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# Moldovia: The Transformation of Post-Soviet Society: Philosophical and Political Considerations


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William T. Lee

*Former CIA and DIA analyst of Soviet and U.S. missile programs*

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## Moldovia: The Transformation of Post-Soviet Society: Philosophical and Political Considerations

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The turbulence of the final years of the former Soviet Union had dramatic consequences for every region of that great colonial empire. The promise of a democratic system modeled not on the Leninist but rather on the Jeffersonian concept of democracy electrified millions of Soviet citizens who accepted the reality of Gorbachev's reforms. The transformation first seen elsewhere in the USSR came late to the south-western republic of Moldova and was not evident until the appointment of Petru Lucinsky as First Secretary of the Moldovan Communist Party. Hailed as a Moldovan Gorbachev, Lucinsky arrived too late to satisfy the escalating demands for a democratic transformation of this remote region of the USSR. Consequently, in that small nation's first free elections it was the Popular Front which assumed power and Mircea Snegur, a former communist who had joined the Popular Front, became president.

The Snegur presidency ended with his defeat in the December, 1996 elections and his replacement by the former Communist Party leader Petru Lucinsky. Spanning half a decade, the Snegur administration record offers an excellent picture of the limits of the democratic transformation not only of Moldova but also of the former Soviet Union itself. In order to gauge the accomplishments as well as the shortcomings of the transformation of this former Soviet republic, it is necessary to consider both Moldovan developments as well as the theoretical parameters that enable us to determine the existence or absence of democratic government. Therefore, let us first outline the philosophical foundations of the democratic state.

### Philosophical Basis of Democracy

The effort to transform Moldova illustrates an ancient drama. This is a drama which recapitulates the timeless struggle between

liberty and power that began with the origins of politics and the beginning of organized human association. This struggle involves the first questions of political meaning, both as process and end. The lessons of the twentieth century demonstrate that this distinction is ultimately false, for we now know that that no process or method can be disassociated from its end, or rather, that no end can be rendered as distinct from the moral substance of its means. Substance and procedure - end and means - are inextricably bound, and in those instances wherein they are treated as somehow both distinct and separate, the end is reified in such a way that anything can be permitted at the level of the unmediated means. Under such delusions, we lose our fear of terror if our higher end is the sort of paradise promised by the USSR's early Bolshevik elites.

The collapse of the Soviet Union set in motion this century's greatest transformation of political authority. Consequently, the question of right and its relationship to ordinary politics is more vital today than it was to us even in 1789. Although the metaphor of Scylla and Charybdis is often overused to the point of cliché, it is aptly employed in describing Europe's precarious, perilous journey between unacceptable ends since the conclusion of the First World War. Menaced by the hideous monster of fascism from one side and the cruel indifference of the abysmal vortex of Stalinism on the other, the good European has had to carefully read the course of the narrow current that safely conveys the well piloted ship of the polity through the dual horrors of totalitarianism. In the West the tradition of human right has played an important part in widening the breadth of the safer course; but in the East the monster of totalitarianism held entire nations in its grasp with catastrophic results. Developments during and after World War Two, coupled with the enduring consequences of the Hitler-Stalin pact of 1939, gave tremendous breadth to the political hold of leftist totalitarianism.<sup>1</sup> Moldova, in particular, fell victim to the USSR's militarily imposed political philosophy and, as a consequence, the nation's cultural identity was all but destroyed.<sup>2</sup> Throughout East Europe, millions were drawn

<sup>1</sup> Iosif Constantin Dragan, "Consecintele Pactului de Agresiune Ribbentrop-Molotov", *Glasul Natiunii* (Chisinau), Vol. 3, No. 26, 27 June 1991, p. 1.

<sup>2</sup> Ion Moraru, "Trecutul Prin Prisma Memoriilor", *Destin Romanesc* (Chisinau), No. 1, 1996, pp. 144-151.

under, and those parts of the East that have, as the tentative sailor or tightrope walker emerged as survivors (not unscathed), must now discover other more sure ways to chart those deeper and calmer channels that put the forces of fear, repression, and universal murder at a safer distance. Many believe with those in the West that there are certain guides that are mandatory to a safe piloting of the political ship, and that the signposts serving as guides are written in the language of human right.

Moldova's transformation illustrates the practical clash between the proponents and the opponents of this view. The democratic philosophy here is under the leadership of the nation's intelligentsia, a group which emerged in 1994 as the Congress of Intellectuals and Peasants. The forces of the old regime, directed by the Agrarians and their parliamentary allies, continue to resist any philosophy based on the notion that human rights should not be qualified by casual governmental edict.

