

# THE METAMORPHOSES OF THE TERRITORIAL ORGANISATION OF LOCAL AUTHORITY IN THE REPUBLIC OF MOLDOVA IN THE POST-COMMUNIST DECADES: FROM THE “SOVIET RIGOR” TO THE “DEMOCRATIC INCERTITUDE”

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**Abstract:** *This paper aims to elucidate the process of reorganising the territorial dimension of the local authority in the Republic of Moldova from the proclamation of independence up to the present. The primary data collection method was the content analysis of the official documents and statistics, legal papers, and scientific literature. The study analyses the territorial organisation of the local power in those three decades after the fall of communism. Based on the content analysis of the relevant normative acts, official documents, statistical data, and specialised papers, the evolutions and involutions of this period were revealed. As a result, it was concluded that during the three decades of post-communist transition, several attempts were made to reform the territorial organisation of the local authority. These reformist attempts were uninspired and incorrectly performed, being ostensibly rejected by both political actors and officials from state and local public authorities. Generally, the administrative reforms and restructuring at the local level and, implicitly, of the territorial organisation of the local authority were carried out according to the political objectives of the governors, not having strategies with clearly established aims at their base. The opinion of the imminent necessity of reforming the territorial organisation of the local authority in the Republic of Moldova as a mandatory condition for the efficient functioning of democracy at the local level was formulated and argued.*

**Keywords:** *Post-communist transition, territorial organisation, local authority, Soviet system, reform, Republic of Moldova, autonomy.*

**Rezumat:** *Metamorfozele organizării teritoriale a autorității locale din Republica Moldova în deceniile post-comuniste: de la „rigoarea sovietică” până la „incertitudinea democratică”. Acest articol își propune să elucideze procesul de reorganizare a dimensiunii teritoriale a autorității locale din Republica Moldova de la proclamarea independenței până în prezent. Metoda primară de colectare a datelor a fost analiza conținutului documentelor și statisticilor oficiale, lucrărilor legale și literaturii științifice. Studiul analizează organizarea teritorială a puterii locale în acele trei decenii după căderea comunismului. Pe baza analizei de conținut a actelor normative relevante, documentele oficiale, datele statistice și lucrările specializate, au fost dezvăluite evoluțiile și involuțiile acestei perioade. Drept urmare, s-a ajuns la concluzia că, în cele trei decenii de tranziție post-comunistă, au fost făcute mai multe încercări de reformare a organizării teritoriale a autorității locale. Aceste încercări reformiste au fost neinspirate și efectuate incorect, fiind respinse în mod evident atât de actori politici, cât și de oficiali de la autoritățile publice locale și de stat. În general, reformele administrative și restructurarea la nivel local și, implicit, a organizării teritoriale a autorității locale au fost îndeplinite în funcție de obiectivele politice ale guvernanților, nefiind strategii cu scopuri clar stabilite la baza lor. Opinia despre necesitatea iminentă a reformării organizării teritoriale a autorității locale din Republica Moldova, drept condiție obligatorie pentru funcționarea eficientă a democrației la nivel local, a fost formulată și argumentată.*

## INTRODUCTORY CONSIDERATIONS

On the 27th of August, 1991, the Republic of Moldova gained independence. The Moldovan political elite, formed in the Soviet party schools, initiated the transition from the planned economy and the socialist society to the market economy and democratic society. The emphasis was on the institutionalist approach to the phenomenon, the descending path of democracy-building, the maintenance of the territorial organisation of the local power, and Soviet administrative practices.

Despite more or less scientifically founded actions in the last three decades, the local authority system in the Republic of Moldova has not yet identified a feasible solution regarding its territorial administration.

This paper aims to shed more light on the territorial dimension re-organisation of local power in the Republic of Moldova since the proclamation of independence until now. The primary data collection method was the content analysis of official documents and statistics, legislative acts and literature.

The paradigm of territorial organization of public authority served as the

scientific foundation for the examination of issues concerning the distribution of public power, and was based on the following assertions:

a) In contemporary society, the power of the people takes place at different levels and in various forms;

b) The population of local communities, as a part of the people, directly or through the authorities created by these collectivities, exercises public control within limits provided by the existing normative framework;

c) The public authority of each local collectivity is a component of the public administration, which, together with the state authority, forms a unitary system of shared governance;

d) The Constitution and state legislation provide the legal basis for public authority, granting elected authorities of local collectivities the required competence to carry out their jurisdiction.<sup>1</sup>

The process of the territorial re-organisation of the local public authority in the three decades of independence, under their evolutionary aspect, went through three distinct stages:

1) The maintaining of the territorial-administrative centralised delimitation of the Soviet origin (1991-1998);

2) The building of the territorial system of exercising the local authority in the spirit of the principles of local autonomy (1999-2003);

3) The return to the centralised territorial organisation of the local public authority (2003 up to the present).

From this point forward, the specific tendencies of each stage have been thoroughly examined.

