

Post-electoral Moldova in the search for legitimacy

Abstract

This article focuses on events in Moldova following the April elections and the reaction and street protests which followed the declaration. It examines in detail the events of the following days and sets this into the context of a critical analysis of the actions of all the parties involved, not least of them the authorities, led by the ruling Communist Party. The author also considers some of the political background to the elections from the perspective of examining why the protests at the election results came about and provides an initial assessment of the immediate political circumstances of Moldova, ahead of the July presidential elections which took place after this article was written. The article concludes with the author's views of the implications of the events for the future of the country, not least given the geopolitical realities and the country's own continuing search for a legitimacy for itself. With a polarised society, this will not be easy but the EU must display greater commitment to Moldova's democracy.

Keywords: *Moldova, Communist Party, election results, 'orange' revolution, young people, election fraud, coup d'état, EU enlargement, Russian sphere of influence*

Questioning the election results

The recent general elections in Moldova yielded controversial results. It proved to be a success for the ruling Communist Party (PCRM), which won 49.5 % of the votes cast in the elections, but also supplied serious concerns over the subsequent behaviour of the government. Three liberal parties who managed to pass the 6 % threshold claimed that the elections were rigged by the ruling party. But, they collected together only 35 % of votes and their complaint was ignored by the Court of Appeal and the Central Election Commission.

Both the Court of Appeal and the Constitutional Court refused to check the opposition-collected evidence on the alleged electoral frauds, supporting only a recount of the votes asked for by President Voronin. Liberal parties claimed that the major source of fraud had been the inaccurate voter rolls – with nearly half a million voters absent, and a lack of actualisation, the lists allegedly differed massively from the actual electorate of Moldova. At the end, the votes were recalculated, confirming the initial results, but the Court of Appeal rejected the evidence related to voter rolls and the alleged multiple vote frauds claimed by the opposition. At an early stage, the Constitutional Court, claiming that there were some procedural reasons not to consider these, went on to validate the electoral results. The opposition parties continued, however, to claim that the elections were fraudulent and that the systematic use of the police, prosecution and other state bodies in the electoral process only confirmed this in the weeks after the election day.

After most of the international observers had returned home, displaying a rather controversial 'health certificate' for the election results, public anger broke on the streets of the capital of Moldova. The widespread perception of rigged elections mobilised thousands of young protesters in the capital of Moldova on 6-7 April. Western TV audiences were shocked to witness, on the afternoon of 7 April, numerous angry men stoning official buildings in Chişinău after clashing with police forces. Set in the aftermath of the elections, the protests were somehow confounded by any urban riot happening contemporaneously in Athens, Budapest or Paris, while the first reaction of EU leaders was to halt even the idea that such acts could have any line in common with democracy. The EU released statements stressing its readiness to work with Moldova.¹ Nevertheless, the second weekend coincided with catholic Easter and many diplomats and EU bureaucrats are among the last to spend their vacation on other than family business; and, when they started to return to their offices, the street clashes in Chişinău ended.

This was a signal for the ruling Communist leaders to see the opportunity to act fast, in the spirit of Machiavelli, killing two birds with one stone. First, they used this 'pause for reflection' to disperse the protestors while accusing the opposition of having committed a '*coup d'état*'. Second, they aimed to engage Russia as a guarantee and actor, attempting to curb any possible activism from the EU. This was very easy, since the Russians had already aligned with the Communists in the 2009 campaign – and proved to be quite useful in keeping together the Russophone-group of voters who were somehow disoriented by the gambits of the ruling party during the 2003, 2005 and 2006 turning points. Assured of Moscow's support, the Communists mounted a wide spin against the 'internal and external enemies of Moldovan statehood'.

The conflict continued, however, only becoming magnified. Police violence outraged civil society and the main opposition parties requested an immediate investigation of the events, prosecution of the police officers and a personal acceptance of responsibility by President Voronin for the tortured people. Personally offended by the scale of the protest actions and by the anti-communist rhetoric, particularly after the 2008 Year of Young People, Voronin fiercely criticised the senior management of universities in a public meeting for their 'lack of patriotism'. In the following days, however, Voronin went on to accuse Romania of being the culprit of the crisis, with its Ambassador being expelled and a visa regime instituted for Romanian citizens.

