instance, the popularity of strong and charismatic leader). For a perceptive discussion of hybrid regimes see Way 2002; Carothers 2002; Diamond 2002.

assistance and other “soft” methods of democracy promotion appear to play a quite passive role in influencing the domestic actors (Burnell 2000; Ethier 2003; Youngs 2003; Ottaway and Chung 1999; Carothers 1997), whereas political conditionality seems to work only when applied to certain countries and by certain external actor – for instance, Central and East European candidate states and the EU (Pevehouse 2002; Borislavova Spenzharova 2003; Vachudova 2004; Pridham and Dimitrova 2004; Dimitrova (ed.) 2004). It will probably be extremely difficult, if not impossible, to find a single mechanism of external influence that would work unconditionally for all transition countries. In this regard, studies that aim to explore the conditions under which various outside influences will be effective can definitely contribute to these debates.

Third, there is still little knowledge of the actual mechanisms through which international factors exert influence on domestic changes within a democratising state. One cross-national empirical study identified a number of causal mechanisms linking IOs and democratisation and concluded that “regional organisations can influence the domestic political processes even in realms of elite behaviour” (Pevehouse 2002, 542). Another collective study also discussed a number of mechanisms which made the EU’s influence over the Central and East European candidates so effective (Kubicek (ed.) 2004). However, there is a lack of systematic analyses of such mechanisms and comparative studies through time and across regions. Mostly, scholars focus on one region and certain countries (for instance, Central and East European post-communist states) and one international actor (the EU). In this regard, some regions, for instance post-communist states of the former USSR, are often underrepresented in scholars’ analyses. The lack of systematic analysis of the relationship between international factors and domestic changes in these countries is

puzzling given the fact that some of these countries seem to be quite receptive to the influences from the outside.

This thesis attempts to find some solutions to the challenges outlined above and to fill certain gaps in the existing literature on the international dimension of democratisation. Such an endeavour seems to be particularly useful from the policymakers' perspective. If policymakers continue to push for the expansion of democracy around the globe they are better off designing such strategies of influence as would produce "maximum results" – meaningful, viable democracies in place of unstable and insecure regimes.

2.2. The effects of international institutions on democratisation

The domestic effects of international institutions have only recently become a widely studied phenomenon in international relations scholarship. Traditionally, IR scholars have been focusing their analyses on processes and factors which existed outside the nation-state. States were mostly conceptualised as unitary actors which dealt with other states according to their preferences and strategies. These preferences and strategies, and the subsequent behaviour of nation-states in the international arena, were and still are among the major subjects of inquiry for IR scholars. Even more specialised theories of international institutions (for instance, neoliberal institutionalism) did not offer much insight into how and under what circumstances international institutions may exert influence on domestic politics of nation-states. Most theories of international organisations concentrate on international outcomes (such as interstate conflict and co-operation), and do not provide a basis from which to draw strong causal link between international agents and domestic actors

(Pevehouse 2002, 516). Also, by privileging the state as an actor, existing research on effects of international institutions “has neglected the ways in which the nature of interests of the state itself are potentially changed by the actions of institutions” (Martin and Simmons 1998, 747).

Nevertheless, it would be unfair to assert that research on the relationship between international institutions and domestic politics is non-existent in IR studies. In fact, as Martin and Simmons point out, “the idea that international institutions can influence state behaviour by acting through domestic political channels was recognised by scholars writing in the mid-1950s” (ibid., 732). For instance, in one such early study, Matecki concluded that IOs could be “idea generating centres” with the ability to influence those domestic actors which could directly shape national policy on a certain issue (Matecki 1956, as cited in Martin and Simmons 1998, 732). Other scholars adopted a more empirical approach and explored efforts and strategies of such IOs as the Council of Europe (Mowers 1964, as cited in Martin and Simmons 1998, 732) and the UN (Perkins 1958, as cited in Martin and Simmons 1998, 732) to influence their member states’ domestic politics. However, the early studies of international institutions’ effects on domestic politics were largely concerned with establishing whether or not international institutions exerted influence on domestic factors, and were less concerned with exploring the precise mechanisms that facilitated such influences.

One body of international relations literature, the “second image reversed” framework, somewhat changed the existing trends in the institutionalist IR scholarship and did provide an excellent starting-point for analysing how international factors may influence domestic political outcomes. Although a detailed discussion of the merits and pitfalls of the second image reversed literature is beyond the scope of

this thesis, a brief introduction to its main postulates can be quite useful for introducing the argument which will be developed below. Peter Gourevitch was among the first IR scholars to question the traditional distinction between international relations and domestic politics and to focus his analysis on international sources of domestic politics (Gourevitch 1978, 881-912). One of his most important assertions concerned the explanatory power of the international system as a variable of analysis: "Instead of being a cause of international politics, domestic structure may be a consequence of it. International systems, too, become causes instead of consequences" (ibid. 881-882). In his seminal work Gourevitch limited discussion to two aspects of the international system that have powerful effects on character and change of domestic regimes: "the distribution of power among states, or the international state system; and the distribution of economic activity and wealth, or the international economy" (ibid. 883). In one of his works Gourevitch makes three important conclusions: first, the international system is not only a consequence of domestic politics and structures but a cause of them; second, economic relations and military pressures constrain various domestic behaviours, ranging from policy decisions to political forms; and third, international relations and domestic politics became so interrelated that they should be analysed simultaneously, as wholes (Gourevitch 1978, 911). Thus, Gourevitch and other adherents to the second image reversed literature emphasized that any theory which sets out to explain how international factors influence domestic decisions must examine the peculiarities and dynamics of domestic politics.

Unfortunately, as many IR scholars indicate (Milner 1998; Pevehouse 2002 and 2005; Martin and Simmons 1998), the most developed literature on international institutions largely overlooks domestic politics. As Pevehouse correctly points out,

most IR research on international institutions “has focused on international outcomes, so it is unclear whether the same causal mechanisms (decreased transaction costs, ameliorating information asymmetries, etc.) link these institutions with the domestic political process” (Pevehouse 2002, 518). In this regard, a reasonable question arises: what does the impact of international factors on domestic politics depend on? By trying to answer this and other related questions, this thesis aspires to expand our knowledge of international – domestic interactions and various mechanisms facilitating these interactions.

It is noteworthy, however, that some recent theories of international institutions began to ask similar questions and explicitly link domestic developments with international influences. Theories within the new institutionalist framework, rooted in the IR functionalist literature and based, largely, on rationalist assumptions, account for international influences on domestic politics through “the causal mechanism of commitment enhancement, due either to problems of time-inconsistent preferences or to limit pressures arising from a pluralist society” (Pevehouse 2002, 518). Pevehouse identifies a number of studies within the new institutionalism that make reference to domestic politics (*ibid.* 519). Among them is Robert Putnam's work on two-level games unfolding in both diplomacy and domestic politics (Putnam 1988, 427-60). According to Putnam's logic, the politics of many negotiations between international institutions and domestic actors can be conceived as a two-level game. In order to sustain their countries as interdependent yet sovereign entities, domestic governments are involved, on the one hand, in a game at the national level, in which they are pressured by domestic interest groups to adopt favourable policies; on the other hand, at the international level game, governments try to maximize their ability to satisfy domestic pressures without paying high transactional costs brought by

international co-operation (ibid. 434). Thus, Putnam concludes that, by analysing the “win-sets” of each national government participating in international negotiations and their behaviour in both games, the results of domestic – international entanglements can be better predicted and accounted for (ibid. 459-60).

Another important study, which can be referred to in the new institutionalist framework, is Judith Goldstein's analysis of how international rules and norms affect governments' policies in certain areas (Goldstein 1998, 133-61). The empirical focus of her analysis is the influence of GATT/WTO on national governments' open trade policies. Goldstein argues that international institutions affect domestic politics in three ways. First, international institutions set and control the agenda “serving to ‘tie the hands’ of domestic policy-makers and undercut the power of protection interests” (ibid. 134). Second, international institutions (especially those dealing with international trade – for instance, the WTO) “facilitate linking of issues within and across issue areas, increasing the probability of creating a majority in favour of free trade” (ibid. 134). And third, international institutions can change domestic perceptions and overall normative discourse on certain issue. Goldstein's analysis of the GATT/WTO influence on the competitive U.S. political system significantly contributes to IR research on how institutions matter in shaping the behaviour of states in world politics.

Another body of IR literature which explicitly deals with domestic-international interactions is sociological institutionalism (Finnemore 1996; Finnemore and Sikkink 1998; Risse 2000; Risse, Ropp and Sikkink 1999). In contrast to the new institutionalist approaches, which largely focus on explaining how policy preferences change when external constraints or information conditions change, studies of sociological institutionalism try to explain the sources of change in such preferences.

However, this does not necessarily imply that the two approaches are contradictory to each other.³ “to the degree that constructivist approaches prove powerful at making changes in actors' fundamental goals endogenous, providing refutable hypotheses about the conditions for such change, the constructivist and rationalist approaches will be complementary” (Martin and Simmons 1998, 743).

In her excellent overview of sociological institutionalism literature and its main arguments Martha Finnemore emphasises the primary role of social structure which creates and legitimises all the actors in international politics, including states, firms, organisations and individuals (Finnemore 1996, 325-47). Therefore, “organisations exist, proliferate and have the form they do not because they are efficient but because they are externally legitimated” (Meyer and Rowan 1977, as cited in Finnemore 1996, 329). Also, an important implication of this argument is that the preferences of domestic actors can actually be constructed and changed, if necessary, as a result of interactions with international institutions. In this regard, Finnemore claims that sociological institutionalism's approach not to treat states as unitary actors sheds more light on recent developments in international politics than most conventional IR approaches: for instance, the spread of international human rights norms and the emergence of international institutions that protect them, the broadening and deepening of the European Union, the growth of multilateralism, etc. (Finnemore 1996, 337-8).

Scholars of sociological institutionalism indicate two important implications for the future institutionalist research: first, detailed process-tracing and case study analysis are necessary for validating the existing inferences and exploring mechanisms through which international norms change domestic actors' preferences

³ The same can be also said in relation to the traditional rationalist-constructivist debate in IR.

and behaviour (ibid., 339-40); second, researchers should start treating norms and rationality in IR not as a contradictory but a complementary relationship, and comparisons of their effects on domestic politics should bring new insights into theorising on domestic – international interactions (Finnemore and Sikkink 1998, 909-10). By conducting a case-study with extensive process-tracing and comparing the effects of incentive-based (rationalist) and socialisation-based (constructivist) methods of democracy promotion by IOs this research takes into account both of these methodological suggestions.

The last but not the least significant study in IR literature on effects of international institutions, which is worth considering for the purpose of this thesis, is Jon Pevehouse's work on IOs and their impact on domestic processes of regime change and further democratisation.⁴ Pevehouse's study significantly contributes to both IR and comparative politics literature by suggesting a coherent theoretical framework of the links between regional organisations and democratisation and conducting the first quantitative cross-national research exploring the conditions under which these links might hold. Pevehouse identifies three potential causal mechanisms which can explain the influence of IOs on regime change (Pevehouse 2002, 519): an IO pressures its autocratic member-state to liberalise; by lowering certain risks of the democratisation process, IO membership makes certain elites less inimical to further liberalisation (by creating either credible guarantees or socialising them into an IO's norms); membership of IOs helps signal to internal and external actors that transitional regimes are committed to continuing democratic reform. The main conclusion of Pevehouse's statistical and case-study analysis is that "homogeneously democratic regional organisations can play a role in promoting and

⁴ For a shorter version of the analysis see Pevehouse 2002, 515-49; for a more detailed view see Pevehouse 2005.

protecting democracy by altering the incentives of domestic actors” (Pevehouse 2005, 206). However, he assigns a determining role in initiating regime change and shaping further democratisation to domestic actors, and admits that IOs can only indirectly influence democratic transition and consolidation “through the provision of pressure on authoritarians, credible commitments to societal elites and new regimes, an external seal of approval and legitimization, and direct economic benefits” (ibid. 218). Among Pevehouse's suggestions for future research on IO – democracy links is to conduct more case studies which could, firstly, trace the effects (or the absence of effects) of causal mechanisms identified in his study, secondly, reveal additional mechanisms in linking IOs with domestic democratisation processes; and thirdly, expand the domain of inference for his findings by including other types of IOs, for instance UN and IFIs. This thesis attempts to adhere to all three of these suggestions.

Before concluding this section, it is necessary to discuss some insights from the literature on Europeanization. Essentially, Europeanization also denotes processes of international institutions’ effects on domestic politics, as it is usually defined as the process in which “EC political and economic dynamics become part of the organisational logic of national politics and policy making” in member-states (Ladrech 1994, 69). Various studies in the literature specified a number of mechanisms through which Europeanization transforms the EU member states. One such study, for instance, identifies three mechanisms of Europeanization: institution building at the European level, response to processes of globalisation and institutional adaptation at the national level (Cowles, Caporaso and Risse 2001; as cited in Paradimitriou and Phinnemore 2003, 4). Knill and Lehmkuhl suggest two more mechanisms of Europeanization: alteration of domestic opportunity structures; and alteration of beliefs and expectations of domestic actors which, in turn, lead to

changes in preference formation (Knill and Lehmkuhl 1999, 1-2). Later studies of Europeanization criticised the concept as too narrow because it defined the processes of the EU impacts as limited only to the EU member-states. These studies suggested the new “eastward-looking” process of Europeanization, which exported its influences to the applicant countries of Central and Eastern Europe as well (Grabbe 2001, Goetz 2001, Paradimitriou and Phinnemore 2003 and 2004). In particular, a study by Grabbe usefully examined how exactly the EU accession process was influencing governance in countries of Central and Eastern Europe (Grabbe 2001). Grabbe emphasizes the role of conditionality in influencing domestic policies of applicant states and identifies five mechanisms of Europeanization: gate-keeping, benchmarking and monitoring, provision of legislative and institutional templates, aid and technical assistance, advice and twinning (ibid., 1020). Another study on Europeanization envisages the possibility of the EU impacts “within and outside its geographical borders” (Featherstone 2003, as cited by Paradimitriou and Phinnemore 2003, 7). Thus, the literature on Europeanization offers a number of useful insights applicable to this study, especially those related to the activities and strategies of the EU towards third countries.

2.3. Is democracy promotion effective?

Increased attention by policy makers around the globe towards democracy promotion in authoritarian countries as well as democracy protection in countries that have already undergone liberalisation has spurred a multitude of studies of the effectiveness of these democracy promotion efforts. These studies boomed especially in the 1990s when the “third wave” transitions and democratisations were taking place. Before that, scholars were mostly engaged in questioning the effectiveness of

development aid disbursed to the developing countries of Africa, Latin America and the Caribbean and analysing various aid experiences of both donor and recipient countries. In the 1990s a new type of aid came on to the agenda of both policy makers and scholars – political or democracy aid – which was primarily intended to help former authoritarian countries in their political development, nation-building (in some cases) and institutional strengthening. As Schraeder acknowledges: “Discussions within both the academic and the policy making worlds have gradually shifted from a Cold War focus on whether democracy constitutes the best form of governance to whether and to what degree state and non-state actors should be actively involved in democracy promotion efforts abroad” (Schraeder 2003, 22).

Studies that question the effectiveness of democracy promotion vary widely in terms of their theoretical approaches, analytical frameworks, methods of inquiry and final findings. Some are of a purely investigative and evaluative nature: they ask a straightforward question of whether democracy promotion is effective and look for any positive links between democracy promotion and a country’s progress towards democracy (Scott and Steele 2005; Brown 2005, 179-98; Knack 2004, 251-66; Henderson 2002, 139-67; Richter 2002, 30-41; Kurtz and Barnes 2002, 524-53; Piccone and Youngs (eds.) 2006; etc.). Other studies tend to ask more complex questions such as: Why is democracy promotion effective in some countries and ineffective in others? What factors, conditions or both make democracy promotion effective? Does the effect of democracy promotion depend on the strategy chosen by a democracy promoter? (Dimitrova and Pridham 2004; Nyman-Metcalf 2003; Borislavova Spendzharova 2003; Carothers 1997; Crawford 2001; Crawford 1997; etc.) Most of the latter studies also touch upon important policy implications and spell out a number of recommendations for improving democracy promotion efforts. In

methodological terms, studies of the effectiveness of democracy promotion range from quantitative cross-national large-N studies (Knack 2004; Scott and Steel 2006), qualitative and more detailed case studies (Finkel 2003; Pickering 2006; Brown 2005; Henderson 2002; Cox, Ikenberry and Inoguchi (eds.) 2000), and both cross-country and cross-sector comparative studies (Crawford 2001; Dijkstra 2002; Ethier 2003; Youngs 2001 and 2004; Borislavova-Spendzharova 2003; Carey 2006; Apodaca and Stohl 1999).

Unfortunately, no consistent answer has yet been found to the question “can democracy be promoted and supported from the outside?” Existing studies present quite a mixed picture, but as Scott and Steele report “most systematic studies to date generally answer negatively” to this question (Scott and Steele 2006, 8). Also, it is noteworthy that the findings tend to depend on the method of analysis chosen by a given study: “more qualitative studies more frequently conclude that democratic assistance has salutary effects on democracy, and more quantitative studies generally conclude the opposite” (ibid. 9). For instance, the bulk of qualitative studies conclude that the EU’s democracy promotion policies towards eight post-communist candidate states of Central and Eastern Europe in the 1990s and the first half of the 2000s significantly contributed to their democratic progress over the past fifteen years or so (Zaborowski 2005; Dimitrova and Pridham 2004; Nyman-Metcalf 2003; Borislavova Spenzharova 2003). As Dimitrova and Pridham assert: “The process of accession to the EU by these post-communist states undergoing regime change ... has led to the emergence of a unique model of democracy promotion through integration, ... which appears to be more successful in fostering democracy than the efforts of other international organisations” (Dimitrova and Pridham 2004, 91). Finkel assessed the effects of democracy promotion with an emphasis on civic education in the

Dominican Republic, Poland and South Africa and optimistically concluded that democracy assistance aimed at civic education had a strong impact on grass-roots political participation (Finkel 2003, 137-51).

However, other qualitative studies produced less straightforward findings. For instance, a volume on conditionality and its effects, edited by Olav Stokke, can be regarded as one of the first attempts to raise instrumental concerns about whether democracy promotion efforts produce the intended results in terms of facilitating democratic transition (Stokke (ed.), 1995, 41-88). He focused his analysis on political conditionality and addressed the question of whether aid conditionality worked, first by identifying the theoretical framework of analysis and then by testing it on the actual experiences of applied aid conditionality. Stokke formulated a number of generalised propositions and tested them on a number of cases, the evidence from which, however, as it was admitted by Stokke himself, was insufficient to verify these propositions (ibid. 55).

Crawford attempted to extend Stokke's study by conducting a global survey of aid sanctions in order to "evaluate more comprehensively the effectiveness of political conditionality, including verification, or otherwise, of Stokke's hypotheses" (Crawford, 2001, 183). The use of political conditionality was evaluated from two points of view: the effectiveness of aid sanctions and the consistency in their application by the donors. The key finding of Crawford's study was that aid sanctions tend to be ineffective not so much because of the relative strength of the recipient governments to resist aid conditionality but because of the weak and partial nature of the measures imposed (ibid. 185-198). Another important finding was that "the greater is the specificity of the political reform(s) to be undertaken in order for aid to be resumed the more effective conditionality becomes" (ibid. 206). Overall, both

Stokke's and Crawford's analyses confirmed that democracy promotion was ineffective in its current use by both international organisations and individual states, but that it had potential to influence positively the process of democratisation if applied properly and promptly.

A number of quantitative studies found even more negative results. For instance, little evidence was found in a range of studies to confirm the link between democracy promotion and progress to democracy (Hook 1998; Regan 1995; Hook, Kegley and Hermann 1995, as cited in Scott and Steele 2006, 10; Knack 2004). Moreover, some of them even found that aid allocation decisions do not depend on changes in democratisation or human rights records but on other factors such as bureaucratic inertia and colonial ties (Carey 2006), national security interests (Apodaca and Stohl 1999), economic interests in the form of exports and military-strategic interests (Neumayer 2003), etc. Stephen Knack's study is often cited in the literature as one of the first cross-country statistical studies that addressed the question of aid's impact on democracy and the quality of governance (Knack 2004). His multivariate analysis of the impact of aid on democratisation in nearly 100 recipient nations over the period 1975-2000 failed to produce any evidence that aid promotes democracy. However, as Knack himself cautiously points out in conclusion, the lack of relationship between aid and democratic progress does not imply that none of the democracy-promoting projects has any effects and that the funding for democracy promotion should be curtailed (Knack 2004, 262).

Scott and Steele use Knack's analysis as a foundation for their study by identifying a number of weaknesses in his research design and, perhaps surprisingly, come to more positive conclusions (Scott and Steele 2005). Their analysis of the relationship between democracy-specific aid projects funded by the USAID and

democratisation in 98 developing countries during 1988-2003 reveals that “targeted democracy promotion assistance has a salutary effect on democratisation” (ibid. 440). Another statistical study also confirmed the positive relationship between democracy promotion and democratic advance and concluded that international actors can effectively promote democracy if they provide proper incentives to political elites in transition societies (Kurtz and Barnes 2002, 524-53).

A number of shortcomings can be identified in the existing studies of the effectiveness of democracy promotion. As regards to the quantitative studies, they usually aim to include into their analysis a large number of countries and establish a statistical relationship (or, indeed, a lack of such a relationship) between democracy aid (independent variable) and progress towards democracy (dependent variable). This is particularly useful if one aims to present an overall picture of the effectiveness of aid in promoting democracy by checking the validity of the existing theories and conducting multivariate cross-country analyses. However, such research aims can be problematic in two important respects. First, there is a lack of coherent theories and hypotheses within either the international relations or the comparative politics literatures on links between democracy promotion and democratisation. The search for new or hidden effects of democracy promotion as well as findings that can be generalised across a wide spectrum of cases still goes on in the academic community.

Second, often statistical tests used in such studies, and in the social sciences in general, provide limited evidence: they either confirm or refute the democracy promotion hypothesis.⁵ They rarely go beyond establishing simply the presence or absence of statistical associations and do not explain the nature and dynamics of these associations. As Pevehouse emphasizes: “The macro-oriented nature of those tests

⁵ If using Scott and Steele’s formulation, the democracy promotion hypothesis can be formulated as follows: democracy assistance by international actors contributes to progress in the democratisation of recipient countries (Scott and Steele 2005).

[*statistical tests – Author’s note*] makes it difficult to identify the particular causal processes behind the correlations of the data” (Pevehouse 2005, 111). In addition, Kurtz and Barnes identify another limitation of statistical analyses: “They cannot show us the processes of political and economic change that take place within individual countries” (Kurtz and Barnes 2002, 539). As these and other authors point out (see, for instance, Pevehouse 2005, 111; Kurtz and Barnes 2002, 539; Knack 2004, 262; Scott and Steele 2005, 455), in order to reveal the exact nature of the link between democracy promotion and democratisation as well as to evaluate the causal mechanisms implicit in any regression analysis one should conduct more detailed case studies with process-tracing and comparative research techniques. The methodology of this thesis accommodates both recommendations.⁶

Third, there is a more technical concern in the methodological sense: it relates to the problems of data aggregation.⁷ In search for comprehensive measurements for democracy aid, researchers usually use an aggregate figure of aid “which lumps a variety of assistance offered for a variety of purposes” (Scott and Steele 2006, 11). This is somewhat surprising given the possibility that different types of aid can lead to different outcomes. The same problem exists with the donor aggregation. Different donors pursue different agendas which might be other than democratisation and human rights. In this regard, “it would be surprising if the varying aid strategies of these donor countries had no contradictions and cross-purposes, or if they all pursued the same goals” (ibid.). Therefore, one should be careful when using aggregate data because “it is likely to mask potential relationships between aid and democratisation” (ibid.).

⁶ For a more detailed discussion, see Chapter 4 (Methodology).

⁷ For a revealing discussion of such problems see Scott and Steele’s critique (Scott and Steele 2006) of the Knack’s study (Knack 2004, pp.251-266).

Unfortunately, qualitative studies that explore links between democracy promotion and progress to democracy are not free from a number of serious pitfalls either. First and the most substantive criticism concerns a lack of theory as both a foundational basis and a final finding: most of these studies rarely go beyond descriptive analysis, tend to focus on a single case in terms of either the promoter or the promoted, and seldom draw on well-established theories of international relations or comparative politics (Pevehouse 2005, 11-12).

Second, scholars tend to focus their analyses on one set of countries and international democracy promoters, and ignore other countries and democracy donors. In this regard, there are plenty of studies exploring the relationship between democracy promotion efforts by the EU and democratic advance in post-communist Central and East European states (Vachudova 2004; Ethier 2003; Zaborowski 2005; Dimitrova and Pridham 2004; Borislavova Spendzharova 2003; Nyman-Metcalf 2003; Zielonka and Pravda (eds.) 2001). Most conclude that the EU's democracy promotion model via conditionality and membership incentive has a positive effect on democratising states aspiring to become EU members in the future. Also, there is an almost automatic assumption that if the membership incentive is not offered by the EU then its democracy promotion efforts in other democratising states (for instance, post-communist states of the former USSR) are doomed to fail. There are actually very few studies which explore and trace in detail such ineffectiveness of the EU's democracy promotion strategies.⁸ Overall, cases regarded as democratic "laggards" or "hybrids",⁹ 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, tend to be

⁸ For two exceptions, see Kubicek (ed.) 2003; and Schimmelfennig 2003 and 2005.

⁹ These are the most frequent labels used in the literature in order to characterise peculiarities of the post-communist regimes in the former USSR.

underrepresented in these researchers' agendas. These studies also seem to disregard the vast diplomatic efforts of other international democracy promoters such as the CoE, the OSCE as well as individual countries' aid agencies. Surely, the expansion of the analysis to new recipient countries and democracy promoters can provide greater validation tests for the existing theoretical approaches and assumptions concerning the relationship between democracy promotion and democratisation.

Third, existing qualitative studies tend to analyse broad democratic trends in a recipient country rather than focus on the development of policies in particular sectors (Kelley 2004b, 426). Perhaps a narrower focus of analysis on a single sector will allow easier process-tracing of changes and will offer more insights into how democracy promotion strategies produce their effects on the domestic scene of a democratising state.

This study aims to address the gaps identified above in the scholarly literature by analysing how European organisations influenced the government of Moldova to promote civil and political rights during the 1990s and the first half of the 2000s. It also draws on existing theoretical approaches on the relationship between democracy promotion and democratic progress and examines the effects of several causal mechanisms identified in the academic literature.

2.4. The power of norms or the power of carrots and sticks?

Turning to more instrumental issues, two bodies of literature specifically focus on evaluating the effectiveness of various institutional efforts to affect a policy, in particular, and to promote progress to democracy, in general: conditionality literature and socialisation literature. Both have their roots in the international relations theory

but are extensively used by the literatures on democratisation, democracy promotion and comparative politics.

The first body of research analyses the effects of conditionality and other incentive-based methods used by IOs in order to influence domestic policies. Overall, conditionality operates when external actors link various benefits such as aid, trade concessions, cooperation agreements, political contacts, or international organisation membership to certain conditions to be fulfilled by a recipient state (Stokke 1995, 11). Conditionality is “a basic strategy through which international institutions promote compliance by national governments” (Checkel 2000, 1). Previous research focused almost exclusively on impacts of negative conditionality, which means imposition of sanctions such as reducing, suspending, or terminating benefits (for instance, annulment of preferential trade agreements and withdrawal of membership from an IO) if the state in question does not comply with the criteria. However, some scholars also identify an alternative strategy to tie political aid to the undertaking of political reforms by recipient states (Stokke 1995, Crawford 2001, Collier 1997, Ethier 2003, Schimmelfennig 2003). Whereas negative conditionality is confined to the stick, positive conditionality emphasizes the promise of the carrot by implying that a recipient government is offered a certain reward in case of compliance. As Kelley points out, despite the fact the latter type of conditionality is used more often nowadays, scholarly studies on its uses and effects are scarce (Kelley 2004b, 30). Moreover, despite the use of clear argumentation provided by the rational choice theories, our understanding of how conditionality works and produces its effects on domestic policy is also quite limited. As Kelley puts it: “Despite the appeal of the logic of rationality, that institutions or other international actors can fix domestic policy problems by manipulating the payoffs of state actors is far from clear” (ibid.

39). Studies of the effectiveness of different types of conditionality give mixed results at best.

First, research in both development studies and comparative politics shows that “buying reforms” (Collier et al. 1997) with aid or other incentives is not very effective (Dijkstra 2002; Brown 2005; Baylies 1995; Collier 1997, Killick 1996). According to Bratton and van de Walle, of the 25 cases of politically conditioned aid in Africa, only eight resulted in a democratic transition – a moderate success rate (Bratton and van de Walle 1997, 219, as cited in Brown 2005, 182). Another econometric study concluded that in order to account for the implementation of domestic reforms it is sufficient to analyse only domestic political variables, whereas other factors under the control of the World Bank (for instance, number of conditions, or consistency of conditionality) proved not to play a role (Dollar and Svensson 1998). Even policy makers who design and use conditionality on a daily basis confirm these criticisms: “The ‘inducement’ function of conditionality has failed. Its intrusive, short-sighted and ineffective character is now increasingly criticised and may have contributed ... to the poor growth performance associated with adjustment programs in sub-Saharan Africa” (Leandro et al. 1999, 285). Also, studies prescribing a decisive role to the EU membership conditionality in influencing democratic progress in Central and East European candidate countries cautiously refer to possible negative effects which can arise from external pressures: the sustainability of governance after the enlargement, the lack of deliberation over a new legislature, the effects of enlargement on the EU’s internal structure (see, for instance, Dimitrova and Pridham 2004, 108-9).

Second, the rational-choice theoretical framework used by studies of conditionality fails to explain a number of important aspects related to choices of

domestic and international actors. For instance, Schimmelfennig identifies “the rationalist puzzle of EU’s Eastern enlargement” as the inability of the rationalist analyses of international institutions to explain the interest in Eastern enlargement on the supply side: on the part of the NATO and the EU (Schimmelfennig 2003). Also, the assumption that conditionality will work only if the domestic actors’ cost-benefit calculations are favourable to the policy change might not hold true for several reasons. Kelley identifies some of them: difficulties for domestic actors to evaluate costs and benefits because of lack of information and domestic political instability, insufficient payoffs given high domestic costs of justifying change, variance of costs and benefits to different actors and subsequent difficulty for them in forming a winning coalition (Kelley 2004b, 39-40). Material rationalism also finds it difficult to explain the growing significance of human rights in international foreign affairs: why would states restrict their national sovereignty for the sake of human rights as well as sacrificing a number of important material benefits such as trade and security?

Some of the research problems identified above, especially the last one, are more successfully addressed by the second body of research, based on socialisation and constructivist theories. Numerous studies within this strand of the literature emphasise the role of norms in shaping actors’ behaviour (Finnemore 1996; Finnemore and Sikkink 1998; Risse, Ropp and Sikkink 1999; Flockhart (ed.) 2005; Linden (ed.) 2002). Domestic actors can be pressured from the outside not via material incentives but via other mechanisms such as “normative persuasion”, “social influence”, “social proof”, “authority”, etc. The effects of the first two mechanisms, normative persuasion and social influence, are perhaps studied by scholars the most. Ikenberry and Kupchan define normative persuasion as behaviour of a hegemon whereby “it is able to secure the compliance of secondary states without resorting to

material sanctions and inducements” (Ikenberry and Kupchan 1990, 290). By exercising normative persuasion towards a state, an IO tries to convince domestic actors of their norms. If IOs’ claims and arguments are convincing, domestic actors engage in learning; that is they accept the norms as legitimate and comply with them out of moral commitment or a sense of obligation (Risse 2000).

The social influence mechanism is usually viewed by scholars as operating according to a different logic – the logic of consequentiality.¹⁰ Domestic actors follow norms because they expect to receive certain advantages from compliance with IOs. IOs offer recognition, legitimacy, association and membership to states, thereby influencing the domestic and international image and standing of the state (Schimmelfennig 2002, 13). Thus, domestic actors adjust their policies in conformity with international norms in order to acquire international legitimacy and to preserve their reputations. Johnston characterises social influence as a “soft”, social-psychological mechanism relying on social rewards (such as social liking and status maximisation) for compliance and punishments (such as shaming and shunning) for non-compliance (Johnston 2001, 487-515). These two socialisation mechanisms are not contradictory, however, and according to Kelley are used by IOs interchangeably and often even simultaneously: “institutions rarely limit themselves to such hands-off approaches but often pay ad hoc visits to the country in question, with representatives privately discussing options with policy makers and urging them to conform to institutional – and international – norms” (Kelley 2004b, 33-4).

Regarding the effectiveness of socialisation-based methods of influencing domestic policy, several scholars conclude that they do work at times. For example, Morphet argues that the UN successfully socialised its members throughout the

¹⁰ For a more detailed discussion of the “logic of appropriateness” and the “logic of consequentiality” see March and Olsen 1989.

second half of the twentieth century on self-determination norms. By the end of the 1970s all Western European states ratified legally binding covenants comprising these norms (Morphet 2005). Similarly, Checkel concludes that the socialisation processes initiated by the CoE in Ukraine in the 1990s were quite successful and that Ukraine subsequently adopted its national minorities legislation in conformity with the CoE norms (Checkel 1999). However, most scholars recognise that the outcome of socialisation processes depends on a number of factors within both international and domestic structures.¹¹ For instance, Kelley limits the success of socialisation-based methods to the so-called “easy cases”, that is “when domestic opposition to the proposed behaviour change is minimal” (Kelley 2004b, 36).

There are a few studies that compare the effectiveness of both methods, incentive-based and socialisation-based, on domestic policy. Two are worth discussing as they are directly related to the research focus of this thesis. Ethier’s study discusses the issue of effectiveness of democracy promotion strategies (DPS) and verifies the hypothesis advanced in several studies that conditionality is a more effective DPS than incentives (Ethier 2003, 99-120). She claims that previous studies on political conditionality and incentives do not compare the concrete impacts of the two strategies and thus do not have sufficient analytical and explanatory value (ibid. 101). Ethier treats incentives as socialisation-based mechanisms to influence recipients’ policies: “governments or IOs give a free advantage (financial aid, equipment, counselling, alliance and so on) to a sovereign state in order to convince, encourage or help it to implement democratic reforms in the future” (Ethier 2003, 100). She demonstrates, by analysing the regular annual reports of the European Commission and the appraisals of aid agencies or independent experts, that “EU pre-

¹¹ See, for instance, Flockhart’s “complex socialisation model” for a detailed overview of such factors (Flockhart, pp.43-63 in Flockhart (ed.) 2005).

accession political reforms have progressed significantly in 1999, 2000 and 2001, while the impact of the Democratic Development Aid Programmes (DDAPs) set up by the World Bank and agencies of OECD countries either have not been analysed at all or have proved to be very modest or non-existent between 1994 and 2000” (Ethier 2003, 101). She has also suggested some explanations of why the conditionality strategy seems to be more effective than the less coercive incentives strategy by including into the framework of analysis neo-liberal theories about the determinants of international co-operation and the compliance of states with international institutional norms and rules.

Another revealing study comparing the effectiveness of incentive-based and socialisation-based methods is Kelley’s research on the role of three European organisations (the EU, the CoE and the OSCE) in influencing domestic ethnic policies of governments of four Central and East European countries (Kelley 2004a and 2004b).¹² Kelley’s main argument is that “European institutions have been significant, active participants in shaping domestic policy on ethnic issues” (Kelley 2004b, 3). By using both quantitative and qualitative methodological tools, she claims that, first, membership conditionality by the EU and the CoE motivated most policy decisions, but normative pressure often guided them; second, domestic opposition posed greater problems to normative pressure than to membership conditionality; third, as domestic opposition to ethnic policy reforms grew, membership conditionality was very effective in changing the behaviour of domestic actors (ibid. 3-4). Also, by analysing the degree of domestic opposition to ethnic policy reforms as an intervening variable, Kelley makes a significant contribution to the literature on the international dimension of democratisation which often posits that domestic actors play a primary role in

¹² The countries analysed were: Latvia, Estonia, Slovakia and Romania.

determining a country's path towards democracy and they can pose serious obstacles to external influences.

The above discussion of the literature on the effectiveness of the two principal methods used by IOs to influence domestic policies shows that its conclusions are not so straightforward as one would wish. A number of challenges which perhaps should be addressed by future research still remain. First of all, more comparative studies on DPS and their effects on domestic policies are needed because they can produce more general inferences on the international – domestic link than studies which focus only on one IO and one DPS. That is why I have chosen to analyse and compare effectiveness of the two types of DPS – normative pressure and conditionality – applied by the three European organisations – the OSCE, the EU and the CoE.

Second, new studies should re-direct their focus of analysis on to new cases: that is, countries and policies which have never been investigated (or have only been briefly looked at) by researchers before. As Kelley suggests: “Asking how well the existing findings transfer to other institutions, non-European regions, and other uses of conditionality is entirely appropriate” (Kelley 2004b, 192). Ethier also admits that one way to increase our understanding of the two methods of influence is to verify the impact of IOs on new country cases.¹³ Also, it is often noted that extension of analysis to new cases can also reveal new patterns and causal mechanisms in the IO – recipient relationship. This is the main rationale for choosing Moldova as a principal case-study.

Third, literature review presented in this chapter shows that it is worthwhile going beyond the “straightforward cases” of membership conditionality, and

¹³ In particular, Ethier suggests examining the impact on Balkan countries of donors' incentive DPS and EU conditional DPS within the framework of the Stability Pact for South Eastern Europe (Ethier 2003, 117).

exploring whether the absence of the latter “guarantees” the failure of IOs’ efforts to influence domestic policies. Membership conditionality has never been applied to Moldova and, thus, it is interesting to explore in more detail whether the organisations’ DPS are doomed to fail. Overall, cases regarded as democratic “laggards” or “hybrids”, which fall beyond the sphere of interest of the EU and other regional organizations and which do not show clear signs of interaction between international democracy promotion and domestic factors, are poorly represented in scholarly studies of international – domestic interactions. These studies also seem to disregard the vast diplomatic efforts of other international democracy promoters such as the CoE, the OSCE as well as individual countries’ aid agencies. Surely, the expansion of the analysis to new recipient countries and democracy promoters can provide greater validation tests for the existing theoretical approaches and assumptions concerning the relationship between democracy promotion and democratisation. These considerations again explain the choice of cases in this thesis.

Last but not least, more studies should make use of the theoretical approaches to the domestic effects of IOs that have recently appeared in the scholarly literature. In this regard, studies that generate merely descriptive evidence are of less scientific value than those studies which utilise the existing theories and test them by bringing in new cases and devising better analytical frameworks. By comparing the effects of two types of DPS and applying the framework of two theoretical models – rational-choice and socialisation – this thesis attempts to contribute to the existing literature in this regard.

Conclusions

In Chapter 2 I have presented views from the literatures on the international dimension of democratisation and the IR theories of effects of international institutions on democratisation and domestic policies, and I also discussed studies of effectiveness of DPS applied by the IOs in transition countries. I have also examined the main postulations of the rational-choice and socialisation models of explaining effectiveness of IOs efforts to affect domestic policy. It was important to present assumptions of the two models as this thesis seeks to explain effectiveness of DPS applied to Moldova by dividing them into two main types: the incentive-based (rational-choice model) and the socialisation-based (socialisation model). In essence, this thesis attempts to test the two theoretical models by applying them to a new set of cases (Moldova as a target state and the three European organisations as democracy promoters) and focusing the analysis on developments within one particular sector (civil and political rights) rather than broad democratic trends. In the next chapter I will present a conceptual and theoretical framework of this thesis which is essential for structuring the empirical analysis.

Part II. Theory and Methodology

Chapter 3

Theoretical and Conceptual Framework

In this chapter I set out theoretical and conceptual framework for this study. I first begin by presenting different uses of the concept of Democracy Promotion and clarifying how it is used throughout this thesis. I also identify how this study relates to existing theories on effects of conditionality, and the role of norms in influencing domestic politics and changing state behaviour. Then, I elaborate in detail on underlying mechanisms and effects of socialization-based DPS (normative pressure) and incentive-based DPS (conditionality). I also consider various conditions under which both sets of DPS are more likely to be effective and facilitate domestic policy change. In addition, I look at the demand-side of the democracy promotion process and discuss in detail intervening effects of domestic structure and domestic salience. The chapter concludes with a set of hypotheses, derived from theories of socialisation-based and incentive-based methods to promote democracy, as well as from theories of intervening domestic factors.

3.1 Main concepts and relationship to existing theory

Democracy promotion: strategies and effects

Democracy promotion can be viewed in broad and narrow terms. Broadly speaking, democracy promotion is a process of spreading democracy around the world.

As Diamond puts it: 'Promoting democracy means a global partnership for democratic advancement, backing the initiatives and responding to the appeals of aspiring democrats worldwide' (Diamond 1992, 26). This thesis views democracy promotion more narrowly: as a range of activities pursued by various external actors in order to promote, protect and even enforce democracy around the world. Similarly, Grugel defines democracy promotion as 'different ways in which actors go about trying to push democratisation and the different models of democracy they promote' (Grugel 2002, 121).

An important point here is that democracy promotion does not mean exporting of democracy. As Diamond aptly notices, democracy is less likely to work when foreign models are imposed, and many features of Western liberal democracies are "ill-suited to poor, unstable, and divided countries" (Diamond 1992, 26). Moreover, democracy promotion is not about imposing a preference for democracy where it does not exist. It rather means "offering moral, political, diplomatic, and financial support to individuals and organizations that are struggling to open up authoritarian regimes" (ibid.). External actors can promote democracy in different ways. Ethier suggests an "umbrella" term to denote these various activities – *democracy promotion strategies* (Ethier 2003). This term is extensively used throughout the thesis. DPS are such strategies used in recent years by Western governments and international organisations that attempt to induce states to achieve democratic transition or consolidation (ibid.). Hence, the supply side, DPS used by various external actors, is emphasised in this conceptualisation.

From a different perspective, when using various DPS external actors aspire to influence domestic politics in a target country. Thus, external actors become closely interlinked with domestic actors, their behaviour and preferences. Such "external –

internal” relationships and influences of the domestic context should not be overlooked in any meaningful conceptualisation of DPS. In particular, Kelley draws on international relations theory and views interaction between one type of external actor, international organizations, and domestic actors as a process governed by various “mechanisms through which international institutions may influence state behaviour” (Kelley 2004b, 7). Therefore, the demand side – attitudes and reactions of domestic actors in a recipient country towards DPS applied from the outside – is added in this conceptualisation. This thesis analyses DPS applied to Moldova from both perspectives, supply side and demand side.

How can the effectiveness of DPS be defined? What makes them effective and when they are effective? The Oxford English Dictionary defines “effective” as “producing a desired or intended result” (The Oxford Dictionary of English 2005). Thus, DPS can be regarded as effective if they produce a desired result – further democratic advance in a target country. However, such understanding of DPS’ effectiveness requires successful democratisation processes to be linked more explicitly with the activities of external actors. In other words, a certain DPS can be evaluated as effective if a target country undertakes a pro-democratic policy change after interaction with an external actor. Such a conceptualisation of effectiveness is especially useful for empirical analysis because it contains clear benchmarks (“interaction with an external actor” and “policy change”) for sorting out effects produced by international democracy promoters on the domestic scene from the influences of other factors, including domestic. In other words, how can we determine whether a particular policy change in a target country is a result of particular DPS? As Carothers points out, the challenge of establishing causal links between democracy assistance and changes in the recipient

societies is not a straightforward one because “in any society, the political environment is a swirl of events, institutions, personalities, processes, attitudes, and trends” (Carothers 1999, 283). Thus, any analysis of DPS’ effectiveness should set out clear benchmarks for evaluating the process in which external influences affect internal factors and, indirectly, produce certain political outcomes.

The “policy change” benchmark, however, is not the only one to look for when evaluating the effectiveness of DPS. Those DPS which prevented a reversal of undemocratic policies can also be regarded as effective. Kelley makes a similar point about the danger of falsely interpreting the status quo as a failure of institutional engagement: “While progress is clearly preferable to the status quo, preventing regression is also a valuable achievement” (Kelley 2004b, 54-5). Thus, in this thesis both types of outcomes, policy change and prevention of policy reversal, are taken into consideration when evaluating how effective DPS are.

Relationship to existing theory

As Carothers points out, democracy promotion “sits awkwardly in between the disciplines of international relations, comparative politics, development studies, and law – related to all four but not finding a home in any one” (Carothers 2004, 2). This may be one reason why democracy promotion is “only weakly present in scholarly research circles” (ibid.). In evaluating how different DPS affect domestic processes of democratisation, and in particular certain domestic policies, this study relies on two categories of theory. First, it draws from research on conditionality and causal mechanisms through which conditionality influences domestic processes. Conditionality

implies the provision of particular benefits by an external actor to a democratising state under certain conditions. Or, as Bernauer puts it, conditionality is a technique by which an actor makes the transfer of positively valued resources contingent on the recipient behaving consistently with the actor's preferences (Bernauer and Ruloff (eds.) 1999, as cited in Kelley 2004b, 30). Research on conditionality broadly utilises rational-choice arguments in order to explain the degree of compliance by a state towards which conditionality is applied. Rational-choice theory treats states as cost-benefit-calculating, utility-maximising actors which always aim at maximising their interests and achieving their preferences.

Also, previous research shows that conditionality operates via a number of mechanisms, including negative and positive incentives. When using negative incentives an external actor emphasises the threat of "punishment": in case of non-compliance with the conditions imposed by an external actor, benefits to a recipient state can be suspended for a certain period of time, reduced or withdrawn completely. An alternative strategy for influencing state behaviour is via positive incentives. If negative incentives imply the use of stick in order to achieve compliance, then positive incentives focus on promise of carrot – benefits to be received after compliance. As Kelley points out, previous research on conditionality has focused mostly on the use of negative incentives such as trade sanctions and threats of force (Kelley 2004b, 30). Stokke argues that patterns of using conditionality as a method to influence domestic politics have also changed, especially when systemic transformation in Eastern and Central Europe and disintegration of the USSR took place (Stokke (ed.) 1995). If at first Western governments emphasized the role of economic reforms and used mostly economic conditionality towards countries in Latin America and Sub-Saharan Africa in

the 1970s – 1980s, then later in the early 1990s, they began to prioritise political reforms and to demand fulfilment of various political conditions from democratising states. Stokke characterises these types of conditionality as the “first generation” (economic) conditionality and the “second generation” (political) conditionality, respectively (*ibid.*).

The second category of theory, on which this thesis is based, deals with the role of norms in influencing domestic politics and changing state behaviour (see, for instance, Johnston 2001; Checkel 2001; Linden (ed.) 2002; Risse, Ropp and Sikkink 1999, etc.). External actors, including IOs, do not limit themselves in using conditionality as the only method of promoting democracy and influencing the domestic processes of democratisation. They usually begin with softer, less coercive, strategies and focus on promoting democratic norms through encouraging and teaching domestic political actors how to democratise. For instance, in order to encourage political reforms in the field of civil and political rights IOs may opt, first, for providing democracy assistance such as legal expertise and technical assistance to local human rights NGOs and then, in case of lack of progress, they may appeal to a set of norms on civil and political rights issues and “shame” the government which did not perform satisfactorily on the issue.

Kelley labels these methods “normative pressure”, which “brackets a set of socialization mechanisms, such as persuasion and social influence that can operate through a variety of constructivist and rationalist microprocesses” (Kelley 2004b, 31). This thesis adopts Kelley’s approach and also uses the term “normative pressure” to denote these strategies. Both normative pressure and conditionality have the same goal – to influence domestic politics and to promote democracy – but their underlying logics

differ in one important respect: when applying normative pressure “external actors try to influence the direction of a policy within a state without connecting the policy change to rewards other than the approval of the external actor” (ibid.). Also, when exerting normative pressure external actors do not manipulate with threats in order to change domestic policy in a target state. Thus, through normative pressure external actors do not ‘bribe’ domestic elites into introducing reforms by rewarding or threatening them but try to socialise them into democratic practices. So, above all, it is expected that only if the impetus for change and democratic reforms comes from within a transition country will it be successful in achieving democracy.

Before concluding this section, it is necessary to point out one important caveat. This study does not try to adjudicate between the two types of DPS, conditionality and normative pressure. Nor does it try to offer a new solution and contribute to the “rationalist – constructivist” debate in political science and international relations. Rather, it follows the approach suggested by Kelley, who outlined the rationale for her study as follows: “the study develops hypotheses about how and when institutions can influence domestic politics ..., that is, which approaches [conditionality or normative pressure] result in compliance and when” (ibid.). In a similar fashion, this thesis explores when and how IOs (EU, CoE, OSCE) can influence domestic politics on civil and political rights by selectively applying normative pressure and conditionality to a target country (Moldova). The rest of this chapter explains the theoretical framework of this thesis in greater detail.

3.2. Socialisation-based democracy promotion strategies

As Grugel points out, democratisation is “an ongoing process of norm transformation, alongside social struggles over how to define the norms that constitute democracy” (Grugel 2005, 42). So, taking into account this conceptualisation of democratisation, it seems quite reasonable to expect that external actors can exert influence on democratisation through the promotion of democratic norms. What are norms and, more specifically, what are democratic norms? Farrell defines norms as “intersubjective beliefs about the social world, which have behavioural consequences” (Farrell 2001, 71 as cited by Flockhart 2005, 13). Other authors within the constructivist literature suggest that norms define a collective standard as to what constitutes proper behaviour of actors (Flockhart 2005, 13-14; Schimmelfennig 2002, 6). In this regard, democratic norms, as promoted by external actors today, are viewed by this study as “a specific norm set espousing a commitment to a ‘Western’ conception of liberal democracy, human rights, the rule of law and a market economy” (Flockhart 2005, 6).

The method for diffusing democratic norms to a target country can be characterised as a process of socialisation and social learning. Strategies used by external actors in order to facilitate such a process in a target country are viewed by this thesis as socialisation-based DPS. More generally, socialisation can be seen as “the process by which principled ideas held by individuals become norms in the sense of collective understandings about appropriate behaviour which then lead to changes in identities, interests, and behaviour” (Risse et al. 1999, 11). Thus, for the socialisee¹ the aim of the democratic socialisation process is to adopt and internalise the democratic

¹ ‘Those who are being socialised’. This term was suggested by Flockhart 2005, 15.

norm set to such an extent that external pressure is no longer needed to ensure compliance (ibid.). The complex process of norm adoption and internalisation takes place primarily at the level of socialisees and is usually presented in the literature as a process of “social learning” (Adler and Barnett 1998; Flockhart 2005). As for the socialisers² – international democracy promoters – the aim of the democratic socialisation process is to persuade, and sometimes even pressure, domestic actors to accept democratic norms and to adhere to norm-compliant behaviour. This is done solely on the basis of norms, without resorting to exogenous material manipulation. Such conceptualisation of the socialisation-based DPS is consistent with Kelley’s definition of “normative pressure”, which “occurs when an institution advises a government on the direction a policy should take, offering no reward other than the approbation of the institutions” (Kelley 2004b, 3).

So how do socialisation-based DPS and, specifically, normative pressure work? As suggested by Kelley, a discussion of the different types of engagement and the possible causal processes at work can both clarify how normative pressure relates to socialisation and assist the development of theories by identifying conditions under which normative pressure may or may not influence domestic policy (ibid. 33). The discussion below is structured along similar lines.

The defining feature of normative pressure is that IOs do not link any concrete incentives to behaviour but rely solely on the use of norms to persuade, shame, or praise domestic actors into changing their policies (Kelley 2004a, 428). For instance, normative pressure occurs when an IO suggests certain policy changes a recipient government without offering any reward other than approval by an IO. By using

² ‘Those who socialise’. This term was suggested by Flockhart 2005, 15.

normative pressure to promote democracy IOs rely on a set of socialisation processes such as *social influence* or *persuasion*. The basic premise of these socialisation processes is that “actors who enter into a social interaction rarely emerge the same” (Johnston 2001, 488). So, in the present study, those IOs that apply socialisation-based DPS towards Moldova expect the country’s authorities to change their civil and political rights practices not through the imposition of exogenous constraints or the offer of rewards, but through endogenous change in their normative characteristics and preferences regarding civil and political rights and democratisation in general.

However, many scholars within the constructivist literature indicate that domestic actors may also respond rationally to normative pressure and to the norm constraints that external actors impose on them (Johnston 2001; Cortell and Davis 1996; Schimmelfennig 2001; Risse et al. 1999; Moravcsik 1995). This means that domestic actors will comply with the external normative pressure not because the democratic socialization and social learning process was successful but because they have certain rational aims. Thus, taking both views into account, one can distinguish between two sets of socialisation mechanisms which facilitate IOs’ normative pressure on a democratising state: persuasion and social influence.

The first set of mechanisms, identified by Axelrod as “identification”, “authority”, “social proof”, “voluntary membership” (Axelrod 1986), operate via persuasion and cause policy change not because of exogenous material constraints or rewards, but by “changing minds, opinions and attitudes and affecting identity” (Johnston 2001, 496) of domestic actors. For instance, Kelley notes that in the 1990s the OSCE and CoE’s primary goals were to teach and persuade rather than coerce governments of some Eastern European states to change their undemocratic ethnic

policies (Kelley 2004b, 33-5). Thus, via normative persuasion IOs try to encourage norm-consistent behaviour through a social process of interaction that involves changing attitudes without use of either material or mental coercion (Flockhart 2005, 48). Essentially, as Flockhart notes, persuasion is “a process of convincing someone through argument and principled debate” (ibid. 49).

The second set of socialisation mechanisms is more rationally based. Johnston defines the social influence mechanism as “a class of microprocesses that elicit pro-norm behaviour through the distribution of social rewards and punishments” (Johnston 2001, 499). This means that actors will conform to external requests for policy change not because they changed their beliefs and attitudes towards democratisation but because they value certain social rewards (such as status, legitimacy, a sense of belonging, or a sense of well-being derived from conformity with role expectations) or want to avoid social punishments (such as shaming, shunning, exclusion, demeaning, or dissonance derived from actions inconsistent with role and identity) (ibid). In other words, domestic actors will respond to IOs’ normative pressure because their main aim is to preserve their reputations and status in the international and domestic arenas.

Thus, IOs can “socialize” democratising states into good civil and political rights practices via persuasion or social influence, or both: they can teach and persuade as well as shame and pressure domestic actors into adopting specific democratic policies. Kelley confirms this point by noting that “in reality the line between persuasion and social influence is blurred, or the two processes are simultaneous” and many IOs often use both mechanisms interchangeably (Kelley 2004b, 33). Taking this proviso into account, this study does not aim to arbitrate between the two sets of causal mechanisms that operate when IOs exercise normative pressure towards a

democratising state. Neither does it try to separate and analyse the effects of normative persuasion and social influence. Rather, this thesis adopts a more comparative approach: it attempts to compare two distinctive sets of DPS and assess what effects they have on the domestic politics of a democratising state.

