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Normative power Europe? EU relations with Moldova[*]

Arne Niemann
University of Amsterdam
E-Mail: a.niemann@uva.nl

Tessa de Wekker
University of Amsterdam
E-Mail: t.dewekker@live.nl

Abstract: This article analyses the extent to which the European Union (EU) constitutes a normative power in its relations with Moldova. 'Normative power Europe' is examined along three dimensions: (i) normative *intent*; (ii) normative *process*; and (iii) normative *impact*. Our empirical analysis focuses on two norms: democracy and good governance. In addition, we ask how 'normatively' the EU has acted regarding a solution to the Transnistrian conflict. On the basis of our three-dimensional framework, we find that EU normative power can be judged as only moderate in EU-Moldovan relations. As for *intent*, while norms of democracy and good governance seem to play a central role in EU-Moldovan relations, the Union tends to apply double standards in terms of what it expects from (EU) Member States and what it asks of Moldova, and also seems to be inconsistent in its policies towards Moldova and Ukraine. In terms of *process*, the degree of inclusiveness on the part of the Union has not been satisfactory. Neither has the extent of reflexivity, but more recently the Commission seems to have developed a more reflexive behaviour. In regards to *impact*, while norm changes in Moldova have been modest/moderate, it seems that the EU has substantially contributed to these changes.

Keywords: normative political theory, Common Foreign and Security Policy, East-Central Europe, transition, democracy, democratisation, governance, enlargement, political science

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Introduction

For several decades the literature on EU foreign policy confined itself mainly to questions concerning the extent to which such policy exists, to EU actorness in international politics, or to the role of Europe as a civilian power. In recent years, however, scholarship has gone beyond these increasingly saturated debates. A more recent discussion is that surrounding the (potential) role of the EU as a normative power (Manners 2002). 'Normative power Europe' (NPE) constitutes a useful and significant concept that has provoked substantial debate and research among scholars (JEPP special issue 2006; Tocci 2008, Whitman 2011 forthcoming).

It reflects the seemingly (but not uncontested) normative orientation of EU external policy and emphasises the under-explored cognitive and ideational dimensions of EU foreign policy-making. While the literature on 'normative power Europe' was initially largely shaped on the conceptual level, a body of empirical work has begun to emerge. However, compared with the lifespan of the aforementioned debates, the NPE research agenda is still in its infancy and deserves further attention. Given the geographical and thematic breadth of EU foreign policy, there is substantial scope and need for additional empirical analysis.

We take the NPE concept as a point of departure for an analysis of EU-Moldovan relations[1] that have yet to be examined from such a perspective. Moldova constitutes an interesting case (for the NPE debate): it has been incorporated in the European Neighbourhood Policy (ENP) and has, since the accession of Romania in 2007, a direct border with the EU. Ever since its independence from the Soviet Union, Moldova has been on a difficult/bumpy transformation process.[2] The country is also host to one of the remaining conflicts in Europe, the deadlocked conflict concerning Transnistria.[3] In this context it is interesting how the EU 'handles' this conflict – which lies only some 100 kilometres from its external border – where an important strategic partner of the Union (Russia) acts as an advocate of the status-quo.

Our case study regarding EU normative power concentrates particularly on two norms: democracy and good governance (and here especially anti-corruption). In addition, we ask how 'normatively' the EU acts in terms of working towards a pacification/solution of the Transnistrian conflict. These three themes are closely related to each other. Without the resolution of the Transnistrian issue it will be extremely difficult, if not impossible, to transform Moldova into a well-governed democratic state. On the other hand, only a well-governed democratic state will constitute a real alternative to independence for the Transnistrian population. Our analysis goes beyond the "inside-out" perspective (analysing NPE from an EU point of view) that many scholars have taken, but also emphasises the "outside-in" perspective, i.e. that taken from third countries and more neutral observers. We particularly analysed EU-Moldovan relations from 2004 to 2008 (while taking some of the later developments into account where necessary).[4]

We will proceed as follows: first we review and critically discuss the relevant literature concerning 'normative power Europe'. Second, we explain how we operationalise NPE in terms of empirical research. The subsequent parts are then dedicated to our empirical analysis of EU-Moldovan relations. Part three examines the genuineness and seriousness of the Union's normative commitment (normative *intent*). Fourth, we analyse the extent to which the EU has acted inclusively and reflexively (normative *process*). The fifth part highlights the degree of norm development in Moldova and the extent to which this can be attributed to the EU (normative *impact*). Finally, we draw some conclusions from our findings.

1. Normative power Europe

The concept of NPE was coined by Ian Manners (2002). Normative power can be defined as 'the ability to define what passes as "normal" in world politics' (Manners 2002: 236), or in other words the ability to shape and determine international norms, with norms defined as 'collective expectations about proper behavior for a given identity' (Jepperson *et al.* 1996: 54). According to Manners (2002: 240-241), the EU has a special claim to constitute a normative power. The particular normative basis of the EU is founded largely on the historical post-WW2 context, its hybrid (and partly supranational) polity and its political-legal constitution. Its normative foundation has thus created a disposition for normative action. For Manners the EU is normatively different from (other) states and projects universal norms and principles in its relations with third countries.[5] The NPE idea thus also implies that the EU constitutes 'a force for good' in the world (cf. Bicchi 2006: 299).

The EU's broad normative basis has developed over the past 50 years, for instance, through a series of treaties, declarations and policies. According to Manners (2002: 242) one can identify five 'core' norms from the body of EU law and policies: peace, liberty, democracy, the rule of law, and respect for human rights. He suggests that four additional 'minor' norms can be derived from the the *acquis communautaire*: social solidarity, anti-discrimination, sustainable development, and good governance. In short, he argues that 'the EU can be *conceptualized* as a changer of norms in the international system; […] that the EU *acts* to change norms in the international system; and […] that the EU *should* act to extend its norms into the international system' (Manners 2002: 252, emphasis in the original).

'Normative power Europe' (NPE) can be distinguished from the concept of 'civilian power Europe'[6], which has so far dominated the literature, in a number of ways. While the latter values direct physical power in the form of 'real' empirical capabilities (even if economic in nature), normative power rather emphasises the significance of cognitive and ideational processes. Also, civilian power seems to be a rather *status-quo*-oriented concept. Duchêne (1972) already stressed the maintenance of the European system (of states) and the fixed nature of the nation-state (cf. Manners 2002: 238). On the contrary, 'normative power Europe' is about change. Even though Manners (esp. 2006b: 175ff), unsurprisingly (but justifiably), tends to emphasise the distinctiveness of the concept, there are a number of overlaps with 'civilian power'. For example, it has been argued (even if not uncontested) that normative power should predominantly be civilian in terms of means and goals.[7] In addition, for the attainment of (civilian/normative) foreign policy objectives, both concepts, seem to rely substantially on 'soft power', the ability to shape what others want through attraction (rather than coercion or payment), i.e. the power that leads others – admiring the values or prosperity of the entity in question – seek to emulate or join it (Nye 2004: 5). Normative power and soft power are, to some extent, linked in the sense that coercion would negatively influence the perceived 'legitimcay' of EU policies and actions (on which NPE to a considerable degree depends), and would also adversely affect the normativity of 'processes'

since inclusiveness, for instance, would suffer in such context (cf. Haukala 2007: 9; cf. p. 6-7, 14-16).

Manners' formulation of NPE has triggered substantial research (e.g. JEPP special issue 2006; Tocci 2008; Whitman forthcoming 2011) and even some of his critics have acknowledged that the idea has had a significant impact on the study of EU foreign policy (e.g. Diez 2005: 619). Our general take on NPE is that it provides a useful additional concept to the body of work on the EU's international role, not least because it emphasises the under-explored cognitive and ideational dimensions of EU foreign policy. In addition, it constitutes a welcome move beyond the now largely unproductive discussion on whether the EU actually has a foreign policy (cf. Sjursen 2006: 235) and also goes beyond, but at the same time builds on, the literature concerning EU 'actorness' in world politics (Sjøstedt 1977; Jupille and Caporaso 1998; Bretherton and Vogler 2006). Given the dynamic evolution of EU foreign policy in the past 15 years, the seemingly distinctive normative orientation of that policy compared with that of other powers such as the US (cf. Manners 2006b: 170ff), and the relatively young research agenda on EU normative power, more work is warranted on the NPE concept.

A variety of criticisms have been levelled against the NPE idea. The most powerful critiques include the following: Hyde-Price (2006) criticises the NPE idea from a neo-realist angle. He contends that the EU does not display real normative power. Rather, the EU is used by the Member States as an instrument for shaping foreign policy in a way that is beneficial to them. According to Hyde-Price (2006: 227), the EU acts as an instrument for the exercise of collective hegemony in its neighbourhood where the EU imposes its norms on its Eastern neighbours. Bicchi (2006) notes that the EU has the tendency to reproduce itself in its relations with third countries. In that process the EU projects internal, i.e. intra-EU, solutions to external issues. According to Bicchi, the EU's normative power is not based on the universal character of the norms it promotes, as Manners professes. Instead, the EU advances its own norms which it claims to have universal value. She thus charges the EU with a certain 'eurocentrism' (Bicchi 2006: 287). Sjursen advances a similar argument. Overall she disapproves of the uncritical and apologetic tendencies she encounters in the literature on normative power Europe. She points out that the idea of the EU as a normative power easily evokes images of European imperialists who try to model the world in accordance with their supposedly superior values, or that 'normative power Europe' could be hypocritical, covering the promotion of self-interests. Sjursen recommends more systematic empirical research on the topic, including a more thorough analysis of whether the EU really acts according to norms, or rather out of self-interest. Sjursen (2006: 236) rightly argues that the term 'normative power Europe' lacks precision, particularly in terms of criteria and standards that can be applied for analysing the concept empirically, a theme that will be taken up again below (as well as other aspects mentioned here).

