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REPORT

Observing the elections of the governor (bashkan) of the „Gagauz Yeri” Territorial Administrative Unit

Observation period: 4 - 28 October, 2006



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Observing the elections of the governor (bashkan) of the „Gagauz Yeri” Territorial Administrative Unit

REPORT NO. 1

Period of monitoring: 4 - 28 October, 2006

The Project of Observing the elections of the Bashkan of ATU „Gagauz Yeri” is an integral part of the program for promoting free and correct elections in the Gagauz autonomy, implemented by the Representative of the Eurasia Foundation in the Republic of Moldova in partnership with the League for Defense of Human Rights of Moldova (LADOM), Association for Participative Democracy (ADEPT), Association of Independent Press (API) from the resources of the US Agency for International Development (USAID), Swedish International Development Agency (SIDA) and the National Endowment for Democracy (NED).

This report reflects the results of the monitoring organized within 4-28 October, 2006. The information was collected by four long-term observers in Comrat, Ceadâr-Lunga, Vulcănești and a regional coordinator in Comrat town. The observation of the electoral process takes place on the basis of the standards and principles, accepted on the international level, those provided in the Code of Conduct of the observer and in the Regulation of the Central Electoral Commission of the Republic of Moldova (CEC) regarding the status of the observers.

The information presented in the report was collected by means of a weekly questionnaire, which includes questions regarding the organization of the electoral process, for example applying electoral legislation by the central and local authorities, administration methods of the elections, ways of organizing the electoral campaign and dissemination of information about it by mass-media etc.

LADOM started the observation of the elections on 4 October 2006, following the training seminar for long term observers, conducted in Comrat (Gagauzia) with the support of international experts.

SUMMARY AND CONCLUSIONS

In the above-mentioned monitoring period a few positive evolutions have been observed: adoption of the Regulation on reflecting in mass-media from ATU Gagauzia and of the Republic of Moldova of the electoral campaign for the election of the Gagauz Governor, which provides that electoral competitors benefit from equal terms and possibilities in mass-media, open and constructive dialogue, established by the Central Electoral Commission from Comrat and the civil society.

At the same time, some negative aspects persist in organizing the electoral process: **the unclear legal status of the local laws and their non-conformity with the Electoral Code of the Republic of Moldova, unjustified involvement of the central public authorities in the electoral process, use by the actual bashkan of administrative levers in order to obtain some electoral advantages, reduced transparency of electoral bodies, as well as expenses made by those for the election campaign, vague methods of electoral campaign used by an electoral competitor, lack of equal terms for all electoral competitors.** During the observation period the observers have established cooperation relationships with electoral contestants and their supporters, except the independent candidate Mr. Gheorghe Tabunscic.

All the electoral contestants registered at the Central Election Commission as **independent** candidates, while in reality all of them have the traditional support of several political parties, support which has not been declared in an open manner by the electoral contestants. LADOM registered a bad practice materialized in ad-hoc visits of central authorities, which should be made public. In such circumstances our observers don't have the possibility to be informed about and don't have access to these visits.

The negative aspects mentioned in this report can affect dramatically the integrity of the electoral process if they will not be remedied.

OBSERVATIONS

1. Legal Framework

The Gagauzian Autonomous Territorial Unit is recognized and exists de jure and de facto on the basis of the Law of the Republic of Moldova on the special status of Gagauzia (Gagauz-Yeri) No.344-XIII of 23.12.1994. This Law (art. 1 par.1) provides that Gagauzia, as an autonomous territorial unit, is a component part of the Republic of Moldova, being administered according to the Constitution of the Republic of Moldova and normative acts of the Popular Meeting (Halc Toplusu) of Gagauzia, which do not contradict with the Constitution and legislation of the Republic of Moldova (art. 2); the land, the subsoil, the waters, the vegetable and animal life, other natural resources, movables and real estate on the territory of Gagauzia are the property of the people of the Republic of Moldova and constitute at the same time the economic basis of Gagauzia (art. 6). The official languages in this region, according to art. 3 par. 1, are Moldovan, Gagauzian and Russian. Also, Gagauzia has its own national symbols, which is used alike the state national symbols of the Republic of Moldova.

The Law on the specific legal status of Gagauzia foresees that the Popular Meeting of Gagauzia adopts laws, the application of which is compulsory on the territory of Gagauzia, including nomination, organizing and performing the elections. On the other hand, according to Article 60 of the Constitution of the Republic of Moldova „the Parliament of the Republic of Moldova is the superior representative body and the only legislative authority of the state”, which indicates the contradictory legal status of the laws, adopted by the Popular Meeting of Gagauzia.

