

Foreign Policy Association together with Friedrich-Ebert-Stiftung offer you a newsletter on foreign policy and European integration issues of the Republic of Moldova. The newsletter is part of the "Foreign Policy Dialogue" joint Project.

NEWSLETTER

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Synthesis and Foreign Policy Debates

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News in Brief



On February 22, the European Council imposed restrictive measures against six individuals and one entity on the grounds that they were responsible for actions aimed at destabilizing, undermining or threatening the sovereignty and independence of the Republic of Moldova. On the list of sanctions was the paramilitary organization *Asociația Oamenilor cu Epoleti "Scutul Poporului"*, which allegedly made repeated attempts to undermine the democratic government in the Republic of Moldova, including by inciting riots and violent demonstrations, as well as its leader, Chiril Guzun. Among those sanctioned by the EU is the Deputy Head of the Operational Intelligence Department of the Federal Security Service of the Russian Federation, Dmitri Miliutin. The other four are Arina Corșicova and Dumitru Chitoroagă, responsible for the media of the fugitive oligarch Ilan Șor, but also Maria Albot and Victor Petrov from ATU of Gagauzia. The EU previously sanctioned, on May 30, 2023, the first five people considered responsible for attempts to destabilize the Republic of Moldova: oligarchs Ilan Șor and Vladimir Plahotniuc, deputy Marina Tauber, former deputy chief of the General Police Inspectorate, Gheorghe Cavaliuc and the Russian businessman Igor Ceaika, the son of the former Prosecutor General of Russia.



President Maia Sandu addressed a message of solidarity to the Ukrainian people, in the context of marking on February 24 two years of war in Ukraine. She specified that Moldova appreciates the heroism of Ukrainian military and civilians who defend the freedom of the entire European continent. "Today marks two years since the start of Russia's war in Ukraine, two years in which hospitals, kindergartens, shops, residential blocks, churches are bombed every day in the neighbouring country. Today we mark two years of terror, but we also mark two years of resistance. It's been two years since Ukraine stood upright and dignified and through the heroism of Ukrainians - military and civilians - defending the freedom of the entire European continent and peace in our country. We are grateful to the Ukrainians for their extraordinary courage", stated Maia Sandu. The head of state mentioned that in these two years, the Republic of Moldova understood first-hand the importance of peace and freedom. "The Republic of Moldova has shown itself and the whole world that it chooses life and that it will always help those in need. Moldovans want to live in good understanding and we will do everything in our power so that there is peace in our country", the president concluded.



Ukraine considers Transnistria a potential threat to Ukraine's national security, says Ukraine's ambassador to the Republic of Moldova, Marko Shevchenko, in an interview on the two-year anniversary of the Russian invasion of Ukraine. He added that Ukraine closed the border with the Republic of Moldova on the Transnistrian segment from the first day of the war. The diplomat expressed this concern by the stationing in the separatist region "of the Russian army under the flag of peacemakers" and by the fact that the armed forces of the unrecognized republic are under the influence of the Russian military. For this reason, Ukraine maintains part of its military forces near the Transnistrian region. "We must be prepared for any eventuality by the Transnistrian region threatening the country's national and military security," said the Ukrainian ambassador in Chisinau.

The EU integration referendum: cross-party idea or political monopoly?



President Maia Sandu consulted with civil society regarding the referendum for European integration on February 1, 2024. Photo credit: Presidency of the Republic of Moldova

The European idea must be promoted by all healthy political forces who believe in this idea together with the majority of the Moldovan society. In the last almost two years, the ruling party has taken important steps towards European integration, but the European project must be promoted by all

pro-European political factors, and for this unity is needed. Arrogance, political clumsiness or the lack of a common vision unfortunately prevent the coagulation of pro-European forces, while for the pro-Russian parties there is only one centre of interests and command – Moscow.

Multiple crises and the erosion of governance did not escape the ruling party, which won the majority in Parliament by a very large score. This gave free rein to a well-intentioned government that also made some mistakes, especially when it comes to communicating less successful results.

► That is why part of its electorate will seek to be represented in the upcoming parliamentary elections by other political forces, and PAS must understand these realities and bring these parties together in time. Also, the referendum on EU integration must not only mean the plan of President Maia Sandu and the ruling party, but the joint plan together with all political parties, civil society and various notorious figures in society.