In addition, we want to add a couple of points that have so far not been sufficiently registered in the debate.[8] First, to expand upon the points made by Bicchi and Sjursen, it should be

noted that the discussion on NPE has been oriented predominantly internally. On the political level this entails that much (of the EU's) foreign policy action does not appear to seek change in partner countries, but rather to satisfy certain domestic groups.[9] When EU/European politicians pose human rights questions in their discussions with China, do they really believe that China will budge an inch from its stance, or do they (more likely) simply not dare to return home without having raised such issues? The academic discussion on NPE must be careful not to fulfil a similar function, i.e. be excessively internally oriented. Most empirical studies have been largely approached from an EU perspective and focused chiefly on EU sources (but see e.g. Harpaz 2007). In addition, it is conspicuous that the academic debate is primarily led by European scholars[10] – in a sub-field (European integration studies) where the proportion of North American scholars is substantial. At the risk of overstating the point one could ask: if the EU exercises a policy clearly distinct from that of other Western powers/actors, why have so few colleagues outside Europe caught on to the idea? Going one step further, care needs to be taken that the discussion does not turn into a complacent navel-gazing exercise from a European perspective. The way forward should be to engage in substantive empirical work on normative power Europe, whilst going beyond an inside-out/EU perspective.

Second, the NPE debate fails to sufficiently embed EU foreign policy in broader international affairs. The discussion is often led as if bilateral relations between the EU and third countries can be isolated from the worldwide fabric of relations in which many other actors play a role, including most importantly the US, but regionally (i.e. in Europe) also significantly Russia. Closely related, the debate often seems to ignore that there are other, potentially competing, normative powers (that include not only nation-states). International organisations, such as the UN, some of its sub-organisations including the World Bank and the IMF, the WTO and perhaps also the OECD have considerable influence on domestic legal norms (particularly) in developing countries. But do they compete with the EU? The EU countries are after all members of these organisations. The latter could thus also be instruments of EU foreign policy, providing the EU with more scope and leverage. But it seems that overall the above-mentioned organisations constitute 'transmission belts' of US rather than EU/European policy (cf. Foot *et al.* 2003). The US often propagates very similar norms as the EU. Since the EU often does not speak with one voice or does not formulate succinct and distinct positions from the US there is also the danger that the EU is merely seen as a barely distinguishable part of 'the West' from the perspective of non-European countries. The existence of other entities promoting (very) similar norms in the same countries poses a challenge for empirical research, a point which is (also) revisited below in our specification of indicators for NPE.

2. Operationalisation

As also echoed by Sjursen's aforementioned critique, instead of probing and questioning the empirical reality of the NPE concept – a large part of the literature (particularly in the initial stages of the debate) seems to have taken its existence for granted and thus rather engaged in

conceptual questions. The last few years have seen a growing number of more empirically-oriented works on the topic (e.g. Whitman 2011 forthcoming; Tocci 2008). It is obvious, however, that there are still significant question marks concerning the operationalisation of the concept for empirical research. More concretely, what is lacking in many works is a systematic formulation of the most important indicators of NPE: how do we recognise, and what qualifies as, normative power? How can it be observed and, at least to some extent, measured? Subsequently, we indicate how we seek to operationalise the NPE concept empirically (also cf. Niemann and Junne 2011 forthcoming).

First of all, one can distinguish between three levels that are important for an operationalisation of 'normative power Europe': (i) normative *intent*: the seriousness/genuineness of normative commitment; (ii) normative *process*: the extent to which an inclusive and reflexive foreign policy (promoting universal norms) is pursued (vs. an 'our size fits all' approach); (iii) normative *impact*: the development of norms in third countries. While the first and second dimensions are more inward-looking (why/how does the EU act?), the third dimension is more outward-looking (does the EU induce change?). How are the three levels connected with each other? Basically, 'normative power Europe' is characterised through normative intentions on the part of the EU and dealing with partner countries through normative means (process). To make normative power complete 'the ability to define what is normal' (Manners 2002: 236) needs to be assessed in terms of the impact that the EU makes on the norm development in third countries.

Our analytical framework is similar to that used by Manners (2008a, 2008b) who emphasises (normative) 'principals', 'actions' and 'impact'. While 'intent' and 'process' of our framework, resemble 'principles' and 'actions' respectively as used by Manners, impact – a term used by both Manners and us – takes on rather different meanings across the two accounts.

2.1. Normative intent: how serious/genuine is EU normative commitment?

This question is relevant in terms of the EU's self-image/identity: as a real normative power, acting for good, the EU would have to be a 'genuinely' normative actor, i.e. an actor that is normative because of the norms themselves and not to pursue a self-interested agenda (cloaked by normative rhetoric). We do not seek to cultivate a simple dichotomy of 'norms versus interests' that has rightly been criticised (Finnemore and Sikkink 1998). One can assume that in broader processes norms and interests are not subject to an 'either/or' rationale, but that (strategic self-)interests and normative concerns tend to go together (cf. Diez 2005: 624). Hence, while norms and interests may often run in parallel, this first dimension can nevertheless shed some light on the genuineness of the EU's normative commitment.

To arrive at empirical findings of significance here is no small challenge. Nevertheless, a number of indicators (and sub-questions) can be suggested to make some inroads on this front. First, it is to be asked whether EU/universal norms are/were at the centre of relations with partner countries, or if norms were peripheral to the EU's engagement. This can help

determine – for example by analysing (planned) agreements between the EU and its partner country – how seriously the EU takes norms in relations with the country in question. If norms are not centre stage, genuine normative concern by the EU is less likely.

Second, it should be asked, whether the projected norms serve or hurt EU interests (cf. Goertz and Diehl 1992). If norms conflict with self-interest, this is a powerful indicator for the relevance of the norm because it has been invoked despite (political or economic) costs. For example, it should be investigated whether important material interests are at stake for the EU. These might be trade interests, for instance concerning market access or the security of energy supply. If the EU was to give priority to questions of human rights and democracy, despite these interests, this would strengthen the case of genuine normative commitment. Useful in this respect would also be a scenario in which the EU chooses to diffuse certain norms in the face of powerful opposition. And if it finds itself at odds with (other) OECD states, this would rebut the argument that EU normative power in fact amounts to cultural imperialism in disguise (Manners 2002: 253).

A third possible approach to this question is to examine the extent to which the EU communicates (and acts) consistently and the degree to which it uses double standards (cf. Sjursen 2002: 495-496; Checkel in Checkel/Moravcsik 2001: 224). Double standards suggest that norms do not constitute the most important basis for making decisions. Consistency applies and can be explored on different levels: (a) Does the EU apply the same standards that it asks of a certain third country also internally? (b) Does the EU apply the same standards for different third countries? (c) Are the EU's words followed by deeds, i.e. are its declared (normative) objectives in line with its foreign policy action? This could be seen as a variation of point (a) above. A truly normative actor would act so as to fulfil its normative intent (cf. Tocci 2007: 7).[11]

A final criterion that can be invoked in terms of normative intent is 'coherence', the lack of which further exacerbates the problematic character of an inconsistent policy. Coherence goes beyond consistency. It is about the connectedness of claims or actions through shared principles. Inconsistent behaviour or inconsistent norm application are only incoherent if they cannot be explained through a justifiable, i.e. principled, distinction. '[I]f "double standards" remain unjustified they constitute a major incoherence and therefore a severe challenge to the policy's legitimacy' (Lerch and Schwellnus 2006: 308; cf. Franck 1990: 163). Lerch and Schwellnus (2006) drawing on Habermas (1993) and Sjursen (2002) have suggested that policies can be justified by utility-, value-, or rights-based arguments/principles and that coherence between different justifications is a significant legitimising factor. In view of our conceptualisation of normative intent (and process), value- and rights-based arguments/principles seem somewhat more in line with '*normative* power' than utility-based principles.

Our notion of 'normative intent' is similar to Manners' analytical emphasis on (normative) 'principles'. Both categories deal with consistency, coherence and legitimacy. However, our

'normative intent' places more emphasis on the aspect of consistency, whereas Manners appears to attribute consistency and coherence equal weight. In addition, our notion of coherence is defined more narrowly and more closely related to the (potential) justification of double standards, whereas Manners seems to view coherence more broadly in relation to the promotion of 'sound', 'non-contradictory' and 'universalisable' principals (Manners 2008a: 2; 2008b: 56).

2.2. Normative process: does the EU pursue an inclusive and reflexive foreign policy promoting universal norms (or rather an 'our size fits all' approach)?

This second dimension is important for an exploration of normativity in several respects: if the EU really is a force for good, it surely cannot exclude external input, (self-)criticism and reflection about the possible impact of its action. Its openness to learning can thus be seen as an indicator of the EU's virtue and 'goodness'. In addition, normative power is relational, and in order to be normatively justifiable, it must take the views of those outside the EU into account. Moreover, the EU risks acting in a Eurocentric manner unless it promotes norms that are recognised as universally applicable (by the UN system). An exclusive and unreflexive foreign policy informed by the conviction that the EU's experience is a lesson for everyone has been termed an 'our size fits all' approach (Bicchi 2006: 289).

Reflexivity is about (a) learning and changing behaviour when faced with better arguments, and (b) anticipating (adverse) consequences of exporting an EU norm to non-members and (pre-emptively) adjusting EU policy to those consequences (Bicchi: 2006: 288-289). Reflexivity may be investigated, for example, by exploring the degree to which EU external action is founded on a 'conscious' effort by EU decision-makers to critically analyse the expected effects and adapt the proposed action accordingly. 'Conscious' here denotes the opposite of 'routine-based' behaviour, which is built on practices that have lost their original meaning and have thus become more symbolic and ritualised. For example, the (standard) application of certain templates, blueprints and best practices by EU foreign policy-makers to a partner country, without taking any particularities of that country into consideration, can be regarded as routine-based behaviour. By contrast, a conscious and wilful effort of the EU to evaluate its policy – for instance by commissioning external reviews or organising conferences and hearings on the subject, and modify it accordingly – would indicate reflexivity.

