

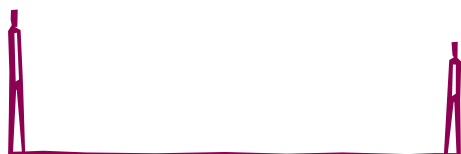
# INTEGRATION RELOADED

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STREAMLINING MOLDOVA'S EUROPEAN COURSE

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# INTEGRATION RELOADED

## STREAMLINING MOLDOVA'S EUROPEAN COURSE



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- Moldova underwent an alternation of power against pronounced authoritarian trends in 2009. However, due to the failed attempt to elect a new head of state and the looming parliamentary elections, political uncertainty is set to persist in 2010.
- The newly appointed government has sought to re-launch reforms and create a regional environment conducive to internal transformations. In the medium term, rampant corruption, a faulty justice system and a weak administrative capacity inherited from the previous executive are likely to hinder the government's ability to implement reforms.
- Russia holds several critical levers, which it can employ to obstruct Moldova's European course. However, the Russian position in Moldova is gradually weakening as a result of the EU's growing presence and China's more active 'soft counterbalancing'.
- Although the pace of Europeanization depends on its domestic performance, Moldova will need the sustained support of the EU. Besides a more efficient application of positive conditionality, the EU has to assist Moldova in solidifying nascent pluralism and improving its long-term ability to implement the reforms.

Russia in the Regional and Global Context research programme  
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Photo: Tuomas Kortteinen

In 2009, against all expectations, Moldova managed to shake off its inertia in an effort to leave behind zigzagging reforms and set itself on course for European integration. Although the European option enjoys overwhelming support in Moldova, the experiences of the EU's latest newcomers have shown that aspirations only materialize if you are prepared to do the necessary homework. Is there enough political will and ability to implement reforms in Moldova? What has the new government done so far, domestically and externally, to bring Moldova closer to the EU? What are the obstacles that could hinder reforms in Moldova? How could the EU help to bring about change, accelerating Moldova's Europeanization?

### A turbulent 2009

Retrospectively speaking, the political climate in Moldova developed from one of despair to jubilation in 2009, but this was later overshadowed by looming political uncertainty, which is set to persist in 2010. The political crisis has been triggered by the Communist Party's attempt to break the pattern of democratic transition in order to guarantee another four years of 'comfortable stability' in Moldova. President Voronin, who had served the maximum two consecutive terms in office, was planning to step down after 'managed elections' and take on the mantle of Speaker of Parliament, a role which would, in reality, allow him to control a malleable prime minister and president. However, the attempt to implement the Kremlin's 'political technology' on Moldovan soil backfired.

The announcement of the Communists' victory in the April parliamentary elections sparked protests in some major towns. In the capital, Chisinau, a peaceful demonstration turned violent, with rioters ransacking and setting fire to parts of the presidency and parliament buildings. After initial inaction, the government authorized *post factum* the use of indiscriminate violence and the persecution of protesters and mass media representatives. Ministry of Justice and tax inspectors launched harassment campaigns against NGOs. The authorities accused Romania of organizing the riots, declared two top Romanian diplomats *persona non gratae*, reintroduced the visa regime for Romanian citizens and temporarily sealed the border to its western neighbour. It seemed that what had started out as an attempt to legitimize a 'mild authoritarianism', had ended up in a rapid *Lukashenization* of Moldova, and this had ultimately spooked some of the Communists themselves.

Invoking grave irregularities during the elections, the opposition refused to recognize the results and boycotted the presidential elections. Only one vote short, the Communist Party failed twice in a row to elect the new head of state. Parliament was dissolved and elections set for the end of July. The new ballot, organized under increased international scrutiny, reduced the number of Communist Party seats to 48, while the opposition boosted its presence, clinching 53 mandates in the 101-member chamber—enough to install a new government and parliament Speaker. The four opposition parties, the Liberal Democratic Party, the Liberal Party, the Democratic Party and the Our Moldova Alliance formed the ruling coalition, the

'Alliance for European Integration' (AEI). The outcome of the electoral process generated enthusiasm among the Moldovan people at large and revived hopes for the country's swift Europeanization.

