

Declaration on the principles of election of the President of Moldova

Depolarization of the President institution constitutes the European standard and is a constant European practice. European practice dictates the choice of the person that enjoys large support within the society and symbolizes the consolidation of the state.

Constitutions of the European countries with the parliamentary constitutional regime (with direct or indirect election of the president) provide for the firm restrictions for the president to cumulate its function with any other function. In Germany, the country with indirect election of the president, Presidents elected are personalities that enjoy large acceptance in the society. Indirect election of the president also insures absence of the popular legitimacy and impedes attempts of the elected president to subdue other state institutions (for instance functions of the Parliament or of the prime-minister).

European tradition provides that the President-elect enjoys high moral authority. As a rule, the country's president, throughout the period of the execution of his mandate, does not hold any membership of the political party. In Estonia, the president -elect suspends its political affiliation, and is in practice recommended that the suspension starts from the moment of nomination. In Italy, the President symbolizes the national unity rather than a concrete political movement. In Czech Republic, the president- elect encompasses the common consolidated idea of the nation.

Constitution of the Republic of Moldova subscribes generally to these traditions of the European parliamentary family. Yet,

the constitutional and legislative provisions regarding the President, its functions and election, requires improvement, the existing norms become simply declarative and formal unless consistently applied in accordance to the European practice.

It is recommended that the Parliament and political actors adopt the following principles in the process of the election of the President of Moldova:

- suspension by the president of his/her membership in any political party from the moment of candidacy and during the whole mandate;
- president elect has to be a personality that enjoys an authority and legitimacy in the society and has necessary competences to communicate and negotiate with all actors of the society,;
- president elect symbolizes the country unity and not divide, can cultivate the confidence in all actors of the society;
- inadmissibility of cumulating of other functions, inclusive during the candidacy, thus putting in practice the principle of separation of powers;
- introduction in the constitutional and legal norms these principles;
- political actors engage in the consultations and discussions to apply into practices all these principles.

Signatories:

Sergiu Ostaf, Resource Center for Human Rights / www.CReDO.md,
Vanu Jereghi, Institute for Human Rights / www.IDOM.md,
Liubov Nemcinova, International Society for Human Rights –
office in Moldova / www.ISHR.md,
Ion Manole, Promo-LEX Association / www.promolex.md.