As for *inclusiveness*, Bicchi (2006: 289) emphasises that there is a fine line between 'giving voice to' and 'speaking for' others. More generally, the question is whether the EU takes account of the views of those whose normality will be affected. Concretely, inclusiveness means that EU decision-makers give a role to external actors (of affected third countries) during the process.[12] Inclusiveness comprises practices of local or joint ownership resulting from the involvement or consultation of partners (cf. Manners 2008a: 3). It can be argued that inclusiveness and reflexivity aid the EU in the export of (its/universal) norms because they engage partner countries and help build a dialogue based on common understanding, which should be conducive to the diffusion of norms. The adherence to inclusiveness and reflexivity

would also, at least partly, remove doubts over potential Eurocentric/imperialistic tendencies pursued by the EU under the cloak of normative action.

Promoting universal norms: since the EU's self-understanding as a 'force for good' risks being linked to a particular context, and may not correspond to the understanding of 'goodness' in other parts of the world, the EU could be faithful to 'its' norms, while being perceived as an imperial power (Sjursen 2006: 248). We thus need to address what type of norms a normative power adequately promotes. Sjursen (2007: 6) drawing on Habermas (1990: 65) suggests the principle of universalisation for probing the validity of norms. According to this principle, '*all* affected can accept the consequences and the side effects its *general* observance can be anticipated to have for *everyone's* interest'. While this constitutes a useful suggestion and a sound principal, it seems less practical for our purposes (or empirical research more generally as it is difficult to operationalise). Instead, to prevent that merely EU-specific norms are promoted, we draw on Manners (2008: 46) who suggests that the norms advanced by the Union should be generally acknowledged within the system of the United Nations, to be universally applicable. By using the UN standard we seek to avoid the (pitfall of the) endless debate in (political) philosophy and other disciplines regarding universality vs. cultural relativism.[13] Hence, to avoid an 'our size fits all approach', the EU's norms should be recognised through the instruments of the UN system.

Normative process as employed in our framework comes close to Manners' notion of (normative) 'actions', which emphasises engagement and dialogue – applied through persuasion and argumentation (but also shaming) – for normative justification to be convincing or attractive. Both accounts highlight means and processes through which action is carried out/implemented. While both are about 'being reasonable', it seems that Manners framework puts slightly more emphasis on the means employed for engagement to be effective (e.g. persuasion, argumentation, etc.), than we do. In addition, our account places more weight on reflexivity than Manners' (cf. Manners 2008a: 3; Manners 2008b: 57-58).

2.3. Normative impact: the development of norms in third countries: does the EU have the ability to shape conceptions of what is 'normal'?

Emphasising what the implications of EU action actually are (or aren't) – its external impact – seems to be as significant as an analysis of the EU's intention and the way (process) it goes about it (Tocci 2007: 6-7). It is also at the heart of Manners' (2002: 236) original definition of NPE, i.e. 'the ability to define what passes as "normal" in world politics'. Its normative *power* would arguably be substantially limited if the EU's normative impact was insubstantial. Hence, the impact aspect of the framework can also be taken to emphasise the 'power'[14] side of NPE.

In order to make decisive progress on this third level (at least) two steps have to be taken: first, it needs to be asked whether a normative change towards the norms promoted by the EU has occurred. Normative change can only be approximated. What may be investigated, for example, is the degree to which the norms projected by the EU are being referred to in the

political and media discourse of the partner country, and the extent to which they become part of the dominant discourse. That norms become part of the discourse can be seen as a (first) sign or form of norm adoption (Schimmelfennig and Sedelmeier 2005). One possibility of tracking (the degree of) internalisation is to analyse the extent to which political actors make consistent use of a norm. If norms are ascribed the same significance (and meaning) in different contexts and forums, then there is an increased probability that the relevant actors really mean what they say (cf. Risse and Sikkink 1999; Niemann 2004). This could be investigated, for instance, by analysing speeches of important third country politicians in different settings.

Going from the level of discourse to the level of actual behaviour, it is to be assessed whether and to what extent the legislation of that country was amended in terms of the norms advocated by the EU (Checkel 1999: 92; Risse and Sikkink 1999: 29). Equally important, as a next step, is the proper implementation of legislation. However, even this only constitutes a partial indication of norm 'cascade' because laws and treaties may have been adopted (and implemented) merely to fulfil a certain conditionality induced by the EU. Therefore, it also needs to be questioned whether decision-makers (fully) concurred with the changes. Once again discursive consistency concerning the significance of the norm on the part of national decision-makers would be illuminating. Also decision-makers and their aids may be questioned on this through interviews. Additional indications of norm changes at the level of behaviour would be (re-)directing (financial) resources in the areas of norm change, or the degree of dialogue with (and consultation of) civil society (Sikkink 1993).

A second important step is to ascertain whether a certain normative change assessed in the first step was really induced by the EU. Alternative sources of norm change include influential third countries, international organisations, or the political system of the partner country in question itself. If there are/were other relevant third countries or international organisations at work, it should be asked how influential they were and how similar their propagated norms are to those promoted by the EU. If there were different accentuations in the promotion of norms, then one can investigate whether norm implementation followed the line of the EU or rather that of another entity. Further clues may be provided by the political discourse in the partner country. Here, it is worth investigating, whether norms – when they appear in the discourse – are mentioned in connection with the EU or rather in context with another entity. In addition, one should analyse the timing of norm change. Did norms change after the EU's normative engagement in the country in question, or did it precede it? In the latter case the EU is unlikely to have been a (significant) source of that change.[15] The role of the EU as changer of norms would be substantiated, if it could be shown that the case for alternative sources of norm change is implausible.

Our notion of normative 'impact' differs from that used by Manners (2008a, 2008b) who emphasises that the impact of normative actions should involve socialisation, partnership and ownership. While Manners focuses more on the impact on the mutual relationship between the EU and third countries, we concentrate on the development of norms in those countries. In

our framework notions of partnership and ownership (would) rather come under 'process', especially in terms of inclusiveness.

2.4. Methodology

Inferences concerning the three dimensions (of normative intent, process and impact) have been made by careful process tracing (George and Bennett 2005: ch. 10) put into practice though triangulation across different data sources, including official documentation, interviews, opinion polls/survey data, specialist publications and major media. For this study we have conducted twelve interviews with officials and policy-makers of both the EU institutions and the Moldovan authorities.

The greatest methodological challenge has been that of determining what happens 'between the earlobes' of actors, i.e. their motivations. This is relevant in terms of making some inroads on the question regarding the genuineness of normative commitment. This is a difficult undertaking. Generally speaking it is more challenging to provide some sort of 'positive' (circumstantial) evidence (or indication) for this than falsifying genuine normative commitment. For this we have mainly used the indicator of consistency between (a) the application of internal and external standards; (b) the application of standards to different third countries; (c) and between words and actions. Consistency is regarded as an appropriate indicator for this (Checkel 2001; Risse 2004; Niemann 2006). Here we have traced, analysed and compared actors' discourse and behaviour on different questions and in different contexts.

In order to get closer to establishing the seriousness of normative commitments we also talked to a number of actors. For example, we conducted (unstructured and semi-structured) interviews (without prodding concerning the genuineness of normative commitments). If interviewees had intimated that they have been acting in a genuinely normatively-guided way without having been directly asked about it, this would been a (first) pointer. In a second more structured part of the interview, interviewees were (also) asked questions about (and offered different categories for describing) EU action/policy, including (1) the degree to which the norms stated in the Action Plan were actively/seriously raised in bilateral exchanges (on the part of the EU); (2) the readiness to defend the proclaimed norms when conflicting with (other) interests; (3) the effort made to raise the Transnistrian issue despite Russia's reservations to seriously talk about the matter; (4) more generally what was done to follow up (and realise) the stated (normative) intentions; (5) the reasons (if any) justifying the use of double standards. Since people are often biased and also like to portray their work in a positive light, interview statements were, as much as possible, double-checked against other sources (including documentation and cross-interviews).

In the three following sections we will probe EU normativity in the case of EU relations with Moldova. As mentioned in the introduction, particular emphasis will be placed on the norms of democracy and good governance and EU engagement concerning the Transnistrian conflict.

3. Normative intent: How serious/genuine is EU normative commitment?

To be a genuine normative power, the EU should display consistent behaviour and abstain from using double standards. In addition, norms should be central in EU dealings with Moldova.

3.1. Centrality of Transnistria (in EU-Russian talks)?

In the Action Plan[16] the EU stresses its commitment towards a settlement of the conflict in Transnistria. This was underlined through the appointment of an EU Special Representative for Moldova in early 2005 whose mandate, in particular, is to strengthen the EU contribution to the resolution of the Transnistria conflict (Popescu 2005). The Union's main efforts, in that respect, take place through the EU Border Assistance Mission (EUBAM), which introduced a new customs regime (between Moldova and Ukraine) that helped to combat fraud and also positively affected Transnistrian trade operations, and through border infrastructure projects (that primarily seek to enhance the links between Transnistria and Moldova proper). With these measures the EU intends to contribute to a reintegration of both societies (interview with V. Navratil, 2008). Yet these projects have so far done little to settle the conflict. In reality, the EU cannot solve the issue without involving Russia, which tends to oppose a settlement of the conflict. Thus far, however, the EU has not substantially induced progress as negotiations have, for many years, remained stuck (Popescu and Wilson 2009: 43).

The Transnistrian issue has its place in the third common space of EU-Russian relations. At the 2005 Moscow summit the roadmaps for the four common spaces were adopted. However, in the map for the third space, Transnistria is not explicitly mentioned (Council of the European Union 2005: 38). This is no coincidence. During most EU-Russia summits Transnistria does not appear on the agenda. Or at least it is not discussed to the extent that the results reach the final statements. In the eighteen summits that have been held since 2000, Transnistria was referred to in the final press statements only five times and never on its own. It was always mentioned together with other conflicts such as Nagorno-Karabakh, Abkhazia and South Ossetia. There was never more than one sentence dedicated to this particular conflict, while the other three conflicts received (much) more attention.[17] Overall, it is clear that Transnistria does not have a central place in the institutionalized discussions between the EU and Russia. As one official admitted, 'we did not really push the Transnistrian issue with much vigour in the talks with Russia' (interview by telephone, 2009).

