

Security Sector Transition in Moldova

Introduction

Moldova, like many other Eastern European nations, finds it difficult to evaluate a successful model of security sector reform, de facto reducing this process to the periodic downsizing of the armed forces and the redistribution of tasks among the institutions responsible for national security. There were many discussions and concepts, which have cleared the ground for thinking about its security environment but did not finalize in concrete actions and the reformation of the current structures. Progress towards SSR in Moldova may be identified as minimal. However, a range of legal acts were passed providing a framework for the transformation of the security sector.

Background

From its Soviet past, Moldova inherited a highly militarized economy, corruption, consolidated political power combined with an almost total lack of the political culture necessary for the normal functioning of a pluralistic society. Political and territorial separatism also remains one of the main concerns and the obstacle in the process of state-building. Russian troops have remained on Moldova's soil east of the Dniestr River supporting the Slavic population who has proclaimed a 'Dniestr Moldavian Republic' (DMR).¹ The military, financial and political support provided by Russia to the DMR over the past fourteen years has strengthened the military potential of separatists, potential now practically equal with the Moldovan Armed Forces.²

Defense reform perspective

The Moldovan AF had to be built from scratch in the early nineties. The reform process started very modestly in 1994 by drafting some declaratory documents; the slow pace of reform was a result of the conservatism reigning in the ministry of defense (MoD) and other government agencies. In July 2002, the Parliament approved a reform plan, the 'Concept of Military Reform', which is being

¹ 1,288 Russian troops were still stationed in Moldova in summer 2000. (ICG Europe Report N°147)

² The DMR's ministry of state security has some 2,000 personnel and includes a special Delta battalion of approximately 150 troops, a Cossack reserve regiment of roughly 200 and 800 border guards. The interior ministry which often supported security ministry campaigns against potential internal opposition, has about 10,000 personnel, including a special Dniestr battalion of some 500 troops. The defense ministry's forces consist primarily of four motorized rifle brigades, a tank battalion, an artillery regiment, and an anti-aircraft artillery regiment. The standing army has some 4,500 troops, plus an estimated 15,000 who can be mobilized. The People's Militia, a regularly trained and well-armed force of 2,000, about 70 percent of whom have combat experience, is also under the defense ministry. (ICG Report N°157, 17 June 2004)

implemented in three stages. The first one from 2002 to 2004 has largely been implemented (establishment of a legal basis); the second stage, concerning the years 2005 until 2008, should provide suggestions for a reorganization of the structure of the MoD and General Staff. The last stage of the reorganization will take place between 2009 and 2014. During this time period the equipment of the army will be tackled. The Concept is aiming the construction of “a relatively small, mobile, well-equipped and professional army, capable of defending the country and neutralizing different military threats and dangers”.³ However, the Concept is very difficult to implement because of a structural lack of funds.⁴ In parallel to those three stages of defense reform, preparations are underway for the achievement of European standards, which would allow the participation of Moldova in joint operations with NATO.⁵ Moldova participates in the Partnership for Peace Programme (PfP) since March 1994, which is seen in Chisinau as a guarantee to cooperation with the military-political structures of NATO. Once every two years Moldova delivers and discusses an Individual Programme for Partnership (IPP).⁶ Through the 2003 Planning and Review Process (PARP) NATO advised Moldova to do a Defense Review (DR). DR helps to contextualize Moldovan security arrangements and also serves as a short-term action plan, and to institutionalize long-term planning. According to statements made by the Ministry of Defense’s officials the MoD and General Staff have already been restructured, however, according to the recommendations provided by NATO,⁷ little has been done in fact. No real distinction was made over years between the MoD as a “civilian” body and the General Staff as the operational, military arm. Although the MOD had been under the control of civilian ministers before communist government (before 2001), it remained largely a military institution. The frequent change of government and the

³ Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives. Moldova a Self Assessment Study. DCAF 2003

⁴ The defense budget is about Euro 9-10 Million. NATO estimated that to implement the Concept of Military Reform, Moldova would probably need to allocate 2.7 percent of the GDP to defense while the current percentage is 0.7 percent. (NOSTRUM Workshop. Chisinau, April 2005)

⁵ The Constitution of Moldova proclaims the permanent neutrality of the country, ruling out membership of military blocs. However, a decade ago it was decided that this should be counterbalanced by extensive external cooperation, so Moldova has taken part in NATO’s Partnership for Peace (PfP) programme since its inception.

⁶ PfP provides for several bilateral country-tailored programs. Moldova can choose which programs it is interested in. There are three benefits that can be identified. Firstly, there are political benefits; through PfP countries open up to other countries and can share experiences with others. Secondly, there are defense-related benefits; interoperability—communication, practical cooperation, equipment, training and exercises—is a necessity nowadays. Moreover, PfP can also assist in defense reform. Finally, there are economic benefits; NATO can give support for certain PfP programs which could ease the burden of reform.

