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# **Invalidating the rightfully elected mayor of Chişinău threatens the regime of oligarch Vladimir Plahotniuc**

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## **Abstract**

This article examines the most recent political events taking place in the Republic of Moldova, as well as the crisis resulting from the invalidation of the elections for the mayor of Chişinău. The political regime in Moldova can be considered as “electoral authoritarian”, due to the degradation of the quality of democracy after 2014. The response of Western chancelleries to the invalidation of the elections for the mayor of Chişinău came as a cold shower for the political establishment in Moldova. The European Commission, the European Parliament, the State Department of the United States, and noteworthy Western chancelleries sent an unprecedented message and announced that they would freeze granted loans. Western chancelleries decided to enforce this unprecedented measure because a red line was crossed when the results of the elections were annulled. With only several months to go until the Parliamentary elections take place in Moldova, the nullification of the vote for the mayor office of the capital city fuels a political tension, which has reigned for several years in Europe’s poorest country, a nation depopulating at a rate encountered only in conflict zones. Following Erevan and Tblisi, Chişinău could be the capital where the pressure applied by public protests generates major political change.

**Keywords:** Andrei Năstase, Vladimir Plahotniuc, Igor Dodon; Rodica Berdilo, election for the mayor of Chişinău, Republic of Moldova.

## **Introduction**

Following 2015, the Republic of Moldova went from valedictorian of the Eastern Partnership to a major headache for Brussels. What had seemed like minor missteps up to 2014, abuses that could have easily been corrected by a coalition willing to embrace the European Union, turned out to be a foreshadowing of a new type of regime specific to the former Soviet bloc,

“electoral or competitive authoritarianism”<sup>1</sup>. According to professor Vladimir Gel’man, this regime is characterized by “formal and informal rules that construct prohibitively high barriers to participation; sharply unequal access of competitors to financial and media resources; abuses of power by the state apparatus for the sake of maximizing incumbent votes; and multiple instances of electoral fraud”<sup>2</sup>.

In less than a decade of following “a European path”, the Republic of Moldova slipped under the control of oligarch Vladimir Plahotniuc. The latter invested resources in building a political monopoly by placing both the state apparatus and the dominant political party, Democratic Party of Moldova (DPM) under subordination of his personal authority. Yet Plahotniuc’s most significant tool turned out to be the Judiciary, his control of courts, from ordinary tribunals to the Supreme Court, as well as the decisions of the Constitutional Court, all of which were decisive both in protecting businesses and in consolidating political influence. Today, the objective of the regime in Chișinău is to avoid anything that might pose a threat to the status quo by prohibitively building barriers to entry in the political scene, actively implementing divide et impera tactics, co-opting “fellow travellers” of the oligarch, pushing out “non-systemic” actors into an anti-establishment “ghetto”. Authoritarianism in the Republic of Moldova, as it took shape during the previous two, three years, is very different from its classical version, commonly known as a “dictatorship”, and is more similar to that established in Russia, and in other former Soviet republics. In Chișinău, the regime maintains the face of democratic institutions, such as the Parliament, political parties, and elections, but it disempowers and perverts the essence of these institutions, thereby creating what professor Gel’man ingeniously referred to as a “democratic Potemkin village”<sup>3</sup>. As in the case of other electoral authoritarian regimes, it is becoming ever clearer that Moldova is only mimicking democratic institutions in an attempt to co-opt as many demographic segments as possible and decrease the risk of political conflict.

The authoritarian regime in Moldova is the result of conflicts harbored by the post-Soviet elite, which were very harsh during the 1990s, and wherein the winner “took it all”. Hence why Plahotniuc is so desperate to block any

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<sup>1</sup> The most notable author elaborating this concept is prof. Vladimir Gel’man, while *Authoritarian Russia. Analyzing post-soviet regime changes*, University of Pittsburgh Press, 2015 is, without a doubt, the most significant work in this regard.

<sup>2</sup> *Idem*, “The Rise and Decline of Electoral Authoritarianism in Russia”, in *Demokratizatsiya. The Journal of Post-Soviet Democratization*, January 2014, vol. 22, no. 4, p. 504.

<sup>3</sup> *Ibidem*, p. 506.

attempted change that might lead to colored revolutions and ultimately result in the removal from the front stage of the current political and economic elite.

After a second round of voting on June 3<sup>rd</sup>, the election results for the mayor's office of Chişinău were cancelled out of the blue. This constitutes an event with no precedent in the countries of the former Soviet Bloc. Perplexingly, this happened after all the observers present at the tiebreaker, representatives of internal and international organizations, civic activists, the political parties, as well as the other candidates running for the same position agreed that the runoff voting took place in fair conditions, with no foul play in sight. The winner had already been congratulated and the Chişinău judiciary had to complete a simple formality, that of validating the results, given that no complaints or requests to rescind were registered.

Not even in Belarus, Kazakhstan or the Russian Federation did the judicature ever nullify a voting outcome just because the governing party disagreed with the result. There have been documented cases in Georgia (2003) or in Ukraine (2004) where numerous international observers signaled electoral fraud or civil society organizations, which ended up in the reorganization of the vote that saw the representatives of the opposition win. In Belarus or Russia, opposition candidates are commonly forced out of electoral races by various means of abuse, but never before have we witnessed an electoral result being cancelled because the outcome is unfavorable to the ruling coalition. And especially not for local elections.

In what follows, the article first describes the contradictory positions of the Moldovan justice system, then in a second stage reconstitutes the events that led to the decision, which annulled the victory of Andrei Năstaseş thirdly, we look at the Romanian state's involvement in this crisis, as well as at the different stakes of diverse actors, and then conclude with a look at the aftermath of the crisis which includes protests and foreign reactions of the European Union and the United States.

## The Mysteries Of The Moldovan Justice System

At the end of May 2017, the liberal mayor of Chişinău, Dorin Chirtoacă, was detained under charges of corruption and influence peddling in a lawsuit concerned with paid parking spaces in the capital city. Consequently, the mayor's office was given over (in an illegal manner, some had protested) to Silvia Radu, a close acquaintance of the oligarch Vladimir Plahotniuc, who was interim mayor for almost a year. In February 2018, Chirtoacă formally resigned from his office, which called for snap local elections. The Democratic Party of Moldova (DPM), the governing body led by Plahotniuc, did not enter the race. They would not have had a chance given their low public approval, as well as

the overwhelming negative reputation of their leader in the eyes of more than 90% of the voters. Instead, the oligarch preferred to unofficially endorse the “independent technocrat” Silvia Radu, for whom the media outlets controlled by Plahotniuc aggressively campaigned. The most slandered mayoral candidate by Plahotniuc’s and Igor Dodon’s media channels was Andrei Năstase. The latter is currently the leader of the Dignity and Truth Platform Party (DTPP), an alternative political body that emerged in the wake of the widespread outrage brought about by the theft of one billion dollars of public money at the end of 2015. Năstase’s campaign was also endorsed by the Party of Action and Solidarity (PAS), led by the former presidential candidate and minister of Education Maia Sandu. Despite a clumsy, severely underfunded campaign, the rallying of PAS and DTPP helped Năstase reach the second round of voting, to the surprise of ballot observers, and notwithstanding all public opinion polls, while oligarch-powered Silvia Radu was far from being a threat.

