

DEMOCRATIC CHANGE AND CHALLENGES IN MOLDOVA

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED ELEVENTH CONGRESS SECOND SESSION

JANUARY 21, 2010

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**DEMOCRATIC CHANGE AND CHALLENGES IN
MOLDOVA**

JANUARY 21, 2010

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DEMOCRATIC CHANGE AND CHALLENGES IN MOLDOVA

January 21, 2010

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The hearing was held at 4:31 p.m., in room 485 Russell Senate Office Building, Washington, DC, Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe; and Hon. Alcee L. Hastings, Co-Chairman, Commission on Security and Cooperation in Europe.

Witness present: His Excellency Vladimir Filat, Prime Minister, the Republic of Moldova.

HON. BENJAMIN L. CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN. The Helsinki Commission will come to order. We'll shortly be joined by the Co-Chair of the Helsinki Commission, Congressman Hastings. He is making his way over from the House side. House Members always have a hard time finding their way over to the Senate side. It's a problem that we have here.

I want to welcome Ambassador Chaudhry, who is with us today, the U.S. Ambassador to Moldova. It's a pleasure to have you in our Commission room today, and we welcome you.

Mr. Prime Minister, it's a pleasure to have you here in the United States and having you before the Helsinki Commission, and we welcome you and look forward to your testimony.

2009 has been an incredible year for Moldova. Countries always have a difficult time in an election year. And, as you know, the United States will be going through its mid-term congressional elections in 2010, which is always an exciting time.

Well, in your country you went through two elections in 2009. And the last parliament that was controlled by the Communist Party fell in 2009. So it was a dramatic year for Moldova. It has made tremendous strides to develop a much closer relationship with the European community, and that's very much noticed, and we know that you still have very significant challenges, including constitutional reform that you are looking at.

You're operating under an acting President, which is a matter that needs to be resolved, and I know that you're working very hard to deal with the governance issues, and the reforms in your

country to develop not only the democratic principles but the principles that will allow for the continuity of your Government, and we welcome your thoughts on how that is proceeding.

Moldova is in a critical part of a region and it is a country that we look to as a very important country, as a member of the OSCE but as an ally of the United States, in our commitments toward that region.

I do want to acknowledge that this is the first hearing that the Commission has had on Moldova, and I just really want to acknowledge that. It's certainly not because of the lack of interest, as you will see when we get to the questioning time. There are a lot of issues that are important to our work on the Helsinki Commission.

It's because there are so many countries and we've never had the honor of having the Prime Minister before our Commission, and we thank you very much for giving us the opportunity so that we could have a hearing on Moldova.

The Parliamentary Assembly that my Co-Chair was the President of devoted a lot of time to Moldova. There are a lot of issues. There's a lot of issues that are currently—in regards to frozen conflicts that we hope we'll be able to get into today.

So with that, we look forward to your testimony. And I would now call upon the Co-Chairman of the Helsinki Commission, the former President of the OSCE Parliamentary Assembly and my good friend Congressman Hastings.

**HON. ALCEE L. HASTINGS, CO-CHAIRMAN, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. HASTINGS. Thank you very much, Mr. Chairman. Senator, I appreciate your convening of today's hearing. Is this mic on? Yes, now it is. I appreciate you convening today's hearing as part of the Helsinki Commission's ongoing monitoring of developments in the Republic of Moldova.

I'm particularly pleased, Your Excellency, Mr. Prime Minister, to welcome you to Washington for your first visit, of which I hope will be many, but certainly since your selection in September. And, as the Senator has done, I welcome you.

Much of our attention following independence was focused on the continued presence of foreign troops and military equipment on Moldovan territory. The Commission itself continuously pressed for implementation of related commitments agreed to at the 1999 Istanbul OSCE summit, and we remain steadfast in our support for core principles, including territorial integrity and sovereign equality enshrined in the Helsinki Final Act.

When I was President of the Parliamentary Assembly of OSCE, I was pleased to support the work of the Assembly's parliamentary team on Moldova. As a matter of fact, a team of the Parliamentary Assembly was in Moldova just a week or so ago, and I'm familiar with all of the principals that came.

