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REPORT ON THE MOLDOVAN PARLIAMENTARY ELECTIONS

Southern Moldova, the “Security Zone,” and Gagauzia

March 22, 1998



**A Report Prepared by the Staff of
the Commission on Security and Cooperation in Europe**

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The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff of approximately 15 persons assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

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This report is based on a Helsinki Commission staff delegation visit to Moldova to observe the March 22, 1998 parliamentary elections as part of the delegation of the Organization for Security and Cooperation in Europe Parliamentary Assembly (OSCEPA), headquartered in Copenhagen, Denmark. The OSCEPA delegation was headed by Mr. Markus Aaltonen, Chairman of the Foreign Affairs Commission of the Finnish Parliament.

The Moldova Election Observers Mission comprised 160 observers from the OSCEPA, the Council of Europe Parliamentary Assembly, the OSCE Participating states, the OSCE Mission to Moldova, local Embassies, and NGOs.

Commission staff members Wayne Merry and John Finerty observed the elections in the Gagauz territory in southern Moldova, and in villages south of the city of Tighina, near the security zone with Transdniestria, respectively. Mr. Finerty also traveled into Transdniestria to observe the ability of Moldovan citizens from Transdniestria to vote at polling stations on the right bank of the Dniestr River, controlled by the Moldovan Government.

The Helsinki Commission thanks Mr. Kare Vollan, on-site coordinator of the OSCE Election Observer Mission and the staff of the OSCE Parliamentary Assembly and the Office of Democratic Institutions and Human Rights for their support and assistance during the visit, as well as U.S. Ambassador John Todd Stewart, Deputy Chief of Mission Michael Gfoeller, Political Officer Sarge Cheever, and acting Defense Attache Captain Greg Mahoney, US Army.

EXECUTIVE SUMMARY

- On March 22, 1998, Moldova held its second multi-party elections to the 101-member parliament since achieving independence in August 1991. The Communist Party, which had been under legal prohibition until 1994, won just over 30 percent of the vote, translating into 40 seats out of 101.
- The results were a rejection by the voters of the previously powerful Agrarian Democrats, who did not cross the 4 percent threshold required for entry as a party into the new parliament. The election law required that a party/bloc or individual candidate garner 4% of the votes cast before being eligible for a seat in Parliament. Other big losers were the protocommunist Socialist-Unity bloc, which had taken second place in the 1994 parliamentary elections.
- Of the fifteen political parties on the ballot, the remaining 61 seats were secured by three center-right parties: the Party of Democratic Forces (PDF); the Democratic Convention; and the Movement for a Democratic and Prosperous Moldova (MDPM).
- There were over sixty independent candidates on the ballot, none of whom broke the 4 percent threshold for entry in the new parliament.
- There were no significant irregularities or major election law violations observed by Commission staff or reported by other Organization for Security and Cooperation in Europe Parliamentary Assembly (OSCEPA) observers. A major exception to the OSCEPA judgment was the situation in Transdnistria “where neither candidates nor voters had even close to adequate conditions for exercising their civil rights.”
- In a preliminary assessment on March 23, 1998, the elections were judged “as a whole, satisfactory” by the Election Observer Mission.
- The new Moldovan parliament opened its session on April 21, 1998. Deputies are elected for a four year term.

II. INTRODUCTION

The Republic of Moldova is located principally between the Prut River on the west and the Dniestr River to the east, between Romania and Ukraine. A sliver of the country, the left bank or “Transdnistria” region extends beyond the Dniestr River and borders on Ukraine. The 4.3 million population is 65 percent ethnic Romanian, with significant Ukrainian (14 percent) and Russian (13 percent) minorities. Gagauz, Bulgarians, Roma and Jews constitute the bulk of the remainder.

Moldova and Romania were united between World Wars I and II. Following seizure by the Soviets in World War II, Moldova became a Soviet “republic.” The parliamentary elections were the second such multi-party elections held since Moldova achieved independence in August 1991. The first were held in 1994. (See Commission on Security and Cooperation in Europe report, “Moldovan Parliamentary Elections, February, 1994.”) President Petru Lucinschi was elected in December 1996, replacing President Mircea Snegur, elected in December 1991.

Although some political and cultural figures in Moldova had earlier pressed for reunification with Romania, such a step does not currently enjoy significant public support. Furthermore, reunification is strongly opposed by Slavic and other minorities.

