

CG/Bur (6) 131 revised

Report by the CLRAE observation delegation of the local elections in the TARACLIA Judet (Moldova) held on 23 January 2000

Document adopted by the Bureau of the Congress on 29 February 2000

Introduction

Upon receipt of an official invitation from the Ministry for Foreign Affairs of the Republic of Moldova to observe local election in Taraclia judet (county) on 23 January, a CLRAE delegation was sent to Moldova from 20 to 25 January 2000. The delegation, which was chaired by Mr Nicolae RADU, Rapporteur on local and regional democracy in Moldova (Romania, R), also comprised Mr George LYCOURGOS (Cyprus, L) and Mr Davide ZAFFI, expert (Regional Administration of Trentino Alto Adige, South Tyrol, Italy).

The delegation was accompanied by the CLRAE Secretariat, Mr Ivan Volodin.

Programme of the visit

The programme of the visit was drawn up by the Ministry for Foreign Affairs of the Republic of Moldova and included a number of meetings with the officials of the executive and legislative bodies of the Republic of Moldova, as well as the representative of local and regional government associations and national minorities. (See the detailed programme of the visit).

The CLRAE delegation wishes to express appreciation to the authorities of the Republic of Moldova for their assistance and co-operation during the course of observation.

The delegation had complete freedom to change its schedule and did so on the first day of its visit: it was decided to divide into two groups. The first stayed in Chisinau and continued with the meetings envisaged by the programme, while the other went straight away to Taraclia to meet local officials and to visit polling stations in the county.

In Chisinau, the delegation had meetings with the Mayor of Chisinau, Mr Stefan URECHEANU; Director of European Integration Department, Ministry for Foreign Affairs of the Republic of Moldova, Mr Oleg UNGUREANU; President of the Legal Committee, National Assembly of the Republic of Moldova, Mr Grigore RUSU, President of the Central Election Commission, Mr Dumitru NIDELCU; the representative of the Directorate of Public Administration; State Chancery Office, Mr Vasile VARTIC

In Taraclia, the delegation met the President of the Judet Election Committee, Mr Victor ARNAUT; the Secretary of the Judet Election Committee, Mr Pavel RAZGRADSKY, as well as the President of the Helsinki Human Rights Committee in Moldova, Mr Stefan URATU and the President of the Human Rights League in Moldova, Paul STRUTZESCU and some other officials.

Because of bad weather (the roads were snow-bound) the delegation was not able to meet the representatives of the Bulgarian Renaissance Foundation and the Association of Regional Authorities on 24 January.

The Head of the CLRAE delegation, Mr RADU who is also a Rapporteur on regionalisation in Moldova, had earlier visited the country and the Taraclia Judet and had had the opportunity to get acquainted with the situation and problems in the country when he took part, together with Mr Davide ZAFFI, in the Seminar on "Autonomy on Linguistic and Ethnic Basis" held on 2 – 4 December 1999. In the framework of the Seminar, Mr RADU had also met the members of the Parliament, Parliamentary Committee and officials from Ministries, mayors and councillors, representatives of local and regional authorities, including Taraclia and Autonomous Territorial Gagauz Yeri, as well the representatives of various NGOs and political parties.

New meetings provided the opportunity for the members of the delegation both to update the information on the state of local and regional democracy in the country and to get better acquainted with the situation in the Taraclia judet in a run-up period and on polling day.

Political background

The national political climate was controversial, as reflected in a discussion on constitutional changes that different political parties seek to achieve in the country. Just on the eve of the CLRAE delegation's visit, Moldavan mass media carried reports on three conflicting bills drafted by opposing political parties: one seeking to turn Moldova into a Republic run by the President; another granting more powers to the Government, and still another seeking to establish a full-fledged parliamentary system, with the President elected by the House.

With practically no chances for the presidential draft to get the overwhelming support of the Parliament, it was not easy to discern any prospect for an end to the constitutional conflict.

