



***IMPLEMENTATION OF THE STATUS OF
GAGAUZ-YERI AUTONOMY: CHALLENGES AND
PROSPECTS***



ELENA CUIJUCLU
MIHAIL SIRCHELI

Annotation

This study is devoted to the issues of implementation of the status of the autonomy in the limits of its competences and political and legal order in the state. The first section covers the basics of the legal and institutional entrenchment of the autonomy. The second section explores some challenges faced by the territorial entity in the process of implementation of its status. A number of conclusions and recommendations were put forward in order to find solutions to the existing challenges to the effective functioning of the autonomy. The study uses methods of case study and document analysis. Objectives of this study are the following: to determine the nature of the legal and institutional framework of entrenchment of the autonomy in Gagauzia and to identify challenges that affect the implementation of the legal status and the region's competences.

Key words: territorial autonomy, legal status, entrenchment and implementation of the status, participation, Gagauz-Yeri.

Content

INTRODUCTION	3
LEGAL AND INSTITUTIONAL ENTRENCHMENT OF GAGAUZ-YERI AUTONOMY	4
IMPLEMENTATION CHALLENGES OF THE AUTONOMY STATUS	5
<i>PARTICIPATION IN SOCIAL AND POLITICAL LIFE.</i>	8
<i>PARTICIPATION OF THE PEOPLE’S ASSEMBLY OF GAGAUZIA IN THE DECISION-MAKING PROCESS</i>	11
<i>AT THE NATIONAL LEVEL.</i>	11
CONCLUSIONS AND RECOMMENDATIONS	16
REFERENCES	18
ATTACHMENT. DRAFT LAWS DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA AND RESULTS OF REVIEWS	20
<i>TABLE A.1. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No1031 FROM 05.04.2011 AND RESULTS OF REVIEWS</i>	20
<i>TABLE A.2. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No 1289 FROM 29.05.2011 AND RESULTS OF REVIEWS</i>	21
<i>TABLE A.3. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No 235 FROM 29.05.2013 AND RESULTS OF REVIEWS</i>	22
<i>TABLE A.4. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No 476 FROM 25.11.2013 AND RESULTS OF REVIEWS</i>	23
<i>TABLE A.5. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No 477 FROM 25.11.2013 AND RESULTS OF REVIEWS</i>	24
<i>TABLE A.6. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No 535 FROM 17.12.2013 AND RESULTS OF REVIEWS</i>	25
<i>TABLE A.7. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No 126 FROM 14.03.2013 AND RESULTS OF REVIEWS</i>	26
<i>TABLE A.8. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No 225 FROM 13.06.2014 AND RESULTS OF REVIEWS</i>	27
<i>TABLE A.9. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No 226 FROM 13.06.2014 AND RESULTS OF REVIEWS</i>	28
<i>TABLE A.10. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No 227 FROM 13.06.2014 AND RESULTS OF REVIEWS</i>	29
<i>TABLE A.11. DRAFT LAW DESCRIPTION OF PEOPLE'S ASSEMBLY OF GAGAUZIA No 228 FROM 13.06.2014 AND RESULTS OF REVIEWS</i>	30

Introduction

Relevance of this topic is related to the approval of the special legal status of Gagauzia in the conditions of transformation processes carried out in the state. Implementation of the territorial autonomy in the Republic of Moldova is of a particular interest due to the fact that the case of Gagauzia is one of the few existing examples in the South-Eastern Europe of a peaceful resolution of an ethnic conflict with the acquired experience of territorial distribution of power.

The contradictory nature of the process of approval of the Gagauz autonomy in the legal and institutional order of the Republic of Moldova created the need for understanding and evaluating the existing situation. Attention of researchers is turned to the study of the foundations and forms of entrenchment of the autonomy of Gagauz-Yeri, as well as identification of factors affecting the efficiency of its functioning. S. Wolff dedicated a series of his works to the analysis of territorial approaches in the process of conflict resolution and accommodation of ethnic minorities, where experience of Gagauzia was analyzed [1; 2; 3]. O. Protsyk and C. Wolff have particularly mentioned in the process of the study of the legal bases of the autonomy the problem of distribution and clarification of powers between central authorities and Gagauzia [2; 4]. The forms of entrenching territorial autonomies were examined from the comparative perspective by M. Suksi, who outlined the general characteristics and features of the institutional structure of Gagauzia [5, p. 124].

The incompleteness of the process of implementation of the institutional and legal system of the autonomy from time to time creates grounds for crisis among national and regional authorities of Gagauzia. The referendum organized in Gagauzia in February 2014, brought the attention to the existing problems. In frame of the EU integration process the Republic of Moldova implemented a series reforms aimed at harmonizing the legislation of the country with *acquis communautaire*. Unfortunately, this opportunity was not used by the national authorities, neither by the authorities of Gagauz autonomy to harmonize the legislation of the Republic of Moldova with the Law # 344 on special legal status of Gagauzia (Gaguz Yeri).

This study is devoted to the issues of implementation of the status of the autonomy in the limits of its competences and political and legal order in the state. The first section covers the basics of the legal and institutional entrenchment of the autonomy. The second section explores some challenges faced by the territorial entity in the process of implementation of its status. A number of conclusions and recommendations were put forward in order to find solutions to the existing challenges to the effective functioning of the autonomy.

The study uses methods of case study and document analysis. Objectives of this study are the following: to determine the nature of the legal and institutional framework of entrenchment of the autonomy in Gagauzia and to identify challenges that affect the implementation of the legal status and the region's competences.

Legal and institutional entrenchment of Gagauz-Yeri autonomy

Legal and institutional instruments to ensure the functioning of the autonomy, which are enshrined by the state within legislative and constitutional frameworks, are of particular importance for the full implementation of its status. The autonomy arrangement can have a variety of forms and status in the national legislation of the states. Such arrangements have special guarantees related to the transfer of specific powers and responsibilities in the administrative and/or legal fields to the autonomous unit. The guarantees of certain competencies of the autonomy are enshrined in several forms. M. Suksi distinguishes between the following different categories of entrenchment: regional entrenchment, where a separate regional reaction is envisaged whenever legislation relating to the autonomy arrangement is being amended; special entrenchment creates a special amendment rule for the autonomy provisions in the respective national constitutional settings; there often exists general entrenchment by way of explicit regulations in the national constitutions; and, in the absence of regulations in the national constitution, the autonomy has the form of "semi-general entrenchment" at the level of organic laws. There may also exist another form of entrenchment of autonomy, international entrenchment, where scientist distinguishes international agreement that guarantees a certain status for a region. M. Suksi also suggests that a certain entrenchment effect can perhaps also be achieved under the right to self-determination [8, p. 152]. The most common forms of entrenchment of autonomy in European countries are the general and regional entrenchment [8, p. 171].

The status of Gagauzia is based on some of the above-mentioned forms of entrenchment of autonomy. Arrangement of the territorial entity is based on the general, semi-general and special forms.

