

Deadlock and division in Moldova: the 2009 political crisis and the role of the OSCE

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Introduction

When Moldova's Parliament was set on fire during post-election riots in April 2009, many historically significant documents that were kept in the parliamentary archives were destroyed. Amongst them apparently was Moldova's original Declaration of Independence, adopted in August 1991 after the dissolution of the Soviet Union. This prompted a Moldovan former MP to lament that 'Without this document we cannot prove who we are. It's like we've lost our birth certificate.'¹ These words can be seen as epitomic for the present crisis facing the Republic of Moldova, a small state with weak institutions and a weak economy at the heart of Europe that is uncertain about its past and has recently become even more uncertain about its future. For the last eight years it has been the last country in Europe ruled by a nominal Communist Party, which claims to have brought a period of relative stability in 2001 after a decade of unstable governments, a collapsing economy and an unresolved internal conflict over the separatist region of Transnistria.

This vaunted stability has not been universally appreciated throughout the country, as some have instead experienced it as a stifling form of stagnation. Many young people left the country: according to some estimates over 40% of Moldova's working population has migrated out to seek its fortunes abroad.² Moldova's stability also proved to be fragile following the Parliamentary elections in April, in which the Communist Party headed by President Vladimir Voronin gained an absolute majority of 60 seats in Moldova's 101-seat Parliament. The opposition, which had campaigned hard on a staunchly anti-Communist platform, decried electoral fraud and protestors took to the streets. The post-election riots turned violent and resulted in the burning of several governmental buildings, which was met with a heavy-handed response by the authorities, prompting allegations of police abuse, harassment of journalists and even torture. A boycott of the presidential elections by the opposition deprived the PCRM of the last crucial vote for the three-fifth supermajority it needed to elect its presidential candidate, which plunged the country into a political deadlock that triggered repeat elections in July 2009. A fragile alliance of opposition parties scored a narrow victory of 53 seats and is now struggling to find a compromise presidential candidate and form a government that can end the political crisis.

The fierceness and divisiveness of the political dispute stems partially from a deeper, profound disagreement: since the 19th century, Moldova's population has been inherently at conflict with itself over its national identity. While some perceive a clear identity as a separate Moldovan nation, others affiliate themselves more with the culture of neighbouring Romania or would even argue in favour of (re)unification. Attempts of a nationalist movement in the early 1990s to push a pan-Romanian agenda exacerbated an internal conflict with pro-Russian forces that eventually culminated in a short-lived war over the status of Transnistria, a breakaway province that has since remained in a suspended state of de-facto independence under Russian suzerainty. This protracted conflict has consistently eluded any attempts at resolution and remains remarkably resilient, resisting over 15 years of facilitation efforts by the Organization for Security and Cooperation in Europe (OSCE) within the framework of the 5+2 format.

There have been several publications on the role of the OSCE in the attempts to bring about a lasting

1 Alexandru Arseni quoted in Moldova Azi, 'Parliament 90: Burning of Declaration of Independence is a real coup' (15 July 2009), <http://www.azi.md/en/story/4447>.

2 Milan Cuc, Erik Lundbäck and Edgardo Ruggiero, Migration and Remittances in Moldova, International Monetary Fund, Washington, 2005 (<http://www.imf.org/external/pubs/nft/2006/moldova/eng/mrm.pdf>).

settlement of the Transnistria conflict.³ However, few have explored its role in promoting democratic governance and crisis management on the right bank of the Dniester River. As it is highly unlikely that any progress can be made in achieving a conflict settlement with Tiraspol while Moldova remains in the midst of a profound political crisis, this paper will briefly outline the origins and different dimensions of Moldova's current multi-faceted crisis and will explore the role that the OSCE has played in the prevention and management of this crisis through election monitoring and democratization efforts, human rights monitoring, prevention of conflicts over identity and defending press freedom. It will make the case that while to date the OSCE has not had a decisive impact, it has a considerable potential to make a positive contribution to crisis management through its Mission to Moldova and its different Institutions (ODIHR, the High Commissioner on National Minorities and the Representative on Freedom of the Media).