In 1991, pro-Soviet forces on the left bank of the Dniestr claimed that their human rights were being violated by the central government and established a “Dniestr Moldova Republic” with the city of Tiraspol as its capital. With the assistance of Russian armed forces left in Transdniestria after the Soviet collapse, the secessionists consolidated their control over the territory after a brief but bloody conflict with Moldovan forces in the summer of 1992. Unrecognized by the international community, the “DMR” government continues to control most of Transdniestria. (For details of the Transdniestrian conflict, see “The Transdniestrian Republic: A Case of Politicized Regionalism,” Pal Kolsto and Andrei Malgin, *Nationality Papers*, Vol. 26, No. 1, 1998.) An OSCE mission established in 1993 has been engaged in negotiations between the Moldovan Government and Transdniestria, with the aim of achieving a mutually acceptable resolution to the conflict within the framework of international law.

Besides the “security zone” checkpoints manned by Russian, Transdniestrian, and Moldovan soldiers or police, Transdniestrian authorities have set up separate “customs check points” to control traffic entering and exiting Transdniestria and Chisinau-controlled Moldova.

Inasmuch as Transdniestrian authorities refused to allow conduct of the elections on territory under their control, the Moldovan Government designated thirteen polling places on the right bank near the security zone where Moldovan citizens from Transdniestria could cast their ballots.

Gagauzia

In southern Moldova, a pro-Soviet faction of the Gagauz ethnic minority (approximately 153,000 in the entire republic) had proclaimed a “Gagauz Soviet Socialist Republic” in August 1990, with its capital in the city of Comrat. In 1994, however, Chisinau and Comrat reached a power sharing agreement that created the Gagauz Autonomous Region (GAR) and granted it significant autonomy, including a separate legislative assembly to deal with strictly regional issues. (For details of the Gagauz autonomy agreement, see Jeff Chinn and Steven D. Roper, “Territorial Autonomy in Gagauzia,” *Nationalities Papers*, Vol. 26, No. 1, 1998.)

The GAR is not a territorially-contiguous entity, but consists of a number of towns and villages in the vicinity of Comrat that voted for inclusion in the GAR. The Gagauz language is a Turkic dialect. Few Gagauz speak Moldovan/Romanian, and Russian serves as the public language. The Gagauz are traditionally Orthodox in religion, adhering to the Moscow Patriarchate.

In general, establishment of the Autonomous Region has been a successful case of a tolerant central government policy toward an ethnic minority. Although the Gagauz compromise of 1994 did not specifically address the issue of districting for the Moldovan parliament, the Gagauz leadership opposed retention of the “one-country, one-constituency” arrangement and favored instead the creation of distinct election districts representing specific constituencies (See Section IV, below). They saw the present arrangement as placing the Autonomous Region at a disadvantage in terms of national representation and inconsistent with the spirit of the compromise.

III. BACKGROUND

Fifteen political parties and blocs, many with similar sounding names and platforms, as well as 67 individual candidates, received ballot status. The parties/blocs spanned the economic spectrum from committed collectivists pledging significant government control of the economy to rightist free-market advocates. In the background loomed the issue of Moldova's international orientation: toward Europe and the West, or toward the Commonwealth of Independent States and the East.

In the runup to the 1998 parliamentary elections, there had been considerable realignments within and among the major parties, as well as the emergence of a powerful and previously-proscribed Communist Party. In the 1994 parliamentary elections, the *nomenklatura*-laden Agrarian Democrats (PDAM), secured 43 percent of the vote and 56 seats. The second place finisher, with 22 percent of the vote and 28 seats, was the proto-communist Socialist-Unity Party, a predominantly Slavic descendant of the Gorbachev-era *Interfront*. The moderately Romanian nationalist and free-market oriented Congress of Peasants and Intellectuals finished third with about 9 percent and 11 seats; the pro-reunification (with Romania) Christian Democratic Popular Front (CDPF) was the fourth party to break the 4 percent barrier, with 7.5 percent of the vote and 9 seats.

