



## **Policy Brief**

### **The case of Gagauzia: developments and recommendations from civil society of the Republic of Moldova**

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## I. SYNTHESIS OF KEY ASPECTS OF THE RELATIONSHIP BETWEEN CHISINAU AND COMRAT

Solving the problem of Gagauzia in parallel to the Transnistrian issue is a key problem of the Republic of Moldova statehood. Formation of the Republic of Moldova as a state can not be imagined without developing a harmonious collaboration between authorities in Chisinau and Comrat. Ignoring this aspect may lead to periodic tension in relations between central authorities and autonomy, which can sabotage crucial political decisions. The European integration process of the Republic of Moldova is questioned and challenged due to Chisinau incapacity to ensure the integration of the whole territory of the state, Gagauzia being one of the opponents of this process.

This approach to the problem inevitably changes our perception of European integration process as well. We are used to seeing European integration as a top priority eclipsing other priorities, including those of the country reintegration and integration of ethnic minorities. Such an approach, agreed by the previous state leaderships, implies the fact that a quick implementation of integration phases (partnership and cooperation, association, candidate country status and membership) will solve thanks to spill-over effects all the above mentioned problems. Thus, ethnic minorities (Transnistria as well) will accept through a kind of automatism the proposed changes that a priori are considered beneficial for them. Ultimately, the emerging consensual knowledge, shared by all political elites, will create prerequisites required for a peaceful and harmonious integration in the Republic of Moldova and, simultaneously, in the European Union.

This approach is becoming deficient and inconclusive in the light of recent events in the region. The referendums organized by Gagauz authorities in 2014, exponential growth in protest actions, the existence of discussions on Budjak and Great Gagauzia have shown low exposure of the Gagauz to integration processes, a powerful entrenchment in the post-Soviet thinking patterns and inflexibility in the dialogue with Chisinau. The effects of spreading the European attraction failed and did not demonstrate their automatisms in this region, either because of insufficient efforts to convince the population undertaken by political elite in Chisinau, civil society and European donors, or because of their lack of substance. We can ascertain that the distribution of propaganda materials (leaflets, brochures) with a pro-European content, European diplomats' meeting with the youth of autonomy, cartoon exhibitions, etc., have not been able to change the Gagauz population perception of European integration and Chisinau. Thus, the integrationist logic of small steps has proved precarious and requires a serious review. It is becoming obvious that European integration processes can not substitute the logic of political dialogue between Chisinau and Comrat involving a) harmonization of the legal basis, b) determination and redistribution of powers, c) defining the autonomy status and d) the Gagauz greater involvement in the political and economic life at national level.



Nowadays, we see diametrically opposed viewpoints on all these issues. Chisinau deems that harmonization of legislation should be carried out by adjusting the Law on the special legal status of Gagauzia to the Republic of Moldova constitutional norms. An example in this respect can be Article 14 of this Law, providing that all public authorities of Gagauzia are subordinated to the Governor (Bashkan), which, according to Moldovan authorities, contravenes the principle of local authorities' independence. Comrat believes, however, that the Law on the special legal status of Gagauzia is untouchable because in the 90's it was a political compromise between Chisinau and Comrat that ensured peace in the Republic of Moldova. Any amendment to the law could lead to confrontation. In addition, we witness a paradox – according to the Law on the special legal status of Gagauzia, normative acts of Gagauzia that contradict the Constitution of the Republic of Moldova and the special law shall be declared void, but this provision does not specify what happens if the special Law contravenes the Constitution.

Specification and redistribution of powers is another conflict situation between Chisinau and Comrat. There are a number of competences and powers that, according to Comrat, have been unduly appropriated by Chisinau - police, judiciary, prosecution, health, education, CCA, customs, etc. This refers both to the appointment of persons in positions of responsibility and allocations withdrawn by Chisinau from Comrat. Chisinau position is based on the laws of the Republic of Moldova, which establish the central government right to control these powers. In turn, Comrat seeks control of appointments in the region, insisting, for example, that the prosecutor and police chief are approved by the autonomy authorities.

As regards the status of autonomy, discussions have been held for a long period of time. The Comrat authorities believe that the Republic of Moldova laws do not make a clear-cut distinction between the second-level local authorities and Gagauz autonomy and want this difference to be highlighted in all existing legal norms. Chisinau does not disagree with this approach but is reluctant to implement these amendments, which upsets Comrat. Chisinau argument makes reference to Article 111 of the Republic of Moldova Constitution, which provides for a distinction between districts, towns and Gagauz autonomy. Comrat, however, would like to see this difference being promoted more consistently.

