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NEWSLETTER

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Synthesis and Foreign Policy Debates

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Ultima perioadă a fost marcată de o serie de evenimente importante pentru Republica Moldova.



The Budget Committee of the European Parliament has approved the request of the Member of the European Parliament, Siegfried Mureșan, to make conditional the European financing for Moldova based on results in the areas of "fighting against corruption, independence of the judiciary, strengthening the rule of law and strengthening the banking system," reads a press release of the Member of European Parliament.



On April 12th, the ambassadors of the EU countries to Brussels have endorsed a package of 100 million Euro as macro-financial aid for Moldova, 60 million Euro of which is in form of a loan, while 40 million Euro is a grant, in addition to the resources offered by the IMF. The European Parliament's final vote on this assistance is scheduled to take place at the plenary session from May.



Moldova will receive observer status in the Eurasian Economic Union (EEU), announced the Moldovan President Igor Dodon. In a Facebook post in Russian, Dodon said the decision was taken on April 14th by the leaders of the five Member States of the Union and that it does not mean that Moldova joins the EEU, but it offers the opportunity to learn more about the operating principles of this organization.



Moldova's observer status in the Eurasian Economic Union has more of a symbolic character, said the Moldovan Speaker of Parliament, Andrian Candu, as quoted by IPN. The speaker of Parliament says that in order to produce legal effects, any international agreement has to be ratified by the Parliament. On the other hand, the spokesman of the Kremlin, Dmitri Peskov, was quoted in the press saying that the granting of observer status to Moldova does not mean its acceptance in the EEU and that the leaders of the five states that are part of this organization are going to develop the observer status as such doesn't exist yet.



A delegation of the Socialist Party of Moldova attended the ceremony on the occasion of the anniversary of the former leader of North Korea, Kim Il Sung, reads the newspaper of the North Korean Workers' Party. According to rodong.rep.kp, the Moldovan delegation participated Friday, April 14th, in the ceremony on the occasion of the 105th anniversary of the founder of North Korea, Kim Il Sung.



The Turkish President Recep Erdogan will visit Moldova on May 5th to 6th, announced the press service of the Moldovan presidency. In Chisinau, Erdogan will sign several cooperation agreements in areas of common interest and will visit the Gagauz region where he will attend several events. On the occasion of the Turkish president's visit there will be organized a forum of businessmen from Turkey and Moldova.



According to a survey of the Association of Sociologists and Demographers, the Moldovan President Igor Dodon enjoys the highest confidence-50%, followed by Maia Sandu with 19.7% and Andrei Nastase with 5.3%. The leader of the main ruling party, Vlad Plahotniuc, considered the most influential Moldovan politician, is trusted by less than 5% of Moldovans. The Socialist Party leads the top electoral preferences with 37.4%, followed by Action and Solidarity Party (PAS) with 13.3%, Democratic Party of Moldova with 6.8% and Dignity and Truth Platform Party with 4.4%. The survey also shows that the percentage of Moldovans who would choose the Eurasian external direction is bigger than that of the supporters of the EU integration.

Republic of Moldova and the uninominal voting system



Lina Grău

The Democratic Party of Moldova (PDM) has initiated the changing of the electoral system in Moldova, from the current proportional system, introduced in 1993, to a uninominal electoral system within which the deputies will be elected in 101 single-member constituencies. For this purpose, a draft law was registered in Parliament on March 15th, followed by a broad information and signature collection campaign in support of the initiative

across the country. Also, there have been organised debates in Parliament and on other platforms. The authors assure that the document will be passed only after ceiving favourable opinion from the Venice Commission.

The opponents of the changing of the electoral system have criticized the plans of the Democrats, accusing the latter of trying this way to remain in power after the 2018 parliamentary elections.

Several NGOs have called on Parliament to abandon the initiative of changing the electoral system to the uninominal and focus on improving the “urgent” aspects of the electoral law, such as party financing, handling of complaints, organizing elections abroad. According to the IPN press agency, the organizations said at a press conference on April 5th that the Parliament had rejected previous calls for modernization of the electoral law. The signatories of the call include the Independent Press Association, the Institute for Public Policy, Promo-LEX and Transparency International-Moldova.

Five opposition parties from Moldova issued a statement urging on the maintenance of the current electoral system. The document was signed by two parliamentary parties- the Liberal Democratic Party and the Communist Party- and by the main extra-parliamentary parties – the Truth and Dignity Platform Party, the Solidarity and Action Party and Our Party. The document says that changing of the electoral system will have serious consequences for the representative democracy in Moldova and that the attempt to amend the electoral legislation is a danger of “absolute oligarhization of the political system”. The statement also says that the changing of the electoral legislation by a government with serious problems of legitimacy can be categorized as a direct attempt to mask the seizure of state power.

In the context of the debates on this subject, on April 8th, in Chisinau, the International Conference “Change of the electoral system: Pros and Cons” took place. The event was organized by Konrad-Adenauer-Stiftung Moldova (KAS), Friedrich-Ebert-Stiftung Moldova (FES) in partnership with the Association for Participatory Democracy (ADEPT) and the Institute for Development and Social Initiatives (IDIS-Viitorul). The event was attended by leaders and representatives of governmental parties, parliamentary and extra-parliamentary opposition parties, as well as by experts from the OSCE /ODIHR, Romania, Germany, MEPs and members of the Moldovan civil society. Please find below interviews with several participants in the conference.