Antagonism and confrontation: Moldova's current political landscape

For the last eight years, Moldova's political scene has been dominated by the Communist Party of Moldova (PCRM) headed by president Vladimir Voronin, who led the party to victory in 2001 and retained a firm grip on power until his resignation in September 2009. While it originally campaigned on a strongly pro-Russian platform, the PCRM gradually oriented itself more westward and made integration into the European Union one of its declared policy goals during the Parliamentary elections of 2005, which it won with an absolute majority. This has been a difficult balancing act for the Communists, given Moldova's dependency on Russia for its exports and for an eventual resolution of the Transnistrian conflict, but has given the PCRM more popularity amongst Moldova's generally pro-EU electorate.⁴

A pro-European orientation is also one of the few unifying elements of Moldova's current opposition, consisting of a host of parties that are otherwise only in agreement over the need to oust the Communists from power. Fifteen parties and 6 independent candidates competed in Moldova's key Parliamentary elections of April 2009, of which only three parties made it into Parliament: the Liberal-Democrats (PLDM) headed by Vlad Filat, the Liberals (PL) headed by Mihai Ghimpu and the 'Our Moldova Alliance' (AMN) headed by Serafim Urechean. Together the three opposition parties secured 41 seats in Parliament against the Communists' absolute majority of 60, while over 15% of the votes for several smaller competing parties were lost when they failed to meet Moldova's high electoral threshold of 6%. The detailed results of the elections are set out in Table 1.

Party	March 2005	April 2009	July 2009
Communist Party (PCRM)	56	60	48
Liberal Party (PL)	-	15	15

3 For good overviews of the role of the OSCE Mission in Moldova in general and in the settlement process in particular, see for example Claus Neukirch, 'Managing the Crises – Restarting the Process: the OSCE Mission to Moldova in 2004/2005', in IFSH (ed.), *OSCE Yearbook 2005*, Hamburg, 2006; and William Hill, 'The Transdnistrian Settlement Process– Steps Forward, Steps Back: The OSCE Mission to Moldova in 2005/2006', in IFSH (ed.), *OSCE Yearbook 2006*, Hamburg, 2007.

4 Odette Tomescu-Hatto, 'Inside and Outside the Border: Moldova and Romania in wider Europe', in Monica Heintz (ed.), *Weak State, Uncertain Citizenship: Moldova* (Frankfurt 2008), p 203.

Liberal-Democratic Party (PLDM)	-	15	18
Alliance 'Our Moldova' (AMN)	22	11	7
Democratic Party (PDM) ⁵	8	-	13
Others	15	-	-

Table 1 - Number of mandates in Moldova's 101-cameral Parliament. Source: eDemocracy, www.elegeri.md.

It has to be noted in this regard that with the exception of the Communist Party, Moldova has no history of traditional party organizations or stable factions in parliament. As in many countries of the former Soviet Union, its political parties more closely resemble movements around individual political leaders. Electoral blocs and parties are known to have fallen apart and to have radically changed political course, and individual deputies and politicians are mobile between parties and factions.⁶ As a result, electoral campaigns are as much about the personalities and reputations of politicians as they are about electoral programmes, making a thorough comparison of the different stated positions of the parties less useful for political analysis. The key defining aspects of the three opposition parties have been a strong anti-Communist attitude and their insistence on a more pro-Romanian and pro-European foreign policy.

Romania(n) or Moldova(n) — Moldova's crisis of identity

It would be mistaken to attribute Moldova's current political crisis entirely to a struggle for power between the conservative, pro-Russian Communists and the progressive, pro-European parties. As outlined above, the difference of opinion between the Communists and the opposition is not over whether or not Moldova should join the EU, but rather over what it would look like if it did.

Part of the bitterness of the conflict, or what analysts have called a 'mutual vilification and demonization'⁷ can be explained from a deeper underlying division over Moldova's national identity. The question at the heart of this discord is whether or not Moldovans constitute a separate nation from Romania, and concomitantly, if the Moldovan language itself exists or is just a differently labelled — or spelled — version of Romanian. These two competing national discourses have been highly contentious and have served needs of political mobilization

⁵ Note: the PDM and AMN formed an electoral bloc in 2005 together with the Social Liberal Party that gained 34 mandates but split up into three factions after the elections. The mandates in the table reflect those held in Parliament from 2005-2009.

⁶ For a detailed analysis of Moldova's political system and its parties, see Klemens Büscher, 'Das politische System Moldovas', in: Wolfgang Ismayr (ed.), *Die politischen Systeme Osteuropas*, 3rd edition, Wiesbaden 2009, forthcoming.

