



Office for Democratic Institutions and Human Rights

REPUBLIC OF MOLDOVA

LOCAL ELECTIONS

25 May 2003

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

17–20 MARCH 2003



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REPUBLIC OF MOLDOVA
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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In anticipation of an invitation from the Government of the Republic of Moldova to observe the local elections scheduled for 25 May 2003, the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Moldova from 17 to 20 March 2003.¹ The NAM was composed of Branimir Radev, Deputy Head of the OSCE/ODIHR Election Section, Konrad Olszewski, OSCE/ODIHR Election Adviser, and Stefan Krause, independent election analyst.

The purpose of the NAM was to assess the conditions and level of preparation for the elections, and to advise on the deployment of an Election Observation Mission (EOM).

The NAM held meetings in Chisinau with representatives of the Government, election administration, political parties, media, civil society and international community.² The NAM visited also the Gagauzia Autonomous Territorial Unit (ATU) to assess the pre-election situation there.

The OSCE/ODIHR is grateful to the OSCE Mission to Moldova for assistance provided to the NAM.

II. EXECUTIVE SUMMARY

Local elections will be held in the Republic of Moldova on 25 May 2003, with possible runoff elections for mayors on 8 June 2003. The elections will pave the way to a change in the system of local self-government, as the current ten regions (judet) will be replaced by 33 districts (raions), as they existed in the pre-1999 administrative division. Citizens will thus elect representatives to district, municipal and communal councils, as well as mayors of municipalities and communes.

The 2003 local elections mark an important test for the consolidation of democracy in the Republic of Moldova. While the country has an overall positive record with regards to national elections, last governor (Bashkan) elections in Gagauzia were marred by irregularities. Additionally, a number of interlocutors raised concerns about alleged attempts of the ruling party to increase its power at all levels.

¹ The Parliament adopted the decision on the date of the elections on 20 March 2003.

² List of meetings is annexed.

The Election Code of the Republic of Moldova provides a sound foundation for the conduct of elections, although it contains shortcomings including insufficient transparency of aggregation and publication of results. The accuracy of the voters' lists remains a matter of concern.

At the time of the NAM, alternative legislation for electing the local councils through majoritarian system (diverging from the Republic proportional representation system) was in the process of adoption in Gagauzia. Should this new law be enforced, it may contradict republic legislation and impact the uniformity of the process.

The Electoral Code provides for an independent and non-partisan election administration. However, it is unclear how it could be verified that members of election commissions are not members of political parties. Moreover, the "non-partisan" election administration could be still subjected to pressure by central or local authorities thus the transparency of work of election commissions and broad access of political party and candidate observers will play a crucial role.

State broadcasting media remain the most important source of information for most citizens of Moldova. Concerns have been raised about Government control of the State media and pressure on private media. It is vital to a democratic election process that equal conditions exist for campaigning in the State media, that all stakeholders in the elections can campaign freely, and that media can report about the campaign without pressure or interference. The ability of the Central Election Commission (CEC) to enforce the relevant legislation will be a very important factor.

Thus, the integrity of the election will, *inter alia*, depend on the performance of the election administration, the handling of election complaints and the role of the media in the campaign. In addition, the elections in Gagauzia and election for Mayor of Chisinau may require special attention.

The NAM recommends that a standard EOM be deployed to the Republic in Moldova before the end of April to assess whether the 25 May elections are conducted in line with OSCE commitments. The OSCE/ODIHR should request from participating States the secondment of 10 long-term observers and 100 short-term observers.

III. FINDINGS

A. POLITICAL CONTEXT

The 2003 local elections will mark an important test for the consolidation of democracy in the Republic of Moldova. They will take place at the middle of the current Parliament's term, as Moldova takes over the chairmanship of the Council of Europe's Committee of Ministers, and at a time when five-sided talks aimed at finding an adequate solution to the Transnistrian conflict could see a breakthrough.

Since independence in 1991, Moldova has had a good record with regards to national elections. The OSCE/ODIHR final report on the February 2001 parliamentary elections noted that while some shortcomings remained, these elections “met international standards for democratic elections, consolidating a trend already evidenced during the previous elections.”