Sergiu Sîrbu: The vast majority of citizens are asking for the change of the electoral system



Co-author of the draft law on the change of the electoral system and vice chairman of the Democratic Party of Moldova (PDM), **Sergiu Sîrbu**, is explaining the rationale behind the PDM initiative and the main provisions of the proposed uninominal voting system.

Sergiu Sîrbu: It is proposed to move from proportional voting on party lists to the majority system in single-member constituencies. Thus, it is proposed that in Moldova be established 101 single-member constituencies, including the Transnistrian region, including abroad. And each constituency will elect one deputy.

Moldovan citizens will be able to run if they comply with the legal requirements and if they have collected at least a thousand signatures in the constituency. Each candidate may run independently or be supported by a party, but will report financially in an independent manner, so the candidates will actually be quite independent in this process.

Collection of signatures will take 30 days and the election campaign itself –another 30 days. After the election, the Central Election Commission will confirm the election results and the Constitutional Court will validate them. The parliament is considered legally constituted if at least two thirds of the mandates are validated.

We also propose a procedure for dismissal of the members of Parliament, just like the mayors. If the deputies don't perform their duties they will be revoked through a local referendum. The referendum has to be initiated by one third of the voters of the constituency and if the majority votes for resignation, the deputy may be revoked.

It is a know-how and we have many debates about the imperative character of the mandate, but this procedure can be applied in the case of mayors and even the president. And the practice shows that this procedure would make the MPs more responsible and they will work much better for the communities in their constituencies.

■ **Lina Grău:** One of the objections to this law is pertaining to the vote of our

citizens living abroad, but also to the constituencies in the Transnistrian region.

■ **Sergiu Sîrbu:** Voting abroad is a delicate issue. We followed the same principle as in previous elections. In accordance with previous recommendations of the Venice Commission, polling stations abroad will be open based on prior registration of voters that will be made well in advance in order to learn about the geographical and quantitative distribution of voters intending to cast their vote, but also based on the number of voters who participated in the previous election.

Based on that information, obviously, in cooperation with the authorities in the respective countries, we will establish the necessary number of polling stations. And depending on the number of voters and polling stations we will establish the single-member constituencies abroad.

We do not know now how many they will be – they could be two or three, depending on the approximate rate of voters. Because let's not forget that all electors residing abroad are registered in the electoral rolls here in Moldova, so they will be taken as basis for establishing constituencies here in Moldova. Therefore we cannot have other principles.

Theoretically we could open more constituencies abroad, but in this case, the voters will have to be excluded from the lists in Moldova and they will be required to register there. But these are issues that are now under discussion, we have many debates on this topic.

In Transnistria we are establishing constituencies, but because we don't control the territory on the left bank of the Nistru, we have a transitional provision according to which we will hold elections there after we restore the control and are able to effectively conduct elections in the region. It is not

the happiest solution at the moment, but we don't have another one. We hope very much to be able to find one in time.

■ **Lina Grâu:** Why did you decide to change the electoral system now?

■ **Sergiu Sîrbu:** Why we decided to change the electoral system? Simply because the vast majority of citizens asked for that. In the meetings with the people in the regions that we have had over the last year and a half, we have heard many reproaches from people that they don't know the deputies and that the latter don't go to the regions at all. In consequence, people don't know whom to address certain problems.

Today the voters go to election and vote a party list. They actually vote for the party leader, the name of the party of the political symbol. Unfortunately, in reality, at present we have four-five deputies who are really supported by people. Otherwise, the list is made by the party leaders, it is not made by the people.

It's not rarely that dubious people appear on the lists – we've had the case of Platon who said in public that he had paid one million dollars to appear on the list of "Our Moldova" Alliance. And I think this is neither the first nor the last case.

Unfortunately, this electoral system that can work very well in many countries in Europe, has been discredited in Moldova. It affected the representativeness, democracy and the citizens' interests. The citizens today, in the current system, cannot influence in any way the composition of the party lists. They do not have their MP from their village, because they cannot influence the lists and, obviously, cannot dismiss the MPs if they are not happy with them – they have to wait for four years until their mandate ends.

And obviously, since we received these signals from the regions, we have decided to come up with this change. The

advantages of this majoritarian election system is that the parties and party leaders will no longer have the monopoly over the lists. Citizens will be able to propose their own candidate, someone whom they know well, or parties could support a candidate. But within the new system the parties will have to take into account the profile of the candidate, his/her integrity and reputation. And if the elected MP disappoints the citizens, he/she will be able to be dismissed, just like in the case of mayors.

Thus, the arguments that the MPs may be corrupted or blackmailed are not justified for the simple reason that we propose the procedure of recalling them from office if they don't fulfil their duties and don't respect the community's interests.

Those who say that there will be no opposition are wrong. We do not regulate the method of forming the parliamentary majority and opposition. The MPs that will enter the Parliament will decide by themselves whether to join a majority or remain in opposition. So in any case the opposition will not be affected.

In the constituencies there can be elected candidates who are in opposition to the government. Even our President is from the opposition. Or those who say that this system will favour the ruling parties are wrong – just look how the president of the country was elected and how two politicians from the opposition got in the second round.