Questions about the complexity of the crisis in Moldova could have disoriented the west, which felt rather scared to report it to another of the 'orange' analogues of the region, or to counter Russian support, which was already confirmed and effective. So, was this unexpected post-election uprising an attempt to change the regime, taking inspiration from some abortive 'orange' demonstrations, or a security plot, inciting the crowds for some suspect goals? Was it really a genuine protest or did it perhaps have more in common with the sophisticated diversions planned by Russia – or else by Romania, as the ruling party has maintained thus far?

1 Joint press release by the Czech, French and Swedish Ministers of Foreign Affairs on the situation in Moldova, 9 April 2009.

The origins of the post-election protests

By the end of the day of the election day, on 5 April, at around 10pm, Vladimir Voronin, PCRM leader and also incumbent President, congratulated himself and his party comrades on an overwhelming victory just as soon as the preliminary turnout results were announced by the CEC. Some of his statements infuriated the public in particular since the President declared that the three top-ranked positions (president, speaker of the parliament and prime minister) would be non-negotiable and that he saw no reason thus far to talk to the opposition at all. After a rather controversial election campaign, with numerous attacks and a violent 'dark PR' staged against the main opposition parties, this kind of 'plain speaking' left no-one under any possible illusion about the desired political line of the PCRM after the elections.

Widespread mistrust in the election results caused some activist groups already to gather on the morning of the next day in the main square of the capital. Rumours about identified frauds, interference of the police and calls to protest spread quickly across the universities, colleges and high schools of Chişinău. The media was still asleep after a long election night and so Tweets, mobile phones, the internet, etc., were used to set in motion large groups of particularly young people, albeit rather diverse and non-homogenous. The organisers soon found that they had attracted a hundred times more people into the main city square than they had originally expected. More than 10 000 participants, mainly students and young people, responded to the call to protest on Monday 6 April against the alleged irregularities in the elections. The fortune of obtaining such an audience then turned into the rather more complicated task of how to manage both such a crowd and also the speakers, without appropriate technical facilities and having such a diversity of views and participants, bearing in common perhaps only their repulsion at the authoritarian regime.

The authorities did not provide the organisers with direct access to the electricity supply, so this reduced their capacity to organise the growing lines of participants in the rally and so the crowd split into several distinct and unrelated groups. Some remained in front of the governmental building, where the opposition leaders came together, while others moved to the nearby presidency (400m away) and parliament – the two institutions which, after eight years of Communist governance, were widely associated with the power.

The size of the protests and the level of violence caught everyone by surprise. The peaceful protests of the Monday continued on the Tuesday, now with more than 30 000 participants fully captured by the rallies. The group situated in front of the Presidential Office turned aggressive when police forces tried to disperse it with water cannons. Disparate and apparently illogical attempts to break the lines of the crowds with cars, and later with tear grenades, by police forces only infuriated the protesters further. After a series of positional clashes on the morning of 7 April between radical elements and police units, including special trained forces, the former emerged on top, taking over police cars and patrolling the centre of the main square while the latter retreated. When it discovered how weak and inconsistent were the actions of the police officers, these elements pushed forward and captured rather easily full control over the building, leading to glass being broken on the first and second floors. The EU flag was raised over the Presidency and, later on, a Romanian flag appeared equally from among the crowd

of people. One hour later, after repeated clashes with police units, the poorly managed crowd of violent protestors invaded the Parliamentary building, which was guarded by scant police forces.

Independent reports presented by observers show some amazing co-operation between the violent protestors and some police officers which need to be further elucidated.² Both the government and the opposition later accused each other of sending *provocateurs* to incite the crowds.

In the meantime, the largest group of protestors gathered peacefully in front of the government building, apparently making no attempt to follow the radical elements.