### **MAINTAINING THE CENTRALIZED TERRITORIAL-ADMINISTRATIVE ORGANIZATION OF SOVIET ORIGIN (1991-1998)**

The administrative configuration of the state represents the result of a long evolutionary process. Each stage of previous development reflects the traditions, habits, and cultural values, as well as the economic and spiritual activities specific

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<sup>1</sup> Sergiu Cornea, *Dimensiunea teritorială a puterii locale: identificarea unei paradigme de investigare* [Territorial Dimension of Local Power: Identification of a Paradigm for Investigation], in *Perspectivile și Problemele Integrării în Spațiul European al Cercetării și Educației* [The Prospects and Problems of Integration into the European Space of Research and Education], Vol. I, Cahul, 2018, p. 15.

to that period.<sup>2</sup>

The evolution of the territorial organisation of the local public authority in the Republic of Moldova represents an original synthesis of its experiences accumulated under different foreign occupations. Along with the national practices, foreign methods and administrative systems were imposed by force, with the greatest damaging impact coming from the Soviet Union, the consequences of which may still be felt today. Because of these influences of Soviet origin, the Republic of Moldova has always had two contradictory tendencies that concurred in terms of the country's development opportunities: one of neo-communist origin that opposed democratic reforms and supported the preservation of Russian influence, and another liberal one that favours the democratic progress and has as its main objective European integration.<sup>3</sup> These two movements significantly influenced the actions and policies of the forms of governing that have changed in the Republic of Moldova over the past three decades.

The communist ideology viewed territorial administration of the public authority as a division of the state's territory into sections, according to its class nature, with the duties and functions of the state matching the arrangement of state institutions in the system. Based on the class perspective, the concept of the territorial-administrative organisation of the Soviet state was defined as such: "the separation of the territory of the unionist republics into distinct parts (regions etc.), according to the roles and functions of the socialist state, to facilitate the establishment of Soviet state bodies and public organisations to ensure their operation".<sup>4</sup> The unionist republics' administrative-territorial organization had to be perfected to successfully support the realisation of the grand objectives of the communist edification outlined in the Program of the Communist Party of the

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<sup>2</sup> Lucica Matei, *Republic of Moldova: Toward a European Administration*, in Saltanat Liebert, Stephen E. Condrey, Dmitry Goncharov (Eds.), *Public Administration in Post-Communist Countries. Former Soviet Union, Central and Eastern Europe, and Mongolia*, Boca Raton – London – New York, CRC Press, 2013, p. 194.

<sup>3</sup> Dorin Cimpoeșu, *Evoluția și trăsăturile regimului politic post-totalitar din Republica Moldova (1990-2012)* [The Evolution and Characteristics of the Post-Totalitarian Political Regime in the Republic of Moldova (1990-2012)], in "Limba Română", 2012, nr. 7-8 (205), p. 48-49.

<sup>4</sup> R. S. Pavlovskiy, M. A. Shafir, *Administrativno-territorialnoe ustroystvo SSSR*, [Administrative-Territorial Organization of the USSR], Moskva, Gosudarstvennoe izdatelstvo yuridicheskoy literaturyi, 1961, p. 10-11.

Soviet Union.<sup>5</sup>

The Soviet Juridical Law and the works of the researchers of those times did not differentiate between the concepts of local territory delimitation and administrative-territorial organisation. This aspect was facilitated by the official rejection of the idea of local self-administration and by the institutionalisation of all the Soviets, including the local ones, as bodies of state authority.<sup>6</sup> The communist regime appealed to the excessive politicisation of all the administrative structures by controlling and abusively subordinating them to party organs.<sup>7</sup>

The territorial-administrative organisation of the Soviet state was based on the following general principles:

1) Establishment of administrative institutions in towns and industrial centres to consolidate the governance of society by the working class.

2) Establishment of administrative borders having in mind the natural, historical, and economic conditions to maximise the working force and ensure the administration of the economic structure.

3) Comprehensive analysis of the national compound and the social characteristics of the population to contribute to the subsequent consolidation of friendship among the peoples of the unitary Soviet state.

4) Consolidation and maximum proximity of the state apparatus towards the population by creating conditions for the development of local initiative, activism, and self-administration of the masses.<sup>8</sup>

The administrative standardisation was characteristic of the Soviet period as it asserted the uniformity of all republics and regions without consideration for their identity and historical particularities. Without regard for local specificities, identical names were imposed for administrative entities, public functions, and organisational charts. The Soviet system of administration was also excessively and essentially fragmented in what regards its territory. After the World War, the

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<sup>5</sup> A. V. Luzhin, *Improving the Administrative-Territorial Structure of the Soviet State*, in "Soviet Law and Government", 1963, no. 1 (4), p. 21.

<sup>6</sup> S. A. Avakyan (Red.), *Munitsipalnoe pravo Rossii* [Municipal Law of Russia], Moskva, Prospekt, 2009, p. 98.

<sup>7</sup> Cătălin Turliuc, *Organizarea administrativ-teritorială și puterea locală în România „democrației populare” 1947-1965* [The Administrative-Territorial Organization and the Local Power in Romanian "Popular Democracy" 1947-1965], in "Anuarul Institutului de Istorie «A. D. Xenopol»", T. XLIII-XLIV, 2006-2007, p. 603.

<sup>8</sup> R. S. Pavlovskiy, M. A. Shafir, *op. cit.*, p. 14-15.

number of districts of the Soviet Socialist Republic of Moldova varied from 18 to 60 units.<sup>9</sup>

The historical experience of the territorial-administrative re-organisation in the Soviet time shows that the Soviet elite considered the territorial-administrative organisation as one of the means of implementing the political and social-economical duties of the time. The reason for all the Soviet territorial-administrative transformations was determined by the party's desire to create a local administrative system that was efficient and adapted to the concrete historical development stage that could implement most efficiently the priority duties that were inherent to the respective time. Consequently, the territorial-administrative organisation changed along with the priority duties of the shifting exercising authority. The concrete principles that guided the territorial-administrative re-organisations were the following: a) the ability of the local authorities within their competence and the duties established by their superiors to maintain the situation in the administered territory under control, b) saving material resources and rational use of the staff, c) the correspondence between the territorial-administrative districts to economic regions, d) the establishment of the territorial-administrative capitals of units in towns that were first industrially significant for the corresponding territory.<sup>10</sup>

