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# NEWSLETTER

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## Synthesis and Foreign Policy Debates

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### TOPICS OF THE EDITION:

- 1. Annual European Integration Debate Forum at its second edition.** The first achievements and challenges in the implementation of the Association Agreement with the EU as viewed by the decision-makers from Chisinau, Brussels, and Berlin.
- 2. Justice reform and fighting against corruption – key-challenges of the European integration process.** Cristina Tărnă, deputy director of the ACC and Oleg Efrim, justice minister say the things advance though not as quickly as we would like.
- 3. Independence of mass media in the context of the European integration.** Corina Fusu, member of Parliament of the Republic of Moldova and Petru Macovei, executive director of the Independent Press Association say the politicians will always be inclined to control the mass media and the things will change together with the changes in the political class.

The last period has been marked by a series of important events for the Republic of Moldova.



On September 16th, Ukraine ratified the Association Agreement with the EU, simultaneously with the European Parliament. The application of the economic part of the document has been postponed until 2016.



Ratification of the Association Agreement happened against the background of the armed conflict in the Eastern Ukraine and adoption by Kiev of the agreement on the special status for the separatist eastern regions of Ukraine for a period of three years. After several days since the adoption of this document, the Ukrainian president Petro Poroshenko signed in Minsk a document on the creation of a demilitarized zone. The security zone will be 30 km wide and will separate the counter-terrorism operation forces from the pro-Russian separatists. The experts observe the striking resemblance with the Transnistrian situation and refer to the "transnistrianisation" of Ukraine.



At the same time, the economic part of the Association Agreement of the Republic of Moldova with EU entered into force on September 1st. The Moldovan producers which are affected by the embargo imposed by the Russian Federation on the Moldovan fruits and vegetables, make efforts to reorient towards the EU market.



On the occasion of the Independence Day of the Republic of Moldova, the construction of the Iasi-Ungheni gas pipeline has been finalised and launched. The event has been attended by the Prime Ministers Iurie Leancă and Victor Ponta. The Moldovan premier has informed that the delivery of the gas from Romania would be possible only at the beginning of October as the Moldova-Gaz enterprise whose control package is held by the Russian Gazprom concern, has the monopoly on the gas distribution and does not agree to this delivery. The construction of the pipe financed by the European Union and Romania has been presented as an alternative to the energetic dependency of the Republic of Moldova over Russia.



The political negotiations in the 5+2 format within the Transnistrian conflict regulation have been cancelled again. The Ukrainian authorities, as well as the EU and NATO officials, have stated there is a threat that Russia, which has troops deployed on the Transnistrian territory, might invade the Republic of Moldova and Ukraine. The Tiraspol administration denies this scenario.

The United States Senate Committee on Foreign Relations passed with a unanimous vote on September 17th the Ukraine Freedom Support Act, which provides Ukraine, the Republic of Moldova and Georgia the status of major non-NATO ally, as well as 10 mln USD for combating the anti-European propaganda. The Act also provides sanctions against the Russian companies which will try to destabilise the situation in the three countries, including through pressure in the energy sector.

## The first achievements in the implementation of the Association Agreement with the EU and future challenges



### Annual European Integration Debate Forum at its second edition

The year 2014 will be decisive for the future of the region. The way the Ukrainian crisis will develop as well as the situation of the Republic of Moldova in the perspective of the parliamentary elections from November 30<sup>th</sup>, will determine the geostrategic course and the future of this region in the following decades.

In 2014, the Moldovan government has made decisive steps toward the signature and ratification of the Association Agreement with the EU, while the Republic of Moldova has been the first EaP country whose citizens obtained the possibility to travel in the EU without visas. Starting with August 1<sup>st</sup>, the European Commission has doubled the import quotas for the Moldovan produce on the European market, including as answer to the Russian embargo imposed on the Moldovan fruits and vegetables, while the free trade zone between the Republic of Moldova and the EU has become operational since September 1<sup>st</sup>.

But how do the ordinary citizens perceive these results? Will these arguments be convincing enough to support the pro-European parties in the upcoming elections? Will the Republic of Moldova be able to preserve its pro-European course?

In the medium term, the Republic of Moldova will have to manage together with the EU and its immediate neighbour Ukraine, the problems related to the Transnistrian region. The economic and social situation of the region is getting worse and consequently, the salaries and pensions have been reduced, while the budget for the next year provides for a considerable reduction in the payments for the socially-vulnerable sections of the population.