Following the invasion of the Presidential Office, however, the crowd of protestors launched attacks on the Parliament. By 4pm, the most radical elements of the protesting crowds were in control of both buildings, leaving the guards to retreat in complete disarray. Nevertheless, the protestors left the Parliament at 7pm, which was then re-occupied by the guards, while at 9pm a fire was started which burned until 1am. No-one has been able to explain who started the fire after the retreat of the protestors, why no anti-fire equipment sounded the alarm and why firefighters did not intervene to extinguish the fire. This remains another serious mystery that no-one has been able so far to resolve.

Despite the massive crowds of protestors, the police officers appeared to be dis-oriented and poorly prepared to face the challenge. During the night of 8 April, however, police units intervened in force and dispelled the remaining protestors, thus regaining full control over the main square. Both the top-ranking officials, President Voronin and Prime Minister Greceanăi, directed the police towards a harsher line of conduct, providing clear indications to act with full force. The President called the protestors 'fascists' while the Prime Minister was quoted online saying that 'the police have received orders to shut out the protestors if they again gather on the streets.'³ In the following days, the police started not only to arrest people who had attended the protest actions but also to unleash a wide campaign of repression against dissent in general. Teenagers were particularly targeted, as were those NGOs, political party activists and the media which were suspected of even having sympathy for the protestors. Several cases of the use of excessive force, including physical mistreatment, beatings and torture, then outraged the media and politicians, splitting society.

The police were particularly infuriated with the media. Journalists who did not participate in the protests were arrested, along with protestors both violent and peaceful. Hundreds of people were arrested on the streets that day and night by unidentified people, allegedly from the police; while on the next day dozens of students were taken directly from their classrooms and universities. Human rights watchdogs reported over 700 cases of individuals being harassed by the police between 8 April and 14-15 April. The authorities sent in fiscal bodies to control NGOs of Coalition 2009, while the Ministry of Justice requested written explanations from the media and civil society

2 Helsinki Committee *Chronicle of the Attacks on Parliament* www.azi.md/ro/comment/2355.

3 Vladimir Voronin: 'We will show that in Moldova there is a power which will act strongly to protect the country's statehood from a handful of fascists drunk on anger trying to cause a *coup d'état*.' Public records from the Government Extraordinary Sitting, 8 April 09.

on ‘what measures they have taken to keep public order’. This generated counter-actions from the opposition.

The Mayor’s Office of the City of Chişinău created an online database of at least 318 people who had been arrested and mistreated,⁴ some without official records. In the same direction, the City Hall of Chişinău continued to report cases of disappearance or maltreatment in police offices. Evidence showed that harassment of the local and foreign media also started following signals from the very top, hinting at President Voronin. Several TV crews from west European countries, as well as from neighbouring Romania, were asked to leave Moldova immediately and the Moldovan authorities set up a rigid visa regime for Romanian citizens, despite the several visa agreements signed between Moldova and the EU, of which Romania is a full-rights member. By order of the state leadership, some of the most watched Romanian TV programmes were banned and xenophobic attacks on Romania were launched in the state-controlled and party media outlets belonging to the PCRM.

The crisis reached a high level of drama when EU officials started to respond to the growing conflict. On 7 April, Javier Solana called on both sides to refrain from violence and provocation while, on 8 April, Benita Ferrero-Waldner stated her deep concern about the clashes between demonstrators and police, urging both parties to exercise restraint and to engage in dialogue.⁵ A statement of civil society organisations called on the authorities to refrain from reprisals, inviting them to make a clear difference between violent and peaceful protestors.⁶

Peaceful demonstrations continued for the remainder of the week while on Sunday 12 April, the united opposition parties organised a large National Assembly on the same square of the capital at which they articulated for the first time a joint political position: invalidation of the results; punishment of the police officers who tortured detained protestors; full respect for the human and civil rights guaranteed by the Constitution of Moldova. Angry about the devastation of official buildings, the Moldovan authorities again refused to talk to the opposition, accusing their leaders of being the ‘authors of the putsch’ with assistance from Romania. In sole proof, President Voronin pointed to the tricolour (red, yellow and blue) flag raised by the demonstrators, although such flags (identical with that of the Republic of Moldova except for one icon) are frequently raised at various cultural or political rallies.

