

Gagauz autonomy in Moldova: the real and the virtual in post-Soviet state design

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Various efforts to assess the effects of autonomy arrangements on the prospects of achieving stability and democracy in ethnically heterogeneous societies have received a lot of attention in the literature.ⁱ The Gagauzian autonomy illustrates some of the key challenges of elaborating and implementing autonomy provisions in the context of fledging democratic institutions and a weak system of rule of law. Although the Gagauz autonomy is often considered as a rare case of successful conflict transformation in post-Soviet space, the actual implementation of autonomy provisions has been a highly contested issue. The terms of the autonomy deal – the framework of rules and provisions that central authorities and Gagauz elites agreed upon in 1994 – have not elicited political actors' compliance with the letter of the law to the extent that the legal literature on autonomy usually assumes.

This chapter provides an analysis of terms and reasons for the Gagauz autonomy agreement. Its main focus, however, is on explaining how the process of autonomy implementation led to the establishment of an autonomy regime whose functioning is far from the model autonomy arrangement envisioned in the founding documents of the Gagauz autonomy. It examines strategies employed by the central government and autonomy authorities in autonomy implementation struggles and discusses outcomes produced by the interaction of these strategies. The paper also shows how the analysis of autonomy implementation practices increases our leverage in explaining successes in securing stability and democracy without falling into the trap of attributing these outcomes of ultimate interest simply to the fact of the formal introduction of an autonomy arrangement.

The proposed account pays close attention to the context in which political struggle over implementation of autonomy provisions takes place. Characteristics of the domestic political and legal environment affect the structure of choices available to political actors and shape their strategies. Key characteristics of domestic environment for the purposes of this paper

include the autonomy region's economic vulnerability, the prevalence of neo-patrimonial political practices and the weakness of the rule of law tradition in Moldova. Two latter characteristics set apart the Gagauz case and many other autonomies in the developing world from the cases of territorial autonomies found in the context of developed Western democracies. While the latter cases provide much normative inspiration for writing on autonomy, it is the utility of autonomy principles for the former cases that are of central concern for the literature mentioned above.ⁱⁱ

The chapter starts with a review of the context and legal provisions of the 1994 agreement on the establishment of Gagauz autonomy. It then turns to discussing how this agreement on the autonomy arrangement was translated into a set of specific norms and practices. These norms and practices, which dramatically limited the scope of autonomy that many believe the 1994 settlement envisioned, are presented as a product of asymmetric power bargaining between political actors operating in the weak rule of law environment. Finally, the paper examines how this process of defining and narrowing the actual scope of autonomy affected the behaviour of autonomy elites and their commitment to pursuing the course of the region's democratization and maintaining non-conflictual relations with the center.

I. Terms of the Gagauz autonomy deal: definitional vagueness and its consequences

In a volume on autonomy arrangements published by the leading publishing house in the field of international law, the Gagauz autonomy is classified as a 'fully-fledged' autonomy arrangement and put in the same category of full European autonomies as those existing in Italy, Spain, Portugal and on Aaland Islands. These "autonomies proper" are then distinguished in that volume from other autonomy-like arrangements in Europe that lack exclusive law-making powers either de jure or both de jure and de facto (Suksi 1998). In another authoritative document, a recent Venice Commission opinion on amendments to the status of the Gagauz autonomy stated that 'the extent of the powers conferred on the Gagauzian autonomous institutions is very striking' (Venice Commission 2002a).

What these accounts fail to acknowledge is a degree of conceptual and definitional vagueness contained in some of the main provisions of the autonomy's founding document, the 1994 Law on Special Legal Status of Gagauzia. Especially with regards to a key question of distribution of competencies, the document provides very little guidance on which powers

belong to the central or autonomy government and how these governments should go about deciding where authority and responsibility reside on various matters of policy and governance. After briefly describing the general parameters of the autonomy agreement, this section focuses on how the agreement dealt with the question of competencies.

The agreement to establish a territorial autonomy for Gagauz minority in Moldova was a product of intense negotiations that followed the period of ethno-political mobilization in the early 1990s. Competing claims for sovereignty, public protests, and even small-scale outbursts of violence between civil and paramilitary groups claiming to represent the interests of the titular group and the Gagauz minority characterized the period of the Soviet disintegration and the establishment of the independent Moldovan state (King 1997; Crowther 1998; Neukirch 2002). Autonomy settlement thus became a response to an acute need to regulate ethno-political conflict in order to prevent its further escalation.ⁱⁱⁱ

The 1994 Law on Special Legal Status of Gagauzia outlined the key provisions of the autonomy status. The law was passed by the Moldovan parliament after a period of negotiations between the central authorities and the Gagauz representatives, which also involved some elements of international mediation (Järve 2008; Webster 2005). The international community applauded the fact that a compromise was achieved and a number of observers praised the 1994 law for providing a solid foundation for ethnic tension de-escalation and for being a crucial mechanism for meeting the Gagauz minority community needs under the general framework of the Moldovan state (Kolstø 2002; Roper 2001; Thompson 1998). As one of the analysts noted, the Gagauz case is the only case in Central-Eastern Europe and the former Soviet Union where de-jure autonomy status was granted to an ethnic group (Järve 2008).

The key points of the 1994 law addressed the issues of drawing the boundaries of administrative territory of the Gagauz autonomy, establishing the autonomy's legislative and executive authorities and defining the scope of their powers, specifying procedures for minority representation on the central level, and granting decision-making rights to the legislative assembly in a wide range of policy areas.^{iv} Specific choices made with respect to each of these key aspects of autonomy arrangement have contributed to a distinct profile of the Gagauz autonomy in a formal legal sense.