When and under what conditions is normative pressure effective? Regardless of the underlying causal mechanisms – normative persuasion or social influence – in theory normative pressure has a great potential to be effective. Empirically, several studies also show that normative pressure does work at times. For instance, Ropp and Sikkink argue that the UN played an important role in promoting and enhancing the legitimacy of human rights norms in Guatemala in the 1980s and 1990s via mechanisms of social learning and persuasion to comply with the UN human rights norms (Ropp and Sikkink 1999). Thomas traces the ways in which international human rights norms, evoked at that time by a number of IOs and individual states, contributed to the demise of Communism in Eastern Europe (Thomas 1999); he specifically points to the societal effects of the Helsinki Final Act of 1975, “which established human rights as a norm binding on all the states of Europe, and as a legitimate issue in relations between them” (ibid. 205). Similarly, Merlingen and Ostrauskaite identify the OSCE as a “somewhat different socialising agency” in comparison to, for instance, the CoE or the EU, because it works primarily through “enrolment, empowerment and dialogue” with domestic elites and grassroots actors rather than through social pressure and lecturing (Merlingen and Ostrauskaite 2005).

In general, scholars who analyse the effects of normative pressure on domestic politics seem to agree on the following proposition: normative pressure is more likely to work in “easy cases” that is when it resonates or conforms with existing collective

understandings embedded in domestic institutions and political cultures (Checkel 1997, Cortell and Davis 1996, Risse et al. 1999). Risse and Ropp confirm the applicability of the “resonance proposition” and conclude that “the more open a society and culture to Western ideas and the more a country has a liberal past ..., the less likely it is that norm-violating governments would deny the validity of the international norms” (Risse and Ropp 1999, 272). So, to put “norm resonance” as a precondition for a successful socialisation process in the context of this thesis, normative pressure exercised by external actors is more likely to be effective when domestic opposition to the proposed human rights reforms is minimal.

The pre-condition of “norm resonance” or “norm fit” largely concerns the saliency of the norm as well as the structural context of the domestic policy debate (Kubicek 2003, 12-16). Saliency means that a given norm will have a “durable set of attitudes toward the norm’s legitimacy” so that the norm is widely “accepted as a guide to conduct” (Cortell and Davis 2000, 66, 69). First of all, the saliency of a norm will depend on the degree of cultural match between a democracy promoter and a target state. As Flockhart observes, “the actor being socialised must as a minimum identify with the social group to which the norm promoter belongs, and the actor must have a desire for inclusion in the group” (Flockhart 2005, 49-50). This observation is important for the argument of this thesis: it seems that a successful outcome of socialization-based DPS, including normative pressure, is much more likely in cases where there is a small ideational distance between democracy promoters and a target state. Thus, a certain degree of “local authorship” is required. In fact, some studies indicate that socialization-based DPS, and in particular normative pressure, decisively depend on how democracy

promoters interact with local norms and practices (see, for instance, Mendelson and Glenn 2002 (eds.)).

The effectiveness of normative pressure also depends on democracy promoters themselves and their status within both the democracy promoters' and recipient states' communities. As Schimmelfennig points out with regard to IOs, the basic condition for international socialisation to work is "the normative power stemming from the authority of the international organization and the legitimacy of the norms it propagates" (Schimmelfennig 2002, 14). In other words, if a democracy promoter is seen by a target state as authoritative or successful or both, its norms will carry more weight and credibility on the domestic scene of a target state (Kubicek 2003, 14-15). Similarly, Checkel argues that normative pressure, particularly persuasion, is more likely to be successful when "the persuader is someone the persuadee holds in great esteem or is a member of an in-group to which the persuadee wants to belong" (Checkel 1999, 85-6).

However, as Kelley notes, "despite the theoretical and practical reasons to expect normative pressure to be effective", several factors might explain why normative pressure alone is not enough to cause a significant policy change (Kelley 2004b, 36). For instance, social rewards such as international recognition and reputation might not be sufficiently attractive "carrots" to change the beliefs and behaviour of the domestic actors. In the case of a controversial issue, for example ethnic policy towards minorities, domestic politicians, concerned above all with increasing their domestic political capital, are more likely to take into account primarily domestic factors and signals from various groups than to respond to normative pressure from outside. Moreover, even if domestic actors changed their preferences as a result of normative pressure by external actors, there is still no guarantee that this change in preferences will be translated into

real policy changes. A typical example to such a scenario is when a government of a target state accepts democratic norms promoted by an external actor and subscribes to pro-democratic reforms rhetorically, but in fact does little in order to translate this rhetoric into action. As a result, no policy change follows. Also, as Kelley correctly points out, normative pressure alone may work only under certain conditions, which are “intricately intertwined with domestic factors”, such as the formation of a winning coalition, or signals from domestic constituencies before elections (ibid. 36-7).

In sum, normative pressure works mainly through mechanisms of persuasion and social influence. Democracy promoters that use normative pressure towards a target state do not manipulate its politicians with material rewards or threats but try to socialise the latter into democratic norms and practices, including respect for human rights. Thus, socialisation-based DPS can be viewed as indirect methods of promoting democracy. Normative pressure is more likely to work under such conditions as minimal domestic opposition to the proposed policy change, a closer cultural match and low norm resonance on the domestic scene, and the high status and credibility of a democracy promoter. Used on its own, normative pressure is less likely to cause policy change because of difficulties in changing policy preferences by means of persuasion or social influence, and translating changes in preferences into actual behaviour.

3.3. Incentive-based DPS

When promoting democracy abroad, external actors may also use the strategy of conditionality towards an authoritarian or liberalising state. This strategy works along instrumental lines, and, compared with the strategy of normative pressure, it falls more

into a “rational actor” model of politics than a constructivist one. The goal of incentive-based DPS, namely conditionality, is less normative persuasion and democratic socialisation than offering carrots and sticks in order to compel a target state to adopt a given policy. As Kelley points out, the effects of political conditionality on the behaviour of domestic actors “correspond with a rationalist set of assumptions that define domestic actors as cost-benefit-calculating, utility-maximising actors” (Kelley 2004a, 428). As in all rationalist theory, expected individual costs and benefits determine domestic actors’ preferences regarding whether to comply with conditions applied by an external actor. Domestic actors tend to favour such a relationship with external actors as would maximise their net benefits. For instance, when discussing rationalist explanations of the EU eastern enlargement in 2004, Schimmelfennig and Sedelmeier specify that “a member state favours the integration of an outsider state – and an outsider seeks to expand its institutional ties with the organization – under the conditions that it will reap positive net benefits from enlargement” (Schimmelfennig and Sedelmeier 2005, 12). To put this proposition into the perspective of this study, a target state will change its policy in conformity with the conditions applied by an international democracy promoter if it expects to receive substantial benefits from compliance. In a similar mode, an international democracy promoter tries to change the behaviour of domestic actors in a target state by using mechanism of reinforcement rather than normative persuasion and pressure. Schimmelfennig defines “reinforcement” as “a form of social control by which pro-social behaviour is rewarded and anti-social behaviour is punished” (Schimmelfennig 2005, 107).

Conditionality, operating via the reinforcement mechanism, differs from normative pressure and persuasion in two ways. First, it is based on a different logic of

social action and interaction. Risse characterises the latter as “different rationalities as far as the goals of action are concerned” (Risse 2000, 3). Because the behaviour of actors in the “real social world” combines several modes of social interaction, the analysis of such behaviour should focus on “how far one can push one logic of action to account for observable practices and which logic dominates a given situation” (ibid.). The most widely used distinction is that between a “logic of appropriateness” and a “logic of consequentiality” (March and Olsen 1989 and 1998). Normative pressure and persuasion are based on the logic of appropriateness, according to which domestic actors respond to and follow democratic norms for intrinsic reasons, that is “based on personal dispositions informed by social beliefs, they do what is deemed appropriate in a given situation and given their social role” (Schimmelfennig 2002, 12). International democracy promoters, too, follow the logic of appropriateness when teaching and persuading target states to comply with democratic norms. In this regard, both sets of actors, democracy promoters and target states, “try to ‘do the right thing’ rather than maximising or optimising their given preferences” (Risse 2000, 4). Conditionality, however, operates on the basis of a completely different logic of action, the logic of consequentiality. As Risse points out, the logic of consequentiality belongs to the “realm of rational choice approaches that treat the interests and preferences of actors as mostly fixed during the process of interaction” (ibid., 3). Actors participate in such processes of strategic interaction on the basis of their given identities and interests and try to realise their preferences through strategic behaviour (ibid.). Thus, actors are guided in their behaviour by instrumental rationality: “Rational choice is instrumental: it is guided by the outcome of action. Actions are valued and chosen not for themselves, but as more or less efficient means to a further end” (Elster 1989, 22 as cited by Risse

2000, 3). Following the logic of consequentiality, domestic actors comply with conditionality because they want to maximise their individual utility and decrease the costs of non-compliance. Similarly, external actors do not try to convince target states to adopt certain policies, but rather they choose to “bargain” with them by means of various incentives and disincentives (or threats and promises).

Second, the general aims of conditionality differ from those of normative pressure. External actors that apply conditionality aim primarily at behavioural compliance by a target state. It is expected that over time an effective strategy of conditionality will “discourage deviant behaviour” and lead a target state to follow democratic norms and rules in a routine manner (Schimmelfennig 2005, 107). In comparison, democracy promoters that use normative pressure towards a target state are primarily concerned with the degree of internalisation of democratic norms by domestic actors and their intrinsic motivation to follow these norms. Also, as Kelley points out, even if some uses of normative pressure (social influence, for instance) incorporate more rational incentives to and constraints on domestic policy makers, “conditionality is a much more clear-cut exchange of rewards and behaviour, relying on cost-benefit calculations and material incentives rather than norms” (Kelley 2004b, 38). The rewards within conditionality are more tangible than the praise and recognition associated with normative pressure (*ibid.*).

Conditionality implies the use of negative and positive incentives in order to change a target state’s behaviour. Negative incentives comprise material sanctions directed towards a target state in order to increase the costs of non-compliance. These may range from economic sanctions such as an embargo or the freezing of bank accounts to the threat or use of violence to impose a norm on a non-compliant state

(Schimmelfennig 2005, 109). As Burnell puts it, “the introduction of a requirement which makes offers of such support contingent on certain democratic and human rights conditions being met, and the exercise of conditionality – the reduction, suspension, withdrawal or termination of financial and economic assistance when a government’s conduct is judged unsatisfactory – elaborate the negative aspect” (Burnell 2000, 8). This type of conditionality (operating through negative incentives) is consistent with Schimmelfennig’s conceptualisation of “reinforcement by punishment”, used by IOs: “IO not only withholds the reward but inflicts extra punishment on the non-compliant state in order to increase the costs of non-compliance beyond the costs of compliance” (Schimmelfennig 2005, 108).

However, external actors may also opt for the strategy of “reinforcement by reward” or the “reinforcement by support” strategy in the case that a target state does not comply with the initial conditions (*ibid.*, 108-9). For instance, if IOs choose the former strategy, they “offer material and political rewards in return for norm compliance but do not coerce non-compliant governments” (Schimmelfennig 2002, 1). In the case of the latter strategy, an IO “withholds the reward but gives extra support to the non-compliant state in order to decrease the costs of compliance or to enable [a target state] to fulfil the conditions” (Schimmelfennig 2005, 108). In both cases, an element of enticement is crucial for changing a target state’s behaviour: “the aim is to lure the government to do something it would not have chosen to do without the offer of a payoff” (Collier et al. 1997, 1400-1 as cited in Kelley 2004b, 38).

Positive incentives offered by an international democracy promoter 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 in

aid as an additional reward for satisfactory performance by the recipient. Davis defines positive incentives as “transfers of positively valued resources from one actor to another with the aim of influencing the recipient’s behaviour” (Davis 2000, 312). The key difference between positive and negative incentives lies in recipient actors’ initial expectations of their relationship with an IO: “B’s immediate reaction to sticks usually differs from his immediate reaction to carrots. Whereas fear, anxiety and resistance are typical responses to threats, the typical responses to promises are hope, reassurance, and attraction” (Baldwin 1971, 32, as cited in Kelley 2004b, 32). Positive incentives can be given to a democratising state before and after the offer of assistance. In the first instance, an IO does not offer a recipient state any positive incentive, except explicit or implicit promises, until the latter complies fully with political conditions. If positive incentives are offered afterwards, an IO can opt to allocate rewards prior to compliance and watch for the implementation of political conditions later. In practice both approaches have been used by the democracy promoters, and evidence of their effectiveness is mixed.

As Checkel puts it, “thanks to a growing body of empirical work, the once controversial statement that norms matter is accepted by all except the most diehard neorealists” (Checkel 1997, 473). Moreover, “reconciliatory” steps have been made by social constructivists too: the role of “norms as constraints” (ibid.) and the effects of incentive manipulation have been increasingly recognised by scholars within the social constructivist literature (Keck and Sikkink 1998; Sikkink 1993; Checkel 2000a; Risse et al. 1999). For instance, Risse and Sikkink have developed a “spiral model” of norm-socialisation processes, which include the processes of instrumental adaptation to domestic and international pressures and also strategic bargaining on the part of norm-

violating governments (Risse and Sikkink 1999). Similarly, Schimmelfennig argues that the EU used a strategy of conditionality, namely “reinforcement by material rewards”; in order to promote liberal democracy in Central and Eastern Europe in the 1990s (Schimmelfennig 2005). Kelley cites studies by several authors and notes that in order “to actually change policy, conditionality is in most cases not only effective but also necessary” (Kelley 2004b, 39).

So, when is conditionality more likely to be effective? As Schimmelfennig quite simply puts it, “for any reinforcement strategy [in other words, conditionality] to be effective, the benefits of compliance must balance its costs” (Schimmelfennig 2005, 109). Indeed, several authors indicate that international democracy promoters should offer incentives in exchange for domestic policy changes on a scale that would be substantial enough for elites in a democratising or liberalising state to be willing to risk the status quo and opt for policy change (Schimmelfennig 2005; Kubicek 2003; Przeworski 1991). In particular, Kubicek uses Przeworski’s argument to hypothesise that “elites who are relatively certain that they would lose under genuine democratic contestation will be less likely to push ahead with democratisation, even in the face of external pressure” (Kubicek 2003, 17). Hence, the size of the promised rewards, punishment and support are crucial factors in domestic elites’ motivation to comply with conditionality and pursue further democratic reforms. In particular, Schimmelfennig points out that, for instance, the promise of membership of an international organization should be more powerful than the promise of association or assistance; the threat of military intervention is usually more effective than the threat of an embargo; and the amount and the quality of support from external actors will have an

impact on the ability of the target government to meet international conditions (Schimmelfennig 2005, 110).

However, despite the relatively straightforward underlying logic of rationality and causal mechanisms of strategic bargaining through which conditionality produces its effects, it is far from clear that expectation that “institutions or other international actors can fix domestic policy problems by manipulating the payoffs of state actors” is accurate (Kelley 2004b, 39). First of all, the theoretical relationship between rewards and punishments, on the one hand, and compliance, on the other, becomes less straightforward if applied in empirical analysis. As Schimmelfennig points out with regard to the EU’s eastern enlargement in 2004, “any empirical analysis of the rationalist enlargement conditions is likely to become extremely complex” (Schimmelfennig 2003, 34). One of the challenges is to estimate the expected costs and benefits for both sets of actors, which are usually uncertain and often controversial (*ibid.*). Also, the likelihood of domestic actors’ heterogeneity should not be overlooked here: Kelley correctly points out that domestic actors are likely to have “different costs and benefits, depending on their constituency base and the compromises they will have to make in their governing styles” (Kelley 2004b, 40). Domestic actors may also value the benefits promised by an external actor differently, and “have different discount rates, or assorted estimations of the credibility of the institutional strategy” (*ibid.*).

Secondly, the literature on the use of aid conditionality gives inconsistent empirical results. Kelley cites a number of econometric, statistical and qualitative studies that “find only a weak connection between conditionality and national compliance” (*ibid.*).³ Also, several authors indicate that in reality external actors are

³ See, for instance, Nelson 1996; Collier et al. 1997; Killick 1998; Gilbert, Hopkins, Powell, and Roy 1997 as cited in Kelley 2004b, 39.

reluctant to use conditionality to its full extent. Kelley gives an example of the IMF lending programme to Russia, in which the IMF “have often given ‘something for nothing’, thus undermining the entire logic of incentives behind conditionality” (Kelley 2004b, 41). Also, Kubicek criticizes inconsistency in the application of requirements and rewards by the EU towards Turkey, Ukraine and other “grey zone” democracies in the 1990s (Kubicek 2003, 18).

Therefore, one can assume that the second set of factors which make conditionality effective or ineffective relates to international democracy promoters themselves. An external actor that tries to promote democracy in a target state by means of conditionality, must possess “a superior material bargaining power” in relation to this state (Schimmelfennig 2002, 14). This means that an external actor must be able to offer credible rewards to a compliant state and to threaten credible punishments to a non-compliant state. Similarly, Kubicek states that both carrot and stick must be “real”, that is “state leaders need to know that rewards will be withheld or punishments will be meted out if the desired policy change is not adopted” (Kubicek 2003, 18). Hence, another important factor that influences the efficacy of conditionality is its credibility. It is evident that the effectiveness of conditionality decreases if a target state does not perceive as credible the link between behaviour, on the one hand, and rewards and punishments applied by an external actor, on the other.

Schimmelfennig identifies a number of factors that affect the credibility of conditionality (Schimmelfennig 2005, 110-1). First, credibility depends on capacity of an external actor to monitor a target state’s compliance, pay rewards and employ punishments and the costs of doing so: “these promises and threats are the more credible, the lower their costs are to the agency” (ibid. 111). Second, an external actor

must use conditionality in a consistent way. If an external actor “subordinates conditionality to other political, strategic, or economic considerations”, a target state “might either hope to receive the benefits or avoid punishments without fulfilling the conditions, or it might conclude that it will not receive the rewards or support, or be spared the punishment, in any case” (ibid.). For instance, in her study Kelley finds that overconfidence of Slovak government in the prospect of accession to the EU, motivated by “exceptionally good geopolitical location” of Slovakia in Europe, significantly decreased effectiveness of membership incentives applied to Slovakia in the mid-1990s (Kelley 2004b, 185-6). And, on the contrary, credibility of admission into the EU, as perceived by the Romanian government, was quite low given the country’s weak economic situation and explicit doubts on this voiced by the existing EU members in Brussels (ibid. 186). Third, the credibility of conditionality depends also on how precise the conditions are: a target state should receive clear information on what to change and how to comply, and both a target state and an external actor should be bound so they cannot manipulate the rules to their advantage or avoid adopting them at all (ibid.). The final, but not the least, factor that maximises the effectiveness of conditionality is a gradual offer of rewards. As Kelley points out in relation to the gradual admission process administered by IOs towards applicant countries, “institutions can maximise the effectiveness of conditionality by creating a gradual payoff structure in the form of a tiered admission process” (Kelley 2004b, 46). This assumption can be extended to other instances of rewards as well: for example, gradual accession to common market, greater trade benefits, increased democracy assistance. The main point here is that external actors can gradually increase the scale and change the type of rewards to a target state in the case of satisfactory compliance with conditions. Each step in such a gradual process

of allocating rewards is also a signal that more and better rewards are obtainable in the future, which increases the credibility of the approach.

In sum, conditionality implies manipulation of threats, punishments and rewards by an external actor in order to change behaviour and policies of domestic actors in a target state. Various incentives can be used by external actors as tools to achieve policy change in a target state. Thus, compared with normative pressure, conditionality represents a more direct and more coercive method of promoting democracy. The effectiveness of conditionality depends on two sets of factors: the size of promised rewards, punishment and support; and credibility of conditions.

3.4. The domestic structure and the domestic salience

The impact of external actors' DPS on target states does not take place in vacuum but it is conditioned by domestic factors. It has already become a conventional wisdom in transition studies that domestic actors play a crucial role in any democratisation process: they initiate liberalisation, determine the prospects of regime change, adopt democratic institutions and achieve their consolidation. To take a more structural view of democratisation processes, domestic factors also play a dominant role in determining a democratising country's prospects of transition and consolidation, whether those factors are structural (for instance, the state of the economy or the level of education in society), or contextual (for instance, *virtu* or *fortuna*).⁴ The dominant view in the comparative literature on democratic transitions in the 1990s was that international factors have been essentially secondary compared with domestic factors

⁴ See the discussion by Linz and Stepan on the importance of contextual factors in domestic regime transitions (Linz and Stepan 1996).

(O'Donnell, Schmitter and Whitehead (eds.) 1986; Linz and Stepan 1996; Whitehead 1996). As O'Donnell, Schmitter and Whitehead conclude in their eminent study of transitions in Southern Europe and Latin America, in these transitions "immediate prospects for political democracy were largely to be explained in terms of national forces and calculations; external actors tended to play an indirect and usually marginal role" (O'Donnell, Schmitter and Whitehead (eds.) 1986, 5). As Pridham comments on this and other studies that emphasise the primacy of domestic factors over international ones: "Implicit here is that international factors are dependent variables, their influence or impact largely conditional on opportunities presented by domestic developments" (Pridham et al. 1994, 13). He adds: "while perhaps plausible to a conventional student of comparative politics, this assumption has to be challenged as it prejudges situations and does not really allow for cross-national variation" (ibid.). Thus, there is a need to specify in more concrete terms how domestic policy changes and the behaviour of domestic actors relate to international causes.

Several authors in the scholarly literature explicitly address this issue (Cortell and Davis 1996; Checkel 1997; Kelley 2004b; Levitsky and Way 2003). Cortell and Davis, for instance, argue that international institutions, rules and norms can affect a country's policy choice "by way of the actions of domestic political actors" (Cortell and Davis 1996, 451). Thus, government officials can appeal to an external actor, or an international rule or norm promoted by it, in an effort to further their objectives in the domestic arena. Furthermore, "through such appeals, international rules and norms can become incorporated into the policy debate, and, under some conditions, may ultimately affect national policy choice" (ibid.). Therefore, Cortell and Davis suggest that in order

to “offer a better understanding of how international norms and rules affect state behaviour”, it is worthwhile to “open up the black box of domestic politics” (ibid. 452).

Similarly, Schimmelfennig points out that “international conditions alone are not able to explain the domestic impact of international norms and organizations” (Schimmelfennig 2002, 14). He also suggests that domestic conditions must be included in any explanation of domestic – international links as intervening variables. Speaking specifically about the transfer of democratic norms to transition countries in post-communist Europe, Flockhart makes a similar point: “[in order] to explain the transfer of international norms from one agent (in this case an international organization) to another agent’s (a state’s) domestic setting, it is clearly necessary to consider the landscape into which the norm is being diffused” (Flockhart 2005, 50). The present study follows these suggestions and treats domestic factors, in other words the domestic context, as an intervening variable in the democracy promotion process.

Two specific conditions present in the domestic context of a country have received the greatest attention in the literature: domestic salience and domestic structure (Cortell and Davis 1996; Checkel 1997 and 1999; Evangelista 1995; Risse-Kappen 1994). The domestic salience condition is similar to the “norm fit” condition in order for external actors’ normative pressure towards a target state to be effective. Domestic salience refers to the degree to which an international norm (in the case of normative pressure) or a political condition (in the case of conditionality) resonates or fits into the culture of a society in a target state. The more salient a norm or condition, the more likely it is to be incorporated into domestic actors’ behaviour and practices as a result of normative persuasion by external actors, or the more likely an external actor will be able to shame a non-compliant state into compliance via social influence mechanisms, and

See the discussion by Lind and Stepan on the importance of domestic factors in domestic regime transitions (Lind and Stepan 1996).

the more effectively an external actor will manipulate punishments and rewards when using conditionality in order to induce a target state comply. Conversely, if socialisation of norms and implementation of political conditions requested by an external actor have only little domestic salience, the normative or bargaining power of this external actor in relation to a target state will not be sufficient to produce a substantial domestic impact.

How is it possible to measure the domestic salience of a norm or a political condition? According to Cortell and Davis, “an international norm’s domestic salience largely derives from the legitimacy accorded to it in the domestic political context”, which, in turn, “can be conceived of as varying along a continuum of state actions” (Cortell and Davis 1996, 456). These actions, they further suggest, consist of declaratory statements by domestic leaders as well as concrete policy choices (*ibid.*). Expanding this assumption to political conditions, these actions indicate the level of commitment to, and legitimacy associated with, a political condition or international norm evoked by external actors. For instance, a single declaration of support for the international norm or conformity with conditionality will not make this norm or condition salient domestically. However, if domestic actors repeatedly declare such support or conformity, this indicates a high degree of domestic saliency.⁵ On the other hand, an international norm or a condition lacks domestic salience if domestic actors within a target state refuse to legitimise it. Evidence of this lack of salience may take the form of the state’s failure to comply with international norms and political conditions, or a more explicit refusal to follow these norms and conditions. As Cortell and Davis indicate, “at the midpoint along the continuum, an international rule possesses a moderate degree of domestic salience” (*ibid.*). So, again expanding this assertion to

⁵ This discussion builds upon Cortell and Davis 1996, 456; and Sikkink 1993, 415 as cited in Cortell and Davis 1996, 456.

political conditions, a moderate degree of domestic salience occurs when a state's acceptance of international norms or political conditions is limited to declaratory statements by domestic actors, and lacks a concomitant change in behaviour, including the implementation of a policy. Therefore, the greatest degree of domestic salience happens in those cases when "the state has made concrete alterations in its policy choices, or has incorporated formal procedures into its domestic processes" and as a result, "the norm or rule comes to be embedded within the nation's own normative, juridical, or constitutional framework" (ibid. 456-7).

The domestic salience of norms or political conditions voiced from the outside can be linked to the receptivity of domestic actors to outside influences. When are domestic actors more likely to be receptive to various strategies employed by international democracy promoters? The literature offers two related arguments on this. Firstly, it has been suggested by several authors that external actors will have the greatest leverage over domestic politics in new, uncertain environments such as newly established democracies and transition states (Kubicek (ed.) 2003; Checkel 1997; Moravcsik 2000). For instance, Moravcsik contends that new and less well-established democracies will be the most receptive to externally imposed human-rights obligations (Moravcsik 2000, as cited in Kelley 2004b, 48). Checkel, too, draws links between "new" states and domestic actors' receptivity to outside influences: "transitions themselves do facilitate the receptivity to external ideas and actors by creating windows of opportunity for external actors" (Checkel 1997, as cited in Kelley 2004b, 48).

Secondly, if a target state's leaders and political elite themselves are new and therefore may lack firm, entrenched beliefs, it is more likely that they will be open to international influences (Kubicek 2003, 14). Speaking specifically about the role of

persuasion and social interaction in achieving domestic compliance with international norms, Checkel argues that “argumentative persuasion is more likely to be effective when the persuadee has few prior, ingrained beliefs that are inconsistent with the persuader’s message” (Checkel 2001, 563). In other words, “novice agents with few cognitive priors will be relatively open to persuasion” (ibid.). Thus, one should not overlook the importance of the historical context in which compliance with international democratic norms takes place, nor the absence or presence of pre-existing beliefs and norms in a target state. Also, it can be seen that theoretical assumptions discussed above, concerning the domestic salience of norms and political conditions imposed by external actors, and the receptivity of domestic actors to them, have obvious relevance for the new, post-communist states, some of which are analysed in this thesis.

The second condition of the domestic context that has an intervening effect on the relationship between external actors and target states in the democracy promotion process is domestic structure. Domestic structure refers to the structure of the state and to the pattern of state – society relations (Schimmelfennig 2002, 15; Cortell and Davis 1996). As Schimmelfennig points out, “although this variable is conceptualised and operationalised in very different ways in the literature, it essentially measures the degree to which the state is capable of controlling the domestic policy-making process” (Schimmelfennig 2002, 15). Therefore, an analysis of the effects of domestic structure is useful because it can reveal how domestic institutions structure the game of politics and, more importantly, policy-making within individual countries. As Checkel notes, such an analytical approach should be helpful in thinking more systematically about the process through which international norms and political conditions are socialised and complied with in the domestic arena (Checkel 1997, 478).

The first component of domestic structure, the structure of the state, largely relates to the “organization of decision-making authority” (Cortell and Davis 1996, 454). It ranges from decentralised to centralised, “depending on the number of bureaucratic agencies, ministries, or other arms of the governmental apparatus that are accorded authority over an issue” (ibid.). For instance, in a target state with highly centralised decision-making authority, normative pressure and conditionality exercised by external actors will affect domestic policy-making only when and if a target state’s leader is predisposed to the political demands and normative prescriptions made by external actors. Conversely, in a target state with a decentralised structure, decision-making authority is spread across a number of governmental and non-governmental agencies, which makes the ultimate policy outcome contingent upon the actions, preferences and interests of domestic actors representing these agencies. Thus, in such a conceptualisation of the structure of the state, the latter is not perceived as a unitary actor, but as an entity composed of a number of domestic actors “with distinct sets of institutional biases and predispositions that will lead them to favour different foreign policy priorities on any given issue” (Pastor 1980, 53, as cited in Cortell and Davis 1996, 454).

The second component of the domestic structure is the pattern of state – society relations, which Cortell and Davis define as “institutional arrangements that grant societal actors access to, and participation in, the formulation of a particular area of policy” (ibid.). The pattern of state – society relations ranges from close to distant. In the first instance, societal actors are included into the decision-making process through various administrative, regulatory and legislative decision-making procedures and rules. Thus, various societal groups including interest groups and civil society organisations

are able to affect the domestic policy-making process by transmitting their interests and ideas regarding a policy issue. By contrast, in a state with distant state – society relations societal groups do not have legitimised and institutionalised access to domestic policy-making, they are not consulted by governing bodies, and thus they are excluded from policy formation. By combining the two components of domestic structure – the state structure and the pattern of state-society relations – various authors have come up with a number of structural configurations in the domestic arena, all of which have a varied intervening effect on the impact of external actors' ideas and actions directed towards a target state (see, for instance, Cortell and Davis 1996, 454-5; Checkel 1997, 477-9).

In sum, the domestic impact of normative pressure and conditionality applied by external actors to a target state is more likely to be mediated by the functioning of two domestic factors: the domestic structure surrounding the policy debate and policy-making process, and the domestic salience of an international norm or political condition. Both domestic structure and domestic salience may matter at different times and with regard to different issues.⁶ For instance, the domestic structure may not matter much if the degree of domestic salience is high in a target society: the involvement of external actors imposing either normative pressure or conditionality is not necessary because the authorities and the society are predisposed to an international norm or political condition in any case. However, domestic structure begins to matter when an international norm or political condition voiced from the outside is challenged by either the public authorities, or societal groups (or both): in such situations “domestic structure determines whose interests prevail” (Schimmelfennig 2002, 15). Even if the normative

⁶ This discussion builds upon Schimmelfennig 2002, 14-15.

or bargaining power of an external actor is high vis-à-vis a target state, its impact may be still low if the state is fragmented, weak, inefficient and not legitimised by the society. However, in situations where the state does not respond to either normative pressure or conditionality, external actors may still exert influence on a target state through a strong domestic society which could be mobilised against the state.

It has already been mentioned above that a state targeted by international democracy promoters should not be treated as a unitary actor, but instead viewed as a heterogeneous entity composed of a group of actors which have different interests, motivations and power bases. Each of these actors influences, or at least has the potential to influence, the policy-making process and the ultimate policy outcome, and therefore it may override the efforts of international democracy promoters. In order to account for the influences and preferences of these domestic actors, Kelley introduces the variable of *domestic opposition* and suggests that “analysis gains leverage by examining precise circumstances at the decision-making level for each policy at a given time, since the preferences and actions of the political elite in a given situation determine the policy outcomes” (Kelley 2004b, 49). This thesis follows Kelley’s suggestion and focuses specifically on such domestic actors as political elites (both in power and in opposition), societal groups (ethnic, religious and other minorities, media), civil society organisations including non-governmental and transnational human rights organizations, and the state’s leadership. Thus, by asking what are the preferences of these actors on a particular issue, and their influence in the domestic political arena, this thesis explores when these actors are more likely to facilitate or limit the impact of the externally applied normative pressure and conditionality on domestic policy change.

Essentially, Kelley's domestic opposition variable can be linked to the domestic structure variable with its elements of the structure of the state and the pattern of state – society relations. One element in the domestic opposition variable is particularly relevant to the case-studies analysed in this thesis and, thus, requires a more detailed discussion: the pattern of leadership in states targeted by international democracy promoters. As Kelley notes, “the quality of leadership can be critical to shaping relations domestically and internationally, particularly in authoritarian states, where leaders have more relative influence” (Kelley 2004b, 50). Studies of political leadership in established democracies, young democracies, transition regimes and openly authoritarian states emphasise that depending on their personal characteristics, preferences and domestic power basis, state leaders can play a significant role in the domestic policy-making process.⁷ Thus, leaders can either facilitate or override the democracy promotion activities of external actors in their states. This depends on how democratic or how authoritarian leaders are in their decision-making structures. For instance, authoritarian leaders are usually reluctant to respond to various DPS initiated by external actors, because socialisation into democratic norms and imposed political requirements undermine their domestic power base and pose a threat to their political survival. In particular, Bueno de Mesquita and Downs note that autocrats restrict various “strategic coordination” goods such as civil and political rights to their citizens because the provision of such public goods significantly decreases the survival prospects of their incumbent regimes (Bueno de Mesquita and Downs 2005). One can assume, therefore, that authoritarian leaders and their governing styles will reduce the effectiveness of external actors' efforts to promote civil and political rights in these

⁷ See, for instance, Brown 1997, Schraeder 1994, Linz and Stepan 1996, Vachudova and Snyder 1997, Shannon 2000, de Mesquita and Downs 2005.

countries. There may be exceptions to the above assumption, however. In his analysis of the intervening effect of the domestic structure on security policy in the Soviet Union in late 1980s and early 1990s, Evangelista suggests that, although it is very plausible that a highly centralised, secretive, state-dominated polity will provide relatively little access to international and transnational actors, it is still possible that “if their [international and transnational actors’] policy proposals do get a favourable hearing from the top leadership, they can be implemented effectively” (Evangelista 1995, 1).⁸ In other words, international actors in such domestic structures will be less in competition or trying to reach compromises with other societal actors or state institutions than in pluralist and more politicised domestic structures. Instead, they will be more successful if they focus all their efforts to change domestic policy on those actors and institutions, including the authoritarian leader of the state, which have the most power in decision-making and governance. This is perhaps one of the rare instances, when a high level of centralization of the system and concentration of power in the hands of a single leader can actually promote compliance with international norms and conditions, provided that these do not undermine a leader’s power base or that they actually help a leader to sustain it or build a winning coalition.⁹

In sum, two factors of the domestic context have an intervening effect on normative pressure and conditionality applied by international democracy promoters in a target state: domestic structure and domestic salience. In order for an international norm and political requirement voiced from the outside to have an impact on the domestic policy-making process, both should have a high degree of domestic salience

⁸ Other authors expressed similar thoughts. See for instance, Checkel 2001; Pearson 1993; Frost and Makarov 1998.

⁹ On the idea of importance for domestic actors to build winning coalitions, see, for instance, Risse-Kapen 1994; Ross 1996; Martin and Sikkink 1993; Putnam 1988.

within the society of a target state. In addition, the domestic structure of decision-making and of state – society relations, the domestic leadership and the degree of domestic opposition can also condition the impact of external actors' efforts to promote democracy.

3.5. Hypotheses

In order to explain variation in the effectiveness of democracy promotion and its strategies this thesis proposes the following hypotheses:

1) *The involvement hypothesis*

Involvement of European organisations improves domestic policy process and outcomes. Conversely, without involvement of European organisations domestic policy reform process is deficient and incompatible with international human rights norms.

2) *The democracy promotion strategy hypothesis*

The two democracy promotion strategies, normative pressure and conditionality, differ in their effectiveness and influence on domestic policy process.

Normative pressure is most likely to work under the following conditions:

2) A. *'Norm fit'*. Normative pressure is more likely to be effective in 'easy cases', that is when externally promoted norms fit the existing collective understandings embedded in domestic institutions and political culture.

2) B. *Normative power and status of an organisation*. If an organisation is seen by a target state as authoritative and successful, its normative pressure will carry more

weight and credibility in a target state, and thus, will be more effective (Kubicek 2003, 14-5).

In turn, conditionality is more likely to be effective when the following conditions are met:

2) C. *Size of rewards / nature of threats.* For conditionality to be effective the benefits of compliance with externally imposed conditions must balance its costs (Schimmelfennig 2005, 109).

2) D. *Credibility of conditionality.* The effectiveness of conditionality increases if an organisation offers credible rewards to a compliant target state and threatens credible punishment to a non-compliant target state.

3) *The domestic context hypothesis*

The effectiveness of democracy promotion depends on domestic salience of democratic norms and domestic structure of a target state.

3) A. *Domestic salience.* If adoption of norms and implementation of political conditions requested by an organisation have little domestic salience, the effectiveness of both conditionality and normative pressure will be decreased.

3) B. *Domestic structure: structure of the state and pattern of state-society relations.*

Democracy promotion is less likely to be effective when the structure of a target state's institutions and organisation of its decision-making authority do not facilitate fulfilment of political demands and normative prescriptions made by an organisation. Effectiveness of democracy promotion decreases when the pattern of state-society relations in a target state is distant, that is when societal groups are excluded from domestic decision-making and policy-formation processes.

Conclusions

In Chapter 3 I have defined the main concepts used in this study and outlined how it relates to existing theory. This thesis does not aim to adjudicate between the two sets of theories – on conditionality and normative pressure. Rather it investigates *how* (by applying conditionality or normative pressure) and *when* institutions can influence domestic politics. Thus, theoretical insights from both sets of theories are used extensively in conceptual and theoretical framework of this thesis in order to illuminate the patterns of effectiveness of the two types of DPS. Moreover, I presented the influences of the demand-side of the democracy promotion process, namely intervening effects of domestic structure and domestic salience. The chapter was concluded with a number of hypotheses about effectiveness of democracy promotion and conditions under which normative pressure and conditionality were more likely to be effective. After having presented the conceptual and theoretical analyses, in the next chapter I will discuss the methodology and data used in this thesis.

Chapter 4

Methodology and Data

To analyse how international democracy promoters can influence domestic processes of democratisation, including domestic decision- and policy-making processes in target states, this thesis uses a comparative case-study approach and the process tracing technique. Yin defines the case study approach as ‘a research strategy that comprises an all-encompassing method – covering the logic of design, data collection techniques, and specific approaches to data analysis’ (Yin 2003, 14). A case is “an instance of a class of events” (such as revolutions, types of governmental regimes, kinds of economic systems, etc.) that the investigator chooses to study with the aim of developing theory “regarding the causes of similarities or differences among instances (cases) of that class of events” (George and Bennett 2005, 17-18). Process tracing is a method that “attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependent variable” (ibid., 206). Various scholars indicate that the process tracing technique is especially useful when a researcher seeks to investigate and explain the decision process by which various initial conditions are translated into outcomes (see, for instance, Tilly 1997; Collier 1993; George and Bennett 2005). So, in the present case, the outcome of the democracy promotion process is viewed as domestic compliance with international human rights (in particular, civil and political rights) standards promoted by international organisations.

The main rationale for choosing the case-study as the main method of inquiry has largely to do with the research objective of this thesis. First of all, as Yin points out, the choice of the main research strategy depends on the type of research question that a study poses (Yin 2003, 9) The principal research aim of this thesis is to explore *how* European organizations have influenced the domestic policy-making process in the field of civil and political rights in Moldova. As Yin points out, the case study approach has a distinct advantage as a method of inquiry when “a ‘how’ or ‘why’ question is being asked about a contemporary set of events, over which the investigator has little or no control” (ibid.). Secondly, because the major focus of this study is on the process of democracy promotion pursued by international organisations and the effects of this process on decision-making dynamics in a target state, it is envisaged that only an in-depth qualitative analysis, facilitated by the case-study method and process-tracing, can reveal how this process works and why particular decisions in the domestic arena were taken. As Yin pointed out, “other topics [which represent the major focus of case studies] are ‘individuals’, ‘organizations’, ‘processes’, ‘programs’, ‘neighbourhoods’, ‘institutions’, and even ‘events’ ” (Yin 2003, 12). Thirdly, the case-study method allows a close examination of the hypothesised role of causal mechanisms and, in general, to unfold and assess complex causal relations in the democracy promotion process. As George and Bennett assert, “[one advantage] of case studies is their ability to accommodate complex causal relations such as equifinality, complex interaction effects, and path dependency” (George and Bennett 2005, 22). And fourthly, because this thesis explores the intervening effects of the domestic context on the effectiveness of various democracy promotion strategies, the case study method and process tracing allow particular attention to be drawn to these contextual issues. As a number of researchers

point out, case studies and qualitative methods, in general, are good at capturing meaning, process and context (see, for instance, Wendt 1999; Roberts 1996). In general, as George and Bennett point out, “case study researchers are more interested in finding the conditions under which specified outcomes occur, and the mechanisms through which they occur, rather than uncovering the frequency with which those conditions and their outcomes arise” (George and Bennett, 31). Precisely because the main research objective of the present study is consistent with the first part of George and Bennett’s observation, the case study approach and process tracing are chosen in this thesis as the main methods of analysis.

It might be useful at this stage to provide a more informative account of what the method of process-tracing consists of. The method of process-tracing is essentially the examination of detailed evidence about the causal process that produced the outcome of concern. As Munck puts it, when using process-tracing “analysts search for evidence about the causal mechanisms that would give plausibility to the hypotheses they are testing” (Munck 2004, 110). If this evidence suggests that the same mechanism produced or prevented the outcome in each case, this constitutes evidence for causal (unit) homogeneity, assumption of which in some research designs is treated as initial hypothesis to be investigated in the course of research (ibid.). In the context of this thesis, process-tracing means to study closely the democracy promotion process, by which various mechanisms (organisations’ democracy promotion strategies) and initial conditions (domestic context, and scope conditions of effectiveness of democracy promotion strategies) are translated into outcomes (policy changes or lack thereof). As George and McKeown point out, the goal of process tracing is “to connect the phases of the policy process and enable the investigator to identify the reasons for emergence of a

particular decision through dynamics of events” (George and McKeown 1985, 34-41 as cited by Tarrow 2004, 173). In particular, I intend to ask the following questions when using process-tracing to investigate effects of democracy promotion: were organisations involved in this particular issue case? What types of strategies were applied? What specific tools of normative pressure and conditionality were used? What was the outcome of interaction between the government and an organisation? Can this outcome be attributed to effects of a particular strategy of normative pressure? Under what scope conditions these strategies are more likely to be effective? What explains the difference in the government’s response and degree of compromise on a specific issue case? How did domestic factors shape outcomes of domestic policy process? Did domestic factors have any intervening effects on effectiveness of democracy promotion strategies? Therefore, process-tracing is an indispensable tool for this study because it generates numerous observations within a singly country-case, and because it helps to link these observations in particular ways to constitute an explanation of the subject of inquiry in this thesis.

In order to avoid “the fundamental problem of causal inference”, which King, Keohane and Verba define as a researcher’s inherent inability “to know a causal effect for certain” (King, Keohane and Verba 1994, 79), and to increase the number of observations, this study divides the large national case of Moldova into a number of subcases, constituted by various issues, governments and temporal phases. Kelley justifies the use of this approach in her study of the domestic effects of European institutions on ethnic policies in selected countries of Eastern Europe in these terms: “treating each country as one case would make it impossible to code, as there are multiple issues and types of intervention and outcomes within one country” (Kelley

2004b, 22). For instance, two different issues, say freedom of the media and political freedoms of minorities, can be treated by the same government differently, and this already represents two different cases. Similarly, how two different governments in two different time periods (or the same government at two different time periods) treat freedoms of the media and minorities also represents two different cases. Therefore, in order to obtain additional observations in the large national case (Moldova), this thesis follows King, Keohane and Verba's "same measures, new units" suggestion: observable instances of the democracy promotion process are sought "across space" (civil and political rights sector, in this case) and "across time" (different governments and time-periods, in this case).

In order to ensure an efficient and systematic analysis of the subcases, this study uses the method of structured and focused "within case" comparison. Collier emphasizes that "within case comparisons are critical to the viability of small-n analysis" (Collier 1993, 17). The comparison is structured because I ask a set of standardised general questions when investigating each subcase and collecting the data. The comparison is focused because in my analysis I deal only with certain aspects of the large national case under examination. As George and Bennett point out, a "focused" study of the cases should be "undertaken with a specific research objective in mind and a theoretical focus appropriate for that objective" (George and Bennett 2005, 70). Moreover, "a single study cannot address all the interesting aspects of a historical event" (ibid.) Thus, I do not try to explain the whole process of regime change and democratisation in Moldova, but instead I focus on one particular aspect in the democratisation process: the effects of international organisations on domestic decision- and policy-making processes.

To operationalise the comparative case-study method and process tracing I employ a number of techniques. First of all, the specification of the dependent, independent and intervening variables is necessary. This study seeks to analyse and explain government's policy behaviour in the field of civil and political rights. This is the dependent variable. I do not lag the dependent variable: that is, I assess whether normative pressure and conditionality applied by international organisations had any effect on the current government, and not on previous or future governments.¹ Only in the case where the same government has been in power for several consecutive periods do I take into consideration the lagging effects of international organisations' involvement. For the reasons of consistency and parsimony of analysis I chose to focus on government's behaviour in respect of the policy rather than government's change of beliefs, preferences and identity. A number of scholars have indicated that using behaviour as a dependent variable has a number of advantages for the analysis of institutional effects in the domestic arena (see, for instance, Checkel 1999 and 2001; Kelley 2004a and 2004b; Johnston 2001). One important advantage is that a focus on behaviour provides a consistent and parsimonious dependent variable that is easily identifiable when collecting and analysing the data. For similar reasons of consistency and parsimony I measure government's behaviour as legislative compliance with international human rights standards and recommendations. In some cases, where possible, I also look at implementation issues. Thus, the outcomes of the dependent variable are envisaged in this thesis as follows: policy change in line with externally imposed political conditions and norms (policy progress); policy change in

¹ Kelley provides a valid justification for using this approach when analysing the effectiveness of institutional tools: see Kelley 2004b, 54-5.

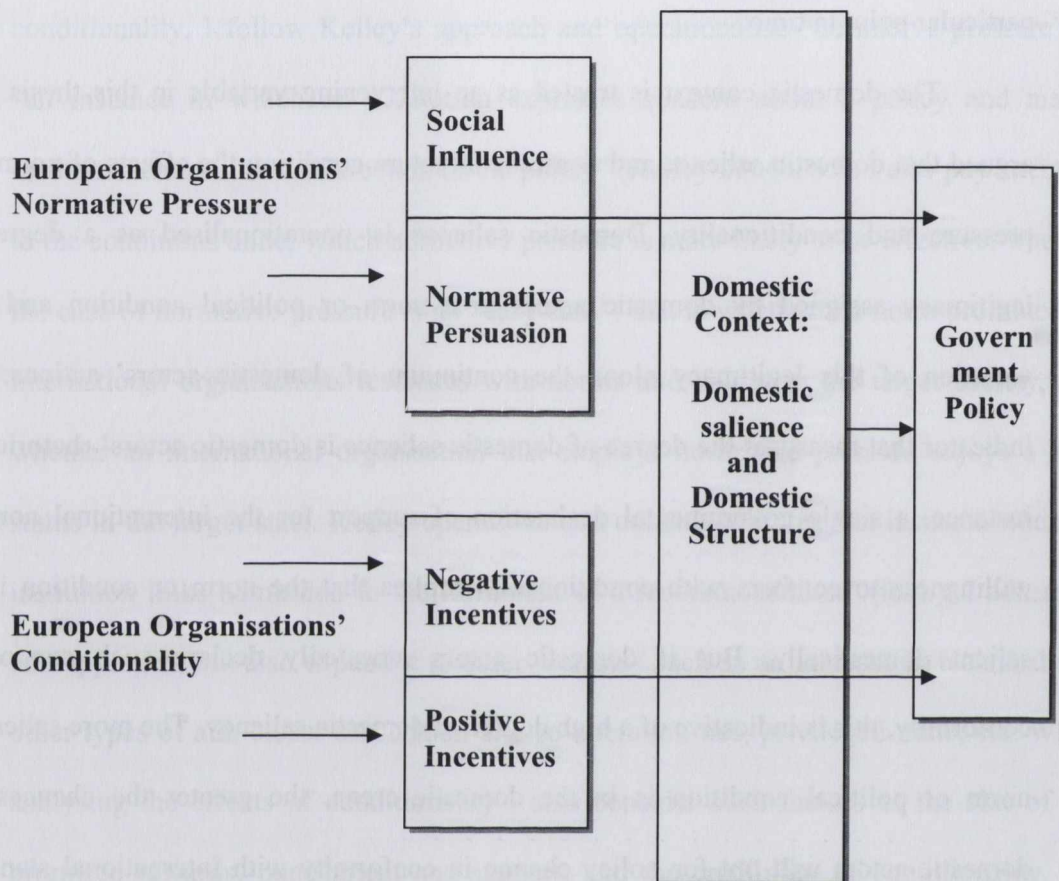
contradiction of political conditions and norms applied from the outside (policy regress); status quo (no policy change and no prevention of policy regression).

The two independent variables in this thesis are: normative pressure and conditionality. I follow Kelley's approach and operationalise "normative pressure" as "an instance in which an institution expresses concern about a policy and makes recommendations on the direction of the policy" (Kelley 2004b, 55). I also pay attention to the conditions under which normative pressure is more likely to be effective: whether the case of normative pressure is an "easy case", that is whether the norm promoted by international organisations resonates with norms and values in the target society, and whether an international organisation that employs normative pressure enjoys a high status in the target state. Kelley operationalises conditionality as "an instance when an institution links admission to the fulfilment of a recommendation" (ibid.). I adhere to this approach, but also expand it to other "carrots" such as an increase in technical and other types of aid, closer association and co-operation ties, privileged trade, etc. When analysing the effects of conditionality I also consider such factors as the size of the promised rewards, punishment and support, and the credibility of conditionality. An important proviso here is that conditionality is often used as an extension of normative pressure: first, international organisations apply normative pressure, and only if the latter has no effects on domestic policy-making is a more stringent institutional tool such as conditionality applied. Thus, when speaking about the effects of conditionality, I mean the combined effects of conditionality and normative pressure on a particular policy case. Certainly, such operationalisation of "conditionality" limits the power of causal inferences about the effects of conditionality as it is unclear "how much the effectiveness is the result of normative pressure and how much is the result of

conditionality itself" (Checkel 2000, 9, as cited in Kelley 2004b, 23). For this reason I rely on the process tracing technique in order to gain additional insights into the effects of each international organisation's actions on a particular domestic policy issue and at particular point in time.

The domestic context is treated as an intervening variable in this thesis. It is argued that domestic salience and domestic structure condition the effects of normative pressure and conditionality. Domestic salience is operationalised as a degree of legitimacy assigned by domestic actors to a norm or political condition and as a variation of this legitimacy along the continuum of domestic actors' actions. One indicator that measures the degree of domestic salience is domestic actors' rhetoric. For instance, a single governmental declaration of support for the international norm or willingness to conform with conditionality implies that the norm or condition is not salient domestically. But if domestic actors repeatedly declare such support or conformity, this is indicative of a high degree of domestic saliency. The more salient the norm or political condition is in the domestic arena, the greater the chances that domestic actors will opt for policy change in conformity with international standards and recommendations. Domestic structure is operationalised as the degree to which the state is capable of controlling the domestic policy-making process. For instance, I ask whether the government possesses a highly centralised decision-making authority in comparison to other state and non-state institutions; whether associations of the non-governmental sector have institutionalised access to and participate in policy- and decision-making processes, whether the type of leadership, authoritarian or democratic, is conducive to effective democracy promotion from abroad.

Overall, the framework of analysis can be presented as follows:²



Thus, to assess when and how the EU, the OSCE and the CoE have influenced government of Moldova to pass certain legislation on civil and political rights, I have examined in detail development of civil and political rights policy in Moldova from 1991 to 2005. As schematic depiction of analytical framework above suggests, three

² This theoretical framework was partly adapted from Kelley 2004b. See Kelley 2004b, 3.

sets of questions are to be answered when examining actions and effects of each European organisation. The first set of questions aims to examine the unique role of international institutions as actors that can influence domestic policy. Scholars of democratisation have traditionally focused their attention on domestic actors and structures when trying to account for democratic progress or lack thereof (Lipset 1960; Diamond 1996; Karl 1990). However, as discussed in chapter 2, domestic politics in states undergoing transition from various types of authoritarianism to democracy cannot be satisfactorily explained without examining the role of international institutions as actors that can influence domestic policy. How exactly do international institutions influence domestic politics? Similarly, how do organisations promote democracy? What specific tools do they use? What effects are these strategies most likely to produce? The three organisations under examination – the EU, the OSCE and the CoE – have been involved in Moldova for more than fifteen years and all three organisations used different democracy promotion strategies during this time. Yet, systematic examination of effects of their activities and strategies is scarce. Thus, the first step in empirical analysis is to establish an organisation's level of involvement in a target country and particular policy issue: mainly, its strategy to influence government's policy and its resources.

The second set of questions deals with examination of intervening effects of domestic factors. Thus, domestic context serves here as a filter that conditions organisations' influence on domestic policy. How do domestic factors such as the degree of salience of democratic and human rights norms shape domestic policy outcomes and the overall effectiveness of organisations' strategies? Does domestic politics hinder or facilitate external influences? What were the preferences and actions

of domestic political actors in relation to a particular policy issue at a given time? As Kelley points out, “analysis gains leverage, however, by examining precise circumstances at the decision-making level for each policy at a given time, since the preferences and actions of the political elite in a given situation determine the policy outcomes” (Kelley 2004b, 49). Thus, at this stage of analysis I look at peculiarities of domestic context and examine how domestic institutional structures, organisation of decision-making authority, pattern of state-society relations and a state’s leadership shape domestic policy outcomes and influence effectiveness of organisations’ democracy promotion efforts.

The third round of questions relates specifically to evaluation of effects of democracy promotion by European organisations and explanation of domestic policy change. So, what are the effects of organisations’ efforts to promote democracy? Do they contribute to domestic policy change? Can they reverse undemocratic trends in policy-making? More specifically to the Moldovan case, why, despite a swift start with democratic transition and explicit rhetoric of commitment to norms of democracy and human rights, were Moldovan authorities so slow in adopting legislation on civil and political rights? What explains the difference in Moldovan government’s response and degree of compromise on freedoms of media and freedoms of national minorities? More generally, what can explain different outcomes in development of two policies in Moldova – freedoms of expression and media and civil and political freedoms of national minorities? Why did Moldovan government go through all the trouble of pushing forward highly criticized (domestically and externally) legislative drafts on certain civil and political rights and then suddenly reverse its position? Which democracy promotion strategy turned out to be more effective in influencing

government's position on a policy issue? Which strategy failed to evoke positive response from the government? Thus, discussion above usefully identified theoretical framework and key questions to be answered when examining actions of each European organisation in the empirical part of the thesis.

This thesis conducts a thorough and in-depth analysis of major legislative issues related to civil and political rights from 1991 to 2005 in Moldova. The analysis has a key temporal dimension: that is, the evolution of the policy (civil and political rights) over time. I focus on three European organisations (the EU, the CoE, and the OSCE) and examine how they were involved (or not involved) in a particular policy issue, how the government addressed this issue, and what the domestic context surrounding the issue was. The main units of analysis, therefore, are the three European organisations, government officials, political elites (both in power and in opposition), state leaders, policy issue areas, and time periods. In order to strengthen the argument and to further validate inferences about the effects of normative pressure and conditionality I also employ counterfactual analysis. King, Keohane and Verba indicate that counterfactuals are "the essence behind [their] definition of causality" and that counterfactual analysis can be quite useful when trying to establish the causal effects of independent variables (King, Keohane and Verba 1994, 76-9).