The conflict in Transnistria is not thoroughly discussed at a high level between the EU and Russia. As Adriaan Jacobovits de Szeged, former EU special representative for Moldova, has noted: 'in Russia, conflicts such as these are decided upon on at president or prime minister level. If the EU really wants to do something about Transnistria, it has to go talk with Russia at that level. The head of government of one of the largest countries of the EU should have some serious conversations with Medvedev or Putin. But that does not happen. The EU is afraid to upset Russia about a relatively unimportant matter as Transnistria' (interview with A. Jacobovits de Szeged, 2008). The highest level at which the Commission could send a

mediator to Russia is the Commission President. But Barroso does not carry enough weight in Moscow, where only the big nation-states count as significant actors. Jacobovits de Szeged, in his former function, tried to get Member States' head of state and government interested to become involved in the conflict: 'Blair was not interested as Britain was focussing on Iraq and Afghanistan. Berlusconi did not want to put pressure on Russia, since he is a friend of Putin. Spain did not care enough, as Transnistria is far away. I then put my hopes on Merkel, but that also turned out to be a false hope' (interview with A. Jacobovits de Szeged, 2008).

Maintaining good relations with Russia is more important to the EU and its Member States than a settlement of the Transnistrian conflict. As one EU official put it, 'because of the importance of our relations with Russia, we simply could not live up to our aims stated on Transnistria in the Action Plan' (interview, by telephone 2009). Europe depends to a large degree on Russian energy, which gives Russia quite a powerful tool. Germany especially fears upsetting Russia, even though it holds the key for a settlement due to its strategic partnership with Russia (Lippert 2007). When the possibility of substituting Russian troops in Transnistria with an international peacekeeping mission was proposed in the EU's Political and Security Committee in 2006, the German representative objected. Only when he learned that Russia wanted to talk about it did he change his mind (interview with A. Jacobovits de Szeged, 2008). This indicates that Russia has quite some leverage over EU decisions concerning the shared neighbourhood. As regards a serious approach to the settlement of the conflict, the EU (and its Member States) do not seem prepared to take the required firmer stance *vis-à-vis* Russia, which would go beyond sporadic talks over lunch and include raising the issue of Russian commitments to withdraw its troops. This suggests that the EU favours its self-interests, which are particularly related to energy security (Sander 2007; interviews with Mikko, Wiersma, Berizzi, and Jacobovits de Szeged), over its stated normative concern, i.e. a solution of the Transnistrian conflict.

3.2. Centrality of democracy and good governance

On the whole, the promotion of democracy and good governance appear to have a central place in EU policy towards Moldova. The first paragraphs of the Action Plan are devoted to core norms of the EU: democracy, human rights, the rule of law and good governance. The second priority for action, after a mention of the Transnistrian conflict reads 'further strengthening the stability and effectiveness of institutions guaranteeing democracy and the rule of law; ensuring the democratic conduct of parliamentary elections [...] in Moldova in accordance with European standards' (European Commission 2005). Freedom of media and expression, and reinforcing the administrative and judicial capacity are also very high on the list.

Support for 'democratic development and good governance' also attained a sizable share in the National Indicative Program (NIP) for the years 2007-2010. For priority 1, democracy and good governance, between 52.4 and 73.4 million Euro has been reserved (25-35 percent of the total budget). This is substantial – both in terms of overall amount and share, and also when compared with previous EU aid programmes such as TACIS – and indicates the priority the

Commission accorded this subject. In the bilateral institutionalised relationship between the EU and Moldova, however, the first meeting of EU and Moldovan democracy experts only took place in October 2007. This seems to be rather late for an issue of high relevance (ADEPT & Expert Group 2007d: 8).

In the political discourse, democracy and good governance are issues much referred to by European/EU politicians when they talk about Moldova. For example, Marianne Mikko, member of the European Parliament and chair of the Parliamentary Cooperation Committee EU-Moldova, addressed these issues repeatedly (Mikko 2008). They have also been central themes in the speeches of Commissioner Benita Ferrero-Waldner with regard to Moldova (Moldova Azi 2008; Ferrero-Waldner 2008). In addition, EU officials seem to take for granted that democracy and good governance are at the centre of the relationship. As one official noted with regard to Moldova, 'these norms are essential. If a state is governed well, this benefits all other areas, such as trade and economy. If this is not the case, all the efforts you put in other areas will be for nothing' (interview with V. Navratil, 2008).

In general, democracy and good governance seem to be central topics for the EU in its relations with Moldiva. In order to be a genuine normative power, however, the EU also needs to play by the rules it sets. Does the EU and its Member States live up to the norms exported through EU foreign policy?

3.3. Norm consistency (or double standards?)

Norm consistency is very important. If the EU seeks to be a credible actor, it needs to set the right example. If the EU addresses a lack of democracy or good governance in Moldova, it must be sure that these issues are adequately dealt with in the Member States and within the EU system of governance.

3.3.1. Democracy

In terms of democracy we have concentrated our investigation on elections. Here, the OSCE has found a number of deficiencies in several EU countries. Regarding Belgium, for example, the OSCE finds that the current election system calls 'into question the impartiality of the adjudicating body and the effectiveness of the remedy available to complainants' (OSCE/ODIHR 2007a: 23). In terms of France, the OSCE recommends that the transparency of the certification process and of the candidate registration process should be enhanced. Furthermore, the OSCE wants France to change election legislation to allow international observers at the next elections (OSCE/ODIHR 2007b: 11, 19). As for Poland, at the 2007 pre-term parliamentary elections media coverage constituted a problem. There was a lack of qualitative balance by public television in the coverage of the three main contestants. The government appears to enjoy substantial influence over the composition of the National Broadcasting Council, which does not contribute to the latter's independence. The OSCE also noted carelessness over the secrecy of the ballot with open voting in public view, and

(potential) conflicts of interests with the Minister of Justice also holding the position of Prosecutor General (OSCE/ODIHR 2008: 1-2).

The OSCE monitored elections in these countries in the same way as it did in Moldova. These examples have one thing in common with the report on the 2005 parliamentary elections in Moldova: they were in general free and fair. The 2009 parliamentary elections seem to be a somewhat different story though, as described earlier. Still these illustrations indicate that even EU countries that are (often unquestioningly) considered democratic seem to have shortcomings in their democratic processes. The European Parliament has an election observation delegation, which observes elections in third countries, but not in EU Member States (European Parliament 2008). The Parliament did not publish anything on the recent Belgian, French or Polish elections. Commission President Barroso spent merely three (uncritical) sentences on the Polish elections, and only briefly stated that the French elections underlined the democratic vitality in France (Barroso 2007a; Barroso 2007b). On Belgium there is not one word to be found. While the EU highlights the democratic shortcomings in Moldova, it appears less careful and more lenient in its observance of Member States' democratic standards. One official suggested that this inconsistency was justified in view of the remaining differences between the EU countries and Moldova regarding core democratic standards (interview, Brussels 2008).

3.3.2. Anti-corruption

The EU pays considerable attention to the issue of (anti-)corruption in Moldova as part of the good governance norm. There is also corruption in EU Member States. However, this is not the actual problem here. The fundamental issue is how policy-makers deal with it, how anti-corruption is tackled in legislation and how well this legislation is implemented. The Action Plan for Moldova puts substantial emphasis on the implementation of a national anti-corruption strategy, and on ensuring progress in implementing the recommendations of the Council of Europe Group of States against Corruption (GRECO) (European Commission 2005). However, by GRECO standards, a sizable number of EU Member States do not perform very well in that respect. For instance, Belgium does not even have an anti-corruption action plan/strategy and only dealt with three out of nine GRECO recommendations (GRECO 2004: 10, 16). But Belgium is no exception. Only 11 out of the 25 Member States (for which data is available) managed to implement more than half of the GRECO recommendations, while Moldova managed to implement 60 percent of them.[18] Thus most Member States do not live up to part of the norm on corruption that the EU sets Moldova, namely the sufficient implementation of GRECO recommendations. Hence, it seems fair to say that the EU to some extent applies double standards here.

In addition, member governments are not obliged to 'transmit to the Commission information on matters regarding corruption of national public officials, as such actions constitute an infraction of national law' (Official Journal 2003: 13). At the same time, national legislation of ENP countries such as Moldova needs to be changed in order to comply with EU norms. Again the EU seems to apply double standards.

3.3.3. Policy inconsistency between ENP partner countries

It has been argued that inconsistency in the treatment of ENP partner countries may reduce the EU's credibility and legitimacy (Smith 2005: 766). Drawing on our case analysis, there are some indications for such inconsistency in the (different) treatment of Moldova and Ukraine. For example, the April 2008 Progress Report on Ukraine's implementation of the Action Plan is very critical, suggesting that the pace of progress compared to the previous years, in particular as regards economic and structural reforms has deteriorated (European Commission 2008d). In several areas, such as the Ukrainian constitution, the fight against corruption and torture and ill-treatment, the Commission has been more critical of Ukraine than of Moldova. The EU nevertheless decided that negotiations about a new enhanced agreement would be started with Ukraine, but (initially) not with Moldova. The latter first needed to implement the Action Plan further and continue to prove its democratic credentials. For Ukraine there were no such demands, even though Ukraine was also far from completing the Action Plan. One explanation for this seeming inconsistency is the fact that Ukraine is more important for the EU, not least because it harbours important pipelines through which gas runs to EU Member States (interview, Brussels, 2008; Damen 2008).

3.4. Coherence?

If inconsistencies in a policy – for instance when characterised through the use of double standards – cannot be justified on the basis of a valid principle, the policy in question is incoherent. The EU's record in that respect is a mixed/modestly positive one here.