⁷ Vladimir Socor, 'Moldova's Elections: Limited Communist Victory Deepens Deadlock', Eurasia Daily Monitor, 31 July 2009 (<http://www.jamestown.org/programs/edm/>).

throughout the country's history, which in itself is hotly debated and disputed.⁸ The extreme 'Moldovenist' view holds that Moldovans have constituted a separate nation since the 14th century and speak Moldovan as a different language from Romanian, while the extreme 'Romanianist' view is the opposite and holds that the Moldovan language and people are in fact, an artificial creation by the Soviet Union designed to separate the Romanian nation and Russify the Moldovans.⁹ This is also the stated position of Romania, which has adopted a policy of 'one nation, two states' towards its smaller neighbour.

In this light the Communists can be seen as the main inheritors and proponents of the Moldovenist 'ideology of national distinctiveness', which was actively cultivated under the Soviet Union to separate the 'proletarian' Moldovans from the 'Bourgeois' Romanians and to serve as a defence mechanism against potential Romanian interference. The PCRM's adversarial relationship with Romania and particularly the clashes between President Voronin and Romania's nationalist president Traian Basescu can be traced back to the Moldovenists' need for continued affirmation of Moldova's independence and separate identity from Romania.¹⁰

The pro-Romanian opposition in turn harkens back to Moldova's independence movement, the Popular Front, which actively campaigned in the late 1980s for strengthening of the national language vis-à-vis Russian. When it rose to power it adopted language policies to this effect and increasingly oriented itself towards Romania. The fear of being assimilated in a unified Romania contributed to separatist movements amongst the Russian-speaking communities in Transnistria and Gagauzia, groups that to date are highly suspicious of any attempts to strengthen the State language and that are wary of politicians advocating unification with Romania. Most of Moldova's ethnic minorities — which make up as much as 24% of the population¹¹ — therefore support the Communist Party, which has consistently upheld the role of Russian as the 'language of inter-ethnic communication,' or vote for other left-wing and pro- Russian parties.

This ideological fault line at the heart of Moldova's society therefore coincides with its political cleavages between the PCRM and the opposition over Moldova's statehood, geo-political orientation and linguistic policy and as such, exacerbates the political crisis. This also explains why a symbolic issue such as the raising of the Romanian flag over the Moldovan Parliament during the riots caused such uproar and was seized upon by the PCRM to justify accusations against Romania and to introduce a strict and unpopular visa regime for Romanians.

Igniting the tinder: the parliamentary elections of April 2009

Moldova's current political crisis is not a new, spontaneous phenomenon. The Communists' power base in Moldova has been subject to gradual erosion that already became apparent during the local elections in 2007, when the PCRM suffered a considerable setback and lost control over several municipalities including the City

8 See for example, Stefan Ihrig, 'Uncific Discourses and their Discontents: Moldovanist and Romanianist Conceptions of the Nation and its Citizens in Current History Textbooks and Historiography of the Republic of Moldova', in Heintz (ed.), *Weak State, Uncertain Citizenship*, pp. 149-164.

9 The debate over the existence of a separate Moldovan language and nation is too complex to do justice in the limited space available in this article, but has been comprehensively covered in several publications. Please refer to Charles King, *The Moldovans*, Stanford, 2000, as well as to Matthew Cissel, *The Language of the Moldovans*, Plymouth, 2007, for more in-depth analysis.

10 See for example Argentina Gribincea and Mihai Grecu, 'Moldova: Situation Analysis and Trend Assessment', Writenet Report commissioned by UNHCR (October 2004), available online at <http://www.unhcr.org/refworld/pdfid/418f804a.pdf>.

11 2004 official census, excluding Transnistria (http://www.statistica.md/recensamint/Caracteristici_demografice_ro.doc).

of Chisinau. This outcome created significant tensions between the national and the local level, with non-Communist mayors complaining that their municipalities received considerably less attention and resources from the national budget. The increasingly antagonistic relation between the PCRM and the opposition during the last years culminated in a harsh and vicious campaign in the run-up to the crucial April 2009 Parliamentary Elections that would mark the end of the second term of Vladimir Voronin as President of Moldova. This article will therefore take the April elections as the starting point of its analysis of the political crisis and the ensuing deadlock.

