



# Moldova and the Year Ahead

## Continuation of Constitutional Crisis

by Károly Benes

*Moldova's political and constitutional crisis became an entrenched feature of 2009. Unsuccessful presidential elections, two general elections, and mass protests leading to a violent police crackdown dominated the country's political life. Most likely, the political deadlock will continue in 2010, as the failure to elect a president in December means that the parliament will be dissolved and snap elections take place. The crisis has revealed the deficiencies of Moldova's constitution, the stipulations of which have served to cause an electoral vicious circle. In solving the political and constitutional crisis, it would seem that amending the constitution is in order.*

On December 7, 2009, the second and last attempt to elect Moldova's president failed. The only presidential candidate, Democratic Party leader Marian Lupu, received 53 votes from the governing Alliance for European Integration (AEI) in the 101-membered parliament. This was not enough, however, to secure victory, since in order to elect a president it is necessary to obtain a three-fifths majority, i.e., 61 votes, in the legislative body; the opposition Communist Party's (PCRM) 48 deputies scuppered the vote by boycotting the election. Under Moldova's constitution, should the presidential election fail twice, the parliament must be dissolved and early elections held.

It seems Moldova's rival political forces cannot overcome the permanent political and constitutional crisis which dominated 2009. The failed presidential election of December is eerily reminiscent of the situation in early 2009, when the Communist Party was unable to elect a president despite holding 60 seats in parliament, lacking only a single vote, due to the opposition parties' boycott of the election. As a result of the political deadlock, then President Vladimir Voronin was required by the constitution to dissolve the parliament and announce snap elections, which the former opposition won in July last year. Ironically, just a few months later, the present governing coalition was faced with the same situation as they were not able to find an answer to the key question of how to

elect a president.

The political gridlock has revealed the main stumbling block of Moldova's constitution – that a three-fifths majority in parliament is necessary to form a viable government – and there is no guarantee that the staging of an early election will provide a solution to Moldova's constitutional dilemma. First, it is unlikely that any political forces – or alliances – would be able to acquire the necessary majority in the parliament in the next elections; and second, even if this time either the coalition or less likely the Communist Party gains enough seats in the parliament to elect a president, this constitutional “deficiency” is certain to cause further political crisis in the future. Therefore, a constitutional amendment, that is, the modification of the regulations relating to presidential elections, or the adoption of a new constitution is desirable.

### New Constitution: Panacea for Moldova's political crisis?

In order to find a way out from the constitutional deadlock, and at the same time cement the coalition government's power with facilitating the election of a president, the parliament chairman and acting president, Mihai Ghimpu, set up a Commission for Constitutional Reform on December 1 to examine the modalities either of the modification of the old, or the adoption of a new consti-



tution. The Commission includes several experts and senior governmental figures, such as the prime minister and Mihai Ghimpu himself, as the chairman of the body.

Whilst the four member parties of the governing AEI (Liberal Democratic Party, Democratic Party, Liberal Party, and Our Moldova Alliance) are agreed on the modification of the constitution, they are at odds on how to achieve this. The biggest member of the Alliance, the Liberal Democratic Party and its leader Prime Minister Vlad Filat, who also has presidential ambitions, and, furthermore, one of Moldova's most popular politicians, Democratic Party leader Marian Lupu, are in favor of early elections in the fall this year and of a new constitution, stipulating direct presidential elections. In contrast, Mihai Ghimpu and his Liberal Party, fearing a setback in a snap election, are in favor of organizing a referendum on a constitutional amendment, which would allow a president to be elected with a simple majority, i.e., 51 votes, in parliament. In his view, after the referendum there would be no reason to dissolve the parliament, since the president would be elected based on the current coalition. The smallest member of the AEI, the Our Moldova Alliance, is supportive of Ghimpu's proposition, since in case of a snap election it is likely that the party would fall below the five per cent parliamentary threshold. Nevertheless, the four parties will probably reach a compromise. The most likely scenario is that, as a short-term measure, a constitutional amendment will be approved by means of a referendum, stipulating presidential election by a simple majority, and, in the long run, after successful snap elections (and with a president in power), a deeper constitutional reform could then take place.

Not surprisingly the PCRM has so far refused the idea of adopting any constitutional reform, thus it has not participated in the work of the Commission for Constitutional Reform. Indeed, the Party's popularity has been on the wane for a number of years as the "communist brand" is increasingly identified with Moldova's older generation, but which is not attractive for the younger generation that is more Western oriented. Also, after the July elections, the PCRM has lost its administrative lever, including its overwhelming influence over the mass media; furthermore, it lacks international support. Even Moscow, which stood by the PCRM after the April elections in 2009, backed out from supporting it, as a cooperation agreement, signed last November in St. Petersburg, between

the governing United Russia Party and Marian Lupu's Democratic Party signaled. The Kremlin's support is crucial in order to secure the vote of Moldova's Russian-speaking population, and by signing a cooperation agreement with the Democratic Party, Moscow is backing another horse. The most "disciplined" of Moldova's political parties, the PCRM is showing signs of cracks, with four MPs leaving the parliamentary fraction as a result of an internal disagreement over the presidential elections. For the PCRM, any constitutional change would be detrimental. Should the president be elected by simple majority, the Party will lose its political leverage, since it would not be able to block the presidential elections anymore, and it is unlikely that the communists could receive an absolute majority in the snap elections to form a government and thereby elect a president without allies. Also, in case of a direct presidential election, it should be noted that the PCRM does not even have a credible candidate to compete with Filat and Lupu.

## 2010: A Decisive Year

The political instability is likely to linger on well into 2010. The "permanent" electoral campaign, which has dominated the political landscape for more than one year now, will continue. Since under Moldova's constitution the parliament may not be dissolved twice within a twelve-month period, and last summer it was dissolved once, the snap elections will not take place at the earliest until fall 2010.

The isolated PCRM will probably lose further ground to the Alliance. The political trends are not in favor of the Party; its last chance for electoral victory is to summon all of its strength for an "ultimate battle," trying to divide the governing Alliance. So far the communist attempts to split the coalition have proved unsuccessful. Right before the failed presidential election, Voronin had offered to form a coalition with Lupu and his center-left Democratic Party. Lupu could have been the president (the communists and the democrats have together exactly 61 seats in the parliament), but due to the highly polarized political sphere, the fierce hostility between the PCRM and the governing forces, and the high price the communists asked for their cooperation (both the position of the prime minister and the parliament chairman), Lupu refused the offer.

Nevertheless, the PCRM's strategy is not unrealistic. In Moldovan political culture it is unusual that a hetero-



genic political formation such as the Alliance, including parties from the center-left to the populist right, has managed to hold together despite earlier infighting. On the other hand, it seems the stronger the PCRM shows itself to be, and the more pressure it puts on the Alliance, the more it contributes to the unity of the coalition. 2010 will be a decisive year regarding Moldova's political future. Either the communists will prove to be smart enough in dividing their political opponents and manage to get back in power, or the AEI overcomes its internal conflicts, closes its ranks, and stands by as the Communist Party declines further. In the meantime, Moldovan politics will continue to be hamstrung by constitutional deadlock.

*Károly Benes is a Junior Research Fellow at the Institute for Security & Development Policy.*

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## The Institute for Security & Development Policy

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Västra Finnbodavägen 2, SE-13130 Stockholm - Nacka  
E-mail: [info@isdpeu](mailto:info@isdpeu) / Tel: +46(0)8-41056953  
Website: [www.isdpeu](http://www.isdpeu)

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