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Parliamentary elections in the Republic of Moldova (11 of July of 2021)

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The year 2021 was marked not only by the effects caused by the pandemic and by the many global challenges it brought, but also by the political changes felt in many States. In fact, if the coronavirus has affected and continues to affect the longevity of many Governments, it is also undeniable that specific political crises not only dictated the downfall of many prime ministers, but also the holding of early elections. This is precisely what happened in Moldova with the holding of parliamentary elections on the 11th of July 2021, following the dissolution of its parliament (*Parlamentul Republicii Moldova*), on the 28th of April of the same year. These elections were uttered by the political crisis, a political crisis that the election of the pro-European Maia Sandu for the Presidency of the Republic, at the end of 2020, inevitably strengthened. Indeed, if right after the election of the new Head of State, the incumbent Prime Minister of the Moldovan Socialist Party (PSRM), Ion Chicu presented his resignation, the successive and subsequent differences between the elected President and the parliamentary majority affected to the defeated President, the pro-Russian Igor Dodon, further exacerbated the situation. Actually, the parliamentary refusal to accept the candidates for prime minister presented by Maria Sandu⁴ could only determine the calling for new elections. Why? Because, according to the Moldovan Constitution, if the President of the Republic is responsible for appointing a candidate for Prime

Minister (art. 98 no. 1⁵), it is mandatory for the Parliament to give a vote of confidence to the entire Government and its program (art. 98 no. 2). Only after this favorable vote does the President of the Republic appoint the Government (art. 98, no. 4). It is, as it turns out, a totally different system from the one that exists, for instance, in Portugal. In Moldova, the presidential nomination of the Government is preceded by the designation, also presidential, of a candidate for prime minister and a vote of confidence that must be given to him and his government by the majority of the Members of Parliament. In the absence of that vote of confidence the way is open for the dissolution of Parliament and the call for new elections. This is what the Constitution also establishes, by defining in its art. 85 no. 2, that Parliament can be dissolved if a vote of confidence isn't given to the new Government in at least two requests for investiture. And that was indeed what happened, the process culminating in the aforementioned early elections held on July 11th of the last year.

These elections were awaited with deep expectations, both nationally and internationally, witnessing the position taken by the IFES (International Foundation for Electoral Systems), when stating in a report produced by it, that “*the July 11 parliamentary elections will provide Moldovans the Opportunity to determine the makeup of Parliament nearly 2 1/2 years after the last national legislative elections and eight months after the election of President Maia Sandu, in November 2020. The election represents a referendum of sorts on Sandu’s governing agenda and whether she will have parliamentary support to see it through. Although President Sandu prevailed in the November election on a platform that supported closer ties with Europe, since the members of the former President Igor Dodon’s Socialist Party have blocked President Sandu’s 2 key political appointments of two prime ministers, which has stunted her ability to advance key reforms and other political objectives*”⁶.

However, on the 11th of July the verified results would confirm not only the expectations but many of the predictions and Maia Sandu was able to celebrate, once again, a political victory. It could even be said that the Moldovan legislatures were, as some people say, a kind of “third round” of the presidential elections, a kind of stub-

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4 Maia Sandu, former prime minister, from June 2019 to November 2019, was elected President of the Republic in the second round of the presidential elections, held in November 2020.

5 See Constitution of the Republic of Moldova, in <https://www.presedinte.md/titulul3>

6 Available at https://www.ifes.org/sites/default/files/ifes_faqs_elections_in_moldova_2021_parliamentary_elections_july_2021.pdf (accessed 3 December 2021).

bornness against the results registered in November 2020.

After this short introduction, our work will now be dedicated to:

- i. First, the analysis of the current Moldovan parliamentary electoral system.
- ii. Secondly, the analysis of the verified electoral results, framing them in the Moldovan political and social environment. At this point, we will also make a brief comparison between the results of 2021 and 2019.
- iii. Thirdly and finally, the elections that took place in July 2021 in Moldova's international context and the implications for its foreign policy.