The discussion on granting a 5% share to the Gagauz in the Moldovan Parliament is a serious cause of discord. Chisinau rejects this idea from a dual perspective. Firstly, it doubts the correctness of the 5% share, considering that the Gagauz population share in the total population is lower (3-4%). Secondly, Chisinau prefers the formula of promoting Gagauz politicians in eligible positions through national political parties and not through representation quotas. From the point of view of central authorities, Gagauz autonomy is already appropriately represented in the Moldovan Parliament and any request for quotas would mean an undue over-representation of the Gagauz population.

A brief review of these issues highlights the fact that the talks between Chisinau and Comrat have reached the stage of legal confrontations. Chisinau aims at adjusting the laws of Gagauzia in accordance with national legislation while Comrat wishes that Chisinau accepts the untouchable and autonomous nature of Gagauz laws and suggest the need of constitutional amendments. Both

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positions seem to be unsustainable and, apparently, we are witnessing a new phase of conflict between Chisinau and Comrat. Currently, this escalation seems to be mitigated by the campaign for Bashkan elections but it will certainly acquire a new impetus after the elections in March 2015.

The legal nature of discussions should not mislead us – the confrontation is eminently political. The ever growing demands of Comrat are not determined by the dissatisfaction with the excessive control that the national government exercises over the autonomy, but rather by the uncertainty in the political project of European integration undertaken by Chisinau. Since the purpose of this process is not stated and, moreover, it runs counter to the interests of Moscow (a pole of attraction for Gagauz elite), Comrat has to outbid, thus, seeking to obtain additional security guarantees for the autonomy. These signals by Comrat are most often misinterpreted by Chisinau, which deems Gagauzia claims as simple mercantile attempts of redistribution of power and benefits to their own advantage and to the detriment of other regions of Moldova. This misinterpretation of Comrat intentions is due to the gradual disappearance of the feeling of danger of political fragmentation in Chisinau - 20 years of relatively peaceful coexistence between Chisinau and Comrat have created a false certainty on the soundness of political arrangement made in 1994 regarding the Gagauz autonomy. This gradual disappearance of fear of the Gagauz separatism is confirmed by frequent calls made by various opinion leaders to liquidate or reduce the autonomy powers, which betrays the belief of many that granting autonomy would have been an unfair right for the Gagauz minority.

Therefore, the relationship between Chisinau and Comrat requires the launch of a confidence building process. This dimension has almost been missing recently. Chisinau has been totally uninterested in the Gagauz issue, relying mainly on political control technologies over the Gagauz elites and ignoring the Gagauz society. Chisinau fails to find the appropriate note in the dialogue with the regions, lacks an analysis center that would monitor developments in these areas, prefers to act in a reactive rather than proactive manner and therefore is quite vulnerable to demands from these regions. Chisinau lack of interest is also proven by the absence of a centre that would regularly deal with this issue; there are no experts that would follow the course of events while politicians that have been recently engaged in solving this problem in the working group have poor knowledge of this case.

## II. RECENT DEVELOPMENTS IN THE GAGAUZIAN CASE

The years 2013-2014 were marked by strained relations between Chisinau and Comrat. Gagauz politicians have criticized Moldovan leadership, accusing it of not paying more attention to the problems of the autonomous region. Overall, the Gagauz leaders' claims against the previous government referred to the following issues: failure of the central authorities to respect the special status of the Gagauz region; lack of attention to the autonomy problems, including insufficient financial resources allocated from the state budget for major investment projects; foreign policy vector of the Republic of Moldova, which provided for the signing of the Association Agreement and creation of the free trade area with the European Union.





We should mention that in addition to these main problems in the relation between Chisinau and Comrat, there was felt the influence of external factors on the situation in the region that overlapped with the ambitions of some politicians in Gagauzia. This tense situation culminated in the organization of the two referendums, one consultative and the other "legislative" (People's Assembly decisions of November 2013 on the organization of referendums were canceled by the court) on 2 February 2014 by which the autonomy inhabitants were called to the polls to decide about the foreign policy vector of the Republic of Moldova, where they were to decide if they are in favour of the country's accession to the European Union or the Customs Union of Russia-Belarus-Kazakhstan. The autonomy inhabitants also had to decide whether they agreed that the Gagauz autonomy was entitled to exercise the right to external self-determination if the Republic of Moldova loses its independence.