However, the post-victory excitement has been dampened by the magnitude of the country's economic woes and the prospect of a protracted constitutional crisis. Back in 2005, in order to avoid political deadlock, parts of the parliamentary opposition provided the necessary missing votes for the Communist Party to secure the president's re-election, in exchange for promised reforms. The AEI expected reciprocity, presenting even more favourable terms to accomplish the power transition. Instead, the Communists opted to prolong the uncertainty, hoping that governance during a time of economic crisis would erode or even split the AEI, ultimately paving the way for the party's return to power. Hence, the reluctant opposition refused to cast ballots for the AEI's candidate, opening the way for elections before the end of the current term which, pending constitutional reform, can take place in autumn 2010. Until then, the Speaker will be able to assume the position of acting president, in accordance with the constitution.

### **Re-launching Europeanization**

Just as the ruling coalition was announcing European integration as its main policy priority, Moldova was blindsided by the economic crisis. Thus, the newly appointed government had to take on the dual role of a fire-fighter and a builder in order to extinguish the effects of the economic turbulence and set the scene for a new wave of reforms. The executive duly channelled its energy into three major intertwined tasks.

The first priority was to prevent the collapse of public finances fuelled by a sharp decline in state revenues and remittances (which made up one-third of the GDP) by almost 50 % and 30 % respectively. In addition, the government had to launch a 'hunt' for funds to modernize the country's crumbling infrastructure, which set in motion a series of negotiations. After swift negotiations with the IMF, the government nailed an agreement for a three-year loan of \$590 million. The World Bank earmarked \$80 million for Moldova in 2010, while Chisinau

appealed for macro-financial assistance from the EU. The government also managed to secure US financial assistance worth \$262 million through the Millennium Challenge Corporation.

The second urgent priority for the executive was to frame a benign regional environment that would facilitate internal transformations. In the light of Moldova's European aspirations, the relationship with the EU topped its external agenda. Relations between the EU and Moldova are based on the Partnership and Cooperation Agreement (PCA). In force since 1998, the document establishes a legal basis for political dialogue, cooperation in various fields, legislative approximation and support for Moldova's transition towards democracy and market economy. In 2005, in the framework of the European Neighbourhood Policy, both sides agreed on an EU-Moldova Action Plan aimed at facilitating the implementation of the PCA provisions as well as deepening economic ties.

While recognizing Moldova's progress in several areas, the European Commission assessment reports on implementation of the action plan also identified major flaws in enforcing laws, combating corruption, reforming the judiciary, ensuring freedom of the press and enhancing the business climate. Although envisaged to last three years, the action plan was extended until 2009. The EU also delayed opening negotiations on a new agreement with Moldova pending the monitoring of democratic elections. But the post-electoral violence following April's vote only served to push Moldova further away from the EU. It exposed serious weaknesses in the country's institutions (law enforcement and the judiciary in particular) and raised questions about Moldova's commitment to the rule of law. After the second ballot, the new authorities in Chisinau strove to reduce Moldova's credibility gap. The head of government made his first official visit to Brussels, reiterating Moldova's commitment to democratic values and interest in upgrading relations with the EU. The government has since adopted a series of measures in order to fulfill the objectives set out in the EU-Moldova action plan. These developments have had a substantial impact on EU-Moldova relations and elicited a positive response from the EU.

Romania is Moldova's main European trading partner and a staunch supporter of the country's



Rioting on the steps of the parliament building after the 2009 parliamentary elections. Photo: VargaA (Wikimedia Commons)

EU membership bid. Consequently, the government didn't waste much time repairing bilateral relations with its western neighbour. Chisinau lifted the visa regime for Romanian citizens and withdrew its accusations against the expelled diplomats. The change of government and gestures towards the normalization of relations have been viewed very favourably in Bucharest, with the result that the Moldova dossier has become a top priority for Romanian diplomacy since the latter part of 2009.

Although not entirely unsentimental, seeing as the neighbours have linguistic, cultural and historical commonalities, Bucharest's policy on Moldova is pursuing a pragmatic course. It is in Romania's national interests to share its border with a prosperous democracy free of any 'frozen conflict', and Romania is aware that extending European integration further to the east is the most efficient way of finding durable solutions to Moldova's long-standing problems. As the EU's external border state, Romania feels obliged to play the role of interconnector between Moldova and the EU. Hence, after an all-time low in bilateral relations, Romania has seized the opportunity to build and solidify multi-level linkages that will draw Moldova closer to the EU.