The foundation of the arrangement is laid down in the provisions of the Constitution of the Republic of Moldova (*general entrenchment*), where territorial entity is granted the status of autonomy as form of self-determination of Gagauz people with the right to independently decide, within its competence, on issues related to political, economic and cultural development for the benefit of the entire population, and the right of People's Assembly of Gagauzia to legislative initiative in the Parliament [9, art. 73]. Organic Law on Special Legal Status of Gagauzia (Gagauz-Yeri) [10], which regulates the competences of the regional authorities, also represents

the basis of the status of the autonomy. Along with the autonomous regions in Italy, Spain, Portugal and Finland (Åland Islands), some of the common features of this *general and semi-general entrenchment* represent the exclusive competence of the territorial arrangement to adopt laws at the regional level. Since establishment of the autonomy in 1994 and until 2003, when several amendments were introduced to the constitutional laws, the status of Gagauzia, compared to the European autonomies (Åland Islands, Spain, Portugal, Italian regions and Crimea), was poorly regulated in the Constitution. It should be noted that amendments introduced have undeniably contributed to the entrenchment of the autonomy in the national legislation; however the process of its consolidation in the constitutional and other norms was still not completed. Contradictions existing in the legislation concerning the competences of the region and the center, the methods of control by national institutions and the lack of mechanisms for implementation of competencies create serious potential for conflict in relations between central government and the region.

Special entrenchment of the status of Gagauzia implies qualified majority of 3/5 of the Members of the Parliament to change the Law on the Special Legal Status of the autonomy.

Regional entrenchment, implying reaction of the region to the amendments introduced to the national legislation related to the (status of) autonomy, has been incorporated neither in the Law on the Special Legal Status of Gagauzia, nor in the Constitution of the Republic of Moldova. Lack of regional entrenchment allows national authorities to unilaterally amend the legislation that directly or indirectly affects the status of the autonomy without the consent and participation of the authorities from the autonomy. In most cases, amendments introduced in the national legislation affecting the functioning of the autonomy reduced the possibilities related to the implementation of the Gagauz status, and contributed to emergence of contradictions and conflicts between regional and national authorities. In this context, there is a need to introduce legal and institutional mechanisms empowering the autonomy to react to legislative amendments affecting its legal status. This mechanism can be established by introducing provisions in the legislation and creating a permanent body composed of representatives of the region and central government to jointly take decisions regarding the status of the autonomy. In case of Gagauzia, introducing the regional entrenchment of the autonomy could become one of the most effective mechanisms of cooperation and ensure a continuous dialogue between central authorities and the region.

Implementation challenges of the autonomy status

Existence of the autonomy defines the need for its recognition within the general legal order of the state. Gagauz autonomy, as noted earlier, is enshrined in the constitutional laws and

in the organic Law on Special Legal Status. However, since its establishment, national legislation started to ignore existence of the special status of the region. Status of the autonomy in the national legislation is increasingly shrinking within legislative system, as well as within public administration and law enforcement system. For example, the Law on Normative Acts of the Government and Other Central and Local Public Administration Authorities [11, art. 9, 77], as well as Moldovan Constitution (Art. 111) and the Law on the Government [12, Art. 10(3)] do not recognize legislative competences of the People's Assembly of Gagauzia, as they do not include the category of local laws and Regulations of People's Assembly, which are however enshrined in the Law on Special Legal Status of the autonomy (Article 12(2)). In accordance with the provisions of these laws, Gagauzia has its own representative body, which issues normative acts that are subordinated to and that should not contradict the superior acts. Superior acts include laws and normative acts issued by the Government and other central public administration authorities, which are binding on the entire territory of the republic. Also, the Government is responsible to coordinate and supervise activity of local authorities in Moldova. Therefore, People's Assembly of Gagauzia (PAG), as well as Executive Committee of the autonomy cannot independently solve within their competence issues of political, economic and cultural development. On the other hand, the laws and other normative acts adopted by the central authorities that do not take into account the competence of the autonomy in fact dissolve its special legal status. In this context, it is more appropriate to subordinate local laws adopted by the PAG to the Constitution of the Republic of Moldova, to the competences of Gagauzia, international commitments and treaties, to which Republic of Moldova is a state party, and to the basic principles of socio-economic reforms of the state. In general, the issue of harmonization of national legislation of the Republic of Moldova to the Law on Special Legal Status of the autonomous entity Gagauz-Yeri is quite broad and requires a separate in-depth and thorough analysis.

The exercise by authorities of the autonomy of its competences set forth in the Law of 1994 is difficult because of incomplete regulation of special legal status of the territorial unit in the legal and political system of Moldova. In addition to the incomplete regulation of the process of autonomy entrenchment in the national legislation, there is an additional obstacle to the implementation of the Law on Gagauzia. Article 6 (7) of the Law on Legal Acts states the following: "In case of contradictions between two legislative acts with equal legal force, having different solutions to the same subject of regulation, provisions of the most recently adopted act are to be applied." [11]. A new draft Law on Legal Acts proposed for discussion by the Ministry of Justice in early 2014 maintained this principle and, like other previous laws, ignored legislative competences of the autonomy. Therefore, all contradictions arising between the Law

on Special Legal Status of Gagauzia and other organic laws adopted at a later stage are resolved not in favor of the autonomy. Despite the special provision of the Law of 1994 requiring three-fifths of votes of the members of the Parliament of the Republic of Moldova for introducing amendments and additions, its provisions cannot ensure the guarantee of the autonomy.

Implementation of the legal status of the autonomy is determined by the level of development of its institutional system. The selection of the necessary mechanisms ensuring effective functioning of institutions of self-governance is especially important. Internal institutional system of autonomies is diverse and it often differs from the structure of central authorities, reflecting the special forms of accountability and connection with the national political and legal systems.

In relation to the manner of interaction and the form of accountability of the executive and legislative powers of Gagauzia, the autonomy system resembles a presidential system [5, p.124-128], where Governor is the main official, who governs over all public authorities of the territorial entity. Governor is the head of the executive committee of Gagauzia and at the same time he/she is appointed as member of the Government of Moldova by the presidential decree. In this case, there is a high level of integration of autonomy's executive power with national authorities [5, p. 125], given the fact that at the proposal of the Governor of Gagauzia, heads of relevant sectoral departments become members of the boards of ministries and departments of the Republic of Moldova. In contrast with other autonomies, executive power of the region must implement not only the laws and regulations adopted by the PAG, but also national legislation. This fact limits the possibilities of regional authorities to adopt laws that are different from national laws. One such example is the Law on Local Parties in Gagauzia, which cannot be adopted because of the limitations posed by the regulatory framework of the party system of the Republic of Moldova. M. Suksi emphasizes that vertical dimension dominates over horizontal dimension in relation to the accountability of the executive power. The first case refers to the link, responsibility to the national institutions of government, while the second case – to the People's Assembly of Gagauzia. Researcher warns that the vertical form of relation with national authorities will contribute to development of the autonomy, in the absence of center's competences in the region. In cases where executive power in the region becomes accountable to national authorities and needs to have a direct link with them, as the case of Gagauzia, the very existence of the autonomy may be jeopardized [5, p.129].