So once again, this system is in no way favouring a particular party, it favours the people. We have been electing the mayors through uninominal voting system for already 20 years and in Gagauzia, the Bashkan is also elected through uninominal vote as well as all members of the People's Assembly of Gagauzia.

Those who say the gender balance and women will be affected are also wrong – we have a woman governor in Gagauzia. It was in a patriarchal society and through

uninominal voting system that a lady was elected. We have very many female mayors. It all depends on the candidate's profile. And if a lady is very strong she has all the chances to be elected through direct vote.

Besides, this possibility greatly favours the territories, because minorities will be represented better, those who live compactly.

Diaspora, for the first time in history, will be able to propose and elect their own candidates from among the diaspora.

We hope to find a solution to the Transnistrian region, not now, but after a period of time, so that Transnistria has its own candidates and maybe this will help us bring the banks of the Nistru closer.

This system favours primarily the citizens and not political parties. And those who oppose are obviously against it, because they will lose this leverage of designating the list of candidates by themselves.

Moreover, this system is supported by the majority of citizens. Also the polls show that the citizens want this change, they want to be able to directly elect the deputies and dismiss them. This system is used in the oldest democracies in the world, such as UK, USA and France, but also in many other countries.

We hope very much that this amendment will help to reform the political class in Moldova and to modernize it.

■ **Lina Grău:** You mentioned that there are heated discussions on this subject in the society. You said that in some European countries this system works. On the other hand, those who criticise the changing of the electoral system bring the examples of our neighbours - Romania and Ukraine – that made an attempt to introduce the uninominal voting system. The neighbours say their experience was not very good and that Moldova is not going to come up with a better system,

which in their case has actually favoured corruption.

■ **Sergiu Sîrbu:** We cannot compare with the neighbouring countries, simply because Romania, for example, has never had the uninominal voting system as we propose it. In Romania, they didn't have the procedure for dismissal of deputies. Nor Ukraine had such a system. They had some derivatives of the uninominal system with elements of the mixed systems, they did not have the provision for revocation, so we cannot compare our proposed system with theirs.

And in terms of corruption, I repeat, the current proportional system in no way diminishes corruption. We had hundreds of corruption cases- deputies and former deputies have engaged in very, very dirty things. The very fact that we included a revocation system that our neighbours didn't have is automatically changing things. If the MPs get involved in corruption cases, they will be able to be sentenced and automatically their mandate will be suspended. Moreover, their mandate will be able to be revoked.

So the systems we are creating will greatly reduce the possibility of corruption. Therefore, this criticisms is but frustration and somewhat a desperate attempt to block this draft law.

But we don't want to hurry. We have sent the draft law to the Venice Commission for expertise. Our intention is to improve the draft law based on the recommendations of the Venice Commission and the best international practices.

■ **Lina Grău:** This is exactly what I wanted to ask you – to what extent are you open to consider the recommendations and opinion of the external partners?

■ **Sergiu Sîrbu:** We will obligatorily take into account the recommendations of our external partners, as we last year took into account their recommendations

related to the change of the presidential election system. This is precisely why we submitted this draft law for expertise, because we really want it to be a good draft law.

We will listen to the Venice Commission and OSCE/ ODIHR. Also, today in the society and Parliament we are having broad debates on this subject and there are many good proposals that we are going to accept in order to come up with a good project for the people.

■ **Lina Grău:** But if we go to the extreme, given the debates and the very many critical voices, do you think it is possible that the authors withdraw this draft law and postpone it, especially that there have been discussions that it is not good to implement it immediately in the coming elections, but work on it for the future?

■ **Sergiu Sîrbu:** We are excluding the possibility of withdrawing the draft law just because some five leaders of NGOs and five party leaders - just leaders - are opposing it. Because, on the other side, we are having 800 000 voters supporting it –academia, teachers, national minorities, local governments, parties in the parliament, public associations. They are all supporting the changing of the electoral system.

How can we give up on it now? When the entire society is expecting this change, when the people want this change, we cannot fall prey or victims of the blackmail on the part of some NGOs or parties that are highly politicized and do not represent the whole society. It would be a big mistake! It is excluded! This is why we are organising these transparent public debates.

But we do not want to politicize the subject, because those who are against are actually opponents to the Democratic Party. But this opposition is an opposition against the people. Therefore, there is no way we are going to withdraw the document.

We are ready, though, to improve the draft law, but only based on arguments and not some assumptions and political statements. Not as was the case in the last debate, when a party leader read a manifesto from the paper about how bad a party and its leader is, without mentioning whatsoever about the draft law. We must distinguish between the political struggle between parties and an electoral system that the people really want.

■ **Lina Grău:** Have you fixed up a deadline for the approval of the document, given that the law prohibits the change of the electoral law one year before the election?

■ **Sergiu Sîrbu:** Of course, we will try to adopt the draft law at least one year before the election. That means we will do that in September the latest, but not earlier than we receive all notifications from the Venice Commission. Its opinion could come in mid-June. And then we hope to be able to make the necessary adjustments to the draft law so as to vote it in the final reading.

■ **Lina Grău:** Do you have the majority for voting the draft law in the Parliament?

■ **Sergiu Sîrbu:** Of course. We do have already the votes to change the Electoral Code. But, obviously, we would like that the political forces which will support this draft law to be as wide as possible a majority.

