



# STATE OF LOCAL DEMOCRACY IN TRANSDNIESTRIA

Limited Assessment: **SUMMARY REPORT**

*Institute for Development and Social Initiatives*

2017

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# Main findings and recommendations<sup>1</sup>

## Findings

- Citizens in Transnistria have little awareness of the substance of local democracy and are limited in their practice and understanding of how local democracy should function. This reality is conditioned by considerable nostalgia for Soviet paternalistic state institutions, absence of political pluralism, dominant role of security and intelligence agencies and militarized structures. Genuine democratic activism and meaningful civic participation are rare, as critical opinions are silenced or self-censored. In this environment, citizens passively accept the current model of governance.
- Local self-government in Transnistria is almost non-existent, acting as a combination of former Soviet territorialized divisions of state authorities and transitional elements of the unrecognized state structures of the left bank of the Dniester River. Public administration is heavily influenced by the ‘vertical power’ model, in which the head of the village is also a representative of the district administration at the village level. The district administration, in turn, is integrated into the regional government.<sup>2</sup> While there is some separation of competences between the council and the executive administration in the cities of Tiraspol and Bender, this distinction is blurred in districts and villages, where local governments act only as extended arms of the regional administration. This lack of delineation between executive and representative authorities inhibits the separation of powers and competences, eliminates opportunities for the oversight of the executive by elected councils and leads to the absence of any autonomy at the local level. Higher-level authorities repress critical opinions when disagreements arise over local policymaking.
- Turnout in general elections and referendums is usually high, which makes voting the only major and popular form of participation. However, turnout in local elections is significantly lower, with the required threshold of 25 per cent pointing to a relatively lower level of public support and interest in local government.
- Opportunities for other forms of public participation exist in law, but are limited in practice. Engagement in housing associations and committees is relatively higher. In villages, respondents showed higher level of participation in community meetings, likely a result of donor-led community projects requiring local community discussions.
- The absence of local financial autonomy is a major challenge. The regional administration maintains unconditional control over and supervision of the budgets, competences and actions of local authorities.

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<sup>1</sup> The use of such terms as ‘Constitution’, ‘Law’, ‘President’, ‘local authorities’ does not indicate any de jure recognition of these institutions or normative acts. These terms are only used to provide the most precise identification of specific bodies, or documents.

<sup>2</sup> This report will refer to the highest level of Transnistria’s self-proclaimed government as the regional government/regional authorities/regional level.

- Because of a sharp decline in the regional economy in the past years, emigration rates are high. The maintenance of obsolete social and economic infrastructure causes regular budget shortfalls. The distribution of funds is fully controlled by the regional authorities, and influenced by political preferences.
- Human rights watchdogs are intimidated and signs of dissidence are harshly punished by the repressive structures of the de facto administration. Patriotic movements and various forms of militarized organizations are privileged by de-facto authorities.
- Participation in the internationally supported projects is seen as a sort of ‘quasi-recognition’ by local authorities, therefore creating ambiguities among partners for development operating in Moldova. Such projects are used by the de facto authorities for public relations purposes, while genuine local initiatives fail to make progress.
- Russian state rewards transdnistriean political elites and their orientation by direct and indirect subsidies. Multiple Russian funds and programmes attempt to compensate budgetary shortcomings. However, due to its seclusion and unrecognized status, the region has largely lost its former economic attraction, increasingly becoming dependent on neighbouring markets in the European Union.
- In the current atmosphere, where the government views foreign funded projects with suspicion and muzzles critical voices from civil society, initiatives in the field of democracy and human rights promotion are risky and difficult to sustain.

## Recommendations

The recommendations listed below are aimed at informing the actions of the international community, the Moldovan Government, and civil society advocacy groups working in and outside of Transdnistria on a variety of human rights, good governance and other initiatives. Even if the current situation is not conducive to the full-scale implementation of these recommendations, these approaches could be integrated into the existing assistance initiatives or considered for implementation over time. Recommendations have been developed by IDIS, combining its own views with those of the local expert in Tiraspol.

- Further efforts towards the demilitarization of the region and withdrawal of Russian troops, the establishment of the Civilian Police Operation under the international mandate, and free movement of people, are the outstanding goals for mediators.
- Human rights protection, democratization and liberalization of the public space must be seen as vital prerequisites for any further political settlement of the conflict in Transdnistria. To promote democratic reintegration and viable regional self-governance, the Moldovan Government and other international stakeholders should create conditionality mechanisms, enabling peer-to-peer cooperation between neighbouring communities, CSOs, universities and business associations.

- Compliance with international human rights norms and principles, protection of individuals against injustice and human rights violations, and consolidation of the local autonomy in the region, based on the norms and principles of the European Charter of Self-Governance, should be integrated into the working packages of the negotiations between the sides, assisted by the international mediators and observers (5+2). Inter-municipal cooperation, municipal management and promotion of the knowledge of the principles of the European Charter of Self-Governance should be integrated into the themes covered in the confidence-building and donor-supported programmes.
- Local authorities should be assisted to learn about the European Union and Council of Europe norms and standards of local self-governance, aimed at the gradual improvement of the system of local self-government. Consolidation of administrative and financial autonomy and the participation of citizens in the oversight and control of the local government's affairs should be prioritized.
- To establish and sustain basic self-governance at the local level, a clear delineation of the competences of local government should be introduced recognizing and guaranteeing financial autonomy and expanding the competences of local governments.
- Local governments should be supported to widen public participation and consultation with local communities. Given the higher rates of public participation in housing and neighbourhood committees, other forms of citizens' engagement in local decision-making should replicate their features.
- Local authorities should be encouraged to support the creation of local action groups (LAGs), engaging them to promote local participation in community development projects, increasing the interaction with donor organizations. International community, with its diplomatic actions and assistance should use its leverage to help promote change and improvement into the current repressive regulations on civil society (foreign agents law), replicated by the de-facto authorities from the similar legislation in the Russian federation.
- International support for CSOs should aim at improving skills and expertise of local CSOs in policy research and advocacy in priority areas for local development. These can include socio-economic policymaking and policy monitoring expertise, modern concepts of good governance and public accountability, local autonomy and decentralization priorities.

