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Autonomy in Gagauzia: A Precedent for Central and Eastern Europe?

Introduction

This paper concerns itself with an underpublicized, but in many respects highly significant episode of current Eastern European history: In 1995, a Gagauz Autonomous Region had been set up by the Moldovan government. The importance of this seemingly not so relevant event derives from the fact that it was the first time a territorial autonomy had been established for an ethnic minority in Central and Eastern Europe.

The paper tries to introduce the process that led to this development, analyses the institutions of the autonomy itself, and, finally, makes an attempt to draw conclusions as regards its precedent value for the region.

The Gagauz question after 1991

The Gagauz community in Southern Moldova is a people of Turkic origin, the predecessors of whom fled the continuous Russian-Ottoman wars in the Balkans in the 18th century. They were settled in Bessarabia by the Russian Empress Catherine II, on condition that they convert to the orthodox religion. Today, of all Turkic peoples, Christianity is predominant only among the Gagauz (besides the Chuvash). In addition to Moldova, much smaller Gagauz communities also live in Ukraine, Russia, Kazakhstan, Bulgaria, Greece and Turkey.

According to official data, currently about 153,000 Gagauz, comprising 3,5% of the country's total population, live in an almost homogenous 3000 km² block of territory in the southern part of the Republic of Moldova. Most (92%) consider Gagauz as their native language, but 73% also use Russian as a second language. Only 4%, however, speak Moldavian (Romanian).

In 1989, the nationalistic Popular Front, advocating a union with Romania, came to power in Chisinau. The various non-Moldovan nationalities, comprising more than one third of the country's population, reacted with anxiety, and pursued separatist policies. The process accelerated after the Republic of Moldova declared its independence in August 1991. As it is well known, these developments resulted in an open war between the government and the Transdnister Russians in 1992, but tensions also heightened in the southern Gagauz-populated territories. Armed militias had been formed, which quickly took control of the region, and the Gagauz established their own self-governing administrative institutions, as well. Consequently, the sovereignty of Chisinau over these territories had practically ceased to exist by early 1992.

Nevertheless, the chances of resolving the conflict by peaceful means were much higher than in the case of Transdnister, since occasional armed clashes did not escalate and, subsequently, the death toll remained very low. Moreover, as opposed to the Transdnister region, the mainstream of the self-proclaimed Gagauz leadership never questioned the territorial integrity of the Republic of Moldova, only in case of the later's occasional union with Romania. Hard-liners within the Gagauz leadership, who even appealed to Moscow for the inclusion of their breakaway republic in the

Russian Federation, had been quickly isolated. In these circumstances, negotiations on territorial autonomy for the Gagauz-populated territories began as early as September 1992, between Moldovan President Mircea Snegur and a Gagauz delegation headed by 'Gagauz Republic Supreme Soviet Chairman' Mikhail Kendigelyan.(1)

The events of 1993-94 paved the way for full normalisation of relations between the majority population and the Gagauz. Forces spearheaded by President Mircea Snegur, emphasizing a separate identity of the Moldovan people, systematically pursued an independent-minded policy by rejecting any attempt that called for a more 'fraternal' relationship with Romania. The pro-Bucharest Popular Front suffered a shattering defeat at the February 1994 elections, and over 90% of the population voted in favor of independence at the March 6 referendum.

The newly formed coalition government, consisting of the anti-unionist Democratic Agrarian Party and the Socialist Party, was much more receptive towards concerns of the two breakaway republics than the previous one, and was also keen on closing as soon as possible at least one of the ongoing disputes. A new Constitution of the Republic of Moldova was adopted in July 1994, Article 111 of which made provisions for the autonomy of the Transdnier and the Gagauz regions, to be detailed in organic laws due for enactment by 1 January 1995.(2)

The Gagauz Autonomy Act of 1994

The Act Providing for the Special Status of Gagauzia/Gagauz-Yeri (No. 344-XIII.) was adopted by Parliament on December 23, 1994.(3) The final version had been born after long and hard bargaining which included a series of compromises on both sides. It is worth noting that Turkey played a crucial role all along, promising investments and development assistance for the Southern regions.(4)

According to the preamble, the aim of the Act is to provide for the preservation of the Gagauz national identity, the flourishing of the Gagauz language and culture, and to secure political and economic independence to this nationality. The paragraph places special emphasis on the point that within the autonomous territory to be created, all citizens, regardless of ethnicity, are considered to be equal.