Thus, the Republic of Moldova finds itself in a rather complicated situation of having to manage simultaneously several challenges related to the internal and regional situation, while at the same time having to continue the reforms in the areas of justice, fighting against corruption, mass media and democratisation of the society.

All the above-mentioned reforms are conducted with the support of the European partners, though most of the

effort should be taken by the Moldovan political class and society.

All these aspects have been discussed at the Annual Moldovan European Integration Debate Forum, which took place on September 16 in Chisinau. The event was organised by the Friedrich-Ebert-Stiftung (FES) and the Foreign Policy Association (APE) in partnership with the Ministry of Foreign Affairs and European Integration of Republic of Moldova (MAEIE).

### **Igor Corman: For the success of the European integration there is need for political consensus and the citizens' support**

***The European Integration Debate Forum has been launched by the speaker of the Parliament, Igor Corman. He mentioned in his presentation that it is important that the citizens see the real change brought by the European integration which should improve their living standards.***

■ **Igor Corman:** The challenges of the European integration are closely related to the geopolitical and regional context, and especially to the dramatic evolutions in Ukraine, as well as to the sanctions imposed to the Republic of Moldova by the Russian Federation. These sanctions are illegal and have no economic or commercial reasons and are the result of emotional political decisions. The Moldovan government should give a helping hand to its producers so that they can reorient to the EU market.

Another challenge we are facing is that



certain political forces in the country are trying to take advantage of the people's discontent in order to deter from the European course and divide the society, including by involving the ethnic minorities in this process. We have seen what happened in Gagauzia in the spring of this year. Actually, it is the politicians who are making waves, those who are looking toward elections, while the representatives of the ethnic communities have constructive approaches- they all understand how important it is to maintain the peace in the Republic of Moldova.

Speaking about the success of the European integration, in order to attain this objective, we should have the consensus of the political forces and the support of the citizens. This will be the objective that we will have to focus on after the elections.

The next period will be marked by the electoral campaign whose results will be very important for the European future of the Republic of Moldova.

## **Natalia Gherman: The Association Agreement is the best and the most efficient strategy of getting closer to the EU**

**The Vice Prime Minister and the Foreign Minister Natalia Gherman is saying that the Republic of Moldova has no alternative to the European course, even if some would say that an alternative exists through the Eurasian model. Everybody should analyse to see that the EU model proposed by us is the most prosperous, says the foreign minister.**



■ **Natalia Gherman:** The Republic of Moldova has achieved many results over the last years- free movement in the EU; low-cost flights; the Moldovan students can benefit from exchange programmes and study at the most important European university centres. An alternative gas pipeline has been built which will ensure in the nearest future the energetic security of the Republic of Moldova, while the European Union has opened its market for the Moldovan agricultural products. These are things that very few would believe in some years ago. Determination was the key-word which has characterised our efforts over the last four years and which allowed us

to achieve all these results. I am sure that every citizen has already started to feel these benefits. This is a proof that we have the support of the European Union.

An important immediate task is to improve the communication with the citizens about the benefits of the EU integration as well as about the challenges we are facing in this process.

In Moldova, the expression "like in Europe" has become synonymous with everything which is good and positive. The common effort of the authorities, civil society and the society in general can make it that the expression "like in Europe" sounds as "like home".



will continue, making the Moldovan population more willing to get closer to the EU. This is very much related to the Association Agreement. The Moldovan produce is good and can compete on the European market. What is important now is to think about marketing strategies in order to convince the European consumers to buy it.

Another challenge is to deal with the problem of the internal opposition, including the mass media which are disseminating widely the position of the Russian Federation, and the resistance of ethnic minorities. It is important to win over the minorities and convince them of the importance of the European integration.

An essential task will be to continue with the reforms in the areas of good governance, independence of the judiciary, and the rule of law. Decentralisation can also be an important factor in creating an environment for investments and trust.

Last but not least, the Ukrainian crisis has a great impact on the development of the Republic of Moldova. We have to perceive it as a realistic threat that the Russian objective in the Ukrainian crisis follows a revisionist strategy with the idea of recreating the empire. This is definitely a threat for Moldova's independence and for the European integration of Moldova.

