

Ten forecasts for 2019: Reconfiguration of European agenda in Moldova and the rule of law crisis in EU, OP-ED

2019

Op-Ed



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The year 2019 will be crucial for Moldova’s democracy and its European course and for the sustainability of the European project in general ...

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Moldova’s European agenda saw multiple blockages and turns in the course of 2018 ([IPN, December 26, 2018](#)). At the start of that year, the government still tried to persuade the European Union that it accurately fulfilled all the criteria for accessing European macro-financial assistance. After the invalidation of the elections in Chisinau, the emphases in the pro-European speech of the Democratic Party (DPM) were yet altered. A competition between the government and the anti-oligarchic opposition that aimed to influence the EU’s general position was witnessed. The use of contacts in the European Parliament helped both of the sides. The opposition emerged victorious. However, the invalidation of the Chisinau elections was classified as a serious failure of the government in professionalizing the judiciary and separating it from politics. Consequently, the EU’s financial assistance for Moldova was suspended for an indefinite period of time. To offset this, the government excessively used populist policies, paving a favorable pre-electoral soil.

The European integration was no way abandoned, but was rather moved to the second place. In fact, the government stated to prioritize those internal and external policy directions that do not put it in a negative light. As a result, the discussions with the EU on the sensitive reforms (justice, anticorruption etc.) were less

popularized. Also, some of the discussions on the implementation of the Association Agreement were transferred from the political level to a technical one. The European Parliament's attempt to broach again the phenomenon of "state capture" had a reduced impact on the opposition's capacity to stimulate public protests. Even if it didn't manage to facilitate the massive growth of the opposition's power, the EU's intransigency, even if it was late ([IPN, December 3, 2018](#)) and expressed through the suspension of the European financing, contributed to increasing the EU's authority among the Moldovan citizens.

High level of fulfillment of forecasts for 2018

Most of the forecasts made for 2018 materialized ([IPN, December 26, 2017](#)). At internal level, the EU permanently intonated the political preconditions concerning its financial assistance for Moldova. Also, the political forces that associate themselves with the EU, those who were in power and those from the opposition, could not reach a compromise. The controversial annulment of the results of the Chisinau mayoral elections excluded any possibility of a minimum dialogue between the sides. The Eurasian course was cemented by numerous trips to Moscow made by President Igor Dodon. But President's efforts didn't convert into increased public support for the Eurasian geopolitical option. On the surface, the relations between Chisinau and Comrat were quieter, but the political players affiliated with the DPM caused dissensions inside the political class of Gagauzian autonomy. At foreign level, the fears related to the strengthening of the Eurosceptical views in central and Eastern Europe materialized. This way, Hungary and Poland faced the European institutions owing to their attempts to underline the rule of law. Warsaw coped with the pressure exerted by the European Commission and the Court of Justice of the European Union. At the same time, Viktor Orbán's regime stirred up the anti-EU feelings. Amid the image crisis of the kleptocratic government in Hungary, the largest party in the European Parliament, the European People's Party, constantly refused to exclude Orbán's party Fidesz from among its members. The forecast about the intensification of the Russian factor that stepped up its military actions in Eastern Europe and the Sea of Azov, committed an attack with a chemical weapon on British soil and promoted misinformation at European level and worldwide, also came true.

Of ten forecasts, two didn't become a reality. The first forecast that deviated from the initial calculations refers to the materialization of the macro-financial assistance. The turning point was the invalidation of the elections held in Chisinau in July 2018 before which the EU was ready to provide assistance in September 2018 already. The DPM prioritized the isolation of the opposition from any public institution and sacrificed the positive dialogue with the EU.