# Introduction

As part of the State of Local Democracy (SoLD) Assessment in Moldova, a limited assessment of the state of local democracy was conducted in Transnistria. The aim of the assessment was to gather information about citizens' perceptions of local government and key challenges they identify as facing their communities. Due to local conditions, the implementation of the assessment was carried out by an individual expert based in Tiraspol, who assembled a team of local interviewers and analysts to carry out the assessment. CBS Axa provided assistance with population sampling and tabulation of the survey results. The assessment questionnaire for the survey, a focus group and individual in-depth interviews used for the assessment in Moldova were adjusted to the current realities in Transnistria. In total, 205 respondents were surveyed in face-to-face interviews, 10 in-depth interviews and a focus group with individuals from across different professions and walks of life were held. A detailed report was assembled by the local expert. Key issues and findings are summarized in this report, complemented by additional considerations by IDIS.

# Overview of the current conflict

Transdnistria is located in the eastern part of Moldova on the border with Ukraine. De facto, Moldovan laws are not implemented in a large part of the left-bank region, although Moldova keeps under its control six settlements there (Cocieri, Dorotcaia, Malovata Noua, Corjova and Pirita). In turn, the separatist regime controls the right-bank city of Bender (Tighina), without its suburbs (Varnitsa).

Shielded by 1992 agreements between Moldova and Russia, Transdnistria remains in a legal ‘imbroglio’ from the point of view of the Moldovan Government.<sup>3</sup> Since 1993, the Organization for Security and Co-operation in Europe (OSCE) has sent a permanent diplomatic mission to Moldova with a political mandate to promote a peaceful settlement to the conflict. Nonetheless, Russia has continued to provide full political, economic and military support to the breakaway region, in pursuit of its political goals in Moldova. Over the past years, Russia attempted to reach a deal by forcing Moldova to accept the region as a federal entity in a unified state, but only in order to secure a guaranteed role for its military forces and achieve a constitutional arrangement in which Transdnistria would have a power of veto on all issues pertaining to Moldovan foreign and domestic policy. Russia’s support to counter the economic decline in Transdnistria is significant, by providing unrestricted access to energy resources (e.g. gas). Total debts for the gas consumption, provided for free to the consumers of gas in Transdnistria, amounts to an astronomic sum of 6,1 bln USD<sup>4</sup>.

Since 2005, negotiations have been held in the 5+2 format which includes the sides (Transdnistria and Moldova), as well as the OSCE, Russia, Ukraine, the EU and the United States as mediators and observers. Negotiations took place in several formats, but with limited progress. The administration of Transdnistria has demanded the status of an independent state, but has not been formally supported by any of the sides in the process. The OSCE chairs the negotiation process, which was interrupted for almost six years, resuming in 2011. Since then, the 5+2 participants have been meeting periodically to discuss issues affecting the lives of the people on both banks of the Dniester River, such as freedom of movement, education, telecommunications, the economy, transport, the environment and matters related to the security zone.

Moldova’s Constitution (1994) stipulates the possibility of allocating a status of regional autonomy to Transdnistria<sup>5</sup>. Since the failure of the 2003 Kozak Memorandum, talks have resumed occasionally but with limited progress. Meanwhile, Tiraspol continues to see itself as a ‘besieged fortress’, heavily controlled by the Russian intelligence service and with a shrinking economy. Since the 2014 annexation of Crimea, borders with Ukraine have ceased to be open to Transdnistrian illicit trade. Aid from Russia has become irregular. Human rights conditions are worsening, while

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<sup>3</sup> A cease-fire agreement was signed in July 1992, introducing a Russian peacekeeping operation (PKO), based on creation of a Unified Control Commission (UCC) and participation of three contingents of peacekeepers.

<sup>4</sup> Parlicov V, et al, *Energy and Politics: The Price for Immunity in Moldova*, Policy Paper, IDIS, 2017 <http://www.viitorul.org/en/content/energy-sector-moldova-hostage-impunity-and-renter-arrangements-conclusions-and>

<sup>5</sup> Constitution of Republic of Moldova, Chapter III, Article 110 - <http://www.presedinte.md/titul3#8>



the free movement of citizens, and political and civil rights and freedoms, are severely restricted (Hammamberg 2013; US Department of State 2013; Promo Lex 2016). Domestic dissent is punished and a vertical power structure inspired by the ‘sovereign democracy’ model in Russia is being implemented. All of the above factors negatively affect civil society, local government and political pluralism.

The Moldovan Government continues to call on Russia to withdraw its military and transform the existing peacekeeping operation into a civilian police mission under international oversight (Front News 2017). So far, Tiraspol has rejected to hold negotiations on the 3<sup>rd</sup> package, which is about security measures and political status along the 5+2 negotiations. Moldovan Government sees the future of the region as a reintegrated and inseparable part of the unitary state, based on a ‘special status’ enshrined by the Constitution and other laws<sup>6</sup>. On 2 May 2017 the Constitutional Court of Moldova referred to Transnistria as an ‘occupied territory’<sup>7</sup>.

