

Moldovan Parliament's Role in Conflict/Post-conflict Situations

I. Introduction

Like many other post-communist and post-soviet countries, the Republic of Moldova faced and continues to face the challenges of transition. The transition process in Moldova, as elsewhere, is accompanied by conflicts which serve as propelling force when correctly managed, or undermine stability when mismanaged, producing crises jeopardizing statehood itself. However, the traits that make the Moldovan transition specific may be more interesting than similarities. In particular, Moldova's case looks very different from the cases of countries in Central Europe, the Baltics and the Balkans, which had or still have the European Union as incentive of modernization and reform.

The case of Moldova is as well different from the cases of majority of the countries of the Community of Independent States (CIS) of former USSR. Though there are a lot of similarities of problems and factors which generate conflicts in all CIS countries, there are some that are specific for Moldova and create specific approaches to their resolution. What makes Moldova different from other CIS country is: a) identity crises of indigenous majority population which identify themselves, in unequal proportions, as Romanian and Moldovan, consequently the language is named Romanian or Moldovan, though both parts recognize that they speak the same language. This is a legacy of the history and sometimes creates huge political and social tension; b) Moldova was and still is, practically, the single CIS country which after the declaration of its independence in 1991 adopted a parliamentary constitutional regime¹. These facts generated specific conflicts in Moldovan society and at the same time created specific conditions for their resolution. For example, before the amendment of the Constitution in 2000 Moldova's semi-parliamentary regime favoured the role of parliamentary factions in their interaction with executive bodies and Presidential administration. As a result Moldova is the single country in the world where an unreformed communist party, which didn't even change its name, came in power in 2001 through free and fair elections. That's because the relatively democratic semi-parliamentary regime did not impede the activity of the Party of Communists', its free access to media and its participation in a free and relatively fair electoral process². It wasn't the case of Russia, Ukraine, etc where, in fact, presidential regimes, through executive power branch impede oppositional parties to compete in equal conditions with the pro-presidential parties.

At the same time, the example of the Republic of Moldova showed that even in a parliamentary regime if the entire power is controlled by a single undemocratic party as Party of Communist was during its first mandate

¹ The decision of Constitutional Court No.38 of 24.11.2000

² In order to prepare this paper the author met: Iurie Rosca – vice-chair of the Parliament, chairperson of the Christian Democratic Popular Party (CDPP), MP since 1994; Dumitru Diacov, chairperson of the Democratic Party (DP), leader of DP parliamentary faction, former chairperson of the Parliament (1998-2001); Dumitru Braghis – co-chair of Our Moldova Alliance, MP, former prime-minister (1999-2001); Ion Creangă - chairperson of the Juridical Department of the Parliament; Oazu Nantoi, program coordinator at the Institute of Public Polices, expert in conflict resolution; Viorel Cibotaru, program coordinator at the Institute of Public Polices, expert in defence problems, former press-officer of the Ministry of Defence; Petru Railean – chairperson of Central Election Commission; Vactor Doras – former presidential councillor; Iurie Leanca – former vice-minister of foreign Affaires.

(2001-2005), this is a danger for the democratic process. On the other hand, the recent victory of the same Party of Communist party during the parliamentary elections of March 6, 2005, but not sufficient to elect the President of the country, created absolutely unexpected possibilities for political dialogue and nationwide compromise. Consequently, on first day of its activity the newly elected Parliament unanimously approved the Declaration of political partnership for achieving the objectives of accession to EU. The document provides for the consensus of the four factions on the consistent and irreversible promotion of the strategic course towards European accession. Deputies pledged to undertake joint actions referring to: a) enforce the Action Plan EU – Moldova; b) peacefully and democratically resolve the Transdnestrian conflict; c) ensure stability of democratic institutions; d) ensure independence of the judiciary system; e) fight corruption; f) foster mass media; g) observe the rights of national minorities; h) contribute to social development; i) poverty reduction; j) improve investment climate and k) full-fledged development of the state language. It was for the first time in the recent history of Moldova after the declaration of independence in 1991 that MPs found a consensus on a such large spectrum of sensitive issues which previously provoked huge conflicts.

II. The types of conflicts Republic of Moldova is facing

During the last 14 years after the declaration of independence of Moldova it faced several major conflicts which could be classified as following: a) the separatist conflicts in eastern Transdnestrian region and in the southern region compactly inhabited by the Gagauz minority; b) constitutional conflicts between power branches; c) political conflicts between different political forces represented in Parliament, which manifested themselves as electoral conflicts between the interests of ruling party or coalition and the opposition.

Main conflicts in Moldova and action by Parliament

1 Conflict	2 Other internal conflict actors and their role	3 External factors, their role	4 Composition of Parliament	5 Parliament's actions, consequences, conclusions
<p>Conflict duration: 1989-1994</p> <p>In 1989, changes in linguistic policy divided the Moldovan society and served as motivation for further separatist conflicts. The core of the conflict was that in fact Russian was</p>	<p>Informal political groups which claimed to promote and protect the political rights of different ethnic groups:</p> <p>Popular Front (Moldovans/Romanians);</p>	<p>Helped:</p> <p>international democratic institutions suggested solutions that eventually ended the conflict as conforming to European</p>	<p>1. Legislature XI (March 1985 – March 1990). More than 90% members of Communist Party. After 1988 divided mainly by national and linguistic choice, as well as attitude towards Prestroika (reformist/conservative).</p> <p>The representatives of informal Popular Front</p>	<p>Action: Parliament adopted on August 31, 1989 the Law on state language which on the one hand satisfied the requests of the majority (Moldovan/Romanians). However, the Russian speaking minorities considered it as a menace to their rights. Later on, the international democratic institutions as well as the leaders</p>

<p>the state language and 100% citizens knew only Russian. The representatives of the (Moldovan/Romanian) majority intended to “correct” this situation by obliging all public servants to know both (Moldovan/Romania and Russian) languages and leave the citizens the right to elect the language of communication with public servants. Russian speaking minorities considered this approach discrimination.</p>	<p>International Front (national minorities – Russians, Ukrainians, etc); Gagauz Halky Movement (Gagauz minority)</p>	<p>standards.</p>	<p>formed the most influential political force, supported by moderate communists</p>	<p>of minorities assessed the Law as being in conformity with the European standards. Conclusion: Parliament solved a problem (request to equalize the role of Romanian and Russian language), but generated another, being unable to convince minorities that their rights are not undermined. Causes: a) lack of experience of pluralistic debates; b) prevailing of the emotions over the rations; c) neglecting of fears of minorities.</p>
<p>Conflict duration: 1990 – 1992. Dramatic changes in the internal policies of USSR which culminated with its collapse. Clashes between the proponents of the majority (Moldovans/Romanian) and the proponents of minorities. Majority requested sovereignty and independence from USSR, representatives of minority the</p>	<p>Informal political groups representing the interest of ethnic groups, working committees and military pensioners in Transdnistria.</p>	<p>Aggravated situation seriously: The central power structures of USSR. The units of the Soviet Army dislocated in Moldova. These openly threatened Moldovan Government that it would face</p>	<p>2. Legislature XII (March 1990 – February 1994). About 80% of MPs were members of Communist Party. About 1/3 of MPS were members of Popular Front (a pro-independence, later a pro-Romanian political force), About 1/4 of MPs were members or sympathizers of Interfront (a pro-Soviet and pro-Russian political force). About 1/3 of MPs formed the Agrarian Party, representing the corporative interests of the</p>	<p>On June 23, 1990 Parliament adopted the declaration of sovereignty of Moldova (about two week latter than Russia). On August 27, 1991, after the Moscow putsch of August 19 and three days after Ukraine and other former soviet republics, the Parliament of Moldova adopted the Declaration of independence. This satisfied the request of the majority but provoked the reaction of Gagauz and Transdnestrian minority leaders. Consequently, on August 19 and</p>

<p>preservation of the “socialist Motherhood – USSR”. Declaration of sovereignty in 1990 and Declaration of Independence in 1991 resulted in the further escalation of the separatist conflict and even in a series of bloody clashes in the first part of 1992.</p>		<p>separatism if refuse to support the referenda in favour of USSR preservation. The units of the Soviet Army distributed arms to the break-away regimes. Mercenary and kazaks paramilitary groups from Russia and Ukraine supported this separatism.</p>	<p>leaders of collective farms (a kind of rural communist nomenklatura). This group was pro-independence but gravitating near Russia and CIS and anti-Romanian. In the period 1990-1991 Popular Front supported by Agrarians and moderate communists kept the leading role. After 1992 the Agrarians became the leading political force.</p>	<p>September 2, 1990 Gagauz and Transdnistria leaders declared the independence of the region from Moldova, but in the framework of USSR.</p> <p>Conclusion: Parliament solved a problem of the majority at the expense of minorities. In fact Parliament followed the common trend in the former USSR: it satisfied the request of the majority, but at the same time in spite of the fact that normative acts directed to protect the rights of minorities were adopted, (International Pact on Civil and Political Rights, International Pact on Economical, Social and Cultural Rights), Parliament failed to achieve the support of minorities which leaders were instigated to separatism by the central power.</p>
<p>Debates on the Constitution draft, and the status of autonomies</p>	<p>Oppositional parties, the leaders of Gagauz Yeri</p>	<p>Significant positive impact: Council of Europe, OSCE, other international democratic institutions which had a</p>	<p>3. Legislature XIII (February 1994 – March 1998). 55% - Agrarian Party absolute majority till 1995 (pro-independence in the framework of CIS, gravitating near Russia, soft sympathizer of communists). 28% - Socialists (former Interfront, pro-communist, pro-Russian). Initially</p>	<p>Parliament adopted on July 29, 1994 a new democratic Constitution. On December 23, 1994 the Parliament adopted the Law on the special juridical status of Gagauz Yeri. The Gagauz conflict had been solved. It was a post factum “solution”.</p> <p>Conclusion: the role of Parliament remained very vague and irrelevant until 2003.</p>

			<p>socialists supported agrarians.</p> <p>11% - Democratic Forces (former Popular Front, liberals, pro-Western, pro-Romanian).</p> <p>9% - Christian-Democrats (former Popular Front, pro-Western, pro-Romanian)</p>	
<p>Control over the power institutions. President Mircea Snegur issued a decree to dismiss the Minister of Defence without Prime-minister consent, who opposed the presidential decision</p>	<p>President, Government, parliamentary factions and Constitutional Court which played an extremely important role</p>	<p>None significant.</p>	<p>1996</p> <p>Legislature XIII (February 1994 – March 1998). Agrarian majority split twice in 1995 and 1996 on the eve of Presidential elections. No clear majority in Parliament.</p>	<p>Parliament rapidly convened ad hoc to discuss the conflict and issued decision No. 782-XIII recommending to the president to establish a moratorium on the implementation of his decree. In this way.</p> <p>Conclusion: Parliament prevented further conflict escalation and addressed the Constitutional Court for final decision.</p>
<p>President Lucinschi, elected in 1996, initiative to modify the Constitution in order to install a presidential regime was opposed by all parliamentary factions which suspected him to intend to control through authoritarian tools over the most important political and economic processes (privatization and distribution of the</p>	<p>President, parliamentary factions, civil society. Constitutional Court played a major role in examining the constitutional drafts presented by the President and MPs.</p>	<p>Major positive role by EU:</p> <p>The Venice Commission of the Council of Europe examined the constitutional drafts elaborated by the President and the MPs and made recommendation s.</p>	<p>1998-2001</p> <p>Legislature XVI (March 1998 - February 2001)</p> <p>40% - Communist Party (pro-Russia, pro-USSR nostalgic, anti-Romanian)</p> <p>26% - Democratic Convention (Christian-democrats and former agrarians, split in 1999)</p> <p>24% - Prosperous and Democratic Moldova (social-democrats).</p> <p>11% - Democratic Forces</p>	<p>Positive role of Parliament was that despite its fragmentation it managed to act as a consolidated entity which opposed the authoritarian intentions of the chief of the state.</p> <p>Negative role of Parliament in this situation was that it acted as if it wanted to revenge on the President. Though the Constitution amendment draft was more democratic it was adopted in a hurry just to take advantage over the presidential one. As a result another political conflict emerged</p>