Concerning the issue of national elections, it appears that the Union's policy has, to some extent, been lacking coherence. The double standard of emphasising the democratic deficiencies in Moldova – while apparently acting more leniently *vis-à-vis* Member States' (non-)observance of democratic (election) standards – could not be justified in a very convincing manner. This is evidenced not only in terms of the absence of public statements explaining this inconsistence (also cf. p. 12 above), but also when questioned in interviews, Commission officials and a member of the EP struggled to provide a valid principle justifying this double standard (interview, Brussels 2008; interview, by telephone 2009). Answers varied from admittance of inconsistencies to statements underlining Member States' overall democratic record. While the latter goes some way towards a principled justification, the lack of public assertion/pronouncement in explicating the differential treatment along with the differing interviewee responses question the EU's coherence on this issue.

More coherence is visible with respect to the inconsistent treatment of different ENP countries. That Ukraine seems to get preferred treatment compared to Moldova can arguably be justified on the basis of a utility-based argument/principle. The latter type of principle refers to the expected utility of an action with regard to a given purpose. Thus, a decision is considered legitimate on the basis of its efficacy in attaining a given objective, or by referring to interests such as increased security or economic benefits (cf. Lerch and Schwellnus 2006: 306). Our analysis suggests that the differential treatment of Ukraine and Moldova may be

justifiable on the basis of (energy) security related interests. A substantial part of EU Member States' energy supplies come through pipelines that are harboured in the Ukraine (Baran 2007: 132; Chow and Elkind 2009: 77-78). Energy security has increasingly become a salient issue in the European Union (e.g. Sander 2007). The issue of energy security and Ukraine's important (geo-strategic) position therein has repeatedly been stated as a justification for the Ukraine's somewhat preferential treatment with respect to the EU's other Eastern neighbours in the ENP (Damen 2008; interview, by telephone, 2009; cf. Schweikert *et al.* 2008: 39-40). As one official noted, 'yes, one could say that Ukraine did not perform better than say Moldova, but Ukraine has considerable strategic importance to the EU and its Member States in terms of energy security. And energy security is becoming an increasingly crucial issue for the EU economy; so we feel was a reasonable decision' [to start negotiations regarding an enhanced agreement with Ukraine] (interview, by telephone, 2009). It thus seems that, although inconsistent and characterised by double standards, the EU's policy may at least be coherent on this issue.[19] Given our conceptualisation of normative intent (and process), value- and rights-based principles/justifications seem somewhat more in line with '*normative* power' than utility-based principles, which somewhat 'diminishes' the normativity of EU coherence here.

4. Normative Process: Inclusiveness and reflexivity

4.1. Inclusiveness

To investigate this indicator we will look particularly at the extent to which Moldova was included in the drafting process of the ENP Action Plan and how involved it is in Union programmes today. At first glance the creation of the Action Plan for Moldova in 2004/2005 seems to have been a bilateral project, in which the EU and Moldova both participated. The Plan itself and all the communication from the Commission about it emphasise this aspect. The document itself suggests that 'the approach is founded on partnership, joint ownership and differentiation. It will contribute to the further development of our strategic partnership' (European Commission 2005: 1). The Commission also later stressed the joint ownership of the Action Plan by arguing that it 'is fully negotiated and mutually agreed at political level. It is not an imposition by either side, but an agreed agenda for common work' (European Commission 2006: 3).

However, the Action Plan and the following Country Strategy Paper (European Commission 2007c) does not seem to be as bilaterally negotiated as the Commission argues. Valeriu Gheorghiu, Minister-Counsellor of the Republic of Moldova and member of the Moldovan negotiation team at the time, suggests that the negotiation process with the EU was overall disappointing for Moldova. Especially the limited amount of time – the Commission gave its Moldovan 'partners' only one or two days for responding to a new version of the Action Plan – created many problems for Moldova. The English text had to be translated into Romanian, then sent to ministries for a reaction, the various criticisms had to be included in a new

version, and then the whole document had to be translated back into English (Gheorghiu 2005: 10). This procedure allowed Moldova only limited input to Commission proposals and did not contribute to the inclusiveness of the process. In particular, Moldova was not satisfied with the way the articles about visa facilitation were phrased. Moldovan officials sought concrete action points on this matter from both the Moldovan and the EU side. The EU, however, refused to go any further than talking about a dialogue on the possibilities of visa facilitation (interview, Brussels, 2008; interview with V. Gheorghiu, 2008).

Nonetheless, on two issues Moldova was able to include its views in the Action Plan. The most important one is Transnistria. In the original draft, Transnistria was mentioned in the chapter on human rights. For Moldova, however, Transnistria is much more than just an aspect of human rights. Owing to the initiative of the Moldovan delegation, a separate chapter about the conflict was included in the Plan. The second issue for which Moldova was able to secure inclusion was regional cooperation, especially under the activities of the Stability Pact for South Eastern Europe (interview with V. Gheorghiu, 2008). The sort of action to be taken by the EU in support of Moldova's participation therein, however, remains unclear (cf. European Commission 2005). Moldova sought to include concrete benchmarks in the Action Plan, in order to be able to evaluate successes and failures. Moldovan representatives hold that the EU wanted to remain vague on purpose and thus rejected concrete benchmarks for the Action Plan (interview with V. Gheorghiu, 2008). While the construction of the Action Plan was supposed to take place in joint ownership, it is not felt by Moldovan representatives that the Plan is owned by both the EU and Moldova. 'It is not joint ownership. The plan was mostly drafted by the EU but it is now fully Moldova's responsibility' (interview, Brussels, June 2008).

As regards the possibility of participation in several Union policies and programmes, the ENP has on many occasions been described as 'sharing everything with the Union but institutions' (Prodi 2002). Hence, once they have implemented the Action Plans, partner countries could participate in EU programmes and policies without becoming full members. The question is, what does Moldova share with the Union more than four years after signing the Action Plan? This should reveal something concerning how inclusive the EU is towards third countries after the signing of an agreement, also given that the inclusion in EU programmes and policies was meant as a reward for implementing the Action Plan.

Moldova is most interested in participating in the programmes concerning visa, asylum and migration, human and social development, environment and food security.[20] However, the country has not joined any of these programs to date. In June 2007 the Commission was given authority to negotiate a protocol with Moldova to establish general principles for participation in Community programmes. In March 2008 an inter-ministerial meeting took place in Chisinau, where representatives of the Commission provided a general overview of the Community programmes in which Moldova could participate and what the costs and benefits would be (interview with L. Palii, 2008). The protocol that was reached constitutes the first step towards participation. After this, programme specific memoranda of understanding need

to be agreed. The slowness of the process indicates the difficulty of gaining access to programmes. National institutions need to adapt to EU standards, which takes time and money. Funds for this have, to some extent, been provided by the EU (European Commission 2007c: 17).

A point of real concern on the Moldovan side is that the EU remains vague as to the requirements to achieve involvement in (internal market) policies, and that the Union does not set time frames as to when ENP partner countries could participate therein (cf. Emerson *et al.* 2007: 38). Illustrative here is the issue of visa policy that is of substantial importance for Moldova. Despite improvements of the visa system (for Moldovans travelling to the EU), Moldova is far from any real stake in the common EU visa regime. In late 2008 the EU made a vague promise for visa-free travel in the long-term, but did not commit to any road map for implementing it (Popescu and Wilson 2009: 33). This lack of clarity is the main problem for Moldova regarding (potential) inclusion in Union policies and programmes.

4.2. Reflexivity

Reflexivity is an important aspect of normative power. It entails that decision-makers make a conscious effort to critically analyse the expected effects of their proposed measures, rather than behaving in a 'routine-based' manner that does not take the particularities at hand into consideration. Problematic in that respect has been the process of getting the Action Plan off the ground. This process was characterised by non-differentiation of the various ENP Action Plans, as a result of which the same policy has been used for a number of EU partners in a standardised fashion. The last negotiation round between the EU and Moldova should have been held in mid-March 2004, but was postponed because the Commission wanted to review the Plans of all countries of the first ENP wave together. Despite Moldovan hopes for a swift implementation, the final document was signed only in February 2005, eight months after the conclusion of the negotiations in June 2004 (Bascaneanu 2006: 21; Gheorghiu 2005: 3). This did not make sense in view of outstanding and obvious problems, for example in the areas of democracy, good governance or the Transnistrian issue. If the Commission had prioritised improving the situation in Moldova, it would have launched the Action Plan as soon as it was ready, to avoid losing precious time. The whole matter also contradicts the differentiation principle ('country-specific approach'), which the Commission sees as an important characteristic of the ENP (European Commission 2007b: 3).

Another aspect of reflexivity is the ability to be self-critical and to correct original policy when its evaluation suggests that the policy is sub-optimal. The Commission reflects upon the ENP by producing progress reports on each ENP country. Since the adoption of the Action Plan for Moldova, the Commission has issued three such reports – the most recent one in April 2009. Additional evaluations from the EU side were made on three occasions (cf. European Commission 2008a: 2). Not least because such progress reports are written for all countries in the ENP, in the end the EU should get a well documented evaluation of the ENP Action Plans. These frequent evaluations show a certain commitment by the EU to reflect upon its policy. However, the reports focus solely on Moldova's actions. Besides EU

monitoring of the implementation of the Action Plan, the Moldovan government itself monitors the progress made. In both 2007 and 2008 the government issued lengthy reports (Moldovan government 2007, 2008). These reports are much more detailed and positive than those of the Commission. Two Moldovan NGOs, the Association for Participatory Democracy, ADEPT, and the EXPERT Grup (an independent analytic centre) also publish a quarterly evaluation of the implementation of the Action Plan, the Euromonitor. With all these reports, the EU should have enough information to evaluate the entire Moldovan ENP process properly.

In an attempt to improve the shortcomings of the ENP, there have been several communications from the Commission. In the first communication, the only weakness it discovered was the lack of immediate incentives for the partner countries (European Commission 2006: 4). Otherwise the document is uncritical, suggesting that the ENP has fulfilled its potential, a view that is (strongly) doubted by many observers (e.g. Buscaneanu *et al.* 2008: 10). The internal reflection of the Commission in this communication thus appears rather meagre. A second communication admits that greater efforts are needed from both the partner countries and the EU in implementing existing commitments (European Commission 2007b: 2). However, what exactly should be done remains vague.