⁷ Moldovan Perspective of defense reform. (Speech of Deputy Minister, Col Tudor Colesniuc, http://www.dcaf.ch/_docs/Defenceinstitutionbuild/COLESNIUC.pdf)

subsequent removal of senior MoD officials, predominantly political appointees, prevented the creation of a stable civilian core.

New Intelligence Structure

The local KGB successor has undergone a number of changes to its status and power since independence. Firstly, it was renamed the Committee of State Security. Then it was transformed into the Ministry of National Security. Finally, its functions were divided between several new agencies (former MNS-departments). There are presently three state structures of executive authority specializing in the sphere of state security maintenance: the Information and Security Service (ISS), the State Protection Service (SPS) and the Border Guards Department (BGD). According to the Moldovan legislation, they form the system of the agencies of state security. The ISS is an intelligence and counterintelligence agency. The SPS is responsible for the protection of public establishments and certain persons who have this right according to the law. The BGD guards land boundaries and territorial waters, and represents the interests of Moldova on the state frontiers. The creation of other departments of state security is not permitted by law. The analysis of available sources leads to the conclusion that most changes within security and intelligence services were undertaken in the direction of reforming appropriate legislation. Their activities are regulated and controlled presently by the Law on State Security, the Law on the Agencies of State Security, the Law on the Information and Security Service, the Law on the State Protection Service, and the Law on Frontiers. They define the mission, legal basis, principles, activities and means of these agencies, and also the procedures for their control and supervision. However, only the President approves the programs of activity of the agencies of state security. A formal control of activity of the security agencies is carried out by the Parliamentary Commission on State Security and Maintenance of Social Order. The special services present an annual report on their activity to the Parliament, President and the Government and should answer the questions of the deputies. Legislation permits the state security agencies to establish official connections with similar agencies from other countries. For instance, the ISS is authorized to have official representatives in special services and law enforcement bodies of foreign states. The staff of ISS train mainly in Russia and the Ukraine.

Police Programs

Several international key actors have been involved with police programs in Moldova. ICITAP⁸ began its assistance to the police academy in 2001, aiming at establishing a high-tech training facility and at providing training to academy staff. The International Organisation of Migration (IOM) has also been involved in the

⁸ International Criminal Investigative Training Assistance Program (ICITAP) Available at <http://www.usdoj.gov/criminal/icitap/moldova.html>

professional development of the police focusing on counter-human trafficking measures, which is a considerable problem in Moldova. IOM also contracted La Strada⁹ to develop a curriculum for the police academy, which is currently in use. Together with Moldovan law enforcement agencies IOM developed a counter-trafficking manual, which includes interview techniques and undercover investigations. The Regional Facilitation and Negotiation Centre¹⁰ (Romania) conducted a project, which aimed at promoting ECHR¹¹ regulations and increasing public trust in the national police. One main method of doing so was training the trainers both from the police academy and college. This project focused on increasing public trust. The Council of Europe has a cooperation program to strengthen the rule of law in Moldova and one of the results of this has been the creation of a Code of Police Ethics for Moldova. Some of the key principles are enshrined in Article IX 'Guiding Principles Regarding Police Action' which deals with the right to life, ill-treatment, torture, use of force, corruption and discrimination. However, despite efforts by the international community there continued to be problems with the reform of the Moldovan police. Ill-treatment of suspects and arbitrary detention were some of the issues in 2004. Although a code of ethics has been established and a certain number of officers trained by the international community, the Moldovan police force still lacks oversight, control and accountability. It is not as yet an organization that serves the community it operates in. Police corruption remained a problem. During the year 2004 more than 119 criminal cases were brought against police staff for bribery, robbery, and abuse of office.¹²

⁹ The NGO 'La Strada' was founded in 1997. It is an international project supported by the European Community and the Government of the Kingdom of the Netherlands. The project was initiated by ST, a Dutch organization that established the Women's Counter-Trafficking Fund in 1988, following the proposal of Polish women's organizations.

¹⁰ <http://www.rfnc.ro>

¹¹ European Court of Human Rights

¹² DoS, HRR 2004

Judicial Programs

The American Bar Association Central European and Eurasian Law Initiative (ABA/CEELI)¹³ initiated the Criminal Law Reform Program in Moldova in 1999. Then, several subprograms were undertaken by ABA/CEELI. The 'Judicial reform program' has been initiated to establish sustainable institutions that can train judges and court staff in Moldovan and international law. The 'Citizens' rights advocacy network' enhances citizen participation in the justice system. This network is composed of student legal clinics, legal aid centers and the Traveling Lawyer Program. The mission of the 'Traveling Lawyer Program' is to provide quality legal services to people who are often unable to travel for legal advice or assistance due to disability, cost or lack of public transportation. The 'Advocacy Program' is aiming to provide pro bono legal services to those unable to afford a lawyer. The 'Public Education Program' is premised on the notion that, to avail themselves of legal services, citizens must know their rights and how to enforce them. By educating the public the demand for quality legal services is encouraged and, simultaneously, the pursuit of ad hoc remedies outside the formal legal system is discouraged.

