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What next for Moldova's minorities after Crimea?

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What next for Moldova's minorities after Crimea?

This Issue Brief examines the possible consequences of Russia's annexation of Crimea on Moldova and its national minorities. It further reflects on the factors that hinder greater integration of persons belonging to minorities, and the expression of minority identity in Moldova/Transnistria. The Issue Brief argues there are two indirect consequences of the annexation Crimea by Russia. First, the annexation deepens the polarization between the pro-Russia and pro-EU camps in Moldova, which manifests itself in multiple ruptures within Moldovan society. Second, such a polarization furthers a tendency to marginalize (non-Russian) minorities, which implies a reduction of the spaces for the articulation of minority concerns and the expression of minority identity.

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1. INTRODUCTION

Following Russia's annexation of Crimea alarmist headlines have propelled Moldova into the limelight, with fears that Transnistria would be next in line in Russia's 'land grab'. Concerns have been linked to a possible drive by Russia to annex as much of the territory of the former Soviet republics as possible. While, at the other end of the spectrum, the European Union (EU) has been portrayed as fighting Russia's imperialistic expansionism by offering Moldova alluring 'carrots', in the shape of a visa-free regime and trade agreements. Thus, two powerful actors (the EU on one side, and Russia on the other) have been seen to be competing to expand their spheres of influence over a small state lying between them. For Russia, the aim has presumably been to continue building upon the 'success'

of Crimea. For the EU, to avoid another Crimean scenario.

There has been less media interest in the situation *within* Moldova. Generally the Western media has presented things this way: Transnistria as pro-Russia; Moldova (without Transnistria) as a state wishing to reduce its dependency on Russia and move closer to the EU, thereby shedding its Soviet legacy; and Gagauzia, a small autonomous region within Moldova, as opting to remain within the Russian sphere. This sketch of the existing situation clearly overlooks the nuances within these regions. Meanwhile, events in Crimea prompt the question: what does its annexation mean to Moldova and its ethnic groups – not only Moldovans/Romanians or ethnic Russians, but also other (non-Russian) minorities? One can further ask what the EU should



expect in relation to Moldova's fulfilment of the conditions for European integration in the area of minority rights, if the EU indeed succeeds in bringing Moldova closer to Europe – which in the future might entail the application of the Copenhagen Criteria.

This issue brief argues there are two indirect consequences of the annexation of Crimea:

- The annexation deepens the *polarization* between the pro-Russia and pro-EU camps in Moldova, which manifests itself in multiple ruptures within Moldovan society.
- Such a polarization furthers a tendency to *marginalize* (non-Russian) *minorities*, which implies a reduction of the spaces for the articulation of minority concerns and the expression of minority identity.

This issue brief is divided into two parts, addressing both issues – which are themselves closely interlinked, the second deriving from the first. It further examines, in the second part, the factors that hinder greater integration of persons belonging to minorities, and the expression of minority identity in Moldova and Transnistria.

The issue brief does not examine a possible annexation of Transnistria by Russia. It has been argued¹ (albeit before the Crimean crisis) that Russia's priority in Moldova has not been Transnistria's recognition as an independent state or its annexation, but rather Russia's ability to exercise control over Tiraspol and Chisinau, by correspondingly limiting the EU's influence. Additionally, unlike in the case of

Ukraine, Transnistria does not share a border with Russia. Thus, this issue brief refrains from considering drastic changes to the geopolitical status quo; it highlights instead more subtle shifts affecting Moldova society, which can act to aggravate some of the difficulties faced by its minorities.

2. DEEPENING POLARIZATION, MULTIPLYING FRACTURES

A clear pro-EU choice was made by Chisinau throughout the preparatory process and the signature, on 27 June 2014, of the EU Association Agreement, which includes a Deep and Comprehensive Free Trade Area (AA/DCFTA). The implementation of the agreement will deepen political and economic ties between Moldova and the EU; it contains a total of 465 articles in the areas of: political dialogue; justice, freedom and security; economic cooperation and trade; financial assistance, and anti-fraud and control provisions.² Among other things, the agreement refers directly to minorities: in its preamble (stating that the EU member states are 'committed to strengthening respect for fundamental freedoms, human rights, including the rights of persons belonging to minorities [...]'), and at Articles 3 and 32.³

The Moldovan authorities have striven to present the signing of the agreement not as an either-or choice, but as the establishment of stronger trade links with the EU *while also* maintaining close relations to Russia. Moldovan leaders have sought to maintain a dialogue with both the



EU and Russia.⁴ However, much is at stake. The crisis in Ukraine was precipitated exactly by disagreements over the signing of an accord with the EU in November 2013 (which former Ukrainian President Viktor Yanukovych refrained from signing, instead pursuing closer links with Russia). In Moldova concerns have been voiced that the Crimean precedent might lead to a spillover of violence into southern Moldova, particularly with reference to Gagauzia.⁵ Chisinau needs both the EU and Russia, for its economy and natural resources;⁶ Transnistria acutely needs Russia: Russia provides financial support to the breakaway region in addition to being its primary trade partner, although Tiraspol has also established some trade links with the EU.

If Moldova and Transnistria are often seen as contended by powerful actors to their East and West, the Moldovan population is also susceptible to a binary thinking (pro-EU or pro-Russia) because it reflects, and reinforces, an inner division. Much of it is explained by Moldova's history, the territories on the left and right banks of the river Dniester/Nistru having followed two different historical trajectories. The section west of the river (the right bank) became part of Romania in 1918 and was annexed by the Soviet Union only in 1940.⁷ Instead, the territory of present Transnistria was incorporated into the Soviet Union as early as 1922. Moreover, the *perestroika* and post-independence periods saw the flourishing of Moldovan nationalism; as in other former Soviet republics, Moldova has attempted to establish a 'nationalizing state',⁸ distancing itself from Soviet 'multi-

nationality', and opting for the 'one-language one-state' model. The most enthusiastic nationalists have ultimately aimed at unification with Romania, from which the Soviet Union had forcefully separated the people of present Moldova in 1940. The Soviet authorities made sustained efforts to forge a *Moldovan* identity distinct from the Romanian one, putting forth the view that 'Moldovan' was a separate language from Romanian. In reality the main difference was the alphabet – Latin for Romanian and Cyrillic for Moldovan, after the Cyrillic alphabet was introduced in the Soviet period. It is no accident, then, that already in 1989, Moldova, while still a Soviet republic, declared Moldovan, written in the *Latin* script, the sole state language.⁹ The drive towards the ultimate establishment of a de facto nation-state is evidenced by the choice of the 'one-language one-state' model over bilingualism; meanwhile, the introduction of the Latin alphabet in 1989 was a clear sign of emancipation from the Soviet Union: the alphabet had become the symbol of an artificial separation of persons belonging to the same nation, with a Soviet border between them.

The linguistic divide is apparent when one looks at data on population and patterns of language use. According to the last (2004) census, in Moldova (without Transnistria) 75.81% of the population self-identified as Moldovan, 8.35% as Ukrainian, 5.95% as Russian, 4.36% as Gagauz, 2.17 % as Romanian, 1.94% as Bulgarian and 1.32% as 'other' (including Roma).¹⁰ Moreover, 75.2% of the population use as main



language of communication Romanian/Moldovan, 16% Russian, 3.8% Ukrainian, 3.1% Gagauz and 1.1% Bulgarian.¹¹ Thus, those who use the state language as their main language of communication (75.2% of the population) largely correspond to the section of the population that self-identifies as either Moldovans or Romanians (77.97%). Most of the persons belonging to national minorities, which overall amount to 22% of the population, use Russian as main language of communication. Those who primarily use Ukrainian, Gagauz or Bulgarian are likely to still use Russian as language of inter-ethnic communication.

