

26.9.94

COUNCIL OF EUROPE

SECRETARIAT GENERAL

Report to the
Finance Group
Pres. Molodtsov

Please quote:

Mr. President,

In some recent statements
you referred to the constitutional
arrangements introduced by
President Nazarbaev in
Kazakhstan as a positive
experience.

Does it mean, Mr. President,
that you agree with this
arrangement, that ~~you~~ you think
that they could be convenient
to Moldova and that you
want to implement a ~~constitutional~~
reform in this sense?
and even a reform of State
Security Law?

which
obviously
diminish
the role
of parliament

last. 1994

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COUNCIL OF EUROPE

SECRETARIAT GENERAL

Please quote :

Mr. President,

In some recent statements you referred to the constitutional arrangements just introduced by president Nazarbaiev in Kazakhstan as a positive experience. You also made it clear that in your ~~own~~ opinion, ~~your country~~ Moldova could benefit from the introduction of similar arrangements

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PREȘEDINTELE PARLAMENTULUI REPUBLICII MOLDOVA
ПРЕДСЕДАТЕЛЬ ПАРЛАМЕНТА РЕСПУБЛИКИ МОЛДОВА

277073, or. Chișinău, bd. Ștefan cel Mare nr. 105

277073, гор. Кишинэу, пр. Штефан чел Маре, 105

" ____ " ____ 199 ____

Nr. 02/128

Chisinau, le 22 septembre 1995

Monsieur le President,

Aujourd' hui la Republique de Moldova est membre du Conseil de l' Europe - c'est l'effet des efforts deployes par toute notre societe. L' adhesion de la Moldova au Conseil de l' Europe c' est l' ouvrage commun de tous les pouvoirs d' Etat, de leur travail et leur collaboration effective, qui sont devenus possibles suite aux elections parlementaires du 1994.

Le consesus des pouvoirs a permis au Parlement de la Republique de Moldova, a partir du fevrier 1994 jusqu' aujourd' hui, d' adopter plus de 500 lois, ce qui a constitue un apport considerable au processus de la reforme de notre societe et au raccordement de la legislation nationale aux standards europeens.

En prouvant par des resultats concrets qu' il est capable de faire face aux exigences du temps, le Parlement continue son travail afin de creer la base legislative pour les reformes democratiques et d' accomplir les engagements, qui ont ete assumes par la Republique de Moldova pendant son adhesion au Conseil de l' Europe.

Je voudrais vous informer que, outre les problemes que vous connaissez, le dernier temps ont surgis encore d' autres, qui affectent la stabilite sociale en Republique de Moldova. Il s' agit de l' intention de modifier radicalement la Constitution, qui a ete appreeciee favorablement par le Conseil de l' Europe et par d' autres institutions internationales.

M.Miguel Angel MARTINEZ
President de l'Assemblee Parlementaire
du Conseil de l'Europe
Strasbourg

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Avec l'abandon du President M. Mircea SNEGUR du Parti Démocrate Agraire (le parti de gouvernement), onze deputes ont quitte aussi ce parti et la fraction parlementaire majoritaire. Ils ont constitue le noyau d'un nouveau parti, qui s'appelle " Le Parti de la Renaissance et de la Conciliation, son leader etant le President du pays lui-meme. Conformement a la plate-forme politique de ce parti, un de ses buts est de donner de l'extension aux prerogatives du President et de creer une Republique presidentielle.

La Constitution actuelle, qui a ete promulguee par le President le jour-meme de son adoption, stipule le regime demi-presidentiel dans notre pays et suit, en ligne majores le modele francais de gouvernement.

On propose aussi la creation d'un Parlement bicameral, les senateurs etant nommes par le President parmi les chefs des executifs locaux.

Il n'y a pas longtemps, que la Republique de Moldova etait le seul pays qui a evite les conflits entre le pouvoir presidentiel et celui legislatif. Par consequent, etant un Etat europeen, nous risquons de tomber dans une extreme, ce qui sera tres dangereux pour les reformes democratiques dans notre pays. Ce fait ranime des soucis parmi les parlementaires, ainsi que dans toute la societe.

Nous esperons que les parlementaires-membres du Conseil de l'Europe partagerons cette inquietude et qu'ils s'exprimeront fermement pour le maintien de l'equilibre politique en Moldova et pour l'evolution positive du processus de democratisation dans notre pays.

Ayant confiance en votre comprehension et en votre soutien, je vous prie d'agreer, Excellence, l'assurance de ma haute consideration.