Natural right, and its concomitant concept, natural law, can be understood as essential to political order for at least three broad reasons. First, the tradition of natural right is an essential facet of democratic regimes. Second, human freedom, although invariably and vaguely understood and ambiguously established, is brought into tangible practice through the recognition of the principle of right. Third, the tradition of right is a primary element of democratic regimes. Before we examine the specific problems of human rights in Moldova, let us dwell briefly on each of these broader reasons for the essential place of right in free political association.

A key question in the formation of the USSR related to the source of law. The Marxist-Stalinist view of "class based" law shaped the Soviet system. By contrast, the democratic conception of law draws on a much deeper and theoretical basis. The collateral notions of natural law and right, whether they are viewed as derived from God, inherent in our nature, a product of enlightened human reason, the inheritance of ancient custom and practices, the rational order of Nature itself, or the manifestation of an abstract political essence, are affirmations of the human need for a dignified relationship between the person and the community at large. Natural law must serve as the context for natural right, for it is in this that the value of an individual is measured against the unreflective conditions of ordinary experience and legal structures. Legal positivism by itself cannot

support a notion of right, for it is clear that in this sense right is defined wholly in and through immediate interpretation of legal conventions. Natural law, on the other hand, recognizes that there are principles that mediate between the dignity of the person (subjective worth) and the needs of the community (objective requirements). The natural law is the determinate factor that imposes limitations upon positive law, natural right is the enabling factor that infuses the citizen with a sense of value that is not dependent upon the structuring rules of the legal system. Hence natural law determines the legitimate scope of political and legal authority, and natural right enhances the notion of human self-worth in the public arena: the one speaks to our sense of fair order, the other to our longing for individual dignity.

Although in modern political theory the relationship between natural law (*lex naturalis*) and natural right (*jus naturale*) owes much to Hobbes and Grotius, and even more to its subsequent development through the modern liberal tradition (Locke and the Anglo-American line on the one hand and Kant, Hegel, and the Continental strain on the other hand), one of the more insightful examples of the meaning of this aspect of natural law has been developed in the East European socialist tradition by that singular neo-Marxist, Ernst Bloch. One of Bloch's most important themes in his humanistic approach to socialism is the principle of the "upright carriage."<sup>3</sup> Humanity is a species that is designed by nature to stand up and, in a dignified manner, to hold an erect and straight bearing far above the ground. This attitude of perpetual dignity is a product of our uprightness - our distinction against a level background - and thus our humanity is partially defined as inherently possessing an essential element that is at root noble. Our eyes are not cast down and mired in the present state of what is immediately before us, i.e., the necessity of our given condition; rather our eyes and minds are raised to considerations of our natural status in the universe and the possibilities that extend before us. Such a proposition is a specific rejection of the Soviet view of materialism as the dominant factor in human relations. This is not the sin of pride that troubled the Calvinists, but rather the tempered

<sup>3</sup> Ernst Bloch, *On Karl Marx*. (New York: Herder and Herder/Azimuth Books, 1971), pp. 159-173.

knowledge that ours is a place quite singular in nature, a place defined by the simple manner in which we carry ourselves uprightly, with head and hands well above the ground. Hence for Bloch, the worth of the community is revealed through the manner in which the individual is perceived and supported within public institutions. If we are allowed to hold ourselves aloft in dignity and without shame or fear, then our institutions have succeeded in placing their vast, collective power in the service of our humanity rather than vitiating our humanity through servility to the state. The recognition of inviolate rights, an alien concept in the Soviet belief system, is inherent to us as individuals only by virtue of our humanity and represents an indication of the degree to which a political community and its array of institutions respects the dignity of the free and upright person.

By acknowledging and promising to respect and protect certain primary and irrevocable rights, the state can more successfully foster the growth of a free and knowledgeable citizenry. For Hegel, freedom was rooted in the concept of freewill, and was objectively manifested in the state through the notion of right itself, to wit:

The basis of right is, in general mind; its precise place and point of origin is the will. The will is free, so that freedom is both the substance and goal of right, while the system of right is the realm of freedom made actual . . .<sup>4</sup>

A community that is at once self-conscious and capable of exercising its will, which is by definition free, exerts the practice of actual freedom through right, and thus the notion of freedom is made actual in the political and legal institutions that represent the rational unity of the state. There is no doubt that human freedom involves much more than either the recognition of rights vaguely understood or the enumeration of rights clearly conveyed can promote; but it is nonetheless evident to careful students of politics that such devices secured and practiced within a state are the minimal requirements toward the construction of a free and open society.