After the collapse of the Soviet Union, along with the dissolution of the political and administrative Soviet system, a territorial organization of local public authority comparable to the system was developed. At that moment, the political class was aware that the territorial organisation of the Soviet regime could put a break to the economic and social development of the Republic of Moldova. Therefore, the Druc Government (May 25, 1990 – May 28, 1991) emphasized the importance of consolidating the country's territorial-administrative structure. First, there was the issue of eliminating the nomenclature of Soviet structures, which in every union ranged from 300 to 500 people. Three options were proposed: 9, 12,

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<sup>9</sup> Sergiu Cornea, *Organizarea teritorială a puterii locale din Republica Moldova: concept, mecanisme, soluții* [Territorial Organization of Local Power in the Republic of Moldova: Concept, Mechanisms, Solutions], București – Brăila, Editura Academiei Române – Editura Istros a Muzeului Brăilei "Carol I", 2017, p. 335-336.

<sup>10</sup> S. A. Elizarov, *Formirovanie i funkcionirovanie sistemyi administrativno-territorialnogo deleniya BSSR (1919-1991 gg.)* [The Formation and Functioning of the System of Administrative-Territorial Division of the BSSR (1919-1991)], Gomel, GGTU im. P. O. Sukhogo, 2009, p. 199-200.

or 24 districts. The first step was to include historical, demographic, natural, economic, specialization, workforce, and other factors, but not nationality.

The Supreme Soviet of the Socialist Soviet Republic of Moldova approved the Decision Regarding the Perfecting of the Territorial-Administrative Organization of the Republic in 1990. It required the parliamentary commission for issues relating to local self-administration to make recommendations regarding the necessity of territorial units having high demographic potential as well as an economic and financial solid foundation. In July 1991, after eight months of debate, the Parliament of the Republic of Moldova adopted the *Law regarding the bases of the local administration No. 635-XII of 10.07.1991*. The Parliament's decision to apply the *Law of the Republic of Moldova regarding the basis of the local self-administration no. 636 of 10.07.1991*, clearly provisioned that

“on the first stage until the adoption of the Law regarding the Republic of Moldova territorial-administrative organisation, the actual state authority became plural and extended to the competence of the basic territorial-administrative units, such as villages and towns. At this stage, the executive authority consolidated vertically by creating an intermediary mechanism for the functioning of the new self-administrative organs: till the forming of the districts, the actual borders were kept”.

The second stage anticipated the consolidation of the new administrative system. To avoid endangering the administration of current affairs, the government issued Decision No. 357 on July 22, 1991, establishing a temporary *Regulation regarding the functioning of the local self-administered organs in the Republic of Moldova during the transition period (until the finishing of the new territorial-administrative units)*. The Regulation did not mean essential changes for the organisation and functioning of the local public authorities. However, it merely meant a terminology change: The Soviets of People's Deputies became the City / Village Councils, and the executive committees were renamed “Primărie” (Town Hall). Although it was but temporary, the respective regulation was applied until the end of 1994.

The Parliament permanent commission for the local economic self-administration enforces the provisions of the *Law regarding the bases of the self-administration no. 635-XII of 10.07.1991*, as well as the launch of a new system of local public administration, organised into work groups, and has elaborated and brought forth three projects of Law: a) regarding the administrative organisation of the territory (that provisioned the annulment of the 40 units and a new delimitation of the territory in 7 or 9 units), b) regarding the local public administration, conceived in the spirit of the European traditions, based upon the Law practices

of some states having a long experience in the field and respecting the principles of the European Charter of Local Self-Government, c) regarding the local elections, based on some democratic traditions in election organization in nations with well-developed representative democracies. However, the respective projects were included on the parliamentary agenda because their activity was also blocked. The parliamentary group "Village life", the future Agrarian Democratic Party, vehemently opposed the reformation of the territorial organisation of the public authority of Soviet origin, delaying the administrative reform until the parliamentary elections in 1998. As a consequence, the parliament self-dissolved in February 1994.<sup>11</sup>

This period was marked by the influence of the following opposite tendencies: a) the democratisation of the political system created favourable conditions for the initiation of eventual reforms; b) on the one side, public opinion became aware of the necessity to reform the local public administration, including the territorial organisation of the public authority, and, on the other hand, there was a tough resistance from the side of those opposing the reform; c) keeping the traditional relations inherited from the past between the central local public authorities and the local public administration.<sup>12</sup>

On the 29<sup>th</sup> of July 1994, the Constitution of the Republic of Moldova was adopted. The Constitution laid forth the guiding principles for public administration in the territorial administrative units in article 109. On the 7<sup>th</sup> of December 1994, the Parliament adopted the *Law regarding the territorial-administrative organisation of the Republic of Moldova no. 306-XIII of 07.12.1994*, which provisioned that the territory of the Republic of Moldova was organised into the following territorial-administrative units: districts, towns, cities, villages, and autonomous territorial units having a special statute.

With some exceptions, this Law did not bring anything new to the system of the territorial organisation of the public authority in the Republic of Moldova by establishing the 40 districts that had been in place since the Soviet era. The elements of novelty were introduced by *Law no. 306-XIII of 07.12.1994*. They consisted of the following: a) the concept of the municipality was introduced to

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<sup>11</sup> Victor Popa, *Cadrul legal al administrației publice locale în Republica Moldova* [Legal Framework of Local Public Administration in the Republic of Moldova], in *Cartea Albă. Situația autonomiei locale în Republica Moldova*, Chișinău, Ed. Cartier, 2000, p. 5-6.

