

The Congress of Local and Regional Authorities



The Bureau of the Congress

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Information Note on the elections of the Bashkan (Governor) of the Autonomous Territorial Unit of Gagauzia, Republic of Moldova

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Introduction

- Further to the invitation from the Central Election Commission on 9 November 2010 to observe the elections of the Bashkan (Governor) of the Gagauzia Autonomous Territorial Unit, Republic of Moldova, Congress President Keith Whitmore decided not to organise a fully-fledged observation mission due to the tight schedule and lack of resources, but to send a small political assessment team composed of 3 Congress members plus 2 staff representatives to monitor the first round.
- The mission was carried out from 10 to 12 December 2010. Mr Volkram GEBEL, Germany (EPP/CD), Mrs Britt-Marie LÖVGREN, Sweden (ILDG) and Mrs Valentina ROSSI, San Marino (SOC) were members of the delegation.
- During its visit on 10 December in Chisinau, the delegation held meetings with representatives of the central authorities and the diplomatic community of Chisinau as well as with NGO representatives. On 11 December, the delegation met with the three candidates, electoral officials and representatives of the regional media and the civil society in Comrat (Gagauzia).
- On the Election Day, the Congress assessment team visited ten randomly-selected polling stations in Comrat, Ceadir-Lunga and other municipalities. The detailed programme of the visit can be found in Appendix I of the document.
- The Congress wishes to express its thanks to Mrs Birute Abraitiene, Special Representative of the Secretary General to Moldova and her staff for the support provided during the preparation and the whole duration of the political assessment mission.

Background

National context

- Early Moldovan Parliamentary elections were held on 28 November 2010 and came in the wake of an extended political crisis in which two consecutive Parliaments (elected in April and July 2009) were unable to elect a President and were dissolved, according to the Moldovan Constitution.
- In an attempt to overcome the political deadlock, the Parliament voted on 7 July 2010 to conduct a referendum on amending the Constitution to provide for a direct, popular election of the President. The 5 September 2010 referendum failed as the voter turnout fell below the legal requirement to validate a referendum.

The Administrative-Territorial Unit of Gagauz-Yeri

- The Administrative-Territorial Unit of Gagauz-Yeri is an autonomous territorial unit of the Republic of Moldova, governed on the basis of the Law of the Republic of Moldova on the Special Status of Gagauzia No. 344-XIII of 23 December 1994.
- Gagauzia is composed of 1 municipality, 2 cities, and 23 communes, including a total of 32 localities. The Administrative Territorial Unit is structured into three districts ("dolay"): Comrat, Ceadir-Lunga and Vulcanesti for a total of 85km² with a population of approximately 155 000 inhabitants (82% of the inhabitants declare themselves Gagauz).
- Gagauzia has three official languages: Gagauz, the State language and Russian.

Legal background

- The Law on the Special Status of Gagauzia defines the setting of an executive power: the Executive Committee, chaired by the Bashkan (Governor) of Gagauzia. "The Bashkan is elected by universal, equal, direct, secret and free expressed vote for a mandate of four years" as stated in the law. The Bashkan is also a member of the Government of the Republic of Moldova.

- The People's Assembly of Gagauzia adopts the texts relating to election administration. Thus, the election of the Bashkan is conducted on the basis of the Law of the Autonomous Territorial Unit of Gagauzia on election of the Governor of Gagauzia, adopted on 11 September 1998 and amended on 8 August 2006¹.
- The inconsistencies between the Gagauzian laws and the Electoral Code of Moldova were one of the causes of concern for the Congress delegation. Despite recommendations from the Congress and the Venice Commission², the law has not been amended since 2006 and some of the discrepancies that still exist between the two texts may have created confusion in the organisation of the elections, especially in the context of the repetition of the Moldovan Parliamentary elections.
- The election of the Governor requires a minimum turnout of 50 % of the electorate for the first round and 33% for the second round to be valid. One candidate is considered elected in the first round if he/she receives more than half of the valid votes cast. Otherwise, within two weeks from polling day, a second round of election is organised between the two candidates who have obtained the highest number of votes. In the runoff, the relative majority suffices in order to be elected.