<p>state property in the pro-presidential clans) processes. This attitude of MPs towards the Presidential intention was based on the fact that when Lucinschi was Parliament's chairman, he was a parliamentary regime proponent. After he became President he changed his political mind and became a presidential regime proponent.</p>			<p>(liberals) Democratic Convention + Prosperous and Moldova + Democratic Forces formed the ruling alliance (Alliance for Democracy and Reforms – ADR 60%) In late 1999 ADR split, no clear majority.</p>	<p>which was solved by the Constitutional Court by dissolution of the Parliament and early parliamentary elections. Conclusion: Parliament solved the problem and, as before, created another one, but this time was punished with dissolution by a working democratic institution.</p>
<p>The majority faction ignored absolutely the interests of the opposition. It promoted its views concerning the sensitive linguistic issues, school educational programs in history etc without consulting the opposition. This resulted in four month non-stop protest rallies, attended sometimes by tens of thousand of participants In 2002 the majority blocked the intention of the opposition to initiate referenda concerning the electoral system,</p>	<p>Ruling party, parliamentary and extra-parliamentary opposition, civil society.</p>	<p>Positive: In 2002 the Parliamentary Assembly of the Council of Europe (PACE) adopted two resolution on the Republic of Moldova advising the authorities to refrain from in applying the force against the protesters. PACE recommended the institution of the permanent round-table with the participation</p>	<p>2002-2005 Legislature XV (February 2001 – March 2005) 71% - (constitutional majority) Communist party (pro-Russian, pro-USSR nostalgic) 19% - centrist social-democratic Alliance (Braghis) 11% - Christian- democrats (pro-Western). All the power leverage past in the hands of President, who is also the leader of Communist Party. The majority parliamentary faction became a voting machine.</p>	<p>In this period the role of Parliament was weak as the parliamentary majority became a voting machine controlled by the President who was the leader of the ruling party. Under the pressure of international democratic institutes Parliament adopted some normative acts such the law on public TV and radio which contributed to some improvement of the situation but didn't form a positive trend. Conclusion: in countries with lack of democratic tradition the wining of absolute majority by a party with an authoritarian past present a danger for the democratic development, though</p>

<p>abusing justice, by administrative leverage. In 2003 the ruling party committed huge abuses during the municipal elections. which made OSCE observation mission to refrain, for the first time after the declaration of the independence, from considering the election free and fair and to advise the authorities to change the negative trend in a positive one.</p>		<p>of the ruling party, parliamentary and extra-parliamentary opposition and civil society in order to find solutions to the existing problems.</p>		<p>it seems to be able to solve some current social problems. In such situation, coalition majorities are possibly preferable.</p>
<p>The abuses of the ruling party during the parliamentary election campaign created a very tense situation in society. The opposition declared in advance that it will not recognize the election result and will organize mass protests or will block the procedure of the election of the President by the Parliament in case it receive at least 41% of seats.</p>	<p>Ruling party, oppositional parties, civil society</p>	<p>Positive: OSCE and Council of Europe election observation mission influenced the behaviour of ruling party on the final stage of the election campaign. Private international facilitators convinced both ruling party and the opposition to find a compromise in order to avoid</p>	<p>2005 Legislature XVI (March 2005 – March 2009) 56% - (absolute majority) Communist Party (pro-Europe rhetoric) 34% - centrist alliance (social-democrats, liberal and independents) split immediate after the elections. 11% - Christian-democrats.). All the power leverage remained in the hands of President and the majority faction remained a voting machine.</p>	<p>During its first session the newly elected Parliament adopted through a unanimous vote a declaration which put into evidence the main shared principles by all political forces represented in the Parliament. On this base the parliament created working groups in the framework of which the opposition representatives will elaborate the draft laws in order to ensure the democratisation of Moldova. The majority faction assumed the obligation to examine, debate and adopt the bills. The effects of this experience is to be consider after the fist parliamentary session is over. Conclusion: too early to draw one.</p>

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A) Separatist conflicts

The roots of conflicts and the role of Parliament

During the so-called separatist conflicts which passed through several stages, the Parliament of the Republic of Moldova played a major role. At the first stage (1989 -1990), Parliament adopted some normative acts in order to enhance the sovereignty of Moldova which, on the other hand, in fact, provoked the separatist conflicts; second stage (1990-1992) - adoption of decisions in which conflicts were admitted as such, and suggestions for ways of resolution; third stage (1992-2001) - adoption of laws, normative acts, ratification of international conventions and adherence to international institutions in order to create the needed conditions for minorities development aiming to extirpate the roots of separatism; fourth stage (after 2001) - started to work close with international institutions (mainly OSCE) in order to find an acceptable solution for the conflict.

1) The first stage. According to the last USSR's census of 1989 in the Moldovan Soviet Socialist Republic (MSSR) lived 4.3 million inhabitants. About 64% of the people of MSSR were ethnic Moldovans, speaking a native language, practically identical to Romanian. There were several major ethnic minorities: Ukrainians – 13.5 %, Russians – 12.5 %, Gagauz -3.6%, Bulgarians -2%, Jews – 1.5%, others – 3%. Gagauz and Bulgarians were living in a compact area in the south near the towns Comrat, Ceadir-Lunga, Vulcanesti and Taraclia. The population of the left bank of the Dniester region was about 750,000 people: 40% - Moldovans, 30% – Ukrainians, 25% - Russians, 5% - Bulgarians, Jews etc. Almost all Moldovans also spoke Russian, which was obligatory at schools. All minorities were Russian speakers, few of them spoke Moldovan. It is worth mentioning that no significant ethnical conflict took place in Moldova, except anti-Semite pogrom in 1903.

One can identify as a reference point of the conflict development the May 23, 1988 plenum of Communist Party of Soviet Union which adopted the drafts of thesis for the XIX Communist Party Conference. During acute debates, it was concluded "the three years of society revolutionary renewal, democratization of social and party life within perestroika, led to the necessity of including in the schedule the cardinal reformation of the political system". Let us note that at the time even such a communist leader as Gorbachev warned, "It is necessary to have the courage to admit that if the political system remains unchanged, then we will not manage to accomplish the tasks formulated by perestroika". After the XIX Conference, under the authorities' patronage, the pluralism began to be consolidated through the activity of public organization, different clubs, and citizens' initiatives as the so-called democratic movements, such as "Democratic Union" that attributed itself the quality of political party. A Democratic Movement for Presetroika Support (DMPS) was established in Moldova too.

Initially, DMPS gathered different groups of Moldovan, Russian, Ukrainian, Gagauz, etc intellectuals who contested not only the slow transformation in economy and administration but also the Soviet linguistic policy, the official historiography and cultural policy. Step by step, the identity of Moldovans and Romanians, the identity of their language, the necessity of replacement of the Cyrillic alphabet by the Latin script, soviet occupation of the Romanian province Basarabia (the part of Moldova between Dniester and Prut rivers) etc., became the most debated issues in the Moldovan society. These issues lead to the split of DMPS in “Popular Front of Moldova” and the “International Front” which divided the political active population according the linguistic criteria – Romanian speaking and Russian speaking. The Popular Front found some support within the Moldovan Communist Party and, thus, a coalition of reform-minded communists and nationalist intellectuals emerged in summer 1989. Thus, the unreformed part of the Communist Party of MSSR and the International Front, on the one hands, and the Popular Front, on the other hands, became the worst political enemies.

Under the influence of the Popular Front the Supreme Soviet of the MSSR passed a new language law on 31 August 1989. According to the law Moldovan language in the Latin script was declared as the state language of the MSSR. Russian language kept its official status but all public officials were obliged to know both languages. For those who did not know the Romanian language the law established the term of 4-6 years to study it. The Russian speakers from International Front perceived the new language law as an outright threat as they feared marginalization, unemployment and the loss of equal opportunity.

The first democratic elections for the Supreme Soviet of MSSR took place in February and March 1990 in 380 uninominal constituencies. This offered a very good opportunity for an adequate representation of all minorities. Popular Front appointed candidates in 219 constituencies. It is worth mentioning that 80% of MPs were members of Communist Party. In Transdnestrian region were elected 67 MPs. Members of Popular Front obtained about 1/3 of seats in the Supreme Soviet. Because a part of communists supported the Popular Front this emerged in the promotion of a policy directed towards the increasing autonomy from the Soviet Union and further independence of the Republic of Moldova. Popular Front deputies managed to dominate in the Supreme Soviet and even to appoint a government, lead by its representative, Mircea Druc, and other individuals who supported its agenda, which lasted a year. So, on May 12, 1990 the Supreme Soviet adopted the regulation about the state flag of RSSM and abolished the previous one of December 24, 1955. The new Moldovan flag has the same color scheme as Romanian - three equal vertical bands of blue, yellow, red and the emblem in center of it; on June 23, 1990, the Supreme Soviet adopted the declaration on sovereignty (eleven days after Supreme Soviet of Russian Soviet Federative Socialist Republic adopted the declaration on sovereignty); on July 27, 1990 the Supreme Soviet adopted the Decree on State Power saying that the state power in MSSR belongs to its people.

Because of the worsening economic situation the Romanian-speaking population was split into so-called "Moldovans" and so-called "Unionists". The former aimed for the creation and later consolidation of an independent Republic of Moldova keeping close ties with Russia and the former Soviet Union. The Unionists' aimed finally for Moldova's unification with Romania. Thus, the splitting of the population in Russians speaking and Romanian speaking as well as the splitting of Rumanian speaking in Moldovans and Unionist determined the development of the political life development in Moldova. At that time the political enemies of the Popular Front labeled it as a "nationalist and extremist" political force. On their turn the Popular Front activists called the opponents "occupiers" and "migrants". In numerous speeches and newspaper articles, the leaders of International Front claimed that the Popular Front wanted to impose the Russian and Ukrainian minorities to renounce their language and ethnic identity. They also spread the rumor that the Popular Front MPs would soon declare Moldova as part of Romania, even though the Supreme Soviet had rejected unification. This consolidated the Russian-speaking eastward oriented.

The consequences of these linguistic and political clashes emerged in the establishment of Transdnestrian Soviet Socialist Republic and Gagauz Soviet Socialist Republic in the frame of USSR (proclaimed on September 2 and August 19, 1990) with the support of the Soviet Army units dislocated in Moldova and the central power of USSR. The *raison d'être* for Transdnestrian and Gagauz republics was declared "the protection of the inhabitants of these regions against the Moldovan and Romania nationalism".

The reaction of the Supreme Soviet of MSSR was to issue on September 4, 1990 a decision according to which all recruits from MSSR were to satisfy their military service on the territory of MSSR and called for all Moldovan militaries serving in the Soviet Army to return back to continue their service in Moldova. On September 20, 1990 the Presidium of the Supreme Soviet of MSSR cancelled the decision of the congress of the deputies of all levels from the localities populated by Gagauz which proclaimed the Gagauz Republic. On October 26, 1990 the Supreme Soviet of MSSR declared unconstitutional the elections in the newly created legislative body of Gagauzia. Similar declaration was issued by the Supreme Soviet concerning Transdnestria.

These were the main events and documents adopted by the Parliament and directed towards reaffirming the sovereignty of Moldova. As a result of such acts of Parliament, tensions between authority and the break-away regions increased. For sure the Parliament activity was inspired by the activities of legislative bodies in other soviet republics. The other side of the medal was the establishment of separatist regimes in Transdnestria and Gagauzia.

In conclusion one can mention that intellectuals representing different ethnic groups and engaged in the interpretation of the historical past of Moldova, in designing its the future, influenced the behaviour of politically active citizens and MPs. On their turn, MPs followed the common trends in other soviet republics. The

satisfaction of the majority requests was accompanied by the ignoring the fears of minorities. Lack of democratic practice, prevailing of patriotic and nationalist emotion over the reason common for the leaders and activists, instigation coming from the representatives of the structures interested in the preservation of USSR, contributed to the development of the conflicts.

2) The second stage of the Parliament role in separatist conflicts started with the Supreme Soviet of MSSR Appeal to the World Parliaments and Peoples of October 26, 1990. In the Appeal the Supreme Soviet emphasized that it undertook all needed measures for Moldova to adhere to the Universal Declaration and other international conventions of 1966³ on Human Rights. It explained that all measures adopted in the linguistic and political fields were “aimed to correct the discriminatory policy promoted by Russian and than Soviet empires directed towards the forced assimilation of the peoples and their cultures” etc. The Supreme Soviet stated that “the reactionary forces in Moldova supported by the imperial Centre and Soviet Army” created the separatist republic aiming to put an end to the liberty aspiration of MSSR. According to it these actions provoked very dangerous interethnic conflicts which could have tragic consequences. The Supreme Soviet declared that it had to announce a state of emergency to deal with the separatist rebellion and asked the world parliaments to take attitudes and to help find a solution.

On November 4, 1990 the Supreme Soviet adopted a decision about the urgent measures for the stabilization of the socio-political situation: the Government was obliged to disband all volunteer’s detachments; stated the creation of the Conciliation Commission of the Supreme Soviet with the participation of the representatives of Gagauzia and Transdnistria; recommended all mass-media to refrain publishing articles which could instigate the interethnic animosities.