By 1995, however, the Agrarian Democrats had suffered fissures within its ranks, and defections from the party had reduced its plurality in the parliament to 43 seats. In August 1997, Parliamentary Chairman and PDAM leader Dmitru Motspan proposed postponing the 1998 parliamentary elections for a year, claiming that elections would "polarize society and destabilize the complicated socio-political situation." (Interfax, 26 August 1997)

Meanwhile, former deputy speaker Dumitru Diacov had left PDAM to lead the new Movement for a Democratic and Prosperous Moldova (MDPM). (For details on the political realignment in PDAM, see Vlad Socor, "Major Political Realignment Looming in Moldova," *Prism*, Jamestown Foundation, July 21, 1995.)

President Petru Lucinschi, the most popular of the current Moldovan political figures, was formally neutral and did not openly endorse any party. However, it was clear that MDPM was Lucinschi's representative, as he had "lent" the MDPM his ballot symbol, the lark, from his presidential race. The MDPM presented a moderately reformist image, calling for privatization of agriculture and a Western approach to economic reforms, while charting a course between the collectivists on the left and the adherents of the Romanian national identity on the right.

Former President Mircea Snegur was elected in 1991 as a middle-of-the-road reformer opposed to reunification with Romania, but was defeated four years later by then-Chairman of the Parliament Lucinschi. Snegur subsequently allied his Party of Rebirth and Reconciliation with his erstwhile *bete-noir* the CDPF to form the Democratic Convention of Moldova (DCM) bloc in 1996. While the DCM played down the reunification issue, it did support close links with Romania and a faster pace of integration with Europe, as opposed to association with the Russian-led Commonwealth of Independent States.

By 1996, leaders of the Congress of Peasants and Intellectuals, had reorganized into the Party of Democratic Forces (PDF), with parliament deputy Valery Matei as chairman. The PDF favors a market economy, and like the DCM, looks to the West instead of the East. Although identified with, and sympathetic to, the Romanian cultural movement, the PDF was attacked in the press shortly before the election for allegedly attempting to “bring into the parliament a Baptist with Orthodox votes” by not identifying one of its candidates as a leader of the Baptist Church. (See Boris Vieru, “Political Parties and God, *Flux*, March 6, 1998). Injunctions against the PDF were reportedly delivered from the pulpit in a number of Orthodox Churches, especially in rural areas.

Meanwhile, the Communist Party (CP), outlawed for the first three years of Moldova’s independence, re-emerged in 1994 and took advantage of widespread discontent over the country’s poor economic situation. The CP pledged to bring more order to the economy, crack down on corruption, and “restore the achievements of socialism” that had allegedly been lost in the first years of independence. In addition, the CP called for closer integration with the Commonwealth of Independent States (CIS). Unlike the Socialist Unity party, whose economic outlook proscriptions differed little from the Communists’, the latter took a strong position in favor of Moldovan unity. CP Party leader Vladimir Voronin is an ethnic Moldovan from Transdniestria.

Four individual candidates subsequently bowed out of the race. Sixteen candidates from the Party of Social and Economic Justice took themselves off the party list in mid-March, claiming that their leader, Maricica Levitschi forced them to swear on the Bible an oath of everlasting political fidelity.

IV. ELECTION LAW/PROCEDURES

Logistics

The election law of November 27, 1997, provided the parameters for parliamentary elections, presidential elections, elections to local office, and referenda.

On the national level, the elections were directed by a nine-member Central Election Committee (CEC) confirmed by the Parliament. Additionally, each party/bloc and candidate was entitled to appoint a member of the CEC with a non-binding “consultative” vote. The Central Election Committee is mandated; *inter alia*, to “coordinate the activity of all electoral bodies for the preparation and conduct of elections” and distribute funds for conducting the election. Each of Moldova’s 45 administrative districts had a District Election Council which oversaw the operations of the approximately 2,000 local Polling Station Bureaus, i.e., the precinct polling station workers serving an estimated 2,300,000 voters.

As had been the case in 1994, the entire country constituted one single electoral district, i.e., deputies were elected “at large” instead of from particular election districts (Title III, Art. 73, p. 2 of the election law). The victorious parties/blocs and individuals would divide up seats in the 101-member parliament according to a proportional system. In order to qualify for any parliamentary seats, a party/bloc or individual was required to garner 4 percent of the total vote.

The ballot was a cumbersome, three-page stapled “booklet” containing a list of parties and blocs interspersed with the names of the independent candidates. Voters were required to place an “X” in the box next to the party, bloc, or candidate they preferred.

Polls were open from 7:00 a.m. to 9:00 p.m.