Given the tense situation in the Gagauz autonomy and regional problems in Ukraine as well, there was established a working group, by the order of Moldovan Parliament Speaker of 13 March 2014, to examine the problems of the special status of Gagauz autonomy. This group was made up of the Republic of Moldova Parliament deputies and deputies of People's Assembly of Gagauzia. Following discussions within this group, there was developed a draft law, which provided for the amendment of about 20 laws on the Gagauz autonomy status. The draft law was adopted in the first reading by the former legislature deputies. In this context, the current legislature is to adopt, in the final reading, the draft law we mentioned above.

## **2.1. The results of the activity of the working group to examine issues related to the functioning of the Gagauz region**

A first step in mediating the dialogue between central authorities and politicians in the autonomous region was the creation, on 13 March 2014 by order of former Speaker, Igor Corman, of a working group that aimed to examine issues related to enforcement of constitutional provisions on the status of the Gagauz autonomous territorial unit. This group was made up of representatives of all parliamentary factions and deputies of People's Assembly of Gagauzia.

The Working Group had several meetings during four months and discussed the issue of Gagauz autonomy functioning. Unfortunately most often there was a rather heated debate. Thus, one working group member declared that "there were many emotional, high-pitched statements, at the limit of blackmail, however, eventually, there was a general feeling that we had reached an agreement and a beginning of compromise".

In the same context, we can also mention the statement made by the former Speaker Igor Corman. The MP said that „the Comrat administration has submitted to us (Chisinau administration) a list of 9 demands. Only three of them were related to the law on region's autonomy". At the same time, Igor Corman highlighted the importance of creating conditions required to provide the Gagauz all levers of independent local government. In addition, he said that leaders in Comrat should realize that there are certain limits in establishing competences for the Gagauz autonomy.



In turn, the working group members on behalf of the People's Assembly of the autonomous region have criticized the activity of this discussion platform. If, for example Gheorghe Leiciu, who, although not very satisfied with the results of the working group activity, describes negotiations as an important factor in the establishment of a dialogue platform to resolve disagreements between Chisinau and Comrat, the other members of Gagauz legislature criticized vehemently the talks content and format. Thus, from the perspective of Ivan Burgudji and Serghei Cimpoeie, known for several radical statements and attitudes, "central authorities intentionally delay solving the problem of the Gagauz autonomy functioning". It should be noted that these politicians have shifted the stress in talks between Chisinau and Comrat on examining issues related to enforcement of constitutional provisions on the status of the Gagauz autonomous territorial unit. Thus, Ivan Burgudji insisted that Chisinau had to adopt the four legislative initiatives developed by the People's Assembly, threatening that otherwise the autonomous region would not participate in the 2014 parliamentary elections and would not open polling stations on the territory of administrative-territorial unit of Gagauzia.

The same attitude was seen in a press conference organized by several members of the People's Assembly of the autonomous region on July 17, 2014. Thus, Gagauz representatives accused the central authorities' representatives of lack of an open discussion on the Gagauz autonomy status. They criticized the legislative initiative of some Moldovan MPs, claiming that "it did not take into account the Gagauz deputies viewpoints and was hastily designed without addressing problems on good functioning of Gagauz autonomy".

Finally, on 18 July 2014, the Parliament of the Republic of Moldova adopted in the first reading a draft law that amended and supplemented a number of legislative acts that relate to the functioning of the Gagauz autonomy.

Among all these legislative amendments and modifications, we would like to emphasize, particularly, the initiatives assigning a special level of administrative-territorial unit to ATU Gagauzia. Thus, this draft bill filed on July 14, 2014, no. 286, amends several laws, including the Law no. 436-XVI of 2006 on local public administration, introducing the notion (Articles II and III of the bill) of "special level local public administration - all public authorities that are established and operating in ATU Gagauzia, to promote the interests of people and solving problems thereof." This amendment submitted by MPs is a response to one of the major demands of Gagauz autonomy representatives to set a clear difference between the second-level local public administration and the autonomous region in the legal framework of the Republic of Moldova.