On November 14, 1990 the Supreme Soviet adopted a decision concerning urgent measures for civic conciliation was adopted. It stated: the Government to establish a special Department of national minorities; all state and administration bodies to include in their staffs representatives of national minorities in conformity with their proportions in society; a special parliamentary commission to be formed in order to investigate all misapplications of the law on language; to examine all illegal dismissals of public servants on the ground of non possession of state language and to avoid such kind of cases in the future; after civic conciliation would be establish to provide the amnesty for all people involved in separatist movement. These decisions calmed to some extend the spirits. However, this didn’t last too long.

In order to anticipate the decision of the governing bodies of USSR to organize a nationwide referenda on USSR preservation on February 19, 1991 the Supreme Soviet of MSSR adopted a decision about the draft Treaty on the creation of the Community of Sovereign States as alternative to USSR. The document stated

³ International Covenant on Civil and Political Rights, International Pact on Economical, Social and Cultural Rights

that the relationship between subjects and federal centre in USSR were obsolete and new relationship based on confederative principles were much more adequate. Later, on March 1, 1991 the Supreme Soviet of MSSR adopted a decision prohibiting the carrying out on the territory of Moldova of referenda on preservation of USSR scheduled for March 17, 1991 through the decision of Supreme Soviet of USSR from January 16, 1991. The same decision of Supreme Soviet of MSSR condemned the decisions of local power bodies from Transdnestria and Gagauzia to support the carrying out of the referenda and declared these decisions as illegal. The referenda of March 17, 1991 took place in Transdnestria, Gagauzia and in all military units of Soviet Army on the territory of Moldova. This again dramatically spoilt the relations between leadership of Moldova and separatists units.

On June 5, 1991 the Parliament adopted the law on citizenship which stated that all person who lived on the territory of Moldova before the soviet annexation in 1940 and who domiciled on its territory when the law were adopted are awarded the citizenship of Moldova if they agree. The law stipulated that all the citizens are equal before the law without any discrimination. It is worth mentioning that after the adoption of the law it was observed that the leaders of separatist republic and the mass-media controlled by them preferred to stop talking about the ethnic and linguistic origins of the conflict, claiming that the *raison d'être* for separatist republic was to not admit MSSR to leave USSR.

After the Moscow putsch, On August 27, 1991, the Parliament adopted the Declaration of the Independence (tree days after Ukraine). After the declaration of independence one of the first document adopted by the parliament was the September 10th decision on international juridical instruments for the protection of Human Rights. According to the decision the Parliament of Moldova: 1) recognized the exclusive role of international organization (UN, CSCE, Council of Europe) and especially the juridical instruments of these in ensuring the democratic and human rights; 2) adhered to all relevant internatiabl conventions and treaties⁴; 3) obliged the parliamentary commissions, the special commission for the elaboration of a new Constitution and the Government to prepare the bills in conformity with quoted international documents; 4) obliged the Ministry of Foreign Affaires to undertake the needed measures for preparation and transmission to the international organization the adherence juridical instruments.

In this way, after the conflict broke out the Parliament identified for itself the role to send message that implementation of Human Rights international standards was a priority of the new independent Moldova.

⁴ Final Act of CSCE (August 1, 1975), Final Document of Madrid CSCE Reunion (11.11.1980-9.09.1983), Final Document of Vienna CSCE Reunion (4.11.86-19.01.1989), Document of CSCE Human Dimension Reunion in Copenhagen (29.06.1990), Paris CSCE Charta for a new Europe (21.11.1990), International Convention regarding the elimination of all racial discrimination form (21.12.1965), International Convention regarding the elimination of discrimination in education (14.12.1960), Convention on nonprescription terms for war crimes and crimes against humanity (26.11.1968), Convention on prevention and non admission of genocide crimes (9.12.1948), Declaration on conceding the a right for independence to the colonial peoples and countries (14.12.1960)

3) The third stage started around the end of 1991, beginning of 1992. The dissolution of USSR marked the beginning of the bloody phase of the separatist conflict, which was supposed to provoke the implication of the Soviet Army in order to prevent the dissolution of the “socialist Motherland”.

On December 8, 1991 the presidents of three Slavic republics, founder of USSR in 1922, signed the Belovezhskai Pushcha declaration on dissolution of USSR. On December 25, 1991 the USSR president, Mihail Gorbaciov, resigned. As in the case of the bloody clashes in Vilnius and Tbilisi, it could be argued that the bloody conflict in Moldova was timed in such a way as to effectively weaken the position of the proponents of independence.

On December 13, 1991 the Transdniestrian paramilitary forces attacked the employees of Dubossary District Police Department. 5 people were killed, about 25 were wounded. On December 26, 1991 the leadership of the self-proclaimed Transdnistria adopted resolutions: “About defence”, “About general conscription”, “About military oath”, “About armed forces”, “About the Commander-in-Chief”. It finished with the re-creation of the Black Sea Kazak Army⁵. All the paramilitary forces were generously armed with the equipments of the 14-th Army of the ex-USSR.

In these conditions the international community undertook measures to offer the new independent states the international legal protection. Republic of Moldova together with other post-soviet republic was admitted to the CSCE on January 30, 1992. Moldova signed the Helsinki Final Act on February 26, 1992 (Charter of Paris a year latter on 29 January 1993). On March 2, 1992, all presidents of former soviet republics signed in New York the adherence to UN. The same day another bloody clash between Transdnestrian paramilitary forces, supported by kazaks and mercenaries from Russia and Ukraine, and Moldovan police took place in Dubossary. The kazaks took by storm the city department of police⁶. On March 17, 1992 the Parliament of Moldova adopted a decision obliging the Government to undertake the needed measures in order to protect the citizen against the aggression and to inform the legislative body about. On March 19, 1992 the Parliament adopted a decision about creation a free economic zone in Transdnistria (that was asked by Transdnestrian leaders in 1990). However, this was insufficient to satisfy the new ambitions of Transdnestrian leaders.

In this way, the proactive position of the Parliament in following the goal of independence of Moldova resulted at the beginning in an active peaceful separatism, backed by pro-USSR/Russia proponents. In this situation the Parliament had to react by appeasement measures, which with the passage of time became insufficient to resolve conflict peacefully. The futher developments degenerated into repeated violent clashes, which were not ended even after Parliament conceded to a part of the separatists’ demands.

⁵ <http://www.olvia.idknet.com/THE%20CONFLICT.htm>

⁶ <http://www.olvia.idknet.com/FURTHER%20DEVELOPMENT.htm>

On March 28, 1992 the Moldovan President Mircea Snegur decreed the emergency state. The Parliament adopted on March 31, 1992 the decision about the emergency state and approved the idea of negotiation with the participation of the ministers of Foreign Affairs of Moldova, Romania, Russia and Ukraine in order to find a solution for the separatist conflict in Transdnestria. In the same decision the Parliament recommended to the President and the Defence Ministry to start the negotiation with Russia about the withdrawal of its 14th Army from the eastern region of Moldova. A day later the Parliament established a special commission aimed on Transdnestrian conflict resolution. But nothing helped. On May 26, 1992 the parliament again launched an Appeal to the states and people of the world, mentioning that: "on May 19, the separatist paramilitary forces, supported by the 14th Russian Army committed aggression against some localities of the eastern region of Moldova. Thousands of peoples had to leave their places and become refugees. It qualified the behavior of 14-th as an occupier. As all the efforts to solve the conflict were undermined the Moldovan Parliament asked Parliaments of the world to condemn the aggression and to plead for withdrawal from Moldova of 14th Army and of the foreign mercenary detachments".

It should be noted that during this development, in fact, and according to the constitutional provisions the Parliament was the main political actor that played the leading role. Despite the different political views of the pro-independence of parliamentary groups concerning economic reforms and foreign policy, regarding the separatist conflict the Parliament, with the exception of the pro-soviet Interfront representatives, acted as a consolidated body which cooperated with Government and Presidency.

The period of bloody armed provocation and negotiation lasted until June 19-23, 1992 when took place the Bender tragedy. The so-called "third force" provoked an armed incident near the Moldovan police office in Bender. The Moldovan police enter the town. Transdnestrian paramilitary forces helped by 14th Army which used heavy equipment opposed. After the death of about 1,000 people, a cease-fire agreement between Moldova and Russia ended the war. The investigation was impossible as Transdnestrian and Russian military opposed the catch and interrogation of the leader of the so-called "third force" – combat Kostenco. Later on Kostenco was arrested by the representative of 14th Army but he disappeared mysteriously.

After these events, on the one hand, the Transdnestrian regime changed dramatically the propagandistic messages: "the bloody aggression of Moldovan nationalists consolidated the freedom lover people of Transdnestria; the raison d'être of Transdnestria is to promote the Russia's interests in Balkans". On January 13th the Transdnestrian leadership published the draft "Main principles of peaceful settlement of social and political conflict in eastern regions of the RM" which proposed "forming of Moldavian confederation". On the other hand, the Parliament of Moldova and the executive power branch divided their role in the resolution of the separatist conflicts. The Parliament concentrated itself on creation of adequate legal conditions for ensuring human rights, while the Presidential office started the negotiation process with Transdnestria, Russia, Ukraine, OSCE to find internationale accepted solution for the conflict.

The Parliament directly contributed to the resolution of the Gagauz separatist conflict through the measures directed towards the integration of Moldova into the international community by adhering to a wide range of international human rights instruments a part of which Moldova ratified before this conflict⁷. As to regional instruments Moldova became part to the European Convention for the Protection of Human Rights and Fundamental Freedoms and to the European Framework Convention on the Protection of National Minorities.

In order to put into evidence the willing to solve the conflict through offering autonomy to the break-away regions the Moldovan Parliament decided to insert such clauses in the new Constitution of Moldova which was elaborated by a special Commission formed by the Parliament with the support of Venice Commission of the Council of Europe. Half a year after the first multiparty parliamentary election held on February 27, 1994 the Constitution was adopted by the new Parliament on July 27, 1994 due to the fact that the country leaders – chair of the Parliament, Prime-minister and the President took part in the elections on the Agrarian Democratic Party candidates' list or supported it. The Constitution declares that “governed by the rule of law, the Republic of Moldova is a democratic State in which the dignity of people, their rights and freedoms, the open development of human personality, justice and political pluralism represents supreme values, that shall be guaranteed”. The Title II “Fundamental Rights, Freedoms and Duties” of the Constitution contain almost all rights and freedoms that are recognized by the international community and guarantees all citizens the right to: life, physical integrity, access to information, take part in the government of the country, meetings and associations, access to justice, impartial and fair trial, property and to private life, social protection, education, health, clean environment, etc. and the freedom of opinion and expression, the freedom of religion.

Article 4 of the Constitution clearly states that provisions regarding human rights and freedoms shall be interpreted and applied in conformity with the Universal Declaration of Human Rights and other related international instruments, to which Moldova is a party. What is even more remarkable is the supremacy accorded to these conventions and treaties in situation where a conflict of law develops between them and internal laws, and indeed the Constitution itself. In case of conflict between international law provisions and those of the Constitution “a revision of the latter” has been mandated. The main principles of legislation regulating observance of human rights and freedoms were based on the assumption of universality, equality and free access to justice, ensuring the respect and protection of the individual, equality before law without any discrimination on any ground such as race, nationality, ethnic or social origin, language, religion, sex, political or other opinion, property, birth or other status. In this way, by limiting to some extent the country's sovereignty, the Moldovan Parliament wanted to put into evidence that human and minorities rights protection is a priority and to obtain in advance a kind of sympathy and support of international community in solving separatist conflicts.

⁷ International Covenant on Civil and Political Rights, International Covenant on Social, Economic and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination, International Convention against Torture and Other Forms of Inhuman or Degrading Treatment or Punishment

At the same time, Article 111 of the Constitution stipulates that "The places on the left bank of the Dniester river, as well as certain other places in the south of the Republic of Moldova may be granted special forms of autonomy according to special statutory provisions of organic law". The new Constitution was supported by the parliamentary majority of Agrarian Democratic Party and the representatives of Socialist Movement "Unity-Edinstvo" which had together about 80% of seats in the newly elected in 1994 Parliament. The pro-democratic and pro-Western Christian-democrats and liberals from the Intellectual's and Peasant's Bloc refrained to support the new Constitution as it stipulated in article 13 that the state language was Moldovan, not Romanian as they insisted.

The most important success of the Parliament in solving the separatist conflict was the adoption on December 23, 1994 of the Law on the special juridical status of Gagauzia (Gagauz-Yeri) which in principle solved the Gagauz separatist conflict. The law established the political system of an "autonomous territorial formation" within the Republic of Moldova. The draft law here was elaborated by the parliamentary majority supported by the Socialist Movement with the consent of the Government and the President. The opposition was against the bill as it stated the right of Gagauz to leave Moldova in case it lose its independence.

