



USAID | **MOLDOVA**
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MOLDOVA DEMOCRACY AND GOVERNANCE ASSESSMENT

FINAL REPORT

APRIL 2010

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Submitted to:
USAID/Moldova

Prepared by:
Sue Nelson, Team Leader
Dr. Lawrence Robertson, Political Scientist
Dr. Steven D. Roper, Political Scientist
Caryn Wilde, Democracy and Governance Advisor, USAID/Moldova

Contractor:
Democracy International, Inc.
4802 Montgomery Lane
Bethesda, MD 20814
Tel: 301-961-1660
www.democracyinternational.com



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DISCLAIMER

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

The report was written in February 2010 immediately following the field work. Relevant portions were updated following the March 2010 Constitutional Court decision that Parliament needed to be dissolved and new elections held.

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ACRONYMS AND ABBREVIATIONS

ADR	Alliance for Democratic Reform
AIE	Alliance for European Integration or Coalition
AMN	Our Moldova Alliance
APEL	Association of Electronic Press
AVC	Audio Visual Council
CCECC	Center for Combating Economic Crimes and Corruption
CEC	Central Electoral Commission
CIS	Commonwealth of Independent States
CSO	Civil Society Organization
DCHA/DG	USAID Bureau for Democracy, Conflict, and Humanitarian Assistance, Office of Democracy and Governance
DG	Democracy and Governance
EC	European Commission
ECHR	European Court of Human Rights
ENP	European Neighborhood Policy
EU	European Union
EUBAM	European Union Border Assistance Mission to Moldova and Ukraine
FDI	Foreign Direct Investment
FP	Popular Front
GDP	Gross Domestic Product
GOM	Government of Moldova
ICT	Information Communications Technology
IMF	International Monetary Fund
INL	International Narcotics and Law Enforcement Affairs Bureau (DOS)
IPP	Institute for Public Policy
LP	Liberal Party
LPA	Local Public Authorities
MASSR	Moldovan Autonomous Soviet Socialist Republic
MCC	Millennium Challenge Corporation

MCC TCP	Millennium Challenge Corporation Threshold Country Program
MOF	Ministry of Finance
MOJ	Ministry of Justice
MP	Members of Parliament
MSSR	Moldovian Soviet Socialist Republic
NIJ	National Institute of Justice
NGO	Non-Governmental Organization
NGOSI	NGO Sustainability Index
NORLAM	Norwegian Rule of Law Mission
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
PCRM	Party of Communists of the Republic of Moldova
PDAM	Agrarian Democratic Party of Moldova
PGO	Prosecutor General's Office
PDM	Democratic Party of Moldova
PLDM	Liberal Democratic Party of Moldova
PM	Prime Minister
PRI	Prosecutorial Reform Index
ROL	Rule of Law
SCM	Superior Council of Magistrates
TRM	Teleradio Moldova
UNDP	United Nations Development Programme
U.S.	United States
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics
VL	Voter Lists

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EXECUTIVE SUMMARY

Compared to other post-Soviet states, Moldova has developed relatively robust democratic institutions and practices since its independence in 1991. It has had regular elections and the rotation of power among parties. At the same time, it still suffers from legacies of overly centralized systems and excessive executive control. Its political parties are highly personalistic and polarized, and manipulate the rules of the game for their own political and economic ends. Its society is divided, lacks trust in state institutions and is disillusioned with democracy as it is played out in Moldova.

Snap parliamentary elections in July 2009 brought a pro-European governing coalition into power with a reform agenda. But the new coalition's inability to elect a president means new elections will be required, which limits its tenure and reduces its ability to effect meaningful change. Public support for reform could also be lost with the tough economic times. Success in these reform efforts must be visible in the near term to avoid democratic backsliding, and continued international assistance will be necessary.

BACKGROUND

Moldova is divided between east and west. It borders the European Union (EU) and most of its population shares roots with Romania and favors European integration. Others, particularly ethnic minorities, have linguistic and other ties with Russia. It is the poorest country in Europe and has been hard hit by the global economic crisis. It has limited economic development opportunities and an estimated 40 percent of its work-age population is working abroad. It has a frozen conflict in its Transnistrian region along the Ukraine border, which remains a major constraint to Moldova's development, with Russia providing both political and military support to the secessionist regime.

From 2001 to 2009, the Party of the Communists of the Republic of Moldova (PCRM) was in power under President Voronin. This was an increasingly authoritarian regime characterized by the concentration of power within the executive branch, constrained competition, and growing apathy of Moldovan citizens. Elections in April 2009 brought a PCRM majority back into parliament, but they did not have the votes to elect the president, and new elections were held in July 2009. These elections brought a coalition government into power (the Alliance for European Integration - AIE or Coalition), but it too was unable to garner enough votes to elect the president.

At the time of the assessment in January and February 2010, the big question was if and when parliament would be dissolved or if the constitution would be amended to change the way the president was elected. The Constitutional Court subsequently ruled in March that parliament must be dissolved if it had not elected a president and that parliament could only be dissolved once a year, which extended the AIE's mandate until at least June 2010.

THE DG PROBLEM

Moldova has problems in all five elements of democracy and governance identified in the Democracy and Governance Framework -- consensus, rule of law, competition, inclusion, and governance. Many of these stem from its divided society, polarized politics, and the concentration of power in highly centralized systems dominated by the executive and personalistic ruling political parties, which dominate the competitive arena creating an imbalanced playing field and weakening the checks and balance system, perpetuating the problem. The judiciary lacks independence, parliament and local government are marginalized, opposition parties are fractured, and the media sector is dominated by a few controlled outlets. This, in

turn, limits accountability, government transparency, and broad-based participation, which breeds citizen apathy and mistrust. These problems are inter-related and mutually reinforcing.

Issues of consensus and competition and, by extension, inclusion emerged during the Assessment as fundamental problems. Moldovan society is divided on fundamental issues of identity broadly defined. Its different regions have their own historical ties and cultures, shaped by their different ethnicities and relations with Romania, Russia, Turkey and others. This is reflected in different cultures, languages, and interests. Deep divisions prevail among these groups as to the type of political system that should be used, the national language, and even the country's borders. Transnistria is only the most visible manifestation of these problems. While the majority of Moldovans are of Romanian descent¹ and agree on a western approach and basic framework of government, no consensus exists on the type of electoral system or the constitutional changes needed to improve the system.

Language has been the vehicle through which ethnic tensions largely play out and is linked in important ways to economic, social, and occupational mobility. Most parties and their interests and constituents can be identified through their use of language and their position on the name of the state language. The state language is linguistically Romanian but is officially called Moldovan. Whether it remains labeled as "Moldovan" or "Romanian" is a highly charged and divisive issue directly relating back to these issues of identity and divergent interests. When coupled with the concentration of power and the domination of resources by a narrow group of interests, these differences can result in serious problems of inclusion and equal treatment, within the center, between the center and the regions, and for the different populations, especially for the poor and ethnic minorities.

Although Moldova has a relatively competitive environment with space for different ideas and participation, the lack of a democratic political culture and the excessive concentration of power in the ruling party impairs the quality of competition. This has resulted in an imbalanced playing field, controlled media outlets, and misuse of state resources for the party's own benefit. The ruling party can use its majority in parliament to legitimize its actions by formalizing them in legislation and it weakens other branches and accountability mechanisms through its regulations and control of the state budget. It also used its control over the justice system to harass opposition and obtain supportive rulings. This directly reduced the ability of others to compete fairly or participate effectively. It also means the checks and balances that should limit these actors from dominating the systems and hold them accountable do not function well. This has been a factor in every sector. The economic sector is dominated by those with political and other connections and freer competition is limited by over-regulation, unequal access to capital, and corruption. The media sector is dominated by the former state media, which attracts most of the advertising and was used as a tool of the state.

An encouraging sign is that voters have been willing to vote entrenched parties out of power and that these parties have acceded to the will of the voters and left office when defeated. Civil society has also been active and able to participate in some cases, although its lack of a constituency and dependence on donor funding limit its depth. The Coalition has tapped many leaders from civil society to join its administration, which may have a positive impact on governance but has left some nongovernmental organizations (NGOs) without their leadership.

Moldova has a commitment to the rule of law and its constitutional protections of basic rights. But its institutions lack independence and are widely perceived as politicized and corrupt. Laws lack specificity, leaving too much discretion to prosecutors and judges. Many judges were trained in the Soviet system and still retain that mentality. Money and power can influence decisions and Voronin commonly used lawsuits to harass political and economic opponents. The European Court of Human Rights (ECHR) has be-

¹ State Department, Country Notes, Moldova

come Moldovan's court of last resort and is one of the few real checks on the justice system. The number of judgments against Moldova is substantial, as are the fines, although many remain to be paid. A more proactive and independent judiciary may be possible with the political commitment of the AIE. With such a judiciary in place, continued strengthening of the sector to improve enforcement of laws would directly improve issues of competition, accountability, and many of the other DG problems found.

A lingering Soviet-era institutional culture, overly centralized systems, and partisan influence limit the quality of governance. Few incentives exist for better governance-- salaries are low, public demand is low, and job security depends in great part on relations to the party in power. A widespread perception of unchecked corruption is aggravated by the lack of public information and bureaucratic opaqueness. The AIE came into office at a difficult time, with an economic crisis and a massive budget deficit. Implementing reforms and obtaining international support require tough fiscal measures that will reduce social protection programs and increase tariffs. None of these issues have been adequately communicated to the people, and without adequate information, the reforms may lack legitimacy and popular support. Making these types of reforms in an election year comes with the added difficulty that it can translate into lost votes for the AIE in favor of the PCRM.

ACTORS AND ARENAS

Moldova has the range of institutions and actors required for a democratic form of government. The main problems stem from the imbalances between the institutions and the excessive control by the central executive. This limits the ability to curb abuses of power and to bring the situation back into equilibrium. The Team found that the dominant actors are the political parties, followed by the AIE coalition, and the Prime Minister. One of Moldova's key challenges is to develop a more balanced government and political party system in which other institutions, actors, and citizens can more effectively participate, where the processes are more transparent and equitable, and where public actors are held accountable by the formal institutions as well as by the media, citizens, and opposition parties.

Although the legal sector has undergone substantial reform and benefited from large scale international assistance, problems with judicial independence, access to justice, enforcement of judgments, public trust, and corruption continue to exist. The Team heard many allegations of collusion between judges, prosecutors, police, and defense attorneys in the legal decision making process. Oversight is weak but slowly improving. Reform of the justice sector is an AIE priority and it has already taken some encouraging steps, such as privatizing the bailiff system and passing a new public defenders law. If the rule of law were more consistently enforced, this could help resolve many of the problems found in the other areas since it would help protect minority rights and curb the excessive power that led to some of these structural imbalances. The move towards EU integration also requires alignment of Moldovan judicial practices with EU standards. These changes, coupled with the judgments coming out of the European Court of Human Rights (ECHR), advice from the Venice Commission, and donor-funded rule of law (ROL) programs are changing some practices and legislation. For example, the mandate of a senior judge in Chisinau was not renewed because so many of his cases were successfully challenged in the ECHR.²

Political parties are the central players in Moldova's political and electoral processes. They dominate the political space and are tied into economic interests and competition. Parties are the means to enter government, control the government, and act as the primary opposition when out of government. Moldovan parties are highly centralized and dominated by their leaders. The fact that they tend to lack clearly articulated ideologies leads to a fragmented political system, which weakens links with constituents and checks and balances. The PCRM is the most institutionalized party and has shown itself to be a strong opposition

² Interview with member of the Superior Council of Magistrates.

party. However, it tends to play a spoiler role with its populist approach. Although elections are generally well administered, there are allegations of ruling party bias. In recent elections the accuracy of the voter list became a highly politicized issue and is still widely perceived as a major problem. At the time of the assessment, the AIE had not yet announced a date for the next parliamentary elections. The general consensus among most experts at the time was that these elections would most likely be held in October 2010 and that domestic and international actors were likely to apply pressure to ensure that they did not slip into 2011. Ruling on this matter in March 2010, the Constitutional Court's noted that the law did not provide for the specific terms on when an acting president should dismiss parliament, which created some confusion and the possibility for another challenge in the Court. In the economic arena, conglomerates, over-regulation, and a lack of incentives for domestic and foreign investment limit competition.

The governance area continues to be highly centralized and dominated by party leadership and the national executive. This results in marginalizing important institutions such as parliament and local government, eliminating their ability to serve as effective oversight mechanisms or means to represent their constituencies. Voronin concentrated power in the presidency based on his leadership of the PCRM party, which also had a parliamentary majority. Under the AIE the acting president is the Speaker of Parliament who has much less power because he is the leader of a smaller party widely seen to be in decline. The Prime Minister's Office now serves as the focal point for government action and reforms, but it is under-staffed and lacks the capacity and a full term to implement the AIE's ambitious agenda. Public administration is outdated, politicized, inefficient, and lacks resources, especially with the current budget crisis. Corruption is systemic, especially in key areas such as customs and licensing. Decentralization, including fiscal decentralization, is on the Prime Minister's agenda and enjoys support by a large number of donors. If accomplished, this could help strengthen local governance and service delivery, but major actions in this regard are unlikely until after the next election. Improving governance would also help reduce problems found in the assessment because it would make government more accountable and responsive to the needs of the public.

Moldova has a relatively large and vibrant group of civil society organizations (CSOs). Their involvement provides a key means to improving the quality of political competition and the imbalances in the playing field, both through advocacy to improve the processes and through watchdog oversight to improve accountability. CSOs engage in advocacy and monitoring with donor funding, but their efficacy is mixed. Most are in the capital and have weak links to constituencies. They are not financially sustainable and their missions are driven by available funding. Most suffer from institutional weakness and dependence on their leaders, many of whom have entered the new government. The impact of these moves on government and within the civil society sector could not yet be determined.

The media are also active, but are classified by Freedom House as "not free"³ due to the difficulty the opposition has accessing the media in the elections and government restrictions. The public broadcaster, Teleradio Moldova (TRM), has national reach and audience, but was used systematically in the past as a tool by the ruling party. New TRM management was being competitively recruited during the Assessment, but changing embedded practices and mentalities about political guidance will be difficult – for the TRM as well as for the government and political parties. Two new Romanian-language cable TV stations recently entered the primarily Russian-language dominated broadcast sector. When operational, these stations should increase media diversity and the news available to those citizens with access to cable and satellite dishes. A greater diversity of news can be found in the print media, on the internet, and within Chisinau than in the broadcast sector. There seemed to be a correlation between the diversity of the media and political pluralism, which the team noted in Chisinau. Elsewhere there was little diversity of news or pluralism.

³ Freedom House, Freedom of the Media, 2010

The international community plays a major role in Moldova. Russia still has business and political interests in the country and even though it signed the Istanbul Agreement committing to the withdrawal of its troops from Transnistria, its influence remains. Romania shares a common language and history with many Moldovans. It is Moldova's largest trading partner and now that it is part of the EU, many Moldovans have obtained Romanian passports. The EU is Moldova's largest market. It supports peace and security in Moldova, especially since Romanian entry has brought the EU border into direct contact with Moldova. Romania's engagement with Moldova on the process of EU integration is slowly bringing Moldovan laws and practices into line with European norms, which will strengthen the democratic and competitive processes in the country. Many international organizations assist with this process, including the Organization of Security and Co-operation in Europe (OSCE) and the Council of Europe. The United States (U.S.) supports the process of Euro-Atlantic integration through its Embassy and USAID mission and its programs seek to make Moldova a more prosperous democratic country through strategic objectives of governing justly and democratically, economic growth, peace and security, and humanitarian assistance.

PROGRAMMATIC RECOMMENDATIONS

The team concluded that the primary democracy and governance problem in **Moldova is its divided society, polarized politics, and the concentration of power in highly centralized systems dominated by the executive and personalistic political parties.** The resulting competitive imbalance and weakened checks and balances perpetuates the problems found across the areas and have direct impacts on issues of legitimacy, representation, and participation. The team believes that the most effective way to address this problem is to focus on the competitive arena, specifically, the excessive concentration of power, ineffective checks and balances, lack of accountability, lack of transparency, polarized politics, and personalized parties.

As a result, the Team recommends USAID seek to **strengthen political competition and enable more transparent and accountable democratic governance.** Strengthening policy making and oversight mechanisms to improve the framework for and enforcement of fair competition, party and coalition building to improve the quality of their participation and the development of the political system, strengthening local government so it can handle its decentralization responsibilities, and strengthening the judiciary and other accountability mechanisms to enforce the rule of law will improve the quality of competition and lead to a more balanced distribution of power. This, in turn, will improve many of the problems found in the other DG areas as many of these problems are inter-related. This needs to be addressed from both the supply and demand sides. The political will for reform expressed by the AIE government during the assessment provides a window of opportunity for USAID to directly address some of these key issues, which is even more important given the expectation of elections in the near term.

Recommended programmatic areas in order of priority are:

Strengthening democratic competition to address playing field issues, broaden participation, and increase accountability of political actors by further supporting political parties (institutionalization, coalition building, internal democratization), strengthening the electoral process (elections administration, voter information, CSO observation), and professionalizing the media (training);

Strengthening the rule of law to reduce impunity, increase access to justice, and strengthen the independence of the judiciary by further supporting the professionalism of the judiciary (training, expertise, CSO advocacy); strengthening legal associations (bar and judges); and strengthening oversight of legal and judicial processes and training (expertise, training, CSO/media watchdogs); and

Strengthening the quality of governance by improving public policy making (parliament, CSOs); strengthening advocacy and oversight mechanisms (training of targeted parliamentary committees, media,

and CSOs); and strengthening decentralization and ability of local governance in pilot areas to effectively fulfill their new roles and responsibilities.

1. INTRODUCTION AND BACKGROUND

1.1 ASSESSMENT OBJECTIVES AND METHODOLOGY

This Moldova Democracy and Governance (DG) Assessment was undertaken under the auspices of the USAID Office of Democracy and Governance (DCHA/DG) and USAID/Moldova. It provides an analysis of the salient DG problems facing Moldova and, in light of them, recommends a set of program ideas for USAID that will strengthen democratic governance in the country. The Assessment findings and analysis are based on the information collected during three weeks of field work carried out in Moldova in January and February 2010, and from a review of available documentation.

This Assessment follows the framework found in USAID's handbook, *Conducting a DG Assessment: A Framework for Strategy Development*.⁴ This framework guides the political analysis of a country, leads to program choices, and incorporates lessons from comparative experiences. The framework uses a four-step process to develop a DG assistance strategy for a country:

1. Identify the DG problem through analysis of five key attributes of a democracy (the degree of **consensus** on rules and fundamentals, the degree to which the **rule of law** is respected, the degree of **competition**, the quality of political **inclusion**, and the level of **good governance**) and determine the direction of change on the democratic development continuum.
2. Identify the key actors and attributes of a country, how the game of politics is played, and its relation to a democracy.
3. Identify the key institutional settings where the political game is played, and the formal and informal rules that guide competition by political actors in these arenas.
4. Distill the assistance strategy by filtering the practical constraints faced by donors, their interests, and comparative advantages and by what other assistance is already being provided.

Democracy International conducted the DG Assessment for Moldova using an assessment team composed of four experts: Sue Nelson, a democracy and governance expert and Team Leader; Dr. Lawrence Robertson, a political scientist and former Democracy and Conflict Advisor for USAID's Bureau for Europe and Eurasia; Dr. Steven D. Roper, Professor of Political Science at Eastern Illinois University, and Caryn Wilde, the Democracy and Governance Advisor for USAID/Moldova. The Team was assisted in Moldova by Elena Dolgii for interpretation and logistical support.

While in Moldova, the Team met with a wide range of political, civil, and international actors (see Appendix 4 of Persons Met), and reviewed relevant documentation and reports related to the state of democratic development and assistance in Moldova (see Appendix 5 for List of References). The Team undertook site visits in Chisinau to institutions such as the Parliament,⁵ the Prime Minister's Chancellery, the Ministry of Justice, the Constitutional Court, the Central Electoral Commission, the Audio Visual Council, multiple political party headquarters, and international donor organizations. Weather limited the number of field trips possible during the Assessment, but the Team did visit local government offices, courts,

⁴USAID: *Conducting a DG Assessment: A Framework for Strategy Development*, 2000.

⁵ Currently lodged in the Ministry of Agriculture as the Parliament building had not yet been repaired following the destruction in April 2009.

and other institutions in Comrat (Gagauz Yeri), Bacioi, and Durlesti. The Team also met with several Transnistrian stakeholders and actors in Chisinau.

1.2 MOLDOVA BACKGROUND

MOLDOVAN IDENTITY: BETWEEN EAST AND WEST

Modern-day Moldova is a reflection of its turbulent past and geographical location, which continues to shape its nation- and state-building processes today. Lying at the crossroads of Europe and Asia and between the East and West, Moldova is a conglomerate of different ethnicities, languages, customs and systems. Today, it borders the European Union. Most of the population favors European integration and shares roots with Romania.⁶ However, others, particularly the ethnic minorities, have linguistic and ethnic ties with Russia and other areas.

Moldova has been divided and changed hands frequently between the Turkish (Ottoman) Empire, Russia, Romania, and the Soviet Union. In recent history, the area between the Prut and the Nistru River, known as Basarabia, was part of “Greater Romania” (1918-1940). Most of its inhabitants spoke Romanian and embraced European culture. The area of Transnistria, east of the Nistru River, was oriented towards Ukraine and spoke Russian. Gagauz Yeri, an area in the south-east of the country settled by ethnic Turks and Bulgarians who spoke Gagauz and Russian, was also oriented more towards Russia.