The two sides have signed the Convention on small-scale border traffic which, due to their lengthy common border, will significantly expand the person-to-person contacts that were scaled back in 2007 after Romania's accession to the EU and the subsequent imposition of the visa regime for Moldovans. The governments have also agreed to

open new border crossings and mutually expand their consular networks. In addition, Chisinau and Bucharest have reached a consensus on upgrading their bilateral normative-legal base. Both sides decided to re-launch negotiations on 12 intergovernmental sectorial agreements, to sign a partnership for Moldova's European integration and to conclude their border regime treaty. To improve Moldova's energy security, the parties have reached a preliminary agreement to interconnect their electricity and natural gas transportation networks. Romania has also pledged to provide expertise for the reform of Moldova's police force. Despite the economic crisis, Bucharest resolved to allocate €100 million in non-refundable assistance for the period 2010-2013, aimed at supporting infrastructure projects at the local level in Moldova. In early 2010, Romania launched an informal club in Brussels dubbed the 'Moldova friends group', joined by more than half of the EU member states keen to support Moldova's Europeanization.

On the eastern front, Moldova has sought to recalibrate its relations with Ukraine, which shares a border with the separatist region of Transnistria and is therefore indispensable for a peaceful resolution to the Transnistrian conflict. High-level contacts are seeking to eliminate bugbears on the bilateral agenda and to foster good neighbourhood relations according to European practices. Shuttle diplomacy between Kiev and Chisinau cleared the way for a bilateral agreement on the protection of the rights of national minorities, an accord on the joint maintenance of bridges across the border (an important segment extends along the Dniester



Photo: d\_proffer (flickr)

river), and a protocol which amended the previous agreement on the mutual recognition of property rights and the regulation of property relations. In early 2010, the sides reinitiated the process of border demarcation, including the stretch along the separatist region of Transnistria. To foster sub-regional integration, Kiev and Chisinau kick-started the creation of the 'Dniester' Euroregion, hoping for EU assistance within the Eastern Partnership framework. Between the first and second round of the presidential elections in Ukraine, Moldova's prime minister had meetings with both camps, calling for the positive trend in bilateral relations to be maintained, regardless of the election results.

While pushing for closer ties with the EU, Moldova engaged in a delicate balancing act during the CIS summits in Chisinau and Yalta in order to dispel suspicions about any precipitous withdrawal from the CIS structures and to reassure the Kremlin of its interest in developing strong economic relations with Russia. The government dispatched experts to Moscow to negotiate the complete elimination of trade barriers (introduced in 2006) that would increase Moldova's wine exports, which accounted for 12.2 % of the Russian wine market in 2009. The executive also pleaded the case for lifting the compulsory registration of Moldovans on short-term visits to Russia. After a hiatus lasting over a year, Chisinau succeeded in hosting a meeting of the Moldovan-Russian intergovernmental commission on trade and economic cooperation.

The measures to guarantee macro-economic stability and to secure a friendly regional setting were

designed to sustain internal reforms envisioned in the governmental programme for 2009–2013. In a relatively short space of time, the government drafted laws to liquidate the special courts, to introduce a system of private bailiffs, and to harmonize the norms with the EU's *acquis communautaire* in the energy field and on sanitary and phytosanitary standards. These bills are aimed at improving the justice system, expanding Moldova's exports to the EU and finalizing accession to the Energy Community approved in late December 2009. The Ministry of Internal Affairs began work on a concept of reform that would depoliticize, decentralize and gradually demilitarize the police force, bringing it more in line with civil and local community needs. The executive also took steps to liberalize several segments of the market and foster a business-friendly environment. There are plenty more incoming legislative initiatives in the pipeline targeted at Moldova's transformation. However, the all-important implementation of laws is the part of the reform which could prove the most challenging for Moldova.

### Roadblocks

In the short and medium term, Moldova faces several obstacles that will test the ruling coalition's will and ability to maintain the reformist zeal and keep pushing for change.