At the moment, we are discussing and debating in order to get a broad consensus. Obviously, it is impossible to reach a one hundred percent consensus, simply because we are having these purely political fights. But we are continuously seeking a broad consensus in the society. Even if we already have the necessary votes, we would like the project to be supported massively in Parliament.

Maia Sandu: The Government is seeking additional doors for manipulating and rigging the upcoming elections



Among those who oppose changing of the electoral system in Moldova is Maia Sandu, the leader of the Solidarity and Action Party, who says the uninominal voting system will eliminate the young parties from the political scene and will favour corruption and party switching.

■ **Lina Grău:** Ms Maia Sandu, regarding the electoral system reform initiated by the government, one of the arguments invoked at the conference held on April 8th is that the change of the electoral system is the desire and choice of the people. From this perspective, do you think the transition to the uninominal voting system is the most important thing for the ordinary people in the Republic of Moldova?

■ **Maia Sandu:** The ordinary people want a better life in Moldova, not elsewhere. And they believe, rightly, that the poor state of affairs in Moldova is the result of the quality of governance. And the governance in Moldova is of very poor

quality. Therefore, the ordinary people want a change of the political class. That is absolutely natural.

At the same time, the party that is coming up with the proposal of changing the electoral system is exactly the political class that the ordinary people deem inappropriate. And this arises questions in relation to the objective the political class and the government are following through the proposed change of the electoral system.

The Government wants to open an additional door in order to be able to manipulate and defraud the next election. It is understandable, in the bad sense of the word, that a party which is in government and has only 4-5 percent support in polls, is trying to do something to save its skin. Only they should do it through legal means and actions whose effect citizens can feel.

There are many things that the Democratic Party can do together with



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its friends in government in order to improve the citizens' perception about government. First, it is about the fight against corruption. And they should start the cleaning of the political class from their own party. Because this is what people want after all.

■ **Lina Grău:** Regarding cleaning of the political class, what is the key to success, in your opinion, that would lead to a qualitative change of the political class?

■ **Maia Sandu:** We have witnessed the disappearance of some political parties - and this is also the result of people's vote of no confidence. On the other hand, we have witnessed the emergence of several other political parties. So there is a change in the market. There are new parties that have nothing to reform. There are older parties that can reform themselves from within and there are others that cannot or do not want to reform. In their case, the law should be applied, the fight against corruption should function, so that the people who have integrity problems are held accountable and deprived of the right to hold public positions. Things could automatically resolve this way.

We should implement stricter rules when it comes to the financing of political parties. It's where all the problems start - when people with big money that doesn't necessarily come from legal sources buy their way into politics, capture the political parties and go on capturing state institutions and the state as a whole. Or, to finance the levers that will allow them to maintain power, these people do not use their own money any more, they use public money in an illegal manner.

Judicial reform, fight against corruption, implementation of the law on financing of political parties - are just a few things that we can do and should do in order to ensure that we don't have corrupt people or ill-intentioned parties.

Obviously, the current legislation is not perfect, the current electoral system was from the outset a compromise. But there are things we can do today without interfering too much into the legislation.

I mean the improvement of the voting conditions for our citizens abroad. For example, to give them the opportunity to vote for two days, because some of them have to travel to reach the polling station.

We need to remove the threshold of 3,000 ballots per polling stations, because it has been demonstrated that this number does not enable all citizens to vote. We need to open at least another 50 polling stations abroad and I think this is an achievable goal: I'm not saying 400, I'm saying 50.

We have to clarify the total number of voters in Moldova, because the authorities have given us different figures - the state institutions have to clarify this first and then prove they operate with credible figures.

We have to ensure that, the next time, the church does not get involved in the electoral campaign and politics in general, which is contrary to the law.

Also, we have to clarify the appeal procedures. We've seen in the presidential campaign that when people wanted to lodge complaints, it was not clear how to do this, and the state institutions did not react properly, because they didn't know how to do it. Perhaps some did not want to do it, but even those who did lacked clarity as to the procedures.

So there are many things that we can do without major changes inspired by the interests of a single party as they are not going to strengthen the democratic process.

■ **Lina Grău:** You said the change of the political class has begun in Moldova.

To what extent the proposed electoral system would allow for this change to grow and develop?

■ **Maia Sandu:** On the contrary, the proposed uninominal voting system focuses on people, individuals, and this works to parties' disadvantage. And we have to build parties, despite the bad opinion we might have about parties because of previous experiences.

Moldova needs reforms, needs change, policies that can sometimes be difficult to implement. We need to make very serious steps and for this we need political support.

Imagine how you can get political support from 101 MPs who have never discussed together the subject on how the country should develop from now on. The parties do have this common vision. Yes, there are differences between the parties, but it is easier in a 2-3 party coalition to reach a consensus to support a certain way, than when the Parliament is formed of 101 MPs that are independent of parties.

Actually, I'm afraid these MPs will not be independent of parties. This is the biggest concern of ours - that these members will be persuaded through blackmail and other methods to join the Democratic Party.

The proportional system is more appropriate for Moldova based on the experience of countries in the region.