Over 60 per cent of trade of the region goes to the EU and right-bank Moldova, making the Moldova–EU Deep and Comprehensive Free Trade Agreement (DCFTA), signed by the EU and the Republic of Moldova on 27 June 2014, the only ‘lifeline’ for the entrepreneurial class in the region.<sup>8</sup> However, trade with the EU could shrink in 2018, if the breakaway region does not comply with the rules and regulations of the DCFTA. At the latest round of 5-2 negotiations in Vienna (November 28, 2017), some specific agreements have been reached by the sides, solidifying previous protocols of cooperation. International negotiators praised the opening of the Gura Bicului-Bicioac bridge over Nistru river and the apostilization of educational documents issued in Transnistria, organization of interaction in the field of telecommunications, ensuring the functioning of Moldova-administrated Romanian-language schools and the use of farmlands in the Dubasari district (left-bank). There were other commitments to solve some pending issues on international transportation and phytosanitary aspects of trade with EU, which shall yet to be prepared for technical and political preparation.

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<sup>6</sup> Law of July 22, 2005 No. 173-XVI on Basic Provisions of Special Legal Status of Settlements of Left Bank of Dniester (Transnistria). Source: <http://cis-legislation.com/document.fwx?rgn=18356>

<sup>7</sup> <https://www.news.ro/externe/republica-moldova-curtea-constitutionala-declara-drept-neconstitutionala-prezentatrupelor-ruse-in-transnistria-reactia-lui-dodon-video-1924404803002017050916945406>

<sup>8</sup> See <<http://www.eurasianet.org/node/78636>>.

# Governance structure: regulatory framework and practice

This section provides a brief overview of the highest (regional), district and local representative and executive government bodies in Transnistria:

- The region has a centralized governance system headed by the so-called President, who is directly elected for five years. The executive bodies include the government, ministries, other state bodies. The president appoints the heads of the state administration bodies in the districts.
- The so-called Supreme Council (parliament) of Transnistria is a unicameral legislature consisting of 43 deputies elected in single-member constituencies across the territory of Transnistria.
- Transnistria's de facto administrative-territorial system includes districts, cities, rural councils and villages/rural settlements.<sup>9</sup> There are seven administrative-territorial units: five administrative districts (*rayons*):—Camenca, Ribnita, Dubăsari, Grigoriopol and Slobozia, and two cities of the so-called republican subordination - Tiraspol and Bender.<sup>10</sup> In total, eight subjects, including seven administrative-territorial units and their centres, and the city of Dnestrovsk, which is subordinated to the administration of Tiraspol city, have powers such as own budget, stamp, bank account, and authority to issue decisions and local normative acts.
- Local government bodies of districts and cities of 'republican subordination' (2<sup>nd</sup> level local government bodies): at this level, representative bodies are city/district councils of deputies, and executive authorities are city/district state administrations.
- Local government bodies of villages and settlements (included into the administrative-territorial units of tier 2): At this level, representative bodies are village/settlement councils, while the executive bodies are comprised of the representative of the district administration, same as the head of village, and the staff. These bodies comprise 1<sup>st</sup> level local authorities.

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<sup>9</sup> The de facto legislation governing administrative-territorial organization in Transnistria recognizes the following types of settlements: urban settlements and cities (with a population above 5000 and where agricultural occupations do not dominate); settlements which cannot be categorized as cities but where the majority of residents are engaged in occupations other than agriculture; rural settlements such as villages, communes and *selsoiets*, settlements with predominantly agricultural activity. TMR Law on the Administrative-Territorial Organization of the Transnistrian Moldovan Republic, 2002. № 155-3-III (CA3 02-29), <<http://pravopmr.ru/View.aspx?id=Rprlci3jJLw6xauUkt5eQ%3d%3d>>

<sup>10</sup> Moldova does not recognize this system. The Moldovan legislation recognizes these territories as the Autonomous Territorial Unit of Transnistria. Differences exist in the status of several cities and other smaller territorial-administrative units, as defined by the central authorities of Moldova and the de-facto authorities of Transnistria. For example, the city of Bender, located on the west bank of the Dniester River, is recognized as a city with the municipal status but outside of the recognized Autonomous Territorial Unit of Transnistria. The de facto authorities in Transnistria consider Bender to be part of the so-called Transnistrian Moldovan Republic.

## Local bodies of level 2 (cities and districts)

*Executive Bodies:* Functions of the state administration in cities and districts are carried out by the so-called state administrations of cities and districts. These bodies are part of the unified system of the regional governance structure, established by de facto authorities. Heads of these state administration bodies are appointed and removed from their offices by the President, and are part of the de facto government of Transnistria. These bodies are successors of the former Executive Committees, regulate public affairs in the sphere of administration, exercise control over their implementation, and engage in public management processes in the territory of administrative-territorial units.

They have an independent legal status and issue normative-legal acts that are binding within their territories. The main forms of organizational activities of these bodies include: the organization of functional departments, district enterprises, the selection and placement of personnel, forecasting, budgeting, the development of targeted programs for the development of a particular industry or sphere, information management, coordination, accounting and statistics, etc.<sup>11</sup>

*Representative bodies:* District/city councils of deputies are comprised of the following members: chair of the village council (same person is the head of the village and accordingly, is the representative of the district administration), one deputy elected by the population in respective villages or settlements, and deputies elected in single-mandate districts, formed on the territory of the city-district centre. In contrast, the city councils of Bender and Tiraspol cities are formed in the following way: one deputy from the village and other settlement councils (settlements included in the territory of these cities), and one deputy elected by of approx. 2500 voters.<sup>12</sup>

## Local authorities of the 1<sup>st</sup> level

The head of the village (settlement) administration, elected by the people, also serves as the representative of the state administration of the district in the village, as these settlements are not independent administrative-territorial units. Accordingly, these officials are contracted and remunerated by the district administration. All decisions in relation to the personnel and local public affairs must be agreed with the head of the district administration.