Article 5 of the law stated that Gagauzia is composed of localities where Gagauzians make more than 50 percent of the population and are given an option for holding a referendum on joining the Gagauz autonomy for communities with less than 50 percent of the Gagauz. Some general characteristics of an autonomy established on the basis of this and other provisions of the 1994 law are outlined in Appendix 1.

The law provided general parameters for the SMD system of election to the Gagauz legislative assembly and included a provision on the direct popular election for the head of the executive government, Governor (Bashkan) of Gagauzia. The law did not envision any special norms for the Gagauz representation in the national parliament but provided quite specific guarantees for the executive representation. The Governor of Gagauzia is member ex-officio of the Moldovan cabinet. The heads of departments of the Executive Committee, the autonomy's executive body, can be made members of collegiums of respective national ministries on the Governor's request. The heads of Gagauzian departments of justice, internal affairs and security as well as the head of procurator's office and the chairman of the appeals court are members ex-officio of respective national ministries and other government institutions.

The law also listed policy competencies of the Gagauz autonomy in various substantive areas. Article 18 stipulated that the autonomy forms its budget from all type of payments by the national and autonomy legislations. Article 12 granted the Gagauzian legislative assembly the power to make decisions in areas as diverse as science, culture, and education on the one hand and the economy and environment on the other. Neither 12 nor any other article in the autonomy statute provided any details on what type of decision-making rights in relation to each specific policy area the statute envisioned.

While the structure of the 1994 law is generally similar to the structure of autonomy laws adopted elsewhere, its content is much shorter. Appendix 2 illustrates this by comparing the general characteristics of the 1994 law with the 1972 autonomy statute for South Tyrol, a frequently cited example of successful autonomy in Europe. As Appendix 2 demonstrates, the terms of the 1972 South Tyrol status law is more detailed than the terms of the 1994 Gagauzia status law in almost every type of provision. Although the count of words and statute articles, which constitutes the basis for the content analysis presented in Appendix 2, is no substitute for substantive legal analysis of individual provisions contained in the

statutes, the magnitude of differences in the volume and size of provisions is telling. For example, the size of articles describing institutions of legislative and executive government in the South Tyrol statute are four times larger than the size of articles dealing with the same issues in the Gagauzia statute law. Differences in the size of statute articles dealing with the description and allocation of policy competencies is even more dramatic, with the South Tyrol statute containing approximately nine times more text on issues of policy competencies than the Gagauzian statute.

The issue of competencies proved to be an especially controversial topic in the process of the implementation of the 1994 statute law in Gagauzia. These controversies were, to a significant extent, ‘programmed in’ at the stage of drafting the autonomy statute. A minimalist approach to the content of drafted provisions, which obviously made negotiations easier at the time of drafting the document, resulted in a lack of any specifications in the document regarding what having authority in a given policy area means or how decision-making rights in that particular area are distributed between the central and autonomy governments. The choices made at the stage of drafting the law delayed the conflict and moved it to the post agreement phase.

The wording of Article 12 and especially section 2 of this article, which simply lists the names of different policy areas in which the Gagauz autonomy has competencies, have generated some of the most lasting disagreements between central and autonomy governments. Appendix 3 gives exact wordings of some competency provisions from the section 2 of Article 12 in the 1994 autonomy statute and compares them with the competency provisions for the same policy areas in the 1972 autonomy statute for South Tyrol. The differences illustrated by this appendix further underscores the point about how little substantial content on issues of policy competence is provided by the Gagauzian statute law in comparison to the South Tyrol law. Article of 17 of the 1994 Gagauz autonomy statute provides some details on what the autonomy authorities can actually do but the discussion in this article is framed explicitly in terms of responsibilities of the executive and not the legislative body of the Gagauz autonomy.

For example, the Article 12’s provision that the Gagauz assembly shall pass local laws on “local financial, budgetary, and tax activities” is interpreted by central government authorities as the right to lower the rates of local taxes and to choose which local taxes to collect within

the autonomy. The list of local taxes is regulated by the national legislation and is applicable to all local public administration units in the country. The Gagauz autonomy in this legal framework is just one of other local public administration units.

In retrospect, the choice to leave the description and division of competencies in the 1994 autonomy statute document unspecified and blurred has been highly consequential. By granting to the autonomy what appears on the paper to be vast policy competencies, the 1994 law raised the minority group's expectation about the scope of actual powers that the autonomy obtained. The central state actors interpreted the vagueness of the autonomy provision as an invitation to define and specify the scope of autonomy competencies through the adoption of national level legislative acts. In the long term, this initial choice of the drafting provisions also contributed to weakening the autonomy's powers of self-government in ways that are touched upon in the next section of this paper.

II. Responses to 'salami tactics' of reducing the scope of autonomy

In game theory salami tactics refers to devices used to reduce the other player's threat of actions in the way that a salami is cut – one slice at a time (Dixit and Skeath 1999). The adoption of numerous individual pieces of national legislation and the development of legal framework for the functioning of the Moldovan state in the period after 1994 was obviously motivated by numerous factors, many of which had no relation to the autonomy. Yet the proliferation of national laws, cabinet orders and resolutions had an effect of shrinking the policy space for the Gagauz self-government. New normative acts passed by the national parliament and executive bodies in the period after 1994 routinely ignored the special status of Gagauzia. As the Gagauzians frequently point out, the national legal development produced hundreds of legislative acts that regulate various types of societal relations throughout the country without given any consideration for special statutes of Gagauzia (Järve 2008).