However, the conduct of early elections for Bashkan of the Gagauzia ATU in October 2002 caused disappointment. The elections were held as a result of a political crisis caused by alleged heavy-handed involvement of the central authorities in Gagauzia that led to the resignation of the incumbent. In a press release on the issue, the OSCE Mission to Moldova noted that the elections were marred by a “number of procedural irregularities and shortcomings”. The Mission further expressed hope that the forthcoming local elections in May 2003, as well as elections to the Gagauz Peoples’ Assembly in September 2003, would mark improvements in the effectiveness and impartiality of the election administration, and transparency in the implementation of electoral legislation.

Some interlocutors from non-governmental organizations and the Gagauz opposition alleged that the irregularities in Gagauzia in 2002 were “a rehearsal” by the ruling Party of Communists of Moldova (PCM) for the May 2003 local elections.

The May 2003 local elections will be the first Republic-wide elections since the PCM won an absolute majority of mandates in the 2001 parliamentary elections.³ Only two other parties, the Braghis Alliance (now the Social Democratic Alliance of Moldova, ASDM), and the Christian Democratic People’s Party (PPCD) surpassed the six-percent threshold and are represented in the Parliament. After Parliament elected PCM Chairman, Mr. Vladimir Voronin, as President of Moldova, the PCM holds the executive and legislative power in the Republic.

A significant number of interlocutors voiced concerns about alleged abuse of power by the ruling party. They referred to the lack of proper political dialogue and transparency in passing new legislation without parliamentary and public debate, and concluded that such practice would create an “uneven playing field”, especially when combined with Government control over State media. Major concerns were also voiced regarding restrictions on the activity of political parties, such as the one-month suspension of activities of the PPCD imposed in January 2002, after PPCD organized rallies against alleged “russification” of Moldova’s education system.⁴

The election for Mayor of Chisinau is seen as a key issue. The PCM majority tried to amend the Election Code prohibiting any citizen to be elected mayor for more than two consecutive terms. A number of observers saw this move to be aimed directly against Chisinau Mayor, Mr. Serafim Urechean, who appears to be relatively popular among the citizens. This amendment was passed by the Parliament in first reading but later dropped after opposition’s public protests.

³ Elections will not take place in Transdnistria, which is not under the *de facto* control of the Moldovan Government.

⁴ The suspension was imposed on 22 January 2002 and lifted on 8 February 2003, following numerous protests, including the Council of Europe criticism.

More than 30 political parties are registered in Moldova. Negotiations to consolidate the political spectrum by setting up political coalitions of different orientation are currently underway at the Republic level. Interlocutors suggested that the parties would participate in the local elections independently and coalitions would become relevant only for the 2005 parliamentary election.

In the upcoming elections, the citizens of Moldova will elect representatives to a significantly reformed system of local Government. Amendments to the Law on Local Public Administration and the Law on the Territorial-Administrative Division of the Republic of Moldova entered into force in March 2003.

The new legislation abolished the ten existing regions (*judet*) and the position of prefect, introduced by the 1999 administrative reform. The ten regions (*judet*) were replaced by 33 districts (*raions*), as they existed in the pre-1999 administrative division inherited from Soviet times. In addition, the Municipality of Chisinau and Gagauzia ATU remained as separate administrative units. Furthermore, the recent amendments significantly increased the number of municipalities and communes, from 644 to 907, again reversing the 1999 reform.

The February 2002 amendments to the Law on Local Public Administration and to the Electoral Code, *inter alia*, provided for the election of mayors by local councils instead of direct elections. The Constitutional Court declared these amendments unconstitutional together with a parliamentary decision to call early local elections in April 2002 and to cut short by one year the mandate of elected local authorities.

This decision impacted on the funding for the May 2003 elections. The 2003 budget line for elections, at the request of CEC, amounted to 7,5 million Moldovan lei (approximately USD 500,000) and did not envisage direct elections of mayors. According to the Chairman of the CEC, during the last local elections in 1999 runoffs were held in some 65% of the municipalities and it is estimated that at least 50% of municipalities will hold runoffs in May elections. To remedy the problem, the CEC asked the Government for supplementary funding of some 1,5 million Moldovan lei.

B. LEGAL FRAMEWORK

The main legal basis for the conduct of elections and referenda in the Republic of Moldova is the Electoral Code adopted in November 1997 and amended several times since. The latest amendments were adopted in mid-February 2003.

The Electoral Code is a comprehensive, largely cohesive body of regulations that provide a sound foundation for the conduct of democratic elections, although both the OSCE/ODIHR and the Council of Europe's Venice Commission have pointed out several aspects of the Code which could be improved, including insufficient transparency of aggregation and publication of results. The accuracy of the voters' lists remains a matter of concern.