Views and proposals, if divergent from the views of the district head are declined and any attempt to insist on their own views may lead to a disciplinary action. This current system conflicts with the relevant provisions of the local governance legislation, which prohibits the holding of a position as a civil servant in an executive authority (including an official of the state administration) at the same time as serving as a council member. The absence of real autonomy and independence severely limits the ability of these village heads to address local issues.

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<sup>11</sup> The de facto laws that provide the basis for and regulate local self-government as set up by the un-recognized authorities in the region are the Constitution of the Transnistrian Moldovan Republic, and the Law on Organs of Local Government and Local Self-Government and State Administration in the Transnistrian Moldovan Republic (1994, as amended in September 2017).

<sup>12</sup> Based on the de facto electoral legislation, Article 112 of the Election Code of Transnistria <http://www.cikpmr.com/index.php/zakonodatelstvo-o-vyborax/item/234-izbiratelnyj-kodeks-tek-1-07-2017g>

The administration of the village (settlement), being a structural subdivision of the district administration, does not have its own legal status, seal, the possibility to open a bank account, obtain a loan, or the ability to manage tax revenues, provided in the tax law. Furthermore, they are not able to expend funds without agreement and accountability of the district administration. The state administration of the village (settlement) is territorially located in the corresponding settlement, but is subordinated to the district authorities.

Members of the councils in villages and settlements are elected by the residents of these localities in periodic local elections, for a period of five years. Councils elect chairs, have their presidiums and work through council sessions. Councils establish permanent committees along the sectoral profiles, including agriculture, processing industry, environment, law and order, etc. These committees consider proposals and complaints of citizens, and are mandated to develop targeted programs, monitor use of the municipal property, plan local budgets, determine local dues, and monitor the organization of transport and public services. However, due to an increased centralization of the decision-making process, subordination of a village head under the district state administrative bodies, and decreased local revenues, village councils have very little to no decision-making power.

The village administration can apply for external opportunities of funding community-relevant projects, but they need to get an authorization from the district or the facto regional authorities, which usually block their participation. Often these projects are carried out with non-transparent selection of local contractors. These instances exacerbate internal conflicts between local and district authorities, and weaken opportunities of local authorities to effectively participate in donor-funded initiatives.

Over the past years there has been an increasing trend on the part of district administrations (who decide on all local affairs) to marginalize local authorities away from their functions, including in the allocation of budgetary funds, and incitement of conflicts between regional administrations and local councils.<sup>13</sup> Some local politicians have expressed concerns about diminishing powers of tier 1 local bodies, the centralization of the decision-making, i.e. budgetary issues, inherent conflict in functions of village heads, the absence of the oversight of the executive bodies by councils, and the resultant consequences that mark a widening gap between authorities and the public:

*In the heat of the political struggle for the rural electorate, which is most disciplined and easily influenced, each branch of power sought to subordinate the leadership of local self-government, often rewriting laws and even changing the provisions of the Constitution. This led to a reduction of authority, to the loss of autonomy and independence of local self-government in the countryside. In fact, today the village lacks local self-government and resources that can provide basic, effective governance mechanisms - independence and autonomy<sup>14</sup>.*

As local observers note, the relations between heads of villages and heads of district administration, and between district councils and heads of district administrations become particularly

<sup>13</sup> Please see O. Vasilaty, (member of the Supreme Council 2010-) *Dismantling Pridnestrovia*, 2013 (in Russian) [http://pmrf2.ru/0100\\_all-articles/oleg-vasilaty-demontazh-pridnestrovya](http://pmrf2.ru/0100_all-articles/oleg-vasilaty-demontazh-pridnestrovya)

<sup>14</sup> Please see V. Kravchuk, deputy of the Rîbnița district council, commentary on local government in Transnistria (in Russian) <http://www.pmr21.info/news.php?id=2028>

strained during electoral periods when village heads or other local officials express their support for alternative electoral candidates. Continued confrontation and politicized decision-making has led to the further distancing of the district and local authorities from the public and its needs.

*Local elections and candidate nomination/recall procedures*

Elections are regulated by the Electoral Code (2000) and the Law on Local authorities, local government, and state administration (1994). Elections are based on the plurality majority system. Deputies are elected for a term of 5 years. Elections are recognized invalid if voter turnout is lower than 25 per cent. The threshold was decreased from 50 per cent in 2004, in the run up to the 2005 elections, in anticipation of a low turnout. While turnout rates for the Supreme Council elections are relatively high (60 per cent), local elections feature lower turnouts<sup>15</sup>.

Voters, electoral associations and electoral blocs all have the right to nominate candidates for elections, and the law provides the right of self-nomination. The electoral code provides detailed instructions on the nomination, registration and approval of candidates. Groups of voters nominating a candidate need to include at least 10 voters. Procedures for nomination and registration are applied strictly. Complaints are usually voiced regarding the rejection of registration based on relatively minor issues, such as the use of abbreviations, handwriting and other issues. Local experts also note that the need to obtain passport data of candidates' supporters for nomination signatures has proven particularly controversial.