According to the law In Gagauzia judicial, legislative, and executive branches exercise authority within the framework of Moldova. The People's Assembly, or parliament (Khalk Toplushu), of Gagauzia is a unicameral body of thirty-five deputies, elected for terms no longer than four years in duration. The law gives the assembly the power to nullify decrees and regulations of the executive committee if the decrees or regulations conflict with the code and other existing laws. The Governor (Bashkan) is the official Supreme person of Gagauzia. All public administration authorities of Gagauzia are subordinated to the Bashkan. The Bashkan is ab initio member the Government of the Republic of Moldova.

No doubt that the success of the Parliament in solving the Gagauz separatist conflict was due to the fact that it was an internal one, without the implication of foreign countries and army as is the case of Transdnestrian one. However, the Moldovan Parliament continued to improve the human rights conditions. Through its Decision No.1447-XIII of January 28, 1998, the Parliament adopted a program to adjust the legislation of the Republic of Moldova to the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms. It obliges the Government to submit to the Parliament the proposals of modification of the legislative acts that provide directly or indirectly for the fundamental human rights and freedoms. At the same time, the parliamentary Committee on Human Rights examines all draft laws to be considered and adopted or rejected by the Parliament as regards their compliance with the human rights standards. The Law No.1349-XIII on the Parliamentary Advocates of 17.10.1997 established an independent body consisting of three parliament-appointed Parliamentary Advocates (Ombudsmen) who, together with additional personnel, form the Moldovan Centre for Human Rights, a legal entity with its own budget. The institution has a broad

mandate, including tasks related to human rights monitoring, advising and education, and it can draw on both domestic and international human rights law in its work. It is the main institution enabled to investigate and conciliate complaints concerning violations of constitutional rights and freedoms or human rights violations committed by public authorities and officials, private institutions, organizations and enterprises. The mandate is combined with strong powers rare for ombudsman and human rights protection institutions; besides having access to necessary documents and other information, the institution has the right to initiate criminal and disciplinary proceedings and to appeal to the Constitutional Court. This latter possibility is very important for the protection of human rights, since the citizens of Moldova do not have the right to apply to the Constitutional Court, and the provision of the Law on Parliamentary Advocates indirectly provided them with this right since the applications of the Parliamentary Advocates to the Constitutional Court often are based on the information contained in citizens' complaints. Another very important provision of the law is the one that requires the Parliament to publish annual reports of the Center for Human Rights after they are approved by the Parliament.

However, these measures undertaken by the Parliament hadn't a significant impact in approaching the resolution of the Transdnestrian conflict. The initiative in negotiation a solution passed to the President of the country. On May 8th 1997 the Moldovan President Petru Lucinschi and the leader of Transdnestrian administration Igor Smirnov signed a Memorandum on the bases for normalisation of relations between the Republic of Moldova and Transdnestria. According to the Memorandum Moldova and Transdnestria (Parties) proceeded "from the necessity for the fastest and full solution of relations between them exclusively through peaceful political means, through the mediation of the Russian Federation, Ukraine and the OSCE Mission. The Parties have agreed to the following: 1) reaffirmed their commitment not to resort to the use of force or the threat of force in their mutual relations. Any differences shall be resolved exclusively by peaceful means, through negotiations with the assistance and the mediation of the Russian Federation and Ukraine, as Guarantor States for the fulfillment of agreements achieved; of the OCSE and the assistance of the CIS [Commonwealth of Independent States]. 2) the Parties shall continue the establishment between them of state-legal relations. The Document, defining these relations, the status of Transdnestria, shall be based on the principles of mutually agreed decisions, including the division and delegation of competencies, and mutually assured guarantees. The Parties will proceed to the elaboration of the Document immediately after the signing of this Memorandum. 3) Transdnestria shall participate in the conduct of the foreign policy of the Republic of Moldova – a subject of international law – on questions touching its interests. Decision of such questions shall be taken and cultural spheres, and other spheres by the agreement of the Parties. Transdnestria has the right to unilaterally establish and maintain international contacts in the economic, scientific-technical and cultural spheres, and in other spheres by the agreement of the Parties; 4) the Parties direct a request to the Russian Federation, Ukraine, and the OSCE to continue their mediation efforts for the achievement of a lasting and comprehensive normalisation of relations between the Republic of Moldova and

Transdnestria; 5) the Republic of Moldova and Transdnestria will act as mutual guarantors of the full and unconditional fulfillment of the agreements on relations between them etc.

The Transdnestrian regime interpreted the Memorandum as a great success, as it recognition as equal part with Moldova in the negotiation process and enjoyed “its right” to “to unilaterally establish and maintain international contacts in the economic...”, having the full support of Russia and Ukraine. It is amazing, but the Parliament of Moldova never discussed the Memorandum in sufficient detail. As a result the Memorandum became open to endless interpretation. Naturally, this made it very ineffective as a problem solving tool. This all lasted until 2001.

4) The fourth stage in the approach to solve the Transdnestrian conflict started once with the absolute victory of Party of Communist of Moldova (PCM) in the early Parliamentary election in February 2001. It is worth also mentioning that after the victory of PCM the political situation in Moldova and the attitude towards Transdnestrian regime changed dramatically. From this point of view three main factors are to be taken into account:

a) the political program of the ruling Party of Communists’ of the Republic of Moldova “relies on the Marxist-Leninist theory. It cooperates with communist and socialist parties of the states established on the soil of the former USSR, and militates for the elaboration and implementation of a joint workplan on defending the interests of the working class from those countries. PCM is a full right member of the Union of the Communist Parties of the former USSR whose development is considered to be the major political condition for the free will and renovated federation of equal and sovereign republics”. Accordingly, in their 2001 electoral program PCM promised: “to strive for attribution to the Russian language of the status of second state language in the Republic of Moldova; to contribute actively to the peaceful and final resolution of the Transnistrian conflict; to consider Moldova’s adherence to the Russia-Belarus Union”;

b) after coming to power the leader of PCM thought they would be able to solve quickly the Transdnestrian conflict as the separatist leader Transdnestrin from the very beginning claimed they were pro-Russian and pro-soviet. They blamed their predecessors for being unable to solve the conflict and stated that they would avoid the internationalization of the conflict, trying to solve it exclusively with the support of Russia. But Moldovan communist didn’t took into account that in the meantime all separatist leaders of Transdnestria became Russian citizens, Russia offered citizenship to about ¼ of all Transdnestrian inhabitants, Russian companies actively participated in the privatization of the most important units of the public property in the region. So, in Transdnestria elites, the greater part of the most active population, the most important property became Russian. The separatist regime received the full military, diplomatic, political and economical support of Russia, which formally recognized the sovereignty of Moldova in the region. This is important, because in late 2000 the Transdnestrian regime explained both the subsistence of the Milosevic regime in Serbia and the

raison d'être for Transnistria in terms of promotion of Russia's interests in the Balkans. Therefore, when the Miloshevic regime collapsed without receiving any aid from Russia, this explanation for the raison d'être of the Transnistrian regime collapsed too. This meant that another formula for raison d'être was to be found – "Transnistria is a Russian land, it exists and should be recognized as such";

c) the establishment of the "power vertical" after the victory of PCM diminished dramatically the role of the Parliament in favor of the President of the country and leader of the ruling party. These provoked uncoordinated actions of the presidency as well as a political conflict between majority communist faction and oppositional factions.

Presidential decrees and Parliament's decisions

A couple of months after the elections the presidential decree no. 46-III of 15.05.2001 on resolution of the Transnistrian conflict was issued. Under the decree "settling Transnistrian conflict by observing the principles of territorial integrity and state sovereignty is a key task for the public authorities of the Republic of Moldova". Three priorities were singled out: a) developing and adopting a special legal status of the localities to the left of Dniester; b) restoring joint economic, social, legal and defence space as well as a single border; c) undertaking measures to build mutual trust". To enforce the decree a raft of Parliamentary and Governmental commissions and other structures were to be established so as to "speed up resolution of the Transnistrian conflict".

As a result, Parliament established via its resolution no. 178-XV of 18.05.2001 a parliamentary Commission on Transnistrian problem that was to "meet with representatives of Transnistrian side on a bi-weekly basis". On December 6, 2002 Parliament passed the Law no. 1520-XV on modification and completion of the Law no. 64-XII on Government providing that "Government shall also include a Ministry of Reintegration of the Republic of Moldova", which "shall promote and ensure the enforcement of the Government policy on country reintegration".

President established via his decree no. 812-III of 01.08.2002 a State Commission for the Reintegration of the Republic of Moldova entrusted to "work out propositions on modification of the legal framework so as to bolster country reintegration process". Via Decree no. 1012-III of 12.12.2002 Vasile Sova was appointed as the Minister of Reintegration, who was entrusted via another decree no.1101-III of 31.01.2003 to "negotiate on settling Transnistrian conflict and country reintegration..." In its turn, Government established via resolution no. 385 of 31.08.2003 an Interdepartmental Commission for the Country Reintegration entrusted to "implement unified policy of country reintegration..." Ministry of Reintegration was designated to oversee its activity.

In line with presidential decree no. 46-III "bodies taking part in negotiations on behalf of the Republic of Moldova are to actively cooperate with State Commissions on political resolution of the Transdnistrian conflict of the Russian Federation and Ukraine, as well as OSCE Mission and other international organisations". In this respect, Parliament ratified via Law no.760-XV of 27.12.2002 the Friendship and Cooperation Treaty between Republic of Moldova and Russian Federation of 19.11.2001. Under the Treaty, contracting parties "pledged their commitment to political resolution of the Transdnistrian conflict, whereto Russian Federation is one of the mediators and guarantors..."

In fact the Treaty was signed with many legal aspects such as support of secessionism, or Russian military presence on the soil of the Republic of Moldova being inadequately tackled. As there were no clear-cut solutions as to how to settle the conflict, Article 4 of the Treaty provided that in cases when "security of any of the parties is under threat, it shall address the other Party to immediately hold consultations and examine the situation". Article 5 of the Treaty provided that "Each of the Contracting Parties shall refrain from any actions that would infringe on the other party's sovereignty, independence and its territorial integrity. The Parties condemn separatism under all its forms and pledge not to support separatist movements".

Therefore, albeit many of the aforesaid actions were actually carried out, their effects have been contrary to expectations. Decree no. 46-III sought to achieve and even fell short of Moldovan authorities' expectations. A raft of the followed events proved to have negative or even dangerous repercussions: total halting of the economic ties between Chisinau and Tiraspol; provocations and other actions seeking to throw Moldovan police out of Bender; threats to shut down Moldovan schools in Transdnistria; privatisation of Transdnistrian enterprises despite measures undertaken by Chisinau to halt the process; no telephone connection between the two regions for almost six months, etc.

Efforts to work out the legal status of Transdnistria

One year after it was signed presidential decree no. 46-III the idea of "developing and adopting a special legal status of localities to the left of Dniester" was abandoned in favour of modifying Constitution of the Republic of Moldova, so as to transform the country into a federative one. That was provided for in the OSCE draft made public on July 3, 2002 in Kiev, after new Moldovan authorities understood that it's practically impossible to solve the conflict without its internationalization.

Later on, in February 2003 President Voronin gave up the idea of modifying Constitution of the Republic of Moldova and proposed to draft the Constitution anew. That was to be done by a Constitutional Commission to equally represent Moldova and Transdnistria. Parliament adopted via its resolution no. 160-XV of 04.04.2003 the Protocol on the mechanism of developing and approving the Constitution of the Federal State. (that Protocol was never made public), whereas via its resolution no. 180-XV of 17.04.2003 designated three

persons to the said Commission. It was to be assisted by experts from OSCE and Venice Commission of the Council of Europe.

In this respect the OSCE Parliamentary Assembly established a team composed of Members of Parliament, whose main responsibilities was to help Moldovan Parliament in order to promote and maintain the political process oriented towards the conflict resolution. As the direct communication between president Voronin and the Transdnestrian leader had been stopped for about two years while the Parliament obedient to the President kept staying away the OSCE MPs want to emphasize the role of legislative bodies in passing the blockage. The OSCE team formulated the main principals: the withdrawal of Russian forces from Transdnestria, in accordance with the Istanbul Summit Declaration; Transdnestrian leadership must not have any kind veto in this matter; Transdnestria had to accept the basic principles of a future solution – including territorial integrity of Moldova; promote dialogue on the highest political level between all parties concerned.

Yet the third correction in handling Transdnestrian conflict was by all means a secret one. Without notifying citizens of the country, or OSCE for that matter, which at the time was working on a new draft agreement between Republic of Moldova and Transdnestria, Vladimir Voronin asked Russian President to designate experts that were to draft constitutional principles of the "joint state" due to be formed by the Republic of Moldova and Transdnestria. The resulting document - "Kozak Plan" named after Russian expert and diplomat who oversaw its elaboration, was released in November 2003 and was to provide a quick solution to the Transdnestrian conflict. The document was to be signed by the Moldovan President and the chief of Transdnestrian administration in the presence of Vladimir Putin on November 25, 2003. However, shortly before President Putin's arrival to Chisinau, his Moldovan counterpart changed his mind and decided to "adjourn" the document signing on the grounds "the document was developed behind Europe's back, which we intend to join". This was the result of the pressure of almost all oppositional parties, elements of civil society as well as the result of external advises coming from USA, EU and OSCE which were concerned about the decision concerning the deployment of Russian military bases in the region in the next 20 years as part of Transdnestrian conflict resolution.