## **Fritz Felgentreu: There is no better way of development for the Republic of Moldova than the European course**

**The member of the German Bundestag, Fritz Felgentreu, is saying that together with the signing of the Association Agreement with the EU, the Republic of Moldova has been put on the agenda of the parliaments of the 28 EU member-states which have to ratify this document. The issue of the Republic of Moldova will be discussed and the Republic of Moldova will be put on the European map and in the European politicians' minds. This would be to the benefit of Moldova, not only from a political, but also from an economic point of view, said the German MP.**

**Fritz Felgentreu:** The volume of trade between the Republic of Moldova and the European Union is increasing. It has already exceeded 50% and this trend



The only possible way to react to this threat, in my opinion, is to have an open debate on how advantageous European integration can be for everybody. It will also be good for the population of Transnistria, because it will make free travel easily accessible and open up new markets for their products, as well. It is neither necessary nor does it make sense for Moldova to accept that it has to choose between two models – that of Romania and that of Belarus. This is not the way Moldova can develop. What I think has to be done is to carry on with the open debate and, in this way, to ensure a growing consensus and political continuity for the course of European integration.

**Marian Lupu: The Association Agreement allows us to change the models according to which the Moldovan society is functioning**

**The chairman of the Democratic Party of Moldova, Marina Lupu, is saying that the European integration has been so far more a preoccupation of the elites and this has created a discrepancy in the society as the ordinary people do not understand the benefits that the European integration can bring. "It is good that the elites support the European course which has no alternatives, but as long as this effort is not supported by the society, the European idea remains volatile and vulnerable. However, the politicians have learned the lesson", says Marian Lupu.**

■ **Marian Lupu:** Implementation of the Association Agreement gives us the



**Pirkka Tapiola: UE respects, protects the national minorities and offers them more self-governance**

**What is the interest of the European Union in supporting the reforms in the Republic of Moldova? Pirkka Tapiola, the head of the European Union Delegation in Chisinau, is saying that the EU wants that its partner, the Republic of Moldova, becomes a prosperous country with a sure future. And this is because a European society means a responsible society.**



possibility to change the models- the economic, social, democratic, political- in order to align to the European models which are efficient in the development of the Moldovan society.

Until present, when it came to the Association Agreement, the focus was more on the diplomatic activity. From now on, the agreement should be about internal structural policies and sectoral strategies in all the areas- rule of law, control bodies, justice reform etc. This is actually the essence of the Association Agreement.

We should say it clearly to the people that the Association Agreement is not a panacea and it would not solve our problems by itself. It is a support, an opportunity, but nobody will come and do the job for us.

The political actors should be responsible and understand that the Association Agreement is not a subject of speculation in their own interest or the interest of their parties. It should align to the European standards and practices which proved their efficiency over the course of time.

■ **Pirkka Tapiola:** I would like to tackle in this context the issue of Gagauzia. We have seen how the mass media focuses on the language and identity issues as well as on the existent threats related to the autonomy. EU respects the national minorities, protects them and offers them more self-governance. We should work more actively in the regions. EU is considering to increase the volume of assistance for Gagauzia and Taraclia through the so-called cohesion funds, in order to ensure the unity at the country level.

Another aspect that I would like to speak about is Transnistria. You have heard

about the so-called economic blockade of Transnistria. Such an economic blockade does not exist- the trade and exports figures of the region show that more than 2/3 of exports are directed toward the EU or the right bank of the Nistru.

The people on both banks of the Nistru should feel the benefits of the Association Agreement which should bring prosperity

to the citizens on both banks of the Nistru. In the near future, a new mission of the Trade Department of the European Commission will visit Tiraspol in order to discuss the commercial aspects of the Association Agreement for Transnistria. The EU has extended the trade autonomous preferences for Transnistria until the end of 2015 and is willing to support also the application of the standards of the

Association Agreement in the region. The Association Agreement will be applied also in Ukraine. So, the EU does not mean blockade, but on the contrary- prosperity, jobs, results in fighting against corruption and in the justice reform, even if there is still much to be done in these areas.

## Fighting against corruption and reform of the judiciary- key challenges to the success of the European integration

**Cristina Țărnă:**  
**In fighting against corruption, the things have started to improve, though the pace leaves to be desired**

**Fighting against corruption and the judiciary reform are key-elements in the European integration process of the Republic of Moldova. Although the Moldovan authorities have still a lot to do in these areas, the situation has started to improve, says Cristina Tarna, the deputy director of the National Anti-Corruption Center. According to her, the number of symbolic sanctions has reduced, while the sanctions for corruption cases have tighten.**

■ **Cristina Țărnă:** In the period of 2010-2012, 30% of convictions for corruption were of administrative nature- fines. The real deprivation of freedom was a punishment in only 1,5% of cases,



which means that only three out of two hundred people convicted of corruption were imprisoned. Only 30% of convicted persons have been deprived of the right to hold the previous position.