A signed consensus is needed between all the pro-European political parties,

and this can only be done in writing in an assumed document. Only in this way can the coagulation of pro-European forces happen, leaving aside the pro-Russian parties that obstruct the European path of the state.

The European path must be promoted in a multi-layered way at all levels of society. We need a union of forces, not a monopoly of the European idea. Currently, the feeling is that this idea comes from the top down, when things should somehow be the other way around, and the political elite should

promote the European ideal from this position.

The years 2024 and 2025 will be decisive for the Republic of Moldova. Moscow will try to divide the European forces, and the pro-European politicians must not lose their lucidity and cold thinking. Chisinau has a unique window of opportunity for rapprochement with the EU that will not remain open indefinitely. That is why it must act quickly, internally consensually and very firmly in terms of reforms.

Madalin Necsutu

All political forces must understand and get mobilised for the referendum

Liliana Nicolaescu-Onofrei, Chair of the Parliamentary Committee on Culture, Education, Research, Youth, Sports and Mass Media gave an interview to the FES/APE Foreign policy newsletter in which we discussed why a referendum in which the Moldovan people can to express their support for the country's accession to the European Union is important. We discussed all the facets of this referendum and what the pro-European power in Chisinau hopes to achieve through such an approach. In the dialogue with the deputy, we also talked about what can be done better against disinformation, but also about the strategic communication of state institutions empowered to inform about such processes. We invite you to read more about these topics in the following interview:

■ We have an extremely important year ahead of us, with presidential elections and a referendum on the wish to join the EU. There are



voices that are in favour of this referendum, but also some that say that such an exercise would not be appropriate for various reasons. Why is such a referendum important this year?

■ From my point of view, right now it is important that we all mobilize, because we have no time to lose. It is important now that everyone, the opinion makers, the mass media and all of us communicate

with the people because this year is also decisive from the point of view of informing the society and declaring the European direction as irreversible.

This is needed so that nothing else can intervene. That's why I believe that this initiative of the president and this constitutional referendum will help us mobilize even better and focus our efforts on this direction, all of us together, the whole society.

■ **A constitutional referendum would have to pass with a positive result of 70%. Many experts say it would be difficult to achieve. Are you optimistic that such a result can be achieved?**

■ I am an optimist and, in particular, I believe in the mobilization of all of us, because our society has been divided and remained so for too long, unfortunately. So, now, for this cause, I think it is the case that absolutely all political forces put aside certain dissensions or differences in optics and work together so that we can mobilize as many people as possible.

The Republic of Moldova on the world map

■ **There are voices that say this referendum would help the president in the presidential election. Are these arguments sufficient or you see them as being of political nature, advanced by other parties, even pro-European ones but competitors of the PAS?**

■ At the moment, I believe there is absolutely no chance for any other candidate than the President Maia Sandu. Everyone, even the political forces that have a different opinion cannot help but admit what she managed to do as president.

This actually means putting the Republic of Moldova on the world map, because the prerogatives of the President related to foreign relations and defence have never been fulfilled by any other president. What she managed to do and the fact that the Republic of Moldova is not only known for sad stories, but also for successful ones, is primarily the merit of Maia Sandu.

Obviously, she will always say that it is the merit of the team, but I think that the way a team moves always depends on who is the heart and soul of this team.

■ **President Maia Sandu is having a dialogue with political parties, civil society experts and journalists on the issue of the referendum. How important is it that this process of such consultations is as inclusive as possible?**

■ I think it is very important. As I said before, absolutely all political forces must understand and be mobilized when it comes to this referendum. It is that issue where we all need to look in the same direction.

From my point of view, there is no place here for political struggle between parties. Those political forces that will not realize how important European integration is for us, have no chance to win, I think.

I am very glad that these discussions are also taking place with the mass media, but also with non-governmental organizations and representatives of various professions, etc.

Obviously, the role of the mass media is also very important because people must be informed and not only through talk shows that invite political analysts who

present the arguments in favour of joining the European Union, but through broadcasts and programmes speaking about concrete achievements – the multitude of projects that were realized in the Republic of Moldova with the support of the European Union, or with the support of some member states of the European Union, such as Romania, Poland, Germany, Sweden and other countries that helped us.

