

Election Observation Mission Parliamentary Elections Republic of Moldova 22 March 1998

Preliminary Statement issued on 23 March 1998 by the Election Observation Mission

The following statement is based upon the observation of 15 Long Term Observers and close to 150 Short Term Observers having visited more than 30 % of the polling stations in the Republic of Moldova.

This is only a preliminary statement. No final assessments can be drawn until the vote count and verification procedure has been completed, and the results have been published. A comprehensive report will be issued in the coming weeks which will contain more detailed analysis and recommendations.

Summary of Conclusions

The election process was as a whole satisfactory. The candidates could compete under generally good conditions, and the voters could freely express their will on election day. A major exception to this positive assessment was Transnistria, where - due to the lack of *de facto* control by the Government of the Republic of Moldova - neither the candidates nor the voters had even close to adequate conditions for exercising their civil rights.

No significant deficiencies were observed during the pre-election period or on election day. However, further improvements can be made, in particular with regard to the legal framework, the voters registers and the media campaign.

The Legal Framework

The Election Observation Mission is pleased to note that a number of the recommendations issued by the OSCE/ODIHR Election Observation Mission after the Presidential Elections in 1996 have been worked into the new electoral legislation. A permanent Central Election Commission has been established, and adjustments have been made to the voting and counting process.

The Parliament has decided on an electoral system including a single constituency covering the whole country, and with proportional distribution of seats. This system may be appropriate in countries with no geographically concentrated minorities. However, if there are clear regionally based minorities, a system that provides for political competition within regions is normally used. This can be done by dividing the country in a number of constituencies. Complaints have been raised by representatives from the Gagauzian authorities that the law does not give sufficient possibility for the Gagauzian population to have a political competition between parties within their Autonomous Territory. It is recommended that this issue be

addressed as a matter of priority when reviewing the election law in view of future elections. This could also be of relevance for Transnistria.

Another issue of controversy has been whether the 4 % threshold was to be applied also to independent candidates. The Election Observation Mission does not have an opinion on the issue as such. However, the Election Observation Mission has emphasised the importance of having clear and unambiguous rules defined well in advance of the election. After the Parliament had decided that the threshold was to be applied even for independent candidates, the President filed an appeal with the Constitutional Court. Unfortunately no decision was taken before election day. Therefore today it still remains unclear whether the 4 % threshold will apply to the independent candidates. This may have affected the voters' choice.

Voter and Candidate Registration

The Voters Registers are still not accurate. A number of the voters (approximately 6 % of those actually voting) had to be entered manually into supplemental lists, indicating that they had not been registered before the elections. This creates some uncertainty with regard to the control of the voting process.

The Campaign

The electoral campaign was conducted in a generally calm manner.

However there were again some instances of inflammatory language during the campaign. In one case a party was attacked because of the religious faith of one of its candidates, and in another case Nazi symbols were used to characterise another contestant. Despite such regrettable incidents, there was an improvement in the general tone of the campaign.

Several issues related to the campaign were solved before the campaign became intense. The decision that nobody could campaign from a public office reduced the possibility for using public funds and infrastructure for campaign purposes. It was also clarified that schools could be used as campaign venues when there are no classes. Some parties complained that they had not been given access to public buildings for their meetings, but contestants have generally been treated equally throughout the country in this respect.

Media

The electoral campaign was also widely reflected in the mass media and every electoral contestant had access to the electronic as well as print media. The State Media gave the contestants a fairly equal access to present their programmes. At the same time, the state media made little effort to analyse the content of the campaign, and therefore only contributed in a limited manner to helping the voters in making their choice.

President Lucinschi appeared on 22 February, 1 March and the day before election on state TV, where he gave recommendations to voters, although without mentioning party names. If an elected president expresses his preferences, this should normally be done in a campaigning context and outside of the time slots allocated to him in his official capacity.

Another major obstacle for voters to build up their mind is the lack of real independent media in the country.

