

REPUBLIC OF MOLDOVA: INVALIDATION OF CHISINAU MAYORAL ELECTIONS. FACTS AND PROJECTED EFFECTS

(1) What is currently happening in the Republic of Moldova?

- Following the resignation of the former Mayor of Chisinau - the capital city of Moldova, which is almost 20% of the country's population - snap elections were organized at the end of May 2018. On June 3, following the second round of elections, Mr. Andrei Nastase, representing the Dignity and Truth Platform (pro-Western opposition), was elected Mayor of Chisinau by 52.07% of the voters. The result of the elections was publicly recognized by the majority of Moldovan political forces, including the Democratic Party of Moldova (PDM) - the leading party of the pro-Western governing coalition.
- However, on June 19, the Court of Chisinau decided upon the invalidation of these elections. The electoral process had been contested by the Socialist Party (pro-Russian), whose representative, Mr. Ion Ceban, had been defeated in the second round by Mr. Nastase. The Socialist Party argued that Mr. Nastase has organized electoral campaign on June 3, the day of the vote, which is against the current Moldovan electoral legislation.
- On a backdrop of public outrage, the Court of Chisinau ruled that Mr. Nastase broke indeed the Electoral Code of Moldova, performing electoral campaign ("electoral agitation") on the exact day of the vote, a fact considered illegal in the current legislative framework. The Court concluded that the activities of Mr. Nastase were premeditated and influenced the final outcome of the vote.
- Mr. Nastase contested the decision of the Court of Chisinau to the Moldovan Court of Appeal and to the Supreme Court of Justice. Following a process of re-examination, both courts confirmed the validity of the initial ruling, based on valid legal arguments. However, citizens of Chisinau protested the invalidation decision several times and the international community reacted swiftly, criticizing the ruling of Moldovan Courts and expressing various concerns.

(2) Why did the Moldovan Courts invalidate the results of the election, although no one has asked for it?

- Upon the fulfillment of all possible legal steps, the invalidation decision was reinforced by the highest judicial authority in Moldova on June 25. On procedural matters, the Socialists requested the acknowledgement of the contravention; the winning candidate recognized the actions that led to this debate in front of the Court of Chisinau. In this situation, it was the Court's obligation to decide on merits related to the legality and correctness of the elections (validation vs. invalidation) and thus, to issue a decision, which was further maintained by higher courts. Therefore, although the invalidation was not explicitly requested, the Court's decision came based on proofs, and consequently, the sanctions applied based on the current legislation.

(3) What is the position of the governing party?

- The Democratic Party of Moldova (PDM) acknowledged the final decision of the Supreme Court of Justice, reaffirming the party's commitment to judicial independence in Moldova and dismissing accusations of attempts to influence the Courts' rulings.
- According to party representatives, "respect for the rule of law is one of the fundamental values PDM and the Republic of Moldova abide by, in accordance with the principle of the separation of powers in the state's governance. In this regard, PDM will continue to support the independence of the judiciary, while condemning any declarations aimed at disrespecting or going against the rule of law."

(4) Who benefits the most out of this context?

- The current political situation in Moldova provides the premises of a political crisis, after more than two years of stability ensured and promoted by the country's current governing coalition, as well as in a context of sensible economic development and growth, driven by the Moldovan government. This is the reason why, for starters, political parties that form the governing coalition are the most disadvantaged, despite continued criticism and accusations of influencing the Courts' decisions.
- The main beneficiaries of the invalidation and of its effects are the pro-Russian groups in Moldova, which register increased political capital in a context of concern and criticism towards Moldova. The pro-Russian agenda scores credibility points when the independence of the judiciary and the democratic processes are questioned. Several voices argue that the other winner are Mr. Nastase himself and the pro-Western opposition, as they have now been granted a new platform for boosting their own political capital before the upcoming parliamentary elections.
- All in all, despite its confirmed legality, the decision on the invalidation of mayoral elections sets a dangerous precedent for all Moldovan political parties and, unless the legislation is changed, participants to the upcoming parliamentary elections may also fear the invalidation of mandates.

(5) What should have been the Government's role in this process?

- The severity of the irregularities observed by judicial authorities during mayoral elections has been assessed on the basis of the Moldovan legislation applicable in this case. Thus, despite public calls for administrative and political interventions in this case, the Moldovan Government and the political parties that form the governing coalition - especially PDM - should not interfere with judicial rulings. Moreover, PDM rejected accusations and calls for interventions, as any action of this kind would be unacceptable and incompatible with the principles of judicial independence and rule of law.