Andrei Năstase’s presence in the second round of voting was a surprise not only to the majority of the public opinion and foreign observers, but also to himself. The outcome of the second turn, held on June 3, saw Năstase become the elected mayor of Chișinău with 52,57% of the votes. His entire campaign was centered on a bold anti-oligarchic and pro-European message, with Vlad Plahotniuc as the main target for his political criticism. The latter publicly acknowledged the victory of the leader of the opposition the following day: “The mayor’s office of our capital city is now under the control of the opposition, and this is a good thing for the balance of power in a state, but also because the right-leaning opposition now has the possibility to assume an important responsibility and work for the people”<sup>4</sup>. In what concerns the ballotage, Plahotniuc remarked upon the “democratic manner” in which they were conducted<sup>5</sup>. In addition, the socialist candidate Ion Ceban, defeated in the second tour, recognized Andrei Năstase’s victory. Even his administrative and party superior (as Ceban is a spokesperson for the President’s office), Igor Dodon, granted and accepted the voting outcome. Nonetheless, three weeks later, on June the 25<sup>th</sup>, the Supreme Court of Justice decided to invalidate the election results for the mayor’s office of Chișinău.

### How Did This Happen?

Two days after the election’s conclusion, on June the 5<sup>th</sup>, the socialists’ candidate Ion Ceban had forwarded two appeals to the courthouse of the Central sector of Chișinău. According to the political analyst Igor Boțan, quoted by

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<sup>4</sup> “Reacția Partidului condus de Plahotniuc după victoria lui Năstase”, *Ziarul de gardă*, iunie 2018, <https://www.zdg.md/stiri/stiri-politice/reactia-partidului-condus-deplahotniuc-dupa-victoria-lui-nastase> (Accessed 4 June 2018).

<sup>5</sup> *Ibidem*.

“Ziarul de gardă,” the two claims were irrelevant because they were not submitted within the amount of time legally permissible for this procedure, calling to record the annual syntheses of the Supreme Court of Justice that stipulate this very fact<sup>6</sup>. Nevertheless, the courthouse accepted them and began an inquiry. The first appeal was concerned with citizens from another country partaking in Năstase’s electoral campaign, mentioning leaders of the Romanian National Liberal Party (NLP) and members of the European Peoples’ Party who had come to Chişinău to lobby for Năstase. The second claim involved the posting of call-to-vote messages for the citizens on social media in the days of the election. The socialist candidate’s lawyer, Nicolae Fomov, stated that “these posts were seen 82.000, 71.000, 30.000 times, as well as many more times, respectively, and they could have impacted the election”<sup>7</sup>.

The video messages called to record by the socialist party make up the usual communications that take place during election days. This is one of them: “Come out in bundles to vote. In the voting booth, it’s just you faced with your own conscience and only God is your witness. Vote according to your wish but come and vote”<sup>8</sup>. Andrei Năstase’s messages do not differ in any way from those posted by the other candidates on the same occasion. A Chişinău media outlet collected all of the messages posted during election days by other candidates in the past four years and they resemble in both form and content, down to their punctuation<sup>9</sup>. Moreover, Ceban, the socialist candidate, had the same call to action on social media. It is perhaps for this reason that neither the losing candidate, nor his legal representative, Fomov, requested the nullification of the election outcome. During the first few days, journalists barely paid attention to these proceedings, most of them being unaware of their taking place. Only the appeal regarding foreign participation in the electoral campaign

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<sup>6</sup> „Expert politic: E non-sens ce se întâmplă. Dacă nu ştii cum au fost influenţate alegerile de ce le invalidezi?”, *Ziarul de gardă*, <https://www.zdg.md/stiri/stiri-politice/expert-politic-e-non-sens-ce-se-intampla-daca-nu-stii-cum-au-fost-influentate-alegerile-de-ce-le-invalidezi> (Accessed 24 June 2018).

<sup>7</sup> Doina Stimpovschii, „Culmea in justiţiei la miezul nopţii! Alegerile locale n-au fost validate din cauza live-urilor pe Facebook”, *Timpul*, 25 iunie 2018, <https://www.timpul.md/articol/culmea-injustiiei-la-miez-de-noapte-alegerile-locale-n-au-fost-validate-din-cauza-live-urilor-pe-facebook-132173.html> (Accessed 25 June 2018).

<sup>8</sup> „Standarde duble la validarea mandatelor? Ce au declarat Dodon, Corman, Leancă, Sandu şi Petreco în ziua alegerilor”, *Ziarul de gardă*, 23 iunie 2018, <https://www.zdg.md/stiri/stiri-politice/video-duble-standarde-in-validarea-agitatiei-electorale-la-alegerile-din-r-moldova> (Accessed 25 June 2019).

<sup>9</sup> „Dodon, Candu, Filip, Ghimpu, Filat şi Năstase: mesaje similare pe Facebook în 'ziua tăcerii'. Doar unul a fost invalidat”, *Ziarul de gardă*, <https://www.zdg.md/stiri/stiri-politice/doc-dodon-candu-filip-ghimpu-filat-si-nastase-mesaje-similare-pe-facebook-in-ziua-tacerii-doar-unul-a-fost-invalidat> (Accessed 24 June 2018).

had made it to the media, but the inquiry predictably came to a swift conclusion. The appeal was rejected.

The second claim, regarding Facebook messages that called for people to vote, has a strange story, to say the least. To begin with, the Centre sector courthouse first rejected it as baseless, having been forwarded too late to become the purpose of an inquiry. Either way, nobody had ever considered these calls to action as illegal electoral practice. However, the Court of Appeal had some surprises in store. On June the 12<sup>th</sup>, the Court ruled that the attempt to mobilize voters during the election days was a form of electoral agitation. As such, the law had allegedly been broken. But this decision had also passed unnoticed by the public opinion. Neither did the courtroom state in what way an invitation to vote posted on social media might influence the result of an election, nor did the judiciary specify what consequences their decision might have.

The curious development of this second appeal converged with the bureaucratic procedures of validating the election result for the mayoral office of Chișinău. The courthouse hearing was postponed from June the 15<sup>th</sup> to Monday, the 18<sup>th</sup> of June, on the grounds that two appeals, both authored by the socialist party and concerning possible foul play with the second round of the election, had been advanced to the judicature. On June the 18<sup>th</sup>, the validation was postponed once more, as the courtroom admitted a request by the Electoral Constituency Council from Chișinău to challenge the judge.

The following day, Tuesday the 19<sup>th</sup> of June, the judiciary of Centre sector decided that the result of the mayoral election, which had taken place on June 3 was not to be validated. Judge Rodica Berdilo called to record the Court of Appeal's decision on June 12, and after three hours of private debate ruled that calling citizens to vote in the day of the election is an unlawful practice, claiming that both of the second round candidates, Năstase and Ceban, are guilty of broadcasting such messages. The legal representative of the socialists re-claimed on this occasion that the law had actually been violated by the participation of foreign citizens in the campaign, which was the object of the first appeal, not by the electoral messages. However, three separate judiciaries had ruled against the complaint that foreign parties had endorsed Năstase's run. And then they were left with the second appeal, regarding social media posts bidding people to go vote. Judge Berdilo decided that the Facebook posts addressed "to an uncontestably larger number of people than the difference between the two candidates demonstrates that the elections, upon their conclusion, were altered by the behavior of the candidates"<sup>10</sup>. The Centre sector Court nullified the election outcome through this decision, despite the fact that

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<sup>10</sup> „Cum a motivat Judecătoria Chișinău decizia de a nu valida alegerile din Capitală”, *Anticorupție*, <https://anticoruptie.md/ro/stiri/cum-a-motivat-judecatoria-chisinau-decizia-de-a-nu-valida-alegerile-din-capitala> (Accessed 24 June 2018).

neither of the candidates, nor the Electoral Constituency Council from Chişinău had requested such a resolution.

