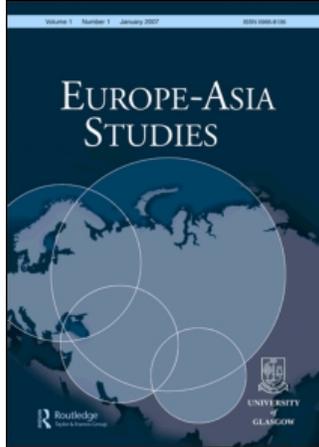


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From semi-presidentialism to parliamentarism: Regime change and presidential power in Moldova

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From Semi-Presidentialism to Parliamentarism: Regime Change and Presidential Power in Moldova

STEVEN D. ROPER

Abstract

This article examines Moldova's constitutional change in 2000 from a semi-presidential to a parliamentary regime and analyses what the Moldovan case tells us about the nature of executive power. One of the interesting issues that this case raises is whether our definition of regime really captures the locus of political power. While Moldova has evolved from a semi-presidential to a parliamentary regime, the president is more powerful under the current regime than previous presidents were in a semi-presidential regime. The consolidation of the president's party in the parliament explains the concentration of executive power more than constitutional prerogatives.

THE CONSTITUTIONAL AND THE INSTITUTIONAL CHOICES of post-communist states have afforded political scientists an opportunity to examine a broad array of issues. There is a vast literature that examines the influence of electoral and party systems on post-communist democratisation (Kitschelt *et al.* 1999; Grzymała-Busse 2002; Birch 2003). Less attention has been devoted to the influence of regime type on the broader political system, and most of the regime literature tends to focus on the influence and the development of parliaments and presidencies (Olson & Norton 1996; Taras 1997; Remington 2001; Olson & Crowther 2002). Within this literature, there are a number of research agendas. Scholars have explored the impact of regime on the transition to and consolidation of democracy and have focused on how the structure of the regime influences representation (either ethnic or linguistic), political participation (the type of electoral system) and government stability (the breakdown of democracy).

Eaton (2000) notes that the literature on regime performance tends to apply a parliamentary–presidential dichotomy and that much of this literature finds that a parliamentary regime is more conducive to democratisation efforts and policy-making.¹ Research by Shugart and Carey (1992) and Mainwaring and Shugart (1997) led to a reassessment of presidentialism; however, political scientists only lately have

¹Giovanni Sartori is one of the few political scientists to advocate semi-presidentialism over a presidential or parliamentary regime; see Sartori (1997).

begun to explore how semi-presidentialism performs as a regime type (Elgie 1999, 2004; Protsyk 2006). This new focus on semi-presidentialism is not surprising given that many post-communist states in the early 1990s adopted some variation of semi-presidentialism. While some states, such as Poland, have re-defined the division of powers within the regime, Moldova and Croatia are the only examples of states which have changed from semi-presidentialism to parliamentarism.² This change from semi-presidentialism to parliamentarism provides political scientists with an opportunity to examine the relative strength of executives under different regime types as well as to assess the taxonomy regarding political regimes outside Western Europe.

In the case of Moldova, the parliament in the summer of 2000 amended the constitution to change from a semi-presidential to a parliamentary regime. This constitutional change set in motion a series of events in which early elections were held, and the Party of Communists of Moldova (*Partidul Comuniștilor din Republica Moldova*, PCM) won an absolute majority of seats and elected the party's secretary general as president. This constitutional change was enacted by MPs ostensibly because the semi-presidential regime had proven ineffective. Critical reforms were not undertaken and policy coordination had become bogged down between the president and the parliament. The change to a parliamentary regime was designed to concentrate executive powers in the cabinet and improve policy-making. Thus, the Moldovan case provides an excellent opportunity to examine the ramifications of regime choice on the nature of executive power.