There is a very weak sense of obligation or commitment on the part of central state actors to grant substantive policy competencies to the autonomy, which can be seen as partly rooted in the weakness of rule of law tradition in the post-communist world. The Gagauzian side claims that such obligations result from the central government's decision to agree to the

1994 autonomy statute deal. The very idea of having contractual relations with the autonomy unit seems to be an uneasy concept for the central government. Thus, for example, the Venice Commission recommendation to specify in constitutional amendments that not only the autonomy unit but also the central government has the right to appeal autonomy decisions to the Constitutional Court did not receive support among national law makers (Venice Commission 2002b). The national lawmakers instead chose to specify in a revised version of Article 111 that control over conformity with national legislation on territory of Gagauzian autonomy is exercised by the Moldovan cabinet. Overall, the actions of central government indicate that it interprets its commitments as limited to recognition of the right of the autonomy to form its legislative and executive institutions but not the autonomy's right to legislate independently of central authorities in policy areas listed in the 1994 autonomy statute.

This is reflected, for example, in the bargaining over fiscal competencies. Since 2004 the central government agreed to the autonomy requests that certain types of national taxes such as the VAT and excise duties remain in the autonomy's budget. At the same time, the central government enacted policy of reducing central budget transfers to the autonomy proportionally to the amount of tax revenues kept by the autonomy on the basis of the 2004 agreement. "Equalization" principle, which means distribution of financial resources in accordance with population size of administrative units, is frequently evoked by the central government as justification for this policy (Osoian, 2007).

Salami slicing effect here refers to the inability of the Gagauz side to mount any credible opposition to this gradual encroachment on what the autonomy representatives believe are their self government rights granted by the 1994 statute. No single legal act passed by the national level authorities was strong enough to allow ethnic minority entrepreneurs to mobilize public support in the autonomy and threaten the center with a possibility of the new confrontation. In the view of minority representatives, every new piece of national legislation, which ignored a special status of autonomy, implied, however, a further encroachment on autonomy rights and put additional curbs on the power of autonomy.

Autonomy authorities tried several strategies to reverse this trend. They included appeals to the constitutional court, efforts to introduce amendments into the national constitution, attempts to raise the status of the 1994 law, and initiatives to establish a new agreement

between the central government and autonomy about the distribution of competencies or to modify individual pieces of national legislation. Neither of these strategies have so far proved to be successful in producing results that autonomy authorities would have liked to see.

The 1994 law referred legal disputes that arise between the autonomy and central government to Moldova's Constitutional Court. There have been six appeals by autonomy's legislative assembly to the Court since the Gagauz autonomy was established. One of these appeals was later recalled by the Gagauz authorities. Constitutional Court rejected five other appeals on various technical grounds. Given the serious shortcomings in how appeals were prepared by the Gagauzian side, it would not be justified to attribute the decision to reject appeals to some negative predisposition on the part of Constitutional Court (Zaporozhan 2007). This record, however, has had a negative effect on autonomy representatives' confidence in the ability of the Court to address their grievances.

A strategy to introduce changes to the Moldovan constitution resulted in modifications of the two constitutional articles. Since the 1994 law on special status was passed after the adoption of the Moldovan constitution, the Gagauzian authorities pushed for the introduction of constitutional amendments in order to entrench autonomy status and to strengthen the powers of autonomy. While the goal of entrenching the autonomy status was achieved by the adoption of the Article 111 "Autonomous Territorial Unit of Gagauzia" in 2003, the content of this article as well as mentioning of the autonomy in Article 110 did little to strengthen the autonomy's claims for greater control over its own affairs. The only substantive addition to powers of the autonomy – the right of legislative initiative in the national parliament (Article 72) – had little practical consequences for the functioning of the autonomy given that such an initiative requires the support of a legislative majority in order to become a national law. To date, no autonomy's initiative has been supported by the national parliament.

Two other initiatives - raising the status of the 1994 law^v and concluding a new agreement between the central government and autonomy about the distribution of competencies – were motivated by the desire to work around the developments in national legal framework. The autonomy authorities have slowly realized that a gradual encroachment on autonomy status, which in their view is manifested in the proliferation of national legal acts universally applied to the entire territory of the country, could not be reversed by appealing to the central authorities to make amendments to hundreds of pieces of recently adopted legislation.

Raising the status of the autonomy law or concluding a treaty in addition to the existing law was meant to surpass this new reality of well-elaborated and detailed national legislative framework by exempting the autonomy from requirements to comply with the framework provisions in certain policy areas mentioned in the 1994 autonomy law. As should be already obvious, these initiatives found little support in central government institutions.

Not being able to raise the status of the law, the Gagauz authorities resisted any attempts to change the law. Making amendments to the law has been advocated by the central government authorities on the ground that the Moldovan legal framework evolved very significantly in the time that passed since the passage of the 1994 law. Changes to the law are required in the view of the central government authorities because there is a growing number of contradictions between the national legislation and autonomy statute. The Gagauz side, on the other hand, sees the law as a crucial guarantee of the region's special status and is suspicious of any attempts to modify it.