<sup>12</sup> Aurel Simboreanu, *Reforma administrației publice în Republica Moldova* [Public Administration Reform in the Republic of Moldova], Chișinău, Museum, 2001, p. 68.



replace that of town subordinated to the republic (the statute of the municipality was given to the four big towns: Chişinău, Tiraspol, Bălţi, and Bender), b) by art. 4, paragraph 2, the notion “commune” was legislated, which is specific to the administrative space of the Republic of Moldova, but which was not observing art. 110 of the Constitution, c) the concept of locality was given up for the former central districts and some rural, more industrially developed places (Ghindeşti, Bucovăţ, Biruinţa, Costeşti) by changing their status into towns;<sup>13</sup> d) The minimum requirements for the formation of a territorial-administrative independent unit were established by article 12, line 2, and included having a population of at least 1000 people as well as sufficient financial resources to support the local town hall and the other social institutions, e) the Law established the correct writing of the names of localities in Romanian. The Soviet system was therefore preserved for the territorial-administrative organization of the public authority by the law that was enacted at the end of 1994, and autonomous territorial entities (Găgăuzia) based on ethnic criteria that comprised three districts were also formed (dolay).

The separation into districts was specific for this period. Due to the war in 1992, the districts Camenca, Dubăsari, and Slobozia were divided into two parts, being differently subordinated. After creating Gagauzia *de facto*, there were two districts named Vulcăneşti.

In conclusion, the structure of the territorial delimitation of the public authority itself remained unchanged throughout the first years following the independence declaration, despite changes to the local administration system. The political elite at that time considered the issue of optimising the territorial organisation of the public administration as secondary in comparison to political and economic changes. The local authority was not interested in reshaping the territorial delimitation, as it was moreover interested in consolidating positions in the administered territories. Therefore, a contradiction appeared between the radical changes of political nature, on the one hand, and the rigid territorial organisation of the public authority, on the other. The affirming of the market economy, the parliamentary system, and the delimitation of the state powers should be accompanied by transforming the territorial distribution of the public authority.

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<sup>13</sup> Sergiu Palihovici, *Reforma administraţiei publice locale în Republica Moldova: unitatea şi lupta contrariilor* [Local Government Reform in the Republic of Moldova: Unity and Struggle of Opposites], in “Moldoscopie. Probleme de analiză politică”, 2005, nr. 4, p. 29.

The failure in implementing a system of territorial organisation of the public authority according to the rigours of the democratic society occurred because the governors following individual and group interests made considerable efforts to preserve the actual situation that advantaged them by offering them safe positions and a specific social position.

### **THE EDIFICATION OF THE TERRITORIAL SYSTEM ON THE PRINCIPLES OF LOCAL AUTONOMY (1999-2003)**

Favourable conditions for the democratic reform of the territorial organisation of the public authority were established following the 1998 parliamentary elections and the formation of a majority of 3 democratic parties. In November 1998, the parliament of the Republic of Moldova adopted the *Law regarding the territorial-administrative organisation of the Republic of Moldova, no. 191 of 12.11.1998*, which initiated the reform of the public authority territorial organisation and the local self-administration. The law was part of a new legislative package aimed at implementing local autonomy.

According to the provisions of Law no. 191-XIV of 12.11.1998, the Republic of Moldova was divided into 11 counties (Bălți, Cahul, Chișinău, Edineț, Lăpușna, Orhei, Soroca, Tighina, Ungheni, Gagauz Autonomous Territorial Unit and municipality of Chișinău), and the statute of municipality, according to article 8 of the same Law, was given to the towns Bălți, Bender, Cahul, Căușeni, Chișinău, Comrat, Dubăsari, Edineț, Hâncești, Orhei, Râbnita, Soroca, Tiraspol, and Ungheni. The 11 counties started from the premise that they had a distinct administrative structure and different authorities; they could be divided into four categories: 1) counties; 2) the municipality of Chișinău; 3) Găgăuzia; 4) the places on the left side of the Dniester.<sup>14</sup>

The average county surface was 3,1- 4 thousand km<sup>2</sup> (meaning 9% of the territory), and the inhabitants' number varied from 240 to 400 thousand, except for the county of Taraclia.<sup>15</sup>

The number of local authorities (except those at the left of Dniester) decreased to 644, of which 12 municipalities, 43 towns, and 589 villages with

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<sup>14</sup> *Ibid.*, p. 33.

<sup>15</sup> *Reforma administrației publice: controversile problemelor care bat la ușă* [Public Administration Reform: the Controversies of Door Knocking Problems], in "Administrarea publică", 1998, nr. 3, p. 17.

1.533 places. It was created by unifying areas with less than 2.500 inhabitants, the minimum necessary number to make a local authority, unlike 1.000 inhabitants, as the previous Law provisioned.

In the process of making the reform in 1998, the economic potential and the production force, the existence and the degree of development of the social infrastructure to create identical development conditions in each newly formed county were considered.

It can be mentioned that when the reform was made in 1998, there still were many differences in various fields between communities. The district Hâncești was 2.6 times larger than district Ialoveni. By the number of inhabitants, the Orhei district (136.000) was 4.3 times bigger than Basarabeasca (32.000). And most of the existent districts did not cover their expenses, not even 30% until 1999.

The premises for the transborder cooperation with the Romanian and Ukrainian local authorities were created as the result of the reform implementation, and concrete steps were realised according to this.

Although the territorial organisation of public authority, as it was provisioned in 1999, functioned for a limited amount of time, making it impossible for impartial evaluations to uncover its distinguishing features, it may nonetheless highlight certain functional deficiencies of that system.