A significant number of independent political commentators claim that Rodica Berdilo is acting upon a political order. Several others have wondered, with good reason, if the judge actually understands the way in which social media works. It is impossible to establish whether some 250,000 combined views of three video messages recorded and posted by Năstase actually occurred during the election days or whether they happened subsequently. For that matter, it is impossible to determine whether the views belong to pro-European voters that are of age, individuals who are currently living on the territory of the Republic of Moldova and who are legally domiciled in Chişinău, people who would lawfully classify as citizens and who might have voted in the election<sup>11</sup>.

A couple of days later, in a post on her own Facebook page, judge Berdilo invoked an article from an Electoral Code which references another article, from another Code, giving credibility to the fact that the sentence might have actually been passed by another individual. It is highly unlikely that someone else wrote a post on her own Facebook page<sup>12</sup>. On June the 21<sup>st</sup>, the magistrates of the Court of Appeal decided to uphold the sentence passed by the Centre sector Court, which invalidates the outcome of the second round of voting on the 3<sup>rd</sup> of June.

With just one other possible way out in the form of the Supreme Court of Justice, the pro-European opposition organized a rally on June the 24<sup>th</sup> in the Great National Assembly Square, Chişinău. On this occasion, the protesters accused the oligarch Plahotniuc for ordering the Moldovan justice, which is under his control, to prevent Andrei Năstase from taking the mayor's office at any costs, regardless of the election's outcome.

“Plahotniuc wants to show us that we don't matter, that he can commit anything, including crimes against the Republic of Moldova. We want to tell him that enough is enough, that we're fed up. He appropriated everything in all these years. He made away with the justice system and laws were passed under his bidding. They ventured to take away our most precious right, the right to vote. We know them to be thieves, up-starts, but Plahotniuc demonstrated in these past few days that he's much more than a thief,

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<sup>11</sup> Maksim Andreev, „Отмена результатов выборов в Кишинев в трех шагах. Как это было и что дальше” *Newsmaker*, 23 июня, <http://newsmaker.md/rus/novosti/otmena-rezultatov-vyborov-v-kishineve-v-treh-shagah-kak-eto-bylo-i-cto-dalshe-37961> (Accessed 24 June 2018).

<sup>12</sup> Elena Robu, „Eroare gravă a judecătoarei Rodica Berdilo în mesajul postat pe facebook”, 28 iunie 2018, <https://elenarobu.md/eroarea-grava-a-judecatoarei-rodica-berdilo-in-mesajul-postat-pe-facebook/> (29 iunie 2018); Radu Carp, “Decizia de invalidare a alegerilor de la Chişinău a fost luată la Bucureşti?”, *Adevărul*, 3 iulie 2018, [https://adevarul.ro/news/politica/deciziade-invalidare-alegerilor-chisinau-fost-luata-bucuresti-1\\_5b3b9719df52022f75d03879/index.html](https://adevarul.ro/news/politica/deciziade-invalidare-alegerilor-chisinau-fost-luata-bucuresti-1_5b3b9719df52022f75d03879/index.html) (Accessed 3 July 2018).



that he's on his way to becoming a dictator. If we don't put an end to this now, our country will see dictatorship installed"<sup>13</sup>. (Maia Sandu)

Alongside Vlad Plahotniuc, judge Rodica Berdilo was also the object of harsh criticism. She asked the Superior Council of Magistracy, a less active institution that also enjoys low public approval, to defend her. In turn, the institution did her bidding and accused political campaigns of defamation and impacting “the credibility of the process of justice, as well as the independence and impartiality of the judge”<sup>14</sup>.

On June the 25<sup>th</sup>, the Supreme Court of Justice definitively sealed the fate of the elections, rejecting Andrei Năstase's complaint and invalidating the outcome of the elections for the mayor's office at the beginning of the month. In fact, the judges of the Supreme Court did not assume anything, saying that this was not a decision they could make, and so the ruling of the inferior court remained valid<sup>15</sup>.

The internal reactions to the nullification of the result were predictable. President Dodon declared that the court's decision sets a dangerous precedent in the context of the upcoming parliamentary elections. The ones to blame for the political crisis brought about by the cancellation of the election result are allegedly the “Euro-unionists,” but the socialists would win the autumn elections and things would then go back to normal. Igor Dodon even revealed some of the plans that the socialists have in store. The president hopes that they would gain a majority in the Parliament, which would allow them to nominate whoever they want for government offices. A different scenario, wherein the Parliament does not benefit from a socialist-led majority, likely due to PAS and DTPP leaders' refusal to collaborate with Palahotniuc, would mean snap parliamentary elections simultaneously with local elections in the summer of 2019. President Dodon is firmly convinced that those snap elections would eventually lead to a victory on behalf of the Socialists' Party, reassuring Ion Ceban that, when this happens, he will also be victorious in his run for the mayorship of Chișinău, during the normal elections<sup>16</sup>.

<sup>13</sup> „Proteste masive pentru ziua de duminică, 24 iunie, anunțate de Maia Sandu și Andrei Năstase”, *Anticorupție*, 22 iunie 2018, <https://anticoruptie.md/ro/stiri/proteste-masive-pentru-ziaua-de-duminica-24-iunie-anuntate-de-maia-sandu-si-andrei-nastase> (Accessed 24 June 2018).

<sup>14</sup> „Reacția CSM după protestul avocaților: afectează imaginea și independența sistemului judecătoresc”, *Ziarul de gardă*, <https://www.zdg.md/stiri/stiari-justitie/reactia-csm-dupa-protestul-avocailor-afecteaza-imaginea-si-independenta-sistemului-judecatoresc> (Accessed 25 June 2018).

<sup>15</sup> „Curtea Supremă de Justiție a respins contestația primarului ales Andrei Năstase”, *Radio Europa Liberă*, 25 iunie 2018, <https://www.europalibera.org/a/29318845.html> (Accessed 25 June 2018).