Under the Electoral Code, representatives to commune, municipal and district (raion) councils are elected by proportional representation without a threshold. Mayors are elected by popular vote. If none of the registered candidates receives a majority of the valid votes cast in the first round of voting, a runoff is to take place in two weeks between the two candidates with highest numbers of votes.

The legal framework for the local elections includes also the Law on Political Parties and Socio-Political Organisations, the Law on Local Public Administration and the Law on Territorial-Administrative Division of the Republic of Moldova.

While the described above legislation is valid republic-wide, recent developments in Gagauzia ATU may indicate certain inconsistencies. In accordance with the 1994 Law on the formation of the Gagauzia ATU and its Statute, the People's Assembly of Gagauzia has the right to pass separate laws for Gagauzia as long as they do not contravene the Moldovan Constitution and relevant Moldovan legislation. During the visit to Gagauzia, the NAM was informed that the People's Assembly had passed a separate Law on Local Elections, which had not yet been promulgated by the Bashkan. The main difference from the Moldovan Electoral Code was the replacement of a proportional system for the election of municipal and community councillors (as provided for by the Moldovan Electoral Code) with a majoritarian system with single-mandate constituencies (wards). The CEC Chairman noted that if the Gagauz Local Election Law was promulgated, it would contravene the relevant Moldovan legislation and therefore violate the Constitution. In addition, the Gagauz law institutes stricter residency requirements for candidates, which may also contravene national legislation.

In view of the above and given the shortcomings witnessed during the recent governor (Bashkan) elections, the conduct of the elections in Gagauzia might warrant special attention.

C. ELECTION ADMINISTRATION

The upcoming local elections will be administered by a four-tier election administration: the Central Election Commission (CEC), 33 District (Raion) Electoral Councils (DECs), Municipal and Communal Electoral Councils (MECs and CoECs), and Precinct Electoral Bureaus (PEBs). According to the CEC Chairman, the Chisinau City Election Council (CCEC) and the Gagauz Central Election Commission (GCEC) in these elections will have *de facto* status commensurate with that of a District Electoral Council.

The CEC is a permanent body whose nine members are nominated by the President (3), the Parliament (3), and the Supreme Council of Magistrates (3) for a six-year term.⁵ The lower level commissions, including the GCEC, are formed when elections have been called, and their mandate expires once the election process has been completed. DECs are appointed by the CEC on the proposal of judges and executive bodies of the corresponding (outgoing) region (judat). MECs/CoECs and PEBs are appointed by the relevant DECs. The nine GCEC members are appointed on proposals of the Bashkan (3), the Gagauz People's Assembly (3), and the Gagauz Executive Committee (3).

⁵ CEC is at present in the last year of its mandate.

The total number of election officials at all levels will amount to 25,000 people. They may not be members of political parties, they are not allowed to engage in political activities, and may not be relatives to registered candidates. It remains unclear how statements of members of election commissions on their political non-affiliation can be effectively verified. In view of the involvement of the authorities in the appointment of election officials, valid concerns for potentially insufficient transparency of the election process may be raised. The “non-partisan” election administration could be subjected to pressure by central or local authorities, thus the transparency of work of election commissions and broad access of political party and candidate observers will play a crucial role.

The accuracy of voter lists has been an issue of concern during previous elections in the Republic of Moldova. The existing civil register is compiled by the Department of Information Technologies, a recently established Government agency, and includes data on some 70% of the population (including a number of inhabitants of Transdnestria who have registered as Moldovan citizens). The voter lists are updated before each election via house-to-house canvassing by local authorities. Some 6.7% of voters, who turned out in the last parliamentary elections, were added to the supplementary voter lists. This is a clear indication that a strong effort is necessary to improve the accuracy of the voter registers.

D. MEDIA

Broadcasting media, in particular television, are the most important sources of information in Moldova. Newspapers and other print media suffer from low circulation and distribution problems.

State-owned TV Moldova and Radio Moldova are the only broadcasters with Republic-wide coverage. Private TV and radio stations have local or regional coverage. Russian and Romanian broadcasters could also be received in Moldova.

There are two State-owned newspapers, *Moldova Suverana* and *Nezavisimaya Moldova*, as well as political parties’ and private daily and weekly newspapers, both in Moldovan and in Russian. Similar to private broadcasting media, many of the latter are only of local or regional significance.

