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Linguistic Divisions and the Language Charter

- The Case of Moldova

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Linguistic Divisions and the Language Charter - The Case of Moldova

Moldova is deeply divided along language lines. The principal polarization is found in the gulf between the speakers of Russian and of the state language, Romanian/Moldovan. To the first category belong not only Russians, but also national minorities such as Ukrainians, Gagauzians and Bulgarians, who tend to employ Russian more than the state language. The two main linguistic groups inhabit two largely separate societal spheres, with different media and educational institutions. Meanwhile, Moldova's ratification of the European Charter for Regional or Minority Languages (hereinafter the Language Charter)[1] is still pending. While Moldova swiftly signed and ratified the Framework Convention for the Protection of National Minorities (FCNM),[2] it limited itself to signing the Language Charter in 2002 - and still had to ratify ten years later. This working paper analyzes the reasons behind Moldova's linguistic divide, which seemingly translates into a resistance to the ratification of the Language Charter.[3]

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I. MOLDOVA: A DIVIDED SOCIETY

According to the 2004 census, the last for which data is available, in Moldova (minus 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 representatives of other ethnic groups.[4] The Moldovan government reported in 2009 that 75.2% of the population used as main language Romanian/Moldovan, 16% Russian, 3.8% Ukrainian, 3.1% Gazauz and 1.1% Bulgarian.[5] These figures tell us that those who use the state language as main language of communication (75.2% of the population) largely coincide with the percentage of the population that self-identify as either Moldovan or Romanian (77.97%). It also follows that national minorities (22% of the population) overwhelmingly use Russian as main language of communication. The remainder uses Ukrainian, Gagauz and Bulgarian, although they are likely to use Russian as language of inter-ethnic communication, as will be seen below. This creates two largely separate linguistic spheres. Behind the linguistic divide are two principal factors: first, an uncertain Moldovan national identity,[6] which inter alia causes the state language to lack the prestige and full acceptance as the sole official language of Moldova; and the fact that Russian, the dominant language during the Soviet period, enjoys a residual prestige, which however does not mean that its speakers do not feel menaced by their language's loss of its official status in 1989.

The dilemma of Moldovan identity is best exemplified by a lack of consensus even as to the name of the state language – referred to either as 'Romanian' or 'Moldovan'. This largely reflects Moldova's position between Romania and Russia, which have both laid claims on the territory of Moldova.[7] Thus, Moldova has been subjected to waves of Russification/Sovietization and Romanization.[8] Among the Soviet measures adopted in the Moldavian Soviet Socialist Republic (MSSR, 1940-1990) was the forging of a Moldovan identity as separate from the Romanian one.[9] The Soviet official discourse treated 'Moldovan' as a separate language from Romanian.[10] Although the issue of a possible separate Moldovan language is still contested,[11] it has been argued that 'Moldovan' is merely a form of diglossia, and that the Moldovan language is virtually indistinguishable from Romanian.[12] The only discernible difference during the Soviet period was the alphabet – Cyrillic in the case of 'Moldovan', Latin for Romanian.[13] Thus, Moldova does not have a unique linguistic identity that can differentiate it from other (nation-) states.

The events since 1989, and the subsequent collapse of the Soviet Union,[14] have intensified the split, and even led to a part the country, Transnistria, breaking away from Moldova. The liberalization of glasnost and perestroika enabled the formation of the Democratic Movement of Moldova in the 1980s, which developed into the nationalist Popular Front of Moldova (hereinafter Popular Front) in 1989. Ethnic mobilization, including mass demonstrations organized by the Popular Front, led to the adoption by the Moldovan Supreme Soviet of new legislation, which proclaimed 'Moldovan',[15] written in the Latin script,[16] the state language: the Law on the Status of the State Language[17] and the Law on the Functioning of the Languages Spoken in the Territory of the Republic of Moldova (hereinafter the 'Language Law'[18]). The new legislation was a sign of emancipation from the Russian language: by rejecting the Cyrillic alphabet, King contends, Moldovans rejected 'the key feature that had long distinguished them from Romanians'.[19]