Organisation of the elections and election administration

- Three candidates were registered by the Central Electoral Commission of Gagauzia (CECG) to run for Bashkan: Nicolai Dudoglo, Mayor of the capital city Comrat and independent candidate, Mihail Formuzal, incumbent Bashkan and independent candidate and Irina Vlah, candidate from the Communist party.
- The body responsible for the administration of the election of the Bashkan is the CECG. By law, the CECG is composed of nine members appointed on an ad hoc basis by the People's Assembly of Gagauzia not later than sixty days before the Election Day. Three members are proposed by the People's Assembly, three members by the Executive Committee and three members by the Court of Gagauzia.
- During the meetings with the Central Election Commission of Gagauzia, concerns were raised regarding the fact that the CECG was formed on an ad hoc basis. The Chair of the CECG called in particular for a revision of this aspect of the law and explained that, according to her experience, it creates issues regarding the training of the PEC (Precinct Election Commission) members and prevents a proper follow up and implementation of lessons learned from one vote to the next³.
- The delegation was also informed that, for the first time, ballot papers were printed in three languages. Polling stations received then a certain number of ballot papers in each language. This number is based on an evaluation made by local authorities. Although the delegation welcomed that information was available in three languages, it was noted that voters were not sufficiently made aware of the different language versions of the ballots. In addition, the question of the secrecy of the vote was raised during the encounters with the CECG. The representatives of the CECG agreed that this system could be improved and reviewed after the elections.
- In most discussions, concerns were expressed with regard to deficiencies in the electoral administration, owing to the lack of time and funding in preparing these elections. The preparation mainly started after the Parliamentary elections, that is to say only two weeks before the elections.
- Domestic observers as well as candidates also pointed to deficiencies with regard to the accuracy of voter lists. According to the CEC of Gagauzia, the repetition of several elections in the past year helped improve voter lists. The CECG representatives added that the lists had been displayed outside polling stations in order to be checked by voters and corrected before polling day if necessary, as defined by law. This information was not confirmed in other meetings held by the delegation.

¹ It should be noted that the amendments brought to this Law were not submitted to the Venice Commission's assessment before adoption.

² Opinion on the law of the Gagauz Autonomous Territorial Unit, on the Election of the Governor of Gagauzia (Moldova), Adopted by the Council for Democratic elections, at its 22nd meeting (Venice, 18 October 2007), and the Venice Commission at its 72nd plenary session, (Venice, 19-20 October 2007)

³ The Congress as well as the Venice Commission already pointed this fact in his report on the elections of the Bashkan 2006 and raised the fact that it is not in conformity with the provision of the Code of Good practice on electoral matters

- Municipal authorities were in charge of last registrations (until 10 days before the elections) for voter lists. In addition to the main list, the voters could also register on the Election Day. Therefore, voters who did not appear in their residence polling station's list were eligible to be included in a supplementary list on polling day by producing their permanent residence permit duly stamped by the Regional Authorities.

Campaign

- The electoral campaign was short, as it only started after the early Parliamentary elections held 28 November 2010.
- According to observers and media, the media campaign was described as less “dirty” and more substantive than during previous elections. Nevertheless, the delegation noted that the media landscape in Gagauzia is not well developed, and that information is not easily accessible in the three official languages. It seems particularly true for the print media.
- The financing of the electoral campaign was also debated. The opponents of the incumbent Bashkan complained about lack of transparency concerning the use of administrative resources for electoral purposes. However, it was not made clear to the delegation whether official reports on campaign financing had been made public by the CECG as stated by law.
- Finally, the Chairman of the CECG also pointed to the absence of a “silent day” before the Election Day that was assessed as problematic. This regulation is not in accordance with the Electoral Code of Moldova.