*Law no. 191-XIV of 12.11.1998* during the time was modified nine times. In October 1999, under the pressures of the Bulgarian minorities in the former district Taraclia, the Parliament created a new county with the same name and a population of only 44 thousand inhabitants.

The new territorial delimitation of the local authority diminished many of the existent differences but did not abolish them. For instance, Orhei county was, by surface, larger than Cahul, Tighina, or Taraclia. There also were discrepancies regarding the population: the Bălți and Orhei counties had a population of over 400,000 inhabitants, and the people of Taraclia were under 50,000. The local authorities were disproportionally shared across the counties: 251 in Bălți, 81 in Tighina and 26 in Taraclia.<sup>16</sup>

The major issues of the reform are the following: a) the decentralisation of functions was not followed by financing, b) instead of a real decentralisation of the functions with their sharing in the local administration, many public services were concentrated in the capitals of the new counties or even kept in the towns

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<sup>16</sup> Sergiu Palihovici, *op. cit.*, p. 33.

that were district centres in the past, c) the discrepancy between the system of localities as created in the Soviet period following the model of districts and the logic of the new model of counties.<sup>17</sup>

The lack of communication between policymakers and the population insufficiently informed regarding the objectives, the scopes, and the stages of realising the reform, as well as the lack of professional experience of the public servants of all kinds, substantially influenced the efficiency of the taken measures. It should be mentioned that counties began to function under the burst of the economic crisis that limited them financially and prevented them from operating at their best.

### **THE RETURN TO THE CENTRALISED TERRITORIAL ORGANISATION OF THE LOCAL PUBLIC AUTHORITY (2003-PRESENT)**

The next stage starts with implementing the provisions of the *Law regarding the administrative-territorial organisation of the Republic of Moldova no. 764-XV of 27.12.2001*. This law was adopted rapidly without consultations with the people, the local public authorities, or international organisations.

The Law established the number of local authorities, how to create and abolish them, and how to determine and change their borders. In essence, the former districts were recreated and took the place of counties. The number of necessary inhabitants to make the administrative-territorial unit decreased from 2.500 to 1.500, which led to a considerable increase in their numbers.

Due to this reform, the local authorities' number considerably increased from 647 to 901, and the districts' number from 12 to 32. In this way, the Republic of Moldova returned to the Soviet model of territorial organisation of the local authority. The following data can illustrate the high similarity between the Soviet system and that after the reform. In 1988, in Soviet Moldova, there were 827 local soviets and 903 local collectivities (without Transnistria) after the counter-reform. Also, in 1988 there were 40 districts, and at present, there are 40 districts if the three internal divisions of Gagauzia and five of Transnistria are taken into account.<sup>18</sup>

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<sup>17</sup> Valeriu Prohnitchi, *Reorganizarea administrativ-teritorială: o componentă esențială a unei descentralizări de succes în Republica Moldova* [The Administrative-Territorial Reorganization: an Essential Component of a Successful Decentralization in the Republic of Moldova], in "Guvernare și democrație", 2011, nr. 1, p. 43.

<sup>18</sup> Ion Osoian, et al., *Studiu analitic privind structura administrativ-teritorială optimală*

The elaboration and adoption of a counter-reform law not even three years after the reform in 1999 should have had serious reasons. Those who started the counter-reform made serious points for it, and in short, they are as follows:

- The election promises of the Communist Party of the Republic of Moldova (CPRM).

- “The requests of the citizens”, which reached an astonishing number of 650 thousand. The figure claimed by 650,000 supporters is exaggerated because it constituted 18 per cent of the country’s population; according to official data (which did not consider emigrants), the population of the Republic of Moldova in 2001 was 3 635 112 people. According to a study done in November 2001 by the Institute of Public Policy, the subject of changing the local public administration system was not one of the numerous issues that respondents wanted to see resolved in the first place.<sup>19</sup>

- The “administrative-territorial organisation” would contradict the Constitution that provisioned the delimitation of the Republic of Moldova into districts, towns, and villages.

- By reducing the distance between localities and district centres, the return to districts would make it easier for citizens to interact with public district authorities. Counties as territorial-administrative entities did not justify their existence.

- The need to strengthen the authority vertically.
- Putting an end to the degradation of the former district centres.
- Reducing the number of public servants in the local public administration.<sup>20</sup>

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*pentru Republica Moldova* [Analytical Study on the Optimal Administrative-Territorial Structure for the Republic of Moldova], Chişinău, Expert-Grup, 2010, p. 52.

<sup>19</sup> Igor Boţan, *Revizuirea organizării administrative a teritoriului Republicii Moldova* [The Revision of the Administrative Organization of the Territory of the Republic of Moldova], <http://www.e-democracy.md/monitoring/politics/comments/200304081/>

<sup>20</sup> Sergiu Cornea, *Antireforma teritorial-administrativă din anul 2003: cauze și consecințe* [Administrative-Territorial Anti-Reform of 2003: Causes and Consequences], in *Modernizarea administrației publice în contextul democratizării sistemului politic și proceselor integraționiste. Materialele conferinței internaționale „Știința politică în RM: realizări și perspective”. 15-16 octombrie 2010* [Modernization of Public Administration in the Context of Democratization of the Political System and Integrationist Processes. The Materials of the International Conference “Political Science in the Republic of Moldova: Achievements and Perspectives”. October 15-16, 2010], Chişinău, CEP USM,