The Gagauz authorities' attempts to secure the passage of amendments to the key pieces of national legislation so that the latter provide some space for the region's autonomous decision-making in certain policy areas also proved to be unsuccessful. To illustrate the Gagauz authorities' preferences in terms of policy areas for autonomous decision-making, Appendix IV lists draft laws (and summarizes their key provisions) prepared by the autonomy authorities for consideration in the national parliament in the aftermath of the 2001 national parliamentary elections. The elections were won overwhelmingly by the Moldovan communist party, which positioned itself as the most minority-friendly among major national parties.^{vi} As the appendix indicates, the autonomy authorities identified as their priority the introduction of changes in the following pieces of legislation: fiscal code, law on budgetary system and budgetary process, laws on licensing in different fields of business activity, laws on local public administration and on the status of local public officials, law on administrative-territorial organization, law on political parties, and several laws regulating other areas of economic and political life. Neither of these autonomy initiatives found support in the national government controlled by the communist party. The party, whose share of vote in Gagauzia went down dramatically in the next parliamentary elections in 2005, nevertheless retained its status as a governing party on a national level.

Another strategy for reversing the trend on reducing the potential scope of autonomy – non-

compliance with national legal acts – has been also explored by the Gagauz side. Non-compliance combined with proliferation of autonomy regulations unilaterally issued by the Gagauz authorities created many contradictions in legal order, which is a basis for serious concerns for legal practitioners across the country.^{vii} This non-compliance, however has a sporadic nature and does not amount to organized and systematic resistance to the central government for reasons outlined in the next section of this paper. Non-compliance is, however, rationalized by autonomy actors as a response to what is perceived as fundamental renegeing by central government on its previous commitments with regards to the status of the Gagauz autonomy.^{viii}

The shortcomings and weaknesses in the legal system are also manifested in actions of central authorities throughout the analyzed period. There is a very weak sense of obligation or commitment on the part of central state actors to grant substantive policy competencies to the autonomy. The Gagauzian side claims that such obligations result from the central government's decision to agree to the 1994 autonomy statute deal. The very idea of having contractual relations with the autonomy unit seems to be an uneasy concept for the central government. Thus, for example, the Venice Commission recommendation to specify in constitutional amendments that not only the autonomy unit but also the central government has the right to appeal autonomy decisions to the Constitutional Court did not receive support among national law makers (Venice Commission 2002b). The national lawmakers instead chose to specify in a revised version of Article 111 that control over conformity with national legislation on territory of Gagauzian autonomy is exercised by the Moldovan cabinet. Overall, the actions of central government indicate that it interprets its commitments as limited to recognition of the right of the autonomy to form its legislative and executive institutions but not the autonomy's right to legislate independently of central authorities in policy areas listed in the 1994 autonomy statute.

III. Explaining stability and democracy records

What effects autonomy has on securing inter-ethnic peace and democracy, as this paper's introduction stated, are central concerns for the literature on power-sharing. Detailed examination of the Gagauzian case suggests that emerging patterns of stability and democracy could not be attributed exclusively or primarily to the effects of formal

institutional arrangements. These patterns are better explained by examining the interplay of formal and informal rules and practices that shape relations between the center and autonomy and have profound effects on political dynamics inside the autonomy.

Informal mechanisms of control are ubiquitous under the weak rule of law system.^{ix} A large volume of literature on informal institutions, norms, and rules in states with weak legal systems testifies to the significance of problems that post-Soviet states face (McMann 2006; Galligan and Kurkchian 2003; Hale 2003; Darden 2001). Informal rules and norms relevant to this specific discussion of the functioning of an autonomous regime include subordination of the judiciary branch to the executive branch of government, selective use of law enforcement, and arbitrary application of administrative norms and regulations by government bureaucracies.

The centre and the autonomy managed to avoid any serious confrontation since the 1994 autonomy settlement has been achieved. It means there have been no instances of widespread violence, sustained mass protests, or riots. This does not, however, imply that the relations between the center and autonomy were cordial and mutually satisfactory. The underlying tensions surfaced from time to time and manifested themselves in occasional non-compliance with national legislation, sporadic public actions, radical political statements, and symbolic gestures. Thus, for example, in August 2001 Moldovan mass media reported about festivities celebrating the 11th anniversary of the attempt to proclaim Gagauzia's sovereignty. The speaker of autonomy's legislative assembly reportedly claimed in his speech during the event that if the Moldovan authorities fail to adjust national legislation to accommodate Gagauz laws, the Gagauz authorities would have to reactivate the 1990 declaration of independence and set up their own state structures (Järve 2008).

The absence of serious confrontation despite the growing disillusionment on the part of the Gagauz establishment with how the autonomy functions has to be explained. As literature on intra-group dynamics suggests, accounting for a behavior of minority elite can be a starting point for such explanation.^x A review of minority elite actions in the Gagauz suggests that, overall, these elite avoided mobilizing the autonomy population in its efforts to win concessions from the central government. Whilst the rhetoric has at times escalated, the Gagauz elite have not been willing to risk an open conflict with the center over the status of autonomy.^{xi}

The Gagauzian incumbent governor's story is telling in this respect. The 2006 governor's elections saw the race between then incumbent governor Gheorghii Tabunshchik, who was supported by the central government, and Mikhail Formuzal, a leading opposition figure who severely criticized Tabunshchik for his conformist stand vis-à-vis central government. After winning the election, Mikhail Formuzal chose to scale down his rhetoric and to adopt a reconciliatory stand towards central government. The accommodationist approach of the new governor was partly due to a realization of the counter productivity of escalating tensions with the center whose increasing assertiveness under the communist party-led government reflected a growing consolidation of the Moldovan state. While in many respects this state remains very weak, its affairs are no longer in complete disarray as was the case in the beginning of 1990s when the Gagauz minority leaders faced the weak institutions of the newly emerged state torn by ethno-political conflicts.