International reactions to not consulting OSCE, EU, NATO etc while developing the "Kozak Plan" albeit diplomatic, were quite negative. Domestically, public opinion had diverse views. For instance state owned media referred to aforesaid events as a "brave initiative" of President Voronin. Parliamentary opposition had its own takes on the subject and responded with protest rallies and accusations of "high treason". Constitutional experts referred to the morph from "developing and adopting a special legal status for localities to the left of Dniester" into developing a new Constitution by Republic of Moldova and Transdnestria based on parity principles, as well as to ways and procedures for reaching that goal as juridical nihilism.

Negotiation status

Since the "Kozak plan" signing has been "adjourned" almost half a year ago, negotiations between Chisinau and Tiraspol have reached a deadlock. President Voronin confirmed this in his address to the Parliament at the closing winter session in 2003: "Currently, the prospects of Transdnistrian conflict settlement seem quite gloomy". Tiraspol administration blames President Voronin for that "gloominess" in the negotiation process, also for undermining "final" solutions of settling the conflict, and what's more important for "total lack of credibility". Given the aforesaid, Tiraspol position in negotiations has become more intransigent while it insisted on extra-guarantees for the negotiations to resume.

In February 2004, OSCE Mission in Chisinau released a new plan entitled "Propositions and recommendations of the mediators, i.e. OSCE, Russian Federation and Ukraine on Transdnistrian conflict settlement". Moreover, they called on Chisinau and Tiraspol to come up with propositions on amending the plan, which were to be discussed in late February at Belgrade mediators' reunion.

Chisinau did submit its recommendations; however it failed to present them to its own people. Only mediators, Tiraspol administration and some international institutions have had a chance to take a good look at the document. Well, the only thing Moldovans did really learn was that the new draft Moldovan authorities came up with was nothing but an amended version of the "Kozak Plan".

Transdnistrian authorities did not come up with any propositions as they were quite happy with the "Kozak Plan" as it was. OSCE Mission in Chisinau was quite critical of their position as well as of their thwarting pentagonal negotiations. Nevertheless negotiations resumed in April 2004. Resumed negotiations were a good opportunity for Tiraspol to release the draft "Declaration on endorsement by the people of the Republic of Moldova and Transdnistrian Moldovan Republic of the federative state establishment".

The draft Declaration issued by the Transdnistrian authorities was part of its plan to make its position more intransigent. In August 2003 Transdnistria leaders released their own draft Constitution for the "joint state" that is to be founded by the Republic of Moldova and Transdnistria. That draft was in fact copied from the confederation model to be found in Serbia and Montenegro Constitution. It provided for the subject's rights to secession. This time however, Transdnistrian leaders propose the Declaration itself to be subject to a separate referendum to be held in Moldova and Transdnistria, making possible to legalise secessionism prior to the establishment of a "joint state", in case that people on either sides would give up on establishing a "joint state" at the would-be referendum. These created an absolute deadlock.

Stability and Security Pact for the Republic of Moldova

On June 1, 2004, the President Vladimir Voronin brought together the Ambassadors accredited for the Republic of Moldova (RM) to announce them that he was launching the idea of a Stability and Security Pact for the Republic of Moldova (SSPRM). In the opinion of the head of the state the realization of this initiative would mean the reaching of a "multilateral compromise" between Russia, the USA, Romania, Ukraine, and the

European Union (EU) "regarding a series of main problems of Moldova's existence as an independent state", which can "create a guarantee of a long-term stability of the region". Otherwise, if the parties do not reach a mutual understanding in the problems identified by the head of Moldovan state, "it will have evident impacts on the stability and security of the region".

For the realization of his idea President Voronin suggested to organize a political conference at the level of foreign policy departments of the above-mentioned countries and organizations, which would have the statute of a document of international law.

The head of the state hopes that the signing of SSPRM will create "an efficient system of long-term guarantees for the entire Moldovan state, which would allow certain unique approaches to the problems related to the development of democratic institutions, ensuring of a civic consensus in the country, and the soonest settlement of Transnistrian problem". He enumerated five problems requiring the adoption of a consensual approach by the above-mentioned countries, as well as their guarantee of the support of: 1) the RM's realization of its territorial integrity, 2) creation of conditions for the participation of the entire society in the free democratic process on the entire territory of the RM, 3) cultural, ethnic, and linguistic diversity as the basic value of the multinational state, 4) creation of a unique defense space of the RM on the basis of the development and consolidation of permanent neutrality of the RM, the ensuring of strategic neutrality of the RM, 5) complete and definite settlement of Transnistrian problem on the basis of federative principles.

Separatist leaders interpreted the SSPRM initiative as an attempt of Moldovan authorities to exclude them from the negotiation process and to change the negotiation format dominated by Russia through its enlargement with the participation of USA and UE. Both Russia and Transdnestria displayed the negative attitude towards SSPRM. On the other hands, Moldova for the first time displayed its negative attitude towards Russia's ostentatious support for Transdnestria. This caused a huge damage to the Moldova-Russia relationship. The expression of this was the fact that President Voronin refused to attend the September 2004 CIS Summit in Astana where he could have the opportunity to talk with President Putin and Kucima about Transdnistrian conflict resolution. This was a clear signal that the potential for negotiations in the former five-sided format with the participation of Russia and Ukraine was fully exhausted. Voronin's absence at Astana comes as a surprise, considering his statement on August 27 (Independence Day) "There would be no negotiations with Tiraspol. We would only continue the dialogue with those whom Tiraspol reports directly to". Refraining to mention who they are, President Voronin claims the 460 km border with Ukraine are open to smuggling "bringing dividends to Tiraspol, Ukraine, and Russia to such an extent as it defies international law". On September 1 in an interview to BBC President Voronin reiterated "Transdnistrian regime is a marionette one controlled by Russia and Ukraine". Therefore, one may well understand why President Voronin refuses to sit at the negotiation table with "Tiraspol marionette", however it's strange why he refuses to talk to "puppeteers from Moscow and Kiev".

USA, EU and Romania declare themselves favorable to the signing of a Declaration on the Stability and Security of RM. The Declaration was to be signed during the OSCE Inter-Ministerial Summit in Sofia at the

beginning of December 2004. Russia refused to support the SSPRM and to withdraw its military and munitions from Transdnestria.

This development stresses how the Moldovan Communist ruling changed dramatically their attitude towards Russia because of the Transdnestrian conflict. While in opposition during 10 years after the collapse of USSR and immediately after coming in power in 2001, the Moldovan communist kept a pro-soviet and pro-Russia rhetoric, refusing any implication of international community, Western institutions and countries in the conflict resolution. In their view Transdnestrian conflict was provoked by Moldovan/Romanian nationalists while peaceful Transdnestrians were defending their rights. They sincerely believed that such kind of attitude is enough to convince Russia to help after they come in power to solve the conflict. After four years in power President Voronin, the leader of Moldovan communists, came to the conclusion that in fact Russia is the main supporter of the separatist regime and seeks to propose solutions which favors Russia's presence, including the military one, in Moldova. This attitude was made public in the middle of 2004 by the President Voronin himself and the Minister of Foreign Affairs. After this the relationship between Moldova and Russia deteriorated dramatically.

GUUAM approach to the conflict resolution

After Russia displayed its open support for the Transdnestrian separatist regime, the Moldovan authorities decided to look for other approaches to solve the Transdnestrian conflict. They decided to reconsider their attitude towards GUUAM - a regional structure formed by Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova. Previously the attitude towards GUUAM was more than reticent until then. Vladimir Voronin said after being elected as chief of state in 2001 that Moldova would withdraw from GUUAM because this organisation follows anti-Russian goals. The change of attitude towards GUUAM had one more justification. The lawmakers of the Russian State Duma, who initiated the adoption of three resolutions by the Russian State Duma last February 2005, recommending the executive to apply economic sanctions against Moldova, publicly admitted that they wanted to obstruct Party of Moldovan Communists (PCRM) from winning the March 6 parliamentary elections and to halt the reelection of Vladimir Voronin as Moldova's chief of state. This sort of ostentatious actions of the State Duma made President Voronin to look for new solutions. In this respect, his initiative to pay a flash visit to Kiev on March 1 in order to discuss a number of problems including the upgrading of GUUAM with President Viktor Yushchenko, as well as the immediately accepted invitation to Georgian President Mikhail Saakashvili to visit Moldova on March 2, made the impression of some coordinated actions including with influent foreign political centres.

Most probably, this initiative means that the Moldovan authorities decided to join the Carpathian Declaration on European development of Ukraine and Georgia, signed by Presidents Yushchenko and Saakashvili in early January 2005. President Voronin and his counterparts Yushchenko and, respectively, Saakashvili discussed on March 1 and 2 almost the same set of issues related to: a) regional security and combat of separatism; b)

diversification of energy providing sources; c) upgrading of GUUAM for a joint settlement of regional problems; d) coordination of efforts for European integration. It was decided to convoke the GUUAM summit in Chisinau on April 22, 2005 for a better approach of these problems.

The upgrading of GUUAM really follows the beginning of a new electoral cycle in Azerbaijan, Georgia, Ukraine and Moldova. Russia's direct meddling in elections in Abkhazya, Ukraine and Moldova; support for separatism in Georgia and Moldova; incitement for separatism in Ukraine through participation of Russian officials in the December 10, 2004 Severodonetsk congress seem to decisively determine the upgrading of GUUAM. It seems that the GUUAM-member states had reached the conclusion that defiance provoked by foreign meddling can be stopped only through joint efforts within this regional organisation. For example, it is one thing when Georgia or Moldova are complaining from Russia to Brussels and Washington, and quite another thing if this is done in organized company, within the framework of GUUAM⁸.

In this regard the new Parliament elected on March 6, 2005 ratified on April 15 the following documents under emergency regime: a) Yalta Chart of GUUAM, the basic juridical document on constitution of organisation; b) GUUAM agreement on creation of free trade zone; c) agreement on creation of the GUUAM Information Office.

Earlier, in its first plenary session on March 24, 2005 the Parliament, as it was already mentioned, **unanimously** adopted the Declaration of political partnership for achieving the objectives of accession to EU. The document provides for the resolution of the Transdnestrian conflict in line with the Constitution of the Republic of Moldova and international norms in close cooperation with OSCE, EU, Romania, Russia, US and Ukraine following the "3D" formula - democratization, demilitarization and decriminalization of Transdnestria. The mentioned Declaration was an evidence that in the new political context the ruling party and the opposition shares common approaches concerning the so-called issues of national interest – European integration and resolution of Transdnestrian conflict. This is good of itself, but also might be an early signal for future cooperation between majority and minority, which, with luck, could result in a more mature Parliament.

3D strategy was launched in the summer of 2003 after it became clear that the plan how to solve the conflict, formulated by the NGO Institute of Public Policy's studies, needed a "packaging" able to compete with the "federalisation" formula. Respectively, 3D strategy provides for eliminating all the obstacles for the reintegration of the Republic of Moldova, establishing efficient mechanisms and mobilizing resources necessary. At the same time, the strategy also envisages blocking any possibility for Tiraspol regime to pursue the interests (geopolitical and international organized crime network) that kept them alive. The gist of the strategy resumes to three major goals - *Demilitarization* of the Moldovan Dniestrian Republic (withdrawing

Russian Federation troops and dismantling its MDR's potential) *Decriminalization* of the entire region by halting smuggling and *Democratization* of the Republic of Moldova as a whole.

It just remain for the Parliament to design a comprehensive document based on this strategy which will provide all necessary principles and details for the conflict resolution and would be acceptable for mediators and the citizens, inhabitants of Transdnistria.

The Ukrainian plan for the resolution of the Transdnestrian conflict

The "Plan for resolving Transdnistrian conflict proposed by Ukraine" published on May 20, 2005.

According to the "Ukrainian Plan" Republic of Moldova is a sovereign, independent, and territorially integral state, the single subject of international law. Transdnistria is granted the status of autonomous republic within the framework of the current Constitution of the Republic of Moldova. Under the plan common areas would include: law, economy, defense, social field, customs, humanitarian, etc. Under "Ukrainian Plan" Transdnestrian region is to be "administrative-territorial entity in the form of a republic within the Republic of Moldova" entitled to its own Constitution and symbols along the state ones which is definitely taken from the Crimean model.