Election day

- On the Election Day, sixty-four polling stations opened from 7am to 9 pm.
- The composition of the PECs (Precinct Electoral Commissions) in polling stations visited by the delegation seemed to be composed in accordance with the law.
- The atmosphere in the polling stations visited by the delegation was generally calm and the elections well organised; even if the delegation noticed some irregularities (such as family voting), it did not seem to be systematic or with fraudulent intent.
- The Congress delegation welcomed the presence of domestic observers in many polling stations.
- The delegation was given full access to the polling stations and the members of PECs seemed to be aware of electoral procedures.
- The Congress delegation appreciated that information posters for voters were available in three languages in every polling station. Nevertheless, voters did not seem to be fully informed about the fact that they could request ballot papers in any of the three languages (the ballots were distributed in Russian and given out in another language on request only).
- The delegation noted that the secrecy of the vote was sometimes threatened. In many cases voters did not fold the ballot paper after leaving the polling booth and so the ballot could be seen in the transparent ballot box.
- Most polling stations visited were difficult to accede for people with disabilities and for elderly persons.

The results

- The results were announced by the Chairman of the Central Election Commission of Gagauzia, quickly after the Election Day:
 - the turnout was relatively high, 57 % of the voters.
 - Mr Dudoglo got nearly 32 % of the votes, Mr Formuzal 37 % and Irene Vlach 31 %.
 - As none of the three candidates got more than 50 % of the vote, a second round was organised on 26 December 2010, between Mr Dudoglo and Mr Formuzal.
- According to preliminary results announced by the CEC of Gagauzia, Mr Formuzal won the election with 51.4 % of the vote (against 48.6 % for his opponent, Mr Dudoglo).
- These results were contested by Mr Dudoglo who filed a complaint before the Comrat Court of Appeal, arguing that massive fraud occurred during the campaign and on the Election Day. He called for a referendum regarding these results.
- Although, according to local legislation, the Court of Appeal had to validate the election results no later than ten days after receiving the results from CECG, the deadline was extended until 17 January 2011, and then extended again until 19 January 2011, when the Court of Appeal convened to examine the appeal filed by Nicolai Dudoglo, who was dissatisfied and asked to change the judges.
- The Comrat Court of Appeal did validate the results of the vote and rejected the complaint by Mr Dudoglo on 25 January 2011.
- Mr Formuzal has been invested Governor of Gagauzia on 14 February 2011.

Appendix I

PROGRAMME

Political assessment mission to the Republic of Moldova 9 – 13 December 2010

Friday, 10 December

10.00 -10.50	Meeting with the Mr Iurie LEANCĂ , Deputy- Prime Minister, Minister of Foreign Affairs and European Integration
11.00 - 11.50	Meeting with Mr. Vlad LUPAN , adviser of the Republic of Moldova President on foreign policy
12:00 - 12:50	Meeting with Mr. Iurie MUNTEAN , PCRM Executive Secretary and Mr. Ion CEBAN , foreign relations coordinator
13:00 – 14:00	Meeting with Mr. Roman CAZAN , Deputy Minister of State and Mrs. Victoria CUJBA , deputy head of the regional policies division
14:00 – 14:50	Meeting with Mr. Igor CORMAN , Head of Parliamentary Commission for Foreign Relations and Mr. Alexandru STOIANOGLO
15:00 - 15:50	Meeting with Mr. Eugen ȘTIRBU , Chairman of the Central Electoral Commission of Moldova
16:00 – 16:50	Meeting with representatives of the diplomatic community of Chisinau and international organisations (Confirmations: ambassadors of Russian Federation, OSCE, and second person in UNDP, Bulgaria, Turkish; SIDA, US, Ukrainian)
17:00 -17:45	Joint meeting with national NGO's <ul style="list-style-type: none">• APCJM – Mrs. Olga Straton, Monitoring and observing elections in Gagauzia• CALM – Mr. Viorel Furdui, Alexandru Osadci• Contact Centre – Mr. Sergiu Neicovcen• CEeDO - Mr. Sergiu Ostaf• ADEPT - Mr Corneliu Gurin