Election Day

The voting and counting on election day was performed in an orderly and professional manner, and the people involved were committed to their important task. Some areas can still be improved:

- The design of the ballot paper made the counting process complicated, the stamping of the ballots less efficient and the annulling of withdrawn candidates cumbersome.
- In many instances all ballot papers were stamped before opening the ballot box, contrarily to the law and instructions,
- Unauthorised persons were present both during the voting and the count,
- The decision on valid and invalid votes was still too strict in some polling stations, and in at least one place, the observers were not allowed to check the decision regarding the void votes,
- The training of party observers should be improved,
- Family voting is still a common practise, in particular in the villages,
- The rules for the re-conciliation of votes were not clear to all Polling Station Bureaus.

In the Polling Station of Varnita, which had been designated for Transnistrian voters, the arrangements for receiving the number of voters that could be expected were not adequate. There was little control with arrangements against double voting, but later during the day the situation was improved by organising the voting tables by alphabet of the voters surname.

Transnistria

The region on the left bank of the river Nistru is not under *de facto* control of the Government of the Republic of Moldova. It was therefore necessary to make arrangements for these elections similar to those established for the 1994 and 1996 elections, by inviting voters to come over to the right bank to vote in thirteen special polling stations set up for voters who reside in the Transnistrian region.

This is unfortunately not an adequate arrangement for giving all citizens a possibility to exercise their right to vote. Under normal circumstances the electorate would be served with between 400 and 500 polling stations. The responsibility for this situation rests squarely with the Transnistrian authorities.

Based upon an oral agreement made in a meeting on 20 January with the Transnistrian authorities, and confirmed on the telephone on 9 March, the Central Election Commission organised buses to cross over to the left bank to bring voters back to the thirteen polling stations. The vast majority of these buses were on election day prevented by the Transnistrian authorities from crossing over to the left bank, and even regular buses were stopped or delayed in some cases, apparently as the result of an order originating from the Transnistrian security apparatus. There were also reports of intimidation of some Transnistrian voters on election day and the days leading up to it. In some regular buses, the control of persons went beyond the usual one, and names were recorded. People told the observers that they were

afraid. These serious and deplorable manipulations, which have to be condemned by the international community, deprived a vast number of voters from exercising their right to vote.

The turnout in these polling stations was less than half of the turnout during the 1996 Presidential election. Even though the number of eligible voters is uncertain, this represents less than 1-2 % of the electorate in Transnistria.

Upon invitation from the Ministry of Foreign Affairs of the Republic of Moldova of 14 January 1998, the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission in Moldova for the 22 March Parliamentary elections.

Mr. Kåre Vollan was appointed by the ODIHR as the On-site Co-ordinator in January, upon being seconded by the Government of Norway.

Mr. Markus Aaltonen, Chairman of the Foreign Affairs Commission of the Finnish Parliament, was designated by the OSCE Chairman-in-Office as a Special Co-ordinator to the Election Observation Mission.

Mr. Dumeni Columberg was appointed Head of the Council of Europe Parliamentary Assembly delegation.

This statement is based upon the collective findings of observers seconded by 30 countries, by parliamentarians and public officials representing the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, the OSCE Participating states, the OSCE Mission to Moldova, local Embassies, as well as a number of NGO's. In total, 145 short term observers and 15 long term observers were deployed throughout the Republic of Moldova.

For more information, please contact the OSCE/ODIHR Election Observation Mission, Telephone (+373 2) 23 76 73 / Facsimile (+373 2) 23 76 69, The OSCE Parliamentary Assembly, Rådhusstræde 1, DK-1466 Copenhagen K, Denmark, Telephone (+45) 33 32 94 00 / Facsimile (+45) 33 32 55 05 or The Council of Europe, Strasbourg, France, Telephone (+33) 3 88 41 22 88 / Facsimile (+33) 3 88 41 27 76