Case selection is an important task of any research design. In particular, in small-N case-study research the task of case selection "must be done in an intentional fashion, consistent with ... research objectives and strategy" (King, Keohane and Verba 1994, 139; as cited in Collier et al. 2004, 39). The research objective of this case study relates to two kinds of theory-building research objectives identified by Lijphart (Lijphart 1971) and Eckstein (Eckstein 1975): the objective of theory testing, that is to

assess the validity and scope conditions of single or competing theories; and the objective of theory development, that is to fine-tune, refine and, possibly, reformulate the existing theories by identifying new variables, hypotheses, causal mechanisms, and causal paths. As George and Bennett point out, it is possible to accomplish more than one purpose – such as heuristic and theory testing goals – in a single research design, but a researcher should be careful “in using evidence and making inferences in ways appropriate to each research objective” (George and Bennett 2005, 76). In this regard, the country-case of Moldova was selected primarily because of its relevance to the research objective of this study, which includes both theory development and theory testing.

The case of Moldova is useful for the theory-testing objective of this study because it can be viewed as a “*crucial case*”, which Harry Eckstein defines as a case “that must closely fit a theory if one is to have confidence on theory’s validity, or conversely, must not fit equally well with any rule contrary to that proposed” (Eckstein 1975, 118; as cited in George and Bennett 2005, 120). In particular, the case of Moldova is treated in this thesis as the “*most-likely*” case, a case that is strongly expected to conform to predictions of theories of domestic effects of international institutions. The main puzzle that motivated the start of this research relates to the difference in Moldova’s degree of compromise on laws related to civil and political rights. Why in general did the government sometimes adopt pro-democratic laws on civil and political rights while at other times restricting these rights or ignoring them? Even more curiously, why did the government sometimes suddenly reverse their policies after going through all the trouble of developing them in the first place? The main assumption of this thesis is that such curious governmental behaviour can be

explained not by domestic factors, but by involvement, specifically, type of involvement, of European organisations in Moldovan domestic policy on civil and political rights. Therefore, I expect the Moldovan case to provide a good fit for theories of domestic effects of international institutions. Research of the “most-likely” cases is crucial because, according to Eckstein, they are “tailored to cast strong doubt on theories if the theories do not fit” (ibid.; as cited in George and Bennett 2005, 121). The case of Moldova is particularly suitable for such theory-testing because it provides good variation in both dependent and independent variables. The data contains cases of legislative compliance and non-compliance by the government. The cases of non-compliance include also cases of policy status quo, in which the government did not act at all. The Moldovan case also provides variation on independent variable – European organisations’ strategies and tools of democracy promotion. One of the organisations, for instance, pursued the same strategy throughout the whole period of examination, while other organisations started with one strategy, and switched to another one later. Sometimes organisations pursued similar strategies in a number of issue cases but achieved different policy results, or differently timed policy results. And in some issue cases organisations were not involved at all, which represents an important control group of cases.

Also, the case of Moldova serves well for the theory development objective of this thesis. Moldova is an unknown and under-researched case. To date, no study has been done on evaluation of international effects on domestic policies in the country. Indeed, post-Soviet states seem to be under-represented in scholarly studies that focus on the relationship between international actors and domestic factors. This is surprising as these countries have been subject to such external influences for a long time and

some of them proved to be quite receptive to such interactions. A number of scholars indicate that new studies should expand geographical focus of such international-domestic types of inquiry and re-direct attention on to new cases, those that have never been investigated systematically (Kelley 2004b, Ethier 2003). The study of such unknown cases gives a researcher an opportunity to move beyond strict hypothesis testing by engaging in the ongoing reformulation of theory, refinement of concepts, and generation of new aspects of theory; or indeed, identification of new variables, hypotheses, causal mechanisms and causal paths. In particular, the study of such under-researched case as Moldova allows for a detailed “identification” (McKeown 2004, 164-7) of causal processes and underlying mechanisms rather than simply engaging in hypothesis formation and hypothesis testing activities. Thus, the study of the Moldovan case can potentially contribute to further refinement of theories examined in chapter 3.

The main data for the dependent variable comprises information on the government’s initial policy on a particular issue and the final policy (after interaction with the international organisation). Thus, data on legislation related to civil and political rights, and in some cases implementation of this legislation, is crucial here. The main data for the two independent variables, normative pressure and conditionality, comprises information on the frequency, content and character of institutional involvement. Two main analytical challenges arise here: first, it is necessary to reveal causal links (if any) between normative pressure and conditionality, on the one hand, and government’s behaviour on a particular policy issue, on the other; and, second, one also needs to separate the effects of normative pressure and conditionality and to link them with policy results. One of the methodological possibilities for tackling this challenge is through detailed case study with process tracing that provides information

on the timing of events and action, as well as the 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 the effectiveness of the two types of DPS. Counterfactual analysis might also prove beneficial in disentangling the effects. This thesis makes use of all three techniques.

The data for the dependent and independent variables is drawn from a variety of sources. Firstly, I interviewed nineteen people who were direct or indirect participants in the democracy promotion process as well as in the domestic policy debate.³ When selecting interviewees, the key task was to ensure that the data obtained during interviews is representative of the variety of views, opinions and accounts of events in issue cases. In order to achieve such variety of data, I identified three main groups of stakeholders involved in the democracy promotion process in Moldova. The first group included representatives of the supply-side of democracy promotion: officials and staff members of the three European organisations under examination in this thesis, as well as staff members of other international organisations involved in Moldova such as the UN agencies, bilateral agencies such as DFID and Swiss Agency for Development and Co-operation (SADC). It was anticipated that informants from this group would be particularly useful in providing data for the independent variable of this study: namely, on frequency, content and character of organisations' involvement. The second group comprised representatives of the demand-side of the democracy promotion process: members of the government and political opposition, officials of state institutions responsible for development and implementation of the human rights policy, and

³ For a full list of interviewees and dates of interviews see Appendix 1.

members of public service in governmental ministries and departments. This group of interviewees was seen as particularly important as they could provide important data for the dependent variable of this study: mainly, what the initial governmental policy on a given issue and the final policy (after interaction with organisations) were. In particular, inclusion of policy-makers and members of the governmental party into this group of interviewees allowed for collection of data on motivations behind policy choices and explanations of these choices. Informants from this group also provided data on policy implementation and further policy changes in some issue cases, which cast further light over a policy outcome. The third group of stakeholders in the democracy promotion process included representatives of various advocacy groups including human rights NGOs, representatives of the media, political analysts and experts. It was envisaged that this group of informants would allow for data verification and triangulation by providing objective and balanced accounts of policy events, effects of organisations' democracy promotion strategies, and government's behaviour.

The fact that all interviews were conducted in Chisinau and not in organisations' headquarters in Brussels, Strasbourg and Vienna certainly points to some data limitations. Besides the obvious practical reasons of feasibility of such field-work and lack of resources, the choice of location for interviews has additional valid justification. It was envisaged that officials and members of staff in organisations' field offices in Chisinau would have a more detailed on-the-ground knowledge of frequency and types of organisations' involvement, as well as an "insider" outlook on government's general policies on civil and political rights and government's behaviour in particular issue cases. All interviews were conducted during the summer of 2005, which means that most of staff in organisations' field-offices in Chisinau had witnessed the turbulent

years of the early 2000s in Moldovan politics and would still had had a good recollection of chronological events during that time. To compensate for this and other limitations of data I used extensively organisations' primary documents such as assessment reports and regular opinions on Moldova; resolutions, recommendations and declarations issued by various institutional bodies; press statements and communiqué by officials to the media; financial and annual reports on co-operation programmes; all formal communication between each organisation and the government, including official correspondence. Information obtained from these primary sources allowed me to fill in the gaps in data collected from interviews.

The main aim of the interviews was to gather data on issue cases and the process of interaction between the government and European organisations. The interviews were semi-structured and intensive: that is, all interviewees were asked a similar set of questions, but they were also allowed to elaborate on their views and attitudes and account for their actions and preferences. The same interview template/questionnaire was used in all interviews.⁴ Interview questions were decided into four groups: questions on organisations' involvement (the supply-side), questions on development of civil and political rights (the demand-side), questions about specific issue cases, and more general questions about effectiveness of organisations' involvement in Moldova. As indicated earlier in this chapter, all interviewees were divided into three groups of main stakeholders in the democracy promotion process. Thus, depending on what group an interviewee belonged to, the template of questions was adapted accordingly. For instance, representatives of organisations' field-offices were asked the majority of questions from the first category (about the demand-side), whereas representatives of

⁴ For the list of questions see Appendix 2 of the thesis.

the government and state institutions were asked questions mostly from the second (about the demand-side) and the third (about specific issue cases) categories. The fourth category of questions was usually asked in the end of each interview in order to sum up an interviewee's thoughts and accounts of events. I found that, when answering questions from the fourth category, the third group of main stakeholders in the process – representatives of NGOs, media and political experts – were the most eloquent and objective in comparison to the other two groups.

When designing interviews I also incorporated an intersubjective dimension.⁵ I asked interviewees to “detach” themselves from their own thoughts and to characterise the context of the process of decision- and policy-making on a particular issue at the time, including interaction between domestic actors and external actors (representatives of international organisations). This technique was particularly useful when discussing specific issue cases with interviewees. Following Checkel's approach of conducting interviews, I suggested to interviewees four possible ways to portray the dynamics of such interaction and to account for policy outcomes: social influence and persuasion (mechanisms facilitating normative pressure); negative incentives and positive incentives (mechanisms facilitating conditionality).⁶ Interviewees were asked then to choose the most appropriate depiction of the dynamics of interaction for a particular policy issue, and to explain their choice.

Secondly, as a supplement and check on interview data, I conducted a qualitative content analysis of major media reports, both local (such as *Moldova Azi*, *Moldova Suverana*, *Logos Press*) and international (*BBC World Service*, *Radio Free*

⁵ The same method of interviewing was used by Checkel when analysing Germany's and Ukraine's compliance with citizenship norms promoted by European regional organisations in the 1990s. See Checkel 2001, 553-88.

⁶ For clarity the interviewees were presented with a template of the Chart on p.149, which contained definitions of normative pressure and conditionality, and examples of institutional tools of each strategy.

Europe Newslines, Economist). I also examined all formal communication from each European organisation to the government, including press releases and communiqués; letters from and to governmental officials; regular reports, including reports from fact-finding missions; special resolutions and recommendations from European institutions' bodies; specialist publications from local NGOs, state institutions, advocacy groups, and transnational organisations such as Freedom House, Human Rights Watch, Amnesty International, Reporters Without Borders; and governmental officials' statements to the media. Thirdly, I used secondary scholarly analysis, including studies by local and international scholars published in books and peer-reviewed journals. The cases of Ukraine and Belarus were based primarily on analysis of the secondary data sought from the second and the third data sources outlined above. Overall, the main objective of data collection was to seek data from as multiple and diverse sources as possible, which enabled me to check the beliefs, preferences and motivations of particular individuals who were both interviewees and participants in the decision- and policy-making processes.

The chart below summarises the theoretical concepts discussed in the "Theoretical and conceptual framework" chapter above, and outlines the instrumental tools used by European organisations when applying incentive-based or socialisation-based DPS.

Chart 1. European organisations' strategies to promote democracy: definitions, causal mechanisms and institutional tools

	Conditionality		Normative pressure
Definition	Provision of particular benefits by an organisation to a target state under certain conditions such as democratic advance and respect for civil and political rights		Reliance by an organisation on norms to persuade, shame or praise a target state into democratic policies including respect for civil and political rights
Causal mechanisms of domestic impact	Positive incentives (rewards)	Negative incentives (sanctions)	Persuasion (teaching, convincing, arguing) Social influence (social rewards and punishments)
Institutional tools	<ol style="list-style-type: none"> 1. Conditional allocation, suspension or withdrawal of aid, technical assistance and other benefits 2. Gate-keeping: access to negotiations and further stages in the accession and/or association process Privileged trade OR Trade barriers and embargos Signing an enhanced form of association agreement OR No association agreement and/or significant delays in signing it 3. Benchmarking and monitoring: Evaluation of overall progress or regress in regular reports Decisions at important meetings/official requests for policy change that provide deadlines for action or for introducing sanctions Partnership agreements and other official documents identify gaps in legislation More intensive dialogue and interaction / Weaker dialogue and interaction 		<ol style="list-style-type: none"> 1. Direct official statements and declarations expressing opinion about current state and desired direction of policy 2. Guidance and argumentation in written follow-up reports from fact-finding visits 3. Missions in the field; ad hoc visits Numerous personal interaction opportunities Monitoring and production of reports Project-based aid and technical assistance 4. Legal expert teams to guide and advise the policy as it is forming / provision of recommendations that outline general standards for laws 5. Participation of a target state's officials in institutional meetings / short-term a target state's chairmanship of the main institutional bodies of an organisation 6. Twinning and training Secondment of officials from established democracies to work in a target state's ministries and other parts of public administration Training courses aimed at main domestic stakeholders involved in the democracy promotion process

Adapted partly from Kelley 2004b and Grabbe 2001.

It is necessary to discuss in detail institutional tools used by European organisations to promote democracy and foster domestic policy change. Besides their theoretical and conceptual value, institutional tools indicated in the chart above also have a crucial methodological value: they serve as instances of how European organisations operationalise and apply normative pressure and conditionality. These instances guided the processes of data collection and data analysis in the empirical part of the thesis.

First, let's consider institutional tools associated with conditionality. In other words, how exactly do organisations use conditionality in order to influence domestic policy process? This thesis distinguishes three tools of conditionality¹: conditional allocation of aid, technical assistance and other benefits; gate-keeping; benchmarking and monitoring. The most straightforward tool of conditionality is allocation of financial and technical aid as well as other benefits under specific conditions of domestic policy change. Technical aid includes provision of expertise on particular policy areas, office equipment and logistical support. Prior to providing funds to a target government, an organisation can request adoption of a law or preparation of a legislative draft on a certain policy issue. In a different scenario, an organisation can transfer financial and technical aid under conditions of future legislative reforms and their implementation. In the case of negative conditionality, an organisation can withdraw, reduce or suspend allocation of aid if a target state does not comply with externally imposed conditions (Drezner 2000; Hufbauer, Scott and Elliot 1990). Positive conditionality represents an alternative method to achieve compliance: an organisation emphasizes the promise of aid or its increase in case if a target state complies with conditions (Stokke 1995; Crawford 2001; Schimmelfennig 2003; Davis

¹ Some authors define these as 'mechanisms of conditionality' (Kelley 2004b, Grabbe 2001 and 2002)

2000). Other benefits, which a target state can be interested in, include signing preferential trade agreements and granting privileged access to member states' markets, and signing an enhanced form of association agreement or accession treaty. Conversely, threats of exclusion from an association agreement or accession treaty and threats of aid sanctions represent negative incentives which can also entice a target state into compliance.

Gate-keeping is one of the most powerful tools of conditionality (Kelley 2004b; Grabbe 2001 and 2002). Organisations' main goal here is to gradually grant certain benefits to a target state under specific conditions of domestic reforms. In other words, organisations set up a number of 'hurdles' which a target state must overcome in order to receive benefits from an organisation. As Grabbe points out, the EU has regularly used this tool of conditionality during the 2004 enlargement, whereby it attached specific conditions to different stages in the accession process, particularly achieving candidate status and starting accession negotiations (Grabbe 2001, 1020-21). Conversely, in case of non-compliance with conditions and absence of domestic reforms, an organisation can intensify its 'gate-keeping' function and delay a target state's access to benefits. In theory, any organisation with institutionalised membership can use the gate-keeping tool towards a state which aspires to become a member of this organisation. However, not all organisations have sufficient institutional and monitoring capacities to perform the gate-keeping function. As Grabbe admits, even for the EU it has taken a decade to evolve an explicit use of conditionality in gate-keeping role, where hurdles in the accession process are related to meeting specific conditions (ibid., 1020).

Benchmarking and monitoring represent more specific tools of conditionality. An organisation can influence domestic policy and institutional development through

evaluation of a target state's overall progress or regress in regular reports, through benchmarking in particular policy areas, and through providing examples of best practice that a target state seeks to emulate. Benchmarking is an important element of conditionality as it provides a target state with clear legislative and other policy standards, implementation of which determine conditionality for aid and other benefits discussed earlier. Usually, organisations issue a variety of documents, for instance the EU's Partnership and Co-operation Agreements and the CoE's 'Opinions' and 'Recommendations', which contain a list of policy 'priorities' that have to be implemented within a concrete period of time. Some documents can also identify policy deficiencies such as ambiguous laws or gaps in legislation and request a target government to address these issues within specific deadlines. Organisations then monitor and report on a target state's progress in meeting these policy requirements. Organisations can also specify concrete deadlines for introduction of sanctions in case of non-compliance by a target state. Thus, a more intensive dialogue and interaction between an organisation and domestic government is usually a sign of an organisation's increasing levers on domestic policy-making in a target state, hence, of use of conditionality as a DPS. Conversely, a lack of such interaction and absence of explicit benchmarking and monitoring can be associated with less systematic use of conditionality, or, indeed, with the use of other, less direct and non-coercive, methods to promote domestic policy change.

This brings us to consideration of institutional tools associated with normative pressure. This thesis distinguishes a number of mechanisms through which an organisation can influence domestic policy process. The first and most straightforward tool of normative pressure is when an organisation issues direct official statements and declarations expressing its opinion about current state and

desired direction of a particular policy issue in a target state. The 'normative pressure' element is especially evident in those cases when an organisation decides to 'name and shame' a norm-violating state. Such criticisms by an organisation can have a powerful impact on domestic debates about public policy and even on the government's political fortunes given that gaining international approval is usually seen as an important way of legitimizing political choices in the post-communist transition context. For instance, Grabbe notes that during the 2004 enlargement the EU has made exceptional criticisms of undemocratic practices in particular countries by issuing the so called *demarches*, i.e. public criticisms that were intended to embarrass Central and East European governments into making particular institutional or policy choices (Grabbe 2001, 1021). When confronted with such shaming on the part of one organisation or a number of organisations, a norm-violating domestic government is forced into complying with organisational requirements and recommendations by the international and domestic press coverage as well as political pressure.

Secondly, organisations can organise fact-finding visits with the aim of investigating the state of a particular policy sector and reform process in a target state. Usually, these visits are followed up by written reports that outline the state of affairs in a policy sector and provide guidance and argumentation as to what areas can be approved. Again, as in the case of 'naming and shaming', domestic governments are expected to follow these guidelines and recommendations. The third institutional tool related to fact-finding missions is deployment of short-term and long-term field missions as well as ad hoc visits to a target country. Again the main aim here is to persuade domestic government to adhere to democratic and human rights norms in the domestic policy making process. This is usually achieved through numerous personal

interaction opportunities between staff of an organisation, members of domestic government and civil service; through monitoring and production of regular reports; and through allocation of project-based aid and technical assistance.

The fourth set of institutional tools associated with normative pressure include sending legal expert teams to guide and advise domestic policy making and provision of explicit recommendations that outline general standards for domestic laws. In other words, organisations provide specific legislative and institutional templates which a target state is supposed to follow. These are 'soft' normative pressure mechanisms through which target states are encouraged to comply closely with largely non-binding directives and recommendations. In such cases a target state is involved in the so called process of cognitive convergence, where organisations transferring these templates do not have a coherent set of binding rules and directives, but a target state nevertheless looks to organisations for guidance on what constitutes a good policy.

Fifthly, organisations can also exert indirect influence on domestic policy making by inviting members of domestic governments and heads of states to institutional meetings and forums, the aim of which is to socialise the latter into democratic policy making and practices. In this regard, short-term chairmanship by a target state of an organisation's institutional bodies is of particular importance here as the former is subject to more intense democratic socialisation processes (such as social influence and persuasion) and pressures to adopt legislative and institutional models advocated by an organisation. Government of a target state can respond to such methods because of three reasons: first, a target state wants to show an organisation (and, indeed, other international actors) that it is willing to pursue reforms and it is able to play a full part as a member-state (especially if organisational membership is at stake). Second, through active participation at organisational

meetings and forums domestic governments can become 'locked in' in the democratic socialisation process and unable to reverse or stall democratic reforms. Third, this tool represents a certain stamp of international approval on the part of organisations: by succumbing to organisations' normative pressure domestic governments might want to show their domestic electorates that they are taken seriously by organisations and to gain domestic legitimacy to their policy programmes.

The sixth tool of normative pressure identified in this thesis is twinning and training. The twinning exercise represents secondment of civil servants from organisations' member-states to work in ministries and other bodies of public administration in a target state (Grabbe 2001, 1024; Papadimitriou and Phinnemore 2004, 623). Organisations can also organise various educational and training programmes in a target state, the main aim of which is to teach international legal standards and practices to the main stakeholders in a specific policy area. For instance, in the civil and political rights policy sector the main stakeholders are government ministers and civil servants representing respective ministries, members of parliament and members of the human rights parliamentary committee, journalists and representatives of human rights NGOs. Both tools provide a direct route for normative convergence between an organisation and a target state and both rely heavily on processes of policy learning and adaptation, in which, as some scholars point out, quality of expertise and advice provided by dispatched civil servants as well as their ability to integrate with the local staff significantly affect results of such programmes (Papadimitriou and Phinnemore 2003 and 2004; Grabbe 2001 and 2002).

It is also 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. Is provision of certain benefits by an organisation conditional? Or are benefits allocated to a target state without any reservations on the part of an organisation? For instance, when IOs transfer 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 or non-compliance, respectively. Assistance allocated under socialisation-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 than reports following socialization-based DPS, which tend to have a softer, recommendatory tone. Dialogue and interaction facilitated through both types of DPS differ along similar lines.

In sum, to assess how the OSCE, the CoE and the EU have influenced governments to pass certain legislation on civil and political rights, this thesis analysed civil and political rights policy in Moldova from 1991 to 2005. The main methods of analysis are the comparative case-study approach and the process tracing technique. The main data sources include focused and semi-structured interviews and qualitative content analysis of media and secondary sources.

Conclusions

In this chapter I have discussed the methods of conducting this study and data collection. I have discussed in detail the analytical framework and identified key

questions to be answered when examining actions of each European organisation. I have also specified the main methods of analysis and data sources. The next part of this thesis is an empirical analysis in which I present the empirical country-case of this study (Moldova) and analyse developments in two policy areas (freedoms of media, expression and information, and political freedoms of national minorities). Guided by the theoretical and conceptual framework, developed in this thesis, I will try to assess how the OSCE, the CoE and the EU have influenced the policy of civil and political rights in Moldova from 1991 to 2005.

Part III: Empirical Analysis

Chapter 5

Democracy Promotion in Moldova: the demand side

The main purpose of this chapter is to set the domestic context of democracy promotion in Moldova. It focuses specifically on the demand side of the democracy promotion process. The chapter outlines the main trends and developments in Moldova's post-communist transition process, explores the evolving status of civil and political rights and analyses varying influences of international factors on democratisation in Moldova over time. In particular, the purpose of examining Moldova's economic situation and its geo-strategic position is to assess how vulnerable it might be to pressures from the outside. Moreover, the domestic structures and the domestic salience of democratic and human rights norms are examined and their potential intervening effects on results of democracy promotion strategies are discussed.

5.1. Moldova's Post-Communist transition: ambiguous democracy, reluctant reform

"The poorest country in Europe." This is a typical label for Moldova often used by both journalists and academics, politicians and analysts who try to account for what has been happening in Moldova since it gained independence in 1991. Those who use this infamous labelling of Moldova cannot be blamed for not corresponding to reality: it is indeed the poorest country in Europe with the lowest GDP per capita:

according to the World Bank figures,¹ Moldova's real GDP fell on average by 10 per cent per year through the 1990s. By 1997, it was poorer than any other country in Central Europe, even Albania, and poorer than any former Soviet republic except Tajikistan and Uzbekistan, with a per capita GDP of \$ 527. In 2000, with a GNP a mere 30 percent of what it was ten years before, average nominal monthly wages were lei 405 (\$ 32), about two-fifths of the minimal monthly consumer basket (Quinlan 2004, 486). Approximately 80 percent of the population was living on less than \$ 1 a day (Buzogany 2002, as cited in Quinlan 2004, 486). The pace of economic transition has been quite slow and contradictory. 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" (Hensel and Gudim 2004, 89). As a result of these reforms, the private sector is estimated at around 80 per cent of the official GDP, dominating in the services sector and agriculture (ibid.). Despite these achievements in moving towards the market, the economy fell into deep and protracted 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 the inflow of migrant workers' remittances which accounted for more than 30 per cent of GDP in 2005.² The economic situation has changed somewhat positively with the first signs of economic growth in 2000 onwards, but there is still much to be done in order to revitalise the economy and, indeed, society. The modernisation school of transition studies posits that economic development and democratisation are intrinsically linked and, although many questions regarding these links remain unanswered, Moldova is the typical example of how economic development (or, in this case, rather the lack of it)

¹ See the World Bank data on Moldova, available at <http://www.worldbank.org.md>.

² See the World Bank data on Moldova, available at <http://www.worldbank.org.md>.

influences a country's path to democracy. Energy-dependency, focus on agriculture rather than industry, dependency on Russia as a major trade partner³, huge external debts, and virtually absent industrial production have been giving constant "headaches" to the Moldovan leadership throughout the 1990s and have undermined political stability and state capacity which were so important for a smooth democratic transition and consolidation.

Apart from a weak economy, Moldova lacked (and perhaps still lacks) other important structural factors favourable to democratisation. There have been serious ethnic divisions which even led to the ethnic conflict in 1991-92 on the left bank of the river Dniester in eastern Moldova. The Transnistrian "frozen" conflict still remains an unresolved issue affecting the current and future political development of Moldova. There was also a wide gap separating the population from the Soviet-era elite, a civil society that was quite weak and unrepresentative of the general public, a lack of the rule of law and, more importantly, of any previous democratic experience and independent national government. There is also a constant search for a national identity, and the question of eventual "Romanisation", "Russification" or "Moldovanisation"⁴ still remains among the major divisive points for the leadership, political and business elites and population. All these and other factors exacerbate the Moldovan transition to democracy and deepen the social consequences of the multiple transformations.

³ Moldova's weak economy suffered a further blow as a result of the 1998 Russian economic crisis.

⁴ In short, these debates are about the future status of Moldova: whether it should eventually become a part of Romania (supported mostly by the pro-Romanian intelligentsia and some of the youth), whether it should seek closer ties with Russia as the main strategic partner in the region (supported mostly by the Russian-speaking minorities and older pro-Russian, Soviet-era generations) and whether it should pursue its own path as an independent state (the current foreign policy objective chosen by the today's leadership). These debates are largely caused by historical and, partly, ethnic factors: Moldova (Bessarabia) was a part of Romania and Russian Empire at different points in time, and its society is quite a multiethnic one comprising about 27 per cent of the Russian-speaking minorities: Russians (about 13 per cent) and Ukrainians (about 14 per cent). For a perceptive discussion on Moldovan history and identity see King 2000.

However, as Way notes, “in the face of such poverty, economic decline, ethnic conflict, weak civil society and rule of law, Moldova had the most robustly democratic polity in the former Soviet Union outside of the Baltic republics and has come very close to meeting standard minimum definitions of democracy” (Way 2002, 130). First, Moldovan elections, both presidential and parliamentary, have been quite competitive and led to the frequent turnover of the ruling elites. The first elections in 1990 in Moldova, still a part of the USSR, fundamentally altered the political landscape by bringing to the republican Supreme Soviet a third of members from the pro-independence, nationalist Popular Front. With support from the deputies of the Communist Party, the Popular Front was able to command a majority of the votes in the new legislature and to form a pro-nationalistic government, which eventually declared independence from the Soviet Union on 27 August 1991 (Crowther 2004, 27-29). The 1994 parliamentary elections brought a new Agrarian Democratic Party to power, which was more moderate in comparison to the Popular Front, supported by the pro-Romanian nationalists, and left-wing Edinstvo (“Unity”), supported by the Russian-speakers. President Mircea Snegur lost the presidency to the head of the legislature, Petru Lucinschi, in 1996. The 1998 parliamentary elections were also bitterly fought as a result of deep divisions in the centre-right ideological camp. And the parliamentary elections of 2001, famous for the overwhelming victory of the Communist Party of Moldova (PCRM), the first result of its kind on the whole post-Soviet territory, brought a new configuration of power in Moldova.

Second, as Way points out, the media in Moldova have carried a diverse range of views, even if the media outlets remain state-run or party-owned (Way 2002, 130). Although the annual Freedom House ratings throughout the 1990s classified

Moldovan media as only 'partly free',⁵ Moldova is not in the same negative situation as Russia or Belarus when it comes to freedom of press. In Moldova journalists are not killed or kidnapped for the views they express in the media (Clej and Cantir 2004, 59). Third, the Constitutional Court of Moldova has been quite an influential political actor and several times mediated in conflicts between the executive and the legislative branches of government. Fourth, the parliament of Moldova has consistently been very powerful in balancing the power of the President and avoiding concentration of his prerogatives. In 2000 the parliament passed a new legislation under which the president is indirectly elected by parliament, which essentially changed the Moldovan regime of government from the semi-presidential one to a parliamentary. However, since the president was the leader of the dominant party, in reality there is no separation of powers and the political system operates, essentially, as a presidential system. Hence, after the change of the regime, parliament gradually lost its role of the dominant and powerful institution.

Overall, one can characterise Moldovan politics after independence 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 six prime ministers in the period from 1990 till now. The last prime-minister, Vasile Tarlev, had the longest "political life-span" – 7 years (2001-2008).⁶ 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 (Way 2002, 127-41). As a consequence, the Moldovan party system

⁵ See Freedom House annual ratings on freedom of media around the world, <http://www.freedomhouse.org>

⁶ The current prime-minister of Moldova is Zinaida Greceanîi (from 31 March 2008).

is usually characterised as extremely pluralist and fragmented, especially in the 1990s (Mosneaga 1997, 115-22). 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.⁷ Thus, Moldova became one of the few parliamentary regimes in the former Soviet Union which acquired all the necessary attributes to meet the standard minimum definitions of democracy (Levitsky and Way 2002, 53).

However, Moldova can still be regarded as a hybrid regime 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 inability of its leaders to impose truly authoritarian rule.⁸ 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).⁹ 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.¹⁰ The discrepancy between the two scores does not seem to be very high if categorising Moldova as a hybrid or transitional regime that have certain democratic minimums in terms of the democratic procedures but lack democratic substance.

⁷ See, for instance, Freedom House's 'Nations in Transit' Report for Moldova, 2005 and 2006, available at <http://www.freedomhouse.org>.

⁸ For instance, Way labels Moldovan political system as a 'pluralism by default'. See Way, pp.127-8.

⁹ For methodology and codification procedures see the Freedom House's web site at <http://www.freedomhouse.org>.

¹⁰ 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/>.

The existence of minimal criteria for democracy did not lead to an automatic democratic advance in Moldova, and recent developments on the Moldovan political scene prove this point. In 2001 the Communist Party of Moldova (PCRM) came to power by winning 71 of 101 seats in the unicameral parliament. As Way correctly points out, this was “the first-ever comeback of a hard-line communist party in the post-Soviet world” (Way 2002, 130). And this comeback happened not as a result of some sort of coup or revolution but through democratic elections. Both institutional and structural factors can explain this victory. Given the aggravating circumstances of economic and social crises and deep disillusionment of the population with the new reformers and democrats, the PCRM’s commanding victory should not have come as a surprise (Quinlan 2004, 485). In addition, the demographic situation was also quite favourable to the return of the communists: in 2003 the Moldovan Department of Statistics and Sociology reported that 234,000 people (11.4 percent of the work force) were working abroad or were looking for work outside the country (quoted in *ibid.*, 486). Other governmental and international sources cited figures of 600,000 or more.¹¹ Such a massive economic migration has left an electorate of which perhaps one-third were pensioners – the poorest, most nostalgic, most electorally disciplined, and most pro-Communist of all post-Soviet strata (March 2004, 511).

Institutional factors and a high level of competitiveness of the party system were also quite favourable to the PCRM’s victory. The political elite was and still remains too fragmented in Moldova,¹² which in turn created a sort of *pluralism by default*, using the terminology of Way (Way, 2002). Default here means that such an

¹¹ See, for instance, the figures of the International Labour Organisation (ILO), Economist Intelligence Unit (EIU), Country Report Moldova (May 2004), 31

¹² Moldovan elites have been split into three major groups: nationalists who support unification with Romania, leftists who aim to establish closer ties with Russia and a centre which strives to sustain Moldovan independence.

excessive polarisation over national issues plays both negative and positive roles for further democratisation: on the one hand, given the weakness of civil society and the rule of law, various factors which keep pluralism alive prevent any leader from consolidating his power and exercising authoritarian control; on the other hand, though, a high level of elite fragmentation and contestation can simultaneously prevent the consolidation of a stable and effective government (ibid., 137-8). Throughout the 1990s the opposition in Moldova has been characterised by unstable political blocks, internal splits and domination by private interests, which led to the inability of the opposition to join together against the Communists. This is one of the main reasons the opposition parties did so poorly at the 2001 parliamentary elections. Another important factor that has clearly affected the Communists' success was the decision to move away from a semi-presidential system towards a parliamentary system.¹³ This decision by the legislators had primarily short-term goals – to bloc the incumbent president, Petru Lucinschi, from winning a second term and consolidating his presidential powers; but at the same time it had serious long-term consequences. In December 2000 legislators failed to elect the president in three rounds and president Lucinschi announced the dissolution of parliament and early elections for February 2001. These developments suited the Communists perfectly because by the end of 2000 they were “the only party which enjoyed more support than any other party in virtually every demographic category” (Crowther 2004, 43). Also, they benefited from the increase in the electoral barrier in 2000 from 4 percent to an extraordinarily high 6 percent minimum required for any party to enter the parliament. As a result, two smaller centrist parties (the Party of Rebirth and Conciliation and the

¹³ On 22 September 2000 the parliament has passed legislation under which a three-fifths majority in the parliament elects the president. If no candidate gets the required number of votes, a second round must be organised within three days. If no candidate obtains the required majority in the second round, elections must be repeated within 15 days. If elections are unsuccessful again, then the president must dissolve parliament and call for new parliamentary elections.

Democratic Party), which received more than 4 percent of electoral support but less than 6 percent, failed to qualify for seats in the legislature.

The coming of the Communists to power in 2001 marked a major change in the internal power structure and, indeed, subsequent political development in Moldova. As some analysts correctly pointed out, the size of the Communist victory was somewhat misleading because, although the PCRM gained seventy-one seats and won 51.07 percent of the total vote, almost half of those who voted did not vote for the Communists (Quinlan 2004, 487; Way 2002). Therefore, from the very start the Communists were potentially faced with a tacit opposition from those who did not vote for them. Perhaps that is why the government of the new, Communist President, Vladimir Voronin, began strengthening and expanding its control at the expense of Moldova's already fragile democratisation process¹⁴. Several infringements of democracy took place: first of all, in the judiciary President Voronin replaced 70 percent of the heads of district and appellate courts with pro-communist supporters and even managed to increase unilateral legislative authority over the selection of Constitutional Court judges (Way 2002, 131). Secondly, pressure was repeatedly exerted by the government on the media: several independent media outlets were closed, censorship over the state-run television and radio company was increased, and independent journalists who criticised government policies were often intimidated and openly harassed. Thirdly, the Communists strengthened their control over the local government by reinstating the old Soviet territorial administration. And last, but not the least, there were bitter clashes with the opposition, mainly with the pro-Romanian and pro-Western PPCD (Christian Democratic Party of Moldova), which led to quite

¹⁴ In fact, as March points out, although the presidency has been weakened by constitutional reform in Moldova, the fact that "its holder was a member of an overwhelmingly dominant parliamentary party... made Voronin a potentially powerful president, able to put his program into action" (March 2004, 514).

an unstable political situation accompanied by multiple street protests in February – March 2002. Only under international pressure and mediation by a number of European organisations, especially the CoE, was a compromise reached between the Communists and the opposition, and internal political tensions somewhat cooled down.

The 2005 parliamentary elections brought no significant changes to the power structure in Moldova: the Communists again won a majority of votes, although less than the previous time, and had to seek some support from the opposition in order to re-elect Voronin. As a trade-off, they had to share some governing posts in both the legislature and the executive with the opposition, including the appointment of Iurie Roşca, the PPCD leader, as a vice-president of the parliament. To some extent, this has diluted the power of the Communists, but, overall, did not reverse a steady democratic decline in Moldova. Although Voronin's popularity has recently been declining, he still remains by far the country's most popular and charismatic politician (Quinlan 2004, 493). Nevertheless, the PCRM is not the same party as came to power in 2001: the PCRM was forced to adapt more in its first months in government than in its entire history (March 2004, 517); and, given its pragmatic nature and focus on technocratic government, the possibility of positive democratic changes cannot be straightforwardly rejected. Western observers' concerns regarding the party's policies and dubious democratic credentials have recently become louder and more explicit, which, in turn, seems to make the government more receptive to Western pressure and approval. The gradual change in Moldovan foreign policy towards European integration and co-operation with the West gives international actors potentially more leverage in influencing the pace and direction of internal reforms.

5.2. International dimension of democratisation in Moldova

As Grugel points out, “the collapse of communism was a globalized event” (Grugel 2002, 211). It was simultaneously a cause and a consequence not just of radical processes of regime change in communist states of Eastern Europe and the republics of the Soviet Union, but also of the processes of triple transformation (democracy – market – state) aiming at democratisation and, eventually, democracy. This global, or in other words international, context of democratisation – which can be conceptualised as the background and/or situational variables, different external actors and forms of their influences (see Pridham et al. 1994, 7-32) – was crucial in initiating regime changes and influencing democratisation processes in Eastern Europe and former Soviet republics. The democratisation process in Moldova is not an exception in this regard.

The background variables of the international dimension of any democratisation process refer to a given country’s external policy patterns under authoritarianism, its geo-strategic position within the international system, its exposure to the global economy, and significant international events surrounding the transition process (ibid., 11). Another way to conceptualise the role of international context in bringing about regime change and influencing the course of democratisation in a country is to identify the degree and extensiveness of a country’s “linkage to the West”, which Levitsky and Way define as “the density of a country’s ties to the United States, the European Union, and Western-led multilateral institutions” (Levitsky and Way 2005, 21). There are several dimensions of such linkage: economic linkage (credit, investment and assistance); geopolitical linkage (ties to Western governments and Western-led alliances and organizations); social

linkage (tourism, migration, elite education in the West); communication linkage (cross-border telecommunications, Internet connections, Western media penetration); and transnational civil society linkage (ties to international NGOs, party organizations, etc.) (ibid., 22-3). Basically, the more extensive are a country's links with the West, the more probable is that international context and influences will be decisive, "contributing to democratisation even in countries with highly unfavourable domestic conditions" (ibid. 33). The analysis below utilises both theoretical approaches (Pridham's and Levitsky and Way's) in order to capture the role and major influences of the international context on domestic processes of democratisation in Moldova.

Radical reforms initiated by Gorbachev in the USSR during the second half of the 1980s can be treated as crucial external factors which had an enormous impact on political and economic liberalization in the republics, including Soviet Moldova. This was the period when national sentiment and striving for independence (largely under the leadership of the Moldovan Popular Front party) were the strongest in Moldova, and eventually successful in achieving one of its goals – independence. In retrospect, it appears unlikely that such anti-Soviet and anti-communist movements would have been tolerated by Moscow and would have been possible without changes initiated from above, within the Soviet Communist party apparatus itself. In short, the collapse of the entire Soviet political system and the demise of the USSR were the most important factors and triggers for democratisation within the international context surrounding Moldova in the early 1990s. However, during the post-1991 period the role of the international context in fostering democratisation in post-Soviet Moldova has been less straightforward. Domestic structural conditions existing in Moldova on the eve of the transition from Soviet communism were highly unfavourable:

“[Moldova] suffered poor economic development, serious ethnic divisions, and a wide gap separating the population from the entrenched Soviet-era elite” (Crowther 2004, 27). Unlike other Eastern European states emerging from Soviet domination, “Moldova had no history of independent national government to fall back on” (ibid.). So one of the background variables identified by Pridham – a country’s external policy patterns under authoritarianism – was completely absent in Soviet Moldova.

Besides a lack of its own foreign policy, the economy in Soviet Moldova was also run from Moscow. During the Soviet rule there was an emphasis on developing agriculture, given favourable climate and soil conditions, the republic received little investment and, as a consequence, its level of industrial development was low. Also, Moldova has no major mineral deposits and is highly dependent on imports for all its energy supplies, most of which come from Russia. As Sturza and Negruta point out, “historically, [Moldova] inherited an economic system which was bankrupt from the very start” due to lack of integrity of the economic system (Sturza and Negruta 2004, 113). A large share of Moldova’s industrial potential (about 60 per cent) and energy sector was and remains situated in Transdnistria, which is one of the main reasons of Moldova’s economic underperformance and economic volatility (ibid.). Among other unfavourable economic factors are: the structure of the Moldovan economy (the key sector was and remains agro-industry, which employs more than half of the population and accounts for the largest share of GDP, 21 per cent), high external debt, dependence on the Commonwealth of Independent States (CIS) export markets, and dependence on CIS fuel imports (Spanu 2004, 107).

Viewing these unfavourable economic factors through the prism of the Pridham’s model of the international dimension of democratisation it is possible to say that in the 1990s Moldova’s low level of economic development, narrow

economic base and lagging implementation of major economic reforms significantly reduced its exposure to the global economy and its chances of becoming integrated in global economic institutions. As both a cause and a consequence of such unfavourable economic trends, during the 1990s Moldovan governments opted for closer integration with regional and bilateral allegiances such as the CIS, the Stability Pact for South-Eastern Europe, GUAM, and trade partnership and agreements with neighbouring countries such as Ukraine and Russia. As a result of such external policy moves, in the 1990s only 5 per cent of Moldovan exports went outside the CIS (Sturza and Negruta 2004, 115). The situation began to change starting with the 1998 Russian economic crisis, which negatively affected Moldovan traditional exports to Russia and the CIS. There was a need to diversify trade markets and to improve the structure and competitiveness of Moldovan exports. Moldova's accession to the WTO and the initiation of bilateral talks with the EU on free trade, can be regarded as positive steps towards closer integration with and access to the global economic system. Thus, the extent of economic links between Moldova and the West (as conceptualised by Levitsky and Way's model of the international dimension of democratisation) has intensified in the early 2000s and onwards.¹⁵

One implication of Levitsky and Way's model is that various forms of links that exist between a democratising or transition state and the democratic West raise the costs of authoritarianism in the former by creating domestic constituencies with a stake in adhering to democratic norms (Levitsky and Way 2005, 23). By increasing the number of businesses and other organizations with personal, financial, or professional ties to the West, "linkage creates important constituencies for adherence to international norms" (ibid. 24). As some observers point out, "in the case of

¹⁵ However, in a number of studies Levitsky and Way still refer to Moldova as a case of low linkage to the West. See, for instance, Levitsky and Way 2005; Levitsky and Way 2003.

Moldova, which has a very small and open economy, external economic relations will play a very important role, and liberal export and import policies are vitally needed” (Sturza and Negruta 2004, 122). In this regard, Moldova’s accession to the WTO in 2001 triggered a radical change in trade and investment policy. For the first time in many years, the state had to adopt and implement legislation that would make the policy transparent and predictable, to commit itself to the liberalization of trade in goods and services, and to adjust national legislation to WTO provisions. Foreign investors and other external economic agents (existing and potential) observe the government’s privatisation and regulatory policies closely. And it seems that any attempt at reversing past privatisation transactions and other policies advocated by the IFIs will send out a warning signal to the whole business community (ibid. 122). Although “the economic and political environment is still sending mixed messages to business people” (ibid.), the current government has become “locked-in” in its own rhetoric of further democratisation and is quite sensitive to the reactions and support of the major domestic stakeholders that have links with the West. As a result, linkage has an indirect and diffuse effect on domestic processes of democratisation similar to that exerted by the international context. In Moldova it appeared to create a number of pressure points – ranging from investors to technocrats – that few post-independence governments, even pro-authoritarian ones, can afford to ignore.

Another important variable of the international context of democratisation in any transition state is its geo-strategic position in the international arena (Pridham et al. 1994). Levitsky and Way propose a similar variable, which they label “geopolitical linkage” (Levitsky and Way 2005, 22). Moldova is situated at the junction of three geographic and political regions: Central Europe, South-Eastern Europe and Eastern Europe. As Stavila argues, “the main geo-strategic characteristic of Moldova

is its 'buffer' position between two political-military blocks – NATO and the military alliance of the CIS” (Stavila 2004, 127). Even if the latter is often considered a highly amorphous organization, the capacity of which even its own members do not believe in, it is quite clear that rivalry (or, at least, a latent antagonistic relationship) does exist between NATO with its aspirations for eastward expansion and Russia as a major regional superpower does exist.

Also, one of Moldova's geo-strategic disadvantages is “its relative distance from every important military-geographic point in Europe” (ibid.). This raises another important point with regard to the role of the geo-political position of a transition state within the international system. As Pridham points out, “the geostrategic situation in a given region is rather influential so far as foreign perceptions of a particular transition or set of transitions is concerned” (Pridham et al. 1994, 21). The main problem for Moldova is that it suffers from a lack of direct geo-political and geo-economic interests in the country on the part of Western actors. The main power centres as well as international business actors have little interest in Moldova.¹⁶ Such a weak geo-strategic position is highly unfavourable for creating an effective democratic state because “the lack of any positive incentives for foreign interest makes the country even more vulnerable given the existence of multiple negative factors such as the hostility of some Moldovans to the West, local conflicts within the country, and Moldova's involvement in illegal arms trafficking” (Stavila 2004, 128).

As it was pointed out above, Moldova lacked its own foreign policy as a part of the Soviet Union and, thus, on gaining independence in 1991 the main need was to decide on Moldova's overall foreign orientation. The key question in this regard was (and still remains): East or West? After 1991 Moldova's foreign policy fluctuated

¹⁶ The situation has somewhat changed from the end of the 1990s onwards.

considerably between these two external policy options. The first post-independence governments chose the so-called “dual option” – development of ties with both East and West. A number of reasons can explain this choice, among which are the necessity to be in a strategically important economic and political partnership with its Eastern neighbours (Ukraine, Russia, and to a lesser extent Belarus) and Western neighbours (in particular, Romania), as well as a lack of clear response from the EU and Western states on prospects for Moldova’s integration into major European structures. In reality, however, in the 1990s Moldova’s foreign policy had a clear “eastward” dimension and all efforts were directed towards sustaining political and economic partnership with Russia and other members of the CIS. Towards the end of the 1990s, “European integration started to be perceived more and more as an essential element to ensure the country’s security, stability and prosperity” (ibid. 130). In Moldova’s new 2001 foreign policy concept, the Eastern orientation is viewed as a “marginal concern” of foreign policy in contrast to the importance given to EU integration (ibid.). However, it is still too early to say whether the “East – West” dilemma disappeared from Moldova’s domestic and foreign affairs and whether it will disappear at all. In general, the international context has considerably influenced, and to a certain extent indirectly facilitated, regime change in Soviet Moldova. In the post-Soviet era, however, these influences were marginal and quite inconsistent, mainly due to Moldova’s disadvantageous geo-strategic position within the international system as well as its weak exposure and potential to be integrated into global economic institutions.

What about Pridham’s second aspect of the international context of democratisation (Pridham et al. 1994, 7-32) – the role of external actors in fostering democratic transition in Moldova? Many international organizations and institutions

became active in Moldova in the early 1990s. In 1992 Moldova became a member of a number of influential IFIs such as the IMF, the World Bank and the European Bank for Reconstruction and Development (EBRD). In 1995 Moldova was the first post-Soviet state to be granted membership in the CoE. As the CoE and the OSCE have been involved in promoting democratic institutions, the rule of law and human rights, the IFIs have influenced the restructuring and liberalization of Moldova's economy by attaching conditions to their loans and requested specific economic reforms. The OSCE's role was especially important in strengthening Moldova's statehood in the early 1990s, when '[it] has been called upon to find a way of ensuring the security of Moldova and the region, both endangered by the "Transdnistria crisis" (Severin 2004, 161). With regard to the role of the EU, in contrast to the considerable EU efforts in Central and Eastern Europe and the Balkans, Moldova has received only limited attention (Vahl 2004, 171). The Partnership and Co-operation Agreement (PCA) between Moldova and the EU was signed at the end of 1994, and ratified only three and a half years later, in July 1998. Only in the late 1990s were there the first signs of increased activity and gradual broadening of the scope of co-operation between the EU and Moldova, which "could be interpreted as reflecting a readiness for deeper engagement on the part of the EU, and as a response to the 'European choice' made by the Moldovan government" (ibid. 175). More details on Moldova's engagement with the EU, the CoE and the OSCE will be provided in chapter 6.

Over the years Moldova has also benefited from technical and financial assistance from many bilateral aid agencies. So far, the largest bilateral donor in Moldova is the USAID, which focused on assisting Moldovan governments in reform of the financial sector, land, reorganisation of agricultural enterprises, developing agro-service infrastructures in rural areas, fiscal sector, etc. In general, American

interests in the region (Central and Eastern Europe as well as former Soviet Union areas) are part of its post-Cold War global strategy and, as such, are no different from its interests in other parts of the world experiencing forms of transition, such as Turkey, the Balkans and Southeast Asia (Zaborowski 2005, 22). Moldova received no special attention from the other bilateral donors either, and is treated by most of them as a transition state with characteristics similar to those of other transition states in the region. The governments of Germany, the UK and Sweden have set up a number of aid programmes in Moldova; other EU member states, Canada and Japan also provide technical and financial assistance.

Non-governmental actors which are involved in Moldova range from know-how agencies such as the National Endowment for Democracy, independent think-tanks and non-profit private foundations such as George Soros's Open Society Institute, and transnational activist NGOs such as Amnesty International, Human Rights Watch, the Helsinki Committee for Human Rights, etc. Of all external non-governmental external actors involved in Moldova, the Open Society Institute stands out in terms of the nature, size and manner of its involvement in the country, especially throughout the 1990s. In particular, it developed a set of extensive programmes of education, socialisation and the promotion of democratic norms, targeted especially at the younger generations, members of the ruling political elite and opposition, and also local NGOs. However, one of the most common criticisms of the activities of such actors in transition states, including Moldova, is a lack of long-term sustainability, consistency and coordination in their efforts to promote democracy. As local observers indicate, "this has resulted in a low level of efficiency in some [foreign aid] projects implemented in Moldova" (Sturza and Negruta 2004, 114).

Pridham suggests that “different forms of influence [by various external actors] have different effects on the transition process” (Pridham et al. 1994, 24). Similarly, Levitsky and Way propose various ways in which international actors may exert leverage (“authoritarian governments’ vulnerability to external democratising pressure”), among which are political conditionality and punitive sanctions, diplomatic pressure, and military intervention (Levitsky and Way 2005, 21). The main point here is that some forms of external influence are more effective than others, and that, in general, external influences are not always helpful to democratisation. Their effectiveness, or, using Levitsky and Way’s terminology, the strengths of international actors’ leverage, depends on the timing, extent and source of their efforts or, in other words, levers. In this regard, non-governmental and bilateral external actors have been trying to influence the transition process in Moldova through mainly non-coercive and indirect methods, such as convergence and voluntary policy transfer. Their main purpose is to guide and assist political and economic transformations in Moldova. In contrast, some multilateral international institutions, especially the IFIs, opted for more direct forms of influence, such as various types and degrees of conditionality.

Pridham suggests that the international dimension is likely to fluctuate in saliency and intensity between various phases of transition (Pridham et al. 1994, 19-20). During the inaugural phase the international context, and more precisely the situation in the USSR and the end of the Cold War, has clearly left its mark on the opening of the totalitarian regime in what was then Soviet Moldova. The end of authoritarian rule in Moldova would not have been possible without a profound change in the international environment. Also, the inauguration of transition in one former Soviet republic immediately became an “event” in another, leading to a so-

called “domino” effect. However, on the other hand, the role of the international context was largely passive during this stage of transition. Even though in the early 1990s Moldova established official relations with many international organizations and institutions, these did not immediately engage on a large scale in assisting domestic transformation processes. Such passive engagement was not limited to the Moldovan case: as Zaborowski argues with regard to the passive role of the international context in the Central and East European transitions, “[it] created a certain paradox whereby, at the time when ECE [Eastern and Central Europe] was most open and had the greatest need to import ideas and solutions, little know-how [from the West] was forthcoming” (Zaborowski 2005, 20).

In comparison to the initial phase of transition, by the late 1990s engagement of external actors in domestic transition processes in Moldova has become more active. The geo-strategic situation in Europe and, indeed, in the world changed in 2004 with the “big – bang” EU Eastern enlargement. Now the EU is increasingly focusing its attention on its eastern neighbours, including Moldova. And it seems that in the light of Moldova’s current economic and social problems and still unresolved Transdnestrian conflict, and Romania’s accession to the EU in 2007, Moldova is likely to rise in the EU’s and other European institutions’ policy agendas in the near future. So far, the evidence partly confirms these expectations and shows that since the late 1990s external actors have chosen not to rely on the facilitating and indirect impact of the post-Cold War system alone, and they seem to be developing a more comprehensive and enhanced strategy towards Moldova acting through a variety of methods.

5.3. Intervening effects of the domestic salience and domestic structures

The domestic context that conditions the effectiveness of external DPS applied in Moldova is conceptualised in this thesis as a combination of two sets of factors: the domestic salience of democratic norms (in this case, norms on civil and political rights) and domestic structures, including domestic actors and their preferences. I treat both sets of factors as important intervening variables, which exert influence on the democracy promotion process and its results. Below I characterise in detail each of the factors in the domestic context in Moldova and also discuss their possible effects on results of external democracy promotion activities.

How salient are democratic norms (and, specifically, norms regarding civil and political rights such as freedom of expression and media) in Moldovan domestic politics? In the 1990s, from the very beginning of its transition period, Moldova got off to a fast start in designing and establishing its first democratic institutions such as free and fair elections, a multiparty political system, an accountable and efficient executive, a representative legislature, and free media. So it is possible to say that the salience of democratic norms and values was quite high from the very beginning of Moldova's existence as an independent state. Even looking at the earlier periods of the liberalization process, beginning in the late 1980s, a number of highly charged and salient issues such as the state language issue and the legitimisation of opposition activities dominated Moldova's domestic scene. Empowered by the heightened ethnic activism and support from the population, political elites declared their opposition to the Communist party leadership in Moscow and set out to seek independence from the USSR.

Similarly, linguistic and political rights of the Romanian-speaking majority, which were largely restricted under the Soviet rule, were among the most salient

issues in Moldovan society at that time. Moldovan nationalists, headed by the Popular Front of Moldova Party, succeeded in their demands and the political and linguistic rights of the Romanian-speaking population in Moldova were given legal recognition. Freedom of expression and of the media also underwent positive developments with advent of *glasnost* in the late 1980s and gaining independence from the Soviet Union in 1991. Many observers indicate that the early 1990s were a boom period for the Romanian-language media (see, for instance, Clej and Cantir, in Lewis (ed.) 2004, 55). As Clej and Cantir point out, “in the late 1980s this newly-acquired freedom was being channelled mainly into reclaiming Moldova’s national identity, which had been suppressed after 1944 with the advent of the Soviet regime” (ibid.). The constitution of independent Moldova was adopted in 1994, which was relatively quickly, especially compared to the practices of constitution-making in other post-communist states of Central and Eastern Europe and former Soviet republics.¹⁷ The new post-Soviet constitution established a democratic republic which guaranteed respect for human rights and representative political pluralism. Economic and political reforms were emphasised by the new political elite as the most necessary steps in the process of building democracy. Thus, one can say that in the early 1990s the political elite in Moldova formally (and rhetorically) subscribed to democratic values and attitudes.