Although the system of relations between executive power of autonomy and national authorities is considered quite integrated, there is low efficiency in promoting the interests of Gagauzia. Departments of the Executive Committee show example of a weak decentralized system of relations with the central Government. At the same time agenda of the ministries and

departments of central authorities rarely includes issues related to Gagauzia. The status of the member of the Government contributes to the interest of electorally successful political parties to promote in the position of Bashkan those politicians in the region who would be loyal to them and would support them in Gagauzia. Therefore, in such neo-patrimonial type of political regime, attributed to the Republic of Moldova [14], ex officio membership in the Government may become a new mechanism of client relations with the national political elite.

Participation in social and political life.

Participation in the governance at the regional (and often national) level is a major issue of concern for all autonomous units in strengthening their special legal status in relation to the central authorities. It manifests itself in various forms, which are enshrined in the specific powers of the autonomy and national institutions. These forms of participation include elections at the regional and national levels, referendums, consultation mechanisms, establishment of autonomy's legislative and executive authorities, activity of political parties and groups and their relations with the parties at the national level, the decision making process and others.

Elections of Bashkan and People's Assembly in Gagauzia are organized independently in the limits of the competence of the autonomy. At the same time, residents of the territorial unit participate along with all citizens in the elections of the Parliament and local authorities. Taking into consideration different elections organized in the region, a declining level of citizen's participation has been noted [15; 16]. Some researchers associate this trend with electorate's tiredness in frequent electoral processes. Others - associate the decrease in the Gagauz voters' turnout with the fact that "civil and electoral identity of Gagauz people in conjunction with their status of the citizens of the Republic of Moldova becomes a difficult process" [17, p. 35-42]. According to N. Putină (Gațmaniuc), implementation of the status "leads to alienation from national policy and becomes a blocking factor for the process of identification of Gagauz people with the state" [17, p. 35-42]. In our view, identification of Gagauz people with the state is not weakening. This situation is confirmed by the results of sociological survey conducted in Gagauzia in 2012, where respondents confirmed their full consent with the question whether they consider that Moldovan citizens must participate in the elections to the Parliament (85.1%) and equally they agreed with the responsibility of the residents of Gagauzia to participate in elections of Bashkan and PAG (85.2%).

Indeed, status of autonomy strengthens regional and ethnical identity of Gagauz people (especially in comparison with Gagauz people living in other states). However, even in this case, according to another research related to ethnical identity of the Gagauz youth, I. Caunenco notes the change of the hetero-stereotype of Moldovans from slightly negative to positive, the fact that

"shows harmonization of ethnic identity of young people, which includes not only the image of its own group, but also of the other group" [18]. Civic identity of the general population of Moldova is at a low level because the idea of a civic nation is not cultivated. Discourse about identity in the society "focuses on ethnic and cultural features" [19, p. 55]. We can assume that one of the factors affecting the participation of the people from autonomy in the elections to Moldovan Parliament, is the reduced level of confidence in the government, political forces and leaders (both national and local), who would be able to consistently defend the interests of all citizens and resolve socio-economic problems in the state. One should also take into account the migration factor, which significantly decreases the number of population in the region.

Similar situation with frequent elections and low participation of citizens in elections is also observed in Finland (Åland Islands), however researchers are associating this with other factors. "Although the autonomy of Åland Islands has mainly participatory frameworks of participation, which are guaranteed to the residents of the autonomy in several ways: participation in elections at the municipal level - to the Council, at the regional level - to the Legislative Assembly, at the national level - to the Parliament and the President of Finland and at international level – to the European Parliament - it demonstrates a low level of activity». M. Suksi notes that Ålanders indisputably perceive Legislative Assembly as its main political forum (including, possibly, also the municipal councils), as it pursues their interests. The Parliament of Finland is not as important, because, according to the researcher, the main issues related to public services and distribution of public funds are resolved by the Legislative Assembly of the Åland Islands [20, p. 409]. Therefore, the experience of the autonomy of Åland islands represents an example of effective local self-governance, where regional institutions are fully making use of their competences and enjoy citizens' high confidence.

Despite the fact that Åland Islands enjoy the right of direct and indirect participation in the decision-making process at the national level, the level of autonomy's participation is low. Indirect participation is associated with the electoral system, which ensures the so-called representation in the Parliament. As noted by M. Suksi, an MP from the Åland Islands "represents all citizens of the territory, not just those with regional citizenship of the Åland Islands. Special mandate in Parliament to represent Finnish citizens living in Åland Islands is part of the ordinary (common) system of representation in the legislative body at the national level, but not a method of autonomy structure. According to Article 29 of the Finnish Constitution, an MP from Åland Islands must avoid becoming a representative of government institutions of Åland Islands in the Finnish Parliament. An MP from Åland Islands is a representative of citizens in the Parliament, and not of the Government of Åland Islands or Legislative Assembly" [20, p. 405]. Direct participation is ensured by the right to legislative

initiative in the Parliament. This right is used only in cases directly related to the territorial jurisdiction of Åland Islands in accordance with paragraphs 27 and 29 of the Self-Governance Act. The right to legislative initiative to the Legislative Assembly is not used very often, but when used, it becomes a way of putting forward amendments to the Self-Governance Act or legislation related to restrictions imposed on the right to own real estate [20, p. 405-408].

There is a tendency in Gagauzia to establish closer ties between civic-political movements and political actors of the autonomy with political parties. Such cooperation is likely to have some common reasons which are related to the active establishment of new connections. Lack of experience and understanding of territorial distribution of power and the actual space for self-governance and progress in the autonomy give rise to claims of regional politicians to search for resources at the national level. Another important factor is the party system and the system of parliamentary elections. In the conditions of establishment of parliamentarism with proportional electoral system with patrimonial past heritage, the party system of Moldova, which is unable to establish a program orientation [21, p. 42], gives reason to assume the possibility of an easy access to the government positions at the national level. A common way of establishing links with parties at the national level is conditioned by the participation in administration at the regional level. Regional institutions are becoming for many politicians of the autonomy a way of advancing their career up to the national level. Due to the fact that the left parties with a clear orientation to cooperation of the Republic of Moldova with the Russian Federation are the closest to the electorate in Gagauzia, political actors in the region, socio-political organizations and political parties are mobilizing citizens for achieving this objective and continue to be quite popular. However, in our view, the most important task carried out by ethnic entrepreneurs and intellectuals in the 90th is missing here, and namely protection of the interests of the region, which is based on a clear strategic goal of development of the autonomy, social responsibility and ability to collaborate with national institutions. If this task is neglected, regional politicians will loss success in the electoral process.

Since establishment of the autonomy, political discourse at the regional level, initiated by political actors and organizations, has a special character. Issues raised in the region mainly focus on the conflict relations with the central government and on expressing positions which often differ from the official opinion of the national elite. At the same time, discussion of internal economic, social and cultural issues of the autonomy, which require regional power's responsibility, is quite insignificant.