One of the interesting issues that the case of Moldova raises is whether our definition of regime really captures the locus of political power. Ostensibly, Moldova has evolved from a semi-presidential to a parliamentary regime, and yet the Moldovan president is more powerful in a parliamentary regime than previous presidents were in a semi-presidential regime (March 2004). Moreover as Mazo argues 'Moldova remains the only known example of a country today that has shed presidential in favour of parliamentary government without first experiencing an intervening breakdown in its democracy' (2004, p. 3). Actually, the story of Moldova is more complex as the country has moved from a parliamentary (1990–1991) to semi-presidential (1991–2000) and back to a parliamentary regime (2000 to the present) within a decade. During this period, Way (2002) notes that elite and social fragmentation led to recurrent struggles between the executive and the legislative branch concerning powers and policies which influenced the decision to abandon semi-presidentialism. In order to place Moldova's regime within the broader literature, I first address general aspects of semi-presidentialism and note differences in regime design which are fundamental to the relationship between the dual executives. Second, I examine the specific example of Moldovan parliamentarism and semi-presidentialism and place the choice of these regimes within the development of Moldovan politics in the early 1990s. Third, I then examine the debate between the president and the parliament in the late 1990s which

²There is no consensus in the literature on how to categorise semi-presidential states. The lack of consensus is due to how the powers of the president *vis-à-vis* the parliament and the prime minister are conceptualised as well as the accountability of the prime minister to the parliament. That said, numerous post-communist states have adopted some form of semi-presidentialism. For example, Siaroff (2003) lists 14 post-communist states as having adopted a dual executive at some point since 1990.

ultimately culminated by July 2000 in a change to the constitution. Finally I analyse the impact of these regime changes on presidential power as well as assess whether our current regime terminology adequately captures the nature of executive power.

Understanding variations in semi-presidentialism

According to Duverger's (1980) classic definition of semi-presidentialism, the regime has three basic characteristics including the popular election of the president, presidential constitutional powers and the separate office of a prime minister. Shugart and Carey (1992) later refined this definition in order to more precisely describe the relationship between the dual executives. They categorise semi-presidential regimes as either premier-presidential or president-parliamentary with the key distinction between the two being the unilateral power of the president to dismiss the prime minister in a president-parliamentary regime. Within East Europe, premier-presidential regimes have been the most popular form of semi-presidentialism while in the former Soviet Union president-parliamentary regimes have been much more prevalent (Baylis 1996; Easter 1997). Throughout the 1990s, Moldova was one of the few former Soviet republics to adopt a premier-presidential regime (the other example being Lithuania).³

Therefore, Moldova's form of semi-presidentialism functioned more similarly to European than post-Soviet semi-presidentialism, and also like all other European premier-presidential regimes, Moldova in the early 1990s adopted an electoral system based exclusively on proportional representation which discouraged independent candidates from running for parliamentary seats. For this reason, Birch (2000) and McFaul (2001) argue that party system institutionalisation was stronger in premier-presidential rather than president-parliamentary regimes. Protsyk (2006) concludes that the level of party system development has an effect on the relationship between the dual executives in which prime ministers who lead party-based cabinets are more likely to resist challenges from the president. While Schleiter and Morgan-Jones (2006) find that parties are not fundamental to understanding the distribution of power within premier-presidential regimes, the history of the regime in Moldova suggests that party institutionalisation is an important component of presidential power *vis-à-vis* the cabinet and the parliament. Indeed, the evolution of institutions in Moldova has been as much a function of the weakness of parties as presidential constitutional powers.

Initial choices and institutional design in Moldova

In February and March 1990, parliamentary elections were held to the Moldavian Soviet Socialist Republic Supreme Soviet. Opposition candidates were given space in the local newspapers to publicise their campaign platforms, and increased cooperation between the opposition movement (known as the Popular Front, *Frontul Popular*) and reformers in the Communist Party was evident during this period. Thus, the 1990 transition election marked a significant step towards political pluralism in Moldova

³Russia was also a premier-presidential regime during the period from 1991 to 1993.

and produced a parliamentary majority of self-described reformers aligned with the Popular Front. In May 1990, Mircea Snegur was elected chairman of the Supreme Soviet, and in October 1990, he was elected president by the parliament. However very quickly after the election, the parliament's political consensus began to erode due to ideologically and ethnically motivated activists who immediately introduced legislation on the adoption of Romanian interwar symbols and most importantly the Romanian language. The extreme positions taken by many of these new and inexperienced members of parliament (MPs) led to polarisation primarily along ethnic and party lines. The disagreements within the parliament reflected the rapid erosion of the Popular Front's power, and the conflict among parties and individuals spilled over into the institutions of the executive and the legislature.