I would like the media to talk more about those successful examples of our people who were helped by European programmes and the support of the European Union. They have been helped to do useful things, but also profitable businesses here at home.

In my view, it is the best practices that should be talked about in the TV programmes. Because in the talk shows, yes, we see debates, arguments, but people also need to see concrete examples, especially since each of us - and I don't know if there is a person in the Republic of Moldova who doesn't - have a relative or at least one acquaintance in one of the European countries.

Disinformation, a growing problem

■ **Should we expect a difficult year in terms of disinformation regarding the upcoming elections?**

There is a lot of discussion about using artificial intelligence for disinformation purposes. We saw at the end of last year and now those videos aimed at President Maia Sandu. Do you think this phenomenon of using AI for fake news could take off this year?

■ I think that the hybrid attacks and disinformation will of course take place because Russia's stake is to

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distort our European orientation. Russia will try to come up with destructive tools, disinformation being one of them. In the situation where society is still quite divided, as I said, including because of the politicians' irresponsibility, we must expect an amplification of this phenomenon of fake news.

The wave of disinformation and hybrid attacks against us will probably be greater this year. I, personally, am optimistic and believe that only through joint efforts will we be able to handle this situation. And here I am referring to the state institutions, but also to the mass media, and to ordinary people who must be careful and learn to distinguish the fakes made with the help of artificial intelligence.

I think it is somehow below our dignity, it would be shameful not to distinguish between fake and true information, knowing what is being done by the state institutions and the president.

■ **This disinformation in the form of satire videos is gaining momentum. Are we witnessing a new movement in disinformation with these online videos that are satirical, but which hide a lot of propaganda narratives?**

■ At least any video like this should somehow be marked as satire. There should be a sign on the screen to indicate this.

I believe that the subtlest disinformation that does not even mention or hint that it is a pastiche or satire is riskier. Such videos, I think, will appear on different channels, not only in the online space, even through classic distribution. But we have to find solutions to that, because the print media of a certain origin also does such things.

I have said before and I will say it again that I count a lot on the guild, because there are many professional media entities and journalists who should take a stand, and it is the guild that should dictate compliance with deontological standards. Because a lot of people have signed the Moldovan journalist's Code of Ethics, but they don't necessarily respect it.

■ **Do you know what the Western partners think about this referendum? We know that many times they also ask about how much the European idea is supported by the population, not just by the pro-European power in Chisinau?**

■ Unfortunately, I can't tell you much here, because by virtue of the profile of the parliamentary committee I'm a part of I haven't had such dialogues. Rather, colleagues from the Foreign Policy and International Relations Committee or the Judiciary Committee can tell you more. I have not participated in such discussions or had the opportunity to discuss about this with the external partners.

But I think that, now, we should make efforts to inform the society so that the referendum has the expected result. As I said, I think it's a great opportunity for us, and we should go for it. Now it is the time because this way we will have a longer path in which the whole society goes in the same direction. We must not leave this for later.

Strategic communication, the key to success

■ **Strategic communication is important and, unfortunately, the pro-European government has not made big progress in this**

area. In the light of an increasingly complicated security situation in the region and the upcoming elections in Moldova, what should be done more in this direction?

■ Obviously, the strategic communication is important. It is important for the Government to communicate quickly about the most important things, so that the people find out what is being done in one field or another from the first source.

I very much hope that now the efforts of strategic communication at the level of state institutions will be better. The creation of the Centre for Strategic Communication and Combating Disinformation is one element that must help this process. But even before this centre became functional, everyone was engaged and efforts have been made to increase the communication at the level of each ministry.

At the initiative of the State Chancellery, there have also been delivered trainings, there have been regular meetings of the communications experts from the public institutions. First, there is need to further train the institutions, because, unfortunately, the communications specialists are not always professionals or have a background or experience in communications. And secondly, the inter-institutional communication should be strengthened.

I have personally seen improvements in this regard. I hope we can really do more. The more communication and transparency there is in the public space, the easier and clearer it will be for the general public to understand what is happening, why it is happening and why it is good to make this joint effort.