Implementation of autonomy implies independent resolution of political, economic, social and cultural problems. Language problem represents one of the problems of the region. In the context of sustainable Russian-Gagauz and Gagauz-Russian bilingualism of the population

[22; 23, p. 302-303] and official approval of the Gagauz-Moldovan-Russian trilinguism of the autonomy, many questions are arising. On the one hand, the issue related to the development of the Gagauz language in the autonomy arises. First of all, it concerns the development of the terminological database for possible translation of school materials into Gagauz language. No systematic work has been conducted in this field since the establishment of the autonomy. On the other hand, mass-media is not fully making use of the opportunities available in the information space to ensure full functioning of the Gagauz language. It is also important to mention that in comparison with the learning of the state language where a large number of training courses are available; there are no opportunities to learn the Gagauz language and culture with exception of educational institutions.

Knowledge of the state language is another current linguistic problem in the region, which can potentially divide society based on linguistic and ethnic grounds. According to surveys, population of autonomy is aware of the need to learn the state language [19], nevertheless situation has not improved in recent years. It is clear that teaching the state language by offering language courses is not sufficient, and there is a need for joint special long-term programs in the region and at the central level to improve language skills.

Migration of the population is one of the most serious demographic problems of the autonomy, which has economic roots. Mass exodus of the population due to the high unemployment rate gradually decreases human resources which are necessary for development of the region.

Participation of the People's Assembly of Gagauzia in the decision-making process at the national level.

Implementation of the status of the Gagauz autonomy is ensured by the right to directly participate in the decision-making process at the national level. According to Art. 73 of the Constitution of the Republic of Moldova and Art. 47 of the Regulation of the Parliament, People's Assembly of Gagauzia has the right to legislative initiative. However, since introduction of this amendment to the Basic Law in 2003, no draft initiative of the People's Assembly passed from the examination stage to the discussion at the Parliament's plenary and, ultimately, in accordance with Art. 47 points (12) and (14), the respective draft initiatives were canceled. This represents interest for analyzing the factors that influence People's Assembly effective participation in the legislative process.

In order to understand current situation, it is necessary to analyze the level of competence of the People's Assembly to promote the interests of the autonomy, which are reflected in the initiated draft laws, the quality of draft laws and their correspondence with the People's

Assembly competences. In this context, it is especially important to have the ability to argue for the need to amend the laws or to put forward new laws; the ability to correctly interpret national legislation and use the appropriate terminology; ability to identify current problems of the autonomy and elaborate quality draft laws, as well as ability to promote adoption of the draft laws. On the other hand, it is necessary to examine the existing legal and institutional frameworks affecting the effective participation of the People's Assembly in the decision-making process and in ensuring autonomy's functionality.

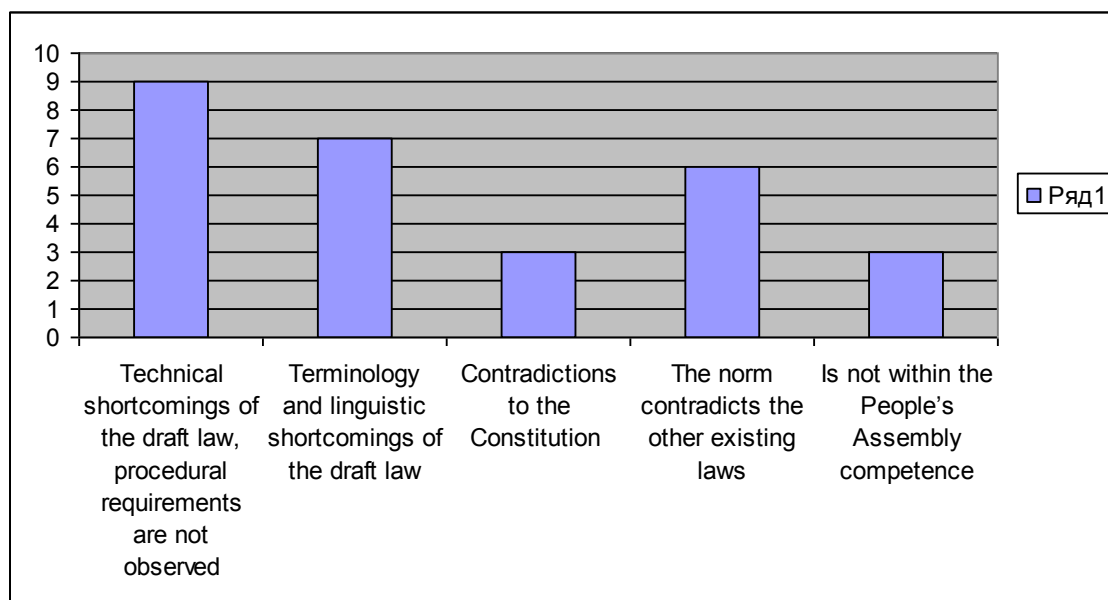
We have analyzed the initiatives of the People's Assembly and their examination, in the framework of the legislative procedure, during the XIX convocation of the Parliament (2010-2014.). Altogether People's Assembly has put forward eleven draft laws (see Attachment), including:

- 2 initiatives – in 2011 (No. 1031 of 22.04.2011, No. 1289 of 31.05.2011);
- 5 initiatives - in 2013 (No. 126 of 20.03.2013, No. 235 of 07.06.2013, No. 476 of 25.11.2013, No. 477 of 25.11.2013, No. 535 of 24.12.2013)
- and 4 initiatives – in 2014 (No. 225 of 13.06.2014, No. 226 of 13.06.2014, No. 227 of 13.06.2014, No. 228 of 13.06.2014). Legislative initiatives referred to introducing amendments and additions to the organic laws, adopted since 1991 and until 2012:
 1. Art. 22 of the Law No. 1593-XV of 26.12.2002 about Amounts, Order and Timeline for Paying Mandatory Health Insurance Premiums;
 2. Art. 184 of the Customs Code RM No. 1149-XIV of 20.06.2000;
 3. Art. 5 of the Law No. 397 of 16.10.2003 on Local Public Finances;
 4. Art. 1 of the Law No. 720 of 02.02.1996 on Road Fund;
 5. Art. 27 of the Law No. 344-XIII of 23.12.1994 on Special Legal Status of Gagauzia (Gagauz-Yeri);
 6. Art. 1 , 4, 22 and others of the Code on Elections RM No. 1381 of 21.11.1997;
 7. Art. 1 of the Law No. 155 of 21.07.2011 on Approval of the Single Classifier of Civil Service Positions;
 8. Art. 22 of the Law No. 847-XIII of 24.05.1996 on Budget System and Budget Process;
 9. Art. 4, 9 of the Law No. 806-XII of 12.12.1991 on Carabineer Troops (internal troops) of the Ministry of Internal Affairs;
 10. Art. 40 of the Law No. 294-XVI of 25.12.2008 on Prosecution Service;
 11. Art. 15 of the Law No. 320 of 27.12.2012 on the Activity and Status of the Police Officer;
 12. Art. 6 of the Law No. 780-XV of 27.12.2001 on the Normative Acts;
 13. Art. 1, 2, 6, 12, 61, 63, 64 and others of the Law No. 436-XVI of 28.12.2006 on Local Public Administration;

14. Law No.768-XIV of 02.02.2000 on the Status of Local Elective Official;
15. Art. 4, 10, 17 of the Law No. 764 of 27.12.2001 on Administrative-Territorial Structure of the RM.

