

Report

CITIZENSHIP POLICY OF THE REPUBLIC OF MOLDOVA

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1. INTRODUCTION

Although the Constitution of the Republic of Moldova was not adopted until 29th July 1994, the Republic came into existence as an independent and sovereign state on the 27th August 1991, with the adoption by the Parliament of the Declaration of Independence.¹ But prior to this date, the first democratically elected Parliament of the Moldovan Soviet Socialist Republic had already adopted the Declaration of Sovereignty on the 23rd June 1990.² This momentous document explicitly provided for the establishment of a republican citizenship and the guarantee of the protection of rights and freedoms regulated by the Constitution and domestic legislation.³ This citizenship provision was legally based on the law of the Union of Soviet Socialist Republics (USSR) of the 5th May 1990, which recognised the right of union republics to adopt their own domestic laws on nationality.⁴ Between these two historically significant declarations, the Parliament adopted the Law on the Citizenship of the Republic of Moldova in June 1991. Following domestic and external developments, the Moldovan Parliament adopted a new law regulating citizenship issues in June 2000, providing for cases of multiple nationality and, after its amendment in 2003, finally granting Moldovan citizens the right to possess the nationality of another state.

The frequent changes of the legal framework on nationality have taken place within a very complex political and legal context involving radical territorial transformations and multi-ethnic populations. Among the major factors shaping this setting are the Transnistrian conflict (internal situation) and the regulation of nationality acquisition in Romania (external situation).

Transnistria is the so-called region of the Republic of Moldova situated on the left bank of the river Nistru. The region represents approximately 12% of Moldova's territory and is home to 17% of its population, the majority of whom are Russian speakers. Since 1989, there has been strong opposition in this region to the democratic independence efforts of the Republic, and in particular against the adoption of Romanian, written in the Latin alphabet, as the official language of the State. Subsequently, in September 1990, the region's authorities declared its independence and proclaimed itself the "Transnistrian Moldavian Soviet Socialist Republic within the USSR". The conflict between the governmental attempts of the Republic of Moldova to achieve territorial integrity and effective control over its eastern territories and the separatist forces on the left bank of the river Nistru escalated in an armed conflict in the summer of 1992. The secessionists had the crucial support of the Russian 14th Army stationed on the left bank. During the 1999 Istanbul OSCE Summit Russia undertook the obligation to withdraw its army, though Russian peace-keeping forces remain posted in the region. After the 1992 ceasefire and with the start of international peace efforts, the political dialogue between Chisinau (capital city of Moldova) and Tiraspol (main city in the Transnistrian region) has known many ups and downs without substantial progress. Even the "2 + 3" format (i.e. Moldova, Transnistrian region + Russia, Ukraine and the OSCE) of the conflict resolution negotiations, with the participation of the EU and the USA as observers, did not bring closer a solution acceptable to both parties. The latest developments show more active engagement of the EU and the Government of the Republic of Moldova towards the "5 + 2" negotiating format (i.e. including the EU and the USA as mediators) as "the only guarantee of the transparency and legitimacy needed to find a lasting and peaceful solution", as well as for post-conflict developments.⁵

Meanwhile, on the right bank of the river Prut, the western neighbour of the Republic of Moldova, Romania, adopted its nationality law in March 1991.⁶ Thus, since the beginning of the 1990s, Romanian legislation provides for the possibility to possess dual nationality by allowing

for the restoration of Romanian citizenship. This special legal provision is addressed to the citizens of the Republic of Moldova who before the 22nd December 1989 lost their Romanian citizenship for reasons not imputable to them or without their consent and to their first and second generation descendents. It created an atypical situation where, on the one hand, the Moldovan citizens were applying for the re-acquisition of Romanian citizenship and, on the other hand, the Moldovan legislation did not recognise the dual nationality of Moldovan citizens until 2002.⁷

2. HISTORICAL BACKGROUND

In order to understand the background of present citizenship policy of the Republic of Moldova, it is necessary to present a brief overview of certain major territorial changes, along with their strong ethnically embedded underpinnings.

2.1 Before the 1990s

Until 1812 the majority of current territories of the Republic of Moldova (with the exception of the left bank of the river Nistru) were part of the historic Romanian principality of Moldova, which also incorporated territories on the right side of the river Prut (today the north-eastern part of Romania).

During the period 1812-1917, almost all territories of the present Republic of Moldova, known as Bassarabia,⁸ were part of the Russian Empire. Between 1918 and 1940, Bassarabia united with Romania and correspondingly came under Romanian regulation of nationality.

Meanwhile, on the 12th October 1924, the USSR officially established the Moldavian Soviet Socialist Autonomous Republic (MSSAR) on the present-day territories of the Republic of Moldova Transnistrian region (then territories of the Ukrainian SSR). After its first Constitution in 1925, the MSSAR adopted a new Constitution in 1938 that provided in Article 17 for a triple citizenship of the citizens of the MSSAR (citizenship of the MSSAR, citizenship of the USSR and the citizenship of the Ukrainian Soviet Socialist Republic).⁹

As a result of the Molotov-Ribbentrop Pact of 1939,¹⁰ the Soviet Union created the Moldavian Soviet Socialist Republic (MSSR) that included the territories between the rivers Prut and Nistru (however, parts of northern and southern Bassarabia, i.e. Northern Bucovina and the Black Sea coastal area, were given to the Ukrainian SSR), and the MSSAR. The MSSR existed from 1940 until the 1991 Declaration of Independence, with the exception of a short period 1941-1944 when it was annexed to Romania under its royal dictatorship. The Constitution of the MSSR of 1941 recognised automatically all citizens of the MSSR as the citizens of the USSR, and guaranteed to the citizens of other union republics equal rights with the citizens of the MSSR. The essence of this provision on citizenship was reiterated in the 1978 Constitution of the MSSR. The new Constitution proclaimed the Moldavian republic as a sovereign soviet socialist state with the right to grant citizenship regulated by a union law.¹¹

2.2 The 1990s and Moldovan Citizenship

The 1990 Declaration of Sovereignty of Moldova, establishing the republican citizenship and stating the supremacy of republican legislation over union legislation, created the legal premises to adopt the 1991 Law on the Citizenship of the Republic of Moldova.¹²

The law was adopted after much debate (both in first and second readings) over the issue of which residents of the Republic of Moldova should acquire the legal status of citizens of the Republic of Moldova and which ones not.¹³ According to a parliamentary decision and in order to facilitate a transparent debate, the draft of the Law on Citizenship was published in the official governmental newspaper with three versions of the article stating who citizens of the Republic of Moldova were.¹⁴ On the one hand, the majority of Russian speaking MPs were supporting the so-called “version zero” of the discussed article, i.e. “citizens of the Republic of Moldova were the persons who, on the day of the entry into force of the Law on Citizenship, were residing permanently on the territory of the republic and had there a permanent source of existence”. They also expressed their discontent with the fact that the draft-law did not allow dual nationality in the Republic of Moldova (Article 6), thus excluding the additional status of citizens of the then still existing USSR. On the other hand, most of the Romanian-speaking MPs were arguing in favour of the so-called “residence census”, i.e. “persons who arrived in the MSSR after the 28th June 1940 and who, on the day of the entry into force of the Law on Citizenship, were residing permanently on the territory of the republic for at least five years (alternative third version – ten years), had there a permanent place of work or other legal source of existence and submitted an official request to acquire the citizenship of the Republic of Moldova within the period of one year after the adoption of the citizenship law”.¹⁵

Finally, the MPs opted for “version zero”, in order not to violate the rights of citizens based on their nationality, and agreed on the following groups of persons as citizens of the Republic of Moldova:

- Persons who, before the 28th June 1940, were living in Bassarabia, Northern Bucovina, the Herța district or in the MSSAR, and their descendants, if on the day of the adoption of the nationality law they were residing on the territory of the Republic of Moldova;¹⁶
- Persons born on the territory of the Republic or whose at least one parent or grandparent was born on the territory of the Republic of Moldova and are not citizens of another state;
- Persons married before the 23rd June 1990 to Moldovan citizens or their descendants, and persons returned to the country at the invitation of the President or of the Government of the Republic of Moldova. This point, however, has been introduced later, in 1993;¹⁷
- Other people who, before the 23rd June 1990 and on the day of the adoption of the Declaration of Sovereignty of the Republic of Moldova, were residing permanently on the territory of the republic and had there a permanent place of work or other legal source of existence. These persons had the liberty to decide on their citizenship within the period of one year from the day of entry into force of the law on nationality. They were considered citizens of the Republic of Moldova from the moment of submitting the relevant application for Moldovan nationality.¹⁸ Later, this period has been extended up until the 1st September 1993.¹⁹

Thus, the Parliament of the newly independent and sovereign Republic of Moldova has adopted quite an inclusive and broad approach to citizenship policy. According to official data, up until September 1993, around 4,000 persons have availed themselves of the right to decide on their status as citizens of the Republic of Moldova during the prescribed period of one year.²⁰ However, this democratic regulation of citizenship in Moldova did not guarantee a problem-free situation with regard to the status of national minorities, and the long-lasting issue of the substantial Russian-speaking population residing in the disputed region of Transnistria remains open.²¹ Moreover, Article 6 of the nationality law has stipulated that a citizen of the Republic of Moldova could not hold the citizenship of another state except in the cases provided for in bilateral treaties to which Moldova was a state party. Foreign citizens could acquire as well the citizenship of the Republic of Moldova only in the interests of the Republic and in exceptional cases by a special decision of the Moldovan President.²² This last provision is included within the 2000 Law on Citizenship as a case of multiple nationality (Article 24, para. 2).