Article 1 defines that, being a manifestation of the self-determination of the Gagauz people, Gagauz-Yeri is an autonomous unit of special status and, as such, an integral component of the Republic of Moldova. That is, by granting collective rights to the minority, the Act also provides for *internal* self-determination which in no way challenges or even questions the territorial integrity of the country concerned. Nevertheless, the article mentions Gagauz external self-determination, as well: This may be accomplished in case the status of the Republic of Moldova as an independent state changes (i.e. if the union with Romania occurs). Considering the current circumstances (the serious misgivings of the Moldovans regarding a 'Greater Romania'), however, this possibility remains only a theoretical one for the foreseeable future.(5)

According to the Act, the territory of Gagauz-Yeri consists of all those localities where the proportion of the Gagauz population exceeds 50%; local referenda were to be held in areas where this number is below 50%. Referenda deciding whether the settlement concerned wanted to belong to the autonomous region, or not. Official languages of Gagauz-Yeri are Moldovan, Gagauz and Russian, but the usage of other languages (e.g. Bulgarian) is secured, as well. As far as symbols are concerned, flags and coat-of-arms of Gagauz-Yeri are to be used equally with those of the Republic of

Moldova. Lands, subsoil, waters and other natural resources are property of the Republic of Moldova, but they form the economic basis of Gagauz-Yeri.

Legislation rests with the Assembly of Gagauz-Yeri (*Halc Toplosu*): it has a mandate of lawmaking powers within its own jurisdiction. This includes provisions on education, culture, local development, budgetary and taxation issues, social security, and questions of territorial administration. These mandates are similar to those of the *regions* of Italy, but the Gagauz Assembly has two special powers, as well: it may participate in the formulation of Moldova's internal and foreign policy, and *Halc Toplosu* also has a right of appeal to the Constitutional Court of the Republic of Moldova, in case central regulations interfere with the jurisdiction of Gagauz-Yeri. Such regulations, if they are found to be unconstitutional by the Court, are to be abolished. In turn, those regulations of *Halc Toplosu* that are in conflict with the laws enacted by Chisinau, are null and void.

Laws adopted by the Assembly are sent to the Governor of Gagauz-Yeri for signing; in case of disagreement, the law concerned goes back to the *Halc Toplosu*. However, the Governor's decision may be overridden by a repeated two thirds majority vote. The law goes into effect on the date of its declaration.

The highest-ranking administrative official of Gagauz-Yeri is the Governor (*Bascan*), who is elected directly by the population of the autonomous territory for a 4-year mandate. Eligibility for governorship (besides Moldovan citizenship and a 35-year minimum age requirement) only includes fluency in the Gagauz language. The *bascan* is by definition a member of the Government of the Republic of Moldova. He is confirmed by the President in this latter capacity. By issuing resolutions and decrees that are to be executed on the territory of Gagauzia, the Governor exercises control over all the administrative authorities of Gagauz-Yeri, and he is responsible for the implementation of all the powers he is mandated with.

Permanent executive power in Gagauz-Yeri rests with the Executive Committee (*Bakannik Komiteti*), members of which are appointed, on the proposal of the Governor, by a simple majority vote in the Assembly at its first session. The Committee secures the application of the laws of the Republic of Moldova and, of course, those of the Assembly of Gagauz-Yeri. It is also keeping contact with central authorities in all those issues that in some way are connected to the autonomous region.

Main fields of its governmental powers, with the right of initiating bills in the Assembly are the following: regulation of property, determining the structure and priority policies of national socio-economic, technical, scientific and cultural development, drafting and (after the Assembly's approval) executing the annual budget, securing the equality of citizens in terms of their legal rights, the rule of law and public safety. Other mandates include rational exploitation of natural resources with a special emphasis on its environmental and ecological aspects, and guaranteeing the development of national languages and cultures on the territory of Gagauz-Yeri.

As far as the judicial branch is concerned, the Court of Gagauzia acts as an appeal forum for local judicial districts. Its judges are appointed by the President of the Republic of Moldova on proposal of the Assembly of Gagauz-Yeri. The Chief Judge of the Court of Gagauzia is by definition a member of the Supreme Court of Moldova. A similar sharing of responsibilities may be observed with regards to the Office of Attorneys of Gagauz-Yeri. The Head of the Department of Interior ('Interior Minister') is appointed by the Interior Minister of Moldova, on proposal of the Governor, and subject to the approval of *Halc Toplosu*. He in turn appoints local police chiefs in the name of the Moldovan Interior Ministry.

On the date of the adoption of the Law on Gagauz autonomy (December 23, 1994), the Parliament also adopted a resolution providing for the execution of the Act by defining steps that had to be taken by the Government within the following month. This declaration, among others, called for a joint committee to be set up from representatives of the central government and those of the southern administrative districts of Moldova.

The referendum determining the exact boundaries of the Gagauz Autonomous Territory was held on March 5, 1995 in 36 localities of 5 rayons in Southern Moldova, with a voters' turnout of about 70%. The concept was approved in 27 localities: 90% voted for the autonomy, and only 9 districts failed to muster the necessary number of votes (e.g. Vulcanesti, Taraclia, Ceadir Lunga, which were mainly inhabited by Bulgarians). Comrat became the capital of the newly formed Gagauz Autonomous Territory.

Conclusions

Post-1945 international law basically destroyed the system of minority protection set up some 25 years earlier, following the Paris Peace Treaties, by the League of Nations. The pattern drawn up after World War I was based on the unquestionable fact that the states created after the collapse of the empires of Central and Eastern Europe were not much more homogeneous in terms of ethnic composition than their predecessors. Consequently, new states were obliged to provide a high degree of self-government and autonomy to their respective national minorities. (It is a different matter that in the given political circumstances, this system did not work perfectly, to say the least.)