2.1. The EU versus Russia?

The Crimean crisis has created stronger incentives to bring Moldova closer to the EU. With reference to the crisis, the European Commissioner for Enlargement and Neighbourhood Policy, Štefan Füle, stated in May 2014 that 'now is the time to show an even stronger, more determined, and resolute commitment to the Eastern Partnership'¹² and '[w]e will always support and stand by those who are subject to undue pressures'.¹³ Already in December 2013 the President of the European Council Herman Van Rompuy had referred to protests in Ukraine when he stated that '[t]o my mind, the future of Ukraine lies with Europe. One can try to slow it down, to block it, but in the end no one can prevent it.' He further acknowledged an 'aspiration to come closer to the European Union' in the people of Moldova and Georgia. Thus, he stated that

the European Council was 'willing to speed up the signing of the agreements with them [Moldova and Georgia], next August at the latest'¹⁴ - which was then further brought forward to June 2014. Van Rompuy attempted to distance himself from direct competition with Russia, by stating that '[w]e have made it abundantly clear that the European Union's agreements with partner countries in the region are not at Russia's expense. On the contrary, it is also set to benefit from it.' Füle used a similarly conciliatory tone when he noted that 'The EU's relations with Russia in the energy field are those of mutual interdependence'.¹⁵

Despite these diplomatic efforts, the balance is a delicate one. The EU markets can easily be seen as an alternative to the Russia-promoted Eurasian Customs Union.¹⁶ In September 2013 Russia banned imports of wine and spirits from Moldova (most likely prompted by Chisinau's dealings with the EU);¹⁷ in the same month the European Commission (EC) offered to open its markets to the same wine imports.¹⁸ As Moldova relies entirely on Russia for gas imports, the EC has supported the building of the Ungheni-Iași pipeline, connecting Moldova and Romania, for Moldova to also be a recipient of gas from the EU.¹⁹ On 28 April 2014 visa-free travel in the Schengen area was introduced for Moldovan citizens²⁰ - the first to benefit from this arrangement among the Eastern Partnership countries.²¹ On 6 May 2014, the EC announced a support package of €30 million towards the realization of the Association Agreement.²² Funding for this package was granted through the 'more for more' scheme, which



uses an ‘incentive-based approach’, described as: ‘the more a country is committed to and makes progress in reforms, the more assistance it can expect from the EU’.²³

This approach seems to be bearing fruit. According to the Eastern Partnership Index,²⁴ Moldova has been a more willing reformer than other countries of the EU’s Eastern Partnership. Progress towards Europeanization has included reform to the justice sector and the completion of the Association Agreement negotiations.²⁵ Following incentives by the EU (as well as the UN and Council of Europe), in 2012 Moldova adopted anti-discrimination legislation, the Law on the Guarantee of Equality,²⁶ which refers to EU directives in its preamble.²⁷ Moldovan President Nicolae Timofti has not hidden his hopes that Moldova could become an EU member state in the future.²⁸

Meanwhile, Russian Deputy Foreign Minister and State Secretary Grigory Karasin described the signing of the Association Agreement as ‘a major event for both Moldova and our bilateral relations’.²⁹ Russian-Moldovan diplomatic consultations were held on 10-11 June 2014, and aimed at the ‘neutralization of negative impacts of Moldova’s association with the European Union’.³⁰ Dmitry Rogozin, Russia’s deputy prime minister and presidential envoy to Transnistria, in 2013 warned that the EU agreement could jeopardize Russia’s gas supplies to Chisinau.³¹ He later added that he would ‘insist on revising economic relations with Moldova if it chooses the association’.³² The Russian-language media

in Moldova seems to have been promoting the integration of Moldova into the Eurasian Customs Union of ex-Soviet republics as an alternative to EU markets.³³ This situation can lead to an unsteady balance between the EU and Russia’s influences, encouraging a view of mutually exclusive (Eastwards or Westwards) possible orientations for Moldova.

2.2. The East-West Dichotomy and Transnistria

A Western orientation is linked to Chisinau’s efforts to distance itself from Sovietization and move towards a ‘nation-state’, which to many also implies Romanization. In 1992 the Transnistrian conflict broke out exactly as a reaction to a ‘nationalizing state’ policy – one where the titular ethnicity positions itself as core ethnic group within a state.³⁴ This policy has been followed by nearly all post-Soviet states – yet, in the case of Moldova, the proximity (geographical, cultural and particularly linguistic) with Romania led to fears of marginalization and/or discrimination among non-titulars. It turn, the conflict contributed to a more marked polarization of the population of the former Soviet republic. In rejecting the ‘nationalizing state’, Transnistria has opted for a multi-ethnic (de facto) state; indeed, here the ‘frozen conflict’ much differs from, for example, the one in Abkhazia, in that there has been no ethnic cleansing: in Transnistria Moldovans continue to live alongside ethnic Russians and Ukrainians, these groups (forming a population of approximately 500,000



people) having for the most part peacefully coexisted since 1992.

Russia has largely succeeded in anchoring Transnistria within its own sphere of influence. De jure Transnistria is still part of Moldova, given that no country has recognized its independence: Chisinau considers it an integral part of the territory of Moldova, illegally under the control of a separatist regime,³⁵ and the international community recognizes the territorial integrity of Moldova. The Moldovan government, however, is unable to enforce its jurisdiction in Transnistria,³⁶ which has instead operated as an independent state, primarily through Russia's support.³⁷

Russia's influence over Transnistria is not absolute. The candidate favoured by Russia in the last (2011) presidential elections, Anatoly Kaminsky - whose posters unambiguously stated 'supported by Putin' - was defeated. Victory went instead to Yevgeny Shevchuk, who had led an anti-corruption and pro-transparency movement, and who replaced the veteran president Igor Smirnov (1991-2011). Under Shevchuk, the 5+2 conflict settlement talks³⁸ revived, and progress was made towards integration with both Moldova and Europe: some trade links were established with the EU; dialogue with Chisinau improved; and Transnistrian businesses were registered with the Moldovan authorities.³⁹ This, however, does not change the fact that Shevchuk is the leader of a region that is very largely dependent on Russia. Significantly, following his election, Shevchuk's first trip was to Moscow. More crucially, the post-Crimean scenario has led to retrogressive

steps in the rapprochement with Chisinau, resulting in a renewed pro-Russia orientation. In April 2014 Transnistria's parliament called for its international recognition by Russia and international organizations; it referred to a referendum held in 2006, in which 97% of the population voted in favour of independence from Moldova and the right to join Russia.⁴⁰ Shevchuk in June 2014 spoke of a 'civilised divorce' with Moldova, and stated that Chisinau's signing of the EU's Association Agreement would have 'a negative economic impact' on Transnistria.⁴¹ He referred to the 2006 referendum as proof that Transnistrians did not wish to reunify with Moldova.⁴² During a visit to Tiraspol in May 2014, Russia's presidential envoy to Transnistria Dmitry Rogozin received petitions signed by Transnistrians requesting unification with Russia.⁴³

Following the Crimean crisis, Rogozin also stated that Ukraine had placed Transnistria under 'blockade',⁴⁴ while Russian Foreign Minister Sergei Lavrov reaffirmed Russia's policy of 'defending the interests' of Russians living abroad.⁴⁵ Approximately 130,000 people in Transnistria have Russian passports; meanwhile, Chisinau has waived fees for first-time applications of Moldovan passports, which now offer the advantage of visa-free travel to Schengen countries.⁴⁶

The relations between Moscow and Chisinau became frosty when, in May 2014, Rogozin's jet was raided by special forces at Chisinau airport where a number of the petitions (referred to above) were seized from him. His jet was forced to land in



Chisinau after he was denied access to Romanian and Ukrainian airspace; in a tweet that shocked many, Rogozin stated that he would use one of Russia's supersonic bombers in his next visit to the region.⁴⁷

2.3. Polarization in Moldova West of the River Dniester/Nistru

Since the early 1990s aspirations for reunification with Romania, which had triggered Moldova's territorial split, have been set aside. Yet an East-West polarization is still an intrinsic aspect of Moldovan society, and it exists within Moldova 'proper' (west of the river Dniester/Nistru). Diverging views in this area do not only characterize relations between the majority population and ethnic Russians/Russophone minorities; instead, majority nationalism *itself* presents a bifurcation: the Moldovanist position treats the state language as a separate language from Romanian (as 'Moldovan'), while the Romanist position sees it as indistinguishable from Romanian. The first position emphasizes Moldova's separateness from Romania,⁴⁸ and its supporters generally favour closer links with Russia; those who espouse the second position consider the expression 'Moldovan language' per se a Russian/Soviet imposition.⁴⁹ Such disputes continue in the presence of an uncertain Moldovan identity, and, significantly, they reflect opposing positions over the future of the country – whether with Russia, or with the EU.⁵⁰ They largely parallel support for an Eurasian Customs Union or enhanced trade regime with the EU.

The Moldovan population and political parties have aligned themselves either with the Moldovanist or Romanist position. Language issues have become intertwined with politics – with the Communist Party (in power during 2001-2009) referring to the state language as 'Moldovan', and promoting pro-Russia policies.⁵¹ The Communist Party has also promoted pro-Russian policies by supporting the introduction of Russian as a second state language and reintroducing its compulsory study in all schools.⁵² A possible upgrade of the status of Russian constitutes political capital as it appeals not only to ethnic Russians but to other minorities as well, given their frequent lack of fluency in the state language. Minorities have generally voted for the Communist Party, supporting closer links to Russia; by contrast, the present ruling coalition is significantly called 'Alliance for European Integration' (AEI). Despite political instability over the past few years, the AEI has advanced Europeanization.