The institution of citizenship of the Republic of Moldova was further reinforced by the Constitution of the Republic of Moldova, adopted on the 29th July 1994, which explicitly states the legal basis for citizenship in Article 17. This article also stipulates that nobody can be arbitrarily deprived of one's citizenship and one's right to change citizenship by acquiring the nationality of another state. Moldovan citizens cannot be extradited or expelled from the country. However, until 2002, the Constitution legally restricted the citizens of the Republic of Moldova from holding the nationality of other states, unless in the cases provided for by international agreements to which the Republic of Moldova is a state party.²³ Moldova has not signed any such treaties, despite some public discussions about possible negotiations of a bilateral agreement on dual nationality with Romania.

2.3 The New Millennium and Multiple Nationality

Further legal changes signalling the development of the Republic of Moldova towards a fully democratic state are evident in the ratification of various international instruments of the UN and the Council of Europe, including the ratification on the 14th October 1999²⁴ of the Council of Europe's European Convention on Nationality.²⁵ Among the innovative features of this internationally agreed convention are its provisions on multiple nationality.²⁶

At the same time of these legal transformations, Moldova was increasingly confronted with the dilemma of *de jure* prohibition of dual citizenship and *de facto* increasing number of Moldovan citizens applying for the restitution (re-acquisition) of Romanian citizenship. The Romanian nationality law allows dual citizenship in the case of re-acquisition of Romanian citizenship by former Romanian citizens and their first and second generation descendants who, before the 22nd December 1989, lost Romanian citizenship for reasons not imputable to them.²⁷

Subsequently, the Parliament of the Republic of Moldova adopted a new Law on Citizenship on the 2nd July 2000 that translated into domestic legislation its international commitment to respect the principles of non-discrimination and avoidance of statelessness, and to recognise certain exceptional cases of multiple nationality for its citizens, including in some cases of naturalisation.²⁸ Nevertheless, the constitutional provisions on the citizenship of the Republic of Moldova and the legal status of foreign citizens and stateless persons (Articles 17-19 of the Constitution of the Republic) were amended only in 2002.²⁹ According to this constitutional amendment, the legal restriction of the citizens of the Republic of Moldova from

holding the nationality of other states was excluded from the Moldovan Constitution. The following year, the Law on the Citizenship of the Republic of Moldova was finally amended to allow its nationals, who had acquired the citizenship of the Republic of Moldova either by birth or through recognition or restitution, to possess the nationality of another state, without losing the Moldovan citizenship.³⁰

3. ACQUISITION AND LOSS OF NATIONALITY

The main legal framework regulating the citizenship of the Republic of Moldova is comprised of the provisions of the Moldovan Constitution, the European Convention on Nationality and the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession,³¹ and the 2000 Law on the Citizenship of the Republic of Moldova.

3.1 Acquisition of Moldovan Citizenship

The nationality of the Republic of Moldova establishes a permanent political and legal link between citizen and state, generating a set of mutual rights and obligations that are regulated on the basis of the following main principles: (i) the right of each person to a nationality; (ii) non-discrimination of citizens, without distinction as to the basis of acquiring the nationality; (iii) inadmissibility of arbitrary deprivation of a person's nationality or of one's right to change the nationality by acquiring the citizenship of another country; (iv) avoidance of statelessness; (v) the change of nationality of one spouse does not generate effects upon the nationality of the other spouse or upon the nationality of the child, unless there is a written request thereto by both parents.³²

The acquisition of the citizenship of the Republic of Moldova is based on the following principles: (i) *jus sanguinis*; (ii) *jus soli*; and (iii) naturalisation. Thus, Moldovan nationality can be acquired through: (a) birth, including legitimation; (b) recognition; (c) adoption; (d) re-acquisition; (e) naturalisation; and (f) on the basis of international agreements to which the Republic of Moldova is a state party.³³

A child acquires the nationality of the Republic of Moldova if (a) at least one of the parents possesses Moldovan nationality at the time of the child's birth, or (b) the child is born on the territory of the Republic of Moldova of stateless parents or (c) the child is born on the territory of Moldova of foreign citizens or one of his/her parents is a foreign citizen and the other is a stateless person. In order to comply with the principle of avoidance of statelessness, any child found on the territory of the Republic of Moldova is considered a Moldovan citizen, as long as the contrary is not proven, until the child reaches the age of 18 years (when, for instance, under certain conditions provided for in legislation, the person can acquire the citizenship of another state through naturalisation).³⁴ The stateless child adopted by citizens of the Republic of Moldova acquires automatically the Moldovan citizenship. When one of the adopting parents is a Moldovan citizen and the other is a foreign citizen, the nationality of the child is decided by common agreement of both parents.³⁵

3.1.1 The Recognition of Moldovan Citizenship

The current Law on Citizenship continues the legal approach to the acquisition of nationality by way of recognition that was first stipulated in the previous law of 1991 and subsequently amended in 2003 and 2004.

Thus, all the persons who acquired and retained Moldovan nationality according to the previous legislation, as well as persons who acquired the nationality according to the new law, are citizens of the Republic of Moldova, even if they possess the nationality of another state. The recognition of Moldovan nationality extends to all persons who expressed their intention to become citizens of the Republic of Moldova and who fulfil the following conditions, namely:

- Persons born on the territory of the Republic of Moldova or persons one of whose parents or grandparent was born on the territory of the Republic of Moldova;
- Persons who before the 28th June 1940 were living in Bassarabia, Northern Bucovina, the Herța district or in the MSSAR and their descendants, if they reside lawfully and habitually on the territory of the Republic of Moldova. The new law uses the legal language of the European Convention on Nationality, i.e. “lawfully and legally residing”, and does not mention the condition of “permanent work or other legal source of income” provided for in the previous 1991 nationality law;
- Deported persons and refugees from the territory of the Republic of Moldova since the 28th June 1940 and their descendants;³⁶
- Persons who on the 23rd June 1990 were lawfully and habitually residing and continue to reside on the territory of the Republic of Moldova. This last point, provided for in the 1991 law on the nationality of the Republic of Moldova with a one-year registration period further extended till the 1st September 1993,³⁷ has been added to the new law in 2004.³⁸ This measure acknowledges the pending problem with the recognition of Moldovan citizenship to persons living on the left side of the river Nistru, most of whom still have internal passports issued by the former USSR. Consequently, it leaves open a window for persons residing in the Transnistrian region and meeting the conditions of the 2000 nationality law (Article 12) to confirm their Moldovan citizenship.

In accordance with the amendments introduced in 2003, the domestic legislation stipulates that any person who held in past the nationality of the Republic of Moldova can re-acquire it upon request (i.e. restitution of citizenship), retaining the foreign nationality if he/she so desires, except when Moldovan nationality has been withdrawn for committing serious acts causing substantial damage to the state.³⁹

3.1.2 Acquisition through Naturalisation

Following democratic traditions and complying with the European Convention on Nationality, the domestic law provides for the possibility of naturalisation of persons lawfully and habitually residing on the territory of the Republic of Moldova. Consequently, persons reaching the age of 18 years can acquire the nationality of the Republic of Moldova upon request, if:

- a) Although not born on the territory, he/she has been lawfully and habitually residing in the Republic of Moldova for at least 10 years, or has been married to a Moldovan citizen for at least 3 years, or has been lawfully and habitually residing for at least 3 years with

parents or children (including in the case of adoption), citizens of the Republic of Moldova; or

- b) He/she has been lawfully and habitually residing on the territory of the Republic of Moldova for a period of 5 years beginning before the age of 18 years; or
- c) He/she is a stateless person or a legally recognised refugee and has been lawfully and habitually residing on the territory of the Republic of Moldova for at least 8 years.

Under the nationality law, all persons acquiring the nationality of the Republic of Moldova through naturalisation must fulfil the following conditions: (i) knowledge and respect of the Constitution of the Republic of Moldova; (ii) sufficient knowledge of the state language to integrate into the social life; (iii) legal sources of subsistence; and (iv) loss or renunciation of foreign nationality, except when the loss or the renunciation is not possible or cannot be reasonably requested or when multiple nationality is permitted by international agreements to which the Republic of Moldova is a state party.⁴⁰ A knowledge of the Moldovan Constitution and of the state language is not a mandatory condition for retired persons (on grounds of age) and for disabled persons whose disability is established for an indeterminate period. All other applicants for the Moldovan nationality through naturalisation, according to Article 18(1) of the nationality law, are considered to possess adequate level of knowledge of the state language if they sufficiently understand the common/spoken language and the official information, and can discuss and respond to questions about everyday life. They must also be able to read and sufficiently understand any text on a social topic, any law or other normative act and to write an essay on a topic about everyday life.⁴¹

Notwithstanding the right of naturalisation, the state reserves its sovereign right to refuse granting the nationality of the Republic of Moldova in explicitly and legally stipulated cases: (a) when the person has committed international or military crimes, or crimes against humanity; (b) when the person has been involved in terrorist activity; (c) when the person has been sentenced to deprivation of freedom for premeditated offences and has criminal record, or at the moment of examining the request is under criminal investigation; (d) when the person practises an activity that endangers state security, public order, the health and morality of the population; (e) when the person is citizen of a state with which the Republic of Moldova has not signed an agreement on dual nationality, with the exception of cases where the loss or renunciation of foreign nationality is not possible, or cannot be reasonably requested and when the Moldovan nationality is granted by presidential decree in the interests of the Republic and in other exceptional cases.⁴²

3.2 Loss of Moldovan Nationality

The loss of nationality of the Republic of Moldova can occur through: (i) renunciation by the citizen; (ii) withdrawal by the state or (c) on the basis of international agreements to which the Republic of Moldova is a state party.