Ethnic mobilization was accompanied by calls for reunification with Romania, which led to fears among the Russian-speakers east of the river Dniestr/Nistru (Transnistria). Following fighting in 1991-92, in which the Transnistrians were supported by Russian forces, Transnistria declared independence. In addition to polarizing the population,[20] the declaration of independence created a de facto separate state, which negotiations have been unable to resolve, resulting in a conflict that remains 'frozen'. While in Moldova (minus Transnistria) the state language, as recognised in the Constitution, is Moldovan, east of the river the Russian language predominates.[21]

This historical background has led to two main outcomes: the politicization of language; and the crystallization of two virtually exclusive forms of language-based identities.

II. LANGUAGE POLITICS

Language issues have been taken up by Moldovan politicians. Strong ethnic mobilization in the late 80s and early 90s saw moves towards the Romanization of Moldova, championed by the Popular Front. With changes of government, linguistic priorities have shifted but continued to be in the background of political battles. Four phases can be distinguished: 1) ethnic mobilization, with a reaction to Sovietization and the Russian language, and with the ultimate objective of reunification with Romania (1989-1994); 2) a more moderate pro-Romanian line and the setting aside of plans of reunification, following the 1994 elections, when the Popular Front became a minority;[22] 3) the Communist government (2001-2009), and the stabilization of the volatile party scene in the decade following the Soviet Union's collapse;[23] 4) the post-Communist phase (2009 to present), characterized by political instability and a deadlock in the appointment of a president (between September 2009 and March 2012).

Ethnic minority parties have been unable to enter parliament[24] - thus, minority interests have been primarily represented by the mainstream parties. Given the (linguistic) Russification of the main minority groups, ethnic entrepreneurs could capitalize on the political objective of the introduction of Russian as a second state language;[25] this appealed not only to ethnic Russians but other minorities as well, given their frequent lack of fluency in Romanian/Moldovan. Thus, the mainstream parties appropriated the ethnic entrepreneurs' political slogans, while at the same time these parties offered a springboard for representatives of minorities to rise to prominence.[26]

Under the Communist Party leadership (2001-2009) there were attempts by former Moldovan President Vladimir Voronin and Communist MPs to legislate so as to make Russian an official language alongside Moldovan, as well as to reintroduce Russian as a compulsory subject in all schools.[27] The opposition strongly resisted these attempts. Following the change of government in 2009 there has been a greater emphasis on the promotion of the state language, referred to primarily as 'Romanian' rather than 'Moldovan'.[28] Indeed, while the Communists have tended to refer to the state language as 'Moldovan', nationalists and unionists (those who sought unification with Romania) have referred to it as 'Romanian'. These contrasting positions have been referred to as 'Moldovanism' and 'Romanism', revealing a bifurcation of majority nationalism by which the first position is 'state-seeking' and the second aiming at unification.[29]

Politicians have tended to embrace one or the other position, sometimes shifting between them. In the 1990s there were calls in the parliament to ban the name 'Romanian' for the state language altogether.[30] Former President (1990-1997) Mircea Snegur went from a strong pro-Moldovanist position to a more moderate one, which has been linked to electoral maneuvering in the period prior to the 1996 presidential elections.[31] On 31 August 2012, on national Language Day, Dorin Chirtoacă, mayor or Chisinau and Liberal Party MP (in the ruling coalition), stated that it was only 'a matter of time' before 'Romanian' would be used in the Constitution.[32] Yet, in September 2012 Marian Lupu[33] surprised the rest of the ruling Alliance for European Integration when he stated that he had 'changed his mind' and that Moldovans spoke 'Moldovan', not 'Romanian', as he had asserted in the past.[34] Perhaps surprisingly, the results of a 2012 public opinion poll by the Institute for Public Policy reveal that 65% of the respondents believed that the name of the state language should be 'Moldovan', and only 22.7% Romanian.[35]