Marx argued that the liberal guarantee of political rights was

<sup>4</sup> G.W.F. Hegel, *The Philosophy of Right*. Translated by T. M. Knox, (New York: Oxford University Press, 1967), p. 20.

only a half-step, an incomplete type of freedom that was premised upon the priority of the egoistic individual.<sup>5</sup> According to Marx, the next step would be to reconcile the atomized, right-coveting individual with the good of the community through the achievement of a more substantial and universal human freedom, which is premised upon the notion that humanity is authentically free only through a heightened awareness of species-being, the knowledge that "we are universal and therefore free."<sup>6</sup> What Marx failed to understand or admit was that the liberal notion of right was an expression of this same idea. This failure had important consequences for the development of the Soviet system. The notion of right, properly developed, if it is to mean anything at all, must begin with the fair and even treatment of each individual as a free person protected against the possible encroachment of the collective power.

Again, this was understood by Bloch, who criticized socialist theory, the works of Marx, and classical Marxism, for refusing to acknowledge that the liberal notion of right, which is so essential to its political theory, was not only compatible with the humanistic concerns of non-authoritarian species of socialism, but even a vital part of the same project.<sup>7</sup> Although Bloch never abandoned the central Marxian tenet that freedom cannot be completely affirmed under conditions of economic dependency and the appropriation of resources by the few at the expense of the many, he nonetheless argued that any political organization that is committed to the practical freedom of its citizens must begin with the open and formal guarantee of certain proscriptions against collective power.

The Bolsheviks never accepted the necessity for such a proscription against collective power and, in so doing, paved the way for a totalitarian state. After Locke and the liberal theorists, Bloch states that if one is to "be free," then it means that a person is not imposed upon from the outside. Rather such a person is in the position of doing what he wills, which appears to him to be his own

<sup>5</sup> Karl Marx, *Karl Marx: Early Writings*. Translated and edited by T. B. Bottomore, (New York: McGraw-Hill, 1963), p. 31 and *passim*.

<sup>6</sup> Marx, p. 126.

<sup>7</sup> Ernst Bloch, *Natural Law and Human Dignity*. (Cambridge: MIT Press, 1986), pp. xxviii-xxx, and *passim*.

free will.<sup>8</sup> Through the exercise of right, this subjective, individual interest is exerted over and against the objective pressures of the state or collective. Thus, the concept and actualization of right is the necessary device for the initial assertion of individual freedom. It is by no means in itself sufficient to promote freedom in its fullest affirmation, but it is in itself necessary to prohibit the power of political or social institutions from encroaching upon the minimal conditions required for individual freedom. The human person is more than body or matter, and human freedom is more than material freedom. The idea of right asserts this principle as fundamental and rejects any Stalinist notions of the necessity for a "dictatorship of the proletariat".

#### Moldova's Transition to Democracy

Conditions in post-Soviet Moldova illustrate the restrictions on that most necessary component of democracy, individual freedom. A comparison of the repressive institutions of the Soviet era with their functional counterparts in post-Soviet society demonstrates the incomplete nature of political change and the difficulty of a practical application of the concepts of a democratic philosophy.

As noted above, an essential requirement for a democratic state is that limitations be placed on the power of the state to investigate and monitor the activities and beliefs of its citizenry. If the instruments of repression have been clearly limited, it is reasonable to be optimistic about the prospects for the emergence of a free press, open and competitive elections, religious freedom, and those other distinctive features of a democratic society. On the other hand, if the institutions of the old order have simply assumed new forms in a post-communist order, expectations of an emergent democracy are likely to be disappointed. Among the best known Soviet institutions to carefully transform itself after 1991 is the notorious Committee for State Security, best known as the KGB. Under Boris Yeltsin's guidance, the KGB was eventually reconstituted as the Ministry for Security and, with only structural modifications, continues to perform the tasks with which this institution has always been associated. According to many scholars, the new Ministry retains enormous

<sup>8</sup> Bloch, *Natural Law and Human Dignity*, p. 154.

political and economic power and is using both to establish new bureaucracies both in Russia and elsewhere in the Commonwealth of Independent States.<sup>9</sup> Perhaps even more important, the various elements of the "new" intelligence community operate under direct presidential control and, as a result, can easily be transformed into a repressive apparatus imposing central control of this region.<sup>10</sup>

Like Russia, the Moldovan Republic illustrates the difficulties for development of a democratic order and the persistence of the USSR's authoritarian legacy. Several institutions were instrumental in maintaining the dominant position of the Communist Party of the Soviet Union in this provincial outpost of socialism. In Moldova, a nation with a long and brutal history of official repression, the most prominent of those institutions is the National Security Ministry.<sup>11</sup> This institution has inherited not only the main part of the personnel of the Moldovan branch of the former KGB but also all of the KGB's functions. The laws on state security and national security organizations which were adopted by the parliament in 1995 conferred upon the National Security Ministry all of the authorities of the KGB. In addition, the Ministry was also given responsibilities for "profilaktika" or what Westerners refer to as crime prevention. Under this legislation, people may be sued, interrogated, and in various ways penalized for unproven allegations. There are no guarantees for the provision of legal counsel, identification of prosecution witnesses, or even for presenting the accused with detailed and specific information about the allegations against them. Such legislation is a violation of due process and thus tips the balance of justice in favor of the state. Former President Snegur resisted signing this legislation not because of its anti-democratic content but as a result of its limitation of Presidential power. Meanwhile, the laws, which are almost identical to Soviet era legal codes, are being used as guidelines for police and legal practice.