These mutually exclusive approaches have inflamed passions and sparked riots and demonstrations over the years. Yet the decision to support one or the other camp has not necessarily been ethnicity-based or ideological; it is also linked to pragmatic considerations of what course of action offers better prospects of higher living standards and economic prosperity. Although ethnic minorities generally favour closer links with Russia, the Moldovan/Romanian population is split on the issue.⁵³ Even pragmatic considerations, however, do not change the fact that



language and identity have strong symbolic value, and can be divisive. Moreover, the appropriation of language disputes by political parties can complicate the devising and full implementation of coherent ethno-linguistic policies⁵⁴ – as well as aggravating the volatility of the political environment.⁵⁵

2.4. Regional Divisions: Chisinau and Comrat

Within the framework of an East-West polarization one can also fit developments in Gagauzia. Gagauzia became an autonomous region of Moldova in 1994.⁵⁶ Like Transnistria, it has opposed the ‘nationalizing state’ model, and resisted Romanization.⁵⁷ The regional authorities in Comrat, Gagauzia’s capital, harbour grievances against Chisinau with regard to the state’s centralization and denial of genuine devolution. Given the legacy of Russian as the language of inter-ethnic communication in (Soviet and post-Soviet) Moldova, Gagauz tend to speak Russian rather than the state language (or Gagauz). Despite the fact that in Gagauzia the vast majority (82.1%) of the population are Gagauz (ethnic Russians amounting only to 3.8% and Moldovans to 4.8% of the population), most of the schools operate in Russian.⁵⁸ Russian is also the main language of communication used by the regional authorities.⁵⁹ In parliamentary elections, the majority of votes in Gagauzia have gone to the Communist Party. Although Gagauz is a Turkic language - and some 2-3,000 Gagauz are guest workers in Turkey - Gagauzia’s links with Russia remain strong. The

Gagauz population is largely unimpressed by the establishment of a visa-free regime with the EU (widely seen as prohibitively expensive to travel to) while Russia offers tangible economic opportunities in a region badly afflicted by poverty. In addition to part of its labour force working in Russia, Gagauzia trades with Russia – tellingly, when Russia banned imports of Moldovan wine in 2013, it made an exception for Gagauzia.⁶⁰ Although not all Gagauz are opposed to European integration,⁶¹ overall the pro-Russia choice is unambiguous: in a referendum held on 2 February 2014, 98.4% of Gagauzia’s residents voted in favour of joining the Russia-sponsored Eurasian Customs Union, while 97.2% were against EU integration.⁶² Gagauzia’s president has stated that, if Moldova joined the EU, Gagauzia would secede.⁶³

3. MARGINALIZATION OF MINORITIES

The scenario described above reveals the presence of multiple rifts within Moldovan society, which are exacerbated by international actors’ influences, internal dynamics becoming intertwined with external ones. This situation raises the question as to whether Transnistria and Gagauzia are likely to further gravitate away from Chisinau. An additional consequence of the East-West polarization in Moldovan society is that it can exacerbate the existing marginalization of (non-Russian) minorities: the East-West duality, itself made more prominent by the Crimean crisis, can detract



attention from issues that impair the enjoyment of minority rights. These issues, in the case of Moldova (excluding Transnistria), can be subdivided into: difficulties in providing adequate protection to vulnerable minorities; the progressive dilution of linguistic and cultural diversity; and obstacles to minority empowerment. These complexities, which are addressed in the next three subsections, persist despite the protection offered to minorities under domestic law (especially the 1994 Constitution and the Law ‘On the Rights of Persons belonging to National Minorities and the Legal Status of their Organizations’- the Law on Minorities⁶⁴), and international law (particularly ratification of the Council of Europe’s Framework Convention for the Protection of National Minorities⁶⁵ - FCNM). The specificities of the Transnistrian situation require separate consideration, and are outlined in the last subsection.

3.1. Obstacles to the Protection of Vulnerable Minorities

Obstacles to effective protection of minorities are linked to: the extremely severe marginalization affecting Roma in Moldova; and deficiencies in policies and legislation promoting minority rights, particularly due to the opacity of relevant legal provisions and weak mechanisms for implementation. In the case of Roma,⁶⁶ although the European Neighbourhood Policy (ENP) 2013 country progress report noted some improvement with regard to their levels of societal inclusion,⁶⁷

formidable challenges exist: from discrimination to socio-economic issues (extreme poverty, unemployment, social exclusion and unequal opportunities⁶⁸), as well as impaired access to justice.⁶⁹ Levels of education are low, with 43% of Roma children not attending school, against 6% of non-Roma children; drop-out rates are particularly high for girls.⁷⁰ As a result, the illiteracy rate among Roma is 21%, compared to 2% for the majority population.⁷¹

A second issue affecting minority groups more generally lies in the impaired implementation of policies and legislation concerning minorities. The Law on Minorities is generally declarative, and its provisions do not offer the legal clarity that would enable their translation into concrete action.⁷² Moldovan civil society has also pointed to negligence in the implementation of the legislation in force, including provisions on the protection of minority languages.⁷³ The Moldovan authorities have produced various ‘action plans’, including in the areas of human rights and protection of Roma. Despite their name, these documents primarily contain general principles. For example, the first Action Plan on Roma, adopted in 2001, was devoid of implementation mechanisms and did not envisage the allocation of financial resources for its realization. Subsequent action plans benefited from international expertise from the Council of Europe, the EU and the OSCE/ODIHR: thus, the last Action Plan on Roma (for 2011-2015)⁷⁴ is more conducive to concrete action, and provides that local authorities are to devise



their own action plans to be implemented at the local level. A paucity of resources, however, remains a key issue.

Greater legal clarity in the area of anti-discrimination legislation was gained through the adoption by the Moldovan Parliament of the Law on the Guarantee of Equality in May 2012.⁷⁵ Prior to its adoption provisions on discrimination were contained in disparate pieces of legislation, many of which were declarative and devoid of mechanisms to eradicate discrimination.⁷⁶ The Law foresees the use of special measures, including affirmative action, to prevent or reverse discriminatory practices. The 2013 ENP country progress report noted that, in 2013, the Law ‘began to be effectively implemented’,⁷⁷ which was accompanied by reform of the justice sector since the establishment of the new government in May 2013.⁷⁸ However, these legal amendments and policy changes have taken place in an environment of low public awareness of discrimination - including among potential victims, the judiciary and law-enforcement officials.⁷⁹

3.2. Reduction of Linguistic and Cultural Diversity

While the levels of social isolation of Roma are particularly high, other minorities experience another form of marginalization – one that is primarily cultural and linguistic. The spaces for the expression of minority identity have decreased as the Moldovan authorities have focused on the difficult task of upgrading Romanian/Moldovan to a fully-recognized

state language, replacing Russian as the primary means of (inter-ethnic) communication. Indeed, Russian still enjoys residual prestige from the Soviet period, which regarded it as the language of the intelligentsia;⁸⁰ those who are primarily Russian-speakers tend to resist moves towards a language shift.⁸¹ Meanwhile, minority languages remain at the margins of the two principal linguistic spheres.

Moldovan law provides for the use and protection of other languages spoken in the country besides Moldovan.⁸² At the same time, while Moldovan is by law the state language, the Law on Languages stipulates that Russian is used alongside Moldovan as the ‘language of inter-ethnic communication’ (Art. 3).⁸³ The Law on Minorities effectively places Russian in a position ‘in between’ the state and other minority languages – a privileged position that implies its precedence over other minority languages. For example, Article 6(1) states:

The State shall guarantee the fulfillment of the rights of persons belonging to national minorities to [...] education [...] *in Moldovan and Russian*, and shall create the conditions for fulfilling their right to education and instruction in the mother tongue (Ukrainian, Gagauz, Bulgarian, Hebrew, Yiddish, etc.).
[emphasis added]

Despite the promotion of multilingualism intrinsic to Soviet nationalities policy, during the Soviet period Bulgarians, Ukrainians and other ethnic groups incrementally substituted the use of their



own language with Russian (and to a lesser extent Romanian/Moldovan). Treating Russian as language of inter-ethnic communication prolongs a tendency of linguistically aligning Moldova's minorities to the Russian-speaking sphere.⁸⁴ The reversal of past assimilationist forces would require active interventions by the Moldovan government to alter the linguistic environment. Yet only limited efforts have been made in this direction.⁸⁵ Schools are predominantly monolingual, with instruction either in the state language or Russian. Courses in minority languages are provided only in schools with Russian as main language of instruction. Ukrainians, Bulgarians and Gagauz who choose to attend Romanian-medium schools have no opportunity to study their native languages. In 2009 there were 55 schools where Ukrainian was taught, although the number of settlements where Ukrainians made up more than half of the population was over 100.⁸⁶ 6,300 Ukrainian children studied Ukrainian as a subject, against a population of 280,000 Ukrainians (of whom approximately one fifth, or 56,000, were children).⁸⁷ Opportunities to study through the medium of minority languages remain extremely limited, and non-existent in the case of Romani.⁸⁸ According to the same 2009 data, only 0.06% of Ukrainian children studied through the medium of Ukrainian, and 0.02 of Bulgarian children in Bulgarian.⁸⁹ Other factors affecting the right of minorities to avail themselves of education in the native language are: limited or lack of knowledge of these rights; limited availability of materials and teachers'

training; and lack of prospects of higher education in minority languages.⁹⁰ The ACFC has recommended that the teaching of minority languages (other than Russian) is provided in Romanian-medium schools, and generally that multilingual education is expanded.⁹¹ Multilingual education is available in only a few experimental schools, which use Ukrainian (or Bulgarian), the state language *and* Russian.⁹²