This problem was referred to by the Council of Europe Parliamentary Assembly President Lord RUSSEL-JOHNSON during his visit to Moldova from 6 to 7 December 1999, who had launched a pressing appeal to the President of the Republic and the Parliament of Moldova to agree on a compromise in the constitutional conflict on how to strengthen the Executive. "The

prolonged deadlock on the issue has been negatively affecting the overall political situation in the country, disturbing the functioning of its democratic institutions and preventing Moldova from dealing effectively with serious economic and social challenges,” stressed Assembly President

Following are some major points raised by the Moldovan officials the CLRAE delegation met during its visit to Moldova:

Mr Serafim URECHEANU, Mayor General of Chisinau, informed the CLRAE delegation about attempts to change the Mayor's status. The representatives of the Communist Party and the Christian Democratic Popular Front in the Parliament have been seeking to introduce an amendment to the legislation that would altogether eliminate the term of the Mayor General of Chisinau and his official status as member of the Central Government. This amendment might lead to a situation where the Mayor will be brought, in terms of administration, under the supervision of the President of the Chisinau Municipal Council.

Mr Serafim URECHEANU expressed his apprehension about possible negative implications for local finance after the Bill on Public Local Finance was passed by the Parliament. According to his estimation, Chisinau received only 25 % of the revenues raised by the city while the latter amounts to 65 % of the revenues of the national budget. The city would have faced a budget deficit of 200 % if all its real needs had been met.

According to the Law on Property passed in 1999, high schools, maternity schools, hospitals and clinics as well as public services are part of the municipal property but they are still run by the central Government . Privatisation also falls under the Government's competence.

The relationships between the Mayor of Greater Chisinau and the Prefect of the Region are considered to be good.

According to Mr Oleg UNGURANU, Chief of European Department of the Ministry for Foreign Affairs of the Republic of Moldova, the Central Government has been supporting the process of democratisation and regionalisation. By establishing the Taraclia Judet, it has made certain concessions to ensure regional stability. The Government has demonstrated its will to grant a broad autonomy to the Transnistria but the presence of the Russian Army blocks the progress on this issue.

The Republic of Moldova needs the support of the Council of Europe, to implement a democratic reform at local, regional and national levels;

According to Mr CIOBANU, member of the Juridical Committee of the Parliament, Moldova regards Transnistria as a region represented by the Russians, Moldavians and Ukrainians. At the same time, the Taraclia judet is not considered to be an ethnic region because there are more Bulgarians living in the Gagaus Yeri than in Taraclia. Gagauz Yeri is an exceptional case because it is populated by Christian Turks.

The members of the Parliament among whom was present the Chairperson of the Juridical Committee, Mr RUSU, stated that the reasons behind the establishment of the Taraclia Judet are not political but administrative, especially if one takes into account the fact that Bulgarians live as well beyond the boundaries of the Taraclia judet - in Cahul and the Gagauz Yeri. The creation of the judet will allow for the Government to provide assistance to the Bulgarian community in preserving its culture and language.

Both the elected and appointed officials agree that the use of a native language together with the official state language, i.e., Moldavian, will facilitate better interethnic relationships in the country.

We have been able to take note of an unprecedented economic crisis, which is also acknowledged by the Government. There are some villages absolutely deprived of any public services (shops, schools, medicaid centres). Most of the settlements get electrical supply for about four hours a day.

In the meetings with the President of the Central Election Commission, Mr Dimitu NIDELSU presented a general overview of the local elections in the Taraclia Judet and the activities undertaken by the Commission to prepare for them.

Legal framework

From the point of view of the legislation on local public administration, 1999 is considered by the Moldavian authorities to be the most fruitful year. The adoption of the Law on the institution of a Prefect who represents the Government at local level and supervises decentralised public services provided by the ministries was cited as a good example of this progress. Furthermore, the Government and the Parliament of the Republic of Moldova have undertaken to elaborate a package of necessary bills to implement a genuine local and regional autonomy that would comply with the European standards and values, as was made clear by Mr VARTIC, representative of the Local Government Department of the Chancery State Office. Some of them have already been introduced in the Parliament:

Bill on Public Local Finance

Bill on Public Property

Bill on the Statute of Elected Officials

Bill on Administrative Grievances

Amendments to the Law on Administrative-Territorial Organisation

The Taraclia judet was established on 22 October 1999, following the adoption by the Parliament of an amendment to the Law on Administrative-Territorial Organisation of the Republic of Moldova. The region is populated predominantly by the ethnic Bulgarians (64,2 %). The Moldavians constitute 15,2 %, the rest are Russians, Ukrainians and some other nationalities.