The elections of Gagauzian bashkan will be performed according to the Law of the ATU Gagauzia on election of the governor (bashkan) of Gagauzia (Găgăuz-Yeri) no. 32-XXXIII/I adopted on 11 September, 1998. On June 8, 2006 the Popular Meeting has requested the revision of the legislation on the basis of which the elections should take place, only the terms about organization and administration having to be amended. The provisions regarding the procedure of filling out the voting paper have not been modified, in order to conform the stipulations of the law with the Electoral Code of the Republic of Moldova, which establishes the way of organizing and performing of Parliamentary elections, elections in the local public administrations, as well as referendums. Thus, according to the corresponding law the voting on the voting paper is done by applying two crossed lines within the circle at the level of one quadrangle.

Law No. 344-XIII of 23.12.1994 on the special legal status of Gagauzia (Gagauz-Yeri) provides that the Governor of Gagauzia is elected by universal, equal, direct, secret and free expressed vote for a mandate of 4 years on an alternative basis. According to the Regulation of Gagauzia and the local laws in the field, the election of the Governor is considered invalid if in the first round of elections less than half of voters participated, and in the second round less than one third of voters participated. The candidate is considered elected if s/he received more than half of the votes of those, who participated in the elections.

In case no candidate has been elected in the first elections round, the Central Electoral Commission of Gagauzia sets the date of the second elections round, which is to be held in 2 weeks, with the participation of the candidates that accumulated the highest number of votes. At the second elections round the candidate that received the maximum number of votes is considered elected. In case one of the candidates retires, the candidate that receives more than a half of votes of those, who participated in the round, is considered elected.

The elections for the function of Governor of Gagauzia are established by a decision of the Popular Meeting of Gagauzia for not later than three months from the expiration of the powers of the exercising Governor or in three months since the function is open (in case of demission, impossibility to exercise the function or decease). The date of elections is established at least 60 days before the date of elections.

2. The Central Public Authorities

On 21 October, 2006 the President of the Republic of Moldova, Vladimir Voronin, made an official visit to Comrat town, where he met the members of the Central Electoral Commission. During his visit the chief of the state said his opinion that all the candidates for the function of bashkan should be treated equally during the electoral campaign. Shortly after the declaration

of the chief of the state, the court of Ceadâr-Lunga town has suspended up to the end of the elections of Bashkan of Gagauzia the legal case against the electoral competitor Mihail Formuzal, registered at the CEC from Comrat as an independent candidate. Nevertheless, the second case against Mr. M. Formuzal is still valid and is examined by the court in Cahul. Being asked by the reporter of Infotag¹ agency if the case has been suspended also by the court in Cahul, its representatives said they did not know anything about the suggestion of the chief of the state.

According to a press release disseminated by M. Formuzal, during the same visit to Comrat, the President Vladimir Voronin has called up the voters not to vote for Formuzal as he was a „Baptist”.

On October 12, 2006, during a ceremony of inauguration of the road and bridge from Avdarma village, the President Voronin announced publicly that he would not like the power to be taken over by people that would have a confrontation policy between the autonomy and the Central authorities of the Republic of Moldova.

The Meeting of the Bashkan with a Deputy from Russian Federation

On 20 October, 2006 the bashkan of ATU „Gagauz Yeri”, Gheorghe Tabunşci has met the deputy of Russian Federation Oliga Seliverstova on her initiative. One of the subjects discussed during the meeting (according to the publication „News of Gagauzia” («ВЕСТИ ГАГАУЗИИ»), published by the Popular Meeting and the Executive Committee of the autonomy) was the implementation of the decree of Vladimir Putin, the President of Russian Federation on the payment of some compensations to veterans of the second World War, who live in CIS countries and have Russian citizenship. After the meeting the parties agreed on this issue and on other humanitarian programs for sustaining the Gagauzian region and „a more active involvement of the popular diplomacy”². The organization and the results of the meeting in the period of electoral campaign could be considered as a tentative to influence the voters’ decision and to use administrative levers of a foreign state in order to obtain electoral advantages.

3. Local Public Authorities

According to the stipulations of art. 54 par. 4 of the Local Law on the elections of the bashkan of Gagauzia, the local public authorities have fulfilled their obligation to set and guarantee a minimum of special places for electoral publicity and decide on the places for organizing meetings with the voters.

According to art. 43 of the above mentioned law, the local public authorities have started the process of updating the electoral lists in order to present them to the population 20 days before the elections.

Despite the mentioned progresses, the declarations of the principal of school no. 20 from Ceadâr-Lunga are alarming, according to which on 20 October the teachers from this school, under the pressure of the rayon administration were obliged to participate in a meeting with voters, organized by the electoral competitor Gheorghe Tabunşci in Baurci village. The teachers assert they were brought to Baurci with the bus from their locality. Workers from collective farm of Copceac village participated in the same meeting, who were brought with a bus of the collective farm from their own locality.

4. Administration of Elections

When the Central Electoral Commission was created, the provisions of art. 18 were respected: the CEC structure was approved by the order of the Popular Meeting, the Executive Committee of Gagauzia and the judicial instance. In the beginning of the electoral period the candidate for the bashkan function M. Formuzal criticized the CEC structure, doubting the impartiality of its members.