To prop up his claims, Voronin stated also that ‘10 Serbian activists’ had led the riots and, on the same day, the authorities announced they had expelled the Director of the National Democratic Institute Office, Alex Grigorievs, linking this act with the similar accusations which led to the declaration of two high-ranking Romanian diplomats as *persona non grata* (i.e. the Ambassador and his Deputy). The opposition parties

4 www.chisinau.md.

5 EU Commissioner Ferrero-Waldner on the violent demonstrations in Chişinău. European Commission, 8 April 2009; Javier Solana, EU High Representative for the Common Foreign and Security Policy, concerned about the situation in the Republic of Moldova, 7 April 2009.

6 Declaration regarding the escalating social and political situation in Moldova after the parliamentary elections of 5 April 2009.

and the liberal media called these actions ‘absurd’ and appealed to the international community for a reaction.

The opposition parties also applied to the Court of Appeal with a request to check the lists of those who voted in the elections, stating that they wanted to consider the existing allegations that ‘dead people also voted in the elections’ and the serious allegations demonstrating that multiple voting occurred. On the same day, the ruling PCRM also appealed to the Court of Appeal, claiming that ‘verification of the voter rolls would infringe the secrecy of the ballot’. In its turn, the Court decided to block the initiative of the opposition to check the lists of those who voted; thus, suspicions that fraud had existed only multiplied and became more spread.

In the meantime, reports about the cases of torture and the heavy-handed mistreatment of those arrested were presented to the public, including from the UN Human Rights Advisor to Moldova, Edwin Berry, who managed to visit some of the police offices in the first week after the day of the election, where the arrested young people were detained.⁷ Three deaths and over 180 individuals hospitalised with serious injuries were registered by human rights watchdogs, causing sharp controversies with the police, prosecution and the government of Moldova.⁸ On 16 April, the US Sub-Secretary at the State Department, Robert Woods, stated that the:

US is deeply concerned by the upsurge in violence and mistreatment caused to students and the media, despite calls for reconciliation from the incumbent President.

He found:

No excuse for the violence of 7 April, but urged the authorities to respect the law and international obligations of the country when dealing with the opposition, protestors and the media, responding in a co-operative and transparent manner to the demands advanced by the opposition parties.⁹

Human rights watchdogs also reported widespread violations of human rights, particularly of arrested people and specifically with regard to the right to life, i.e. registering the torture and the cruel, inhuman and degrading treatment of arrested people by the police. They called on the international community to stop the violence and to influence the authorities of Moldova to abstain from the widespread and systematic human rights violations. On 18 April, they decided to establish an Anti-Torture Alliance, consisting of the main civil groups which launched their full support for the victims of police abuse.

Following this, the independent media launched serious investigations to identify those who had begun the devastation of the government buildings, from which they found facts signalling possible connections with police officers. Journalists noted that

7 http://en.wikipedia.org/wiki/2009_Moldova_civil_unrest.

8 Appeal of the human rights community of Moldova, 13 April 2009, www.credo.md/pagini/stiri.php.

9 *Moldova: Aftermath of the protests* Robert Wood, US Department of State, 16 April 2009.

the most aggressive of the protestors were some small groups each consisting of 5-10 individuals dressed in black and all carrying some bags who were apparently known to the police. They communicated in coded messages and were the first to raise the EU flag on the Presidential Office and the Parliament building, even being assisted by the police guards. Later on, even though President Voronin made a bold link between these actions and Romania's alleged implication in them,¹⁰ these people remained free, unlike other innocent people.

The authorities claimed that the cost of the destruction of the buildings would be paid out of the universities' budget, as punishment for not educating 'true patriots of Moldova'. Very quickly, however, the media established that the authorities had just launched a reconstruction project, authorised as far back as 2007, and that some works had been financed already before the events of 7 April took place.

