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## CONSTITUTIONAL VICES OF THE REPUBLIC OF MOLDOVA

### **Summary:**

*The aim of this article is to deal with some constitutional issues in the Republic of Moldova, all of them being subject of a huge public interest and generating controversial debates among Moldavian politicians and into Moldavian society. The analyze particularly focuses on three important articles of the Constitution, 13, 78 and 11, counting for traditional public debates in the Moldavian society about the Moldavian language, the election of the president by direct vote and the statute of the permanent neutrality of the Republic of Moldova.*

### **Keywords:**

*Article 11, Article 13, Article 78, The Constitution, Moldavian language, military assistance, national security, NATO, permanent neutrality, political crisis, president, Romanian language, state language.*

*Salus rei publicae suprema lex*

### **The linguistic vices**

No other article of the Constitution of the Republic of Moldova has ever been more challenged than the one regulating the state language. Here, in Moldova, we find a state language, not an official language. The difference seems to be non-existent to the foreign observers, but in the public sphere of the country it has been manoeuvred and circulated repeatedly. Article 13 of the Constitution adopted in 1994 by a Parliament with a cryptocommunist majority provided the “Moldavian” word for the “Romanian” language. In Romania and in any other country around the world, to prove to someone that Romanian is even Romanian, and in no other way it is absurd. But that does not work in the Republic of Moldova. The determination of the authorities in Kishinev to introduce and preserve in the supreme law of the state a medieval word for the Romanian language, with a significance opposite to the original one, is very simple: the word itself did not matter to the legislators of the constituent parliament of 1994, but the significance.

In this sense, the glossonym of Moldavian language, a regional medieval variant for Romanian language spoken in the medieval principality of Moldova, found as such, undifferentiated by the language spoken by the Romanians (Wallachians) living in Wallachia and Transylvania, was used in the writings of the Romanian chroniclers Grigore Ureche, Miron Costin and Ion Neculce, was considered by the Soviet authorities, another language than Romanian. The goal was the same as everywhere the Soviets expanded their imperial domination: to divide in order to be able to rule.

In the case of the Romanians living in the Prut-Dniester interfluvial area, the meaning for their Romanian language has been shifted since 1924, when Russian imperialism, dressed in the clothes of Soviet Communist internationalism, resorted to the nation's cultural and nation building policies in order to recover Bessarabia, which united with Romania in 1918, by the decision of its own parliament, representative in the conditions of the state of war at that time.

The Moldavians from Bessarabia spoke Moldavian, being aware that they are speaking in Romanian language. This happened before 1812, when the Prut river was not a decisive border because it did not separate any administrative unit of Moldova (county or district), and also later after this year. It was demonstrated by the works of the great Moldavian scholars of the time, especially those of Dimitrie Cantemir<sup>1</sup>, as well as the conventional administrative division of Moldova in the Upper Land (the Eastern Carpathian and the Hotin

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<sup>1</sup> *Hronicul vechimii a Romano-Moldo-Vlahilor* [The Chronicle of the Age of the Romano-Moldo-Vlachs] by Dimitrie Cantemir (1673-1723), a member of the Berlin Academy since 1714, is a monograph on the history of the Romanian people living in the Romanian space defined by the Carpathians, the Danube River and the Black Sea. In this paper, Cantemir speaks of the unity of language, traditions and customs of the Romanians in Wallachia, Moldova and Transylvania. Prior to that, in 1643, Moldovan ruler, Vasile Lupu, authorized the printing in Iasi, the capital of Moldova, of the *Cărții românești de învățătură pentru toată seminția românească* [The Romanian Book of Education for all Romanians], a collection of religious texts. The close, diplomatic and especially cultural ties between Vasile Lupu and Matei Basarab, the prince of Wallachia of the same period, are well known and researched. Their reigns marked the beginning of what Romanian historiography calls *the golden century of the Romanian culture* (mid-17<sup>th</sup> century - middle of the 18<sup>th</sup> century). During the same period, senior hierarchs of the two Principalities, sanctified by the Romanian Orthodox Church (the Metropolitan Saints of Moldavia Varlaam and Dosoftei, the holy Metropolitan of Ungrovlahia Antim Ivireanul) and the ruler of Walachia, Șerban Cantacuzino, assisted by the brothers Radu and Șerban Greceanu, with the help of his brother Constantin Cantacuzino, worked for the translation of Christian religious texts into Romanian language. The Bible, printed in Bucharest in 1688, was the first full edition of Holy Scripture in Romanian, and was the basis of the today's Romanian literary language. Previously, in 1544, the first book in Romanian language, *Catehismul românesc de la Sibiu* [The Romanian Catechism from Sibiu], was printed in the Transylvanian city of Sibiu. All these historical facts prove the consciousness of the unity of language, culture and faith of the Romanians from the three medieval Principalities, Moldova, Wallachia and Transylvania.