The actions of respecting the stipulations of art. 30 of the local law are saluted on the creation of Electorates and Electoral Councils, the structure of which has been published in «ВЕСТИ ГАГАУЗИИ» of 27.10.2006. On 6 October, 2006 CEC approved the Regulation on reflecting in mass-media of Gagauzia and Republic of Moldova the electoral campaign for election of the Governor of Gagauzia, which provides that the electoral competitors benefit from equal terms and possibilities in mass-media during the electoral campaign according to the Concept on

¹ News broadcasted by „Infotag” Agency on 24 October, 2006

² Article published in „Vesti Gagauzii” on 20 October 2006

reflecting the electoral campaign for electing the bashkan of Gagauzia, approved by the boards of the mass-media organizations.

Also on 17 October, during the promotion program of free and correct elections of the Eurasia Foundation, representatives of the Central Electoral Commission of Gagauzia, the Central Electoral Commission of the Republic of Moldova, of the Popular Meeting, LADOM, ADEPT and API Associations, mass-media and local non-governmental organizations met in Comrat at a “round table”. The participants at this round table have discussed the initiatives of non-governmental organizations in the field and the viewpoint of electoral authorities on organization and administration of elections. It is worth mentioning the open and constructive dialogue between the participants at the meeting, especially the readiness for collaboration of CEC in order to organize free and correct elections in the region.

Despite the registered progress, so far it has not been established by CEC decision the list of limitative identification documents, which could be used for allowing to vote, in order to prevent the “multiple votes”, a spread phenomenon at the previous elections from ATU „Gagauz Yeri”.

On 23 October, 2006 during the ordinary meeting of the Central Electoral Commission, due to identifying of some infringements after verification of typical lists of signatures, the candidate for the bashkan function, Valerii Ianioglo, was refused to be registered at the CEC, a decision related to this being issued³. Taking into account the right to become a candidate for election as one of the fundamental principles of a democratic and equitable electoral process, we encourage the electoral bodies to ensure the transparency of their procedure, including during checking the signatures.

Also according to the report of Serghei Buzadji, the representative of the electoral competitor Mihail Formuzal, during the registration of the list of signatures in CEC, they were asked not to be present at the process of list verification. According to the same source, the candidate Tabunşic together with one of his representatives have had the possibility to be present at the procedure of list verification. Thus, we recommend to CEC to treat equally and non-discriminatorily all the electoral competitors.

5. Electoral Competitors

All the electoral competitors registered at the Central Election Commission as **independent** candidates, while in reality all of them have the traditional support of several political parties, support which has not been declared in an open manner by the electoral contestants.

None of the four electoral competitors registered by CEC has indicated on the materials of electoral propaganda the date of printing, the printing house and the number of copies, which shows a lack of transparency in financing the candidates, as well as their expenses for electoral purposes. LADOM recommends the issuance of a decision on this regard by CEC.

It is alarming the use of some vague ways of propaganda such as: on 24 October, 2006 in Vulcanesti town some people approached the pedestrians and asked them if they would vote for the electoral competitor N. Dudoglo. In case of a n affirmative answer, the citizens were asked to sign next to the surname of the candidate. It should be mentioned that the pedestrians were not forced to do so.

On 19 October, 2006, between 17:00 and 19:00, the candidate Gheorghe Tabunşic came to a meeting with trusted people with his car from work (registration no. RMG058), which reveals the actual Bashkan of Gagauzia uses the administrative resources.

Despite the fact that the local public authorities have arranged for special places for electoral propaganda, the electoral program of the electoral competitor Stoianoglo A. D. have been displayed near the entrance doors of the local law faculty and on the doors of the restaurant Cavrana from Comrat municipality, which is an infringement of the local law.

6. Mass-media

In the written press the electoral campaign is reflectedroce mainly in the newspapers «Вести Гагаузии», «Знамя», «Настоящее Знамя» and «Панорама». The mass-media financed from the state budget favor the electoral competitor Gheorghii Tabunşic.

³ Published „Vesti Gagauzii” on 27.10.2006

7. Miscellaneous

The observers think the population/the voters hesitate to get involved in activities of electoral propaganda, allowed according to art. 54 par. 1 of the local law. The population in the region is not sure about the future, considering that an eventual involvement could have negative consequences for them after the elections.

RECOMMENDATIONS

To the Central Electoral Commission:

- Issuance of a decision on obligation to indicate on propaganda materials the name of the candidate, the date of printing, the number of copies printed and the name of the printing house where it was printed.
- Approval of a decision on the limitative list of identification documents, which could be used for being allowed to vote
- Approval of a Regulation by CEC on the peculiarities of voting for the election of bashkan on 3 December, 2006.
- Ensuring equal terms for all electoral competitors

To Public Authorities:

- Ensuring equal terms for all electoral competitors
- Quality updating of the electoral lists

To the electoral competitors:

- Respecting the electoral legislation

To mass-media:

- Objective and ample information of the public opinion by mass-media on the electoral process.