3.2.1 At the Initiative of the Person

Only persons reaching the age of 18 years can renounce their nationality. The renunciation of Moldovan nationality is not approved if the person concerned does not prove the possession or impending acquisition, or the guarantee of acquisition, of a foreign nationality, or if the person

has been called for or already is in military service whilst lawfully and habitually residing in the Republic of Moldova.

On the 4th December 2008, the Moldovan Parliament adopted in first reading a draft-law that amends the procedure of citizenship renunciation. According to these amendments, the renunciation of the citizenship of the Republic of Moldova will be allowed only to persons residing in a foreign country. On this occasion, the Minister of Informational Development of the Republic of Moldova explained that these changes were necessary, because of the increasing number of persons requesting the renunciation of Moldovan nationality while continuing to reside in the country as foreign citizens. He stressed that presently approximately 10 thousand applications to renounce the Moldovan citizenship and only 6 thousand requests to acquire the citizenship have been approved.⁴³

3.2.2 *At the Initiative of the State*

As mentioned above, the Republic of Moldova has aligned itself with the regulatory principles of guaranteeing everyone the right to a nationality, avoiding statelessness and arbitrary deprivation of nationality. After several amendments in 2001 and 2003, and in accordance with the provisions of the European Convention on Nationality (i.e. Article 7 “Loss of nationality *ex lege* or at the initiative of a State Party”), domestic legislation explicitly provides for strict procedure and exhaustive cases of withdrawal of Moldovan citizenship as an exception.

The nationality of the Republic of Moldova is withdrawn when: (i) the person acquired Moldovan nationality by means of fraudulent conduct, false information or concealment of any relevant fact; or (ii) the person voluntarily enrolled in the service of a foreign military force; or (iii) the applicant committed serious acts that are prejudicial to the vital interests of the state. The withdrawal of citizenship is not permitted if the person concerned would thereby become stateless, with the exception of above-mentioned first case. Moreover, the withdrawal of the Moldovan nationality can take effect only through the decree of the President of the Republic of Moldova, and does not affect the nationality of the spouse or children.⁴⁴

3.3 Multiple Nationality

One of the most debated and innovative issues with regard to the 2000 Law on the Citizenship of the Republic of Moldova concerned the new chapter on multiple nationality (chapter IV). Although, *de facto* many Moldovan citizens were applying for the nationality of another state (e.g. Romania, Russia, Ukraine, Bulgaria, Turkey, etc.) since the beginning of the 1990s, the Parliament of the Republic of Moldova took the ratification of the European Convention on Nationality in 1999 as the trigger to start adjusting the domestic legislation on citizenship to the realities of the state. After introducing the constitutional amendment in 2002, the Parliament amended the nationality law in 2003 and repealed the provisions prohibiting Moldovan citizens to possess the nationality of other state.

Presently, after several amendments, the legal provisions explicitly, but not exhaustively, allow for citizens of the Republic of Moldova to possess dual nationality in the following circumstances:

- (i) children have automatically acquired at birth the nationality of the Republic of Moldova and the nationality of another state;
- (ii) citizens of the Republic of Moldova possess concomitantly the nationality of another state automatically acquired through marriage;
- (iii) children, who are citizens of the Republic of Moldova and who have acquired the nationality of another state as a result of adoption;
- (iv) multiple nationality is provided for in the international agreements to which the Republic of Moldova is a signatory state;
- (v) renunciation or loss of nationality of another state, is not possible or cannot be reasonably requested.

The President of the Republic of Moldova can grant by presidential decree the nationality of the Republic of Moldova to citizens of other states in exceptional cases and in the interests of the Republic.

An important and unprecedented legal provision, added to the Law on the Citizenship of the Republic of Moldova in 2003, explicitly states that the acquisition of another nationality by a Moldovan citizen does not lead to the loss of Moldovan nationality.⁴⁵ However, the acquisition by a foreign national of the citizenship of the Republic of Moldova through naturalisation is subject to the renunciation or loss of any previous nationalities, except where such renunciation or loss is not possible or cannot reasonably be required. This provision (i.e. Article 17(1) g) of the Law on Citizenship) is in accordance with Article 16 of the European Convention on Nationality on conservation of previous nationality, the general wording of which leaves room for subjective interpretation by the domestic authorities. Consequently, the regulation of multiple nationality in the Republic of Moldova creates an “asymmetric” situation for Moldovan citizens acquiring or possessing the nationality of another state and for foreign nationals acquiring the Moldovan citizenship.

Moldovan citizens, lawfully and habitually residing on the territory of the Republic of Moldova and lawfully possessing the nationality of another state, benefit equally from the same rights and duties as other citizens of the Republic of Moldova. A Moldovan citizen who holds multiple nationality is subject to a military obligation towards the Republic of Moldova if lawfully and habitually residing within the territory, even if he/she is exempted from military service in relation to the other state. However, the fulfilment of military obligations can be required only in relation to one state, therefore the Moldovan citizens who have fulfilled their military service in relation to the Republic of Moldova are deemed to have fulfilled their military obligations in relation to any other state of which they are also citizens.

3.4 Procedural Aspects

Decisions concerning the acquisition, restitution, renunciation and withdrawal of Moldovan citizenship fall within the competence of the President of the Republic, who determines the matter in accordance with domestic legislation before issuing a decree or presenting written argumentation of any decision to refuse a grant of citizenship

Applications regarding the acquisition or loss of citizenship are addressed to the President of the Republic of Moldova and submitted to the appropriate territorial department of the Ministry of Informational Development, if the person is lawfully and habitually residing on the territory of the Republic of Moldova, and to the consulate representative of the Ministry of Foreign Affairs

and European Integration if the person is lawfully and habitually residing abroad. The relevant authority then collects data about the applicant and within one month (or three months, if the person resides outside of the territory of the Republic of Moldova) must make an argued opinion on the case. This opinion is submitted in to the President of the Republic of Moldova, in conjunction with any information presented by the Intelligence and Security Service and the Ministry of Internal Affairs, for final examination and decision. When the condition of a court order was excluded in 2001, the same process of deliberation is followed for the withdrawal of Moldovan citizenship. The applications for the acquisition or loss of the Moldovan citizenship are examined up until one year. On citizenship matters, the President of the Republic of Moldova is assisted by a special Commission for Problems on Citizenship and Granting of Political Asylum that deals mainly with preliminary examinations of citizenship applications.

If a person does not agree with the decision of the President of the Republic of Moldova, he/she can appeal to the Supreme Court of Justice within the period of six month from the day on which the decision enters into force. In case of other complaints against the decisions and actions of the public authorities (e.g. refusal to accept the application for citizenship, violation of the period or the procedure to examine the application for citizenship and to apply the decisions on citizenship issues, refusal to grant citizenship, etc.), the person can file a lawsuit under domestic legislation.

4. BEYOND THE LAW: CURRENT POLITICAL DEBATES

4.1 Too Much Power for President?

Following ratification of the European Convention on Nationality, the legislation regulating citizenship of the Republic of Moldova has undergone developments essential to the implementation of the right to hold multiple nationality as secured in the Convention. As we have seen above, the Republic of Moldova adopted a new Law on Citizenship in 2000 that, after its amendment in 2003, allowed Moldovan citizens for the first time to possess legally the nationality of another state without exception.

One year later, the Communist parliamentary majority amended this law in order to give the President of the Republic of Moldova the right to withdraw Moldovan nationality without the necessity of a court order.⁴⁶ The parliamentary opposition has accused the governing Communist party of monopolising and abusing this power in violation of the legal guarantee against arbitrary deprivation of nationality (a guarantee provided for in Article 4 of the European Convention on Nationality, Article 15 of the Universal Declaration of Human Rights and Article 17 (2) of the Moldovan Constitution), as well of the constitutional principle of presumption of innocence. On the 19th March 2002, the Constitutional Court of the Republic of Moldova adopted a decision recognising the constitutionality of this amendment, with a dissenting opinion in favour of the necessity of court order to withdraw Moldovan citizenship.⁴⁷

An example of the problems arising from the exercise of such wide Presidential discretion is illustrated by the withdrawal on the 19th October 2001 of the Moldovan nationality of the former honorary consul of Lebanon to Chisinau by decree of President Voronin, his presence in the country being considered undesirable because of certain accusations levelled against him. These accusations included connections to a terrorist organisation and involvement in drug and human trafficking. This case had been widely reported in the media, as the former honorary

consul denied the accusations and voiced his intention to appeal in court the decision of the Moldovan authority to withdraw Moldovan nationality.⁴⁸ Finally, in June 2003 President Voronin issued a decree on the restitution of Moldovan citizenship to the former honorary consul of Lebanon and the annulment of his previous withdrawal decree, thus bowing to political pressure, according to some analysts.⁴⁹

4.2 Long Road to Lawful Multiple Nationality

The continuous evolution of the domestic legal framework on nationality is taking place within a vast and controversial public discourse and political debate. On the one hand, some politicians and scholars argue that the Republic of Moldova was pressured by the international community to legally recognise and regulate the holding of multiple nationality, namely in order to contribute to the resolution of the Transnistrian conflict.⁵⁰

On the other hand, following the Romanian adoption of a law on nationality in 1991 that made special provisions for the re-acquisition of Romanian nationality, an increasing number of Moldovan citizens have started applying for Romanian nationality.