In November 2007 the European Parliament adopted a resolution concerning the strengthening of the ENP. It involved some strong points of critique. For example, it pleaded for a greater involvement of the Union in the resolution of 'frozen conflicts', such as Transnistria. The EP was particularly critical concerning the ENP's lack of differentiation and country specificity.[21] The reflexivity of the Commission's response to such criticism has been varied. In March 2008 the Commission admitted for the first time 'that future adaptations should lead to documents that are more closely calibrated to the partner countries' specific ambitions and capacities, reflecting the differentiated relations of the EU with its partners' (European Commission 2008b: 8). This suggests that the Commission is now beginning to attach greater value to true differentiation between partners in its policies. In addition, the Commission seems to have assumed a more reflexive approach at it has begun to explain the underlying rationale of its decisions more often, for example concerning its unwillingness to include the tried and tested screening method as an opportunity to control the implementation of the Action Plan.[22] On the other hand there remains reason to doubt that the Commission is genuinely critically reflecting on its policy. There have been voices in the Commission which suggest that 'the rules of the ENP were set at the beginning. If a third country is not able to implement the Action Plan, this is a failure of that country and not of the policy.'[23] This underlines that even though the Commission has acknowledged some minor shortcomings, there still seems to be a certain unwillingness to confront potential deficiencies.

Now that the first Action Plans of the ENP have formally expired, and the EU has taken the ENP a step further through the Eastern Partnership with six countries including Moldova, this is a good moment for the EU to evaluate the whole process; not only the progress being made in partner countries but also regarding its own actions. This is certainly necessary because the

Eastern Partnership is supposed to go further than the ENP in forging closer relations between the EU and its neighbours (European Commission 2008c: 1). Even though its record as a reflexive actor *vis-à-vis* Moldova has been somewhat disappointing, more recent developments seem to suggest that the Commission may be undergoing a learning process in that respect.

4.3. Promoting norms acknowledged in the UN system

To prevent the promotion of EU-specific norms only, the norms advanced by the Union should be generally recognised through the instruments of the United Nations system to be universally applicable (cf. Manners 2008: 46).[24]

For an evaluation of EU policy we have taken the EU-Moldova Action Plan as a central source stipulating the norms advocated by the EU. For this part of the analysis we have gone beyond the original focus of the paper. The main norms advanced in the action plan are democracy, the rule of law, anti-corruption, human rights (and fundamental freedoms), as well as peace and conflict prevention (European Commission 2005: 5-10).

It can be argued that all these norms are solidly acknowledged in the UN system (as universally applicable). The rule of law is recognised in different parts and facets of the UN system, such as the UN Charter (regarding the independence and impartiality of the judiciary) and the International Covenant on Civil and Political Rights (concerning the impartiality and effectiveness of prosecution), as well as the Rome Statute of the International Criminal Court. Human Rights (and Fundamental Freedoms) are comprehensively covered in the United Nations system, for example, through the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Economic, Social and Cultural Rights (ICESCR), and on Civil and Political Rights (ICCPR), covering most of the rights mentioned in the Action Plan, including freedom of expression, freedom of association, and respect of minority rights. The norm of anti-corruption projected in the EU-Moldova Action Plan is covered in the United Nations Convention Against Corruption. The broad norm of peace – which finds its expression in the Action Plan through the notion of conflict prevention/settlement, especially through cooperation for the settlement of the Transnistrian issue, as well as non-proliferation of weapons of mass destruction and combating terrorism – is also broadly embedded within the UN system. The maintenance of international peace and security is one of the core roles of the UN system and can be traced back, for instance, to the UN Charter (ch. 1). Concerning democracy, the UN system is relatively silent. However, references to democracy are to be found in the Universal Declaration on Human Rights (Articles 21.1, 21.3 and 29.2). In addition, the ICCPR, the ICESCR and the UN Declaration on the Granting of Independence to Colonial Countries and Peoples recognise the right of all peoples to self-determination, including the right to freely determine their political status. Furthermore, the 1993 Vienna Declaration and Program of Action and the 1996 UN Agenda for Democratization overtly refer to democracy and democracy promotion.[25]

Furthermore, the Action Plan frequently refers to UN instruments, such as the Optional Protocol to the ICCPR, the Optional Protocol to the Elimination of All Forms of Discrimination Against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention of the Rights of the Child and on the Involvement of Children in Armed Conflict, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the Convention Relating to the Status of Refugees, or the Convention Against Trans-national Organized Crime (cf. European Commission 2005).

Overall, it can be concluded on this point that the core norms of the EU-Moldova Action Plan are solidly recognised and embedded in the United Nations System. This strengthens the normativity of EU policy and action *vis-à-vis* Moldova, and thus ensures a certain degree of normative process.

5. Normative impact: The development of norm change in Moldova

Moldova began implementing democratic reforms soon after its independence from the Soviet Union. By 1995 it was considered internationally to be a model of democratic reform and was the first member of the Commonwealth of Independent States (CIS) to join the Council of Europe. This was viewed as a first step on the way to EU accession by the government. Nonetheless, different political parties kept diverse views on European integration. This changed over time and in 2000 the majority of political parties adopted a declaration to support the idea of European integration. In November 2002 a National Commission for European Integration was set up. A survey held in 2004 showed strong support for European integration among the citizens (Moldovan Government 2005). As a result, all political parties, including the (hitherto pro-Russian) ruling Communist Party, made European integration a central theme in their 2005 parliamentary election campaigns. This stimulated norm change in Moldova. To have any chance of EU accession much has to change in the country – ranging from democratic reforms to fighting corruption, and from protecting human rights to market reforms. Given the scope (limitations) of this article only democracy and good governance will be taken into account.

5.1. Change in national legislation

5.1.1. Democratic reform

In the years following the ratification of the Action Plan, several important laws were adopted; for example on mandatory live broadcasting of public plenary sittings and publication of records of plenary sessions, concerning the electoral code (lowering the threshold for parliamentary representation to four percent), on the participation of trade union and employers' representatives in governmental sitting, regarding a broadcasting code (ensuring freedom of expression), on petition (regulating the submission of electronic

petitions), on political parties (e.g. lowered the minimum number of persons required for the registration of a political party), or concerning parliamentary immunity (ADEPT & Expert Grup 2006a, 2006b, 2007d: 9, 11; Moldovan Government 2007: 2). In 2007 the media watchdog CCA approved a strategy on broadcasting coverage that contributes to the right of citizens to receive and spread information. In addition, the government, together with civil society and representatives of EU members, set up a number of projects to help develop the mass media (ADEPT & Expert Grup 2007b: 13; Moldovan Government 2007: 22). As a result, important steps have been undertaken to foster the stability and effectiveness of democratic institutions, to create a more pluriform political landscape, and for strengthening civil society. However, the progress made in 2008/2009 has been more limited and mainly confined to reforms of the judicial system. There have even been some areas of regression, such as the modification of the electoral code, raising the threshold for parliamentary representation and prohibiting pre-electoral alliances. These amendments have been regarded as a setback by the Council of Europe, the OSCE and the European Commission (e.g. European Commission 2009: 3).

5.1.2. Good governance

An important issue related to good governance is transparency. To improve transparency, transcripts of debates and draft laws were published on the website of the Ministry of Justice and the government started to organise public consultations/hearings in 2005. In 2006 laws on the reform of local autonomy and administrative decentralisation were adopted. In late 2008 a law on transparency in public decision-making was adopted (ADEPT & Expert Grup 2006a: 30, 2006b: 21; European Commission 2009: 3). The most important issue of good governance is the fight against corruption. Notable legislative changes can be witnessed since 2006, with a law making anti-corruption surveys compulsory for draft legislative acts. In 2007 new anti-corruption campaigns were launched to raise public awareness. Several cases of corruption were investigated, some of which involved high-ranking officials. In 2007/8 important additional legislation followed with ratifications of the UN Convention against Corruption and the CoE Additional Protocol to the Criminal Law Convention on Corruption as well as laws on political parties, regarding conflicts of interest, on corruption prevention, and concerning the protection of witnesses (ADEPT & Expert Grup 2007a, 2007d: 18; European Commission 2008a: 3, 2009: 3-4). The overall trend is clearly positive. In its December 2008 compliance report, the Council of Europe Group of States against Corruption (GRECO) concluded that considerable progress had been made by Moldova. The Commission, however, has complained about delays with the adoption of secondary legislation (European Commission 2009).

5.2. Theory versus practice

Although Moldova adapted important parts of its legislation to EU standards, there are numerous issues with the implementation of the new procedures. Whilst the country had a fairly active and independent media before 2004, in recent years there has been stagnation, if not backwards trend. The European Court of Human Rights has passed a number of

judgements against Moldova concerning freedom of expression, since major TV stations have editorial policies in favour of the authorities and independent journalists have been intimidated (ADEPT & Expert Grup 2007a & 2007c). According to the Freedom House reports Moldova had no free press in 2007 and 2008, ranked number 144 both years (Freedom House 2007, 2008). Nevertheless, the 2005 parliamentary elections and the 2007 general local elections were deemed reasonably free and fair. They were well administrated and voters had a genuine choice The main problems were media access, which was not fairly distributed among the different candidates and parties, and the right of citizens to bid for public posts that was not fully respected (European Commission 2008a: 3; ADEPT & Expert Grup 2007b: 11).

Concerning the 2009 parliamentary elections, and the mass demonstrations following the April ballot, not everything is clear, yet. OSCE sources have, despite shortcomings, overall regarded the April elections as 'broadly free and fair' (EU Observer, 21/07/2009) and expressed 'broad satisfaction' with the July parliamentary elections (OSCE 2009). However, the European Parliament passed a resolution in which it 'strongly condemns the massive campaign of harassment [and] grave violations of human rights […] carried out by the Moldovan government in the aftermath of the [spring] parliamentary elections' (European Parliament 2009). The Moldovan government denies the accusations (ADEPT 2009). Yet, the OSCE/ODIHR (2009) is also critical in its final report on the spring 2009 elections, condemning police interferences with opposition party rallies, the possibility of voter registration fraud, insufficient transparency in the tabulation of polling station results and mistreatment of detainees after the demonstrations. This seems to qualify the parts in the election process that do show improvements compared to 2005. The elections and their aftermath suggest that Moldova is still far from a well-functioning democracy.