Certainly, "Ukrainian Plan" contains provisions from other previous documents, from Primakov Memorandum of May 1997 to the most recent Stability and Security Pact for the Republic of Moldova. Of course there is more or less shift in accents.

However, more provisions have been taken from Primakov Memorandum. This specifically refers to pentagonal negotiation format (parts - Republic of Moldova, Transdnistria, and mediators – Russia, Ukraine, and OSCE). The innovation is that the latter are to sign the Plan in the presence of US and EU. Moldovan Minister of Reintegration has called this new formula a "floating format". The document allows for US and EU involvement in the Plan enforcement: a) overseeing elections to Transdnestrian Supreme Soviet; b) assisting the drafting of the law on special legal status of Transdnestrian region; c) taking part in the Counseling Commission entrusted to settle down any disputes in interpreting the law on the special legal status of Transdnistria. Exceptions are "enforcement of international legal measures" in cases when one party or another breaches the plan, right reserved only to mediators – Russia, Ukraine and OSCE. Noteworthy, there is no mention of the type of measures to be applied.

Most interesting here are the terms, stages, and sequence of events provided for in the "Ukrainian Plan". The conflict is to be settled in three stages, six months each:

⁸ Recently Uzbekistan declared it's no longer a member state, so in fact GUUAM has become GUAM (Georgia, Ukraine, Azerbaidjan, Moldova). However, as we are referring to past events, we stick to GUUAM in the text.

a) at the first stage the “basic principles of the Transdniestrian status within the RM” are to be established. In this respect, **the Parliament is to adopt by July 25, 2005** the Law on basic principles of the status of Transdniestrian region of the RM. Under the terms provided in the law, elections to the Transdniestrian Supreme Soviet are to be held in October – November 2005. These are to be held under “international monitoring of EU, OSCE, Council of Europe, US, Russia and other democratic states”. These elections and international monitoring are intended to legitimize the Supreme Soviet that would function under the proposed Law on basic principles of the status of Transdniestrian region. “Ukrainian Plan” remains silent on how Tiraspol administration would act, nor does it say how to make the latter to be more cooperative. It is all-to-clear that this first stage would be implemented only if incumbent Transdniestrian authorities and Russia agree to sign the “Ukrainian Plan”, placing thus the entire settlement process under the proposed Law on the legal principles of the status of Transdniestrian region.

b) during the second stage the competencies shall be delimited between the central power and Transdniestrian authorities. This would need the **adoption by the Parliament** of the Republic of Moldova of the Law on Special Legal Status of the Transdniestrian Region of the Republic of Moldova. Transdnistria’s Supreme Soviet would have to pass a special normative act accepting the “basic principles of the state”. The law shall be jointly drafted. Newly elected Supreme Soviet would have to “designate representatives of the regional legislative body to the RM parliamentary commission in view of drafting the law” outlining the special legal status of Transdnistria. Later on, once the RM Parliament adopts the law delimitating the competencies, Transdniestrian Supreme Soviet would have to pass another normative act ensuring the enforcement of that law.

c) in the final stage the “final settlement of the Transdniestrian conflict” is to take place via “ensuring the legal status of Transdnistria in the framework of the RM”. The two parties, Republic of Moldova and Transdnistria along with mediators, Russia, Ukraine and OSCE and with the assistance of US and EU would draft the “Treaty on guaranteeing Moldova’s observance of Moldova’s law on the special status of Transnistria.” Once **ratified by the RM Parliament** the Law on special legal status of Transdnistria would enter in effect, while Supreme Soviet would be able to adopt Transdnistria’s Constitution.

Under the “Ukrainian Plan” Transdnistria would be entitled to “leave RM in case the latter decides to join another state” and/or RM loses its status as a subject of international law. Another Moldovan - style guarantee is the “Treaty on guaranteeing Moldova’s observance of Moldova’s law on the special status of Transnistria”, which is nothing but a different Stability and Security Pact for the Republic of Moldova launched by President Voronin one year ago. “Ukrainian Plan’s” provision on Conciliation Committee including representatives of RM, Transdnistria, Russia, Ukraine, OSCE and possibly US and EU, is also a carryover from the Pact. The goal of the Commission would be to settle any disputes between the two parties in case of different interpretation of

the Law on Special Status of Transnistria. One of the major differences between the “Pact and Ukrainian” Plan is the fact that Romania was excluded, while Transnistria included, whereas US and EU could only assist the drafting of the Treaty.

The context in which “Ukrainian Plan” was drafted and made public needs a closer examination. Firstly, this is the first document coming after the European Court on Human Rights’ judgement on “Ilascu case” clearly indicated that from a military, political, and economic point of view Transnistrian region had been accountable to Russian Federation. Albeit the latter disapproved of the ECHR’s judgment, it still complied. Having said that, for more than a year now there have been premises for a new approach to resolving Transnistrian conflict. Indeed, “Ukrainian Plan” ensues from this new context, however Moldova refrains from making the necessary adjustments, giving thus Russia a chance to save face and withdraw honorably from the region.

Secondly, the new context has been shaped by the regional tendencies, i.e. NATO and EU enlargement, the way Russian Federation protects its interests in the region. Recent revitalization of GUUAM and revision of its goal brought about the “Ukrainian Plan”. Accordingly, US support to GUUAM is extremely important.

Thirdly, tensions arisen between Transnistria’s Supreme Soviet majority and Igor Smirnov’s administration on the Constitution modification in view of reducing the latter’s powers bear both risks and benefits for the Plan. On the one hand those tensions show the vulnerability of the regime functioning like a “fortress under siege” that ought to hold on regardless the price, including the price of maintaining an authoritarian regime headed by Smirnov clan (Maracutsa, Antiufeev, Litskai etc) that generated the conflict in the first place, then lead the regime and now is interested to perpetrate the status quo, of which they are the only ones to benefit both politically and economically. Those tensions also highlight the lack of democracy in Transnistria, an extremely important factor in the new context of GUUAM-declared goals. The “Ukrainian Plan” may serve as a good argument for Smirnov clan in “convincing via specific methods” the “reformatory deputies” from Transnistria to give up on amending Constitution so as to resist the “foreign danger”.

B) Constitutional conflicts

After the declaration of the independence in the Republic of Moldova there took place two very dangerous constitutional conflicts: a) the conflict between the president of the country and the Minister of Defense in 1996; b) the conflict between the president of the country and the Parliament in 1999-2000. In the resolution of the both conflicts the Parliament played a key role, but this role would be impossible without the support of Constitutional Court and the international organizations.

The conflict between the President and the Minister of Defense in March 1996. The origin of the conflict laid in the approaching presidential elections, scheduled for the end of 1996. It is worth mentioning that in early 1994 the leaders of the country – President Mircea Snegur, Chairperson of the Parliament Petru Lucinschi and prime-minister Andrei Sangheli formed a single political team. Chairperson of the Parliament and prime-minister were on the top of the candidate list of Agrarian Democratic Party (ADP) for the February 27, 1994 parliamentary elections. On the other hand, president Snegur publicly supported ADP. The use of “administrative leverage” paid a crucial role in the victory of ADP which obtain the absolute majority of the seats in the Parliament – 56 out of 104. After the elections both Chair of the Parliament and prime-minister kept their positions. The main task of the new power was to draft a new Constitution. From this point of view the redistribution of the prerogatives between the branches of the power was the key element as all three leaders had presidential ambitions for the 1996 elections. The second very sensitive problem was that, in fact, all three leaders were a kind of heads of political clans fighting to play important roles in the privatization of the state property process. The control of the political power by different clans was considered the best “shelter” for successful participation in sharing the state property.

That’s why Chairperson of the Parliament, Petru Lucinschi, and prime-minister, Andrei Sangheli, who was the real leader of ADP and had the major influence on the parliamentary majority, plead in favor of semi-parliamentary republic when the new Constitution was drafted. The Constitution was adopted on July 29, 1994 and was consider a relatively good document by Council of Europe and other international organizations.

According to the newly adopted Constitution the Parliament obtained very important leverage, it could reject any candidate suggested by the President for a government position. The Parliament could initiate impeachment procedures against the President and a censure motion against the Government.

The Prime Minister and the members of the Cabinet were to be appointed by the Parliament as a result of consultations between the President and the Parliament, with a condition of a positive vote of the Parliament on the candidate for the Prime-Minister and his program. The executive body has to act on the basis of the electoral program of the parliamentary majority. The Government runs both external and internal affairs of the State, as well as managing public administration. The Government is accountable to the Parliament. Upon Government reshuffle or vacancy of a position, the President of the Republic of Moldova revokes and appoints some members of the Government, at the proposal of the Prime Minister

The Parliament has the right to control Government activities. In practice, the control mechanism consisted of the reports of the Government to the Parliament upon the request. At this time, members of Parliament could address any oral inquiries to the members of the Government on implementation of legislation by the executive, actions taken by the Government and its Agencies or request any information on the Government activities. The inquiries can be made in written form, and the Government can request time for preparing the

answers. The Parliament can create special commissions for studying specific issues of Government activity and report to the Parliament on the findings. The Parliament also uses the reports of the Chamber of Accounts (State audit service) as a tool for overseeing Government's use of public funds.

The President, the Chief of State, was to be elected for a term of four years directly by the people. The President had right to: veto right laws adopted by the Parliament; the right to dismiss the Parliament if it is not able to vote for a new Government on three consecutive occasions; the right to call for a referenda and to delegate his representative to the Parliament; and the right to appeal to the Constitutional Court for resolving conflicts with the Parliament in the sphere of legislation. The President was empowered to enter official discussions, take part in negotiations, conclude in the name of the Republic of Moldova the international treaties resulting there from, and submit those treaties to Parliament for ratification. The President was the Commander-in- Chief of the armed forces.

However, President Snegur was unsatisfied that he lost the possibility to reshuffle the Government without having the consent of the prime-minister who became its worst political enemy. A year after the adoption of the Constitution, in May 1995, President Snegur left the ruling party ADP and formed its own political party – Revival and Reconciliation Party (RRP). It was a clear signal that the preparation for 1996 presidential elections. Self-confidence, political initiative, the fight for any kind of “administrative leverage” played a great role in consolidating the elites before the elections. In this respect, President Snegur wanted to demonstrate to the elites that he remained the central political figure in the country and elites should be on his part. To prove it on March 15, 1996, half a year before presidential elections, he issued a decree on dismissal of the Minister of Defense. The motivation was very vague – on the bases the minister damaged the state security. The Defense Minister refused to obey. Prime-minister supported the Defense Minister as the President didn't asked for his consent about the dismissal. The situation became very dangerous as President argued that he is Commander-in-Chief and the Defense Minister is his direct subordinator.

In this extremely dangerous situation the Parliament convoked a day late on march 16 a special seating to discuss the situation and issued a decision No. 782-XIII recommending to the president to establish a moratorium on the implementation of his decree. On the other hand, the Parliament asked the Constitutional Court the examine as soon as possible the Appeal of a group of MP's about the mentioned conflict. The Constitutional Court made public its decision on April 4, 1996. It declared unconstitutional the presidential decree about the dismissal of the Minister of defense on the Ground that the Commander-in-Chief gives orders to its subordinator and do not operate with decrees. As the Chief of the State he emits decree but if these are referring to the reshuffle of the Cabinet of Ministers then the consent of the Prime-minister is obligatory. In this way the Parliament solved a very dangerous conflict and showed its force and also the unique role of the Constitutional court.

This example shows that extended power offered by the Constitution to the Parliament together with political pluralism and diversified economical interests mobilize immediately the MPs against manifestations of authoritarianism on the part of the President, despite the fact that members share different views and have different interests. It seems to be clear that in this case we have a working mixture of protection of clan interests and the interest of democracy.

The conflict between the Presidency and Parliament. The presidential elections held on November 17, 1996 were won by Chairperson of the Parliament Petru Lucinschi. In the second round, held on December 1, Lucinschi was supported by communists. The support was due to the fact that Lucinschi withheld very high rank position in the communist elite of the USSR and possessed wide and strong relations in Russian. He promised to solve the Transnistrian conflict and it was expected him to use the strong ties in Moscow.

In order to ensure some political support in the Parliament a part of the ruling Agrarian Democratic Party MPs broke off and formed a pro-presidential party the Movement for a Democratic and Prosperous Moldova (MPDM), headed by the MP Dumitru Diacov. In fact, the Parliament became very dispersed, without a consolidated majority. The informal leader of ADP Prime-minister, Andrei Sangheli had to resign. The newly elected President Lucinschi managed to appoint his “reliable man”, Ion Ciubic, as Prime-minister. The dispersed faction of the Parliament supported the candidature proposed by President Lucinschi as none of them were ready for early parliamentary elections.