Thus, serious doubts about the official presentation of the violent conflict were set down, which had knock-on effects on the standing of the opposition over the following weeks.

Sic transit gloria mundi!

In the 2009 elections, the ruling Communists campaigned for 'stability', presenting their previous eight years of rule as confirmation of their effective capacity 'to build a European Moldova' while retaining friendly ties with Moscow. Nevertheless, exactly this sort of stability made some parts of society feel alienated, antagonised by the discrepancies between such words and the realms of the PCRM, which presented itself as the 'upholder of the sovereignty of the state'. The PCRM won the votes of the poorest and most vulnerable strata of the population, too poor to move abroad and too dependent on state pensions and subsidies. After its return to power in 2001, the PCRM aimed to build a stronger 'vertical power' administration, taking as a source of inspiration the famous Russian 'managed democracy' model. This has also marginalised the opposition parties and fuelled serious concerns about the accountability of the state leadership.

Moldova has improved its economic standing to some extent but, in 2008, almost 40 % of the population still lived below the subsistence level while the average monthly income was just \$30. Data from the National Statistical Office show that 68 % of the total population lived below the minimum poverty level, estimated at 1 099 lei. The poorest parts of the population reside mainly in rural areas (76 %), while 58 % lived below the minimum subsistence level.¹¹

The largest part of state revenues still depend on the remittances sent by Moldovans working abroad to their families. Moldova is the leading country in Europe in terms of the ratio of remittances to GDP, which constituted more than 38 % in 2007. Reports from the Institute of Migration show that Moldovan migrants remitted \$1.5bn in 2007

- 10 Statement by President Voronin at the Governmental Sitting: 'When the flag of Romania was raised on state buildings, the attempts of the opposition to carry out a *coup* became clear. We will not allow this.'
- 11 Biroul National de Statistica al RM, www.statistica.md.

and \$1.9bn in 2008.¹² Migration to the EU is perceived as costly and requiring of a high up-front investment that may be out of the reach of poor, credit-constrained households, but migration to CIS countries offers a cheaper alternative that should be viable for practically all applicants/Moldovans. This leaves the door open to Russia to almost half of migrants, whose number is officially estimated at 340 000, although this is contested by independent experts who assume that the real number of migrants is close to 800 000, or more than one-third of the valid population.

After they won re-election in 2005, the PCRM grew more vocal in promising integration with the EU and a more prosperous state. For a variety of reasons, the Communists requested the votes of other parties to confirm President Voronin in his second-term mandate, with the pay-off being to conclude a kind of 'national consensus' on Moldova's strategic orientation towards the EU. In 2007, the ruling party was defeated in the local elections, losing 21 out of the 32 rayon administrations, which made President Voronin renounce publicly any stated agreement with the opposition parties.

Despite its fragmentation, the opposition scored positively in the country's capital during the 2007 local elections and this was seen as a fairly good position from which to campaign in the 2009 elections. But, the Communists had more power and resources, as well as the central administration under their control. By the end of 2008, PCRM had almost full control over the national broadcast media landscape (owning four private TV channels and one public one, Teleradio/Moldova). None of the opposition parties had even a single TV or radio station in 2008-2009 with the exception, perhaps, of the Christian-Democrat Popular Party, which was rewarded in 2006 for its alignment with the PCRM with its own TV station (Eutv). For the 2009 campaign, the Communists engaged all the executive's agencies, i.e. police, state plants, etc. as election agents. Prior to the elections, the Central Election Commission accepted new voter lists provided by the State Department for Information Technologies, adding in excess of 390 000 more voters to the voter rolls, but no-one could check the lists since the period was short while the task tremendous.