According to the legislative procedure, all of the respective draft laws were published on the website of the Parliament and received opinions of the standing committees and expert reports of the National Anticorruption Center. Most of the initiatives related to the functioning of the autonomy issues. Analysis of the reports and opinions received from the standing committees showed that there are a number of shortcomings which are common for all draft laws.

Diagram. Number of the draft laws with common comments of reviews



The most common comments were related to the arguments of the explanatory note, which were considered insufficient for the adoption of the draft. In some cases it was necessary to provide the results of expert examination of the draft and the results of the public consultations related to the draft law. Another problem is related to the ability to correctly interpret national legislation and make use of the proper terminology. Provisions of six draft laws were in conflict with the provisions of other laws of the Republic of Moldova; three draft laws contradicted the Constitution; nine draft laws had minor or serious technical shortcomings and did not meet procedural requirements; and seven draft laws had terminology and linguistic shortcomings. In this connection, six draft laws were not recommended or no decision was taken by the committees. Based on these results, it seems necessary to further develop skills of the People's Assembly to elaborate and efficiently formulate the draft laws.

It is worth mentioning here three draft laws, which have been evaluated positively and were recommended for examination by the standing committees (see Attachment: Tab.A.1, Tab.A.5, Tab.A.6). These initiatives had their own distinctive features. Two draft laws related to the interests of the whole population of the Republic of Moldova, including residents of Gagauzia. In essence, both draft laws referred to the same issue – introducing amendments and additions to Art. 22 of the Law No.1593-XV from 26.12.2002 on the Amount, Order and Timeline for Paying Mandatory Health Insurance Premiums. However, the draft law put forward earlier received negative review of the Government and the responsible standing committee and was therefore not included in the agenda of the Parliament. The third draft law related to administrative issues, where the purpose was to specify the list of civil service positions and create basis for the remuneration of Gagauz civil servants. The draft law was recommended for examination by the standing committees, the main Legal Department of the Parliament and the Center for Combating Economic Crimes and Corruption, with introduction of some technical and linguistic amendments. Thus, this initiative had the greatest chances to be included by the Permanent Bureau in the agenda of the plenary session of the Parliament, provided there was a positive opinion of the responsible committee. We can assume that the reason for not including this draft law in the agenda of the Parliament was the lack of the report of the responsible committee, required in accordance with Art. 41 of the Regulation of the Parliament.

Accordingly, the question arises whether People's Assembly is empowered to introduce amendments to the agenda of the Parliament in order to include a new draft law. According to Art. 46 of the Regulation, additions to the agenda can be introduced "at the request of the Standing Bureau, parliamentary faction, standing committee, a group of five deputies, the author of the draft law included in the agenda and the Chairperson of the Parliament." Thus, People's Assembly cannot directly introduce amendments and additions to the Parliament's agenda.

There are three draft laws which represent interests to us and which are directly related to the Law No. 344-XIII of 23.12.1994 on the Special Legal Status of Gagauzia (see Attachment: Tab.A.3, Tab.A.9, Tab.A.11). The purpose of the draft Law No. 235 of 29.05.2013 was "to create legal conditions and increase the effectiveness of the mechanism of legal regulation of relations and eliminate the abuse of one power against the other power," by introducing syntagma "with the consent of the People's Assembly of Gagauzia" in Article 27 (2) for introducing amendments and additions to the law. Although this principle exists in the states with territorial autonomies, it should be noted that People's Assembly itself has superficial approach to the amendment of the legislation. This amendment comes in contradiction with Articles 60, 111 of the Constitution of the Republic of Moldova, which do not recognize the legislative competence of the People's Assembly and do not allow People's Assembly to

influence the process of amendment of the law itself. For this reason, opinions on the draft law were negative and it was considered to go beyond the competence of the People's Assembly.

Draft Laws No. 226 and No. 228 of 13.06.2014 on introducing amendments and additions to some legislative acts in order to bring legislation of the Republic of Moldova into line with the Law on the Special Legal Status of Gagauzia. These draft law are also in contradiction with the Constitution and run counter to the existing national legal system. The tendentious interpretation of the legislation in the draft laws and claims to have control over the prosecutor's office, police and other bodies create the impression that actions of the People's Assembly attempt at separation or federalization of the country.

Several initiatives addressed the issue of the budget of Gagauzia (see Attachment: Tab.A.7, Tab.A.8, Tab.A.10). Draft laws No. 126 of 14.03.2013 and No. 225 of 13.06.2014 aimed at accelerating the process of modernization and rehabilitation of the local road infrastructure. Draft initiative No. 227 of 13.06.2014 aimed at establishing fair and transparent mechanism for approval of capital investment projects for Gagauzia financed from the state budget. The lack of economic and financial expert opinion, supporting the need for introducing amendments, does not allow assessing the situation impartially. Claims for allocation of a specific percentage of the budget to the autonomy, under the general principle of universality and equality in the distribution of the budget among all administrative-territorial units of the Republic of Moldova, will naturally be regarded as an attempt to establish its privileged position in relation to others.

Based on the analysis of the draft laws, it is necessary to assert Assembly's inability to determine the actual problems of the autonomy, failure to have an integrated approach to their settlement, inability to correctly interpret national laws and use proper terminology, as well as inability to elaborate high quality draft laws and promote them in the process of their adoption. Lack of consistency of the People's Assembly during the legislative process, including inability to keep track of the expert opinions on the initiatives, leads to inefficient use of its right to legislative initiative in the Parliament. In this context, there is a need to ensure transparency in the decision-making process regarding publication of all opinions and reports of the standing committees that will allow monitoring the process and adequately react to their demands. On the other hand, there is a legal system in place that was created without taking into consideration the special legal status of the autonomy, which limits the functioning of the autonomy and the possibilities of its implementation to the level of the ordinary administrative-territorial entity in the Republic of Moldova. Contradictions existing in the legislation require a long-term, comprehensive approach and gradual settlement of the problems associated with implementation of the Law on the Special Legal Status of Gagauzia and development of the autonomy in general.

In this regard, there is a need to create necessary institutional and legal mechanisms which would ensure permanent dialogue between central authorities and autonomy.

Conclusions and recommendations

Approval of the special legal status of Gagauzia, under conditions of state transformation during the last twenty years, is quite controversial. Implementation of the autonomy within its competence and political and legal order of the Republic of Moldova is carried out in the absence of experience of territorial distribution of power.