The accommodating stand of autonomy elites in the Gagauz case is partly explained by the high level of autonomy region's economic dependence on the center. The underdeveloped character of region's economy is illustrated by the fact that only approximately a half of the autonomy's budget is formed by own fiscal and non-fiscal incomes. The rest of the budget is formed by the deductions from the state taxes and by the direct transfers from the national budget. In 2005, for example, the deductions from the state taxes accounted for 30 percent of autonomy budget and national budget transfers for 21 percent (Osoian 2007).

The central government also exercises a high level of discretion in allocation of budget transfers. Moldovan experts on economy often decry the lack of formalized procedures for making decisions about transfers (Ionita 2006). The discretionary nature of decision making about transfers increases the central government's leverage over local governments across the country as well as over the Gagauz leadership. The latter can be denied a fair share of transfers in case of political tensions with the center., In 2007, for example, the Gagauz governor Formuzal, who beat the central government-supported candidate in the 2006 gubernatorial race, claimed that 90 million MDL of transfers from the draft Law on state budget for 2008 do not meet autonomy's real needs. The calculations offered by autonomy's authorities to the MoF were 49 million MDL higher. There were not enough funds for education – with 13 million less than necessary; another 2.7 million were missing for cultural programs, and so on (Nesterova 2007).

While the final amount of transfers for Gagauzia in the 2008 budget has been raised to 105 million MDL, this example illustrates one type of risks that political confrontation with the centre creates for the autonomy leadership. Inability to secure sufficient financial inflows from the national centre can undermine the incumbent autonomy leadership' support at home and weaken this leadership vis-à-vis other elite groups competing for the control of autonomy government.

The autonomy leadership' unwillingness to take a more radical stand in demanding a greater scope for self-government is also a product of other forms of informal pressure exercised by the central government. As it was already mentioned, such informal practices as subordination of the judiciary to the executive branch of government and selective use of law enforcement are important tools of social control in post-communist states. Two out of three governors that the Gagauzian autonomy has had since the establishment of the autonomy in 1994 faced criminal charges raised against them by central government controlled-prosecutors for mishandling their duties in one or another capacity as elected officials (primarily, corruption charges). One of them, Dmitri Kroiter, who was elected a governor in 1999 resigned in 2002 after coming under increased pressure from the central government to step down.^{xii} The other one, Mikhail Formuzal, saw many criminal charges, which had been raised against him when he was in opposition, still outstanding when he became a governor. Overall, the autonomy elites face a credible threat of their tenure in various offices if the Gagauz autonomy^{xiii} disrupted (and criminal charges brought against them through legal mechanisms of a central state) and if their actions depart too far from the preferences of the central authorities. Thus, it is the mechanisms of coercion and co-optive control rather than the effects of power sharing that might better explain the observed patterns of stability in the center-autonomy relations in after the 1990-92 confrontation period.^{xiv}

IV. Conclusion

Traditional conception of law sees legal documents, such as the Gagauz autonomy statute that was discussed at length in this paper, as structuring relations between the centre and the autonomy on principles of obedience, obligation, and compliance with the provisions of the law. In the context of transitional post-communist societies as well as in the much of the

developing world the applicability of these principles to the behavior of all types of political and societal actors can not be taken for granted. In other words, autonomous causal efficacy of the law should not be assumed to follow simply from the fact of the passage of the law.

The Gagauzian experience with autonomy nevertheless provides several lessons for the drafters of autonomy provisions. First, having too general and poorly specified provisions on distribution of competencies in the autonomy founding documents contributes in the long run to undermining the position of the autonomy side, especially if power differentials between majority and minority are of a high magnitude. Second, territorial autonomy provisions are not likely to become a preferred choice for accommodating minority demands in the post-Soviet space, with the possible exception of few cases of already frozen conflicts. The adoption of territorial autonomy arrangements was possible in circumstances of extreme weakness of central state, which was the case in the early years of transition from communism. The recovery of the central state, either in democratic or authoritarian format, makes central authorities increasingly unwilling to cede control over its territory through institutionalization of autonomy.

The above findings can be read as contradicting some of the recent literature claims that describe state strength as an important condition for successful implementation of power sharing agreements (Rothchild and Roeder 2005). State strength defined in terms of the effectiveness of central government and administrative bureaucracy might expand without any substantial benefits for autonomy government. In the Gagauz case, the growing tax-collecting and service-delivery capacities of the Moldovan state contributed little to empowering the autonomy that continue to exist primarily on the paper. Power sharing literature would benefit from more detailed and systematic specification of scope conditions under which some of relationships hypothesized in this literature hold.

For social scientists, the Gagauz experience also highlights the importance of considering informal mechanisms of subordination and control when trying to explain patterns of order and stability in multiethnic societies. The current strand of power sharing literature seems to pay little attention to the earlier theorizing on the role of control in governing multiethnic societies. This literature and our understanding of societal stability in culturally diverse societies outside the Western world would benefit if more efforts are invested in

understanding the interplay between formal and informal institutions in shaping the dynamics of majority-minority relations and regulating ethno-political conflicts.