Nevertheless, fearing that the losses in the local elections could threaten its chances in the 2009 elections, the ruling party decided to amend the Election Code and increased the representation threshold from 4 % to 6 %, banning also the creation of electoral blocs. During the campaign, various opinion polls showed a relative inert persistence of the ruling Communists at around 35 %, while the three liberal parties together were imagined to come close to the same figure. These included the older 'Our Moldova' Alliance (leader Serafim Urechean) which was, in 2005, the main pillar of the opposition parties; a pretty young Liberal Party, but which succeeded in 2007 in winning elections in the capital due to its charismatic young leader, Dorin Chirtoaca; and a popular Liberal Democratic Party, which saw itself as a new alternative to the cronyist political elites. All shared as a common denominator a vocal pro-EU course, departing from the conventional pro-CIS (Commonwealth of Independent States) discourse, as a consequence of which they could not but irritate Russia, which decided to show its political support for the incumbent President Voronin. To pay back Russian support,

12 *Labour Migration and Remittances in Moldova: Is the Boom Over?* Trends and preliminary findings from the IOM/CBS Axa Panel Household Survey 2006-2008, released 8 May 2009.

Voronin stated publicly that 'he personally sees EU integration as coupled to Russia's own integration in Europe', harshly criticising in February 2009 the EU's newly-born Eastern Partnership policy, which he described as a kind of giving 'sweets to kids, while the real objective of the Partnership is to encircle Russia'. This was exactly the message that, later on, the Russians also used to describe the EU initiatives towards the neighbouring Ukraine and Moldova.

The elections of 2009 took place on the eve of a severe economic crisis in Moldova, but no official of the government has ever accepted talking about the crisis publicly. Instead, the Communists have attempted to undermine the asperity of the crisis, claiming that it will avoid Moldova and, thus, trying to increase votes by pushing 'stability' and blaming the opposition for being corrupt or alien from the 'people's real needs'.

So, in 2009 the ruling party faced an opposition divided less by ideology than by petty interests and personal animosities. The Communists ran a rather sophisticated election campaign through a wide consortium of private and public TV and radio companies, controlled directly or via proxies. For the first time, however, the Communists faced the most direct and irreconcilable opposition since its return to power. This is generally explained through a clear cultural divide between the young (western thinking) and the old (nostalgic for the USSR) generations, partly because would-be leaders from the middle generation are generally absent, trying to earn a living abroad.

The winning ticket in the election belonged, however, to the 'undecided' voters who were estimated at around 32 % by the same polls – by all accounts, a huge electoral resource. When the Central Electoral Commission announced that almost 50 % of the vote went to the ruling party, which would have enough seats to elect the new president and form the new government, the results slightly differed from some of the previous polls which forecasted fewer votes for the PCRM. The same was true with regard to the results received from the national exit poll on election night, presented on 5 April by the Institute for Public Policy, which indicated around 44 % of votes for the Communist Party. Some hours later, the preliminary results of the CEC displayed a difference of about 5 % with the results of the exit poll. The difference was thus seen as additional proof of fraud committed in the election. In the same way, the allegations made by the opposition parties that ballots were filled in by non-existent voters fuelled suspicions of the elections having been rigged.

So, when President Voronin declared, immediately after the preliminary announcement of the results by the CEC officials that he himself saw no reason to hold talks with the opposition parties, the level of frustration amongst various segments of the population reached a high level. The post-election protests, the clashes between police and protestors, and the rumours that buildings were left to be vandalised deliberately, as the media implied through subsequent investigations, further expanded mutual mistrust. Following the authorities' claim that they had clear evidence of a *coup d'état*, opposition leaders resorted to historic analogies between the fire started in the parliament of Moldova on 7 April with the Reichstag burning of 1933.

The public controversies around these questions set up deep walls and splits across Moldovan society. On the one side, the ruling Communists proposed their view, saying that:

Romania and the opposition parties attempted to take power by '*coup d'état*'.

This was exactly the accusation brought by President Voronin and his team, accusations which are still maintained today. This argument is based on some of the protestors waving a Romanian flag during the protest actions and, when the rioters succeeded in taking under their control the Presidential Office and the Parliament building, it was this flag and the EU one which were installed on top of these buildings.