The counter-reform of 2003 is a relevant example that, in most cases, choosing one or another way of territorial organisation of the public authority is not necessarily dependent on factors that have to do with science but on a group and political interests, traditions, and mentalities. In this way, the territorial organisation of the local authority was realised according to the territorial structures of the party that governed. They were created based on the principle of the administrative organisation of the territory until the reform of 1999. It was a means to pay those who worked for the communists in the election campaign but were left out of jobs. Also, placing the representatives of the CPRM in the structures of the local public administration was meant to consolidate their positions in the territory.<sup>21</sup>

Regarding the counter-reformists' claim that administrative-territorial organization in counties contravened the Constitution, which specifies the delimitation of the Republic of Moldova into districts, towns, and villages, it should be noted that the Constitutional Court ruled that the use of the concepts of village, municipality, and district did not contradict the principles of local autonomy, delimitation, as stipulated by article 109 of the Constitution, or the constitutional principles of territory organisation.<sup>22</sup>

The re-animation of the former district centres was intended to place the public authorities at an intermediate level and the state's decentralised services. Many district centres were created for ideological reasons or within the logic of the Soviet Union's hyper-centralization, with no rationale or economic justifications. Spending public finance to re-animate old structures does not make sense.

The *Law no. 764-XV of 27.12.2001* (article 2) stipulates that "dividing of the territory of the country into administrative-territorial units is meant to ensure the realisation of the principles of local autonomy, decentralisation of public services,

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2010, p. 62-63.

<sup>21</sup> Tudor Osoianu, *Reforma judiciară și de drept în Republica Moldova – condiție necesară în vederea integrării ei europene* [Judicial and Legal Reform in the Republic of Moldova – a Necessary Condition for its European Integration], <https://ipp.md/old/public/files/Publicatii/2002/decembrie/Osoian.doc>

<sup>22</sup> *Hotărârea Curții Constituționale cu privire la controlul constituționalității unor prevederi din Legea nr. 191-XIV din 12 noiembrie 1998 „Privind organizarea administrativ-teritorială a Republicii Moldova” nr. 50 din 05.10.1999* [The Decision of the Constitutional Court on the Control of the Constitutionality of Some Provisions of Law no. 191-XIV from November 12, 1998 "On the Administrative-Territorial Organization of the Republic of Moldova" no. 50 from October 05, 1999].

eligibility of the local public administrative authorities, ensuring the access of the citizens to the organs of the authority and their consulting on local matters of special interest". It is evident that apart from the basic principles of the local public administration enumerated in article 109 of the Constitution, the legislator introduced a new one: ensuring the citizens' access to the organs of the authority. The respective principle is only mentioned in the text of the Law and not explained. After studying the content of the Law, one can conclude that not only was the actual access of citizens to the public authorities (we assume it is about the institutions of the local authority) taken into account but also the territorial sizes of the districts were reduced to decrease the distance between the capitals of communities and the local collectivities. In this way, a deliberate error in interpreting the subsidiarity principle was made. More adequately, from the point of view of contemporary administrative science, the principle of the people's access to quality public services should have been stipulated; that would have meant not decreasing the distance in km to the public services but offering them directly at the population's place of residence. Local autonomy not only presupposes the access of the citizens to public authorities but also their access to quality public services for the following reason: the local authorities should diversify their methods and ways of interaction with the people and come closer to the people by fully satisfying the necessities of the population.<sup>23</sup>

Regarding the consideration of the reduction of the number of public servants, it is necessary to see that tripling the number of intermediary authorities could not contribute to a reduction in the number of public employees. The apparatus of the County Council had 34 units (the maximum), except for the district of Taraclia, which had 14.5 units and the organisational charts of the apparatus of the district's president had 21 units. But the territorial units are already 32, not 10. And the number of local authorities reached 901 from 254; it is more than until the 2003 local elections. After implementing the counter-reform, the number of district counsellors grew from 344 to 1.284, and the number of employees in the apparatuses of the district presidents was 4640 compared to 2060 in the structures of the county councils. The number of employees in rural city halls grew from 6534 to 9306, and that of the city halls from 989 to 1173.<sup>24</sup> It was evident that the number of public servants increased

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<sup>23</sup> Sergiu Cornea, *Organizarea teritorială a puterii locale...*, p. 436.

<sup>24</sup> *Reforma teritorială din Moldova: costurile unui experiment* [The Territorial Reform of

considerably, and the declarations regarding the reduction of the numbers of public servants were a propaganda trick.

The situation after the counter-reform in 2003 confirmed the intentions of the governors to consolidate the verticality of authority, meaning to suppress the local autonomy and subordinate the local authorities to the central ones. It can be stated that the counter-reform was designed from the outset to undermine local financial autonomy and the entire public finance system. After returning to districts, the discrepancies existent at the local level became more acute. According to IDIS "Viitorul"\* experts, the local public finance system had the following particularities: A) it did not encourage local initiative but obedience, b) the structure and size of local budgets were not determined by local needs and were not correlated with the economic potential of localities, c) capital investments were allocated discreetly ("capital investments" usually represented, electoral transfers, approved at the highest level, and without any objective and democratic supervision), d) the parallel existence of the normative framework and the local realities.<sup>25</sup>

The counter-reform emphasised the territorial fragmentation of intermediary authorities. Găgăuzia districts Cahul and Taraclia are fragmented in several territorial parts. For instance, the village Alexandru Ioan Cuza is wholly isolated from the rest of the district Cahul, a fact that complicates the day-to-day activity of the inhabitants and does not allow its inclusion in the projects of district development.

The real purpose of the actions taken by the governing party within the counter-reform in 2003 was to rehabilitate the old administrative system in command to promote the group's interests to the detriment of the national interest. When drafting the new law, as Tudor Osoianu claims, the legislator was led by a study on the dynamics of any election in the last 11 years for each locality. According to this study, the localities were divided into "ours", those where the communists have absolute chances of success and "the others". In other words, the inclusion of a locality in one district was based not on economic but political

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Moldova: the Costs of an Experiment], in "Forum", 2003, nr. 10, p. 19.