regions), the Lower Land (plain regions) and Bessarabia (the Black Sea coast, formerly owned by the Basarab dynasties of Wallachia). It was also strongly demonstrated especially by the oral traditions, the folklore preserved in the Prut-Dniester interfluvial region, named by the Imperial Court in Petersburg Bessarabia, after the annexation of 1812, in order to distinguish it from the unoccupied territory of Moldova, and finally gained by the Russians at the Congress of Vienna in 1815.

To speak "Moldavian" did not mean, at least since the 17th century, to speak in "Moldavian" language, since neither speaking in Moldavian language ("the language of the country", "the language of the people") did not mean anything else than to speak in Romanian language. But Moldavians from Bessarabia spoke and continue to speak Moldavian, meaning that they use a mark to designate how they speak in a language that has always been perceived as the same as that in the entire Romanian dwelling area. The Soviet policy of the artificial division of the Romanians on the two sides of the Prut River had a specific purpose: to justify the rapture of Bessarabia and northern Bucovina, Romanian provinces, in 1940, following the Ribbentrop-Molotov pact. How could not be justified at the international level the liberation of the Romanians from the "occupation" of the Romanians, the Kremlin created a simulation of "Moldavian" state on the left bank of the Dniester, called the Moldavian Soviet Socialist Autonomous Republic and included in the composition of Soviet Socialist Republic of Ukraine. From this republic, having its capital in Balta and later in Tiraspol (1929-1940), a lingering and crass lie about the ethnolinguistic character of the Romanian Bessarabians was propagated, insisting on the Moldavian ethnocultural separatism towards Romania, which is still manifest in the Republic of Moldova, in a form that today is quite mitigated, but still present.

In a less analytical register, there are several facts worth mentioning about the treatment given by the authorities, but also in society, to the linguistic issue, part of the identity crisis of the Bessarabian Romanians.

The first of these facts is the decision of the Academy of Sciences of Moldova, in 1994, to condemn the adoption in Parliament of the Article 13 of the Constitution. The superior scientific forum of the Republic of Moldova insisted on the name "Romanian language". This is easy to understand, given that since 1990, in all the primary, secondary and higher schools in the republic, the students are teaching not "Moldavian language", but "Romanian". This situation has been preserved so far, with an institutional duality at the level of the society. On the one hand, in the education, culture, press and civil society, the language is called "Romanian", on the other hand, in articles 13 and 118<sup>2</sup> of the

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<sup>2</sup> Article 118 refers to the language used in the courts.

Constitution it appears as "Moldavian". Over time, the degree of adhesion of the central administrative institutions to the use of Moldavian word has diminished, particularly after the power change in 2009 and the beginning of the approach to Romania and the European Union, the official web pages of the government, ministries, parliament and other institutions started showing RO instead of MD into language bar.

The second fact is that the Presidency, controlled by pro-Russians led by Igor Dodon, is currently pushing for a return to the name "Moldavian language". The attempts made by Dodon and his acolytes to restore the name are the result of a Constitutional Court ruling in November 2013 to introduce the Declaration of Independence of the Republic of Moldova of August 27<sup>th</sup> 1991, as a preamble in the text of the Constitution. In this document, the language of the majority population is called "Romanian". Besides, one of the first measures of the newly elected president Igor Dodon (2016) was to change the name of the Romanian language into Moldovan on the website of the presidency. Probably this was also the reason for what Dodon was the only foreign leader who took part to the Victory Day Parade on 9 May 2017 in Moscow.