By 1940, Basarabia and Transnistria were incorporated into the Moldovan Soviet Socialist Republic (MSSR), and were Sovietized after the Second World War. As a result, the MSSR became a Russian-speaking community. Immigration of primarily ethnic Russian industrial workers caused the majority of the population of many cities to become heavily Russified. Throughout the Soviet period, leaders encouraged the creation of a distinct Moldovan nation, severing its Romanian connections. As part of the policy of Russification, the language’s name was changed from Romanian to Moldovan and the alphabet was changed from Latin to Cyrillic. Russian became the language of inter-ethnic communication and public life.

By mid-1988, Gorbachev’s reforms allowed Moldovan intellectuals and the pro-Romanian opposition to form the Popular Front (FP), which advocated for democratization and redress for discriminatory practices imposed upon the ethnic majority Moldovan population. In August 1989, the Moldovan Supreme Soviet proclaimed Moldovan, with Latin script, as the state language, which Russian speakers in Transnistria and elsewhere in Moldova refused to acknowledge. Moldova elected its last Soviet-era parliament in

Moldovan Timeline

14th -15th Centuries: Independent Principality of Moldova (Stefan the Great)

16th Century: Ottoman Turkish rule

1812: Russia acquires eastern Moldova (Basarabia)

1918: Basarabia declares independence and in 1918 becomes part of Romania

1924: USSR establishes the Moldovan Autonomous Soviet Socialist Republic (MASSR), territory east of Nistru River

1939: Basarabia ceded to USSR by Nazis under the terms of the Molotov–Ribbentrop Pact. In 1940, USSR merges it with MASSR to form Moldovan Soviet Socialist Republic (MSSR)

1941: Romania re-gains Basarabia

1944: USSR retakes Basarabia and re-establishes Moldovan SSR

1991: Moldova declares independence

⁶ IPP Poll, November 2009. Yes: 62.9 percent, No: 12.4 percent, undecided: 18.5 percent

March 1990. The FP parliamentary coalition held over 66 percent of the seats and the government was composed almost entirely of ethnic Moldovans. Their nationalist policies, such as the change from Cyrillic to Latin alphabet, alienated various ethnic minorities and contributed to separatist sentiments in the areas of Transnistria and Gagauzia.

FRAGILE COALITIONS AND CONSTITUTIONAL CHANGE (1991 - 2001)

Moldova's proclamation of independence in August 1991 escalated Transnistrian demands for independence. Clashes in 1992 took place along the Nistru River between the Moldovan military and Transnistrian paramilitary forces, which benefited from the equipment and personnel provided by the Russian 14th Army located in Tiraspol. After a brief civil war in which over a hundred people were killed, Russian troops, labeled as peacekeepers, intervened to stop the fighting and never left. Their presence has enabled Transnistria to remain a secessionist region outside Moldovan control. The FP party, perceived as partly responsible for the war with Transnistria, lost popularity and parliamentary seats, endangering its majority.

The first entirely post-Soviet elections in 1994 marked a sharp reversal from the politics of the early transition period. Nationalist and pro-Romanian forces were rejected in favor of better known former Communist leaders who now supported Moldovan independence and accommodation with ethnic minorities. The Agrarian Democratic Party of Moldova (PDAM) gained 54 percent of the parliamentary seats. The Moldovan constitution was ratified in July 1994 and established a semi-presidential regime with Moldovan as the state language. The PDAM was a party of diverse ideological views, but later suffered important defections and by the time of the November 1996 presidential election had lost its parliamentary majority. In the second round presidential elections in December 1996, Petru Lucinschi received 54 percent of the votes, defeating the incumbent president Mircea Snegur.

By the parliamentary elections in March 1998, party formations and alliances within Moldova had changed significantly. Economic reform issues dominated the election campaign and because of the dissatisfaction of many Moldovans with the economy, the recently re-legalized Party of Communists of the Republic of Moldova (PCRM) received 30 percent of the popular vote and approximately 40 percent of the parliamentary seats. The other three parties in the parliament formed a coalition called the Alliance for Democratic Reform (ADR), but tensions in the coalition and between the president and the parliament prompted the resignation of the next two prime ministers.

President Lucinschi held a consultative referendum in May 1999 proposing constitutional changes to increase his presidential powers. However, amendments approved by Parliament required the president to be elected by a 3/5th vote of its members. President Lucinschi vetoed these proposed changes, but parliament overturned the veto.

ONE PARTY CONTROL (2001 - 2009)

Differences between party factions left parliament unable to vote in a new president. As a result, Lucinschi dissolved parliament and announced early parliamentary elections in February 2001. In these elections, the PCRM received 50 percent of the popular vote and 70 percent of the parliamentary seats. On 4 April 2001, Vladimir Voronin was elected president. With a supermajority in the parliament and control of the presidency and the government, the PCRM now dominated all central state institutions.

In the 2003 local elections, the PCRM won more than 54 percent of the seats on county and city councils and more than 40 percent of the mayoralties nationwide, but lost the important mayoral election in Moldova's capital, Chisinau. Observers from the Organization for Security and Co-operation in Europe (OSCE) noted government interference in the elections and, in particular, the manipulation of the state media.

Labor migration to Europe and the Commonwealth of Independent States (CIS) increased dramatically in the 2000s. As the poorest country in Europe, Moldova's lack of employment opportunities and economic development has resulted in many Moldovans leaving to find jobs abroad. Ironically, the PCRM benefited from these demographic changes as pensioners that remained in the country are part of the Party's voting bloc, while the economically active population that make up a majority of the diaspora is more likely to vote for other parties. In the March 2005 elections, only the PCRM, the People's Christian Democratic Party (PPCD), and the Democratic Moldova bloc (consisting of the Our Moldova Alliance, or AMN, the Democratic Party of Moldova, or PDM, and the Social Liberal Party, or PSL) passed the electoral threshold. The PCRM won 46 percent of the votes cast and 55 percent of the seats. Voronin was re-elected as president by the newly elected parliament with the votes of the PPCD, PDM and the PSL parliamentarians.

The first significant indication of a decline in the PCRM's influence occurred during the 2007 local elections when their overall vote share fell by approximately 10 percent. In addition, a young Liberal Party (PL) candidate, Dorin Chirtoaca, defeated the PCRM candidate in the third round of the mayoral contest in Chisinau. In response, the March 2008 PCRM congress promoted the modernization of the party by elevating several new, younger members to the party's central committee (including Marian Lupu, who became Speaker of Parliament). These changes, as well as the resumption of discussions on the status of Transnistria, were viewed as a prelude to the 2009 parliamentary elections.

RETURN TO COALITION POLITICS AND CONSTITUTIONAL REFORM (2009 - 2010)

The PCRM controlled the presidency, government, and a majority of local state authorities as well as the national media for most of the 2000s. But the results from the 2007 local elections and the popularity of Chisinau's mayor indicated that the party's hold was far from secure. The opposition made several advances in the local elections, and the consolidation of various opposition parties indicated a degree of cooperation that had not existed previously.

In advance of the April 2009 parliamentary elections, the PCRM pushed through several legislative reforms intended to undermine the opposition, including amending the electoral code to raise the electoral threshold to 6 percent and prohibiting the formation of pre-electoral coalitions. It also leaned heavily on its control of the media and state resources. The PCRM won almost 50 percent of the April 5, 2009 popular vote and gained 60 seats in the parliament. Only three opposition parties⁷ passed the 6 percent electoral threshold. International observers noted a "deterioration in the pre-election environment since 2005 that threatened the conditions for competitive elections."⁸ The domestic NGO election observation organization Coalition 2009 characterized the elections as not fair and only partially free. Protests began immediately after preliminary results were announced on April 7, 2009 and turned violent when a small group of young protestors stormed the parliament and presidential buildings. President Voronin characterized the protest as an attempted coup organized by the opposition with the support of the Romanian government, while opposition parties claimed that the PCRM instigated the violence. International and domestic observers condemned the government's harsh crackdown on the protestors and "massive campaign of harassment"⁹ after the elections. The repercussions of this event were still evident during Assessment discussions and illustrated the depth of division between members of different parties and ethnic groups.

⁷ The major opposition parties that contested the election included the Liberal Party (PL) led by Ghimpu, Liberal Democratic Party of Moldova (PLDM) led by Vlad Filat, Our Moldova Alliance (AMN) led by former Chisinau Mayor Serafim Urechean, and the Democratic Party of Moldova (PDM) led by Dumitru Diacov.

⁸ European Parliament, Parliamentary Elections in the Republic of Moldova, Election Observation Delegation, April 2009 p 3

⁹ Op Cit, p. 8

Some Russian-language speakers felt a sense of alienation and persecution once the PCRM was out of power, while some Romanian-language speakers were still angry about the brutality of the police and the lack of protection for civil and political rights afforded by the courts.

With the PCRM's majority in the April elections, Voronin was named speaker of parliament even though he retained his presidential office, which had been extended until parliament convened. Thus, he held two of the three most important positions in the country. The PCRM nominated Prime Minister Grecianii as the party's candidate for president, bypassing former Speaker Lupu. The PCRM needed only one opposition Member of Parliament (MP) to vote for Grecianii's candidacy for her to be elected, but because of the events of April 7th and its aftermath, they could not obtain a single opposition vote. After two failed attempts in May and June, President Voronin was forced to dissolve parliament and call new elections.

The July 29, 2009 parliamentary elections occurred in a campaign environment marked by the violence of April 7th and the June defection of former Speaker Lupu from the PCRM to the PDM. The PDM had not passed the electoral threshold in the April elections; however, Lupu was very popular, and his defection to this party was a focal point for the opposition. Given that Lupu was a former member of the PCRM's Central Committee, many within the liberal parties were skeptical of his move to the opposition. Indeed, as a bridge between the Communists and the opposition, Lupu's campaign slogan was to "end the political war" that had engulfed the country since April. While the campaign environment for the July election was different than in April, little changed in the PCRM's use of the media and state resources. Ten parties contested the July elections (the smallest number ever) and much attention was focused on how Lupu's party would change the balance of parliamentary power.

While the PCRM received a plurality of votes (45 percent) and the most seats in parliament (48), the opposition for the first time in almost a decade received a majority of the vote and parliamentary seats. Quickly after the elections, the PL, PLDM, PDM and AMN formed the Alliance for European Integration (AIE) with 53 seats. Mihai Ghimpu of the PL was elected speaker. In mid-September, Voronin resigned the presidency and Ghimpu was named acting president until a vote could occur in parliament. This allowed him to nominate Vlad Filat as prime minister. To elect the president, the AIE needed eight PCRM MPs to vote for the AIE candidate, Lupu. In November, the first election for the president failed as only the AIE MPs participated, and the same occurred in December. As a result, the PCRM demanded that the government call for early elections as stipulated under Article 78 of the constitution. However, Article 85 states that the "parliament may be dissolved only once in the course of a year." This was interpreted by the AIE and subsequently by the Constitutional Court to mean that parliament can only be dissolved after June 16, 2010. The backdrop surrounding this discussion is the possibility that the AIE might amend the constitution to allow either direct election of the president or election by a simple majority in Parliament. These constitutional issues figure prominently in the 2010 political debates because the adoption of a new constitution has been suggested by some in the AIE to avert the need for early parliamentary elections.

2. DEFINING THE DEMOCRACY AND GOVERNANCE PROBLEM

The main challenges to democratic governance in Moldova were assessed by focusing on the five key elements of a democracy identified by USAID's Democracy and Governance Strategic Assessment Framework: consensus, inclusion, competition, rule of law, and good governance. Many of the problems found stem from Moldova's divided society, polarized politics, and the concentration of power in highly centralized systems. This creates an imbalanced playing field and weakens the mechanisms intended to keep them in check and responsive to the needs of the general population. The judiciary lacks independence, parliament and local government are marginalized, opposition parties fractured, and media outlets controlled. This in turn limits accountability, government transparency, and broad-based participation in addition to breeding citizen apathy and mistrust.

The situation was somewhat less apparent at the time of the assessment than it would have been a year earlier. Throughout his eight-year PCRM rule, Voronin systematically accumulated power in his office of president and played an increasingly repressive game to maintain his control. When the assessment interviews took place in early 2010, the AIE coalition had just come into power and was struggling with its inability to elect Moldova's president and subsequent questions of its continued legitimacy to remain in power. However, it had a democratic reform agenda and a determination to put it into practice. But it was too early to tell whether they would be successful and the extent to which they would be able to put their plans into practice and overcome the vested interests and embedded practices found during the assessment.

2.1 CONSENSUS

Moldovan politics generally functions within a broad consensus regarding the acceptance of a democratic system, free market economy, elections, and a peaceful transfer of power. This consensus on the fundamental "rules of the game" combined with international pressure ensures that Moldovan politics operates largely within a democratic framework. While the last three elections have been criticized by the OSCE and domestic observers for the use of administrative resources and manipulation of the state media, the large-scale fraud and intimidation found in many CIS countries does not exist in Moldova. However, while a consensus on the basic tenets of democracy does prevail, no consensus on the structure of the political system or the constitutional changes needed to improve it currently exists. There is a general consensus within political and civil society over the need for constitutional reform in order to avoid successive early elections, but one of the concerns expressed to the Team was that the reforms were being undertaken to re-write the rules of the game in favor of the governing coalition. This has been a pattern in the past. Other possible constitutional changes do not have as broad a level of support. For example, changing the name of the state language was seen as an ethnic and highly charged issue.

A lack of elite coordination and agreement points to another important factor in Moldovan political stability. Assessment interviews with party members in the AIE indicate that no consensus exists within the Alliance on constitutional reform or early elections. Moreover, there is no mechanism within the AIE to build consensus. Given the difficult history of Moldovan coalition governments in the late 1990s, the lack of elite consensus causes concern. The typically hierarchical nature of Moldovan politics means that disagreements within the AIE will filter down to society. The last decade has also shown that the principles of democracy can be severely undermined in the pursuit of political objectives. Given the ethnic diversity and generational differences within society, efforts to change the rules of the game by ruling parties or

coalitions once in power can undermine social cohesion—an issue that the AIE needs to consider as it pursues its pro-European political, linguistic, and foreign policy objectives.¹⁰

Moldovan society faces deep divisions on many issues. The frozen conflict with Transnistria provides the most visible sign of these divisions on issues such as language and ethnicity, as well as on the nature of democracy and type of political and electoral systems. Gagauz Yeri provides yet another example. While Moldova adopted a unitary system of government at independence, this was not accepted by the Gagauz who attained autonomous region status through the 1995 law on Gagauz Yeri and still advocates a federal system of government for Moldova. Substantial distrust remains between the central government in Chisinau and authorities in the regional capital of Comrat.

Moldova also lacks consensus on key issues such as the country's international orientation (i.e., East versus West) and on its past (i.e., the virtues of democracy and a free market economy versus nostalgia for the Soviet Union). Although the current government places European integration as its highest priority, the November 2009 Institute for Public Policy (IPP) Barometer of Public Opinion shows that almost half of the population regrets the disintegration of the Soviet Union and that much of the division within society is generational, with young people supportive of democracy and Europe. Even the PCRM and its more elderly constituency recognize that the European Union is a key market, an important donor and direction for the future of the country.

2.2 INCLUSION

Problems of consensus are integrally connected with issues of inclusion. Although the constitution and legal framework guarantee equal rights for all citizens, there are significant problems with inclusion across all sectors of Moldovan society, polity, and economy. More than three-quarters of Moldovans are of Romanian descent and primarily speak Moldovan,¹¹ while ethnic minorities mainly speak Russian. Many Russian speakers today still do not speak Moldovan and during interviews those groups said language was a major barrier to their interactions with and trust of the government. Generally, adult Moldovan-speakers also speak Russian. Politicians immediately use suggestions of calling the language Romanian instead of Moldovan to stir up nationalist sentiments, increasing the unease of Russian-speaking minorities.

The August 1991 Declaration of Independence named the official language “Romanian.” The 1994 Constitution, written by supporters of Moldovan independence and accommodation of ethnic minorities, declared the state language as “Moldovan,” written in the Latin script, and protected the right to use Russian. To reduce tension, the national language is referred to as the “language of the state.” The word “national” is avoided because it is perceived as ethnic. NGOs working on inclusion issues felt playing a nationalist card in politics or removing Russian as a language of inter-ethnic communications for state business was dangerous given the language tensions and the need to resolve the situation with Transnistria.

Issues of inclusion in Moldova are more complicated than other CIS countries such as Ukraine where there is an East/West and Ukrainian/Russian division¹². In Moldova, there are ethnic Moldovans, ethnic Romanians, and Russian-language speakers (predominately ethnic Russians and Ukrainians, along with smaller minority groups including Gagauz and Bulgarians). The debate in Moldova over the naming of the state language has larger identity implications. For some, the question remains whether re-naming the

¹⁰ Outlined in Activity Program of the Government of the Republic of Moldova, “European Integration: Freedom, Democracy, Welfare” 2009 -1013

¹¹ U.S. State Department, Country Notes: Moldova.

¹² Basis for discussion on language and ethnicity were Assessment interviews and Steve Roper's Introduction to Moldova, 2010

state language “Romanian” denies the existence of a Moldovan ethnic identity. This issue goes back to the Soviet-era theory of “Moldovenism,” which emphasized that the languages were distinct, and therefore, Moldovan was a distinct identity separate from Romanian.¹³ Today, most Moldovans recognize that the two languages are not distinct; however, the similarity in the languages does not mean that a separate Moldovan identity does not exist.

The Gagauz minority represent 4 percent of the population¹⁴ and are further isolated from national polity and society than the Russian-speaking minorities. They speak a dialect of Turkish with Russian as the primary language for education, employment, and government. National institutions, such as the courts, use Russian in Gagauz Yeri, but translate everything into the state language for record keeping purposes. However, the Gagauz want their autonomy, and as the governor told the Team: “We have no debates around our language. We speak Gagauz. We will respect whatever Chisinau picks, but don’t rename our language.”

The law prohibits discrimination, but this is not always respected in practice. Roma are one of the most disadvantaged groups. According to the State Department Human Rights report, they face violence, harassment, and discrimination, including being denied access to health care and employment. The official number of Roma is reportedly 11,600, but Romani NGOs estimate there are 250,000 Roma in Moldova, including 100,000 of voting age. Eighty percent of Romani school-aged children are reportedly illiterate.¹⁵ Small groups of other ethnic minorities also exist. According to local NGOs, these groups, such as Poles, Russians, Ukrainians, and Jews, live separately and have their own associations. Rural populations are also usually isolated and the poor are excluded from national discussions and decision-making. Public officials generally respect freedom of religion, but the Moldovan Orthodox Church possesses special status and privileges that other religions do not, such as a diplomatic passport for the Church’s leader.

Women face social as well as economic barriers to participation in politics and business and do not share equal treatment before the law. Few women have the independent means needed to get ahead in politics or within a political party. Women in politics who spoke to the Team said even if a woman candidate came with means to a party, she would still be put at the end of the list. There are 25 women MPs out of a total of 101 MPs elected in July 2009, but few women occupy positions of leadership. Participation and position within parties depend on the ability to bring votes and resources into the party. Men have more resources, are in the old-boy’s network, and are placed ahead of women. Within the business sector, women’s advocates said that women earned 20 to 30 percent less than men. Women are largely seen as the primary caregivers for children. Although the law provides some protection for working women, employers do not always respect the laws. Women have few resources to help invoke their rights, thus even daycare becomes an economic barrier to participation. Domestic abuse is also a serious problem, with surveys showing that more than 40 percent of women have been victims of violence.¹⁶ Although a 2008 law on domestic violence is in effect, many women are not aware of its protections or fear social stigmatization if they report abuse. Trafficking of persons is also a problem and Moldova is a Tier 2 Watch List country for the second year in a row.

¹³ Charles King. 2000. *The Moldovans: Romania, Russia, and the Politics of Culture*. Stanford: Hoover Institution Press.

¹⁴ U.S. State Department. Country Notes: Moldova.

¹⁵ U.S. State Department. Human Rights Report, Moldova 2009.

¹⁶ U.S. State Department, Human Rights Report Moldova, 2008

2.3 COMPETITION

Moldova has a relatively competitive environment with space for participation. It has a multi-party system, a free market economy, and an active civil society sector. But the quality of competition and its freedom and fairness do present a problem. The system is highly centralized and personalized, with power across the sectors concentrated in a few hands. Those in power have been able to use their positions and connections to dominate key public offices, businesses, and the media. This was especially evident during the eight-year rule of the PCRM as found by the 2005 USAID DG Assessment, which contributed to an uneven playing field, increased barriers to free competition, controlled information, and reduced accountability. There are few effective mechanisms in place to check this concentration of power or to balance it.

Moldova has had regular multi-party elections that allow for competition among the parties and the peaceful transfer of power from one elected government to the next. Although international observers from the OSCE found that the 2009 elections were generally well administered,¹⁷ the process suffered from serious playing field issues and a polarized electoral climate that restricted the ability of opposition parties to compete. Before the elections, the PCRM-dominated parliament amended electoral legislation to restrict dual nationals from holding high-level public office; increased the electoral threshold from four to six percent; and prohibited pre-electoral blocs. This placed the opposition at a disadvantage for two reasons: (1) because many opposition members had Romanian passports they were thus unable to hold high-level public office, and (2) because the opposition included multiple smaller parties the inability to form pre-electoral blocs, coupled with the increase in the electoral threshold, made it difficult or impossible for some opposition parties to gain representation.¹⁸

The electoral system both supports and limits competition. The single nationwide district and proportional system (PR) limits the ability for one party to win it all. At the same time it distances the people from directly electing a representative because they vote for a party slate instead of an individual who would represent them and their area. The use of relatively high thresholds also makes it more difficult for smaller or regional parties to win seats. The party that wins the majority of seats forms the government, which increases the incentives for parties to try to tilt the competition in their favor. According to Freedom House, problems with the April elections included intimidation of the opposition, use of the court system against opponents, biased media coverage, misuse of administrative resources, manipulation of media (especially through the ruling party's control of the state broadcaster TRM), and the "unprecedented pressure by security forces, before, during and after" the April elections.¹⁹

Competition in the media sector is similarly imbalanced and heavily influenced by the executive. The media sector is still dominated by the former state media (now public media), which were well resourced and used as a tool of the executive. Government media restrictions and control of the advertising market through connections and economic pressure limited the opportunities for a pluralistic and independent media. Most advertising goes into Russian-language media.²⁰ The broadcasting sector, in particular, is more tightly controlled than the print sector. When the PCRM was in power, media outlets were often classified as pro-government or opposition and today much of the media remains politicized with bias in reporting.