<sup>16</sup> Maksim Andreev, „„Так тому и быть”. Реакция Игоря Додона на отмену выборов в Кишиневе – в трех пунктах”, *Newsmaker*, 26 июня 2018, <http://newsmaker.md/>

The controversial oligarch Vlad Plahotniuc<sup>17</sup> responded in an interview for the unionist publication “Timpul”, which is partially financed by the government in Bucharest.<sup>18</sup> The majority of the commentators in Chişinău are convinced that the interview was entirely written in Romania’s capital city, by people close to the Alliance of Liberal Democrats (ALDE) party, as well as to the minister for external affairs, T. Meleşcanu. For that matter, Romania is known in international chancelleries to unconditionally support DPM leader Vlad Plahotniuc. In his “Timpul” “interview”, Plahotniuc claims that the decision to invalidate the Chişinău elections sets a dangerous precedent, including for his own party. Had this been an authentic interview, it would have deserved a more thorough analysis, as it contains several perplexing, as well as inaccurate statements. It is noteworthy to mention one aspect, however, namely the emphasis that is placed on a storyline according to which Plahotniuc has absolutely no power in Moldova, wherein the justice system is independent, and the West asking for Chişinău to deal with this problem is completely unacceptable. If Plahotniuc had read the interview before its publication in “Timpul”, he would have disagreed with such a narrative, because, as it turns out, he claims the exact opposite in the many, heavily financed articles published in international media, as well as in discussions with foreign emissaries, to whom he frequently underlines his control of the Republic of Moldova, but also his role as the only viable liaison between the country and the West.

Foreign responses were equally predictable. In a statement of the US embassy in Chişinău – later endorsed by a memo from the State Department – it was emphasized that the spoiling of the election results is a threat to democracy<sup>19</sup>. The statements of the High Representative of the European Union

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rus/novosti/tak-tomu-i-byt-reaktsiya-igorya-dodona-na-otmenu-vyborov-v-kishineve-v-treh-punkta-38002 (Accessed 27 June 2018).

<sup>17</sup> Vladimir Plahotniuc was born in Călăraşi raion of the Moldovan Soviet Socialist Republic. He holds a BA in food engineering from Chişinău Technical University. In the unclear circumstances he came to Bucharest at the beginning of 2000 being appointed general director to Petrom Moldova, the biggest branch of the most important Romanian oil company. Plahotniuc got Romanian citizenship in 2002. Since 2009, he had another identity in Romania under the name Vlad Ulinici, with different ID documents. He started to play a preeminent public role after April 2009, becoming the richest businessman and the most influential politician in Moldova. For more details, see Armand Goşu, „Republic of Moldova. The Year 2015 in Politics”, in *Studia politica. Romanian Political Science Review*, vol. XVI, nr. 1, 2016, pp. 30-33.

<sup>18</sup> Vlad Plahotniuc, „Au fost presiuni interne şi din exterior ca Guvernul şi PDM să intervină ca decizia judecătorilor să fie pentru validarea alegerilor”, *Timpul*, 26 iunie 2018, <https://www.timpul.md/articol/plahotniuc-au-fost-presiuni-interne-i-din-exterior-ca-guvernul-i-pdm-sa-intervina-ca-decizia-judecatorilor-sa-fie-pentru-validarea-alegerilor-132324.html> (Accessed 26 June 2018).

<sup>19</sup> “The Moldovan Supreme Court’s non-transparent decision to uphold the invalidation of Chisinau’s June 3 mayoral elections represents a threat to Moldovan democracy. The winning candidate in Chisinau’s mayoral race received a majority of the votes. International observers found relatively minor irregularities that would not justify

for Foreign Affairs and Security Policy, Federica Mogherini, as well as that of the EU Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, were harsher and more elaborate<sup>20</sup>.

Taking notice of the reactions of Moldovan media, which was controlled to a large extent by Plahotniuc and Dodon, but also the manner in which his statements to a journalist from Europa Liberă were misconstrued, Commissioner Hahn made himself even clearer through a more explicit post on social media later that day:

“Judiciary’s role is not to modify the electoral choice of the people. None of the participants of the electoral process asked for annulation of the elections. It is unprecedented that regular practices, usual for previous electoral processes in Moldova, were considered a breach of electoral rules, leading to invalidation of elections. Measures foreseen by law for such situations had not been applied.”<sup>21</sup> (Johannes Hahn, EU-Commissioner for European Neighborhood and Enlargement Negotiations)

The strain placed on relations between Chișinău, on the one hand, and Brussels and Washington, on the other, might prevent several instalments of current loans from reaching the Republic of Moldova, where they are sorely needed. Moldovan diplomacy will require many months to mend these misunderstandings, but Plahotniuc, the leader of the governing body, does not have too much time at his disposal. Parliamentary elections are right around the corner, while the economic and financial situation of Moldova remains precarious. Certainly, as always in such situations of crisis, Bucharest is there to send money not so much to the Republic of Moldova, but specifically to Plahotniuc, who controls the country and whose oligarchic regime is considered to be necessary by the Romanian establishment.

## Catch-22

The ruling of the Moldovan judiciary threw the country into a total halt. Especially in the unionist publication “Timpul”, financed by the Romanian

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invalidation of the election results, and there were no calls from election participants to invalidate the results. The Court’s unusual and unwarranted decision thwarts the electoral will of the Moldovan people and damages respect for the rule of law and democratic principles in Moldova. As Secretary Pompeo emphasized to Prime Minister Filip in their June 25 meeting, free and fair elections are the hallmark of a democratic government and must reflect the will of the country’s citizens without political interference.” <https://www.state.gov/r/pa/prs/ps/2018/06/283586.htm> (Accessed 25 June 2018).

<sup>20</sup> “Statement by the Spokesperson on the validation of the election of the Mayor of Chisinau”, 20/6/2018, [https://eeas.europa.eu/headquarters/headquarters-homepage/46971/statement-spokesperson-validation-election-mayor-chisinau\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/46971/statement-spokesperson-validation-election-mayor-chisinau_en) (Accessed 22 June 2018).

<sup>21</sup> Johannes Hahn, “Judiciary’s role is not to modify the electoral choice of the people. None of the participants of the electoral process asked for annulation of the elections”, <https://twitter.com/JHahnEU/status/1011909876585558021> (Accessed 24 July 2018).

government, Vlad Plahotniuc proposes a narrative according to which Moldovan justice is independent, and the oligarch can do nothing but take note and promise to encourage legislation reform, soon to be voted by the majority he controls in Parliament. The problem is that, short of the author of the interview (certainly not Plahotniuc), no one believes this story; not even Vlad Plahotniuc himself and certainly no one from Bruxelles or Washington.

It was hard to imagine that this narrative was credible. The price for DPM to join the Alliance for European Integration (AEI) has been, ever since 2009, the control over the State's Attorney, and later, over the entire justice system of the Republic of Moldova. Plahotniuc's power, which has grown steadily since 2010 and which became overwhelming after the incident of the Princely Forest and the enforcement of the Iurie Leancă government, was based precisely on his control of the judiciary. Through prosecutors and judges, Plahotniuc marginalized and even sentenced to prison his chief opposition, beginning with Vlad Filat, former Prime Minister and the leader of the most significant pro-European party, the Liberal Democrat Party of Moldova. That Plahotniuc completely controls justice in the Republic of Moldova is a commonplace, well known by any chancellery analyst or foreign ministry. For several years, the protocol between AEI parties, whereby DPM assumed control of the State's Attorney and the National Anticorruption Centre, has been made public. During a television show, it was presented by Mihai Ghimpu, the leader of LP, a party of unionist rhetoric with numerous ties to Bucharest. This makes it all the more curious to see the urgency placed on the "independence" of Moldova's justice system.