### **The administrative vice**

The next constitutional article in the order of challenge, both from politicians and from the society, is article 78 that provides the voting procedures for electing the president of the republic. The first president was elected by the vote of the Supreme Soviet of R. S. Moldova in November 1990, with the establishment of the presidency of the republic as part of the USSR yet. Subsequently, amendments to the electoral legislation were made, which allowed the election of the president by direct vote, so that, in the December 1991, Mircea Snegur run alone for the supreme position in the state that just had proclaimed its independence. He had no problems in securing his victory, despite the opposition expressed in the legislature by the representatives of the Moldavian People's Front, a party that had chosen to boycott the presidential election.

The next presidential election was held in 1996, with several candidates running for the post. Among them, acting president Mircea Snegur and Parliament Speaker Petru Lucinschi were the most likely to win. In the second round, held on December 1<sup>st</sup>, Petru Lucinschi secured a comfortable victory, with 54% of the ballot. Being head of the Moldovan state, the former secretary general of the Communist Party of Moldavia, subordinated to the Communist Party of the Soviet Union (CPSU), tried to obtain more prerogatives by taking steps for a referendum to amend the constitutional articles regulating duties and privileges of the President. His attempts to increase his power were met with resistance from the main political parties. Both the Party of Communists of the Republic of Moldova (PCRM), headed by Vladimir Voronin, and the government alliance, Alliance for Democracy and Reform (ADR) have opposed, to a greater or

lesser extent, Lucinschi's plans. Even the Movement for a Democratic and Prosperous Moldova (MpMDP), led by Dumitru Diacov, Petru Lucinschi's main supportive political force in his first years of office (1997-1998) has distanced from the rise of his appetite for power, and propelled its own leaders, Dumitru Diacov and Ion Sturza.

Ion Sturza even became the Prime Minister from April to November 1999. During his mandate the Republic of Moldova was to be invited to start the negotiations for the EU-associated state status at the EU summit in Helsinki. The government has fallen behind an anti-corruption campaign initiated by the Christian Democratic People's Party (CDPP)<sup>3</sup> and supported by PCRM and MpMDP<sup>4</sup>, both interested in dissolving the Alliance for Democracy and Reform. After Ion Sturza's dismissal in the early days of November, a political crisis resolved through the nomination of Prime Minister Dumitru Braghis, former leader of the Communist Youth Union of Soviet Moldova.

During the 2000 political year, President Petru Lucinschi made a new attempt to achieve his own political agenda points, provoking a new hostile reaction by the parliament, which unanimously opposed him. On June 5<sup>th</sup>, 2000, the Article 78 of the Constitution was amended to return to the election of the President in Parliament like until 1991. President Lucinschi's mandate was due to expire in December 2000, and parliamentary parties had to negotiate to identify candidates with the chance to get the majority of 61 out of 101 deputies, or three-fifths, according to the new constitutional provisions. This task proved difficult so that, in the end, both candidates, Vladimir Voronin from the PCRM, and Pavel Barbălat, supported by parts of the former ADR, failed to accumulate enough votes, the first being supported by 59 deputies, the second by 42, in the second round of the ballot. As a result, the parliament was dissolved by the acting president, Petru Lucinschi.

On February 25<sup>th</sup>, 2001, the early parliamentary elections took place and Communists won 50,07% of the vote. Vladimir Voronin was elected president with 68 votes and was appointed to office on 4<sup>th</sup> April 2001. With the expiry of his first term, the head of state, who had also presided over the ruling party, was forced to seek the support of other parties that had entered the Parliament, as the communist party did not have enough mandates, accumulating only 56 of the three-fifths needed. It was supported by the PPCD faction, with all 11 votes,

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<sup>3</sup> The chairman of this party, Iurie Rosca, has run for Mayoralty in May 1999 for Kishinev City Hall with the slogan "A Mayor with clean hand", losing to the mayor in office, Serafim Urechean.