¹⁷ OSCE/ODIHR Election Observation Mission Final Report, Early Parliamentary Elections 29 July 2009, p 1

¹⁸ Freedom House, *Nations in Transition*, 2009, Moldova, p 374

¹⁹ *Ibid*

²⁰ Center for Independent Journalism, *An Assessment of the state of the Media in the Republic of Moldova. Is Free and Fair Coverage of the 2009 Parliamentary Campaign Achievable?* 2009

Competition within political parties is constrained by the nature of the parties, personal divisions among elites, and cleavages in Moldovan society. Parties are personalistic, run by one or several key leaders, who control party positions selection and placement of candidates on the party lists and their positions in government, and local office. This lack of internal democracy severely restricts the space for divergent opinions or checks on the leadership. Negotiations over the formation of government and efforts to pick off individual parliamentarians and persuade them to change parties, highlight the closed nature of the Moldovan political system. Individual politicians within parties often chafe under this personalistic control and defect to other parties or form their own, contributing to the fractured party system.

Competition within the government is dominated by the executive. Parliamentary systems, by design, have few checks and balances on the government. The party or coalition in the majority forms the government, thus leaving only the minority parties as a check on governing party or party coalition. They face opposition deputies and parties in committee work as well as in open sessions. In this arena, the control of the microphone by the speaker and vice speakers operates as a way to limit competition. The opposition parties do not form a united opposition, as each party's leader has differing political interests and personal agendas.

The executive has been able to exert control over the judiciary and use it against its opponents. Criminal cases have been brought at one time or another against leading politicians (such as the LP chairman Ghimpu and LDP chairman Filat) for various offenses. Most of these government cases are lost on appeal at the ECHR. Local government and regional politics have not provided much of a check or balance on the central government as both are weak. The main check is the party system and the potential for change of power through elections. If a party is perceived as having gone too far, as was the case in the unprecedented political violence in Chisinau after the April 2009 elections, the voters will vote for other parties.

Organized civil society has served as somewhat of a check on government through its watchdog and advocacy activities, but it is also a reflection of the country and its politics. Most NGOs are dominated by their leaders who may also be politically affiliated. In a small poor country such as Moldova, few NGOs are able to sustain themselves in any niche of activity. There is thus little room for more than a couple of relatively strong organizations in particular areas of NGO activity.

2.4 RULE OF LAW

Moldova has the basic legal structures needed to regulate public and private activities and their interactions. Most Moldovans are committed to the rule of law, but significant issues persist regarding access to justice, independence of the judiciary, and enforcement of judgments. There has been a reform effort underway for the past few years, but efforts are piecemeal and much remains to be done. The reform of the justice sector is an AIE priority and the Coalition did appoint a new Minister of Justice and Prosecutor General, but the assessment took place too soon after their appointment for there to have been an impact, and so most of the findings in this section relate to practices under the previous regime.

Most laws in Moldova are perceived as legitimate because they pass through the democratically-elected parliament. However, ruling parties have changed the rules in the past to benefit themselves or to disadvantage the competition. Laws generally lack specificity, leaving them open to broad interpretation by prosecutors and judges. Legislation and its subsequent interpretation often get challenged in the courts. Constitutional court decisions are accepted by parties and parliament, which is an essential building block for the rule of law. Cases are frequently submitted to the Venice Commission for an opinion. This provides all parties with an objective legal view of the issue that can help depoliticize Court judgments and reinforce the need for their acceptance by political actors. This has also helped to bring Moldovan practices more in line with European standards.

There is law and order, with a relatively low crime rate, but the presumption of guilt generally prevails over the presumption of innocence. The justice system has been used in the past to harass and intimidate political and economic opponents. In the April 2009 elections, the police were allegedly used to harass opposition supporters and arrested demonstrators in collusion with prosecutors and judges. Human rights groups and international agencies also report on ill-treatment of people in police custody and allegations of torture in police stations. During a 2008 mission to Moldova, The United Nations Special Rapporteur found that while some torture cases reached the courts, most complaints mechanisms are ineffective. He also found the holding of people for long periods of time in police jails was inhumane.²¹

There are few effective checks on the justice sector. Oversight bodies, such as the Superior Council of Magistrates, are replete with political appointees and a staff that is under-resourced and undertrained. An appeals system exists, but many cases are subsequently taken to the ECHR on appeal, which has become the ultimate check on the Moldovan judiciary. More than 3,300 cases were lodged against Moldova in 2009, up from 621 cases in 2006.²² ECHR judgments appear to serve as an incentive for both the Ministry of Justice (MOJ) and the judiciary to improve the quality of their decisions, legislation and regulation. In addition to the publicity surrounding these decisions, they have resulted in significant fines for the state and the removal of some judges.

Average citizens lack access to justice and do not trust the system, fearing they will not be treated equally or fairly.²³ There is a widespread perception of corruption in the judiciary. According to the 2009 Judicial Reform Index, nearly 75 percent of people surveyed thought corruption in the courts was a very serious problem.²⁴

Delays and disruptions, often caused by the failure of participants and witnesses to appear, disrupt court proceedings and make them disjointed. The notification system uses the public mail service, and with delivery uncertain, judges hesitate to sanction no-shows. The frequent failure to enforce decisions presents another serious problem. Although the ABA's Judicial Reform Index finds that while improvements have been made in the past two years, the rate of execution of judgments remains under 50 percent.²⁵

2.5 GOOD GOVERNANCE

The AIE has a good governance reform agenda, which includes encouraging decentralization, reform of public administration, and fighting corruption. However, it faces many challenges to implement its ambitious agenda, not the least of which was the uncertainty over the date for the next parliamentary election and the extent of constitutional reforms anticipated at the time of the assessment. In addition, many of the belt-tightening measures required to improve governance will be unpopular. The pro-European parties were concerned that the PCRM could capitalize on citizen discontent to make a comeback in the next election. The economic crisis and budget deficit is a major constraint for the AIE as it leaves few resources for the delivery of services at any level.

Moldova's large and outdated bureaucracy also limits attempts to establish good governance. Much of it is a relic of its Soviet past and the cronyism that developed over Voronin's eight year rule. There are few

²¹ United Nations, Mission to the Republic of Moldova, 2009

²² ECHR, Annual Report 2009, pp 152

²³ Institute for Public Policy, *Barometer of Public Opinion, November 2009*. Only 37 percent of the population surveyed indicated they had trust in the court system.

²⁴ ABA Rule of Law Institute, *Judicial Reform Index for Moldova, Vol 3, 2009*, p 3

²⁵ ABA, *Op Cit*, p 2

incentives for good governance. Salaries are low and job security often depends on personal, economic, or party relationships. There has been little public demand for better governance, although most of the public officials that the Team met with said they regularly received letters from citizens. The Team also noted several small demonstrations in front of the Prosecutor General's Office demanding justice for various issues, including some related to property. Many public officials were characterized in interviews as unresponsive, inefficient, and corrupt. With the AIE, there has been an influx of NGO representatives and Moldovan diaspora into the new government, primarily at higher-level positions. These newcomers are often frustrated by the limited capacity of government at all levels for strategic thinking and implementing programs. Coupled with the embedded attitudes and practices, working in the public sector has become much more difficult than they originally anticipated. Because the new government had only been in office for four months before the Assessment, it was too early to determine if the presence of these more technocratic individuals would make a difference in the government's performance. However, in the short term, their presence has made this government appear to be much more open and approachable than previous governments.

The lack of transparency, consultation, and information sharing present problems at most levels. There is a systemic lack of communication within government and between government and the people. These critical problems need to be addressed for the AIE to be able to implement its reforms and not lose public support. The reform process will require good coordination across government sectors and cuts in social and other programming, which many public servants and citizens will not understand without adequate information. Some consultation mechanisms are being used, but these tend to be formalistic and limited to a small group of elites, and are not dynamic mechanisms for coordination and dialogue. The population also had high expectations following the change of government. Unfulfilled expectations can easily become a political liability if citizens do not understand why their expectations are not being met. This frustration could easily be exploited by the PCRM and others. Polling data show that much of the country is nostalgic about better days. Almost 44 percent of the population surveyed said they would vote to rejoin the USSR if it were an option.²⁶

The government's inability and lack of visible effort to stem corruption is another major issue that is damaging its credibility as well as limiting state revenue collection. According to USAID's recent report on corruption, respondents suggested that if basic salary levels were increased for custom agents, revenues collected could increase by as much as 25 – 30%. If 70% of the government's revenue is from customs, addressing the issues there could result in a substantial increase in government revenue.²⁷ The government has made the decision to merge the economic courts into the regular court system, although this legislation still needed to be adopted by parliament at the time of the assessment. These courts were seen to be a part of the corruption problem as the cases labeled as economic were a way to settle illegal deals and fees between business, judges, prosecutors, and others. More efforts are required to improve accountability as well as to stem corruption and the unethical use of influence.

The highly centralized structures of government, both within the national government and between the national and local governments, have increased the distance between the people and their government. Relationships appeared to be stronger at the local level, where voters directly elect mayors and local councils. Polling data show citizens have a higher degree of trust in local government (57 percent) than in national government (41 percent).²⁸ The three mayors interviewed by the Team appeared to interact with their citizens on a regular basis and were aware of their problems and needs. Local officials, however, are constrained by a lack of local revenue-generating opportunities and their subordinate position to the vari-

²⁶ IPP Poll November 2009

²⁷ Wilcox-Daughtery, Moldovan Customs Service Report, p 6

²⁸ IPP, Op cit.

ous layers of government. Their efficacy in office to develop local projects and initiatives, and their ability to bring in funding from the center and the private sector, also seemed to be directly related to their affiliation with a party.

The move towards EU integration, started under Voronin and accelerated by the AIE, is bringing Moldovan legislation and governance practices more into line with European norms and standards. The EU-Moldovan Action Plan requires review of existing legislation to ensure, among other things, more open trade, an independent and impartial judiciary, and protection of minority rights. Romania's entry into the EU is also a factor, as it serves as a model for Moldova on many levels. These new standards require institutional change in the justice and governance sectors and this process is likely to continue and accelerate as Moldova seeks to move closer to EU accession.

3. ACTORS AND ARENAS

The key actors in Moldova and the institutional arenas within which they operate were assessed to determine how they play the political game and to identify the critical areas where democratic reforms could make the most impact. The Assessment Team found the key actors in Moldova to be political parties, followed by the ruling coalition, and the Prime Minister's office. The political parties were seen to be the most important actors because their actions were determining the political course for Moldova and the quality of its democracy and governance. Parties provide the basis for the parliamentary system of government and the means through which Moldovans compete for power, manage their government, and make public policy. In the last government, the presidency was the key actor, due primarily to the president's personality and his leadership of the PCRM, which also had the majority in parliament. Now, the acting president's party is declining and he lacks the popularity to win a direct election, while the prime minister's party is gaining in popularity and authority.

The key arenas were found to be the competitive arena, followed by the legal arena (particularly the judicial sphere) and governance arena (national and local). These arenas and the primary DG problems found within them are inter-related and mutually reinforcing. The autocratic practices of previous regimes are perpetuated by the weak checks and balances of formal institutions, misuse of the judicial system rather than enforcement of the rule of law, and the lack of political and administrative accountability, which could make the political, economic, and social systems more responsive and equitable. If these arenas can be strengthened so that they are better able to fulfill their democratic functions, the imbalances found within the system should dissipate and limit the ability of any one party or office to dominate the rest. This, in turn, should improve the quality of Moldovan democracy and governance.

The civil society arena is also important in terms of addressing the demand side for more equitable competition and improved accountability as well as for its watchdog and informational roles. The media in particular is important as the control of information and access to media has been one of the tools used by autocratic regimes to limit competition and maintain power.

ARTICLE 78: ELECTION OF THE PRESIDENT

The President of the Republic of Moldova shall be elected by the secret vote of the Parliament. The candidate obtaining at least 3/5ths of the votes cast by elected deputies shall be considered elected. If no candidate obtains the required number of votes, a second ballot shall be held to choose from the two first-placed candidates...If after the second ballot no candidate obtains the required number of votes, repeat elections shall be conducted. If after repeat elections the President of the Republic of Moldova is not elected, the incumbent President shall dissolve the Parliament and establish the date of Parliamentary elections.

ARTICLE 13: NATIONAL LANGUAGE, USE OF OTHER LANGUAGES

The national language of the Republic of Moldova is Moldovan, and its writing is based on the Latin alphabet. The Moldovan State acknowledges and protects the right to preserve, develop and use the Russian language and other languages spoken within the national territory of the country. The State will encourage and promote studies of foreign languages enjoying widespread international usage. The use of languages in the territory of the Republic of Moldova will be established by organic law.

3.1 THE LEGAL ARENA

CONSTITUTIONAL SPHERE

Moldova's constitution is widely seen as legitimate. It provides the framework for a democratic system of government with separate legislative, executive (president and government) and judicial branches and protects fundamental civil and political rights, such as the right to vote, freedom of expression, and due process.

The constitution is protected and interpreted by its Constitutional Court, which is an independent institution separate from the judiciary.²⁹ The Court has been an important safeguard of constitutional rights and, according to the Court, this role has been generally accepted by all political actors since 2000. Since its establishment in 1995, it has rendered more than 500 decisions, all but one of which were enforced.³⁰ Although the Court felt under-utilized due to a reduced number of petitions in the past five years (for unknown reasons), it still received a steady stream of cases. Thirty-six cases were filed in 2009, 26 of which were within their jurisdiction. The PCRM has used the Court since it lost the elections to challenge AIE actions. This included challenging the statute that allowed MPs who became Ministers or took other positions to keep their seat in Parliament for six months and requesting an interpretation of the meaning of the "one a year" provision in the law regarding the dissolution of parliament. Many of the Court's cases are politically sensitive and receive high level attention. The Court has been sending these cases to the Venice Commission for opinions before ruling. This external technical opinion has helped the court deflect political criticism of their judgments and make them more politically acceptable if they go against the interests of the party in power.

The constitution is relatively easy to amend³¹. It was amended in 2000 to change provisions regarding the election of the president, and in 2003 to change the status of Gagauz Yeri. Amendments made by ruling parties that could benefit their party have been problematic. These include Article 78, which requires the dissolution of parliament if it is unable to elect a president, and Article 13, which refers to language (see box, above). In addition, some constitutional articles are ambiguous and could benefit from clarifications. Parliament's repeated inability to elect a president in 2009 generated discussion on the need to amend Article 78. There was widespread speculation during the assessment that the AIE might amend the constitution to avoid parliament's dissolution. This was fueled in part by the creation of a 40 member Commission for Constitutional Reform, reportedly without broad-based consultation and chaired by the Speaker Ghimpu. While the Commission's focus was Article 78, its working group proposed in January 2010 that 69 articles of the constitution be revised, including the one on the state language. However, some of the commission's members told the Team that they needed a political decision from Parliament on the nature of the reforms before proceeding any further, especially on the method for electing the president. The Constitutional Court expected to be involved in this process and told the Team it also had a proposal that would allow citizens to bring cases directly to the Constitutional Court that it wanted included.³²

²⁹ Court consists of six judges, with two nominees from each of the three branches of government.

³⁰ This was a technicality related to a normative act in 2002-2003 that required all identity documents to be in two languages. The court ruled this was unconstitutional. As the court's ruling negated the act, the regulation was struck down, but the Court said it normally received a formal letter from Parliament that acknowledged the ruling and saying the act was void. As the Chief Justice told the Assessment Team: *We are formalistic and we wanted to see the paper.*"

³¹ Amendments require an advisory opinion of the Constitutional Court adopted by a vote of at least four of its judges, and a two-thirds vote of Parliament.

³² This proposal had been voted on in parliament in 2005 but did not pass (PCRM had voted in favor, opposition against).

The constitutional reform process engendered debate on whether to amend or draft a new constitution and on the ratification process it should use. Since the 1994 constitution only allows ratification through a two-thirds majority vote of MPs, the Commission advocated a national referendum to approve the changes.³³ Because the Commission was formed due to the failure of parliament to elect the president, much of the discussion centered on the appropriate method for electing the president. The two basic options at the time included direct election of the president (a return to the pre-2000 constitution) and a modified version of parliamentary election (using absolute and simple majority voting). Polling data indicated that an overwhelming majority of citizens favored the direct election of the president.

3.2 JUDICIAL SPHERE

Moldova's justice sector has been shaped by its post-independence efforts to modernize its legal system and bring it into line with European standards; and by lingering attitudes from its Soviet-era system. Its main problems have been its lack of independence and its ineffectiveness in enforcing the rule of law. These have been major factors contributing to the unchecked concentration of power and resulting imbalances in the system.

Since Moldova became a member state of the Council of Europe in 1995, and signed the European Convention for the Protection of Human Rights and Fundamental Freedoms in 1997, it put itself under the jurisdiction of the European Court of Human Rights. This relationship and the ECHR judgments against Moldova have resulted in fundamental changes in the way Moldova administers justice, including its adoption of an adversarial criminal justice system in 2003. Despite these changes, many of the judges and prosecutors working today were trained under the Soviet inquisitorial criminal justice system and still retain that legal culture. In that system, criminal justice was controlled by the Communist Party, with judges often instructed on how to resolve cases by party leaders and prosecutors.

Although the judiciary is now *de jure* an independent branch, many of these old attitudes and practices remain visible. Cases are still brought through the legal system to harass political and economic opponents both inside and outside of government. For example, mayors who are seen to be too independent or have differences with the central government are frequent targets. This is especially notable in the towns around the capital city of Chisinau, which has overlapping jurisdictions with the central government. Out of 20 past mayors, 18 were said to have had criminal cases filed against them for "Abuse of Power" (Article 328 of the Criminal Code) based on allegations that they exceeded their authority in issuing a decision or influencing a decision of the local council.³⁴ This has resulted in very few independent or unconnected persons wanting to run for local office.

The executive is able to exert control over the judiciary in a number of ways. The judiciary is chronically underfunded and understaffed. The Ministry of Justice's Department of Judicial Administration (DJA), develops the courts' budgets and oversees expenditures instead of the Superior Council of Magistrates (SCM), which is the independent oversight body for the judiciary. The Prosecutor General is able to bring criminal charges against a judge if he believes a judgment deliberately caused the violation of rights which raises judicial fears that they could face prosecution for unpopular rulings. The SCM was used under Voronin to remove judges loyal to opposition parties and replace them with PCRM supporters. Most of the SCM's members were judges appointed by the PCRM, and the increase in the number of law professors (affiliated with the parties in parliament) in 2008 was seen as a means to disguise continuing ex-

³³ The legality of the referendum is found in 1999 Constitutional Court decisions.

³⁴ Interview with Mayor of Durlesti

ecutive control.³⁵ Oversight by the SCM had started to improve after the April 2009 elections, with the replacement of the SCM president and the number of disciplinary actions more than doubling that from 2007 to 2009.

The ECHR has become a primary mechanism for Moldovans to obtain independent justice. Moldova is one of the top ten countries in number of applications submitted. NGO watchdogs, MOJ officials, and judges commented in the Assessment on the number of cases that Moldova has lost (most relating to the right of a fair trial and torture) and the significant amount of fines that Moldova has had to pay-- which are more than three times the judiciary's budget. This has resulted in increased awareness of the need to improve judicial performance and actual improvements in legislation and judicial practices in some cases. For example, ECHR judgments resulted in the amendment of the Criminal Procedure Code articles that allowed for extraordinary review of final sentences and the removal of a blanket prohibition on waiving court fees. In addition, judges told the Team that they paid closer attention to the rules knowing that their cases could end up under ECHR scrutiny.

Citizens also use oversight mechanisms to obtain redress. The SCM receives about 1,000 complaints a year, about a quarter of these made through the Center for Human Rights of Moldova (Ombudsman's Office).³⁶ The Ombudsman's Office, created in 1997 to ensure the enforcement of citizen's constitutional rights, follows up on complaints with state bodies and forwards recommendations for action to the MOJ. The number of complaints to their offices has risen (2,717 in 2007 to 3,576 in 2008), but according to the JRI, it is still trying to strengthen its role as an advocate for human rights.³⁷ A Judicial Inspection Unit was established in 2007 to investigate complaints, but the unit has been slow in becoming operational.

Moldova has a well-defined court system with courts of general jurisdiction at three levels and specialized economic and military courts.³⁸ There is an appeal process with an appellate court in each region and a final appeal to the Supreme Court of Justice (SCJ), which is the highest court in Moldova. The MCC Threshold Country Program renovated three court houses and equipped 41 courts of general jurisdiction with computers and automated case management systems, but the transfer from a paper system to a computerized one is still underway and there are many glitches to be resolved. There is a lack of courtrooms, which forces judges to hear cases in their offices instead of in an open court room. This gives rise to perceptions of impropriety. The backlog of cases continues to grow, including criminal complaints. Turnover of staff is frequent as salaries are low, work volume is high, and clerks, who must have a law degree, move on

ECHR IMPACT ON MOLDOVA'S LEGAL ARENA

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³⁵ SCM is composed of five judges elected by the General Assembly of Judges, four law professors voted on by Parliament along with the Minister of Justice, the President of the SCJ and the Prosecutor General.