Media

The only three television stations that broadcast throughout Moldova are state-owned, and the government owns and operates several major radio stations. The CEC established a broadcast schedule of free time for parties/blocs and individuals on state television and radio. Parties/blocs were accorded twice the amount of time—one and a half hours of television, three hours on radio—as individual candidates.

Parties and candidates could also run paid advertising on state television. There was a report that state television had offered additional air time at reduced rates to two of the parties expected to do well in the elections: Democratic Convention and the Prosperous and Democratic Moldova bloc.

Private media outlets—electronic and print—were permitted to accept or reject advertising as they chose, but were required to report their election related advertising to the CEC. (For a description of media structures in Moldova, see the *Country Reports on Human Rights Practices for 1997*, U.S. Department of State.)

Funding

Parties/blocs and candidates were allowed to receive contributions from citizens of Moldova and domestic legal entities (i.e., registered groups). Funds received to finance their campaigns were placed in bank accounts specified as an “electoral account.” Financial records were to be disclosed to a newspaper with country-wide circulation and the CEC. Parties/blocs and candidates were allowed to receive interest-free loans from the government, the amount of the loan was determined by the CEC. Contributions by foreign entities or non-citizens of Moldova were prohibited.

V. ELECTION DAY OBSERVATIONS

Helsinki Commission staff observed polling stations in the Gagauz region and in the Causeni administrative district south of Tighina, adjacent to the security zone. Two of the polling stations observed (Nos. 24 and 33, villages of Raskaietsi and Copanca respectively) were among the thirteen designated by the Moldovan Government for voting by Moldovan citizens from Transdnistria, in addition to registered voters from the precinct itself. The “Transdnistria” ballot box was maintained separately from the main ballot box. In addition, the Commission observer crossed into Transdnistria to check on ease of passage for Moldovan citizens who wished to vote on the right bank.

For the most part, the conduct of both the actual voting and the ballot count was commensurate with generally-accepted OSCE standards. There were no significant irregularities or major election law violations observed by Commission staff or other OSCEPA/ODIHR observers, although a number of procedural irregularities created the potential for abuse.

At the precincts visited there was no sign of intimidation of voters or of local election commission workers, no political agitation or propaganda, and nothing to indicate a citizen could not cast his ballot freely. No one approached the foreign monitors with complaints about the voting process, although a number of persons voiced their dissatisfaction about aspects of government policy, the state of the economy, international affairs, and other issues. In some polling stations a festive atmosphere prevailed, with the village brass band reminding the community of election day. In rural precincts there was considerable crowding in the morning hours, inasmuch as most inhabitants are accustomed to voting early. Later in the day most precincts were fairly quiet with no waiting.

As provided in the election regulations, uniformed police officers were present in the polling stations but did not interfere in the work of the local committees. No attempt to influence voting was observed. After the polls closed, an officer guarded the door while the count was underway.

Local election officials were generally conscientious and competent, if occasionally harried by the crush of voters at peak hours. In many cases, they had worked previous elections. They provided information requested by observers without difficulty, and in most cases were friendly and cooperative (reflecting, in part, the excellent work of Long-Term Observers from the Office of Democratic Institutions and Human Rights before the election). So far as the spot observations of the monitors could determine, regulations were followed in voter registration and ballot issuance.

Domestic monitors were present in all polling stations visited, with full ability to observe voter registration and the ballot box. The domestic monitors did not participate, but could stand or sit directly behind the local committee officials to observe the vote count. Some monitors were overly tolerant of procedural irregularities, declining to challenge shortcomings in the counting process even when their own parties would have benefitted.

“Family voting” and voting outside the booths persisted, particularly at peak voting times, as the polling stations were simply too small to accommodate the volume of voters. As noted by other observers in many former Soviet states, elderly persons routinely sought and received assistance from family members, friends, or polling officials in marking their ballots.

Several observation teams—including the Commission observers --noted that some polling station commissions did not take a total count of ballots before dividing them into separate stacks for parties and individual candidates during the count. The monitors believe these deficiencies were not intended to abuse the accuracy of the count but to hasten the lengthy and labor-intensive counting process. In at least one case, some slackening of work quality appeared during the vote count as the night progressed. Failure to adhere to the legally-mandated procedures eliminated critical safeguards against miscounting or abuse.