The implementation of aspects of the Deep and Comprehensive Free Trade Agreement (DCFTA) in the Transnistrian region saw a different development than the forecasts predicted. The changes concerning the customs procedures and taxation of commercial flows from the EU adopted by Tiraspol kept a particular optimism among the European institutions. In parallel, there were intensified the interinstitutional relations between Chisinau and Tiraspol in the control over the fulfilment of the phytosanitary requirements. Tiraspol's movement towards the DCFTA shows that Russia is not at all against the Transnistrian companies' opportunities to export to the European market. Even if they maintain the bans on a number of Moldovan products, the Russian officials expressed interest in making investments in Moldova so as to benefit from the Moldovan exporters' access to European consumers ([IPN, September 10, 2018](#)).

Top ten forecasts for 2019

1. Reconfiguration of the European agenda. Depending on the results of the elections of this February, Moldova's European agenda will be redefined. This way, the speed of reforms could be again accelerated or the reform priorities will be changed. In case of the scenario when the DPM remains in power, the taste for reforms according to the Association Agreement could return, but this would not also mean profoundness in reforms. The necessity of financial resources and external legitimacy and the presence of a more powerful pro-EU opposition will impose more difficult government conditions for the DPM. If oligarch Vladimir Plahotniuc enters Parliament or takes up a key post, his influence on the decision-making process will be partially legalized. The formation of a coalition by the DPM with the Party of Socialists (PSRM) is the second scenario that can significantly mark the European agenda. In such a case, the revision of a series of reforms and the gradual return of the Russian factor to the Moldovan politics are inevitable. The probability of the third scenario according to which early elections are caused is the lowest. However, if this occurs, the Moldovan institutions could be paralyzed for an indefinite period of time and the current electoral preferences

would not be dramatically modified.

2. Post-electoral fortification of the pro-European opposition. The entry by the extraparliamentary opposition into the future Parliament is something definite, but it is not clear how many seats the political opponents of the Democratic Party and the Party of Socialists will win. The more massive is the opposition's representation, the more limited will be the maneuvering space of the DPM, which said it could form a post-electoral alliance with the MPs of the Party "Action and Solidarity" and the Party "Dignity and Truth Platform". Otherwise, if the opposition's presence is below voters' expectations, post-electoral protests could be initiated, coordinated by the electoral bloc ACUM (PAS, "Dignity and Truth Platform" and others) and inspired by Armenia's experience of 2018. Anyway, in disproportionate political conditions, the representatives of the opposition would not manage to obtain a majority to rule, while an alliance with the DPM is practically impossible. That's why these would have to assume the role of a powerful parliamentary opposition and to prove unity and political intelligence inside democratic institutions. This would mean that the opposition leaders will be busier with the internal political agenda and will have less time for advocacy in European capitals, as it happened in 2017-2018.

3. Restoration of the EU's financial assistance. After the parliamentary elections, the EU could establish a dialogue with any of the ruling parties elected by the people, including with a government managed again by the DPM or a coalition that would involve the PSRM. Through the agency of the parliamentary elections that evidently favor the DPM and its real or conjuncture allies (Shor Party, PSRM), the Democrats want to legalize control over institutions. This would enable them to coopt the oligarchic regime in Georgia about which the EU rarely complained because the party headed by oligarch Bidzina Ivanishvili ("Georgian Dream") took over the power via democratic elections, even if also through the agency of the mixed system ([IPN, July 30, 2018](#)). In such conditions, even with the eventual extension of the PDM's government for another four years, the EU could restore its financial assistance based on the previous, partially renewed political and technical conditionality.

4. Georgia becomes a leader in the Eastern Partnership. In 2018 already, the EU expressed its satisfaction with the progress made by the Georgian authorities, in contrast to the major concerns about the situation in Moldova and the bigger expectations of Ukraine. In reality, the reform agenda is permanently in danger in each of the three countries owing to the interference by oligarchic groups in the decision-making process ([IPN, October 8, 2018](#)). The extension of the period during which European officials ignore noxious aspects of the oligarchic factor in Georgia ([IPN, July 30, 2018](#)) amplifies the dimension of the EU's future disappointment in Georgia. In 2019, the EU will insist on Georgia's transformation into another "success story" of the Eastern Partnership. If it does so, the EU risks repeating the negative experience of Moldova that turned into a failure from a model country.