This means that practically nobody was sent to prison, while one third of those caught up in corruption cases were not considered of having criminal antecedents and two thirds resumed easily the positions they had before. As to the financial risk, it was more

convenient to take bribes and pay subsequently the symbolic fine.

Together with the reform of the National Anti-Corruption Centre, the things have started to change. In 2013, the administrative convictions reduced by 16%, and in the first half of the 2014, only 2% of the persons caught up in corruption cases were convicted administratively. In 2013, 5% of corrupt were deprived of freedom, while in 2014, 17 % of those convicted of corruption were sent to prison. The detention term has also increased. If before the average term was 6 months, at present this term is 4 years. This year, 55% of persons convicted of corruption, have been deprived of the right to hold public functions.

The changes are evident, although their pace leaves to be desired including because the state bodies do not work in tandem. It is regrettable that the prosecutor's office reform is lagging behind.

A legislative innovation that has already started to produce very good

results is the entering into force of the Law on professional integrity testing, promoted by the Ministry of Justice. There have already been registered 62 denunciations of active corruption in 2014, compare to the previous year when only 4 corruption attempts were denounced. It is surprising that there have been also judges among those who denounced the corruption attempts. So far, there have been no such situations. There are also policemen that denounce. Until now, the civil servants did not have an interest in such actions. The law has had an unprecedented mobilisation effect.

### **Oleg Efrim: In order to eliminate the big corruption, we need powerful institutions and this takes time**

***The minister of Justice, Oleg Efrim, is drawing the attention to the fact that the corruption act involves two parties. In many cases, those who mention that corruption is the biggest problem of the Republic of Moldova are the ones who do not hesitate to give bribes in order to solve their problems. The Law on the integrity testing which entered into force and has started to produce results, has been to a certain extent a response to this situation.***

■ **Oleg Efrim:** The things in the judiciary system are changing more rapidly than we think. I am proud for example, that 4 out of 6 judges in the Superior Council of Magistrates voted for lifting the immunity of judges at the request of the general prosecutor, while three university professors voted against. This



is about how much things have changed since 2011, when the judges from the Superior Council of Magistrates did not even want to hear about possible sanctioning of their colleagues. Today, we have also cases when judges sentenced other judges for cases of corruption, a thing which has not existed until now in the Republic of Moldova.

Just remember, please, the statement of the ex-minister of Justice when I took over the mandate in 2011. He said that he could not make reforms without dismissing 80% of the judges at the Supreme Court of Justice. The second reason was that it was not possible to reform the justice sector as there was no political support for that.

I do not think one cannot see the difference between the situation in 2011 and that from the beginning of 2014. In 2012, some representatives of the judiciary system called me Beria saying that I wanted to bring back the year 1937. It was when I came up with such anti-corruption initiatives as the status of property, liability for unjust enrichment, verification of sanctions for corruption cases, lifting the judges' immunity etc.

These initiatives have been voted rather easily in the Parliament and have started to be supported by important representatives of the judiciary system. Yes, we did resort to the press making public the things which were less known and the press was of massive support to us. So, it was possible to succeed and the political support could be obtained through real actions.

The situation in the judiciary system has changed a lot compare to the state of affairs in the prosecution. The parliament has assumed liability for the reform of the prosecution and respectively, the Ministry of Justice has lost any possibility of speeding up the process. Now, the situation is that we got 1.8 million Euro less budgetary assistance from the EU for the judiciary reform. The main reason for not having been given this money was that we had not promoted the laws on the prosecution reform. I think this should be an important signal for the Parliament.

We should act based on the situation we have. It is true that it is difficult to achieve results with the institutions that are still under reformation. But the transformations are necessary and we cannot close down the National Anti-Corruption Center or the Prosecution for 5 years until a new generation on prosecutors come who will work according to new rules.

In order to eliminate the big corruption which is controlling even the political sphere, we should create powerful institutions. The literature says this process takes at least 70 years. I really hope that this process in Moldova will take less and will be reduced at least by half.



# Mass media- between the financial dependency and editorial independence

**A** real democratisation of the society is not possible without a free and independent mass media. The situation of the Republic of Moldova seems to be getting worse in this respect as because of the lack of finance, the entire local mass media is practically subjugated to the party interests, while concentration of several mass media outlets in trusts controlled by a couple of political personages is a real threat to the pluralism in the Republic of Moldova. Such conclusions have been formulated by the participants in the panel of the European integration debate forum dedicated to the independence of the mass media in the context of the European integration of the Republic of Moldova.

