



Doc. 12011 Addendum
1 October 2009

The functioning of democratic institutions in Moldova: implementation of Resolution 1666 (2009)

Main recent political developments

Addendum to the report
Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe
(Monitoring Committee)
Co-rapporteurs: Mrs Josette DURRIEU, France, Socialist Group, and Mr Egidijus VAREIKIS, Lithuania,
Group of the European People's Party

1. Since the adoption of the report on the functioning of democratic institutions in Moldova on 9 September 2009, some major political events have taken place in the country. In order to update the report and to provide the Assembly with all the information needed to adopt a position, a short addendum to the report has been prepared. Two proposed amendments to the draft resolution, ensuing from the present addendum, are appended to it. We propose that these amendments be tabled by the Chairman of the Monitoring Committee, on its behalf.
2. On 15 September 2009, during a press conference in which a large number of journalists took part, the outgoing President of the Republic, Vladimir Voronin, announced that he was resigning from his post as President of the Republic in order to retain his seat in parliament. Under the Moldovan Constitution the office of member of parliament is indeed incompatible with any other remunerated office (Article 70). Elected members of parliament are allowed a period of one month in which to make their decision and give up their other offices or their seat in parliament.
3. In accordance with the Moldovan Constitution, when the post of President of the Republic becomes vacant the speaker of Parliament holds the office on an interim basis (Article 91). On 17 September 2009, the Constitutional Court confirmed that, following the resignation of the outgoing President of the Republic, the Speaker of Parliament, Mr Mihai Ghimpu, was to hold the office on an interim basis (he is also leader of the Liberal Party of Moldova). Thus, Mr Ghimpu became acting President of the Republic and will hold this post until the election of a new President of the Republic by the Parliament. According to the Constitution, when the post of President of the Republic becomes vacant, new elections have to be held within two months (Article 90).
4. In his capacity as acting President of the Republic, Mr Ghimpu, on 17 September 2009, nominated Mr Vlad Filat, leader of the Liberal Democrat Party of Moldova, as candidate for the post of Prime Minister. Mr Filat then engaged in consultations with the parliamentary majority in order to propose the membership of a new government and to draw up the government programme.
5. On 25 September 2009, the Parliament held a debate at the end of which the new government received a vote of confidence. Mr Filat was thus confirmed in the post of prime minister. The ministerial posts in the government have been divided between the parties which make up the majority coalition, the Alliance for European Integration, as follows:
 - five ministries for the Liberal Democratic Party: Ministry of Finance, Ministry of Justice, Ministry of the Interior, Ministry for Foreign Affairs and European Integration, and Ministry of Health;
 - four ministries for the Liberal Party: Ministry of Defence, Ministry of Youth and Sport, Ministry of the Environment, and Ministry of Transport and Road Infrastructure;
 - four ministries for the Democratic Party: Ministry of Economic Affairs (it should be noted that the Minister of Economic Affairs also holds the rank of Deputy Prime Minister), Ministry of Regional Development, Ministry of Labour, Social Affairs and Family Affairs and Ministry of Culture;
 - three ministries for the "Moldova Nostra" Alliance: Ministry of Agriculture, Ministry of Education, and Ministry of Information Technology and Telecommunications.
6. The negotiations on the resolution of the Transnistria conflict will be led by the deputy Prime Minister on behalf of the government.
7. It should be noted that one of the first decrees issued by the new acting President of the Republic concerned the abolition of the visa regime for citizens of Romania. The visa regime was introduced by the former government following the post-election events of 7 and 8 April 2009. The abolition of the visa regime is certainly a measure which goes in the right direction towards easing the tensions created with Moldova's neighbour Romania.
8. On 18 September 2009, the Parliament also passed amendments to the law on citizenship, abolishing the prohibition of the holding of high public offices by Moldovan citizens who have dual nationality. It should be remembered that, in the case of *Tanase and Chirtoaca v. Moldova* (judgment issued on 18 November 2008, application No. 7/08), the European Court of Human Rights concluded that this prohibition contravened Article 3 of the Protocol to the European Convention on Human Rights, as well as the European Convention on Nationality, which Moldova ratified on 30 November 1999. In Resolution 1666 (2009), the Assembly had requested the suspension of application of these provisions pending the judgment of the Grand Chamber of the European Court of Human Rights in this case.

9. Recent political developments show that the democratic process is working in Moldova, and that the political transition is taking place in strict compliance with the Constitution. The new parliamentary majority is gradually taking in hand the administration of the country, and the Communist Party of Moldova seems to be playing its role of opposition party in full. This is all the more important for the fact that Moldova, like other countries of the region, has been badly affected by the economic crisis. In order to deal with the effects of the crisis, the country needs stable and operational institutions. The appointment of a new government is therefore a positive development.

10. That said, we note that the recent developments have brought no changes whatsoever in the political situation within parliament: the majority coalition on its own cannot elect a President of the Republic, since it falls short by eight votes of securing the necessary majority. Negotiations with the opposition are therefore necessary in order to reach a consensus and avoid another dissolution of parliament. The Assembly should therefore reiterate its appeal to the majority coalition and the opposition to fulfil their post-election responsibilities and to engage in meaningful negotiations, so as to reach agreement on the election of a President of the Republic.

Appendix

Proposed amendments to the draft resolution contained in Doc. 12011

Amendment 1

In the draft resolution, replace paragraph 6 with the following new paragraph:

“6. The Assembly notes that the elections of 29 July 2009 have changed the balance of Moldova’s political forces. It also notes that the political transition is taking place democratically and in compliance with the Constitution. It welcomes the appointment of the new government, which it expects in the near future to start on the necessary reforms requested by the Assembly in its previous resolutions, in full co-operation with the Council of Europe.”

Amendment 2

In the draft resolution, after paragraph 6, add the following new paragraph 7:

“7. However, the Assembly notes that, following the elections of 29 July 2009, no political force in parliament has the majority required to elect a President of the Republic, for which 61 votes are required. The Assembly therefore calls upon the new majority coalition and the opposition to engage in meaningful negotiations in order to break the deadlock and bring about the election of a President of the Republic.”