■ **Thank you!**

Editorial

The referendum: between political monopoly on the European idea and cross-party consensus

*Editorial by Madalin Necsutu,
journalist with the Balkan
Insight/TVR Moldova*

The idea of the referendum on European integration is not at all wrong. But mishandled, this approach can become a double-edged sword. Many have asked why such a referendum would be needed now for this year's presidential elections and not for the next year's parliamentary elections, precisely to show that it is an approach assumed and supported by all democratic parties. A fair and legitimate question so that the referendum is not the prerogative, monopoly of a single party or politician.

The logic seems to be related to the still increased popularity of President Maia Sandu and the hope that more voters will turn out for the presidential elections, and thus a positively voted referendum will have greater legitimacy. But the electoral behaviour of the last presidential polls showed us that people mobilized against the background of a "bayonet" fight between the representatives of the East-West political orientation. This time, it is hard to believe that Maia Sandu will have a real political challenger and that there will be emotions about the winner. Hence a lower interest of people to vote.

For now, no candidate from the pro-East parties or "political chameleons" painted in the colours of the EU flag, are on the horizon or in the polls. The pro-Russian camp is still testing, putting all kinds of characters on the mainstream media who have been



competing in criticising the current pro-European government is. There is no critical mass of competitors for now.

The head of state also needs such auxiliary referendums to attract people to the polls, it would kill two birds with one stone. On the one hand, Maia Sandu would get a second mandate with a high score, most likely even from the first round, while a massively voted referendum would show a high popular will for the European idea.

The positive result could be projected further for the parliamentary elections in the summer of 2025, but under the image of Maia Sandu and the Action and Solidarity Party as spearheads of the European road. This would basically be correct; however, it would suffocate the small pro-European parties that are uniting to form a political pole counting on the pro-European electorate whose only alternative is voting for PAS.

The idea of creating such a pole is not a bad one, it could also mobilize that part of the electorate that is not exactly satisfied with the performance of PAS in these years of government, to the advantage of the pro-Europeans. Undoubtedly, PAS has done more than all previous governments, even more so on the EU integration, but it has also made mistakes and sometimes hit the bar too high in a combined way caused by the lack of political experience and amateurism. An eloquent example in this sense is the justice reform which in no phantasmagorical scenario could have been solved quickly, as it was proposed in the parliamentary elections of July 2021.

External projection

The referendum also has an external stake, as there are questions from foreign partners whether there is enough popular support for joining the EU or whether this move to push

the state of affairs in the European direction is just the will of the ruling party. If such a referendum is successful, as well as the “European Moldova” Assembly in May 2023, an event that gathered around 80,000 people in the centre of Chisinau, both will be indisputable proof of adherence to the European idea by the citizens of the Republic of Moldova.

As PAS and Maia Sandu have a good share of voters in the diaspora, the referendum combined with the presidential election could increase the scores for both. If in the Republic of Moldova the European idea is supported by around 50-60% in the polls, certainly the desire for a European path for Moldova is much greater among the Moldovan diaspora, which is mainly in the countries of the European Union.

If we look at the numbers, out of the 260,000 votes abroad in the presidential second round in November 2020, 243,000 of them were for Maia Sandu. So, over 90 percent of Moldovans outside the borders voted for the current president out of a total of 1.6 million votes. This is mathematically about 15% of the votes.

What is very important to specify is that the polls in the Republic of Moldova are not conducted in the diaspora, which is in its great majority pro-European. In this case, if we considered the 50-60 percent who want to join the EU from within the Republic of Moldova and add the 15% who voted for Maia Sandu and who will probably vote broadly the same way, we could come out to a score of 65-75% in favour of the European idea. This can happen in the conditions when the referendum takes place during two days and there are enough polling stations open in Europe,

not like during the 2020 COVID-19 pandemic.

Of course, this is only a hypothetical calculation and a working scenario, but one that was certainly considered in some form or another by the initiators of this referendum.

What the other pro-European parties are complaining about the referendum is not the referendum itself, but the method of imposing this idea. The parties in question see the referendum as a monopolization of the European idea by Maia Sandu and PAS, despite the fact that Maia Sandu asked for the support of these parties during the consultations.

In other words, the other parties were faced with a *fait accompli* and this was not achieved by consensus to have this referendum. To put it in simple terms, they claim a political egoism in the desire to monopolize the European ideal. It was a movement by which Maia Sandu and PAS wanted to take the lead of this action, for the others to only work for this desideratum. And this had visibly a disturbing effect.