Regardless of a fairly positive assessment of the electoral process by international observers, the opposition did not accept the results of the elections as valid, claiming that widespread vote rigging and tampering with voter lists had given the PCRM an unfair advantage. Violent street protests broke out in Chisinau following the announcement of the election results and led to the storming and burning of several governmental and parliamentary buildings. The authorities responded with a wave of arrests, denounced the protests as a coup d'état and accused neighbouring Romania of orchestrating the riots. The crackdown by the authorities on protestors and the press in the days and weeks following the protests was condemned by the European Parliament as 'a massive campaign of harassment' and as 'grave violations of human rights.'¹² The OSCE Mission to Moldova issued a statement on 7 April in which it condemned the post-election violence and called upon all sides for restraint, but the OSCE refrained from issuing further statements on these alleged human rights violations.

Aiming to consolidate its grip on power, the PCRM subsequently used its majority in Parliament to elect Voronin as its Speaker and put forward two candidates for the election of the President. In a surprising show of unity, the three opposition parties twice blocked the election of the President with a one-vote margin, thereby forcing Voronin to disband Parliament and call new elections in line with Moldova's constitutional requirements.

Turning point or continued stalemate — repeat elections of July 2009

In the repeat elections held on 29 July, which were assessed by OSCE/ODIHR observers as 'overall well administered' and 'meeting many of the OSCE and Council of Europe commitments',¹³ the PCRM once again emerged as the largest party with 45% of the votes but lost a considerable share of its parliamentary mandates and fell short of an absolute majority for the first time since 2001. The reduction in mandates for the PCRM from 60 to 48 mandates can be attributed to several factors. Firstly, while the PCRM did not lose considerably in absolute terms (from 49% to 45% of valid ballots cast), the lower number of lost votes due to a smaller number of participating parties and a consolidation of votes for the opposition did not favour the PCRM, which as the largest party gained many extra mandates during the April elections through the use of the D'Hondt formula for attribution of lost votes. Secondly, rather than flocking to the PCRM for its promise of stability, voters seem to have punished the Communists for the government's crackdown on the April protests.

Finally, and most importantly, a part of the loss of mandates of the PCRM was a consequence of the departure of one of its more popular prominent members, former Parliamentary Speaker Marian Lupu, who left the

12 European Parliament resolution of 7 May 2009 on the situation in the Republic of Moldova, P6_TA-PROV(2009)0384, available on <http://www.europarl.europa.eu>.

13 OSCE/ODIHR Election Observation Mission, 'Statement of preliminary findings and conclusions on early parliamentary elections in the Republic of Moldova', 30 July 2009 (http://www.osce.org/moldova/item_1_39082.html).

PCRM on 10 June and became the leader of the Democratic Party. This former fringe party only garnered 3% of the vote in the April elections and failed to meet the threshold, but under Lupu's leadership its offer of a moderate alternative to the Communists proved to be attractive to voters. It gained 13 seats in Parliament which gave it the crucial position of 'king-maker,' able to form either a narrow 53-seat governing coalition with the three other opposition parties, or a 61-seat coalition with the Communists (see Table 1 above). Following his pre-electoral promise not to engage in a coalition with the Communists without at least one other party, Lupu and the PDM engaged in coalition talks with the three other opposition parties and became the fourth member of the newly formed 'Alliance for European Integration' (AEI). Vladimir Voronin resigned on 11 September and ceded the presidency to the newly elected Speaker of the Parliament, Liberal Party leader Mihai Ghimpu, who in accordance with the Constitution, became acting President and began to form a government shortly afterwards.

Obstacles to a resolution of the political crisis

The result of 53 seats for the four opposition parties was widely perceived as a resounding triumph and a crucial turning point for Moldova, with hopes running high that the pro-European Alliance could make progress in democratic and economic reforms and could bring Moldova closer to Europe. Although this new parliamentary majority might be a good opportunity for Moldova to restart some of the reforms that stalled under the rule of the PCRM and to reinvigorate its economy, certain problematic factors persist that could cause its political crisis to endure.