However, a number of other salient issues with regard to human rights arose when Moldova reclaimed its national identity and independence in the 1990s. These concerned ethnic polarisation, infringement of the rights of national minorities (which, paradoxically, occupied a dominant position over the titular nation, Moldovans, during the Soviet era) and escalation of the inter-ethnic conflict in Transdnistria in 1992. As Crowther comments, new opposition leaders have played

¹⁷ For instance, Poland adopted a full and final version of its Constitution only in 1997.

“a language card”, which “imposed a high price in terms of undermining ethnic unity” (Crowther 2004, 28). The 1990s elections into the Moldovan Supreme Soviet “fundamentally altered the Moldovan political landscape” by bringing in a new ruling elite, one third of which were the Popular Front Party members (ibid.). Under the influence of nationalist deputies, in the early 1990s the Supreme Soviet passed a number of laws which represented clear infringements of the rights of the Russian-speaking and other minorities in Moldova. Not surprisingly, such anti-Soviet and anti-minority policies pursued by politicians reinforced ethnic divisions, and when Popular Front extremists organised demonstrations in the centre of Chisinau, Russian-speaking deputies withdrew from the parliament and started to set up independent political institutions in localities with a Russian-speaking majority (ibid.).

As a result of such secessionist policies, two independent political entities were formed on the territory of Moldova: the Gagauz Republic in the south of the country, and the Transnistrian Moldovan Republic in the east.¹⁸ Whereas the former political entity was officially recognised by Chisinau and has been regarded since as a “success story” of Moldovan ethnic policy, the separatist regime in Transnistria has never been recognised by Moldovan authorities and the issue remains an unresolved “frozen conflict”. Thus, the creation of the national minorities protection system has become a highly salient issue in Moldovan politics: “it not only necessitated the introduction of measures for the protection and promotion of minority rights, but fundamentally changed the relationship between majorities struggling to redeem their national identity and communities ... which became the new minorities” (Zaporojan-Pirgari 2004, 63).

¹⁸ The latter is also known as Transnistria (or Transdnestria: “the territory across the river Dniester”), the formal title of which is “Pridnestrovskaya Moldavskaya Respublika”. It has territory, including the town of Bendery, on the right bank of the river Dniester.

To a certain degree, such measures of ethnic inclusion were initiated and introduced by a moderate and largely centrist government that came into power after the 1994 parliamentary elections. A number of legal acts passed in the mid-1990s, including the constitution, sought re-installation of ethnic unity and political stability in the republic. The references to the “Romanian” language, emphasized by elites in the earlier drafts of the constitution, were abandoned and replaced in the final draft by the term of “Moldovan” language. In a similar vein, the references to a “national” state were eliminated in favour of a more inclusive terminology. Also, as a further guarantee to respect of rights of national minorities, Article 13 of the constitution committed the Moldovan state to “recognise and promote” the development and functioning of Russian and other languages spoken in Moldova (Crowther 2004, 34). As a number of scholars indicate, these and other measures, in general, “did the job”: the minorities’ fears of incorporation into a unified Romanian state were calmed and the minimal institutional framework for the protection of national minorities’ rights in accordance with international standards was put in place (see, for instance, Zaporozhan-Pirgari 2004; Crowther 2004; Roper 2005).¹⁹

However, as a report of the Parliamentary Assembly of the CoE (PACE) pointed out in 2002, “clearly, the fundamental concepts of a democratic government are still vague” in Moldova (Council of Europe/PACE, Doc. 9418/23, April 2002). One of the reasons for such unsuccessful democratisation efforts is a weak civil society.²⁰ Many scholars argue that civil society and active citizen involvement in the political life of a state are among the conditions that “make democracy work” (see, for instance, Lane 1959; Pollack 1982; Verba and Nie 1972; Putnam 1995). Being active

¹⁹ Also, the 1994 parliamentary election’s most significant outcome was popular rejection of the parties identified with “pan-Romanianism” in favour of those supporting an independent Moldovan identity and ethnic accommodation (Crowther, in Lewis (ed.) 2004, 32).

²⁰ This deficiency can be also found in other post-Soviet countries.

in civil society has been shown in some studies to increase the sense that individuals can influence political processes (Verba, Schlozman and Brady 1995; Almond and Verba 1966). But in order to be able to exert such influence on a state, the latter should provide guarantees and respect for such civil and political rights as freedom of speech, assembly and media. The more often people demand respect for such rights from the state, and exercise such rights, the more salient these specific democratic values become, and consequently the more actively citizens become involved in civil society and political life.

There are many non-governmental organizations (NGOs) in Moldova, but they tend to be small and rely heavily on foreign funding (Freedom House 2002). As Way notes, commenting on the relationship between a weak civil society and deficiencies in the democratisation process in Moldova, “without institutionalised interest groups and parties to sustain it, popular political action has generally been spontaneous and short-lived, if sometimes explosive” (Way 2002, 129). Even in those instances in which protests have been partially successful, NGOs “lack the institutional strength necessary to keep state actors accountable on a regular basis” (ibid.). Also, even those people who do become members of civil society organisations in Moldova do not spend large amounts of time in these organisations: the average term of membership is just over two years and for some new organisations founded in the 2000s the length of membership is even dropping compared with membership of organisations founded in the 1990s (Badescu, Sum, Uslaner 2004, 338-9). Less than 3 percent of the population (possibly as low as 1 percent!) in Moldova belongs to various civic groups (ibid. 340). The low level of civic engagement in Moldova, and indeed in most of the former communist countries, can be partly explained by the lack of money, time and skills (ibid. 340). As Quinlan points out, “today Moldovans have the huge task of

creating a new, independent state from scratch, and the same holds true for democracy” (Quinlan 2004, 487). More specifically, a survey of public and civic organisations’ activists in Moldova and Romania, conducted in 2001, has shown that in both countries people “do not trust each other, ... are not tolerant of minorities and other unpopular groups, ... join fewer voluntary organizations, do not trust their leaders, do not feel efficacious, and do not participate much in politics” (Badescu, Sum and Uslaner 2004, 338). In general, the survey evidence shows an apparent decline in democratic values. For example, according to a survey, conducted in February 2000, 55 percent of the Moldovan population still supported democracy as an ideal system of government whereas 39 percent favoured restoring the Communist system. However, some 59 percent supported having a strong leader and getting rid of parliament (White 2000).

Another way to measure the saliency of democratic values and norms on civil and political rights would be to take into account politicians’ rhetoric about the importance of these values and norms. As was indicated above, according to its constitution Moldova is a democratic republic, which guarantees human rights and representative political pluralism. In general, politicians in Moldova were always quite eloquent in their pro-democratic rhetoric and emphasised the need to construct truly democratic institutions and a society based on democratic values. Even the ruling PCRM party (“Party of Communists of the Republic of Moldova”), which came to power in 2001, has emphasised in its manifesto commitments to reformed socialism, political rights and freedoms (*Programma i Ustav Partii Kommunistov Respubliki Moldova*, Chisinau 2001). Although the PCRM has never explicitly committed itself to democracy, it can still be characterised as a “semi-loyal party”, which March defines as a party “that possesses many elements of a democratic pro-

system orientation (in terms of commitment to constitutionalism, electoral procedure, and non-violence), but one that is made ambiguous through other commitments and practices (such as a dichotomy between public democratic commitments and covert practices and an aspiration for non-democratic long-term goals that subvert short-term commitments)” (March 2004, 510). Among the PCRM’s ostensible democratic commitments are the moderate rhetoric of its programme, its commitment to the parliamentary republic as the most suitable form of government and most corresponding to the needs of popular power, and “the leading role within it of relative moderates who were increasingly becoming an organic opposition – that is, those tied by personal and financial links to the maintenance of the post-Soviet regime” (ibid.).

However, such explicit pro-democracy rhetoric from politicians in Moldova has not always been followed by concrete policy- and decision-making on the part of the government. Very often the policy process has been exceptionally slow. In the 1990s it was the interests of various “elite cartels” that determined policy (Crowther 2004, 35). The human rights policy was not an exception in this regard. The 1990s were very unstable years in Moldovan politics largely because of the ambiguity of the country’s semi-presidential system, which left lines of authority between the president and the parliament unclear. This created a number of stalemate situations in which no actor was able to impose definitive decisions. While civil liberties during this period remained largely intact, public accountability became increasingly difficult to enforce (ibid.). A much clearer deterioration in political rights and civil liberties and the initiation of pro-authoritarian policies by the government took place in the period from 2001 onwards after the PCRM came to power. There was certainly evidence of repeated pressure on the media and reduction of political competition through various

methods used by the state authorities. However, the saliency of norms on civil and political rights was much higher during this period than in the 1990s, even simply taking into account politicians' rhetoric and a number of policy choices made.

Before concluding this discussion of the level of the domestic saliency of norms on civil and political rights in Moldova, one particular point is noteworthy. Generally speaking, the Moldovan ruling elite can be regarded as quite receptive to the outside influences. As Crowther argues, "by the close of 1995 ... Moldova was widely considered by Western governments and international agencies to be among the most progressive of the post-Soviet states, and began to receive substantial Western support" (ibid.). Through various kinds of assistance these external actors to a certain extent legitimised their democracy promotion activities in Moldova. The domestic authorities had no choice but to accept this. One of the main reasons that Moldova could not possibly remain in international isolation is the weakness and vulnerability of the economy, and its heavy dependence on external financial funding, mainly from the IMF and the World Bank. Even the pro-authoritarian communist government was powerless in some cases to override the external influences on human rights policy in 2002-3 and "it proved grudgingly receptive to Western pressure and approval" (March 2004, 520). So, various Moldovan governments were, by and large, receptive to the external democracy promotion strategies and ready to legislate in accordance with international standards. Thus, it can be said that there is a high potential for such externally led democracy promotion activities to be effective on the Moldovan domestic scene, because external actors can raise the levels of domestic saliency for a particular norm (especially if it was not salient beforehand) and have higher leverage over domestic policy-making processes.

Along with the criterion of domestic salience, the domestic context of democracy promotion in Moldova includes another important dimension that can have an intervening effect on the relationship between external democracy promoters and the Moldovan authorities. This dimension is the *domestic structure*: the structure of the Moldovan state and the pattern of relations between the state and society in the country. The main assumption here is that the primary function of domestic institutions and the state in general is to shape and structure the domestic “game” of politics, including the policy-making process. Below I discuss each component in the Moldovan domestic structure – the structure of the state and the pattern of state – societal relations – in detail.

The pattern of relations between the state and society in Moldova has varied over time. In the first half of the 1990s, relations between the state and society were quite distant. Various societal groups lacked legitimised and institutionalised access to domestic policy-making, they were rarely consulted by the governing bodies, and essentially were excluded from the policy process.²¹ The main reasons for such exclusion lay in Moldova’s civil society itself: as many analysts point out, it was quite weak and disorganised (Badescu, Sum and Uslaner 2004; Way 2002; March 2004; Quinlan 2004, Lewis (ed.) 2004). However, towards the end of the 1990s various societal actors began to be incorporated into political life more frequently. By and large, this was achieved through mediation and support from external democracy promoters involved in Moldova. For instance, a large number of representatives from local civil society organizations participated in the Second International Conference of Ombudsman Institutions and Human Rights held in Chisinau in 1996, during which

²¹ This was confirmed in the author’s interviews with Raisa Apolschii, Parliamentary Advocate on Human Rights, 16 June 2005, Chisinau; with Anatol Gudim, Executive Director of the Center for Strategic Studies and Reforms (CISR), 10 July 2005, Chisinau; with Serghei Ostaf, Deputy Chairman of the Moldovan Helsinki Committee for Human Rights, 26 June 2005.

various aspects of setting up an Ombudsman institution in Moldova were discussed. The idea of having a National Plan of Action in the Field of Human Rights for a specified period of time was initially proposed by representatives of several local NGOs, and the plan itself was eventually elaborated in 2003 as a result of co-operation between various governmental bodies and NGOs.²² One of the responsibilities of the Centre for Human Rights of Moldova, founded in 1998, is to co-operate with national and international NGOs concerned with the protection of human rights in the country.²³ In 2005 the country's parliament elaborated and approved a "Conception on Co-operation between the Parliament and Civil Society".²⁴ So, one can now say that a certain legal and institutional framework for close state – society relations exists in Moldova. However, this framework has not yet been fully and effectively implemented and does not seem to work in all cases.

With regard to the structure of the Moldovan state it is worthwhile, first of all, to examine the "democratic-ness" of the country's basic law, the constitution, and to examine whether it guarantees basic human rights, including civil and political rights, and makes the state responsible for their provision. The Constitution of Moldova, adopted in 1994, sets out the basic framework of democratic institutions: it provides for a unicameral parliament, a president chosen by the parliament,²⁵ a judicial system headed by a Supreme Court, and a separate Constitutional Court (Maggs 2004, 49). Thus, institutionally, the power at the national level was to be divided between the president of the republic, a unicameral legislature, and a constitutional court

²² Author's interview with Dr. Alla Skvorțova, Head of the DFID Section, British Embassy in Chisinau, Moldova; Project Manager of the UNDP project "Support to the development of National Human Rights Action Plan in Moldova"; Member of the Coordinating Committee for the development and implementation of the National Human Rights Action Plan, Chisinau, 7th of June, 2005

²³ Author's interview with Raisa Apolschii, Parliamentary Advocate on Human Rights, 2003 to present, 16 June 2005.

²⁴ Full version available at the Parliament of Moldova official web site: <http://www.parliament.md>

²⁵ This amendment was adopted in July 2000. Before that, the president was elected directly by a popular vote.

(Crowther 2004, 33). In general, the new post-Soviet constitution called for the formation of a democratic republic guaranteeing human rights and representative political pluralism (ibid.), and constitutional amendments suppressing basic rights and freedoms are not permitted. More specifically, Part 2 of the constitution contains an extensive bill of rights, respect for which is guaranteed by the Moldovan state. The constitution guarantees freedom of speech and of the press,²⁶ as well as the right of access to information.²⁷ Also, the constitution lays down the basic legal framework for the protection of rights of national minorities.²⁸ Article 7 of the constitution establishes its supremacy over other laws and provides that legal acts that are inconsistent with the constitution automatically lack legitimacy.

However, observers report some irregularities and even restrictions on a number of civil and political rights, especially on freedoms of speech, expression and media, in the Moldovan legislative framework.²⁹ For instance, the same Article 32 that guarantees freedoms of speech and press also places some restrictions on these rights in paragraphs 2 and 3:³⁰ “[paragraphs 2 and 3] fail to impose appropriate limits on general restrictions on freedom of expression. In particular, there is no requirement

²⁶ The Article 32 (paragraph 1) says: “All citizens are guaranteed freedom of opinion as well as the free public expression of their thoughts and opinions by way of word, image or any other possible means”. See Constitution of the Republic of Moldova (*Monitorul Oficial al Republicii Moldova*, No.1, 12/08/1994, available at <http://www.parlament.md/legalfoundation/constitution/>)

²⁷ The Article 34 of the Constitution of Moldova states: “1. Everybody has the right to access any information of public interest and this right may not be curtailed; 2. Public authorities shall, in accordance with their established levels of competence, ensure that citizens are correctly informed both on public affairs and on matters of personal interest; 3. The right of access to information may not prejudice measures taken to protect the citizens or prejudice national security; 4. [...]; 5. The public media shall not be subject to censorship”. Also see section 9.1.2 of the Constitution of Moldova for more details on access to information in Moldova.

²⁸ Article 10 of the Constitution of Moldova stipulates that “the state recognises and guarantees the right of all citizens to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity”.

²⁹ See, for instance, regular reports by the Moldovan Helsinki Committee for Human Rights and other transnational NGOs such as Article 19, Reporters without Borders, etc.

³⁰ Paragraph 2 of the Article 32 states: “Freedom of expression may not harm the honour, dignity or rights of other people to have and express their own opinions or judgements”. Paragraph 3 of Article 32 of the Constitution of Moldova states: “All actions aimed at denying or slandering the State or the people are forbidden by law. Similarly instigation to sedition, wars of aggression, ethnic, racial or religious hatred, the incitement to discrimination, territorial separatism, public violence, or to actions threatening the constitutional order are forbidden by law”.

that restrictions be provided by law or necessary to protect the legitimate interests listed” (Prina and Pugsley 2003, 28). Similarly, the constitution’s provisions dealing with criticism of the state and sedition are also of some concern. As Prina and Pugsley indicate, “criticism of the government or of the institutions of the state is at the very core of the concept of freedom of expression in a democratic society and ... it may be restricted only in the most pressing circumstances, involving the direct instigation to lawless action or violence, as this is political expression *par excellence*” (ibid., 29). Also, instigation to sedition, a vague term that usually means dissatisfaction with the government, is generally regarded as political expression that should not be legitimately curtailed except in the most urgent and potentially violent situation (ibid.). Therefore, although in general the constitution of Moldova guarantees respect for human rights to its citizens, there are still some vague provisions, the interpretation and scope of which should be in conformity with and restricted by international law.

In the first half of the 1990s Moldova subscribed to major regional (European) and global human rights conventions including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Cultural Rights, and documents adopted in the framework of the OSCE, undertaking to guarantee basic human rights; most of them were ratified by the end of the 1990s. The constitution indicates that international human rights treaties should be considered in interpreting and applying human rights provided by the constitution. It also contains another important stipulation that the provisions of international human rights treaties to which Moldova has adhered take precedence if there is a contradiction between them and national legislation.³¹ The

³¹ See Article 4 of the Constitution of Moldova.

Constitutional Court has generally acted to interpret and enforce these provisions. Moreover, six major international conventions on human rights³² to which Moldova subscribed, require regular reports from the Moldovan government on how various obligations and commitments on specific human rights issues are being fulfilled.

With regard to domestic legislative framework on human rights, however, “Moldova has been slow to replace the outmoded legislation of the Soviet era” (Maggs 2004, 50). In fact, it was one of the last of the former Soviet states to adopt new legislation on human rights (*ibid.* 53): new Criminal and Criminal Procedure Codes were adopted as late as 2003. Other codes that also contain provisions regarding human rights and their guarantees have been adopted quite late as well: for instance, the Civil Code (adopted in 2002), the Family Code (adopted in 2000), the Labour Code (adopted in 2003), etc. The adoption and promulgation of specific human rights laws was also considerably delayed. For instance, the Law on National Minorities and the Legal Status of their Organisations was passed only in July 2001, the Freedom of Information Act was adopted in May 2000. Some laws, though, were adopted quite quickly, for instance the Press Law (1994) and the Law on Television and Radio (1995). Maggs explains this variation in timeframes for the adoption of the major legislative acts on human rights in post-Soviet Moldova as follows: “with the fall of the Soviet system, laws were hastily drafted to provide the basis for the market economy until more comprehensive legislation was ready” (*ibid.*).

However, the presence of the basic legislative framework on human rights does not yet guarantee their respect and observance in everyday political life. On the one hand, new laws adopted in the post-Soviet Moldova represent a major

³² The six international human rights conventions are: UN Covenant on Civil and Political Rights; UN Covenant on Economic, Social and Cultural Rights; UN Convention on Elimination of All Forms of Racial Discrimination; UN Convention Against Torture; UN Convention on the Rights of Children; and the Convention on Elimination of all Forms of Discrimination against Women.

improvement on their Soviet predecessors (*ibid.*); on the other hand, the quality of the newly adopted legislation is not perfect by any means. Some drafting procedures, especially for those laws adopted very swiftly in the first half of the 1990s, lack sufficient input and active participation from civil society and the general public. Most legal provisions on human rights remain ineffective owing to inadequate implementation. And provisions relating to the regulation of the print and broadcast media, especially those regarding registration procedures, are also excessively rigid (Prina and Pugsley 2003, 92). Maggs also points out a few problematic provisions contained in the new Criminal Code, in particular those “allowing criminal prosecution for abuses by religious organizations and for defamation” (Maggs 2004, 50). Overall, Moldova has made slow but substantial progress in reforming its legal system and establishing a legislative framework on human rights. The existing legislation, even if it is imperfect, can form the basis for the further development of democracy and respect for human rights in Moldova.

What institutions are involved in implementing the existing legislation and designing the human rights policy? In general, Moldova has made important institutional reforms in order to enforce the existing human rights legislation. First of all, it has created a Constitutional Court and has acceded to the jurisdiction of the CoE’s European Court of Human Rights (ECHR). The Constitutional Court has been quite active in protecting constitutional rights. By early 2000s it has declared over 100 laws and regulations as unconstitutional in whole or in part (*ibid.* 52). The number of applications on the part of Moldovan citizens to the ECHR has been steadily increasing since 1998. Whereas in 1998 only 4 applications from Moldova were registered in the ECHR, in the following year there were 32 such applications. In

2000 63 applications from Moldova were registered in the ECHR.³³ The ECHR has also an important prerogative to refer some registered cases to the Moldovan government for observations: for comparison, in 1999 the number of applications referred to the government totalled 8, whereas in 2001 17 cases were referred to the Moldovan government by the ECHR.

Among other state institutions that are involved in human rights policy-making are parliamentary advocates and a permanent parliamentary committee on human rights and national minorities. The latter consists of members of the Moldovan parliament, which represent various parties and electoral blocs. The committee's main functions are to consult on various human rights issues, to inform and report to the parliament, ministries and other state institutions on the human rights situation in Moldova and specific human rights issues, to prepare legislative drafts on human rights, to negotiate with international human rights organisations, local and transnational NGOs, and so forth.³⁴ As one member of the committee pointed out in an interview with the author: "the committee has an important role of an 'agenda-setter' in the field of human rights in Moldova".³⁵

The institution of Parliamentary Advocates in Moldova was legally established in October 1997, when parliament passed the Law on Parliamentary Advocates. This institution is similar to the European and international Ombudsman institutions and was been established in Moldova with the support of the United National Development Programme (UNDP). Remarkably, Moldova was one of the first post-Soviet states in which the Ombudsman institution was established.

³³ See Annual reports on activities of the ECHR, available at

<http://www.echr.coe.int/ECHR/EN/Header/Reports+and+Statistics/Reports/Annual+Reports/>.

³⁴ Information obtained during the author's interview with Mr. Stefan Secareanu, member of the opposition party (PCDM), member of parliament since 1994 and chairman of the Parliamentary Committee on Human Rights and National Minorities since 2004, Chisinau, 21 June, 2005.

³⁵ Author's interview with Ms. Ludmila Borgula, PCRM member and member of the Parliamentary Committee on Human Rights and National Minorities since 2004, Chisinau, 22 June 2005.

According to the Law on Parliamentary Advocates, “the activities of Parliamentary Advocates shall be aimed at guaranteeing the observance of constitutional human rights and freedoms by central and local public administration, institutions, organisations and enterprises irrespective of their type of ownership, by public associations, as well as by officials at all levels” (Law on Parliamentary Advocates, Chapter 1, Article 1). Also, parliamentary advocates examine individual citizens’ complaints and ensure redress for infringements of the rights of citizens, and also work on the improvement of national legislation in the sphere of human rights protection and legal education of the population.³⁶ Parliament appoints three parliamentary advocates by the majority vote for a five-year term. The Law on Parliamentary Advocates also established the Centre for Human Rights in Moldova, which exists to provide organisational, information, scientific, analytical and other support to the parliamentary advocates.³⁷ Overall, the institution of parliamentary advocates in Moldova sets up an important institutional and legal framework for establishing an independent national institution of human rights protection within the republic. However, parliamentary advocates and the Centre for Human Rights, and indeed the parliamentary committee for human rights, have been criticised for lack of efficiency and absence of a clear mission: “The mission of the Centre is formulated in a too general way ... The Law on Parliamentary Advocates was vaguely formulated and the parliamentary committee on human rights took little, if any, interest in promoting the efficiency of the ‘main’ public human rights institution” (Moldovan Helsinki Committee for Human Rights 2003, 11). Thus, some hard tasks still remain, “particularly strengthening the judicial system and public administration, eliminating corruption, and consolidating institutional protection of human rights” (ibid., 53).

³⁶ See Article 2 of the Law on Parliamentary Advocates.

³⁷ See Chapter 3, Articles 35-40 of the Law on Parliamentary Advocates.

The pattern of leadership and “the organization of decision-making authority” (Cortell and Davis 1996, 454) are also regarded as important components of the domestic structure of a state. In the case of Moldova, domestic politics in the 1990s can be characterised as a period of high instability and constant conflict between various elite groups. There has been a frequent turnover among the political elite and leaders in power: for instance, the first president of independent Moldova, Mircea Snegur, lost the presidency to the head of the legislature, Petru Lucinschi, in the 1996 presidential elections; and Lucinschi lost to Vladimir Voronin in 2001. The parliament has been a pivotal political actor, which considerably constrained presidential powers on several occasions. In 1994, the parliament virtually excluded President Snegur from designing the country’s first constitution. President Lucinschi encountered similar problems. When in 1997 he threatened to force early parliamentary elections if reforms initiated by him were not passed, the legislature removed the pro-presidential parliamentary speaker from his position. In 2000, the legislature countered efforts by Lucinschi to create a stronger presidency by voting in favour of indirect presidential elections (Way 2002, 130). Given such pluralism, contestation and power struggle among various political groups, Moldovan presidents in the 1990s were unable to consolidate their powers and dominate domestic political processes. Hence, despite the provisions of the constitution, the presidential system could not function effectively. In the absence of decisive government action most reforms and policies, including human rights reforms, were significantly delayed and, even if adopted, were largely ineffective. The decision making was largely decentralised and spread across a number of governmental ministries and other state institutions, which made the outcomes of various policies contingent upon the actions, preferences and interests of domestic actors representing these institutions.

In terms of the pattern of the leadership, it is unclear whether it was pro-authoritarian or pro-democratic. Rhetorically, Moldovan presidents and politicians were always quite supportive of democratisation and further economic and political reform. Nevertheless, most of them often used not very democratic methods in order to stay in power or to accumulate more powers. For instance, in late 1999, President Lucinschi conspired to bring down Prime Minister Ion Sturza in part because the latter was relatively successful and commanded public support (Way 2002, 133). Also, in the 1990s Moldovan presidents often tried to limit the powers of the legislature and to consolidate their own powers at the legislature's expense: for instance, in 1994, the Moldovan parliament overcame President Snegur's efforts to strengthen his office, and did the same thing later when Lucinschi tried to impose a form of presidential rule that the Venice Commission deemed "contrary to European democratic principles" (*ibid.*). Paradoxically, however, in the same period Moldovan elections and media were characterised by international observers as relatively free (*ibid.*) However, as Way points out, the presence of such democratic procedures was not due to successful democratisation process, but rather to excessive elite fragmentation and weak vertical control (*ibid.* 134). In the 1990s, many laws on the books limited free speech, but leaders were rarely able to implement them in practice. In some cases legal provisions remained unimplemented because of the lack of enabling legislation. In other cases the government was simply too weak and fragmented to impose censorship (*ibid.*).

However, the situation changed in 2001 when the PCRM came to power and the PCRM's leader, Vladimir Voronin, was indirectly elected (by the legislature) as President of Moldova. Many analysts indicate high cohesiveness, tight organisation and strong party discipline as the prominent features of the PCRM, which partly

explain its dominant position in the Moldovan party system and the longevity of its rule (see, for instance, Way 2002; Quinlan 2004; March 2004, Lewis (ed) 2004). After 2001 the PCRM has been able to consolidate its power and achieve a high level of government control over most policy areas, including civil and political rights. As a consequence of such increasing governmental control, the decision-making and policy-making by the ruling party gradually changed from being decentralised and unstable in the 1990s to more centralised and, paradoxically, more effective in some cases in the present decade. As March indicates, “in domestic politics, zigzags were apparent within an overall trend towards greater centralization, paternalism, and political tension” (March 2004, 514). For instance, at the end of 2001 the communists began making extensive efforts to control local government by strengthening central government control over local government and reinstating the old Soviet territorial administration (Quinlan 2004, 487). In April 2002, the PACE characterised this trend as perhaps “the most striking example of creating a vertical power structure” similar to the one that existed in the USSR (Council of Europe/PACE, Doc. 9418/23, April 2002).

A long-awaited level of political stability and effective government came largely at the expense of further democratic development of the state. One of the most evident issues was the authoritarian and opaque political style of the party and president and “it is the great irony that a parliamentary system with a dominant and centralised party has produced an extremely presidential form of rule” (March 2004, 518). The PCRM continued to consolidate its control over the state-run media and pressure non-state media with closures of critical media outlets and intimidation against journalists who were too critical of the authorities. The already weak rule of law in Moldova was weakened even more after Voronin increased his powers of

appointment of new judges, dismissed the human rights Ombudsman and attempted to limit the powers of the Constitutional Court. Paradoxically, the return of the communists to power by democratic means brought some realistic prospects for long-term stability and democratic consolidation in Moldova by strengthening the executive power, quickening the impulse toward party policy and programmatic transformation and by integrating disaffected constituencies into support of the regime (ibid. 520). However, the PCRM's ability to govern effectively and according to the rule of law remains unclear, and "its lack of convinced and convincing democratic intentions casts still more doubt on its resolve to do so without constant international observation and support" (ibid.).

To sum up, there has been some variation in the domestic saliency of democratic values and human rights in Moldova during different periods. The varying degrees of domestic saliency of human rights norms significantly influenced the development of human rights policy and the effectiveness of externally led democracy promotion activities. Similarly, there has been some variation in the domestic structure of the Moldovan state. The pattern of the state – society relations has varied from very distant in the first half of the 1990s to less distant towards the end of that decade. The institutional and legal framework on human rights became more developed by the end of the 1990s, and the pattern of leadership became more visibly pro-authoritarian in the present decade.

Conclusions

This chapter has set the domestic context of democracy promotion in Moldova – the demand side. I have presented the major developments of the Moldovan political system during the post-communist period and showed that transition to democracy in

Moldova has been controversial and slow. In particular, I noted that despite some positive developments in ensuring respect for civil and political rights in Moldova in the first half of the 1990s, the reform process in this particular sector has somewhat stalled towards the end of the 1990s. I have also discussed the international dimension of democratisation in Moldova. Finally, I analysed the varying degrees of domestic salience of democratic values and human rights over time and evolution of domestic structures that may have intervening effects on results of democracy promotion in Moldova.

Chapter 6

Democracy Promotion in Moldova: the supply side

Most of the IOs 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 the human rights policy in Moldova: they seem to approach the issue of promoting respect for human rights with different strategies, resources and levels of involvement. This chapter aims to present a detailed analysis of the supply-side of the democracy promotion process in Moldova. Below I examine how the three European organisations under consideration (the EU, the OSCE and the CoE) are involved in the democracy promotion process, and, more specifically, what DPS they apply.

6.1 European organisations and Moldova: establishment of relations and overview of co-operation

6.1.1. The Organisation for Security and Co-operation in Europe (OSCE)

The OSCE established its mission in Moldova in 1993. Its primary tasks were to facilitate a lasting political settlement of the Transdniestrian conflict by strengthening Moldovan independence and sovereignty; by negotiating a special status for Transdniestria; by supporting measures on the withdrawal of foreign troops from Moldova; and by gathering information on conflicts in the area (Severin 2004, 162). However, the areas of co-operation between Moldova and the OSCE were not limited to the mediation of the Transdniestrian conflict alone. Other activities cover a broad spectrum of issues such as democratic transformation, human rights (including

the rights of minorities and refugees), combating trafficking in human beings, and military security.¹

In general, the establishment of co-operation between OSCE and Moldova was not conditional on either the fulfilment of minimal democratic criteria or the adoption of some legalised standards in the field of democracy and human rights. This largely reflected the OSCE's general policies towards most of the post-communist states in the region which embarked on the "journey" of democratic transition and consolidation in the early 1990s. The OSCE has admitted most of these states quite quickly, and as such never used membership conditionality as a mechanism for influence of domestic policies. Instead, the OSCE used normative pressure in the form of persuasion and social influence as its primary democracy promotion method. The OSCE's leverage over Moldova was at its highest in early 1990s when it played a crucial role in attempting to settle and mediate the military conflict in Transnistria. Subsequently the influence gradually decreased. The trend was similar in the post-communist region more widely: since the OSCE lacked legally binding conventions and other documents in the field of human rights, and since "it was quite liberal in granting admission in the late 1980s and early 1990s", post-communist countries "paid little attention to the OSCE's comments" (Kelley 2004, 17).

The main OSCE institutions responsible for the support of democracy and human rights in Moldova are the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Office of the OSCE High Commissioner on National Minorities (OSCE/HCNM) and the Representative on Freedom of the Media (OSCE/RFM). The OSCE/ODIHR is responsible for monitoring of elections, democratic development and respect for human rights, non-discrimination and

¹ For more information see the official OSCE web site in Moldova – <http://www.osce.org/moldova/>.

promotion of the rule of law in participating with the OSCE countries. Its work in Moldova is facilitated mainly through the OSCE mission in Chisinau and is focused primarily on election observation and election technical assistance, provision of legal expertise in the 'human dimension' areas (represents one of the three dimensions of security and includes a set of norms and activities related to human rights and democracy)², organisation of regular human rights training for government authorities and members of civil society.

The activities of the OSCE/HCNM in Moldova are also relevant to this study as the main tasks of this OSCE institution is to "identify and seek early resolution of ethnic tensions that might endanger peace, stability or friendly relations between the participating states of the OSCE" (Helsinki Decisions, July 1992). Operating independently of all parties involved in an ethnic conflict, the OSCE/HCNM is empowered to conduct field missions and to engage in preventative diplomacy at all stages of a conflict. The Office of the OSCE/HCNM has become engaged in Moldova since the end of 1994 when the first OSCE/HCNM, Max van der Stoel, visited the country for the first time. Max van der Stoel's second visit to Moldova took place in May 2000, during which a seminar on language and educational issues was organised with the support of the OSCE Mission in Chisinau. The second high commissioner, Swedish diplomat Rolf Ekéus, has visited Moldova twice, in April 2002 and July 2004, and has been actively engaged in promoting legislative and implementation issues of language use and education in the republic, including the breakaway region of Transdnistria.

Since establishment of the office in December 1997, the OSCE/RFM is responsible for providing early warning on violations of freedoms of expression and

² For a more detailed discussion on the OSCE's 'human dimension', see <http://www.osce.org/odihr/13371.html>

promoting full compliance with the OSCE press freedom commitments in the OSCE participating countries (OSCE Permanent Council Decision No. 193). In Moldova the OSCE/RFM has become engaged in July 1999 when the RFM's advisers, Stanley Schragger and Alex Ivanko, have undertaken the first assessment visit to Moldova. Since then, there have been three more assessment visits by the OSCE/RFM to Moldova: in September 2002, in October 2004 and in January – February 2005 (to Transdniestria). At the end of each visit the office of the OSCE/RFM has issued a number of recommendations on how to improve media freedoms in the country. In addition, the OSCE/RFM has also provided legal expertise and advice on a number of media laws and legislative drafts, among which were the Broadcasting Law of the Republic of Moldova, the draft Law on State and Official Secrets, and the draft Law on Information. On several occasions the OSCE/RFM directly intervened by issuing public statements on a controversial media issue and sending letters to the relevant ministries and officials.

6.1.2. The Council of Europe (CoE)

Since 1949 the CoE has been active in seeking common standards in law across its member-states for the protection of human rights, the provision of social security, and in promoting co-operation in education, culture and sport (Bojcun 2001, 25). Why did the post-communist states of Central and Eastern Europe and former Soviet Union become so interested in gaining the CoE's membership in the early 1990s? Well, first of all, as Bojcun correctly points out, it has broad experience of how to deal with various problems of democratic, human and minority rights, political representation and the rule of law and is a 'useful institution to those states seeking to

'rejoin Europe' after 1989 and 1991' (ibid. 26). Secondly, besides sharing experience with transition states, the CoE can help in more material ways: through various financial and technical assistance programmes in order to facilitate the reform processes in recipient democratising countries. Thirdly and most importantly, multilateral organizations such as the EU, NATO, IMF and WB 'saw the usefulness in having the Council of Europe play the role of 'gatekeeper', providing a sort of good housekeeping seal of approval of the domestic democratic evolution to the state in the East lining up for the inclusion in the new Europe' (ibid.).

Also, it has to be noted that the CoE became the first European intergovernmental organisation to begin admitting Eastern European states and former Soviet republics. One of the main goals of the CoE is to promote a European community of values that would stretch beyond the traditional geography of Western and Eastern Europe and extend to other parts of the continent, including the Caucasus. As Jordan points out, in promoting such goals, the CoE's longer-standing members think that it is better to draw former communist countries into dialogue than to isolate them (Jordan 2003, 662). As a result, the CoE rarely pursued the strategy of membership conditionality in order to solicit changes in the behaviour of states applying for accession. Instead, the CoE decided to obtain certain "commitments" from states to pursue reforms and adopt laws in conformance with the CoE's standards by specific dates (Council of Europe/CM, Opinion No.183 (1995) and Opinion No.170 (1993)). Thus, initially the CoE opted for the strategy of persuasion and social influence rather than use of incentives towards states that applied for the CoE's membership. Some authors indicate that the CoE's approaches towards non-compliant members-states or new applicant states remained more or less the same: it relies mostly on the soft power of pressure, shaming and the threat of expulsion to

keep members and applicants in line (Jordan 2003; Kelley 2004a and 2004b; Huber 1999). However, as discussion in section 6.2.2 and empirical analysis in chapters 7 and 8 will show, on a number of occasions the CoE has successfully used the incentives strategy in Moldova and influenced domestic policy reforms and behaviour of the authorities.

The prospects for the organisation's enlargement eastwards have been publicly discussed for the first time at the Assembly's summer session in Budapest in June 1992. In particular, it was noted that Russia, Ukraine, Belarus and Moldova were clearly part of Europe and so eligible for membership, whereas the five former Soviet republics in Central Asia could not expect to join (Huber 1999, 74). After a special meeting of ministers from the CoE member states, held in Istanbul on 10-11 September 1992, the CoE decided "to forge closer ties with the Russian Federation and Ukraine, which had already applied to join, and also with Belarus and Moldova, which could be expected to follow suit" (ibid., 75). The first official contact between Moldova and the CoE was made in July 1992 when a delegation of the CoE's Parliamentary Assembly visited Moldova for the first time. Following the visit, the Moldovan parliament was granted special guest status in the Parliamentary Assembly on 5 February 1993.³ Moldova has officially applied to join the CoE on 20 April 1993 and became a member of the CoE in July 1995. Remarkably, Moldova was the first former Soviet republic to join this important (as viewed from Moldova's and other democratising states' perspectives⁴) European organisation. This and other

³ In order to facilitate the process of accession of Central and Eastern European countries, the Assembly introduced in 1989 a so-called special guest status, applicable to all national legislatures of European non-member states, which have signed the Helsinki Final Act (1975) and the Charter of Paris for a New Europe. The decision to grant a special guest status is taken by the Bureau of the PACE. For more details on the special guest status and structure of the Assembly, see the Assembly's web page at <http://assembly.coe.int>

⁴ The CoE was and continues to be seen by most states in the post-communist Europe as a "first step on the ladder" to economic and political integration with the EU.

accessions of Eastern European states and former Soviet republics to the CoE have been later labelled as “therapeutic accession”, confirming the CoE’s view that “membership would encourage these countries – all of them having difficulties in making the transition to democracy and market economy – to persevere on the right path (ibid., 126). However, membership in the CoE has not been granted completely “for free”, as a number of membership requirements (that had to be fulfilled after the accession) have been put forward. In its resolution of 14 April 1994, the Assembly indicated that it intended to monitor closely the level of compliance with commitments accepted by all new members which had joined the CoE since 1989 (Council of Europe/PACE, Resolution 1340/14 April 1994).

The two basic requirements of membership in the CoE were to sign the European Convention of Human Rights and the Protocol No.6, which requires members to abolish the death penalty, and to ratify them within a year of accession. The new members were also required to sign and ratify within a year a number of other human rights conventions, among which were the European Convention for the Prevention of Torture, the Framework Convention for the Protection of National Minorities, the European Charter of Local Self-Government. In addition, the new member states were required to co-operate in implementing monitoring procedures set up by the Assembly and the Committee of Ministers. Both the Parliamentary Assembly and the Committee of Ministers monitor compliance of new members with their individual accession agreements, which list specific objectives that must be fulfilled in order to harmonise domestic laws or practices with European Convention of Human Rights (Jordan 2003, 663). Moldova, along with other states which joined the CoE after 1989, has been monitored by the CoE since its accession in 1995. To date, Moldova has signed and ratified 72 CoE’s conventions. As of August 2009, 119

CoE's treaties and conventions remain neither signed, nor ratified by Moldova. The most relevant to this thesis treaties on human rights that are not signed by Moldova yet are European Social Charter; Protocol No.9 to the Convention for the Protection of Human Rights and Fundamental Freedoms (on rights of a victim to refer a case of violated human rights to the European Court of Human Rights); and Additional Protocol to the European Social Charter (on extension of social and economic rights guaranteed by the European Social Charter of 1961).

The main areas of co-operation between Moldova and CoE encompass legal assistance programmes, which are designed to help Moldova press ahead with its institutional, legislative and administrative reforms by providing legal expertise and advice on various bills and legislative acts; and co-operation programmes on freedom of expression and media, the main goal of which is to promote the functioning of professional, independent and pluralistic media in Moldova. In terms of institutional involvement, three CoE's institutions have been involved in democracy promotion in Moldova: the Committee of Ministers, the Parliamentary Assembly, and the Commissioner for Human Rights. Among the main functions of the Committee of Ministers are to monitor member states' compliance with their commitments, to admit new members states (and to suspend or terminate membership) and implement cooperation and assistance programmes in member states. As it is the CoE's main decision-making body, the Committee of Ministers has the final word in deciding about intensity of relations and co-operation with Moldova. It is noteworthy that the Committee has become more actively engaged in Moldova in the period from 2000 to 2005: for instance, the total number of Committee's of Ministers decisions on

Moldova during the 1995-2000 period was only 10,⁵ but in the period from 2000 to 2005 the number of its decisions on Moldova has risen to 138.⁶ Out of 138 there were 56 decisions on human rights in Moldova, including the Committee's decisions in October 2003 on the rights of the Metropolitan Church of Bessarabia, decision in January 2005 on the state of human rights in the Transdniestrian region of Moldova, and a number of decisions in March 2005 on the status of Moldovan schools in the Transdniestrian region.

The Assembly of the CoE operates as a parliamentary forum for individual representatives from each member state and provides information on member states to the Committee of Ministers through generation of regular reports by permanent committees. In particular, the Assembly can adopt three types of documents concerning a member state: a recommendation (a proposal to the Committee of Ministers), a resolution (a decision by the Assembly on a particular question or expression of a view), and an opinion (a view on questions put by the Committee of Ministers). In the period from 1995 to 2005 the Assembly has issued the following documents on Moldova: one opinion on Moldova's application for membership to the CoE (Council of Europe/PACE, Opinion No.188(1995)); 4 recommendations, two of which were on functioning of democratic institutions in the republic (Council of Europe/PACE, Recommendation 1554(2002) and 1721 (2005)), one recommendation on the problem of trafficking in minors and young adults (Council of Europe/PACE, Recommendation 1526 (2001)), and one on the challenges of economic development in the country (CoE/PACE, Recommendation 1605(2003)); and 3 resolutions

⁵ The main themes of the Committee's decisions on Moldova during 1995-2000 were: on local and regional democracy; national minorities; natural heritage; and torture. For the full list of the Committee's decisions on Moldova during this and other periods, perform a basic search at http://www.coe.int/t/cm/adoptedTexts_en.asp

⁶ For the full list of the Committee's decisions on Moldova during this and other periods, perform a basic search at http://www.coe.int/t/cm/adoptedTexts_en.asp

(CoE/PACE, Resolution 1303 (2002), Resolution 1280(2002), Resolution 1465 (2005)) on functioning of democratic institutions in Moldova.

Surprisingly, during this period the Assembly has not adopted any formal documents (either in the form of a resolution or a recommendation) on honouring of the CoE's obligations and commitments by Moldova. This contrasts with other post-Soviet member states of the CoE, such as Ukraine for instance, on which the Assembly adopted thirteen resolutions and recommendations on the theme of "Honouring of obligations and commitments to the CoE" in the period from 1995 to 2005. Another example is Albania, which was admitted to the CoE on the same day as Moldova: during the same period the Assembly issued three resolutions on the progress of honouring the CoE's obligations by Albania. This raises a question of how stringent the membership conditionality during the first five years of Moldova's membership in the CoE was and whether the CoE has used conditionality and other incentives at all during this period.

The Commissioner for Human Rights is the CoE's institution directly responsible for promotion the awareness of and respect for human rights in member states. It was set up in 1997 and since then two Commissioners held the position: Alvaro Gil-Robles from October 1999 to March 2006, and the current Commissioner Thomas Hammarberg who assumed the position in April 2006. The activities of the Commissioner for Human Rights comprise establishment of dialogue with governments from member states and regular country visits (including follow-up visits), issue of thematic recommendations and awareness-raising among both member states and the CoE institutions, and promoting the development of national human rights structures such as ombudsmen, human rights centres, etc. For instance, the Commissioner Alvaro Gil-Robles visited Moldova once, in October 2000, and

members of its office undertook a follow-up assessment visit in March 2003. Moldovan parliamentary advocates for human rights participated in three meetings between the ombudsmen of Central and Eastern Europe and the Commissioner Alvaro Gil-Robles during the period from 1997 to 2005: the main aim of such meetings was to promote co-operation of national ombudsman institutions with the Commissioner, and to foster implementation of European human rights standards in member states. The Commissioner has also issued a number of statements about closure of Moldovan schools in Transdnestrian region in 2004 calling on both governments (of the republic and of the region) to negotiate a peaceful resolution of the issue (see, for instance, CoE/CommHR, Doc.149a of 24 March 2004).

6.1.3. The EU and Moldova

Formally, the relationship between the EU and Moldova started in 1994 when Moldova signed a Partnership and Cooperation Agreement (PCA) with the EU. Again, similar to the CoE's approach, at this early stage the EU did not differentiate much among the former republics of the Soviet Union and adopted a unified policy towards them: one economic assistance programme (TACIS) was established covering all the CIS countries, and a new type of bilateral agreement, the PCA, was envisaged for all CIS countries. In relation to Moldova, the agreement was concluded for an initial period of ten years with automatic renewal year by year, provided that both parties agree to continue the partnership (EU-Moldova Partnership and Co-operation Agreement, Article 98). The agreement also set up a regular and institutionalised multi-level dialogue between the EU and Moldova through the ministerial Co-operation Council and the Parliamentary Co-operation Committee. The

PCA covered a number of areas such as trade and economic co-operation, co-operation in the fields of science, technology, energy, telecommunications and education, etc. One of the main objectives of the PCA was to establish regular political dialogue between the EU and Moldova on domestic and international issues of concern such as observance of principles of democracy and human rights and political stability in the region (in particular, in Transdnistria). But, overall, the emphasis was put primarily on economic (rather than political) co-operation in order to support the efforts of the Moldovan authorities to develop economy and to complete the transition into a market economy (Vahl 2004, 174).

Overall, as some analysts correctly point out, EU – Moldovan relations were quite passive in the 1990s (see, for instance, Vahl 2004, 171-185; Wiersma 2004, 195-203). The partnership with the EU was not activated until the entry into force of the PCA in July 1998, more than three and a half years after it was signed. Both sides can be held responsible for this. In the 1990s the EU was pre-occupied with mediating the conflict in the Balkans and with preparing the ‘big bang’ enlargement of a number of Eastern European states, the Baltic states, Cyprus and Malta. On the other hand, Moldova’s foreign policy towards the EU was hesitant and contradictory, as it struggled to find its place in the post-Cold War Europe (Vahl 2004, 171). Only in the second half of the 1990s the EU began to be involved more actively in the non-EU Europe. But Moldova was still relatively marginalised in the EU external policies during this period. The sequencing of the process of negotiating and ratifying the PCAs provide a certain indication of the EU’s priorities as far as the CIS was concerned: the PCA with Russia became operational in December 1997, with Ukraine in March 1998, and with Moldova only in July 1998. Although the PCA with Moldova was largely a copy of the previous PCAs with Russia and Ukraine, the

summits between the EU and Moldovan government and senior civil service officials were not regular, which resulted in a more limited political dialogue between the EU and Moldova (*ibid.*).

Thematically, no special programme was specifically designed to promote democracy and respect for civil and political rights until year 1996, when the European Initiative for Human Rights and Democracy (EIDHR),⁷ set up in 1994, launched its first assistance programme in Moldova. This programme essentially consolidated various small EU funds, previously allocated to some third countries in order to improve their human rights records and foster democratic reforms, under one budget heading of the EIDHR (Smith 2003, 112-3). The EIDHR's overall objective was to consolidate democracy in Moldova by supporting state institutions and NGOs dealing with civil and political rights. This programme amounted to about €1.7 million for the period 1996-2000 covering a variety of projects, such as training related to human rights, respect for trade union rights, and providing assistance for independent media and local government (EU/EIDHR Report 2006, p.393). As Smith points out, external reviewers have generally evaluated the EIDHR's activities positively (Smith 2003, 113), but in 2001 the Commission decided to focus the EIDHR better, both thematically and geographically (*ibid.*, 114). Thus, one of the four priority themes for EIDHR spending in 2002 was provision of support to strengthen democratisation, good governance and the rule of law. Also, in 2002 the EU has chosen twenty-one focus countries, on which it planned to concentrate sixty per cent of all EIDHR resources (*ibid.*).⁸ Surprisingly, Moldova was not chosen as a focus country for the EIDHR, which resulted in decrease of assistance provided under the

⁷ In 2006 this Programme was renamed to European Instrument for Human Rights and Democracy (EIDHR). See the EIDHR's official web-site at http://ec.europa.eu/europeaid/where/worldwide/eidhr/index_en.htm.

⁸ From all post-Soviet republics, only Ukraine and Russia were chosen as EIDHR focus countries.

EIDHR. This lack of involvement of the EIDHR in Moldova after 2002 is surprising given that deterioration of civil and political rights and delay in democratic reforms started to occur around the same time: in the early 2000s.

Created in 1991 and expired at the end of 2006, the TACIS programme was one of the main mechanisms through which the EU assistance had been provided to Moldova.⁹ It was initially set up in 1991 to support the process of transition to market economies and democratic societies in the former Soviet republics. It is noteworthy that Moldova started to receive TACIS assistance as early as in 1991, immediately after gaining independence and recognition from the EU. The assistance started with a small amount of financial assistance (€1 million) to the agricultural sector in 1991, and increased to €19 million during 1992-1994. In the subsequent funding period of 1995-1999 TACIS allocations to Moldova constituted an estimated €56.5 million.

Among other areas of co-operation (for instance, support for economic development and poverty reduction) TACIS provided assistance for institutional, legal and administrative reform in Moldova: specifically, for consolidation of the rule of law, approximation of legislation with international standards in various policy areas, technical support to implementation of the PCA, and civil society development and training. TACIS for Moldova was implemented through a number of instruments.¹⁰ The main one was the National Action Programme (AP), prepared once every two years. TACIS was also responsible for issuing National Indicative Programmes (IP), prepared every three years. Overall, during 1992-2003 seven annual or biannual APs and three IPs for Moldova were issued. The Small Projects Programme (SPP),

⁹ The other three mechanisms are: macro-economic assistance (balance of payments loans in coordination with the WB and the IMF), humanitarian assistance (to tackle social consequences of poverty), and food security programme (to promote long-term food security and poverty reduction in Moldova). For more details, see "EU's relations with Moldova - Overview", available at http://europe.eu.int/comm/external_relations/moldova/intro/index.htm.

¹⁰ This information was obtained by the author during her interview with Fiona McLean, Head of TACIS branch office, Delegation of the European Commission to Moldova, Chisinau, 2 July 2005.

originally an independent part of TACIS and later part of the National Action Programme, included activities in the area of policy advice, NGOs, managers' training, customs, statistics co-operation and participation in the education-related TEMPUS programme. Some assistance was also provided through the TACIS Regional Programme, encompassing INOGATE (on energy) and other regional programmes (on environment, transport and infrastructure, justice and home affairs). Finally, the Cross-Border Co-operation Programme (CBC) aimed to strengthen border management and to activate regional co-operation between the eastern borders of Central European accession countries and the western borders of Russia, Ukraine, Belarus and Moldova.

One has to note that during 1991-1999 the EU funding under TACIS was mainly demand-driven: requests from relevant ministries were received, evaluated on the basis of the existing information and responded to. Assistance was provided mainly in the form of single small-scale projects.¹¹ In the early 1990s the emphasis was primarily on agricultural and private sectors in Moldova.¹² However, starting from 2000 and up until the end of the programme in 2006, the EU has changed its TACIS approach to dialogue-driven: thus, rather than simply responding to recipient states' requests of assistance, the EU began to make its own proposals for funding, based on prior evaluation and taking into account the partner states' needs and commitments when allocating resources (EU/Council Regulation No.99/2000). In relation to Moldova, one indication of such change in allocating TACIS assistance was the National Indicative Programme for 2000-2003 (adopted in 2000), which set out the EU response in more detail, highlighting programme objectives, expected

¹¹ This information was obtained by the author during her interview with Fiona McLean, Head of TACIS branch office, Delegation of the European Commission to Moldova, Chisinau, 2 July 2005.

¹² Thus, in the period from 1992 to 1994 the agricultural sector in Moldova received the bulk of financing (around €7 million), followed by funds for public administration and social sectors (€4 million) and for private sector development (€3 million) (EU/TACIS Report of December 2000).

results and conditionality for TACIS (for the first time since 1991!) in priority fields of co-operation (EU/TACIS, “NDI 2000-2003”(2000)). This IP was followed by the Country Strategy Paper (CPS), adopted by the Commission in December 2001, which outlined specific guidelines and framework within which TACIS and other EU assistance would be provided for the period 2002-2006 (EU/TACIS, “CSP 2002-2006”(2001)). Thematically, a reformed TACIS programme also broadened areas of co-operation with partner countries (including Moldova): the most relevant to this thesis are democratisation, citizenship and human rights (including strengthening civil society organisations). TACIS was replaced in 2007 by the European Neighbourhood and Partnership Instrument (ENPI).

The first signs of a change of the EU policy came with the endorsement by the EU Council in December 2000 of elements of a common approach towards Moldova. Moldova was invited (together with Ukraine, and then Russia) to join the European Conference in 2001. This was set up by the EU in late 1997 as a forum for political dialogue between the EU and all candidate states, and was later expanded to include the EFTA members, the countries of the Western Balkans, Russia, Ukraine and Moldova. The change of the EU priorities was also evident in 2002-3 when the EU began to elaborate a new policy towards neighbouring countries of the enlarged EU – the European Neighbourhood Policy (ENP). The principal aim of the new policy was basically to slow down the EU future enlargement processes and to keep countries aspiring to become the EU members out of the EU for an indefinite period of time. As a trade-off for that, the EU offered closer economic, political, social and cultural links with the new neighbours through more advanced co-operation mechanisms. An important long-term “carrot” was envisaged by the ENP as well: the prospective membership was not excluded for Moldova in the long run, a position expressed in

spring 2003 by Enlargement Commissioner Verheugen, who was in charge of developing the new policy (Vahl 2004, 180). The ENP has also significantly extended areas of co-operation between the EU and Moldova. Most relevant to this thesis were the upgrades in the EU's policies towards Moldova designed to strengthen the stability and effectiveness of institutions, to guarantee democracy and the rule of law and to ensure respect for freedom of the media and freedom of expression. The launch of the ENP was also remarkable in another important aspect: it added new mechanisms of co-operation, including those related to normative pressure and conditionality. Discussion in section 6.2 provides more details on these mechanisms.