There was a group of, and continues to be, of fellow parliamentarians dedicated to promoting peace, stability, and the rule of law in Moldova while encouraging dialogue across a wide spectrum of the Moldova population.

While your country, Mr. Prime Minister, has faced a myriad of external pressures over the years, our focus today is on the current political impasse following last year's parliamentary elections, and popular sentiment of change was evident last spring when thousands of Moldovans took to the streets to have their voices heard following the April balloting.

Those protests attracted large numbers, and we're seeing more and more of this in a lot of our countries of young voters that are savvy in the use of new technologies and united in their demands for change in their country. The political stalemate and the street activity that followed the spring elections led to a fresh round of parliamentary elections in late July and the result was a coalition of opposition parties, led by Your Excellency's Liberal Democratic Party.

The current impasse results from the inability of any party or group in parliament, and I find this more than ironic to muster the 61 votes required. I don't know whether it has any parallel here in the U.S. Senate—[laughter]—but there must be something about it in your constitution to elect a new President. Meanwhile, a host of domestic issues remain largely on hold, awaiting a resolution of the deadlock, and we share that similarity as well in our country.

Amid a global economic downturn, your country faces particular challenges, including a sharp reduction of remittances from relatives previously working abroad. We know that there are difficulties concerning a variety of issues. One of our colleagues, my good friend Chris Smith, a member of this Commission, is particularly focused on the issue concerning the trafficking in women that takes place all over the world.

While the United States has been supportive of Moldova's aspirations for further integrations into Western organizations, especially the European Union, it's going to be up to the country's political leadership to chart a course of action that moves Moldova beyond political and economic stagnation and holds out the prospect for real change.

I certainly join in welcoming you, Mr. Prime Minister, and we look forward to your testimony.

Mr. CARDIN. Thank you very much, Congressman Hastings. We'll now be pleased to hear from Prime Minister Filat. It's a pleasure to have you before our Commission.

[**Note:** Prime Minister Filat's remarks are delivered via translator.]

**HIS EXCELLENCY VLADIMIR FILAT, PRIME MINISTER, THE
REPUBLIC OF MOLDOVA**

H.E. FILAT. Mr. Chairman, Mr. Co-Chairman, it's an honor for me and my colleagues to be in this chamber and to be able to have a dialogue with you.

The Republic of Moldova has undergone recently a period of time full of dramatic developments. We have learned what separatism is, which hovers over our country even as we speak. We have felt what the effects of economic pressures are and dependency. In the 21st Century we had to live under a communist authoritarian regime.

But despite all this, the citizens of the Republic of Moldova not only said that they wished to change this and have a better life, but they have undertaken concrete steps and actions to ensure that that happens.

On July 29th at the parliamentary elections, the people of Moldova chose between past and future. So by a direct vote, their vote has offered the citizens of the country the prospect of normality, the prospect for individual liberties and freedoms.

We have inherited a country with a distorted political and economic system, which we must insist to transform. But along this uneasy road, we have had constant support on behalf of our friends and partners, and I would like to avail myself of this opportunity to thank you on behalf of the Government of Moldova, and my own to thank the U.S. Government and also the Helsinki Commission for all the support.

But now we have to concentrate our efforts and energy for what is to follow in the future. We must face the effects of the economic crisis. We must settle the issues that deal with the constitutional crisis in Moldova to carefully settle and manage issues that deal with security. As an objective in our program of government, we have the maintenance of inter-ethnic stability.

We want to build a society which is based on tolerance. I have to mention that the incident that took place on the 13th of December in Moldova is the first of such kind that happened in Moldova since independence, but even so, it is one too many.

The Government has acted promptly in this regard and I want to assure you that even though we do have a number of imperfections in our legal system, we will intervene in order to launch a new investigation so that those that are responsible for perpetrating this act are brought to justice, and that such instances do not occur again. At the same time, the Ministry of Justice is examining ways of excluding the new movement from the Register of Social Movements.