The procedures for initiating and holding recalls of deputies are laid out in the electoral code, articles 183-185 and are largely similar to the procedure for the nomination and registration of candidates. Electoral subjects who nominated relevant deputies have the right of their recall. The reasons for recall can be acts committed by the deputy, which violate the constitution, loss of voters' confidence, or committing actions that lead to violation of individual human rights, as ruled by relevant courts. The procedure has only been initiated once, to recall a former deputy of the Supreme Council of Transnistria in 2004–05, but failed to be recognized as valid due to the low turnout. In this particular case, supporters of the deputy alleged that the recall was orchestrated by authorities themselves, whom the deputy opposed and criticized as part of his journalistic activities.<sup>16</sup> Citizens do not generally trust this mechanism and do not make use of it to influence their representatives/deputies.

*Bodies of territorial public self-government (BTPSGs)*

At the grassroots level, citizens can form bodies of territorial public self-government (BTPSGs) in the form of councils and micro-district committees, housing cooperatives, house, street, quarter or village committees and other bodies. These BTPSGs consider local needs and review proposals from the population, represented either individually or through public organizations and labour collectives. The boundaries of the territory on which they operate are established by the relevant

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<sup>15</sup> See the Transnistrian central election commission site: <http://www.cikpmt.com/index.php/o-vyborakh-i-referendumakh/informatsiya-o-vyborakh/informatsiya-za-2010-god>

<sup>16</sup> An account by Nikolai Buchatsky, former deputy of Tiraspol City Council, of the events surrounding Radchenko's recall procedure is available [in Russian] at <<http://mioritix.tripod.com/virtualia/g13>>.

local council. These bodies serve as forums where local active residents can engage, nominate themselves or be nominated for interaction with local public authorities. The BTPSGs are based on voluntary engagement, at the initiative of residents or the local council.

#### *Gender-ratios in the composition of local authorities*

Gender-based discrimination is broadly understood by the public as only a direct restriction on the participation of women in public roles and affairs. While no formal restrictions exist, principles of equal pay for equal work, gender-balance in staffing and other related issues are largely overlooked. Typical for centralized governance models, men are perceived as good managers, able to direct and enforce decisions, while women are mostly relegated to secondary roles and are perceived as good ‘implementers’. As a result, women face disproportionate difficulties while acceding to higher levels in the public service.

All heads of city and district administrations are men, while their deputies are women, except in Ribnita, where all deputy heads are men. In the administration of villages and settlements, the share of women heads reaches only 38.1 per cent. Men also dominate among heads of local authorities in tier 1 bodies. Only in Ribnita district and Bender women heads of tier 1 authorities exceed 50 per cent.

There is a significant gender imbalance in the elected councils. Only 22.5 per cent (73 of 324) of deputies of city and district councils are women. The highest share of women as council members is in Grigoriopol district with 31.8 per cent women deputies, while the lowest share is in Bender council with only 6.45 per cent women deputies. This stark underrepresentation of women is characteristic for the highest level of representative body, the Supreme Council, where only 2 out of 43 members are women (4.65 per cent).

## **Other Forms of Direct Democracy**

Local referendums, public consultations, citizens’ appeals to local authorities and other forms of direct democracy, such as rallies, demonstrations and strikes, are all provided by the Transdnestrian legislation and practiced to varying degrees.

*Regional and local referendums:* A local referendum can be held within the boundaries of the relevant administrative-territorial unit, following a decision by the corresponding Council of People’s Deputies, on matters within the competence of that Council. Participation in referendums is voluntary, and requires a minimum of 50 per cent turnout. A decision taken by local referendum is mandatory and must be executed if it does not contradict the law. Holding of first referendums dates back to 1989 when several of them were held in relation to the questions related to official languages and the formation of the autonomy (economic zone). Since these times, 7 regional and 1 local referendums were held, including the latest referendum in 2010 in Bender (related to the erection of a monument), which failed due to the low turnout.

*Citizens’s gatherings/ assemblies:* Public assemblies and gatherings of citizens in their places of residence are convened to deliberate on local community issues, nomination of candidates for local councils, the formation of the BTPSGs and other issues. Citizens, local deputies, permanent com-



missions of local councils, labour collectives and public organizations can propose the convening of such assemblies. These gatherings are mostly practiced in villages and rural settlements when public consultations are required for the implementation of specific, often donor supported projects. Public interest in such meetings is usually low, resulting in the need to collect necessary consent votes through door-to-door procedures.

*Citizens' appeals to local self-government and local authorities:* The law on citizens' appeals obliges the authorities to respond to citizens' appeals within 30 days. The most recent legislative initiative extends the right to appeal to organizations or legal persons. While formally provided for, the responses resulting from such appeals are of a formalistic nature, which causes discontent among citizens.

Rallies, demonstrations, processions, picketing, strikes and hunger strikes are regulated by the Law on the Organization and Holding of Meetings.<sup>17</sup> Rallies are widely used by the Communist Party of Transnistria to challenge the incumbent parties. Organizers must comply with strict requirements related to the venue and the timing, and ensure order at the event.

## **The budgetary system for local government**

The budget system comprises regional budgets, extra-budgetary funds, the Social Insurance Fund and local budget estimates. Within approved parameters, the Autonomous Territorial Units (ATUs) approve the local budgets of Tiraspol, Bender and the districts. Local budgets include district and city budgets, as well as estimates for villages and settlements.