Moldovan version of the “Snagov Pact”

What could be added to this already initiated process of merging the presidential elections with a referendum for the EU integration is a document signed by all the political parties that support the European path of the Republic of Moldova. Just as in Romania in the 1995, when all parties agreed to sign a document - the Snagov Pact regarding the country's external directions to the EU and NATO. Similarly, in Moldova such an approach would be aimed at the EU accession, despite certain complaints that the document will not be respected.

In this way, the signatories of this pact could be monitored if they de facto campaigned for the referendum or had public political statements calling on voters to stamp “YES” on the referendum.

In this way, even if some fake pro-Europeans would put their signature on such a pact, they could be exposed as inactive to promote the idea of the referendum. This would include the newly formed parties such as the MAN headed by the mayor of Chisinau, Ion Ceban, which declares itself to be pro-European, but which de facto is in an open political war with the pro-European forces, avoiding to openly condemn the Russian military invasion in Ukraine, fuelling the suspicion that it is actually a political project of Moscow.

In conclusion, a variant for easing the situation among those who believe in the European idea could be a mix. More precisely, all the pro-European parties should work on this idea through an assiduous campaign that would pay off for everyone in next year's parliamentary elections. The president should try not to associate herself so much with her political image in order not to be accused of ripping the benefits of this action, and involve as many notorious figures as possible - artists, athletes, people of culture could be just a few examples of people who could promote the European idea in view of the future referendum.

In the end, a consensus must be found as quickly as possible because any dissension will be exploited by the exponents of Russia in the Republic of Moldova in order to denigrate and divert the European course of the country. In short, there is a need for political maturity and less thinking that uses - on both sides - an oversized ego among those who really want to take this state to the European Union.

The image of the government has eroded during the last three years and we would not like this to affect the citizens' opinion regarding the European integration process

The co-president of the League of Cities and Communities (LOC), Alexandru Bujorean, spoke with the reporters of the FES/APE foreign policy newsletter about why it is or not appropriate to have the referendum on European integration simultaneously with the presidential elections. We discussed the position of the political alliance of which LOC is a part of regarding this referendum. Read the interview in the following lines.

■ Mr. Bujorean, we are having an extremely important year ahead, with presidential elections and a referendum on the European integration. There are voices that are in favour of this referendum, but also some saying that such an exercise would not be appropriate for various reasons. Why is such a referendum important this year?

■ We have discussed with colleagues from the recently announced political bloc formed by the Dignity and Truth Platform Party (PPDA), the League of Cities and Communes, and the Party of Change, and we are going to discuss in a four-party format with colleagues from CUB who are joining our political bloc. We are firm in our position that such a referendum is necessary



and we will obviously support it. We will not leave the European integration to the discretion of one party or, even worse, to the discretion of those who are against it.

But the timing of the referendum discussed, namely for the referendum to be organised on the same day with the presidential elections, has raised several questions regarding the related risks. Because we have to admit, the image of the government has eroded during the last three

years, and we would not like this to affect the opinion of the citizens regarding the European integration process.

That is why we also discussed our fears with the president Maia Sandu at a meeting that we had together with the other colleagues from the Dignity and Truth Platform Party and the Party of Change. We listened to the president's arguments and came up with certain proposals, including the possibility of

organizing such a referendum, for example, on the same day with the parliamentary elections, in order to boost the voters' turnout in this way.

At the same time, we expressed our concerns about the mobilization that will take place not only among the pro-European parties, but also among the pro-Russian ones. The pro-Russian voters will now be even more motivated to come to the polls and vote against it. On the other hand, we are also aware of the fact that things can change to the disadvantage of the Republic of Moldova, especially in the context of the European Parliament elections, which will take place this year. And we would like to have the same openness and support from our European partners after the European Parliament elections, as we have had so far.

We have somehow been faced with a *fait accompli*. The decision is made. The ball is now in the court of the Constitutional Court and if it validates the organization of the referendum and allows it to take place, then it is obvious that we, the supporters and members of our parties, will mobilize to the maximum for it to pass and have a result reflected in a massive public support.