There is no official data, but different estimations show that in the year 2000 there were around 200,000 applications of Moldovan citizens for the re-acquisition of Romanian nationality, increasing to more than 500,000 applications in 2006. At present this number fluctuates between 800,000 and 1.5 million applications out of a total population of the Republic of Moldova of 3.8 million.⁵¹ In the period 1991-2001, it is estimated that between 95,000 and 300,000 Moldovans re-acquired Romanian nationality.⁵² However, since 2002 the number of Moldovan citizens who actually re-acquired the Romanian nationality has decreased significantly.⁵³ Moreover, statistical data indicates that the applications of Moldovan citizens for re-acquisition of Romanian nationality take an average of 46 months to process, while in the case of citizens of Western European states or stateless persons the process takes around 18 months.⁵⁴ Many Moldovans are dissatisfied that the examination of citizenship applications takes so long and some of them filed a lawsuit in the Romanian court against the Ministry of Justice of Romania. Although Romania simplified the procedure of re-acquisition of citizenship by Moldovans, there is a serious deficit in its institutional capacities to deal with such a large quantity of citizenship applications it receives.

This situation has raised major discussions amongst politicians and experts regarding the risks entailed for Moldova (specifically for the labour market) by the increasing number of Moldovan citizens applying for the re-acquisition of Romanian nationality. However, independent analysts argue that the acquisition of dual nationality does not make Moldovan citizens less patriotic.⁵⁵ Moreover, in the case of re-acquisition of Romanian or Bulgarian nationality by Moldovans and subsequent access to the status of the EU citizens, this situation would foster the European aspirations of the country. The sensitive issue of Moldovans applying for Romanian citizenship has recently been highlighted in discourse surrounding the introduction of a legal prohibition upon persons with dual nationality from holding public positions. This initiative, which was proposed and adopted by a Communist parliamentary majority, is discussed in the next section.

4.3 Moldova: Land of Political and Legislative Paradoxes

In 2008 the Moldovan Parliament amended the domestic legislation relating to dual nationality, prohibiting those possessing both Moldovan nationality and the citizenship of another state from holding certain public positions. The law No. 273-XVI on amendments covers members of the Government, police (positions having access to state secrets), the Court of Accounts, Constitutional Court, the Public Service (positions having access to state secrets), judges, members of the Board of Directors of the National Bank of Moldova, members of the Central Electoral Commission, MPs, state guards, members of the Board of Directors of the National Commission of Financial Markets, Intelligence and Security Service officers, customs authorities (positions having access to state secrets), President of the Republic of Moldova, the diplomatic Service, the Centre for Combating Economic Crimes and Corruption (positions having access to state secrets), the Prosecutor's office, the State Service of Special Couriers, mayors and presidents of local public administration.⁵⁶

These amendments have been the focus of many deliberations and controversial debates, both before and after their adoption.⁵⁷ The draft of Law No. 273-XVI was elaborated at the beginning of 2007, shortly after Romania joined the European Union. On the 11th October 2007 the Parliament, by vote of the Communist parliamentary majority, adopted the draft law in first reading. Agreement over the final reading of the law on amendments was reached by the Parliament on the 7th December 2007. According to the Communist MPs and the Government, this law is necessary to ensure national security, to strengthen the statehood of the Republic and to prevent possible conflict of interests. However, President Voronin refused to promulgate this law and the Parliament had to re-vote this draft law on the 10th April 2008.

The amendments introduced by Law No. 273-XVI were heavily criticised by the political opposition for not complying with constitutional principles and European standards, i.e. the principle of non-discrimination and the provisions of Article 17 of the European Convention on Nationality. For instance, Article 17 of the European Convention on Nationality stipulates that "nationals of a State Party in possession of another nationality shall have, in the territory of that State Party in which they reside, the same rights and duties as other nationals of that State Party". Curiously enough, Law No. 273-XVI has also amended the domestic implementation of Article 17 of the European Convention on Nationality by adding the qualification "except the cases provided for by the law" to the right contained in Article 17. Furthermore, the provisions of the Law No. 273-XVI leave room for differential treatment of Moldovan citizens possessing dual nationality, because the prohibition from holding certain public positions applies to persons residing on the left side of the river Nistru only in so far as it will be stipulated in the foreseen legislation regulating the special legal status of the Transnistrian region.

Moreover, some experts contend that the deliberation of the draft-law did not satisfy the requirements and conditions of legislative procedure. For example, it was characterised by a lack of scientific and practical argumentation of the need to adopt such amendments, a failure to conduct impact assessments and an absence of evaluation of the number of persons being affected.⁵⁸ Furthermore, it has been argued that the provisions contained within Law No. 273-XVI are contrary to the Constitutional guarantees of equality before the law, equality of rights of Moldovan citizens and especially the right to equal access to public positions. The parliamentary opposition has clearly stated that this law only delays the resolution of the Transnistrian conflict, because the majority of the population on the left bank of the river Nistru possess dual

nationality (around 60,000 residents have Ukrainian nationality and the other 90,000 have Russian passports).⁵⁹

The justification advanced by the Communist parliamentary majority for the amendments contained in Law No. 273-XVI is that dual nationality infringes upon issues of loyalty and sovereignty, as those people in sensitive public positions who possess dual nationality might be politically and legally responsible towards different countries. However, the Law No. 273-XVI on amendments does not provide for a mechanism to check the dual nationality of candidates for public positions or to guarantee the rights of Moldovan citizens already holding public positions and possessing dual nationality.⁶⁰ Political analysts underline that, although dual nationality has been legalised in 2003, the Communist parliamentary majority proposed and adopted the law prohibiting certain categories of public officials from possessing dual citizenship only in 2007 (entered into force in 2008) as an attempt to gain leverage in the forthcoming 2009 parliamentary election.⁶¹ Thus, persons holding dual citizenship can participate as electoral candidates in the Parliament, but they will have to renounce the foreign citizenship if elected as MPs.

Shortly after the Parliament passed the law on amendments in its final reading, a political party came forward with a statement that the President of the Republic of Moldova, Mr. Vladimir Voronin, possesses the nationality of the Russian Federation. On the following day, the presidency issued an official declaration that President Voronin does not possess and never did possess Russian nationality.⁶²

Finally, the adoption by the Republic of Moldova of these legislative amendments has triggered a response in the international arena. The European Commission against Racism and Intolerance of the Council of Europe and the Venice Commission have criticised the prohibition on certain categories of public servants possessing dual nationality, emphasizing the incompatibility between these provisions and the commitments Moldova had undertaken when ratifying the European Convention on Nationality.⁶³ On the 11th September 2008 a member of the Social-Democratic Party of Romania and MEP addressed the Council and the European Commission with the request to examine the conformity of the interdiction of dual nationality for holders of public positions in the Republic of Moldova with European democratic norms.⁶⁴ A complaint has also been lodged before the European Court of Human Rights by the vice-president of the Liberal-Democratic Party of Moldova, Mr. Alexandru Tanase, and the mayor of Chisinau municipality, vice-president of the Liberal Party of Moldova, Mr. Dorin Chirtoaca, on the grounds that the Government of the Republic of Moldova is limiting the rights of persons possessing dual nationality.⁶⁵ Both the government of the Republic of Moldova and the Government of Romania submitted pleadings to the European Court of Human Rights, as the applicants possessed both Moldovan and Romanian nationality.⁶⁶ On the 18th November 2008 the European Court of Human Rights issued its Chamber judgment in the case *Tanase and Chirtoaca v. Moldova*, holding unanimously that the amendments adopted by the Moldovan Government “had been disproportionate, in violation of Article 3 of Protocol No. 1 (right to free elections) to the European Convention on Human Rights”.⁶⁷ This case has been developed around the political rights of Moldovans with dual citizenship in the light of the forthcoming 2009 parliamentary election in Moldova. The applicants argued a breach of their right to stand as candidates in free elections and to take their seats in Parliament if elected, thus ensuring the free expression of the opinion of the people in the choice of legislature as guaranteed by Article 3 of Protocol No. 1 to the Convention. Here, the Court emphasised the importance of interpreting the electoral legislation in the light of the political evolution of Moldova and the historical and political factors specific to it. The Court considered that the provisions of the Law No. 273-XVI

satisfied the requirements of lawfulness and pursued the legitimate aim of ensuring the loyalty of MPs to the state of Moldova. However, it noticed the evident incompatibility between these provisions and Article 17 (1) of the European Convention on Nationality, i.e. “nationals of a State Party in possession of another nationality shall have, in the territory of that State Party in which they reside, the same rights and duties as other nationals of that State Party”. Moldova is the only Member State of the Council of Europe that, being subject to the obligations undertaken under Article 17 (1) of the European Convention on Nationality, allows dual nationality whilst at the same time prohibits persons possessing multiple citizenship from being elected to Parliament. When, the Moldovan Parliament amended the legal framework on citizenship in 2002 and 2003 to allow Moldovans to possess multiple nationality, it did not provide for any limitations to the political rights and the loyalty of persons acquiring another citizenship. Moreover, the Court stressed that “in a democracy, loyalty to a State does not necessarily mean loyalty to the actual government of that State or to a certain political party ... and that there are other methods available to the Moldovan Government to secure the loyalty of MPs to the nation”.⁶⁸ In short, the Court concluded that the Law No. 273-XVI is not justified and thus disproportionate in its effect to the aim pursued.