Another important problem is the propaganda of the Russian Federation which is penetrating freely in the Republic of Moldova by means of the TV channels rebroadcast on the territory of the country. Especially, since the Ukrainian crisis, it was found out that the Republic of Moldova has no protection and counteracting mechanisms against the anti-European propaganda and interethnic hatred promoted by the Russian TV channels.

**Corina Fusu: The politicians will always want to control mass media, but the journalists should not become mercenaries**

**T**he vice-chairman of the parliamentary commission on mass media, Corina Fusu, is saying that the Republic of Moldova has good laws in order to ensure freedom of expression and that there are no laws to restrict this freedom. Moreover, no censorship case has been registered over the last years. However, there is internal censorship, while the mass media is controlled by some politicians who



are owners of private mass media. This contributes to the manipulation of the public opinion during the political crises and in the election campaigns.

■ **Corina Fusu:** The legislation does not provide for the transparency of the mass media ownership. Consequently, to a big extent, the identity of the media owners remain obscure. The Audio-visual Code stipulates the notion of *Founder* and usually, even if the name of the founder is known, it is very difficult to demonstrate

who the real owner is. This leads to the concentration of the mass media market and to an unfair competition, which minimises the pluralism of opinions.

The transparency of the mass media ownership in the Republic of Moldova is a problem which will not be possible to be solved by the current Parliament. It is unlikely that the modifications to the Audio-visual Code will be voted in the second reading by the current legislature.

I will insist during the second reading that the term *Founder* be replaced with the term *Owner*. I have been inspired by the Georgia experience and I suggest that the mass media companies registered in off-shore zones are not allowed to own mass media companies in the Republic of Moldova. This thing refers to banks and I am of the opinion that the information market should be protected as well. Also, the companies which are owners of broadcasting entities should pass through the state registration procedure in order to know the real owner.

There are also other problems among which the origin of income sources of the mass media institutions which are rather obscure at present. We all know that the advertising market in the Republic of Moldova is extremely modest and that we have inequality in the way this advertising "pie" is distributed. There seems to be a cartel agreement between the institution which measures the TV channels rating, several TV owners and the advertising houses.

The politicians will always want to control mass media – both in the Republic of Moldova and in other countries. In other countries though there is a different mentality and another economic development level. The civil society is powerful there and they take account of it in the society. The journalists should not become mercenaries. I am not pessimistic but I know that one should always fight for freedom.

As to the Russian TV channels rebroadcast in the Republic of Moldova, we should be aware of the fact that at present, Russia is making war with Ukraine not only with tanks. This war is principally an informational war.

## **Petru Macovei: The things will change when the political class will understand better the European values**

**P**etru Macovei, mass media expert and the executive director of the Independent Press Association is saying that the mass media in the Republic of Moldova is becoming more and more dependent on the political factor and more oriented toward the manipulation of the public opinion.



■ **Petru Macovei:** I would like to have a public debate with the mass media owners in the Republic of Moldova –Vlad Plahotniuc, Chiril Lucinschi and Ilan Șor – about the freedom of mass media and ask them why they do not limit themselves to saving the money from this business but they use it to manipulate the public opinion.

I partially agree with the fact that the problems of the mass media in the Republic of Moldova originate from the lack of transparency of the mass media ownership. But nothing will change when tomorrow we find out that Plahotniuk's TV belongs to Plahotniuk if there are no anti-concentration measures and the latter really lack in our country.

After almost 4 years of attempting to promote reforms in the mass media designed to improve the state of affairs in the area of competitiveness, the

latter is as unfair as it was in 2009. If in 2009 we were discussing about the mass media which was controlled entirely by the Communist Party, at present we are discussing about several smaller trusts controlled by other politicians. The same refers to the advertising market. I am convinced that it is not possible to reach results as long as the Moldovan political class does not start applying the European values which it is promoting. The impression is that they are promoting the European values because this is trendy and that the Europeans give them money.

In the same context, I wonder why two media owners, Plahotniuk and Lucinschi do not stop rebroadcasting *Pervii Kanal* and *RTR* which are among the most odious channels when it comes to propaganda? These are the real threats to the security of the state as the propagandists in Moscow misinform not only with regard to Ukraine but also with regard to the Republic of Moldova. I think the informational war is determinant in the Russian aggression towards Ukraine, while the development partners are not aware of the severity of this threat both for Ukraine and the Republic of Moldova. We can see that despite what is happening at the moment, Putin continues to remain the idol of many Moldovans who even dare to come in the square with Russian and Soviet flags. And this is the direct effect of the Russian TV propaganda.