5. Failure of the Romanian presidency of the EU. Even if Romania takes over the rotating presidency of the Council of the European Union for the first time in history, the preparedness of the Romanian politicians is doubted in Romania and also in Brussels. The [concerns stated by the President of the European Commission Jean-Claude Juncker](#) over the political unity inside the government of Romania confirms that the expectation in the EU of the Romanian president is rather small. The incongruence inside the Social Democratic Party and the egocentric character of this party's leadership could affect the quality of the presidency. The European Parliament's call to respect the values stipulated in the European Treaties, in particular the rule of law, was aimed at Romania about two months before the official takeover of the presidency ([European Parliament, November 13, 2018](#)). In other words, the SDP-ALDE government ruined Romania's authority without which it will be very hard to ensure the powerful administration of all the European national governments. The (dis)organized exit by the UK from the EU at the end of March 2019 will exert additional pressure on Romania. Also, the parliamentary elections in Moldova coincide with the period of the Romanian presidency that is expected to be weak and this will benefit the Moldovan Democrats. Romania's presidency, together with the fuss around the European parliamentary elections of May 2019, could diminish attention devoted to the post-electoral situation in Moldova.

6. A chaotic Brexit with negative effects on the European citizens who are in the UK. The UK's leaving of the EU in an organized or chaotic way on March 29, 2019 will depend on the House of Commons' vote on the exit agreed with the EU, which was planned for January 15, 2019. Beside the fact that the voice of British Premier Theresa May lost weight in the own party, the main political forces are pushing the country towards an Brexit that is fully uncoordinated with Brussels. The about 3 million European citizens who work in the

UK, about [400,000 of whom are of Romanian origin](#), are among the future losers. Inevitably, this refers to Moldovan citizens who are in the UK based on Romanian passports, whose exact number is unknown. A difficult bureaucratic post-Brexit process of registering with the British authorities or the referral of the European migrants to the 27 EU states that will remain will follow.

7. Emancipation of Eurosceptical forces at the European parliamentary elections of May 23-26, 2019.

The ascension of the Eurosceptical populist forces, either of the extreme right or of the extreme left, in Germany, Italy, Austria, and their governance in [Poland, Hungary or Bulgaria](#) create serious risks for the composition of the European Parliament after the elections of May 2019. [Of the current 751 MEPs, about 150](#) are associated with parliamentary groups that actively antagonize with the idea of European supranationalism. The lower is the voter turnout among the Europeans the bigger will be the chances of the populists to enter the European Parliament. The Europeans' participation in the European elections decreased from [61.9% in the first European elections of 1979 to 42.61% in the last elections of 2014](#). The President of France Emmanuel Macron, together with other political leaders of Spain and Italy, decided to actively run so as to gain more votes than the populists. Nevertheless, besides the Eurosceptics institutionalized in political parties, the unpopular policies in France generated a new, Eurosceptical social movement called "Yellow Vests". This not only forced President Macron to incline his policies to the left, but also inspired smaller movements in Belgium and Ireland. The participation by this movement in the European parliamentary elections will maximize the efforts of the European populists headed by the leader of the French extreme right Marine Le Pen and Italian interior minister Matteo Salvini, who leads the Northern League. In such circumstances, the number of Eurosceptical MEPs could exceed 200, which is yet insufficient for occupying 1/3 of the seats in the European Parliament. Such a conjuncture will advantage the political regimes in Moldova and other countries in the European neighborhood, where the government is guided by oligarchic groups and by the principles of kleptocracy.