³⁶ ABA, Judicial Reform Index Moldova 2009 p 66

³⁷ ABA, Op Cit. p 35

³⁸ There was a law pending at the time of the assessment to merge the economic courts with the general courts.

to higher paying positions in the prosecutor's office or elsewhere once they gain experience. The USAID-funded Judicial Reform Index (JRI) showed little positive change for Moldova in 2009 over its 2007 ratings.³⁹

The perception of corruption is a serious problem. The judiciary and business sector tie as the most corrupt institutions in the country in surveys⁴⁰ and the Team repeatedly heard allegations of collusion between the prosecutors, judges, police, and defense attorneys. Even judges commented that lawyers would give up high paying corporate positions to join the bench, seeing the alleged payment of \$10,000 to \$15,000 as an economic investment.

There have been major efforts to improve the quality of legal system personnel. The National Institute of Justice (NIJ) was created with donor support in 2006 to improve judicial and prosecutorial training. It has good facilities, professors, and curricula and has already resulted in improvements noted in two of the ABA's Prosecutorial Reform Index (PRI) areas. This is primarily related to the fact that prosecutors are now getting more practical training that is grounded in international standards on the rights of the accused. However, with only 20 trainees per 18 month class, and more than 800 prosecutors, changing the mentality and practices in the Prosecutor General's Office (PGO) will be a long-term endeavor. As the first classes had only just graduated at the time of the Assessment, it was too early to determine the impact from this and the judicial training. Still, 80 percent of the judicial positions are supposed to be filled by NIJ graduates, but only two of the first graduating class of ten were offered positions and none wanted to take the positions outside of Chisinau.

The Prosecutor General's Office is a highly centralized body and handles all prosecution matters. Although it is an independent institution, it was used as a political tool by the Communist Party and the executive against political opponents. Even though a new Prosecutor General had just been named by the AIE at the time of the assessment, the Team found that this legacy still permeated the institution. A major problem is the wide discretion provided to the PGO on whether to initiate investigations and prosecutions, which facilitates misuse of the system. The 2008 PRI contains a long list of concerns about the PGO, including purposeful ignorance of its obligations vis-a-vis detentions, lack of investigation of allegations of torture, arrests before collecting evidence, improper influence over judges, refusal to acknowledge the role of defense attorneys to protect the fair trial rights of their clients, promotions based on nepotism and favoritism, and a focus on trials rather than on other resolution mechanisms such as plea bargaining.⁴¹

The legal profession is becoming more assertive of its professional rights and duties according to the ABA although it is often still not treated as an equal in court. Lawyers are represented by the Moldovan Bar Association, which enjoys a relatively good reputation. The economic crisis has reduced demand for lawyers, some of whom now find it difficult to cover their basic operating costs. Lawyers continue to face ongoing intimidation by prosecutors, government, and police. In one case related to the Team, the Bar received a letter from the former Prosecutor General that threatened lawyers who sent cases to the ECHR.

Judicial reform is a main priority of the AIE. It had appointed a reform-minded Minister of Justice and a Prosecutor General, who is a lawyer. The Assessment took place too soon after the AIE came into power

³⁹ Out of the 30 factors assessed, 23 were unchanged. The sections that improved were: contempt/subpoena/enforcement, judicial buildings and computers/office equipment (negative to neutral) and code of ethics (neutral to positive). The factors that showed decline were: money and gender representation (positive to neutral) and judicial immunity for official actions (neutral to negative). ABA, Judicial Reform Index Moldova, Volume III, 2009 p14

⁴⁰ Transparency International, Global Corruption Barometer 2009. Moldova was a 3.7 on a scale where 5 was completely corrupt and 1 was no corruption.

⁴¹ ABA, Prosecutorial Reform Index, Moldova 2008, p 2 In the list of 28 factors assessed by the PRI, 19 were negative, six were neutral and only three were positive. The positive areas were legal education, freedom of professional association, and international cooperation.

to see the impact of this commitment, but they were planning to put the pieces in place to make major reforms and harmonize Moldova's legal structures with EU requirements. Coupled with other measures and donor-funded justice sector strengthening programs,⁴² this should improve the justice system over the long term and increase its ability to act independently and serve as a check on excessive power. It will, however, require a more stringent enforcement of legislation, which is the area most consistently criticized in ECHR judgments.

3.3 COMPETITIVE ARENA

ELECTORAL SPHERE

The Moldovan electoral system is based on a closed list proportional system applied to a single national constituency. This system all but precludes the possibility of a winner-take-all situation and provides a mechanism for citizens in Transnistria to participate in the elections if desired. Drawing up the district boundaries for Transnistria in a single member district system and organizing voting there would have been problematic. In this way it is inclusive, although there are periodic discussions about ways it could be changed to increase the representations of minorities, some of which are regionally concentrated, and moving to an open list, national district system or to multiple, sub-national constituencies could improve the representational aspects of the system. Thresholds have provided a way for the ruling parties to limit participation in parliament by other parties, and the Venice Commission and OSCE/ODHIR, which provide joint opinions on Moldova's electoral code, recommended Moldova adopt lower thresholds in order to "encourage coalitions to provide more cooperation and stable government".⁴³ The threshold was raised from four to six percent for the 2009 elections.

Political parties are the central players in Moldova's electoral process. Independent candidates are allowed to run in elections, but are clearly disadvantaged and must receive at least three percent of the valid votes to win a seat. Although many independent candidates have run in various parliamentary elections, none has been elected. Independent candidates do better in the direct local elections with 15 percent winning mayoral contests.⁴⁴

The use of the closed party list system strengthens the position of national party leaders at the expense of local leadership or grassroots supporters. With Moldova's highly personalistic party system, the leader decides who can run for elections, their relative placement on the party list (which determines the likelihood of getting elected), and who will get what political office after the election.

Inter-party tension spills over into elections administration, politicizing that process, and according to observer reports, while elections administration has been generally adequate, the electoral process has been highly polarized between the PCRM and "opposition." The Central Electoral Commission (CEC), which

⁴² In addition to substantial levels of EU, OSCE, Council, of Europe and UNDP assistance, the Norwegian Rule of Law Advisors to Moldova (NORLAM) has an active program focused on increasing the efficacy of the courts, professionalizing the judiciary and prosecutors, and establishing a probation system. The Millennium Challenge Corporation (MCC), had a 2 year, \$24m MCC Threshold Program administered through USAID that focused on increasing transparency and reducing corruption. This program renovated three model courts, provided all courts in Moldova with automated case management systems and supported the development of the Judicial Code of Ethics- which were two of the three areas showing improvement in this year's JRI. There are also the programs of the International Narcotics and Law Enforcement Affairs Bureau (INL) and those of USAID's American Bar Association rule of law programs which are helping the judiciary professionalize through training and other activities.

⁴³ Venice Commission and OSCE/ODHIR, Joint Opinion on the Electoral Code of Moldova as of March 27, 2007

⁴⁴ Igor Botan. 2007. "What does sociological profile of new local power suggest?" Available at: <http://www.alegeri.md/en/2007/comments/20071031>.

has overall authority for election administration, includes political party representatives. The number for each party is in proportion with their seats in parliament. This formula is used at every level (central, district and precinct). The previous parliament appointed the current CEC and its term ends in November 2010. CEC decision making and operations are highly centralized. Although CSO observers said the CNE still lacked transparency and retained a Soviet-style bureaucracy, they felt the CEC members had accepted the idea of reform and the need to improve the quality of their services. If the CEC provided more effective oversight and enforcement of electoral regulations, which are generally adequate, this would help to reduce some of the imbalances in the playing field and improve the freeness and fairness aspects of the competition.

Some of the problems noted by observers in the last elections included misuse of administrative resources, an atmosphere of intimidation stemming from PCRM - opposition tensions, and attempts to control the campaign environment, such as disruption of opposition party rallies by hecklers and control of the media outlets. Media monitoring showed that the public broadcaster (Teleradio Moldova) did not provide impartial and fully balanced coverage in its news programming, which prominently featured the PCRM. Because Teleradio Moldova reaches the entire country, this gave the PCRM a significant advantage in rural areas.⁴⁵

One of the contentious issues was the accuracy of the voters list. The State Information Resources Center “Registru” maintains the State Population Register Department, which is the source of the voter list. Local public authorities, however, are responsible for updating the list. Migration within Moldova and abroad has made it difficult to keep the lists up to date. Inaccuracies within the lists observed during the April 2009 elections led to opposition allegations that they were used to rig the elections. Although the election experts interviewed thought the problems were technical in nature (lack of good updating and maintenance), this still illustrates the need for better registration procedures and safeguards, especially in such a politicized context. The CEC had not yet audited the list at the time of the assessment, which is needed to resolve these allegations before the next elections. If they are not addressed, these allegations will negatively affect the credibility of future elections and the legitimacy of the results. The CEC piloted an electronic voter list during recent by-elections and sees this and electronic voting as the future. However, Moldova lacks the infrastructure needed for e-lists and voting, and the team does not believe that technology is the solution for their problems. Instead, clarifying competencies and developing the capacity to manage these processes openly and transparently could help resolve many of these problems and help depoliticize electoral administration.

POLITICAL PARTIES

The Assessment Team found political parties to be the most important actors in the Moldovan context. They are the cultural and structural legacies from the Soviet system where the Communist Party ran everything. Voronin was able to capitalize on this legacy and increase his power in the presidency because of his leadership of the PCRM party and its parliamentary majority. In the parliamentary system, parties are the primary means of rotating officials into government. Parties that are not in government serve as one of the main checks on the executive. Not only do parties in parliament have the formal power to appoint the government, they also have the power to dissolve it through a vote of no confidence. In Moldova, the nature of the parties is reflected in the nature of political competition and governance. The parties dominate the political space and set the country’s agenda. They lack internal democracy and are highly centralized, dominated by their leaders, and lack a clearly articulated ideology. This results in a fragmented political spectrum and opportunist parties, thereby weakening the checks and balances that would normally occur.

⁴⁵ OSCE/ODIHR Election Observation Mission Final Report, July 2009 p 11

While some of the developments in the Moldovan party system resemble patterns found in the Western European transition from a mass party to a professional party system model, Moldovan parties have yet to become professional; i.e., the parties do not yet recruit members who are interested in political careers nor do they have professional staff. There is little evidence that Moldovan party functionaries have become a distinct professional category with significant resources at their disposal or a major say in determining party policies. Moldovan parties have traditionally been weak internally, functioning as a loose coalition of relatively autonomous high-level politicians or a single leader. As a consequence, party labels and affiliations change with an alarming frequency. All the leading parties in the 1990s, except for the PCRM, either have allowed their registration to lapse or have changed their names (in most cases more than once). Given the fluidity of party politics in Moldova, political parties have generally weak local branches and lack a clear voter constituency. Polling shows that political parties experience low levels of public trust (29 percent)⁴⁶. This is partly due to how parties have been financed. Rather than relying on contributions or membership dues, parties finance their operations either through the party leadership or business patrons, giving rise to perceptions of corruption and influence buying, which further distances the parties from voters.

The PCRM is the most institutionalized of the parties. Since re-legalization in 1994, the PCRM has maintained a tightly organized and relatively loyal group of individuals strongly tied to the party, with a developed local branch network and a well-defined voter constituency. Until 2009, the party leadership under Voronin was very adept at maintaining internal party discipline. As a consequence, during the 2000s the party system was generally viewed as the PCRM and all other opposition parties.

Today, Moldova is experiencing a return to political party pluralism and competition between and within parties. The election in July 2009 ushered in a period of coalition-building and coalition governments. The post-2009 party system also requires a more careful consideration of the left-right political spectrum in which parties on both sides will be competing to attract financial patrons, voters, members, local branch leaders, and in some cases other parties.

The center-left PDM party has made significant inroads into the territorial organization of the PCRM with several local branches defecting in 2010. Lupu remains one of the most popular and trusted politicians in the country; however, the lack of a bully pulpit (the presidency) and media exposure robs him and the Democrats of the opportunity to appeal to voters during a time of important party positioning. That said, Lupu and the Democrats have attempted to portray themselves as a bridge between the left and right, working within the AIE while at the same time criticizing decisions of the Filat government to appeal to PCRM voters. United Moldova (MU), a shell party, recently elected former PCRM member and current MP Vladimir Turcan as leader. At the time of the assessment, five PCRM MPs had defected to MU; however, Turcan has no national standing, and it is not clear that MU will have policy preferences that are different than the PCRM. United Moldova and the PCRM are largely regarded as pro-Russian and pro-Moldovan (i.e., rejecting any reference to the state language as Romanian).

The real issue concerns the future of the PCRM. Since re-legalization, Voronin has been the undisputed leader of the PCRM. While this ensured party discipline, it came with the cost of failing to groom an heir apparent. Lupu's departure in 2009 robbed the PCRM of its most politically talented successor. Voronin is almost 70 years old and his leading strategist, Mark Tkaciuk, is a polarizing figure both within the PCRM and to the electorate. While current polls show that the PCRM continues to remain popular with many Moldovans, and that the PCRM through its media resources is well positioned to attack the economic and political reform program of the AIE, the defections of the last year at the national and local branch levels have robbed the PCRM of its vaunted discipline. While it will be a strong competitor when early elections are called, the medium-term outlook for the PCRM is less positive given that it relies on

⁴⁶ IPP Barometer of Public Opinion, November 2009

pensioners for much of its support and the loss of control over state resources places the Party at a competitive disadvantage.

On the right side of the political spectrum, the PLDM, formed in the fall of 2007, has been able to create durable local branches. Filat, and by extension the PLDM's popularity ratings have more than doubled over the last few months, whereas the popularity of the PL and the AMN has decreased. While the PL attracts voters that once would have voted for the Christian-Democratic People's Party, the PL's message often alienates more centrist voters. The AMN has also experienced some key defections, especially Veaceslav Untila, the former vice-chairman of AMN, who was recently elected the leader of the European Action Movement. It is unclear, however, whether the smaller parties on the right will be able to mount a serious challenge to the PLDM without media resources or financing and with an electoral code that imposes significant barriers to entry for small parties. The unknown on the right remains how the economic reforms play out economically, and ultimately, politically. If the AIE has to make unpopular reforms that cut into social welfare programs, it could generate a backlash and a vote for the PCRM.

3.4 GOVERNANCE ARENA

The governance arena continues to be highly centralized and dominated by the party leadership and national executive. This results in the marginalization of important institutions, such as parliament and local government, an inefficient and largely unaccountable system of government, and limited responsiveness to citizen interests and needs. Although the era of Voronin's personalized and autocratic rule appears to have ended with the elections of 2009, it was too early in the new government's tenure at the time of the assessment to be able to determine the actual depth of its commitment and ability to implement needed reforms. While the *de facto* one-man, one-party rule was replaced by a four-party coalition led by several strong individuals, the Coalition inherited systems, mentalities, and institutions that will be very difficult to change, especially for a lame-duck government in the midst of a severe economic crisis. The new government did start off in a more open and responsive manner than previous governments. The recruitment of a large number of civil society leaders with previous good relations with donors heightened this perception. However, the government's ability to operate effectively was checked by its inability to elect a president and the expectation of new elections in the near future.

LEGISLATIVE SPHERE

Moldova has a parliamentary system in which the power to run the government resides with the prime minister with the president as head of state. Parliament has significant powers and responsibilities outlined in the constitution, but these are severely limited in practice. In addition to the regular legislative and oversight powers found in most legislatures, Moldova's parliament has the power to elect the government and keep them in check through a no confidence vote. Parliament has the power to elect Moldova's president. These powers should make parliament an equal to the other branches. However, in practice, its power and ability to function is limited. Voronin concentrated power in the presidency because he was able to use the PCRM majority in parliament to rubber stamp his actions and legitimize them through legislation. The situation has changed somewhat under the AIE because the acting president is the speaker of parliament who has much less power because he is the leader of a smaller party widely seen to be in decline. This has resulted in a shift of power to the prime minister's office, which was acting as the focal point for government actions and reforms.

Parliament is highly centralized and dominated by its leadership. Its institutional structures are geared towards supporting its leaders; it provides little institutional support for individual MPs. The Speaker is Mihai Ghimpu of the Liberal Party and the deputy speakers are from the three other Coalition parties. Parliament works on the basis of party caucuses, which are also dominated by their party leaders. These are: PCRM (43), LDP (18), LP (15), DPM (13), OMA (5) and independent MPs (7).

Although the AIE has 53 out of the 101 seats, the prospect of early elections and potential changes to the constitution overshadowed its legislative work at the time of the assessment. At the same time, the AIE was anxious to solidify its pro-EU integration and reform positions in government before snap elections were called. They were doing this through strategic planning by the prime minister's office, developing reform legislation in the ministries and passing this legislation through parliament by the AIE's majority.

Parliament is also hampered by a lack of capacity and permanent professional staff. UNDP's functional review of the secretariat in 2006 noted the need to strengthen parliamentary administration and its independence and professionalism by implementing civil service principles. There is still not a clear distinction between professional career staff and political appointees and both are often culled and replaced with each new government. Before the PCRM government left office, it fired 90 civil servants in an alleged attempt to stack the secretariat with Voronin supporters -- the assumption being that Voronin could continue to exert control over the functioning of parliament and its products through its bureaucracy even if his party did not gain a legislative majority. During the Assessment, the contracts of 40 more parliamentary staff were not renewed. Discussions were underway on reorganizing the secretariat so that MPs could have some support, but with 192 staffers and 101 parliamentarians reallocation will be difficult and unlikely to significantly change the efficiency of operations or the efficacy of parliament. As noted by one insider: "Every time we try to increase the power of MPs on the legislative side, it is refused by government or they say there is no money for it. Obviously, government would never accept a strong parliament telling them what to do."

EXECUTIVE SPHERE

PRESIDENT

Under Voronin, the president was the most important actor in Moldova. However, the power of the president in the Moldovan system is not due to the prerogatives of the office, but is instead a function of his or her leadership of the majority party in parliament. As demonstrated by Voronin, a president who was elected by the parliament can exert considerable power through his party's organization and loyal members in government and parliament. Voronin was more than the head of state; he dominated the government and was able to consolidate state power within the presidency along with gaining control over state institutions and resources.

The Moldovan presidency has been the ongoing subject of reform and constitutional change since 1991. While most of the CIS opted for regime types in which the president has significant legislative and non-legislative powers over the parliament, Moldova has regularly modified its system in attempts to limit the power of the president, starting at independence with a parliamentary regime, moving to a semi-presidential system (1991-2000), and returning to a parliamentary regime (2000 to present). Current discussions on changes to the Moldovan constitution have focused primarily on changes to Article 78 and a

ARTICLE 85: DISSOLUTION OF PARLIAMENT

(1) In cases where an impossibility has been reached to form the government or a situation has been encountered whereby the passing of new legislation has been deadlocked for 3 consecutive months, the President of the Republic of Moldova, on consultations with parliamentary groups, may dissolve Parliament.

(2) If within 45 days from a first presidential request for a vote of confidence to form a new government a second such request has been rejected by Parliament, the President may dissolve Parliament.

(3) The Parliament may be dissolved only once in the course of a year.

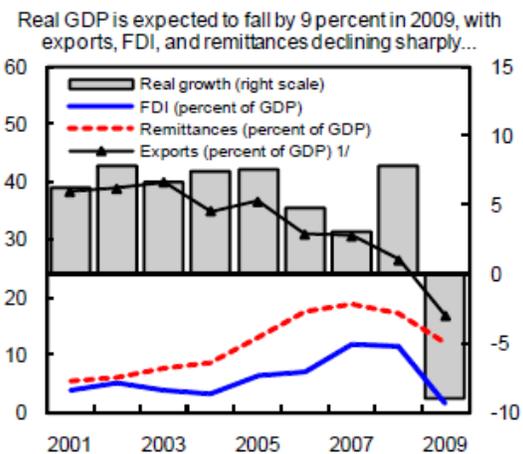
(4) Parliament may not be dissolved during the President's last 6 months of office, except in the case provided in paragraph (5) of Article 78, during a state of emergency, martial law, or war.

return to semi-presidentialism and direct elections of the president. These discussions reflect the ebb and flow of power between parties and institutions.

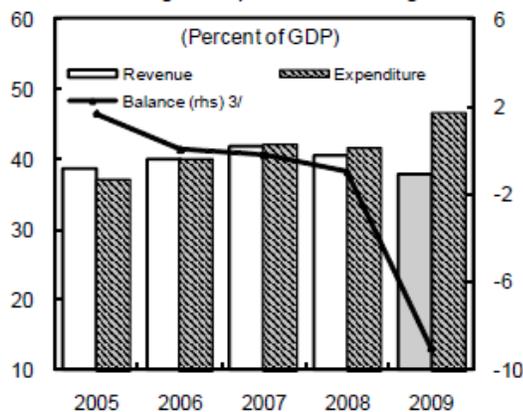
Nevertheless, the fundamental powers of the president have remained the same over time. While presidents no longer have the right to attend government meetings or appoint judges to the constitutional court, they still appoint the prime minister (in consultation with the parliamentary majority) and retain a veto over legislation. The president also has the power to dismiss Parliament in the event it fails to advance legislation, appoint a government within three months, or elect a president. The inability of parliament to obtain the required majority for the election of the president has raised discussion on the need to change the mechanism for presidential election. Solutions under discussion were a return to the direct election of the president and the parliamentary election of the president using tiered voting, in which the first round of voting would require the support of 62 of 101 MPs, the second round would need a majority of 50 percent plus 1, and if a third round is necessary, it would be decided by the majority of the MPs present. The parties' positions on these options coincide with their individual party leader's interests. The Prime Minister was not necessarily keen to see direct election of the president as long as Marian Lupu is the candidate of the AIE, even though he campaigned in 2007 - 2008 for a referendum on constitutional amendments. Lupu's popularity is fairly high and it is assumed that he is in favor of direct elections since this would provide him a greater mandate than if elected by parliament. Ghimpu advocates the election of the president by an absolute or simple majority of the parliament. Finally, Voronin seems to be flexible on changes to Article 78, but has linked constitutional change to early parliamentary elections.