After several failed attempts to elect a president in 2009, the AEI intends to amend the constitution, in particular provisions on electing the head of state, either by lowering the minimum number of votes

from 61 to 52 or by re-empowering the Moldovan people to directly elect the president. The Communist Party is opposed to this initiative as the amendments would eliminate the leverage it has to upset the apple cart in situations where an alternative majority in parliament lacks the requisite votes to secure a victory for its candidate. Given the Communist Party's resistance potential, the process could get messy. Although essential for averting a similar political deadlock in the future, the process itself would take a toll on the AEI's attention and resources. The members of the coalition that are unlikely to gain as many votes as last time (the Liberal Party), or even to pass the minimum vote threshold (Our Moldova), will likely put additional effort into the constitutional reform in order to avoid parliamentary elections. If the AEI fails to convince the Communists to implement constitutional modifications, it will have to pass amendments via a popular referendum. In the event that the constitutional changes are not adopted, the political crisis could drag on beyond 2010, fuelling uncertainty over Moldova's future.

With possible elections on the horizon, the coherence of the AEI's policy could suffer significantly. As the primary objective of each party will be to at least repeat and if possible boost the present standings, power calculations might overshadow the governance act. The all-or-nothing strategy has split the Communists with five MPs already breaking ranks, while the opinion polls show a declining trend for the party. Yet despite the signs of centrifugal processes, the party remains a political force to be reckoned with. However, its further decline could weaken the AEI's superglue element and intensify the intra-coalition competition, which has been kept more or less at bay for the time being.

In addition to the exhausting political battles, the widespread corruption, faulty justice system and weak administrative capacity are the main factors that will hamper the implementation of reforms in the medium term. The survey conducted in 2008 by Transparency International revealed that around 80 % of citizens see corruption as an obstacle to Moldova's development. In 2007, Moldova topped the list of states with the highest ratio of European Court of Human Rights (ECHR) convictions per capita, exceeding the average figure tenfold. Most of the cases dealt with the right to a fair trial, property rights protection, and individual freedom and

security. To date, Moldova needs more than €100 million in order to execute the ECHR rulings. These statistics highlight not only the sources that cause holes in the budget and discourage investments, but also demonstrate the need for a strong and sustained political commitment to strengthen the rule of law in Moldova. Unfortunately, the government has a shortage of qualified personnel in various fields related to European integration, which severely slows the pace of reforms.

### **The Russia and China factor**

Although the success of the reforms largely depends on Moldova's internal performance, the Russian factor could deliver some unpleasant jolts along the way. Officially, Moscow respects Chisinau's European choice, as long as it does not preclude Moldova from participating in the CIS structures and developing close economic ties with Russia. Diplomatic rhetoric aside, the new government's pro-European discourse and policies didn't exactly delight Russian decision-makers, who regard Moldova as a slice of their 'privileged sphere of interests'. Back in 2008, during talks with their Moldovan colleagues, Russian officials raised the issue of what they saw as the incompatibility between Moldova's neutrality and its integration into the EU.

Although there are not yet any concrete prospects for Moldova's membership, a Russian-sponsored network of NGOs is fuelling what looks like a pre-emptive campaign, exposing the 'hidden truth' about the EU and the integration process in Moldova. Rather than targeting particular policies, the message focuses on the EU's weaknesses in times of economic crisis, the 'exploitation' of new members, the alleged disregard for traditions and the threat of the erosion of national identity. This message is often reiterated by Russian media outlets in Moldova.

Russia holds several critical levers against Moldova, including access to the market, energy deliveries, a military presence, the unresolved conflict in Transnistria and Transnistria's immense gas debt (over \$2 billion). These levers endow Russia with a greater capacity for interference. However, continuous misuse of these levers would certainly diminish Russia's appeal in the eyes of the Moldovans and would militate against Russian interests in the

long run. Moreover, the power of Russia's levers is gradually waning in the face of the EU's growing presence, as well as what appears to be the insistent but 'quiet forays' of China into this part of the post-Soviet world.

Albeit still important for Moldova, the value of access to the Russian market has steadily decreased in recent years as the EU has become Moldova's biggest trading partner. This is due in part to the adverse effect of the Russian trade embargoes. A similar effect can be observed in the case of Transnistria which, in 2009, exported more goods to the EU (44.6 %) than to the CIS states (34.9 %). In February, the EU sent a delegation of experts to mediate the full resumption of railway traffic between Moldova and Transnistria, which was suspended in 2006. The EU also moved forward in promoting a second confidence-building package of €1.3 million for Transnistria. If successfully negotiated and implemented, a Deep and Comprehensive Free Trade Area between the EU and Moldova would strengthen economic ties, amplifying the European influence. Moldova's accession to the Energy Community and connection to the European Energy Market via Romania creates grounds for energy supply diversification, which would prove extremely useful during Russia's seasonal flexing of its energy muscles. While still holding a firm position in Moldova's media space, the Russian print media and TV channels face stiff competition from local and Romanian media providers. Generational change coupled with greater exposure to Europe will no doubt gradually diminish Russia's 'soft power' appeal in Moldova.