The major characteristics of the newly established Taraclia judet are as follows:

Territory - 64,400 hectares

Population - 46,400 inhabitants

Administrative units - 9 communes and

1 municipality

(26 settlements)

Administrative centre - Taraclia

- 15,550 inhabitants

Number of voters registered - 30,251

Number of seats/ candidates:

- Taraclia judet council - 27/ 173

- Taraclia municipal council - 15/ 84

- Taraclia municipality mayor - 1/ 5

- Commune councils - 81/ 352

- Commune mayors - 9/ 35

Number of polling stations set up: - 32

It should be reminded that all but one village in the Taraclia judet had boycotted the May, 1999 local elections in protest of inclusion of the territory in the Moldovan-dominated Cahul County in the 1998 administrative-territorial reform.

To improve the organisation of the elections and to guarantee a free vote, the Parliament passed several amendments to the Electoral Code of 1997 by the law No 268-XIV of 4 February 1999. The Central Election Commission published a Guide and turned out ballot papers in three colours for every voter. Part of the ballot papers was published in Moldavian, but the majority was in Russian.

Electoral Commissions in all precincts were formed on a non-party basis, with a consultative vote accorded to the representatives of political parties. The Central Election Commission organised a seminar for all the election commissions in the judet.

All necessary measures were taken to ensure normal conditions for the elections, including those to guarantee non-stop electrical power supply to all the settlements. In the organisation of the elections, local authorities got the support of the central bodies.

According to the Electoral Code, the right to put forward the candidates in the elections has been granted to:

- political parties and public organisations registered in accordance with the
- legislation;
- electoral blocs;

citizens of Moldova registered as independent candidates if they get the support of at least 2 % of the voters registered in a respective constituency but not less than 50 persons for those who are standing for the mandate of a councillor; the candidates

running for the post of a mayor should have the support of at least 5 % of the voters, but not less than 150 persons and not more than 10 000 people.

In compliance with the Constitution (Art. 38), the right to be elected has been granted to the citizens of the Republic of Moldova who are 18 years of age on election day (Electoral Code, Art. 124).

All in all, nine political parties and blocs took part in the elections. These were as follows:

Agrarian Democratic Party (ADPM) - **136** candidates

Communist Party of the Republic of Moldova (CPM) - **139** candidates

Social-Democratic Party (SDP) - **52** candidates

Socialist Party (SP) - **16** candidates

Christian Democratic Popular Party (CDPP) - **9** candidates

Centre Alliance of Moldova (CAM) - **100** candidates

Plai Natal Movement (PNM) - **56** candidates

Democratic Convention (DCM) - **34** candidates

Furnica-Speranta Union (FSU) - **53** candidates

Independents - **14** candidates

Run-up to the Election

On January 22, the CLRAE delegation visited 7 polling stations and met the President and Secretary of the Taraclia Judet Election Commission as well the Presidents and members of a number of Precinct and Territorial Election Commissions.

At polling stations visited, the delegation was able to see voter registers, which were in good order, and ballot papers just received. It was noted that some polling stations, in contradiction to the Law on the Use of Languages, did not have ballot papers in the Moldavian language though there were Moldavian-speaking voters on the registers

The interview with voters and representatives of political parties and candidates conducted in a run-up period and on election day, did not reveal any restriction places on citizens or political parties, wishing to take part in the election or stand up for the election to local representative bodies or chief executive posts. They seemed to be quite satisfied with the running of the election campaign, stressing that all parties enjoyed freedom to advertise and publish their views

The voters had been provided diverse information on the candidates to the communal and judet councils. Nevertheless, as our interviews indicated, they still had some difficulty in identifying their positions on the vital questions of political and economic development of the region.

Political parties or international observers before or during the elections registered no complaints with regard to the registration of candidates or the running of the election campaign. On the whole, their assessment of the election campaign was positive.