There are also few opportunities to use minority languages other than Russian in communication with administrative authorities, where Russian continues to be used as language of inter-ethnic communication; this is also the case in the autonomous region of Gagauzia.⁹³ In villages with a dense concentration of Ukrainians,⁹⁴ Ukrainian cultural life has primarily been confined to the private sphere: there has been restricted exposure to Ukrainian culture and language, due to the paucity of books, newspapers and magazines in Ukrainian in local libraries, and poorly functioning cultural infrastructures in villages.⁹⁵

The media does not reflect Moldova's ethno-linguistic diversity.⁹⁶ Although public radio and television do broadcast in various minority languages,⁹⁷ overall in regions with concentrations of persons belonging to minorities there is very limited access to quality programming in minority languages during prime-time⁹⁸ - particularly with regard to the Ukrainian, Bulgarian and numerically smaller minorities, and in rural areas.⁹⁹ Moreover, although some newspapers and magazines publish in minority languages (Ukrainian,



Russian, Gagauz and Polish),¹⁰⁰ the minority print media is not financially supported by the state. Thus, print media outputs in minority languages appear only sporadically, being dependent on the varying resources of minority organizations themselves.¹⁰¹

3.3. The Obstacles to Minority Empowerment

Long-lasting, wide-reaching effects in the promotion of minority rights are likely to be brought about through the *empowerment* of minorities – by enabling their representatives to directly claim their rights via political representation, consultation and regional autonomy. These processes also act to further integrate minorities, thereby reducing their marginalization and social isolation. However, in Moldova obstacles to minority participation exist in the areas of consultation, representation in elected and state bodies, and centre-periphery relations – including with regard to Gagauzia.

Consultation and Representation

Although the consultation of minorities is foreseen by Moldovan legislation,¹⁰² obstacles to it are linked to some Soviet institutional legacies, themselves combined with a tendency to centralized decision-making. One such legacy is the *apolitical* approach to minority issues, which are framed primarily in the context of *culture* rather than encompassing a range of interests - cultural but also socio-economic and political.¹⁰³ The main Moldovan institution for the realization of minority policies is the Bureau of Interethnic

Relations, which also coordinates FCNM implementation. The Bureau has been widely criticized for its lack of effectiveness or influence over decision-making - due to, among other things, insufficient financial and human resources to fulfill its functions, as well as an excessive focus on cultural issues.¹⁰⁴

Second, minorities have only limited representation in elected and state bodies. The 2007 Law on Political Parties prohibits the establishment of parties on the basis of ethnicity.¹⁰⁵ Some representatives of minorities have been elected to Parliament and locally-elected bodies through mainstream political parties.¹⁰⁶ However, the ACFC¹⁰⁷ has pointed out that enabling minorities to establish their own ethnic parties ‘could make it possible for the concerns and interests of persons belonging to national minorities, particularly in the regions where they live in substantial numbers, to be better represented and possibly better taken into account in elected bodies, at the local and central levels’.¹⁰⁸ Indeed, the mere presence of persons belonging to minorities in elected bodies does not imply that minority interests will be represented. Mainstream political parties have no direct responsibility vis-à-vis minority groups, and it was argued that existing political structures are ‘rarely sensitive’ to the needs of persons belonging to minorities.¹⁰⁹ Inadequate political representation has particularly affected Roma: their members are hardly ever found in local or regional councils where Roma communities reside.¹¹⁰ Scarce minority representation tends to also affect executive



power structures, the judiciary and law-enforcement organs,¹¹¹ despite legislation providing for proportional representation of minorities.¹¹² One of the factors limiting access to public employment by persons belonging to minorities is lack of fluency in the state language, which is required by Moldovan law for civil servant positions.¹¹³

Regional and Local Autonomy

The EU has emphasized the need to decentralize, linking it to 'strengthening institutional capacity, efficient use of public resources and optimization of local administration.'¹¹⁴ Decentralization is also likely to assist minorities achieve better representation, and, ultimately, empowerment – both with regard to regional autonomy (Gagauzia) and local autonomy. Moldova's centralized structures mean that most decision-making takes place at the central, sometimes regional, level, without the involvement of local authorities, including with regard to Gagauzia.¹¹⁵ Autonomy was granted to Gagauzia in 1994 under internal and external pressure to resolve mounting tensions in the region, at a time of acute instability, due the Moldova's recent transition from Soviet republic to independent state. Yet, as the central authorities became stronger, Gagauz autonomy was reduced rather than progressing towards its institutionalization and consolidation.¹¹⁶ Legal provisions on the distribution of competences between the centre and the autonomous region have remained vague,¹¹⁷ while the central authorities have taken decisions without consideration for the special arrangements

for Gagauzia foreseen by law.¹¹⁸ It has led to tensions between the Gagauz and central authorities; the absence of violent conflict can be at least partly explained by Gagauzia's financial dependency upon the centre.¹¹⁹ In the same vein, for the Bulgarians concentrated in the Taraclia district (in the south-east of Moldova), over-centralization of decision-making on matters such as education, culture and language use have caused tensions between the central and local authorities.¹²⁰

Decentralization could also benefit minorities at the micro level. Data for villages with compact Ukrainian settlements point to an nonexistent or very limited participation in local decision-making.¹²¹ Similarly, Roma communities have had very little influence on decision-making at the local level, including on issues directly affecting them, such as the administration of rural areas where they reside. As noted, Roma are very rarely elected to local councils, and there is no practice of informal consultation or self-government.¹²² Even if minority groups were invited to contribute to discussions at the local level, the outcomes would likely be scattered, since the local administration is dependent on central ministries, for financial, social, cultural and educational matters. One area in which centralized decision-making has repercussions on minorities is that of curriculum development with regard to the teaching of and through the medium of minority languages. Meanwhile, the division into *raiony* (administrative districts) of areas with large concentrations of Ukrainians and Bulgarians often places their representatives



into separate districts. By affecting the percentage of these minorities per district, this in turns lowers the opportunities for their members to collectively claim and enjoy rights relating to education, culture, language and media.¹²³

3.4. Transnistria: a (Russian-dominated) Multi-ethnic Region

The ideological approach to ethnic-linguistic policy in Transnistria sharply differs from the rest of Moldova. The legislation adopted by the de facto state declares it *multi-national*, distancing it from the ‘nationalizing state’ model - one with a core ethnicity, and one predominant language. The Supreme Soviet of Transnistria in March 1991 adopted a decision on ‘urgent measures for preserving the identity of the *Moldovan* people, and their language and culture’, thereby emphatically rejecting Romanization.¹²⁴ Russia maintains a strong, sustained influence on the region, while, in turn, Transnistria has made it clear that it places itself on the pro-Russia side of the East-West divide.

Transnistria’s approach to ethno-linguistic policy is modelled around the Soviet approach to multi-nationality. The legislation recognizes three official languages: Moldovan, Russian and Ukrainian.¹²⁵ These are the languages of the three main ethnic groups that reside in Transnistria: Moldovans (31.9% of the population according to the 2004 census¹²⁶), Russians (30.3%) and Ukrainians (28.8%). Moreover, in stark contrast with Chisinau, Transnistria recognizes exclusively the

Cyrillic alphabet for Moldovan, while the use of the Latin script for Moldovan is prohibited by law.¹²⁷

Although Transnistrian legislation includes provisions which can enhance the protection of persons belonging to national minorities - e.g. equality regardless of ethnicity, the right to preserve one’s national identity, and the right to use one’s native language¹²⁸ - their practical application is undermined by the region’s autocracy, and issues such as corruption in law-enforcement structures.¹²⁹ As it is in the case of Moldova west of the Dniester/Nistru, decision-making on issues affecting minorities, such as curricula, is mostly centralized.¹³⁰

Regional identity is partially defined by Transnistria’s separateness from the rest of Moldova, with the Russian language occupying a central role in its self-definition. Indeed, despite Transnistria’s recognition of three official languages, the Russian language predominates in inter-ethnic communication,¹³¹ and in most spheres of language use, including government, higher education and the media. Even with the de facto privileged status of Russian, the Transnistrian authorities pursue a policy balancing the three main ethnic groups. Thus, for example, approximately a third of primary schools in Transnistria employ Ukrainian as language of instruction; some broadcasts and one newspaper are in Ukrainian, and broadcasts emanating from Ukraine itself are also available.¹³² However, the focus on the three main ethno-linguistic groups tends to imply the marginalization of smaller ethnic groups.



This point was clearly articulated by UN Senior Expert on Human Rights in Transnistria Thomas Hammarberg, when he said that: '[t]he focus on the balance between the three major population groups may overshadow the need to protect the minorities and their interests'.¹³³ The minority groups in question, amounting to approximately 10% of the Transnistrian population, include Bulgarians, Belarusians, Gagauz, Tatars and Roma.¹³⁴ These groups are not officially recognized in Transnistria as minorities; there are no special mechanisms to implement policies related to ethnicity, for the representation of ethnic and linguistic groups in the de facto authorities, or ad hoc advisory bodies.¹³⁵ Schools operate in one of the three official languages, with a second official language being learned as a subject,¹³⁶ resulting in no guarantees that minority languages will be taught.