As the parliament discussed the drafting of a new constitution in 1991 and 1992, a debate ensued between those who wanted a parliamentary regime (Popular Front MPs) and those who advocated a presidential regime (MPs aligned with President Snegur). While Snegur had been elected by the parliament and Popular Front MPs, he quickly distanced himself from the Front and formed alliances with other MPs and consolidated his power within parliament. By May 1991, he was able to replace Popular Front Prime Minister Mircea Druc with a technocratic cabinet headed by his ally Valeriu Muravschi.⁴

By the time of the August 1991 coup in Moscow, the Front held just 30 parliamentary seats compared to over 140 the previous year. As the fortunes of the Popular Front continued to wane and the civil war in the breakaway region of Transnistria heated-up, Snegur's allies in the parliament passed legislation authorising the direct election of the president in late 1991. The decision to allow for the direct election of the president was an outcome of the internal conflict within the parliament and the perceived need to concentrate authority in the office of the executive. In December 1991, Snegur ran unopposed for president as authorities in Transnistria and Gagauzia, as well as Front party loyalists, boycotted the election.⁵ Snegur received over 98% of the vote in an election in which turnout was extremely high at 83% (King 2000).

Party defections throughout the early 1990s contributed to the parliament's inability to act on several important issues. The ineffectiveness of the parliament, however, did not translate into a stronger executive branch. Mazo contends that

Snegur's... new 'presidency' had been superimposed over the old Soviet-era institutions that were in place before it. The result was a constant power struggle between the executive and legislative branches that, as in other post-Soviet countries, could not easily be resolved. (Mazo 2004, pp. 12–13)

The fortunes of the once dominant Front continued to decline throughout the early 1990s. In 1992, Andrei Sangheli (a former communist official) was elected prime minister and quickly moved to increase ethnic minority representation. Finally in

⁴At this time, members of the government were proposed by the president and confirmed by the parliament.

⁵Gagauzia is a southern region of the country composed of significant ethnic minorities including ethnic Gagauzi (a Christian Turkic group) and ethnic Bulgarians.

1993, the pro-Popular Front Speaker of the parliament, Alexandru Moşanu, was replaced by Petru Lucinschi. Ultimately, however, even this clear shift in the balance of power proved unable to overcome the complex web of factions and rivalries that plagued the parliament. Important legislation concerning local government reform, negotiating the status of Transnistria and Gagauzia and a new constitution all foundered because of the difficulty of constructing a working parliamentary majority. Consequently, Moldovan leaders concluded that the existing institution was no longer viable and decided to dissolve the parliament and hold early elections for a new parliament in February 1994.⁶

Constitutional design, regime choice and the crisis of party fragmentation

The parliament which was elected in 1990 was a large institution composed of 380 MPs. The electoral code passed in October 1993 called for a much smaller parliament composed of 104 MPs drawn from closed party lists in a single national constituency (to avoid issues with the separatist regions which otherwise could have blocked the elections). During the election campaign in 1994, the Agrarian Democratic Party (*Partidul Democrat Agrar*, PDA) emerged as the most prominent party composed primarily of the former communist agricultural elite as well as communist *apparatchiks*, including President Snegur. In the February 1994 parliamentary election, the PDA received 43% of the vote and approximately 54% of the parliamentary seats.

After the election, one of the first issues that the parliament addressed was the creation of Moldova's post-Soviet constitution. Mazo argues that one would have expected the parliament to have written a constitution with a parliamentary regime. He explains that the

parliament blocked the concentration of executive authority during the time of constitution making, leaving the prerogative and responsibility of writing Moldova's first post-Soviet constitution for itself. . . It did this, moreover, while excluding Moldova's president, Mircea Snegur, from having any say whatsoever in the constitution's design. (Mazo 2004, p. 12)

At this time, the parliament was dominated by the PDA which was a party in which ironically Snegur was a leading figure. What accounts for the lack of institutional change to a parliamentary or a presidential regime?