Observation of the elections

On election day, the CLRAE Delegation, divided into two groups, visited 18 polling stations out of 32. It also observed the counting of the votes at two polling stations and at the Judet Election Commission.

Despite snow and cold, voter turnout was reported quite satisfactory: over 75 per cent of the electorate registered. The voting and counting procedures occurred in a calm, orderly and overall correct manner.

Precinct and Territorial Electoral Commissions performed professionally during the elections and tried to do their best to ensure full compliance of the electorate procedure with the law. The counting and announcement of the results at the polling stations were conducted in accordance with the legal provisions

The Taraclia Judet Electoral Commission is to be commended for the professional handling of the problems that arose during the polling.

Nevertheless, the CLAE delegation observes a number of irregularities. These were as follows:

- Family voting;
- Contradictory interpretations of electoral regulations in some polling stations;
- Non-availability of ballot papers in the Moldavian language in some polling stations where Moldavian-speaking voters were registered;
- Voting without identification papers by some old-aged persons, who were nonetheless recognised by the members of PCs
- Intrusive behaviour of domestic observers with the work of the Precinct Electoral
- Commissions and the voters at some polling stations.
- Agitation placards still on the walls in some places on polling day.

It should be pointed out that such irregularities as family voting or ballots handed over to some people without identification papers but known to the members of a PC were rather due to local cultural features and not aimed at influencing the vote. There was also a high proportion of people registered on supplementary lists which was in the main the result of high mobility of the population, in particularly youths.

The observation of the elections in Taraclia Judet was done also by the Centre of Independent Observers of Local Elections in the Taraclia Judet, which included the Helsinki Human Rights Committee in Moldova and the Human Rights League in Moldova. These two organisations had about 70 observers spread around all the polling stations in the region. Domestic and international observers were present in all 32 polling stations.

OSCE Mission members did not observe the vote. The Helsinki Human Rights Committee was reported to have later issued a public statement claiming serious irregularities in the voting. However, the Moldavian Central Election Commission called these charges "highly exaggerated" and assessed the Taraclia elections as orderly and without serious improprieties.

Results of the elections

The CEC validated the Taraclia polls, stating that more than one third of the eligible voters cast their ballots to elect the county council, communal councils and mayors of the ten settlements. (According to Moldavian laws, a local poll is valid if at least one third of the voters cast their ballots). The final results of the elections made public by the CEC are as follows:

Number of votes (in per cent) / seats won by the parties in the Taraclia Judet Council, Taraclia Municipal Council and Communal Councils:

1. Communist Party **39/ 12 58/ 10 36/ 33**
2. Agrarian Democratic Party **35/ 11 16.6/ 2 42.3/ 40**
3. Plai Natal Movement **7.9/ 2 17.2/ 3 4.2/ 3**
4. Centre Alliance **3.5/ 1 3.8/ 0 4.1/ 1**
5. Democratic Convention **2.9/ 0 0 / 0 3.5/ 3**
6. Furnica-Speranta Union **2.7/ 0 2 / 0 3.8/ 1**
7. Social-Democratic Party **0.8/ 0 1.7/ 0 1.1/ 0**
8. Socialist Party **0.3/ 0 0/ 0 0/ 0**
9. Christian Democratic Popular Party **0 / 0 0/ 0 0.3/ 0**
10. Independent candidates **7.2/ 1 0/ 0 2.8/ 0**

The Taraclia Judet Council numbers 27 councillors and the Taraclia Municipal Council has 15 members. The electoral barrier is four per cent for all participants.

Following are the new elected mayors (name, settlement, party affiliation):

1. Stepan Solov - Taraclia town, communist;

2. Vladimir Terzi - Budei, agrarian;
3. Victor Ceban - Cairaclia, communist;
4. Nicolai Burgurov - Cortin, agrarian;
5. Piotr Mitkov - Tvardita, independent;
6. Vasile Voda - Vinogradovca, communist.

In four settlements - Albota de Sus, Albota de Jos, Aluat and Valea Perjei - where none of the candidates gained a simple majority, a second round was set for February 6.