The OSCE/ODIHR report on the 2001 parliamentary elections noted that the state-owned broadcasting media strictly followed the provisions of the election law, while private broadcasting media and the press often favoured individual parties or candidates.

Some party and civic representatives informed the NAM that the media situation has deteriorated since 2001 and raised concerns with regards to the freedom of expression and freedom of the media. The media legislation was recently amended in view of transforming Teleradio Moldova into a public broadcaster. However, the amendments appear to fall short of the recommendations of the Council of Europe and it is unlikely that the amendments will be implemented in time to influence the election campaign.

Some interlocutors expressed concern that both State television and State radio are tightly controlled by the ruling party and fail to provide balanced coverage. Representatives of opposition parties complained that they are effectively banned from appearing on State media, allegedly at the ruling party's orders, and that their activities are routinely ignored. Some private media are allegedly under pressure from the authorities, as are companies advertising in them. Recently, the operation of several broadcasting media was temporarily suspended. The NAM was informed that participants in a recent talk show on private radio "Antena C" were allegedly questioned by the Moldovan Information and Security Service (SIS). Other concerns raised include the high prices for political advertising on broadcasting media, which allegedly can be as much as five times higher than those for commercial advertising.

In this situation, the extent to which the CEC meets its obligations to enforce provisions of the law referring to balanced and impartial media coverage will have a significant impact on the credibility of the elections.

E. MINORITIES AND LANGUAGES

National minorities, mainly Ukrainians, Russians, Roma, Gagauz and Bulgarians, represent around 30% of Moldova's population according to the 1989 census.⁶ Although Moldovan election legislation does not contain specific provisions aimed at ensuring minority representation, national minorities are represented in the Parliament (through the mainstream parties) and in local Government. After the 2001 parliamentary elections the number of non-Moldovan deputies increased from 16% to over 30%.⁷

Although national minorities are represented in Moldovan political life, national legislation makes it difficult for them to organize politically. The Law on Political Parties stipulates that parties must prove that they have a total of at least 5,000 members, and have offices in no less than half of the administrative-territorial units of the country, with no less than 150 members in each district (until the latest administrative reform – no less than 600 per region). As most minorities are concentrated in certain regions, this provision effectively prevents them from organizing in political parties.

In accordance with the Moldovan legislation, ballot papers and official election-related information material will be printed in Moldovan and in Russian. The CEC Chairman informed the NAM that approximately 30% of ballot papers will be printed in Russian, and that their number will be determined separately for each district and commune, based on information on the number of non-Moldovan voters, which will be provided by the local authorities.

F. INTERNATIONAL AND DOMESTIC OBSERVERS

⁶ The proportion rises to 35% when the population of the Transdnistrian region is also taken into account.

⁷ These figures are based of self-determination of MPs.

The Electoral Code of the Republic of Moldova provides for observation of elections by representatives of parties and candidates, non-partisan domestic observers, international organizations and NGOs and foreign Governments. The domestic observers are defined as “representatives of qualified public associations from the Republic of Moldova”, which are “committed under [their] statute to promote human rights and democratic values” and are found by the election authorities to be “capable of exercising civic functions with respect to the election”. Domestic observers are accredited by CEC and international observers by the Ministry of Foreign Affairs. The law does not provide specific deadlines for accreditation.

All interlocutors welcomed the possible deployment of an OSCE/ODIHR EOM for the local elections in May 2003. Other international observers are expected to be deployed by the Council of Europe’s Congress of Local and Regional Authorities of Europe. A number of domestic non-partisan observer groups also intend to observe the elections, including the League for the Defense of Human Rights in Moldova (LADOM) and the Helsinki Committee for Human Rights of the Republic of Moldova. Political parties are also planning to deploy observers.

IV. CONCLUSIONS AND RECOMMENDATIONS

The NAM recommends that the OSCE/ODIHR establish an Election Observation Mission according to the standard OSCE/ODIHR methodology. The EOM should be deployed some four-five weeks before election day, and remain for the second round. The NAM advises the ODIHR to request from the OSCE participating States the secondment of 10 long-term observers from late April to follow the campaign and election preparations, and 100 short-term observers for the observation of election-day proceedings. The EOM should pay special attention to the performance of the election administration at all levels, the appeals and complaints procedures, the campaign, and the media. In addition, the conduct of elections in Chisinau and Gagauzia may warrant special attention.