The National Security Ministry today operates within all

<sup>9</sup> "As Russia Reforms its Security Service, a Question Remains: Where is the KGB?", Post-Soviet/East European Report, Vol. IX, No. 40, 15 December 1992, p. 2.

<sup>10</sup> Michael Joseph Kozakavich, "The Skeleton in the Russian President's Closet", Transition, Vol. 2, No. 22, 1 November 1996, pp. 14-18.

<sup>11</sup> Vasile Nedelciuc, *The Republic of Moldova: A Short History*, (Chisinau, May, 1992), pp. 28-29.

branches of the national government as well as within public organizations such as trade unions. All institutions, universities as well as factories, are subject to the supervision and intervention of the Ministry. It monitors telephone conversations and private correspondence of all Moldovan citizens. Receipt of a package from a Western nation generally necessitates a journey to a remote special post office on the outskirts of Chisinau. For many Moldovan professionals, visits to the West still require official permission, a task that is performed by the National Security Ministry today just as the KGB did this during the Soviet era. Would-be travelers must go to the same office that was occupied by the former KGB and complete the same Russian-language documentation used prior to 1991. These practices entail a double sin against democratic practice, for in enabling the Ministry to interfere in the operation of so many layers of government, the dispersal of power requisite to democracy is negated, and by allowing unrestricted monitoring of private commentary, the "zone of privacy", indispensable for the democratic state, is erased.

Numerous accounts of Ministry activities have been presented in the Moldovan Parliament by members of all of the parliamentary factions. During Moldova's 1996 presidential campaign, it became evident that the Ministry was devoted to serving the interests of specific political factions rather than the interests of the entire nation. Weaker groups, particularly those that have been antagonistic to the ruling Agrarian Democratic Party, have been singled out for repressive measures. One of the most prominent targets of harassment has been the Metropolitan Church of Bessarabia, a church whose official existence has been denied by the Agrarian Democratic government. Again, one sees evidence of an egregious denial of freedom of conscience and freedom of association, two hallmarks of democratic communities.

In post-Soviet Moldova, freedom of association is further denied in secular associations. A specific responsibility, albeit an unofficial one, of this Ministry is to monitor the activity of opposition leaders and their political organizations. Just as the Border Guards constituted one of the main directorates of the former KGB, Moldova's border guard units are subordinated to the National Security Ministry. In this capacity, the border guards maintain records of any foreign travel by members of opposition parties. At the

frontier, foreign visitors who are identified with members of opposition parties are routinely interrogated by border guard officials who attempt to determine not only the nature of visitors' relationships with the opposition but also possible sources of financial support for opposition parties. Soviet style searches are often conducted in an effort to more closely monitor contacts between opposition groups and citizens of Western states.

### Freedom of the Press

Journalists constituted one of the most influential groups working for perestroika in the former USSR. This Soviet experience was replicated in Moldova where many of the country's most prominent literary figures devoted themselves exclusively to journalism in an effort to break the Communist Party monopoly on information. Most observers agree that Moldova's emancipation would not have been possible without the activities of such individuals. Yet, within a short time, the independent Moldovan media found itself in a struggle for survival, facing both economic as well as political challenges. Moldova's economic plight has created many hardships for the media, ranging all the way from subscription prices that are beyond the reach of the average citizen to barriers to the technical modernization of the media. Not surprisingly, most periodicals still have the shoddy appearance of the Soviet era publications.<sup>12</sup> The nation's political plight has produced even more impediments to the proper functioning of a free media.

In Moldova only one public Radio and TV broadcasting network covers the entire national territory. There are only two newspapers - *Moldova Suverana*, in Romanian, and *Nezavisimaia Moldova*, in the Russian language - with national subscriptions. Radio, television, and these two newspapers are instruments designed to enhance governmental control over Moldovan society. Contrary to the principle of an independent press, the public mass media consistently serve the interests of the nation's ruling party and are used for the political, moral, and psychological persecution of opponents of the Agrarian Democratic Party. No democracy can be sustained when the

<sup>12</sup> Vladimir Socor, "Moldova", RFE/RL Research Report, Vol. 1, No. 39, 2 October 1992, pp. 77-78.

media is used as a tool to eliminate dissent. Indeed, as John Stuart Mill argued, dissenting opinion should actually be *encouraged* in order to insure open and democratic discourse.