Diverging views on the nationalizing (and pro-Europe/Romania) state versus the multi-national (pro-Russia) state affect relations between Chisinau and Tiraspol. One of the main areas of contention has been the conflicting approaches to the Latin alphabet. Transnistrian law prescribes the exclusive use of the Cyrillic alphabet for Moldovan, although the Latin script is permitted in foreign, private schools. According to 2012 data, in Transnistria 4,688 pupils attended schools using the Cyrillic script, and 1,244 attended schools using the Latin script.¹³⁷ The Latin-script schools, which are managed by the Chisinau authorities, have, over the years, been subjected to various forms of pressure. Of

eight such schools, two were closed and had to transfer outside the Transnistrian-controlled area. There have been attempts to close other schools, as well as disputes on premises and intimidation of teachers and parents. Negotiations between the two sides, mediated by OSCE (and included in the 5+2 talks), have reduced tensions. In 2014 five (out of the six) schools on Transnistrian-controlled territory were registered as legal entities but none were subsequently granted accreditation, resulting in their diplomas not being recognized in Transnistria.¹³⁸

4. CONCLUSION

In the wake of the Crimean crisis, the EU's Association Agreement has been brought forward and signed, and a visa-free arrangement speedily concluded between the EU and Moldova. Russia has attempted to contain the EU's influence on Moldova, and a renewed pro-Russia orientation has been affirmed in Transnistria. This issue brief has argued that an intrinsic duality (a pro-Russia/Moldovanist versus a pro-Europe/Romanist position) exacerbates divisions within Moldovan society, and with it the marginalization of minorities, both east and west of the river Dniester/Nistru. The EU-Russia divide subsists despite attempts inside and outside Moldova to mitigate tensions, with the use of conciliatory language of mutual interdependence between the parties involved. The influence from each external actor clashes against countervailing forces from the other side. These basic divisions



reverberate throughout Moldovan society, creating or deepening multiple fractures.

The concerns of non-Russian minorities in Moldovan-controlled territory can easily be overlooked through a sustained focus on the polarization in question. Meanwhile, non-Russian minorities west of the river face a double challenge: in addition to their languages being at the margins of the two primary linguistic spheres, they generally do not benefit from linguistic integration, as they tend to have only limited proficiency in the state language. The full upgrading of Moldovan/Romanian to de facto state language is still to be fully attained, thus the state language remains unequipped to act as a unifying factor for Moldova's ethno-linguistic groups. Yet efforts to promote the state language run the risk of minority languages becoming increasingly sidelined, exacerbating an assimilatory trend vis-à-vis these minorities, through their absorption into the Russian linguistic and cultural sphere. Moldova faces a formidable challenge in the attempt to upgrade the state language while simultaneously supporting linguistic diversity; it needs to strike a delicate balance between these two objectives.

Other factors contributing to the marginalization of non-Russian minorities include: the difficulty in reducing the extremely high levels of isolation of Roma; a general opacity of legal provisions and policies on minority rights (despite some improvement towards legal clarity with the recent adoption of anti-discrimination legislation); restricted opportunities for participation and empowerment of

minorities; centralization, and limited devolution of powers at both the regional or local levels. In parallel to this, the politicization of language issues, as well as the disempowerment and exclusion of minorities, contribute to the fragility of the political system. Monitoring under the FCNM has highlighted most such concerns; these issues are likely to continue to reproduce themselves in both Council of Europe and EU monitoring, and in a possible future application of the Copenhagen Criteria in Moldova. In the case of Transnistria, minorities (outside the three main groups) are marginalized inasmuch as the breakaway region offers no mechanisms to devise or implement minority policies, while general human rights legislation is undermined by the autocratic nature of the regime.

Moldova has been affected by high levels of political instability between 2009 and 2013; the situation appears to have stabilized, as Chisinau looks towards greater EU integration and parliamentary elections in November 2014. IGOs' policies on Moldova should be designed taking into account multiple rifts within Moldovan society, and the specific circumstances aggravating the marginalization of minority groups (Roma in particular – but not only). Primary objectives for the Moldovan authorities include: minimizing the impact of the East-West polarization on minorities and their levels of marginalization; increasing clarity of minority-related legislation and facilitating its implementation; enhancing the effectiveness of systems for the protection and



empowerment of minorities, as well as creating further channels for the use and promotion of minority languages. Means to these ends include decentralization, and the development of multilingual schools.

In Transnistria, systems should be established to involve minorities in decision-making processes. The EU could further the integration of Transnistria – by encouraging trade links and supporting confidence-building between Chisinau and Tiraspol.¹³⁹ However, true cohesiveness will remain out

of reach as long as mutually exclusive ideological underpinnings characterize the relations between the two sides (first of all – a nationalizing state versus a multi-ethnic state). In Moldova there is a strong argument for the provision of greater opportunities for ethno-linguistic choices at the micro-level (that of the individual, communities and local authorities), which do not clash with the inflexibility of state-driven (or party-driven) agendas.



Endnotes

¹ Popescu, N. & Litra, L. (2012) 'Transnistria: A Bottom-Up Solution'. *ECFR Policy Brief*. At: <http://www.ecfr.eu/page/-/ECFR63_TRANSNISTRIA_BRIEF_AW.pdf>.

² European Commission (EC), 'European Commission's Support to the Republic of Moldova', Memo, 15 May 2014. At: <http://europa.eu/rapid/press-release_MEMO-14-355_en.htm>. The EU-Moldova Association Agreement is available at: <http://eeas.europa.eu/moldova/assoagreement/assoagreement-2013_en.htm>.

³ Article 3 states that the aims of political dialogue between the EU and Moldova include the strengthening of 'respect for democratic principles, the rule of law and good governance, human rights and fundamental freedoms, including the rights of persons belonging [...] (paragraph e); Article 32 provides that EU-Moldova cooperation may encompass areas including 'fostering more inclusive labour markets and social safety systems that integrate disadvantaged people, including people with disabilities and people from minority groups' (paragraph d). On the impact of the Eastern Partnership on minorities, see 'Ferrari, H. Partnership for all? Measuring the Impact of Eastern Partnership on Minorities', Minority Rights Group Europe Policy Paper, June 2014. At: <<http://www.minorityrights.org/12422/briefing-papers/partnership-for-all-impact-of-eastern-partnership-on-minorities.html>>.

⁴ This was, for example, pointed out by Iurie Leanca, Moldova's prime minister. See Oliver, C. 'Georgia and Moldova Fear Russian Backlash from EU Trade Deals', *Financial Times*, 22 May 2014. At: <<http://www.ft.com/cms/s/0/085153ee-e18e-11e3-9999-00144feabdc0.html>>.

⁵ Reuters, 'After Crimea, Moldova too Fears "unwanted" Events on Road to EU', 30 March 2014. At: <<http://www.reuters.com/article/2014/03/30/us-ukraine-crisis-moldova-idUSBRE2T0B820140330>>.

⁶ In particular, Russia is the only gas supplier to Moldova. The country is also dependent on financial remittances from migrants in both EU and Russia. Russia is one of the main destinations for Moldovan migrants; in 2012 reportedly 38% of all remittances came from Moldovan migrants in Russia, followed by Ukraine, Italy and Romania. Tanas, O. 'Russia Said to Plan Retaliation If Moldova Bolsters EU Ties', *BloombergBusinessWeek*. At: <<http://www.businessweek.com/news/2014-05-20/russia-said-to-plan-retaliation-if-moldova-strengthens-eu-ties>>.

⁷ The river acts as a natural division between the de facto independent state and Moldova. However, there are some exceptions: Transnistria controls Bender, on the right bank (west of the river), while some enclaves located on the left bank are controlled by the Moldovan government.

⁸ See Brubaker, R. (1996) 'Nationalizing States in the Old "New Europe" -- and the New', *Ethnic and Racial Studies*, 19, pp.411-437.

⁹ Article 1 of Law No. 3465-XI of 1 September 1989 'On the Functioning of the Languages Spoken in the Territory of the Republic of Moldova' (hereinafter the 'Law on Languages'. The same provision is also in the 1994 Constitution, at Article 13(1).

¹⁰ See 2004 Population Census, 'Demographic, National, Cultural and Language Characteristics'. At: <<http://www.statistica.md/pageview.php?l=en&idc=263&id=2208>>.

¹¹ *Ibid.*

¹² The Eastern Partnership (EaP) is a joint initiative of the EU and six eastern European countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine - the eastern dimension of the European Neighbourhood Policy). It aims at deepening bilateral relations between the EU and these countries.

¹³ 'Speech: Time to Show Stronger, More Resolute and Determined Eastern Partnership', 25 April 2014. At: <http://europa.eu/rapid/press-release_SPEECH-14-339_en.htm>.