<sup>4</sup> In 2000, the former MpMDP presidential party changed its name to the Democratic Party of Moldova (DPM), under which it is known today.

by the deputies from DPM, 8, and by those of the Social-Liberal Party (SLP), who were part of the Democratic Moldova Bloc<sup>5</sup>.

In 2009, following the young people's revolt<sup>6</sup> against the fraud of parliamentary elections, the Communists fail to impose their own candidate, Zinaida Greceanii, the prime minister, currently chairman of the Party of Socialists of the Republic of Moldova (PSRM). Vladimir Voronin's party managed to occupy again a comfortable majority in the parliament in Kishinev, with 60 seats. The parliamentary opposition was made up of the Liberal Party<sup>7</sup>, with 15 seats, the Liberal Democratic Party of Moldova<sup>8</sup>, with the same parliamentary representation and the Alliance "Our Moldova" with 11 deputies. Together, the three parties held 41 votes and, as a result of antagonizing society as a result of the unprecedented repression of anti-communist demonstrations<sup>9</sup>, resisted the Communists' attempts to obtain the "golden vote"<sup>10</sup>, succeeding in manifesting themselves as a real political antagonist, even after early parliamentary elections on July 29<sup>th</sup><sup>11</sup> when they formed the Alliance for European Integration (AEI) on August 8<sup>th</sup>. With 53 seats in parliament, this political construction resisted a new parliamentary scrutiny on November 28<sup>th</sup>, 2010, made necessary

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<sup>5</sup> Both parties, DPM and SPL, together with the party of the former mayor of Kishinev, prime minister appointed in the political crisis in 1999, and head of the Court of Accounts, Serafim Urechean, the Alliance "Our Moldova" (AOM).

<sup>6</sup> Also, known as the "twitter revolution", the demonstration was the expression of dissatisfaction with the Communists' victory in the parliamentary elections of April 5, 2009, obtained under massive electoral fraud, ascertained by international observers and subsequently condemned by the European institutions.

<sup>7</sup> Established by Anatol Salaru in 1993, with the name of the "Reform Party", later taken over by Mihai Ghimpu as president, and renamed as the "Liberal Party" in 2005, when Dorin Chirtoaca, nephew of Mihai Ghimpu (sister's son) is propelled as vice-president of the party and becomes its candidate for the post of mayor of Kishinev.

<sup>8</sup> Established by the former Minister of State Property Privatization, Vladimir Filat, in 2007.

<sup>9</sup> The repression had as consequences 6 dead and a several hundred wounded and was accompanied by multiple cases of flagrant violation of human rights and citizenship rights guaranteed by the laws in force. The authorities' repressions were followed by the devastation of the two official buildings, the Parliament and the Presidency, by violent elements infiltrated among peaceful protesters.

<sup>10</sup> The phrase became known especially in the context of the Communists' failure to impose Zinaida Greceanii on the position of President of the Republic of Moldova, but remained in the public consciousness during the summer campaign of 2009, counting for the early parliamentary elections of July 29<sup>th</sup>.

<sup>11</sup> Adding them the Democratic Party of Moldova. After the former parliament speaker, deputy minister and economy minister in the communist government, Marian Lupu, the party succeeded in joining independently the parliament with 12 mandates.

by the inability of parliamentarians to elect a president, and maintained in a modified<sup>12</sup> form until the November 30<sup>th</sup>, 2014, parliamentary elections.