The first and most obvious obstacle facing the Alliance for European Integration is its extremely narrow majority of 53 seats, which is insufficient to elect the President without support from the Communists nor to elect some of the other key positions where a 3/5th majority is required. In addition, the PCRM controls many municipalities and has its members in key positions in public organizations throughout the country. Some form of compromise with the PCRM would be required for the opposition to govern the country effectively. This would also entail reaching out to the 'Moldovanist' electorate of the PCRM, including Moldova's sizable national minority communities. A strategy of confrontation, exclusion and even retribution towards the Communist Party — as some opposition leaders seem to consider — would therefore only entrench Moldova's political crisis.¹⁴

Secondly, the opposition's difficulty in identifying candidates for key positions, including the presidency, is indicative of a second significant obstacle to the resolution of Moldova's political crisis: the fragility of the potential coalition. Out of the four parties who make up the Alliance for European Integration, only two (AMN and the PDM) existed at the time of the 2005 Parliamentary elections; the other two have been founded more recently. As described above, all four lack a country-wide organization and a stable membership base and represent movements rather than political parties in the traditional sense. Their leaders' ability to muster forces in opposition to the PCRM is not necessarily matched by their ability to compromise, with coalition governments being rare in Moldova's post-independence political history. The negotiations between the four parties over key appointments and the challenge of governing under difficult circumstances could soon result in a conflict within the prospective coalition, only held at bay by the looming threat that internal disagreement would benefit the large Communist opposition faction in Parliament.

14 Louis O'Neill, 'In Moldova, Revenge is a Dish Best not Served', *Radio Free Europe/Radio Liberty*, 12 August 2009 (http://www.rferl.org/content/In_Moldova_Revenge_Is_A_Dish_Best_Not_Served/1798218.html).

Thirdly, the country's institutional framework is relatively weak and will not be able to act as a mechanism to channel and manage political tensions, as became apparent during the unstable political decade of 1991-2001 before the Communists obtained absolute control over all key institutions.¹⁵ Lack of public trust in the judiciary, including in the Constitutional Court which is perceived as being pro- Communist, together with a convoluted constitutional design that could pit the different branches of the executive (President and government) and the parliament against one another make it not unlikely that scenarios occur similar to those in Ukraine after its 'orange revolution': protracted periods of deadlock as different factions in control of different institutions compete against each other for power. Such a protracted struggle would further erode Moldova's already weak state structure.

Finally, the current economic situation facing Moldova will constrain rather than enable any future government. While Moldova prided itself on its 'immunity' to the global financial crisis¹⁶, it has been hard hit in early 2009 by a drop in remittances from its labour migrants abroad which led to reduced domestic demand and suffered a sharp decline in import duties and in industrial production. The concomitant drop in state income led to a burgeoning budget deficit, while the IMF expressed concern and reluctance to approve new loans.¹⁷ The growing budget deficit and dire economic situation will put pressure on a governing coalition by forcing it to cut costs, which already made some PCRM politicians remark that it would be preferable to be in opposition for a few months while its opponents have to weather the economic storms in government.

The role of the OSCE in crisis management

As results from a brief analysis of the present situation, Moldova currently faces a complex and multifaceted crisis with political, institutional, economic and identity dimensions. The OSCE as the world's largest regional security organization, with its comprehensive concept of 'security', a sizable permanent Mission in Moldova and several specialized Institutions should have considerable potential to play an important role in the management of this crisis. This section will aim to evaluate to what extent it has utilized this potential prior to, during and after the April crisis.

Monitoring the democratic process: the OSCE/ODIHR Election Observation Missions

The OSCE's methodology of assessing its participating States' compliance with their commitments on democratic, free and fair elections has become known as the 'gold standard' for election monitoring. Throughout the OSCE area OSCE/ ODIHR Election Observation Missions (EOMs) have played an important role in deterring electoral fraud, providing legitimacy to genuinely democratic elections or adversely emboldening opposition politicians and the international community to challenge undemocratic practices.

On 6 April, Moldova's opposition, which had consistently accused the government of rigging the elections in favour of the PCRM, was disappointed when the OSCE declared that the elections 'took place in an overall pluralistic environment, offering voters distinct political alternatives and meeting many of the OSCE and

15 For more detailed coverage of state weakness in Moldova see Monica Heintz (ed.), *Weak State, Uncertain Citizenship: Moldova* (Frankfurt 2008).

16 See for example the optimistic article of The Atlantic, 'How Moldova Escaped the Crisis' (July/August 2009), available on <http://www.theatlantic.com/doc/200907/moldova>.

17 Economist Intelligence Unit, *Country Report Moldova* (June 2009), www.eiu.com.

Council of Europe commitments'.¹⁸ As usual, the media and political pundits rarely read beyond the first sentence of the preliminary statement, which was carefully negotiated between the ODIHR experts and the parliamentarians of the Parliamentary Assembly of the Council of Europe (PACE), the OSCE Parliamentary Assembly and the European Parliament, and concluded that the OSCE had given Moldova a clean bill of health on the 2009 elections.