After the parliamentary elections of February, 1994, when the Agrarian Democratic Party won the majority of seats in the Parliament, the political parties outside the governmental circle lost access to those means of mass communication having the greatest impact on the electorate. The public simply does not have exposure to their opinions. Non-governmental, professional, youth or other organizations, as well as famous scientists, actors, artists who express their personal pro-reformist, democratic views, or critical attitudes about the government, are not allowed on the air, especially on TV programs.

The leadership of the public broadcasting institutions is appointed by the Parliament. Candidates are nominated by the Coordinating Broadcasting Board, which in turn is made up of nine members appointed by the Parliament (3 members), President (3 members) and Cabinet (3 members). Therefore, through this arrangement, the governing party ensures its control over all public broadcasting institutions.

Citing restrictions imposed by a shortage of electricity, authorities deprive large rural areas of the country of their right to watch television programs about the country's political and socio-economic situation by simply disconnecting the electrical supply. This practice was particularly widespread during the 1994 and 1995 electoral campaigns at times when the opposition parties were presenting their electoral platforms. Opposition parties and their supporters were denied access to other public mass media such as national or local newspapers and magazines. While financed by tax revenues from all Moldovan citizens, these media serve only the governing party and its allies.

The opposition press in Moldova, six years after the collapse of the repressive Soviet system, remains weak and ineffectual. The country's general economic situation, characterized by excessively high prices for paper, office rentals, printing and distribution services as well as inefficient manufacturing techniques and very low wages for prospective readers means that opposition papers are not accessible to the general public. Since there is only one press distribution network, many publications do not even reach their subscribers.

Frequently, they cannot be purchased individually or by subscription in certain remote areas of the country.

The persecution of whistle-blowing journalists is another effective technique used to suppress critical media. Russian police recently arrested an exiled Uzbek journalist, originally charged with "slander against the Soviet state" by Uzbek authorities, in order to prepare for his extradition to Uzbekistan where he still faces prosecution by local authorities.<sup>13</sup> The Moldovan press has had similar experiences and, in 1994 and 1995, a group of journalists who published reports embarrassing to the government were dismissed from their positions at the State Broadcasting Company, Moldova's only national television-radio network. Even physical assaults have been used as an instrument of suppression. In December, 1995, writers for the opposition weekly *Mesagerul* were attacked by a group of individuals wearing police uniforms. As a result of the attack, Tamara Gorincioi, who had written a report exposing criminal activities undertaken by employees of the Ministry of Interior, along with her husband, sustained serious injuries and required hospitalization.<sup>14</sup> The editors-in-chief of district newspapers in Rezina and Anenii Noi, two villages near the Dniester River, were dismissed from those positions simply because of their membership in an opposition political party. From 1992 through 1995, a series of harassing legal actions were taken against the opposition papers *Mesagerul*, *Literatura si Arta*, *Tara*, and *Glasul Natiunii* in an effort to force their editorial staffs to reject articles critical of the government. Even foreign correspondents accredited in Chisinau became targets of official persecution when their reports caused embarrassment for government officials. In 1994 and 1995, targets included George Constantin of *Fance Press*, Constantin Ionescu of *Rompress*, and *Romania Libera* correspondent Mihai Vicol who was eventually deported because of his refusal to accept official restriction in his reporting.<sup>15</sup>

Moldova's 1995 press law ensures that this situation is unlikely

<sup>13</sup> *Russia Reform Monitor*, No. 235, 28 February 1997.

<sup>14</sup> "Colega Noastra Tamara Gorincioi Maltrata Impreuna cu Sotul la Domiciliu", *Mesagerul* (Chisinau), 5 January 1996, p. 1.

<sup>15</sup> "Actul de Persecutare a Ziaristilor Tamara Gorincioi si Dumitru Ciobanu", *Mesagerul* (Chisinau), 12 January 1996, p. 1.

to change in the near future. Under this restrictive legislation, publication of any material which "defames the state and the people" is expressly forbidden. In addition, the law bans the printing of any information that is "damaging to a person's honor and dignity". As a result of such broad restrictions, the practice of taking a paper to court in a libel suit has become a major legal activity in Moldova. While president, Mircea Snegur routinely used such law suits in an effort to silence newspapers critical of his policies. The law's requirement that all publications re-register with the government within an abnormally short time period was also used as an instrument for the suppression of independent newspapers. Only 70 of Moldova's 567 media establishments were able to meet the re-registration deadline.<sup>16</sup>

As a result of these conditions, most of the electorate does not understand the significant changes that have been taking place in Moldovan society. Because voters are rarely informed about the provisions of new legislation, political ignorance has become an important ally of the government. People are not only uninformed about the new political parties and their platforms, but they are discouraged from contacting them or even listening to their programs. Consequently, public opinion is almost totally controlled by the old communist era bureaucracy and the Party nomenklatura which constituted the core of the Agrarian Democratic Party. In fact, it is not really possible to speak of public opinion within the context of Moldovan politics as we would use that term with reference to Western democratic systems.