Petru LUCINSCHI



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Questions to be tabled concerning the political situation in the Republic of Moldova

1. Mr. President, quite recently you put forward the idea in your country about the abrogation of the 1994 Constitution which was promulgated by yourself and the introduction of the new Constitution providing for the presidential regime. Do you think that Moldovan democracy would benefit from such changes?

2. In some of your recent pronouncements, Mr. President, you referred to the Constitutional arrangements just introduced by Mr. Norovici in Kazakhstan as "positive experience." You also made it clear that, in your opinion, your country could benefit from the introduction of similar arrangements, which, to the best of my mind, cannot be appreciated as fully democratic. How could you comment on this?

3. Mr. President, quite recently you put forward in your country to the Parliament a legislative proposal concerning the possible changes in the Moldovan law adopted by Parliament in the first meeting which, in case it be accepted, would exclude all organs of state security from any kind of Parliamentary control and put it under the exclusive guidance of the President. Do you think, Mr. President, that this proposal is in conformance with democratic rules?

Political situation in the Republic of Moldova

Authoritarian tendencies on the territory of the CIS are being under way. ^{defenceless} Of the 1993 Russian Constitution are already well known to be discussed further. President Lucashenco's authoritarian methods in Belaruss recieved wide coverage in the international press. New Constitution in Kazakhstan gives further powers to President Nazarbaev - to the detriment of Kazach Parliament, and so on. Regretably enough, the same tendencies have recently became evident in the political life of the Republic of Moldova. President Mircea Snegur has got enchanted by the precedents of the executive coups in other post-soviet countries.

On June 26, 1995 Mr. Snegur left Agrarian Democratic Party which won parliamentary elections in February 1994, accusing it of attempting to introduce "dictatorship" and at the same time of limiting the powers of the President. He refered to the Constitution of July 29, 1994 which he said, unduly limited Presidential prerogatives. He declared this despite the fact that it was he himself who promulgated this Constitution at the day of its adoption and shortly afterwards insisted on its strict implementation. (Moldovan Constitution follows the model of the Fifth French Republic and could be discribed as semi-presidential, nevertheless it gives to the President wider powers than in France). This is the same Constitution which was very positively appreciated by the experts of the Council of Europe, thus becoming one of the reasons of the acceleration of Moldova's accession to the said organization.

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Then President referred to the fact that his "suggestions" on the nomination of the chiefs of the local executives were not "sufficiently" taken into consideration after local elections of April 1995. Moldovan 1994 "Local Administration Law" provides that the Government proposes candidatures for the posts of the chiefs of local executives from among elected councillors and after consulting main political groupings represented in the local councils.

Immediately afterwards President embarked on the political campaign to split Agrarian Democratic Party (PDAM) and to destabilise the Parliament. He initiated formation of the new party called "Party of Renaissance and Reconciliation", which he became a head of. The main idea included in the Programme of this Party is the introduction of the "Presidential Republic" and bicameral Parliament where the heads of the local executives ~~would~~ be represented. Clear reference was made in President Snegur's report ~~on~~ the first congress of the new party to the experiences of other post-soviet countries in the sphere of the Constitution-building. The idea of "positive experience" of Kazakhstan was then repeated for many times, lastly in his interview of September 14, 1995. It should be noted that what is referred to in Mr. Snegur's declaration as "Presidential Republic" is not going to be a democracy of American type but rather a Presidential dictatorship, because it would mean a subjugation of executive, both national and local, to President who would simultaneously hold the right to dissolve Parliament.

Another sign of President Snegur's intentions is his legislative proposal of July 12, 1995 to change the law "On

the State Security of the Republic of Moldova" adopted by the Parliament in the first reading in such a way that all organs of state security be directly subordinated to the President and any kind of parliamentary control be excluded. Needless to say to what extent such proposals are dangerous in the young and weak democracy, especially at the time of deep economic crisis and ubiquitous political cynicism.

Newspaper "Tineretul Moldovei", - organ of the new party is waging sistematic campaign against patliamentarism as such.

It is noteworthy that in his political campaign President threatens to revive the days of 1989, a period of wide-spread political violence and inter-ethnic tension. He tries to revive nationalistic feelings and to channel them against national minorities by publicly denouncing "concessions" made to that part of Moldovan population by the Parliament elected in 1994. (Prolongation of the time granted for studing official language of the country is what is being understood by these concessions). These moves already diminished the prospects for Transnistrian settlement.

He never denounced those organs of mass media which call for public violence, eg. to shoot Parliament using artillery guns. On the contrary, he encourages them and collaborates closely with them.

All these are signs of the very serious threat for the Parliamentary democracy in the Republic of Moldova.