■ **Lina Grău:** The party you are leading has signed recently a declaration together with other parties in the parliament, through which you are announcing the public that you are against this draft law on the amendment of the Electoral Code. Don't you mind this political association within this declaration with the Communist Party and Socialist Party?

■ **Maia Sandu:** We did not associate with anyone. If you remember, the chairman of the Venice Commission said that one

of the essential conditions for promoting such a change is the existence of a broad national political consensus. This document has been signed by several parties present in the polls which have supporters. And this document is a proof for the Venice Commission, but also for other development partners, that there is no broad political consensus. As far as I know, the Socialists have not signed it and this is an additional proof of the fact that they have an agreement with the Democratic Party.

In this document, we are saying that we are opposing both the uninominal and mixed voting system - so we are against changing the electoral system in general at this moment.

At the conference you spoke about earlier, the Socialists did not give a clear answer as to how they would proceed in the case of a mixed system. So, most likely, these two parties - the Democratic Party and the Socialist Party – that are already sharing the power in Moldova

have a deal to make this change which would benefit both.

So the document we signed is especially for the international community in order to demonstrate that there is no broad political consensus.

■ **Lina Grâu:** How do you see the prospects, the most probable scenarios for the next period until the elections?

■ **Maia Sandu:** For us it is very important to consolidate our forces. The Action and Solidarity Party, in the presidential campaign, has demonstrated that there is support for democratization and European integration of Moldova, despite the disappointment of the electorate during the past seven years. We aim to keep alive the hope of these people, to show them that we are serious and committed for a lengthy battle. And obviously, we will fight for fair elections.

It is clear that this government does not enjoy support and the great danger

is that it might want to defraud and manipulate in order to remain in power. We count on external support from all international institutions which believe in the democratic process, but obviously, on the support and contribution of the Moldovan people who understand that in order to succeed everybody should contribute.

The role of media is very important in the process of saving democracy, even if it is fragile in Moldova. Even if it is not an established democracy, we have made some steps in this direction and it is very important not to retreat from this path. The press is in a very bad situation - I mean the independent press, which has to cope with unfair competition and pressures that come from the government. We encourage all journalists who do their job well today to continue this fight. Because otherwise, without independent press, no matter how little it may be, we will not be able to convey our messages and reach the people so they can make an informed choice.

Igor Boțan: This system is designed for large and resourceful parties- the Democratic Party of Moldova and the Socialist Party

The Executive Director of the Association for Participatory Democracy, Igor Boțan, is warning that the uninominal voting system is not going to facilitate the development of democracy in Moldova and is analysing the arguments of the authors of the draft law one by one.

■ **Lina Grâu:** One of the main arguments of the representatives of the ruling party promoting this bill is that the latter is the will of the people and that they only respond to it. Is that a real concern of most people in Moldova, in your perception?

■ **Igor Boțan:** I believe that citizens were

not thinking at all about the electoral systems until the Democratic Party induced the idea that all evils come from the electoral system. Once you they launched the campaign, sure it is now a highly debated issue and it seems that people are really interested in the change or modification of the electoral system.





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When citizens are asked whom they would vote for, they first mention parties and less refer to individuals or independent candidates. Most people still want to vote for parties, which shows that the problem of the change of the electoral system has been invented.

And we know how this idea has been served to the citizens. The new leader of the Democratic Party addressed the people, saying that in politics it should be like in business. "If I'm a businessman and I hired someone whom I don't like any more, I sack him/ her. This is how it should be in politics too – you vote and if you don't like your politicians any more, you sack them." This is in total contradiction with what we call representative democracy that is dominating almost in entire Europe. In representative democracies it doesn't matter how the deputies are elected – they are elected to serve for a mandate and within that mandate the deputy is doing not what voters want, but what he/she thinks should be done for the public good. Therefore, no one can withdraw the candidates.

We have tried to explain to the authors of the draft law that what they propose is based on a precept which is not constitutional. There is a ruling of the Constitutional Court which mentions expressly about the irrevocable character of the mandate.

And here comes the second crucial element which is related to Transnistria. The proportional system in the Republic of Moldova was chosen 24 years ago and that wasn't by accident. That was to emphasize that Transnistria is an inalienable part of the Republic of Moldova and that the MPs are elected in one single constituency so that it can't happen, in case you elect the MPs in one-single uninominal constituencies, that the Transnistria leaders say: "Withdraw, for withdrawing from one-member constituencies with the right to revoke the deputies, you are withdrawing your part of sovereignty".

So for the sovereignty not to be slashed, the representative democracy is taken into account. The nation is indivisible,

no matter how the MPs are elected, and no one can withdraw the deputies. This is what Mr. Mihai Ghimpu has tried to explain as he participated in the 1993 debates. But it seems that no one can convince this new majority.

I do not know if they understand what they are doing. But I saw that at least the Minister of Justice has concluded that this provision is unconstitutional. But perhaps the Democratic Party will proceed so as to achieve its purpose, after which the revocation of deputies will most probably be declared unconstitutional. But the elections based on the uninominal voting system will already have been voted. Probably the ruling party will use its financial, media and administrative potential which will be countered against the weaker potential of the Socialist Party.

And perhaps this is what the ruling party – the Democratic Party – count on. For all the international experience shows that only the dominant parties benefit from an exceptional bonus when such methods are used.

■ **Lina Grâu:** How do you find the other arguments of the Democratic Party in support of their draft law?