The unpredictability of politics, parties and coalitions during this period as well as shifting alliances constrained the behaviour of all the political actors so that a *status quo* prevailed in which the regime type functioning since 1991 was kept largely in place. As King notes 'few political figures were willing to make bold moves that could be used against them or their party in the next election. Muddling through, for most Moldovan politicians, remained preferable to messing up' (King 2000, p. 161). While PDA MPs were aligned with President Snegur, these MPs did not want to surrender their authority to the executive branch. Moreover as speaker of the parliament and a political rival, Lucinschi wielded considerable influence in the drafting of the constitution. Ultimately however, the lack of a stable party system in which no

⁶The election was held a year before the term of the 1990 parliament was due to expire.

politician was certain of their political future or the future of the party led to the adoption of premier–presidentialism by default.

Based on the Shugart and Carey (1992) classification, Moldova's regime from 1991 to 2000 was clearly premier–presidential in which the directly elected president wielded various legislative and non-legislative powers. The president was able to issue decrees (Article 94, Moldovan Constitution 1994) and call for referenda (Article 88, Moldovan Constitution 1994), and while the president had a veto, it could be overridden with a simple majority vote (essentially a re-vote of the parliament). The president could take part in government meetings (in which case he presided) and could take part in parliamentary debates (Article 83 and 84, Moldovan Constitution 1994).

The legislative powers of the Moldovan president were more significant than the non-legislative powers. For example, the Moldovan president had limited cabinet formation powers. The president designated a prime minister on consultation with the parliament and could nominate specific cabinet ministers only in cases in which the prime minister submitted a request (Article 82, Moldovan Constitution 1994). Also, the power to dissolve parliament was limited to cases in which no government could be formed or new legislation had been deadlocked for three months. This power could once again be exercised only after consultations with the parliament. The Moldovan premier–presidential regime required consensus-building between the executive and the legislative branch in the appointment of the cabinet, and the president's legislative powers were largely reactive.⁷

The consensus building required in premier–presidential regimes is facilitated by the structure of the party system. In states that, with clear party identification and membership, parties become a conduit for coordination between the executive and the legislative branch, and between the president and the prime minister. However in Moldova, party identification was weak and led to continual conflict between the president and the parliament. Under the condition of the intense fragmentation which was found in the Moldovan parliament throughout the 1990s, an initially strong executive–ruling party power structure collapsed. As parties and party alliances crumbled, President Snegur was eventually forced to seek alternative partners in the parliament which actually increased the political salience of the institution. Not surprisingly, his attempt in 1995 to change to a presidential regime failed to garner any significant support in the parliament, and he was ultimately forced to cede influence to the parliament so that ironically in Moldova, the lack of internal cohesion created an environment favourable to the institution.

The intense personal rivalries of the former *nomenklatura* checked the power of the executive and as Way explains, the 'legislature has consistently constrained presidential authority to a degree not seen in Moldova's post-Soviet neighbours' (2002, p. 130). By the time of the 1996 presidential election (the first multi-candidate, majoritarian presidential election in the country's history), the internal divisions within the PDA had become part of the public debate over the direction of the country. Snegur faced a twin challenge from Speaker Lucinschi and Prime Minister

⁷A few of these powers were eliminated from the office of the president following the constitutional regime change in 2000.

Sangheli. As Way's research shows, it is not unusual for speakers of the parliament and prime ministers to run for president. As in many post-communist countries, Moldovan parties became election vehicles for individuals in which party ideology was second to the personality of the leader. While Sangheli maintained his party affiliation with the PDA, Snegur formed the Party of Rebirth and Conciliation of Moldova (Partidul Renașterii și Concilierii din Moldova) shortly before the election, and Lucinschi ran as an independent with no party affiliation.