Legal and institutional instruments for ensuring the functioning of the autonomy are of particular importance for the full implementation of its status, and they are provided by the state in the legislative and constitutional frameworks. The territorial autonomy Gagauz-Yeri is established on the basis of general, semi-general and special forms. *General entrenchment* includes provisions of the Constitution of the Republic of Moldova, where territorial unit is granted autonomy as a form of self-determination of Gagauz people with the right, within its jurisdiction, to independently decide on the issues related to political, economic and cultural development for the benefit of the entire population, and the right of the People's Assembly of Gagauzia to legislative initiative in the Parliament. *Semi-general entrenchment* of the status of the autonomy is also regulated by the organic Law on Special Legal Status of Gagauzia (Gagauz Yeri), which formulates the competences of regional authorities. *Special entrenchment* of the status of Gagauzia requires a qualified majority of 3/5 of the Members of the Parliament for introducing amendments of the Law on Special Legal Status of the autonomy. *Regional entrenchment*, which implies region's reaction to the amendments introduced in the national legislation related to the (status of) autonomy, was reflected neither in the Law on Special Legal Status of Gagauzia, nor in the Constitution of Moldova. Lack of a regional form of entrenchment empowers national authorities to amend the legislation that directly or indirectly affects the status of the autonomy, unilaterally, without the consent and participation of the autonomy authorities.

Competences acquired by authorities from the autonomy, formulated in the Law of 1994, are applied deficiently due to the incomplete approval of the special legal status within the legal order of Moldova. Approval of the status requires formulation of a list of clear competences acquired by authorities from the autonomy and central government and including them in the national legislation. In addition to the incomplete process of entrenchment of the autonomy in the national legislation, there is also another obstacle blocking implementation of the Law on Gagauzia. Contradictions between different legislative acts with equal legal force are settled in

favor of the more recently adopted provisions. This is a very complex issue which requires a long-term, comprehensive approach and gradual settlement of the problems associated with the implementation of the law on the special legal status of Gagauzia and the development of the autonomy in general.

Due to the fact that in most cases amendments, which were introduced to the national legislation directly or indirectly affecting the functioning of the autonomy, were limiting the possibilities of implementation of the status of Gagauzia and contributed to emergence of contradictions and conflict situations between regional and national authorities, it is necessary to introduce legal and institutional mechanisms to regulate reaction of the autonomy to amendments in the legislation affecting its legal status. Such a mechanism can be established in the form of introducing necessary provisions in the legislation and creating a permanent body comprising representatives of the region and central authorities for a joint decision-making in relation to the status of the autonomy. In case of Gagauzia, introducing the mechanism of regional entrenchment of the autonomy could become one of the most effective mechanisms of cooperation and continuous dialogue between central authorities and the region.

From institutional point of view, the relationship and accountability of the executive power of the autonomy vis-à-vis the national authorities is marked by clear vertical versus horizontal type of responsibility. This type of responsibility could lead to a strong influence of the center on the implementation of the status by the region.

Based on the analysis of the draft laws put forward by the People's Assembly before the Parliament, it is necessary to ascertain People's Assembly inability to identify current problems of the autonomy, to adopt complex approaches to their resolution, inability to correctly interpret national legislation and to use the appropriate terminology, inability to elaborate quality draft laws, as well as inability to promote adoption of the draft laws. The lack of consistency of the People's Assembly in the legislative process, including tracking the review of the legislative initiatives, leads to inefficiency in exercising the right to legislative initiative in the Parliament.

References

1. Wolff S. Conflict Management in Divided Societies: The Many Uses of Territorial Self-governance, In: *International Journal on Minority and Group Rights*, 20(2013)1, pp. 27–50; available at <http://booksandjournals.brillonline.com/content/10.1163/15718115-02001003>.
2. Wolff S. The Distribution of Competences between Centre and Autonomy: Issues and Options in the Functioning of the Gagauz Autonomy in Moldova.
<http://www.stefanwolff.com/files/Comp-Gagauzia.pdf>.
3. Wolff S. Overcoming Political Deadlock in Gagauzia: Options for EUSR Mediation Team.
<http://www.stefanwolff.com/files/EUSR-Gagauzia.pdf>.
4. Protsyk O. Gagauz autonomy in Moldova: the real and the virtual in post-Soviet state design//<http://www.policy.hu/protsyk/Publications/ProtsykGagAutonomy09fx.pdf>.
5. Suksi M. Governmental Accountability in Autonomies: Åland Islands in Comparison with Select Autonomies in Europe and Elsewhere. In: *New Directions In Comparative Law*, Antonina Bakardjieva Engelbrekt, Professor of European Law, Stockholm University, Sweden and Joakim Nergelius, Professor of Law, Örebro University (Eds.), Sweden, 2010, 304 p.
6. Calus K. Gagauzia: growing separatism in Moldova? OSV Commentary, 10 March, 2013.
<http://www.osw.waw.pl/en/publikacje/osw-commentary/2014-03-10/gagauzia-growing-separatism-moldova>, (посетила 20.09.2014).
7. Kosienkovskii M., Shreiber B. National minorities of Moldova and their attitude towards the European integration, "Russie.Nei.Visions", N° 81, November 2014.
8. Suksi M. *Autonomy: Applications and implications*. The Hague: Martinus Nijhoff Publishers, 1998, 370 p.
9. Constitution of the Republic of Moldova, published on: 12.08.1994 in Monitorul Oficial Nr. 1 Date of entrance into force: 27.08.1994,
<http://lex.justice.md/viewdoc.php?id=311496&lang=2>.
10. Law on the Special Legal Status of Gagauzia (Gagauz-Yeri). № 344-XIII of 23 December 1994. B: Monitorul Oficial of the Republic of Moldova, 14.01.1995, № 003.
<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=311656&lang=2>, (visited on 20.09.2014).
11. Law on the Normative Acts and Other Central and Local Public Administration Authorities, Nr. 317 of 18.07.2003, B: Monitorul Oficial, 03.10.2003, Nr. 208-210, №: 783.

12. Law on the Government, Nr. 64 of 31.05.1990, B: Monitorul Oficial, 26.09. 2002, Nr. 131-133 Article №: 1018, <http://lex.justice.md/ru/312895/>.
13. Draft Law on the amendments and additions to some legislative acts (Law on administrative decentralization – art.4; Law on local public administration - art.1, 2, 3, 63'1; and others). <http://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/2393/language/ro-RO/Default.aspx>, (visited on 03.09.2014).
14. Fisun A. The post-Soviet neo-patrimonial regimes: genesis, features, typology, Home notes, 2007, № 6 (39), <http://www.strana-oz.ru/>.
15. Gațmanuic N. The role of the ethnic factor in determining electoral behavior (the case of Gagauzia), MOLDOSCOPIE (Problems of political analysis), Scientific newsletter, Chișinău: USM, Part XXV, 2004, p.131-139.
16. Mironova S. Political integration of Gagauz people – the perspective of optimizing political relations in the Republic of Moldova, MOLDOSCOPIE (Problems of political analysis). Quaterly scientific newsletter, Chișinău: CEP USM, nr. 4 (XLVII), 2010, P.105-112.
17. Gațmanuic N. Electoral behavior of Gagauzia within national parliamentary elections in the Republic of Moldova, MOLDOSCOPIE (Problems of political analysis), Scientific newsletter, Chișinău: USM, 2005, №2 (Part XXIX), p.35-42.
18. Caunenco I. Dynamics of ethnic identity of the Gagauz youth at the present stage
19. Institute of Public Policy, Integration of ethnic groups and consolidation of civic nation in the Republic of Moldova, Chișinău, 2012, <http://www.ipp.md/lib.php?l=ro&idc=171&year=2012>,(посетила 10.12.2014).
20. Suksi M. Sub-State Governance through Territorial Autonomy: A Comparative Study in Constitutional Law of Powers, Procedures and Institutions. Berlin: Springer Science & Business Media, 2011, 718p.
21. Protsyk O. Party competition in Moldova: ideology, organizational strategies and approaches to resolving ethno-territorial conflicts, Oleh Protsyk, Igor Bucataru, Andrei Volentir, Ch.: CEP USM, 2007, 214 p.
22. Nicoglo D. Linguistic situation in Gagauzia: problems and perspectives. In: Our Moldova <http://www.mdn.md/ru/print.php?id=2464&lang=ru>, (visited: 09.03.2006).
23. Pațova A. Birth of a nation: the role of the past in the ethnic mobilization of Gagauz people, In: Crossroads, Newsletter of Eastern-European Borderland Research, № 3–4/2011, p. 301-316.