In a Gagauz precinct, when the international monitors noted that not all ballots were properly scanned, the chairwoman ordered a second count with emphasis to her coworkers to review the entire ballot. This review produced a number of invalid ballots (from voters who obviously believed they could vote both for a party and for an individual candidate), although even this recount was far from thorough due to the casual approach of some of the counters.

Moldovan authorities had arranged for buses to cross into the Slobozia region of Transnistria to transport voters to their assigned polling stations in Causeni region. However,

these buses were stopped by Transdniestrian authorities at the “customs checkpoint” and not permitted to continue. “If people want to come across the bridge and get on the bus, they can,” said the lieutenant colonel in charge of the post. The bus drivers had been instructed to go to the town centers across the river and pick up voters who might have gathered there. Observers drove to the town centers, with Transdniestrian security surveillance following. There were no apparent takers—under the circumstances, not a surprise.

At one polling station, voters from Transdniestria who had driven in their own vehicles reported that they had been stopped by Transdniestrian “customs officials” and asked their destination. The voters responded that they were on the way to the Sunday morning “flea market.” Others reported that their names were recorded, a departure from usual practices, i.e., a car may be stopped and searched on occasion, but names are not recorded. The same was the case in the Dubasar region of central Transdniestria where “border” and customs patrols checked passports of persons traveling to the Moldovan-controlled village of Cochieri “taking information from people as to their destination and purpose of trip.” (*Nezavisimaya Moldova*, March 23, 1998)

Ultimately, only 3,000 Moldovan citizens from Transdniestria managed to take part in the voting. (“Quo Vadis, Moldova?” Vlad Socor, *Jamestown Daily Report*, May 4, 1998)

Anecdotal evidence would indicate that older voters overwhelmingly supported the Communist Party, while many younger persons favored the pro-Lucinschi MDPM. The notable dearth of young adult males from polling stations was explained time and again by local interlocutors with the statement, “they are all working in Moscow” due to the poor state of the Moldovan economy. Reflecting pre-election public opinion polls, resolution of the stalemate with secessionist Transdniestria—the most salient Moldovan issue for the outside world—was rarely mentioned by voters.

In the event, both regions covered by Commission observers voted heavily for Voronin’s Communist Party, with second place going to the MDPM. Conversations during the course of election day revealed a strong “throw the rascals out” attitude toward the national capital, reflecting a widespread belief that much of the political leadership is corrupt, incompetent, or both. “Where did the money go?” was a frequent question. However, President Lucinschi himself was often cited in positive terms.

VI. RESULTS

Unlike the 1994 elections, when the results were announced over two weeks after the elections, 99 percent of the ballots were processed by the evening of the next day. The results of the elections fulfilled predictions that the voters would winnow the contenders down from fifteen parties/blocs to four or five. Only twenty-seven deputies of the previous parliament were re-elected, although not necessarily on the same tickets as in 1994. None of the independent candidates, who were also required to break the 4 percent threshold, managed to win a seat. A court challenge to this 4 percent requirement for individual candidates proved unsuccessful.

With approximately two thirds of the eligible voters taking part in the election, the breakdown was as follows:

The Communist Party received a little more than 30 percent of the vote (40 seats), followed by the Democratic Convention at slightly less than 20 percent (26 seats), Movement for a Demo-

cratic and Prosperous Moldova with 18 percent (24 seats), and the Party of Democratic Forces at just under 9 percent (11 seats). The other eleven parties and blocs, including the Agrarian Democrats, did not break the 4 percent threshold.

VII. CONCLUSIONS

Economics: Despite some positive macroeconomic trends in Moldova, much of the population continues to suffer economic distress. A public opinion poll in March 1998 disclosed that only 19 percent of the electorate had expected to live better a year from that time.....down from 26 percent in February. The Agrarian-Democrats suffered for having presided in the legislative branch over the economic stagnation of the past four years. The Unity-Socialists were doubly disadvantaged, having had a significant faction in the previous parliament, and also presenting a left wing economic program similar to that of the Communists. Given the choice between Communists or neo-Communists, voters on the left clearly preferred the real thing.

Reform: Despite the impressive plurality of the Communist Party on the left, voters on the whole moved away from statism and neo-statism toward the reformist positions of the three parties in opposition to the Communists.

Ethnicity: While precise ethnic polling statistics cannot be deduced, it would appear that the left still commands the loyalty of the Slavic population (approximately 35 percent) and the right is the province of the ethnic Romanian/Moldovans (approximately 65 percent).