We might explain the mix-up of narratives through the fact that there are at least two groups in Romania which are connected not only to the secret services on the banks of the Dâmbovița, but also to Moldovan political parties, a situation that offers them access to resources and to funds, first and foremost. One of these groups, however, lost the dividends it had enjoyed before LP was removed from power and Dorin Chirtoacă was discharged from the mayor's office of Chişinău. The result was a nervousness that transpired throughout all the articles of the members of this group. The other group, directly linked to DPM, more powerful at present, and desiring exclusive access to Moldovan resources, is a cross-party association, PSD-ALDE, and an inter-institutional one, from the Presidential Administration to the secret services, the Ministry of Foreign Affairs, and the Bucharest city hall. Some of these structures define the national interest of Romania, which, to the stupor of certain foreign chancelleries, has become the unconditional support of Plahotniuc's political regime.

It is no accident that publications sponsored by the government of Romania are now promoting the narrative of an "independent justice" in Moldova, a story that is not bought in the West. This is not necessarily because Plahotniuc is a former leader of the criminal world of post-Soviet Moldova or

because a Westerner would never want to bury their political career by associating themselves with him. Too few have heard of Moldova, so this is of little importance. The problem is that Plahotniuc introduces himself to public meetings as the man who controls Moldova, and who defends it from Russian tanks. As a matter of fact, Vlad Plahotniuc has used the Russian threat intensely in order to legitimize the usurpation of power. Yet now, he attempts to convince the West that he is not in control, even though he had previously assured everyone that he was.

Nonetheless, both the reports of the State Department and those of the European Commission constantly intercept the meddling of power in the affairs of Moldovan justice, which is always criticized. Even a former minister of Justice and former president of the Constitutional Court admitted, several months ago, that the justice reform had failed. The dust had not yet settled on certain sensitive case files, such as the raider attacks carried out with the help of courthouses, the laundering of over 20 billion U.S. dollars for Russian Mafia after the Soci Olympiad, the last-minute removal of several parties from the electoral race, also carried out through the justice system, the obstruction of the prosecution's investigation of the billion-dollar theft from three Moldovan banks, and many others. In addition to these, there are countless testimonies from within the justice system of the Republic of Moldova which certify the fact that prosecutors and judges are politically maneuvered, corrupt<sup>22</sup>, and terrorized; and they are all pointing to Plahotniuc.

Thus, it would be ridiculous for someone to entertain the thought that the decision to nullify the elections in Chișinău was made by independent judges who creatively, securely, and coincidentally interpreted certain paragraphs previously read with the opposite meaning by their colleagues in many other contexts. Of course, ridicule is yet to kill someone, so there will be many who will pretend to take this story seriously.

Nevertheless, the new narrative encouraged in an interview by a publication sponsored by the Romanian government is unlikely to pass as truth. Those who launched it knew as much. So why did they do it?

## The Political, Economic, Personal And Criminal Stakes Of This Crisis

The story of an independent justice was launched in order to obstruct the validation of Andrei Năstase's mayoral mandate. Although the State

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<sup>22</sup> „Cum i-a făcut justiția milionari pe judecătorii care au anulat alegerile”, *Ziarul de gardă*, 28 iunie 2018, <https://www.zdg.md/editia-print/cum-i-a-făcut-justiția-milionari-pe-judecătorii-care-au-anulat-alegerile> (Accessed 28 June 2018).

Department and the European Commission do not buy it and continue to lobby for the will of the electorate in Chişinău, the Republic of Moldova will not yield under any circumstance. Not because the elite in Chişinău believe in the independence of justice; they likely think it worthless. But because keeping Andrei Năstase away from the mayor's chair has become a strategic objective on which the survival of this elite depends.

The radical change in the attitude towards Năstase's victory can be explained through the fact that the current power in Chişinău was firmly convinced he had no chance in the elections. When he made it to the second round and then won the elections, the former hoped Andrei Năstase's critical attitude would be moderated and that he would collaborate with the system of power dominated by the symbolic figure of the oligarch Plahotniuc. There were even speculations of certain commentators close to socialists according to which Plahotniuc had favored the election of Năstase in an attempt to prepare the collaboration of DPM, PAS and DTPP, following the Parliamentary elections, when these parties could have formed a new Alliance for European Integration. Such speculations illustrated the fear of socialists that DPM might create an anti-PSRM majority in the future Parliament.

Keeping Năstase away from office was essential to preserving the political balance. Had he assumed office, he would have become part of the system, handled resources, and set a trend of growth in terms of the political influence of the extra-parliamentary opposition for the electoral campaign in the fall of 2018.

The problem of the pro-European, anti-oligarchic opposition is that it wages battle on two fronts, both against the socialists of President Dodon, who is endorsing a pro-Kremlin discourse, and against the allegedly pro-European oligarch Vlad Plahotniuc.

To fight on two fronts is a major tactical error. At least, that's what the manual says. However, Maia Sandu and Andrei Năstase have no other option. They have correctly identified their adversary in the person of Vlad Plahotniuc. The pro-Russian president Dodon is created and controlled by the oligarch. Even if they were to win the Parliamentary elections, the socialists cannot saddle Moldova and ride it over Ukraine in order to reach the bosom of Russia. And what could they give to President Putin? Kremlin barely has enough financial resources for itself; it has nothing to send to Chişinău. The political elite in Moldova are aware that money is to be found in the West, with the EU and the IMF, not in Moscow.

Since he refused to accept the geopolitical scenario, with Russian tanks blocked by Plahotniuc on the Dniester River, Andrei Năstase complicated the game, and therefore had to be removed from it at any cost. Had he been allowed to enter the city hall, the DTPP-PAS alliance might have obtained a score at least twice as high as DPM, which Plahotniuc wished to avoid. In fall, DPM

requires a minor ally which they can dominate and with which to establish a new AEI. However, it is unlikely that one will appear. Maia Sandu refuses to commit political suicide and remains allied with Andrei Năstase, regardless of the siren songs coming from Bucharest. As such, the scenario unveiled by President Dodon, according to which the Parliament might be unable to create a ruling majority in fall, and might thus trigger snap elections, should be taken seriously.

In other words, obstructing the validation of the mayoral mandate can also be interpreted as the abandonment of the project to constitute a pro-European coalition (DPM, PAS, DTPP) dominated by the democrat leader following Parliamentary elections. This is why it has become important for PAS and DTPP to register the lowest possible scores in the future poll. In order for this to happen, the alliance of the two political forces must be destabilized, and removing Năstase from the city hall is probably the first step.

Another cause, which might explain the adventure of the mayoral mandate of Adrian Năstase was revealed after June the 3<sup>rd</sup>, when a series of abuses of power and controversial case files of the local administration surfaced. The results had hardly been announced when Năstase took his attributions seriously. He met with representatives of international banks, with various ambassadors, he requested assistance for issues of architecture and urban planning, etc. Most importantly, he protested in the street to prevent the demolishing of a symbolic building for the center of Chișinău, namely the “Gaudeamus” cinema. In fact, this case brought hundreds of people out in the street, all of whom requested that the elect mayor intervene. As usual, the land involved was more important, no less than 2.500 square meters (25 acres) at the heart of the capital city, purchased for the price of an automobile in 2010. The building and the land were in a specially designated area, which meant that nothing could be built there. The owner, however, had forwarded a request in 2016 in order to modify the urban plan of the area and build a fifteen story block of flats. The request was not resolved, but this did not prevent the Local Council from granting authorization for the demolition of the cinema on March 22, 2018. The demolition itself began just after Năstase won the elections. During the council meeting on June 14, the alteration of certain urban plans for the area was also introduced in the order of the day, but the elected mayor stopped the procedure through public pressure.