6.2 Democracy promotion strategies: mechanisms of normative pressure and conditionality

6.2.1 Organisations' normative pressure towards Moldova

In order to influence domestic policy process in Moldova all three European organisations applied a variety of institutional tools associated with normative pressure and democratic socialisation. Let's consider in detail what each mechanism entailed and how often it was used by organisations in Moldova.

Firstly, on numerous occasions European organisations issued *direct official statements and declarations* in which opinions about the state of the Moldovan policy sector and a particular controversial media issue were expressed. Sometimes these statements took the form of official letters by the relevant institutional bodies addressed specifically to the relevant domestic officials and ministries. For instance, in the period from 1999 to 2005 the office of the OSCE/RFM has issued three official letters to the Moldovan Minister of Foreign Affairs highlighting problematic media

cases and expressing the organisation's concerns. Similarly, in her letter of 9 September 2002 the Chairman of the CoE's Committee of Ministers, Lydie Polfer, has called on the Moldovan authorities to take into consideration the CoE's concerns regarding the new law on the national public broadcaster "Teleradio Moldova" and to follow the organisation's recommendations on the issue (Polfer, CoE/CM, Letter of 9 September 2002).

But the most frequently used mechanisms of normative pressure were public statements and declarations issued by specific institutions of organisations. For instance, during his three day visit to Moldova in April 2002, the OSCE/HCNM Rolf Ekeus issued a public statement on the state of national minorities' policy in Moldova, in which he warned against extremism in Moldova and called on all parties, involved in the political crisis of January-February 2002, to seek a pragmatic and peaceful solution to the then political impasse as well as to respect the rule of law and to follow democratic procedures. The wording of the OSCE/HCNM's declaration was even stronger in July 2004 when the Commissioner condemned the actions of Transnistrian authorities towards a number of Moldovan schools in the region and labelled them as "nothing else than linguistic cleansing" (OSCE/HCNM Press Release, 15 July 2004). Another instance of the use of this mechanism of normative pressure is when in July 2002 the Chairman of the CoE's Committee of Ministers, Lydie Polfer, has publicly expressed concerns on Moldova's progress towards democratic reforms and has called on the authorities to fulfil their commitments to the CoE (Polfer, CoE/CM, Doc.355a of 5 July 2002). A few months later, in October 2002, the CoE's Secretary General Walter Schwimmer openly stated that Moldova "has to fully satisfy its commitments before taking over the Council of Europe

chairmanship next year [in 2003]" (Schwimmer, CoE/CM, Doc.501a of 15 October 2002).

The CoE's Parliamentary Assembly has also used this mechanism of normative pressure quite frequently in Moldova. Apart from official documents such as recommendations, resolutions and opinions, individual members of the Assembly can also issue the so called "working documents", among which are motions, written declarations and written questions to the Committee of Ministers. Although these documents do not constitute the Assembly's official view and represent commitments only of those parliamentarians, who have signed them, they still provide a certain way to draw attention and express views on a controversial issue involving a member state. Importantly, parliamentarians' written questions addressed to the Committee of Ministers and motions for an Assembly's resolution presented by parliamentarians required official response from either institution (or from both institutions), thereby ensuring more active involvement by the organisation. Thus, in February 2002 16 parliamentarians of the Assembly signed a motion for a PACE resolution regarding violation of human rights in Moldova in January-February 2002. The motion expressed concerns about deterioration of civil and political freedoms in Moldova at the time and requested the CoE to perform more efficient monitoring procedures on Moldova's membership commitments to the CoE (CoE/PACE, Doc.9352/4, February 2002). Overall, in the period from 1995 to 2005 around 19 "working documents", including motions for a resolution or a recommendation, written questions and declarations, on various aspects of civil and political rights in Moldova were presented by members of the Assembly.

One of the first instances of the EU's official statements and declarations on deficient human rights policy in Moldova occurred in early 2002 when the European

Parliament had issued a number of joint motions for resolution (EU/EP “Joint Motion for Resolution” of 10 April 2002 and of 13 March 2002), and subsequently, two resolutions expressing concerns about human rights situation in Moldova. In both resolutions the European Parliament called on the authorities to respect basic democratic rules and procedures and to guarantee respect for fundamental freedoms and the rule of law. A similar resolution on Moldova was issued in December 2003 (EU/EP Resolution of 18 December 2003). Overall, the European Parliament has consistently called in its resolutions on Eastern Europe for the EU to pay more attention to Moldova. For instance, in its November 2003 Resolution on “Wider Europe”, the Parliament welcomed “the joint initiative of all parliamentary parties to call for support for Moldova’s desire for EU integration, which is increasingly becoming the binding element in the country” (EU/EP Resolution of 20 November 2003).

On several occasions, the EU has also issued various declarations as a seal of approval and social reward in return for government’s policies and co-operation with the EU. For instance, after the adoption of the 2005 Moldova Action Plan within the ENP framework, the Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner, stated that “a door is now open, revealing tantalising benefits for Moldova ... now Moldova must demonstrate its commitment to our shared values, it must take up the challenge and set the pace” (Ferrero-Waldner, EU/DG External Relations, Press Release of 22 February 2005). During the same time Ferrero-Waldner issued also a number of declarations regarding the 2005 parliamentary elections in Moldova and called on the government to “ensure that the shortcomings identified by the international election monitoring observation

mission regarding campaign and media conditions are satisfactorily addressed” (Ferrero-Waldner, EU/DG External Relations, Press Release of 7 March 2005).

In relation to the *second mechanism of normative pressure*, European organisations were also involved. These were usually short-term visits headed by officials from organisations’ institutions and experts from member states which usually resulted in production of written follow-up reports on Moldova. For instance, the office of the OSCE/RFM has undertaken three assessment visits to Moldova in the period from 1999 to 2005: in June-July 1999, in October 2004 and in January-February 2005 (to Transdnistria). The main purpose of these visits was to assess the current state of media freedoms in Moldova and to provide the authorities with recommendations on how to improve and implement the policy. Another OSCE institution, the ODIHR, has also undertaken two needs-assessment visits to Moldova before the 2003 local elections and the 2005 parliamentary elections. These visits were labelled by the OSCE as a Needs Assessment Mission (NAM) to the Republic of Moldova. The purpose of the March 2003 NAM was to assess conditions and level of preparation for the 2003 local elections, and to advice on deployment of an Electoral Observation Mission (EOM) to monitor the elections. At the end of its visit the NAM has issued a special report which outlined the country’s political context, legal framework and election administration facilitating the conduct of elections. At the end of the report the NAM recommended deployment of the EOM four to five weeks prior to the 2003 local elections and secondment of 10 long-term and 100 short-term observers from the OSCE participating states. The first OSCE/HCNM, Max van der Stoel, visited Moldova twice: in 1994 and 2000. The second OSCE/HCNM, Rolf Ekeus, has also undertook two assessment visits to the country: in April 2002 and July 2004. During the April 2002 assessment visit the Commissioner examined Moldova’s

legal framework on protection of minority rights and stressed the need for an effective governmental integration strategy that would protect and promote cultural diversity of Moldova. The aim of the second visit (in July 2004) was to investigate the issue of forcible closure by the local authorities of schools teaching the state language in Latin script.

The earliest CoE's visit to Moldova took place in October 2000 when the Commissioner for Human Rights, Alvaro Gil-Robles, has visited the country for the first time. In December 2000 the office of the Commissioner issued a written report about the visit, highlighting the main problems with human rights in Moldova, including linguistic problems of national minorities, and recommending the authorities to pursue concrete legislative reforms (CoE/CommHR(2000)4/20 December). In March 2003 members of the Commissioner's office undertook a follow-up visit to Moldova to assess the pace and degree of government's human rights reforms since the first visit. There were a number of other visits to Moldova by the CoE institutions: for instance, a visit by the Secretary General, Walter Schwimmer, in November 2000 (CoE/SecGen Report of November 2000), a visit by the Chairman of the Committee of Ministers, Antanas Valionis, in December 2001 (CoE/CM/Inf(2002)3 of 16 January 2002), and a visit by the Secretariat and Information Mission headed by the Deputy Secretary General, H. C. Krüger, in April 2002 (CoE/SG/Inf(2002) of 18-23 April 2002). All these visits also resulted in follow-up reports and guidance on how to improve governmental policy on a number of issues, including civil and political freedoms.

The EU has also undertaken a number of fact-finding visits to Moldova. Again, as in the case of public declarations and statements by the EU, all of these visits took place in the 2000s. For instance, as a follow-up of its 2002 resolutions on

Moldova, the European Parliament sent an ad hoc delegation to Moldova in June 2002. The visit of this ad hoc delegation resulted in issuing of a follow-up report by the chairman of the delegation, Jan Marinus Wiersma (EU/EP, Doc. DV/473437EN of 2 July 2002). The report outlined in detail the main issues of concern regarding political developments, situation with the Bessarabian Church, freedom of the media, economic situation, and civil society in Moldova. Moreover, the report contained specific recommendations for the authorities on how to improve the then political situation.

The third mechanism, *establishment of a mission or a field office*, was also present among organisations' instruments of normative pressure towards Moldova. The OSCE established its mission in Moldova in 1993. Its mandate was initially limited to duration of six months, but has since been repeatedly extended by six months.¹³ According to the 1993 OSCE Terms of Reference the number of Mission's international staff was limited to 8 members. However, in 2002 the OSCE's Permanent Council decided to increase the number of the Mission's international staff to 10 members. At present the mission employs thirteen international and forty-three local staff members.¹⁴ The Mission opened a branch office in the capital of the Transdnestrrian region, Tiraspol, in February 1995. The mission's primary tasks were to facilitate a lasting political settlement of the Transdnestrrian conflict, but other areas of co-operation included support for democratic transformation and human rights reforms (including the rights of minorities and refugees), combating trafficking in human beings, promoting military security and freedom of the media. Thus, one can see that, in comparison to the CoE and the EU, the OSCE has had the highest and the longest degree of "on the ground" involvement in Moldova and, given numerous

¹³ For more details about the mandate of the OSCE Mission to Moldova see http://www.osce.org/documents/mm/1993/02/4312_en.pdf

¹⁴ See Overview of the OSCE Mission to Moldova at <http://www.osce.org/moldova/13173.html>

personal interaction opportunities with Moldovan government and other members of political elite, the OSCE has opted exclusively for those democracy promotion methods that normatively persuade domestic authorities to change their behaviour. The OSCE mission in Moldova, together with the OSCE/ODIHR, is also responsible for election assistance and monitoring. The OSCE mission has assisted the Moldovan authorities in preparing and conducting all parliamentary and presidential elections in the period from 1994 to 2005, and the 1995, 1999, the 2003 local elections. Importantly, the OSCE mission was also responsible for coordination of international monitoring of these elections and evaluation whether the elections were compatible with international standards.

Through its field mission in Chisinau, the OSCE has allocated project-based financial aid and technical assistance. The budget for the mission has increased over time: for instance, the initial budget for 1993 comprised ATS 3,729,000 (approximately €270,997) (OSCE/SecGen, 1993 Annual Report); in 2002 the OSCE transferred a total of €761,000 to its mission in Chisinau (OSCE/SecGen, 2002 Annual Report); in 2003 the mission's budget has increased to €1,115,100 (OSCE/SecGen, 2003 Annual Report); in 2004 the revised budget consisted of €1,389,200 and in 2005 the financial transfers were at around €1,486,000 (OSCE/SecGen, 2005 Annual Report, p.18). In particular, one of the mission's main funding programmes in the area of human rights is "capacity-building through promoting human rights". Through use of this fund, the Mission responded to several funding requests from Moldovan and Transdnestrrian NGOs to support small-scale projects aimed at promoting human rights and tolerance towards national minorities. Also, usually participation in the OSCE and other international human rights seminars

for Moldovan civil servants and NGO representatives has been funded through this programme (ibid., pp.74-75).

The CoE established a field office in Moldova in June 1997. The main aim of the CoE field offices (officially known as CoE "Information Offices") is to facilitate working relations between the CoE and the authorities of member states as well as representatives of civil society, political parties and media (CoE/CM Resolution 99(9) of 28 July 1999). It was anticipated that such "on the ground" presence in Moldova allowed the CoE to influence domestic legislative and other reforms, provide day-to-day legal expertise, develop and organise training programmes, etc.

The EU has established its first on-the-ground mission in Moldova in 1999 by opening a TACIS Branch Office in Chisinau. Officially, the office had three mandates: to promote political and economic relations between the EU and Moldova; to support preparation and implementation of the EU-funded programmes (such as TACIS, ECHO, and EIDHR); to gather information on Moldovan politics, economics and society and to convey it to the Delegation of the European Commission to Ukraine, Moldova and Belarus and to relevant Directorates General in Brussels. The TACIS Branch Office operated closely with the National Coordinating Unit, an institutional structure within the Moldovan Ministry of Economy, responsible for overall co-ordination of the TACIS programme with beneficiary institutions in Moldova. Most of the EU funds disbursed to Moldova were managed by the TACIS Branch Office. Financially, the EU allocated to Moldova a total of €238 million in the period from 1991 to 2003, and these allocations tended to increase gradually over the years. For instance, the EU assistance and commitments under the TACIS programme have been tripled during the 1990s, from 10.1 million ecu in 1991-1993, to 32.7

million euros in 1997-1999. The TACIS Action Programme's budget alone for 2003-4 was estimated at €50 million.

The second field mission was established much later, in October 2005, when the European Commission opened a permanent Delegation in Chisinau.¹⁵ Prior to this, there was only one Delegation which represented the European Commission in three post-Soviet republics – Ukraine, Belarus and Moldova – and which had only one field-office in Kyiv. Among the main aims of the delegation are to promote political and economic relations between the EU and Moldova, to monitor implementation of the PCA, to inform the Moldovan public about the EU institutions and the EU policies, and to participate in the implementation of the EU's external assistance programmes (such as TACIS, ENP, and later ENPI). Essentially, the mandate of the Delegation of the European Commission is similar to the CoE's Information Office in Moldova: to provide support to all forms of co-operation between Moldova and the EU. A bit earlier, in March 2005, the EU has also appointed a Special Representative (EUSR) for Moldova, whose official mandate was to promote EU policies and interests as well as to strengthen the EU contribution to the resolution of the Transdnistria conflict and to play an active role in consolidating peace, stability and the rule of law in Moldova (EU/Council of Ministers, Press Release of 23 March 2005, Doc.7023/05). The establishment of these two missions were based on a new EU-Moldova Action Plan adopted in February 2005 within the framework of the ENP. Thus, it is plausible to assume that increased on-the-ground involvement by the EU in Moldova meant more personal interaction opportunities (and, hence, more potential for the EU normative pressure and socialisation) between the EU on the one side, and major stakeholders in the democracy promotion process on the other, i.e.

¹⁵ See the official web-site of the Delegation of the European Commission in Moldova at <http://www.delmda.ec.europa.eu/>.

governmental officials, public servants, representatives of the media and civil society in Moldova.

The fourth mechanism of democracy promotion through normative pressure – *provision of legal expertise and recommendations on how to improve domestic laws* – has also been extensively used by European organisations, especially in the 2000s. For instance, on numerous occasions various OSCE institutions dispatched legal expert teams to Moldova, which had the task to evaluate drafts of specific media and national minorities' laws, and provide legal expertise with regard to human rights and generally the rule of law in Moldova. The very first instance of the use of this particular mechanism took place in January and February 1993 when the ODIHR had applied the Moscow Human Dimension Mechanism¹⁶ to Moldova and had sent a team of legal experts to investigate domestic legislation on inter-ethnic relations in Moldova and implementation of national minorities' rights and freedoms (OSCE/SecGen, 1993 Annual Report). There is no evidence of any other legal expertise provided by the OSCE to Moldova in the 1990s. This, of course, raises certain questions of how effective the OSCE's normative pressure could be if this particular mechanism was not used very often throughout the 1990s. This issue will be discussed at the end of this section.

In 2000s the OSCE's legal expertise and advice to Moldovan authorities featured more frequently in Moldova's relations with the OSCE. In 2002, for instance, the OSCE/RFM initiated in Moldova a one-year project on promotion of free media in multilingual societies, at the end of which a detailed country report with specific

¹⁶ The Moscow Human Dimension Mechanism was created during the third Human Dimension Conference held in Moscow in October 1991 and it provides for the additional possibility for participating states to establish ad hoc missions of independent experts to address various issues related to the human dimension – democracy and human rights. For more information on the Moscow and other human dimension mechanisms, see "Summary of OSCE Mechanisms and Procedures", OSCE Secretariat, Conflict Prevention Centre, Vienna/June 2008.

recommendations was produced (OSCE/RFM, 2002-2003 Yearbook, p.199). Also, in December 2002 the OSCE/RFM conducted an independent legal review of the Broadcasting Law of Moldova. Specifically, detailed comments were made on article-by-article basis and explanations were provided why the law needed improvements in order to meet international standards. The review also suggested specific issues on which the law would need amendments (Nyman-Metcalf, Report for OSCE/RFM, December 2002). Similar reviews with specific legal guidelines for the authorities have been prepared by the OSCE experts in March 2004 on the Broadcasting Law (OSCE Mission to Moldova/SecGen of CoE, Report of 29 March 2004) and in June 2004 on the Electoral Code (Venice Commission of CoE/ODIHR of OSCE Joint Recommendations of 12 July 2004).

The CoE has also provided extensive legal expertise to Moldovan authorities on specific human rights laws and legislative drafts. Usually requests for such assistance came from the government itself. The earliest evidence of provision of such expertise by the CoE is an expert appraisal of a draft Criminal Code and draft Code on administrative offences carried out in June 1999 (CoE/Information Document, Doc. ADAC/DAJ EXP(99)12). Legal evaluations of these draft codes were followed by two expert meetings held in Chisinau in May 1999 and November 2000. However, there was some delay and inconsistency in following up legislative work on draft Codes.¹⁷ The new codes were adopted in 2002, and the CoE's legal experts did not review the government's changes (or a lack thereof) to drafts since 1999. Only in April 2002 the CoE identified a number of domestic laws that were expected to be not fully compatible with the European Convention of Human Rights (CoE/GR-

¹⁷ The CoE became more concerned about the efficiency of the legislative co-operation only in 2005 when the Assembly recommended the Committee of Ministers to work out a better system of follow-up to CoE legal expertise and to ensure that CoE legal appraisals on member states' national legislation were duly taken into account. See PACE Recommendation 1721(2005).

EDS(2002)25revised/ of 26 June 2002). Subsequently, legislative expertise on these and other laws and law drafts has been provided as part of the CoE's Targeted Co-operation Programme to assist Moldova in implementation of commitments launched in 2002 (CoE/CM, Doc. GR-EDS(2002)25 of 29 May 2002). In 2002 the CoE has also provided legislative expert assistance in elaboration of a law on transformation of the national broadcaster "Teleradio Moldova" into an independent public service institution (Jakubowicz, CoE/ Doc. ATCM(2002)030 of 18 December 2002). This law was adopted in July 2002 and further amended in light of the CoE legal recommendations in March 2003.

The fifth mechanism of normative pressure, which organisations have been applying to Moldova during 1995-2005, is *twinning and training*. It has to be noted that the twinning element (secondment of officials from established democracies to work in a target state's ministries and other parts of public administration) was not extensively used by organisations until the mid 2000s when the EU launched officially a twinning programme with Moldova within the ENP framework. The closest to the "twinning" activity came to be provision of legal expertise by independent experts from organisations' member states and on the ground involvement of international staff in organisations' missions and field-offices based in Chisinau. Often members of the international staff in such offices were involved in day to day training, transfer of knowledge and supervision of the mission's local staff.¹⁸ In this regard organisation of training courses and seminars in Moldova, aimed at the authorities, members of civil society and representatives of the media, was more frequently used by organisations.

¹⁸ Author's electronic correspondence with Claus Neukirch, Press and Public Affairs Officer in the OSCE Mission to Moldova during October – November 2005.

Many seminars and workshops have been organised by the OSCE in Moldova in the period from 1993 to 2005. Some of the examples of these are: the 1995 seminar on print media management (OSCE/SecGen, 1995 Annual Report), the 1996 training workshop for Moldovan NGOs organised by the ODIHR (OSCE/SecGen, 1996 Annual Report), the April 2002 seminar for Moldovan officials and members of the civil service on legal standards and practice of language teaching and integration of national minorities (OSCE/HCNM, Statement by Ekeus of 27 June 2002). Perhaps, the longest OSCE training programme in Moldova was organised by the OSCE/HCNM in May 2000 during which a four-year pilot programme was set up for training teachers of Moldovan as a second language. The main aim of the training programme was to improve teaching of Moldovan language to non-speakers and teachers of the fifth to ninth grades in schools in four main areas in Moldova densely populated by national minorities were targeted (OSCE/SecGen, 2001 Annual Report, p.79). The project was finalised in 2004: the major project outputs constituted training of more than 1500 teachers around the country and publication of two Moldovan language textbooks.

Most of the CoE's training programmes in Moldova were organised by the CoE's Legal and Human Rights Capacity Building Division whose activities included human rights training and awareness, support to national Ombudsmen and human rights institutions, provision of publications on human rights issues, etc. The CoE field office in Chisinau usually provides all necessary logistical support for seminars and training programmes. This mechanism of normative pressure has been used by the CoE quite frequently in Moldova. For instance, in the area of freedom of the media and expression, the CoE organised 5 seminars for Moldovan journalists and members of the government in 2001, 5 workshops in 2002, 7 training programmes in

2003, 6 seminars in 2004, and 4 seminars in 2005.¹⁹ Among major themes of these seminars and workshops were: contribution of the media to promotion of inter-community relations; relations between the state and the media in a democratic society; aims and ethics of investigative journalism; working methods and responsibilities of broadcasting regulatory authorities; independent dissemination of information; regulation of public and private broadcasting and implementation of the CoE's standards in the media field, etc. In addition, since 1997 Moldova has participated in a number of the CoE – EU joint co-operation programmes.²⁰ The main rationale for creating such joint programmes is to support more effectively the rule of law, better protection of human rights, and stronger democratic institutions in recipient countries by combining resources and expertise of the two organisations. The EU and the CoE provide joint funding for the activities, and the CoE is responsible for their implementation.

The main working methods of the joint programmes are training course, expert reports and advice to government, conferences, workshops, seminars, and dissemination of relevant publications. During the period of examination Moldova has co-operated in three Joint Programmes (JP) between the CoE and the EU: JP for 1997-2000, JP for 2000-2003, and JP for 2004-2006. Each JP consisted of a number of projects elaborated in accordance with the objectives of each JP. For instance, the 2000-2003 JP specified 4 objectives²¹ and funded 69 activities during that period. Some examples of such activities are: a project in March 2001 on “Expert assistance

¹⁹ Information obtained during the interview with Johanna Berger, Programme Manager, Office of the Special Representative, Council of Europe, Chisinau, 2 July 2005.

²⁰ For more information on Joint Programmes between the CoE and the EU, see the official web site at <http://www.jp.coe.int/default.asp>.

²¹ These objectives were: 1. Protection and promotion of human rights; 2. Improving the independence and functioning of justice; 3. Human rights and democratic practices on a daily basis; 4. Education in Europe: diversity, mobility and educational policies. See the official web site of the Joint Programmes, “Activities by Country”, available at <http://www.jp.coe.int/CEAD/Countries.asp>.

for the role of the registrar in improving the efficiency of the justice system”, a workshop in June 2001 on “Independence and functions of the regulatory authority for the audiovisual sector in Moldova”, the August - November 2002 project on “Expertise for the reform of laws on judicial organisation, the status of judges, and the High Council of Judges”, and the June 2003 consultation meeting of experts on linguistic education and minorities in Moldova. In the period from 2001 to 2005 the number of JP activities in Moldova reached its highest in 2005: there was 60 activities in total for that year.²² In the period from 2001 to 2004 the average number of activities for all areas of co-operation was around 21 activities per year. With regard to the mechanism of twinning, the possibility of such co-operation between the EU member states and Moldova was first identified in the EU-Moldova ENP Action Plan, but the twinning programme itself was launched only in October 2006.

The sixth mechanism of normative pressure examined in this thesis is *participation of a target state's officials in institutional meetings and/or a short-term chairmanship* by a target state of main institutional bodies of an organisation. Both the CoE and the EU have used this mechanism in relation to Moldova. For instance, the CoE aimed to exert normative pressure on the Moldovan government by inviting members of government and parliament to the CoE's institutional meetings and forums as well as allowing Moldova to take up a 6-month chairmanship of the Committee of Ministers in May 2003. At ministerial level the Committee of Ministers has been meeting twice a year in the period from 1995 to 2003, and only once a year from 2004 onwards. This means that members of Moldovan government have participated in 17 sessions of the Committee of Ministers during years 1995-2003, and in 6 sessions in the period from 2004 to 2009. In addition, Moldovan government

²² For the detailed log frame of activities for 2005 (and for years 2001-2004) in Moldova, see the joint programme's web page at <http://www.jp.coe.int/CEAD/Countries.asp?Y=0&CID=48>.

has also taken part in two CoE summits: in October 1997 and in May 2005. Moldova is represented in the Parliamentary Assembly by a delegation of 5 representatives and 5 substitutes, and in the Congress of Local and Regional Authorities also by a delegation of 5 representatives and 5 substitutes. So, it is reasonable to assume that participation in institutional meetings and forums of such a normative organisation as the CoE can be characterised as one of the mechanisms of normative pressure through which the government of Moldova could be subject to democratic socialisation. In this regard, Moldova's chairmanship of the Committee of Ministers from May to November 2003 can be seen as one of the most straightforward mechanisms of normative pressure. One can expect that during the 6-month period of chairmanship Moldova has been more "visible" to the CoE and has been subject to more intense socialisation processes such as normative persuasion and learning. The Moldovan Chairmanship culminated in the 113th Session of the Committee of Ministers held in Chisinau on 5-6 November 2003. As the President Voronin himself noted, "the CoE's active involvement in his country has helped it to settle a number of difficult problems and that the introduction of European standards has had a very positive effect on the country's political process. They [the government] had learned a great deal" (CoE News Report of 6 November 2003).

Moldovan officials have also participated in a number of the EU institutional meetings. The main institutional structures responsible for the EU – Moldova co-operation have been specified by the PCA. The first structure, the Co-operation Council, consists of members of the Council of the EU and members of the Commission, on the one hand, and of members of Moldovan government, on the other, meets once a year and is responsible for the overall implementation of the PCA. The second structure, the Co-operation Committee, meets at the senior civil servants

level (on the Moldovan side) and is supported by the EU sub-committees specialising in specific sectors (i.e. trade and investment, customs and cross-border co-operation, justice and home affairs, training and education, etc.). The Co-operation Committee is responsible mainly for assisting the Co-operation Council and for dealing with more technical issues of the EU-Moldova co-operation. The third institutional structure established by the PCA is the Parliamentary Co-operation Committee (PCC), which is composed of members of the European Parliament and members of the Moldovan Parliament. This is the main forum for parliamentarians of both sides to meet and exchange views, and it meets at intervals which the Committee itself determines. The first two meetings of the Committee took place once a year (in October 1998 and October 1999), and from 2000 onwards the Committee started to meet twice a year. Overall, during the period from 1998 to 2005 the PCC met 8 times. During this period there were also 5 additional meetings between parliamentary bureaus of the two institutions. Thus, one can see that the PCA has provided a solid institutional framework for regular political dialogue and contacts between Moldova and the EU, which potentially could facilitate effective normative pressure by the EU. Moreover, there were also other opportunities to exert normative pressure as at the end of each PCC meeting, a joint statement and recommendations were adopted, which addressed issues of common concern and, in general, the state of EU – Moldova relations. For instance, at the fifth meeting of the PCC in September 2002, specific statement and recommendations were adopted on the situation with human rights and freedom of expression in Moldova (EU/PCC, DV/478963EN.doc of 1 October 2002). In particular, the PCC stressed “the importance of internal political stability in Moldova” and emphasized that “respect for the principles of democracy and the rule of law are the foundation of the EU – Moldova relations” (ibid., paragraph 19).

Hence, the above discussion shows that European organisations used all 6 mechanisms of normative pressure towards Moldova. They issued numerous public statements and declarations, undertook a significant number of assessment visits to the country, provided legal expertise and training, and dispatched field missions in order to increase their on-the-ground presence in Moldova. Given less coercive nature of socialisation-based democracy promotion, organisations usually started with these methods in Moldova: the main goal here was to change undemocratic preferences and behaviour of domestic actors and socialise them in accordance with international democratic and human rights norms. Thus, both the OSCE and the CoE granted membership to Moldova quite quickly, as the emphasis was made on persuasion and social influence as primary methods of promoting democracy and respect for human rights in the country. The EU has also been exercising its “normative power” (Manners 2002 and 2006; Smith 2002; Schimmelfennig *et al.* 2006) towards Moldova. Following the end of the Cold War, liberal democracy and respect for human rights were reiterated as standards of legitimacy for the post-communist Europe. The EU started to explicitly refer to the constitutive norms of the Western community in the Copenhagen criteria and to define the promotion and protection of liberal democracy, the democratic peace and multilateralist collaboration as its basic purpose (Schimmelfennig *et al.* 2006, as cited in Pace 2007). The EU’s involvement in Moldova has become somewhat more active in the new decade of the 2000s, when the organisation issued more public statements and declarations on Moldova and, in general, the contacts between the EU and Moldovan officials have become more frequent. Such intensification of the EU-Moldova relations can be associated with the EU’s newly launched ENP, in which the socialization component was significantly strengthened. The importance of normative changes was seen as integral to the ENP

project and as Prodi put it, “the aim is to extend to this neighbouring region a set of principles, values and standards which define the very essence of the European Union” (Prodi 2002, as cited in Kelley 2006, 40). But what about more incentive-based methods of democracy promotion? Was the government offered any incentives in exchange for domestic reforms? If yes, how were these incentives offered? In other words, what mechanisms of conditionality did the organisations use in Moldova? The following section deals with these questions in detail.

6.2.2 Organisations’ conditionality towards Moldova

Out of the three European organisations examined in this thesis only the CoE and the EU have used conditionality towards Moldova at various points of time by applying a variety of institutional tools associated with conditionality. The OSCE has relied exclusively on socialisation-based methods of democracy promotion as this organisation does not have the necessary institutional structures and legal foundations for conditionality to be applied in target countries. As Ratner points out, one of the most influential OSCE institutions – the OSCE High Commissioner on National Minorities – is a “normative intermediary, an agent dispatched by a norm-concerned community with the authority and tools to communicate norms and persuade states to comply with them” (Ratner 1999, 668). Indeed, as the Commissioner Max van der Stoel noted himself, his “blueprints are OSCE principles and commitments and international legal norms and standards” (Max van der Stoel 1999, 668 as cited by Kelley 2004b, 34). In two sections that follow I consider in detail the CoE’s and the EU’s conditionality tools applied to Moldova in the period from 1991 to 2005.

Firstly, let's consider whether the CoE and the EU practiced *conditional allocation, suspension or withdrawal of aid, technical assistance or other benefits*. Overall, the CoE's aid was allocated to Moldova on a grant, not conditional, basis. This means that there were no attached conditions to the CoE aid which the Moldovan authorities had to fulfil prior or after receiving it. Initially, at the start of the CoE – Moldova relations, the number of projects initiated in Moldova and overall amount of the CoE aid depended primarily on the size of the CoE's annual budget for Moldova and relevant CoE's institutions involved in democracy promotion in Moldova.²³ In general, the CoE's annual budgets for aid usually depend on its own finances and ability to generate additional contributions from the member states.

However, in early 2002 during the political crisis in Moldova accompanied by protests on the streets of Chisinau, the CoE did use a particular conditionality tool related to allocation of aid in order to change governmental policy on freedoms of media and expression: in April 2002 the CoE decided to increase the amount of aid and technical assistance to Moldova including provision of more legal expertise on media and other related laws such as the Criminal Code and Code of Criminal Procedure, and initiation of more co-operation programmes (CoE/PACE Recommendation 1554 of April 2002). This instance can be characterised as a positive incentive, or using Schimmelfennig's terminology as the "reinforcement by support" strategy (Schimmelfennig 2005, 108), as in this case the CoE decided to give extra support to non-compliant Moldovan government in order to decrease the costs of compliance and to enable the authorities to fulfil specified conditions. Similarly, when trying to change governmental policy on teaching and status of the Russian language, the CoE adopted a resolution on Moldova in which it promised to increase

²³ Author's interview with Vladimir Philipov, Special Representative of the Council of Europe in Moldova, Chisinau, 6 July 2005.

assistance in such areas as the country's economic recovery, the fight against corruption and human trafficking, and to help Moldova in negotiations with the World Bank and the International Monetary Fund in order to resume their funding (CoE/PACE Resolution 1280 of 24 April 2002). In addition, in the same resolution the CoE's PACE has offered another positive, albeit indirect, incentive to Moldovan government: it called on the IFIs to re-consider their previous position of suspending financial aid and disbursement of preferential loans to Moldova and to increase the amount of grant aid in order to tackle the country's economic and social problems (ibid., paragraph 16). Overall, the CoE has changed its practice of allocation of aid to Moldova in the early 2000s: if in the second half of the 1990s the CoE's aid and technical assistance was provided unconditionally (thus, being a tool of normative pressure and socialisation), from 2002 onwards the CoE began to manipulate with aid and other benefits in order to make the government to change undemocratic domestic policies.

The EU has also used this tool of conditionality several times in Moldova. First of all, the TACIS legal framework contained certain provisions on aid and technical assistance conditionality: thus, the article 3.11 of the TACIS regulation by the European Council stated that "when an essential element for the continuation of co-operation through assistance is missing, in particular in cases of violation of democratic principles and human rights, the Council may, on a proposal from the Commission, acting by a qualified majority, decide upon appropriate measures concerning assistance to a partner State" (EU/Council of Ministers Regulation No. 1279/96 of 25 June 1996). Thus, the EU has de facto introduced a "democracy and human rights clause" into TACIS assistance with partner countries, including Moldova, since TACIS represented the main instrument for the EU assistance to these

countries in the context of the Partnership and Association Agreements. Potentially, this clause could be used to suspend, or even terminate, co-operation with Moldova in case of substantial human rights violations or significant undemocratic developments. This would have been the case of negative conditionality. However, the practice of EU's democracy promotion in Moldova shows that such clause was used primarily as a basis for certain positive measures aimed at promoting human rights and democracy especially during political crises in the country. As the two members of the Legal Service of the European Commission pointed out, both the Commission and the Council have long considered that "such clauses, given their reference to 'appropriate' measures or steps (and not simply to suspension and termination), should in fact have a positive dimension, at least in certain (possibly exceptional) situations" (Brandtner and Rosas 1998, 482).

The EU's financial assistance allocated to Moldova under the TACIS programme has been increasing over the years. There is no evidence that the TACIS funding had been withdrawn or suspended at any particular time due to violation of the human rights and democracy clause. Instead, on several occasions the EU promised to increase the amount of financial aid and expand to new areas of co-operation between the EU and Moldova in exchange for democratic reforms. For instance, in February 2002 the European Commission notified the government about its plans to undertake an assessment visit to the country and pointed out that the results of negotiations on disbursement of the €15 million credit to Moldova would depend on co-operation of the authorities with the opposition and on overall political stability in the country.²⁴ For year 2002-2003 TACIS financial assistance to Moldova estimated at €25 million. This is a significant increase compared to TACIS assistance

²⁴ Author's interview with Fiona McLean, head of the European Commission's TACIS Office in Chisinau/Moldova. Chisinau, 7 July 2005.

in previous years: for instance, in 2000 and 1998 TACIS funding to Moldova totalled at €14.8 and €14.7 million, respectively. Moreover, in October 2002 the European Council decided to provide supplementary financial assistance to Moldova by converting the €15 million loan agreed upon in 2000 into a grant (EU/Council of Ministers, COM(2002)538 final of 2 October 2002). This assistance has been allocated under explicit conditions of economic and political reforms by the government.

Similarly, in the policy case of freedoms of national minorities, the EU called on the authorities to re-consider reforms on the status of the Russian language and compulsory teaching of Russian in schools with Moldovan language of instruction and indicated that in case of improvement of the overall situation in the country and inclusion of the political opposition forces into decision-making process, closer cooperation between the EU and Moldova and increased technical assistance in a variety of areas are possible (EU/EP Resolution, P5_TA(2002)0132 of 14 March 2002). Thus, these cases of conditionality can be referred to as positive conditionality, or using Schimmelfennig's terms, as "reinforcement by support" or "reinforcement by reward" (Schimmelfennig 2005, 108-9) applied by the EU in order to change governmental position on specific policy issues.

It is also noteworthy that with regards to conditional allocation of aid and other benefits, the significant change was that the ENP, which Moldova has become a part of in 2004, offered more political and economic benefits to partner countries under more concrete and clear conditionality. An important caveat is necessary here: as the period of examination in this thesis is from 1991 to 2005, it would be analytically premature to offer an analysis on whether the ENP conditionality had any effects on domestic policy process within a single year (2004-2005). However,

analysis of the preparation of the ENP and negotiations on terms and conditions of co-operation with the partner countries can, firstly, inform about changes in the use of conditionality by the EU, and, secondly, bring out important insights about short-term effects of conditionality. This will be discussed in greater detail later on in this section as it is a typical example of the gate-keeping tool of conditionality because, essentially, the ENP represented a new stage in the EU-Moldova relations. Specifically, the EU-Moldova Action Plan, the first step in implementing the ENP, stipulated a number of new benefits for the country such as an upgrade in scope and intensity of political co-operation, strong EU commitment to the settlement of the Transnistria conflict and increased financial support. The conditionality component of all these incentives has also been strengthened: for instance, the Commission's ENP strategy paper of 2004 stated that "the ambition and the pace of development of the EU's relationship with each partner country will depend on its degree of commitment to common values, as well as its will and capacity to implement agreed priorities" (EU/Comm, COM(2004), 373 Final, p.8). Furthermore, the EU-Moldova Action Plan specified what reforms the government should undertake in order to ensure respect for human rights and fundamental freedoms: for instance, to implement actions foreseen in Moldova's National Human Rights Action Plan for 2004-2008, to respond to recommendations by relevant CoE institutions and experts on state of compliance by Moldova with the FCNM, and to execute the judgments of the European Court of Human Rights. Therefore, it is clear that the ENP and its product EU-Moldova Action Plan represented a definite change in the EU's approach towards Moldova: the amount of aid was increased, new benefits were offered and conditionality, mostly through positive measures, was strengthened.

The second tool of conditionality examined in this thesis is *gate-keeping*, that is accession to negotiations and further stages in the accession and/or association process. Similarly to a lack of conditions attached to the CoE aid in the 1990s, the CoE did not make much use of the gate-keeping tool of conditionality either. As it was noted in section 6.1.2 the CoE did not use membership conditionality towards Moldova, meaning that it did not attach specific conditions to different stages in the process of Moldova's accession to the CoE. Instead, the CoE decided to exercise *ex post* conditionality towards Moldova: in exchange of membership a number of commitments were obtained which the government had to comply with by specific dates. Among the core commitments applying to all new members were signing and ratification within a year of accession of the European Convention on Human Rights and its main protocols; immediate moratorium on enforcement of the death penalty and complete abolishment of it within three years of accession; signing and ratification within a year of a number of European human rights conventions such as the European Convention for the Prevention of Torture, the Framework Convention for the Protection of National Minorities, and the European Charter of Local Self-Government.

A number of specific requirements were also set out: Moldova had to adopt a new Criminal Code and Code of Criminal Procedure in line with the CoE standards within a year of accession; to modify within a year the Constitution to ensure independence of the judiciary; to loosen regulations on knowledge of the official language and extend the time allowed for learning it; transfer responsibility for the prison system from the Ministry of the Interior to the Ministry of Justice by autumn 1995; to guarantee complete freedom of worship for all citizens without discrimination and to find a peaceful solution to the dispute between the Moldovan Orthodox Church and

the Bessarabian Orthodox Church. Once these requirements have been stated and accepted in principle by new members (including Moldova), the next step was to involve these new members in the full range of co-operative activities conducted by the CoE (i.e., co-operation between governments, parliaments, local and regional authorities, NGOs, youth organisations, etc.) and give them any assistance they needed to support transition to democracy. (Huber 1999, 128). Empirical analysis in chapter 7 and 8 discusses whether this strategy of ex-post membership conditionality was effective or not. Thus, the CoE did not use the gate-keeping tool towards Moldova in the 1990s. This is largely due to the fact that the CoE at the time did not have sufficient institutional and monitoring capacities to perform the gate-keeping function. Instead, the organisation admitted Moldova (together with other post-Soviet republics) more or less straight away and focused primarily on socialisation-based methods of influence of domestic policy process.

In relation to the EU's use of the gate-keeping tool of conditionality, It has already been mentioned in section 6.1.3 that the EU did not differentiate much between the post-Soviet republics and, as a result, decided to adopt a unified policy towards these states: similar PCAs, the EU's legal framework for relations with the CIS countries, have been signed at more or less the same time in the late 1990s. Thus, at this stage there was no gate-keeping on the part of the EU as such: the PCA with Moldova was ratified in July 1998, following previous ratifications of similar agreements with Russia and Ukraine, and in its relations with the Moldovan government the EU did not exercise the strategy of gradual accession to negotiations on the association process. However, the EU did include the so called democracy and human rights clause into the PCA with Moldova. The PCA declared that respect for democracy and human rights is an essential element of the partnership. It also

included a non-execution clause, providing each party to “take appropriate measures” in case another party fails to fulfil those and other basic obligations (EU-Moldova Partnership and Co-operation Agreement, p.11). Thus, formally, the EU had a right to suspend or terminate an agreement in case of violation of the democracy and human rights clause by Moldova, but as with the tool of conditional allocation of aid and other benefits, in practice the EU never suspended or terminated the PCA with Moldova even if such violations took place. After the signing of the PCA, the EU-Moldova relations have been mostly passive and no negotiations were held on signing an enhanced form of association agreement or proceeding to further stages in the association process. Looking from a different perspective, the EU did gate-keep Moldova out of a more enhanced form of co-operation with the EU, but it did so purely out of geo-political reasons and because of a lack of interest in the country, rather than applying incentive-based methods of democracy promotion and punishing Moldova for lack of progress in democratisation and reforms on human rights.

The most significant change in the EU’s strategy towards Moldova was inclusion of the latter into the ENP, and there is some evidence that this move on the part of the EU was motivated by re-considering its gate-keeping role towards the EU neighbours. Such change of strategy had to do a lot with the fact that after the 2004 eastern enlargement of the EU Moldova became a direct EU neighbour, thus acquiring a higher strategic importance for the organisation. As Warkotsch points out, the desire for stable, peaceful and prosperous border countries has long been a central concern for the EU and it repeatedly stated that its immediate neighbourhood is fundamental to its security (Warkotsch 2008, 231).

There is some indication that the EU has used the possibility of Moldova’s inclusion into the ENP as a positive incentive in order to encourage the government to

pursue democratic reforms. The timing of such decision illustrates this point. For instance, at the April 2002 PCA Coordination Committee between Moldova and the EU, the latter decided to initiate a new area of co-operation (legal assistance in harmonization of Moldovan legislation with the EU standards), and it was also mentioned for the first time that the EU decided to grant Moldova a status of "EU neighbour" and include it into the ENP. Thus, the positive incentive of an enhanced association status was offered in order to encourage the government to solve the political crisis of January-February 2002 by democratic means and proceed with reforms on freedoms of the media and political rights of national minorities. In addition, the Action Plan itself, concluded with Moldova in February 2005, contained provisions that strengthened the EU's gate-keeping abilities further: for instance, in the introduction it was explicitly stated that future EU-Moldova relations depend directly on Moldova's commitments to pursue and implement democratic reforms, and that "the pace of progress of the relationship will acknowledge fully Moldova's efforts and concrete achievements in meeting those commitments" (EU-Moldova Action Plan 2005, p.4).

With regard to the third tool of conditionality examined in this thesis, *benchmarking and monitoring*, the CoE has used it the most when dealing with Moldova. Importantly, the use of this mechanism of conditionality was not very consistent on the part of the CoE: the organisation started to use it more frequently and persistently only in the early 2000s when civil and political freedoms had deteriorated in Moldova. The two main CoE's monitoring mechanisms that were applied to Moldova were monitoring of the country's compliance with its accession commitments by the special monitoring committee and monitoring of minority rights

under the Framework Convention for the Protection of National Minorities (FCNM), which was opened for signature on 1 February 1995.

The turning point of strengthening the CoE's monitoring procedures was the adoption of Resolution 1115 of 29 January 1997 by the Assembly, which established a new monitoring mechanism – the Assembly Committee on the honouring of obligations and commitments by member states of the CoE (CoE/PACE Resolution 1115 of 29 January 1997). This resolution specifically stipulated that the Assembly may sanction persistent failure to honour obligations and commitments accepted, and/or lack of co-operation in its monitoring process (*ibid.*, paragraph 12). The sanctions include adopting a resolution and/or a recommendation, non-ratification of the credentials of a national parliamentary delegation at the beginning of its next ordinary session, or annulment of ratified credentials in the course of the same ordinary session in accordance with the Assembly's Rules of Procedure. The Monitoring Committee is required to report to the Assembly once a year on the general progress of monitoring procedures (progress report) and to submit to it at least once every two years a report on each country being monitored (country report). Formally, these measures indeed represented extension and strengthening of the CoE's monitoring procedures of member states. In practice, however, these stricter checks were not implemented effectively: for instance, in the period from 1997 to 2002 no progress report or country report on Moldova were issued by the Monitoring Committee. In fact, the first report by the Committee was published only in April 2002. To date, only four reports on Moldova's compliance with membership commitments have been issued by the Monitoring Committee. Thus, in practice the country and progress reports on Moldova were not that regular as stipulated in the PACE Resolution of 29 January 1997. This is surprising as, firstly, Moldova had been

formally subject to the CoE's monitoring procedure since its accession in 1995, and, secondly, by the end of the 1990s it was clear that the government's actions on fulfilment of accession requirements were delayed and in some cases even contradicted the CoE legal standards in the field of human rights and the rule of law.²⁵

In contrast, the CoE's monitoring of minority rights under the FCNM has been exercised more consistently in relation to Moldova. Signed in 1995 and ratified in 1996 by Moldova, the FCNM created legally binding obligations in relation to respect of rights of national minorities and established a system of monitoring by the Committee of Ministers of regular state reports. The FCNM monitoring cycles take place every 5 years and consist of the following 4 stages: submission of a report by a member-state; monitoring carried out by the Advisory Committee responsible for providing a detailed analysis on minority legislation and practice; adoption of the Committee of Ministers' resolutions to the member-states; and organisation of follow-up meetings on the results of the monitoring. In the period from 1998 (the FCNM's entry into force in Moldova) to 2005 Moldova has undergone two monitoring cycles: 2000-2003; and 2004-2005. Each cycle resulted in issuing of two state reports by the Moldovan government on compliance with the FCNM (in 2000 and 2004), two opinions on Moldova by the Advisory Committee (in 2002 and 2004), two sets of comments by the Moldovan government on opinions of the Advisory Committee (in 2002 and 2004), and two resolutions on Moldova's implementation of the FCNM by the Committee of Ministers (in 2003 and 2005). Both resolutions adopted by the Committee of Ministers in January 2003 and December 2005 contained specific requests for policy change including changes of recently adopted laws on national minorities. Again, the government had to comply with deadlines for producing the

²⁵ See more detailed discussion on this in section 7.2.

initial state reports, and responding to the opinion documents issued by the Advisory Committee. Thus, in comparison to the Monitoring Committee on honouring of obligations and commitments by member states, there was a more intensive dialogue and interaction between the FCNM Advisory Committee and the government, and a stricter system of monitoring was in place.

Overall, from 2002 onwards the CoE began to apply more frequently a number of benchmarking and monitoring tools of conditionality such as consistent evaluation of overall progress or regress in regular reports; official requests for policy change with clearly specified deadlines for action; and more intensive dialogue and interaction. For instance, in February 2002 the CoE officially requested explanations from the Moldovan government on one-month suspension of the opposition party and set out a concrete deadline for compliance with this request (*RFE/RL Newslines*, 5 February 2002). In April 2002 the PACE issued a resolution, in which concrete deadlines for adoption of new laws and implementation of reforms have been specified. Later in the same year the PACE adopted another resolution in which it expressed dissatisfaction with the quality of legislative reforms on public broadcaster Teleradio-Moldova and requested re-drafting of the law within a specific time-frame (CoE/PACE Resolution 1303 of September 2002).

Another interesting instance of the use of benchmarking and monitoring as tools of conditionality is the relations between the CoE's Committee of Ministers and Moldova prior to assuming the chairmanship of the Committee by Moldova in May 2003. As the evidence shows, on several occasions the CoE explicitly tied in the prospect of Moldovan chairmanship to the country's progress in compliance with membership commitments. For instance, in a letter addressed to President Voronin on 10 February 2003, the Secretary General Walter Schwimmer indicated that it was

important to organise a Round Table with political opposition in Moldova as it could strengthen democratic procedures and culture in Moldova. The same letter also stated that “Moldova is expected to take over the Chairmanship of the Committee of Ministers of the Council of Europe in May 2003 – which will be its first role on a major international stage. Whether it can reap the political benefits coming with such a role will – in the present situation – depend upon all political parties” (Schwimmer, CoE/SecGen, CM/Inf(2003)9 of 24 January 2003). Thus, the Moldovan government was enticed here to comply with the CoE’s requirement to co-operate with the opposition party and was promised a concrete benefit (chairmanship of the Committee of Ministers) in case of compliance. In February 2003 it was further indicated by the CoE that in order to be prepared for chairmanship of the Committee, Moldovan government had to address four priority issues, one of which included freedom of expression and media (specifically, reform of the public radio and television service and compliance with recommendations made by the Committee of Ministers in April 2002). Again, concrete time-frame for fulfilment of these demands was also indicated (CoE/CM, CM/Inf(2003)18 of 29 April 2003). Specifically, reforms in the field of freedom of the media were requested by mid April as “the situation concerning freedom of expression and information will be assessed at the ‘monitoring’ meeting of the Committee of Ministers on 15 April” (ibid., paragraph 11).

Overall, the EU did not make much use of the benchmarking and monitoring tool of conditionality when dealing with Moldova in the 1990s-early 2000s. The EU did not evaluate regularly Moldova’s progress or regress in democratisation, and it did not issue explicit official requests for policy change with concrete deadlines for governmental action. Despite the fact that formal democracy and human rights clauses were included into TACIS regulations and the PCA, the EU did not monitor

efficiently the country's compliance with these clauses. Moreover, there were very few evaluation studies of the EU assistance in Moldova done by the EU itself. The first evaluation study of the TACIS programme for the 1995-99 funding period was conducted only in 2000 (European Commission/TACIS 2000). There have been more general annual reports from the Commission on TACIS annual activities in each partner country, but these focused primarily on discussion of the TACIS outputs, that is outlining which projects have been initiated and concluded throughout the year, and what financial contributions were made. But none of these annual reports evaluated government's actions on a certain policy issue, or set out explicit benchmarks or targets that the government had to follow.

Only from 2000 onwards, when the Council of Ministers adopted a new TACIS regulation (Council regulation (EC, EUROATOM) No.99/2000), there have been some attempts on the part of the EU to use benchmarking and monitoring as tools of conditionality. For instance, the 2000-2003 TACIS Indicative Programme for Moldova stipulated more explicitly the conditional nature of the EU aid and set out some elements of benchmarking. Specifically, concerning assistance on approximation of legislation and administrative reform, the Indicative Programme instructed that "the assistance will be conditional upon respect by Moldova of the PCA provisions and of priorities agreed by the PCA bodies" and that "the success of co-operation in law enforcement will depend on commitment of the Moldovan authorities" (EU/TACIS National Indicative Programme (2000-2003), of 27 December 2001, p.16). The following benchmarks for evaluation of the pace and content of domestic reforms in this area were suggested: relevant legislation and provisions are brought into force; national anti-corruption action plan agreed within

the government and its implementation launched; anti-money laundering activities identified and implementation launched (ibid.).

The use of benchmarking and monitoring by the EU continued after conclusion of the TACIS programme as it was incorporated into the ENP. Two types of monitoring were set out by the new EU policy towards its neighbours: a joint assessment, and a unilateral EU report, the so called "regular country report". It was envisaged that regular country reports, issued by the Commission, would emphasize strengthening of democratic institutions and respect for human rights strongly. A clear time-frame for issuing of reports was also set out: the first report comes two years after the action plans begin, and a second report will follow in third year. As Kelley points out, this evaluation tool of an "annual report" resembles the use of similar "progress reports" for accession countries of the EU eastern enlargement (Kelley 2006, 34). The EU-Moldova Action Plan explicitly stipulated that progress in meeting the agreed earlier "priorities for action" will be monitored and evaluated by respective bodies. On the basis of this evaluation, the EU will review the content of the Action Plan and on the basis of the second country report "decisions may be taken on the next step in development of bilateral relations, including possibility of new contractual links" (EU-Moldova Action Plan 2005, p.3). Benchmarks for governmental action in all specified areas of co-operation have also been outlined. Thus, one can note that the TACIS new concept and regulation of 2000 and the EU-Moldova Action Plan within the framework of the ENP introduced significant changes in the EU's use of benchmarking and monitoring as tools of conditionality.

Overall, when assessing the CoE's use of conditionality tools in Moldova, it is noteworthy that the organisation did not use much the tool of conditional allocation or withdrawal of aid and other benefits. Neither did the CoE exercise the gate-keeping

tool towards Moldova. But on several occasions, especially in the second half of the examination period (2000-2005), the organisation did employ the benchmarking and monitoring tool towards Moldova, which consisted of evaluation of progress (or regress) in regular reports, explicit requests for policy change with specified deadlines for governmental action, and more intensive dialogue and interaction. Also, one should note that the EU's incentive based strategies to promote democracy in Moldova have changed over time. The EU has activated all three tools of conditionality in the early 2000s, when the new policy towards its neighbours, the ENP, was launched. Although the basic form of conditionality, the democracy and human rights clause, was included from the very beginning in the formal legal framework of the EU-Moldova relations (the TACIS regulations and the PCA), the EU has never suspended or terminated the EU aid or the PCA in Moldova, even if the government's record of democratic reforms in the 1990s and early 2000s was not very positive. Instead, the EU opted for positive tools of conditionality, that is to support the government with additional aid and other benefits in exchange for domestic reforms.

Conclusions

This chapter set out to present a detailed analysis of the supply side of democracy promotion process in Moldova. The democracy promotion activities of each European organisation under examination in this thesis were systematically presented by focusing first on tools of normative pressure, and then on tools of conditionality. I also covered in detail activities of organisations' specific institutions as well as the contents of main co-operation programmes, and traced changes in organisations'

involvement in Moldova over time. In the next part of the thesis I present a comparative case study of freedoms of media and expression and freedoms of national minorities in Moldova. I explain the policy outcomes from the perspective of the rational-choice and socialisation models of international effects on domestic politics.

Chapter 7

Freedoms of media and expression in Moldova

Despite the rhetorical commitment to democratic and human rights norms, the Moldovan authorities were slow in adopting and implementing the human rights legislation throughout the 1990s. Moreover, in 2001, when the communists 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 the country. 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 its policy decisions? These are some of the empirical puzzles that will be dealt with below.