Pros and Cons

■ **One of the arguments advanced by those who have reservations about the referendum is that President Maia Sandu would thus like to increase her score for the presidential elections with the simultaneous organization of these two polls. What do you think about this?**

■ I would like to believe that this was not the main motivation for holding this referendum, and at the same time, we anticipate a greater absence, for example, of our diaspora abroad in this election. For this reason, I think that those who have proposed such a mechanism are in favour of the current president.

I'm reiterating that it is not the position or the comfort of one politician or another that matters. So, in this situation, making citizens aware of the fact that the European integration is more than a party, more than a government, is our goal. It is a historic opportunity in the conditions of this unjust war that is going on in Ukraine and of a total openness by our European partners.

We must use this window of opportunity and make this European course irreversible, including by amending the Constitution.

■ **You mentioned a little earlier about the diaspora, and I would like to ask you if you also think that the vote of the diaspora can contribute to the success of this referendum, which requires about 70% of the votes. This will necessarily require a big presence of the diaspora.**

■ We witnessed how the diaspora has essentially changed the electoral course several times after the presidential and parliamentary elections and, in fact, we would probably not need this referendum if we objectively looked at the results of those two elections.

Through the massive vote given to a pro-European party and a pro-

European country president, the country's integration direction was very clearly established. However, it is important for the diaspora to vote in the referendum so as to have the European integration also enshrined in the Constitution.

The misunderstanding or the discussions that are taking place in society at the moment are caused by the fact that first the announcement about the referendum was made and only after the consultations began, a fact that we have also flagged as a concern at the meeting with the President.

■ **So, would you have wanted a reverse process, more precisely, to be consulted first and after to have the official announcement about the need for a referendum?**

■ Sure. It is about the future of several generations and the future of the country in general. Therefore, this process should not be monopolized by any person or party and must be embraced by the whole society. And that can only happen through open and transparent consultations.

Inclusive process

■ **President Maia Sandu is having a dialogue with political parties, civil society experts and journalists on the referendum. How important is it that this referendum consultation process is as inclusive as possible?**

Once the mechanism has been started and triggered, obviously we all need to be fully involved.

And I think that the circle must be expanded, including those who apparently do not declare

themselves very pro-European, or declare themselves pro-European only in words, not in deeds. Because it is also an additional opportunity to expose those who declare themselves pro-European, but in fact are disguised political agents of the Kremlin. And we saw this, including a few days ago, when some of them were afraid to say anything regarding the death of activist Alexei Navalny. This is an indicator and a great tragedy that some politicians have kept quiet about Navalny's death.

It is good to have an inclusive process. The more debates and the wider involvement in this process, the greater the chance that this referendum will not only pass percentage wise, as you mentioned, but will also have a massive representation in the citizens' votes.

■ **Even if it is a bit premature, would your alliance be willing to campaign for such a referendum?**

■ As I mentioned, since we are faced with a fait accompli and resulting from the profile of our voters and the parties we represent, obviously we cannot act just as spectators in such an important process.

■ More than that, as I said, the referendum cannot be monopolized, just as European integration cannot be monopolized by a single political party, which, we must admit, has eroded its image through the decisions or the people it has delegated in key functions during the last years.

This dissatisfaction of the population must not affect the referendum. This is one of our fears and this is also our

motivation to get directly involved in promoting a pro-referendum campaign and we will do it. Regardless of whether we do it as a political block or separately in the territory, we are genuine pro-European parties and we will bring this message to our voters.

■ **Do you know what the Western partners think about this referendum? We know it that they often ask about how much the European idea is supported by the Moldovan population, not just by the pro-European power in Chisinau.**

■ I have listened to and analysed carefully the speech of the head of the European Union Delegation, Ambassador Janis Mazeiks, who mentioned something extremely important, namely that it is not ruled out that until the negotiation process is completed, another referendum will be needed to consult the population if they are satisfied with the outcome of the negotiations. Because we are talking about joining the European Union as an economic bloc, and certain things must be negotiated considering the national interest.

This is why, the more the ordinary citizens will be involved in this process, the more support for the referendum and lesser chance for those who oppose the European integration. The latter will do it, regrettably, with dirty money, with money coming from Moscow, buying votes here in the Republic of Moldova.