“Gaudeamus” is only one case, which has received most attention from the media. Behind it, however, lies a dramatic truth. Various real-estate mafias control the city of Chișinău, and especially the historic center. For a long time, the business of real-estate developers had been discreetly controlled by the Liberal Party of Mihai Ghimpu, whose nephew, Dorin Chirtoacă, was mayor. Certain areas or businesses were controlled by Filat, others, by Dodon, but there was a balance between the different groups. That relative balance was

decisively broken when Chirtoacă was handcuffed. Prior to this, businesses controlled by Liberal-Democratic Party of Moldova (LDPM) in Chişinău had been overtaken by Plahotniuc's DPM. Since May 2017, "the boss" of real-estate developers ("krysha", or rooftop, in Russian; that is, the one who ensures political protection) has been the well-known oligarch. According to the Moldovan press, last year's summer saw the end of the bohemian period of the liberal Ghimpu. Since then, the control of real-estate companies that partitioned Chişinău has been scientifically orchestrated. The peak of these businesses is represented by real-estate projects "Prima Casă" and "Arena sportive," both of which are veritable black holes in the local and state budgets. Chişinău is engulfed by intemperance of constructions, some of them, illegal. It is an unprecedented phenomenon. And Năstase's mayorship seriously threatened the business. There were too many hundreds of millions of dollars in play, and this half-criminal world could not have stood by as the new mayor ruined its business, for the protection of which the "krysha" is paid.

The last drop was likely the construction in no. 1 Bogdan Voievod. Here, the city hall illegally provided authorization for the construction of a block of flats, although the urban plan for the area did not allow for it. The certificate was issued for five lots of land, two of which were part of the county property. There was no decision of the Local Council to modify the ownership of the two lots of land, but this did not prevent the construction company from beginning the deforestation. In addition to the fact that the real-estate developer was building on the land of the city hall, the authorization they had was in violation of the urban plan, according to which, buildings higher than 25 meters could not be built in the area, and the dwelling stock could not exceed 50% of the terrain's surface. The developer is El Dorado Terra, previously controlled by LP, but currently backed – according to certain information in the press – by Plahotniuc himself. This was already too much for the oligarch; he could not accept an attack on his own businesses. Not being able to protect even these businesses would send a very bad message, namely that the "krysha" is useless. According to Alexandru Slusari, a close collaborator of the elected mayor, the visit in no. 1 Bogdan Voievod created a terrible panic in the real-estate business, something that he and Andrei Năstase later understood. After they made the case public, they received copies of tens of case files regarding alleged abuses of power, which had been committed by authorities for various constructions. The latter determined Slusari to conclude that this particular file was the last drop.

A final argument, which contributed to the decision to obstruct the validation of the mayoral mandate, must have been the very strong, personal animosity of Plahotniuc towards Andrei Năstase. The latter was a prosecutor, a successful lawyer, and a graduate of Law School at the University in Iaşi. As a lawyer, he had been involved in lawsuits against Plahotniuc since 2010 and the first significant raider attack by means of which the future oligarch took control



of Victoria Bank, where his client Victor Țopa, now a refugee in Germany, owned stock. Practically, from that moment forward, Andrei Năstase has been fighting against what he sees as the abuses of power of Plahotniuc, as well as intensely promoting the fight against corruption, transparency in the act of justice, etc. What distinguishes Năstase from the majority of his countrymen is an insane courage to publicly state what everyone else is thinking and discussing over the kitchen counter, behind closed doors. For this courage, however, he has paid a heavy price. His family has been living in Germany for years, and, night after night, he has been the target of the calumnies of Plahotniuc's media holding.

### The Aftermath: Protests And Foreign Reactions

The decision made by the Supreme Court of Justice to invalidate the election of the mayor has generated a civic protest movement wherein an important role is played by civil society organizations, in addition to political parties. On June the 27<sup>th</sup>, the leaders of PAS, DTPP, and LDPM, Maia Sandu, Andrei Năstase, and Viorel Cibotaru, together with notable figures of Moldovan civic society, laid the foundation for the National Resistance Movement, which is meant to oppose “the dictatorship installed by oligarch Vladimir Plahotniuc”. According to statements made during the press conference launching the resistance movement, the latter requests the validation of the election, the annulment of the mixed voting system, as well as “criminal charges against the judges who nullified the election”<sup>23</sup>. The founders of the movement addressed the population in a plea to “create cells of the National Resistance Movement in every county of the Republic of Moldova.”<sup>24</sup> A great protest rally was announced for Sunday, July 1<sup>st</sup>.

Meanwhile, the Central Electoral Committee convened on June 29 to decide the fate of the elections in the capital city. The decision of the Committee was predictable, on the one hand, but also surprising, on the other. Invoking the decision of the courts of law, it annulled the second round, which had taken place on June the 3<sup>rd</sup>. Surprisingly, however, the Committee also annulled the first round, from May 20, even though this was never requested by anyone and its results were not invalidated by the courts. The Central Electoral Committee resolved that the next elections for the mayor of Chișinău would take place in the summer of 2019, together with local elections across the entire

<sup>23</sup> Vitalie Călugăreanu, „A fost creată Mișcarea de Rezistență Națională pentru demolarea ‚regimului Plahotniuc’. Plahotniuc amenință subtil”, 27.06.2018, <https://www.dw.com/ro/a-fost-creată-mișcarea-de-rezistență-națională-pentru-demolarea-regimului-plahotniuc-plahotniuc-amenință-subtil/a-44427138> (Accessed 28 June 2018).

<sup>24</sup> *Ibidem*.

territory of the Republic of Moldova. As such, an interim mayor will lead Chişinău for another year, without the support of the voting citizens.

Several commentators and experts clarified under what terms the legislation stipulates the annulment of elections. Thus, according to the ruling of the Constitutional Court on December 16, 2016, it is clear that “during an electoral campaign, certain irregularities are possible, but the validity of the elections depends on the dimensions and magnitude of the former, as ascertained by the state authorities”<sup>25</sup>. As for the conditions necessary to invalidate a ballot, the Constitutional Court stipulated that several must be cumulated: that the elections are spoiled through fraud, that the results of the elections are influenced as a result of this fraud, that the annulment request is filed right away, and that the claim according to which elections were fraudulently influenced is backed by evidence. In an utterly inexplicable fashion, the Court of Appeal, which ruled for the invalidation of the results of the second round, completely ignored the legislation, as well as the rulings of the Constitutional Court. Thus, the decision to invalidate the vote slipped away from the sphere of justice and into that of politics<sup>26</sup>.

The invalidation of the elections worsened the public approval of the judiciary, which stands accused not only of incompetence, but also of political partisanship and corruption. With regard to the Parliamentary elections to take place in a few months, introducing mixt voting in a single round and cancelling the elections in Chişinău might increase absenteeism among voters, according to some commentators. The arbitrary reading of the law diminishes not only the trust of the people, but also that of foreign chancelleries, while creating a severe precedent for Parliament.