President Lucinschi: President Lucinschi's personal popularity apparently helped the MPDM in the countryside, given a party list that was top heavy with candidates from Chisinau.

The Odd Coupling: The DCM alliance between former foes, President Snegur and the CDPF, proved to be an astute move, even if only temporarily. Clearly, many voters did not object to the ideological compromise made by both sides.

Transdnistria: As indicated by both pre-election public opinion polls and anecdotal evidence, the Transdnistria situation was not a major issue with voters. The political party (Speranta) that made internationalization of the Transdnistria issue a cornerstone of its platform fared poorly.

Consolidation?: In the 1994 parliamentary elections, there were thirteen parties/blocs on the ballot. Four years later, that number increased by two. In both elections, voters rejected the smaller organizations and chose to go with prominent personalities and familiar political organizations. However, 24 percent of the electorate voted for parties that did not break the four percent barrier. Whether future potential candidates attempt to consolidate forces and submerge their individual political ambitions, or whether they prefer to go "once more into the breach" four years from now remains to be seen.

Standards: In terms of conduct of the elections themselves, the Moldovan Government has demonstrated that where it controls the territory it can adequately carry out multi-party elections, within the constraints of the paper ballot system. Long-term advisors may still play a useful role in eradicating remaining glitches.

**PARLIAMENTARY ELECTIONS
REPUBLIC OF MOLDOVA 22 MARCH 1998**

**PRELIMINARY STATEMENT
ISSUED ON 23 MARCH 1998
BY THE ELECTION OBSERVATION MISSION**

The following statement is based upon the observation of 15 Long Term Observers and close to 150 Short Term Observers having visited more than 30 % of the polling stations in the Republic of Moldova.

This is only a preliminary statement. No final assessments can be drawn until the vote count and verification procedure has been completed, and the results have been published. A comprehensive report will be issued in the coming weeks which will contain more detailed analysis and recommendations.

SUMMARY OF CONCLUSIONS

The election process was as a whole satisfactory. The candidates could compete under generally good conditions, and the voters could freely express their will on election day. A major exception to this positive assessment was Transnistria, where - due to the lack of de facto control by the Government of the Republic of Moldova - neither the candidates nor the voters had even close to adequate conditions for exercising their civil rights.

No significant deficiencies were observed during the pre-election period or on election day. However, further improvements can be made, in particular with regard to the legal framework, the voters registers and the media campaign.

THE LEGAL FRAMEWORK

The Election Observation Mission is pleased to note that a number of the recommendations issued by the OSCE/ODIHR Election Observation Mission after the Presidential Elections in 1996 have been worked into the new electoral legislation. A permanent Central Election Commission has been established, and adjustments have been made to the voting and counting process.

The Parliament has decided on an electoral system including a single constituency covering the whole country, and with proportional distribution of seats. This system may be appropriate in countries with no geographically concentrated minorities. However, if there are clear regionally based minorities, a system that provides for political competition within regions is normally used. This can be done by dividing the country in a number of constituencies. Complaints have been raised by representatives from the Gagauzian authorities that the law does not give sufficient possibility for the Gagauzian population to have a political competition between parties within their Autonomous Territory. It is recommended that this issue be addressed as a matter of priority when reviewing the election law in view of future elections. This could also be of relevance for Transnistria.

Another issue of controversy has been whether the 4 % threshold was to be applied also to independent candidates. The Election Observation Mission does not have an opinion on the issue

as such. However, the Election Observation Mission has emphasised the importance of having clear and unambiguous rules defined well in advance of the election. After the Parliament had decided that the threshold was to be applied even for independent candidates, the President filed an appeal with the Constitutional Court. Unfortunately no decision was taken before election day. Therefore today it still remains unclear whether the 4 % threshold will apply to the independent candidates. This may have affected the voters' choice.

VOTER AND CANDIDATE REGISTRATION

The Voters Registers are still not accurate. A number of the voters (approximately 6 % of those actually voting) had to be entered manually into supplemental lists, indicating that they had not been registered before the elections. This creates some uncertainty with regard to the control of the voting process.

THE CAMPAIGN

The electoral campaign was conducted in a generally calm manner.

However there were again some instances of inflammatory language during the campaign. In one case a party was attacked because of the religious faith of one of its candidates, and in another case Nazi symbols were used to characterise another contestant. Despite such regrettable incidents, there was an improvement in the general tone of the campaign.