**Appendix 1. Profile of AUTONOMUS TERRITORIAL UNIT OF GAGAUZIA
(GAGAUZ-YERI)**

Status	Autonomus Territorial Unit in Moldova (23.04.1994)
Capital	Comrat
Population	155.646 (4.6% of the total population of Moldova, excluding Transnistria).
Official Languages	Gagauz, Moldovan, Russian
Governor	Formuzal Michael Macar (2006-present)
Chairman of the People's Assembly	Stepan Esir
Area	1.830 km ² 707 sq mi
Density	85/km ² /sq mi
Administration Division	1 municipality (Comrat), 2 cities (Ceadir-Lunga, Vulcanesti), 23 communes (29 settlements). Gagauzia is structured into three districts: Comrat, Ceadir-Lunga and Vulcanesti.
Ethnic Composition	Gagauz (85,7%), Moldovans (8,1%), Bulgarians (5%), Russians (2,4%) and Ukrainians (2,3%).
Ethnic Gagauz population, by native language	Gagauz language (92,3%), Russian language (5,84%), Moldovan language (0,86%), Ukrainian language (0,41%), Romanian language (0,22%) and Bulgarian language (0,21%).
Religion	Orthodox (93%), Baptist (1,62%), Romano-Catholic (0,06%), other religions (5,32%).
Economy	Agri-industrial sector (cereals, crops, viticulture and wine making, animal breeding, tobacco). More than 5000 enterprises are registered (agricultural, processing, textiles, ready-made clothes), 14 wineries, more than 450 small-sized business. A Free Economic Zone, Valcanes, is based in Gagauzia.
GNI per capita Moldova (\$)	930
Currency	Moldovan leu (MDL)

Sources:

- National Bureau of Statistics, the 2004 census results at <http://www.statistica.md/recensamint.php>
- The World Bank (Moldova Data Profile) <http://devdata.worldbank.org/external/CPProfile.asp?PTYPE=CP&CCODE=MDA>

Appendix 2. Number and Size of Articles in Autonomy Statutes, by Categories

	The Law on Special Status of Gagauzia (1994)	Special Autonomy Statute for South Tyrol * (1972)
General Provisions	N. of Words: 301 Total N. of Articles: 5 ▪ Art. 1-2 ▪ Art. 4-6	N. of Words: 209 Total N. of Articles: 3 ▪ Art. 1-3
Use of Languages	N. of Words: 53 Total N. of Articles: 1 ▪ Art. 13	N. of Words: 374 Total N. of Articles: 4 ▪ Art. 99-102
Distribution of Policy Competencies	N. of Words: 338 Total N. of Articles: 1 ▪ art.12 (not included points 4, 5 & 6)	N. of Words: 2992 Total N. of Articles: 12 ▪ Chapter II: Functions of the Region (art. 4 – 7) & (N. of Words 354) ▪ Chapter III: Functions of the Province (art. 8 – 15) & (N. of Words 1481) ▪ Chapter IV: Provisions common to the Region and the Provinces (art. 16 – 23) & (N. of Words 1157)
Description of Main Legislative and Executive Autonomy Bodies	N. of Words:1064 Total N. of Articles: 9 ▪ Art. 7-11 ▪ Art. 14-17	N. of Words: 4090 Total N. of Articles: 34 ▪ Chapter I: Organs of the Regions (art. 24 – 46) & (N. of Words 2009) ▪ Chapter II: Organs of the Province (art. 47 – 54) & (N. of words 2081)
Approval and Promulgation of Laws	N. of Words: 123 Total N. of Articles: 1 ▪ Art. 13	N. of Words: 518 Total N. of Articles: 6 ▪ Art. 55 - 60
Finance	N. of Words: 76 Total N. of Articles: 1 ▪ Art. 18	N. of Words: 1567 Total N. of Articles: 18 ▪ Art. 69 - 86
Jurisdictional Organs	N. of Words: 267 Total N. of Articles: 3 ▪ Art. 20-22	N. of Words: 618 Total N. of Articles: 7 ▪ Art. 90-96
Constitutional Court	N. of Words: 100 Total N. of Articles: 2 sub-paragraphs ▪ Art. 12 points 4 & 5	N. of Words: 263 Total N. of Articles: 2 ▪ Art. 97-98
National Security and Internal Affairs	N. of Words: 267 Total N. of Articles: 2 ▪ Art. 23-24	N. of Words: 265 Total N. of Articles: 2 ▪ Art. 87-88
Change and Amendments	N. of Words: 31 Total N. of Articles: 1 ▪ Art. 27	N. of Words: 249 Total N. of Articles: 3 ▪ Art. 103-105

Source: “The Law on the Special Legal Status of Gagauzia”, 23.12..1994 and Special Statute for the Region of Trentino Alto Adige”, 31.08.1972.

Note: The 1972 South Tyrol Statute also contains the following sections which have no comparable equivalent in the 1994 Gagauzia Law: “Local Government Bodies,” “Public Property and Estate of the Region and Provinces,”and “Lists of personnel employed in State Offices in the Province of Bolzano”

Appendix 3. Comparative Table on the Wording of Selected Competences: The Law on the Special Legal Status of Gagauzia (1994) and the Special Autonomy Statute for South Tyrol (1972)