8. Extension of rule of law crisis to other states inside the EU. The situation in Hungary and Poland repeats in other countries of the last European enlargement wave. Romania is already regarded as the next country against which the European Commission could take action over the non-observance of the European values – rule of law ([Art. 2 of the EU Treaty](#)). The European Parliament's Resolution [of November 2018](#) is a prelude to such a negative scenario for Romania ([Radio Free Europe, December 31, 2018](#)), which was earlier considered a case of success for the European enlargement to the East. The situation in Bulgaria will become more worrisome in 2019, together with the multiple [scandals](#) related to high-level corruption and infiltration of criminal circles into the decision-making process, including the [embezzlement of European funds](#). The cases of corruption involving Maltese officials, who caused the murder of journalist [Daphne Caruana Galizia](#), place Malta alongside the European countries where the rule of law is dysfunctional. Slovakia entered the same group of problematic EU states, in particular after the [assassination of investigative journalist Jan Kuciak](#) in February 2018, which is also associated with his investigations into cases of political corruption and organized crime. In the process of adopting the European budgetary framework for the next seven years during 2019-2020, the European Commission will have to include preconditions related to the rule of law for accessing structural funds. Both the political consensus and the results of the European elections will be crucial for the future of a new mechanism for providing European funds depending on the respect for the European values.

9. Risk of breaking the principle of solidarity amid sanctions imposed against Russia. The eventual success of the Eurosceptical forces, often friendly towards Russia, in the European parliamentary elections will pave the way for less solidarity between the 27 EU member states that will remain after the Brexit. Italy and Hungary are the weak pillars as these could exert pressure for easing sanctions against Russia for the destabilization of Ukraine in a move to weaken Brussels. The sanctions of which the President of Russia Vladimir Putin wants to get rid are the economic ones that were extended [until July 31, 2019](#). Namely these sanctions hit the Russian economy as they strip Russian companies and banks of the possibility of borrowing from the capital market of Europe. These sanctions also hamper the European investments in the vital industries of Russia, such as crude oil production, alongside the sanctions imposed by the U.S. and other Western countries (Canada). Russia's stake is to capitulate to the Europeans' solidarity for the cause of Ukraine so as to isolate the latter, and to rebuild its own economy and diminish immediately the social pressure at home.

10. Escalation of Russia's aggression against Ukraine. Russia's main efforts in the external policy in 2019 will focus on the objective of altering the results of the parliamentary and presidential elections in Ukraine as

much as possible. Yulia Tymoshenko's victory would be useful to Moscow, which hopes the ex-Prime Minister would be less preoccupied with capacitating militarily the Ukrainian army and with the promotion of the rights of the Ukrainian Autocephalous Orthodox Church. Also, the Kremlin will not renounce the measures to exclude Ukraine from the Sea of Azov and the Black Seas and this would affect the economy of the regions with access to the sea and could increase their dissatisfaction with the central authorities of Ukraine. The invoking of the international maritime law, on the one hand, and the channeling of investments to the businesses of the Ukrainian regions close to the Black Sea are essential for limiting the penetration of Russian propaganda. The escalation of the military actions in Donbas also remains probable. The expanding poverty in Russian society, which affects [13-22% of the citizens of Russia](#), will increase the external aggressiveness of the regime of Vladimir Putin. The latter tries to replace the domestic progress with the restoration of national pride by external offensives of any type ([Levada.ru, December 26, 2018](#)), which started with the annexation of Crimea and the military aggression in Donbas.

Instead of conclusions...

The year 2019 will be crucial for Moldova's democracy and European course and for the sustainability of the European project in general. If the DPM remains in power, it could review the European agenda if it forms a government with the PSRM or elements that separated themselves from this. Nevertheless, the European agenda will not be abandoned, also owing to a solid pro-EU opposition inside the future Parliament.

At European level, the representation of the Eurosceptical forces could grow at the level of the European Parliament, creating unfavorable perspectives for solidarity inside the EU over migration or the sanctions imposed against Russia. The rule of law crisis in more EU member states will be increasingly visible. Romania and Bulgaria are on this "blacklist".

The chaos of the Brexit, eruption of the Eurosceptical forces and compromised presidency of Romania in the EU in the first half of 2019 will hamper the proper functioning of the European institutions. The oligarchic and kleptocratic interests inside the EU and its neighborhood, including in the Eastern Partnership and Moldova, will tend to profit from the EU's weaknesses.

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