In what follows, I present an analysis of development of freedoms of media and expression in Moldova in the period from 1995 to 2005. The chapter is structured in accordance with analytical and theoretical framework formulated in chapter 4 of the thesis. The first step of the analysis is to examine organisations' level of involvement in this particular policy sector and type of their democracy promotion strategies. Importantly, I also look at the so-called cases of non-engagement that is those legislative issue cases in which no organization was involved. I treat these cases as "control" cases because they illustrate the behavior of domestic actors in the absence of organisations' involvement that this thesis emphasizes. The next step of the analysis is to determine whether there were any changes in domestic policy and whether organizations influenced the pace and contents of legislative reforms on freedoms of media and expression. I also examine intervening effects of the domestic

context: in particular, whether domestic salience of human rights norms and domestic structures hindered or facilitated external influence exerted by organisations. In detailed case study of this policy sector I rely on process tracing that may expose the timing of events and action, the motives and attitudes of domestic actors, and examine whether there is a substantive overlap between advice given by organisations and domestic policy outcomes. The examination of a number of legislative cases through process tracing allows me to distinguish between different temporal phases in the democracy promotion process in Moldova, phases characterized by no involvement on the part of organisations, normative pressure only, and combined use of normative pressure and conditionality.

Section 7.1 analyses organisations' experiences of promoting freedoms of media and expression in Moldova through the use of normative pressure. It presents a number of legislative cases that show insufficient and unsatisfactory development of freedoms of media and expression in the 1990s. I also examine here cases of non-engagement on the part of organisations and their implications for development of the policy sector. Section 7.2 investigates the process of democracy promotion through combined use of conditionality and normative pressure and evaluates their effects on domestic policy process. The main aim of this section is to account for the policy breakthrough in the early 2000s, when new legislation on freedoms of expression and the media was introduced and compliance with European organisations' requirements was the outcome.

7.1 Promoting freedoms of media and expression through normative pressure

From the very start of their relationship with Moldova all three organisations opted for socialisation-based democracy promotion strategies in order to promote freedoms of media and expression in the country. This choice is not surprising as external actors' methods aimed at socialisation and non-coercive encouragement of domestic actors to pursue democratic reforms and ensure respect for human rights are usually perceived by both domestic and international constituencies as the least controversial. Thus, both the OSCE and the CoE admitted Moldova into their ranks quite quickly, without attaching any requirements on fulfilment of certain democratic criteria or adoption of international legal standards in the field of human rights prior to accession. As it has been already mentioned in chapter 6, this policy towards Moldova on the part of the OSCE and the CoE was consistent with these organisations' general policies towards post-communist countries in the early 1990s. It was envisaged that attempts to foster democratisation and ensure political stability in these countries would be more feasible and effective when keeping them "in" rather than "out" of regional organisations of Europe. As the Parliamentary Assembly's opinion on Moldova's preparedness for 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]" (CoE/PACE Opinion No.188 of 27 June 1995). Although the CoE could have pursued the *ex ante* membership conditionality, and required from candidate countries democratic changes prior to their admission, it did not use this strategy

much. The CoE accepted Moldova on the basis of certain commitments from the Moldovan government such as to establish pluralistic democracy, the rule of law and respect for human rights and to ratify the European Convention on Human Rights. Therefore, the CoE's initial approach to Moldova was one of persuasion and social influence rather than the use of positive or negative incentives. By granting *ex post* membership to Moldova in the early 1990s, the CoE was left with only one option in following up how the authorities were fulfilling CoE membership commitments: normative pressure through persuasion. Similarly, the EU established relations with Moldova in the mid 1990s on unconditional basis, which was part of the EU unified policy towards newly independent states emerged after the collapse of the Soviet Union in 1991. Thus, the EU also focused on socialisation-based rather than incentive-based DPS towards Moldova. In this regard, the strategies of three European organisations to solicit changes in Moldova's human rights policy in the 1990s are interesting to analyse because all three organisations engaged in socialisation-based democracy promotion. Thus, this period provides a good test of the independent effect of normative-based efforts to persuade the domestic authorities to pursue democratic and human rights reforms and to urge them to conform to international standards.

As overview of tools of normative pressure in chapter 6 shows, the OSCE's major methods of involvement in Moldova during the period of examination were largely socialisation-based as the organisation's institutional structures and legal foundations do not allow for exercise of conditionality towards target countries. The main OSCE institutions responsible for promotion of freedoms of media and expression in Moldova were the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Representative on Freedom of the Media (OSCE/RFM). The

ODIHR's formal mandate in Moldova included monitoring of elections, democratic development and respect for human rights, and promotion of the rule of law. On a practical level, however, the ODIHR activities in the area of freedoms of media and expression in Moldova were limited to organisation of training seminars and workshops for governmental officials, representatives of the media and civil society. One instance of provision of such training was the May 1995 seminar on print media management organised together with the Independent Journalism Centre in Chisinau (OSCE/SecGen, 1995 Annual Report, section 4.3.2). Another instance is a training workshop organised by the ODIHR for Moldovan NGOs entitled as the "Capacity building and communication for NGO leadership" (OSCE/SecGen, 1996 Annual Report, p.18). There is no evidence, however, that the ODIHR organised more training courses and workshops aimed specifically at promotion of freedoms of media and expression in the 1990s.¹ On a number of occasions the ODIHR attempted to promote awareness of negative effects of restricted freedoms of media by flagging how Moldovan media was biased during electoral campaigns of some parliamentary and presidential elections, but the ODIHR rhetoric was not translated into action and followed up in dialogue with the Moldovan government.

The OSCE activities to promote freedoms of media have become more thematically focused in 1997 when an institution of RFM has been established. The RFM's main normative tools of engagement with Moldova have been assessment visits, provision of legal expertise, and issuing of official statements and declarations on controversial media issues. For instance, in August 1999 the OSCE/RFM wrote an official letter to the Minister of Foreign Affairs, Nicolae Tabacaru, on the subject of illegal confiscation of the print run of a newspaper *Novaya Gazeta* by the Ministry of

¹ Author's own compilation of data using the OSCE Annual Reports on activities, 1995-2000.

Security of the unrecognised “Transnistrian Republic”. Three assessment visits were undertaken by the office of the OSCE/RFM to Moldova in the period from 1999 to 2005: in June-July 1999, in October 2004, and in January-February 2005. There is no evidence, however, that the OSCE/RFM provided any legal expertise to Moldovan law-makers in the 1990s. The first instance of provision of such expertise was an independent legal review of the Broadcasting Law of Moldova, initiated by the OSCE/RFM in December 2002 (Nyman-Metcalf, Report for OSCE/RFM, December 2002). Thus, one may question the potential of the OSCE/RFM methods to be effective in Moldova as not all of these methods were used consistently in the 1990s. Overall, the OSCE’s leverage over Moldova was at its highest in early 1990s when it played a crucial role in attempting to settle and mediate the military conflict in Transnistria. Subsequently, the influence gradually decreased. The trend was similar in the post-communist region more widely: since the OSCE lacked legally binding conventions and other documents in the field of human rights, and since “it was quite liberal in granting admission in the late 1980s and early 1990s”, post-communist countries “paid little attention to the OSCE’s comments” (Kelley 2004b, 17).

Throughout the 1990s the CoE’s main focus was on promoting democratic norms in Moldova through teaching and persuading the domestic political elite. One of the areas of co-operation between the CoE and Moldova was legal assistance and promotion of freedom of expression and the media. The main working methods of these programmes were organising training courses, workshops, seminars and conferences with participation of Moldovan journalists and lawmakers and of the CoE experts, and providing written legal expertise on proposed legislative acts and drafts.² The CoE field office in Moldova, established in 1997, was responsible for provision

² For details on these activities see chapter 6.1.2 and 6.2.1

of logistical support and implementation of these co-operation programmes. At various points of time various CoE institutions attempted to raise awareness of and promote freedoms of media and expression in Moldova: namely, the Committee of Ministers by issuing a number of decisions on the state of human rights in Moldova; the Parliamentary Assembly by issuing various recommendations on functioning of democratic institutions in the country (including development of civil and political rights), and the Commissioner for Human Rights by promoting regular dialogue with the government via correspondence and regular assessment visits. However, one should note that despite formal commitments to promote freedoms of media and expression expressed by the CoE institutions, much less was done in practice. For instance, in the period from 1995 to 2000 there were only 10 decisions on Moldova taken by the Committee of Ministers, among which were decisions on regional democracy, national minorities, natural heritage and torture.³ Despite the fact that in its April 1994 Resolution the Parliamentary Assembly has pledged to strengthen its oversight of member-states' compliance with their commitments to the CoE, it did not issue any formal document in relation to honouring of commitments by Moldova in the 1990s. In fact, the Assembly issued its first resolution, in which it expressed concerns about freedoms of media in Moldova, only in 2002 when violations of media freedoms became more frequent and evident. The first visit to Moldova by a representative of a CoE's institution took place only in 2000 when the Commissioner for Human Rights, Alvaro Gil-Robles, undertook an assessment visit to the country, which was 5 years after Moldova had been admitted to the CoE. The earliest evidence of provision of legal expertise by the CoE experts is legal evaluation carried out in June 1999 of a draft Criminal Code and draft Civil Code, both of which contained

³ For the full list of the Committee's decisions on Moldova during this and other periods, perform a basic search at http://www.coe.int/t/cm/adoptedTexts_en.asp

restrictions on freedoms of media and expression. Moreover, these draft codes were passed by the legislature in 2002, and the CoE's legal experts did not offer any legislative review of the two codes and other laws until 2002.

As mentioned before, in the 1990s the EU has focused mostly on economic assistance co-operation with Moldova. The only programme designed to foster democratic reforms and improve human rights including freedoms of media and expression in Moldova was the European Initiative for Human Rights and Democracy (EIDHR), which launched its first assistance programme in the country in 1996. In the period from 1996 to 2000 the EIDHR organised 10 training seminars and workshops aimed at journalists in both state and private media outlets as well as representatives of judicial system and the government. Financially, during the same period the EIDHR's technical assistance comprised approximately €1.7 million. Curiously, however, Moldova has not been selected as the EIDHR focus country in 2002, and this resulted in significant decrease of the EIDHR involvement in the country. The EU's assistance provided within the TACIS programme has to be questioned as well. Remarkably, in its first years of operation the TACIS concentrated primarily on support for agricultural and private sector in Moldova. Only in 2000 a reformed TACIS programme broadened areas of co-operation with Moldova to more political issues such as support for civil society and promotion of civil and political rights. This lack of engagement in relation to promotion of civil and political rights, and specifically, freedoms of media and expression, on the part of the EU is surprising given rhetorical commitment by the EU officials and representatives of the EU member-states that "considerations of human rights and democracy should be important elements in the EU's relations with developing countries, and that positive and negative measures could be taken" (EU/Development Council, EC Bulletin

No.11, 1991). Thus, similarly to the practice of socialisation-based efforts to promote democracy by the other two organisations, the CoE and the OSCE, the EU was not fully committed either and used these methods in Moldova inconsistently.

The forgoing discussion provides some explanation of why efforts of all three organisations to promote freedoms of media and expression in Moldova in the 1990s can be classified as the socialisation-based DPS. It is quite clear that the main democracy promotion aims of European organisations were to persuade domestic actors in Moldova to accept democratic norms (in this case, freedoms of media, expression and information) and to conform to those norms. One can see that both sets of socialisation mechanisms – persuasion and social influence – were in operation here. By organising various training sessions, seminars and workshops with the main stakeholders in the democracy promotion process the organisations tried to teach and persuade domestic actors to accept democratic and human rights norms into their everyday activities (the persuasion mechanism). By drawing attention to some controversial issues such as biased media during electoral campaigns and restrictions by the state of activities of certain media outlets, the domestic actors were “shamed” and pressed to modify undemocratic legal provisions (the social influence mechanism). However, as the above criticism of inconsistency of organisations’ methods to promote media freedoms in Moldova notes, the latter (social influence) mechanisms of shaming and shunning government’s undemocratic behaviour in the field of media and freedoms of expression have not been used much in practice.

This brings us to the next stage of the analysis: namely, how did the governmental policy on freedoms of media and expression develop in the 1990s? What legislative reforms, if any, were initiated by the government? Did organisations’ DPS contribute to domestic policy change? And, importantly, was normative pressure

deployed by three organisations effective in influencing domestic legislative process on freedoms of media and expression? Despite explicit rhetoric that the government was working on these issues throughout the 1990s, no real progress was made. As part of the admission commitments concerning freedoms of expression and information, Moldova undertook to adopt a new Criminal Code and Code of Criminal Procedure in conformity with the CoE standards within a year of accession; to ratify and apply the major CoE conventions; to confirm the complete freedom of religion and foster the peaceful resolution of the dispute between the Moldovan Orthodox Church and the Bessarabian Orthodox Church;⁴ and not to apply Articles 54 and 55 of the Moldovan constitution in a manner restricting fundamental human rights and contrary to international standards (CoE/PACE Opinion No.188). Of all the commitments mentioned above only those regarding the 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 these conventions had been ratified by the late 1990s. As regards more substantive policy issues, there were major delays in 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 Rights (Helsinki Committee for Human Rights in Moldova 2003).

On several occasions international human rights NGOs stressed about deterioration of freedoms of media and expression in Moldova. For instance, in 2002

⁴ This dispute escalated when the government denied without any legal justification official recognition to the Metropolitan Church of Bessarabia in 1999. According to the legislation in force at the time, which was much criticised by European organisations, all unrecognised churches were denied the right to own property and to function normally on the territory of Moldova. Thus, essentially, the government restricted activities of the Metropolitan Church of Bessarabia in Moldova.

both Freedom House (FH) and Amnesty International (AI) reported deterioration in freedom of the press in Moldova and identified the domination of the ruling party as the main cause. In particular, the 2002 FH Report on freedom of the press in Moldova criticised the electoral code because it denied sufficient information to voters to make a fully informed choice (Freedom House 2002 Report "Freedom of the press"). The same report registered some criticisms directed towards privately owned television stations and newspapers which were accused of clear bias towards individual parties and candidates in the 2001 parliamentary elections (ibid.). The 2002 AI Report on Moldova criticised the government for infringement of rights to freedom of association, assembly and expression and for intimidation of some members of the opposition, including demonstrators on the streets (Amnesty International 2002 Report). The number of applications from Moldovan citizens to the European Court of Human Rights (ECHR) almost doubled in 2000 and 2001 in comparison with previous years (European Court of Human Rights, "Surveys of Activities 2002", p.33).

Even though Moldova adopted a Freedom of Information Act in May 2000, in general the situation regarding freedom of information in Moldova has not improved either. There were considerable delays with the implementation and institutionalisation of the law. In April 2001 the parliament adopted two documents that considerably restricted freedom of information: a special decision on procedures for maintaining the records of parliamentary hearings, and a Regulation on how these records may be accessed and used. The Regulation on the records of parliamentary hearings contained a quite restrictive provision that people outside the parliament could not have access to the records (Helsinki Committee for Human Rights in Moldova 2003, p.42). It also included a limited list of people who could access the

records and specified that this access requires the consent of the head of the parliamentary apparatus, and access to records of closed parliamentary sessions requires approval by the parliamentary speaker, deputy speaker or general director of the parliamentary apparatus (Article 2 of the Regulation). Even members of ministries, state departments and other public institutions who want to solicit information about parliamentary sessions must first obtain permission from heads of permanent parliamentary committees and heads of the parliamentary apparatus, and, in the case of the closed parliamentary sessions, from the parliamentary speaker or deputy speaker (Article 5 of the Regulation). Thus, this evidence shows that, firstly, the reform process on freedoms of media and expression was very slow during this period, and, secondly, a number of legislative provisions adopted as part of the legislative framework regulating freedoms of media and expression were highly restrictive and, clearly, not democratic.

Moldova's treatment of legislative provisions on election coverage by media, preparation of the draft Civil Code and the draft Criminal Code, and the government's behaviour on the "Kommersant Moldovy" case are interesting issue cases because these are the cases in which the OSCE and the CoE were engaged, while the EU did not display much concern or interest in the matter. These are cases of socialisation-based DPS applied by the two organisations and, thus, they provide a good test of the independent effect of purely normative-based efforts to urge the government to conform to international standards. Let's consider each of these cases in detail.

As part of its election monitoring activities in the Moldovan parliamentary elections of 1994 and 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 more equal access to

the media for all contestants participating in the elections. For instance, in its "Final Report" on the 1996 presidential elections in Moldova, the ODIHR pointed out the following media irregularities during the electoral campaign: "the state-owned media were not neutral throughout the election (...). The parliament should consider giving clear rules as to how the state-owned media should operate in relation to the electoral process, and in their coverage of controversial issues in general" (OSCE/ODIHR, Election Observation Report 1996). However, the OSCE's concerns attracted little attention on the domestic scene. During the electoral campaign for the 1998 parliamentary elections the ODIHR/OSCE Election Observation Mission conducted rigorous monitoring of the Moldovan press and state television and came to conclusion that "further development of freedoms of media is needed in order to be able to provide objective information to the electorate (...). It is especially regrettable that private TV stations were bound to certain political forces and, therefore, could not function as an independent source of information" (OSCE/ODIHR, Election Observation Report 1998, p.12). The 2001 parliamentary elections received the same criticisms from the OSCE and the CoE election observers (OSCE/ODIHR, Election Observation Report 2001).

Interestingly, following the ODIHR's recommendations in 1996 and in 1998 that the Election Law should be reviewed in order to prescribe "clearer instructions for state-owned media on coverage of election campaign"(OSCE/ODIHR, Election Observation Report 1996, pp.11-12) and encourage "functioning of independent, private media"(OSCE/ODIHR, Election Observation Report 1998, pp.15-16) in the country, the government not only ignored the OSCE's recommendations but decided to amend the Electoral Law in 1999 by adopting a new article (Article 47) to the law, which introduced more restrictions to the private media ("Amendment to the Republic

of Moldova Law on National Elections 1997”, 1999, Article 47). Despite government’s earlier rhetoric to adopt a legal framework for elections in Moldova consistent with international standards, the new Article 47 of the Law granted private media very limited opportunities to report on campaign activities and to broadcast analytical commentaries. As one of the subsequent reports issued by the OSCE/ODIHR Election Observation Mission pointed out, “the vagueness of some regulations contained in Article 47 could be interpreted to the benefit of the incumbents, while restrictive interpretation could limit access of competitors to the electorate” (OSCE/ODIHR Election Observation Report 2005, p.5). Also, the article stipulated that “citizens, parties and socio-political organisations are free to promote their platforms campaigning for and against political parties in the media, if they do not disturb public order and are ethical in their performance” (“Amendment to the Republic of Moldova Law on National Elections 1997”, 1999, Article 47, paragraph 6). However, a very broad and vague interpretation of what constitutes violation of “public order” had a clear potential to constrain campaign activities, especially those organised by competitors in the elections. Other controversial issues in the amended Electoral Law concerned vague provisions regarding the minimum space for posters to be allocated by local administrative bodies, and the mode of authorization of public meetings during the electoral campaign, all of which could also potentially favour the incumbents (OSCE/ODIHR Election Observation Report 2005).

Meanwhile, the OSCE continued to press with the issue of freedoms of media in Moldova. In July 1999 two advisers from the OSCE Representative on Freedom of Media (RFM) for the first time conducted 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, and extensive domination of the

media by political parties” (OSCE/SecGen, 1999 Annual Report, p.63). 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” (OSCE/RFM, Report to Permanent Council of 22 July 1999). However, the authorities ignored the OSCE’s recommendations regarding this and in September 1999 adopted a quite restrictive legal provision on language quota in broadcasting.⁵ Thus, this issue case shows that the OSCE’s attempts to influence domestic policy in Moldova, and namely, the organisation’s normative pressure towards the government to change restrictive regulations on media during electoral campaign and provide equal conditions for operation of private and state-owned media, turned out to be not successful. The fact that the government did not take into account the OSCE’s recommendations and even passed a piece of legislation that restricted freedoms of media further, exemplifies the argument that persuasion and social influence rarely lead to domestic policy change.

With regard to the draft Civil Code and draft Criminal Code, Moldova has been slow to replace the outmoded legislation of the Soviet era. The new Civil Code and Criminal Code, both containing important provisions on ensuring freedoms of media and expression, have been adopted only in 2001. Interestingly, only the CoE provided legislative expertise on both draft Codes. However, such expertise was provided quite late: in June 1999 on draft Criminal Code (CoE/Information Document, CoE/Doc. ADAC/DAJ EXP(99)12, 1999) and in August 2000 on Code of criminal procedure (CoE/Information Document, CoE/Doc. ADAC/DAJ EXP (00)14, 2000). Also, two expert meetings took place in Chisinau in May 1999 and November 2000, at which the draft Codes were discussed and some points were raised by the

⁵ According to the new provision the share of the Moldovan language in the total broadcasting airtime should not be less than 60 per cent.

CoE experts regarding provisions on criminalization of defamation and courts' civil defamation practice. It was also envisaged that the changes to drafts made by the government would be subject to renewed expert appraisal in January 2001. However, both Codes have been adopted by the Moldovan Parliament and entered into force without new expertise by the CoE experts. Both domestic and international legal experts indicated that the new Civil Code and new Criminal Code contained inappropriate restrictions on freedoms of media and expression. Specifically, the new Civil Code included provisions that held media responsible for publishing untrue information: for instance, in those cases when journalists failed to prove the truthfulness of published or broadcasted information, courts could rule against them and order payment of compensations. As the CoE's Committee of Ministers noted, such lack of distinction between facts and value judgments, the fact that the burden of proof rested exclusively with the media as well as the possibility of the government and other state bodies to sue journalists for political criticism were clearly in contradiction to a number of European conventions on human rights, and, more specifically, to the European Court of Human Rights case-law (CoE/CM, CM/Monitor of 25 March 2002, pp.6-7.). In addition, the article 32 of the Civil Code gave the courts the power to prohibit the dissemination of printed materials, TV and radio programmes if their content affected the dignity, honour or reputation of others. In cases where such dissemination took place, the courts could order the seizure and destruction of newspapers, books, programmes, etc. Without a doubt, these provisions constituted a form of self-censorship and inappropriate restrictions on freedom of expression and information. Similarly, the new Criminal Code contained heavier penalties for defamation of public officials and state symbols than those provided for criticism of ordinary individuals, which was again contrary to the European Court of

Human Rights case-law stating that politicians and civil servants should tolerate a higher degree of criticism.

Policy implications of such restrictive Civil Code and Criminal Code on freedoms of media and expression were noticeable immediately. It was reported that each year during 1998-2002 the Moldovan courts had heard around 600 cases of alleged defamation of a public official. On the basis of articles 7 and 7.1 of the new Civil Code around 80 per cent of the cases were decided in favour of plaintiffs (Helsinki Committee for Human Rights in Moldova 2003, p.24). As a representative of 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".⁶ Thus, this case shows again inability of the CoE to influence domestic legislation-making on Civil Code and Criminal Code, both containing important regulations for media and freedom of expression. Although legislative expertise on draft Codes was offered, the government chose not to seek further legal expert advice from the CoE and adopted the two Codes. The resulting undemocratic legislative framework introduced restrictions on freedoms of media and expression and led to a significant increase of court rulings on civil, administrative and criminal liability of the media.

The "Kommersant Moldovy" case is another instance of failure of persuasion and social influence efforts by organisations to influence domestic policy. On 5 October 2001 the Moldovan General Prosecutor requested a court in Chisinau to close down the Russian language weekly "Kommersant Moldovy" for publishing articles "endangering the territorial integrity, the national security, the public safety, the public order and the prevention of crimes, contrary to Article 32 of the Constitution

⁶ Author's interview with Serghei Ostaf, Deputy Chairman of the Moldovan Helsinki Committee for Human Rights, Chisinau, 26 June 2005.

and Article 4 of the Press Law” (*Moldova Azi*, 7 October 2001.). One of the articles published in the “Kommersant Moldovy” wrote about “the lack of balance in the juridical area between the Transdnestrian republic and the Republic of Moldova, which allows the latter to show superiority during the peace talks” and that “this was the main reason why the process of solving the conflict is so prolonged” (*ibid.*). Another article published in the weekly stated that “having in view the political, economic, diplomatic and economic blockade against the Transdnestrian republic by the Republic of Moldova, the editorial staff thinks that the meeting between the two presidents is impossible” (*ibid.*). The prosecutors found the newspaper guilty of an anti-state attitude, extremist opinions, misinformation and anti-state propaganda. By judgment of 11 November 2001, the municipal court of Chisinau ordered the closing down of the newspaper. The decision entered into force immediately, although by law the newspaper had 15 days to appeal the decision. The CoE made an attempt to influence the Court’s decision during the visit of the Chairman of the Committee of Ministers, Antanas Valionis, to Moldova in early December 2001. During meetings with the authorities, the Chairman raised the issue of the newspaper’s closure, however no action on the part of the government followed (CoE/CM, CM/Inf(2002)3, 16 January 2002). The newspaper remained closed and no appeal of the court’s decision was lodged. At the time representatives of the Centre of Independent Journalism expressed fear that the closure of the “Kommersant Moldovy” would create a bad precedent and would have a chilling affect on freedoms of the media in the country (*ibid.*, p.2). There is no evidence that the CoE followed up further on this particular issue, which again shows a lack of direct involvement by organisations.

It is worthwhile at this stage of analysis to examine the so-called cases of institutional non-engagement as these 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" (Kelley 2004b, 76). And, indeed, some laws adopted in the absence of any institutional engagement (or in the context of weak institutional engagement) were not compatible with 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 after 1995 it went through a number of misinterpretations and misapplications as well as inadmissible interference by the legislative and executive branches.⁷ The most questionable were the law's limitations with regard 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" (Helsinki Committee for Human Rights in Moldova 2003, pp.40-41). However, despite such obvious limitations, organisations remained silent on the issue.

Moreover, some of them even signalled to the government that these are less "urgent" problems for the government to be occupied with. Curiously, after his visit to Moldova in October 2000 the CoE's Commissioner for Human Rights, Alvaro Gil-Robles, wrote in his report that some problems such as "restrictions on freedom of expression, particularly with regard to the press and political parties, and arbitrary interventions and sanctions by the Coordinating Audiovisual Council (...)" were less

⁷ Author's interview with Raisa Apolschii, Parliamentary Advocate on Human Rights, 2003 to present, Chisinau, 16 June 2005.

“urgent” in comparison to other issues such as problems concerning the police, conditions of prisoners and linguistic problems (CoE/CommHR, CommDH(2000)4 of 20 December 2000). Such reaction on the part of the CoE is, indeed, surprising as it is not possible to promote one type of human rights (in this case, the personal integrity rights) and overlook promotion of other rights, such as civil and political rights (in this case, freedoms of media and expression). Representatives of several Moldovan NGOs dealing with 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”.⁸ Similarly, an independent analyst of Moldovan politics commented: “One of the reasons for such underperformance on this law was a lack of effective constraints and checks on elites in power exercised from both inside and outside Moldova”.⁹ The government’s position on the law changed, however, in 2002 when the CoE became directly involved with the issue.

Overall, all interviewees, who were not directly involved in the democracy promotion process in Moldova (i.e., representatives of NGOs, the media and independent political analysts), agreed that European organisations had lost their chance to influence the government’s policy on civil and political rights in the 1990s, because of either lack of involvement, or a choice of too soft strategies that failed to produce any substantive effects on domestic policy. When more direct participants of the democracy promotion process such as government officials and representatives of organisations were asked a similar question about slow development of civil and

⁸ 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), Chisinau, 1 July 2005.

⁹ Author’s interview with Dr. Anatol Gudim, Executive Director of the Center for Strategic Studies and Reforms (CISR), Chisinau, 10 July 2005.

political rights in the 1990s, surprisingly, the answers somewhat matched: interviewees from both groups indicated the country's rampant economic and social problems in the 1990s, which required immediate action on the part of the government and concentration of the majority of organisations' resources. That is why, it was explained, domestic policy on civil and political rights was so slow because the policy priorities for both groups of actors lied elsewhere. Such accounts of reasons for deficient policy were certainly taken with caution when analysing the data obtained from interviews, as it was envisaged that both groups of interviewees had had good reasons for not being completely frank in their opinions.

In light of such protracted and inconsistent reform process on freedoms of media, expression and information, it would be fair to ask why socialisation-based DPS applied by both the CoE and the OSCE in the 1990s were not successful in Moldova. The answer is complex. First, let's consider the "norm fit" condition of effectiveness of normative pressure. It was hypothesized in chapter 3 that normative pressure is more likely to work in "easy cases", that is when externally promoted norms fit the existing collective understandings embedded in domestic institutions and political culture. Moldova is by no means an "easy case", in which normative pressure exerted by organisations was bound to work. The country does not have any democratic experience, and it does not have a long experience of being an independent and liberal state either. Even despite the fact that in the early 1990s the level of domestic opposition to democratic and human rights norms was quite low, and the degree of openness of Moldova's society and culture to Western ideas was quite high, the socialization-based DPS did not bring desirable effects and changes to the human rights policies in Moldova. Even in those rare cases when the government attempted to modify laws in line with organisations' recommendations, the

compliance with international standards was usually only on the level of formal declarations and rhetoric. In reality, the authorities in Moldova did very little to ensure respect for and implementation of these laws. It should be noted here that this condition does seem to relate to domestic situation and especially to the low degree of domestic salience of human rights norms. However, the fact that organisations continued to pursue this strategy in such unfavourable domestic conditions, casts doubt on organisations' commitment to democracy promotion in Moldova during this period.

The second condition of effectiveness of normative pressure – normative power and status of an organisation – was not present in Moldova either during this period. As it was indicated in chapter 3, if an organisation is perceived by a target state as authoritative and successful, its normative pressure will carry more weight and credibility in a target state, and, thus, will be more effective. Evidence shows that not all democracy promoters that applied socialisation-based DPS enjoyed the same status and respect from the Moldovan authorities. The EU was, perhaps, prescribed the highest status and priority to co-operate with, given the authorities explicit rhetoric about Moldova's aspirations to become an EU member in future. In this regard, relations with the CoE were also regarded as important because the CoE was seen as the first step in the ladder of integration with the EU. President Voronin in his speech of June 2001 indicated that "Moldova is firmly determined to meet fully all its commitments undertaken as a member of the CoE" and that "implementation of principles and norms of the CoE is intended to advance the Republic of Moldova on its way towards integration into the European Union" (Helsinki Committee for Human Rights in Moldova 2003, p.59). In comparison, the OSCE's status in the country fluctuated from being highly regarded by the authorities in the early 1990s,

when the organisation helped to settle the military conflict in the Transdnestrian region, to steady decline of its authority in the country towards the late 1990s: “originally looked upon with hope, the OSCE has come to be regarded as incapable of meeting expectations placed upon it” (Severin in Lewis (ed.) 2004, 161). In contrast, the Moldovan authorities have always paid increasing attention to their relationship with the EU, and in the second half of the 1990s the EU membership was adopted as a strategic foreign policy objective for the country (Vahl in Lewis (ed.) 2004, 173). The fact that organisations were not particularly active in Moldova in the 1990s may partly explain why the domestic policy process was so slow and inefficient: there was simply not enough attention paid by organisations to the human rights policy process in Moldova. When organisations became more engaged in domestic policy process in Moldova from the early 2000s onwards, the results of externally led DPS were more visible and more effective.

And thirdly, the effectiveness of socialisation-based DPS applied to Moldova in the 1990s was impeded by rather unfavourable domestic context. As it was discussed in chapter 5, the domestic salience of democratic and human rights norms, in particular civil and political freedoms, was not very high in Moldova in the 1990s. According to a survey, conducted in February 2000, 55 percent of the Moldovan population still supported democracy as an ideal system of government whereas 39 percent favoured restoring the Communist system. However, some 59 percent supported having a strong leader and getting rid of parliament (White 2000). In April 2002 a new survey was conducted by the Institute of Public Policies, based in Chisinau;¹⁰ this showed a clear decline in democratic values held by Moldovan society: 54 percent of the respondents felt that Moldova needed a one-party system,

¹⁰ For this and more recent public opinion surveys see the Institute’s web site at www.ipp.md

and only 10 percent were in favour of a multiparty system (Jamestown Foundation Monitor 2002, as cited by March 2004, 522). Without a doubt, such low saliency of democratic and human rights values adversely affected the degree of domestic actors' socialisation into democratic behaviour and preferences as advocated by organisations. There is some evidence of pro-democratic rhetoric on the part of the government, including members of the pro-authoritarian PCRM party,¹¹ however, this rhetoric was rarely translated into concrete policy choices and implementation.

The domestic structure of the Moldovan state was not very conducive to an effective socialisation-based process of democracy promotion either. The Moldovan polity was highly unstable in the 1990s, with frequent changes of governments and constant standoff between the legislature and the executive. Moreover, the economic downturn and social crisis "fuelled" the instability even further. Not surprisingly, the institutionalisation of freedoms of media and expression and the adoption of appropriate legislation were considerably delayed because Moldovan governments' priorities during this period lay elsewhere. Also, the quality of Moldovan leadership did little to facilitate an effective democracy promotion process. All Moldovan presidents in the 1990s were concerned with more immediate pay-offs emanating from the constant power struggle with the opposition and interested more in consolidating their executive powers than in responding to normative persuasion and pressure applied by IOs. In addition, the pattern of state – society relations was quite distant: in the 1990s civil society organisations in Moldova were very weak and not sustainable without external funding. Moreover, even those few civil society organisations and NGOs that did exist were not granted regular institutionalised access to, and participation in, the formulation of civil and political rights policy. As a

¹¹ See discussion in Chapter 5, section 5.3.

result, various groups were unable to affect the policy-making process by transmitting their interests and ideas regarding specific policy issues.

Also, in the 1990s the legislative framework providing for respect of freedoms of media and expression has not been properly developed. Some important laws such as new Civil Code, new Criminal Code, and the Law on Access to Information have not been adopted yet, but those that were adopted (for instance, the 1995 Press Law, the 1995 Law on Audiovisual Broadcasting and the 1997 Election Law) contained undemocratic provisions which further restricted freedoms of media and expression in the country. Moreover, some of the restrictions were introduced in the 1994 Constitution, specifically in articles 32 and 34. Article 32, for instance, guarantees the freedom of opinion and expression, but, surprisingly, this right is guaranteed to “citizens” only, excluding foreigners and stateless persons (Constitution of the Republic of Moldova, Article 32, paragraph 1). The article also provides for content-based restrictions and places freedom of expression below other rights and interests: “freedom of expression may not harm the honour, dignity, or rights of others (...)”, “all actions aimed at denying or slandering the state or the people are forbidden”, and “instigation to sedition (...) incitement to territorial separatism is prohibited” (*ibid.*, paragraphs 2,3). Thus, these constitutional provisions on slander against the state and the government contain excessive restrictions on criticisms of the latter by the media, which limits the very core of the concept of freedom of expression. Article 34 on the right of access to information places both the state and the private media under the duty “to ensure that correct information reaches the public opinion” (*ibid.*, Article 34, paragraph 4). Such constitutional duty of the media to disseminate only “accurate” information and the power of the state to prescribe what is and is not “accurate” imposes the burden of the truth proof on journalists and potentially can lead to self-

editorial censorship. Thus, despite the general democratic nature of the Moldovan constitution, it did contain a number of controversial articles in relation to freedoms of media and expression, which further impeded development of democratic policies in this area.

Thus, generally low levels of civic spirit and low saliency of democratic values in Moldova do not seem so surprising after all, given the absence of important domestic structures that are critical for successful democratic development. Democratic values, and specifically norms on civil and political rights, do not easily resonate and fit into the culture of Moldova's society and polity simply because of the lack of previous experience of having such values embedded in the society. Given such a weak grass-roots structural foundation for democracy and the highly elitist nature of Moldova's transition,¹² the role of political elites, civic organization activists, and external actors is crucial in this regard because these types of actors may help transfer democratic values to the larger population. In fact, this is exactly what was happening on the domestic political scene in Moldova in the 2000s. As Quinlan points out, "it is hardly surprising that much of the pressure for democratic reforms has come from outside of Moldova, from organizations like the Council of Europe and the EU" and the activities of Moldova's political parties "reflect this dysfunctional democratic milieu" (Quinlan 2004, 493).

In sum, the external socialisation-based strategies to promote freedoms of media and expression applied to Moldova by European organisations in the 1990s were largely ineffective and the above discussion of conditions of effective normative pressure as well as intervening effects of the Moldovan domestic context provides some insight into why this was so.

¹² Meaning that, as in a number of post-communist countries, Moldova's political class was also largely drawn from members of the former regime under the Soviet rule. As Crowther points out in this regard, "in an environment only loosely constrained by the rule of law, influential politicians [in Moldova] were quick to form personalised factions linking members of the state administration, powerful individuals in the private sector and, and elected officials" (Crowther, in Lewis 2004, 34).

7.2 Promoting freedoms of media and expression through combined use of normative pressure and conditionality

The organisations' democracy promotion strategies towards Moldova began to change, in 2001 after the "spectacular" comeback of the communists to power.¹³ Even though the communists' leader Vladimir Voronin publicly expressed his commitment to adjust Moldovan legislation and governmental policies to European policies, there was a general deterioration in the human rights situation and especially in relation to freedoms of expression and the media in Moldova in 2001-2. The drafts for the Criminal Code, Criminal Procedure Code and Civil Code discussed by the Moldovan Parliament in those years contained a number of provisions, especially those 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 widespread allegations by journalists from both the state and private television companies of open censorship by state institutions.¹⁴

This regress in respect of civil liberties in Moldova could not remain unnoticed by the democracy promoters involved in Moldova. They gradually changed their methods of engagement from normative persuasion to more incentive-based DPS

¹³ 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.

¹⁴ Author's interview with Ms. Angela Sirbu, Centre of Independent Journalism, Chisinau, 27 June 2005.

in order to influence the government's human rights policy. Developments around the issues of suspended opposition party and transformation of the state broadcaster Teleradio Moldova underscore the necessity and effectiveness of combining normative efforts with conditionality. The varying degrees and types of organisations' involvement on these issues over time provide an excellent illustration of the dynamics behind governmental decisions. Section 7.1 of this chapter demonstrated that early outside pressure was rather ineffective in influencing domestic policy on freedoms of media and expression. The next steps of the democracy promotion process in this policy sector, however, show that when the EU and the CoE used conditionality, the policy changes were more obtainable.

The main "triggers" for such shift in democracy promotion strategies 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 began 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 17 January 2002 the PACE Chairman, Lord Russell-Johnston, met President Vladimir Voronin and emphasised that the tackling of protest demonstrations in Chisinau is "strictly the competence of Moldovan government" (*RFE/RL Newslines*, 18 January 2002). Thus, organisations not only failed to react on the issue at that time, but even signalled to the government that the solution of political crisis lied exclusively within prerogatives of the government. Consequently, the political crisis intensified after 22 January, when the government suspended the activities of the opposition Popular Christian Democratic Party (PPCD) for one month. In the meantime, the EU decided to begin with normative pressure by means of "shaming": in a 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” (*RFE/RL Newslines*, 31 January 2002). Thus, the EU opted for normative pressure tools in order to influence the position of the government: mainly, the tool of direct official statements and declarations expressing opinion about current state and desired direction of the policy. There was some evidence of domestic pressure as well: on the same day of the EU’s declarations the suspended PPCD petitioned the government demanding consideration of the European Commission’s letter. These efforts did not work, however, illustrating difficulties of getting the attention and co-operation of the domestic authorities in the absence of linkage to tangible positive and/or negative incentives.

The next step in the PPCD saga was that the EU and the CoE responded with coordinated effort, which importantly included the use of various conditionality tools in order to change government’s position on the issue. First of all, the CoE demanded that the Moldovan government must 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 organisation” by 22 February” (*RFE/RL Newslines*, 5 February 2002.). Thus, the benchmarking and monitoring tool of conditionality was applied here: official requests on the part of the CoE were made and clear deadlines for governmental action were specified. Also, some attempts of stricter monitoring of domestic reforms were made when the CoE’s Congress of Local and Regional Authorities expressed concerns regarding Moldova’s membership of the

CoE and its compliance with the CoE's human rights *acquis*.¹⁵ Remarkably, the response from the authorities followed quickly. 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" (*RFE/RL Newslines*, 11 February 2002).

Another interesting observation in this case is that a promise of a positive incentive was made in case of compliance with organisations' demands. 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 the possibility of disbursing the €15 million credit, and the results of negotiations would also depend on the political situation in the country.¹⁶ These two examples show that two tools of conditionality have been applied here: the benchmarking and monitoring tool by the CoE and the tool of conditional allocation of aid by the EU. Thus, the case of the suspended opposition party provides a strong example of the effect of normative pressure combined with conditionality. At the same time this example shows that mere persuasion directed at the government in the beginning of the PPCD case was insufficient to produce change. Only when the EU and the CoE combined their efforts and applied several tools of conditionality, did the government change its position on suspension of the PPCD party. Importantly, this case also provides a good example of

¹⁵ At the same time a more explicit threat of withdrawing Moldova's CoE membership 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.

¹⁶ Author's interview with Fiona McLean, head of the European Commission's TACIS Office in Chisinau, Chisinau, 7 July 2005.

benefits of organisations' policy co-ordination and concerted action vis-à-vis the government.

What about organisations' involvement in the case of the state broadcaster Teleradio Moldova? Did they influence government's position on the issue and how? In March 2002 there was a new wave of protests on the streets of Chisinau. This time the main demands of the anti-communist demonstrators were an end to the 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 such as the BBC. The 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" (CoE/PACE Resolution 1280 of 24 April 2002). Other policy 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" (ibid.). Thus, again, the CoE used the benchmarking and monitoring tool of conditionality here: the transformation of the Teleradio Moldova and legislative reforms on the status of parliamentarians were requested within the specified time-frame.

Additionally, the CoE promised additional benefits to Moldova in case of compliance the organisation's requests. In particular, the PACE recommended to the Council of Ministers and the CoE member states to afford Moldova increased assistance including legal expertise and the initiation of new co-operation programmes (CoE/PACE Recommendation 1554 of April 2002). More specifically, it recommended to the CoE member states "to offer their judicial co-operation by sending on-the-spot specialist investigation teams at the request of Moldova", to provide "expert appraisal of the Criminal Code, Code of Criminal Procedure, Civil Code and Code of Civil Procedure", to provide expertise "on coming bills to reform broadcasting and transform the state company Teleradio Moldova into an independent public service corporation", to assist Moldova "in preparing the local elections due to take place in 2003, particularly with regard to the revision of electoral law and the implementation of recommendations made in 2001 by the [PACE] Ad hoc Committee on the Observation of Elections, and by the Office for democratic Institutions and Human Rights (ODIHR) of the [OSCE]" (ibid.). Thus, not only were explicit policy changes requested, with clearly set out deadlines for compliance, but a number of positive incentives were offered as well. 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 (*RFE/RL Newslines*, 28 March 2002).

The OSCE again relied only on socialisation-based methods such as persuasion and social influence in order to change governmental human rights policies. In March and April 2002 the OSCE Chairman in Office Jaime Gama on

several occasions expressed concerns about confrontation between the government and protesters and vaguely “called on both sides to show restraint and engage in dialogue” (*RFE/RL Newswire*, 27 March 2002 and 8 April 2002). 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 over the newly adopted law on transforming the state company Teleradio-Moldova into a public broadcaster were identified.

As regards the EU’s involvement, the situation also radically changed in 2002, as in the case of the CoE’s involvement: in the year 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 (*Logos Press in Moldova*, No.10 (458), 22 March 2002). Thus, some attempts at applying the benchmarking and monitoring tool of conditionality were made here: by initiating more meetings and intensifying dialogue with Moldovan authorities the EU became more engaged in evaluating overall progress of Moldova’s compliance with the PCA commitments.

In addition, the evidence suggests that the tool of conditional allocation of aid and other benefits has also been applied by the EU during this time. These were largely positive incentives: in other words, the EU encouraged the government to comply with the CoE’s demands in exchange for allocation of additional benefits. In general, the EU’s attempts to influence government’s position on the matter can be characterised as a combination of normative pressure and conditionality. For instance, on 14 March 2002 the European Parliament adopted a highly normative resolution on

the human rights situation in Moldova, in which it called on the government of Moldova “to abide by basic democratic rules and procedures, to guarantee respect for fundamental human rights and the rule of law and not to abuse its political majority to dissolve the democratic opposition” (EU/EP Resolution, P5_TA(2002)0132, of 14 March 2002). The same resolution by the European Parliament contained some positive incentives as well: for instance, it indicated the need for closer cooperation between the EU and Moldova and additional assistance by the EU in several areas such as the stabilization of social and health care, the promotion of civil society and settling the Transdnestrian conflict (ibid., paragraphs 8,10,11). In addition, the European Parliament called on the Council and Commission “to improve the capacity of the TACIS programme to promote democracy, civil society and respect for the country’s cultural and linguistic diversity” (ibid., paragraph 9). The conditional nature of these promised incentives has been confirmed by Fiona McLean, head of the TACIS office in Moldova, in an interview with the author.¹⁷

In its April meeting a new area of co-operation 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 was not yet entirely clear 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” (*Logos press in Moldova*, No.16 (464), 3 May 2002). As Mariana Zolotko, 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

¹⁷ Author’s interview with Fiona McLean, head of the European Commission’s TACIS Office in Chisinau, Chisinau, 7 July 2005.

by the EU” (ibid.). Among the new incentives on offer were the starting of talks on preferential trade agreements for Moldova in the European market, assistance in attracting foreign direct investments (FDI) into Moldova, and an increase in technical assistance through TACIS. For comparison, in 2003 alone the European Commission allocated to Moldova through TACIS a total of €50 million, whereas for the whole period 1991-99 the total of TACIS assistance to Moldova was estimated at only €61.8 million.¹⁸

Did the government make any attempts to change the policy, as explicitly requested by the European institutions? Yes, it definitely did. On 26 July 2002, five days before the expiry of the deadline set by the CoE, a new law on the national public broadcasting company Teleradio-Moldova was adopted; the 1994 Law on the Status of Members of Parliament was amended on the same date. Thus, the timing of governmental decisions on the case of Teleradio Moldova and the law on the status of parliamentarians underscores the connection between incentives and policy behaviour, in that it is possible to see a pattern of issue-linkage by organisations and response by the government within a short period of time. Another piece of evidence of compliance with organisations’ demands was the fact that opposition was given a prime time slot on the national television channel for preparing its own programme “Opposition Hour”, along with free space in the national press.

How clear is the evidence that these policy changes were brought about by organisations’ conditionality? Crucially, data obtained from interviews provides confirmation to the linkage between government’s motivation to change policy and organisations’ use of explicit conditionality. Members of parliament including representatives of the opposition, as well as independent political experts all said that

¹⁸ Data taken from the official EU web site (<http://www.europa.eu>).

intensive pressure by organisations was pivotal on the issue of Teleradio-Moldova and the law on status of members of parliament. Moreover, even some members of the government provided similar accounts of reasons for policy change on this issue case. For instance, President Voronin's rhetoric confirms the link between the policy changes and the 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" (*RFE/RL Newslines*, 26 April 2002 and 10 June 2002). 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".¹⁹ 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 organisations promised us closer co-operation and more assistance: how could we not take this into account?".²⁰ Thus, the interview data brings additional evidence of policymakers strategically changing their stance on the policy and complying with organisations' recommendations.

Hence, the cases discussed above 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 verifying the extent of implementation of its demands. A few months later,

¹⁹ Author's interview with Stefan Secareanu, member of the opposition party (PCDM), member of parliament since 1994 and member of the Parliamentary Committee on Human Rights and National Minorities since 2004, Chisinau, 21 June 2005.

²⁰ Author's interview with Ludmila Borgula, PCRM member and member of the Parliamentary Committee on Human Rights and National Minorities since 2004, Chisinau, 22 June 2005.

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 (CoE/PACE Resolution 1303 of September 2002). More specifically, PACE requested: “to revise during the autumn of 2002, the law on the national public broadcasting company Teleradio-Moldova, by genuinely involving civil society, associations representing the media and the political opposition ..., and by taking on board the recommendations made by the CoE’s experts. In particular, it requests that revision of the provisions on the composition, appointment and powers of the observers’ council be the subject of the widest possible consultation” (ibid., paragraph 8). PACE also invited the authorities to: “guarantee clearly the principle of irrevocability of office for members of parliament in the legislation, and consequently re-amend the revised 1994 law, since the principle must be strictly interpreted and no exceptions can be allowed” (ibid.). This resolution highlighted also the importance of implementation and institutionalisation of the new laws: “the Assembly expects the authorities to implement the decisions taken to the letter, without altering their content, and without breaching their commitments at a later date, particularly those regarding freedom of the media, freedom of religion, freedom of assembly, the rights of parliamentarians” (ibid.). The state 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 co-operate with both the opposition and the CoE.

In sum, the foregoing analysis shows that the domestic policy process on freedoms of media and expression has had a great deal of variation in the 1990s and in the present decade. In the beginning, the authorities were extremely slow in adopting

new legislation in conformity with international standards despite some socialisation-based efforts by the CoE and the OSCE. In those cases where the European organisations were not engaged at all, the government did even worse: it passed laws that were incompatible with international standards. However, considerable policy changes were observed when the organisations became more actively involved and switched to explicit, incentive-based DPS. Moreover, the timing of several cases supports the argument of connection between organisations' incentives and governmental policy change. The policymakers' rhetoric, which accompanied policy changes, also confirms the influence of the European institutions and incentive-based DPS on the government's behaviour.

If looking specifically at conditions for conditionality to be effective, it can be seen that they were quite favourable. First of all, the size of the promised rewards, punishment and overall support promised by the IOs was substantial enough for the authorities to change their domestic policy and comply with the outside pressure. Both the CoE and the EU highlighted possibilities of increased co-operation with Moldova, as well as technical and financial support, if the authorities modified the policy. Moreover, some credible threats of re-consideration of membership (in the case of Moldova's membership of the CoE) and suspension of technical support (in the case of the EU) were voiced from the outside. Although these threats have never been realised, the evidence shows that they did play an important part in motivating the authorities to re-consider the status quo and change the policy in accordance with the organisations' recommendations. The authorities simply could not afford to worsen their relations with the CoE and the EU, for economic and political reasons. Economically, technical assistance and legal expertise provided by the EU and the

CoE were important for the Moldovan government to ease and facilitate a steady pace of reforms.

Moreover, the CoE's recommendations on the state of reforms, and in general on the democratisation process in Moldova, were often taken into account by other democracy promoters (for instance, by the EU and by such bilateral organizations as SIDA, USAID and DFID) when deciding the size of assistance and type of cooperation with Moldova. Remarkably, the IFIs, including the WB and the IMF, also practise consulting the CoE's evaluation reports and recommendations with regard to democratisation in Moldova when making decisions on disbursement of financial aid.²¹ Therefore, it was crucial for the authorities to receive positive evaluations from the CoE and to adhere to all CoE's recommendations because they indirectly influenced the size of financial support to Moldova offered by external donors. Politically, it was important for the authorities to retain popular support and gain more political legitimacy at the expense of the opposition. Positive international feedback and improvement of relations with the IOs would have definitely raised the popularity rating of the government domestically and would have seriously set back the opposition. Also, the government tried to preserve Moldova's international reputation as a progressive democratising state with unfavourable structural conditions but with a pro-democratic government which was willing to follow recommendations from external actors. Therefore, the benefits of compliance with organisations' demands were much higher than anticipated costs, so the government decided to comply and change its policies with regard to freedoms of media and expression.

The second condition influencing the effectiveness of conditionality – credibility of conditionality – was also crucial in these two issue cases. Both

²¹ Author's interview with Edward Brown, Country Manager, the WB Office in Moldova, Chisinau, 12 July 2005.

organisations that applied conditionality, the CoE and the EU, made sure that the Moldovan authorities perceived as credible the link between their domestic policy behaviour and the rewards and punishments promised by the organizations. In this regard, the CoE was particularly determined to use consistently various conditionality tools, including the formulation of concrete and explicit policy requests concerning what had to be done on the part of the Moldovan government. Thus, taking into account that these two conditions of effective conditionality were present in the Moldovan context at the time, it is clear why the Moldovan authorities could not simply ignore external demands and had to change the domestic policy on freedoms of media and expression in line with organisations' recommendations. The incentive-based DPS appeared to be more effective in promoting freedoms of media, expression and information in Moldova than the socialisation-based DPS.

What about the intervening impact of the domestic context on the effectiveness of the incentive-based DPS in these two issue cases? There were certainly no positive changes in the domestic structure: when the Communists came to power in 2001, the organisation of decision-making authority became even more centralised, which meant more difficulties for external democracy promoters if state institutions, including the leadership, did not agree with the reforms requested from the outside. The evidence confirms this point in a number of cases. At first, the government refused to lift the suspension of the opposition party because it knew that this would negatively affect its grip on political power in the country and create a window of opportunity for the opposition to get more popular support. Nor the organisations could act through other domestic institutions in order to influence the decision-making process because these institutions had considerably fewer powers of decision- and policy-making in comparison to central state institutions and the

governmental apparatus. Essentially, all important policy decisions in Moldova after the PCRM came to power were made at the top of the power pyramid. Paradoxically, though, such centralisation of decision-making authority was quite helpful in some cases, especially when it was needed to adopt quickly a law or a legislative act, or to set up a state institution that would be responsible for the implementation of new laws. The relatively fast legislative process preceding the adoption of the law on Teleradio Moldova and the law on status of parliamentarians provide good illustration to this point.²²

Similarly, no positive changes in the pattern of state – society relations occurred either. Relations between the state and society remained quite distant with more people becoming alienated from politics and more NGOs turning into elitist watchdog organisations that were not very representative of Moldovan society. However, organisations managed to demand the inclusion of various societal groups into domestic decision-making processes on several policy issues such as transformation of the broadcasting company Teleradio Moldova, which allowed these groups to transmit their interests and ideas to the authorities. With regard to the domestic salience of democratic norms, and in particular norms on freedom of the media, expression and information, it has become more favourable in the 2000s. With the help of the main opposition party, the PPCD, which mobilised the public to challenge the policy openly and participate in street demonstrations, the domestic salience of some democratic norms, and particularly freedom of the media and expression, increased dramatically in comparison with the early and mid-1990s. This helped those European organisations that decided to use incentive-based DPS, to

²² The whole legislative process for these two laws, including the drafting and ratification stages, lasted for about three months: from end of April to end of July 2002.

manipulate punishments and rewards more effectively in order to make the authorities comply and change the policy.

The cases of policy deterioration in the early years of this decade are crucial for the main argument of this thesis in one important respect. A contra-argument regarding the ineffectiveness of the socialisation-based DPS in bringing about policy changes could be that of “duration versus type of involvement” (Kelley 2004, 164).²³ The fact that the government still adopted some legislation, although slowly, could actually argue in favour of the socialisation-based methods: given the nature of the democratic socialisation process, it takes time for the domestic elite to stop undemocratic practices and translate democratic norms into meaningful policies. In this regard, one can argue that socialisation-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, though, 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 democratisation 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 organisations 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” (ibid.).

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

²³ 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?’ See Kelley 2004, 164.

engagement on the part of the CoE and the EU? Probably, yes. At that time the government 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.²⁴ So, the level of popular support was definitely not what 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 do so. 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 organisations and a more explicit incentive-based pressure from them were the main factors that motivated change.