Several issues related to the campaign were solved before the campaign became intense. The decision that nobody could campaign from a public office reduced the possibility for using public funds and infrastructure for campaign purposes. It was also clarified that schools could be used as campaign venues when there are no classes. Some parties complained that they had not been given access to public buildings for their meetings, but contestants have generally been treated equally throughout the country in this respect.

MEDIA

The electoral campaign was also widely reflected in the mass media and every electoral contestant had access to the electronic as well as print media. The State Media gave the contestants a fairly equal access to present their programmes. At the same time, the state media made little effort to analyse the content of the campaign, and therefore only contributed in a limited manner to helping the voters in making their choice.

President Lucinschi appeared on 22 February, 1 March and the day before election on state TV, where he gave recommendations to voters, although without mentioning party names. If an elected president expresses his preferences, this should normally be done in a campaigning context and outside of the time slots allocated to him in his official capacity.

Another major obstacle for voters to build up their mind is the lack of real independent media in the country.

ELECTION DAY

The voting and counting on election day was performed in an orderly and professional manner, and the people involved were committed to their important task. Some areas can still be improved:

- The design of the ballot paper made the counting process complicated, the stamping of the ballots less efficient and the annulling of withdrawn candidates cumbersome.
- In many instances all ballot papers were stamped before opening the ballot box, contrarily to the law and instructions.
- Unauthorised persons were present both during the voting and the count.
- The decision on valid and invalid votes was still too strict in some polling stations, and in at least one place, the observers were not allowed to check the decision regarding the void votes.
- The training of party observers should be improved.
- Family voting is still a common practise, in particular in the villages.
- The rules for the re-conciliation of votes were not clear to all Polling Station Bureaus.

In the Polling Station of Varnita, which had been designated for Transnistrian voters, the arrangements for receiving the number of voters that could be expected were not adequate. There was little control with arrangements against double voting, but later during the day the situation was improved by organising the voting tables by alphabet of the voters surname.

TRANSNISTRIA

The region on the left bank of the river Nistru is not under de facto control of the Government of the Republic of Moldova. It was therefore necessary to make arrangements for these elections similar to those established for the 1994 and 1996 elections, by inviting voters to come over to the right bank to vote in thirteen special polling stations set up for voters who reside in the Transnistrian region.

This is unfortunately not an adequate arrangement for giving all citizens a possibility to exercise their right to vote. Under normal circumstances the electorate would be served with between 400 and 500 polling stations. The responsibility for this situation rests squarely with the Transnistrian authorities.

Based upon an oral agreement made in a meeting on 20 January with the Transnistrian authorities, and confirmed on the telephone on 9 March, the Central Election Commission organised buses to cross over to the left bank to bring voters back to the thirteen polling stations. The vast majority of these buses were on election day prevented by the Transnistrian authorities from crossing over to the left bank, and even regular buses were stopped or delayed in some cases, apparently as the result of an order originating from the Transnistrian security apparatus. There were also

reports of intimidation of some Transnistrian voters on election day and the days leading up to it. In some regular buses, the control of persons went beyond the usual one, and names were recorded. People told the observers that they were afraid. These serious and deplorable manipulations, which have to be condemned by the international community, deprived a vast number of voters from exercising their right to vote.

The turnout in these polling stations was less than half of the turnout during the 1996 Presidential election. Even though the number of eligible voters is uncertain, this represents less than 1-2 % of the electorate in Transnistria.

Upon invitation from the Ministry of Foreign Affairs of the Republic of Moldova of 14 January 1998, the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission in Moldova for the 22 March Parliamentary elections.

Mr. Kåre Vollan was appointed by the ODIHR as the On-site Co-ordinator in January, upon being seconded by the Government of Norway.

Mr. Markus Aaltonen, Chairman of the Foreign Affairs Commission of the Finnish Parliament, was designated by the OSCE Chairman-in-Office as a Special Co-ordinator to the Election Observation Mission.

Mr. Dumeni Columberg was appointed Head of the Council of Europe Parliamentary Assembly delegation.

This statement is based upon the collective findings of observers seconded by 30 countries, by parliamentarians and public officials representing the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, the OSCE Participating states, the OSCE Mission to Moldova, local Embassies, as well as a number of NGO's. In total, 145 short term observers and 15 long term observers were deployed throughout the Republic of Moldova.

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