The Law on the Special Legal Status of Gagauzia	Special Autonomy Statute for South Tyrol
<ul style="list-style-type: none"> ▪ Gagauzia is an autonomous territorial unit, with a special status as a form of self-determination of the Gagauzes, which constitutes an integral part of the Republic of Moldova. ▪ The People’s Assembly of Gagauzia shall pass local laws in the following areas: 	<ul style="list-style-type: none"> ▪ Trentino Alto Adige, comprising the territory of the Provinces of Trento and Bolzano, constitutes an autonomous region, with legal status, within the political structure of the Italian Republic, one and indivisible, on the basis of the principles of the Constitution and according to the present Statute.
<ul style="list-style-type: none"> ▪ Science, culture and education 	<p><u>Province:</u></p> <ul style="list-style-type: none"> ▪ Protection and preservation of the historic, artistic and popular heritage*. ▪ Local customs and traditions and cultural institutions (libraries, academies, institutes, museums) at provincial level; local artistic, cultural and educational events and activities, and in the Province of Bolzano, also through the media of radio and television, but without the power to set up radio and television stations*. ▪ Nursery schools*. ▪ School welfare in regard to those educational sectors in which the Provinces have legislative competence*. ▪ Vocational training*. ▪ Primary and secondary education (middle schools, classical, scientific, teacher-training, technical, further education and artistic secondary schools) **.
<ul style="list-style-type: none"> ▪ Local financial, budgetary and tax activities. 	<p><u>Region:</u></p> <ul style="list-style-type: none"> ▪ Regulation of land and agricultural credit institutions, savings banks and rural banks, as well as regional credit organizations**. ▪ The revenue from mortgage taxes collected on property situated in its territory shall be assigned to the Region. Specific quotas of state tax revenue collected in the territory of the Region shall also be assigned to the Region. (See art.69) ▪ To the extent that foreign trade is subject to the limitations and approval of the State, the Region shall have the power to authorise such trade within limits to be established by agreement between the Government and the Region. In the case of foreign trade based on quotas that affect the economy of the Region, the latter shall be assigned a part of the import and export quota, to be fixed by agreement between the Government and the Region. <p><u>Province:</u></p> <ul style="list-style-type: none"> ▪ Regulation of small holdings in accordance with Art. 847 of the Civil Code; regulation of “entailed farms” and family holdings governed by ancient statutes or customs*. ▪ The Province may authorize the opening and the transfer of branches of local, provincial or regional credit institutions,

	<p>following consultation with the Ministry of the Treasury.</p> <ul style="list-style-type: none"> ▪ Unless the general rules on economic planning provide for a different system of financing, the Ministry of Industryshall assign to the Provinces of Trento and Bolzano quotas of the annual allocations contained in the state budget for the implementation of state laws to finance increases in industrial activity. The quotas shall be fixed Should the State intervene with its own funds in the provinces of Trento and Bolzano in order to carry out special national school building plans, these funds shall be used in agreement with the Provinces. ▪ The Province of Bolzano shall use its own funding allocated for welfare, social and cultural purposes in direct proportion to the extent of each linguistic group and with reference to the needs of this group, except in the case of extraordinary events requiring immediate intervention for special requirements. ▪ The Province of Trento shall ensure the allocation of funding to an appropriate extent in order to promote the protection and the cultural, social and economic development of the Ladin, Mocheni and Cimbrian populations resident in its territory, taking into account their size and specific needs. ▪ The income from tax collected on electrical energy consumed in their respective territories shall be assigned to the Provinces. ▪ 9/10 of the annual rent established by law and payable for concessions of large-scale diversions of public water in the Province, granted or to be granted for whatever purpose, shall be assigned by the State to the Province. ▪ The Provinces may impose levies and taxes on tourism. ▪ The Provinces shall be assigned specific quotas of the yield from the tax revenues of the state collected in their respective territories (See art. 75). <p><u>Region and Province:</u></p> <ul style="list-style-type: none"> ▪ The Region and the Provinces may, by law, levy their own taxes in conformity with the taxation system of the state in matters of their respective competence. ▪ The Region and the Provinces may issue internal loans on their own guarantee for an amount not exceeding their normal income in order to provide for investments in works of a permanent character. ▪ The Region and the Provinces shall collaborate in the assessment of state taxes on the income of bodies with fiscal residence in their respective territories. ▪ The Region, the Provinces and the Communes shall have their own budget for the financial year, which shall coincide with the calendar year (For more details see art. 84).
<ul style="list-style-type: none"> ▪ Economy and Ecology. 	<p><u>Province:</u></p> <ul style="list-style-type: none"> ▪ Protection of the countryside*. ▪ Artisan activities*. ▪ Mines, including mineral and thermal waters, quarries and peat bogs*. ▪ Hunting and fishing*. ▪ Alpine pastures and parks for the protection of flora and fauna*. ▪ Tourism and the hotel industry, including guides, alpine bearers, ski instructors and ski schools*.

	<ul style="list-style-type: none"> ▪ Agriculture, forests and forestry personnel, cattle and fish breeding, plant pathology institutes, agricultural consortia and experimental stations, hail protection services, land reclamation*. ▪ Third, fourth and fifth category water works*. ▪ Commerce**. ▪ Commercial businesses, without prejudice to the requirements of State laws for obtaining licenses, the supervisory powers of the State for reasons of public safety and the power of the Ministry of the Interior to annual in accordance with national legislation the provisions adopted in the matter, however definitive. Ordinary appeals procedure against such action shall take place within the framework of the provincial autonomy**. ▪ Increase in industrial production**. ▪ Use of public waters, except for large-scale diversions for hydro-electric purposes**. ▪ With regard to concessions for large-scale diversions for hydro-electric purposes and extension to their term, the territorially competent Provinces shall have the power to present their observations and objections at any time before the publication of the final decision by the Higher Council for Public Works. ▪ The Provinces shall also have the right to appeal to the Higher Courts for Public Waters against decrees granting concessions or extensions.
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Legend: * Estimates of exclusive competences; ** estimates of shared competences

Sources: “The Law on the Special Legal Status of Gagauzia”, 23.12..1994 and Special Statute for the Region of Trentino Alto Adige”, 31.08.1972.