PRIME MINISTER

The Prime Minister (PM) is the head of government, and *de jure* is the single most influential figure in the parliamentary-presidential system. After political parties and the AIE, the prime minister was the most important actor in Moldova found during the assessment. The prime minister was selected based on negotiations among the Coalition regarding the distribution of positions in the new government. The new Prime Minister was Vlad Filat, leader of the PLDM party and an experienced politician and businessman.



The budget has run into huge deficit, with revenue declining and expenditure increasing.



The AIE government faces daunting challenges in running the government and improving its performance. First and foremost was addressing Moldova's dire economic situation. Although the economy had showed strong growth in 2006 - 2008, fueled in large part by remittances and foreign investment, the situation had deteriorated by the time the AIE gained office. Remittances and foreign direct investment (FDI) declined sharply because of the global economic crisis, while the government's fiscal policies "fell prey to the electoral cycle exacerbating the effects of the crisis."⁴⁷ This resulted in the large budget deficit and drop in GDP growth show in the IMF charts, which placed the new government in an

⁴⁷ IMF, Country Report Moldova, February 2010, p 15 Charts are also from the IMF report.

extremely difficult position upon coming into office. It needed international assistance just to keep the government operating.

The Prime Minister had already taken a number of actions before the assessment. He had streamlined the structure of government and reduced the number of ministries. He was using his State Chancellery as the focal point to develop the policies and strategic plans needed to get the government's finances back on track and to implement the AIE's 2010 agenda. This agenda included overcoming the economic crisis, advancing European integration, reforming the central public administration system, starting decentralization and bolstering local self-governance, and implementing confidence building measures on both sides of the Nistru River to facilitate reintegration of the country.⁴⁸ This was a very ambitious plan for a government with an uncertain amount of time in office.

In his Report on 100 days of Government Activity, the Prime Minister reported that Moldova was improving its international relations with Romania, Ukraine, and Russia and was actively pursuing an Association Agreement with the EU. He had also visited the U.S. to sign the agreement on Millennium Challenge Corporation (MCC) Compact funding. The government had revived its relations with the IMF and signed a new IMF agreement during the Assessment which unblocked \$180 million for budget support. It also committed the government to difficult steps as conditions for this assistance. These include reducing the size of the budget deficit, reforming the wage law, and increasing the heating tariff to cover amortization and variable costs.

These reforms will be difficult politically as well as socially with the people. To be successful, the Prime Minister needs to maintain the support of his party and Coalition. He also does not want to create a public backlash by increasing tariffs or reducing social services. As a first step, improving the flow of information within the AIE as well as to the public will help the people understand the measures being taken and the rationale behind them. The lack of information on government programs and policies was a recurrent problem brought up by civil society groups, political parties, and citizen groups throughout the assessment.

RULING COALITION

The Coalition is listed as the second most important actor because it is the ruling group that elected the government and current prime minister providing the driving force behind the reform efforts. The coalition is made up of four parties (PL, PLDM, PDM and AMN). Each party has a different political and electoral situation that affects its perspective on important issues such as when parliamentary elections should be held and how to elect the president. Some leaders resisted the idea of a formal coordination mechanism, such as a secretariat, and decisions are made by informal negotiations among the four party leaders. This produces a perception of a divided group and results in the lack of a common message on the pressing issues confronting the country, including its economic and political crises. The AIE only has 53 seats in parliament against the PCRM's 48 seats and this slight majority requires parliamentary discipline among the Coalition members to be able to pass its reform legislation.

MINISTRIES AND PUBLIC ADMINISTRATION

Since independence, public administration has been seen as an extension of the ruling party. The system is highly centralized, inflexible and politicized. The Coalition brought some NGO leaders and staff members into government. Most of these appear to be reform-minded people who accepted positions with the intention of improving governance. However, in interviews they noted that only the leadership positions have changed with the new government. They still faced an entrenched bureaucracy with some systems unchanged since the Soviet era.

⁴⁸ GOM, Report on 100 days of Government's Activity, 4 January 2010

Public administration reform has been a priority for the GOM since 2005, based for the most part on its need to meet international lending institutions' requirements for more efficient government and to move public administration more into line with EU integration norms. Reform has lagged due to the lack of institutional capacity and political will for the reforms. A new Civil Service Law was adopted that complies with EU norms, and some improvements in training, strategic planning, and policy-based budgeting were noted during Assessment interviews. The European Commission considers credible public administration reform to be a key indicator of a country's readiness for integration. To meet this standard, the GOM needs to improve its policy coordination, professionalism, transparency, accountability, and the enforcement of its legislation. Reforming civil service tenure and providing more effective and efficient service delivery is also needed.

Civil society participation in policy development by ministries and agencies is limited primarily to formalistic mechanisms with a limited number of NGO elites; this participation is rarely used as a means for dialogue with the broader civil society sector and citizens.

Although much attention has been focused on bringing the public finance management systems in the Ministry of Finance (MOF) more into line with international standards, its systems are fragmented and unable to meet modern audit standards. For political and administrative accountability, it is important that the system be able to accurately account for the collection and use of public revenue and that this information be available for legislative and public scrutiny. The economic crisis, corruption, misuse of administrative resources during the elections and other problems have resulted in the soaring budget deficit and limited revenue. Raising the level of ethical standards and improving the collection of state revenue, such as customs, will require concentrated efforts. The economy and society are over-regulated, and although the government has already undertaken two rounds of Guillotine⁴⁹ to eliminate costly and obsolete regulations in the business sector, a third round is being contemplated.

Two of the means to improve services and accountability being explored by the government was e-governance and decentralization. They were conducting a study of ministries and government services to determine where Information Communications Technology (ICT) could be introduced and government streamlined. With EC technical assistance, they identified 11 key institutions for comprehensive institution building, including customs, the MOJ, and tax administration. With another round of elections looming and the need to address problems they inherited, they likened their work to crisis management.

LOCAL GOVERNMENT

Local government is important in Moldova. Despite having a dispersed population, Moldova is a centralized state with a highly centralized state administration. This continues to be true in spite of several changes in the structure of local government - from the Soviet-era districts (*raions*) to 11 counties in 1998 based on the Romanian model, and then back to *raions* in 2003 under Voronin's administration. A Law on Regional Development was passed by the PCRM government but has yet to be implemented. There is also a national development strategy made up of six regions, each with its own development authority that is to be supported through 1 percent of the annual state budget.⁵⁰

Mayors and councils offer important venues for building more transparent and accountable democratic governance. Because they are elected locally and work in their communities, they are closer to the people. Both hold public meetings and receive numerous petitions from citizens. Polling data from IPP shows that the number of citizens who believe that they can influence the decisions of local authorities is 10 percent higher than the number of those who are confident that they can influence national decisions. Moldovan

⁴⁹ Guillotine is where burgeoning regulations are voided and replaced with more streamlined and publically available regulations.

⁵⁰ For more information on local government, please see USAID's study: Moldova Local Public Administration Sector, Constraints and Opportunities Analysis and Project Concept, by Bonnie Walters, 2009

voters place greater trust in local public authorities and participate at higher levels in the direct administration of their communities. Local public officials have regular hours for the public and the Team saw citizens waiting to meet officials in most of the local-level public buildings and offices visited during the Assessment.

Yet, local government continues to be hampered by centralized control, limited local autonomy, limited financing, and political party pressure. Local governments are dependent on the central government for most of their funding and with the economic crisis and other priorities, they do not receive enough resources for all of their needs, and in some cases have difficulty covering their day-to-day operations. Most towns do not have enough economic activity to generate much revenue although this can reach 20 - 30 percent of the budget of more prosperous towns. Local tax rates are also capped by the government and bear no correspondence to the actual cost of local public services. As a consequence, local public administrations resort to asset sales to generate revenue and the local infrastructure systems suffer from lack of maintenance and modern facilities. At the same time, with the exception of salaries, public resources are handled without clear criteria or transparency – at both the central and *raion* levels.

Political and economic connections are critical to securing funds at the local levels. Mayors, who are often elected as independents, spoke openly to the Team about party leaders pressuring them into joining their parties and trading their influence with local voters for financial support. There is a network of patron-client relations and local alliances between parties and business that drives local politics. Threats are sometimes used to bring mayors in line. The mayor of one town on the outskirts of Chisinau reported that all of his predecessors had been charged or convicted for abuse of power. One had received an eight year prison sentence for privatizing town property, while no action was taken against the council that had approved the deal. Local businessmen elected as mayors may serve the public interest, but they were forthright about furthering their own position and skirting the rule that requires them to discontinue running their companies while holding office. Companies in construction or retail especially benefit from connections with the local public administration and are at a distinct advantage when competing for contracts.

Decentralization is another AIE policy priority; however, their plans and concept for decentralization lacked clarity at the time of the assessment. One reason for decentralizing is to take advantage of opportunities to advance European integration through Euro regions, which work with regions across different states to support development. As part of the move to Europe, the AIE government is likely to follow the principles of the Council of Europe Charter of Local Self Government. However, the more immediate problem is the budget crisis that forced substantial cuts and freezes in central funding for local government, and left local governments scrambling for resources.

SECURITY SECTOR

There is a high degree of public order and little concern about crime among the citizenry. Interviewees alleged that organized crime, which had grown during the transition from the planned Soviet economy in the 1990s, was “taken over” by the Voronin administration and its supporters. This dramatically reduced violent crime. Public trust and respect for the police was seriously damaged by the April 2009 violence. In interviews, the police were criticized for corruption, incompetence, and violations of human rights. However, at the same time polls indicated that 38 percent of citizens polled still trust the police, which was higher than their trust in the courts, president, NGOs, political parties, or trade unions.⁵¹

The use of the police in politics grew over the last years of the Voronin regime, with more criminal investigations of opposition political and business interests in addition to charges filed against regime opponents. The indiscriminate way the police appear to have been used to provoke, permit, and then put down the April 2009 demonstrations scandalized Moldovans. The demonstrations and aftermath were still under

⁵¹ IPP polling, November 2009.

official investigation during the time of the Assessment. However, the April events and a lack of oversight over the police actions and the complicity of some judges have made the reform of the police a priority for the AIE government.

3.5 CORRUPTION

Corruption erodes public trust in Moldova's political parties, government institutions, and justice institutions and undermines their legitimacy. It also thwarts efforts to improve the quality of competition and hold persons and institutions accountable for their actions. As in other post-Soviet countries in transition, corrupt practices pervade public and private life. It is inherent in the way politics and business are conducted among the elites. It is commonplace in many of the bureaucratic practices where citizens interact with government, resulting in a widespread general acceptance that makes it difficult to fight.⁵² Grand corruption⁵³ is highly politicized, with close ties between business and the political leadership needed for the larger deals in the economy. Routine corruption affects everyday life. A third of Moldovan households surveyed by Transparency International's Global Corruption Barometer 2009 reported that they had paid a bribe over the past year. They perceive the business sector as the most corrupt sector in Moldova, followed by the judiciary.⁵⁴

The lack of effective action against and prosecution of corruption gives rise to public disillusionment with political parties and leaders and the perception that they are in government and politics for personal economic gain. CSOs have had trouble developing expertise and mobilizing the public around combating corruption. While several CSOs specialize in fighting corruption, the anti-corruption alliance that united them did not extend beyond the life of their MCC grant.

Remedies to reduce corruption will require substantial efforts. Transparency, accountability, prevention, and enforcement must be advanced through the initiatives of central and local government. Legitimate Moldovan institutions are in the best position to make headway in raising citizen expectations and changing bureaucratic behavior. These efforts should focus on critical problems, such as curbing losses to the state budget due to corrupt practices (such as in the customs service). Combating corruption in this area could substantially boost revenue collection and provide the means to finance other state services. Less corruption would also provide clear benefits by supporting business development, increasing investment, and reducing prices for consumers.

3.6 CIVIL SOCIETY ARENA

CITIZENRY

The demand side for improved governance and more balanced society is weak. With the economic crisis, most are concerned about employment and generating income. They are increasingly distancing themselves from politics. Electoral turnout has decreased from almost 80 percent in 1994 to about 58 percent

⁵² For more on corruption, please see the USAID/Moldova's Moldova Anti-Corruption Assessment, 2006

⁵³ Grand corruption is large-scale with substantial favors or resources changing hands for relatively large interests or concessions. By routine corruption, we mean petty small scale-pay offs that are common in public administration. A third type of corruption is so embedded in the culture that people no longer recognize it as corruption, seeing it instead as a normal transaction, such as using connections to help friends and relatives find employment.

⁵⁴ http://www.transparency.org/policy_research/surveys_indices/gcb/2009, p. 31.

in 2009.⁵⁵ Gagauz Yeri has some of the lowest levels, averaging 5 percent less than the rest of the country. Most citizens distrust the political parties (71 percent⁵⁶) and are disillusioned with democracy as it is exercised in Moldova. There are some patterns to voting, youth tend to support the AIE while the elderly prefer the PCRM; and regional preferences, PCRM in the north and Gagauz Yeri and the AIE in the capital and surrounding areas. However, parties and government need to make a more concerted effort to reach out to citizens to increase their faith and participation in the democratic process.

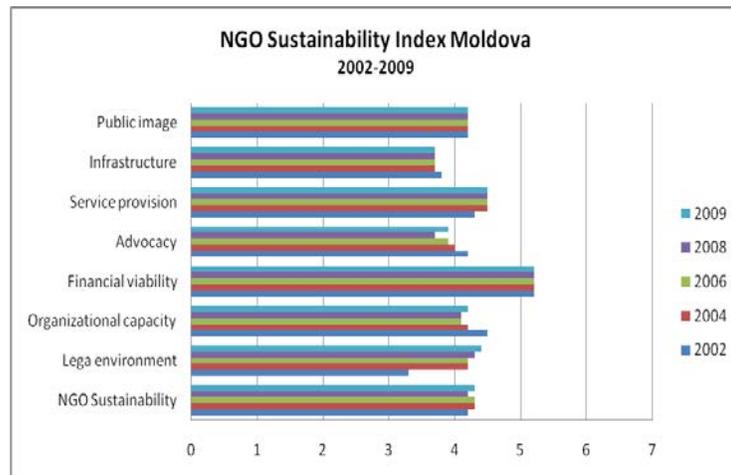
CIVIL SOCIETY ORGANIZATIONS

The active involvement of civil society in Moldova is a key way to improve the quality of political competition and address some of the imbalances in the playing field- - both through advocacy to improve the systems and watchdog activities to improve accountability. CSO relations with government were improving with the AIE, which appeared more open to civil society participation and gave NGOs more access to the decision making arena. It also brought a large number of NGO representatives into government and parliament.

However, civil society’s ability to operate effectively is weakened by structural and other problems. Outside of the large, well-funded NGOs, most NGOs lack basic institutional and management structures, including financial management and audit systems, human resource development plans, and for some, especially in the regions, basic operating equipment. Most NGOs also lack a clear constituency whose interests they would represent. The perception that NGOs do not service a constituency undermines their ability to advocate for groups in civil society. Most organizations are dependent on their founder or one or two charismatic leaders. With the exception of professional associations, NGOs lack a strategic vision that guides the activities of their organization. Few NGOs have a dues-paying membership, fee for services structure, or any other fund raising mechanisms. As a result, NGO activity is often driven by donor initiatives and requirements

Most NGOs are based in Chisinau, and are primarily Romanian-speaking. NGOs in Gagauz Yeri, Transnistria and northern Moldova are generally Russian speaking. Although some of the NGO representatives interviewed thought NGOs had moved beyond issues of language and nationality, most thought the civil society sector was politicized and still divided along ethnic and linguistic lines. The Assessment Team did find a hierarchy among NGOs in terms of the visibility of their organizations, relationships with decision makers, scope of activities on the national scene, and access to donors. At the apex is a small group of Chisinau-based NGOs that are considerably more viable, likely due to international donor support

NGOs’ credibility and public image were extremely low with the general population (33.5 percent).⁵⁷ Some



⁵⁵ About 26,500 voters residing abroad were registered for these elections and able to vote in 33 embassy/consulate locations. Their turnout was 66 percent . OSCE/ODIHR Election Observation Mission Final Report, Early Parliamentary Elections, July 2009 p 18

⁵⁶ IPP Polling November 2009

⁵⁷ IPP Polling November 2009

NGOs are becoming more creative in their outreach, especially those in Chisinau, and are using new, social media to communicate, to network, and to acquire followers. NGOs do organize around loose networks on common topics of interest, such as anti-trafficking or domestic violence. Most of these networks are donor supported and few are sustainable beyond the end of the donor funding. An example of this is the Anti-Corruption Alliance of NGOs, which was composed of 30 NGOs that monitored reports on public sector institutions starting in 2006, until the donor funding of its secretariat ended in 2009.

The USAID-funded NGO Sustainability Index (NGOSI), which monitors the development of civil society, has shown little substantive progress in the development of the sector in Moldova and its enabling environment since 2002 (see Chart 1).⁵⁸ There is some improvement in organizational capacity and infrastructure, but regression in areas such as legal environment and organizational capacity.

There are few direct restrictions on NGO activities. There were fears that a new Law on Public Associations that required re-registration of all NGOs would be used as a means to restrict NGO activity. But these fears have been allayed by the fact that around 4,000 NGOs have already re-registered. NGO relations with the government are improving and many NGO leaders and staff members have been invited into the government or joined political parties.⁵⁹ An early indicator of this trend appeared in 2008 with the GOM's adoption of a strategic plan for Civil Society Development 2008 - 2011. This strategy identifies the priority areas for GOM support to the non-profit sector and is based on the principles of cooperation and public participation in decision making. The State Chancellery is coordinating these efforts with NGOs. However, in a few interviews, the Team heard that NGOs without members in government or in parliament experienced difficulties gaining access to the GOM. Others said they had considerable access to parliamentary committees in terms of assisting in the drafting of legislation. NGOs stated that while the current government had made inroads into cooperating with the NGO community, issues such as the GOM's posting drafts on its web site and a mechanism for NGO feedback on proposed legislative and regulatory initiatives remain problematic. This means that the ability for NGOs in the regions or those with little financial or administrative resources find it extremely difficult to participate or effectively advocate for change in the centers of power.

MEDIA

Access to media and the free flow of information is a critical element of a free and fair competitive arena. It enables the exchange of information and debate of issues of public importance. Timely and accurate information is needed for effective participation and for citizens and others to be able to make informed choices and to hold their political actors accountable. The media also needs to serve its important public watchdog function, reporting on the abuse of power and efficacy of government. Moldova has an active media with a diversity of outlets and viewpoints. However, most of these are found in Chisinau where there is also a more pluralistic political environment. There is also more diversity of news and opinions expressed in the print media and on the internet than in the broadcast media. This remains more tightly controlled, mainly through the issuing of licenses and the allocation of frequencies. The only station with nationwide reach and audience is the state-controlled public broadcaster. The Russian language TV sta-

⁵⁸ The NGOSI uses a seven-point scale, with 7 indicating a low level of development and 1 indicating a very advanced NGO sector. Moldova generally falls within the 4 range, which is defined as "NGO sector's sustainability is minimally affected by practices/policies in this area. Progress may be hampered by a stagnant economy, a passive government, a disinterested media, or a community of good-willed but inexperienced actors." USAID, 2008 NGO Sustainability Index, p 15

⁵⁹ In 2005 only 3 MPs came from Moldovan NGOs (mass media, youth, and veterans). In April 2009 there were 8 MPs from NGOs (mainly media, youth, human rights, local authorities, Helsinki Committee, Soros projects, and others). In July 2009 there were 11 (with a 12th who worked in a UNDP project with a type of NGO). There are also quite a number of university teachers, journalists, writers, and others amongst the MPs, (Alliance for Free and Fair Parliamentary Elections, edition 2005 and 2009). NGO leaders and staff have also entered government and state agencies, including the current Minister of Finance, the Minister of Youth, the Minister of Justice, the Vice Minister of Social Protection, the Minister of Culture and Tourism, the Director General of the National Bureau of Statistics, and the Director of the National Agency for Energy Regulations.

tion, NIT, which rebroadcasts Russian movies along with locally produced news and programming, has close to nationwide coverage and is seen as a PCRM media tool. The new government has begun to initiate media-related reform and two new Romanian-language TV news stations anticipate beginning operations in 2010 through cable and satellite.

The press enjoys considerable freedom; however, self-censorship and partisan editorial policies are practiced. Freedom House classified the Moldovan press as “not free” due to restrictions imposed by the PCRM in the lead up to the 2009 elections. The Audiovisual Council (AVC) is the independent agency that regulates the media and allocates frequencies. This agency has been widely perceived as captured by the political parties and government; and was biased in favor of the PCRM when it was in power. Whether the Audiovisual Council will become more independent with the new government was yet to be seen. AVC members are appointed by parliament for four year terms and the current membership still reflects the earlier appointments. Although frequencies are supposed to be allocated on a competitive basis, the AVC exercises broad discretion in its allocations.⁶⁰ The AVC is responsible for enforcement and monitoring of broadcast regulations, but said they lacked the equipment needed to monitor all the stations, especially those in the regions. As a result, the AVC focuses its monitoring efforts on larger national stations and conducts sampling of local stations. The AVC is involved in EU integration discussions and seemed well aware of EU broadcast norms and regulations.