The more nuanced conclusions in the statement that 'further improvements are required to ensure an electoral process free from undue administrative interference and to increase public confidence' and their substantiation deeper in the statement were largely overlooked. The opposition declared large-scale fraud with particularly the voter lists, called its deeply frustrated supporters into the streets and demanded first a re-count and — when this was granted but did not fundamentally alter the outcome — a re-run of the elections. The OSCE/ODIHR EOM attempted to verify some of the allegations of electoral fraud and indicated that some claims of fraudulent voting might have been credible, but was unable to provide a conclusive assessment.¹⁹

The limitation of OSCE/ODIHR Election Observation Missions in this regard was that in Moldova's recent elections the actual voting, counting, tabulation and other mechanical aspects of the electoral process were not crucial to a large-scale influencing of the outcome of the vote, while these aspects traditionally attract most attention of international monitors. The more subtle, long-term influence of the PCRM over the electorate through the State-controlled media and the 'blurring of the distinction between the duties of State officials and their campaign activities' were noted by the Mission but were too subtle a nuance for Moldova's deeply frustrated opposition to acknowledge. They were also insufficiently blatant to warrant denouncing of the electoral results by the OSCE or the EU. However, for the opposition claims of vote rigging, falsifying of the voter lists and dual voting proved to be more effective to bring those disappointed with the outcome of the elections to the street, regardless of whether or not these claims could be verified by international observers.

The OSCE/ODIHR EOM therefore does not seem to have played a central role in Moldova's 2009 elections. Its balanced and fairly positive assessment of the electoral process was not accepted as legitimate by the opposition, which has even led to some questioning of the validity and relevance of ODIHR's election monitoring methodology.²⁰ Neither did the EOM's criticism of 'misuse of administrative resources', 'intimidation' and 'preferential treatment of the authorities by the Public Broadcaster' prior to the April elections deter the authorities much from using these tactics again in the July elections; the preliminary statement of July again noted 'subtle intimidation' and 'bias in media coverage,' underscoring the need for the OSCE to continue and step up its efforts to promote democratization in Moldova.

Monitoring human rights: the OSCE mission to Moldova, ODIHR, the Chairman-in-Office and the April crisis

The OSCE Mission to Moldova was established in 1993 with its main objective 'to facilitate a lasting, comprehensive political settlement' of the Transnistria conflict, the results of which are limited to date but

18 OSCE/ODIHR Election Observation Mission, 'Statement of preliminary findings and conclusions on parliamentary elections in the Republic of Moldova', 6 April 2009 (<http://www.osce.org/item/37142.html>).

19 OSCE/ODIHR Election Observation Mission, 'Post-election interim report on the 5 April 2009 parliamentary elections in the Republic of Moldova', 20 April 2009 (<http://www.osce.org/item/37278.html>).

20 Radio Free Europe, 'Moldova Vote Controversy Highlights Doubts of Monitoring', 21 April 2009 http://www.rferl.org/content/Moldova_Vote_Controversy_Highlights_Doubts_Over_Monitoring/1613208.html.

remain outside the scope of the present article. In addition to its primary role as facilitator of negotiations in the 5+2 format, it monitors political developments inside Moldova and provides assistance and expertise, including on human and minority rights, the rule of law and democratic transformation.

Although the Mission provided the OSCE with a permanent presence on the ground and sent a regular stream of reports to the Permanent Council and the Chairman-in-Office, the OSCE as such did not play a prominent role during the protests and governmental crackdown in April. While several international agencies condemned the harsh measures of the authorities, the OSCE Mission only issued one statement on 7 April calling on all parties to refrain from violence.²¹ Radical pro-opposition protestors and foreign journalists claim that they approached the OSCE Mission with human rights complaints and expressed safety concerns but were rebuffed.²² To date, the Chairman-in-Office, ODIHR, the Permanent Council and the OSCE Mission to Moldova have not publicly confirmed or denounced allegations of torture, arbitrary detention and other human rights violations and seem to have gone back to 'business as usual,' with recent press releases covering seminars on confidence building in Transnistria and on combating trafficking in human beings.²³

At this stage, it can not be conclusively assessed to what extent the OSCE Mission, ODIHR and the Chairman-in-Office have managed (in confidential talks) to successfully convince the Moldovan authorities to comply with their human rights commitments. It is however, likely that due to its reluctance to take an outspoken position on the heavy-handed government response to the riots, the OSCE as a whole has lost some of its legitimacy as reassuring presence of the international community and as human rights watchdog in the eyes of many ordinary Moldovans.