■ **Igor Boțan:** Here the things are, of course, shocking. The rationale is very poor. It is true that the political class is corrupt, but the argument that the electoral system is to blame, is absolutely unfounded.

I have tried to make a correlation between the corruption index in the least corrupt countries and their electoral system. I took the top 25 countries with the lowest index of corruptibility – the absolute majority of them use proportional electoral systems. Among the countries using the electoral system they want to return to in Moldova is North Korea, where the corruption index is 150 out of 170, Cuba, which ranks the 80th, China – close to the 70th place. So the correlation between the corruptibility in those countries and the electoral system is speaking against the uninominal voting system and the right to revoke the deputies.

So the things promoted here are in contradiction with the international realities.

Moreover, this is unconstitutional and cannot be repaired. Even if you wanted to change the Constitution and cancel the article according to which "any imperative mandate is null", you would not be able to do it because the Constitutional Court has condemned the entire Soviet experience and the return to the uninominal voting system with the right to withdraw the deputies' mandate is just getting back to the Soviet experience. For the situation in the soviet time, there are very good studies and analyses that say that the election of deputies with the right to withdraw their mandates was made to ensure the control of the single party. And then the question arises – which direction are we moving to and what is the Democratic Party, actually, aiming at through the change of the electoral system?

And the campaign they have been conducting is entirely based, allegedly, on the right of the citizens to punish the MPs, which can't actually be achieved.

Hence this situation which is extremely embarrassing. I was surprised to see how the promoters of the electoral system – the speaker of the parliament and one of the prominent lawyers of the Democratic Party – said the imperative vote refers only to the proportional electoral system and does not refer to the majority electoral system. And then the question arises - if these MPs understand that if the Constitution says that any imperative mandate is null, and the electoral system is chosen by Parliament, this means that the imperative null vote refers to any electoral system, including the majority one. So we are in a very strange situation.

■ **Lina Grâu:** You were talking about the international experience. Both Romania and Ukraine have tried at some point this electoral system that the Democratic Party is trying to lead us to. Their experience was not necessarily positive. Do you think that Moldova could have another scenario, in particular, will be able to reduce corruption in politics?

Igor Boțan: We know that the example of Ukraine has become a reference. In Ukraine, the uninominal system was an absolute failure. The MPs who were elected under the uninominal voting system were later called “sacks of money” in the international studies. Piotr Lazarenko, the Prime Minister who was tried for corruption in the USA, has been elected through the uninominal vote. I don't know what else I could add here.

Moreover, the Venice Commission, in its notification for the 1993 draft law on the mixed system, drew the attention to the fact that single-member constituencies are “sacks of money” that can conquer and buy everything.

So there are things that come from the experience of other countries that have tried this electoral system. And they are offering it to us as an innovation, we are being told that the proportional system is outdated?! And if it is outdated, where are we going to? To the Soviet experience? Is the Soviet experience rising as Phoenix?

It seems to me that for those who initiated and promoted this idea the end justifies the means and they are moving like tanks being guided solely by their objective. If they succeed they will say: “Now let us the Constitutional Court say what is constitutional and what is not.” And the Court can't say anything but what it said in its ruling where one of the titles is called – invalidity of the imperative mandate and irrevocability of deputies. Sure, the Constitutional Court will say that this is unconstitutional. But that will probably happen after the draft law on the uninominal voting system will have been adopted. After they see themselves with the bags in the cart, they will want to get rid of the ballast.

Lina Grâu: How will certain categories like minorities who don't live compactly, or women, or other groups in the society be represented within this uninominal system?

Igor Boțan: The proportional system has the charm to somehow honestly represent all the categories, because the parties, if

they are aware of this when making the lists, they make them in such a way as to represent the young people, women and minorities. This is how, for instance, the Communist Party did. After the elections, it even ascribed to each district a deputy who is responsible for petitions, complaints, meetings with citizens etc. So the proportional electoral system offers a full range of benefits to all categories of citizens.

When talking to the authors of the draft law on the uninominal vote, we tell them there's no problem to introduce these criteria in the Law on Parties so that this is mandatory, and the Central Election Commission, when registering the parties, will verify if the parties comply with these requirements. There is absolutely no obstacle, on the contrary, there is a wonderful margin of flexibility for those who want to understand this. In Europe which is prosperous and democratic, 39 out of 45 countries have proportional electoral systems.

Now we are being told: “No, why should the parties do this as everybody is disappointed with the parties? Let the ordinary people do it.” But how and in which way will the ordinary citizens do it? Because 80 percent of the media is controlled by a single party, the envelopes for the deputies, mayors, councillors, who will soon become electoral agents, are filled with money also by one party. If we look at the financial reports, this party enjoys an abundance of money.

The question arises - if resources are so important for the uninominal vote, how come they are concentrated in a single party? And is this not the real reason for which the electoral system is changed - for that party to be able to realize this potential? This new system is in any way about equal opportunities, free and fair elections and so on.

So everything is concentrated on resources and the control capacity of this party. This I find extremely dangerous for our country.

And if we refer to the Diaspora, we've seen the statistics – the Moldovan emigrants

have transferred over the last years between 10 and 15 billion dollars.