Before proceeding to the next chapter, one important caveat is worth mentioning. When analysing the course of reforms of the human rights policy in Moldova, and specifically in this chapter major developments in freedoms of media and expression, I focused mostly on legislative changes. It is conceived that such measurement of the dependent variable leads to obvious limitations of the analysis and findings. The main motivation behind this approach is methodological: changes in human rights legislation are easier to identify and trace than, say, implementation policies. However, this thesis does consider implementation issues in some cases: for instance, in the case of the law on the national broadcasting company the government failed to create successful conditions for implementation of the law, and the CoE had to intervene again. So, the results of the analysis are obviously weakened if we take into consideration the issue of policy implementation. However, if we look at the

²⁴ In comparison, the oppositionist party, PPCD, had only 6 per cent support. This public opinion poll was conducted by the Romanian polling institute IMAS. See *RFE/RL Newsline*, 30 April 2002.

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 progress in the right direction and do not refute this thesis's argument.

Conclusions

This chapter has showed the case study of the state policy of freedoms of expression and the media. It has set out to examine whether the type of the DPS – normative pressure or conditionality – mattered for the policy outcome. It is clear from the preceding analysis how and when the European organisations could influence domestic policy. The organisations used both normative pressure and conditionality to promote freedoms of expression and the media in Moldova. The analysis revealed that the authorities responded more to incentive-based DPS than to socialisation-based ones. When the organisations formulated clear conditions and set concrete deadlines for compliance, in most cases the authorities complied with external recommendations. Moreover, the intervening effects of the domestic salience and the domestic structure influenced effectiveness of the incentive-based DPS to a lesser extent than for the socialization-based ones. Thus, in this case study, incentive-based DPS were more effective in bringing about policy change than the socialisation-based ones.

In the next chapter I will present the case study of freedoms of national minorities in Moldova. The structure of chapter 8 is similar to this chapter: first, I examine how the policy developed and whether organisations were involved in promoting freedoms of national minorities. Second, I assess what type of democracy promotion strategies was used by organisations and what were the effects of these

strategies. I also assess whether conditions for effective exercise of conditionality and normative pressure were present, and what were the intervening effects of the domestic context. In the end of the chapter, I draw conclusions on effectiveness of organisations' methods to promote civil and political freedoms of national minorities in Moldova.

Chapter 8

Civil and political freedoms of national minorities in Moldova

The evolution and development of Moldovan minority policy in the 1990s represents an interesting case. On the one hand, apart from some minority conflicts, one of which escalated into militarised conflict in the eastern part of the country (Transnistria) in the early 1990s, it can be characterised as one of the most liberal minority policies established in the post-Soviet area. On the other hand, such a successful start and pro-democratic orientation with regard to national minorities was not accompanied or directly influenced by very active involvement on the part of international institutions. So, a fair question arises: why, despite the passive involvement, and in some cases non-involvement, of international democracy promoters, did the Moldovan authorities still manage to adopt a pro-democratic legislative framework and lay out foundations for a successful minority policy in Moldova? What was different in the case of Moldovan minority policy? And, more importantly, does the case of minority policy in Moldova refute the “involvement” hypothesis of this thesis? This chapter attempts to answer these questions and explores peculiarities of Moldovan minority policy in greater detail.

8.1. Effects of organisations’ non-engagement on establishment of minority rights protection mechanisms in Moldova

The analysis of how minority rights protection mechanisms were established in Moldova in the 1990s is crucial to this thesis as the early development of the policy towards national minorities happened mostly in the absence of organisations’

involvement. Does this mean that in order to develop a democratic policy towards freedoms of national minorities the involvement of organisations either via normative pressure or conditionality is not necessary? Does then explanation of positive development of the policy lie exclusively with domestic factors? Below I engage with these questions and analyse the domestic context of the early policy development in detail.

The cases of the Law on languages and the Law on citizenship and subsequent implementation policies by the government can be treated as cases of organisations' non-engagement, that is none of organisations examined in this thesis has been actively involved on either issue. In fact, early adoption of such progressive national minorities' laws can be accounted for largely by the favourable domestic context. According to the 1989 census, Moldova's then population included about 100 different nationalities. Among the largest ethnic groups are: Moldovans (64.3 per cent), Ukrainians (13.8 per cent), Russians (13 per cent), Gagauz (3.5 per cent), and Bulgarians (2 per cent) (Zaporojan-Pirgari 2004, 64-5). Therefore, about 35 per cent of population in Moldova are not ethnic Moldovans, which puts Moldovan society into a category of multiethnic societies. On 31 August 1989 the Moldovan parliament adopted the Law on the Functioning of Languages on the Territory of Moldova, which stipulated that Moldovan language based on Latin script was the official language of the Republic of Moldova. Symbolically, this law represented a breakthrough for national awakening in Moldova after decades of Soviet assimilation policy. Although widely criticised by the Russian-speaking part of population, the law, in fact, was a compromise solution in order to prevent escalation of ethnic conflict in Moldova. The official language of Moldova was called 'Moldovan' and not 'Romanian', as nationalist forces had demanded, and the Russian language kept its official status as

the language of inter-ethnic communication. The law also guaranteed people belonging to ethnic and linguistic minorities free use of their mother tongue in private and public, and, crucially, it gave opportunity for national minorities to choose, as language of communication with public servants, between Moldovan, Russian and other languages in localities where the majority of population speaks a minority language.

Furthermore, the 1991 Law on Citizenship has been characterised as “one of the most liberal and broadly inclusive citizenship laws in Europe” (UNDP/Baseline Study on Moldova 2003): the law provided to all citizens of the USSR, who were born on Moldovan territory and/or who lived in Moldova at the date of the declaration of Moldova’s sovereignty, the right to the Moldovan citizenship, irrespective of the ethnic origin, language, race, etc. Thus, national minorities were not excluded from political participation. At the same time, it became clear that radical pro-Romanian nationalists were only a small minority, in parliament as well as within the Moldovan society. The moderate government formed in 1992, and the former communist party secretary Mircea Snegur, who became the first president of Moldova in 1990, abstained from nationalist propaganda and opted for a moderate policy towards minorities in Moldova. Thus, it is possible to assert that from the very beginning of Moldova’s independence years, even though “Moldovan politics in the late 1980s and early 1990s was marked by strong linguistic [and ethnic] cleavages which were fuelled by different interests and strong symbolism on both sides” (ibid.), the foundations for a moderate ethnic policy in Moldova were laid. The pressures for moderate national minorities’ policy originated mostly domestically and not externally by European organisations or other international actors. By adopting liberal

citizenship and language laws the authorities decided to secure the rights of national minorities in accordance with international standards.

Moreover, in the following years the government continued its policies of national reconciliation and moderation towards ethnic minorities. The case of granting the Gagauz people vast autonomy rights provides confirmation to this statement. In autumn 1992 the Moldovan authorities started negotiations with the Gagauz leadership on autonomy status.¹ The Gagauz people were granted territorial autonomy under the 1994 Law on the Special Legal Status of Gagauzia that enabled the local authorities to legislate on various political, economic and cultural issues. Again, this law can be treated as quite progressive throughout the post-Soviet area as it gave vast autonomy rights to the Gagauz region: for instance, one of its provisions stipulated that the region had the right of self-determination should Moldova lose its independence (for instance, by joining Romania). The law also stipulated that the official languages of Gagauzia were Moldovan, Gagauz and Russian, which further reassured Gagauz people (73 per cent of whom considered Russian their second language),² and other minorities about government's moderation in its minority policy.

Further evidence of the domestic origins of the liberal national minorities policy is provided by the results of the 1994 referendum on continuation of Moldovan independence (for instance, from Romania). The voter turnout for the referendum was exceptionally high – about 75 per cent. The results were remarkable and quite straightforward: about 95 per cent of the electorate voted in favour of Moldovan

¹ The Gagauz are a Christian-Orthodox Turkic people which, according to one ethno-genesis theory, arrived on the territory of Moldova during the Russo-Turkish wars (Zaporojan-Pirgari, 2004, 66). The 153,000 Gagauz who lived in Moldova in 1989 have no kinstate and have been heavily russified in the past (*ibid.*).

² According to the 1989 census.

independence. The domestic power basis and configuration of political forces also changed after the 1994 parliamentary elections: the majority of seats in the national parliament were won by the moderate Agrarian Democratic Party, while 22 per cent of the total vote was won by the Socialist Unity Bloc, which represented the interests of the Russian-speaking population. Surprisingly enough, the unionist and nationalist parties, including the radical Christian Democratic Popular Front, received only 7.5 per cent of the votes, which gave them only 20 out of 104 parliamentary seats. As Crowther points out, “the single most significant outcome [of the 1994 elections] was popular rejection of the parties identified with ‘pan-Romanianism’ in favour of those supporting an independent Moldovan identity and ethnic accommodation” (Crowther 2004, 32). As a result of such a radical changeover of political elites, nationalist parties had no influence on Moldovan politics during the next four years (*ibid.*). As a result of non-nationalistic domestic preferences, expressed in the 1994 referendum, and coming to power of moderate political forces in 1994, the domestic policy towards national minorities continued to develop positively.

The strategy of ethnic inclusion, which proved to be so successful in bringing moderates into government and marginalizing ethnic extremists in the early 1990s, was also used quite extensively by elites in power when deciding the terms of the Moldovan constitution in 1994. The new Constitution, which was adopted on 29 July 1994, states in its preamble that the representatives of the people of Republic of Moldova have adopted the Constitution while “striving to satisfy the interests of those of its citizens that, while being of a different ethnic origin, are, together with the Moldovans, forming the Moldovan people” (*ibid.*). Article 10 of the Constitution “recognises and guarantees the right of all citizens to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity” (Constitution

of the Republic of Moldova, Article 10). Article 13 of the Constitution reaffirmed the status of Moldovan as the state language, but it also acknowledged the right to preserve, develop and use the Russian language and other languages spoken on the territory of Moldova (ibid., Article 13). Russian was not officially granted the status of a second state language, as most Russian speakers wished, nevertheless, it did acquire such status *de facto*. According to the Constitution and the Law on Functioning of Languages, the Russian language obtained the status of the language of inter-ethnic communications, the language of official events and of the clerical work in the public administration bodies in localities with Ukrainian, Russian, Bulgarian population, or population of another ethnic group (UNDP/Baseline study on Moldova 2003, p.38). Moreover, the 1989 language law stipulated that all laws and official documents had to be published in Russian and everybody had the right to address public institutions and receive answers in the Russian language.

Therefore, it is possible to say that the legislative framework on the rights of national minorities has been successfully established in Moldova in the first half of the 1990s. To put the Moldovan legislative framework in the context of laws on national minorities in the post-Soviet space, especially in the Baltic countries, it can be seen as one of the most liberal and democratic in the region. Russian-speakers and representatives of other minorities did not have any grounds to fear marginalisation, discrimination or political exclusion. It is also significant that by the mid 1990s Moldova has signed and ratified major international legal documents with regard to national minorities: the Universal Declaration of Human Rights, the European Convention on Human Rights, the UN Declaration on the Rights of Persons belonging to National, Ethnic, Religious or Linguistic minorities and other documents, including the OSCE texts, which contain provisions on the protection of national minorities.

But what about the role of international organizations? Were they active in promoting such liberal minority policy in Moldova? When and how were they involved in the process? Even if we take into account the question of timing only, we can see that by the time the three institutions (the OSCE, the CoE, the EU) established official relations with Moldova, the latter had already adopted a number of important legislative acts on minority policy such as the 1989 Law on Functioning of Languages and the 1991 Law on Citizenship. The OSCE Permanent Mission to Chisinau was set up only in February 1993. Moldova was granted membership of the CoE in 1995, and the Partnership and Cooperation Agreement between the EU and Moldova was ratified only in 1997. So, one can see that the Moldovan authorities managed to adopt the first legislative acts on minority policy without any broad consultations, expertise or pressure (normative or incentive-based) on the part of these European institutions.³ So, these are cases of organisations' non-involvement that produced more or less positive results in changing and democratising Moldovan minority policy. The most important factor here was favourable domestic context including a high degree of domestic salience of norms related to ethnic minorities⁴ and new configuration of political forces (the power shift from nationalist political elites to moderate ones) in the early 1990s. As discussed in chapter 5, in the late 1980s-early 1990s a number of highly salient issues dominated the Moldovan political landscape: among such issues were linguistic and political rights of the Romanian-speaking majority and the Russian-speaking minorities. After declaration of Moldova's independence in 1991

³ There is some minor evidence of organisations' involvement in Moldova during this period (early 1990s): for instance, negotiations with Gagauz leadership on the autonomy status of Gagauzia, in which some consultations with experts from the CoE took place in 1994 (Neukirch 1999, 56) and provision of legal expertise on Moldovan legislation on national minorities and inter-ethnic relations within the Moscow Human Dimension Mechanism. However, I was unable to find more detailed information on these cases of organisations' engagement.

⁴ Especially, taking into account the Transdnistrian conflict, that escalated primarily due to nationalist and anti-Russian actions pursued by some political elites in the late 1980s-early 1990s.

the first issue concerning rights of the Romanian-speaking majority was solved by itself: the political and linguistic rights of the Romanian-speaking population in Moldova were given legal recognition and the country's national identity was restored. At the same time problems of ethnic polarisation arose in Moldova, which urgently required government's action. The Transnistrian conflict of 1992 heightened the tensions between the Moldovan majority and Russian-speaking minorities even further. The situation has also worsened after the 1990 elections to the then Supreme Soviet of Moldova (which were the first genuine democratic elections to a legislative body in the republic) in which about one-third of parliamentarians were represented by members of the nationalist Popular Front party. Crucially, moderate political forces came to power after the 1994 parliamentary elections, whose electoral platform was built on such issues as re-installation of the ethnic unity and achievement of political stability in the country. As a result, the establishment of national minorities' protection mechanisms has become a salient issue in Moldovan politics for both relevant domestic constituencies (national minorities) and the government as the latter's political survival was highly dependent on the support by the former.

It should be noted that despite a fast and positive start of the legislation process in the 1990s, Moldovan minority policy was suffering from a number of serious deficiencies to which the authorities, unfortunately, did not pay enough attention. The majority of the interviewees, including officials of the state institutions on human rights, pointed out implementation problems. As the representative of the Moldovan Helsinki Committee on Human Rights put it:

In the 1990s the authorities managed to adopt most of the legislation that was necessary to ensure 'healthy' ethnic relations in Moldova. On the surface, this

was quite a successful policy process. However, very few steps were made in order to ensure practical implementation of the new laws.⁵

As discussion in chapter 5 shows, many specialised institutions were set up in Moldova in order to ensure respect of all legal procedures on national minorities in the country: for instance, the institution of parliamentary advocates, the centre for human rights, the parliamentary committee on human rights and national minorities, and the department of national relations and functioning of languages. However, some of these institutions, in particular parliamentary advocates and the department of national relations failed to perform their functions adequately and often were criticised by the representatives of civil society for lacking powers of regulation, interpretation and influencing the government's policy on national minorities.⁶ Interestingly, parliamentary advocates on human rights pointed out themselves in interviews with the author that they, and specifically the Centre for Human Rights in Moldova, were not very successful in implementing laws on rights of national minorities in practice because of certain limitations of their powers as prescribed by the law on parliamentary advocates.⁷

Additional evidence of slow and deficient legislative policy process is provided by the fact that the main law on protection of national minorities, known as the National Minorities Act, has been adopted only in August 2001 and entered into force in September 2001 ("The Law of the Republic of Moldova on national minorities", Law No.382 of 28 August 2001). Three drafts of the law were considered by the parliament in the 1990s, but the final version of the law still contained a

⁵ Author's interview with Serghei Ostaf, Deputy Chairman of the Moldovan Helsinki Committee for Human Rights, 26 June 2005, Chisinau.

⁶ Author's interview with Serghei Ostaf, Deputy Chairman of the Moldovan Helsinki Committee for Human Rights, 26 June 2005, Chisinau.

⁷ Author's interview with Raisa Apolschii, Parliamentary Advocate for Human Rights, 16 June 2005, Chisinau; and author's interview with Iurie Perevoznic, Parliamentary Advocate of Human Rights, 24 June 2005, Chisinau.

number of vague provisions such as unclear definition of “national minority” and absence of a clear list of national minorities living in the country. The law also gave the Russian language a privileged status at the expense of other minority languages by providing substantial commitment by the state to teach and use the Russian language. In addition, the existing legislative framework regulating rights of national minorities still had to be improved. For instance, the 1989 Law on Functioning of Languages contained, in the opinion of international and national experts, outdated terms, as well as some discriminative requirements, such as the one concerning the use of official languages in the private sector, which came into contradiction with international standards (UNDP/Baseline study on Moldova 2003, p.38).

Were organisations able to change these controversial legislative provisions and if yes, how did they manage to do that? Section 8.2 provides an overview of organisations’ methods of involvement and relevant institutions engaged in promotion of civil and political rights of national minorities in Moldova. I then proceed to analysis of the effects of various democracy promotion tools by focusing on specific legislative issue cases such as the 2000 Law on Advertising and the issue case of the Russian language as an official state language.

8.2 Effects of organisations’ normative pressure and conditionality on civil and political freedoms of national minorities in Moldova

In terms of institutional involvement, both the CoE and the OSCE attempted to influence the policy on national minorities in Moldova through work of two specific institutions: the OSCE High Commissioner on National Minorities (the OSCE HCNM) and the CoE’s Framework Convention for Protection of National Minorities (CoE FCNM). The EU does not have a specific institution designed to

promote rights of national minorities and most of activities related to human rights are implemented by the EIDHR. The OSCE HCNM acts under the aegis of the OSCE and serves as “an instrument of conflict prevention at the earliest possible stage” (Helsinki Decisions of July 1992).⁸ The HCNM acts through two main mechanisms: “early warning” and “early action”, which include collection of information on national minority issues in a country, field visits, discussions and consultations with major parties involved with a view to possible solutions (*ibid.*).⁹ So, it is possible to say that the OSCE HCNM operates primarily within the framework of normative pressure, using persuasion and social influence. The Netherlands’ Minister of State Max van der Stoel was appointed as the first HCNM in 1992, and throughout the 1990s he worked with many Central and Eastern European countries, including Moldova. The first Commissioner, Max van der Stoel, visited Moldova twice (in 1994 and 2000) and the second Commissioner, Rolf Ekeus, also undertook two visits to the country (in 2002 and 2004). In addition to assessment visits, the OSCE has also used a number of other normative pressure tools towards Moldova: for instance, public statements on Moldova issued by the Commissioner Ekeus in 2002 and 2004, provision of legal expertise within the Moscow Human Dimension Mechanism in 1993, and organisation of training programmes and seminars in 2000 and 2002.

The CoE’s Framework Convention for the Protection of National Minorities (FCNM) is one of the most important of the CoE’s mechanisms specifically devoted to protection of national minorities in participating states. However, it was set up only in 1998, which again confirms that Moldovan minority policy in the early and mid-1990s can be regarded as a case of institutional passive involvement or non-

⁸ The HCNM’s role is to identify – and seek early resolution of – ethnic tensions that might endanger peace, stability, or friendly relations between the participating states of the OSCE. Acting independently of all parties involved, the HCNM is empowered to conduct on-site missions and to engage in preventive diplomacy at the earliest stages of tension (Kelley 2004b, 205).

⁹ Full text is available at http://www.osce.org/documents/mcs/1992/07/4046_en.pdf.

involvement. The FCNM's monitoring mechanism combines expert evaluations by an Advisory Committee of independent experts, examination of state reports, and country visits in order to establish dialogue with both the relevant authorities and civil society. These activities then result in Opinions of the Advisory Committee and Resolutions of the Committee of Ministers. As discussed in chapter 6 (section 6.2.2), the CoE's activities within the FCNM are classified in this thesis as incentive-based methods to influence domestic policy. Specifically, the monitoring procedure of Moldova within the FCNM is characterised as operation of the benchmarking and monitoring tool of conditionality. In the period from 1998 to 2005 Moldova has gone through two FCNM monitoring cycles: 2000-2003 and 2004-2005. During these cycles, the government had to comply with policy change requests by the Committee of Ministers within specified time-frame, as well as it had to respond to opinion documents issued by the FCNM Advisory Committee.

One of Moldova's commitments after signing membership agreement with the CoE was "to sign and ratify within a year from the time of accession the Framework Convention for the Protection of National Minorities (FCNM) and to conduct its policy towards minorities on the principles laid down in Assembly Recommendation 1201 (1993) on the question of an additional protocol to the European Convention on Human Rights on the rights of national minorities and incorporate it into the legal and administrative system and practice of the country" (CoE/PACE Opinion No.188, 1995). The CoE also requested "to sign and ratify, within a year from the time of accession, the European Charter of Local Self-Government, and to study, with a view to ratification, the Council of Europe's Social Charter and the European Charter for Regional or Minority Languages" (ibid.).

By the end of the 1990s most of the above mentioned international conventions and treaties had been ratified by the Moldovan authorities.¹⁰ In its 2002 “Opinion on Moldova” the CoE’s Advisory Committee on the FCNM pointed out “the Advisory Committee considers that Moldova has made commendable efforts to establish a legal and institutional framework for the protection of national minorities” (CoE/FCNM, Advisory Committee, Opinion on Moldova, 2002, p.3). However, further on the same document notes “at the same time, shortcomings and difficulties remain in fields such as access to the media, participation in public affairs, use of minority languages, particularly for persons belonging to disadvantaged or numerically smaller minorities” (ibid.). Similarly, the OSCE’s HCNM Max van der Stoel pointed out in May 2000: “new laws have been enacted and new institutions have been established [in Moldova]. ... I welcome the co-operation of the Moldovan Government in looking at what further steps can be taken to protect the rights of persons belonging to national minorities in Moldova, particularly as regards education and linguistic rights” (OSCE/HCNM, Speech by Max van der Stoel of 18 May 2000, Chisinau, p.2). However, in the same speech Max van der Stoel points out: “at the same time I am sensitive to the need for taking steps to strengthen the State language [in Moldova]” (ibid.). So, how did Moldovan authorities respond to these negative remarks voiced from the outside? Did organisations continue using normative pressure only towards the Moldovan authorities, or was conditionality used as well? Below I look specifically at two issue cases: the case of the Law on advertising and the case of status of the Russian language. The first case shows that the use of persuasion was ineffective, and the second case provides a good example of three-phase development of organisations’ involvement. First, organisations were not

¹⁰ In fact, Moldova was among the first countries that have ratified the FCNM in 1996, which was earlier than ratification of the European Convention on Human Rights (ratified by Moldova in September 1997).

involved and the policy outcome was not compatible with international legal standards. Next, organisations applied socialisation-based strategies, mostly normative persuasion, without notable result of change of the policy. Finally, organisations linked their recommendations with a number of incentives, provoking domestic compliance and policy change.

Let's consider first the issue case of the Law on Advertising. In summer 1999 the Moldovan government approved the draft amendment to the Law on Advertising of the Republic of Moldova. The main motivation for the amendment was to cut down on the amount of advertising information disseminated in the Russian language and to increase the use of the Moldovan language in advertising. The authorities argued that these legislative changes were necessary in order to decrease excessive amount of advertisement information disseminated in Russian language: according to the Minister of Foreign Affairs of Moldova, Nicolae Tabacaru, advertisement information disseminated in Russian dominated Moldovan private sphere in the 1990s and constituted around 90-95 per cent of total advertisement information. This was perceived by Moldovan officials as an unfair situation, especially if Russian language was a language of national minority constituting only 13 per cent of Moldovan population (Tabacaru, Official Letter to the OSCE/HCNM of 31 March 2000). The proposed draft amendment was immediately submitted to the Parliament for consideration. It is noteworthy that no organisation was involved in drafting the amendment: there is no evidence that legal expertise or training was provided by organisations at this point. However, after the Parliament considered the draft amendment on the first reading, and found no serious legislative problems with it, the OSCE's HCNM Max van der Stoel was the first to raise the issue of controversial

draft amendment. In November 1999 the HCNM wrote an official letter to the Foreign Minister of the Republic of Moldova, Nicolae Tabacaru:

While fully appreciating that promotion of the Moldovan language on the territory of your Republic is desirable and should be supported, I feel obliged to draw your attention to some aspects of the draft law which are contrary to Moldova's international obligations and commitments. (Max van der Stoel, Official Letter to the Moldovan Minister for Foreign Affairs of 2 November 1999).

Further on, the HCNM pointed out specifically that Article 8 of the amendment contradicted freedom of expression in Moldova because it would impose mandatory use of the state language in private advertising (*ibid.*). He also made reference to specific articles of the International Covenant on Civil and Political Rights (Article 19) and of the European Covenant on Human Rights (Article 10), which would have been violated if the authorities had adopted the draft amendment. In the same letter Max van der Stoel explicitly recommended that the government should withdraw the law from consideration in Parliament (*ibid.*). Thus, two specific normative pressure tools were used here: issuing of direct official statement on controversial law negatively affecting freedoms of national minorities in the country, and provision of written argumentation and guidance on how to change the law. The following statement by the Commissioner Max van der Stoel provides good illustration to the point that the OSCE HCNM acted in this case within the framework of socialization-based DPS and normative pressure:

With regard to the issue of language use in general, I [Max van der Stoel] can only *encourage* the Government of Moldova to use more effective means for promoting the State language. I am ready to support measures aimed at

strengthening the position of the State language in the private sphere by means of *education* and *encouragement* (italics added by the author) (ibid.).

The Moldovan authorities were not quick in responding to the OSCE HCNM. A reply letter by the Minister of Foreign Affairs of Moldova was sent only in late March 2000. The letter, essentially, re-confirmed the government's position on the issue and emphasized that Moldova's specific situation emerged as a result of the policy of forced russification pursued by the tsarist and soviet regimes in Moldova in the past (Tabacaru, Official Letter to the OSCE/HCNM of 31 March 2000). Thus, the government once again justified its efforts on the promotion and consolidation of the Moldovan language in the public and private spheres. Nevertheless, the OSCE persisted with its normative pressure towards the authorities. In May 2000 the Commissioner undertook his second assessment visit to Moldova with the aim to "discuss issues of mutual interest", and to meet personally with a number of Moldovan officials including representatives of the Parliamentary Committee on Human Rights and National Minorities and the Parliamentary Ombudsman (Max van der Stoel, Official Letter to the Moldovan Minister for Foreign Affairs of 20 April 2000). Moreover, during the visit, Max van der Stoel co-organized a seminar with the OSCE Mission in Moldova entitled as "The Linguistic and Education Rights of National Minorities and their Application in Moldova". The seminar's primary aim was to educate the Moldovan authorities and other political actors on issues of linguistic and education rights of national minorities within the framework of the Hague Recommendations regarding the Education Rights of National Minorities and the Oslo Recommendations on the Linguistic Rights of National Minorities. Thus, two additional tools of normative pressure have been employed here by the OSCE

HCNM: organisation of fact-finding visits and provision of training on rights of national minorities.

However, these multiple persuasion efforts by the OSCE did not bring the desired results. In June 2000 the draft amendment to Article 8 of the Law on Advertising was passed by the Parliament on its second reading. So, the case of the Law on advertising demonstrates that it was initially adopted without any intervention or assistance (socialization- or incentive-based) on the part of European organisations, and the result did not conform to international legal standards on protection of linguistic rights of national minorities. Even when the OSCE decided to pay closer attention to this particular legal amendment and applied several normative pressure tools such as direct official statements and declarations, ad hoc visits, training, and provision of recommendations on policy change, the government's position was not changed and the controversial amendment to the law was adopted. Representatives of NGOs and state institutions on human rights as well as members of the media and independent experts all said that the law had a number of serious drawbacks. Explanation given by the Parliamentary Advocate of Human Rights in an interview with the author sums up well interviewees' views on the controversial amendment to the law on advertising:

From the very beginning it was clear that this legal amendment was not very favourable for inter-ethnic relations in the country. The proposed legal provisions were too narrow and did not take into account the specificity of the Moldovan multi-ethnic society. The draft amendment was "a rushed business": there was very little deliberation within the Parliament and, in general, within

society; there was also a lack of expertise and consultations with domestic and international experts.¹¹

The OSCE persuasion efforts also suffered from lack of co-ordination with other organisations. The HCNM may also not have received much response from the government because the CoE and the EU failed to support the HCNM's recommendations. Such inaction on this issue from the other two organisations was surprising. Two years later in its first assessment report on Moldova the FCNM Advisory Committee did not mention anything about the law, but, instead, concluded that "Moldova has made commendable efforts to establish a legal and institutional framework for the protection of national minorities" (CoE/FCNM, Advisory Committee, Opinion on Moldova, 2002, p.3). Completely failing to utilise its potential leverage in a more conditional manner and request from the authorities to re-consider the amendment, the CoE decided "to praise" government's actions on providing legal guarantees to national minorities without any mention of necessary changes in the law on advertising. Thus, the authorities had no reason to believe that organisations noticed their policy on the issue. As a result, the OSCE persuasion efforts did not produce any notable results on this issue case.

An interesting issue relates to the use of Russian as an official state language, including language of instruction in schools. It provides a good illustration to a three-phase development of organisations' involvement: at first, organisations were not involved at all and, in result, a number of controversial legal provisions were passed by the government; later, organisations decided to intervene by using various tools of normative pressure, but there were no notable results; and only after organisations had switched to incentive-based methods the government complied with external

¹¹ Author's interview with Raisa Apolschii, Parliamentary Advocate of Human Rights, Chisinau, 16 June 2005.

recommendations to change a number of controversial laws. Paradoxically, this case presents evidence of policy deterioration with regard to the civil and political rights of national minorities in Moldova. Usually, promotion and protection of a second language in a multi-ethnic state is seen as a liberal and pro-democratic policy towards national minorities which speak this language. However, if this is done at the expense of a titular nation (Moldovans in this case) and its linguistic rights, then such a policy cannot possibly be regarded as pro-democratic because by granting more rights to one segment of the population it restricts the rights of another.

During the 2001 parliamentary elections, the elevation of the Russian language to an official language was one of the PCRM's key electoral promises (Roper 2005, 506). Moreover, because a large segment of the electorate that voted for the PCRM in the 2001 parliamentary elections consisted of Russian-speaking national minorities, the authorities decided to consolidate and strengthen this level of support by promoting the use of Russian even further. In July 2001 the new parliament adopted a law on national minorities and the legal status of national minority organizations. Article 13 of the law stipulated that "members of minority groups and their organizations have the right to establish mass media according to the law, as well as to publish literature in minority languages" and that "the state ensures the organization of programmes in minority languages on state radio and TV" (Law No. 643-XV of 15 November 2001, *Monitorul Oficial al Republicii Moldova*, N 81/952 of 17 December 2001). Also, the law guaranteed members of national minorities the right to education at all levels in Moldovan, Russian and other minority languages (ibid.).

So far, so good: at that stage this law was seen as one of the most progressive and liberal with regard to linguistic rights of national minorities in the post-Soviet

region. Many saw the adoption of the law as a great achievement: it not only guaranteed fundamental human rights to the national minorities and prohibited discrimination, but also laid a positive obligation on the state to create the necessary conditions for the preservation, development and expression of the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities (Zaporojan-Pirgari 2004, 68-9). However, as a local expert in Moldovan politics pointed out: “Inter-ethnic relations in Moldova are specific because national minorities in Moldova see the root of their problems not in the absence of a legal framework that would protect their rights, but in the way the titular nation decides upon its ethnic origins and the title of its language” (Botan Igor, *Moldova Azi*, 22 April 2002). That is why the constant debate on the title of the state language – Moldovan or Romanian, which has been and still remains a highly politicised issue in the country even today, is closely watched by both ethnic Moldovans and national minorities. The official line of the communist government in 2001 was to emphasize the uniqueness of the Moldovan identity without subsuming this identity into a pan-Romanian category (Roper 2005, 505). The “Moldovanism” doctrine recognised that the two languages (Romanian and Moldovan) were not distinct, but the similarity in the languages did not mean that there was not a separate Moldovan identity (ibid.). As one of the communist parliamentarians wrote in the PCRM’s newspaper *Communist* in 2001: “The language issue is the country’s political and geo-political problem ... Moldovan language, even if it is three times similar and identical to Romanian language, should retain its title as ‘Moldovan’” (*Moldova Azi*, 14 January 2002).

In the early 2000s President Voronin and the government adopted a number of controversial measures to strengthen the doctrine of “Moldovanism” on the one hand, and to promote the use of Russian language in the state, on the other. In January 2001

the president asked the government-run radio and television to refer to the country's official language as Moldovan, and not Romanian (Roper 2005, 506). In August 2001 the Ministry of Education adopted a number of decisions which increased hostility and tensions between ethnic Moldovans and national minorities. One of these decisions was to introduce from 9 January 2002 compulsory Russian language instruction in all schools (beginning with the second grade). Another controversial decision was to replace the "History of Romanians" course, taught in secondary schools, with an integrated history course entitled as the "History of Moldova" and the "History of Moldovans". This decision was part of the PCRM's broader programme to separate Moldovan and Romanian identities and to further pursue the "Moldovanism" doctrine. Later, in December 2001, the Communists made a legislative proposal to the parliament to give Russian a status of the second official language in Moldova.¹² Why did the Communists decided to adopt all these measures on strengthening the status of Russian language in Moldova? A number of interviewees pointed out the possibility that the government could have had a hidden agenda behind its choices to strengthen status of the Russian language in the country. As a representative of the Moldovan Helsinki Committee on Human Rights noted:

At the international level, these measures were presented by the Moldovan authorities as a symbolic gesture vis-à-vis the Russian-speaking minorities, and also as a possible solution to the Transdnestrian conflict. Also, the proposal to give Russian the status of official language in the constitution was part of President Voronin's electoral manifesto, and the commitment to respect rights of

¹² This proposal was invalidated by the Constitutional Court of Moldova in late December 2001, which ruled that certain provisions in the proposal were unconstitutional.

the Russian-speaking minority was taken by the Moldovan authorities when signing political treaty with Russia.¹³

In contrast, one governmental official motivated this policy choice as “genuine attempts by the government to provide further guarantees to the Russian-speaking minorities of linguistic rights and political freedoms enshrined by the constitution”.¹⁴ There is, thus, certain disagreement in informants’ views on the issue of the Russian language. However, most of the judgments evaluating negatively government policies on the Russian language were expressed by interviewees who were not involved in the decision-making process and, thus, their objectivity on the issue would be less questionable than that of governmental officials. Also, government’s subsequent behaviour and organisations’ reactions on the issue further confirms the point that, first, the issue was clearly unpopular with the majority of the population, and, second, the government had more rationalist motivations behind its policies of strengthening status of the Russian language. In this regard, it is plausible to assume that the authorities were not genuinely interested in providing better guarantees of civil and political rights to national minorities, but they were primarily seeking political payoffs – to generate stable electoral support by Russian-speaking national minorities. Otherwise, why would authorities have pressed on with legislative provisions that were clearly unpopular with the Moldovan-speaking majority and political opposition forces?

This brings us to the next step of analysis: evaluation of organisations’ involvement in this issue and contribution to policy change. There have been some differences in tactics and strategies to influence the government’s position on status of

¹³ Author’s interview with Serghei Ostaf, Deputy Chairman of the Moldovan Helsinki Committee for Human Rights, 26 June 2005, Chisinau.

¹⁴ Author’s interview with Ludmila Borgula, Member of the PCRM party, member of the parliamentary committee on human rights and national minorities, 22 June 2005.

the Russian language even within a single organization: the CoE's institutions are a good illustrative example of this point. At first, the CoE did not react on the issue at all. The CoE's Commissioner for Human Rights Alvaro Gil-Robles visited Moldova in October 2000 and a follow-up visit was conducted by two members of the Commissioner's office in March 2003. In the 2000 report of his visit to Moldova, Alvaro Gil-Robles noted some linguistic problems, which were mostly to do with "the dominant position" of the Moldovan language in the country:

Moldova has opted for a single national language, Moldovan ..., and its authorities are therefore following a policy of 'forced' use of this language, in the sense that they are adopting a number of measures to rapidly establish the dominant position of the Moldovan language in public life ... Alongside the mainly practical problems arising from the accelerated teaching of Moldovan to minorities and its intensified public use as the only official language, I believe there are certain problems with regard to the scope of the recognised right for minorities to have schools that teach in their respective languages (CoE/CommHR, Report on visit to Moldova of 20 December 2000, p.8).

Thus, there was no mentioning of possible problems concerning government's plans to strengthen the status of the Russian language in the country. This suggests a lack of on-the-ground knowledge on the part of the Commissioner of underlying problems with national minorities in Moldova. The report also contained no specific recommendations on how to improve the overall situation and what legislation should be adopted. The report vaguely stated in its "Conclusions and recommendations": "the greatest need is to encourage the relevant Moldovan authorities to pursue their legislative work, beginning with clearer and more realistic legislation on the rights of persons belonging to national minorities" (ibid.). The follow-up report, prepared by

the two members of the Commissioner's office after their visit to Moldova in March 2003, contained no opinion on further developments or recommendations with regard to the linguistic rights of national minorities. The lack of the Commissioner for Human Rights' opinion on the issue is surprising because at the time of the follow-up report's writing (2003), the issue of compulsory study of Russian in secondary schools and also the authorities' attempts to elevate the status of the Russian language in Moldova were still topical. Thus, it is possible to say that at this stage the CoE opted for normative pressure towards Moldova: a number of assessment visits were undertaken and some general recommendations on the policy of national minorities were given. However, at this stage the CoE and, indeed, the other two organisations – the EU and the OSCE – made no comments on government's controversial regulations regarding status of the Russian language.

It is also noteworthy that at this stage the FCNM Advisory Committee failed to apply credible conditionality to the Moldovan authorities. The initial country report by the Moldovan authorities on compliance with the FCNM due on 1 February 1999 was received by the FCNM's Advisory Committee only on 29 June 2000 – this is 16 months after the original deadline. Also, as a representative of the CoE's Office in Moldova pointed out:

The lateness of the 2000 report was not its only problem: with regard to its content and quality of the presented data, the report contained vague and unsubstantiated statements and too general information, and lacked details on a number of important issues.¹⁵

Surprisingly, the Advisory Committee did not sanction the government for lateness and ambiguity of the report, but, instead decided to dispatch a fact-finding

¹⁵ Author's interview with Johanna Berger, Programme Manager, Office of the Special Representative of the Council of Europe in Chisinau, Chisinau, 2 July 2005.

mission to Moldova in October-November 2001 in order to receive more information on implementation of the FCNM. Thus, similar to the Commissioner's for Human Rights approach, the Committee also decided to start with normative pressure towards the authorities. Such actions, however, failed to change government's policies on status of the Russian language.

In fact, the situation has become considerably worse. The interview data shows that government's policies on Russian language have been widely criticised by the opposition political parties, especially PPCD, teachers in institutions of secondary and higher education, and the wider intelligentsia. In January 2002 discontent by these groups escalated into public protests on the streets of Chisinau. As a deputy leader of PPCD put it:

We were not protesting against national minorities and their linguistic and education rights. But we were protesting against using the Romanian language issue in order to achieve certain political goals and gains. This is exactly what the communists were doing at that time. They were threatening minorities with forced "Romanization" if the Communists were to lose power. Therefore, minorities were very effectively manipulated: in exchange for establishing a higher status for the Russian language they had to support the Communists in the elections.¹⁶

On 3 January 2002 participants at a meeting in Chisinau, protesting against the introduction of compulsory Russian-language classes in schools, established the "Committee for the de-Russification of National Education". The main goal of this committee was to oppose the government's policies in several spheres, especially education, and to prevent forced russification. According to a press release, the

¹⁶ Author's interview with Stefan Secareanu, member of the opposition party (PPCD), member of parliament since 1994 and member of the Parliamentary Committee on Human Rights and National Minorities since 2004, Chisinau, 21 June, 2005.

committee was a response to the “dramatic situation in the educational system” and aimed “to fight against the abusive and totalitarian measures of the Communist government” (*RFE/RL Newslines*, 7 January 2002). As one of the committee’s members pointed out:

Our biggest fear was that the experience of Soviet Moldova would be repeated: dominance of the Russian language, lack of opportunities to develop and promote the native language, an unfair policy of assimilation and russification. We could not afford to return to this.¹⁷

The Committee for the de-Russification of National Education protested against not only the PCR’s decision to make the study of Russian compulsory in elementary schools but also the legislative proposal to give Russian the status of second official language in Moldova. Approximately 134 school principals sent a letter to the Ministry of Education protesting at the compulsory study of the Russian language (Roper 2005, 506). Because the government ignored the letter and continued to pursue its education and language policies, large demonstrations began in the capital Chisinau on 9 January 2002 and continued throughout February and March. As a local expert noted:

Demonstrations in early 2002 in Chisinau can be considered as the first manifestations of a functioning civil society in Moldova: people became involved in peaceful protests against the government’s policies to force Russian language education in schools with Romanian language of instruction. The protesters emphasized that demonstrations were directed not against the Russian language per se, but against the ways in which the government was pursuing its policy. And these ways were not democratic at all: there was no necessary

¹⁷ Author’s interview with Paul Strutzescu, Chairman, The League for Defence of Human Rights in Moldova (LADOM), Chisinau, 1 July 2005.

didactical equipment and proper planning, lack of consultations with experts and the main parties involved, views of parents and, more importantly, students were not taken into account (Igor Botan, *Moldova Azi*, 14 January 2002).

Towards the end of February 2002, additional demands for more freedoms of the media and of expression, including reform of the state TV and radio company “Teleradio Moldova”, were also voiced (See Chapter 7). So, one can note that wide criticisms by the political opposition forces and public demonstrations against compulsory Russian language teaching in Moldovan schools led to inevitable increase in levels of domestic saliency of this issue. This had two important implications for the solution of this controversial issue: firstly, the government certainly could not ignore growing levels of public discontent with the issue, and, secondly, the conflict became more noticeable for organisations, which simply could not remain inactive any longer.

The CoE was the first to raise the issue of dominant position of the Russian language. In March 2002 the FCNM Advisory Committee wrote a report on Moldova, in which it specifically touched upon this issue:

The Advisory Committee notes that tensions arose with regard to measures taken by the Government in the language field. The Advisory Committee is of the opinion that, in order to reduce tensions and to avoid linguistic intolerance, a balanced approach is necessary in this area (CoE/FCNM, Advisory Committee, Opinion on Moldova, 2002, p.3).

The same report recommended further:

The Advisory Committee notes that language issues continue to be a sensitive matter in Moldova and considers that, in order to avoid conflict, all measures in this respect should be taken with great caution. The Advisory Committee

considers that the authorities should make all efforts to provide a balanced response to the specific language needs of all national minorities, without prejudice to the learning and teaching of the state language (ibid., p.26).

Thus, for the first time the FCNM Advisory Committee attempted to use conditionality towards the Moldovan authorities by employing the tool of stricter monitoring and benchmarking of the domestic policy on national minorities: overall development of the policy was commented upon and requests of policy change were put forward.

Other tools of conditionality have also been employed by the CoE. In his official statement on 1 February 2002 the President of the CoE Parliamentary Assembly (PACE) Peter Schieder reminded Moldova of its commitments to the CoE and even mentioned possibility of sanctions in case of non-compliance: "The Assembly will continue to monitor the situation. Should the situation not improve, it would be obliged to consider further steps to ensure Moldova's compliance with commitments resulting from its Council of Europe membership" (CoE/PACE Communication, 067a(2002) of 1 February 2002). On 4 February, Walter Schwimmer, Secretary General of the Council of Europe, requested from the government explicit information on the country's progress in compliance with the FCNM. The government was quick to reply: the Minister for Foreign Affairs sent an explanatory letter to the Secretary General on 29 March 2002 (CoE/PACE Report on Moldova, Doc.9418, p.7 and p.31).

Importantly, this time the CoE's efforts to influence domestic policy in Moldova were supported by other organisations, including IFIs. Thus, it was a more coordinated effort on the part of organisations to change government's position on the issue in comparison, for instance, to the case of the law on advertising, in which the OSCE acted largely on its own. Crucially, the EU entered the scene: the organisation

used a combination of normative pressure and conditionality tools. On 30 January 2002 the EU's Council adopted a declaration on Moldova, in which it expressed concerns regarding the situation in Moldova and disapproved the government's actions in elevating the status of the Russian language without conducting proper discussions with the opposition, members of society and experts (EU/Council of Ministers, Declaration of 30 January 2002). On 14 March 2002 the European Parliament adopted a resolution on the human rights situation in Moldova, in which it noted "with concern the recent decisions by the government of Moldova regarding the introduction of the Russian language as the second official language of Moldova, the government's proposal to introduce compulsory teaching of the Russian language into the Moldovan educational system" and called on the government of Moldova "to abide by basic democratic rules and procedures, to guarantee respect for fundamental human rights and the rule of law and not to abuse its political majority to dissolve the democratic opposition" (EU/EP Resolution on Moldova of 14 March 2002). Thus, the normative pressure tool of direct official statements and declarations was used by the EU institutions here.

The EU also offered a number of positive incentives to the government in exchange of compliance. The same resolution by the European Parliament indicated the need for closer cooperation between the EU and Moldova and additional assistance by the EU in several areas such as the stabilization of social and health care, the promotion of civil society and settling the Transdniestrian conflict (*ibid.*). In addition, the European Parliament called on the Council and Commission "to improve the capacity of the TACIS programme to promote democracy, civil society and respect for the country's cultural and linguistic diversity" (*ibid.*). Importantly, the EU made sure that the government understood the conditional nature of the promised

benefits. As Fiona McLean, Head of the European Commission's TACIS Office in Chisinau, commented:

The situation in Chisinau at that time was very unstable. The EU had deep concerns about some decisions of the government that triggered political crisis. It decided to respond more actively in order to restore political stability and respect for basic human rights in the country. There was one main mechanism that regulated the EU – Moldova relations: the Partnership and Cooperation Agreement, and more specifically, Title I, Article 2, which concerns respect for democracy, the principles of international law and human rights. However, more concrete measures on the part of the EU institutions were needed. It was decided to offer some positive incentives to the Moldovan government such as increase of TACIS assistance, closer cooperation, and elaboration of the EU – Moldova Action Plan. But, it was made clear to the Moldovan government that it should “earn” the EU’s approval to receive these offers, and one of the main conditions was to stabilise the political situation and to reach compromise with opposition.¹⁸

The CoE asserted itself again on the issue in late January 2002 when the CoE PACE’s rapporteurs, Josette Durrieu and Lauri Vahtre, undertook assessment visit to Moldova. Later the rapporteurs reported on the issue of obligatory teaching of Russian language in schools:

Moldovan is the state language. ... Introduction of Russian might perhaps have facilitated certain political developments; in fact, it caused the situation to explode. Russian, although a minority language in a unitary state – the mother tongue for 13 % of the population and the language of regular use for a much

¹⁸ Author’s interview with Fiona McLean, head of the European Commission’s TACIS Office in Chisinau, Chisinau, 7 July 2005.

higher proportion – has preserved its position as the common language. To grant Russian official status would place it in a privileged position (CoE/PACE Report on Moldova, Doc.9418 of 23 April 2002, p.20).

There have been some negative reactions from the wider international donor community too. For instance, on 19 February the WB representative in Chisinau Carlos Elbirt said that “unless Moldova abides by its obligation to implement market reforms and scraps plans to renationalise privatised companies, it risks losing millions of dollars in vital loans” (*RFE/RL Newslines*, 20 February 2002). Despite the fact that the WB (and the rest of the IFIs involved in Moldova) was not directly involved in democracy and human rights promotion in Moldova, it would be too simplistic to rule out the WB’s reactions and rhetoric toward the Communist government as insignificant in influencing government’s policy on the status of Russian language. The timing of the WB’s reaction (19 February 2002) and the government’s decision to reverse the proposed policy (22 February 2002) also confirms the point about the role of the WB in influencing the government. Moreover, it is common for the IFIs, including the WB, to base their decisions on funding of a country on regular reports by the CoE and/or OSCE about the political situation and the state of democracy in that country. That is why, usually, if such a report is not positive, the IFIs are also more likely to decide on suspension or re-consideration of financial aid to be disbursed to that country. The Moldovan case is no exception here. As a permanent representative of the WB in Moldova, Edward Brown, pointed out:

In January – February 2002 the country [Moldova] was very unstable. The WB was worried about trends that were happening in the government because it is simply not possible to build a strong economy without professional and effective government. That is why the WB fully supported positions of other financial

donor organizations and some of the European multilateral organizations on the then political situation in Moldova. For instance, when the Council of Europe disagreed with government's policies on the status of Russian language, we backed it up by "pulling the financial strings" and threatening to re-consider the terms of Moldova's funding.¹⁹

As the protests in Chisinau continued throughout January and February, and as firm disapproval by international organizations grew, on 22 February the government announced a moratorium on the decision to make the study of Russian compulsory. Russian language classes became optional, with the choice depending on the decision of parents. According to reports of the RFE/RL Bucharest bureau, the Parliament approved the changes on the same day (*RFE/RL Newswire*, 25 February 2002). On 26 February President Voronin dismissed the Minister of Education, Ilie Vancea, and appointed a leader of the Social Democratic Party, George Sima, in his place. The fact that a non-Communist was appointed as a Minister of Education further confirms government's reconciliatory position towards its political opponents and decision to re-consider its stance on the Russian language issue.

In retrospect, it can be said that more direct involvement of the European organizations in this issue case was clearly one of the decisive factors in reversing the policy. Moreover, the CoE's and the EU's (and the WB's) conditionality increased organisations' leverage on government's actions. The democracy promotion strategy hypothesis argues that normative pressure and conditionality differ in their effectiveness and influence on domestic policy process. In this case combination of normative pressure and conditionality proved to be effective in influencing domestic policy change. How clear is the evidence that the change was brought about by

¹⁹ Author's interview with the permanent representative of the WB in Moldova, Edward Brown, Chisinau, 12 June 2005.

organisations' conditionality? First of all, official rhetoric of representatives of organisations confirms the linkage. For instance, some representatives of European organizations explicitly credited themselves with an ability to change the situation. As Durrieu and Vahre note in their April 2002 report:

The measures [taken by the government] attracted firm disapproval in international circles, beginning with the Council of Europe and the European Union, whose official reactions were prompt in coming ... The authorities took into account these representations, as well as the rapporteurs' firm intervention with the President of the Parliament, Ms. Ostapciuc, and the President of the Republic, Mr. Voronin. They [the authorities] have clearly sought to calm things down (CoE/PACE Report on Moldova, Doc.9418 of 23 April 2002, pp.7-8).

Certainly, such statements of organisations' officials cannot be evaluated as objective judgments on the effectiveness of strategies applied by organisations. However, data obtained during interviews with officials of state institutions on human rights, members of civil service and independent experts further confirms the link between domestic policy change and organisations' conditionality. In general, all interviewees said that organisations' pressure was a crucial factor in changing the policy on status of the Russian language. For instance, Jurie Perevoznic, a Parliamentary Advocate for Human Rights, confirmed the link between strong reactions from abroad and domestic policy change:

There were protests against the bill [on the introduction of compulsory Russian language classes in all secondary schools in Moldova] by the Moldovan-speaking population. However, another crucial factor in changing the situation was negative reaction and disapproval of the bill by the international organizations. Moldova is a member of some of these organizations and is

obliged to fulfil its human rights and democracy commitments. That is why international organizations could pressurise the government into changing the proposed policy on obligatory study of Russian in secondary schools. Protests were taking place for a couple of months in early 2002, but they would have hardly changed the state of affairs. The 2001 elections resulted in clear victory for the Communist Party, which got an overwhelming majority of 71 out of 101 seats in Parliament. As a result, the Communists could totally control the legislative agenda and propose any bill they wanted. That is why intervention from the outside and concerted action of European organizations were crucial in supporting the protesters and influencing the government to reverse the policy.²⁰

A local expert in Moldovan politics reported similar views on influences of international organizations on domestic politics in Moldova:

Starting with 2001 (when the Communists came to power) European organizations stopped being “delicate” with us, and their attitudes towards Moldova became stricter and more demanding. Every time the Communists made a wrong move, they had to reverse their actions because of the pressure from the outside. The reaction from Chisinau to such pressures differed from time to time. At the beginning, each wrong move of the Voronin regime was followed by tactical retreat. For instance, this happened when [Voronin] attempted to introduce compulsory study of Russian language in secondary schools. Chisinau had to retreat because of the pressure from Europe. ... Participation by the West in our domestic affairs was not reduced, but to the contrary, it was increased. In the last three years the USA, the EU and NATO

²⁰ Author’s interview with Jurie Perevoznic, Parliamentary Advocate for Human Rights (Human Rights Ombudsman), Chisinau, 24 June 2005.

began to pay a closer attention to Moldova (Petru Bogatu, *Moldova Azi*, 29 December 2003).

A civil servant from the Ministry of Education pointed out that conditionality and, especially, strong reactions from the CoE and the EU were decisive factors in influencing the government to change the proposed policy:

We did not anticipate that the decision to introduce compulsory Russian language classes in schools would cause so much negative reaction from abroad. And we could not afford losing or worsening our relations with international organizations, especially the CoE and the EU. We needed more technical assistance, more legislative expertise on how to improve our laws, more enhanced forms of co-operation. In other words, we needed more intensive dialogue and interaction with international organizations. When the CoE General Secretary requested more explanations on the need for a proposed policy, and the EU issued a strong declaration on the issue, the authorities understood that, maybe, the proposed policy was not such a good idea. Moldova was about to lose much more if it would not comply with requests from outside.²¹

Thus, this case provides two types of evidence: first, the government strategically changed its position on the Russian language issue, and, second, conditionality had a strong effect on decisions to change policy.

Conditionality *ex-post*²² was especially apparent in some of the follow-up resolutions and recommendations by the CoE: for instance, in its resolution of 24 April 2002, the CoE's PACE again specifically requested "an extension of the existing moratorium on the reforms concerning the teaching and status of the Russian

²¹ Author's interview with Sofia Cusnir, Head of the Department for European Integration, Ministry of Education, Youth and Sports, Chisinau, 1 July 2005.

²² In other words, when fulfilment of conditions was not sought prior to granting of rewards.

language” and called upon the Moldovan government and Parliament “to take the above measures without delay” (CoE/PACE Resolution 1280 of 24 April 2002). The same resolution called upon the member states of the CoE to afford Moldova increased assistance in a number of areas, such as the country’s economic recovery, the fight against corruption and different kinds of trafficking, and help “to regain the confidence of international monetary institutions [the IMF and the WB] (ibid., paragraphs 15 and 16). The PACE also invited the IFIs “to review their positions and to grant Moldova the aid it needs to consolidate the economic upturn and improve the social situation of the vast majority of the Moldovan population” (ibid., paragraph 16). The last quote provides additional evidence of the fact that IOs involved in Moldova closely co-operate with each other and, more importantly, share recommendations and opinions on Moldova among themselves. Thus, it is clear that the CoE continued to push the government for policy change using explicit conditionality: additional benefits such as increased technical assistance and support in negotiations with the IFIs were promised in exchange for policy change (or in this particular case, rather policy status quo).

Moreover, the CoE continued to use incentive-based strategies towards Moldova throughout 2002. This time a positive incentive – the 6-months chairmanship of the CoE by Moldova – was offered in exchange for government’s efforts to solve political crisis in the country unfolded in January and February 2002. Specifically, the benchmarking and monitoring tool of conditionality was applied by the CoE here. As the CoE rapporteurs, Josette Durrieu and Lauri Vahtre, reported in late September 2002:

Moldova’s capability of taking on the Organization’s chairmanship in May 2003 has been called into question in some quarters. The conditions laid down

by the Parliamentary Assembly in Resolution 1280 (2002) were intended to settle a political crisis. This is a changing situation. We believe that Moldova will have the political will to establish on principle a situation leaving no room for criticism of a country whose turn it will be in the scheme of things to chair the Council of Europe in 8 months' time (CoE/PACE Report on Moldova of 24 September 2002, paragraph 75).