During the period of the AEI1 and AEI2 governments, three interim presidents of the Republic followed successively. Mihai Ghimpu, the chairman of the Liberal Party, was elected parliament speaker on 28<sup>th</sup> August and became interim president of the republic on September 11<sup>th</sup>, 2009, when Vladimir Voronin deposited his mandate. He held the interim presidential office until after the 2010 parliamentary elections, when he was replaced, on December 30<sup>th</sup>, by Marian Lupu, the president of the DPM, elected as president of the new parliament. Between the two were Prime Minister Vladimir Filat, who was acting president for one day (29<sup>th</sup> December 2010). Marian Lupu was acting as interim president until March 2012, when he was replaced by lawyer and chairman of the Superior Council of Magistracy Nicolae Timofti, elected by parliament with 62 votes on 26<sup>th</sup> March 2016. The three votes required by the Alliance for European Integration in order to elect Timofti as president were provided by the parliamentary group of the PSRM<sup>13</sup>, composed by Igor Dodon, Zinaida Greceanii and Veronica Abramciuc<sup>14</sup>.

On the expiry of the term of office of Nicolae Timofti, on March 26<sup>th</sup>, 2016, the largest fraction of the parliament was that of the Party of Socialists. By a ruling of the Constitutional Court following an interpellation given before the amendments to Article 78 of the Constitution of the Republic of Moldova on June 5<sup>th</sup>, 2000, they were invalidated and returned to the election of the president by direct vote. The presidential elections of 30<sup>th</sup> October and 13<sup>th</sup> November 2016 brought Igor Dodon as president after he defeated in the second round with a 52% majority, Maia Sandu, the party's "Action and Solidarity"<sup>15</sup>.

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<sup>12</sup> AEI1 until 28<sup>th</sup> November 2010 and AEI2 until the political crisis in January-February 2013, maintained by the LP's exclusion from the government and the introduction of the Liberal Reform Party (split from LP) in the spring and, respectively the summer of that year to the 2014 parliamentary elections.

<sup>13</sup> Established at the beginning of the 1990s, part of the anti-Moldovan and pro-Soviet Interfront movement and headed by Valentin Krilov, PSRM was taken over by the former Deputy Minister and Minister of Economy in the Communist Governments Vasile Tarlev 2, Zinaida Greceanii 1 and Zinaida Greceanii 2, Igor Dodon, after his failure to win the post of mayor of Kishinev, on behalf of PCRPM, in the May-June 2011 local elections.

<sup>14</sup> The President of the Socialist Party of the Republic of Moldova, part of the Interphone and Socialist Alliance, who supported Moldova's Democratic Agrarian Party during the legislature 1994-1998. The Socialist Party merged through absorption with the Party of Socialists in 2011.

<sup>15</sup> Established in 2016 and headed by Maia Sandu, former minister of education in the governments led by Vladimir Filat and Iurie Leanca, between 2011-2015.

## National security vice

Article 11 of the Constitution of the Republic of Moldova has also been the subject of intense debate in society, even though the theme of the debate, the permanent neutrality of the state, was not so much discussed in the past as the linguistic or administrative one.

Article 11 states that the Republic of Moldova proclaims its permanent neutrality and does not allow the deployment of military troops of other states on its territory. The Constitution was adopted in 1994 without having been subject to a popular vote in a referendum, as happened in most of the Central and Eastern European countries that had left the Soviet bloc or the USSR. The most conclusive reason why the voting of the constitution was limited to only 80% of the 4.3 million citizens of the Republic of Moldova<sup>16</sup>, namely deputies from the majority of the agrarian-socialist, neo- and criptocommunist, was the armed aggression of the Russian Federation in 1992. The territory of the five districts on the left of the Nistru River, Camenca, Râbnița, Dubăsari, Grigoriopol, Slobozia, including town of Tiraspol, and a number of localities on the right bank of the Dniester, especially the municipality of Tighina and several communes, remained out of control of the Chisinau authorities.

In the case of the Republic of Moldova, geopolitical subjects were granted and given greater attention compared to other Central and Eastern European states. The explanation is simple: to the West is Romania, the country from which the territory of the Republic of Moldova on the right bank<sup>17</sup> of the Dniester belonged, and to the East is Ukraine – the country that until 2014 was part of the Russian Federation's "close proximity", what it regards as its sphere of influence, which it is trying to legalize internationally from 2014 onwards, through the armed aggression against Ukraine. In the Republic of Moldova, the political right-wing has, besides its traditional ideological component<sup>18</sup>, a

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<sup>16</sup> The 1989 census, conducted by the Soviet Union's authorities, numbered 4,335,000 inhabitants on the territory of the Soviet Socialist Republic of Moldova. They all received the citizenship of S.S.R. Moldova with the proclamation of state sovereignty on 23<sup>rd</sup> June 1990.