#### Freedom of Speech and Public Assembly

As noted above, democratic theory maintains that a democratic state must insure freedom of conscience and association in order to maintain a vigorous democratic environment. Moldova's post-Soviet experience demonstrates the difficulty of achieving this goal. A major impediment to achievement of such a goal is the Moldovan secret police (Ministry of National Security), which is the successor to the former Moldovan KGB. This organization continues to monitor

<sup>16</sup> Dan Ionescu, "Slow Emancipation in the Republic of Moldova", *Transition*, Vol. 1, No. 18, 6 October 1995.



telephone conversations and private correspondence. These practices have been reported in opposition press accounts and the question of monitoring private phone calls has been raised in the plenary session of the Parliament by several deputies representing all the factions of the legislative branch, not simply opposition parties. Even Parliamentary deputies have experienced the practice of having personal correspondence from abroad opened by police authorities.

Such practices are more than simple deviations from the legal norm. In fact, in 1995 the Parliament passed a "Law on the State Security" which legalized most of the activities of the former KGB. This legislation authorized numerous measures associated with "crime prevention", thus allowing police agents to work freely in all branches of the national government, public as well as private organizations and institutions, and all enterprises whether they be state owned or privately owned.

#### Free Elections

With severe restrictions on the press, the formalization of a special role for a secret police organization, and financial restrictions on the opposition parties, it is not possible to have completely free and fair elections. Although foreign observers during Moldova's 1995 elections concluded they were conducted fairly and honestly, all opposition parties and even representatives of some political parties close to the governmental alliance as well as many local observers and several well-known personalities have pointed out the many violations of electoral laws at the polls and, more importantly, during the tabulation of votes.

Several factors have contributed to the prevention of completely fair elections in this aspiring democratic state. One of the most important has been the creation of electoral commissions by a local administrations which have prevented the direct involvement of non-governmental organizations, civic groups, and representatives of political parties. As a result, Moldovan election commissions generally function without significant representation outside the ranks of governing party supporters. Under such circumstances, it is not surprising that incomplete or falsified voter registration lists have been routinely submitted and that election tallies are frequently modified on the spot to meet the electoral demands of the ruling party.

In addition, the right of citizens to unrestricted information about political parties involved in political campaigns is violated through an inaccurate and partisan use of the public mass-media, discriminatory treatment applied to the opposition candidates by local authorities, various restrictions on candidates' popular meetings, and intimidation of opposition rallies by representatives or supporters of the governing alliance. Many of those are appointed officials in the local administrative and economic bodies who create a unfavorable environment for all parties except the governing alliance and former communist leaders.

The electoral process is further inhibited by reprisals taken against supporters of opposition parties. Immediately after the 1994 parliamentary elections and again after the local elections in 1995 many members of opposition groups were forced to choose between continuing their party membership or keeping their jobs. Others were given no choice and simply dismissed from their jobs without any warning. Every effort was made to insure maximum humiliation for individuals seen as a threat to the government. In one case, an entire governmental department which had employed a large number of prominent opposition party members, was completely shut down. Villages, in particular, have been the focal point for repressive activities. In such small communities, where surveillance is relatively easy, the opposition is denied the right to freely conduct campaigns and opposition supporters and their families are aware of the personal dangers they face by being outspoken. Such appalling conditions are reminiscent of the old sham democracy of the Soviet era. Voter turnout notwithstanding, electoral choice was completely eradicated due to the political monoculture of that system.

#### Discriminatory Dismissals from Work

Additional violations of the right to freedom of association have occurred even in the area of employment. There were numerous cases of mass firings in Moldova immediately following the 1994 parliamentary and 1995 local elections, most of them on the basis of political conviction or membership to political parties. These actions have occurred as a result of the official policy of Agrarian Democratic Party (ADP) to remove representatives or followers of opposition parties from central and local public administrative organizations. Faced with a disadvantage against the power of the state owing to the

lack of due process, most of the victims of this practice are afraid that their situations could get even worse if they appealed to legal authorities about the actions taken against them by the authorities. The fact that many judiciary bodies are reputed to be either corrupt or completely subservient to the government discourages such appeals. In addition to the cases of human rights violations against journalists mentioned above, numerous people lost jobs because of their political opinions. Dismissals generally target those individuals serving in positions once classified as part of the nomenklatura during the communist era. In other words, people holding sensitive or influential positions are likely to be dismissed for holding affiliations counter to those of Moldova's ruling party. For example, one prominent victim was Vasile Para, the mayor of Ungheni, one of Moldova's larger towns, who was dismissed in 1995 while another was the manager of the state-owned airline company in Chisinau. During this same period, three school principals in the Orhei district as well as principals in Chisinau and Rezina district were also dismissed. Opposition party members in local executive committees and governmental departments have been frequent victims of such repressive measures and, in one particularly insulting case, even a medical nurse was fired for political reasons.