Perhaps the largest gap between theory and practice concerns the implementation of legislation, which has been (much) slower in Moldova than, for instance, in Ukraine. Areas of concern include laws concerning judicial reform, and the fight against corruption (European Commission 2008a; European Commission 2009: 3). An important reason for this gap is that many Moldovan policy-makers do not really believe in the new norms. It has been argued that they changed the laws partly/largely to please the EU.[26] However, commitment to the new norms is lacking. One sign of this lack is that an adequate allocation of resources, for example regarding the fight against corruption, has been found wanting for a number of years now (interview 2008; cf. Commission 2009: 4).

Another important aspect concerning the depth of norm development is that ordinary citizens do not yet perceive a norm change: in a Barometer of Public Opinion (BPO) of April 2008 Moldovans were asked whether they were free to demonstrate. Most of them answered 'no' (while the parliament had already adopted a law on the freedom of assembly). It was also asked about what Moldovans worry most. Corruption was revealed as the most worrisome topic, with slightly less concern than the year before, but a bit more than when the first BPO was conducted in 2001. Hence, the confidence in the new anti-corruption legislation remains low. In addition, it came out that Moldovans' belief that they are free to criticise their

government has decreased. Only 32 percent think they can do this, compared to 45 percent in 2003. And even before the 2009 elections, almost 60 percent of the Moldovans say that the people's will does not rule in Moldova (CIVIS 2008:15, 62). The BPO makes clear that few people in the streets have yet noticed significant changes.

Things seem different on the discursive level. Politicians do refer more to democracy in their speeches. This can mean two things: (1) the implementation of the norms is heading in the right direction, but has not sunk in yet with the people; or (2) Moldovan leaders want the EU to believe that the country is heading in the right direction. While the latter has already been alluded to above, the former shall not be discarded as a possible trend. We found quite some discursive/rhetorical commitment by politicians for the norms investigated, here also in different contexts and/or in front of different audiences (cf. e.g. Voronin 2005, 2008). Such rhetorical consistency has been taken as an indicator for truthfulness and evolving norm internalisation. But, even if politicians are just 'talking the talk', this has been viewed as a step on the way towards (more profound) norm internalisation (Risse and Sikkink 1999).[27]

Thus it seems that norms about democracy and good governance do change gradually in Moldova, albeit very slowly. The adoption of new legislation is a first step. Now it is time for the next one: proper implementation. The new norms have to arrive and sink in at the societal level. But what is to be expected from a country that was under Soviet communist rule for half a century? Changes in people's norms do take time. And as pointed out above, some progress is noticeable, certainly in terms of the legislation (and discourse) adopted by political elites. The question is: has this progress been induced or triggered by the EU? Only if the EU is (mostly) responsible for norm changes, can it really be regarded an expression of its normative power *vis-à-vis* Moldova.

5.3. Did the EU cause these changes?

Several lines of argumentation can be advanced that link the modest/moderate norm change in Moldova to the EU. First, following Nye, an important source of power in modern politics is 'soft power', the ability to shape what you want through attraction rather than coercion or payments (Nye 2004:5). Soft power can be best substantiated when harder forms of power are less present. That mostly applies to the pre-ENP period. The EU seems to 'wield' substantial soft power *vis-à-vis* Moldova. Soon after it gained independence, Moldova declared its wish to belong to 'Europe' again. Since the beginning of this millennium, the government made it clear that Moldova saw its future in the EU. The attraction of the EU among Moldovans is high. In a 2008 BPO, 71.7 percent would vote in favour of joining the EU if a referendum was held and 71.3 percent believed that their lives would improve through EU membership (CIVIS 2008: 89-90). Already in the European Strategy Paper, devised before the Action Plan was finalised, the Moldovan government called for a gradual adaption to EU standards. Hence, this initiative occurred before the EU could put any pressure on Moldova through ENP mechanisms. Of course, at that time there was the PCA and several EU funding programmes such as TACIS, which monitored Moldova's development. But Moldovan policy-makers independently realised that, if Moldova was ever to realise its ambition to join

the EU, its society should change according to EU norms (interview, Brussels, July 2008). There have been significant changes in the organisational structure of the Moldovan executive, such as the National Commission for European Integration, the addition of a European Integration department to the Ministry of Foreign Affairs and its subsequent name change to Ministry of Foreign Affairs and European Integration, and the establishment of a diplomatic mission to the EU. These changes, which were largely completed before the ENP phase started, were undertaken precisely because Moldova sought to work towards EU accession (Osoian 2007: 22-23).

Secondly, tracing the political discourse, when political elites talk about norm changes in Moldova, they tend to attribute legislative developments (in terms of democracy and good governance) to European integration. Former Moldovan President Vladimir Voronin, for example, has remarked repeatedly that 'the integration into the European Union has been and will be the basic objective and the driving force for democratic reforms and development of the countries in the region' (Moldpress 2008; also see Voronin 2008). Voronin and the government are not alone in referring to the EU when it comes to norm changes within Moldova; the opposition, including Oazu Nontoi of the Moldovan Social Democratic Party also does so. Nontoi noted that EU standards should be the basis of Moldova's relation with neighbour Ukraine: 'The Social Democratic Party believes relations between Moldova and Ukraine must be achieved first of all with the close participation of the European Union. To be more precise, this close relationship with the European Union should be the guarantee for the implementation of European standards in Moldovan-Ukrainian relations' (Radio Free Europe 2005).

Thirdly, the European Parliament has had a certain influence on the way the Moldovan parliament works. MEPs in the Parliamentary Cooperation Committee EU-Moldova seem to have fostered an understanding of how political cooperation in parliamentary democracy can be accomplished. Leaders of the three biggest Moldovan parties, that had hitherto barely managed to talk to each other in a constructive way, reportedly learned from exchange with their EP counterparts how parliamentarians from even 27 different countries can manage to work together (interview with J. Wiersma, 2008). Fourthly, in terms of harder powers, some of the legislative changes made in Moldova can be traced to the (positive) conditionality exercised by the EU through the ENP Action Plan. Certain funding was made conditional, for example, on Moldova's ratification of international conventions, including those concerning Freedom of Association and Protection of the Right to Organize and the UN Convention against Corruption (cf. Official Journal 2008).

Finally, the implausibility of potential alternative (external) sources of norm change further strengthens the rationale that the EU has had a substantial influence on the modest/moderate normative development in Moldova. Apart from the EU, Russia is the most important external actor in Moldova. Moldova depends heavily on Russia in economic terms and historically Moscow has had a great deal of influence in Moldova. Russian policy-makers tend to regard Moldova as part of its 'sphere of influence'.[28] However, as regards norm change in terms of

democracy and good governance, it can hardly be expected that the Russian government – itself afflicted for several years with increasingly worrying records especially concerning democracy – advanced such developments. As for other external actors, the US has focused its concern mostly on the situation in Transnistria. The World Bank, IMF, OSCE, Council of Europe, CIS and GUAM are actors in Moldova, but their role is significantly smaller than that of Russia and the EU. They are mostly donors (and/or monitors of Moldova's development), but the EU and Russia play a much larger part in Moldova's economy and in the provision of technical assistance. That Russia opposes Moldova's EU orientation and is sceptical about the legislative changes along EU standards (Lukyanov 2008), but Moldova still (moderately) pushes ahead, corroborates EU (normative) influence.

Another alternative explanation would be that domestic factors can account for the norm changes. Our analysis suggests that this explanation is rather unpersuasive. Domestic sources of democratisation have generally not been considered strong enough to push for a democratic breakthrough without sustained Western support (e.g. March and Herd 2006; Way 2003). The most important potential domestic source of norm change is domestic civil society. However, scholars have held that Moldovan civil society is not very substantially developed and active and has played no considerable role in the country's democratisation process (e.g. Way 2002, 2003; March and Herd 2006). More specifically, it has been argued that grants from foreign donors continue to play a crucial role in the NGO sector, that civil society is not yet setting the public agenda and that NGOs remain among the least trusted institutions in Moldova owing to a lack of transparency in management and grant administration (Freedom House 2009; interview 2008).

6. Conclusion

On the basis of our three-dimensional framework – which has analysed NPE not only from an EU ('inside-out') perspective but also from an 'outside-in' perspective, drawing on Moldovan and independent sources and views – our findings suggest an only moderate record concerning EU normative power in its relations with Moldova.

As for the seriousness and genuineness of EU normative commitment (normative *intent*), norms concerning democracy and good governance do seem to have a central role in the relationship between the EU and Moldova. However, our analysis suggests that the EU, to some extent, applies double standards in terms of what it expects from (EU) Member States and what it asks of Moldova. Its own shortcomings, for example in dealing with the recommendations flowing from GRECO's anti-corruption reports, have somewhat undermined the credibility and legitimacy of EU normative power; as have its inconsistent policies towards Moldova on the one hand, and the more lenient line towards Ukraine, on the other, even if the latter can be seen as rather coherent because it could be justified, to some extent, through utility-based arguments/principles. In the case of Transnistria, EU normative commitment seems even vaguer, as the EU prefers not to push the issue and thus avoids

endangering relations with Russia, at the expense of working towards a genuine resolution of the conflict.