As I'm making these remarks, Mr. Chairman, Mr. Co-Chairman, the full written testimony will be provided to the Commission for record. But, to conclude, I would like to say that the Government of the Republic of Moldova, in its program of actions, aims to build a state of law, which will offer its citizens rights, freedoms and prosperity. And allow me once again to thank you for allowing me to be in these chambers.

Mr. CARDIN. Well, thank you for your comments. Your full statement will be made part of our Commission record.

I want to start first with your observations to us as to the likelihood of constitutional reform as it relates to a more stable government. As I understand your system, but for the fact that one term of the Presidency ended and there was a vacancy, there may not have been able to get the election of a President through the parliament because of the vote threshold.

It's my understanding that you're looking at constitutional changes that would allow for the popular election of the President, but I'm curious as to whether there are other fundamental changes that may be recommended in order to reinforce democratic institutions for allowing a more definitive judgment by elections.

H.E. FILAT. Mr. Chairman, as far as amending the constitution, we are seeking to come up with a solution as soon as possible. Of course, the situation we find ourselves in at the moment cannot be tolerated forever.

Having a qualified parliamentary majority and having that legal norm which stipulates that the President must be elected with 61 mandates of members of parliament, and I hope it doesn't have any coincidences with the situation that you have to deal with.

The situation will lead us to the instance when we will be required to have, for the third time, an early election. So when the society finds itself, for such an extended period of time, in an election campaign, it doesn't offer the possibility to develop and to move forward.

There are a number of solutions, but all of this must be viewed through the prism of amending the constitution, and to this end we have requested assistance and expertise on behalf of the Venice Commission in order to identify a solution that is accepted not only and endorsed not only internally but also externally as well.

There are ways to amend the constitution without having to conduct early elections, but as I mentioned, this solution must be endorsed by foreign experts. But we hope that by the end of the month we will have a solution identified that will be endorsed by the foreign experts and will be made public.

Mr. CARDIN. Clearly you need to look at how your government is formed after a national election, and that is, I'm sure, the main energy behind looking at constitutional changes. But are there other parts of your constitution that need to be reviewed from the point of view as you see the development of a stable democratic country?

H.E. FILAT. The constitution of the Republic of Moldova has clear provisions which provide for a state of law, so the problem was not in the content of the constitutional norm but rather in its implementation. So we are not talking strictly from a legal perspective.

The legal norm does not allow for the illegal arrest of people for their mistreatment, for their dispossession of property. Nevertheless, these things occurred in my country. So that means that we must ensure an efficient system of control of the legal norm with concrete consequences for those who infringe them.

For that we need functioning state institutions. And by this I mean judiciary, I mean the freedom of the press, and I mean freedom in economic activity so that those who are able to exercise it can do it without any kind of intimidation, which basically means a state of law.

Mr. CARDIN. I very much appreciate, in your opening statement, bringing out the December Menorah episode. And I want to start on a positive note but then I want to come back to areas that concern me.

On a positive note, when the Menorah was taken down and vandalized, it was condemned by your governmental leaders, and we very much appreciate the leadership that was shown by the Government's verbal response to what occurred. But since that condemnation, the Menorah was replaced in a different location, not at Europe Square, where it was originally placed, but placed in a much less prominent location.

Second, as you pointed out, the justice system treated it as a rather trivial issue with those who perpetrated the act. I understand you're saying now that that's going to be reviewed, and we very much want to make sure that is reviewed.

But I just want to express my concern that—I believe it was not handled well with the Menorah being placed back up. It was almost like the vandals won. They didn't want it in a prominent location and it no longer was in a prominent location.

And there is a second issue—and if you could respond to both I would appreciate it—which is very much of concern to the Jewish community, and that is the International Joint Committee has invested foreign capital into a center to help the people of Moldova, the Jewish population of Moldova.

And there has now been litigation to try to take over that center, and that, again, appears to many of us to be a form of anti-Semitism, and if the courts condone that, it will have a chilling effect on international support to help the people of Moldova.