ANNEX

List of Meetings in Chisinau, 17, 18 and 20 March 2003

AUTHORITIES OF THE REPUBLIC OF MOLDOVA

Ministry of Foreign Affairs

Mr. Ion Stavila, Deputy Minister

Ministry of Interior

Mr. Vladimir Botnari, First Deputy Minister

Central Election Commission

Mr. Dumitru Nidelcu, Chairman

Autonomous Territorial Unit of Gagauzia

Mr. Georghe Tabunshik, Bashkan (Governor), Member of the Government of the Republic of Moldova

POLITICAL PARTIES

Party of Communists of Moldova (PCM)

Mr. Victor Stepaniuc, Chairman of PCM Parliamentary faction

Social Democratic Alliance of Moldova (ASDM)

Mr. Dumitru Braghis, Chairman of ASDM, Chairman of its Parliamentary faction

Christian Democratic People's Party (PPCD)

Mr. Iurie Rosca, Chairman of PPCD, Chairman of its Parliamentary faction

Social Democratic Party (PSD)

Mr. Oazu Nantoi, Chairman of PSD

Liberal Party (PL)

Mr. Viaceaslav Untila, Chairman of PL

Mr. Anatol Taranu, Deputy Chairman of PL National Council

Ms. Vitalia Pavlicenco, Deputy Chairperson of PL National Council

Democratic Party of Moldova (PDM)

Mr. Dumitru Diacov, Chairman of PD

LOCAL SELF-GOVERNMENT ASSOCIATIONS

National League of Mayors' Associations

Mr. Vasile Balan, Chairman

MEDIA

Union of Journalists of Moldova

Mr. Valeriu Saharneanu, Chairman

Independent Journalism Center

Ms. Angela Sirbu, Executive Director

Ms. Corina Cepoi, Project Director

Mr. Nicolae Negru, Editor-in-Chief, *Media in Moldova* and *Media Courier*

CIVIL SOCIETY

Association for Participatory Democracy (ADEPT)

Mr. Igor Botan, Executive Director

League for the Defence of Human Rights in Moldova (LADOM)

Mr. Paul Strutescu, Chairman

Mr. Andrei Brighidin, Coordinator of Programmes

Helsinki Committee for Human Rights of the Republic of Moldova

Mr. Stefan Uritu, Chairman

Ms. Doina Straisteanu, Program Coordinator

Centre for Social & Cultural Development & Cooperation (Gagauzia)

Mr. Vitali Kyurkchu, President

INTERNATIONAL COMMUNITY

OSCE Mission to Moldova

Ambassador William Hill, Head of Mission

Mr. Neil Brennan, Deputy Head of Mission

Mr. Markus Karlsen, Human Dimension Officer

Mr. Matti Sidoroff, Public Relations Officer

Ms. Liliana Sorrentino, Officer on Anti-Trafficking

Council of Europe

Mr. Jorgen Grunnet, Special Representative of the Secretary General

Embassy of the United States of America

Ambassador Patricia Hyde Smith

Mr. Alan Purcell, Political-Economic Attaché

Ms. Aleisha Woodward, Public Affairs Officer

**Briefing for Representatives of Embassies of OSCE Participating States
(Meeting at OSCE Mission to Moldova)**

Ambassadors of Bulgaria, Russian Federation, Turkey, United Kingdom, Chargé d'Affairs *ad interim* of Germany.

Representatives of Embassies of Belarus, France, Hungary, Poland, Romania, United States of America, Ukraine.

List of Meetings in Comrat, Gagauzia ATU, 19 March 2003

People's Assembly of Gagauzia

Mr. Ivan Cristioglo, Chairman of the People's Assembly of Gagauzia

Mr. Ivan Ceban, Deputy Chairman of the People's Assembly of Gagauzia

Ms. Eugenia Ciorba, Deputy Chairman of the People's Assembly of Gagauzia

Mr. Feodor Marinov, Member of the Presidium of the People's Assembly of Gagauzia

Mr. Feodor Terzi, Chairman of the Commission on External Economic Relations, Investments, and Connection with Regions

Local Government

Mr. Mihail Formuzal, Mayor of Ciadir-Lunga

Opposition Representatives

Mr. Mihail Kendighelean, Former Chairman of the People's Assembly of Gagauzia

Mr. Boris Novac, Chairman of "United Gagauzia" Faction in the People's Assembly of Gagauzia

Mr. Nicolai Stoianov, Former Deputy Bashkan (Governor) of Gagauzia