On July 1<sup>st</sup>, a tense atmosphere in the center of Chişinău accompanied the protest of the “resistance movement” against “the dictatorship” of the Plahotniuc-Dodon regime. In front of several tens of thousands of people, the leaders of the opposition and notorious figures of the civil society requested that the local elections be validated, that those judges who invalidated the ballot be held accountable, and that the mixed electoral system implemented last year be cancelled. After hours of protest in the Great National Assembly Square, thousands of people began their march towards the headquarters of the Democrat Party while chanting: “Down with the Mafia!”. The protesters resolved to issue a call to peaceful, civic disobedience and announced a great assembly of citizens from within and from outside the country for August the 26<sup>th</sup><sup>27</sup>.

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<sup>25</sup> „Cum se separă justiția de politică în Moldova...”, 28 iunie 2018, <http://www.ipn.md/ro/special/92067> (Accessed 2 July 2018).

<sup>26</sup> *Ibidem*.

<sup>27</sup> „Protest masiv în PMAN: ‘Oprim dictatorul!’”, 2 iulie 2018, <http://www.ipn.md/ro/arhiva/92118> (Accessed 2 July 2018).

The first consequence of the unprecedented violation of certain elementary norms of democracy by the authorities in Chișinău soon became obvious. The EU went further than a mere declaration and decided to suspend the payment of the first installment of the Macro-Financial Assistance program for the Republic of Moldova. The EU delegation to Chișinău explained why: “The payments issued within the Macro-Financial Assistance program are conditioned by the successful implementation of certain measures of economic policy keeping with mechanisms of democracy, the constitutional state, and human rights”<sup>28</sup>.

For the regime in Chișinău, the bad news continued when the European Parliament voted, on July 5, for a resolution that condemns the missteps of Chișinău authorities<sup>29</sup>. The draft of the resolution was prepared by PPE, but it was voted by 6 of the 8 groups, with 345 votes for, 160 votes to abstain, and only 35 votes against<sup>30</sup>. The wide consensus among political groups confirms the agreement that exists between the chief EU institutions, namely the Commission, the Parliament, and the European External Action Service (EEAS), with regard to the Republic of Moldova.

Romanian member of the European Parliament Cristian Preda, who presented the project for the resolution, was categorical in his statements: “Not one Euro ought to be sent to Chișinău until the following conditions are fulfilled: the validation of local elections in Chișinău, the investigation of the bank fraud known as the billion-dollar theft”<sup>31</sup>. The decision to cancel the elections, Preda continued, was taken by the oligarch Plahotniuc, and not by the courts of justice. “The cancelling of the ballot shows us once again that the state is taken over by a single person and that today, in Chișinău, justice is used to settle political disputes, while Moldova is a state seized by an oligarch who does not wish for his business and his clan in Chișinău to see any danger as a result of Andrei Năstase’s becoming mayor”<sup>32</sup>.

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European Union in the Republic of Moldova, @EUDelegationMoldova, July 6 at 6.49 PM, [https://www.facebook.com/EUDelegationMoldova/?hc\\_ref=ARRwjriGoITOkGfSqgdFbC6Zy88-aQ5E425XIPclOCTT3W0IUHHNhcPXXi0piZ\\_ss-o&fref=nf](https://www.facebook.com/EUDelegationMoldova/?hc_ref=ARRwjriGoITOkGfSqgdFbC6Zy88-aQ5E425XIPclOCTT3W0IUHHNhcPXXi0piZ_ss-o&fref=nf) (Accessed 6 July 2018).

<sup>29</sup> “European Parliament resolution of 5 July 2018 on the political crisis in Moldova following the invalidation of the mayoral elections in Chișinău”, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2018-0303&language=EN&ring=P8-RC-2018-0322> (Accessed 6 July 2018).

<sup>30</sup> “The political crisis in Moldova following the invalidation of the mayoral elections in Chisinau (vote)”, <http://www.europarl.europa.eu/sides/getDoc.do?type=PV&reference=20180705&secondRef=ITEM-006-01&language=EN&ring=P8-RC-2018-0322> (accesat la 6 iulie 2018).

<sup>31</sup> „Parlamentul European recomandă Comisiei să suspende orice plăți pentru Moldova”, 5 iulie 2018, <http://www.ipn.md/ro/arhiva/92205> (accesat la 6 iulie 2018).

<sup>32</sup> *Ibidem*.

The resolution urges the European Commission to suspend any payments of macro-financial assistance, but also installments for budget support for the Republic of Moldova. The assistance is to be resumed only after Parliamentary elections and under the condition that the latter take place in conformity with international standards. This is to be monitored and evaluated by specialized international bodies.

Given that the majority of the press in Chişinău is controlled by DPM and PSRM, the two chief political forces, the resolution of the European Parliament quickly became the target of a manipulation campaign organized by the two television trusts. As a matter of fact, Vladimir Plahotniuc had designated the battle plan as soon as the justice courts invalidated the result of the elections. In the press controlled by Plahotniuc, several analysts and politicians explained that the annulment of Andrei Năstase's mandate is allegedly the work of enemies of DPM, while the latter has absolutely nothing to gain following this decision. Both Plahotniuc and other leaders of DPM transferred the responsibility for cancelling the elections to an electoral legislation that was insufficiently clear, as well as to social media, primarily Facebook, the use of which should have been regulated in Moldova, as it was proven to have the potential to influence the behavior of voters. The pro-European opposition and the organizations of civil society are worried that the establishment will attempt to utilize the invalidation of elections as a pretext to constrain freedom of speech and restrict the use of social media, as is common in dictatorships. It would appear that the Internet had been targeted for a long time in Moldova because, on social media, extra-Parliamentary opposition is much more popular than DPM and PSRM. The Internet itself represents the only truly free forum since the Plahotniuc-Dodon binomial controls the largest part of Moldovan media.

The spokesperson for DPM blamed PPE, which includes the two opposition parties led by Maia Sandu and Andrei Năstase, for the EU resolution. According to DPM, PPE "does not support Moldova or its citizens, regardless of their political orientations, but rather supports only certain extra-parliamentary political parties and their leaders"<sup>33</sup>. The European Parliament's resolution will also

"significantly undermine Moldovans' trust in the European Union... It is difficult to explain to the Moldovans that they endured such harsh reforms only to be faced with a decision against their benefit because this is what the leaders of the opposition requested, because the government and DPM did not want to intervene against the decisions of the courts of justice, which validated the Chişinău elections"<sup>34</sup>.

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<sup>33</sup> „PDM: E regretabil că războiul politic din Moldova a fost exportat în Parlamentul European”, 5 iulie 2018, <http://www.ipn.md/ro/arhiva/92208> (Accessed 6 July 2018).

<sup>34</sup> *Ibidem*.

DPM leader Vlad Plahotniuc, immediately following the invalidation of the Chișinău elections, initially formulated the latter accusation addressed to foreign chancelleries. Simply put, the Moldovan oligarch alleges that the West is blackmailing Chișinău by asking it to modify the decisions of “independent judges” under the threat of ceasing external financial assistance, thus punishing the entire country. In actuality, the EU and the US are asking that the vote and the political will of the citizens are respected, and that practices meant to influence the judiciary are ceased. Among occidental chancelleries, but also among European institutions, the conviction persists that first and foremost, the DPM and Plahotniuc personally control the Chișinău administration and the judiciary.