The public broadcaster Teleradio Moldova (TRM) is widely seen as needing major structural and institutional reform. It has national reach and the largest audience share of all terrestrial broadcasters in Moldova, but it has been used systematically for propaganda purposes by the ruling parties and the state, especially under the PCRM. TRM’s oversight body is the nine-member Council of Observers. Most of the Council’s board members were fired in December 2009, and six new members were appointed. One of the new Council’s first actions was to fire the TRM Director as well as the heads of the radio and television services. The Council is also looking at TRM’s salary structure as salaries are not standardized and pay was used as a means to reward loyalty. Adequate financing for TRM is an issue, created in part by its previous management practices and dysfunctional organizational structure. In 2009, it received about 55 million lei (roughly \$4.4 million) from the government budget and another 15 million lei (\$1.2 million) from advertising revenue. TRM representatives say this is barely enough to cover signal transmission and salaries.

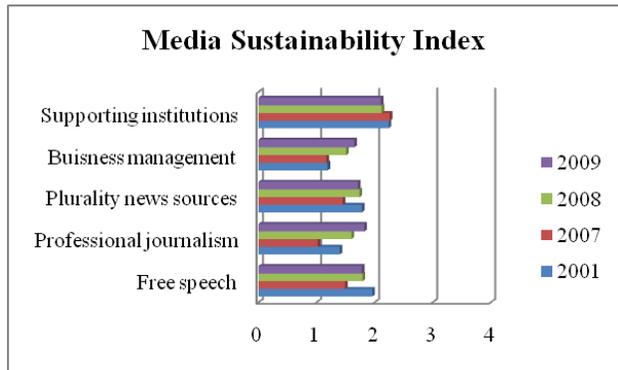
There are a few active media associations supporting journalists and owners. Among them is the Association of Independent Press, which includes an ethics committee that is making an attempt to self-regulate its member journalists. The press law is outdated and the reach of print media is limited by unreliable distribution systems. Newspaper owners have been especially affected by the economic crisis, reduced advertising revenue, and limited readership. The Association of Electronic Press (APEL) drafted amendments to the broadcast law, which it hopes will be introduced in 2010. APEL is an NGO focused on improving the broadcasting environment and has more than 30 members, including radio and TV stations. The Union of Journalists was viewed as a soviet-legacy institution and dismissed by most professionals. Among other organizations, there is also the NGO, Independent Journalism Center, which provides ongoing assistance to journalists and media institutions, including training. There are also donor-supported initiatives to strengthen the independent media and professional journalism in Moldova.

The broadcast market was dominated by Russian-language programming at the time of the Assessment. The two new Romanian-language cable TV stations are allegedly offering attractive salaries and appeared to be recruiting some of the best talent in Moldova. When operational, these stations should improve media diversity and offer news source options to citizens, especially those residing outside of the capital with

⁶⁰ There are about 40 TV and 46 radio stations in Moldova, some have multiple frequencies. The AVC also regulates cable, which includes about 200 providers.

satellite or cable access. The use of the internet and social networking is also growing. While only 10 percent of the population has access to internet services in their homes, this is double the number of Moldovans who had access in 2006. The number of multi-media users, including the use of smart phones and mobile internet connections, is up from 20,000 in 2007 to almost 127,000 in 2009.⁶¹ During the April 2009 public action, Moldovan youth used Twitter and Facebook to post news about the demonstration and to summon more support. Videos of the demonstrations and police crackdowns were posted on YouTube,⁶² demonstrating the ability of social media to turn ordinary citizens into instant journalists.

Over the past ten years, there have been limited improvements in the media according to the USAID-funded Media Sustainability Index (see Chart 2). Only the business management and professionalism sectors have improved, while other areas remained more or less stagnant.⁶³ However, some changes are underway and prospects for an improved media environment in 2010 appear good.



BUSINESS

Business interests play a prominent behind-the-scenes role in Moldovan politics. Political parties depend heavily on the personal connections of their leaders with businesses, which provide financial support to parties. This support implicitly comes in exchange for favorable treatment in government regulation and through licenses and subsidies. These ties are well understood generally, but difficult to identify specifically, since the ownership of Moldovan firms is not widely publicized. Connections with the government are essential for success in a business environment that is heavily regulated, rife with corruption, and encountering serious constraints on competition.

Government connections are also employed to launch businesses. Privatization processes have long been suspected to be corrupt and to have contributed to the current imbalance in business ownership. Under the Voronin government, the President's son reportedly became the richest person in the country through the use of state ties to gain control of some banking, advertising, and retail outlets. His control of these outlets was widely discussed by informants during Assessment interviews in Chisinau, although the details of his control were not clear.

Businesses use personal connections to political party leaders to promote the interests of their firms and also have formal registered business associations to encourage general policies that support business development. In addition, tripartite mechanisms link business, labor unions, and government on a broad level for consultations on mutual interests that partly counterbalance business connections to politics, which are better than those of labor.

3.7 THE INTERNATIONAL COMMUNITY

The international community has been active in Moldova and as a small, newly independent country, Moldova sought integration into the community of nations and improved affairs with neighbors with

⁶¹ National Regulatory Agency for Electronic Communications and Information Technology, 16 Feb 2010

⁶² CNN/Europe, Moldova-Romania to blame for Twitter riots.
<http://edition.cnn.com/2009/WORLD/europe/04/08/moldova.unrest/index.html>

⁶³ IREX Media Sustainability Index 2009. On the scale, 1 = unsustainable, anti-free press; 2 = unsustainable mixed systems; 3 = nearing sustainability; and 4 = sustainable

which it has important historical and cultural ties. Romanian and Moldovan bilateral relations worsened following the April 2009 election protests when the Voronin government attempted to blame the violence on Romanian interference. After the July elections, relations improved. The two countries reached a Small-Scale Border Traffic Agreement, which will allow Moldovan citizens who live within 50 kilometers of the border to enter Romania with a permit rather than a visa. However, numerous issues continue to plague relations and are manipulated by politicians from both sides. Romania must respond to EU concerns regarding its own policies and its relations with Moldova, especially with respect to freedom of movement. Many Moldovans already have Romanian citizenship, plus reportedly more than a million Moldovans are in the process of applying for citizenship. Romanian businesses have made substantial investment in Moldova, and Romania is Moldova's largest trade partner.

Ukraine and Moldova share a long border, including the de-facto Transnistrian borders between them. Corruption within Ukrainian customs and business interests has enabled rampant smuggling through Transnistria, abetted by some Moldovan actors that benefit from corruption. Ukraine and Moldova share general interests in peace and security, but these have been trumped by narrow personal interests in continuing corruption on imports and exports through Transnistria. Many people living in the Transnistrian region are of Ukrainian descent, and have become Ukrainian citizens. Ukraine is also an important trading and transit country for Moldovan agricultural products and a key transit point for Russian energy.

Russia has maintained substantial interests in Moldova in addition to its close connections with Transnistria. Its Ministry of Foreign Affairs focuses on maintaining Transnistria as it is, retaining and expanding Russian influence in Moldova, and keeping Moldova neutral and out of NATO. Russian business interests appear to drive much of the relationship with Moldova through their substantial economic interests in factories in Transnistria and their interest in selling Russian products, especially energy, throughout Moldova. Overall Russian policies, however, are incoherent. The substantial policy of support for Transnistria through the continued presence of Russian troops in the region and the economic subsidization of massive energy debts inhibits relations with Moldova.

The EU is developing an increasingly close relationship with Moldova. Moldova is a partner country in the European Neighborhood Policy (ENP), and a joint EU-Moldova ENP Action Plan lays out strategic objectives based on a commitment to shared values and effective implementation of political, economic, and institutional reforms. The Action Plan is based on a Partnership and Cooperation Agreement (PCA) that encourages and supports Moldova's objective of further integration into European economic and social structures. In January 2010, the AIE launched negotiations on an EU Association Agreement. EU assistance programs have supported parliamentary elections, improvements in the justice system, strengthening parliament, and combating corruption and criminal activity along the borders.

The OSCE plays an important role in overall security and in management of the Transnistria dispute. Its Office for Democratic Institutions and Human Rights (ODIHR) promotes democratic development through election observation. The OSCE has a broad range of focus for its assistance activities, including combating traffic in persons, national capacity building in the justice sector and within parliament, and the promotion of women's rights and peacekeeping. The European Commission for Democracy through Law (the Venice Commission) is active in the development of Moldova's democratic system. The Donors' Consultative Group for Moldova helps coordinate and motivate additional assistance to the country, particularly from EU member states.

The United Nations Development Programme (UNDP) supports: the ability of CSOs to ensure good governance, rule of law, and equal access to justice and promotion of human rights; public administration reform; Ombudsman's Office; Local Public Authorities (LPAs) especially in terms of fiscal decentralization and improved service delivery. The World Bank has a very robust program of support for Moldova. Its priorities rest with assisting public sector reform, public sector management, public procurement, financial management, and strengthening audit institutions. Other donors are also active.

The U.S. has had strong, ongoing interest in supporting Moldova and the other post-Soviet states, with an emphasis on reforming their economies, developing democratic systems, and transforming their societies. This has led to substantial diplomatic engagement and USAID assistance. U.S. priorities in Moldova revolve around peace and security, promoting democratic governance, and enabling broad-based economic growth and prosperity. USAID's DG programs include rule of law, media, civil society, citizen participation, and democratic political activism. USAID and the GOM implemented the \$24.5 million MCC TCP to reduce public sector corruption through technical and material assistance and policy reform. USAID also managed the U.S. Department of Justice's International Criminal Investigative Training Assistance Program, which provided assistance to the customs service and Ministry of Internal Affairs with the goal of initiating customs and police administration reform

4. RECOMMENDATIONS

4.1 STRATEGIC FOCUS

The Team concluded that the primary democracy and governance problem in Moldova revolves around its divided society, polarized politics, and the concentration of power in highly centralized systems dominated by the executive and personalistic political parties. This creates an imbalanced competitive field and weakens the already limited checking mechanisms of a parliamentary system, which, in turn, perpetuates the problems found across the areas and impacts directly on issues of legitimacy, representation, and participation. The team believes that the most effective way to address these problems is to focus on the competitive arena, specifically, the excessive concentration of power, the ineffectiveness of checks and balances, the lack of accountability and transparency, polarized politics, and personalized parties.

As a result, the Team recommends that DG assistance target strengthened political competition and more transparent and accountable democratic governance, specifically: (1) strengthen policy making and oversight mechanisms to improve the framework for and enforcement of fair competition, (2) support party and coalition building to improve the quality of participation and development of the political system, (3) strengthen local government so it can handle its decentralization responsibilities, and (4) strengthen the judiciary and other rule of law accountability mechanisms to improve the quality of competition and lead to a more balanced distribution of power. Improving these aspects of competition will, in turn, have a positive, mitigating effect on the problems found in the other DG areas, as many of these problems are inter-related. To be effective, this needs to be addressed from both the supply and demand sides. The political will for reform expressed by the AIE government during the assessment provides a window of opportunity for USAID to directly address some of these key issues, which is made even more important in the immediate term with the expectation of early elections and the unknown nature of the government to follow.

Priority subsectors are those relating to fair competition, accountability and oversight. Basic actors within them are the political parties, prime minister's office, parliament, judiciary, CEC, local government, civil society, professional associations, and media. Key cross-cutting issues are strengthening the flow of information and channels of communications, increasing participation of local level actors in issues of national importance, capacity building and professionalization, and stemming corruption. Programs should also take advantage of opportunities to build linkages with Transnistria where possible and be flexible so that they can rapidly adjust activities to the evolving political situation within Moldova. All DG assistance should be harmonized with EU integration norms and requirements which in some cases can differ from U.S. models.

The Assessment Team based its recommendations on several assumptions: the elections are most likely to occur in the fall of 2010 and will be highly politicized; the economy will remain weak and it is less likely that the government will undertake the hard reforms that will cut social programs or benefits and risk social unrest; the issue of Transnistria will remain unresolved in the near term; the ECHR and Venice Commission will continue to play an important role in Moldova's legal and democratic development; and Moldova will continue to move towards EU integration, regardless of the government that comes into power due to the processes that have been underway since the mid-2000s and their rapid acceleration under the AIE.

USAID has a strategic advantage with its existing programs, which are already dealing with many of these issues and which have built relationships of trust with the actors in these areas. This programming, put into place for the most part before the 2009 election events, already focuses on strengthening the basic

pillars of democratic society to improve governance and to serve as counter weights to an overly active central government. Areas include strengthening political parties, election administration, civil society, local government, rule of law, and independent media. These are still the important areas and actors to strengthen. The missing link is parliament, which the team believes needs strengthening, especially its oversight and key committee work.

Very few donors work to strengthen political parties and those that do usually tie their assistance to the preparations for an event such as elections, or as in the case of the German party foundations, limit assistance to the parties with similar ideologies. Most electoral support is also geared towards ensuring a successful event, and efforts to strengthen the broader competitive environment in which elections occur are limited or ad hoc at best. In addition, the nature of multilateral projects limits their scope and ability to adapt their programs to changing situations. USAID has the comparative advantage in strengthening electoral and political processes. It has the tools, understanding, experience, and relationships to be able to work in this sensitive area and make a difference in the broader political environment.

In the rule of law sector, there is an enormous amount of support being provided by the European donors and multinational organizations to support Moldova's move towards EU integration and to harmonize Moldovan legal structures and practices with European standards. In terms of the Assessment findings, the team believes USAID's niche is to strengthen the understanding of and appreciation for an independent judiciary and increased access to justice, thereby ensuring that the professionals within the legal system know how to use the tools and skills provided by these larger programs and be able to implement change. This niche includes working with the associational side to improve legal conditions and develop demand for improved administration of justice and enforcement of judgments. USAID already has a program in place with relationships of trust with both the Moldovan legal actors and other donor programs.

USAID also has a local government project in place, which will be an important link into a program to support a more competitive environment for the local elections planned in 2011. With the openings made in the media sector under the AIE, USAID is also in a good position to be able to adapt its existing media program to target the oversight aspects of the media as well as improve its professionalization. USAID has a similar civil society strengthening project that should be continued in order to strengthen formal and informal civic participation in governance and increase the demand for improved accountability and responsiveness.

4.2 PROGRAMMATIC PRIORITIES

Overarching Objective: Strengthened political competition and more transparent and accountable democratic governance.

Priorities: If funding is limited, immediate priorities are strengthening democratic competition and professionalizing the parties. This is followed by the other areas as listed. If additional funding is available, the Team recommends USAID consider supporting a modest parliamentary strengthening activity focused on increasing oversight and ability to develop more responsive public policies.

The recommended programmatic areas and illustrative activities in order of priority are:

1. **Strengthening democratic competition** by addressing issues related to the leveling of the playing field; political party strengthening and party system development; more equitable processes; and increasing the flow of information and ideas. Illustrative activities could include:
 - o Strengthening political parties to increase professionalization; encourage coalition building; increase internal democracy; support intra-party participation and dialogue; leadership training; and strengthen policy and platform development especially for the parties

in parliament through continued USAID political party assistance targeted at the specific problem areas identified in the Assessment with training and technical assistance;

- Strengthening the electoral process to be more inclusive and equitable by continuing USAID's electoral support program through the 2010 national and 2011 local elections with technical assistance; support CSO advocacy efforts and public discussions on equity issues such as access to media and campaign financing; strengthening CEC election administration in problem areas, such as the training of key staff and an audit of the voter registration list; and support to CSO networking to broaden the availability of information on the process and oversight through electoral process observation; and
 - Strengthening the independence of the media through journalist training on issues related to media ethics, professionalism, investigative journalism; and support for media associations and CSOs working to improve the framework for and enforcement of an independent media through technical assistance, training and sub-grants.
2. **Strengthening the rule of law** to strengthen the judiciary's independence and enforcement of the rule of law especially related to political and electoral processes, abuse of government power; and to help to increase access to justice by addressing the structural barriers to equitable justice. Illustrative activities could include:
- Specialized training, mentoring and study tours for judiciary, court administration, bar association and prosecutors (INL) and others in the sector to strengthen their understanding of and appreciation for an independent judiciary and need for increased access to justice; and to improve their professionalism and ensure that they know how to use the tools and skills provided by other donor assistance to implement change;
 - Strengthening legal and judicial associations and their linkages with civil society organizations to develop reform networks and increase demand for improved administration of justice and enforcement of judgments;
 - Synergistic assistance to the Ministry of Justice and parliament to support the large multi-lateral justice reform programs and for them to leverage these programs to make further improvements through training, mentoring, study tours (done in conjunction with those for legal professionals to build relationships and networks of legal reformers in key institutions);
 - Support civil society advocacy and oversight of the independence of the judiciary through training, technical assistance and subgrants for monitoring, advocacy and issuance of a judicial report card; and
 - Support for the Supreme Court of Magistrates to improve the independence of the judiciary, administration of justice and enforcement of judgments through mentoring, study tours and follow up training.
3. **Improving the quality of governance** by improving the public policy making process and its oversight in parliament; strengthening other checks and balances such as CSO watchdogs, and local government; increasing the flow of information within and from government; and strengthening the decentralization process by empowering targeted local governments to better fulfill their new roles and serve as models. Illustrative activities could include:
- Strengthening the public policy making process on issues of competition and accountability by supporting outreach mechanisms, such as public hearings and CSO participation; and capacity building for policy makers and staff of key parliamentary committees and

related ministries through training, mentoring, and supporting CSO white papers, and exchanges. This is an area where policy development could be linked to the quick impact donor-funded projects that are needed to show visible results of the reform process and maintain public support;

- Strengthening formal oversight mechanisms, such as specific parliamentary committees, on issues of improving electoral and political accountability, through training of professional staff, technical assistance, mentoring and developing their relations with oversight/audit departments within relevant ministries, independent agencies and CSOs;
- Strengthen local governance by supporting mayors and councils in pilot areas to more effectively manage local public services and meet community needs and improve civil society collaboration and participation in the process through training and technical assistance; and
- Strengthen civil society demand for and oversight of improved governance and accountability through training, technical assistance and subgrants related directly to efforts with parliament or local government.

APPENDIX 1: SCOPE OF WORK FOR DG STRATEGIC ASSESSMENT

INTRODUCTION

This scope of work calls for the completion of two inter-connected tasks: (1) an assessment of political change and democratization in Moldova; and (2) the development of recommendations for USAID to address the major barriers to the transition to and consolidation of democratization in Moldova. The assessment portion of the work will be conducted using a framework or tool developed by USAID's Office of Democracy and Governance. The strategy recommendations will also follow the guidance laid out in the framework as well as other relevant Agency policy guidance. The strategy recommendations will be articulated as results or outcomes with notional ideas of how best to obtain those outcomes. This scope of work does not call for a full and detailed program design.

ASSESSMENT METHODOLOGY

The team will apply the assessment framework attached to this scope of work. The assessment portion of that framework is divided into four steps and is designed to help devise a democracy strategy, make choices for programming, and define results. The four steps are analytical; in actual fact, the team conducts a single series of interviews but considers each of the four steps as it conducts its interviews.

In Step 1, the team analyzes the problems, which need to be tackled using five variables: consensus, rule of law, competition, inclusion, and good governance. The analysis should lead the team to a diagnosis of key problems for democratization and a prioritization of those problems. In addition, the analysis should identify the place of the country on a continuum of democratic change as well as the pace and direction of change. The result of Step 1 should be a priority ranking of the problems for the transition to or consolidation of democracy.

In light of Step 1, Step 2 examines how the game of politics is played in Moldova and defines the particular contextual dynamics which the country-specific strategy needs to address. In particular, it calls for the analysis of the forces which support democratization, those that oppose it, and their respective interests, objectives, resources, strategies, and alliances. It is designed to help programmers envision possible entry points for addressing the problems identified in Step 1. The team also examines historical, geographic, sectarian, and other factors that influence politics and need to be taken into account in developing a strategy. The result of Step 2 should be a reconsideration of the problems identified in Step 1 in light of the domestic allies and opponents of democratic reform; a winnowing of the possible institutional arenas in which USAID investments might have the greatest impact – namely, those which address the most important problems adjusted by those in which domestic partners provide at least the prospect of impact.

In light of Step 1 and Step 2 (what are the problems in order of importance and who are the domestic allies and opponents of reforms to resolve those problems), Step 3 examines those institutional arenas in which allies are best placed to push important democratic reforms. It identifies the nature of those institutional arenas, the rules that define them, the way in which those rules establish incentives favoring democracy, and the way in which those rules can be changed to promote more democratic behavior.

Using the basis of the analysis, the team will develop recommendations for a strategy. The strategy should in the first instance be an optimal strategy (i.e., what changes should USAID support in this environment to bring about a significant deepening of democratization, regardless of bureaucratic or other constraints). The optimal strategy should be formulated as one or more higher-level results or outcomes, with some

notion of the lower-level changes required to reach those outcomes. In articulating this strategy, it is important for the team to explain how the strategy is connected to and does something about the problems defined in the analysis.

STRATEGY DEVELOPMENT

Once the optimal strategy is articulated, it needs to be filtered through Step 4, a series of bureaucratic screens: US Embassy preferences and foreign policy concerns; resource availability (staff and money); USAID policy; the existing USAID portfolio; USAID's comparative advantage and what other donors are doing; etc. These bureaucratic filters will affect the shape of the final strategy and program recommendations, but it is important for the Agency to be clear about the trade-offs between the optimal strategy and the practical strategy. In the end, how much can be done about the primary barriers to democratization, given USAID's limitations and strengths?

Because USAID is in the best position to make these determinations, Step 4 is primarily the responsibility of USAID, not the team. Nevertheless, the mission or bureau may want to discuss these screens or constraints with the team and solicit its advice.