Well, those who want to change the electoral system, were you not those who asked the foreign countries for grants in order to open more polling stations abroad in order to prevent the Communists from returning to power? Once you have found yourselves with the bags in the cart, you are telling Diaspora: “You don't exist, you're a fake, dear Diaspora! Yes, you have transferred to Moldova much more than we had investments - two or three GDPs over the last 15 years that you are abroad. But we no longer need you, we've used you and goodbye now, we don't want you to make the difference in our elections, we give you a constituency and that's enough for you.”

But also here a question arises- if the revocation mechanism is general, how will eventually, the revocation of a member of the Diaspora will take place? Or how will eventually the revocation of MPs elected in Transnistria will take place? None of these delicate aspects are taken into account in the draft law.

On the contrary, when during the debates one or another question is raised, we are told: “Well, you should not come up with criticism, but with suggestions for improvement.” Well, even if you want to come up with proposals for improvement, you can't do it, because if a provision is unconstitutional, what improvement can you suggest? There's nothing to improve here, in principle. Or until the Transnistrian problem is resolved, you can't change the electoral system. In this case, what improvements can you suggest? Regarding the Diaspora, you ask them about the criteria to provide for the diaspora representation. In this case, what improvements can you suggest? You also ask them how they will draw the constituencies' boundaries: “Tell us in the beginning how many districts you will give to the minorities, how do you do it, what do you take into account when doing this - for minorities to be made more compact or to dissolve them”? Absolutely nothing they can say about this. We are just called to suggest improvements. But what is to improve?

■ **Lina Grău:** How will the proposed electoral system affect the political landscape in Moldova? We've witnessed disappearance of certain parties and emergence of other parties that have quite good results, including in the presidential elections. What would happen to the political parties if this system was adopted?

■ **Igor Boțan:** This system is designed for large parties and parties with resources. Full stop. And there are two parties - the Socialist Party and the Democratic Party. The new parties or parties that promote, for example, unionist ideas will be completely removed from the game, because unionists are represented more or less uniformly across the country. If before they could dream about 15-20 seats in the Parliament, now they can forget about it.

We could see it in the recent elections in the UK, which uses the uninominal voting system. A party that has 15 percent at the national level in the UK, should have 100, maybe 110 deputies, but has just one.

While a party with a rating of four percent - the Scottish Nationalist Party- has twice as many deputies it deserves, because they are compact in their constituencies.

So, in Moldova, the small parties that are supporting the uninominal vote are, actually, signing their death. On the election day they will understand that they've got absolutely nothing.

The Socialist Party as a dominant party is also going to benefit from the proposed electoral system. Expulsion of Usatii, the pressure exercised on Voronin's party, the dismantling of the Communist Party, the seizure of two thirds of its faction – are all but gifts for Dodon. If elections were free and fair, a dominant party such as Dodon's party with 40-45 percent, would win the constitutional majority. But the administrative, media and financial resources are in the hands of another party- the Democratic Party- which is behaving as it is. I don't think the Democratic Party is suicidal - they are changing the electoral system in order to take advantage of it.

The other parties simply do not have the resources to enter the Parliament. All this can be seen with the naked eye as the things are on the surface – they are seeking to impose the financial, administrative and media factors.

Under a single national constituency at the country level, an emerging leader could come with his/her team and say: "Here I am, here is my team" and this way he/she may capture the public attention. If you dissipate this leader in 101 constituencies, of course, you can reduce him/her to the level of background noise. This is the purpose and it's on the surface.

And this raises serious problems, because later, if we switch to the uninominal system, it will be very difficult to return to normality. That will be an extremely difficult thing. And, I think, this will have serious consequences for the demographic situation of Moldova. I don't see how young people would like to project their future in our country.

Markus Meckel: It is the parties and the party financing system that should be changed and not the electoral system

■ **Lina Grău:** Markus Meckel, former member of the German Bundestag for 20 years and former Foreign Minister of Germany, says the reform of the political class in the Republic of Moldova should be done by reforming parties and the party financing system, not by changing the electoral system. In addition, he suggests the government is actually replacing the real citizens' agenda of wages, pensions, infrastructure and a better life, with false problems, such as changing the electoral system.

■ **Markus Meckel:** I was astonished to hear people discuss here about the electoral system. I think, apart for experts, in Germany, you wouldn't experience discussions on this topic, because people are not interested in such subjects. Citizens are interested in welfare state, pensions, and taxes- whatever is related to daily life,



but not to the electoral system. There are hot debates here, but I didn't understand the argument of the Democratic Party when they say that this is the people's will. And this is presented as the background

for the change of the electoral system, which I find rather strange.

■ **Lina Grău:** Why do you think the ruling party says it is important to listen to the

people's voice now, at this moment? How do you interpret this?

■ **Markus Meckel:** I have to say that what I've learned is that the Moldovan system as it is now was established only some years ago. If you look at the systems of other countries, they are quite different, but they have been using these systems for decades. They may change specific aspects, and when they do it they ensure a broad consensus among the political parties. If not, and this seems to be the case in Moldova - that only one party has come up with the initiative- you wonder what are the interests behind. If you look at the concrete project, that of the majoritarian system, and at the specific cases of Romania and Ukraine, that opens the door for corruption. Because, if you have so many constituencies and if you look at the people elected there, you can imagine they get money from somebody else for their campagne, and in consequence, they depend on them. Or you may end up in a lot of PMs that don't belong to a party, who can be bought by the party which has money. This is exactly what happened in Ukraine and, I think, this is a danger for stable and transparent parties and systems.