1. Parliamentary Election and electoral system

The Moldovan Parliament is an elected body consisting of 101 MP's (art. 60 no. 2 of the Constitution, and art. 79 no. 2, of the Electoral Code⁷), with a 4-year term of office (art. 63 no 1, of the Constitution). The right to vote, as well as the right to be elected, is granted to nationals from the age of 18 (art. 38 no. 2 of the Constitution, and art. 12 of the Electoral Code). As for the electoral system, that is, the rules for electing MP's, the Constitution of Moldova, unlike the Portuguese Constitution, is silent. This is a matter reserved to the law, in this case to the aforementioned Electoral Code. It is a Code that was amended in 2019, an amendment that, following the recommendations made by the Venice Commission⁸ and the ODIHR⁹, not only reintroduced the system of proportional representation, but also the Hondt method of converting votes into mandates. If the reintroduction of the proportional system corresponded to the return of what had been in force until 2018, the reintroduction of the Hondt method corresponded to what had been in force until 2010. In fact, if until 2010, with a single constituency, the proportional system and the Hondt's method were in force, from 2010 to 2018, the election of MP's started to be carried out using the exact or simple quotient method (also known as Thomas Hare method). The national constituency was maintained, the electoral system was also maintained, but the method of converting votes into mandates changed. However, a lot changed in 2018, the candidates for the legislative elections held in 2019, unlike what happened in 2021, were elected using a mixed

system. While 51 MP's were elected by single-member constituencies and the simple majority system, the remaining 50 Members of Parliament were elected by a national multi-member constituency using the simple quotient method.

However, as we said before, in 2019, shortly after the legislative elections held that year, a new reform of the Electoral Code emerged, and the mixed system was abandoned. It was like a return to the origins, with the abovementioned reintroduction of the proportional system and the Hondt method. But despite this change, can we say that the electoral system in Moldova is a typical proportional electoral system? By analyzing the election rules under the current Electoral Code, we understand that as matter of fact it's not! Actually, in addition to other details that should deserve our attention, the fact that independent candidates can be elected, and that they can be elected individually if they obtain a certain percentage of votes removes from us the idea that we are facing a typical proportional electoral system. Let's see, in further detail, what we mean by this.

A. Legislative election of 2021 - Electoral Code in force (after the 2019 reform)

- i. National electoral constituency, by which 101 Members of Parliament are elected.
- ii. Political parties that run individually or in coalition may apply.
- iii. Any Moldovan citizen with passive electoral capacity may also apply. This can be on an individual basis, that is, without being included in any party list (art. 46 no. 2 subparagraph c) of the Electoral Code). But, in this case, the independent candidacy must be signed by a minimum of 2,000 and a maximum of 2,500 voters, unless it is a woman. For female independent candidates, the minimum number of signatures is only 1,000 (art. 86 no. 2 of the Electoral Code).
- iv. **Election:**
 - a) The election is only considered valid if at least 1/3 of the registered voters participate in the vote. If this does not happen, the elections must be repeated ¹⁰(art. 99 and art. 101 no. 1, respectively, of the Electoral Code). We are faced with what we could call a previous threshold clause, a threshold clause of all threshold clauses¹¹.
 - b) In order for parties and party coalitions to have access to the distribution of mandates, they must obtain minimums of national votes. They are, therefore, subject to a threshold clause (art. 94 no. 2, subparagraphs a) and b) of the Electoral Code). This threshold clause is as follows:

¹⁰ In case of repetition of elections, its validity does not depend on the number of voters (art. 101° no. 3 of the Electoral Code).

¹¹ It should be noted, as a matter of curiosity, that there is something similar in Portugal with regards to the votes carried out in the Referendums. Indeed, in accordance with art. 115, no. 11, of the Portuguese Constitution "*The referendum only has binding effect when the number of voters exceeds half of the registered voters in the census*". However, this provision has no parallel in relation to legislative elections.

⁷ Available at https://a.cec.md/storage/ckfinder/files/Cod_Electoral_ENG_2020_16_09_2020.pdf (accessed December 3, 2021).

⁸ The European Commission for Democracy through Law - better known as the Venice Commission as it meets in Venice - is the Council of Europe's advisory body on constitutional matters. The role of the Venice Commission is to provide legal advice to its member states and, in particular, to help states wishing to bring their legal and institutional structures into line with European standards and international experience in the fields of democracy, human rights and the rule of law." Available in https://www.venice.coe.int/WebForms/pages/?p=01_Presentation&lang=EN (accessed December 3, 2021).

⁹ This is the OSCE Office responsible for monitoring Democratic Institutions and analyzing respect for Human Rights. For more information, cf. <https://www.osce.org/odihr>

- Political Parties¹² - 5%
 - Coalition of political parties¹³ – 7%
- c) It should be noted that an independent candidate can be elected if he obtains 2% of all valid votes¹⁴ at national level (art. 95 no. 3 of the Electoral Code). As many independent candidates may be elected as long as they obtain the minimum required percentage (2%). This circumstance, added to the fact that candidates are presented in a multi-member national constituency¹⁵ reinforces what we said earlier: the Moldovan electoral system cannot be considered a typical proportional electoral system.
- v. The parties, as well as the coalitions of parties which reach the threshold clause are allocated mandates according to the proportional system and the Hondt method¹⁶ (art. 95° no. 1 of the Electoral Code). It is also imperative to mention that in the distribution of mandates by the parties, neither the mandates already attributed to the independent candidates, nor the votes obtained by them are taken into account.