The team is not expected to produce a full blown strategy or USAID results framework detailing a series of inter-locking cause-and-effect relationships or formal strategic objectives or intermediate results. The team is expected to recommend higher level outcomes or desired changes, although with some tentative notions of how those outcomes might be achieved. For example, if the desired outcome is enhanced civilian control over the military, whose control needs to be increased and in what specific domains? What are the best ways of increasing civilian control? Does it make more sense to aim for greater professionalization of the military (joining NATO, joining peace-keeping forces, improving training and equipment) or is it better to improve the capacity of the legislature and the media to deal with military and security issues (increased understanding of budgetary issues, opportunities for dialogue, improved knowledge of weapons systems)?

APPENDIX 2: METHODOLOGY

As part of its strategic planning, USAID contracted an independent assessment of the challenges facing the development of democracy and good governance in Moldova. The Democracy and Governance (DG) Assessment evaluates the opportunities to promote democracy and good governance, especially in the light of post-July 2009 political context, and makes recommendations to USAID on how it can play a constructive role in engaging Moldovans to advance democracy and good governance within the current context. .

The DG Assessment was carried out using the methodology elaborated in USAID’s “Conducting a DG Assessment: A Framework for Strategy Development.” The full document is available on the USAID website at www.usaid.gov and the standard scope of work used to guide the Moldova assessment can be found in Appendix 1. This framework guides the political analysis of a country, leads to program choices, and incorporates lessons from comparative experiences. The framework uses a four-step process to develop a DG assistance strategy for a country:

The first stage of inquiry involves looking at the kind of political system that characterizes the country from a democratic point of view and to determine the direction of change on the democratic development continuum. Considering the linkage between political and economic reform is also relevant to place the assessment in the context of long-term development. Five elements (which are not fully distinct and never mutually exclusive) are taken into consideration: the degree of **consensus** on rules and fundamentals; the degree to which the **rule of law** is respected; the degree of **competition** in the system; the quality of political **inclusion**; and the level of **good governance**.

The second stage of inquiry involves identifying key actors, including the proponents and opponents of democratic reform. The goal is to identify which actors are allies of reform, and which political, economic, and social interests oppose democratization. Combining that analysis with conclusions from first level questions (the primary problems confronting democracy), the framework leads to the identification of priority institutional arenas for possible USAID support.

The third level of inquiry considers the key institutional arenas identified by looking at the same proponents and opponents of reform. Politics is played not in the abstract but in institutional arenas that structure it and (through formal and informal rules) provide incentives for some behavior and sanctions for other behavior. Four institutional arenas are particularly critical for democracy: the legal arena, the competitive arena, governance, and civil society.

The final step calls for distilling the assistance strategy by filtering the assessment through the lens of management reality: resource constraints, including budget and staff issues, as well as the work other donors might be doing already. Because USAID is in the best position to make these determinations, Step 4 is primarily the responsibility of USAID, not the team. Nevertheless, the mission or bureau may want to discuss these screens or constraints with the team and solicit its advice.

APPENDIX 3: DONOR MATRIX

EU Action Plan Area	MOLDOVA Ongoing Funding (... - 2009)	Donor	Description of Activity / Assistance Programme	Timeline	Sector
2.1	POLITICAL DIALOGUE AND REFORM				
	Democracy and the rule of law				
1.	Strengthen the stability and effectiveness of institutions guaranteeing democracy and the rule of law				
	6,000,000.00	EC	Support to the Agreements between Moldova and the EU		Governance and Democracy
	1,000,000.00	EC	Twinning Support to the Parliament of the Republic of Moldova		Other
	600,000.00	EC	Support to PCA Complementary Measures (completed)		Rule of Law
	1,000,000.00	EC	Support to Free and Fair Elections in the Republic of Moldova		Political dialogue and reform
	170,000.00	EC	Introduction of biometric passports in Moldova - ENPI 2008		Co-operation on Justice and Home Affairs
		Estonia	Allocating of scholarships to young Moldovan (and Georgian) civil servants: the Estonian Ministry of Foreign Affairs is supporting the studies of young Moldovan diplomats and other civil servants in the field of international relations and European integration. The scholarship programme lasts for one academic year and the studies take place at the Estonian School of Diplomacy. In the academic year 2007/2008, two scholarships have been allocated to Georgia and one scholarship to Moldova. The scholarship programme is supported also by Sweden and Finland.		Governance and Democracy
	14,000.00	Estonia	Introduction of the Estonian integration experience to the EU and NATO to young civil servants and lecturers of Georgia, Ukraine and Moldova: in the framework of the project, a 3-week training course will be carried out for young Georgian, Moldovan and Ukrainian civil servants at the Estonian School of Diplomacy. The course will give an in-depth overview of the Estonian integration experience to the EU and NATO, of the decision making procedures of these organizations, of the cooperation between the member states and their relations with the Eastern neighbours of the ENP. The Estonian School of Diplomacy has an experience of organizing similar courses already since 2003.		Governance and Democracy
	144,000.00	Finland	Estonian School of Diplomacy/Scholarship program for young Moldovan (and Georgian) civil servants in the field of international relations and European integration. Finland supports the studies of three Moldovans and two Georgians per academic year.		Governance and Democracy
	20,000.00	France	Coopération parlementaire (hors twinning européen « organisation du travail parlementaire » remporté par le Sénat et l'AN 1 000 000 € sur 2007/2008) : 15 000 € (dont cofinancements Fondation Robert Schuman et Section française de l'Assemblée parlementaire francophone) au titre de la formation linguistique ou de la dotation en supports juridique pour le Parlement		Governance and Democracy
	3,000.00	France	Mission de formation en France du directeur du ministère de la Justice chargé des dossiers devant la CEDH.		Rule of Law
	7,000.00	France	Formation linguistique (en français, langue de rapprochement vers l'UE) des fonctionnaires du ministère de la justice de la Cour Suprême et du parquet général		Rule of Law
	5,000.00	France	Risk analysis, training of trainers, custom value, dogs training and mobil units		Border management
	200,000.00	Germany	Manager Training Programme. During a one- to three-month training seminar in Germany, young managers develop the skills they need to make their companies fit for the global market and economic cooperation. The programme addresses modern methods of management and includes seminars on intercultural management and practical training in a German company.		Enterprise Policy / Business Climate
	40,000.00	Greece	Vocational training for lawyers and assistance for the necessary legal reforms, especially for combatting of trafficking		Rule of Law
	50,000.00	Greece	Establishment of a "State and Law" institute at the academy of science		Rule of Law
	20,000.00	Greece	Support of the democratic institutions		Governance and Democracy
	200,000.00	Greece	Training of judges, district attorneys, notaries, lawyers and other legal practitioners		Rule of Law
	60,000.00	Greece	Training for judges and instructors on technicalities of compatibility with the community vest - essay of preposition for institutional reforms		Rule of Law
	20,000.00	Greece	Study - visit of top ranking public servants from Armenia and Moldova		Governance and Democracy
	60,000.00	Greece	Strengthening parliamentarian systems		Governance and Democracy
	60,000.00	Greece	Supporting capacity & knowledge of Moldovan parliamentarians in the framework of modern parliamentarianism		Governance and Democracy
	10,000.00	Greece	International training seminar in the framework of the working group for the institutional renewal and good governance		Governance and Democracy
	14,000.00	Hungary	Media regulation project		Governance and Democracy
	15,000.00	Hungary	Sending Hungarian internal and justice advisor to Moldova		Governance and Democracy
	4,000.00	Hungary	Study trip of Moldovan diplomat to Hungary on EU integration		Governance and Democracy
	20,000.00	Hungary	Training of Moldovan diplomats in the Ministry of Foreign Affairs		Governance and Democracy

EU Action Plan Area	MOLDOVA Ongoing Funding (... - 2009)	Donor	Description of Activity / Assistance Programme	Timeline	Sector
	20,000.00	Hungary	Study trip of Moldovan representatives and officials (1 week)		Governance and Democracy
	5,000.00	Hungary	Training of electoral experts		Governance and Democracy
	8,000.00	Hungary	Training of five Moldavian diplomats		Governance and Democracy
	12,000.00	Hungary	Study trip of Moldovan local government leaders to Hungary		Governance and Democracy
	15,000.00	Hungary	Training of 10 social security experts		Governance and Democracy
	20,000.00	Hungary	The Study trip of the specialists of the Moldovan Audit Office or Tax Authority		Governance and Democracy
	10,000.00	Hungary	Language training for Moldavian diplomats		Governance and Democracy
	56,000.00	Ireland	Language training for civil servants in partnership with OSCE		Governance and Democracy
	3,000.00	Latvia	Annual Public Administration Summer School in Latvia: Training of the Moldovan civil servants in public management field and Transfer of best practice on EU information from Republic of Latvia to Republic of Moldova: Training seminars and visits to relevant EU institutions, production of promotional and informative materials, awareness rising, reporting and evaluation		Governance and Democracy
	3,000.00	Latvia	Participation of Moldovan judges in the conference "The reform, ethics and transparency of the judicial system"; Project by the Ministry of Justice of Latvia (2007)		Rule of Law
	6,000.00	Lithuania	Strengthening of administrative capacities in Moldova's institutions		Governance and Democracy
	11,000.00	Lithuania	Training of Moldavian politicians from regions		Governance and Democracy
	9,000.00	Lithuania	Training of Moldavian civil servants		Governance and Democracy
	20,000.00	Norway	The European Centre for Minority Issues (ECMI). The project aims at stabilising the relations between the central government in Chisinau and the authorities in Gagauzia through a mediated process, leading to the adoption of a legal framework that clarifies the competences between the two.		Governance and Democracy
	93,800.00	Norway	The Norwegian People's Aid. Women can do it. The intention is to support training and other measures to strengthen the competences of women in political parties and NGOs, for to increase women's participation in the political processes in the Gagauzia province.		Human Rights
	28,000.00	Poland	Fellowship Program for Moldovan Public Policy Analysts (Workshops, Seminar, Preparing manual)		Governance and Democracy
	70,000.00	Poland	Transfer of good practices in social economy – TRANS (study visits and workshops in Poland, conference finale)		Governance and Democracy
	64,000.00	Poland	Local governance and civil society a way to democracy. Polish experience of local governance development in multisectoral cooperation for Moldova's local government structure support (seminars in 9 south-west regions of Moldova and 3 regions of Gagausi; conference, preparing of main-book, publications, web-pages, study visit to Poland for several representatives of Moldavian administration and self government)		Governance and Democracy
	35,000.00	Poland	Development of local self-government and local communities in the Republic of Moldova (Study visits, Workshops, Seminars, Preparing analyses, Formatting a local web page)		Governance and Democracy
	36,000.00	Poland	Effective regional development in Europe of XXI century – Polish-Moldovan meetings of self-governments (exchange of specialists, preparing a strategy papers for local development)		Governance and Democracy
	19,000.00	Poland	Supporting of local self governance of Republic of Moldova. Partnership program Strzelin County – Straseni (exchange of local activists)		Governance and Democracy
	112,000.00	Poland	Development of internal auditors for Moldovan local governments (project carried out in cooperation with Georgia (4% of funds) and Ukraine (4% of funds) – 92% of funds for Moldova.		Auditing and Accounting
	50,000.00	Poland	Development of civil society in Moldova through democratization of local non-governmental organizations		Co-operation with Civil Society
	45,000.00	Poland	A Professional Local Newspaper as a Necessary Factor of Development of Civil Society in Moldova		Information Society and Audiovisual Co-operation
	5,000.00	Poland	Institution Building for the administration of the Republic of Moldova- pilot actions		Governance and Democracy
	600,000.00	Poland	Support for the National Bank of Moldova: Training of National Bank of Moldova representatives and diplomats: a) Monetary regulations. Controlling bank system's reserves. Open markets regulations b) Monetary programming and macroeconomic analysis		Governance and Democracy
	800,000.00	Poland	Study visits of Central Bank of Moldova representatives: a) Decision making and communication Policy at the NBP. Monetary transmission mechanism in Poland with the focus on the Exchange rate issues. b) Monetary Policy		Governance and Democracy
	2,800,000.00	Poland	National Bank of Poland experts' visit in Central Bank of Moldova - European integrations. Macroeconomic modeling. Monetary policy.		Macro-Economic Reforms
	1,200,000.00	Sweden	Project "Support to Public Administration Reform, together with the World Bank 2006-2010. The project represents a Multi Donor Trust Fund (MTF) and will support the implementation during 2006-2008 of Moldova's Government central public administration reform (CPAR) program outlined in the Strategy and its Implementation Plan (endorsed by the Cabinet of Ministers on December 28, 2005), aiming to an improved performance of public administration, aligned with policy priorities of the Government and operating according to the EU-compliant principles. The MTF has two main parts: a part executed by the Government of Moldova with WB support and a small policy advice part executed by the World Bank. The first part has the following components: Institutional Reorganization, Government's Policy-Making Capacity, Merit-based Professional Civil Service, Change Management and Information and Communication, Trust Fund Administration.		Governance and Democracy

EU Action Plan Area	MOLDOVA Ongoing Funding (... - 2009)	Donor	Description of Activity / Assistance Programme	Timeline	Sector
	30,000.00	Sweden	Three Parliaments: cooperation between Swedish Riksdag, the Latvian and Moldovan Parliaments (closed). The overall objective of the project is to enhance the capacity of the Moldovan Parliament in order to bring its country closer to EU standards as agreed in the Partnership and Cooperation Agreement with the EU and the EU – Moldova Action plan of February 2005.		Governance and Democracy
	200,000.00	Sweden	(closed)- The <i>Induction Training for Counsellor and Mayors</i> is implemented by UNDP and is one of the most important activities under component "Local Self-Government and Participation". The aim is to support the Local Public Administration to operate in a more effective and transparent manner as a means of bringing government and citizens together in a positive relationship. Raising awareness of newly elected public officials of fundamental local democracy and local self-governance issues is crucial in this. The goal is that this results in an increased level of efficiency, effectiveness, responsiveness, responsibility and transparency of local public authorities in Moldova.		Governance and Democracy
	450,000.00	Sweden	Building the Institutional Capacity of the Ministry of Foreign Affairs and European Integration, implemented by UNDP. The overall objective is to contribute to a modernized public administration system that is more efficient and better able to develop, implement and monitor long-term policies and programmes. The project specific objective is strengthening the institutional capacity of the Ministry of Foreign Affairs and European Integration so that it can exercise its functions in a more efficient manner, and fulfil its European Integration commitments. The Project will specifically support activities in three major areas: Institutional Capacity Building, Regional Cooperation and Communications and Public Relations. The Sida contribution shall be used for the first Component		Governance and Democracy
	4,509.00	United States	Programme Support (Stabilization): 46 GOM law enforcement and security officials participated in USG-funded training/exchange programs overseas. These programs focused on basic police skills, combating terrorism, prosecutorial and police teambuilding, and law enforcement task-force methodologies. (respectively 4000 and 6000 \$)	2007-2008	Governance and Democracy
	523,029.00	United States	Through legal assistance, the USG contributed significantly to Moldova improving its legal system and building confidence in the rule of law. Also, USG helped by submitting written analyses and comments to the GOM on draft laws related to the criminal-law system. (696.000\$)	2007	Governance and Democracy
	207,408.00	United States	To advance rule of law, USG assistance programs worked with Moldovan legal institutions, judges, bar associations, students, and lawyers to strengthen their awareness of legal education and reforms, particularly judicial reform. (276.000\$)	2007	Governance and Democracy
	828,881.00	United States	USG assistance helped to improve legislation on access to justice and increased the sustainability and organizational capacity of justice-sector NGOs. (respectively 946.00 and 1.103.000\$)	2007	Governance and Democracy
	90,929.00	United States	USG funding supported 10 training sessions for 260 judges, prosecutors, and bailiffs on building a legal anti-corruption framework and three training sessions on enforcement of court judgments. Four trainers from the Moldovan Bar conducted training sessions on legal ethics for 30 advocates. Fifteen to 20 participants attended each of the five USG-supported programs on legal-clinic sustainability and organizational development. In addition, the USG funded monthly law trainings for seven travelling lawyers and others to focus on legal issues in their caseloads. (respectively 58,000 and 121,000\$)	2007-2008	Governance and Democracy
	140,526.00	United States	USG assistance supports Moldova's development of legislation and sustainable institutions that promote democratic, judicial, legislative, market, regulatory, and law enforcement reforms. In this way, the U.S. supports Moldova's becoming a vibrant, responsive democracy underpinned by the rule of law and a functioning market economy. (187.000\$)	2007	Governance and Democracy
	67,633.00	United States	The USG supported the Collegium of Advocates and Judicial Training Center develop continuing legal education programs in order to strengthen the rule of law concept and advance the principal of sound and effective governance. (90.000\$)	2007	Governance and Democracy
	335,159.00	United States	With USG-funded support, Moldovan NGOs implemented voter-education campaigns, trained members of election commissions, and conducted media and elections monitoring. Through various USG programs, over 6,000 individuals have so far received USG-assisted training in campaign management, voter mobilization techniques, door-to-door campaigning, message development, communications, and fundraising. (446.000\$)	2007	Governance and Democracy
	870,964.00	United States	USG efforts in this area focused on technical assistance to campaign managers, staff, and candidates from the major political parties in the run-up to the 2007 local elections. USG also funded training initiatives aimed at increasing both youth and female involvement in political-party activities, including from the Transnistrian region. Such efforts have been promoted in order to help train civic activists from Transnistria in basic organizing skills, and foster ties and contacts between them and non-Transnistrian NGOs (respectively 1.095.000 and 1.159.000\$)	2007-2008	Governance and Democracy
	146,538.00	United States	USG-funded experts increased the knowledge and level of outreach, grassroots, and retail political skills of more than 8,000 political-party officials and local activists. With USG-funded support, Moldovan NGOs implemented voter-education campaigns, trained members of election commissions, and conducted media and elections monitoring for the Gagauzia region's gubernatorial election (respectively 55.000 and 195.000\$)	2007-2008	Governance and Democracy
Subtotal	19,787,376.00				

EU Action Plan Area	MOLDOVA Ongoing Funding (... - 2009)	Donor	Description of Activity / Assistance Programme	Timeline	Sector
2. Review existing legislation, so as to ensure the independence and impartiality of the judiciary, including the impartiality and effectiveness of the prosecution, and to strengt					
	3,000,000.00	EC	Increased Independency, Transparency and Efficiency of the Justice System of the Republic of Moldova (Council of Europe)		Rule of Law
	60,000.00	Finland	OSCE/ODIHR/Promoting Legislative Efficiency and Transparency in Moldova		Governance and Democracy
	123,000.00	Finland	OSCE/Trial Monitoring Program in Moldova		Rule of Law
	2,000.00	Hungary	Study trip of Moldovan specialists to Hungary on EU law harmonisation		Governance and Democracy
	14,000.00	Latvia	Project of the Ministry of Justice of Latvia is expected to start in 2008	2008	Rule of Law
	1,125,000.00	Norway	Norwegian Mission of Rule of Law Advisers to Moldova (NORLAM). With a general aim to implement a democratic legal, judiciary and correctional system, the NORLAM task groups consists of personnel from the whole chain of justice in Norway. A more specific aim is to contribute to a crisis response pool for Moldova.		Rule of Law
	Subtotal	4,324,000.00			
3. Ensure the effectiveness of the fight against corruption					
	3,000,000.00	EC	Project against Corruption, Money Laundering and Terrorist Financing in the Republic of Moldova – MOLICO (Council of Europe)		Governance and Democracy
	8,000.00	Hungary	Training of anti corruption officials		Governance and Democracy
	3,000.00	Lithuania	Fact finding visit of the Economic Crimes and Corruption Combating Center (ECCCC). A number of projects are identified for 2007		Governance and Democracy
	22,000.00	Lithuania	Strengthening of Moldovan anti-corruption institutions		Governance and Democracy
	13,000.00	Lithuania	Training of Economic Crimes and Corruption Combating Center officials		Governance and Democracy
	200,000.00	Sweden	-Moldova: Anti-Corruption and Money Laundering 2006-2009, through Council of Europe		Governance and Democracy
	91,000.00	United Kingdom	Anti-Corruption Public Awareness Campaign- April 07- March 08. Purpose: To challenge the current situation and change citizens' tolerant attitudes (Global Opportunities Fund)		Governance and Democracy
	492,218.00	United States	The Board of Directors of the Millennium Challenge Corporation (MCC) approved Moldova's proposed \$24.7 million Threshold Country Plan to combat corruption and designated Moldova eligible for MCC Compact consideration. Also, the International Monetary Fund (IMF) concluded an agreement with Moldova, and creditors rescheduled Moldova's debt via the Paris Club, thus substantially easing Moldova's balance of payments. (655.000\$)	2007	Governance and Democracy
	220,935.00	United States	USG continued direct assistance to Moldovan law enforcement agencies in the form of training, protective equipment, computers and vehicles and provided technical assistance to the Prosecutor General and the Center for Combating Economic Crimes and Corruption (CCECC) on anti-corruption initiatives. (respectively 206.000 and 294.000\$)	2008	Governance and Democracy
	703,384.00	United States	USG programs conducted activities to improve local governments' fiscal autonomy, efficiency, responsiveness, accountability and transparency. Work in this area focused on improving the capacity of municipal officials to implement reforms and deliver services and providing assistance to NGOs to help strengthen citizen participation (respectively 2.325.000 and 936.000\$)	2008	Governance and Democracy
	Subtotal	4,753,537.00			
Human rights and fundamental freedoms					
4. Ensure respect of human rights and fundamental freedoms, including the rights of persons belonging to national minorities, in line with international and European standar					
	100,000.00	Austria	Support to the Implementation of the National Human Rights Action Plan for 2004-2008 in the Republic of Moldova (implemented by UNDP). At the request of the Government, in January 2002, under the global HURIST Programme, UNDP launched a project 'Support to the Development of the National Human Rights Action Plan in the Republic of Moldova'.The activities supported by ADA included: exchanges of experience with Lithuania and Croatia on national systems for effective implementation and monitoring of human rights actions, feeding into the reporting on the EU-Moldova Action Plan, supporting the Green Line of the Centre for Human Rights, work with journalists to develop and publish a monthly supplement on human rights, to be distributed through national and local newspapers, organizing a Gala of Awards in the framework of the International Human Rights Day on 10th of December, where the most active human rights focal points, NGOs and mass-media representatives will have the opportunity to share the best practices in their work and be rewarded for their active contribution in the promotion/protection of the human rights in the Republic of Moldova: assisting national authorities in the Revision of the National	Human Rights	
	200,000.00	Austria	Gender-Responsive Budgeting in Southeast Europe for Moldova, Albania, Macedonia, Bosnia & Herzegovina (implemented by UNIFEM / Slovak): The overall aim of the program is to strengthen democratic governance to promote women's human rights through support to policy planning and budgeting processes to integrate a gender perspective, in at least four SEE countries, Moldova, Albania, Macedonia and Bosnia & Herzegovina (EUR 200.00 for the region)		Human Rights
	400,000.00	EC	Enhancing the domestic capacity to devise, implement, monitor and communicate on the national Roma related policies, and fighting negative stereotyping faced by Roma people		Human Rights
	84,700.00	Norway	Secondment OSCE Mission to Moldova. The grant concerns the continued secondment of a Human Dimension Officer with the OSCE in Chisinau.		Human Rights
	31,000.00	Poland	Combating trafficking in human beings		Organised Crime
	400,000.00	Sweden	Programme "Moldova: Human Rights 2004 – 2006" (extended to 2009), through Swedish Helsinki Committee. The programme will be evaluated and a possible new one will be assessed during 2009.		Human Rights
	Subtotal	1,215,700.00			