<sup>17</sup> With the approximations: there are, since 1992, localities on the right bank of the Dniester, controlled by the Tiraspol regime led by citizens of the Russian Federation, and there are settlements on the left bank of the Dniester under the authority of Kishinev (these are part of the Dubasari district).

<sup>18</sup> European Conservatism with its valences of Christian democracy and communitarianism, developed in Germany (the Christian-Democratic Union and the Christian-Social Union of Bavaria), Italy (the "Christian Democracy" Party, also called Balena Bianca - White Whale), Norway (the Party of Christian People of Norway), but also in Romania (the National Peasant Christian Democrat Party) and other European countries.

In Republic of Moldova the liberal ideological option was embraced by parties such as the Reform Party, transformed into the Liberal Party, the National Liberal Party of the Republic of Moldova, led by Vitalia Pavlicenco, former leader of the Party of Democratic Forces, originally the Congress of Intelligence detached from the Moldovan People's Front and the

strong geopolitical component that is easy to understand given the conservative approach to recovering historical memory. This is the orientation towards the West and, first of all, towards Romania. The deviation from the pro-Romanian orientation, perceived by the supporters of the right-wing and geopolitical right-wing parties as implicit, is considered in the Bessarabian society a betrayal of the national cause, euphemism for the union of the Republic of Moldova with Romania and the restoration of the Romanian territorial integrity lost in the second World War, even in part<sup>19</sup>.

The political left is also tributary to the geopolitical orientation in the opposite direction, towards Moscow. It is the case of all the parties formed by the members of the Moldavian Communist Party (the first and second echelons, the various ethnic cryptocommunist and usually using the Russian language, and the neo-communists of predominantly Romanian and Romanian mother tongue)<sup>20</sup>, starting with the Agrarian Democratic Party of Moldova, The Social-

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Alliance "Our Moldova", the Liberal Reform Party, detached from PL following Mihai Ghimpu's ostentatious refusal to pass the party's leadership to Dorin Chirtoaca.

The change of ideological turn towards liberalism took place after the Christian Democratic People's Party (the Moldavian People's Front transformed into the Christian Democratic People's Front at the 3rd Congress in 1992 and the Christian Democratic People's Party in 1999) supported the communist Vladimir Voronin as the president of the republic, in exchange for an agenda of institutional reforms that Voronin has assumed.

The right-wing parties in the Republic of Moldova are conservative in virtue of the social conservatism inherent in the paternalist, traditionalist and clientele-based society existing between the Prut and the Dniester. Even the leaders of self-declared parties as "liberals" "live ideologically" in a very conservative manner compared to their peers in other European countries. Since 2005, the liberal option is a form without a typical background for the divided society of Moldova, especially if we think about the ideological affiliation of the Liberal Democratic Party of Moldova, which has turned to the European People's Party, based on the two conservative parties with tradition in Europe, the Christian Democratic Union / the Christian Social Union of the Federal Republic of Germany, restored in 1945 on the basis of Christian-Democratic parties of the Republic of Weimar, and "Christian Democracy" of Italy.

<sup>19</sup> Taking in consideration the evolution of the Romanian-Ukrainian bilateral relationships, from the Romanian state did not recognizing the sovereignty of the Ukrainian state over the counties of Storojineț, Cernăuți, partly Rădăuți, Dorohoi, Hotin, Cahul, Tighina, Ismail, Cetatea Albă, with the referendum on state independence Of Ukraine on 1<sup>st</sup> December 1991, up to the signing and entry into force of the *Treaty on Cooperation and Good Neighborhood Relations between Romania and Ukraine*, on 22<sup>nd</sup> October 1997, and the failure of the Romanian Party to obtain from the Ukrainian side the respect of the provisions The Paris Peace Treaty of 1947 on the Danube border.