Serious deficiencies of the system of the Paris Peace Treaties are generally acknowledged to have played a crucial part in the outbreak of World War II. However, provisions referring to the collective rights of minorities were blamed, on grounds that they had helped Nazi aggressiveness in pursuing expansionist policies (the example of Sudetenland and the Munich Agreement is often cited in this context). Using this reasoning as a pretext, the case of national minorities was deliberately swept off the international agenda after World War II. The whole question was placed in the framework of universal human rights. This approach, however, considers only rights of persons, but certainly not those of groups. Opponents of the collective concept argue that deviating from the universal aspect would mean an unreasonable discrimination of a minority vis-à-vis the majority: on these grounds were autonomist demands labeled 'separatist' following World War II. Nevertheless, the fact of the matter is that even some 'individual' rights have their 'collective' dimensions, also: their fulfilment cannot be achieved unless they are practised by all members of the community together (e.g. use of native language, practice of religion, education).

Not surprisingly, collective rights and/or autonomy concepts proved to be indispensable in resolving some age-old ethnic conflicts in Western Europe. For instance in Italy, the German-speaking minority - in South Tyrol - has been enjoying full autonomy within the province of Bozen/Bolzano in the northernmost Italian region of Trentino-Alto-Adige since 1972. The special status of the Åland-islands in Finland, in addition to the full cultural self-government of the Swedes of Finland, is often referred to as the ideal level of minority protection. Collective rights and autonomy may not coincide, as the example of Corsica shows: although France rejected the existence of the 'Corsican people' (i.e. denied their collective rights), Paris was willing to offer special status to the island on administrative grounds in 1991. In

spite of the fact that as of now no international regulation obliges states to create special self-governing institutions for their minorities, the aforementioned models are success stories that prove the legitimacy of autonomy concepts. Especially the French example is of crucial importance, since, out of Western democracies, Paris has probably been the state most vehemently refusing special status for its minorities.

For historical reasons, the problems mentioned above are of huge significance in Central and Eastern Europe. It is not difficult to discover that communism did not solve the 'national question'. Moreover, minority status in several countries of our region meant double oppression. Events after 1989-90, the sudden resurgence of national feelings, and the tendency of some governments to pursue a policy aimed at the creation of homogenous nation-states through various tools of assimilation led to inter- and intra-state tensions. These tensions are fuelled by mutual frustration. Frustration of the minority for being reminded over and over again of its 'second-degree' status (language restrictions, lack of understanding from the majority side, collectively pointed at as scapegoats for alleged historical sins, sometimes forced to bear provocations), and frustration of the majority which sees minority rights as 'concessions' made to historical 'oppressors', and regards the encouragement of minority culture as despoliation of its own. Majority nationalisms, which are much more dangerous than minority ones, can only look at bilateral (majority-minority) relationship as a subordination, a zero-sum game: either as a ruler, or as being ruled over. No attempt is made to regard the minority as an equal partner. 'Autonomy' in their reading equals 'ethnic enclave', and identified with nothing less than the destruction of the fundamental values of the state itself.(6)

That is why the special status of the Gagauz community in Moldova is of paramount importance. It set an example of both territorial autonomy and of minorities' collective rights, for the first time in Central and Eastern Europe since the fall of communism. It proved that this method can offer a sensible remedy to concerns of all sides. There is no word about the territorial integrity or the unity of the Republic of Moldova being harmed in any way, and rights of the Gagauz minority are as secured as they can possibly be.

Not all provisions of this concept should be taken as essential components of an autonomy, as by all means the Gagauz self-government is indeed a far-reaching one. (It is worth noting that a special panel of the Council of Europe raised objections criticizing the excessive downward delegation of powers to the autonomous region.)(7) If and when autonomies are at some time established in our region, however, they must have one single objective inherent in their structure: the aim of providing equal chances and opportunities for majority and minority identities to flourish. That is the key conclusion to be drawn from Moldova's Gagauz autonomy.

Footnotes

1 Moldova negotiates with Gagauz on territorial autonomy. RFE/RL Daily Report no. 192, 6 October 1992.

2 Moldova adopts new Constitution. RFE/RL Daily Report no. 143, 29 July 1994.

3 The original Moldovan (Romanian) version of the law is available in *Monitorul Oficial al Republicii Moldova*, January 14, 1995. For readers of Hungarian, a non-official translation may be found in *Pro Minoritate*, 1995/2. No English version has been published that I am aware of.

4 Demirel in Moldova. RFE/RL Daily Report no. 105, 6 June 1994.

5 Moldova granting autonomy to Gagauz. RFE/RL Daily Report no. 143, 7 July 1994.

6 Kovács Péter: Nemzetközi jog és kisebbségvédelem. Osiris-Századvég. Budapest 1996. 41.

7 Moldovan concessions to Gagauz deemed excessive. RFE/RL Daily Report no. 127, 7 July 1994.