Another initiative of the draft law no. 286 is amendment of Law 317-XV of July 2003 on Normative Acts of the Government and other central and local public authorities (Article VIII of the bill). Thus, was introduced a supplement that refers to normative acts issued by the authorities of the Autonomous Territorial Unit of Gagauzia. This amendment is a response to the demands of Gagauz politicians to incorporate the normative acts of the Gagauz region authorities in the legal framework of the Republic of Moldova.



This legislative initiative amends Law no. 806-XII of December 1991 on the carabineer troops of the Ministry of Internal Affairs by introducing an amendment that establishes that the appointment and dismissal of carabineer troops subunit commander of Gagauzia is carried out on bashkan proposal.

## **2.2. The draft law: ultimate solution or just a stage regarding the talks on functioning of the Gagauz autonomy**

It should be mentioned that the viewpoints of Members of Parliament of the Republic of Moldova were very different, including within the former ruling coalition. If for PDM Members of Parliament Dumitru Diacov and Alexandr Stoianoglo, this initiative is a "positive precedent and a platform for discussion", then liberal reformers (PLR) Iulian Arhire and Valeriu Saharneanu and opposition MPs the liberals Mihai Ghimpu and Valeriu Munteanu, declared that this initiative is dangerous because "it creates conditions for the state's federalization". Moreover, PL and PLR representatives claimed that by such an approach we "create a state within a state". The legislative initiative was criticized by the Communist MPs as well, but from another perspective. According to Oleg Garizan and Eduard Mușuc, this initiative is "PDM propaganda aiming to polish its tarnished image in the Gagauz autonomy" and that "this document is being discussed hastily, without considering the opinion of stakeholders in the autonomous region and did not take into account the PAG four initiatives".

It is worthwhile mentioning that in spite of all new changes and amendments, politicians of the autonomous region claim that this legislative initiative does not solve problems related to the functioning of ATU Gagauzia. In other words, opinions vary greatly in terms of the efficiency of these initiatives to solve disagreements between Chisinau and Comrat.

Thus, PAG deputies had different attitudes towards this document. For some representatives of People's Assembly of Gagauzia Ivan Burgudji and Sergei Cimpoei, criticized for radical attitudes and rhetoric of confrontation, this initiative is "destructive and reduces the powers of the governing bodies of the Gagauz autonomy". Obviously, we should mention that there are PAG representatives, for example Gheorghe Leiciu, who, although not satisfied with the results of this initiative, deems that the legislature project is an important process for the beginning of talks to resolve disagreements between Chisinau and Comrat.

The statement of July 22 of the People's Assembly on adopting in the first reading the legislative initiative on the functioning of the Gagauz autonomy by the Moldovan Parliament should be mentioned as well. In this statement, the Gagauz legislature representatives declared that "the working group activity was unconstructive ... and that throughout the period of its activity it did not propose any joint bill to establish the mechanism for the realization of the Gagauz autonomy competences". Gagauz politicians demand that this bill should not be adopted, because it did not receive the consent of the Members of People's Assembly and curtails the Gagauz autonomy powers. It is worth mentioning that while representatives of the Gagauz legislative body criticize Moldovan MPs for not having coordinated with Comrat the draft law adopted in the first reading on





18 July 2014, they insist that the Moldovan legislature adopts the draft laws developed by the People's Assembly.

In fact, all PAG representatives' criticisms of this bill are as follows: it does not assign a special status to the organic law on the special status of autonomous region; and does not provide for the establishment of local laws in the category of normative acts, respectively, the place of local laws in the hierarchy of normative acts of the Republic of Moldova. At the same time, PAG members have submitted several initiatives (four bills) to the Moldovan Parliament concerning the appointment of the Head of Internal Affairs Department of Gagauzia on the proposal of bashkan after consulting People's Assembly, creation of a Court of the autonomous region regulation and provision of five seats for the autonomous region in the Moldovan Parliament, as well as providing a special status to the Gagauz autonomy.

Gagauz deputies insisted that the bill passed in the first reading should not be adopted in the final reading, claiming that this initiative „aims at further infringement of the basic principles, the rights and powers of Gagauzia” without explaining how this occurs. Thus, the Gagauz politicians declared that they had addressed a letter to the EU Delegation in Moldova, Turkey and the Russian Federation diplomatic missions in our country, which calls for the establishment of an expert group to develop the necessary mechanism that would contribute to the Gagauz autonomy functioning. At the same time, the four initiatives of the People's Assembly members would, according to Gagauz politicians, serve as basis for negotiations on determining the autonomous region powers.