I would appreciate your comments on both of those issues, which are very important to this Commission in our continuing efforts to deal with all forms of discrimination, including anti-Semitism.

H.E. FILAT. As I mentioned in my opening remarks, this incident was the first of such kind since the independence of the Republic of Moldova. And, again, I insist—repeat that even though it was once, it was one too many.

We are still waiting to obtain an answer to the question that you raised, and the answer will come after a thorough investigation. I have sufficient reason to believe that this was a provocation which had more of a political motive behind it than anything else.

But this must not have any effect on the actions that we must undertake. And imperfections in our legislation did not allow us at that time to intervene adequately. I have mentioned that this case will be administered again, but in parallel with this investigation, we must ensure that instances like this will bear a concrete and severe punishment.

About the second issue, it basically deals with the conflict between two Jewish organizations in Chisinau. As a Government, as the head of this Government, we do not have the right to intervene in the way the judicial system works.

But we have had discussion with parties in the conflict. Yesterday, after I visited the Holocaust Museum, I had a meeting with the leaders of the Jewish organizations in Washington, DC. Representatives of both parties involved were present at this meeting.

We have agreed that upon our return to Chisinau, I have undertaken the role of a mediator and we will take all necessary steps in order to make sure that this civil action does not continue to have a negative impact on my country. And I can see, in perspective, a solution being identified soon.

Mr. CARDIN. I appreciate your answer on both of those points. We don't want to take sides on a local dispute. However, the information we have is somewhat different in regards to the community center, and we might, with your consent, make some information available to you as it relates to international norms but not trying to interfere with legitimate local disagreements. We understand it differently than that, but we will get that information to you.

Congressman Hastings?

Mr. HASTINGS. Thank you very much, Mr. Chairman.

Mr. Prime Minister, first let me—that's OK if he needed to finish. I'd like to commend you on holding the event at the Holocaust Museum. I think that's a manifestation of a good spirit after the December 13th incident. And I certainly believe that it was the right thing for you to do and I think it will resonate. Certainly it does with me, and to the extent that I can make known the fact that you did take that action and did hold the meeting with Jewish leaders, then I think that's a step way in the right direction.

Second, I'm a little bit jealous that you signed a memorandum with North Carolina. [Laughter.] Now, I'm from Florida, and North Carolina has mountains like you do, but they don't have oranges and they don't have an ocean like we do. No, I'm only being facetious, sir. I applaud you for that memorandum. And I do urge, however, that on some of your return visits, if possible, that you come down and see us in Florida.

Tell me, Mr. Prime Minister, concerning challenging economic realities—and that's just global, but then in countries like Moldova, it's a bit press down. Last week, for example, I attended, the third time, the elections, for me, in Ukraine, and undergirding all of that election was the harsh economic reality that Ukraine has faced, as Moldova has faced, as all countries in the world, not all the same way. But what do you consider the most urgent assistance for your country at this time?

H.E. FILAT. Of course the Republic of Moldova is not touched just by the effects of the economic crisis. The thing is that the Moldovan economy was underdeveloped and was not able to face adequately the crisis, also due to poor management.

Presently we have a situation which offers a good platform for the economic development of Moldova. We have managed to agree with the IMF on a new program, and on January 29th the IMF board must approve this program with Moldova. The Government of the Republic of Moldova has fulfilled all of its commitments under this memorandum, and pending this approval we will have a program of implementation for a period of 3 years.

And this program is complementary to the program of internal stabilization and economic development of the country. It provides for thorough economic reforms, which also will bear significant costs, including social costs. So we are now in the process of seeking resources in order to minimize the impact of these reforms on the most vulnerable representatives of the Moldovan population.

Mr. HASTINGS. I appreciate that answer.

Mr. Prime Minister, looking at your curriculum vitae and listening to your fine testimony lets me know that you are a lawyer, and Senator Cardin and I bear that same diploma. I would urge your consideration—and I've listened to you very carefully—on more than one occasion in this short time, you have used the fact that you and other members of your country are moving toward, as you put it, a state of law, and I have no quarrel at all with that.