<sup>20</sup> The Communist Party of Moldova, a Communist Party of Soviet Union subsidiary, founded on August 8<sup>th</sup>, 1940, after the military occupation, on 28<sup>th</sup> June – 3<sup>rd</sup> July, of a part of northeastern Romania, to the east of Prut, north of the Danube and east of Ceremus, was

ist Party, the Socialist Party of the Republic of Moldova, the Social Democratic Party, the Party of Communists of the Republic of Moldova<sup>21</sup>, and, to a certain extent, the Democratic Party of Moldova, still in power today<sup>22</sup>.

In the case of the geopolitical left-wingers, however, the distinction should be made between the followers of giving up sovereignty to Moscow and those who follow the policy of a "gentle lamb that sucks from two sheep"<sup>23</sup>, or in a Bessarabian pasture-like approach made by agrarian leader Dumitru Moțpan<sup>24</sup>, president of the Moldovan Parliament 1997 and 1998, of the "gentle calf sucking from two cows". From the ethnocultural point of view, the followers of the first option of foreign orientation of the Republic of Moldova "are Russian-speaking", while followers of the second option are "Moldavians".<sup>25</sup> Vladimir

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banned on August 23<sup>rd</sup>, 1991 by a decision of the Parliament of the Republic of Moldova, on the days when hardliners from the CPSU, grouped in the State Committee for the Exceptional Situation and led by USSR Deputy President Ghennadii Ianaev to prevent signing a new union treaty between the Soviet republics instead of the 1922 that would have given sovereignty to each republic, and would mean, from the perspective of the USSR retainers in old form, the dissolution of the Soviet state.

<sup>21</sup> Established by the Soviet Militia General and Russian citizen Vladimir Voronin, together with a group of hardline followers from the former CPSU, in October 1993.

<sup>22</sup> It began his political existence as a party of Petru Lucinschi, who was brought from the post of secretary II of the Communist Party in SSR Tadjika and elected secretary general of the Communist Party of Moldova after the street confrontations of November 7-10, 1989, event accompanied by the attack of the headquarters of the Ministry of Internal Affairs of the SSR Moldova, the minister being Vladimir Voronin.

<sup>23</sup> According to the political folk of the 1990s, the phrase would belong to the second president of Ukraine, Leonid Cucima, and describes the country's state of neutrality between the Russian Federation and its revanchist interests and, since 2014, the irredentist, and the Western world, traditionally represented in the Commonwealth of Independent States by the EU-NATO-US Triad.

<sup>24</sup> President of the Democratic Agrarian Party of Moldova since its founding – October 19<sup>th</sup>, 1991, until 1998. The failure of the party to join the parliament in the March 22<sup>nd</sup>, 1998 elections determines Moțpan's retirement and the taking over of the party by Anatolie Popusoi, who changes the name in the Agrarian Party of Moldova after the early parliamentary elections of February 25<sup>th</sup>, 2001, when the party failed to pass the electoral threshold of 6%. He became known through the "winged expressions" he was proffering, such as "the globe of Moldova", "the circle of 380 degrees", "Patria begins from the village's bull", etc.

<sup>25</sup> Who understand that they speak Romanian language, but they are stubborn to call it Moldavian (ethnic Moldovanism), or they call it Romanian but with the dispensation that the inhabitants choose to be called Moldavians (civic Moldovanism), forms of Moldavian ideology proclaimed as state ideology contrary to Article 5 paragraph 2 of the Constitution of the Republic of Moldova which prohibits the officialization of any ideology as official state ideology. Moldovanism was officially proclaimed in the Republic of Moldova in 2003, with the adoption of the organic law *"The Concept of National State Policy"* by the Parliament dominated by the Communists of Voronin. The logic of these people's actions is to preserve the Moldavian statehood in its present form and not to allow the unification of

Voronin is like a liturgical paper between "Russian speakers and Moldavians", in a (geo)political sense, being himself a Romanian national from the left bank of the Dniester River, having as his mother tongue Romanian, with a grandfather collaborating with Romanian troops in Transnistria during the period 1941-1944, whose aunt lived recently a few dozen kilometres from the capital of Romania, Bucharest, but at the same time a fluent Russian speaker, fully framed in the military and militarized system of the USSR and the Russian Federation, formally communist, with a Russian-speaking wife and Russified children.