Disinformation and attempts to influence

■ **Do you also expect a disinformation campaign by the political actors who are against the referendum? Because there is**

a very high interest on their part that the European path of the Republic of Moldova is put to a halt.

■ As long as this bloody war is going on in Ukraine, the war initiated by the Russian Federation, I do not think that these agents of Russia will openly declare themselves anti-European.

I honestly believe that Russia has changed its paradigm and working tactics in the Republic of Moldova. The intentions of the pro-European majority are known in Moscow and they will try to infiltrate the pro-Europeans.

In fact, they will use disguised agents, so that in the end they reach the Parliament of the Republic of Moldova and try from there to jeopardize the course and the process of European integration.

We have had similar situations before. If you remember the years 2009-2010 and those alliances for European integration, before they were established, there were political actors who would meet with Dmitri Kozak in the morning and then condition certain functions with not aligning with the communists.

As a rule, the Moldovan politics is cyclical and we can witness similar situations. In order not to end up in such risky situations from a strategic and geopolitical point of view, I think we must allow Russian agents to develop, including by participating or not participating in such political exercises as the referendum.

■ **Thank you!**

The Referendum on the same day as the Presidential Elections: Pros and Cons

Analysis carried out by Igor Bucataru and Mihaela Duca, Promo-LEX

The electoral code that entered into force on 1 January 2023 established in article 184 paragraph (2) that the national referendum cannot take place on the day of the parliamentary, presidential and general local elections, nor 60 days before and 60 days after the day of the elections.

On 24 December 2023, the President of the Republic of Moldova, Maia Sandu, in a social media post, requested the Parliament to initiate the organization of a referendum on the European future of the country in autumn 2024, simultaneously with the presidential elections that she had announced her intention to run for.

Two days later, on 26 December 2023, the deputies of the Action and Solidarity Party registered an amendment that allowed the organization of the national referendum and the presidential and parliamentary elections on the same day. On 28 December 2023 the amendment was adopted.

The aforementioned draft law was approved by ignoring the legislation on the decision-making transparency during the consultation, debate and voting. Also, from the argumentation presented by the author of the amendment, it was not clear what the reasons for changing the legislation were.

The evolution of the legal framework

In retrospect, it is noted that since 1997, with the adoption of the first



Photo: euneighbourseast.eu

Electoral Code and up to now, the electoral legislation prohibited, but also allowed, the simultaneous organization of different types of voting. The content of the legal norms was largely determined by considerations of political expediency and the socio-political conjuncture.

According to the interpretations of the Constitutional Court, it is the Parliament's right and obligation to decide on the possibility of simultaneous organization of elections. In 2014, the Constitutional Court stated in its Opinion on this subject that "in principle, the combination of different electoral exercises is not prohibited". At the same time, "it is the competence and obligation of the Parliament to remove the ambiguities in

the Electoral Code regarding the possibility of combining the elections and the referendum".

Later, in Decision no. 19/2020, the Court observes that "the only prohibition regarding the simultaneous holding of two polls concerns the situation of holding parliamentary and presidential elections (ordinary or early ones) in the same period".

International practice and recommendations

The simultaneous organization of referendums and elections for various elective offices is not a very widespread practice, but still applied in some democratic societies.

At the same time, the Parliamentary Assembly of the Council of Europe rules in point 4.2. of its Resolution no. 2251 (2019) that, “in order to allow voters to make informed decisions when voting, it should not be possible to hold a referendum at the same time as another election”.

The code of good practices in the field of referendum establishes at point III.9.c. that “It is recommended not to organize elections and referendums on the same day if the referendum concerns the institution targeted in the elections”. The description states that “while the simultaneous holding of elections and referendums may be appropriate from a practical point of view, confusion between the issues at stake in the election and those of the referendum should be avoided.”

The Venice Commission in its opinion on the draft Electoral Code considered paragraph 137 as a “positive change that contributes to the informed choices of the voters” the provision that “neither a national nor a local referendum can take place on the same day as the parliamentary, presidential or local elections”.

Promo-LEX position regarding the possibility and appropriateness of holding the national referendum on the same day as the parliamentary or presidential elections

At the end of 2018, in the context of the organization of the consultative referendum simultaneously with the parliamentary elections, the Promo-LEX Association recommended to the Parliament “not to legislate the holding of the national referendum on the same day as the parliamentary elections of 24 February 2019”. The Association’s concerns were also found in the reports of international

observation missions. However, the referendum was organized and the Constitutional Court confirmed it.