However, the new Executive branch was unable to act efficiently as well as to promote the economical interest of the supporting clans because of the very important power of the Parliament which, though dispersed, could efficiently oppose the growing influence of the presidential clan. In this situation nothing remained as to invest all the expectation in the parliamentary election scheduled for the beginning of 1998. The abundant use of the “administrative leverage” didn’t help very much and during the parliamentary elections of March 22, 1998 the pro-presidential MPDM received only 24 mandates out of 101. In this situation, president Lucinschi advised MPDM leaders to form a ruling coalition with communists which supported Lucinschi in 1996 and which received 40 mandates. But MPDM leader Dumitru Diacov decided otherwise and formed a coalition names the Alliance for Democracy and Reforms (ADR) with Democratic Convention (26 mandates) and Party of Democratic Forces (11 mandates) as these parties’ leader agreed to support Diacov’s candidature for the position of the chairperson of the Parliament. It was again a blow for President Lucinschi who remained again without a political support in the Parliament.

This situation made President Lucinschi to adopt the decision to promote the idea of constitutional reform in order to transform the Republic of Moldova into a presidential republic so as to obtain all important power leverage in the presidential administration hands like in other CIS countries. Obviously, it was decided to promote the idea of the presidential republic through nation wide referenda as it was clear the Parliament

would oppose the initiative. After all, the modification through referenda as a manifestation of direct democracy is supposed to have more legitimacy than the modification provided by the representatives of the people.

In order to avoid the coordinated resistance of Parliament, President Lucinschi decided to shake and destroy the majority coalition of ADR. In this respect, without any preliminary announcement the Prime-minister Ion Ciubuc decided to resign in February 1999. The components of ADR entered a quarrel about the figure of the new Prime-minister and the Cabinet members. In the meantime, President Lucinschi kept silence and prepared the decree on consultative referenda concerning the change of governing system in the Republic of Moldova.

Observing the rules of conspiracy the presidential decree was issued on March 22, 1999. According to the Electoral Code: a) "the a referendum cannot take place in a period within 120 days before or after the day of parliamentary, or local elections", but it was permitted to held the referendum in the same day with parliamentary or local elections; b) "the referendum shall be determined for no later than 60 days before the date of the referendum", so President Lucinschi issued the decree the last day permitted to do it as the Parliament had fixed a month before the local elections day for May 23, 1999. The motivation for changing the governing system indicated in the decree was as follows: "the semi-presidential system adopted in 1994 didn't ensure the adequate separation of the powers, as well as the unity of the country administration. Consequently, the administration of the public affairs is inefficient as the public officer decline their responsibilities. These damage the political stability and the country image abroad. Different political parties are coming in the Parliament with different programs and this generates crises, makes inefficient the activity directed towards the reformation of the political, economical, juridical and social fields. That's why the acceptance of a presidential system is absolutely necessary for an efficient governance, corresponding to the people interests". The question for the referendum was formulated as follows: "Are you in favor of the Constitution modification aiming to introduce a presidential system according to which the president of the country would be responsible for the appointment of the Government leaded by him, as well as for the results of the governance?".

These actions of president Lucinschi caught the MPs unaware and antagonized them very much. Despite the dispersion of political forces in the Parliament the MPs made common front against presidential initiative. It was obvious that the majority of population suffering of poverty could be in favor of "strong hand" and would support a presidential regime. And indeed, on May 23, 1999 during the consultative referendum 55.3% of participants pleaded in favor of presidential republic, while 31% were against and about 14% of voters spoilt their ballots. According to the Electoral Code the "consultative referenda consider issues of national interest, in order to consult public opinion on such issues and for further adoption of relevant final decisions by competent public bodies". This means that the consultative referenda don't produce immediate legal effects, they are just preparing the ground for adoption of legal acts, legislative or constitutional referendums which have obligatory

legal effects. But this way is very difficult, it lasts a lot to hold a consultative referendum, then to draft the bill which is obligatory to be examined by the Constitutional Court, after the OK of the Constitutional Court it should pass at least half a year before a constitutional referendum for changing the Constitution could be held, or the Parliament accept to adopt it with 2/3 votes of MPs.

That's why anticipating the events a group of 39 MPs drafted a modification to the Constitution aiming to transform Moldova into a parliamentary republic. The bill was submitted to the Constitutional a week before the consultative referendum on May 19, 1999. The idea was that the Parliament had the constitutional right to amend the Constitution with the votes of 2/3 of the votes half a year after it receives the Constitutional Court OK.

It became obvious that the Presidency and the Parliament entered into a very dangerous and intransigent competition aiming to transform the Republic of Moldova into presidential republic, on the one hand, or into a parliamentary republic, on the other hand. That's why the Parliamentary Assembly of the Council of Europe, decided to ask the Venice Commission to follow constitutional developments in the Republic of Moldova. The Parliament submitted to the Venice Commission a draft for a revision of the Commission prepared by 39 deputies. In its Interim Report it stated that the text was in conformity with democratic standards.

On July 1, 1999, following the consultative referendum President of Lucinschi, signed a decree setting up a National Constitutional Committee to draft a law amending the Constitution which aimed to establish a presidential regime. In reply, On August 2, 1999 another group of 38 MPs submitted to the Constitutional Court a new draft of the modification of the Constitution aiming the same goal – transformation of the Moldova into a parliamentary republic.

The presidential constitution modification draft was made public on August 5, 1999. According to it the President was supposed to have the right to name and to discharge members of the Government without Parliament's approval, to head the country on the basis of decrees-laws issued by the Government, threatening the Parliament to dismiss it in case it did not accept these, and to have control over nominations in the justice bodies by means of the Supreme Council of Magistrates, which he also intended to manage. But this time, the President was willing to introduce amendments into the Constitutions by means of a referendum, avoiding the legislative body.

The draft had been harshly criticized and President Lucinschi didn't undertake the risk to present the draft to Constitutional Court for approval. That's why in the space of two months, the Constitutional Committee presented the Venice Commission with 4 versions of draft constitutional modifications. The Venice Commission considered that the Constitutional Committee's drafts contained a number of elements which did

not allow confirmation that it was in conformity with European democratic standards. Obviously, the draft in its entirety was unacceptable to the Parliament.

In the meantime, on 14 October 1999, Constitutional Court approved as in conformity with the Constitution the first modification draft of 39 MP's submitted on May 19. A month later, on November 16, Constitutional Court issued a positive answer to the second draft of the group of 38 MP's, submitted on August 2. So, in principle, the parliamentary groups could vote the modification of the Constitution in half of year after the decision of Constitutional Court, they simply had to decide which draft was to be voted - that of 39's or that of 38's. In December 1999 the President of the Parliamentary Assembly of the Council of Europe, Lord Russel-Johnston addressed to the President of Moldova and to the Parliament, urging them to look for a compromise on the subject of constitutional conflict which opposes both sides on the manner of reinforcing the executive. He also suggested "that a committee of wise persons, comprising members of the Moldovan parliament and personalities nominated by the President of the Republic, could, with the help of the Venice Commission of the Council of Europe, draw up such a compromise". Following this appeal, in February 2000 the President and the Parliament created a Joint Committee whose task was to elaborate a single draft of constitutional amendments. This Committee comprised three representatives of the President and three of the Parliament. The Joint Committee met three times, in March and in May in Chisinau and in April in Strasbourg. It prepared a draft proposal for the revision of the Constitution accepted by all its members. The draft seemed to be a compromise between the parliamentary groups and the presidential Constitutional Committee. However, the parts were unable to agree on the two important points: a) the MPs categorically refused to concede this right to the President to dismiss the Prime Minister; b) MPs refused to change the full proportional system and to accept the majoritary one as President insisted. That happened because MPs suspected the President's support for a majoritary electoral system to be a first step to weaken the political parties. Elections in single mandate constituencies favor the promotion of individuals not necessary affiliated to political parties. Once in Parliament, such individuals start seeking a collective body to adhere to. The experience of CIS demonstrated that usually they adhere to the pro-presidential party.

Following the request of the Secretary of the Venice Commission, the President of Moldova accepted to respect a moratorium on all the work in the field of constitutional reform until the Joint Committee had finished its work. The Parliament did likewise for the proposals made by 39 and 38 Deputies already presented to the Parliament. However, because the President was in a time crises he submitted on June 14, 2000 his draft text for examination to the Constitutional Court. The authors of the draft indicated that they had based themselves on the results of the work of the Joint Committee working under the aegis of the Venice Commission which stated later that there were important differences between the text proposed by the Joint Committee and the text submitted by the President.

As it was mentioned, in accordance with the provisions of the Moldovan Constitution, all draft proposals for constitutional reform must first be examined by the Constitutional Court, and only half a year after to be submitted to the parliament for examination and adoption. At that time the drafts of the 39 and 38 members of the Parliament, already examined by the Constitutional Court, were submitted to the Parliament, whilst the Presidential draft was still subject to examination by the Constitutional Court.

On 5 July 2000, in spite of the request of President to wait until Constitutional Court would examine the presidential draft the Parliament adopted with 92 votes in favor and 5 votes against (4 absentee) the constitutional changes, which reduced significantly the power of the president in certain areas, while strengthening those of Parliament and government instead. Most importantly, the president was to be elected by Parliament with a three-fifths majority in the future. It is worth mentioning that all parliamentary factions, including communist, with the exception of 9 MPs, proponents of the President voted the constitutional modification. At that time the event related to changing the form of government from semi-presidential to parliamentary was presented by the politicians and mass media as a big victory of democracy. In the report motivating the necessity to amend the Constitution and presented to the members of the Parliament before voting took place, it was said that the Parliament had decided to collect the glove thrown by President Lucinschi, who had initiated the campaign for introduction of a presidential system of government.

Indeed, the actions undertaken by the Parliament solved the constitutional conflict, but half a year later it generated a parliamentary conflict, dissolution of the parliament and early parliamentary elections. In this case the positive role of the Parliament was that despite its fragmentation it managed to act as a consolidated entity which opposed the authoritarian intentions of the chief of state. On the other hand, the negative role of Parliament in this situation was that it acted as if it wanted to revenge itself on the President. Though the Constitution amendment draft was more democratic, it was adopted in a hurry just to take advantage over the presidential draft. As a result, another political conflict emerged which was solved by the Constitutional Court by dissolution of Parliament and early parliamentary elections. The moral is banal, but true: "An honest act is complete in itself; don't try, in addition, to dig a hole for the other fellow, lest you fall in it yourself".

C) Electoral and political conflicts

The first probation of the provisions of the modified Constitution had disastrous consequences for the democratic formations from the Parliament. During the December 2000 presidential elections the dispersion of democratic forces made it impossible to select a proper candidate for presidency, and encumbering of the voting procedure in conditions when the communist candidate had real chances to be elected, had resulted in dissolving the Parliament and announcement of the anticipated elections. The center-right factions boycotted the special sitting for the election of the president on grounds that the communist candidate refused to withdraw his candidacy and agree to support a politically non-affiliated candidate. Hoping to be able to hold

repeated elections after the expiration of the term allowed by law, they claimed that a repetition of the elections should be postponed until the "right time".

The Constitutional Court has been of a different opinion and gave green light to the incumbent president, who will remain in office by the time a new president is elected by the new Parliament, to dismiss Parliament and determine early elections. As a result both the former President Petru Lucinschi, and the constituent formation of the Alliance for Democracy and Reforms did not get into the Parliament.

Parliamentary elections 2001. During the early parliamentary elections of February 25, 2001, considered by OSCE free and fair, the party of Communists' obtained the constitutional majority – 71 mandates, the "Braghis Alliance" (Braghis was prime-minister at that time) – 19 mandates, and Christen Democratic Popular Party – 11 mandates. On April 4, 2001 the communist faction in Parliament elected its leader as the President. Because of the nature of the Party of Communist, based on the so-called-democratic centralism, the chief of state obtained exceptional competences in the areas of foreign policy, defence, appointment of chairmen and deputy chairmen of courts, etc. The state security law names the chief of state as head of the Supreme Security Council, which brings together all the law enforcement bodies of Moldova. The law obliges all these institutions to fulfil their tasks on basis of political non-partisanship principle. Or, the presidential experience of the four years of Vladimir Voronin mandate had demonstrated the danger of anti-democratic skidding when the chief of state is also a party member: creation of the vertical of the state power on structure of the PCRM.

Though party of Communists' had the total control of the power during the exercising of their first mandate it generated huge political crises. Because the parliamentary opposition was very weak it used to leave the Parliament and protest in the street. The first non-stop attended by tens of thousand of people started on January 9, 2002 and lasted till the end of the May after the implication of the Council of Europe. In order to solve the political conflict the Parliamentary Assembly issued two special resolution on Moldova in April and September 2002 and recommended to parties implicated in conflict to establish a large framework for discussion - Permanent Round Table (PRT), with the participation of the civil society. The former Polish prime-minister Tadeusz Mazowiecki was asked to help the parts, he presided a seminar referred to the experience of the Central and Eastern Europe in drafting the criteria for the functioning of a mechanism similar to the PRT. Experience shows that the existence of a PRT is an indicator of a deep political crisis and that it is seen as a means of problem solving via the dialogue between the power and opposition. Secondly, Mazowiecki recommended identifying a set of problems of paramount importance, whose resolution would allow for the settling the political crisis. Consequently in order to overcome the crisis in the Republic of Moldova two things are important: a) criteria for the functioning of PRT; b) debates on the issues related to the functioning of democratic institutions as stipulated in the PACE resolutions.