China is not a complete newcomer to Moldova. Since Jiang Zemin's visit to the country in 2001, bilateral relations between Beijing and Chisinau have followed an ascendant trajectory. Mutual respect for each other's territorial integrity (bearing in mind Tibet and Transnistria) further cemented this relationship. Besides frequent political and diplomatic contacts, China has provided financial assistance to the Moldovan army and has made a concerted effort to promote Moldovan wines on the Chinese market, since the Russian import ban in 2006. For these reasons, the intensification of relations in 2009 came as a logical continuation of China's policy of 'soft counterbalancing' *vis-à-vis* Russia in the 'near abroad', which was discernibly accentuated after the war in Georgia.

China has offered Moldova a \$1 billion loan (negotiations are underway), \$3 million in non-refundable aid and around \$500,000 in assistance to Moldova's armed forces. In return, Beijing has set its sights on the participation of its companies in road construction, irrigation system modernization, agriculture and the further expansion of the telecommunications and IT sector. China has every intention of extracting the maximum gain from the world economic crisis, converting its 'peaceful rise' into greater international clout. Seen in this light, Moldova seems like small fry in the overall scheme of things. Yet the efforts of the EU and China to strengthen Moldova's statehood against Russian pressures apparently overlap. Nevertheless, China's value-free policy might hinder the EU's transformative power if a government less committed to Europeanization rises to power in Chisinau in the future.

Its competitive neighbor's activity in Moldova has caused Russia to change its tactics. Despite the fact that Russia initially supported the Communists, the country has been quick to build close relations with the leader of the Democratic Party and the AET's candidate for the presidency—Marian Lupu. Given the diversified geography of the loans for Moldova, Russia felt somewhat compelled to keep its vague promise of financial assistance in 2010, albeit downgrading it from the initially promised sum of \$500 million to \$150 million. However, these behavioural changes are clearly aligned with the levers of instrumentalization and the creation of further channels of political influence. Thus, Russia is more than likely to be behind the new centre-left political project in Moldova, announced at the end of 2009 by the former vice president of Lukoil, Nicolae Chiornyi. Similarly, Moscow has reaffirmed its stance on the military presence in Transnistria until a political solution to the conflict is reached (in breach of the commitments it made in Istanbul in 1999 pertaining to the withdrawal of forces) and has pledged up to \$200 million in aid to the separatist region.

### **The EU reaction**

The EU welcomed the new government's commitment to democratic values, acknowledging Moldova's European aspirations in the first jointly adopted EU-Moldova declaration. The EU reacted promptly to



the appeal for financial assistance, duly disbursing €15 million by December 2009. During a visit to Moldova, the European Commissioner for External Relations and European Neighbourhood Policy announced that the EU could come up with around €100 million in 2010 to address the effects of the economic crisis in Moldova. In fact, within the European Neighbourhood Policy framework, the EU has earmarked €273.1 million for Moldova for the period 2011–2013. In March 2010 Brussels will host an international donors meeting, organized to raise additional funds for Moldova.

In early 2010 the EU launched negotiations on the Association Agreement with Moldova. The European Commission made a proposal to devise a road map that would help the Moldovan government to carry out reforms necessary for establishing Deep and Comprehensive Free Trade Area negotiations, which could start in July 2010. The Commission also sent a team to evaluate the prospects for a visa-free travel regime with Moldova.

The EU is set to dispatch a high-level policy advisory mission to be embedded within Moldova's governmental structures. To facilitate demarcation of the border between Moldova and Ukraine, the EU has envisioned the possibility of employing the technical expertise of EUBAM, which has helped to improve the border control between the two states since 2006. Immediate encouragement coupled with concrete assistance in various forms, or the promise of support in the future, has come via bilateral channels from many EU member states.