There were few policy issues which separated the three candidates. While Snegur adopted a pro-Romanian position and campaigned for more rapid economic reform, and Lucinschi advocated closer ties with Russia and pledged to work to resolve the Transnistrian issue, the election occurred in the absence of clear policy differences. What was clear was that Lucinschi and Sangheli viewed the presidency as the most likely institution in which power could eventually be concentrated. The fact that Snegur had been ineffective in securing greater presidential authority was viewed as a personal failure on his part and not a consequence of institutional design. Snegur was never able to develop the personal authority and the mass appeal found in the leadership of other post-Soviet states. In the second round presidential election between Snegur and Lucinschi, Lucinschi received 54% of the vote and promised to work with a parliament dominated by his former party.

The change from premier-presidentialism to parliamentarism

In the aftermath of the presidential election in 1997, parliamentary factions suffered numerous defections, and as a consequence, Lucinschi, who ran as an independent, was able to create a working parliamentary coalition composed of independent MPs. Also with parliamentary elections approaching in less than a year, MPs were attempting to find new party identifications, and Lucinschi was able to play off different party factions and at the same time remain above party politics. Party membership was quite fluid at this point, and by the time of the February 1998 parliamentary elections, over 25% of the MPs were independent. After these elections in early 1998, Lucinschi's parliamentary supporters formed the Alliance for Democratic Reform which was a coalition of coalitions composed of the Bloc of the Democratic Convention of Moldova (*Blocul Convenția Democrată din Moldova*), the Bloc for a Democratic and Prosperous Moldova (*Blocul pentru o Moldova Democratică și Prosperă*, BMDP) and the Party of Democratic Forces (*Partidul Forță Democrată*). The coalition controlled approximately 60% of the seats with the remaining seats controlled by the PCM. The BMDP was the pro-presidential party formed by Lucinschi's supporters after the 1996 elections. Although part of the coalition, the BMDP was clearly first among equals. BMDP MPs secured several leadership positions. Influential individuals such as Speaker Dumitru Diakov were seen as close allies of the president, and it was expected that with the BMDP in power, Lucinschi would be able to dominate the legislative process.

However just a few months after the 1998 election, Lucinschi's relationship with the government and the parliament began to unravel. While the disagreements were ostensibly over economic reform, the reality was that Lucinschi simply did not have a solid parliamentary party organisation to provide support. The BMDP was part of a

coalition that began to splinter and eventually voice disagreements with the president. In addition, the BMDP itself began to fragment and lose members, and even Speaker Diakov began to openly criticise the president. Rather than having a secure parliamentary majority, Lucinschi had to compromise and make deals with the MPs from the PCM (the only unified party faction) in order to ensure a majority. However, he could never be assured of communist support or the support of any party faction. In essence, Lucinschi had entered a period of cohabitation and had great difficulty getting his choices for prime minister approved.⁸

By 1999, Lucinschi sensed that he was losing control of the political process and issued a decree to conduct a consultative referendum at the same time as the May local elections.⁹ Lucinschi proposed the creation of what he termed a 'presidential regime'.¹⁰ The referendum question asked voters: 'Do you support changes in the constitution in order to introduce a presidential form of rule in Moldova, where the president forms the government which is responsible for ruling?' Over 50% of the voters approved the referendum, although exact figures were never published by the Central Election Commission. After the referendum, Lucinschi proposed a draft law which provided the president the sole authority to appoint and to remove cabinet ministers. In addition, he proposed reducing the size of the parliament from 101 to 70 members as well as changing to a mixed-member electoral system.¹¹ Most of Moldova's political forces spoke out against the draft. Lucinschi defended his proposal and explained that Moldova's political instability required the concentration of power in the presidency. Lucinschi maintained that a presidential regime would allow one individual the ability to assume responsibility for the country's economic reforms rather than a diverse group of parliamentarians and government officials.

However, Lucinschi's repeated attempts to garner support failed to convince Moldovan MPs who were critical because in order to call a binding referendum, Lucinschi needed a parliamentary majority. By summer 2000, Lucinschi's support within the parliament was at its lowest point in almost four years, and finally on 5 July 2000, the parliament approved a series of constitutional amendments envisioning not a presidential but a parliamentary regime. The amendments stipulated that the president would be elected, and if need be, dismissed by the parliament. The amendments passed in the first reading by a vote of 92 to four (and by almost the same margin in the second reading). While the various parliamentary factions could not agree on important reforms, there was almost unanimous consensus to amend the constitution and to revert back to a parliamentary regime.