#### **Discrimination Based on Religious Beliefs**

Since Moldova proclaimed its independence, many Orthodox Christians who belonged to parishes where the Romanian language, the native tongue of the majority of population, has been used for their religious services have expressed a desire to re-establish the Metropolitan Church of Bessarabia under the guardianship of the Romanian Orthodox Church. The Metropolitan Church of Bessarabia was banned after 1940 when Soviet troops occupied this territory and Soviet officials destroyed almost all of the region's churches and monasteries. The process of physical restoration of the monasteries did not begin until the final days of the Soviet Union.<sup>17</sup>

After the collapse of the USSR, the Moldovan government openly encouraged and recognized the establishment of the Moldovan

<sup>17</sup> Vladimir Besleaga, "Bisericile si Manasterile sub Regimul Totalitar Comunist in R.S.S.M.", *Destin Romanesc*, (Chisinau), No. 1, 1996, pp. 121-136.

Metropolitan Church, an organization subordinated to the Russian Patriarch. However, authorities refused to recognize the Metropolitan Church of Bessarabia, offering no legal justification to support this decision. Priests and followers of this church are denied the opportunity to express their religious beliefs and are subject to both private and public intimidation. Only the democratic opposition parties have expressed alarm about discrimination against religious organizations often viewed as pro-Romanian. While Moldova's opposition press has reported these incidents, the national mass media has ignored them.

Priests of the Metropolitan Church of Bessarabia are subject to unusually severe governmental persecution which has been designed to discourage the operations of this church. One especially brutal act of persecution took place in August, 1996, when an unidentified individual threw a hand grenade into the residence of the bishop of the Metropolitan Church. In another example of violent intimidation, a priest was attacked on a Chisinau street and beaten to death. Police responses to such incidents have been very restrained and, as of today, no arrests have been made for any of the violent attacks against priests and believers of the Metropolitan Church.

#### **Economic and Social Discriminations**

Like the majority of East-European and former communist states, Moldova faces enormous economic and social difficulties. The Moldovan government, although strongly supported by Western industrialized countries, has accomplished little in its efforts to improve the overall standard of living. Limitations on the economic transformation of Moldova are illustrated by the general slowdown of agricultural reforms, the perpetuation of a huge, inefficient bureaucracy totally opposed to democratic reforms, discriminatory legislation that hinders private initiative, and a continuing and extremely expensive reliance on Russian suppliers of energy resources and raw materials. The fact that the Snegur government generally excluded opposition leaders from any role in economic decision-making insured that the pace of reforms remained slow.

As a result of this situation, most Moldovans citizens are deprived of what had long been regarded as fundamental economic and social rights, benefits presumably guaranteed by the Constitution. As an illustration, one might note that individuals working in state-

owned businesses do not receive equitable and satisfactory wages or, in fact, even regular payment of their very low wages. As a result, such workers can no longer feel assured of a decent living for themselves and their families. Salaries, which usually are in the range of \$35 per month, are often delayed for periods of three to six months. These individuals, of course, are fortunate in comparison with the many Moldovans who now find themselves out of work and thus forced to live in poverty. Pensioners and disabled citizens who are supposed to receive monthly allocations must endure similar delays in receipt of their payments. Under such harsh conditions, most people are unable to pay for basic expenses such as medical care, housing estate rentals, and utilities. The payments they receive are hardly enough for food and post-Soviet governments have been unable to guarantee the services promised by the Constitution.