Helping to build a cohesive society: the role of the High Commissioner on National Minorities

As the OSCE's primary institution tasked with the prevention of conflicts over national minority issues, the OSCE High Commissioner on National Minorities (HCNM) has been involved in Moldova since the early 1990s. Apart from strong concern over the policy of the de-facto Transnistrian authorities towards the Latin-script schools, which High Commissioner Ekéus has denounced as 'linguistic cleansing' in 2004,²⁴ the HCNM's main interest in Moldova has been the question of integration of the country's sizable minority groups into the wider Moldovan society.

Moldova faces the unique situation that its national minorities (of which Ukrainians, Russians, Bulgarians and Gagauz are the largest communities) are predominantly Russian-speaking, while Moldovans are generally bi-lingual in Russian and Romanian. Russian still plays a prominent role in Moldova and has been recognized as the 'language of inter-ethnic communication,' but it is gradually losing ground as more and more private enterprises and public organizations require their employees to be proficient in the State language. The HCNM therefore identified lack of knowledge of the State language amongst minorities as a key obstacle to their effective participation in public life and has recommended the authorities to take measures to give minorities

21 'OSCE Mission to Moldova condemns post-election violence and appeals to all sides for restraint', Press Release of 7 April 2009 (http://www.osce.org/moldova/item_1_37175.html).

22 See for example the radical blog 'Free Moldova: OSCE + Russia = Love' at <http://freemd.wordpress.com/2009/04/25/osce-russia-love/>.

23 For an overview of OSCE press releases on Moldova, see <http://www.osce.org/moldova/news.html?lsi=true&limit=10>.

24 See for more coverage on the role of the OSCE in general and the HCNM in particular: Mihai Grecu and Anatol Taranu, *The Policy of Linguistic Cleansing in Transnistria*, Cluj-Napoca, 2005.

better opportunities to learn it. In recent years, some minority communities such as the Gagauz have increasingly put forward demands to get better instruction in the State language, claiming that by depriving them of these opportunities, the authorities are effectively excluding them from access to jobs in the public sector.

By tackling this issue and encouraging the authorities to develop policies for linguistic integration of minorities, the HCNM effectively involved himself in Moldova's crisis of identity, putting his finger on a flaw in the Communist ideology of 'Moldovenism': the discrepancy between on the one hand, the claim that the distinctiveness of the Moldovan language is at the heart of a separate, strong Moldovan nation, but on the other hand, the reluctance towards adopting measures to strengthen it and to fully involve national minorities in Moldova's public life. This goes beyond the Communists' pro-Russian orientation and their nostalgia towards the Soviet past: the PCRM also shies away from steps to strengthen the State language out of fear of alienating its sizable constituency of Moldova's Russian-speaking minority communities. Through its inaction it has allowed the status-quo between the multi-lingual Moldovan majority and the mono-lingual minorities to endure, which perpetuates the country's identity crisis and is not necessarily in the interest of its long-term stability. A long-term involvement in Moldova notwithstanding, the HCNM has to date not managed to convince the authorities to take measures to further integrate its national minorities or to help Moldova to tackle and resolve its crisis of identity.

It is very likely that a future government formed by the Alliance for European Integration will be more prone to adopt measures to strengthen the position of the State language vis-à-vis Russian. Although this could lead to a better integrated society in the long run, when done in a confrontational or zero-sum manner, this could alienate minority communities and rekindle old fears of assimilation from the 1990s. With his mandate of autonomy, confidentiality and impartiality, the HCNM is uniquely positioned to closely monitor the language and education policies of the new government and could aim to prevent tensions at the earliest possible stage by ensuring that these policies do not run counter to Moldova's international commitments in the sphere of minority rights and meet his stated aim of 'integration with respect for diversity'.