If the political parties, or coalitions of parties, are entitled to more mandates than the presented candidates (given that the lists can be submitted to suffrage with a minimum of 51 candidates [art. 84 no. 2 of the Electoral Code]), these mandates will be distributed among the other contending lists (art. 96 no. 4 of the Electoral Code).

From the above-mentioned, we can highlight three aspects:

- First, we must emphasize that although voting is not mandatory, there is a minimum mandatory voter participation for elections to be considered as valid. It is a demand whose fulfillment depends on the free responsibility of voters.
- Secondly, we have highlighted the unfairness of treatment regarding one of the candidacy requirements of independent candidates. This inequality is determined by the candidate's gender, since the minimum number of signatures required to present candidacies is lower when the candidates are women.
- Thirdly, the circumstance that despite the constituency being national, independent candidates can be presented, candidates whose election does not obey the criteria of proportionality, nor the Hondt method.

12 In 2016, this clause was 6%. See art. 86 no. 2, subparagraph a), of the Electoral Code, in the 2016 version. Available at https://www.legislationline.org/download/id/7732/file/Moldova_Electoral_Code_as_of_2016_en.pdf (Accessed on December 4, 2021).

13 In 2016, this clause was 9% for coalitions of two parties, and 11% for coalitions of three or more parties. See art. 86 no. 2, subparagraph b), of the Electoral Code in the 2016 version.

14 Valid votes are those that are expressed in favor of independent candidates, parties or coalitions of parties. It should be noted that in the 2021 elections, a single independent candidate ran for suffrage, but did not reach 2% of the votes.

15 It should be noted that in the 2019 legislative elections, in which a mixed system was in force, independent candidates were only admitted in single-member constituencies.

16 In the 2016 version of the Electoral Code, the Hare quotient method was applied.

2. The electoral results and the political environment in Moldova

As we had the opportunity to mention in the introductory section, the elections of the 11th of July 2021 were dictated by a political crisis that would result in the dissolution of Parliament. It was in this way, in an environment of high expectations, that Moldovan voters not only lived the electoral campaign, but also the day when everything would be decided. If, on the one hand, they were waiting for the end of the political instability felt immediately after the 2019 legislative elections (elections in which no political force was able to reach a parliamentary majority - see table 2), on the other hand, they expected that the electoral dispute would result in a clear option regarding the fate of Moldova in relation to its external partners. The issue was not secondary, since on one side there were those who had bet on the privileged connection to Russia, while on the other side, with the leadership of the new President of the Republic, there were those who wanted a strong rapprochement and connection to the European Union¹⁷.

It would therefore be in this context that twenty-three candidacies were put to the vote, representing 20 political parties running individually, two electoral coalitions¹⁸ and one independent candidate¹⁹. Among the candidatures, prominence must be given to PAS - *Party of Action and Solidarity*, the pro-European party of the President of the Republic, and to the coalition that, bringing together socialists and communists, bet on a nationalist speech with a pro-Russian slant.

As for the electoral campaign, marked by allegations of infringements of legal provisions on funding, pressure exerted on voters²⁰ and accusations of incitement to hate speeches²¹, the distinction between the two main competitors was clear and objective. On the PAS side, the emphasis was not only placed on fighting corruption, but also on moving away from the old West vs Russia dichotomy. On the BECS (*Electoral Bloc of Communists and Socialists*) side, the speech used favored the nationalist appeal, based on the slogans “Moldova is in danger” and “We do not give the country to foreigners”. Also

17 See in this regard, ESO – European sources online, available at <https://www.european-sources.info/record/moldovan-parliamentary-election-july-2021/>

18 *The PSRM formed an electoral bloc with the Party of Communists of Moldova (PCRM) – the Electoral Bloc of Communists and Socialists (BeCS). The Bloc Renato Usatii (BeRU) is composed of “Our Party” (PN) and Patria Party (PP)* (OSCE, 2021).

19 One candidate was registered after the CEC verified 2,001 valid supporting signatures. Another applicant submitted only 1,870 supporting signatures (out of which 1,470 were deemed valid) and was not registered. He challenged the decision in court, unsuccessfully arguing that the requirement for male candidates to collect more signatures than for female candidates was unconstitutional. (OSCE, 2021)

20 *Also, the campaign was marred by different types of violation, such as misuse of administrative resources, illegal financing, and vote-buying on the one hand, and, on the other hand, by a polarized media environment biased according to political preference.* (ENEMO - European Network of Election Monitoring Organization, 2021).