¹⁴ 'Remarks by President Herman Van Rompuy Following the European Council', Press Release, 20 December 2013. At: <http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/140244.pdf>.

¹⁵ 'Speech: Time to Show Stronger, More Resolute and Determined Eastern Partnership', *op. cit.* note 13.

¹⁶ In 2014 it included Russia, Belarus and Kazakhstan.

¹⁷ Russia has been Moldova's biggest market for wine.

¹⁸ EC, 'European Commission's Support to the Republic of Moldova', Memo, 15 May 2014. At: <http://europa.eu/rapid/press-release_MEMO-14-355_en.htm>.

¹⁹ *Ibid.*

²⁰ EC, 'Commissioner Malmström on Visa-free Travel for the Citizens of the Republic of Moldova', 27 April 2014. At: <http://europa.eu/rapid/press-release_STATEMENT-14-137_en.htm>.



²¹ EC, ‘European Commission’s Support to the Republic of Moldova’, *op cit.* note 18.

²² Additional funding of €25 million was also granted to improve the country’s Vocational Education and Training sector, so as to raise the professional skills of the workforce to fully benefit from DCFTA. *Ibid.*

²³ EC, ‘Closer to the EU: Additional Funding for Georgia and Moldova’, Press Release, 6 May 2014. At: <http://europa.eu/rapid/press-release_IP-14-512_en.htm>.

²⁴ Eastern Partnership Index (2012). At: <<http://eap-index.eu/>>.

²⁵ EC, ‘Implementation of the European Neighbourhood Policy in the Republic of Moldova: Progress in 2013 and Recommendations for Action’, SWD(2014) 93, 27 March 2014.

²⁶ Law No. 121 of 25 May 2012.

²⁷ It states that: ‘This law provides the necessary framework for the application of Council Directive 2000/43/EC of 29 June 2000 on the implementation of the principle of equality of persons irrespective of racial or ethnic origin [...], and Directive 2000/78/ES of 27 November 2000 [...].’

²⁸ Radio Free Europe/Radio Liberty (RFE/RL), ‘EU Invites Moldova to Sign Association Accord In June’, 13 June 2014. At: <<http://www.rferl.org/content/moldova-eu-association-agreement/25383410.html>>.

²⁹ Itar-Tass, ‘Moldova’s Association with EU Will Tell on Trade Relations with Russia - Russian Diplomat’, 8 June 2014. At: <<http://en.itar-tass.com/russia/735329>>.

³⁰ *Ibid.*

³¹ Oliver, *op. cit.* note 4.

³² In an interview with the Russian newspaper *Kommersant*, cited in: Ria Novosti, ‘Russia May Revise Relations with Moldova if it Moves Closer to the EU’, 12 May 2014. At: <<http://en.ria.ru/russia/20140512/189757404/Russia-May-Revise-Relations-with-Moldova-if-It-Moves-Closer-to.html>>.

³³ This was noted, for example, by the Moldovan Foreign Minister. RFE/RL, ‘Moldovan Foreign Minister Says Ukraine Crisis has led to Reevaluation of CIS’, 19 April 2014. At: <<http://www.rferl.org/content/moldova-interview-gherman/25355432.html>>.

³⁴ Transnistria already declared independence in September 1990, while Moldova was still a Soviet state. Armed hostilities broke out in 1992, until, in July of the same year, the two sides agreed to a ceasefire.

³⁵ Moldova however recognizes Transnistria’s autonomy, through Law No. 764-XV of 27 December 2001 ‘On the Administrative-Territorial Organization of the Republic of Moldova’, and Law No. 173-XVI of 22 July 2005 ‘On the Basic Principles of the Legal Status of the Settlements on the Left Bank of the Dniester (Transnistria)’. These laws are based on Article 110(2) of the Moldovan Constitution, which states that: ‘[p]laces on the left bank of the Dniester river may be assigned special forms and conditions of autonomy according to the special statutory provisions adopted by organic law.’

³⁶ Already in its First Report to the Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), the Moldovan authorities declared that they could not implement the FCNM in Transnistria. ‘First Report submitted by the Republic of Moldova pursuant to Article 25 Paragraph 1 of the Framework Convention for the Protection of National Minorities’, ACFC/SR(2000)002, 29 June 2000, at 33. In the case of the European Convention on Human Rights, a declaration contained in Moldova’s 1997 instrument of ratification states that the Moldovan authorities cannot guarantee the implementation of the treaty in Transnistria until the resolution of the conflict.

³⁷ Russia’s de facto control of Transnistria has been acknowledged by the European Court of Human Rights: in judgements on Transnistria it has ruled that responsibility for human rights violations in the breakaway region lie with Russia (primarily) and Moldova. *Ilașcu and Others v. Moldova and Russia*, Application No. 48787/99, 8 July 2004, and *Catan and Others v. Moldova and Russia*, Applications Nos. 43370/04, 8252/05 and 18454/06, 19 October 2012.

³⁸ The 5+2 comprise Moldova and Transnistria, as well as Russia, Ukraine and the OSCE as mediators, and the EU and the United States as observers. The parties hold regular talks towards a settlement of the conflict and more generally on socio-economic, humanitarian and security issues.

³⁹ Popescu & Litra, *op. cit.* note 1.

⁴⁰ RFE/RL, ‘Moldova’s Breakaway Transdniester Urges Moscow to Recognize Independence’, 16 April 2014.

⁴¹ Euronews, ‘Transnistrian Leader Shevchuk Says He Wants a “Civilised Divorce” with Moldova’, 7 June 2014. At: <[http://www.euronews.com/2014/06/07/interview-transnistrian-president-shevchuk-says-he-wants-a-civilised-divorce-/-](http://www.euronews.com/2014/06/07/interview-transnistrian-president-shevchuk-says-he-wants-a-civilised-divorce-/)>.

⁴² *Ibid.*



⁴³ Ria Novosti, *op. cit.* note 32.

⁴⁴ Ursu, V. and Coalson, R. 'Amid Russia-Ukraine Crisis, Moldova's Fault Lines Quaver', RFE/RL, 20 March 2014. At: <<http://www.rferl.org/content/moldova-russia-ukraine-worries/25304033.html>>. The fact that Transnistria was under blockade was denied by Chisinau and Kyiv.

⁴⁵ *Ibid.*

⁴⁶ The Moldovan government claimed that it received 2,000 application requests a month for biometric passports that allow Moldovans to travel to Schengen countries. RFE/RL, 'Moldova Woos Transdniestrian with Visa-free Travel to Europe', 5 June 2014. At: <<http://www.rferl.org/content/moldova-woos-transdniestrian-eu-visa-free/25411296.html>>. Some Transnistrians also have Ukrainian passports.

⁴⁷ Oliver, *op. cit.* note 4.

⁴⁸ Cisnel, M.H. (2008) 'Uneasy Compromise: Language and Education in Moldova'. In: A. Pavlenko (ed.) *Multilingualism in Post-Soviet Countries*. Bristol: Multilingual Matters, pp.99-121, at 105.

⁴⁹ March, L. (2007) 'From Moldovanism to Europeanization? Moldova's Communists and Nation Building', *Nationalities Papers: The Journal of Nationalism and Ethnicity*, 35(4), pp.601-626, at 601-603. Johansson adds that '[f]or the Moldovanist, Romania is regarded as the country that once annexed Moldova and is hence considered an enemy. For the Romanist, Romania is a bridge westwards.' Johansson, A. (2011) *Dissenting Democrats: Nation and Democracy in the Republic of Moldova*. Stockholm: Stockholm University, at 103. Diverging views on whether history should be taught through a Moldovanist or Romanist perspective have also led to political tensions. See Cisnel, *ibid.*

⁵⁰ Roper, S.D. (2005) 'The Politicization of Education: Identity Formation in Moldova and Transnistria', *Communist and Post-Communist Studies*, 38, pp.501-5

⁵¹ Although to attract more votes the party has more recently displayed somehow positive attitudes vis-à-vis European integration.

⁵² Protsyk, O. & Osoian, I. (2000) 'Ethnic or Multi-ethnic Parties? Party Competition and Legislative Recruitment in Moldova', *ECMI Working Paper No.47*, at 9.

At: <http://www.ecmi.de/uploads/tx_lfpubdb/working_paper_47_en.pdf>.

⁵³ In a survey conducted by Moldova's Institute for Public Policy (IPP) in April 2014, respondents were asked what they would choose between accession to the EU or the Eurasian Customs Union if a referendum was held on this issue. 52% of Moldovans/Romanians stated that they would opt for the EU (and 39% for the Customs Union), while only 19% of ethnic Russians would choose the EU (64% the Customs Union), and Ukrainians would overwhelmingly choose the Customs Union (78% against 13% for the EU). 'Others' would also favour the Customs Union (84%, against 5% for the EU). IPP, 'Barometer of Public Opinion – April 2014', Final Report, at 59. At: <<http://www.ipp.md/libview.php?l=en&idc=156&id=681>>.