What I do remind all developing democracies—and I wish to make it very clear here the United States is not finished—but all developing democracies need to know, and very occasionally world figures, particularly in the OSCE sphere—we leave an election—

and your last two elections meet minimum standards, and I know that whenever an election is called, you and others are going to do everything you can to improve the overall standards for election.

But an election—and this is not lecturing you; this is all comments—an election does not alone make a democracy. Or, standing alone, an election does not make a democracy. The rule of law is fundamental, and I hear you loud and clear and applaud your efforts, and one of the things that I believe that you would benefit from is the experience of the more developed democracies in developing an independent judiciary and efforts to arbitrate the local matters.

Too often, resources that are available to accomplish that are not, No. 1, offered when people are talking about helping you toward prosperity, and, No. 2, are not requested. And, therefore, I would urge you to take my words, lawyer to lawyer, friend to friend, and make sure that along the way of the request that you rightly ask and hopefully will have provided to the extent that our country can and other countries can, that you ask them to send you assistance in developing the state of the law.

And that includes—and I know a part of your background—that includes land reform, which becomes particularly critical. And understanding that you understand English, I'll just tell you, I'm from where Haiti has a large diaspora in the congressional district that I'm privileged to represent.

And right now, in spite of all of this awful disaster that we are facing—and your country has faced similar circumstances, I know—it is an opportunity for them to do something that they hadn't done before, and that is land reform so that it can be developed along the way. I don't mean that as a lecture; I mean that most sincerely as a friend, and I know for a fact, many countries that I've been in have that ongoing problem.

Now, we continue to refer—just turning to another subject, we continue to refer to areas where there are disputes, Transnistria being one—not the only one. It's interesting; I began a discussion a week ago in Syria with President Asad by asking him what he thought about Nagorno-Karabakh, and it kind of stunned him, you know, because he expected me to ask him about issues having to do with Syria and Turkey, Syria and Iran, Syria and Israel.

And world leaders have views about things other than their area, and so toward that end, it is important for us to know what your view is regarding how we might assist in that resolution, but it is also important in light of the fact that you have lived that conflict that you help us understand how we might resolve other conflicts as well.

And that's the approach that I take. I hope it resonates with you and that you know that at least the Helsinki Commission is open-minded and open-hearted when it comes to resolution of these conflicts. They are critically important. I don't mean to minimize them at all. I've worked on that one, Chechnya, South Ossetia, you name them—Kashmir. They're all over the world, and very occasionally—too occasionally right here in America, and we tend to forget that when we go around the world talking.

I don't know if there is any need for a response, but on the rule of law, I think you and I have a similar view and I want to be able to help.

Mr. CARDIN. Thank you very much.

Mr. Prime Minister, Congressman Hastings mentioned the Transnistria region. I want to get to that for two reasons. It's significant because of the military presence of Russia. It's also significant because of the ethnic community that lives in that area has a relationship with Russia that at times could be of concern of whether their rights will be protected under a centralized Moldovan Government.

So I just really—we haven't heard much about it I guess of late. This has been, as Congressman Hastings said, one of the frozen conflict areas. How does that resolution fit into the priorities of your Government?

H.E. FILAT. It's one of our priorities, the priorities of the new government. In order to achieve its objectives, the country must be reintegrated. The citizens that live in the Transnistria region of Moldova are citizens of the Republic of Moldova. And as similar to what we have on the right bank of the Nistru River with people being of a different ethnicity—Russian, Ukrainians, Gagauz.

We are all citizens of Moldova and we constitute the country of the Republic of Moldova, which is an independent, sovereign and international-recognized state. And here we have to recognize whose actual rights are being infringed in this conflict.

So when we talk about the Transnistria region, it's not only national legislation that is being infringed; it's also international obligations and commitments that are not being fulfilled. And you mentioned yourself the 1999 OSCE Istanbul documents.

This is a flagrant infringement of law, but without consequences. I am talking about the international commitment undertaken at that summit. So sometimes I have the impression that the approach to this issue is more diplomatic because unfulfillment of international commitments but also negligence of national legislation can become usual practice.