(6) What will the Government do in order to avoid such situations before parliamentary elections?

- The Moldovan Government maintains its commitment to ensure judicial independence and strengthen the rule of law, including in electoral contexts, recognizing free and fair elections as fundamentals for a democratic government.
- In this regard, Moldovan Prime Minister Pavel Filip has announced a thorough analysis to be conducted in due time by the Moldovan Ministry of Justice on the legislative framework and provisions which made possible the decision to invalidate the recent mayoral elections.

- Moreover, Prime Minister Pavel Filip has called for judicial clarity, whereas the Moldovan Speaker of the Parliament has announced plans to set up a Parliamentary working group to analyze and assess the current situation, and further on to purpose the improvement of the electoral legislation.

(7) How did the European Union react?

- Key bodies of the European Union mainly reacted by expressing concerns regarding the independence of the Moldovan judiciary, the state of the Moldovan democracy and the trust of the Moldovan people in state institutions. Such reactions came from the European Commission and from the European Parliament, where the issue of the invalidation of mayoral elections was first addressed by the EP Committee on Foreign Affairs.
- However, the June 25 Joint Statement issued by the High Representative/Vice-President Federica Mogherini and Commissioner Johannes Hahn on the invalidation of the elections read that “we expect the Moldovan authorities to take appropriate measures to ensure that the results of the Chisinau mayoral elections, as recognized also by national and international observers and reflecting the will of the voters, are respected.” Thus, one can observe a contradiction between the expressed calls for independence of the Moldovan judiciary and the expected measures from Moldovan authorities in this regard, which would only translate as interferences in the ruling of the Supreme Court of Justice.
- On political grounds, the EPP Group from the European Parliament seized the moment to trigger an alarming debate on Moldova and push for a resolution which “urges the European Commission to suspend any foreseen disbursements of macro-financial assistance (MFA) to Moldova” and “demands that the Commission suspend budgetary support for Moldova.” The resolution was passed by the Parliament and, as a consequence, Moldova will only be able to reopen talks on financial assistance after the upcoming parliamentary elections.
- As a side note, the European Parliament argued that Moldova failed to fulfill “political conditionalities” attached to the disbursement of the 100 million EUR MFA, although the fulfillment of technical conditions - mainly reform programs in several areas - was duly recognized by the country’s European partners.

(8) What are the political consequences of EU’s decision to suspend the macro-financial assistance?

- The macro-financial assistance for Moldova, of which no disbursement has been made yet, is not only an important financial resource for the Moldovan citizens, but also a signal of trust coming from Brussels and reinforcing Moldova’s pro-Western path. Despite recent developments, the Moldovan Government maintains commitments to continue for the implementation of key reforms for the benefit of Moldovan citizens.
- However, the political consequences of EU’s decision to suspend the macro-financial assistance will be felt most by the current governing coalition, but also by any pro-Western political force, as pro-Russian parties are expected to leverage the current setback in Moldova’s relation with the European Union and gain as much electoral capital as possible before the parliamentary elections.

(9) Are there any funding alternatives for Moldova?

- Moldova maintains a strong agreement with the International Monetary Fund (IMF) and, on June 29, a third tranche of 34 million USD for Moldova was approved. The allocation of a new tranche from IMF comes as a recognition of the Moldovan Government’s efforts to fulfill the

commitments included in the IMF Agreement and to drive necessary reforms. The latest IMF report on Moldova is available [here](#).

- On July 5, the World Bank approved the DPO 3 Moldova - Economic Governance Development Policy Operation. Thus, a credit of 30 million USD under DPO is going to be granted.
- Moreover, in order to complete public projects, diversify public investments and continue to deliver on planned reforms, the Moldovan Government also relies on state budget revenues, which have been steadily growing in the past two years - recently, Prime Minister Pavel Filip announced a surplus of 84 million USD in state budget revenues.

(10) What is Moldova's perspective for the next 6 months? What is the solution for ensuring pro-Western path?

- In the next 6 months and in view of the upcoming parliamentary elections, Moldovan authorities shall continue the reform program established by the current governing coalition in cooperation with the country's foreign partners. The reforms envisioned for Moldova are aimed at improving the living standards of Moldovan citizens, driving trust in state institutions and ensuring Moldova's development in line with key democratic values.
- Political and administrative stakeholders are currently working on solutions to streamline the existing electoral legislation and to help ensure a new pro-Western majority after parliamentary elections.