On May 2<sup>nd</sup>, 2017, the Constitutional Court of the Republic of Moldova, led by lawyer Alexandru Tanase,<sup>26</sup> from October 2011 to May 2017, gave a sentence on the interpretation of Article 11 on the permanent neutrality of the Republic of Moldova. The interpellation came from the Liberal Party deputies, the followers of an external policy line aimed at Moldova's accession to the North Atlantic Treaty Organization, the collective security pact of the Western countries. In the ruling of the Constitutional Court, the permanent neutrality of Article 11 is maintained, but it is established that the Supreme Law of the Republic of Moldova cannot be a suicide pact, and the state enjoys the legitimate right to request outside military assistance if it feels threatened. Also, the Constitutional Court's decision qualifies Russian troops from the eastern districts of the Republic of Moldova as foreign troops of occupation, cancelling de facto the Moldavian-Russian Treaty of 1992.

### **Conclusions: "Anteriuul lui Arvinte și viteza sa de cârpire" (The Arvinte's surplice and its speed of patching up)**

Within the limits and objectives of this analysis, some conclusions can be highlighted.

First of all, the Constitution of the Republic of Moldova is a supreme law that has not been subject to the adoption of a majority of the representatives of the state's state body, which creates both problems of imposing legitimacy

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the Republic of Moldova with Romania through the passage of political authority over the territory of the Republic of Moldova to Bucharest.

<sup>26</sup> Previously, Alexandru Tanase served as a judge at the Constitutional Court, since April 2011, and Minister of Justice (from 25<sup>th</sup> September 2009 to 6<sup>th</sup> May 2011), deputy in the Parliament from MLDP (April 2009-May 2010 and again November 2010 – February 2011). He was a member of MLDP since the founding of the party, in 2007, until the 4<sup>th</sup> Congress of April 10<sup>th</sup>, 2011, when he resigned as First Vice-President and withdraws from political activity, in his place being elected the Moldavian Foreign Minister, the former Soviet diplomat, Iurie Leanca.

within the borders and the inability to impersonate "constitutional patriotism" as an adhesion of the citizens to the institutional ensemble and to the norms created through the public administration.

Secondly, the neuralgic points I have called "constitutional vices" are solved through jurisprudential solutions that bear the signs of a provisory influenced, both by the interests of the political class and by the pressures exerted by different groups of the civil society.

In my understanding, the Republic of Moldova modifies its constitutional provisions in order to try to correspond, from the perspective of the state's needs, to the changing international situation as well as to the social processes within it. The uncertainty and, at the same time, the challenge faced by the Moldavian state resides in the speed with which it repairs the "Arvinte's<sup>27</sup> surplice" (an older still of clothes) - its own constitutional and legislative ensemble.

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<sup>27</sup> Arvinte is a fool of the popular Romanian anecdotes. He is also the character of the comedy "*Arvinte and Pepelea*" by Vasile Alecsandri and of the fable "*Anteriu lui Arvinte*" by Alexandru Donici. Arvinte, having his coat (surplice) broken in his elbows, cut off his sleeves to fold it. Because the world was laughing at him, he cut off its foot to repair its sleeves. The surplice is a long coat carried today by Orthodox priests, but in the past it was typical for the Romanian princes or boyars. Then she was also worn by peasants or fiddlers. The phrase Arvinte's surplice is used to point out someone who gets to one side and ruins in another, according to Horia Dumitru Oprea, 2010, *History recovered*.  
<<https://istoriiregiasite.wordpress.com/2010/12/14/anteriu-lui-arvinte/>> (15.05.2017).