A central goal of ABA/CEELI in Moldova is to broadly develop the skills of Moldovan lawyers. The Criminal Law Reform Program (CLRP) works directly with government officials, international organizations and the Moldovan legal community to increase the capacity of the Moldovan criminal justice system to investigate, prosecute and prevent criminal activity. In 2004-2005, ABA/CEELI staff was focused on implementing the revised Criminal Procedure Code (CPC) and Criminal Code (CC), which entered into force on 12 June 2003. The CPC, for the first time, includes plea-bargaining provisions that are based on the principle of an adversarial trial. The CC contains also several new subject areas, such as money laundering and an improved definition of human trafficking. The Judicial Reform Index (JRI)¹⁴ was developed by ABA/CEELI aiming to assess a cross-section of factors important to judicial reform.

Penal Reform Plans

Conditions in most prisons in the country and in Transnistria remain harsh, in some instances even life threatening, with serious overcrowding. Cell sizes do not meet local legal requirements nor international standards. The incidence of malnutrition and disease, particularly tuberculosis, is high in all prisons.¹⁵ The Association for the Prevention of Torture (APT)¹⁶ prepared the Plan of Action to Improve Prison Conditions in Moldova (Plan of Action).¹⁷ The Plan of Action sets out several main

¹³ <http://www.abanet.org/ceeli/countries/moldova/program.html>

¹⁴ <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN017565.pdf>

¹⁵ HRR, 2004

¹⁶ www.apr.ch

¹⁷ <http://www.apr.ch/europe/Moldova%20Plan%20of%20Action.pdf>

objectives including improving the training and enhancing the status of prison staff. This is seen as crucial if the conditions of detention in the country are to be improved. In Government Decision No.1624 of 31 December 2003 the Moldovan authorities officially adopted the Plan of Action. The Government is, therefore, now formally committed to addressing the areas of acute concern highlighted in the Plan of Action.

These include the need to:

- reduce overcrowding; enhance the status of prison staff;
- tackle sub-culture and inter-prisoner violence;
- improve the nutrition of detainees;
- improve the healthcare of detainees.

Many of these concerns have also been incorporated into two ongoing reform processes, the National Human Rights Action Plan of the Republic of Moldova 2004-2008 and the Plan of Measures for the Reform of the Penitentiary System 2004-2013,¹⁸ both of which have been adopted by the Government.

The Supreme Security Council

The Law 'On Defense' also provides for the establishment and operation of the Supreme Security Council (SSC), an advisory agency under the President. The structure and staffing of the SSC and its procedures are decided by the President. The members of the SSC are not empowered with additional official powers and have no right to issue orders. The primary mission of the SSC is to provide assistance in ensuring national security as well as in the development and practical realization of guidelines for security forces development. SSC has not any real executive powers and ways to exercise direct influence on the security services and army but deals with monitoring and verifying the state of affairs in the given field on behalf of the head of state. However, all required documents, which determine general directions in military construction, measures for maintenance of the country's defensive and security capabilities, are developed within the framework of the MoD, Ministry of Interior and Intelligence Services.

Parliamentary oversight of Security Forces

The Parliament has done its job in approving the long-term principles and priorities of Moldova's foreign and security policy, mainly through the adoption of a Military Doctrine and a National Security Concept. The other major constitutional role of the legislature, that is to control and correct the national security policy and strategy as well as the budgeting process, has been exercised with modest success. The small fact that the state budget submitted to the parliament also contains information

¹⁸ <http://www.kcl.ac.uk/depsta/rel/icps/icps-newsletter2.pdf>

about the military component is considered an achievement. However, the Parliament has no possibility to check the executions of the military budget, to estimate to what degree the allocated funds are being distributed in accordance with the approved budget items. The standing Parliamentary Commission for Military Issues and State Security is a body set up by legislative authorities with a view to supervising executive authorities' actions in the security sphere. Its responsibilities and authority include powers to monitor and oversee national security and defense policies, defense budgeting, and the procurement and sales of armaments and military hardware.