The highest revenue per capita is raised in Dnestrovsk City. Due to its affiliation with the largest energy generating plant, Moldavskaya GRES, the city has a generous and balanced budget, while subsidies from the region are received only for roads. The lowest revenue per capita is registered in the budget of Slobozia district (about USD 97.30). Other outliers are Grigoriopol and Camenca districts, where local budget revenues amount to less than USD 120 per capita. Revenue imbalances and transfer policies lead to excessive subsidization of stagnant ATUs and as a result there is significantly more spending per capita (up to USD 325 per capita in Dubasari district) than in donor ATUs (USD 178.40 per capita in Tiraspol).

The budgets of cities and districts, and the financing of villages and settlements, depend on subsidies and transfers from the regional budget. The situation has worsened in recent years. While previously there were four subsidized districts (Camenca, Dubasari, Grigoriopol and Slobozia) over time the city of Bender and the Ribnita district have also gone from donors to subsidized entities. In 2016, even Tiraspol received a certain amount (7.9 per cent of city budget expenditure) in transfers from the regional budget. At the same time, five administrative-territorial units have unbalanced budgets, where the proportion of expenditure made up of transfers is more than 35 per cent. The timely payment of pensions is particularly difficult now in Transnistria. The shortfall in monthly pension payments is 40–60 per cent, which is compensated by humanitarian aid from Russian special gas accounts.

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<sup>17</sup> Transnistrian Law on the Organization and Holding of Meetings, 2005, <<http://zakon-pmr.com/DetailDoc.aspx?document=60967>>.

# Voices of the people – findings from the assessment

## **The meaning of democracy**

As revealed during the survey, a majority of respondents identified ‘human rights’ (64 per cent) and ‘equality of all before the law’ (62.7 per cent) as the key concepts associated with democracy and democratic governance. This result was similar for Moldova, where these two concepts were also the top choices of respondents nationally, albeit in lower numbers. Other popular concepts associated with democracy were ‘right of citizens to participate in the decision-making’, ‘social and economic rights (material welfare)’, ‘free market’, ‘freedom of expression’, ‘freedom of choice’, ‘freedom of citizens to choose what is good for them’.

During closer interactions at the focus group and in-depth interviews, more contextualized views were identified. For many years, dominant political elites led the strategy of supplementing ‘democracy’ with another term—‘people’s power’, ‘power vertical’, which are considered as politically and ideologically more appropriate to the de facto authorities. Indeed, some participants to the focus groups associated the meaning of democracy as something imported or a foreign concept which is difficult to fully grasp.

Majority of participants coalesced around two central values when discussing virtues of democracy: equality of all before the law, and transparent and fair administration of public affairs. Similar to few voices in focus groups across Moldova, only a small part of respondents spoke of a heavy-handed authoritarianism as a possible solution to the current ills. Some of them voiced their preference towards an authoritarian rule, claiming that ‘people are disenchanted by the current state of democracy, and that perhaps an authoritarian ruler will fix our social problems; and afterwards, the return to democracy will be possible, when economic situation will improve’. (Focus Group, Transdnistria).

## **Enjoyment of human rights: civil, political and socio-economic rights**

Fundamental rights and freedoms, such as freedom of thought and religion, freedom of assembly, right to one’s own ethnic identity, right to private property, freedom of movement were identified as very well or well respected by a large majority of respondents, ranging between 70 to 85 per cent of the respondents.

In contrast, 51 per cent negatively assessed their right to a fair trial, with a particularly high negative responses in Tiraspol. Moreover, 66.2 per cent of respondents said that ordinary citizens had little or no access to justice when dealing with problems related to local administrations, with a particularly high negative rate of answers from respondents with high level of education. Feedback received from respondents in conversations during in-depth interviews and the focus group resonated with these sentiments, whereby participants were mostly concerned about inequalities in treatment of individuals by the state and local authorities, and privileges enjoyed by the rich compared to the regular citizens.



*It is difficult to characterize our current authorities as democratic. If democracy must give equal rights to everyone, then we do not enjoy this 'luxury'; there are extremes of richness and poverty; there are 'top' leaders living in enormous luxury, outside of any public scrutiny' (Focus Group, Transnistria).*

About 64 per cent of respondents across the region said that they always vote in elections. Disaggregated across various age groups, 78.5 per cent of citizens over 60 years old said they were voting always, but rates decreased gradually across age groups, with only 44 per cent of those in the age group of 18-29 years saying that they vote regularly. About one-quarter of respondents were dissatisfied with the right to elect and be elected, with respondents with higher education levels and better economic status being more dissatisfied.

While respondents generally believed that their vote can influence the outcome of elections (72 per cent), such responses were lowest among the younger voters (52 per cent positive). As an indication that electoral results do not translate into positive outcomes for voters, 61 per cent of respondents noted that politicians did not listen to citizens' views. This sentiment was particularly pronounced in Bender city.

Political parties did not enjoy much respect among the interviewed respondents.

*Parties live on their own, separated from the regular citizens. Whom will they represent, parties like Renewal, it is absolutely unclear to me. Mostly they represent their sponsors and every party member feel obligated before the financial groups that are backing these parties, with no regard to engaging with the voters' (Focus Group, Transnistria).*

As a sign of potential lack of awareness and sensitivity to indirect forms of gender-based discrimination, a large majority of survey respondents including women believed there was no gender-based discrimination in the region (90 per cent) and only a relatively small group (15.8 per cent) believed that more women were necessary in local councils.

Participants considered that many people in the region find it difficult to speak openly about discrimination and harassment, but agree that there are several signs of it.