It is important to point out that the Moldovan authorities perceived the CoE's chairmanship as a good opportunity to improve Moldova's image on the international arena and to send the right signals to potential investors and creditors. As one commentator on Moldovan domestic affairs noted:

The key aim for the Communists was to persuade the West that they were 'qualitatively' different from the 'old' Soviet communists, that they are a reformed political movement. And because of that they [the Communists] feared most of all that the CoE might refuse its chairmanship to Moldova. This scenario would have a very negative impact on Moldova's international image (Igor Botan, *Moldova Azi*, 21 October 2002).

Thus, the possibility of the CoE's chairmanship for Moldova was effectively used by the CoE officials as one of the incentives to buy off further reforms from the government. Also, during his visit to Moldova on 14-15 October 2002, the CoE's Secretary General Walter Schwimmer made explicit link between the promised benefit (Moldova's chairmanship of the CoE) and requirement of reforms: in particular, he said that taking over the CoE's Committee of Ministers in May 2003 "will bring more responsibility for the Moldovan government". He also added that Moldova must fully meet the 24 April PACE resolutions before it took over the chairmanship (*RFE/RL Newslines*, 15 October 2002).

Thus, the issue of status of the Russian language illustrates a three phase development of organisations' involvement. At first, organisations were not involved and the government passed a number of controversial legal provisions strengthening the status of the Russian language at the expense of other minority languages. Next, organisations used normative pressure but without notable result. Finally, when organisations linked policy requests with negative and positive incentives, the government changed its position on the issue and reversed undemocratic policies.

At this point it would be useful to analyse whether conditions for effective use of normative pressure and conditionality were present in both issue cases: the case of the law on advertising and the case of status of the Russian language. In general, as section 8.1 of this chapter and chapter 5 discussed, a certain "norm fit" between externally promoted norms (in this case, civil and political rights of national minorities) and existing collective understandings in Moldovan society on rights of national minorities did exist. Interestingly, in the early 1990s international norms on freedoms of national minorities resonated better with attitudes of the moderate Moldovan government towards national minorities rather than with the views of the Moldovan-speaking population, and particularly, representatives of the nationalist Popular Front party. However, analysis of the government's motivation to strengthen status of the Russian language revealed that this "norm fit" was rather a result of government's rational calculations of how to maximise electoral support, which in this case, could have been provided by Russian-speaking minorities. Government's decision to cut down the amount of advertising in Russian language in 2000 provides good illustration to this point. One would think that if the government genuinely had cared about linguistic rights of national minorities it would not have adopted such restrictive law on advertising. But it did, and the OSCE's normative efforts to change

government's position on the issue were not successful. Somewhat paradoxically, only a year later the authorities began to push forward the so called doctrine of "Moldovanism" and proposed legislative measures to strengthen status of the Russian language in the country. It is plausible to assume, therefore, that the authorities hardly could change its normative understandings of linguistic rights of national minorities over such short period of time, and, hence, their actions were motivated by less altruistic goals – namely, to reinforce its electoral support by the Russian-speakers living in the country.

With regard to the second condition of effective normative pressure, the analysis revealed similar trends as in the policy case of freedoms of media and expression. The OSCE was the only organisation to react on the issue case of the law on advertising, but its efforts were largely ignored by the government. Such lack of response can be partially explained by the low status of the OSCE as perceived by the authorities. As it was already pointed out in chapter 7, by the end of the 1990s the OSCE lost its authority in relations with the Moldovan government due to a series of "failed initiatives" (Severin 2004) in the 1990s, the most important of which was the OSCE's inability to mediate successfully resolution of the Transnistrian conflict. Thus, the OSCE's normative pressure efforts did not carry enough weight and credibility in order to persuade the government to change its position. Interestingly, in the second issue case normative pressure proved to be more effective (together with conditionality) because more authoritative (as perceived by the authorities) organisations, the EU and the CoE, became involved.

What about conditions for effective exercise of conditionality? The issue case on status of the Russian language provides good empirical support for importance of both conditions – size of rewards and threats and credibility of conditionality. In the

beginning, the FCNM Advisory Committee's conditionality towards the government did not produce any effects on governmental policy because, firstly, the Committee failed to apply credible conditionality: the Committee did not use properly the benchmarking and monitoring tool of conditionality and did not sanction the government for delay and vagueness of Moldova's report on compliance with the FCNM. Only later did the FCNM Advisory Committee start to monitor more closely government's activities and issue specific requests for policy change. In addition, for the first time during this period the CoE implicitly warned about possibility of re-consideration of Moldova's membership ("punishments") in the CoE in case of government's non-compliance with the membership commitments taken by Moldova in the mid-1990s.

Secondly, at the beginning of the Russian language controversy organisations were not explicit about possibility of positive incentives ("rewards") in case of government's compliance, which also can partially explain why the government was reluctant to change its position on the matter. The EU was first to promise additional benefits (increase of the TACIS assistance and broadening of areas of co-operation between the EU and Moldova) in February 2002. Soon the CoE followed suit: in April of the same year the PACE's resolution made explicit promises of additional aid and support of Moldova in its negotiations with the IFIs on continuation of economic aid. In September a new positive incentive to comply with the CoE's recommendations was offered: granting permission to Moldova to chair the Committee of Ministers for 6 months. Thus, the size of promised rewards was significant enough to motivate the government to re-consider its policy on status of the Russian language. Also, the fact that the government reversed its decision to make the study of the Russian language compulsory in Moldovan schools only after the

FCNM Advisory Committee strengthened its monitoring of Moldova, confirms the hypothesised link between increased credibility of conditionality and government's change of behaviour on the issue. Thus, these two conditions of effective exercise of conditionality played a crucial role in producing effects on domestic policy.

Does analysis of the policy case of rights and freedoms of national minorities confirm the domestic context hypothesis of this thesis? In other words, did the level of domestic salience of relevant norms and domestic structure facilitate effective involvement of organisations? Or did these two factors of domestic context impede organisations' efforts? As discussed in section 8.1 of this chapter certain degree of domestic saliency of norms related to rights and freedoms of national minorities did exist in the early 1990s in Moldova. The authorities managed to establish a number of legislative and institutional mechanisms for protection of rights and freedoms of national minorities.²³ Thus, in perspective one could assume that both domestic factors - domestic salience and domestic structure – could potentially facilitate effective organisations' involvement. However, as the analysis in the end of the section 8.1 showed, government's policy on national minorities during this period (1991-1999) suffered from a number of legislative and implementation drawbacks. Thus, in retrospect, it is clear that domestic structure actually impeded successful involvement of organisation in domestic policy as most of human rights institutions established in the early 1990s lacked real power of policy implementation and societal groups were too weak to demand inclusion into decision-making processes. The fact that more pro-authoritarian leadership came to power in 2001 did not help either. There were also some issues with domestic salience of norms related to freedoms of

²³ For more details on these, see chapter 5, section 5.3.

national minorities as the evidence suggests that the government was not genuinely interested in promoting these norms.

However, as the case of the Russian language controversy shows, organisations were able to overcome some of the negative intervening effects of domestic structure and influence domestic policy process. Somewhat paradoxically, highly centralised organisation of decision-making authority emerged under the Communists in the 2000s, actually facilitated fast adoption of laws and, overall, more effective compliance with organisations' requests. Yet, some changes in domestic saliency of norms did help organisations to exercise their strategies more effectively. The importance of wide public protests on the streets in Chisinau in the early 2002 and mobilisation of public resistance by the oppositionist party should not be underestimated here. The level of domestic saliency of the Russian language issue was raised, which provided certain legitimacy for organisations' interference and change of tactics. Thus, the domestic context hypothesis was somewhat confirmed by the policy case of national minorities. In the 1990s both domestic salience and domestic structure were unfavourable to enable effective democracy promotion by organisations. In the 2000s domestic saliency of some norms related to the national minorities policy was increased, which facilitated effective involvement by organisations. Intervening effects of unfavourable domestic structure turned out to be less important in this regard as organisations were able to overcome this negative element of domestic context with the help of combined use of conditionality and normative pressure.

Conclusions

The case study of civil and political freedoms of national minorities in Moldova has shown that active involvement of European organisations in the Russian language case issue was crucial in influencing government's decision to reverse the policy. At first, organisations were not involved and the result was legislative framework incompatible with international standards. Next, organisations decided to intervene, but mainly by applying normative pressure on the government but there was no notable result either. Finally, when organisations linked policy requests with negative and positive incentives, the government changed its position on the issue and reversed its position on the issue. The issue case of the law on advertising has shown that normative pressure, when used alone, did not produce policy changes. Discussion of development of national minorities' protection mechanisms in the 1990s revealed that organisations' non-involvement often results in deficient policy on rights and freedoms of national minorities. Thus, organisations' involvement via combined use of normative pressure and conditionality is a strong explanatory factor in understanding domestic policy on rights and freedoms of national minorities. In sum, the policy case of national minorities supports well the hypotheses about involvement of organisations, type of democracy promotion strategy, and intervening effect of the domestic context.

Part IV: Conclusions

Chapter 9

Conclusions, contribution and further research

In this thesis I have analysed the effectiveness of democracy promotion strategies applied by the EU, the OSCE and the CoE in Moldova in the years 1991-2003. In particular, the analysis was focused on two types of democracy promotion strategies, normative pressure and conditionality, and developments within one particular policy sector – civil and political rights. This thesis has sorted out the effects of the European organisations' DPS by using extensive new data to compare how the OSCE, the CoE, and the EU influenced the Moldovan government to pass certain civil and political rights legislation during the 1990s and early 2000s. I found that – despite the prevailing pessimism and scepticism about the ability of external actors to promote democracy in transition countries – international institutions can influence certain domestic policies and, hence, indirectly foster further democratisation in target countries. Domestic actors tended to respond more to incentive-based democracy promotion strategies (conditionality) than to socialisation-based ones (normative pressure). Softer strategies such as persuasion and social influence, when used alone, rarely produced policy change. Only when normative pressure was combined with conditionality, the domestic authorities responded to organisations' policy requests and changed the domestic policy. Finally, the impact of European organisations' DPS is conditioned to a large extent by the domestic context.

In what follows, I will, first of all, discuss the findings in greater depth and try to disentangle the effects of normative pressure and conditionality. Secondly, I will present the contributions of this research project to relevant theory. And, finally, I will draw some policy lessons and suggest further research.

9.1. Discussion of findings

The role of European organisations

The principal finding of the empirical analysis in this thesis is that on numerous occasions European organisations were active and effective participants in the domestic policy process. Evidence has shown that organisations were able to exert influence on domestic governments and bring about the organisations' preferred policy outcomes. More importantly, governments tried to or in some cases did adopt undemocratic laws when organisations were not involved. Several issue cases of institutional non-engagement demonstrate this point. For instance, no European organisation was involved in drafting the 1995 Law on Audiovisual Broadcasting, and the result was not positive: the law contained a number of vague provisions that led to multiple misapplications and inadmissible interference by the legislative and executive branches of government.

Overall, in the 1990s the degree of engagement and level of co-operation of European organisations with Moldova was minimal and lukewarm, at best. The Moldovan case was not unique in this respect. In 1991 the West initially gave a cautious welcome to the declarations of independence in Belarus, Ukraine and other former Soviet republics (Korosteleva et al. 2003). In subsequent years (the first half of

the 1990s) all three organisations exercised a rather undifferentiated approach to all post-Soviet republics. A formal relationship was established through the signing of the PCA between the EU and Moldova and granting of the CoE membership to Moldova in the mid-1990s. But behind formal establishment of relations and declaratory statements on the part of both the government and European organisations, there was very little substance to declarations and formal agreements. Empirical evidence shows that very few visits and follow-up meetings took place between the Moldovan government and organisations in the 1990s, the amount of financial assistance was quite small and provision of technical assistance was inconsistent. Moreover, there were very few evaluation reports done on the part of the European organisations on the effects of various types of aid. In the 1990s Moldova has become a signatory of most of the international legal obligations that give guarantees of civil and political rights. But once these had been signed, the government was free to decide by itself how to transpose international legal obligations into domestic law. The fact that the first evaluation and country-assessment reports on Moldova were not issued until the very end of the 1990s suggests that there has been very little oversight on the part of European organisations of how these provisions were implemented and respected by the authorities. Hence, the low quality of laws adopted during 1991-1998 in Moldova can be partly explained by passive engagement, and often non-engagement, by the European organisations in the country.

In some issue cases the legislative process has been really slow, but after active involvement by the European organisations, the laws have been adopted more quickly. For instance, the Moldovan criminal and criminal procedure codes were adopted only in 2001 when the CoE specifically requested the government to speed

up the legislation process for both codes. The codes were adopted with a delay of almost 6 years as the adoption of codes was one of the conditions of granting the CoE membership to Moldova in 1995.

Overall, the evidence and analysis confirmed the involvement hypothesis of this thesis and, mainly, that direct and active engagement by the European organisations improves domestic policy process and outcomes.

The type of the DPS matters: effects of normative pressure and conditionality

This research project has also found that the type of the democracy promotion strategy matters: conditionality and normative pressure were not equally effective and they produced different results. Thus, the democracy promotion strategy hypothesis has been largely confirmed. The combination of conditionality and normative pressure tended to produce more effects on domestic policy than the use of normative pressure alone. Evidence provides several examples of how normative pressure and other socialisation-based methods failed to cause policy change. The CoE's initial democracy promotion strategies in Moldova were mostly socialisation-based: a lot of training and twinning programmes have been organised for local journalists and politicians, and a vast amount of legal expertise was provided. Similarly, the OSCE has also opted for methods that would "teach" and "convince" domestic elites into democratic practices via tools of normative pressure. In fact, during the 1990s no organisation exercised conditionality towards Moldova: the EU was not engaged very actively (apart from signing the PCA in 1997), whereas the CoE and the OSCE opted exclusively for socialization-based methods to foster democratisation in Moldova.

Thus, careful examination of the data during this period (1991-99) allowed tracing more closely the effects and influences of the socialization-based DPS.

Evidence has shown that in the Moldovan case these methods failed to produce any visible results. The legislative process was extremely slow and 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, and Law on National Broadcasting Company. Moreover, the draft Criminal and Civil codes, which the national legislature approved on several occasions during 1997-2001, contained provisions that negatively affected freedom of expression in Moldova. At the time both domestic and international observers reported a rapid deterioration of civil and political freedoms in Moldova.

Moreover, even when organisations explicitly applied normative pressure, it was often ignored by the authorities. On a general note, it seems that the authorities in Moldova did not take the European organisations' advice seriously and did not rush to change the laws in conformity with external recommendations. Thus, on numerous occasions throughout the 1990s the OSCE expressed concerns regarding the use of the 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 parliamentary and presidential elections. However, the OSCE's concerns did not gain much attention on the domestic scene. The 2001 parliamentary elections have received the same criticisms from the OSCE and other independent observers. Despite explicit recommendations and extensive meetings between the OSCE's Representative on Freedom of Media (RFM) and the authorities, the OSCE's normative pressure failed to shape the broadcasting law in line with the international standards. One particular example illustrates this point very well. In July 1999 two

advisers of the OSCE RFM conducted an assessment visit to Moldova and explicitly recommended the authorities to avoid strict regulation of the Moldovan and Russian languages percentage of broadcast programming. 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.

Similarly, the case study of major developments in the national minorities policy in Moldova provided several examples of ineffectiveness of the European organisations' normative pressure. For instance, despite active involvement and explicit normative pressure used by the OSCE HCNM, Max van der Stoel, in order to prevent adoption of a number of undemocratic amendments to the Law of Advertising, such amendments were adopted in June 2000. The general tone of the written correspondence between the HCNM, Max van der Stoel, and the Foreign Minister, Nicolae Tabacaru, reflects this view. The mere fact that the authorities did not reply until late March 2000 (which is almost 5 months after the HCNM's initial letter was sent in early November 1999) shows that the authorities were not in any rush to re-consider the amendments and did not take the OSCE's concerns very seriously. The letter of reply simply re-confirmed the government's position on the issue and presented brief explanations of Moldova's specific situation with regard to the state language and national minorities. Even after Max van der Stoel undertook a personal assessment visit to Moldova in May 2000, the authorities did not change the policy. In June 2000 the draft amendment to Article 8 of the Law on Advertisement was passed by the Parliament at the second reading. Essentially, this amendment contradicted freedom of expression in Moldova because it imposed mandatory use of the state language in private advertising and it was clearly undemocratic in relation to language rights of national minorities.

Overall, as detailed analysis in chapter 6 (section 6.2.1) shows, organisations made use of all 6 tools of normative pressure, identified in this thesis. Among the most commonly used tools were direct official statements and declarations; assessment visits and follow-up reports; establishment of field offices through which most of the project-based aid was distributed; and provision of training aimed at main domestic stakeholders involved in the democracy promotion process (members of government, public service and other state institutions, media and civil society). Interestingly, organisations did not use very often the tool of legal expertise, which is surprising given inexperience of Moldovan law-makers and lack of knowledge about international legal standards on civil and political rights.

The theoretical discussion in this thesis also identified conditions under which normative pressure was more likely to be effective and empirical analysis in chapter 7 and 8 examined operation of these conditions in Moldovan context. Overall, the “norm fit” condition between the externally promoted norms and existing collective understandings embedded in domestic institutions and political culture was largely absent. Moldova did not have any democratic experience and, indeed, did not have long experience of being an independent and liberal state. The government was big on pro-democratic and pro-human rights rhetoric, but very rarely it actually translated these declarations into concrete action. Even if, at first sight, one would think that some degree of “norm resonance” did exist in the case of freedoms of national minorities, a more detailed analysis exposed that the government had had a more rationalist agenda behind its policies to strengthen status of the Russian language. Specification of the condition of normative power and status of an organisation revealed another interesting trend: overall, the EU and the CoE were perceived by the authorities as authoritative and powerful organisations. In contrast, relations between

the OSCE and Moldova have been less amicable and more controversial throughout the 1990s. These perceptions had a crucial effect on government's interaction with organisations: to put it simply, the government cared much more about opinion and reactions of the EU and the CoE than reactions of the OSCE. Evidence largely confirms this finding: in the majority of issue cases policy changes occurred only after the government had interacted with the EU and the CoE. Certainly, domestic policy changes had to do a lot with the adding of the conditionality element, and not with the organisations themselves, but without doubt it helped that conditionality was applied by organisations, which the government respected and held highly authoritative.

This brings us to analysis of how effective conditionality was in bringing about domestic policy change. Qualitative analysis of case studies showed that European organisations could influence domestic policy more effectively if they applied incentive-based strategies. Cases, in which strategies were switched from socialisation-based to incentive-based, and which showed immediate improvement of the policy process, are particularly demonstrative of the effectiveness of the incentive-based approaches to promote democracy. The analysis of the situation regarding freedoms of media, expression and information in Moldova in the early 2000s provided a good illustration of how the added effect of various types of incentives produced more favourable outcomes. Thus, for example, only after the CoE changed its strategy of normative pressure via "shaming" to more explicit incentive-based DPS did the government change its position on the issue of suspension of the oppositionist party. Members of the government themselves most pointedly stated at the time that the cause of the policy revision was explicit pressure from the European organisations.

Interestingly, prior to the application of conditionality tools towards the Moldovan authorities, the CoE and the EU were reluctant to interfere in domestic affairs and decided to use normative pressure in order to influence government's behaviour in relation to the oppositionist party. Thus, on 17 January 2002 the PACE Chairman, Lord Russell-Johnston, explicitly stated that the protests going on in Chisinau were "strictly the competence of the Moldovan government" (*RFE/RL Newslines*, 18 January 2002). It was clearly a wrong message sent to the authorities as already on 22 January the oppositionist party in question (PPCD) has been suspended from political activities for one month. On 30 January the EU continued normative pressure via "shaming and naming": it sent an explicit letter that expressed concern with the government's policies towards opposition and urged the government to annul the suspension of the PPCD. However, there was no reaction from the government either. Only after the CoE demanded annulment of the one-month suspension of the PPCD by 22 February did the authorities comply and lift suspension. This instance again confirms the observation made earlier that the authorities started to take the institutions' opinion and advice seriously only when explicit demands and threats have been voiced.

The case of transformation of the Teleradio Moldova, the state-owned television and radio company, also confirms the effectiveness of incentives to change domestic policy. The CoE explicitly demanded revision of legislation and a change of the status of Teleradio Moldova into a national public service. A clear deadline was given for the fulfilment of this demand and a number of positive incentives such as additional aid and closer co-operation were offered. The EU also intensified its relations with Moldova during this period: meetings between the EU officials and the authorities became more frequent, Moldova was granted the special status of "EU

neighbour” in April 2002, and TACIS assistance was considerably increased. Remarkably, five days before the expiration of the deadline set by the CoE, a new law on the national public broadcasting company Teleradio-Moldova was adopted. Other of the CoE’s demands have been fulfilled too. President Voronin’s rhetoric on the matter also confirmed the link between the policy changes and the direct involvement of the European institutions. Likewise, a member of the governmental party (PCRM) admitted that at the time pressure from the outside was intensifying and the authorities could not afford to ignore it, especially given the fact that more promises on the part of the IOs were on offer (such as more intensive co-operation and higher volumes of assistance).

Overall, as analysis in chapter 6 (section 6.2.2) showed, out of the three European organisations examined in this thesis, only the CoE and the EU applied conditionality towards Moldova. The OSCE focused exclusively on socialisation-based methods to change domestic policy on civil and political freedoms. The most commonly used tools of conditionality were conditional allocation, suspension of withdrawal of aid and other benefits; and the tool of benchmarking and monitoring. Interestingly, when using the former tool of conditionality, both the CoE and the EU emphasized the positive aspect of conditionality: in other words, “reinforcement by support” rather than “reinforcement by punishment” (Schimmelfennig 2005) was applied. Thus, organisations preferred to promise additional benefits in exchange for government’s compliance with external recommendations rather than to introduce sanctions. Surprisingly, the gate-keeping tool of conditionality was not used much, which indicates possible failure by both the CoE and the EU to gain more leverage over governmental policies in the 1990s. The benchmarking and monitoring tool of conditionality was used most of all by the CoE especially in the 2000s when civil and

political freedoms deteriorated in Moldova. This tool was probably one of the most effective tools of conditionality applied in Moldova: when organisations decided to strengthen their monitoring activities and undertook more regular evaluation of government's reforms, the Moldovan authorities were quicker and more likely to respond too.

Two aspects of conditionality made it more likely to be effective: size of rewards and nature of threats, and credibility of conditionality. The government was very interested in rewards promised by organisations (especially in those benefits related to closer and new stages of co-operation, provision of more financial and other types of aid, support in negotiations with the IFIs), which was a crucial factor motivating the government to comply with external recommendations. On the other hand, credibility of conditionality played a certain role too. Organisations made sure that the authorities perceived as credible links between incentives on offer and their domestic policy choices. Actions of the FCNM Advisory Committee in relation to linguistic rights of national minorities in Moldova provide good illustration to the point that only credible conditionality can be effective. At first, the Committee did not use the benchmarking and monitoring tool of conditionality credibly: for instance, it did not sanction the government for lateness and ambiguity of the government's report on compliance with the FCNM. Only later, when the CoE issued specific requests for policy change and identified deadlines for government's action, did the authorities started to be more attentive to organisations' demands.

Sorting out the effects of normative pressure and conditionality

One of the main analytical challenges for this project was to disentangle the effects of normative pressure and conditionality and to link them with policy results. This task was particularly challenging as very rarely did the IOs apply conditionality on its own without normative pressure. Usually, the IOs started with normative pressure towards the target government, and, if there was no policy change, they switched to more incentive-based DPS. This study has found that considerable policy changes occurred only when the European organisations became more involved and more explicit about potential threats and rewards in case of compliance. But if conditionality and normative pressure are applied simultaneously, how much can compliance be credited to conditionality and how much to normative pressure? Is prior normative pressure necessary for conditionality to be effective?

The question of the importance of normative pressure vis-à-vis conditionality can be usefully tied in with a more general argument of “duration versus type of involvement”. As discussed in Chapter 4, the very nature of socialisation-based DPS requires longer time periods for learning and socialising into democratic practices, and, hence, it might take longer for the results of such processes to come through. Also, the results of the socialization-based DPS might not be as easily traced or identifiable as the incentive-based ones. For instance, the fact that the Moldovan government, although slowly, still adopted some legislation could actually support the argument about effectiveness of socialization-based methods: given the nature of the democratic socialization process it takes time for the domestic elites to discontinue 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 the case of the incentive-based DPS.

However, if this is the case, why do we witness clear democratic ‘reverses’ in Moldova’s human rights policy in 2000 and subsequently? 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. The authorities were extremely slow in adopting new legislation and in some cases they even adopted clearly undemocratic legislative provisions, therefore, restricting civil and political rights in the country. Remarkably, such negative developments happened during the period when organisations’ involvement in Moldova was exercised primarily through tools of normative pressure such as fact-finding assessment visits, field missions, project-based aid and provision of training. Analysis revealed, however, that policy changes occurred only when organisations started to issue explicit warnings, set out concrete deadlines and promised positive incentives in exchange for compliance. Often such policy changes were temporally linked to the requests by the European organizations: that is, despite earlier reluctance to adopt or modify a certain piece of legislation, the government made sure that the legislation in question was adopted or modified within the deadline (often with just a few days to spare!). The fact that in such cases the authorities could change laws so quickly makes alternative explanations of the long-term impact of socialisation processes quite doubtful. Moreover, the timing of several cases supports the 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” (Kelley 2004b, 92). The analysis of freedoms of media and expression revealed that policy changes, undertaken by the government in

2002, were temporally linked to organisations' policy requests 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" (ibid. 164). In addition, the policymakers' rhetoric, which accompanied policy changes, also confirms the influence of the European institutions and incentive-based DPS on government's behaviour.

Counterfactual analysis is an effective way to evaluate the importance of normative pressure compared with conditionality. Does analysis of the data suggest that socialization-based DPS played an important role in the process of domestic policy change that would not otherwise have been made? The data reveals that this is not the case. When, for instance, the CoE PACE Chairman, Lord Russel-Johnston, explicitly declared his beliefs that the Moldovan authorities were competent to solve the political crisis, unfolded in January 2002, the authorities responded with the move completely opposite to the CoE's expectations: a few days later the oppositionist party, PPCD, was suspended for one month. As discussed in chapter 7 (section 7.2) the outcome of the case of the suspended oppositionist party in Moldova would have been different if the CoE and the EU had not become involved more directly. It is true that both organisations started with normative pressure mechanisms first to persuade the government to change its decision on suspension of the oppositionist party. But the fact that the government reversed its decision and lifted the suspension of the party only after the CoE had applied the benchmarking and monitoring tool of conditionality (specifically, explicit policy requests with specified deadlines and concerns about Moldova's compliance with the CoE membership commitments were made) provides further confirmation that the conditionality component of the CoE's involvement was crucial in changing government's position on the issue. This is not

to say that normative pressure was not important in framing the issue and highlighting violations of freedoms of media and expression. For instance, in spring 2002 the OSCE Chairman in Office, Jaime Gama, on several occasions expressed concerns about confrontation between the government and protesters and called on both sides to show restraint and engage in dialogue. However, government's legislative movements (i.e., adoption of a new law on Teleradio Moldova) towards political compromise occurred in a pattern consistent with the EU's and the CoE's incentive-based actions: before deadlines set out by the CoE, after the EU's decision to grant Moldova a special status of the "EU neighbour", and after both the EU and the CoE offered positive incentives (such as additional aid and expansion of areas of cooperation) to the government. Organisations' normative pressure was no doubt helpful. Judging from the timing of events, however, the CoE and the EU conditionality was the main motivating factor.

In the case of compulsory Russian language classes in schools in Moldova, organisations' direct involvement and explicit conditionality have been crucial to the solution of the conflict. At first, the CoE did not react on the issue at all. Then, a normative tool of ad-hoc fact-finding visits was applied when the FCNM Advisory Committee dispatched an assessment delegation to Chisinau to investigate the matter further. At this stage none of the conditionality tools was applied. There was no reaction on the part of the government, and the domestic situation even worsened when people took to the streets in Chisinau. Only after the CoE started to monitor closely the degree of implementation by Moldova of the FCNM (Framework Convention on National Minorities) and toughened up its assessment procedures with regard to national minorities' linguistic rights did the government re-consider its policy. The CoE's monitoring efforts were also combined with positive incentives to

the government in case of compliance. Indeed, it is possible to assume that both types of DPS were crucial in persuading the government to abandon its plans to make the study of the Russian language compulsory in all Moldovan schools, especially given that there was extensive opposition from the Moldovan-speaking population. However, the fact that withdrawal of the decision (22 February 2002) happened straight after the CoE had classified this decision as Moldova's failure to comply with commitments emanating from membership in the CoE (4 February 2002), and after the World Bank had threatened to apply economic conditionality and refuse allocation of certain loans (19 February 2002), suggests that conditionality is a stronger explanatory factor for policy reversal than normative pressure.

Would the situation have been different without more direct involvement by organisations? Most probably, yes. As discussed in Chapter 8, in the early 2000s the government began to seriously pursue the doctrine of "Moldovanism" and promotion of the use of the Russian language in the state. A number of reasons can explain such controversial policy, among which are the governing party's quest for electoral support of the Russian-speaking population, and maintaining close relations with Russia. So, the most likely scenario would have been continuation of the government's efforts to promote the use of the Russian language despite continuing protests in Chisinau. According to reports at the time, opposition was still concentrated predominantly in the capital whereas population in rural areas and small towns was still actively supporting the PCRM. So, as in the case with Teleradio Moldova, at the time the government enjoyed the solid support of its electorate and was not concerned with losing votes in case of non-compliance with the organisations' demands. On the contrary, it seems logical that the government would have been more concerned with losing the votes of its Russian-speaking electorate

(which constitutes about 33 per cent of the total population) in case of reversing its policy of promotion the use of the Russian language in the state. Thus, counterfactual analysis suggests that while, without doubt, normative pressure was useful in highlighting and framing various controversial issues, the effects of conditionality were much more significant.

How domestic context matters

In this thesis it was hypothesized that both domestic structure and domestic salience would have an intervening effect on normative pressure and conditionality applied by international democracy promoters in a target state. And, indeed, the Moldovan domestic context played an important role in conditioning the effectiveness of both normative pressure and conditionality.

First, let us see what the data revealed concerning the influences of domestic salience. On a general note, even though Moldova after gaining independence in 1991 rhetorically committed itself to building democracy and respecting human rights, very little was done on the legislation and implementation levels. So, the domestic salience of civil and political rights on the part of both the authorities and the population had been gradually reduced by the mid-1990s. So, it is not a surprise that an opinion poll, conducted in the mid-1990s in Moldova, for instance, showed that the population was more concerned about its economic rights than about civil and political rights (White 2000, as cited by March 2004, 522). Also, the level of civic participation at the time was quite low: in the early 2000s between 1 and 3 per cent of the Moldovan population were members of at least one civil organisation (Badescu, Sum and Uslaner 2004, 340).

The low level of domestic salience explains governments' inertia with regard to adjusting national legislation to international human rights standards. However, the domestic salience of norms was raised after the organisations switched to more incentive-based DPS. As a result, governments became more concerned with certain issues and, consequently, changed their policy. This was especially evident in the policy case of freedoms of media and expression. There is another important observation from the data: a high level of domestic salience prior to policy change was not an important domestic condition for conditionality to work. The European organisations were able to draw governments' attention to issues that were not salient domestically beforehand (for instance, necessity to transform the state broadcasting company into a public one). Those legal acts and human rights frameworks that governments delayed adopting but which were adopted after the European organisations specifically requested it, are good illustrations of this point.

This certainly does not mean that high level of domestic salience is not an important condition facilitating effective exercise of conditionality and normative pressure. In fact, in both policy cases mass mobilisation in the form of public demonstrations and civic resistance groups under the leadership of the opposition party was a crucial domestic condition for organisations' strategies to work. Firstly, as in the case of the Russian language controversy, growing levels of domestic salience of the issue made organisations realise how serious the issue was and re-consider their strategies of involvement. Secondly, high levels of domestic salience of norms related to freedoms of media and expression provided further legitimacy to organisations' interference into domestic decision-making and policy-formation processes.

What about intervening effects of the domestic structure? Data revealed that this domestic factor was very important in conditioning the effects of normative

pressure and conditionality. Concerning the structure of domestic institutions Moldova suffered from a number of drawbacks that were typical of post-communist transition countries. Democratic rules and procedures set out in the early 1990s have not been yet fully implemented, and systematic violations of these procedures were frequent. Dubious election results, vote rigging, and infringement of civil and political rights – all these features have been present in Moldova at various times. So, obviously, the more deficient domestic structures are, the more difficult it is for the organisations to get leverage over the domestic policy. For instance, the OSCE was powerless in preventing the adoption of a clearly undemocratic amendment of the Moldova's Law on Advertising in June 2000. Evidence from empirical analysis shows that domestic structure in Moldova did not facilitate much effective application of either normative pressure or conditionality. On the contrary, on many occasions it actually impeded organisations' actions in the country.

Another element of the domestic structure that was not favourable to effective use of normative pressure and conditionality either was the pattern of state-society relations. On a general note, relations between the state and society in Moldova were quite weak and distant. Various societal groups including the civil society organisations were rarely consulted on various human rights issues and, as a result, were excluded from the policy-making processes. As a Moldovan Parliamentary Advocate commented on the amendment to the Law on Advertising made in 2000: "The draft amendment was 'a rushed business': there was very little deliberation within the parliament and, in general, within the society; there was also a lack of expertise and consultations with domestic and international experts".¹ It is, obviously, difficult to promote democratic norms and respect for civil and political rights when

¹ Author's interview with Raisa Apolschii, Parliamentary Advocate of Human Rights (Human rights Ombudsman), Chisinau, 16 June 2005.

the government is a sole “decider” of domestic policy, and civil society is so weak that it cannot mobilise stronger domestic opposition and demand for stronger societal control of the domestic decision-making processes.

Indeed, various societal forces, including civil society organisations and political elites opposing the governing authorities, were especially helpful when working in tandem with the European organisations on influencing the government to change the policy. This happened, for instance, during the protests in Chisinau (Moldova) in 2001-2002. There was a strong domestic opposition led by the PPCD against the government’s actions on a number of issues such as the status of Teleradio Moldova, suspension of the oppositionist party, infringement of civil and political rights via various governmental regulations and provisions, etc. So, seeing the scale of the conflict the CoE and the EU decided to engage more actively and demand the government’s compliance with international human rights conventions. On the other hand, organisations also demanded inclusion of various civil society groups into the domestic decision-making process on several policy issues, which allowed these groups to transmit their interests and ideas to the authorities.

The data also revealed that the role of the leadership was perhaps the most significant domestic factor that had an intervening effect on failure and success patterns of normative pressure and conditionality. After coming to power Moldova’s pro-authoritarian president, Vladimir Voronin, tried to consolidate his control of the political sphere and in almost all cases this involved cutting civil and political freedoms in order to get rid of potential political opponents and critics in the media. The direct consequence of this trend was a highly centralised organisation of the decision-making authority, which automatically reduced the organisations’ ability to influence domestic policy especially if the president directly opposed any type of

interference from the outside. President Voronin was able to consolidate extensive powers and achieve a high level of governmental control over most policy areas, including civil and political rights. Although Voronin publicly expressed his commitment to amend Moldovan legislation and policies in line with European policies, in reality civil and political freedoms deteriorated in Moldova in 2001-2002. But the evidence has shown that despite authoritarian practices European organisations were able to counteract the Moldovan leadership's negative influences only when applying incentive-based strategies. The evidence also revealed another interesting observation: in some issue cases highly centralised organisation of the decision-making authority, which represented an integral part of the Communists' "rule", actually speeded up the policy-formation process: laws, which have been delayed for years, were adopted quite quickly after interaction with organisations. Thus, this observation is consistent with the argument elaborated by Evangelista that in the context of highly centralised, state-dominated polity organisations' policy proposals can still be implemented effectively provided they get a favourable hearing from the top leadership (Evangelista 1995).

Other factors

Issue case studies revealed a set of other factors that influenced effectiveness of normative pressure and conditionality. These factors concern the supply-side of democracy promotion, and, mainly, the organisations themselves. First, one general observation was that the governments responded differently to various organisations and this had a lot to do with the status, normative or bargaining power and reputation of an organisation itself. The EU, perhaps, was the most "desirable" organisation to

establish links with in the early 1990s for well-known reasons (largely driven by economic interests); the CoE was in the second place as its membership was commonly regarded as a “door to Europe and the EU”, and the OSCE was in the last place. There were many instances in the data when the government simply ignored the OSCE’s efforts for a long time, and began paying closer attention to the flagged issues only after the CoE, the EU, or both, came onto the scene. Furthermore, the relations between Moldova and the OSCE have worsened either because of disagreement on some issues or simply because the government did not see much point in reacting to the OSCE’s requests and opinions. The latter reason had largely to do with the fact that, firstly, the OSCE did not have any formal conditions to be fulfilled before granting its membership and, secondly, it lacked clear monitoring and evaluation procedures to be applied to its members. The OSCE’s status in Moldova has also been negatively affected because of the organisation’s inability to facilitate effective mediation of the Transnistrian conflict.

Secondly, the European organisations’ commitment when applying either type of DPS or both also mattered to a great extent. The main point here is that organisations did not always use socialization-based DPS consistently: for instance, fact-finding visits were delayed, various training projects were short-lived and little evaluation was done. For instance, there is scarce evidence that organisations provided legal expert advice on specific laws and legislative provisions in the 1990s. This seems to be an odd attitude on the part of organisations: surely, given inexperience of the newly-born in 1991 Moldovan democrats, provision of explicit legal expertise should have been seen as the primary strategy to socialise the authorities into democratic practices. The EU was not particularly committed either: the special coordination committee between Moldova and the EU, established by the

partnership and cooperation agreement (PCA) in 1997 and designed to meet regularly, did not hold meetings at all from September 2000 to April 2002.

There are some instances of not a very consistent use of conditionality too. For instance, in the issue case of status of the Russian language the CoE failed to utilise its potential leverage in a more conditional manner because it didn't sanction the government for lateness and ambiguity of the report on compliance with the FCNM. Instead, the organisation decided to start with softer socialisation-based methods and dispatched a fact-finding delegation to the country. As a result, the government didn't reverse its decision and the overall situation has even worsened. The government, however, did change its stance on the Russian language issue after organisations had toughened monitoring of Moldova and offered more credible positive incentives.

9.2 Extending the analysis: contribution to literature, policy lessons and further research

This thesis addressed the question of when and how the European organisations (EU, CoE, OSCE) can influence domestic politics on civil and political rights by selectively applying normative pressure and conditionality to a target country (Moldova). This research question was significant from two perspectives. Firstly, this thesis has provided a thorough analysis of the impact on civil and political rights of democracy promotion strategies applied by the three European organisations in Moldova in the 1990s-early 2000s. Hence, by focusing on a relatively unknown case (Moldova), by taking into account democracy promotion efforts of all three organisations (the CoE, the OSCE, and the EU), and by comparing the effects of normative pressure and conditionality I addressed a number of crucial gaps in the

literature. Secondly, a valuable contribution has been made to the debate about when and why states comply with international norms, as well as the more recent debate about the domestic effects of international organisations. I categorised democracy promotions strategies into two types – socialization-based DPS (normative pressure) and incentive-based DPS (conditionality) – and I analysed the effects of both types of DPS on civil and political rights in Moldova. I also compared the effectiveness of both normative pressure and conditionality and assessed how domestic context conditioned the application and results of both types of DPS. The arguments elaborated in the thesis point out the importance of the incentive-based DPS because domestic actors tended to respond more to incentives than to normative shaming and other types of normative pressure.

In theoretical terms, this thesis has contributed to a more general literature on the international dimension of democratisation, namely on the effects of international institutions on domestic processes. First of all, it has been confirmed that the international dimension of democratisation or, indeed, of any other type of the transition processes (which, perhaps, is a more accurate conceptualisation of the processes in the post-communist countries of Central and Eastern Europe) is an important area of studies that should not be overlooked by scholars. Secondly, by establishing links between compliance and policy change, by exploring under what conditions various external influences will be effective, and by focusing on actual mechanisms (tools) through which international factors exert influence on domestic changes in a state, this thesis has filled a number of gaps in the literature on the international dimension of democratisation.

This thesis also contributes to international relations theory debate between the rational choice and socialisation models on evaluating the effectiveness of various

institutional efforts to affect domestic policy processes. Essentially, this study is similar to a number of scholarly works that also compare the effectiveness of both methods, incentive-based and socialisation-based, on domestic policy (Ethier 2003; Kelley 2004a and 2004b). Thus, this and other studies have moved beyond “either/or” arguments by including into the analysis both types of DPS and carrying out rigorous empirical testing of the data.

This thesis also contributes to the body of research on various democracy promotion strategies and their effectiveness. The main aim of this thesis was not to find an answer to the question of whether or not democracy promotion from the outside works because the answer to this question is not a simple yes or no. Rather, this thesis attempted to answer the question of when and how international organisations can influence domestic processes and, hence, promote democratic development. It is clear that this type of question has important policy implications that practitioners should take into account when dealing with target countries.

In empirical terms, the most important finding of this study is that incentive-based DPS were more effective in bringing about domestic policy change than the socialisation-based DPS. When the European organisations gave the authorities clear conditions and concrete deadlines for compliance, they were usually quick in getting the message and in most of the cases complied with these external recommendations. Thus, the degree of governmental response and the timing of its policy decisions depended on the type of institutional involvement. European organisations were able to influence domestic policy by applying a number of negative incentives such as explicit threats in case of non-compliance with membership commitments (in the case of the CoE) and other commitments, and positive incentives such as an increase in bilateral cooperation and democracy assistance.

Another important contribution of this thesis in empirical terms is a detailed study of a relatively unknown case, Moldova. The studies of politics in post-communist Moldova are relatively scarce, and analyses of the international dimension of its transition processes are practically non-existent. Moreover, by analysing the development of policies in a particular sector, civil and political rights, this thesis has acquired a narrower focus than those studies that tend to analyse broad democratic trends in a recipient country. This allowed easier process-tracing and offered a more complete account of how democracy promotion strategies produce their effects on the domestic scene of a transition state.

The study has also revealed a number of important policy implications. First of all, evidence has shown that the involvement of international organisations in the domestic affairs of a target country can be effective, and as some cases have shown, is absolutely necessary in order to counteract undemocratic practices on the part of the authorities. The fact that conditionality and other incentive-based DPS tend to be more effective than socialisation-based DPS means that international institutions should consider carefully what type of the DPS to apply. Secondly, the domestic context also should be taken into account as the data has shown that domestic factors can have a strong intervening effect on DPS applied from the outside. This is particularly important for the socialisation-based DPS, which seem to work only if there is a favourable domestic context in a country: a high level of domestic salience of democratic norms, close state – society relations, developed domestic structures and the absence of authoritarian leadership. If existing collective understandings embedded in domestic political culture and externally promoted norms do not “fit”, then organisations are better off in applying more coercive incentive-based DPS. Thirdly, notwithstanding what type of DPS is applied, the organisations should be

consistent in their efforts. That is, constant evaluation and monitoring of the country's progress in a particular policy area is necessary. Fact-finding missions and follow-up visits should take place more often as this increases credibility of organisations' efforts as perceived by the domestic authorities. If conditionality is applied, conditions and deadlines should be specified clearly so there is no confusion both in a target country and in an organisation's headquarters. If normative pressure is applied, an organisation should be especially attentive to maintaining its status and how it is perceived by the local authorities, as disagreements between the two sides will lead to lack of interest in compliance.

Before proceeding to a discussion of further research one important caveat is worth mentioning. In data analysis this thesis 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, this thesis did consider implementation issues in the case of the law on the 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 progress in the right direction and do not refute the argument of this thesis.

Without a doubt further research on the domestic effects of international institutions in transition countries is necessary. In particular, it is worthwhile to research further whether institutions have the same leverage after compliance has happened: for instance, after a certain reward has been received. It is quite likely that

government's compliance and conformance with international legal standards on civil and political rights may just disappear with the receipt of a positive incentive, for instance after financial aid had been allocated. Therefore, testing the durability of policy changes and examining factors that ensure domestic compliance after interaction with organisations could be an interesting topic for further research. In particular, the questions of what exactly happens at the implementation stage and whether organisations' leverage is extended beyond the paper compliance would be interesting to explore further. Thus, in the Moldovan case, it would be worthwhile to examine whether all those laws adopted under pressure from European organisations have been implemented successfully in practice. Has a public broadcasting company been established and how did it affect freedoms of media and expression in Moldova? Were members of opposition and wider societal groups included in decision-making and policy-formation processes? Did the government continue engaging in political dialogue with the opposition? And more importantly, were there any instances of new controversial decisions on civil and political freedoms, and undemocratic reversals of the policy? Thus, extending the analysis temporally and analysing durability of policy changes in Moldova in the first decade of the twenty-first century could naturally be the first stage of further research.

Temporal extension of this research is also worthwhile because of evolving nature of the EU policies towards its neighbours in the context of the European Neighbourhood Policy. The ENP incorporates both types of strategies – conditionality and normative pressure – and thus, analysis of the ENP effects in Moldova can provide many interesting insights into which strategy was more effective and why. Indeed, as a number of scholars point out the ENP differs significantly from the EU policy of enlargement towards Central and Eastern European states in the 1990s-early

2000s, and one of the most significant differences is absence of the membership incentive in the EU policy towards its neighbours (Smith 2005; Schimmelfennig and Scholtz 2008; Kelley 2006). However, the ENP offered other types of incentives such as an upgrade in scope and intensity of political co-operation; a possibility of a new degree of integration, including access to the EU's internal market; increase of financial aid; and support for legislative approximation to meet EU norms and standards. Therefore, it would be worthwhile extending the existing scholarship on effects of organisations' membership conditionality to use of other types of incentives by organisations in order to influence domestic policy process.

Another possibility to extend this research is to examine further the argument that the type of democracy promotion strategy matters. For instance, an interesting question would be how well findings of this thesis transfer to other international (rather than regional) organisations. For instance, there have been similar uses of conditionality by the NATO and the WTO in their negotiations with applicant countries. The international financial institutions such as the IMF and the World Bank have also tied in the so called "good governance" requirements to financial aid in recipient countries. Were these organisations able to achieve strong leverage over domestic policies in target countries? Did they rely exclusively on conditionality tools or did they employ tools of normative pressure as well? Were there any differences in effects of each strategy? Overall, organisations continue to play a large part in world affairs and global co-operation. Thus, research on how organisations can maximise their leverage over nation-states while applying different types of strategies is likely to remain topical in future.

In empirical terms, the international dimension of transition processes in post-Soviet republics remains an under-researched area in comparison with post-

communist Central and Eastern Europe, for instance. In this regard, a comparative study of democracy promotion experiences and effects in a number of post-Soviet states, such as Ukraine, Belarus and Russia, would allow for more variation in empirical data and produce more generalisable findings. Also, the extension of this research to new geographical areas such as the Balkan states and the MENA countries can further test the argument of this thesis, and perhaps provide new analytical insights. The other viable strand of future research is to study effects of international engagement on other domestic policy areas such as the rule of law, good governance, public administration, local government, and environmental areas.

To sum up, the thesis has analysed the impact on civil and political rights of democracy promotion strategies applied by the European Union, the Council of Europe, and the Organisation for Security and Cooperation in Europe in Moldova in the 1990s-early 2000s. It has examined how and when European organisations can influence domestic policy process and how these influences are conditioned by the domestic factors. Organisations can still promote democracy and influence domestic policy as long as they choose the most appropriate methods for that. As this study 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 organisations 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.

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APPENDIX 1

INTERVIEWS

Angela Sîrbu. Interview with the author. Chisinau. 27 June 2005. Journalist. Centre of Independent Journalism.

Apolschii, Raisa. Interview with the author. Chisinau. 16 June 2005. Parliamentary Advocate of Human Rights. Republic of Moldova.

Berger, Johanna. Interview with the author. Chisinau. 2 July 2005. Office of the Special Representative of the Secretary General. Council of Europe. Programme Manager.

Borgula, Ludmila. Interview with the author. Chisinau. 22 June 2005. Member of the Party of Communists of Moldova (PCRM), member of the Parliamentary Committee on Human Rights and National Minorities since 2004.

Brown, Edward. Interview with the author. Chisinau. 12 July 2005. Country Manager. The World Bank Moldova Country Office.

Culava, Nicoleta. Interview with the author. Chisinau. 21 June 2005. Project Manager. Project "Support to the Implementation of the National Human Rights Action Plan in the Republic of Moldova". United Nations Development Programme (UNDP).

Cusnir, Sofia. Interview with the author. Chisinau. 1 July 2005. Head of the Department for European Integration. Ministry of Education, Youth and Sports.

Gudîm, Anatol. Interview with the author. Chisinau. 10 July 2005. Executive Director. Center for Strategic Studies and Reforms (CISR). Formerly at Institute of Economics, Academy of Sciences, Moldova (researcher 1965-1985), State Institute of Planning (director 1986-1990), World Bank and UNDP Project "Strategy for Development" (national coordinator 1997-1999). Vice-Minister of Economy 1994-1997.

Jalbert, Suzanne. Interview with the author. Chisinau, 14 June 2005. Country Director/Chief of Party. "New Perspectives for Women". Winrock International / USAID

Kugler, Thomas. Interview with the author. Chisinau. 12 July 2005. Country Director. Swiss Agency for Development and Cooperation.

McLean, Fiona. Interview with the author. Chisinau. 2 July 2005. Head of Office. Delegation of the European Commission to Moldova. TACIS branch Office.

Neukirch, Claus. Electronic correspondence with the author. October – November 2005. Press and Public Affairs Officer at the OSCE Mission to Moldova since 1 Septemebr 2003. Also served at this Mission in 1996 and 1997. Former researcher at the Centre for OSCE Research in Hamburg. Consultant for the International Crisis Group, summer 2003. Has served on several OSCE Election Observation Missions.

Ostaf, Serghei. Interview with the author. Chisinau. 26 June 2005. Deputy Chairman of the Moldovan Helsinki Committee for Human Rights.

Perevoznic, Iurie. Interview with the author. Chisinau. 24 June 2005. Parliamentary Advocate of Human Rights. Republic of Moldova.

Philipov, Vladimir. Interview with the author. Chisinau. 6 July 2005. Ambassador/Special Representative of the Secretary General. Council of Europe.

Pouezat, Bruno. Interview with the author. Chisinau. 5 June 2005. Regional Representative. United National Development Programme (UNDP) in Moldova.

Secareanu, Stefan. Interview with the author. Chisinau. 21 June 2005. Member of the opposition party (Partidul Creștin Democrat al Moldovei [Christian Democratic Party of Moldova]), member of parliament since 1994 and chairman of the Parliamentary Committee on Human Rights and National Minorities since 2004.

Skvorțova, Alla. Interview with the author. Chisinau. 7 June 2005. Head of the DFID Section, British Embassy in Chisinau, Moldova; Project Manager of the UNDP project “Support to the development of National Human Rights Action Plan in Moldova”; Member of the Coordinating Committee for the development and implementation of the National Human Rights Action Plan, Chisinau.

Strutzescu, Paul. Interview with the author. Chisinau. 1 July 2005. Chairman, League for Defence of Human Rights in Moldova (LADOM) (Moldovan NGO).

APPENDIX 2

Template/questionnaire for semi-structured interviews

1. Questions about the supply-side of democracy promotion in Moldova: investigating the involvement of European organisations

- How is [the EU, the OSCE, the CoE] involved in Moldova? Why is [the EU, the OSCE, the CoE] involved in Moldova? Is involvement of international organisations necessary in Moldova? How would you evaluate in general the relationship between [the EU, the OSCE, the CoE] and Moldova?
- What are the main areas of co-operation? What are the main determinants of an organisation's budget for co-operation with Moldova? How does an organisation evaluate its activities in Moldova?
- Did the relationship between [the EU, the OSCE, the CoE] and Moldova evolve over the years? If yes, why?
- How does [the EU, the OSCE, the CoE] promote democracy/civil and political rights/freedoms of media and expression/civil and political rights of national minorities?
- How exactly does [the EU, the OSCE, the CoE] influence domestic politics?
- What types of strategies are applied? What specific tools are used? Can [the EU, the OSCE, the CoE] coerce the government to adopt a law/amendment to law? Does [the EU, the OSCE, the CoE] try to persuade and teach the government into democratic practices? Is allocation of aid and other benefits conditional on government's domestic performance?
- What effects are organisations' strategies most likely to produce? Can organisations change domestic policy on civil and political rights? Can organisations change their strategies in order to gain more leverage domestically?
- Under what scope conditions these strategies are more likely to be effective? Do these scope conditions depend on domestic context or on activities of organisations themselves, or both? What is the norm fit between existing political culture in Moldova and externally promoted norms promoted? How can organisations improve their democracy promotion strategies?

2. Questions about the demand-side of democracy promotion in Moldova: investigating the development of civil and political rights

- Evaluate the current state of domestic policy on civil and political rights. How did the policy evolve over time?
- What legislative and institutional framework has been put in place? How was this framework implemented? What are the most common problems related to violation of civil and political rights in Moldova? Why do these problems exist? What domestic structures on civil and political rights have not been yet established/reformed?
- Why were Moldovan authorities so slow in adopting legislation on civil and political rights in the 1990s?
- Does domestic politics hinder or facilitate external influences? How? Why?
- How salient are norms on civil and political rights in Moldova? Why? Any changes in degree of norms' domestic salience over time?
- What is the pattern of state-society relations in Moldova? Are civil society groups included in the decision-making process? What are the major difficulties that civil society groups face when interacting with the state? What are the main shortcomings of the existing NGOs? How does the state treat NGOs and other advocacy groups?
- What is the organisation of decision-making authority in Moldova? Is it centralised or dispersed to relevant levels of power? Any changes over time?
- How would you evaluate the Moldovan leadership over time? (authoritarian/pro-democratic/weak/strong/competent/corrupt, etc.)

3. Questions about specific issue cases: investigating the process of interaction, action and reaction

- What were the preferences and actions of domestic political actors in relation to a particular policy issue at a given time? Why did the government act the way it did? What were the government's preferences initially, and how did these preferences change subsequently?
- What explains the difference in the government's response and degree of compromise on a specific issue case? Why did Moldovan government go through all the trouble of pushing forward highly criticized (domestically and externally) legislative drafts on certain civil and political rights and then suddenly reverse its position?

- Were organisations involved in this particular issue case? How? Did the degree and nature of involvement change over time?
- What was the outcome of interaction between the government and an organisation? How can you explain the policy outcome? Was organisations' involvement important in influencing the government's policy in this particular issue case?
- How did domestic factors shape the outcomes of this issue case? Were they able to resist external influences?
- Can this outcome be attributed to effects of normative pressure? What tools of normative pressure were particularly effective in this issue case? Can this outcome be attributed to effects of conditionality? What tools of conditionality were particularly effective in this issue case?

4. Questions about effectiveness of organisations' involvement in Moldova

- What are the effects of organisations' efforts to promote democracy?
- Do they contribute to domestic policy change?
- Can they reverse undemocratic trends in policy-making?
- More generally, what can explain different outcomes in development of two policies in Moldova – freedoms of expression and media and civil and political freedoms of national minorities?
- Which democracy promotion strategy turned out to be more effective in influencing government's position on a policy issue? Which strategy failed to evoke positive response from the government? Why?