While the constitutional amendments were drafted by Sergiu Burca, a member of the Popular Front Christian Democratic (*Partidul Popular Creștin Democrat*), the amendments would never have passed without the support of the PCM.

⁸For example in 1999, Lucinschi nominated four individuals to the post of prime minister before one was finally confirmed by the parliament.

⁹Lucinschi hoped to use the outcome of this referendum to put pressure on the parliament either to call for a binding referendum or to pass a constitutional amendment.

¹⁰Because the Moldovan president would still nominate a prime minister subject to a vote of confidence, the proposed change was actually for a president-parliamentary regime.

¹¹The number of parliamentary seats was reduced from 104 to 101 beginning with the 1998 parliamentary elections.

Approximately two months before the July 2000 vote, the leaders of the other parliamentary factions asked the communists to vote for the amendments.¹² With Lucinschi's pro-presidential party faction splintering, he relied increasingly on the PCM (the largest parliamentary faction). In fact at one point in December 1999, Lucinschi had nominated Vladimir Voronin (PCM general secretary) as prime minister to replace the reformist Prime Minister Ion Sturza. The communists felt, however, that this was too little and too late. Several other posts had been denied to them, and Lucinschi's referendum further alienated their leadership.

While the regime change was provoked by personality conflicts, the change was justified based on policy concerns. A high-ranking member of the PCM stated that the party's decision to change the constitution was primarily based on the lack of policy coordination (especially in the area of privatisation) between the president and the parliament. This MP felt that 'dividing power made both institutions weak'.¹³ Another MP stated that his party 'was not against the system [semi-presidentialism] but its application in Moldova. The country does not have the political experience to make the system work'.¹⁴ Former President Snegur stated immediately after the July vote that differences between the president and the parliament had existed since 1991. He acknowledged that his attempt in 1995 to enact a constitutional amendment creating a presidential regime had increased tensions. However, Snegur argued that 'all this became possible because in 1994 the then parliament chose this most unhappy form of cooperation between power branches. The president, elected by the whole nation, had no option but to make pledges . . . and become a source of instability'.¹⁵ Indeed, Snegur and other MPs pointed out that while chair of the 1994 Constitutional Committee, Lucinschi had urged the adoption of a parliamentary regime in which the president would be elected by the parliament.¹⁶ Even those MPs who supported Lucinschi admitted that the constitution was imperfect because no one institution was powerful enough to enact reforms.¹⁷

One of the general criticisms of semi-presidentialism is the possibility of competing executives during a period of cohabitation. Baylis (1996) argues that the conflict inherent in the regime is largely a function of a struggle for power between the president and the prime minister. However, the problem with Moldova's system of premier-presidentialism had nothing to do with the nature of dual executives. Aside from the Sturza administration, Moldovan prime ministers never posed a serious challenge to President Lucinschi, and as Protsyk (2006) notes, most of the Moldovan cabinets were composed of non-partisan technocrats. Instead, the threat to his power came from the transitional nature of party politics and shifting parliamentary coalitions.

¹² Author's interview with Andrei Neaguța, MP and member of the PCM faction, Chișinău, July 2000.

¹³ Author's interview with Andrei Neaguța, MP and member of the PCM faction, Chișinău, July 2000.

¹⁴ Author's interview with Sergiu Burca, MP and member of the Popular Front Christian Democratic faction, Chișinău, July 2000.

¹⁵ *Infotag*, 5 July 2000, p. 1.

¹⁶ Author's interview with Mircea Snegur, MP and former president of Moldova, Chișinău, July 2000.

¹⁷ Author's interview with Ion Morei, independent MP, Chișinău, July 2000.

While the parliament was unified in its opposition to Lucinschi, the process of voting for a new president demonstrated the significant differences between party factions. Lucinschi's term was set to expire on 15 January 2001 so the parliament had to elect a new president by 1 January. According to the new election law, a presidential candidate was required to have 15 MPs sign a petition for their candidacy. In essence, the PCM party faction alone had a sufficient number of members to nominate a candidate. The right-wing factions had lost so many members that they had to coalesce into a single coalition. The law required a three-fifths majority to elect the president (61 votes). During the summer of 2000, many MPs expressed a view that the election would not be problematic as the parliament had approximately six months in which to elect a new president.