⁵⁴ For example, the process towards ratification of the European Charter for Regional or Minority Languages has stalled. Moldova signed the Charter in 2002, but it still had to ratify it in 2014.

⁵⁴ On the Moldovan political environment and its instability, see for example Wilson, A. 'Filat's Gamble'. *openDemocracy*, 23 May 2013. At: <<http://www.opendemocracy.net/od-russia/andrew-wilson/filat%20%99s-gamble>>.

⁵⁵ On the Moldovan political environment and its instability, see for example Wilson, A. 'Filat's Gamble'. *openDemocracy*, 23 May 2013. At: <<http://www.opendemocracy.net/od-russia/andrew-wilson/filat%20%99s-gamble>>.

⁵⁶ Through the 1994 Law on the Gagauz Autonomous Territorial Unit. Gagauzia's autonomy is also guaranteed by the Constitution. It is the only case of an ethnic group being granted territorial autonomy by law in Eastern Europe and the post-Soviet space. Järve, P. (2008) 'Gagauzia and Moldova: Experiences in Power-sharing'. In: M. Weller and B. Metzger (eds.) *Settling Self-determination Disputes: Complex Power-sharing in Theory and Practice*. Leiden: Brill.

⁵⁷ For example, in 2011, several students from the Gagauz minority enrolled in Russian schools failed to pass the final Romanian-language test and were not issued diplomas. The regional authorities issued their own diplomas, defying the central authorities – an act that was declared illegal by the Ministry of Education. Tensions between Chisinau and Comrat were sparked as a result. See Ciurea, C. (2011) 'Linguistic Policies of Chisinau in Relation to UTA Gagauzia', *Policy Brief*. Chisinau: Institute for Development and Social Initiatives (IDIS) 'Viitorul'.

⁵⁸ The remainder of the population are Bulgarians (5.1%), Ukrainians (3.2%) and 0.9% 'others' (2004 census).



⁵⁹ ACFC (Advisory Committee on the Framework Convention for the Protection of National Minorities), ‘Third Opinion on Moldova’, ACFC/OP/III(2009)003, 11 December 2009, §118-9.

⁶⁰ Russia’s offer to import wine from Gagauzia came shortly after the February 2014 referendum (see below). Reuters, *op. cit.* note 5.

⁶¹ For example, the Centre ‘Pro-Europa’ in Comrat campaigns for greater EU integration, and has accused the Gagauz politicians of manipulating public opinion to create anti-EU sentiments. Varshalomidze, T. ‘Moldova: EU Integration or Mother Russia?’, *Al Jazeera*, 19 May 2014. At:

<<http://www.aljazeera.com/indepth/features/2014/04/moldova-eu-integration-mother-russia-20144296179687342.html>>.

⁶² Minzarari, D. (2014) ‘The Gagauz Referendum in Moldova: A Russian Political Weapon?’ *Eurasia Daily Monitor*, 11(23). At:

<http://www.jamestown.org/single/?tx_ttnews%5Bpointer%5D=1&tx_ttnews%5Btt_news%5D=41922&tx_ttnews%5BbackPid%5D=228&cHash=b98af3efb331011f77a67fb9674a635c#.U3tlONzpnGA>.

⁶³ Varshalomidze, *op. cit.* note 61.

⁶⁴ No. 382-XV of 17 July 2001.

⁶⁵ It was ratified by Moldova in 1996.

⁶⁶ There is inconclusive data as to the number of Roma in the country. According to the 2004 census there are 12,271 Roma in Moldova (0.4% of the population), although estimates have ranged from 15,000 to 20,000. UNDP (United Nations Development Program) (2007) ‘Roma in the Republic of Moldova’. Chisinau: UNDP Moldova. At: <http://www.undp.md/publications/roma%20_report/Roma%20in%20the%20Republic%20of%20Moldova.pdf>; CAHROM (Ad Hoc Committee of Experts on Roma Issues) (2012) ‘Thematic Report by the Experts of the CAHROM Thematic Group on the Role of Central, Local and Regional Authorities in Implementing National Roma Inclusion Policy, following the CAHROM thematic visit to Chișinău, Republic of Moldova, 21-23 March 2012’, CAHROM (2012)7, 23 May 2012.

⁶⁷ EC, ENP Progress Report, *op. cit.* note 25, at 3.

⁶⁸ These relate to access to employment, housing, health care, education and access to land.

⁶⁹ UNDP, *op. cit.* note 66.; ACFC, *op. cit.* note 59, §49-51. The last CERD report also pointed to the ‘continued marginalization’ and discrimination of Roma. CERD (Committee on the Elimination of Racial Discrimination) (2011) ‘Report of the Committee on the Elimination of Racial Discrimination, Seventy-eighth session (14 February–11 March 2011)/Seventy-ninth session (8 August–2 September 2011)’, Supplement No. 18 (A/66/18), §15.

⁷⁰ According to a UNICEF survey (with data from 2005-2006). UNICEF (United Nations Children’s Fund), 2010.

‘The Situation of Roma Children in Moldova’. Chisinau: UNICEF, p.23. At:

<http://www.unicef.org/moldova/2008_001_Eng_Roma_Children.pdf>.

⁷¹ UNDP, *op. cit.* note 66.

⁷² For example, Article 5(1) of the Law on Minorities refers to the state’s obligation ‘*to contribute to the creation of the necessary conditions* to preserve, develop and express the ethnic, cultural, religious and linguistic identity’ of minorities [emphasis added]. It is unclear, however, what such ‘conditions’ are, and what ‘to contribute’ to their creation entails.

⁷³ Pivarov, I. (2009) ‘Shadow Report on the Implementation of the Framework Convention for the Protection of National Minorities by the Republic of Moldova’. Chisinau: NGO Centre of Interethnic Research of the Republic of Moldova, at 3.

⁷⁴ Adopted by Government Decision No. 494 of 8 July 2011. Recommendations on the Action Plan on Roma were included in the 2012 ENP Country Progress Report. The EC noted that in 2013 Moldova followed the key recommendations from the previous year, and ‘stepped up its implementation of the human rights action plan and the action plan in support of the Roma people’. ENP Country Progress Report, *op. cit.* note 25, at 4.

⁷⁵ See note 26. The law came into force on 1 January 2013. However, in 2014 Moldova had still not ratified Protocol No. 12 of the European Convention on Human Rights, on the prohibition of discrimination, after signing in 2000.

⁷⁶ Shadow Report (Pivarov), *op. cit.* note 73, at 2-3.

⁷⁷ ENP Country Progress Report, *op. cit.* note 25, at 3.

⁷⁸ *Ibid.*, at 2.



⁷⁹ ACFC, *op. cit.* note 59, §44; See also CERD, *op. cit.* note 69, §8-12. Instances of discrimination and harassment of minorities have been reported, particularly with regard to Roma and migrant workers from Africa and Asia (ACFC, §33; CERD, §10; 13).

⁸⁰ Ciscel, M.H. (2006) ‘A Separate Moldovan Language? The Sociolinguistics of Moldova’s Limba de Stat’, *Nationalities Papers*, 34(5), pp.575-597, at 584; Ciscel, *op. cit.* note 48, at 380.

⁸¹ The 1989 Law on Languages (note 9) required civil servants to know both the state language and Russian by 1994. Many Russian-speakers have failed to learn the state language, referring to various difficulties, including the absence of favourable conditions to acquire new language skills (such as inadequate textbooks). Chinn, J. (1994) ‘The Politics of Language in Moldova’, *Demokratizatsiya*, 2(2), pp.309-315, at 309. By 2014 there had been only limited progress.

⁸² The Constitution states that Moldova ‘recognizes and protects the right to preserve, develop and use the Russian language and other languages spoken in the country’ (Art. 13(2)). Other relevant provisions are contained in the Law on Minorities (Art. 5(1) and 7).

⁸³ The Law (note 9) adds that the combined use of Russian and Moldovan ‘guarantees the realization of [...] bilingualism’.

⁸⁴ Shadow Report (CReDO), *op. cit.* note 84, at 9. The Russification of Ukrainians has been particularly acute in Transnistria in the cities of Tiraspol, Tighina and Ribnita (CReDO, at 19). Ukrainians live compactly in the North and Northeast of the country and several small villages in various regions of Moldova. The Bulgarian minority is primarily located around the city of Taraclia.

⁸⁵ *Ibid.*, at 19-20.

⁸⁶ Shadow Report (Pivovar), *op. cit.*, note 73, at 10.

⁸⁷ *Ibid.* Similar figures are given by the Moldovan government in the ‘Third Report submitted by the Republic of Moldova pursuant to Article 25 Paragraph 1 of the Framework Convention for the Protection of National Minorities’, ACFC/SR(2000)002, 29 February 2009, at 28. The figure indicated in the CReDO Shadow Report is slightly lower: 5,984 children studying Ukrainian as a subject, and 7,925 children studying Bulgarian. Shadow Report (CReDO), *op. cit.* note 84, at 36.