\* Institute for Development of Social Initiatives "Viitorul" (Chişinău, Republic of Moldova) – an independent think tank, established in 1993.

<sup>25</sup> *Factorul politic al finanţării infrastructurii la nivel local* [The Political Factor of Infrastructure Financing at Local Level], in "Policy Brief", nr. 3, martie 2008, Chişinău, IDIS "Viitorul", 2008, p. 1-2.



criteria.<sup>26</sup> In other words, the territorial organisation of the public power was carried out following the territorial structures of the ruling party, which were created based on the principle of the administrative organisation of the territory up to the 1999 reform and was a means of rewarding those who worked for the communists in the electoral campaign but ran out of posts. Also, it was intended to place PCRM representatives in local public administration structures to consolidate their positions in the territory. In this regard, the politician Nicolae Andronic said: "Voronin buried the reform to find positions for the electoral agents because all district executives are a hiding place for those who do nothing. Thus, the power secures them and their families with workplaces, gives them cars, and they can create a disturbance at will".<sup>27</sup>

The Soviet practice of placing local party secretaries in charge of local administrative structures was revived. Last but not least, the propagandistic goal of discrediting everything that was done before the PCRM came to power was also pursued.

Afterwards, starting in December 2006, the legal context of the local authority was completed by the following legislative acts: The *Law regarding the local public administration no. 436-XVI of 28.12.2006*; the *Law regarding the administrative decentralisation no. 435-XVI of 28.12. 2006*; the *Law regarding the regional development in the Republic of Moldova no. 438 of 28.12.2006*; the *Law regarding the public function and the statute of the public servants no. 158-XVI of 04.07.2008*. The respective Laws provisioned a more precise distribution of responsibilities among the different levels of public authorities, creating more favourable conditions to exercise local autonomy under decentralisation, consolidating the administrative capacity of the territorial communities, and modernisation of the policies and procedures of personnel for the public authorities.<sup>28</sup> However, the respective legal provisions were implemented within

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<sup>26</sup> Tudor Osoianu, *op. cit.*

<sup>27</sup> Pavel Păduraru, *Interviu. NICOLAE ANDRONIC: „Dacă vom vorbi numai despre Plahotniuc, ne vom trezi cu numai două partide”*. 12 Mai 2017 [Interview. Nicolae Andronic: "If we only talk about Plahotniuc, we will wake up with only two parties." May 12, 2017], in <http://www.timpul.md/articol/nicolae-andronic-daca-vom-vorbi-numai-despre-plahotniuc-ne-vom-trezi-cu-numai-doua-partide-109208.html>

<sup>28</sup> Aurel Sîmboteanu, *Interconexiuni teoretico-metodologice și aplicative în evoluția reformei administrației publice din Republica Moldova* [Theoretical-Methodological and Applicative Interconnections in the Evolution of the Public Administration Reform in

the constraints of a Soviet-style territorial organisation, which significantly diminished their impact on local collectivities in the Republic of Moldova.

In conclusion, the solutions offered by the political class to the challenges of the territorial organisation of local power were not developed based on strategic approaches but were primarily dictated by subjective factors – first, the group and political interests of the ruling majorities that did not necessarily coincide with the strategic development interests of the Republic of Moldova.

“Re-organisations” and “restructurings” were more commonly employed to remove disloyal officials or those of “different political colour” and place their followers in vacant positions, based on simulated competitions and without integrity or professionalism tests.

After 2009, governments returned to the notion of territorial organisation of local authorities, recognizing the Republic of Moldova's excessive fragmentation. However, neither of these pro-European governments reformed the territorial organisation of the public administration, as they enjoyed *de facto* the advantages offered by the centralised system of territorial distribution of the public authority that they criticized.

### **THE IMPACT OF THE EXCESSIVE TERRITORIAL FRAGMENTATION AND THE NECESSITY OF THE REFORMATION OF THE TERRITORIAL ORGANISATION OF THE LOCAL PUBLIC AUTHORITY**

As mentioned above, the territorial organisation of the public authority in the Republic of Moldova was inherited from the former Soviet Union. Around the time when Soviet Moldova declared its independence, the territory was delimited into 40 districts that included 881 rural soviets, 21 towns, and 49 urban-type units. Each division had in medium 76 000 inhabitants, some a lot under the general average.<sup>29</sup>

In 2019, the total number of local collectivities was 898. The formal equality of the local collectivities contradicts their significant quantitative and qualitative differences. The asymmetric territorial organisation of the public authority takes place under the following aspects: a. by surface, b. by the number of inhabitants,

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the Republic of Moldova], in “Administrarea publică”, 2015, nr. 2, p. 12.