*Those who are not protected by security services in our region enter into the 'risk group', but if you are part of them, you have a good chance to be absolved of any responsibility. The most unprotected groups are those with limited financial support from the state. Also, business people are often discriminated by security and law-enforcement bodies, as well as national minorities (Ukrainians, Moldovans) who only nominally have a right to speak their mother tongue, but in reality they are limited in practicing their linguistic rights' (Focus Group, Transnistria).*

Likely a result of the economic strain and decreasing employment opportunities, 63.6 per cent of respondents were not satisfied with the level of socio-economic development in their region, with significantly higher levels of dissatisfaction among respondents with a higher level of education. More than half of respondents were concerned about unemployment as a major problem, and the future of their children was also of concern for more than half of Transnistrians, along with price hikes (32.2 per cent), poverty (30 per cent) and a potential war in the region (22.3 per cent). Right to work was not respected according to the 39.9 per cent, and 65.6 per cent of respondents did not think their right to decent and favourable work was protected. This was particularly pronounced in small cities.

In cities other than Tiraspol and Bender, the right to social protection was noted as not respected (not/not at all) by 67.5 per cent of respondents.

Health care provision suffers from an acute shortage of medical staff, especially nurses, while mid-wife teams and rural clinics are poorly equipped and in need of repair. In 2015 there were 12.7 medical staff per 1000 inhabitants, comprised of four doctors and 8.7 mid-level practitioners. The distribution of medical infrastructure is 0.03 hospitals per 1000 population, or one in each administrative unit; 0.4 medical institutions (hospitals, centres, polyclinics, etc.) per 1000 population; and 8.9 hospital beds per 1000 population (Moldova has 5.28 hospital beds per 1000 population). The right to health was assessed negatively by 62.6 per cent of respondents, and was especially problematic in villages (68.9 per cent).

Secondary or middle schools face increasing difficulties due to the falling number of school-children. Low numbers of students per class mean high costs per child, leading to the closure of schools. The number of schools has fallen by 6 in the past three years, to 159. The number of schoolchildren fell from 45,100 to 44,400 between 2013 and 2015. The shortage of teachers is aggravated by the fact that many leave due to low wages or retirement. In the period 2013–15, the number of teachers in schools fell by 6 per cent to 4.6 teachers per thousand students. The right to education was assessed positively by about 80 per cent of respondents, refurbishment of schools and kindergartens was noted as one of the pressing issues.

The right to water and sanitation was on average assessed as well/very well protected by 72.3 per cent of respondents across the region, but was assessed negatively by close to 40 per cent of respondents in villages. Supply of gas and central sewage system were identified only as of low priority issues, likely a sign of an overall satisfaction with these services.

Respondents in the survey identified the following as the most pressing problems for their communities: construction and repair of road and bridges, street lighting, playgrounds for children and fitness facilities, refurbishment of secondary schools and kindergartens, refurbishment and improvement of local health centres and refuse collection.

## **Public perceptions of local authorities**

One key perception that the respondents across the survey, the focus group and interviews identified as leading to the ineffectiveness of local governments was nepotism. Limited financial resources, serving their own interests instead of those of the public and lack of qualified staff were among the top problems that the respondents chose from a range of other issues. Participants noted that ‘local democracy means a situation where local governments listen to people’s needs and do everything to foster people’s welfare’, or when ‘the best of us are elected to govern on our behalf’. In relation to forms of participation that citizens use to engage with local governments, about a third of the respondents noted that they participate in public meetings/assemblies where public projects were discussed. Rate of response on this question was approx. 25.5 per cent among the urban population (participate) and 45.7 per cent in the rural respondents. This significant rural/urban difference is very likely due to a developed tradition of participation in such meetings in villages, established following the rules of donor-funded projects where public participation at critical junctions of community project development is a donor requirement.

Survey responses point to the public being most aware of the decision-making processes in local administrations of villages (30 per cent) while, for city administrations, only 18 per cent of respondents said they were aware of how decisions in these bodies are made. The lowest responses were identified among the 30–44 age group. A further 26 per cent of respondents gave no answer to this question, which could mean that about 84 per cent of respondents have little or no awareness about decision-making processes at the district level. Only 10.8 per cent of respondents took part in consultations on the local budget.

Perceptions of local governments are mixed. Participants to the focus groups see them as being too much consumed by their short-term duties, small or ordinary business issues, but leaving strategic global issues outside of their attention.

*‘There is no secret that local administrations are not really accountable for their actions, therefore, results are meager or no results at all. Roads are awful. Resources are spent outside of any supervision. Therefore, our local governments feel no responsibility at all, or can be wordy, but not useful. This is the life we live here...’ (Focus Group, Transnistria).*

*‘I think, local governments lack a systemic approach here. For instance, we don’t have any clue on how they want to fix our problems, because all decisions are already taken by the top administration, and until they indications are not provided no problems are settled’. This is why our economy is in deep depression. If Moldova is far advanced with various services, such as passport services, we have no clarity on who is in charge, how much time is needed’. (Focus Group, Transnistria).*

More than 90 per cent of citizens did not participate in developing plans for the social and economic development of their settlements. Only 11.4 per cent of respondents had participated in the development or implementation of local development projects.

Rates of participation in the housing and borough committees reported in the survey were significantly higher compared to other forms, with 44.4 per cent of respondents noting that they were involved in such committees. The rate was higher in urban settings, such as Bender, and significantly lower in rural areas. The popular sentiment that ‘all depends on the ‘tsar’, the ‘father’ (i.e. Russia) was noted as an explanation for a dis-engaged public, lacking strong convictions that the public participation, community involvement can have meaningful effects.

*‘Because our population is getting older, making pensioners the largest and steadiest part of the voters, de facto authorities tend to hear them more than other parts of society. Since they receive pensions from Russia, they seem less interested to change what local governments do and don’t do, making us hostages of their thinking’ (Focus Group, Transnistria).*

When citizens were asked what method of communication they recommended for obtaining information about local affairs in the future, they preferred open meetings with community members and local authorities or local radio and television. They steered clear of forms such as information bulletins and printed material.