As for (normative) *process*, the inclusiveness of EU action has been rather limited. Moldovan requests for differentiation, swift implementation and clear benchmarks were hardly taken into account by the EU. Nor did the 'negotiation' process provide scope for Moldovan authorities to give significant input/feedback. This puts the alleged 'joint ownership' of the Action Plan into question. As regards reflexivity, the EU's record is also somewhat disappointing: EU progress reports focus solely on Moldova, communications by the Commission on ENP are rather uncritical and vague, and Commission responses to criticism concerning ENP or the Action Plan with Moldova were often simply passing blame (e.g. to Moldova). Only more recently has the Commission acknowledged some shortcomings and maybe in the process of developing more reflexive behaviour. As far as the universality of norms fostered by the EU is concerned, using the UN standard we found that in its policy towards Moldova the EU overall promoted norms that have been recognised by the United Nations system (as universally applicable). The Union has thus gone some way towards avoiding the export of EU-specific norms and an 'our size fits all' policy.

As for the normative *impact*, since the signing of the Action Plan, norms concerning democracy and good governance have begun to change in Moldova. The first step, the adjustment of national legislation to European standards has almost been completed. The second step, the implementation of the new norms, is lacking however. In this regard, the Action Plan has not brought the level of change that has been hoped for. Furthermore, opinion data indicates that norm changes have not yet arrived at the level of citizens, who have not sufficiently embraced these norms. At the same time there were signs that politicians had not always adequately internalised these norms since some laws were adopted only 'for the EU'. Even if norm change has so far been moderate and not taking place at the anticipated speed, the level of progress should not be viewed too sceptically, since norm changes do take time. In addition, our analysis suggests that the EU has significantly contributed to this (modest/moderate) norm change, both through its soft power and ENP (positive) conditionality.

The above analysis also suggests that the EU is not willing or able to act alone in situations that contain potential security threats for the Union. Even if Transnistria is half a globe away from the United States and only one hundred kilometres from the EU border, the EU still looks for encouragement of the US on this matter. Only after the US initiated the travel ban on Transnistrian leaders did the EU follow suit. The case of Transnistria also seems to indicate that the EU not only, to some extent, lacks *normative* power, but also other types of power (including *civilian* power) since it is unable to get towards a solution or genuine pacification of a relatively small conflict close to home.

The ENP has so far not proven to be the strongest policy possible. The ENP Action Plan did not bring about all the changes in Moldova that were anticipated, which reflects the

imperfection of the policy, as well as the overly optimistic timeframe, the lack of clear benchmarks in the Plan, the non-differentiation between the partner countries, or the lack of credibility of the EU because of its use of certain double standards. A basis for improving the ENP should be a comprehensive and (self-)critical evaluation of the policy. Whether the ENP based 'Eastern Partnership', or the association agreement that the EU is now prepared to negotiate with Moldova within the ENP framework, can provide a genuine step forward in these respects remains to be seen.

Finally, a firmer stance concerning the possibility of future accession of its Eastern neighbours is necessary. The EU has so far avoided this question. The Eastern Partnership launched this May has left this question unanswered and fostered speculations: while there is no reference to membership by the EU, some have interpreted the initiative as a move towards a 'soft' enlargement policy, aiming for gradual integration (Jesien 2008). Countries such as Moldova should know where they stand, and whether they have a chance to join the EU in the future. Moldova, for instance, does not ask for a concrete date, only whether the door is open or not in principle (interview with V. Gheorghiu, 2008). The country runs significant risks. It follows the European path, hoping for a better agreement with the EU and possible membership in the future. Moldova does this against the will of Russia, an important 'partner' of Moldova. If Russia turns its back on Moldova, and at the same time the EU will not give Moldova a clear(er) indication of its European future, Moldova could run out of (geo-strategic) options. If the EU wishes to be a normative power *vis-à-vis* Moldova, it should not let that happen. The EU must therefore sort out what policy it intends to pursue concerning future enlargement(s) and communicate its intentions clearly.

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Endnotes

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[1] In 1991/1992 the Community started negotiations with Moldova on a Partnership and Cooperation Agreement that was signed in 1994 and ratified in 1998. It provided the basis for legislative, cultural and especially economic cooperation and an institutional framework for political dialogue (European Commission 1994). Since 1996 Moldova has expressed an interest in EU membership. The Commission found that Moldova was not ready to start accession negotiations. Instead, it was offered a place in the European Neighbourhood Policy. In May 2009 the Eastern Partnership Project was initiated between the EU and Moldova, Ukraine, Georgia, Armenia, Azerbaijan and Belarus.

[2] The latest chapters in this process were added after the spring of 2009, when the communists won the parliamentary elections. Massive protests followed. In May 2009 the new parliament failed to elect a new president, requiring new elections in late July. In August 2009 the four pro-EU/Western opposition parties formed a governing coalition but again failed to elect a president (Radio Free Europe 2009). In September 2009 HVladimir VoroninH eventually resigned as president, but the parliament still failed to elect a new head of state. In September 2010 a referendum aimed at approving a constitutional reform failed, as a result of which the parliament was dissolved again and a Hnew parliamentary electionH was scheduled for 28 November 2010.

[3] Moldova declared its independence from the Soviet Union in 1991. In turn, separatists in Transnistria – a disputed region located mainly in a strip between the Dniester River and Ukraine – declared independence of Moldova, which was followed by a short civil war. The two entities remain separated. Since 1992 negotiations/mediations concerning the conflict are held in a five-sided format: while Moldova and Transnistria are parties, Russia, Ukraine and the OSCE function as mediators (Popescu 2005). Since 2005 the negotiations are officially conducted in the '5+2' format with the EU and the US as observers. Recently Moscow has pushed for negotiations to take place in the '2+1' format (Moldova and Transnistria + Russia as mediator) (Eurasia Daily Monitor, 2/3/2009).

[4] Given restrictions on article length and resources this period was chosen for analysis. 2004 is an appropriate starting date for this investigation given the increased EU involvement at that time with the launch of negotiations for the ENP Action Plan for Moldova.

[5] The terms 'third country' and 'partner country' are used interchangeably here.

[6] Duchêne (1972) has emphasised that the European Community (EC) as a 'civilian' group of states with significant economic but low military power has an interest in using 'civilian' means of exercising influence, in pacifying international tensions and in the juridification of international politics (also cf. Smith 2004).

[7] Manners (2006a: esp. 194-195) argues that the militarisation of the EU threatens to undermine its normative power. But see Tocci's (2007: 5-6) argumentation for why normative power may not necessarily be based on civilian means.

[8] This draws on Niemann and Junne (2011 forthcoming).

[9] This goes back to Krippendorff (1963) who wondered if 'foreign policy' really is '*foreign* policy'.

[10] Exceptions include Adler and Crawford (2004) and Harpaz (2007).

[11] As much as consistency constitutes a useful indicator of normative intent, it also requires some qualification, as normative power may also necessitate a certain degree of pragmatism or case-by-case evaluation in the pursuit of longer-term normative objectives.

[12] Of course, not every case of failing to take on board the views of norms receivers (i.e. its partner countries) can be regarded as non-inclusive behaviour. Only legitimate preferences that can be normatively justified should be accommodated.

[13] An alternative or complementary approach, which however goes beyond the scope of resources we can invest into this section/analysis, would be to look at international law concepts of universal jurisdiction (erga omnes and ius cogens), i.e. norms (such as the prohibition of slavery or genocide), on which a consensus has arisen within the international legal community as to their universal applicability (Malanczuk and Akehurst 1997: 57-58).

[14] A substantial part of International Relations/Political Science understands power in terms of actors' ability to exercise influence over events or other actors (cf. e.g. Baldwin 2002).

[15] It cannot however be excluded that norm change occurred via (EU) 'soft power' (attraction), for which no official and direct promotion of norms would be necessary.

[16] The Action Plan is the main tool of the ENP. It is bilaterally agreed upon and constitutes a set of action points to be undertaken by the third country involved, the EU or both.

[17] See summit final statements on Hhttp://ec.europa.eu/external_relations/russia/sum11_08/index_en.htm

[18] For details see the report of the second GRECO evaluation round: Hhttp://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/reports(round2)_en.asp

[19] As noted (and practiced) by Lerch and Schwellnus (2006), in complex contexts and argumentative structures a more detailed (discourse) analysis is required in order to analyse the coherence between different (sometimes shifting) argumentation. Given restrictions of space and resources, this goes beyond the scope of this paper.

[20] Interview with Lilia Palii, member of the Moldovan Mission to the EU, June 2008.

[21] European Parliament (2007). The non-differentiation problem had also been noted before in the literature (cf. Emerson *et al.* 2007: 7).

[22] The Commission declined to include screening in the ENP, because then the ENP would look too much like pre-accession. Interview with Jan Marinus Wiersma, European Parliament, member of the Cooperation Commission European Parliament-Moldovan parliament, Brussels, 2 June 2008.

[23] Interview with Vaclav Navratil, Moldova desk officer at the External Relations Directorate-General of the European Commission. Brussels, 18 June 2008.

[24] It should be noted that recognition through the UN system has of course different qualities. Some instruments have found nearly universal acceptance, such as the UN Charter with (192 parties), while others like the International Criminal Court of Justice are more contested, with merely 111 parties in March 2010 and important countries, such as the USA, Russia, China and India not having signed and/or ratified the Rome Statute.

[25] Moreover, for some time now the UN – through its successive Secretary-Generals and international civil service – has advanced the idea of global democracy through the discourse and also, to some extent, through its policies (Archibugi, Balduni and Donati 2000; Thérien and Bélanger Dumontier 2009). However, it has also been acknowledged that global democracy induced by the UN 'continues to be a very distant prospect', not least because 'democratic norms remain weak in many parts of the world' and the 'limitations of the UN Charter, which is founded on very traditional power structures' (Thérien and Bélanger Dumontier 2009: 371-372).

[26] Interview with Paolo Berizzi, Head of the Political and Economic Section of the EU Delegation to Moldova, by telephone, 3 June 2008.

[27] This claim is not uncontested. Schimmelfennig (2001) argues that norm-based rhetoric can be used purely strategically by actors without adopting or internalising the norms in question and that 'talking the talk' may constitute a strategy to sidetrack the challenges of norm compliance.

[28] E.g. Russia's ambassador to Moldiva, N. Ryabov, in Radio Free Europe (2006); Kommersant (2005).