<sup>29</sup> *RSS Moldovenească. Orânduire administrativ-teritorială la data de 1 aprilie 1988* [Moldavian SSR. Administrative-Territorial Arrangement on April 1, 1988], Chişinău, Cartea Moldovenească, 1988, p. 5.

c. by the degree of urbanisation, d. by the level of wages per capita, e. by the level of expenses per capita.<sup>30</sup> If the municipalities of Chişinău, Bălţi, and UTA Găgăuzia are excluded and just the 32 divisions are considered, the following picture emerges: the average number of local communities in a district is 26.7, and the average number of people in a district, according to the census in 2014, is 65 575 inhabitants. A local collectivity's average population is 2 476 people. The difference between the district with the highest average number of residents returning to becoming a local collective - Ialoveni with 3 726 - and the district with the lowest number of inhabitants - Şoldăneşti with 1 597 - is 2.3 times. If we ignore the population of the capitals of the divisions, the average number of the people of the local collectivities diminishes. For instance, if the population of Cahul - 28 763 is removed from the overall population of 105 324, the average number for a local collective is 2 069.<sup>31</sup>

Most of these territorial collectivities are unable to financially support themselves through locally collected taxes. Consequently, the local authority cannot ensure the necessary public services, and the population is obviously deprived of these services. In this way, the actual territorial organisation of the local authority blocks the realisation of the decentralisation process and the increase of the role of the local authorities in administering public affairs. In the operation of the reformation of the public authority system, the responsibilities of the local public authorities were extended. Still, the territorial organisation of the local public authority remained the same. For this reason, the local public authorities cannot realise the decentralised functions efficiently and provide qualitative services to the people. A vast number of tiny local collectivities without a stable financial and economic foundation, or even the ability to develop one, yet responsible for resolving the most crucial social concerns, contribute to the chaos of the whole local public authority structure.

The Republic of Moldova is very heterogeneous regarding economic and social development associated with persistent territorial shakes, and the activity is mainly centred on several cities. There are two parallel economic realities: for the entire country, except for the capital, the economy is primarily agricultural, while in Chisinau, and partially Balti, it is more based on services and the

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<sup>30</sup> Flavius Mihalache, Alin Croitoru, *Organizarea teritorială a spațiului rural în contextul reformei administrative* [Territorial organization of rural area in the context of administrative reform], in "Revista Transilvană de Științe Administrative", 2014, nr. 2(35), p. 54.

<sup>31</sup> Sergiu Cornea, *op. cit.*, p. 338.

manufacturing industry.<sup>32</sup>

Besides the social and economic polarisation correlated with essential regional disparities, the Republic of Moldova also meets an increasing discrepancy between the rural and urban communities. It is determined mainly by the high concentration of economic activity and the qualified workforce in the capital and some towns, the unstable economic and social development of the regions, the continuous and excessive orientation of the rural areas towards agriculture, the lack of alternative jobs in economic fields that result in the emigration of the workforce, as well as the absence of reforms.<sup>33</sup>

Due to the territorial discrepancies, one of the biggest challenges to stable development for the Republic of Moldova is the non-uniform repartition of wages per region. The current disparities are reminders of the Soviet time because of the non-uniform industrialisation and the incomplete urbanisation of the country that were amplified in the transition process.<sup>34</sup> Structural flaws cause regional disparities in the economic and social systems, which must be addressed to eliminate unequal territorial development. By reducing the territorial disparities, the public authority is challenged because such distinctions have the specific potential for instability. The territorial disparities encourage economic discrepancies that can quickly turn into social contrasts and amplify social differences that can create chaos in the entire public authority system.

## CONCLUSIONS

The endeavours to reform the territorial organisation of the public authority in the Republic of Moldova during the three decades of independence were influenced by a series of factors that disrupted the process: a) the fights within the political elite regarding the political and geopolitical orientations, b) the contradictory considerations given by historical experience on the issue of territorial

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<sup>32</sup> Iurie Morcotîlo, *Dezvoltarea regională și două realități paralele. Analiza distribuției geografice a creșterii economice în Republica Moldova* [Regional Development and Two Parallel Realities. Analysis of the Geographical Distribution of Economic Growth in the Republic of Moldova], Chișinău, Expert-Grup, 2014, p. 5-6.

<sup>33</sup> World Bank, *Briefing book from development partners of Moldova*. Washington, DC: World Bank Group, 2015, p. 21, in <http://documents.worldbank.org/curated/en/225381468279259511/Briefing-book-from-development-partners-of-Moldova>

<sup>34</sup> Iurie Morcotîlo, *op. cit.*, p. 6.

delimitation of the public authority, c) issues related to the role and place of national minorities within the new realities, d) the segregationist tendencies in the South and East of the republic, e) the centralised reflections of the political class inherited from the former system.

The political forces that initiated reforms on the matter of territorial organisation of the public authority had a normative approach to the process and the anticipated results. The adopted juridical regulations demonstrated the legislator's lack of a coherent view on the legal matter. The solutions offered by the political elite to the challenges related to the territorial distribution of the local public authority were not elaborated based on some strategic approaches in time. Still, they were primarily taken under subjective circumstances; firstly, the group and political interests of the majority that governed did not necessarily collide with the strategic interests of the development of the Republic of Moldova.

The Republic of Moldova is a fragmented state in terms of public authority and territorial organization. This territorial distribution of public power system is not efficient but out of use; it did not allow the efficient functioning of the public authorities, which affected the social and economic development of the territorial communities. Generally, the actual system became a break in the social-economic and spiritual development of the local collectivities and the Moldovan society as a whole.

The necessity to reform the territorial delimitation of the public authority is dictated by the existence of a whole complex of contradictions and issues in the territorial organisation of the public administration that needs a systematic approach to be solved. The experience of the last three decades showed that it was impossible to build a democratic society based on the Soviet values and mechanisms of territorial distribution of the public authority.

To overcome the territorial fragmentation of the Republic of Moldova, the following algorithm is suggested:

- maintaining the organisation of local public authority on two levels;
- temperate consolidation of level I local collectivities through voluntary merger;
- significantly reduce the number of intermediate territorial collectivities by creating four comparable and viable regions (North, Centre, East, and South), according to the population number and available resources;
- create the conditions for amplification and expansion of inter-communal cooperation;
- create the conditions for deeper cross-border cooperation.

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