Promo-LEX, in the process of public consultations of the new Electoral Code, emphasized in 2022 that “the simultaneous holding of the referendum and the elections may affect the free expression of the will of the people both during the referendum and the elections. The parliamentary, presidential and local agendas and political issues could negatively impact the voters’ ability to make informed decisions while voting. As some organizing procedures differ, this could put additional pressure on the electoral administration.”

With reference to the problems that can affect the quality of the organization and conduct of the elections, in the case of merging the ballots, including from the experience of 2019, we can highlight the following:

- overburdening the effort of electoral bodies, especially those established abroad, regarding the counting, summing and reporting of results;
- creating unfair campaign conditions for contestants who will register only for the presidential election and those who will register both for the presidential election and as participants in the referendum (e.g. double airtime);
- having two “Electoral Fund” accounts for the same party/ electoral bloc implies doubling the efforts of the electoral bodies for the effective supervision of the campaign financing;
- the risk of influencing the voter’s right to freely and voluntarily participate in the election. From the Promo-LEX’s observations, in the 2019 parliamentary election there were situations where some voters were forced to vote in the

referendum, being given ballots for both the election of deputies and the referendum, without being asked.

In conclusion, even if the Constitution of the Republic of Moldova does not prohibit the holding of the national referendum on the same day as the parliamentary or presidential elections, and international practice knows practices of this kind, the Promo-LEX Association still believes that such a merger of ballots is not advisable because it can affect the equality of chances of the competitors and the freedom of forming the opinion of the voters. In addition, the fact that the initiative to organize the referendum belongs to a future candidate in the presidential elections may give that candidate an advantage in relation to the other candidates.

The European direction: consultative or constitutional referendum?

The Promo-LEX Association believes that the European integration of the Republic of Moldova is an issue of public and strategic interest for the future of society. Respectively, this issue should not be turned into an issue of narrow political interest, it should not be “monopolized” for electoral purposes. At least 28 (45%) political parties out of the 63 registered ones, according to the Public Services Agency, have included in their statutes the desideratum of “European integration”.

The importance of the European path for the future of the Republic of Moldova as a democratic state and society has been continually demonstrated by several governments of different political colours. Strategic commitments were established through such important steps as the

signing of the EU-Moldova Action Plan in 2005 and the Association Agreement in 2014, as well as obtaining the status of a candidate state for EU accession in 2022 and the opening of accession negotiations in 2023.

According to the legislation, the national referendum can be of three types: consultative, legislative, and constitutional. Only constitutional and legislative referendums produce binding legal effects, not consultative ones.

According to the Venice Commission, there is a fundamental question as to whether consultative referendums are generally appropriate. Due to their purely consultative nature, they can dissipate citizens' energy and - most importantly - serve as a pretext for the legislator to dodge responsibility and, in any case, blur political responsibilities.

Thus, if the political power insists on the simultaneous organization of polls, it would be relevant to organize a constitutional referendum. This would allow the Constitution to be supplemented with rules regarding the guarantee of the European path of the Republic of Moldova, thus being more justified from the perspective of legal effects and costs. An example would be the case of the referendum organized in Romania in 2003. It should be reminded that Ukraine and Georgia have also enshrined in their Constitutions the desideratum of European integration, even if the revision did not take place by popular vote.

Conclusions and recommendations

The Promo-LEX Association believes that article 184 paragraph (2) of the Electoral Code, which stipulated that the referendum cannot take

place on election day, did not need to be amended. The norms in question were in accordance with the recommendations of the European reference institutions in the field of democracy and international and national election observation missions.

The European integration is an issue of strategic public interest for the Republic of Moldova, which should not be "monopolized" for electoral purposes by a certain political force. The fact that the initiative to organize the referendum on the same day as the presidential elections belongs to a future candidate can give her an advantage over other candidates.

If the Parliament or another public authority still decides to initiate a referendum in autumn 2024, simultaneously with the presidential elections, we believe that it should be a constitutional one.

The opinions expressed in the newsletter are not necessarily those of the Friedrich-Ebert-Stiftung (FES) or of the Foreign Policy Association (APE).