Politicians and experts from Chisinau have a clear-cut attitude towards these initiatives of the People's Assembly Members. The difference lies just in the way the position on initiatives of the autonomous region representatives was made public. Experts say that these initiatives violate constitutional norms and do not refer to the Gagauz autonomy powers. However, while Dumitru Diacov considered that these initiatives were "complicated" and had to be analyzed and studied, then Alexandr Stoianoglo labeled them as "stupid initiatives that go beyond the constitutional framework and have a spirit of propaganda in the light of upcoming elections (parliamentary elections of November 2014)". Thus, Stoianoglo states that the authors of these bills are either non-professional or deliberately launched such initiatives to aggravate the situation, because they are fully aware that such draft laws will not be voted.

Former MP Stoianoglo voiced an opinion that is supported by most experts and politicians from Chisinau and a part of civil society representatives from Comrat as well. Thus, this point of view suggests that most people in Comrat do not understand and lack basic knowledge about the autonomy competences. Moreover, the idea that emerges is that, actually, most politicians in the autonomous region pursue their own goals and interests that have nothing to do with the Gagauz autonomy powers. In this context, it is worth mentioning the viewpoint that "there are no problems in the functioning of the Gagauz autonomy" and that "the Gagauz bomb" went off when the Novorossiia project, initiated by Vladimir Putin, started facing problems". This is an idea shared by many experts and politicians claiming that the conflict between Chisinau and Comrat was fueled by the Russian Federation.



Irrespective of the attitude towards this initiative, we believe that by this bill, the Moldovan Parliament clarifies several aspects on the functioning of Gagauz autonomy and invites politicians in Comrat to have talks so that to avoid conflict situations in the future. At the same time, political developments in the autonomous region show that the situation seems to be quiet for now. Perhaps an important cause of this attitude is the failure of the Russian Federation to destabilize southern and south-western regions of Ukraine. To avoid the cyclical nature of this phenomenon, i.e. occurrence of periodic disagreements between Comrat and Chisinau, it is necessary to adopt and implement more measures for social, economic and political integration of this ethnic community. Consistent efforts are needed as well to build a state of law in order to prevent conflict situations that usually emerge under conditions of a weak state that is vulnerable to external threats.

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### III. RECOMMENDATIONS

- Harmonisation of legislation in terms of the Gagauz problem has to be implemented in four stages. From this perspective, harmonization should be carried out simultaneously, not sequentially:
  1. Harmonisation of the law on the special legal status of autonomous region with Article 111 of the Constitution of the Republic of Moldova.
  2. Harmonisation of the entire national legal framework with the law, already harmonized, on the special legal status of autonomous region.
  3. Harmonisation of local legislation with national legislation.
  4. Adjustment of all legislation to European standards on local government autonomy.
- Determine competences between the central authorities and the Gagauz autonomy authorities and specify powers of the autonomous region. In this case, we refer to the exclusive powers belonging to Gagauz autonomy authorities.
- Appointments of central government representatives (prosecution, health, internal affairs) have to be made following consultation and recommendation of the bashkan or People's Assembly, as appropriate.
- The interaction between Chisinau and Comrat has to be reformed.
  1. \ Central authorities have to create a permanent crisis unit subordinated either to the president or prime minister, which will be permanently dealing with the Gagauz autonomy issue.
  2. The established parliamentary working group must have a stable composition and permanent mandate to regulate all arising problems between Chisinau and Comrat.
  3. The decisions taken in this working group may not be unilateral.
  4. Experts and civil society representatives have to participate in this working group.
  5. The group and the unit have to develop a list of laws to be amended, including the law on the special legal status of Gagauz autonomy
- An annual budget has to be provided for learning Romanian and Gagauz languages in the autonomous region. In addition, teaching of Romanian on the territory of ATU Gagauzia has to be improved.
- At the political level statements and actions referring to the idea of Gagauz autonomy must be tempered as well as the statements of People's Assembly deputies on separatist incitement.
- It is necessary to allocate additional funds and attract grants for the capacity building of political elites in Gagauzia and also stimulate civil society activity in the region. Organize roundtables, conferences, workshops on competences and powers of autonomies with special legal status.



- It is necessary to adopt a law that would stipulate unequivocally the special status of Gagauz autonomy in relation to local public authorities.