Meanwhile, presidential decrees approving the renunciation of Moldovan nationality to 289 persons entered into force on the 1st April 2008. During the same period, the nationality of the Republic of Moldova has been acquired only by three persons (from Azerbaijan, Georgia and Turkmenistan), each of whom are permanently resident on the territory of the Republic of Moldova. In addition, President Voronin has granted to nine former Moldovan citizens the possibility of re-acquiring the nationality of the Republic of Moldova.

5. STATISTICS

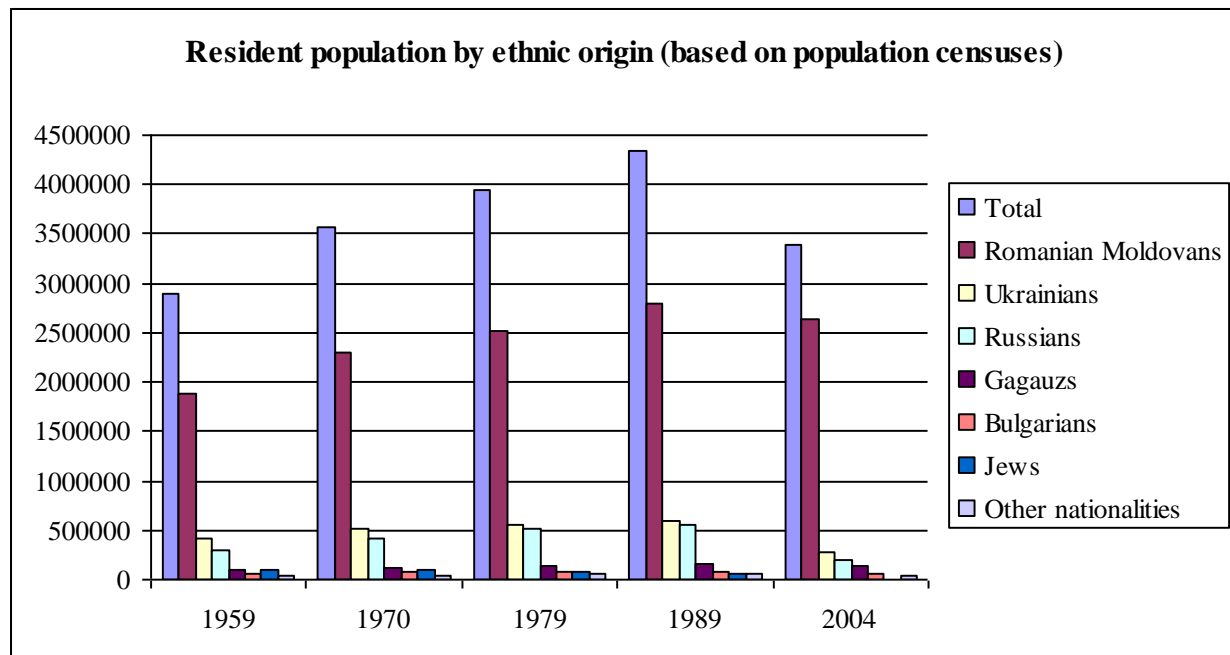
The population of the Republic of Moldova is around 3.8 million people.⁶⁹ According to the Article 28 (e) of the Law on Citizenship, the Ministry of Information Development (MID) of the Republic of Moldova is responsible for keeping records of persons who acquire or lose the Moldovan citizenship. A subdivision of this ministry, namely the State Information Resources Centre “Registru”, is compiling and analysing the statistical data on the citizenship of the Republic of Moldova since 1992.⁷⁰

Table 1: Population of the Republic of Moldova by citizenship, situation of 1st March 2009⁷¹

	Citizenship	Number
1	Republic of Moldova	3772565
2	Russian Federation	4552
3	Ukraine	3999
4	Romania	337
5	Turkey	261
6	Belarus	177
7	Israel	158
8	Arabic Republic of Syria	152
9	Kazakhstan	145
10	Azerbaijan	132

11	Armenia	122
12	Jordan	92
13	Italy	77
14	United States of America	60
15	Georgia	56
16	Germany	54
17	Uzbekistan	50
18	Other (79 countries)	617

The National Bureau of Statistics of the Republic of Moldova is providing general data on the composition and structure of the population, as well as demographic processes.⁷²

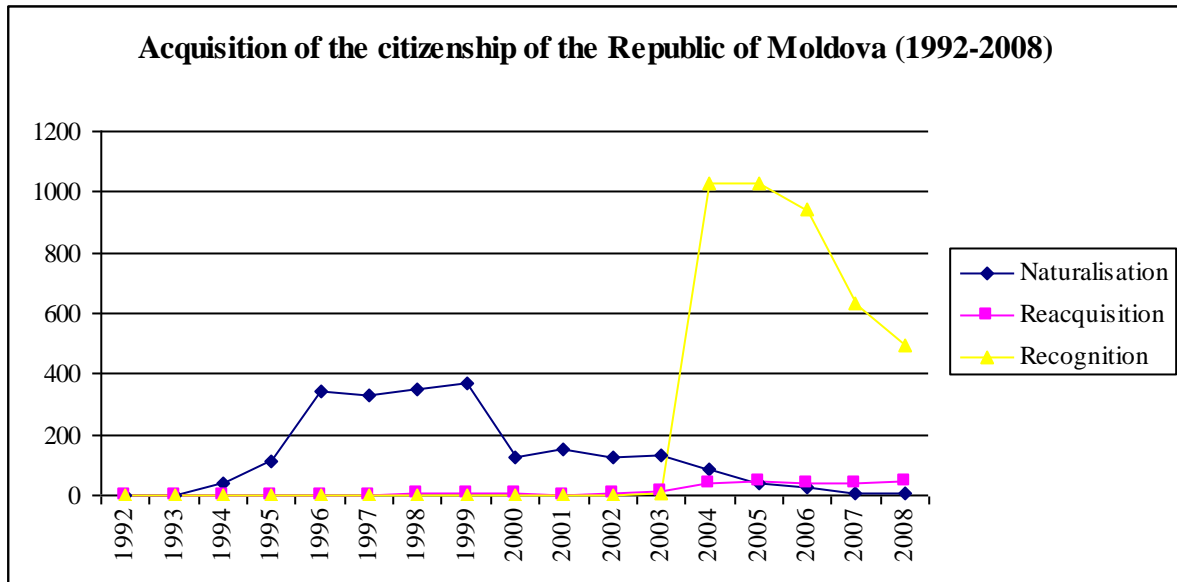


Source: National Bureau of Statistics of the Republic of Moldova, <http://www.statistica.md/>

During the period 1992-2008, the citizenship of the Republic of Moldova was acquired by 6624 persons, of which: through recognition – 4132; through naturalisation – 2245; and through re-acquisition – 247. Within the same time frame, 10704 people have lost the Moldovan citizenship: at the initiative of the person – 10577 and at the initiative of the state – 127.

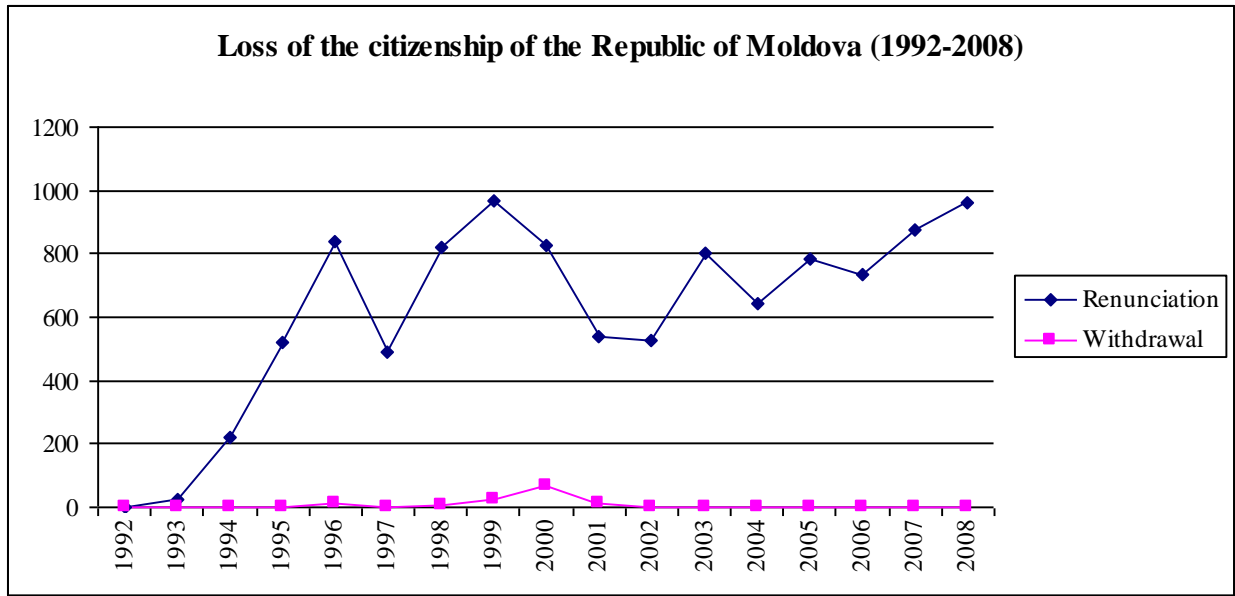
Moreover, since 2000 the MID examines statistical information on the acquisition and loss of the Moldovan citizenship according to the criterion of ethnic origin. Thus, during the years 2000-2008, the citizenship of the Republic was acquired by 4641 persons and the main ethnic groups were: Romanians/Moldovans – 1795, Russians – 1111, Ukrainians – 851, Jews – 351, Gagauzs – 99, Bulgarians – 97, Armenians – 61, Belarusians – 54, Azerbaijani - 39 and others. In the same period, 5928 people have renounced the citizenship of the Republic of