21 Regarding the overall tone of the campaign, ENEMO raised concerns regarding the reports indicating some campaign messages that included Russian-phobic, racial, national, gender, age, and discriminatory remarks towards sexual minorities. To combat discrimination and hate speech, the CEC invited electoral competitors and the media to sign a Code of Conduct. Despite the invitation, only seven political parties signed this document. (ENEMO, 2021).

intending to mobilize voters around the defense of traditional family values, the BECS did not fail to reinforce the idea of the need for even closer ties with Russia. And if it is true that issues related to economic development and the well-being of the population were also highly focused in this campaign – with particular emphasis in this area on the intervention of the PAS – it is still true that issues related to minorities²² and gender equality²³ were not very well received in the intervention of the two major political forces in confrontation. These issues, in particular the first, continue to assume great relevance, as evidenced from the outset by the fact that many campaign actions were conducted in Russian and also by the fact that 682,698 ballot papers were printed in that language.

And it was after a tense electoral campaign, with contours of undisguised drama, that on 11 July 2021 the Moldovans voted and with their vote determined that only three political forces would have parliamentary representation (Table 1):

Table 1 - Results of the parliamentary elections of Moldova 2021- 11 July 2021

| Political Parties | Number of votes | Percentage of votes (%) | Parliamentary Mandates |
|---|--------------------|-------------------------|------------------------|
| PAS- Party of Action and Solidarity | 774,753 | 52,80% | 63 |
| BECS- Electoral Bloc of Communists and Socialists | 398,675 | 27,17% | 32 |
| Șor Party ²⁴ | 84,187 | 5,74% | 6 |
| Total of registered voters | 3, 052,603 | | |
| Total of votes | 1,480,965 | | |
| Total of valid votes | 1, 467,216 (48,1%) | | |
| Total of invalid votes | 13, 749 | | |
| Total of abstention/% | 1,585, 387- 51,9% | | |

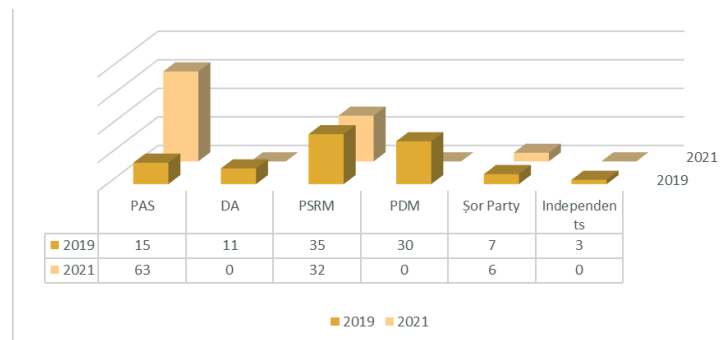
Source: Central Electoral Commission of the Republic of Moldova (https://a.cec.md/ro/cu-privire-la-totalizarea-rezultatelor-alegerilor-parlamentare-anticipate-din-11-2751_99935.html)

A big winner would come out of the election, PAS, or if we prefer,

- 22 The issue of minorities in Moldova is considered central to many observers. In this regard, according to ENEMO, the population of the Republic of Moldova is also made up of: Ukrainian 6.6%; Gagauz 4.6%; Russian 4.1%; Bulgarian 1.9%; Rome 0.3%; others 0.5%. Information available at <http://enemo.eu/uploads/file-manager/ENEMOStatementofPreliminaryFindingsandConclusionsMoldovaEarlyParliamentaryElectionsJuly2021.pdf> (accessed December 5, 2021).
- 23 Notwithstanding the fact that Moldova has the Law for the Guarantee of Equal Opportunities for Women and Men, whose primary objective is the creation of equal opportunities for both men and women, in public and political life
- 24 Șor Party, also known as the Social- Political Movement «Equality» and is a populist political party. In terms of ideology it stands for its populism, social conservatism, Russophilia and Eurocepticism. When it comes to the political position they are describe for being a syncretic party. The party also belongs to the European Conservatives and Reformists Party.

the President of the Republic who saw her party win and win with the absolute majority. The greatly defeated, who would come out in second place, would be the Socialist-Communist Bloc, which did not go beyond 32 seats won in the new parliament. The difference, compared to what had happened in 2019, could not be bigger (Table 2).

