

IFES-Moldova Senior Program Coordinator Igor Botan interviews

Anastasia Pascari

Judge of the Supreme Court of Justice of the Republic of Moldova

IB: *Mrs. Anastasia Pascari, you served as Deputy Chair of the Central Electoral Commission (CEC) during the most difficult time of Moldova's transition to a democratic society. Based on your personal electoral experience, how would you describe the electoral process in the Republic of Moldova?*

AP: The electoral process is quite cumbersome, just like other socio-political processes currently underway in a post-socialist country like the Republic of Moldova. The important thing is that citizens understand that merely declaring support for certain democratic values is not enough. Neither is it enough just to draft coherent legislation in support of democratization. The exercise of certain rights should go hand in hand with the assumption of responsibility for legislative decisions. From this perspective, the electoral process is an extremely important one, especially given its on-going, cyclical nature. All social phenomena are interconnected; any mistake committed in an election will inevitably translate into late mistakes while developing economic and social policies directly affecting the citizens. Since 1990, seven electoral campaigns have been organized in the Republic of Moldova. The most striking thing about them has been the progressive decrease in the voter turnout, which has fallen from 90 percent to only 60 percent. This is evidence of a sustained deterioration in the citizens' belief that voting gives them a chance to change things for better. On the other hand, Moldovan politicians have displayed an on-going interest in the electoral process and have amended the electoral legislation on numerous occasions. The first electoral reform took place in 1993 when a majority electoral system was exchanged for a proportional one. Later, in 1997, the Electoral Code was drafted with the International Foundation for Election Systems' (IFES) support. The goal of the new code was to standardize electoral procedures for all types of elections as well as institutionalize a permanent CEC. Most importantly, the code promoted ideas that were designed to create more transparency for the electoral process on the part of both parties and NGOs. This year, the electoral code was amended to limit the advantages electoral candidates currently holding public offices might have and to enforce stricter provisions on campaign finance and mass media coverage of elections. Hence, we can say there has been some progress. Nevertheless, the electoral legislation continues to be harshly criticized for having retained what can be described as voting party lists according to the one country, one constituency arrangement, which critics say encourages the collective unaccountability of deputies who fail to establish a close relationship with the voters.

IB: *Are any efforts being taken to exclude these faults from the electoral legislation?*

AP: Numerous statements have been made regarding the need for reform of the electoral system. Many parties, including



those represented in Parliament, have included in their electoral platforms claims for electoral reform. During electoral campaigns, the political agendas strongly advocate the idea of changing the electoral system. Yet, once elected to Parliament, representatives easily forget their promises and become more concerned with amending the electoral legislation in such a manner as to advantage themselves in relation to parties outside Parliament. Thus, in the long run, the legislative amendments erect new barriers such as electoral thresholds for extra-parliamentary parties and independent candidates. It is not parties alone that support the idea of changing the electoral system.

The President is equally persistent in promoting the same initiatives. After the constitutional amendment passed last summer, turning Moldova into a parliamentary republic, the Parliament made a statement on committing itself to amending the electoral system. Its goal was to encourage the creation of a parliamentary majority and, therefore, ensure a stable government and more efficient relationship between voters and elected officials. As a follow up, two legislative initiatives have already been submitted to Parliament. One proposes to introduce a majority system and another to change the absolute proportional system for a limited one. According to the latter, the deputies would be elected on party lists competing in multiple mandate constituencies to be established within the boundaries of territorial administrative units of the second level. As far as I know, the CEC has taken a different stance, similar to the one taken by the President of the country who favors a combined system. Soon, we will see which variant the parliamentarians vote for.

IB: *As a judge of the Supreme Court of Justice you attended a conference that tackled the issue of electoral dispute resolution last summer. What is the situation concerning this in the Republic of Moldova?*

AP: Indeed, IFES and the Association of Central and Eastern European Election Officials (ACEEEO) organized the conference. I had the opportunity to exchange accounts of my experiences with counterparts from other countries and see for myself that in the Republic of Moldova legislation ensures, to a satisfactory degree, the right to appeal decisions and rulings by electoral and juridical bodies. The only problem is to ensure a uniform application of existing legislative provisions. As a response to this need, the Supreme Court of Justice has been developing a compendium of cases of electoral dispute adjudication. It will provide the compendium to judges from the administrative court system, who are also responsible for the electoral cases. Thus, the compendium will be a tool for the uniform application of legislation. With these kinds of activities, we plan to keep electoral reform on our agenda. □