Saturday, 11 December

- 09:00 -09:50 Meeting with **Mr. Mihail FORMUZAL**, Bashkan of Gagauzia, electoral candidate
- 10:00 – 10:50 Meeting with **Mr. Dmitri KARASENI**, Deputy chairman
- 11:00 – 11:50 Meeting with **Mrs. Irina ZIELINSKA**, Chairman of the Electoral Commission of Gagauzia
- 12:00 - 13:00 *Lunch*
- 13:00 – 13:50 Meeting with **Mrs. Irina VLAH**, electoral candidate of the Communist Party
- 14:00 – 14:50 Meeting with **Mr. Nicolai DUDOGLO**, Mayor of Comrat, electoral candidate of PSD
- 15:00 – 15:50 Meeting with regional media
- Public Broadcasting Company in Gagauzia Compania Publică (“Găgăuziia Radio Televizionu”, MD 3801, mun. Comrat, str. Lenin, nr. 134, Ecaterina Jekova, tel: 298/2-30-86, 2-45-05, 2-69-34, fax: 2-20-34, m: 069369200)
 - “Eni Ai” TV and Radio (MD 3801, or. Comrat, str. Tretiakov, nr. 4, Vladimir Lazarev, tel/fax: 298 / 24169 mb: 079867747)
 - Regional newspaper „Edinaya Gagauzia”, Mr. D. Popozoglo (confirmed)
- 16:00 - 16:50 Meeting with regional observers
- Comrat Legal Clinic, Mrs. Natalia Spatarenco
 - Pelegrim Demo, Mr. Mihail Sirkeli

Sunday 12 December

Election Day

Monday 13 December

Departure

Appendix II

Media Advisory

Congress of Local and Regional Authorities

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Congress delegation heading for electoral assessment mission in Moldova’s autonomous Gagauz region

Date: 9 to 13 December 2010

Location: Moldova

A delegation from the Congress of Local and Regional Authorities of the Council of Europe will carry out a political assessment mission in respect of the elections of the Governor (Bashkan) of the Gagauzia Autonomous Territorial Unit, Republic of Moldova, which will be held on 12 December 2010.

On 10 and 11 December the delegation will hold meetings in Chisinau and Comrat with representatives from the government, opposition, electoral bodies, NGOs and media. On 12 December visits of polling stations are planned.

Among the meetings requested by the Congress delegation are discussions with Prime Minister Vlad Filat and Deputy-Prime Minister Iurie Leancă, in charge of Foreign Affairs and European Integration, as well as with the Chairman of the Central Electoral Commission of Moldova, Eugen Ştirbu.

In the Gagauz region the Congress delegation plans to encounter, amongst others, incumbent Bashkan and electoral candidate Mihail Formuzal and Irina Zielinska, Chairman of the Electoral Commission of Gagauzia.

Congress members:

Volkram GEBEL, Germany (EPP/CD)
Britt-Marie LÖVGREN, Sweden (ILDG)
Valentina ROSSI, San Marino (SOC)

Congress secretariat

Renate ZIKMUND, Head of the Congress Division of Communication, International Relations and Election Observation,
Pauline CADÉAC, Assistant to the mission

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More information at www.coe.int/congress

The Congress has two chambers, the Chamber of Local Authorities and the Chamber of Regions. It brings together 318 full and 318 substitute members representing more than 200 000 European territorial communities.

President of the Congress: Keith Whitmore (United Kingdom, ILDG), President of the Chamber of Regions: Herwig van Staa (Austria, EPP/CD), President of the Chamber of Local Authorities: Jean-Claude Frécon (France, SOC)

Political Groups: Socialist Group (SOC), Group of the European People's Party – Christian Democrats (EPP/CD), Independent and Liberal Democrat Group (ILDG).