As discussions between the right-wing factions continued, it was clear that there was no obvious choice as an opponent to Voronin. Finally by the end of November, the right agreed to nominate the head of the Constitutional Court Pavel Barlabat. In the first round of voting on 1 December, Voronin received 48 votes to Barlabat's 37. However because of irregularities in the vote, the Constitutional Court nullified the election.¹⁸ A repeat election was held on 5 December in which Voronin received 50 votes. In the second round of voting, Voronin secured 59 votes, just two short of election. The law stated that if no candidate was elected in a third round, then the incumbent president had the right to dissolve parliament. The right feared that MPs would continue to defect from their coalition in the third round, and therefore several right-wing factions refused to participate in this round. As a consequence, Lucinschi was able to dissolve the parliament under Article 78 of the constitution and call for new elections. The presidential decree setting the date for new elections became effective on 12 January. Therefore, Lucinschi was able to extend his presidential mandate until after the 25 February 2001 parliamentary election. The parliament's July 2000 vote was designed to end Lucinschi's mandate. Instead because of infighting, the vote actually set in motion events that led to early parliamentary elections and an extension of Lucinschi's term.

Since the July 2000 constitutional amendment, the Moldovan regime has been parliamentary, similar to Germany and Hungary. The irony is that while the regime is no longer considered to be premier-presidential, the president in fact now wields far greater influence and power (Quinlan 2004). This is because of the parliamentary majority that the PCM has enjoyed since the February 2001 parliamentary elections. In these elections, the communists received over 50% of the popular vote and 71% of the parliamentary seats. Shortly after these elections, Voronin announced his candidacy for the presidency. In the 4 April 2001 presidential election held by the parliament, he received 71 votes while Dumitru Braghiş (former prime minister) received 15 votes. Another PCM MP, Valerian Cristea, was proposed in case Braghiş backed out of the race in order to give the appearance of a democratic choice. In one of his first speeches as president, Voronin promised to eliminate 'the *bourgeois* post of

¹⁸The 1 December 2000 vote was declared nullified by the Constitutional Court because several PCM MPs violated the secrecy of the ballot by checking members' ballots in an attempt to ensure party discipline.

president'.¹⁹ However since that speech, Voronin has not proposed any serious change to the presidency.

Indeed, Neukirch (2001) argues that while the mechanism of elections was changed, the fundamental powers of the president remain intact. While the president no longer has the right to attend government meetings or appoint judges to the Constitutional Court, the president still appoints the prime minister (in consultation with the parliamentary majority) and retains a veto over legislation. However, Voronin's presidential authority does not come from his constitutional powers but from the fact that he is the leader of the parliamentary majority faction. On 22 April, he was re-elected party chair of the PCM and had his close associate, Victor Stepaniuk, elected leader of the PCM parliamentary faction and the party's Political Executive Committee. Moreover, Voronin insisted that the post of speaker of the parliament go to Eugenia Ostapciuc, an inexperienced and relatively unimportant member of the PCM faction. Therefore, 'no significant decisions, by either government or parliament are made without his preliminary approval, and he is the one who says the final word... using the parliament as a voting machine, the president has become a real country leader'.²⁰

Does regime type matter? Presidentialism in Moldova's parliamentary regime

Voronin maintained a very high profile and exerted considerable influence on the composition of the new government as well as in several policy areas. Prime Minister Vasile Tarev was personally chosen by Voronin and the dismissal of the minister of foreign affairs and the minister of energy in August 2001 was announced by the president's office and not the prime minister. Before taking office, Voronin promised a 'technocratic government' and indicated that he personally would be involved in the selection of every ministerial appointment (and obviously every ministerial dismissal). Protsyk finds that technocratic cabinets tend to 'acquiesce to presidential demands for higher control over the executive' (2006, p. 239). Moreover, Neukirch concludes that while the cabinet contained few communists, those communists who were chosen occupied some of the most important posts. Indeed, he argues that the 'Tarlev government can be labelled as "Communist-controlled"' technocratic cabinet (2001, p. 11).