Moldova, namely Ukrainians – 2409, Romanians/Moldovans – 1452, Russians – 1297, Belarusians – 290, Bulgarians – 166, Gagauzs – 115, Jews – 66, Germans – 52 and others.



Source: *The Ministry of Information Development of the Republic of Moldova, February 2009*

The changes of statistical data on the acquisition of the Moldovan citizenship show that the adoption of the 2000 Law on Citizenship impacted negatively on the number of applications for naturalisation. This fact can be explained by the more detailed provision of the naturalisation conditions, especially the required level of knowledge of the state language. The constitutional amendment in 2002 and the subsequent amendment of the Law on Citizenship in 2003 finally allowing Moldovan citizens to possess the nationality of other state have triggered an important increase of the requests to acquire the Moldovan citizenship through recognition. However, since 2005 onwards, the number of persons acquiring the citizenship of the Republic, namely through naturalisation, has decreased significantly.



Source: *The Ministry of Information Development of the Republic of Moldova, February 2009*

An interesting phenomenon can be noticed when analysing the data on the loss of Moldovan citizenship. In the first half of the 1990s, the number of persons who renounced the Moldovan citizenship has raised dramatically. The lifting of the constitutional prohibition to possess dual citizenship in 2002 did not restrained the general trend and only in 2008 there were 960 persons who lost the citizenship of the Republic of Moldova at their own initiative. This picture explains the recent legal initiative of the Moldovan Parliament to amend the Law on Citizenship in order to allow the renunciation of the citizenship of the Republic of Moldova only to persons residing in a foreign country.⁷³

6. CONCLUSION

Since its independence in 1991, the Republic of Moldova is still shaping its law and policy on citizenship. On the one hand, the legal framework on nationality and citizenship is shaped by the paradoxes of domestic politics, characterised by the still unresolved Transnistrian conflict and by the inconsistent actions and statements of the governing Communist party. On the other hand, the special provisions of the Romanian law on re-acquisition of nationality with direct repercussions on Moldovan citizens continue to impact upon the implementation of Moldovan legislation regarding the possession of multiple nationality. Since 1991, the number of Moldovans applying for the nationality of another state (e.g. Romania, Russia, Ukraine, Turkey and Bulgaria) has grown exponentially.

The first Law on the Citizenship of the Republic of Moldova of 1991 has been amended on many occasions on the road of the young state towards democracy and the rule of law. After a decade of experienced state-building, Moldova adopted a new Law on Citizenship in 2000. This law is still in force, but has been amended frequently. The law provides not only for the acquisition and loss of Moldovan nationality, but also stipulates certain exceptional cases in which dual citizenship is permitted. However, it took several more years for the Parliament of

the Republic of Moldova to repeal the constitutional prohibition for Moldovans to possess the nationality of another state in 2002, amending correspondingly the Law on Citizenship in 2003.

This “triumph of democracy” has, however, not lasted too long. In 2007 the Communist parliamentary majority adopted new amendments that entered into force in May 2008, on the eve of the 2009 parliamentary elections. These amendments introduced a prohibition on Moldovan citizens with dual or multiple nationality from holding public positions, including from becoming members of the Parliament. On the 18th November 2008 the Strasbourg Court made public its Chamber judgement on a case filed by two Moldovan politicians with dual nationality and held as disproportionate and in violation of the right to free elections the ban on persons holding dual citizenship from sitting in the Parliament. Subsequently, the Liberal-Democratic Party of Moldova addressed the Constitutional Court of the Republic of Moldova in order to control the constitutionality of this legal prohibition. Now, the question is what the next step of the Government of the Republic of Moldova will be. The most probable scenario is that the governing Communist party would delay the execution of the judgement of the European Court of Human Rights until the 2009 parliamentary election, for example, by lodging an appeal to the Grand Chamber of the Strasbourg Court.⁷⁴

To conclude, Moldova finds the way to create by its own hand problems regarding the nationality policy on a territory of 33.8 sq km with a population of 3.8 million. This makes one think of how geo-politics plays a crucial role for the ordinary citizen and its legal status.

LEGISLATION

Chronological list of citizenship-related legislation of the Republic of Moldova:

Year	Legal Act	Description
1991	Law on the citizenship of the Republic of Moldova, No. 596-XII of 05.06.1991 (abrogated)	General principles; acquisition and loss of citizenship; procedure for re-acquisition and withdrawal of citizenship; appeal against the decisions on citizenship issues.
1991	Decision of the Parliament of the Republic of Moldova No. 597-XII of 05.06.1991 (abrogated)	Entry into force and mode of application of the Law on the citizenship of the Republic of Moldova.
1992	Decision of the Parliament of the Republic of Moldova No. 1138-XII of 04.08.1992, M.O. of RM No. 8/217 of 30.08.1992 (abrogated)	Adopting the Regulations on the mode of solving the problems relating to the citizenship of the Republic of Moldova.
1993	Law on the amendment of Article 2 of the Law on the citizenship of the Republic of Moldova, No. 1462-XII of 26.05.1993 (abrogated)	Modification of the provision on persons belonging to the citizens of the Republic of Moldova (point 1).
1993	Law on the addition and amendment of Article 2 of the Law on the citizenship of the Republic of Moldova, No. 1474-XII of 08.06.1993 (abrogated)	Introduction of point 3 in Article 2 on persons belonging to the citizens of the Republic of Moldova.
1993	Decision of the Parliament of the Republic of Moldova No. 1477-XII of 09.06.1993	On certain measures to solve the problems relating to the implementation of the Law on the citizenship of the Republic of Moldova.
1994	Constitution of the Republic of Moldova of 29 July 1994, Official Monitor of the Republic of Moldova (O.M of RM) No. 1 of 12.08.1994	Citizenship of the Republic of Moldova (Article 17), protection of the citizens of the Republic of Moldova (Article 18), legal status of foreign citizens and stateless persons (Article 19).
1996	Law on the amendment and addition to the Law on the citizenship of the Republic of Moldova, No. 961 of 24.07.1996, O.M. of RM No. 69/668 of 24.10.1996 (abrogated)	Modification of provisions on acquisition of the citizenship of the Republic of Moldova by birth and through naturalisation.
1997	Law on the amendment and addition to the Law on the citizenship of the Republic of Moldova, No. 1259 of 16.07.1997, O.M. of RM No. 53/480 of 14.08.1997 (abrogated)	Modification of provisions on the preservation and renunciation to Moldovan citizenship of adopted children.
1999	Decision of the Parliament of the Republic of Moldova No. 621-XIV of 14.10.1999, O.M. of RM No. 120-122/583 of 04.11.1999	Ratifying the European Convention on Nationality.

2000	Law on the citizenship of the Republic of Moldova, No. 1024-XIV of 02.06.2000, O.M. of RM No. 98-101/709 of 10.08.2000, republished in O.M. of RM No. 108-111/586 of 09.07.2004	Abrogating Law on the citizenship of the Republic of Moldova No. 596-XII of 05.06.1991 and other related legal acts; Regulating general principles; acquisition of the citizenship of the Republic of Moldova; loss of Moldovan citizenship; multiple nationality; competence of public authorities with regard to citizenship; procedure for the acquisition and loss of the citizenship of the Republic of Moldova; appeal against decisions on citizenship issues.
2001	Decision of the Government of the Republic of Moldova No. 197 of 12.03.2001, O.M. of RM No. 31-34/232 of 22.03.2001	Adopting the Regulations on the procedure for the acquisition and loss of citizenship of the Republic of Moldova.
2001	Law on the amendment and addition to certain legislative acts, No. 262-XV of 15.06.2001, O.M. of RM No. 97-99/769 of 17.08.2001	Modification of provisions on the taxes paid upon submitting an application to acquire the citizenship of the Republic of Moldova.
2001	Law on the amendment and addition to certain legislative acts, No. 417-XV of 26.07.2001, O.M. of RM No. 108-109/824 of 06.09.2001	Modification of provisions on the competence of the Ministry of Informational Development; competence of the Ministry of Foreign Affairs; competence of the Ministry of Internal Affairs; procedure of submitting application to acquire citizenship and proposals regarding withdrawal of citizenship; documents issued upon changing citizenship.
2001	Law on the amendment of Article 23 of the Law on the citizenship of the Republic of Moldova, No. 551-XV of 18.10.2001, O.M. of RM No. 126-128/902 of 19.10.2001	Modification of provisions on the withdrawal of the citizenship of the Republic of Moldova by decree of the President of the Republic of Moldova.
2002	Decision of the Constitutional Court of the Republic of Moldova on the control of constitutionality of the Law No. 551-XV of 18.10.2001 on the amendment of Article 23 of the Law on the citizenship of the Republic of Moldova, No. 14 of 19.03.2002, O.M. of RM No. 46-48/9 of 04.04.2002	Control of constitutionality of modifications to the provisions on the withdrawal of the citizenship of the Republic of Moldova by decree of the President of the Republic of Moldova, without judicial verdict.
2002	Law on the amendment of the Constitution of the Republic of Moldova No. 1469-XV of 21.11.2002, O.M. of RM No. 169/1290 of 12.12.2002	Amendment of articles 17-19, namely the exclusion of the interdiction for citizens of the Republic of Moldova to possess dual nationality.