Mr. CARDIN. I have one final question I want to ask, and it's a general question, not related to the last subject exclusively, and that is how can the OSCE help you in your priorities? And, as a second question, how can the United States—what can we do here to further your efforts to strengthen the democratic and economic institutions of your Government? And I would be pleased to hear your answer.

Mr. HASTINGS. Mr. Chairman, would you just yield?

Mr. CARDIN. Sure.

Mr. HASTINGS. To add to that as the final—whether or not the aid you are receiving now from the United States is reaching the greater development of your country.

Thank you, Mr. Chairman.

H.E. FILAT. First of all, I would like to say that since the independence of Moldova, the United States has been an avid supporter of the democratic processes in my country and not just financially. And we have had this support constantly, and we count on this support but also our request is that the issues of my country, the

Republic of Moldova, is maintained on the foreign policy agenda of the United States.

And also, as far as the Transnistrian settlement is concerned, is we ask that you maintain your position with support to our national legislation. And we are to talk about the Transnistrian conflict. This region continues to register a constant infringement of human rights and freedoms, and this makes this issue even more worthy of being maintained constantly on your agenda. And of course, we need your support in our quest toward European integration.

Mr. CARDIN. Well, let me tell you that we very much agree with you. You will have our support on Transnistria. We consistently have supported the commitments that have been made and we want to see them carried out. And in regards to your movement toward integration with Europe, we strongly support that effort and will continue to do everything we can.

I think Congressman Hastings' last point about how our current relationship is working is one that we welcome a continuing dialogue as to how the United States directly and through international organizations such as the OSCE can be constructive, because we very much are encouraged by what we have seen in the last several months in Moldova, and we want to see the continued development of sustainable democratic institutions.

We wish you well on your constitutional reform. I am encouraged by your understanding that it requires international legitimacy as you go about developing the type of constitutional changes that would promote democratic results. It's not who wins the election—the people has that right to make those judgments—but you want to have a functioning national Government that can govern and protect the human rights of its citizens.

And I would say that, you know, you live in a very challenging region. I mean, there's strong ethnic ties to other countries that—and there is concern as to whether they're a national Government. They are all Moldavian, but they are concerned as to whether they'll be treated the same if their ethnic ties may be to Russia versus Romania, and you need to have a Government that is respected for the human rights protections of all of its citizens, and you are moving in that direction, and we want to make sure that we are helpful in you achieving that.

And through integration into Europe, it's going to be good for Moldova, it's going to be good for Europe, and it's going to be good for the United States. So we look forward to very much working with you. And we look forward to working with your delegation at the Parliamentary Assembly as we continue to find ways to work together on areas of mutual interest.

H.E. FILAT. Thank you very much, Mr. Chairman.

Mr. CARDIN. And with that, the Commission will stand adjourned. Thank you.

[Whereupon, at 5:21 p.m., the hearing was adjourned.]

APPENDIX**PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN,
CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION
IN EUROPE**

I would like to welcome you all to this important hearing on the political impasse in Moldova. In our Commission's 33 years of existence, this is the first full hearing on Moldova's domestic political situation.

This fact, however, should not cause anyone to conclude that Moldova is not important to this Commission or to the United States. Moldova's geographic position between historic empires and modern alliances has been both a curse and a blessing.

Wars have been fought and atrocities committed on your soil, but Moldova's unique location offers tremendous promise to securing the hope of a Europe whole and free. Mr. Prime Minister, we watched the political events of 2009 in your country with great interest.

Elections were held, twice, and Europe's only ruling Communist party left power. Your country is still struggling to find a durable consensus in the aftermath of these events, but that is what democracy is all about—the constant struggle to govern fairly and openly.

I commend you and your fellow citizens on the great progress already achieved and I look forward to hearing your views on the future of Moldova and U.S.-Moldova relations.

Mr. Prime Minister, welcome to the United States Congress, we are honored by your presence and look forward to your testimony.



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