Only Russia backed the position of President Voronin, who spoke of there being 'internal and external enemies' of the statehood of Moldova for whom 'harsh punishment' was promised. An early statement by Javier Solana, the EU's chief foreign policy representative, criticising the violence and endorsing the result of the election based on the finding of the OSCE International Election Observing Mission that the elections were generally free and fair, was interpreted as a signal that the protesters had no western support. Demoralised and harassed by the police, the daily protest rallies became thinner until they disappeared altogether. Nevertheless, on Sunday 12 April, the liberal parties summoned a large popular meeting, attended by more than 10 000 participants, most of them adults, on the same Piața Marii Adunări Naționale. On 21 April, the President issued a Decree establishing a State Commission to investigate the violent conflicts taking place after the elections; this was composed entirely from among its party members or elements loyal to it. The Committee was entitled to present a report to the first session of parliament (on 5 May), it has not so far responded to the dates outlined by the presidential decree.

In the meantime, the Communists fell short of being able to enter with full force into the legislative work. They were able to elect Voronin as Speaker of the Parliament, but they found limited space for manoeuvre in terms of persuading the opposition to vote to elect a new president of Moldova. On 5 May, Parliament met at its first sitting, where the opposition parties were not allowed to speak at the microphones. This led to opposition leaders suspending future dialogue with the ruling party, saying that they would boycott the election of the new president, thus giving no voice to the majority sixty mandates of the Communist faction.¹³ In turn, with President Voronin elected as Speaker of the Parliament, the ruling party claimed they were going to amend the Moldovan Constitution to increase the powers of parliament, while designating Zinaida Greceanăi, former Prime Minister, as the new head of state. Meanwhile, Voronin continued to claim that he could count on the necessary mandates to elect the president saying, however, that the Communists would not fear new elections in the case that parliament failed to agree on a new president. In the meantime, Voronin used his sixty votes to install himself as Parliament Chairman while continuing to exercise his man-

13 [Editor's Note: The Moldovan Constitution requires the votes of three-fifths of parliament for a new President. The 60 seats won by the Communist Party in the election thus leaves them one short in the 101-member parliament.]

date, in line with Article 80(2) of the Constitution, until the newly-elected president was sworn into office.¹⁴

Winning an election with the largest majority of votes since 2001 is obviously not enough to hold legitimate power for the Communist Party in Moldova. After completing his second mandate as President of Moldova, Vladimir Voronin is now facing a serious dilemma. On the one hand, he met serious resistance inside his own party, where some leaders would love to replace him, or at least assume a role as the sole ‘owner’ of the party; on the other, he has continued his personal views on the opposition parties, continually accusing and publicly mocking them. This could now turn into an equation which is impossible to balance. Overt pressure and brutal accusations have not so far brought results with the liberal parties and, given that two failed attempts to elect a new president implies a dissolution of the legislature,¹⁵ the Communist Party has entered into the most complicated situation since it took power in 2001. Leaders of the opposition proposed a list of conditions before they would accept negotiations with the Communists, thus paying back the humiliation and offence from the Communists made during the elections. The situation seems thus to be both dramatic and simple, at one and the same time, since only political will could unblock the constitutional guarantees to protect the rights and freedoms that were affected during the April events in Moldova.

Totalling the ‘casualties’ after the elections

There are several conclusions which can be made about Moldova a few weeks after the elections.

Moldova’s post-election developments combine a number of elements that assimilate some elements of the ‘orange’ revolution in Ukraine, in combination with many others which are rather atypical for it. The most renowned of these ‘orange’ revolutions – Serbia, Georgia, Ukraine – all share some key elements: a managed semi-democracy, based on full control over the media and the opposition; a government party strongly embedded in the state structures; an opposition based mostly in urban areas, particularly the capital; pro-change coalitions of civil society; and a widespread fear that the vote will be rigged. What has been missed so far in Moldova is a unified opposition. The huge discrepancies in the votes of the Communists and the other liberal parties has somehow left the impression that the victory of the latter cannot be assured. Enhancing the future relationship between Moldova and the EU was conditioned by the 2009 elections, and no-one expected them to be some sort of ‘watershed elections’.