⁸⁸ ACFC, *op. cit.* note 59, §138-9.

⁸⁹ Shadow Report (CReDO), *op. cit.* note 84, at 36.

⁹⁰ ACFC, *op. cit.* note 59, §140; Shadow Report (CReDO), *op. cit.* note 84, at 39-40.

⁹¹ ACFC (*ibid.*), §143.

⁹² Moldovan Government, *op. cit.* note 87, at 28-9.

⁹³ ACFC, *op. cit.* note 59, §118-9.

⁹⁴ Tetskany, Baltsata, Bratusheny, Markautsy, Gashpar and Maksimovka.

⁹⁵ Shadow Report (CReDO), *op. cit.* note 84, at 21.

⁹⁶ ACFC, *op. cit.* note 59, §83.

⁹⁷ *Ibid.*, §112. The various programmes are listed in the report submitted to the ACFC by the Moldovan Government, *op. cit.* note 87, at 26.

⁹⁸ ACFC, *op. cit.* note 59, §113.

⁹⁹ *Ibid.*, §111; Shadow Report (CReDO), *op. cit.* note 84, at 43; 46.

¹⁰⁰ Moldovan Government, *op. cit.* note 87, at 26.

¹⁰¹ Shadow Report (Pivovar), *op. cit.* note 73, at 7.

¹⁰² Article 22 of the Law on Minorities.

¹⁰³ I have written on this in relation to Russia. See Prina, F. (2012) ‘Power, Politics and Participation: the Russian Federation’s National Minorities and their Participatory Rights’, *Netherlands Quarterly of Human Rights*, 30(1), pp.66-96, at 81-83.

¹⁰⁴ ACFC *op. cit.* note 59, §63; §18. The same has been noted with regard to the Co-ordinating Council of Ethno-Cultural Organizations, which operates under the umbrella of the Bureau as an advisory body. It brings together the leaders of minority organizations (ethno-cultural non-governmental associations). As for the Bureau, the activities of the Co-ordinating Council are mostly confined to the cultural sphere. ACFC, *op. cit.* note 59, §63; Shadow Report (Pivovar), *op. cit.*, note 73, at 11.

¹⁰⁵ As well as on the basis of language, religion, gender, wealth or social status. Law on Political Parties No. 294-XVI of 21 December 2007, at Article 3(6).



¹⁰⁶ ACFC, *op. cit.* note 59, §161. There are no special measures in Moldova, for example in the shape of reserved seats, to guarantee minority representation. The Moldovan government claimed in 2009 that 40% of the members of Parliament of Moldova belonged to national minorities (Moldovan Government, *op. cit.* note 87, at 32), although in the Shadow Report (Pivovar) the percentage of 20% is given (Shadow Report (Pivovar), *op. cit.* note 73, at 11). The ACFC also pointed to the very limited representation of Roma, and smaller minorities, both at the central or local level (ACFC, *op. cit.* note 59, §163). See also CERD, *op. cit.* note 69, §16.

¹⁰⁷ See also Venice Commission (European Commission for Democracy through Law) (2007) ‘Opinion No.431/2007: Comments on the Draft Law on Political Parties of the Republic of Moldova’, prepared by Hans-Heinrich Vogel, endorsed by the Venice Commission at its 71st Plenary session of 1-2 June 2007. Strasbourg: Council of Europe; and OSCE/ODIHR (Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights) (2007) ‘Comments on the Draft Law on Political Parties of the Republic of Moldova’.

¹⁰⁸ ACFC, *op. cit.* note 59, §97. The ACFC has recommended the removal of this restriction (§99).

¹⁰⁹ Shadow Report (CReDO), *op. cit.* note 84, at 43;46

¹¹⁰ *Ibid.*, at 7; 15; 47.

¹¹¹ ACFC, *op. cit.* note 59, §169-170; CERD, *op. cit.* note 69, §16; and Shadow Report (Pivovar), *op. cit.* note 73, at 11.

¹¹² Article 24, Law on Minorities.

¹¹³ Article 27(1)(b) of Law No. 158 of 4 July 2008 ‘On Civil Service and Status of Civil Servants’, and Article 7 of the Law on Languages.

¹¹⁴ EC, ‘Implementation of the European Neighbourhood Policy in Republic of Moldova: Progress in 2012 and Recommendations for Action’, SWD(2013) 80, 20 March 2013, at 5.

¹¹⁵ Shadow Report (CReDO), *op. cit.* note 84, at 48; 50. This is despite the fact that Moldova ratified the European Charter of Local Self-Government in 1997.

¹¹⁶ Protsyk, O. (2010) ‘Gagauz Autonomy in Moldova: The Real and the Virtual in Post-Soviet State Design’. In: M. Weller and K. Nobbs (eds.) *Asymmetric Autonomy and the Settlement of Ethnic Conflicts*. Philadelphia: University of Pennsylvania Press, pp.231-251. On Gagauzia, see also King, C. (1997) ‘Minorities Policy in the Post-Soviet Republics: The Case of Gagauzia’, *Ethnic and Racial Studies*, 20(4), pp.738-756; and Thompson, P. (1998) ‘The Gagauz in Moldova and their Road to Autonomy’. In: M. Opalski (ed.) *Managing Diversity in Plural Society: Minorities, Migration and Nation-building in Post-Communist Europe*. Ottawa: Forum Eastern Europe, pp.128-147.

¹¹⁷ ACFC *op. cit.*, note 59, §33;178.

¹¹⁸ Protsyk, *op. cit.* note 116.

¹¹⁹ *Ibid.* Gagauzia has attempted to challenge the central authorities in the Constitutional Court, to strengthen the autonomy of Gagauzia. However, attempts for greater autonomy have generally failed. *Ibid.*

¹²⁰ Shadow Report (CReDO), *op. cit.* note 84, at 47.

¹²¹ These results are based on research on six villages. Shadow Report (CReDO), *op. cit.* note 109, at 41.

¹²² *Ibid.*, at 47-8.

¹²³ *Ibid.*, at 41-43; 44-46.

¹²⁴ Cited in OSCE/HCNM (2012) ‘The Moldovan-Administered Latin-Script Schools in Transdnistria: Background, Current Situation, Analysis and Recommendations’, at 9. At: <<http://www.osce.org/ru/moldova/99062>>. The decision involved: replacing the teaching of ‘History of the Romanians’ with ‘History of Moldova and the USSR’, and the teaching of Moldovan using the Cyrillic alphabet.

¹²⁵ Article 12 of the 1995 Transnistrian Constitution.

¹²⁶ The census was carried out by the Transnistrian de facto government. ‘Naselenie Pridnestrov’ya po perepisi 2004 goda’ [The Transnistria Population according to the 2004 Census]. *Demoskop-Weekly*. No. 213-214, September 2005. At: <<http://demoscope.ru/weekly/2005/0213/panorm01.php#2>>.

¹²⁷ Article 6 of the Language Act of Transnistria states that ‘the written form of the Moldovan language in all cases is the original Cyrillic alphabet’. In addition, Article 200(3) of the 2002 Transnistrian Code of Administrative Offences provides that the use of the Latin alphabet for the Moldovan language is punishable with a fine of up to 50 minimum wages.

¹²⁸ Transnistrian Constitution. Provisions on equality are also found in the 2002 Criminal Code (Art. 133).



¹²⁹ Hammarberg, T. (2013) 'Report on Human Rights in the Transnistrian Region of the Republic of Moldova', United Nations, 14 February 2013, at 10. At:

[<http://www.un.md/key_doc_pub/Senior_Expert_Hammarberg_Report_TN_Human_Rights.pdf>](http://www.un.md/key_doc_pub/Senior_Expert_Hammarberg_Report_TN_Human_Rights.pdf)

¹³⁰ *Ibid.*, at 37.

¹³¹ *Ibid.*, at 35; Pavlenko, A. (2008) Russian in Post-Soviet Countries. *Russian Linguistics* 32, pp.59-80, at 62.

¹³² Hammarberg, *op. cit.* note 129, at 35.

¹³³ *Ibid.*, at 36.

¹³⁴ According to the 2004 Transnistrian census (note 126), the overall population of Transnistria amounted to 555,347. Estimates suggest that there are 5,500-6,000 Roma in Transnistria, although the 2004 census recorded only 507 persons. The reason might be linked to fear of discrimination, which might have led persons of Roma origins not to self-identify as such. Hammarberg, *op. cit.* note 129, at.36.

¹³⁵ Hammarberg advised that a commission comprising members of minorities be established, so as to give them an effective channel to key decision-makers. *Ibid.*, at.36.

¹³⁶ *Ibid.*, at 37.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*; OSCE/HCNM, *op. cit.* note 124, at 18. In the judgement *Catan and Others v. Moldova and Russia* (see note 37) the European Court of Human Rights held that this situation amounted to a violation of the right to education protected at Article 2 of Protocol 1 to the ECHR.

¹³⁹ On this, see also Popescu & Litra, *op .cit.* note 1.



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