The above system and arrangements, however, have their limitations. The Parliament's operating experience over the past years has testified to the prevalence of corporate interests and approach to the law-making process. The MPs often only act as a kind of lobby for military circles who insist on the maximum allocations for defense. Parliamentary scrutiny of the defense budget and expenditure is ensured practically only by the governing party without the involvement of other political players. Since Moldova declared itself a parliamentary republic, the head of state has been elected by the Parliament for a four-year term and, at the same time, has large prerogatives, especially in the field of national security, defense and foreign policy. Despite the declared leading role of the legislative body, and as a consequence of the stable pro-presidential majority in the parliament, the head of state remains the most powerful player in the formulation of the security policy of the country. The prerogative to appoint the power ministers and the thus resulting control over the security sector are the President's real sources of power.

Conclusions and SSR-outlook.

Some changes in the security sector of Moldova can be seen as part of a general transition process and does not reflect a comprehensive approach to SSR. In fact, this transition process was reduced to the periodic downsizing of the armed forces and to the redistribution of tasks among defense and security agencies.¹⁹ However, while the institutions and even concepts are in place, little reform has really occurred. Moldova is looking for either governmental or non-governmental think tanks dealing with defense and security issues to help the government and the parliament in the decision-making process with respect to SSR.

Since the last parliamentary elections in February 2001, the work of the current Parliament is dominated by a communist majority,²⁰ it is characterized by the old-soviet-style "unanimous" approach to major national security issues.²¹ The limited capacity of the opposition to intervene in the decision-making process considerably reduces the quality and content of political debate. However, matters related to ensuring national security are covered in policy-making documents of

¹⁹ Chirtoaca, 2003.

²⁰ 71 out of 101 seats

²¹ Ibid

most leading Moldovan political parties. A significant degree of consensus is reported amongst the political elite and political parties concerning the democratization of the armed forces.²²

Civil society is still powerless in Moldova. The NGO-sector is donor-driven, does not deal with security and defense issues or does not pay much attention to such issues. The Moldovan mass media does not, as a rule, show any keen interest in military, defense and security subjects.²³ Only some information related to NATO cooperation emerge from time to time in the media reporting. Recent polls show, that in society, as well, the problems concerning the functioning of the army, as well as defense and national security problems and the settlement of the Trans-Dniestr conflict are not considered to be priority.²⁴ Because of the poverty and social difficulties, the majority of the population is still mostly concerned with the quality of life and the negative economic consequences of the Trans-Dniestr conflict. Being aware of these tendencies, the majority of the leading political organizations prefer to pay more attention to social and economic problems, whilst military and security issues remain in the shadows. Some minor changes in security sector in Moldova are made under outside impact and influence. Moldova's cooperation with NATO is forcing the restructuring of the defense sector. The country's hopes to join the European Union in the future will unavoidably influence police reform and reform of the justice sector. All recent efforts in the field of SSR are initiated and supported by external actors,²⁵ which are working with the support of the Government. However, the current involvement of some international organizations could rather be seen as preparation of the ground for further SSR.

²² Cojocaru, 2003.

²³ Ibid

²⁴ Ibid

²⁵ Among recognized donors present in Moldova is the USAID funding ABA/CEELI activities. There is no any evidence of German involvement in any SSR-programs in Moldova.

References:

- Association for the Prevention of Torture, <http://www.apt.ch/>
- Cibotaru, Viorel, 2003. "Good Governance and Security Sector Expert Formation in Moldova". DCAF, Geneva.
- Cutler, Robert M., 2005. *Moldova/Transdnistria*. Available at <http://selfdetermine.irc-online.org/pdf/overview/OVmoldova.pdf>
- ICG-Europe, 2003. "Moldova: No Quick Fix." ICG-Europe Report N°147
- _____, 2004. "Moldova: Regional Tensions over Transdnistria." ICG-Europe Report N°157
- Chirtoaca, Nicolae, 2003. 'Security Sector Reform in Moldova' in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, Belgrade: CCMR.
- Cojocaru, Gheorghe, 2003. 'Democratic Oversight and Control over Defence' in Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, Belgrade: CCMR.
- DCAF, 2003a. "Moldova a Self- Assessment Study." In *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives*, Geneva.
- _____, 2003b. "Parliamentary Oversight of the Security Sector in South East Europe. An Analysis of the Stability Pact Self-Assessment Studies." Available at http://www.dcaf.ch/publications/e-publications/Defence_SSG_SSE/-D_17.pdf.
- _____, 2003. "Police Reform in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies."
- Mobekk, Eirin, 2003. *Police Reform in South East Europe*. DCAF
- NATO Parliamentary Assembly. Available at <http://www.nato-pa.int/-Default.asp?SHORTCUT=326>
- NOSTRUM, 2005. "Tools for Reform and Decision-Making in Defence and Security." A NOSTRUM Workshop. Chisinau, April. Available at moldova.org/download/eng/302/
- Republic of Moldova, 1994. Constitution of the Republic of Moldova. Available at http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPA_N003695.htm
- _____. Legislation of the Republic of Moldova. Available at http://www.law-moldova.com/eng/legislation_republic_moldova.html