EU Action Plan Area	MOLDOVA Ongoing Funding (... - 2009)	Donor	Description of Activity / Assistance Programme	Timeline	Sector
5. Develop and implement an appropriate legal framework for the prevention of, and the fight against, the trafficking in human beings, and for addressing the problems faced					
	363,000.00	EC	Additional measures to fight child trafficking in Moldova (ASSOCIAZIONE ITACA ONG ONLUS)		Organised Crime
	75,000.00	Finland	IOM/Strengthening Migration Management in Moldova		Migration and Readmission
	200,000.00	Finland	ICMPD/Promotion of knowledge transfer to Moldova for the strengthening of migration and asylum management capacities		Migration and Readmission
	125,000.00	Finland	IOM - Mission in Moldova. The intention is to strengthen the competences of the public authorities, to make Moldova itself responsible for reintegrating the victims of human trafficking. This includes taking over an IOM-centre in Chisinau, to install support measures for the victims, arrange for witnesses in trafficking-cases, the operation of national and regional coordinated service-offices, and to initiate research on human trafficking.		Migration and Readmission
	150,000.00	Sweden	Regional Anti-Trafficking Program, together with IOM		Organised Crime
	212,174.00	United States	USG efforts led to the establishment of a witness protection unit (WPU) at the Center for Combating Trafficking in Persons (CCTIP). USG technical assistance to the CCTIP included training in skills to decrease human trafficking crimes; recommendations for revisions to Moldovan criminal laws, procedures, and practices in combating TIP; and training on cooperation with foreign law-enforcement agencies. (respectively 490,000 and 280,000\$)	2008	Organised Crime
	Subtotal				
	1,125,174.00				
6. Eradication of ill-treatment and torture					
	1,000,000.00	EC	Twinning "Support to Moldova in Prisons System upgrading and Penal Reform"		Human Rights
	640,000.00	EC	Support to strengthening the National Preventive Mechanism as per OPCAT provisions (UNDP Moldova)		Rule of Law
	Subtotal				
	1,640,000.00				
7. Ensure respect of children's rights					
	684,000.00	Austria	Children and Youth Protection Program (implemented by Hilfswerk Austria):In the centre of attention of the program was the fight of such problems as institutionalization, neglect and abuse of children and youth, trafficking in human beings, poverty and insufficient education and training, through construction measures and infrastructure works, promotion of an alternative care of children and youth with special needs, creation of training opportunities for children, youth and educators and institutional development of the social sector		Employment, Poverty Reduction and Social Policy
	72,000.00	Austria	<i>Child Protection in Moldova. Strengthening Regional Resources, implemented by Family for You Austria:</i> The Republic of Moldova aims at the restructuring of the child protection system. For children who cannot remain in their biological families, alternatives to institutional placement are to be created. The project objective is to train professionals in regions according to European standards and to contribute to the networking of the professionals so that decisions regarding the abandoned children are taken in interdisciplinary teams taking into consideration state and private resources (Time-frame: 01.10.2006 - 30.09.2009)		Employment, Poverty Reduction and Social Policy
	2,499,000.00	EC	Development of integrated social services for vulnerable families and children at risk in Moldova (UNICEF)		Employment, Poverty Reduction and Social Policy
	3,000.00	France	Mission d'une spécialiste française de la justice des mineurs dans le cadre de la formation des éducateurs judiciaires en Moldavie (mise en place de la formation spécifique)		Rule of Law
	2,000.00	France	Prise en charge de la participation de l'Alliance des ONG intervenant dans le domaine de la protection de l'enfance à une conférence régionale sur le droit à l'éducation		Co-operation with Civil Society
	3,000.00	France	Prise en charge de la participation d'une directrice du Ministère de la protection sociale, de la famille et de l'enfance à une conférence régionale sur la TEH et les mineurs victimes.		Rule of Law
	50,000.00	Greece	Improvement of health conditions & living standards of "street children" and homeless children in moldova		Employment, Poverty Reduction and Social Policy
	324,000.00	Italy	Creation of service centres for the respect of children's rights and prevention of their abandon		Employment, Poverty Reduction and Social Policy
	672,000.00	Italy	Training for welfare workers		Employment, Poverty Reduction and Social Policy
	513,000.00	Italy	Creation of a network of centres for childhood, youth and family		Employment, Poverty Reduction and Social Policy
	13,000.00	Poland	The school of skills – workshops for children (aged 8-14) after school and at weekends		Employment, Poverty Reduction and Social Policy
	1,400,000.00	Sweden	Creating a protective environment for children and families in Moldova, implemented by UNICEF. The project aims at supporting the continued establishment and implementation of a more efficient, inclusive and integrated child and family protection system in Moldova. The overall objective of the project is to promote the development of a protective environment, where children are assisted within an integral protection approach that also includes families and encourages the participation of children as subjects of rights. The project includes the following components: • Policy development and legislative reform: Institutional reform, Monitoring and evaluation, Reform of the social assistance system, Communication.		Employment, Poverty Reduction and Social Policy
	1,100,000.00	Sweden	<i>Juvenile Justice</i> , implemented by UNICEF. The overall objective of this Project is to strengthen the juvenile justice system to ensure child friendly procedures in compliance with the applicable international human rights instruments. The project will address the following priority areas:Continued legal reform;Development of a probation service;Provision of effective legal assistance;Provision of services to children in detention;Prevention of juvenile delinquency;Training of juvenile justice professionals.		Employment, Poverty Reduction and Social Policy
	Subtotal				
	7,335,000.00				

EU Action Plan Area	MOLDOVA Ongoing Funding (... - 2009)	Donor	Description of Activity / Assistance Programme	Timeline	Sector
8. Ensure equal treatment					
	1,100,000.00	Sweden	Support to Gender Equality in National Development Policies through UNIFEM. The overall development objective of the project is to promote gender equality as a prerequisite for rights-based sustainable development in the context of the MDGs, EGPRSP and EU-Moldova Action Plan. The programme will enhance national capacities in Moldova to realize their commitment to gender-responsive good governance and poverty alleviation. This programme will seek to facilitate the establishment of sustainable mechanisms for building national capacity for gender mainstreaming, developing an adequate data and information base for practical application in the policy formulation process and to enhance partnership between Government and NGOs in promoting gender equality both at the central and local levels.		Employment, Poverty Reduction and Social Policy
	50,000.00	Sweden	Gender Perspective in Education and Labour Market in the Public Expenditure Review carried out by World Bank. The objectives of the short term consultancy work are To perform a Benefit Incidence Analysis of the Moldova's employment support programs, pensions and education system.		Employment, Poverty Reduction and Social Policy
	Subtotal	1,150,000.00			
9. Ensure respect for the freedom of expression					
	1,100,000.00	EC	Freedom of expression and information and freedom of the media - EIDHR		Human Rights
	20,000.00	Finland	Support in the field of free media (Finnish Local Cooperation Fund)		Information Society and Audiovisual Co-operation
	12,000.00	France	Formation de journalistes : Hors programme de la DCI qui concernera 3 journalistes moldaves en 2008 : Quel rôle des médias dans la résolution du conflit entre la Moldavie et la région sécessionniste de Transnistrie		Conflict Prevention
	12,000.00	France	Formation linguistique et séminaire de formation sur les problématiques européennes et le journalisme d'agence pour les journalistes et étudiants en journalisme.		Information Society and Audiovisual Co-operation
	4,000.00	Lithuania	Lithuania's experience in public campaigns through integration in NATO and EU introduced		Peace and Security
	12,000.00	Lithuania	Lithuania's experience in investigative journalism introduced		Co-operation with Civil Society
	12,000.00	Lithuania	The role of the national broadcaster was delivered		Information Society and Audiovisual Co-operation
	2,000.00	Lithuania	Strengthening of free media in Gagauzia region		Information Society and Audiovisual Co-operation
	2,000.00	Lithuania	A special news agency "Info-Prom" edition on 2007 election as supported		Information Society and Audiovisual Co-operation
	5,000.00	Lithuania	Spread of information about EU, through weekly "Timpul"		Information Society and Audiovisual Co-operation
	5,000.00	Lithuania	A special magazine for teachers (in Romanian)		Information Society and Audiovisual Co-operation
	8,000.00	Lithuania	Further cooperation between Lithuania and Moldova journalists		Information Society and Audiovisual Co-operation
	1,066,176.00	United States	USG assistance focused on promoting the development of independent and objective media in order to enhance the capacity of civil-society institutions. As a result, USG provided several grants to local independent media outlets for election debates. In addition, aid was supplied to a broad coalition of NGOs and media partners to monitor corruption at the national and local levels. (respectively 230,000 and 1,407,000\$)	2008	Co-operation with Civil Society
	Subtotal	2,260,176.00			
10. Ensure respect for the freedom of association and foster the development of civil society					
	150,000.00	Finland	The Local Cooperation Fund programme (administered by the Finnish Embassy in Bucharest) supports several projects in the field of civil society cooperation. The projects are implemented mainly by local NGO's.		Co-operation with Civil Society
	30,000.00	Latvia	Towards active and strong NGO sector in Moldova: development of democratic civil society		Co-operation with Civil Society
	1,200,000.00	Sweden	Strengthening Civil Society in Moldova, Support to SOROS Foundation, 2006-2008 .The program administered by the Soros Foundation – Moldova (SFM) will aim at further development of a vibrant and democratic civil society in Moldova. The project covers three priority areas: Strengthening the non-governmental sector via support for networks, advocacy campaigns and capacity building; Marginalized groups. Social re-integration of ex-detainees; Support for local electronic media development.		Co-operation with Civil Society
	400,000.00	Sweden	Citizens' Oversight Initiative implemented by Eurasia		Co-operation with Civil Society
	1,847,432.00	United States	USG assistance programs enhanced civic participation through activities to show citizens how they could create tangible change in their communities through civic activity and democratic practices. Assistance focused on building the capacity of community activists and NGOs to improve the quality of community life, funding local development activities, increasing citizens' knowledge of transparent governance, and fostering constructive citizen-local government dialogue and partnerships. Furthermore, USG efforts, in collaboration with the Eurasia Foundation, have also been focusing on organizing additional trainings and seminars in hopes that such endeavours would bring together participants from all regions of Moldova, including Transnistria, and would facilitate establishing contacts and building trust between participants (respectively 2824000 and 2438000\$)	2008	Co-operation with Civil Society
	193,230.00	United States	16 communities secured US-funded grants, and more than 15,000 citizens participated in USG-supported community fora and workshops on advocacy, communication/facilitation, participatory activities, project design, project management and leadership. As a result, 218,271 households received new or improved public services, and more than 100 communities benefited from USG-funded training and technical assistance (respectively 8500 and 255000\$)	2008	Co-operation with Civil Society
	Subtotal	3,820,662.00			

APPENDIX 4: PERSONS MET

CIVIL SOCIETY

AISEC, Chisinau

Sergiu Matei, Chairperson

Association for Participatory Democracy (ADEPT), Chisinau

Igor Botan, Executive Director

Budgeac Concept, Comrat

Pavel Tulban, Director

Center for Trade Policy and Law, Chisinau

Oleg Arsenii, Director

Center “Women Initiatives”, Comrat

Eckaterina Cojokari Ceadir-Gunga, Director

Citizens

Vlad Lupan, Independent Political Consultant, Chisinau

Svetlana Gladkova (formerly of Citizen Participation Program- USAID/IREX), Comrat

Chirsovo, Kindergarden repair worker, Comrat

Gym repair worker, Comrat

Bus terminal repair works for the bus terminal

Information Center, Congaz

Road repair, Congazcic

Gender Center, Chisinau

Dr. Valentian Bodrug-Lingu, President

Institute for Development and Social Initiatives (IDIS) “Viitorul, Chisinau

Igor Munteanu, Executive Director

Institute for Public Policy, Chisinau

Arcadie Barbarosie, Executive Director

Independent Journalist Center, Chisinau

Corina Cepoi, Director of the Chisinau School of Advanced Journalism

National Youth Council, Chisinau

Sandu Coica, Chairperson

Office of Small and Medium Enterprise, Comrat

Natalia Kiseeva, Head

Pillgrim Demo, Comrat

Mihail Sirkeli, Director

Pro Business Nord, Balti
Elena Rososenco, President

Promo-Lex, Chisinau
Ion Manole, Chairman

Public Movement for Large Families and Women Enterprises, Gagauz Yeri
Antonina Vacarciuc, Director

Resource Center for Youth, Chisinau
Viorel Babii, Vice-Director

Resource Center of Moldovan Non-Governmental Organizations for Human Rights (CREDO), Chisinau
Sergiu Ostaf, Executive Director

“Young and Free”, Chisinau
Antonita Fonari, President

Women of Gagauz Yeri, Comrat
Svetlana Panaitova, President

Women Political Club 50/50, Chisinau
Ecaterina Mardarovici, Executive Director

Women’s Initiative, Ceadir-Lunga (Gaguazia)
Ekaterina Kojuhar, Head

GOVERNMENT OF MOLDOVA

Central Elections Commission
Eugeniu Stirbu, Chairman

Coordinating Council of Audiovisual
Marian Pokaznoi, Member
Dima Ciocan, Head of Monitoring Division
Ludmila Pascari, Head of Foreign Relations and Integration

Constitutional Court
Dumitru Pulbere, Chairman
Dr. Valeria Sterbet, Judge
Ion Tirpu, Spokesperson

Courts
Lazareva Elena Petrovna, Chairperson, Court of Appeal, Comrat
Oleg Sterneoala, Buiucani Chairperson, Court, Chisinau

Ministry of Justice
Oleg Efrim, Vice Minister

Rodica Secieru, Councilor

National Institute of Justice

Eugenia Fistican, Director

Ekaterina Popa, Head of Continuous Training Division

Gagauz Yeri Atu

Mihail Formuzal, Baskan (Governor)

Vitali Kyurkchu, Chief, Office of Economic Development, Trade, Services and External Economic Affairs of Gagauz Yeri

Harlamenco Ana Harlampievna, Speaker of the People's Assembly

Caraseni Demian Nicolaevici, Vice Speaker of the People's Assembly

Covalenco Elena Constantinovna, Vice Speaker of the People's Assembly

Mayors

Ion Bivol, Mayor of Bacioi

Nicolae. Dudoglo, Mayor of Comrat

Nicolai Crudu, Mayor of Durlesti

Superior Council of Magistrates

Igor Dolea, Member

Parliament

Serafim Urechean, First Deputy Speaker and MP, Our Moldova Alliance

V. Plesca, MP, Alliance Moldova Noastra Faction

Valentin Guznac, MP and Chairperson of the Parliament Commission for Public Administration, Environment and Rural Development

Grigore Petrenco, MP (PCRM)

Ion Creanga, Head of the Legal Division

Ecaterina Mardarovici, Former MP, Christian Democratic League of Women of Moldova Party

Prime Minister's Office

Victor Osipov, Vice Prime Minister, Reintegration

I. Stavila, Director of the Bureau for Reintegration

Gheorghe Balan, Vice Director of the Bureau for Reintegration

Victor Dragutan, Senior Consultant of the Bureau for Reintegration

Stella Mocan, Advisor to the Prime Minister

MEDIA

Public (Obshestvennoe) TV of Gagauz Eri, Comrat

Jeko Ekaterina Fiodorovna, Director

Publika TV, Chisinau

Vitu-Esanu Liliana, Realizator, Talk-Show

Radio Television Moldova, Chisinau

Eugeniu Ribca, Head of the Council of Observers

Viorica Cucereanu, Member and Secretary of the Council of Observers

Ziarul de Garda, Newspaper, Chisinau

Alina Radu, Investigative Journalist

POLITICAL PARTIES

Christian Democratic People's Party

Iurie Rosca, Chairman

Democratic Party of Moldova

Dumitru Diakov, Honorary Chairman

European Action Movement

Veaceslav Untila, President

National Liberal Party

Vitalia Pavlicenco, Chairwoman

Our Moldova Alliance

Serafim Urechean, Chairman

PCRM

Grigore Petrenco, Member of Parliament

United Moldova Party

Victor Stepaniuc, Member

INTERNATIONAL ORGANIZATIONS AND DONORS

Academy for Educational Development

Morana Smodlaka Krajnovic, Chief of Party, Moldova Civil Society Strengthening Project

American Bar Association

Kathy Ladun, Interim Chief of Party

Emil Darii, Institution Building Advisor

Olimpia Iova, Staff Attorney

Ion Miron, Office Manager/Field Financial Manager

EURASIA Foundation

Sorin Mereacre, Director

Andrei Brighidin, Manager Program

International Foundation for Electoral Systems

Pavel Cabacenco, Deputy Chief of Party, Strengthening Democratic Political Activism Project

Ronan McDermott, Consultant for Voter Registration

International Republican Institute

Steven Rader, Resident Country Director, Strengthening Democratic Political Activism Project

IREX

Wes Burd, Chief of Party, Media Program in Moldova

Olivia Pirtac, Deputy Chief of Party, Media Program in Moldova

Charles Butts, Chief of Party, Citizen Participation Project

Oleg Bursuc, Deputy, Citizen Participation Project

National Democratic Institute

Andrei Rusanovschi, Program Manager, Strengthening Democratic Political Activism Project

The Norwegian Mission of Rule of Law Advisors to Moldova (NORLAM)

Willy Giil, Head of Mission (Chief Probation Officer)

Dag Brathole, Rule of Law Advisor (Judge)

Denis Arcusha, Legal Advisor

Bijorn Larsen, Prosecutor

Office of the Special Representative of EU to Moldova

Bjorn Kavalkov-Halvarsson, Political Advisor

OSCE Mission to Moldova

Claus Neukirch, Deputy Head of Mission

Soros Foundation

Elena Lesan, Director of Civil Society Programs

United Nations Development Programme

Kaarina Immonen, Permanent Resident Representative

Aliona Niculita, Assistant Resident Representative, Local Development and Civil Society Portfolio

Viorel Albu, Project Manager, Better Opportunities for Youth and Women Project

U.S. Embassy

Marcus Micheli, DCM

Valerie Colby, Public Affairs Officer

Daria Fane, Political-Economic Section Chief

Jack Hardman, Second Secretary, Political-Economics Section

Sarah Lum, Resident Legal Advisor

Michael Mates, First Secretary, Political Officer

Stelian Rusu, Grants Specialist

Radu Foltea, RLA Assistant

William Thomas, Senior Advisor, Office of Technical Assistance, Department of the Treasury

USAID/Kiev

Laura Pavlovic, Democracy Officer (by phone)

USAID/Moldova

Susan Kutor,

Eugene Sienkiewicz, General Development Officer

John Wiebler, Program Officer

Sergiu Botezatu, Project Management Specialist, Economics

Diana Cazacu, Project Management Specialist, TIP

Stela Leuca, Project Management Specialist, Political Parties Strengthening Program

Ina Pislaru, Democracy Specialist, Democracy and Governance Programs

Corneliu Rusnac, Project Management Specialist, CPP and BIZTAR

USAID EG Assessment team:

Paul Richardson, Deputy Director, Office of Economic Growth, USAID/Ukraine

Jason Wolfe, Enterprise Development Adviser, USAID/Washington
Wade Channel, Senior International Trade Adviser, USAID/Washington
Zhenya Malikova, Privatization Specialist, USAID/Ukraine
Victor Rachkevych, Project Management Specialist, USAID/Ukraine

USAID/Washington

Valerie Chien, Desk Officer, Moldova
Kent Larson, USAID Team Leader, E&E Bureau

World Bank

Melanie Marlett, Country Manager, Moldova
Lillia Razlog, Consultant for Central Public Administration issues
Kristin Sinclair, Governance Operation Officer

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**U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20523
Tel: (202) 712-0000
Fax: (202) 216-3524
www.usaid.gov**