Defending press freedom: the OSCE Representative on Freedom of the Media

The OSCE's smallest Institution has been its most outspoken following the April crisis: after receiving claims of harassment of domestic and particularly Romanian journalists, Miklos Haraszti, the OSCE Representative on Freedom of the Media (RFOM) sent a strongly worded letter to the Moldovan Foreign Minister on 14 April calling on the authorities to allow unhindered local and international reporting in the country. He also called for 'thorough and swift investigations into the alleged violations' and asked that those accountable be held responsible, to 'send a strong signal that governmental over-reaction will not be tolerated in the future'.²⁵

While Moldova enjoys a wide range of media outlets, these are not free to operate without outside interference, either by the government or by political movements linked to their owners. Freedom House ranks Moldova as 'not free' in its ranking of Press Freedom for 2008.²⁶ The government controls the main public TV and radio broadcaster, Teleradio Moldova, which enjoys an overwhelming market share particularly in rural Moldova. Together with the OSCE Mission, the RFOM has strived to encourage the authorities to reform

25 Press release by the OSCE RFOM, 14 April (http://www.osce.org/fom/item_1_37232.html).

26 Freedom House, 'Press Freedom 2008: Moldova', (<http://www.freedomhouse.org/template.cfm?page=251&country=7449&year=2008>).

Teleradio Moldova into a genuine public broadcaster, free of undue government control. As the OSCE/ODIHR EOM noted in its April and July reports, these efforts have unfortunately not been able to prevent the PCRM from benefiting from positive coverage by the public broadcaster, and more work certainly needs to be done. However, by focusing on this relatively small but crucial aspect of Moldova's democratic environment and by holding Moldova accountable to its OSCE commitments in the field of press freedom, the RFOM has a key role to play in pushing for further reforms and in ensuring that future governments will not be tempted to manipulate the public media to further their own interests.

Conclusion

Moldova is facing a complex and multi-dimensional crisis of governance that could well persist for the foreseeable future given the constraints facing the new government after the 2009 elections. With its permanent Mission and its Institutions the OSCE has considerable potential to contribute to the management of this crisis through election monitoring and democratization efforts, human rights monitoring, prevention of conflicts over identity and defending the freedom of the media. To date the OSCE has not fully realized this potential. Its efforts to promote democratic pluralism within Moldova and its relatively positive assessment of the April parliamentary elections have not prevented a political deadlock and a series of street protests over electoral fraud, nor has it been able to prevent or publicly report and denounce the subsequent crackdown and human rights violations by the authorities. While some of its Institutions issued separate statements, there has been no unified OSCE response to the April events or to the deterioration of relations between Romania and Moldova; the silence of the Permanent Council, ODIHR and the Chairman-in-Office has been surprising and arguably undermines the future legitimacy and credibility of the organization amongst the Moldovans.

On the other hand, its specialized institutions such as the ODIHR, HCNM and the RFOM have strived to assist the authorities to tackle some of the causes of the crisis by recommending changes to the electoral code,²⁷ the development of a policy of linguistic integration of minorities and reform of the state-dominated media landscape. While these attempts have met only with limited success, they are well targeted and could yield positive results should a more progressive government take office. The OSCE Mission and Institutions should therefore work closely with such a government and encourage it to commit to democratic pluralism and reforms and abstain from excessive retaliatory action against the Communist Party that could jeopardize the stability of the country. The OSCE could also do more to strengthen Moldova's institutional framework, including reform of the electoral law and on the structures of the executive, the legislative and the judiciary, in order to streamline the political process and prevent deadlock and conflict between different institutions.

To conclude, it would be a mistake should the OSCE only focus its efforts on the resolution of the Transnistria conflict while abstaining from involvement in the crisis on the right bank of the Dniestr. A stable, consolidated government in Chisinau would be a prerequisite for a genuine conflict settlement process with Tiraspol, which is one more reason for the OSCE not to 'punch below its weight,' in the words of Gareth Evans,²⁸ and to actively use the wide array of mechanisms at its disposal to help Moldova manage and overcome its crisis.

27 Together with the Venice Commission, ODIHR issued repeated recommendations on changes to Moldova's electoral code. See for example: European Commission for Democracy through Law (Venice Commission), 'Joint Opinion on the Election Code of Moldova as of 10 April 2008', CDL-AD(2008)022, available online on http://www.osce.org/documents/odihr/2008/10/34561_en.pdf.

28 As quoted in P. Terrence Hopmann, 'The Future Impact of the OSCE: Business as Usual or Revitalization?', in IFSH (ed.), *OSCE Yearbook 2008*, Hamburg, 2009.



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