Table 2 - Comparative analysis of the 2019 and 2021 legislative elections



The victory of PAS, achieved even on traditionally socialist stages (with the exception of the regions of Gagauzia and Transnistria²⁵), led the jurist and economist Victoria Olari, to say that “*Moldavians no longer believe in scarecrows and false propaganda «fake news»*” and who, instead, are eager for radical and innovative changes. In her words, “*Moldovans in the diaspora also mobilized without precedent, with a record number of votes already cast in the parliamentary elections. A total of 212 145 Moldovans expressed their voting rights, accounting for almost 16% of the total number of valid votes. As expected, 86.23% of these people voted for PAS*”²⁶.

Another important aspect to note with these elections is the fact that parliamentary representation has decreased, contrary to what we could see in 2019.

And so, with the carried-out elections, PAS soon announced that it would form a government, without coalitions and, on July 30, following the constitutional provisions that we have already mentioned, the President of the Republic appointed Natalia Gavrilita as candidate for Prime Minister. And on August 6th, the Parliament gave its vote of confidence to a new Government with thirteen ministers, and to its Programme.

- 25 The total number of voters registered in the State Registry of Voters was 3,282,837. Of these, 258,691 were citizens with the right to vote registered on the left bank of the Dniester (Transnistria), while 237,700 did not have a domicile or residence. Voters from Transnistria and those without a registered address were not included in the main voters list and were recorded in the supplementary voters list on Election Day (ENEMO, 2021).
- 26 Moldova’s 2021 parliamentary election: the wind of change is real, Victoria Olari, 2021, for more information see: <https://whogoverns.eu/moldovas-2021-parliamentary-election-the-wind-of-change-is-real/>

3. Republic of Moldova in the international context: brief summary

What is today the Republic of Moldova, an Eastern European country that shares its borders with Romania and Ukraine, and whose capital is the city of Chişinău, was until 1991 the Soviet Socialist Republic of Moldova, an integral part of the formerly USSR. Only one region that belonged to the extinct Soviet Republic of Moldova refused to join the new Republic. This region, Transnistria²⁷ (a small strip of land located east of the river Dniester), preferred to declare its independence and create its own government, despite being internationally considered an integral part of Moldova.

As in many Eastern European countries, Moldova's political leaders are divided between two lines: those who express Russophilia, that is, a clear convergence and alignment with Russia, and those who express an objective interest in drawing closer to the Union European Union and NATO itself. Indeed, even after its independence, Moldova sought to redirect its foreign policy towards a more Europeanist approach, the Russian influences in the country never ceased to be felt, influences which were immediately mirrored in strongly implanted political parties, such as the PSRM (*Party of Socialists of the Republic of Moldova*) and the Moldovan Communist Party itself (*Party of Communists of the Republic of Moldova*). Even so, the circumstance of the political forces that we can designate as pro-Western is relevant, not only having managed to resist in an environment of permanent pressure, but also having achieved electoral victories of unquestionable worth. An example of this is both the last presidential election and the most recent parliamentary election, were elections that were closely monitored not only in Moscow, but also in Brussels and in many other European capitals. Signs of change were visible. Indeed, if the rapprochement with Russia was evident when Igor Dodon was President of Moldova, the opposite was true when Maia Sandu became the Head of State. But will the new political configuration be enough to overcome many of the problems that Moldova, one of the poorest states in Europe, is facing? Only the future will tell! For now, similarly to what happens in other regions of Eastern Europe, in Moldova there is permanent tension with the separatist forces of Transnistria – forces that managed to achieve their independence objectives – a tension that was fueled by the presence of Russian troops deployed in the region. In fact, this tension only increased when Moldova signed in 2014, an Association Agreement with the European Union. It was an agreement that caused a deep distaste in Moscow and that led the Russian authorities to enact an embargo on exports of Moldovan agricultural products, meaning a huge downturn in the already weak Moldovan economy.

On the other hand, a factor of great concern for many international organizations is the high number of financial scandals associated

with corruption. This fact has also hindered international financial support, particularly from the European Union²⁸, which does nothing to contribute to the renewed image that Moldova wishes to pass on to international markets and, in everything, delays the desired economic growth. These are thus, the many challenges that the new Moldovan political leaders face, challenges in which they will certainly not fail to count on the help of the new partners that, in the meantime, Moldova has found, such as the Council of Europe, the OSCE, the WTO, the IMF, the World Bank and the European Bank for Reconstruction and Development.

27 The Moldovan Republic of Transnistria is a separatist region integrated into the territory of Moldova. The conflict between the parties has remained unresolved since 1992, when both were involved in a short war after the dissolution of the Union of Soviet Socialist Republics that culminated in the establishment of this *de facto* state on Moldovan soil (Meira, 2021).

28 See the European Parliament report on the application of this agreement, in https://www.europarl.europa.eu/doceo/document/A-8-2018-0322_PT.html (consulted on 6 December 2021).