That's why I think that in transitional countries such as yours, it's important to improve the institutions. And parties belong to the institutions- they need to be improved, to be stable and have a clear programmatic profile. I know this is difficult but there is need for development in this direction. I'm convinced that if you change the electoral system, you will move in a wrong direction.

The second argument I have doubts about has to do with administrative preconditions. You need constituencies and this is very difficult work to shape constituencies with the same number of population. We in Germany have a mixed electoral system, but it is very sensitive to change the constituencies. This implies a lot of work and it needs a lot of consensus on the national and regional bases. If this system is to be established, you need 2 to 3 years and even more to form the

constituencies. I know that in Moldova, the administrative-territorial reform has been a challenge for a long time with. This hasn't been done until now, but you think you can manage with the constituencies within some weeks or months. That's not convincing and it's implausible in my view- it's another argument against the proposed electoral system.

Then there are some other points- in Germany we have a mixed electoral system, but we don't have such a diaspora. And your diaspora is about 30 percent, which is the population living abroad. This system comes in contradiction with the diaspora and I cannot see how the proposed system can solve this problem in a convincing way. That's why I think that the question of diaspora, and minorities is of paramount importance in this context. Also, you have a fragmented society and the Transnistrian conflict is coming on top of that. So there are so many problems with this proposed system! And I really doubt this is good for the country.

But if they really want to do it, the change of the electoral system needs very intensive debates with the society and other parties in the country. So all this needs time, therefore I can't see how such a project can be finalized before the next elections. This process needs much more time and it will take years.

The decision of the OSCE and of the Venice Commission which will be made public in June will be very important. Then you need open discussions between parties and the civil society and only after that you can take a decision how to proceed. You would need to change the draft as, I think, the draft is full of mistakes and you can't go on with it as it is now on the table.

■ **Lina Grâu:** One of the arguments of the authors of this draft law is that the latter aims at changing the political class and the quality of the political class in Moldova. Do you think this is possible? If not, how do you think the political class can be changed?

■ **Markus Meckel:** In every case, it's a long

way, because it depends on the people. Even if you change the electoral system and people behave in the same way, you need much more change- you need a structure that is helpful to be more open, more transparent.

With a majoritarian system you run the risk of losing the parties, but the parties are very important for democracy. Otherwise, you establish the power of oligarchs, buying different parliamentarians. So I think, it is important to improve the transparency in the party. Parties themselves have to be democratized- they have to be more transparent, much more open to the society and in contact with the civil society. I think it would be very important to restructure the parties and even to finance the parties. That would be important. For example, in Germany, we finance parties from the public money. The parties receive public money, the amount of which is established based on the previous electoral results. Public financing of parties is important for the parties' independence. So, in order to provide for more transparency, it's the parties and the party financing system that should be reformed, and not the electoral system.

■ **Lina Grâu:** Knowing the situation in Moldova, what do you think should be the real focus of the authorities?

■ **Markus Meckel:** That's exactly what I mentioned in the conference yesterday - that I was astonished by the people's interest in the electoral system. If I look at the reports of the European Union and civil society here, it's not the problem of the electoral system that the people are suffering from. It is the question of the judiciary system, independence of mass media, the banking system, the pension system, and infrastructure etc. There are so many things you can find in every report of the European Union, including the commitments under the Association Agreement. I think, these are the main issues the government should focus on. Another question is that people would like to live in freedom and, if possible, in a welfare state. To care for that is the duty of parties and government.

An electoral system in which people are represented is very important. This is primarily the duty of parties. For instance, in Germany, if you have a federal government, every government, whether it is social democratic or Christian democratic, is represented by people coming from different regions, smaller and bigger ones. And this should not be necessarily written as this is self-understanding for parties- that people want to be represented. If people don't feel represented, they would vote for other parties. This, I think, is a self-regulating system, with clear and transparent elections.

And I think this would be important in the end -to fulfil the proposals and the requirements of the Venice Commission from after the last elections. It would be

very important to concentrate on that, in preparation for the next elections.

■ **Lina Grâu:** What did you understand yesterday from the debates? Why there is so much effort and investment in order to promote the change of the electoral system? What are the interests here?

■ **Markus Meckel:** I can't really answer this question and I don't know what is the idea behind. I didn't understand what the problem is with the current electoral system and why it should be changed. That's why I think it is important to take into account the opinion of the Venice Commission. Everybody who wants to change the electoral system should be asked what the interest is behind, because from the experience of other countries, my judgment is that the main idea behind this change is to find a way to form a majority

in the situation when you have little support from the voters.

Changing electoral systems is sensitive, because this is about power questions. In order to do this, there is need for consensus. It is also important to get the credibility of the population. In the end it is important that the result is accepted. If there is a suspicion that the politicians play power games for their own power, then it is dangerous. It is a real problem to change the system. You can improve it, make it better and more transparent, and not just the system, but all the regulations, so that it looks credible to the population. If you push through an electoral system against a strong opposition or against a debate which is mostly against that, then you are in danger that the opposition can get organized against the results of the next elections.

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