Internet-resources:

parlament.md

Attachment. Draft Laws Description of People's Assembly of Gagauzia and results of reviews

Table A.1. Draft Law Description of People's Assembly of Gagauzia No1031 from 05.04.2011 and results of reviews

Title, amendments to the Law	on introducing amendments and additions to the Law of the RM №1593-XV of 26.12.2002 on Amounts, Order and Timeline for Paying Mandatory Health Insurance Premiums
Purpose of the draft law	to change the order of paying mandatory health insurance premiums for individuals who do not have stable income on a monthly and proportional basis
Interests	patentees; persons without stable income
Report of the responsible committee	is available / refusal
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	new legislative initiative of 17.12.2013
General Legal Department	technical shortcomings of the draft law, procedural requirements were not met, terminological shortcomings of the draft law, contradictions with other laws of the Republic of Moldova
Committee for national security, defense and public order	recommendation
Committee for human rights and inter-ethnic relations	recommendation
Committee for agriculture and food industry	recommendation
Committee on environment and climate changes	recommendation
Government of the RM	refusal

Table A.2. Draft Law Description of People's Assembly of Gagauzia No 1289 from 29.05.2011 and results of reviews

Title, amendments to the Law	on introducing amendments and additions to the Customs Code of the RM PM №1149-XIV of 20.06.2000
Purpose of the draft law	to supplement part 4: does not apply to individuals-residents who are owners of vehicles
Interests	owners of vehicles registered in foreign countries
Report of the responsible committee	no
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	no
General Legal Department	no information available
Committee for national security, defense and public order	no information available
Committee for human rights and inter-ethnic relations	no information available
Committee for agriculture and food industry	no information available
Committee on environment and climate changes	no information available

Table A.3. Draft Law Description of People's Assembly of Gagauzia No 235 from 29.05.2013 and results of reviews

Title, amendments to the Law	on introducing additions to Art. 27 of the Law №344-XIII of 23.12.1994 on the Special Legal Status of Gagauzia
Purpose of the draft law	to supplement Art. 27 with the syntagma "with the consent of the People's Assembly of Gagauzia." The purpose is to create legal conditions, increase the effectiveness of the mechanism of legal regulation of relations and eliminate the abuse of one power against the other power
Interests	entrenchment of the autonomy, right of the People's Assembly to veto the amendments to the Law on the Special Legal Status of Gagauzia
Report of the responsible committee	no
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	no
Center for Combating Economic Crimes and Corruption	Arguments provided in the explanatory note do not justify the need for introducing amendments. inability to put forward a draft law. Amendment is in contradiction with Art. 60 and 11 of the Constitution of the Republic of Moldova; requirements of the Law № 239-XVI of 13.11.2008 on the Transparency of Decision-Making Process are breached
General Legal Department	contradicts Art. 60, 111 of the Constitution. Draft law does not comply with the technical requirements of the legislation
Legal Committee for appointments and immunities	contradicts Art. 60, 111 of the Constitution. Decision was not taken
Committee for national security, defense and public order	Decision not taken
Committee for human rights and inter-ethnic relations	contradicts Art. 60, 111 of the Constitution. Decision: refusal
Committee for agriculture and food industry	Decision not taken

Table A.4. Draft Law Description of People's Assembly of Gagauzia No 476 from 25.11.2013 and results of reviews

Title, amendments to the Law	on introducing amendments to the Election Code of the RM
Purpose of the draft law	providing quotas - 5 places in the Parliament for the residents of Gagauzia
Interests	representation in the Parliament
Report of the responsible committee	no
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	no
Center for Combating Economic Crimes and Corruption	Arguments provided in the explanatory note do not justify the need for introducing amendments and are not valid. Economical and financial basis is missing in the explanatory note. Amendments will lead to a more privileged position of the residents of the autonomy in comparison with other citizens of the Republic of Moldova.
General Legal Department	Putting forward this draft law is not the competence of the People's Assembly. The text of the draft law requires significant technical editing
Committee for human rights and inter-ethnic relations	refusal. Amendments do not have legal force.

Table A.5. Draft Law Description of People's Assembly of Gagauzia No 477 from 25.11.2013 and results of reviews

Title, amendments to the Law	on introducing additions to the Law on approving Single Classifier of Civil Service Positions №155 of 21.07.2011.
Purpose of the draft law	to supplement chapter III with part III in the Single Classifier "Gagauz public administration bodies". Purpose: to specify the list of civil service positions and lay down the foundations for remuneration of civil servants of Gagauzia
Interests	entrenchment of the autonomy, persons working within the Executive Committee
Report of the responsible committee	no
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	no
Center for Combating Economic Crimes and Corruption	arguments correspond to the needs of the draft law
General Legal Department	recommendation (together with some other proposals)
Committee for human rights and inter-ethnic relations	recommendation

Table A.6. Draft Law Description of People's Assembly of Gagauzia No 535 from 17.12.2013 and results of reviews

Title, amendments to the Law	on introducing additions to Art. 22 of the Law of the RM №1593-XV of 26.12.2002 on Amounts, Order and Timeline for Paying Mandatory Health Insurance Premiums
Purpose of the draft law	to change the order of paying mandatory health insurance premiums for individuals with entrepreneurial patents
Interests	patentees; persons without stable income
Report of the responsible committee	no
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	no
Center for Combating Economic Crimes and Corruption	Arguments provided in the explanatory note are sufficient for introducing amendments. Amendment violates requirements of the Law № 239-XVI of 13.11.2008 on the Transparency of Decision-Making Process.
General Legal Department	Argument in the explanatory note can not justify the amendment to the Law
Committee for human rights and inter-ethnic relations	recommendation
Committee for national security, defense and public order	recommendation
Committee for agriculture and food industry	recommendation
Committee on environment and climate changes	recommendation
Committee for public administration and regional development	recommendation

Table A.7. Draft Law Description of People's Assembly of Gagauzia No 126 from 14.03.2013 and results of reviews

