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Brief account of latest developments in Moldova

Natalia ?eremet · Tuesday, June 11th, 2019

Democratic standards significantly deteriorated in Moldova in the past three years. The June 2018 local elections in the capital of Chisinau, won by an opposition candidate from the political Block ACUM, were arbitrary annulled by judges. In November 2018, the European Parliament expressed its grave concern with backsliding in relation to democratic standards "resulting in the Republic of Moldova being a state captured by oligarchic interests with a concentration of economic and political power in the hands of a small group of people exerting their influence on parliament, the government, political parties, the state administration, the police, the judiciary and the media and leading to highly unsatisfactory implementation of legislation with little benefit for the citizens".

Parliamentary elections took place on 24 February 2019. They were carried out based on a mixed electoral system changed in 2017 by the Democratic and Socialists Parties against a broad national consensus and against Venice Commission recommendations, favoring the two parties, and with unprecedented use of administrative resources favoring the ruling Democratic Party. The elections were considered fair and competitive by OSCE/ODIHR and recognized by local actors.

The Constitutional Court validated the results on 9 March 2019. The art. 85 para. 1 of the Constitution provides for a 3-month term for the Parliament to appoint the Government. The President of the country, after consulting the parliamentary groups, is entitled to dissolve the Parliament if the 3-month term expired. According to the general legal rules and previous practices, 3 months would expire at the end of 3 calendar months from the event, in this case 9 June 2019. The Constitutional Court also highlighted that the scope of this constitutional provision is to avoid an institutional crisis or conflict between state powers (Judgement 30/2013, para. 73).

Following February elections four major political actors entered the new Parliament, none with a sufficient number of mandates to form a governing coalition and appoint the Government: Party of Socialists (35 seats out of total 101), the Democratic Party (led by oligarch Plahotniuc, 30 seats), ACUM block (i.e. Now!) (led by Maia Sandu and Andrei Nastase, 26 seats), and the party of a convicted oligarch Shor (7 seats). The positions of three main actors seem irreconcilable: Socialists, represented by President Dodon, campaigned for closer relations with Russia and its Eurasian Union, ACUM campaigned against state capture by Plahotniuc and for closer relations with the EU, while the ruling Democrats were ready to form a unity government to preserve power at any cost. Almost three months of uncertainty and fruitless attempts to establish a functional alliance followed. A solution to avoid new elections was only negotiated and agreed upon after visits and mediation by envoys from the EU (Johannes Hahn), US (Brad Freden), and Russia (Dmitri Kozak).

CONSTITUTIONAL COURT DECISION OF 7 JUNE 2019, ARBITRARILY REDUCING THE TERM FOR INVESTING A GOVERNMENT

On Friday, 7 June, in the afternoon, when an agreement between the Socialists and ACUM became probable, the Constitutional Court, composed mostly of Democratic Party affiliates, declared that the deadline for forming a new government is midnight of 7 June. Though the art. 85 para. 1 of the Constitution provides a three-month timeline from the date of validation of election results (9 March) for forming a government, the judges interpreted that the deadline expires 90 days later (midnight 7 June), rather than on Sunday, 9 June. No clear reasoning was provided for this interpretation. The Court also instructed President Dodon to dissolve the parliament immediately.

CHANGE OF GOVERNMENT. COUP D'ETAT VS DISMANTLEMENT OF THE CAPTURED STATE

The Socialists and ACUM rejected the Court's ruling and, in a last-ditch effort to resolve the post-electoral stalemate, convened the Parliament on Saturday, 8 June. The parties finalized and signed a "temporary political agreement for the de-oligarchization of Moldova." That very same day, the newly formed majority of 61 MPs voted the Socialists' leader Zinaida Grecianii as Speaker of the Parliament. Immediately after, the President of Moldova nominated Ms. Maia Sandu as Prime-minister candidate. In the same day, the Parliament voted for the new Government led by Maia Sandu. The Parliament also voted a declaration on Moldova being a captured state and voted for dismissal of the leadership of key state institutions.

The Parliaments' decisions and the Presidential decree of nomination of the Prime-minister were immediately contested to the Constitutional Court by the outgoing ruling Democratic Party. In less than an hour, the Constitutional Court declared unconstitutional the Parliament's decisions on election of its Speaker and appointment of the new Government, as well as the Decree of the President for nomination of the Prime-minister, pushing the country in an extremely volatile situation of duality of power, marked by uncertainty and risk of a clash between opposing political forces.

The Democratic Party accused President Dodon and the new government of coup d'état. On Sunday morning, 9 June, the Constitutional Court suspended President Dodon due to his refusal to dissolve the Parliament, and appointed the ruling prime minister Pavel Filip, the Deputy-President of the Democratic Party, as acting President, who immediately dissolved the Parliament and called for snap elections on 6 September.

DUALITY OF POWER

Moldova is now in a new stalemate. On the one hand, the Parliament continues to convene and voted for a set of anti-corruption reforms. On the other hand, Plahotniuc's ruling government refuses to cede power, and its position is supported by the Constitutional Court. The Democrats organized protests in Chisinau on Sunday and their supporters have surrounded the key law enforcement agencies and the Government. Democratic Party also called for removal of President Dodon and early Presidential election. Plahotniuc's media released compromising videos where President Dodon acknowledges receiving funding from Russians.

The Democratic Party protesters are preventing the new Government officials' access to the main Government institutions. On 10 June, the Government led by Maia Sandu held its sitting in the Parliament's building. The chief of police declared allegiance to the Democratic Party government.

Several local authorities have declared their collaboration with the new Government.

The EU, US and Russian Ambassadors were present at the parliamentary session on Saturday, and supported the appointment of the new government. However, no foreign leader has formally congratulated Maia Sandu, instead their bland statements are calling for national dialogue.

The conflict between the two opposing parties will probably continue escalating in the following days. Clashes between opposing protesting crowds are very likely, as well as between newly-appointed officials and law enforcement. Officials at all levels will be declaring their fealty to either side, which could lead to further clashes at local levels.

The new Government's primary aim is to take control of state institutions currently under full command of Plahotniuc, adopt swift anti-corruption and electoral reforms, and relaunch relations with the EU, IMF and World Bank. New parliamentary elections are expected to be called under a reformed electoral system.

The National Platform of the Civil Society Forum of the Eastern Partnership, which includes 86 active NGOs, issued a declaration on 9 June, calling national and international actors to recognize thst developments in Moldova

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