### **Attuning EU support**

Road maps and incoming guidelines from the EU are no substitute for government actions, however. Ultimately, the success of the reforms largely depends on Moldova's domestic performance. So far, the coalition government has striven to make its internal and foreign policy live up to its pro-European rhetoric. But this is only the beginning and there are still numerous items that the executive has to deliver on. Although relations between the EU and Moldova have improved dramatically, it is premature to talk in terms of a qualitative breakthrough. Yet, in a relatively short period of time, Chisinau has managed to set in motion a process that could

elevate its relations with the EU to a qualitatively new level. The start of the normative-legal base upgrade is among the most important developments in this respect, as this process will have far-reaching consequences for Moldova.

Several of the factors mentioned above, however, might hamper or derail Moldova's Europeanization. In the short term, the likelihood of new parliamentary elections and constitutional amendments will test to the core the government's commitment to the democratic values essential for deeper relations with the EU. In the event of an election before the end of the current term, it is more than likely that no political party would be able to win a majority comfortable enough to form a single-party government. Therefore, Moldova will continue to be governed by coalitions, which is not necessarily a bad thing as it would compel the parties to refine the rediscovered practices of consensual politics. Irrespective of the parliamentary parties' post-electoral preferences, it remains to be seen whether they will be able to generate a functional power equilibrium that will preserve healthy political competition and sustain the pace of reforms.

Although the Europeanization of Moldova begins at home, the EU has a crucial role to play in removing some of the obstacles mentioned above and maintaining the government's reformist drive. To maximize the result and bring Moldova closer to Europe, the EU and member states willing to help will have to focus on three clusters of issues.

Firstly, the overwhelming support for European integration among Moldovans (63 %) and the growing economic links put the EU in a position to strengthen the positive conditionality which will boost its transformative power in Moldova. For instance, the dialogue on the visa-free travel regime provides a golden opportunity to forge a stronger link between reform implementation monitoring on the one hand, and rewards on the other. If successful, these could result in a win-win situation in which the reformist parties would score electoral points, citizens could travel freely to Europe, and the EU would inspire critical reforms in the field of justice, freedom and security as a part of the wider effort to strengthen the rule of law in Moldova. Visa-free travel regime aspirations have already had a positive influence on Moldova-Ukraine relations, stimulating



A billboard in Chisinau promoting sobriety and voting. Photo: Giorgio Comai

the process of demarcation and securitization of the border. Beyond the reforms agenda, a visa-free travel regime would increase Moldova's appeal in the eyes of the Transnistrians and further bolster the EU's role in the resolution of Moldova's protracted territorial conflict.

Secondly, democratization is not a linear process and Moldova still has a long way to go in this respect. The best strategy against any kind of authoritarian tendencies in the future would be to solidify nascent pluralism, which is vital for the continuity of reforms. Vibrant political competition, a professional independent mass media, and a strong civil society will be crucial for meeting this aim. Thus, actions targeting these elements deserve special attention. A possible early ballot could serve as a good opportunity to improve not only the voting process, but also electoral campaign shortcomings identified by the international observers in 2009. Similarly, the EU's mediation could help to facilitate a consensual solution between the political parties on the constitutional amendments as the Communist Party has hinted that it might be willing to negotiate.

Thirdly, the structural reforms in Moldova will be a bumpy affair during which governments will rise and fall. The EU has to assist Moldova in improving its ability to implement reforms, regardless of potential changes in the ruling coalitions. The EU should help to foster institutional capacities that are well acquainted with the ways in which the EU functions, a fact that will prove crucial for negotiating new

accords with the Union, implementing assumed commitments and the overall quality of governance. As the European financial flows to Moldova increase, a professional public administration corps is also a precondition for the efficient management of funds.

Since independence, Moldova has absorbed regional dynamics as opposed to setting them. But for the first time this could change. Although Moldova faces a wide array of problems, the resilience of pluralism against authoritarian tendencies in 2009 calls for a healthy dose of optimism. With sustained domestic effort and the EU's continued multilateral assistance, Moldova could set an example by applying the practical values of the Eastern Partnership, and sending positive reverberations throughout the region. The EU's success in Moldova will not only change one country irreversibly, but will strengthen the overall European Neighbourhood Policy, contributing not only to the security of Europe, but also to its normative attractiveness.

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