Title, amendments to the Law	on introducing amendments to the Laws of the RM № 397 of 16.10.2003 "on Local Public Finances" and № 720 of 02.02.1996 "on Road Fund"
Purpose of the draft law	redistribution of income source (fee for the use of roads registered in the Republic of Moldova) between the republican and local budgets. Income budget of Gagauzia is composed of: ... + fee for the use of roads - 100%, collected in the autonomy
Interests	replenishment of autonomy budget for repair of local roads
Report of the responsible committee	no
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	new legislative initiative of 13.06.2014 №225
General Legal Department	amendment will lead to favoring the budget of one administrative-territorial unit. Technical comments related to the draft law.
Committee for human rights and inter-ethnic relations	refusal. Amendments cannot favor one administrative-territorial unit
Committee for national security, defense and public order	Decision not taken
Committee for agriculture and food industry	recommendation
Committee on environment and climate changes	Did not take decision
Legal Committee for appointments and immunities	recommendation
Government of the RM	Cannot be supported
Committee for social protection, health and family	recommendation

Table A.8. Draft Law Description of People's Assembly of Gagauzia No 225 from 13.06.2014 and results of reviews

Title, amendments to the Law	on introducing additions to Art. 1 of the Law of the RM on Road Fund № 720-XIII of 02.02.1996
Purpose of the draft law	to supplement by Part 2 on allocating 5% of the total amount of funds for financing the reparation and reconstruction of local roads of ATU Gagauzia. purpose: to accelerate the process of modernization and rehabilitation of local road infrastructure
Interests	replenishment of autonomy budget for reparation of local roads
Report of the responsible committee	no
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	no
Center for Combating Economic Crimes and Corruption	Arguments in explanatory note do not justify the need for introducing amendments. Inability to provide a draft law.
General Legal Department	Draft law is raw. draft law does not meet the procedural requirements of the legislative process: there are no results of economic and financial expertise, public consultation. The draft law does not have the necessary documents and information
Committee for human rights and inter-ethnic relations	no decision taken
Committee for national security, defense and public order	recommendation
Committee for agriculture and food industry	no decision taken

Table A.9. Draft Law Description of People's Assembly of Gagauzia No 226 from 13.06.2014 and results of reviews

Title, amendments to the Law	on introducing amendments and additions to the Law on the Activity of Police and the Status of Police Officer № 320 of 27.12.2012
Purpose of the draft law	to supplement and amend Article of the Law specifying the powers of the Chief police of Gagauz-Yeri
Interests	competences of the Chief police of Gagauz-Yeri
Report of the responsible committee	no
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	no
Center for Combating Economic Crimes and Corruption	The draft law interprets the existing legislative framework in bad faith and leads to transition of police office, prosecution service and other bodies under the full control of Gagauzia. Explanatory note is accompanied by serious legal and linguistic shortcomings, without adequate and correct interpretation of the existing regulatory framework. The proposed draft law creates conflict of norms. Adopting the provisions of this draft law will destroy the functional pyramid of internal affairs bodies on the territory of the Republic of Moldova and will be detrimental to the prevention and combating of crimes.
General Legal Department	provisions of the draft law go beyond the scope of regulation of the Law № 320 of 27.12.2012 on the Activity and Status of the Police Officer and beyond the competencies of the People's Assembly regulated in the Law № 344-XIII of 23.12.1994 on the Special Legal Status of Gagauzia
Committee for agriculture and food industry	no decision taken

Table A.10. Draft Law Description of People's Assembly of Gagauzia No 227 from 13.06.2014 and results of reviews

Title, amendments to the Law	on introducing additions to Art. 22 of the Law of the RM №847-XIII of 24.05.1996 "on Budget System and Budget Process"
Purpose of the draft law	to supplement with Part 2: from the total amount of allocations approved by the Parliament of RM in the Law on Budget adopted for the year, not less than 5% of expenditures for financing capital investments of administrative and territorial units include costs for Gagauzia. Objective: to establish a fair and transparent mechanism for approval of capital investment projects for Gagauzia financed from the state budget.
Interests	mechanism for allocating capital investments into the autonomy budget
Report of the responsible committee	no
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	no
Center for Combating Economic Crimes and Corruption	arguments included in the explanatory note are not sufficient for amending the law. Introduction of amendment will lead to prioritizing the financing of Gagauzia in comparison with other administrative-territorial units, will create legal disbalance leading to discrimination against other subjects of law, which may have the same arguments. the amendments would lead to distortion of the mechanism of distribution of budgetary resources. the draft law promotes the interests of Gagauzia, excluding public interest. the draft law is very general and it is not clear which loans it refers to. proposed provision creates preconditions for deviating from the established mechanism within the legal system.
General Legal Department	the draft law is raw. It does not meet the procedural requirements of the legislative process
Committee for agriculture and food industry	no decision taken
Committee for human rights and inter-ethnic relations	no decision taken
Committee for national security, defense and public order	recommendation

Table A.11. Draft Law Description of People's Assembly of Gagauzia No 228 from 13.06.2014 and results of reviews

Title, amendments to the Law	on introducing amendments and additions to some legislative acts. Law on Carabineer Troops (internal troops) of the Ministry of Internal Affairs №806-XII of 12.12.1991; Law on Prosecution Service №294-XVI of 25.12.2008; Law on Legislative Acts №780-XV of 27.12.2001; Law on Public Local Administration №436-XVI of 28.12.2006; Law on the status of Local Elective Official №768-XIV of 02.02.2000; Law on Administrative-Territorial Structure RM №764 of 27.12.2001
Purpose of the draft law	to supplement and amend Articles and provisions, in order to bring legislation of RM in line with the Law on the Special Legal Status of Gagauzia
Interests	competences of the autonomy
Report of the responsible committee	no
1st reading	no
2nd reading	no
Follow-up actions of the People's Assembly	no
Center for Combating Economic Crimes and Corruption	Refused. draft Law is an attempt to separate Gagauzia from Moldova. introduction of amendments will endanger the security and territorial integrity of Moldova. explanatory note has serious legal and linguistic shortcomings. the author does not properly argue the need to adopt the draft law. there is no adequate and correct interpretation of the existing regulatory framework, including of the Constitution. the draft law violates provisions of the Law No. 239-XVI of 13.11.2008 on Transparency of Decision-Making Process. On the one hand, there is Constitution of the Republic of Moldova and legislative framework, which represent the national legal system; on the other hand - there is the Law No. 344/1994 on the Special Legal Status of Gagauzia, which includes disputable provisions related to the public administration etc., and comes in conflict with normative regulations of the legal system of the RM, including the Constitution. tendentious interpretation of the legislation is unacceptable, when Moldovan statehood is undermined and when it comes against the Constitution of the Republic of Moldova by promoting transition from unitary to federative form of state (or, separation of Gagauzia), as proposed by the provisions of the draft law.
General Legal Department	it is necessary to thoroughly review the text of the draft law and bring it in compliance with the Constitution, legislation of RM and technical standards
Committee for agriculture and food industry	No decision was taken
Committee for human rights and inter-ethnic relations	refusal. Draft law is contrary to the Constitution and legislation of the Republic of Moldova