#### **The Right to Private Property**

As Soviet control was established in Soviet Moldova, not only mass terror but also the confiscation and nationalization of private property served as instruments for this process.<sup>18</sup> With the eventual collapse of the USSR, a return to private property became one of the most prominent reformist concerns. In all former communist East European countries, including the Baltic states, the newly elected governments have agreed, often at the urging of Western democracies, to return to former owners their confiscated or nationalized property or to offer them appropriate compensations. This factor contributed to an acceleration of democratic and economic reforms in these countries. In the case of Moldova, most of the industrial property was built in the Soviet-era, and most private real estate was destroyed during and after WWII. Consequently, the factors which hastened fundamental land reform elsewhere are absent in Moldova. Acting as the majority in Parliament, the Agrarian Democratic Party passed a Land Law that penalized former owners or their heirs. Penalties were especially severe for those who no longer work or who didn't work directly in state or collective farms during the Soviet regime. The law allowed certain land areas to be

<sup>18</sup> Ion Siscanu, "Tehnologia Instaurarii Regimului Totalitar Bolsevic in Spatiul Dintre Prut si Nistru", *Arena Politicii*, July, 1996, pp. 5-6.

privatized but only if work was done on a collective basis, as during the Soviet era. Through this presumably "democratic" procedure, people who do actually have a little land are unable to obtain adequate farm equipment. They are unable to have even the equipment that might have been under their control as members of former state or collective farms and are denied bank loans needed to begin their own businesses. Thus, they are forced to form "new" collective joint ventures which are, in reality, controlled by the old communist leaders.

As a result of the Agrarian legislation, peasants desiring private ownership of their land are denied this privilege, thus paralyzing private initiative in agriculture. Moreover, the efficiency of economic activity in this domain is constantly decreasing because old economic structures are preserved in order to maintain the power of the old nomenclatura. Peasants who express an interest in acquiring land under the provisions of the Land Law are persecuted either by the managers of the old collective or state farms or by other representatives of local governmental authority. As a result, only about 5% of Moldova's peasants have been able to acquire land in the three year period following implementation of the Land Law. The few who have been successful in obtaining their own land have generally been unable to secure the inventory of equipment promised by the legislation. Consequently, privatization in the countryside has produced poverty rather than the promised increased productivity. This desperate situation enables the former nomenclatura to tighten its control on rural areas and exercise control over these regions during election campaigns.

The mass privatization of the Soviet-era industrial patrimony in exchange for vouchers previously distributed free to the population, was carried out under legislation which is discriminatory against stockholders and especially foreign investors who could improve Moldova's old-fashioned industry by supplying it with new technologies and raw materials. Consequently, the system degenerated into a process of bringing profits only to those in power who have used their influence through questionable transactions to monopolize public goods for their personal or group interests.

#### **Limits on Self-Government**

Democratic government is not confined to the ballot box.

Societal democracies depend on the creation of a body of citizens who are capable of meaningful participation in governmental office. This requires a reasonable distribution of power but the current territorial-administrative division of the Republic of Moldova gives local public administration essentially the same powers in held under the Soviet system. An exaggerated number of local districts employing numerous public officials, who need extra government funds to get paid, can never ensure an efficient public administration. What this arrangement does is help maintain the influence of the Agrarian Democratic Party among local communities and the entire society. The failure to decentralize state power represents a serious impediment on the way to a reformed democratic society and a higher standard of living. At the same time, Law on local Public Administration denies equal opportunities to other political parties in free elections, but simply ensures that there is no threat to the domination of the governing party over local local councils and executive offices.

Authorities can now check on representative institutions even in places where this political party did not win the elections. In order to facilitate this, the Law on Public Administration provides several antidemocratic clauses. Among the most prominent is a provision whereby the presidents of District Executive Committees (individuals who run local executive boards and local councils as well) and large city mayors are no longer elected by popular vote, but are instead "selected" by the Cabinet and the President from among local council members and then formally appointed by those councils. Another feature of the law makes it possible for presidents of district executive committees and any mayors, including those elected at all levels to be dismissed from their office by the national President upon recommendation of the Cabinet if they no longer serve, in the opinion of the governing party, the interests of local communities. Provisions of the law also make it possible for activities of local councils, elected by the population, to be suspended by the Parliament upon recommendation of the Cabinet, and village and small city mayors can be removed from their positions upon recommendation of the Cabinet if local councils, composed mainly of governing party representatives, find them inappropriate for office.

The necessary preconditions for democratic government do not yet exist in Moldova. These preconditions are effectively summarized

by Aristotle in his definition of citizenship: a citizen is one who knows how to both rule and be ruled as a free person. Until such citizenry is allowed to emerge, the word "democracy" is little more than a fool's illusion and a shameful mockery. The formation of a new state on the basis of the old Moldavian Soviet Socialist Republic is, therefore, an incomplete process. Preoccupied with establishing a sense of identity, the Moldovan system has failed to establish a sense of procedural democracy.<sup>19</sup> Consequently, the democratic transformation of Moldova remains an incomplete process and citizens have yet to realize the full extent of democratic rights and freedoms associated with Western democratic states.

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<sup>19</sup> Igor Munteanu, "Itinerarii Pentru o Intelegere a Sistemului Politic din Republica Moldova", *Arena Politicii*, (Chisinau), Number 4, October, 1996, pp. 16-19.