Note: Competencies listed above were not affected by the following legal amendments and changes: “Autonomous Territorial Unit of Gagauzia”, Art. 111 (adopted 25.07.2003), Constitution of Republic of Moldova; “Modified Text of the Constitution of the Trentino Alto Adige and the Provinces of Trento and Bolzano”, 18.10.2001;

Appendix IV. List of the 2001 draft amendments to the national legislation proposed by the authorities of the Gagauz Autonomy in the fulfilment of the 1994 autonomy status agreement

Field	Law	Summary of proposed amendment
Budget and finance	Fiscal code	To introduce, besides the two existing categories of taxes (national and local taxes), a new type of ‘taxes of autonomous-territorial unit’
Budget and finance	Law on budgetary system and budgetary process	To establish a new budgetary category (besides the existing state and local budgets): ‘budget of autonomous- territorial unit’ and to clarify the sources of income for this budget. To allow the approval of this budget with a deficit
Public utilities	Law on electrical utilities	To establish a strong control on switching off the electrical utilities by electricity providers
Business activity	Laws on licensing in different fields of business activity	To provide the executive authorities of the Gagauz autonomy with a right to issue licenses in areas of business activity currently regulated by national ministries
Government and administration	Law on the status of local public officials	To exclude the members of the Peoples’ Assembly of the Administrative Territorial Unit (ATU) of Gagauzia from the list of officials whose status is regulated by this law
Government and administration	Law on local public administration	To exclude provisions regarding the ATU Gagauzia from this law. To ensure that the national cabinet does not unilaterally appoint its representative (prefect) in the autonomy as it does in second-level administrative-territorial units (judets) and Chisinau municipality
Government and administration	Law on administrative-territorial	To allow Gagauz authorities to regulate administrative-territorial organisation inside the autonomy

	organization	
Law enforcement	Law on the Office of Prosecutor	To elevate the status of Prosecutor's office in Gagauzia. To ensure that prosecutors appointed by the General Prosecutor of the Republic of Moldova in the autonomy are appointed only if their candidature is preliminarily agreed upon with autonomy's authorities
Property and privatization	Law on environmental protection	To clarify autonomy's competencies over control and exploration of natural resources
	Law on property	To clarify autonomy's competencies over control of public property
	Law on public property of administrative-territorial units	To ensure the autonomy's right to regulate privatisation process on the territory of 'autonomy'
	Land code	To allow autonomy's authorities to regulate (by issuing 'local laws') land issues, such as changing the status of lands, regulating the prices for buying/selling the land
Government and administration	Law on parties and other socio-political organisations	To allow citizens living in the autonomy to form regional political parties and other socio-political organisations. To provide the autonomy's justice department with powers to register political organizations and regulate their activities
Government and administration	Electoral code	To provide Gagauz electoral bodies with a greater degree of control over electoral process and local referendums

Source: Draft laws presented by the Gagauz autonomy authorities at the OSCE-sponsored seminar 'Chisinau – Comrat: relations between the centre and the region in fiscal-budgetary, state property and legislative adaptation fields', OSCE Mission, Chisinau, 11-12 December 2001.

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ⁱ The most recent accounts include Roeder 2007; Norris 2007; Roeder and Rothchild 2005; Weller and Wolff 2005; and Wimmer *et al* 2004.

ⁱⁱ Factors such as the level of international involvement or the intensity of the preceding conflict also play some role in explaining the implementation outcomes in the case of Gagauz autonomy. These issues are not addressed here because they have been already examined elsewhere (Järve 2008; Neukirch 2002).

ⁱⁱⁱ For a widely used taxonomy of the macro-political forms of ethnic conflict regulation see McGarry and O'Leary 1993.

^{iv} Law on the Special Legal Status of Gagauzia. No 344-XIII. 23 December 1994. Chisinau, Moldova.

^v The Moldovan constitutional system envisions three types of laws: constitutional, organic and ordinary. The 1994 autonomy law has a status of ordinary law by which amendments can be introduced by the three fifth majority of national parliament (Art. 111).

^{vi} On details of the positioning of Moldovan political parties on minority issues see Protsyk *et al* 2008.

^{vii} Authors' interviews with the officials of legal departments of national parliament and Gagauzian assembly, March 2007.

^{viii} In September 2001 the legislative assembly of Gagauzia, for example adopted resolution stating that the political leadership of Moldova "deliberately does not implement" the resolution of the Moldovan parliament of 23 December 1994. On the Implementation of the Law on the Special Status of Gagauzia, see Jarve 2008, 39.

^{ix} For a discussion of the rule of law concept see, for example, Maravall and Przeworski 2003; and Czarnota *et al* 2005.

^x Elites' behavior is a crucial element in explaining inter-group accommodation in a classical version of power sharing theory. For a critical evaluation of different accounts of elite motivation in seeking inter-group accommodation see Lustick 1979.

^{xi} The most pronounced instance of escalation of relations between the central authorities and the governor took place in the beginning of 2002. The conflict, however, was a result of the attempt by the recently elected central government to orchestrate a campaign against the governor of Gagauzia with the goal of dismissing him by means of a popular referendum on confidence in the governor. Thus, the governor's confrontational stand was a reaction against the new central government's attempt to install a more loyal candidate as a governor of Gagauzia (Järve 2008).

^{xii} For an account of the Gagauz autonomy's political evolution , see Botan 2007.

^{xiii} Similar types of charges in 2002 were made against the speaker of the Gagauz legislative assembly in 2002 (Järve 2008).

^{xiv} On control as a mean of ethnic conflict regulation see McGarry and O'Leary 1993; Lustick 1979 and 1987.