This war of narratives continued and even escalated in the following days. After the resolution was voted in Brussels, in Chișinău, Prime Minister Filip and other members of the cabinet took part in a meeting with the leader of the EU Delegation to the Republic of Moldova and with the ambassadors of EU states to Chișinău. Following this meeting, a statement was released on the Facebook page of the Delegation, wherein ideas from previous messages of the EEAS, the Commission and the European Parliament were reiterated. The statement also mentioned the fact that “until political pre-conditions regarding democracy, the constitutional state, and human rights are fulfilled, the payment of the first installment of Macro-Financial Assistance remains suspended”<sup>35</sup>. The government immediately criticized the statement because it allegedly did not reflect the position of the executive in Chișinău as explained by its members during the meeting. An extensive indictment of the EU and its actions in the Republic of Moldova followed<sup>36</sup>.

Thus, in a long statement issued by the government, Prime Minister Filip contended “firmly and repeatedly” that the resolution voted by the European Parliament is “unfair to the government and politically biased” and that it was inspired by two leaders of the opposition (Maia Sandu and Andrei Năstase were implied, without being mentioned) who “wished to obtain electoral dividends by harming the citizens”<sup>37</sup>.

<sup>35</sup> European Union in the Republic of Moldova, @EUDelegationMoldova, July 6 at 6.49 PM, [https://www.facebook.com/EUDelegationMoldova/?hc\\_ref=ARSpI86kxBlVwRBPreMftm54s-fS9xnJml-FYVrg1cQ2bE8BOL9g5fahE71WhlC6Xi4&fref=nf](https://www.facebook.com/EUDelegationMoldova/?hc_ref=ARSpI86kxBlVwRBPreMftm54s-fS9xnJml-FYVrg1cQ2bE8BOL9g5fahE71WhlC6Xi4&fref=nf) (accesat la 8 iulie 2018).

<sup>36</sup> „Ce le-a spus Premierul Pavel Filip ambasadorilor UE? Mesaje categorice și foarte sugestive legate de activitatea politizată a Delegației UE în Moldova”, *Publika tv*, 7 iulie 2018, [https://www.publika.md/ce-le-a-spus-premierul-pavel-filip-ambasadorilor-ue-mesaje-categorice-si-foarte-sugestive-legate-de-activitatea-politizata-a-delegatiei-ue-in-moldova-foto\\_3012036.html](https://www.publika.md/ce-le-a-spus-premierul-pavel-filip-ambasadorilor-ue-mesaje-categorice-si-foarte-sugestive-legate-de-activitatea-politizata-a-delegatiei-ue-in-moldova-foto_3012036.html) (Accessed 8 July 2018).

<sup>37</sup> „Guvernul vine cu unele precizări privind întrevvederea dintre prim-ministrul Pavel Filip și ambasadorii UE acreditați la Chișinău”, 7 iulie 2018, <https://gov.md/ro/content/guvernul-vine-cu-unele-precizari-privind-intrevederea-dintre-prim-ministrul-pavel-filip-si> (Accessed 8 July 2018).

The reason for the Prime Minister's aggravation is the *sine die* postponement of installments of contracted financing, given that – according to Filip – “all commitments in view of receiving EU financing were fulfilled”<sup>38</sup>. Through this resolution, the European Parliament is allegedly “punishing” the citizens of the Republic of Moldova because the government “did not follow through with the abusive requests to illegally involve itself in the activity of the courts of justice that invalidated the elections in Chişinău”<sup>39</sup>. Should the Europeans consider that Moldovan justice is ineffective, they ought to remember that the latter was reformed with the assistance of European experts and representatives of civil society, financed through European funds. In other words, European partners are equally responsible for the status quo within the justice system, because they participated to its reform. Nevertheless, Pavel Filip is generous with the EU and extends an invitation to the Delegation in Moldova to carry out, together with the government in Chişinău, “a profound analysis” of the justice reform so that they may find out what went wrong in this partnership.

Following this cold shower applied to the EU ambassadors, at least according to the statement of the Moldovan government, Filip turned to brighter thoughts and assured the former that “in spite of this abusive political resolution against the Republic of Moldova, the government will continue to implement reforms and even to initiate new ones”<sup>40</sup>. At the same time, the government in Chişinău “will remain firmly engaged with the European path, the only viable strategic option for the modernization of the country”<sup>41</sup>.

### Concluding remarks

European money is important, yet more than this is at stake. An entire narrative about the oligarch Plahotniuc and his pro-European government is invalidated by the harsh response to the shortcoming of the regime in Chişinău, coming from Brussels and Washington. At the same time, it is difficult to explain how a country like Moldova, which is so dependent on Western aid, could go to such lengths in disregarding its own electorate so as to cancel the mayor elections simply because their results did not sit well with the establishment. Nothing of this kind ever took place, even in Belarus, Azerbaijan, or Russia. More shocking is that this happened in a country, which, not long ago, was considered to be the foremost example of the Eastern Partnership. It may be said that the regime of the oligarch Plahotniuc was given a blank check by the West, which

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<sup>38</sup> *Ibidem.*

<sup>39</sup> *Ibidem.*

<sup>40</sup> *Ibidem.*

<sup>41</sup> *Ibidem.*

allowed him to develop an authoritarian regime, shielded by dissimulation and lies. In the wake of the crisis set in motion by the invalidation of local elections in Chișinău, Plahotniuc's regime can count only on the support of Bucharest, its last remaining sponsor. In fact, neither the Presidential Administration, nor the government or the Ministry of Foreign Affairs in Bucharest took a stand against the missteps in Chișinău.

With or without the support of Bucharest, the regime in Chișinău can count on other sources of funding in order to survive. It was not accidental that immediately after the resolution of the European Parliament, the Filip government made progress in the implementation of the program responsible for granting Moldovan citizenship in exchange for investments. Moldovan authorities expect that no less than 1.3 billion Euros will be collected during the following five years<sup>42</sup>.

Yet the survival of the regime will depend not so much on foreign aid or on resources it will manage to access, but rather on the tempering of the social atmosphere. Today, Moldova is like a boiling pot. If this tension is maintained until Parliamentary elections, which is unlikely given that fatigue, frustration and disappointment might intervene, a space favorable for ample social disobedience might be created, similarly to recent events in Erevan and Tbilisi, which have led to the resignation of the Armenian and Georgian governments.

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<sup>42</sup> Ion Presca, "Moldova Hopes 'Golden Visa' Program Will Bring in € 1.3 Bill", *Organized Crime and Corruption Reporting Project*, 12 iulie 2018, <https://www.occrp.org/en/27-ccwatch/cc-watch-briefs/8319-moldova-hopes-golden-vis-a-program-will-bring-in-1-3-bill> (Accessed 13 July 2018); Мальтийский след. Компания – партнер правительства Молдовы фигурировала в расследовании убитой журналистки, 12 июля, <http://newsmaker.md/rus/novosti/maltiyskiy-sled-kompaniya-partner-pravitelstva-moldovy-figurirovala-v-rassledovani-38259> (Accessed 13 July 2018).