2003	Law on amendment and addition to certain legislative acts, No. 191-XV of 08.05.2003, O.M. of RM No. 97-98/432 of 31.05.2003	As a result of constitutional amendments, modification of provisions on the appeal against the decree of the President of the Republic of Moldova on citizenship issues.
2003	Law on the amendment and addition to the Law on the citizenship of the Republic of Moldova, No. 232-XV of 05.06.2003, O.M. of RM No. 149-152/600 of 18.07.2003	Modification of provisions on the legal regulation of Moldovan citizenship; the acquisition of citizenship by birth; the acquisition of citizenship through recognition; the re-acquisition of citizenship; the withdrawal of citizenship; cases of multiple nationality; the competence of the Ministry of Foreign Affairs; proposals regarding withdrawal of citizenship.
2003	Law on the amendment of Article 39 of the Law on the citizenship of the Republic of Moldova, No. 328-XV of 24.07.2003, O.M. of RM No. 163-166/666 of 01.08.2003	Modification of provisions on the Oath of Faith towards the Republic of Moldova.
2004	Law on the addition to the Law on the citizenship of the Republic of Moldova, No. 222-XV of 01.07.2004, O.M. of RM No. 108-111/586 of 09.07.2004	Modification of provisions on the acquisition of Moldovan citizenship through recognition; on the level of knowledge of state language; on the documents necessary to acquire and re-acquire citizenship.
2005	Law on the amendment and addition to Article 33 of the Law on the citizenship of the Republic of Moldova, No. 14-XV of 17.02.2005, O.M. of RM No. 42-45/142 of 21.03.2005	Modification of provisions on the procedure of submitting an application for the acquisition of citizenship of the Republic of Moldova.
2005	Decision of the Government of the Republic of Moldova No. 959 of 09.09.2005, O.M. of RM 123-125/1032 of 16.09.2005	On measures to ensure the confirmation of citizenship and the documentation of population from localities on the left side of river Nistru (Transnistria).
2006	Decision of the Government of the Republic of Moldova, No. 853 of 28.07.2006, O.M. of RM 131-133/964 of 18.08.2006	Approving amendments and additions to the Regulations on the procedure for acquisition and loss of the citizenship of the Republic of Moldova adopted by Decision of the Government No. 197 of 12.03.2001.
2007	Law on the amendment and addition to certain legislative acts, No. 273-XVI of 07.12.2007, O.M. of RM No. 84-85/288 of 13.05.2008	Modification of provisions in several legislative acts in order to prohibit persons holding public positions to possess dual nationality; modification of provisions on the rights and duties in the case of multiple citizenship.

BIBLIOGRAPHY

- Arseni, Al., L. Suholitco (2001), "Cetatenia: de la principiul unicitatii la pluralitatea de cetatenii", *Revista Nationala de Drept*, nr. 6, pp. 6-9.
- Arseni, Al., L. Suholitco (2001), "Clasificarea si esenta principiilor, ce stau la baza cetateniei", *Revista Nationala de Drept*, nr. 8, pp. 4-6.
- Arseni, Al., L. Suholitco (2002), *Cetatenia – o noua viziune si reglementare europeana*, Chisinau: Litera.
- Bogatu, P., "Dubla cetatenie cu multiple echivocuri", comentariu politic, 11 noiembrie 2002, <http://www.azi.md/news?!D=21532>.
- Carnat, T. (2004), *Drept Constitutional*, Chisinau: Reclama.
- Costachi, Gh., I. Guceac (2003), *Fenomenul constitutionalismului in evolutia Republicii Moldova spre statul de drept*, Chisinau: Tipografia Centrala.
- DECA-press News, at <http://www.deca.md>.
- Flux News at <http://www.azi.md/>.
- Ginsburgs, G. (1992), "From the 1990 Law on the Citizenship of the USSR to the Citizenship Laws of the Successor Republics (part I)", *Review of Central and East European Law*, vol. 18, no. 1, pp. 1-55.
- Ginsburgs, G. (1993), "From the 1990 Law on the Citizenship of the USSR to the Citizenship Laws of the Successor Republics (part II)", *Review of Central and East European Law*, vol. 19, no. 3, pp. 233-266.
- Governmental newspaper *Moldova Suverana*, No. 125-126, 25 August 2006.
- Grosu, S. (2007), "Restrictii pentru detinerea dublei cetatenii: grija pentru interesele publice ori frica fata de proprii cetateni", *Guvernare si democratie in Moldova*, e-journal, an. V, nr. 104, 1-15 octombrie 2007, at <http://www.e-democracy.md/>
- Independent weekly newspaper *Timputa*, No. 239, 22 June 2005.
- Infotag News, at <http://www.azi.md/>.
- Migration News*, Russia, Eastern Europe, vol. 13(2), April 2007.
- Pactul Molotov-Ribbentrop si consecintele lui pentru Basarabia*, Chisinau: Universitas, 1991.
- Patras, M. (2008), "Consecintele estimative ale aderarii Republicii Moldova la Uniunea Europeana", *ECO magazin economic*, nr. 160, 12 februarie, <http://www.eco.md/>.
- Report No. 228 of 05 June 2007 on the corruption proofing of the draft-law, at <http://www.capc.md/>.
- Reporter.md News, at <http://www.azi.md/>.
- Skvortova, A. (2001), "....." in Kempe, I. (ed.), *Beyond EU Enlargement: The Agenda of Direct Neighbourhood for Eastern Europe*, volume 1, Gütersloh: Bertelsmann Foundation Publishers, pp. 104-125.
- Vahl, M. and M. Emerson (2004), "Moldova and Transnistrian Conflict" in Coppieters, B., M. Emerson, M. Huyseune, T. Kovziridze, G. Noutcheva, N. Tocci and M. Vahl, *Europeanization and Conflict Resolution: Case Studies from the European Periphery*, Ghent: Academia Press.