The mayor's office in these villages are claimed by four communists, two agrarians, an independent candidate and a representative from the Democratic Convention.

Conclusions

The CLRAE delegation welcomed the elections in the Taraclia Judet as a clear signal from the Moldavian authorities to respect national minority rights in the region and as part of their effort to further develop pluralist democracy at local and regional level.

The delegation took note that:

- irrespective of their ethnical background or mother tongue, the citizens of the Taraclia judet have been able to express their political will in a free, secret and direct vote;
- the Central Election Commission is to be commended for the effort to assist free elections and strengthen a democratic process by publishing an Election Guide, in co-operation with the International Foundation for the Electorate Systems (IFES);
- interethnic relationships in Chisinau are good and the Moldavian-Russian relations have been improving;
- the Moldavian authorities should be commended for preserving ethnic structures in the course of democratic reform;
- mass media provided in general a satisfactory coverage of local elections, though there was a lack of information on voting procedure;
- in compliance with the Electoral Code, young conscripts on active service in the Taraclia judet did not take part in the election, which provides a good reason to assess the election results as fair and objective;
- basing on a comparative study of the population structure in the new county before 1995 and the present time, the delegation states that the ethnic balance of the population has not changed and the authorities respect resolution 1201;
- both the Parliament and the Government undertake to comply with CLRAE Resolution 83/1999, and the step to establish the Taraclia judet goes to illustrate their desire to ensure peaceful co-habitation of ethnic majority and minorities;
- there is a real desire and will on the part of the Moldavian authorities to integrate the republic of Moldova to the European structures, and to go ahead with democratisation and regionalisation processes as is reflected in the modifications introduced to the Electoral Code of 1999;
- with reference to Resolution 59/1998 on local and regional democracy in the Republic of Moldova, it should be noted that there is a Association of regional and local authorities which is catering for 8 regions in the country;
- a number of bills has been introduced to the Parliament of the Republic of Moldova which are aimed at strengthening real autonomy of the existing administrative entities and gradual decentralisation of public services and simultaneously providing financial resources to achieve these goals.

In conformity with the Constitution of the Republic of Moldova (Art. 13), the Moldavian language is a state language and the state recognises and defends the use of Russian and other languages spoken in the territory of the country.

Promotion of the Moldavian language (Romanian) as a state language of the Republic of Moldova encounters difficulties because both the majority - the Moldavians - and the minorities - Gagauzes, Bulgarians, Ukrainians, Jews and Turks - have considerably been effected by the process of Russification, including forced changes in the ethnic structures of the population (it is to be noted that the Moldavian authorities have established a very flexible approach, accepting the use of mother tongues (Russian and Bulgarian) by the officers employed in Public Administrations.

Absence of classes teaching both the official and minority languages as well as lack of finance necessary for funding the training of teachers and education in general represents a major obstacle on the way to consolidating and strengthening democracy in the country.

Education and training is badly needed for elected and appointed local and regional authorities of Moldova. The growing demand in this field could only be met by a special training programme, which must be incorporated into joint programme of the Council of Europe and the European Union for Moldova.

The economic crisis affecting the Republic of Moldova undermines the processes of democratisation, regionalisation and privatisation. In this context, the Republic of Moldova needs economic and financial support, which should be aimed at facilitating trade exchanges with the EU countries.

Appendix I – PROGRAMME of CLRAE Delegation's Visit to the Republic of Moldova (January 21-24, 1999)

January 21

09h00 : Meeting with members of the Republic of Moldova's Delegation to CLRAE

10h30 : Meeting with Mr Oleg Ungureanu, Head of the European Integration Department, Ministry of Foreign Affairs of the Republic of Moldova

14h00 : Meeting at the Public Administration Unit of the State Chancellery of the Government of the Republic of Moldova

15h30 : Meeting at the Association of Mayors

January 22

09h00 : Meeting with members of Parliamentary Juridical Committee (Parliament of the Republic of Moldova)

10h30 : Meeting at the Central Electoral Commission (Government building)

January 23

Observation of the elections

January 24

10h00 : Meeting with ADRAL's representatives

11h30 : Meeting with representatives of the "Renaissance" Bulgarian Society