# Civil society in Transdnestria

Official statistics show that there are 1077 non-profit and religious organizations operating in the region, employing about 3479 personnel.<sup>18</sup> There are 54 religious organizations, 170 trade unions, 339 CSOs in the housing and public utilities fields, 48 political associations and 466 CSOs working on various civic initiatives.<sup>19</sup> Of the 466 CSOs, estimates suggest that only 20 per cent may be active, while the rest exist only on paper.<sup>20</sup> Regional statistics indicate that 35.7 per cent of CSOs (all except 54 religious organizations) were registered in Tiraspol and 23.2 per cent in Bender. Organizations in large cities seem to be more active and have more access to resources that ensure sustainable functioning.

Most of the active CSOs operate in the social protection, education and agricultural spheres. Organizations such as the Healthy Future Information Centre in Tiraspol and the foundation *Share Your Kindness* (informal translation) provide counselling and assistance to socially vulnerable groups, and legal and financial support to boarding schools, orphanages and schools for children with special needs. The European Agency for Economic Research, Reconstruction and Development (ERRD) is active in economic analysis, entrepreneurship infrastructure and local development. Other organizations work on environmental issues, or in publishing/journalism and professional media development.

Organizations working on human rights protection and promotion, journalism and civic awareness projects come under special scrutiny from local authorities, especially when such projects are funded through foreign grants. The stance of the authorities towards donor-funded CSOs is highly antagonistic, arguing that such CSOs are ‘instigators of colour revolutions’.<sup>21</sup> Legislative amendments were adopted in 2014, aimed at coining these CSOs as ‘foreign agents’, with severe sanctions.<sup>22</sup> To dispel such attitudes, CSOs occasionally invite representatives of the security forces to their events.

Many in civil society complain about an ‘institutional blindness’ by donors to the local context and conditions in which CSOs have to operate in Transdnestria. CSOs registered in Transdnestria are not able to open bank accounts in Moldova, while risks are significantly increased if CSOs

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<sup>18</sup> Main Indicators of Activities of Non-commercial Organizations, Transdnestria 2016, <<http://mer.gospmr.org/gosudarstvennaya-sluzhba-statistiki/informacziya/deyatelnost-nekommercheskix-organizacij/press-vypusk-osnovnye-pokazateli-deyatelnosti-nekommercheskih-organizacij-za-2016-god.html>>.

<sup>19</sup> Main Indicators of Activities of Religious Organizations, Ministry of Economic Development, Transdnestrian Moldovav Republic, <<http://mer.gospmr.org/gosudarstvennaya-sluzhba-statistiki/informacziya/osnovnye-pokazateli-deya-ti-religioznyx-organizacij/press-vypusk-osnovnye-pokazateli-deyatelnosti-religioznyh-organizacij-za-2015-god.html>>.

<sup>20</sup> Analysis of the state and development strategy of civil society in Transdnestria, Independent Institute of Rights and Civil Society, <<http://www.law-civilsociety.com/otchet-o-npo-sektore.html>>.

<sup>21</sup> Media and associative sector in the Transdnestrian region: situation and development prospects, 2014, Centre for Independent Journalists, <<http://media-azi.md/sites/default/files/MediaWiki20associal%20sector%20RU.pdf>>.

<sup>22</sup> See CSO Sustainability Index for Central Europe and Eurasia 2015, USAID [https://www.usaid.gov/sites/default/files/documents/1861/Europe\\_Eurasia\\_CSOSIRreport\\_2015\\_Update8-29-16.pdf](https://www.usaid.gov/sites/default/files/documents/1861/Europe_Eurasia_CSOSIRreport_2015_Update8-29-16.pdf)

attempt to register on both sides. In Transnistria, foreign grants must be registered with the Co-ordination Council of NGOs and Political Parties of Transnistria, otherwise funds will have to be registered as regular currency transactions. This severely limits access of these CSOs to external funding and adds to the situation of shrinking civic space in the region.

Participants in the Focus Group underscored the importance of increased civic participation for promoting social progress.

*‘Unfortunately, the status of the civil society is deplorable, therefore our civil servants do not expect that someone will really make them accountable’. (Focus Group, Transnistria).*

*‘To improve situation, civil society needs to engage more with de facto administration and local governments, and the initiative shall emerge from both sides. Dialogue between them is needed. More efforts need to be done to create strategies for development. We shall overcome the situation where the leaders will govern as they want, without any challenges or engagement from the public’ (Focus Group, Transnistria).*

When asked about sources of funding for CSOs, 42.3 per cent believed that funding for CSOs should be provided by the government, while another 30.5 per cent believed their CSOs should be funded through local authorities, while the rest opted for funding from voluntary donations, international donors and the private sector.

Donors increasingly focus on technical assistance programmes for infrastructure projects and grant programmes. While these are much-needed activities, increased attention needs to be paid to foster participation of citizens in making their local governments more accountable and responsible to their needs.

In addition, most of the current donor-funded activities do not yield longer-term benefits to the local CSOs as continuity in support is not maintained. From the survey evidence, only 12 per cent of respondents had an experience of being involved in preparation of community projects or in fundraising for local projects. 82 per cent of respondents noted that they did not participate in community projects as key actors, this indicator being slightly better, 77.7 per cent in villages, as a likely result of donor-funded projects being mostly concentrated on rural areas.

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Knowledge  
creating  
development