Nevertheless, election frauds have mobilised the parties and the general public against the regime, which proved capable of transiting quickly from a sort of ‘soft authoritarianism’ to a ‘more explicit version’ and, in the classical terminology, to a

14 Constitutional Court: Ruling No. 43 of 14 December 2000.

15 A Constitutional Court Decision (No. 4 of 26 December 2000), ruled that failure by the legislature to elect a president in two repeated rounds of voting creates the legal ground to dissolve parliament and call for early elections. [Editor’s Note: However, two elections cannot be held in the same year so, following the similarly inconclusive results of the July elections as regards the ability of parliament to elect a new president, a new set of elections is now not expected until 2010.].

dictablanda. As a 'bonus' for its utmost political crisis, Moldova was certainly located on the political map of Europe after the stormy days of April 5-15. The 'sandwich, not a country' theory was refuted by the outburst of genuine civic spirit, although the violent character of the protests also suggested a lack of civic leadership and media support. The massive dissatisfaction of young people with the PCRM 'verticality of power' has put an end to the ideas of having 'undemocratic stability' as a better option than 'democratic instability'. To a large part of society, the Communist victory was perceived as a sort of personal bad luck, affecting the key indicators of their life: freedom; democracy; and the hope of a better economic future. Moldova has so far enjoyed a relatively open society, with plenty of exchange with the west, but the April events show that uncontrolled government can act violently if the key institutions remain un-reformed or subservient to a single party.

Moldova's relationship with the EU needs to be further revised and refocused. It has received consistent incentives from the EU in various fields of economic reform, signing its first Action Plan with the EU in February 2005, and, while the EU endorses an embargo against Transnistria and has put pressure on Ukraine to respect it, it is true that Moldova was left practically one-on-one with Russia while the Transnistrian conflict remained for almost two decades an issue of the discretionary monopoly of the Russian Federation. This was a result of the stagnation of political reforms. The Moldovan case therefore represents an illustration that democratisation cannot progress in unfavourable external environments; that orange revolutions stop at the geo-political limits. Despite holding regularly competitive elections, unlike authoritarian Belarus, the Russian Federation or despotic central Asian ex-soviet republics, Moldova does not find itself better off. During the early years of the east European transition, transitologists made much of the 'demonstration effect': East Berliners could see over the wall enough to understand that West Berliners lived better. Successful democratisations are said to be driven by such examples that people may emulate across the borders.

The post-electoral splits have exacerbated the political divides of Moldova, with politics deeply affected by competition between two demonstrable positions. Firstly, the obvious outcome of the 2009 elections is the collapse of the 'political centre', leading to a sharp polarisation of society. No social democrat or Christian democrat parties crossed the 6% threshold in the pre-April campaign, leaving three liberal parties to counterbalance the position of the far-left Communists. Secondly, the young, who are seeking an alternative to illegal work in western Europe, the number one source of jobs, look towards the west, i.e. Romania, or Ukraine's unfinished Orange Revolution, as a source of inspiration in both political and economic terms. The old, however, know better.

It seems that Russia is, and remains, stronger and more committed to interfere in the domestic affairs of Moldova than is the EU, in spite of the Eastern Partnership, or perhaps particularly because of it. The attitudes of EU leaders during the April events only adds new proof in this regard. This cannot be said about the hugely positive role played by the vibrant network of policy centres and NGOs which are active in the region. This manifested itself in full and unconditional support and solidarity with democratic forces in Moldova. It seems, however, that there are hard and unresolved issues in the EU neighbourhood which could create other tensions in the future. An

unreformed security sector and poorly implemented economic and political reforms have made the ruling elites in Moldova highly vulnerable to external pressures, especially from Russia, which has been searching to re-establish its 'spheres of influence' and which used the elections in Moldova to re-affirm its desired goals. Unless the EU shows greater commitment towards Moldovan democracy, Moldova will remain a European source of embarrassment.