Since 2001, the party has held a cohesive parliamentary majority, and the PCM MPs and the cabinet have deferred to Voronin as party leader. Therefore, one of the interesting issues that the Moldovan case raises is whether our definitions of semi-presidentialism and parliamentarism are really accurate. One of the fundamental aspects of a semi-presidential regime involves the direct election of the president.²¹ For example in their discussion of the Czech presidency, Keefer and Shirley (2001) refer to the regime as parliamentary specifically because the president is not popularly elected. However as Baylis (1996) notes, the popular election of the president does not

¹⁹ Reuters, 4 April 2001.

²⁰ Infotag, 1 August 2001, p. 2.

²¹ The principal-agent model of semi-presidentialism of Schleiter and Morgan-Jones is based on the direct election of the president; see Schleiter and Morgan-Jones (2006).

necessarily establish a *strong* president. He cites examples such as Austria, Ireland and Iceland as evidence that popular election does not guarantee presidential power.

Perhaps, we should also add the opposite caveat: the lack of a popular election does not necessarily limit the power of the president. The assumption in the semi-presidential literature is that a popular election provides the president with a separate mandate and that the popular election creates a separation of powers in which the president is not accountable to the parliament. Therefore, a popularly elected president should be stronger than a president elected by the parliament. The Moldovan case, however, demonstrates that a president who is elected by the parliament can also exert considerable influence given the status of the president's parliamentary faction. Echoing Suleiman's (1994) view of presidential power in a premier–presidential regime such as France, a president in a parliamentary regime can be very powerful if the president's party wields an absolute parliamentary majority. Therefore, there may not necessarily be a significant difference in the actual use of presidential power between a parliamentary and a premier–presidential regime.

Does this conclusion apply to all premier–presidential and parliamentary regimes? Of course, not all regimes are the same—there is considerable variation in the constitutional powers distributed among premier–presidential regimes which can have consequences for the relative power and the stability of institutions. However, is there something unique about post-communist premier–presidentialism and parliamentarism? Baylis finds that because of the fluidity of post-communist politics, there is a distinction between West and East European semi-presidential and parliamentary regimes. 'What differentiates the East European cases from the parliamentary systems of Western Europe is the fact that in the former... the distribution of authority is necessarily ambiguous and fluid' (1996, pp. 301–2). Holmes (1993) argues that in a post-communist context, a premier–presidential regime has many advantages over a pure parliamentary regime. He maintains that the ambiguity and flexibility found between executives is a source of strength rather than a vice. Furthermore, this flexibility is necessary when dealing with the problems of a transitional post-communist society.

Over the last few years, we have seen considerable fluidity in Moldovan politics. Under Lucinschi, the presidency's influence diminished considerably while the parliament became a much more assertive institution. Since the February 2001 election, however, we have seen a re-emergence of the presidency. Throughout the 2000s, the Moldovan President has been more powerful than at any point since the country's independence (March 2004). Does this mean that Moldova's parliamentary regime is in fact presidential? Some argue that Moldova adopted a 'mutilated presidential system' in 2000.²² However if the PCM were to splinter and several MPs defect from the faction, then Voronin's power would decrease substantially.

The Moldovan constitutional changes provide us an opportunity to examine how our definition and our understanding of regimes comport with post-communist reality. The Moldovan case demonstrates that the flexibility of the premier–presidential regime can ultimately undermine the integrity of the entire political system. Moreover,

²²*Infotag*, 17 August 2001, p. 1.

constitutional changes have not influenced the power of the president as much as the institutionalisation of the PCM. During the 1990s, party fragmentation caused parliamentary majorities to splinter and MPs to defect, which should have resulted in the strengthening of the presidency. Instead, instability in the parliament and the lack of stable party identifications forced numerous changes in the composition of the government which eventually undermined the effectiveness of the executives. The change from a premier–presidential to a parliamentary regime has not decreased the powers of the Moldovan president because of the concomitant solidification of the PCM. In the case of Moldova, majority party leadership has provided the president greater executive authority than any constitutional provision.

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