The implication of the Council of Europe was extremely important to not admit the use of the force by the governance, but it didn't help very much in solving the problems related to the independence of justice,

autonomy of local public administration, freedom of mass-media, free and fair elections. From the first multiparty elections in 1994 until Communist Party victory in 2001 elections, international institutions, in particular OSCE, viewed the electoral process in the Republic of Moldova as a fairly democratic one. Indeed, there were some violations registered during the 6 electoral campaigns since 1994, however they didn't have a crucial impact on the election results. But the electoral process has been deteriorating dramatically after communist came in power. Let's just refer to the 2002 Bashkan elections in Gagauz-Yeri. Domestic observers pointed a serious of violations, such as: electoral commissions were staffed according to their members' loyalty to authorities; voters were intimidated by electoral contestants using administrative levers; IDs were taken from citizens for no particular reason on the eve of elections; ballots were printed by a person directly interested in election outcomes, Communist candidate enjoyed the support of the publicly funded mass media, etc. Those facts were also registered by foreign observers from US Embassy and OSCE.

Another example of undermining the integrity of the electoral process is the way authorities reacted to Social Democratic Alliance initiative to conduct a legislative referendum on changing the proportional electoral system to a mixed one. Communist faction simply boycotted the Parliament hearings on the initiative. Leaders of the Social Democratic Alliance initiative group warned on several occasions that at the order of the ruling party local authorities hinder their efforts to collect signatures. This resulted in an open confrontation between Social Democratic Alliance and Communist Party. The conflict between the two parties was generated by the fact that Moldovan law makes a distinguish between "initiating" and "declaring" a referendum. The leaders of the communists' made public statement indicating ruling party's opposition to a possible referendum. It was rather intended to local officials calling them not to authenticate petitions, as is required by the law. Ultimately, the local authorities' refusal to authenticate the signatures collected was considered by the Social Democratic Alliance as the most important difficulty encountered. Nevertheless in July 2002, Central Electoral Commission (CEC) acknowledged that the initiative group collected 221,000 signatures in favor of the initiative to change the electoral system and invalidated only 8,000 signatures. CEC submitted all the documents necessary to the Permanent Bureau of the Parliament who had to develop a draft resolution on either declaring a legislative referendum or amending the electoral law by the vote of the Parliament.

Communist faction was no interested in changing absolute proportional electoral system (which they had promised during the electoral campaign). Needless to say this system brought them additional 40% mandates (due to the 6% threshold of representation). As an excuse for not voting for the referendum, the Communist Party stated that it verified CEC activities thorough the Legal Commission of the Parliament and found many irregularities. On these grounds they concluded around 45-50% of the signatures validated by CEC had been falsified. The conclusions made by the Legal Commission raised a lot of questions. The Commission claims it verified 12% of the total 213,000 signatures validated by the CEC, that is 25,560 signatures. The approximation, 45 - 50% made by the Legal Commission is outrageous. Even if we are to admit that the percentage of falsified signatures found is true, then out of the total 25,560 signatures verified, 11,502-12,780

would have to be invalid. Consequently, another more than 200,000 signatures still remained valid and there are no grounds for obstructing the referendum. Interestingly enough, Communist Party leaders preferred just to extrapolate the results of the random control, rather than look for another 221-1,497 falsified signatures, thus decreasing the number of valid signatures below 200,000 threshold. Social-Democratic Alliance insisted that the Parliament had no right to interfere in the CEC activity.

This kind of behaviour of the ruling party contributed to the maintenance of the antagonistic relationship between the parliamentary majority and the opposition. As a result opposition kept to permanently boycott the parliamentary seating and complaining to the PACE on antidemocratic side-slipping of the ruling party.

Local election 2003. The local election held on May 23, 2003 showed again that communist brutally interfered in the electoral process. In mid-August the final report of the OSCE observation mission, *Report on Local Elections in Moldova*, was issued. The report was accompanied by a note, entitled "Negative trend observed during Moldova's local elections must be reversed". This negative trend observed in the electoral process has been a source of concern for OSCE Observation Mission, especially given considerable progress made in the previous elections. Steven Wagenseil, Deputy Director of OSCE's Office for Democratic Institutions and Human Rights called on Moldovan authorities to undertake every effort to correct the negative trend.

The report identifies a number of shortcomings in the conduct of elections, such as heavily biased and distorted reporting by the state media, interference by the authorities in the election process by arresting or threatening to arrest opposition candidates, as well as misuse of public resources for campaign purposes. This refers also to the electoral staff of the Chisinau Mayor, Serafim Urechean, the main opposition candidate.

Parliamentary elections 2005. Also, there were serious shortcoming in the way parliamentary elections were conducted in the Republic of Moldova (RM) on March 6, 2005. Still, it is important that International Election Observation Mission - a joint undertaking of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly and the European Parliament - found that the "6 March parliamentary elections in Moldova were generally in compliance with most OSCE and Council of Europe commitments and other international election standards. They did, however, fall short of some key commitments, particularly regarding campaign conditions and media access, and in this respect, the negative trends noted already in 2003 local elections were confirmed".

Configuration of the newly-elected Parliament, where Party of Communist's (PC) won 56 mandates, Moldova Democrita Bloc (MDB) 34 and Christian Democratic Popular Party (CDPP) 11 left a wide berth for political maneuvers as regards the election of the President by the MPs.

Given that Communists were short of five mandates in order to elect the President (61 needed), several scenarios were possible: a) opposition to boycott the presidential elections so as to trigger early parliamentary elections; b) Communists to secure the support of a part of opposition to endorse their candidate for the Presidency; c) wide consensus to be reached with opposition on a compromise candidate for the Presidency.

In the parliamentary election aftermath, each of the scenarios had different chances, albeit comparable. The situation overturned when the Moldova Democrats Bloc (MDB) had split: Moldova Noastra Alliance (MNA) - 23 deputies, Democratic Party (DP) - 8, and Social-Liberal Party (SLP) - 3.

The big intrigue of the presidential elections was that 56 Communists, 8 deputies of the Democratic Party, 11 Christian-Democrats and 3 Social-Liberals took part in the voting procedure. Eighteen deputies of the MNA faction did not take part in elections, while five deputies of the same faction were absent. Out of the 78 deputies who took part in elections, 75 cast their ballots in favor of Vladimir Voronin, one for his counter candidate Gheorghe Duca, while two ballots were declared invalid. Curiously enough, four years ago, 71 out of 89 deputies voted for Vladimir Voronin. During this campaign Party of Communists got 15 less mandates, while the President four more.

Foreign factor. One may well say that a political compromise was reached as a result of the negotiations held between Communist leader with the leaders of Christian-Democratic Peoples' Party, Democratic Party and Social-Liberal Party. Newspaper "Democratia" claimed that "former U.S. Congressman John Conlan was the indispensable facilitator in negotiations and document drafting among the political leaders and factions in Chisinau over a two-week period". No doubt, this was a positive and welcoming effort which helped avoiding a very dangerous political conflict which could dramatically destabilize the situation.

Terms of negotiations between President Voronin and opposition

In his speech to the Parliament prior to elections, President Voronin acknowledged that in the last four years he committed a series of mistakes brought by high expectations. In the next four years, President pledged to "fulfill national interests based on the principles of sovereignty and territorial integrity". In this respect, he intended to achieve the following during his next mandate: a) implement EU - Moldova Action plan signed on February 22, 2005; b) improve socio-economic situation in line with the Poverty Reduction and Economic Growth Strategy (PREGS) voted on 2.12.2004; c) democratization of society in line with the first Copenhagen criteria (the main area of disagreement with opposition, where consensus was needed); d) settle Transdnestrian conflict with the support of US, EU, Romania, Ukraine and "fully exploiting the potential between Moldovan - Russian bilateral ties", etc.

President Voronin's offer to a large extend reiterates the provisions of the "Declaration of political partnership in view of achieving EU accession objective", unanimously voted by all the deputies during their first session on March 24, 2005. It was obvious that the latter was aimed at testing the compatibility and political aspirations of all parliamentary factions. Unanimous vote showed that there were no strategic disagreements, but rather dissatisfaction with the main candidate to the Presidential seat, especially given his past track record.

Christian-Democrat leader also stated after elections "our greatest controversial argument between Power and Opposition that kept us on different positions was the domestic policy of the governors. Our different visions on the functioning of democratic institutions, on the way human rights and freedoms should be ensured". To overcome those disagreements Christian-Democrats and Social-Liberals had submitted to Voronin a number of propositions, which Voronin pledged to fulfil in four months provided he would get elected. Generally, propositions accepted by Voronin refer to: a) ensuring media's independence (passing a new Law on Public Broadcaster, creating democratically a new Audiovisual Council, passing a new law on national TV and radio channels that would operate without censorship or political interference); b) ensuring independence of the judiciary by passing a new law on prosecution, amending the Law on Supreme Magistrate Council, Law on the Status of the Judge, Law on Judiciary; c) decentralizing local government, increasing the efficiency of public money spending by adopting a new Law on Accounts Chamber; d) amending Electoral Code to revise the establishment and membership of the Central Electoral Commission so as to depoliticize it and ensure its independence; e) perfecting laws on secret service that would ensure national security, human rights and freedoms and establish society's control over them by means of Parliament; f) creating a special commission to amend the Constitution in view of consolidation of state institutions by perfecting the procedures of election of the President, establishment of the Government, judiciary, elections of the Prosecutor General and the status of Prosecutor-General's Office.

Several days earlier Democratic Party set forth similar conditions, in addition asking for: a) passing amendments to the Constitution providing that Presidential position is incompatible with party membership; b) modernizing Party of Communists; c) giving up Orthodox-Marxist dogmas and revising party's goals in line with European norms and principles.

Apparently Vladimir Voronin was re-elected as a result of a consensus reached with opposition, still one question remains unanswered: what are the guarantees that President would stick to the promise made? At the first glance, there are no explicit ones. In the end of his speech to the Parliament Voronin just said "I consider each word uttered by me today as binding as a pledge". In the same speech Voronin underlined "I am ready to discuss ... modifications to the legal framework so that the Presidential position would be incompatible with party membership".

So, the spirit of the modified Constitution of Moldova saying that the chief of state is elected with the vote of qualified majority of “3/5 of the number of elected parliamentarians” indicates to the “compromise nature of the chief of state.” These helped to solve a very dangerous conflict if the opposition would blocked the election of the President. Now, the political stability depends on how the Party of Communists’ would honor its obligations.

Conclusions and suggestions:

a) Though the conflict in Moldovan society were and still are very dangerous the roots of these conflicts were mainly artificially cultivated. The causes of the conflicts were mainly: lack of experience in pluralistic debates; emotions taking over rational side; neglecting the fears of minorities and the interests of political opposition - however the aforesaid could be eliminated through special programs⁹ for legislative body¹⁰, MPs.

b) The success of Parliament in the conflict resolution was especially remarkable when it managed to cooperate with other branches of power and especially with the Constitutional Court. The cooperation of Parliament with international democratic institutions and Moldovan civil society were crucial in diminishing internal tensions and external negative influences in the support of separatist movements.

c) The electoral and political conflicts in Moldova emerged especially after Communist Party came in power with an absolute, even constitutional majority. This kind of conflict was the expression of their will to take advantage of their position by ignoring the interests of opposition and even the legal provisions. The main conclusion is that in countries with deficit of democratic tradition the victory with an absolute majority of a party having an authoritarian past represents a danger for the democratic development, though it seems to be able to solve some current social problems. In such situations, coalition majorities are more preferable.

d) The establishment by the Parliament of European integration as the strategic goals for the society proved to be extremely benefic for overcoming the ideological, doctrinal differences and to concentrate the common efforts towards the resolution of the problems that would facilitate the achievement of the goals. In this respect the Parliament created working groups in the framework of which the opposition representatives together with the representatives of the ruling party will elaborate the draft laws in order to ensure the democratisation of Moldova. The majority faction assumed the obligation to examine, debate and adopt the bills.

⁹ Human Rights and Parliamentary Development. Case Study Moldova, UNDP Moldova, 2004

¹⁰ ASSESSMENT REPORT ON MOLDOVAN PARLIAMENT, by Geoff Dubrow. Director, Eastern Europe, Parliamentary Centre, 2004, UNDP Moldova