NOTES

- ¹ Governmental newspaper *Moldova Suverana*, No. 125-126, 25 August 2006.
- ² Independent weekly newspaper *Timpul*, No. 239, 22 June 2005.
- ³ Point 8, *Declaration of sovereignty*, Supreme Soviet of the Moldovan Socialist Soviet Republic, No. 148-XII, 23 June 1990.
- ⁴ Arseni, Al., L. Suholitco, *Cetatenia – o noua viziune si reglementare europeana*, Chisinau: Litera, 2002, p. 18.
- ⁵ Council Conclusions on the Republic of Moldova, General Affairs Council, Luxembourg, 13 October 2008.
- ⁶ Law on Romanian citizenship, No. 21, 01.03.1991, Official Monitor No. 44, 06.03.1991, republished in Official Monitor No. 98, 06.03.2000.
- ⁷ The amendment of the Constitution of the Republic of Moldova and lifting of the ban to hold dual citizenship. Law No. 1469-XV of 21 November 2002, Official Monitor of the Republic of Moldova of 12 December 2002.
- ⁸ I am using the term “Bassarabia” based on the original word in Romanian (Basarabia), and not “Bessarabia” which is a literal transcription from Russian language (Бессарабия).
- ⁹ Costachi, Gh., I. Guceac, *Fenomenul constitutionalismului in evolutia Republicii Moldova spre statul de drept*, Chisinau: Tipografia Centrala, 2003, pp. 216-222, 242-267.
- ¹⁰ *Pactul Molotov-Ribbentrop si consecintele lui pentru Basarabia*, Chisinau: Universitas, 1991.
- ¹¹ Costachi, Gh., I. Guceac, *Fenomenul constitutionalismului in evolutia Republicii Moldova spre statul de drept*, Chisinau: Tipografia Centrala, 2003, pp. 278-284, 298-305. See also, Carnat, T., *Drept Constitutional*, Chisinau: Reclama, 2004, pp. 59-65.
- ¹² The Law No. 596-XII on the nationality of the Republic of Moldova, 04 July 1991, *Moldova Suverana* No. 138 of 04 July 1991.
- ¹³ Arseni, Al., L. Suholitco, *Cetatenia, o noua viziune si reglementare europeana*, Chisinau: Litera, 2002, pp. 18-19.
- ¹⁴ Governmental newspaper *Moldova Suverana*, 22 November 1990.
- ¹⁵ Governmental newspaper *Moldova Suverana*, 22 November 1990.
- ¹⁶ This point has been modified by Law on the amendment of Article 2 of the Law on the nationality of the Republic of Moldova, No. 1462-XII of 26 May 1993.
- ¹⁷ Law on the addition and amendment of Article 2 of the Law on the nationality of the Republic of Moldova, No. 1474-XII of 08 June 1993.
- ¹⁸ Article 2 “Belonging to the citizenship of the Republic of Moldova”, Law No. 596-XII on the nationality of the Republic of Moldova, 04 July 1991.
- ¹⁹ Decision of the Parliament of the Republic of Moldova on certain measures to solve the problems relating to the implementation of the Law on the citizenship of the Republic of Moldova, No. 1477-XII of 09 June 1993.
- ²⁰ Arseni, Al., L. Suholitco, *Cetatenia – o noua viziune si reglementare europeana*, Chisinau: Litera, 2002, p. 20.
- ²¹ See, for example, Vahl, M. and M. Emerson, “Moldova and Transnistrian Conflict” in Coppieters, B., M. Emerson, M. Huyseune, T. Kovziridze, G. Noutcheva, N. Tocci and M. Vahl, *Europeanization and Conflict Resolution: Case Studies from the European Periphery*, Ghent: Academia Press, 2004.
- ²² Article 6, Law No. 596-XII on the nationality of the Republic of Moldova, 04 July 1991.
- ²³ Articles 17-18, Constitution of the Republic of Moldova of 29 July 1994, Official Monitor No. 1 of 12.08.1994. Law No. 1469-XV of 21 November 2002, Official Monitor of the Republic of Moldova of 12 December 2002.
- ²⁴ Decision of the Parliament of the Republic of Moldova on the ratification of the European Convention on Nationality, No. 621-XIV of 14 October 1999.
- ²⁵ European Convention on Nationality, No. 166, Strasbourg, 06 November 1997.
- ²⁶ Articles 14-17 and Articles 21-22, European Convention on Nationality, No. 166, Strasbourg, 06 November 1997.
- ²⁷ Law No. 21 on Romanian nationality of 01 March 1991, Official Monitor No. 44 of 06 March 1991, republished in Official Monitor No. 98 of 06 March 2000, namely Article 10¹.
- ²⁸ Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ²⁹ Law No. 1469-XV of 21 November 2002, Official Monitor of the Republic of Moldova of 12 December 2002.
- ³⁰ Law on the amendment and addition to the Law on Citizenship of the Republic of Moldova, No. 232-XV of 05 June 2003, Official Monitor of the Republic of Moldova No. 149-152/600 of 18 July 2003.
- ³¹ Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession No. 200, Strasbourg, 19 May 2006, entered into force on the 1st May 2009. This convention has been ratified by Hungary, Moldova and Norway, and signed by Montenegro and Ukraine.

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- ³² Articles 3 and 7, Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ³³ Article 10, Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ³⁴ Article 11, Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ³⁵ Articles 13-15 and 19, Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ³⁶ Article 12, Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ³⁷ Decision of the Parliament of the Republic of Moldova No. 1477-XII of 09 June 1993 on certain measures to resolve the problems related to the implementation of the Law on the nationality of the Republic of Moldova.
- ³⁸ Law No. 222-XV on addition to the Law on the nationality of the Republic of Moldova of 01 July 2004, Official Monitor of the Republic of Moldova No. 108-111/586 of 09 July 2004.
- ³⁹ Article 16, Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ⁴⁰ Article 17 and Article 24 (1,d), Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ⁴¹ Article 18, Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ⁴² Article 20, Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ⁴³ *Moldpres* news of 4 December 2008, at: http://www.mdi.gov.md/news_mdi_2008_md/160290/
- ⁴⁴ Articles 21-23, Law No. 1024-XIV on the nationality of the Republic of Moldova of 02 July 2000, Official Monitor of the Republic of Moldova No. 98-101 of 10 August 2000.
- ⁴⁵ Law on the amendment and addition to the Law on the nationality of the Republic of Moldova, No. 232-XV of 05.06.2003, Official Monitor of the Republic of Moldova No. 149-152/600 of 18.07.2003.
- ⁴⁶ Law No. 551-XV of 18 October 2001.
- ⁴⁷ Decision of the Constitutional Court on the constitutionality of the Law No. 551-XV of 18 October 2001 “on amendment of Article 23 of the Law on the Citizenship of the Republic of Moldova No. 1024-XIV of 02 June 2000”, No. 14 of 19.03.2002, Official Monitor of the Republic of Moldova No. 46-48/9 of 04.04.2002.
- ⁴⁸ *Flux* news of 19 October 2001 at [http://www.azi.md/news?!D=14294](http://www.azi.md/news?!D=14294;); *Infotag* news of 30 October 2001 at <http://www.azi.md/news?!D=14471>.
- ⁴⁹ *Infotag* news of 23 June 2003 at <http://www.azi.md/news?!D=24582>.
- ⁵⁰ Bogatu, P., “Dubla cetatenie cu multiple echivocuri”, comentariu politic, 11 noiembrie 2002, <http://www.azi.md/news?!D=21532>.
- ⁵¹ *Infotag* news of 6 February 2007 at <http://www.azi.md/news?ID=43064>; *Migration News*, Russia, Eastern Europe, vol. 13(2), April 2007.
- ⁵² *Reporter.md* news of 1 February 2006 at <http://www.azi.md/news?!D=37843>.
- ⁵³ In 2003 only 6 Moldovans were granted Romanian citizenship, in 2004 – 257 Moldovan citizens, in 2005 – 1317 Moldovan citizens. *Reporter.md* news of 1 February 2006 at <http://www.azi.md/news?!D=37843>. Not to mention that, according to recent statement of the Russian Ambassador to Moldova there are approximately 120,000 Moldovans with Russian passports.
- ⁵⁴ *Infotag* news of 20 July 2007 at <http://www.azi.md/news?!D=45277>.
- ⁵⁵ *DECA-press* news of 01 October 2007 (interview with independent analyst Igor Gutan) at <http://www.deca.md/>.
- ⁵⁶ Law on the amendment and addition to certain legislative acts No. 273-XVI, 07 December 2007, Official Monitor No. 84-85/288 of 13 May 2008.
- ⁵⁷ See records of the plenary sessions of the 11th October 2007, the 7th December 2007, the 10th April 2008, <http://www.parlament.md/news/plenaryrecords/>
- ⁵⁸ Report No. 228 of 05 June 2007 on the corruption proofing of the draft-law, <http://www.capc.md/>
- ⁵⁹ *DECA-press* news of 07 December 2007, at <http://www.deca.md/>.
- ⁶⁰ Grosu, S., “Restrictii pentru detinerea dublei cetatenii: grija pentru interesele publice ori frica fata de proprii cetateni”, *Guvernare si democratie in Moldova*, e-journal, an. V, nr. 104, 1-15 octombrie 2007, <http://www.e-democracy.md/comments/legislative/200710152/index.shtml>

⁶¹ For example, by implementing law No. 273-XVI, the governing Communist Party clearly intends to avoid defeats like in the 2007 local election. During this election, the Communist party was defeated when the Liberal Party candidate, Mr. Dorin Chirtoaca, was elected as the General Mayor of Chisinau municipality. Mr. Chirtoaca publicly recognised that he holds dual citizenship of the Republic of Moldova and Romania.

⁶² *DECA-press* news of 12 and 13 December 2007, at <http://www.deca.md/>.

⁶³ *Reporter.md* News of 06 May 2008 at <http://www.azi.md/news?ID=49158>.

⁶⁴ *DECA-press* news of 11 September 2008, at <http://www.deca.md/>.

⁶⁵ *Infotag* news of 20 June 2008, at <http://www.azi.md/news?ID=49826>.

⁶⁶ *DECA-press* news of 14 August 2008, at <http://www.deca.md/>.

⁶⁷ Chamber Judgement of the European Court of Human Rights on the case *Tanase and Chirtoaca v. Moldova*, 18 November 2008, Strasbourg.

⁶⁸ Para. 109, Chamber Judgement of the European Court of Human Rights on the case *Tanase and Chirtoaca v. Moldova*, 18 November 2008, Strasbourg.

⁶⁹ According to the National Bureau of Statistics as of 1 January 2009, but without the population on the left side of the river Nistru. <http://www.statistica.md/newsview.php?l=ro&idc=168&id=2503>.

⁷⁰ See <http://www.mdi.gov.md/> and http://www.mdi.gov.md/main_registru_md/.

⁷¹ http://www.mdi.gov.md/stat3_en/.

⁷² See <http://www.statistica.md/>.

⁷³ *Moldpres* news of 4 December 2008, at: http://www.mdi.gov.md/news_mdi_2008_md/160290/. See also, <http://www.parlament.md/lawprocess/drafts/>.

⁷⁴ That is why it comes without surprise that, on the 11th December 2008, the Parliament of the Republic of Moldova adopted in first reading a draft-law on the verification of holders and candidates to public positions. According to this draft-law, the Intelligence and Security Service of the Republic of Moldova would be responsible to check and provide data about the compatibility of holders and candidates to public positions, at the request of the heads of public authorities and with the written consent of the verified person. However, if the holder or candidate to public position refuses this verification, he/she will not be employed in (or will be dismissed from) the public authorities covered by the cited draft-law.