III. SOVIET LEGACIES

Part of the explanation for the linguistic divide in contemporary Moldovan society can be traced back to Soviet policies, and particularly the institutionalization of ethnicity. The concept of 'nationality' occupied a special place in Soviet societal (and territorial) arrangements. It originated from an acute need for diversity management, given the multitude of ethnic and linguistic groups, with varying forms of loyalties and belongings, present in the Soviet Union. The Soviets thus sought to devise methods to manage the country's pluralism, including through what has been defined 'ethnic federalism'.[36]

Although the Soviet doctrines did not see ethnic groups as immutable and fixed, but able to evolve, these groups also had an essence, found in specific traits. These primordial characteristics would develop, and evolve, under Soviet guidance.[37] This concept came to be seen as the groups' 'coming together' (*sblizhenie*): while maintaining some internal traits, groups would progress towards the creation of the *Soviet narod*. Soviet policies saw the 'coming together' through the creation of the (supra-national) *homo sovieticus*, which would mark the transcendence of difference, flattened out by communism.[38]

The overcoming of difference was, however, a long-term (and highly ambitious if

unethical) goal. The existing diversity required immediate attention, and mechanisms to manage it. As language was considered a salient ethnic marker in the Soviet Union, the state established schools in minority languages.[39] The local administration was transferred to local leaders through the process of 'indigenization' (*korenizatsiya*). Local leaders filled positions in the local administration, the local Communist party, the judiciary and industry, through processes that included quota systems. One's nationality was reinforced through the census takers, and in its being specified in internal Soviet passports and all documents, obliging people to continue to restate their nationality.[40] To Brubaker, this amounted to 'codif[ying] nationhood and nationality as fundamental social categories sharply distinct from statehood and citizenship.'[41] By crystallizing, through its institutionalization, individual ethnocultural nationalities, the result was 'institutionalized multinationality'.[42] It did not result in a 'melting pot', but in an agglomeration of ethnic units - or 'an exhaustive and mutually exclusive set of national groups'.[43] The affirmative action measures further contributed to an artificial division between 'us and them'.[44]

This emphasis on nationality did not leave much space for the development of a civic consciousness.[45] Thus, it has been argued that, in the Soviet Union, like in imperial Russia, there were no narratives around the concepts of 'civil society' or 'civic nationalism'. Rather, nationalism had been equated with *ethnic* nationalism.[46]

IV. POST-SOVIET LINGUISTIC DIVISIONS AND THE LANGUAGE CHARTER

Where does this leave Moldova at the end of the MSSR? Tolz rightly argues that Russia, and other former Soviet republics such as Moldova, have been faced with the need to create a post-Soviet state from what was once a Union republic. It involves the difficult task of reconciling 'the dominant nationality and ethnic minorities of their *civic* identities, based on inclusive citizenship, *and* their exclusive *ethnic* identities, based on shared culture, religion, language, and common ancestry' [emphasis added].[47] This process involves forging an overarching civic identity, while at the same time enabling various ethnic groups to rediscover their own cultures, languages and/or religions that might have been marginalised (in some cases repressed) during the Soviet period. This combination of civic and ethnic attributes would replace the vacuum left by 'Soviet values' further to the Union's collapse.

Two problems are linked to this. The first is that, as noted, the post-Soviet world has hardly a tradition of civic nationalism. The second relates to the difficulties in shaping a post-Soviet identity: it required a process of de-Sovietization, by which peoples of newly-independent states have tended to reach for elements of their pre-Soviet past. In the case of Moldova, this pre-Soviet past has been linked to the Romanian one, and has led some Romanian-speakers to seek reunification, or closer links, with Romania. These attempts can fuel antagonism between the two main language groups, as they tend to marginalize Russian-speakers.

Census data cited above show that approximately three quarters of the population predominantly use Romanian/Moldovan rather than Russian (or other languages). However, in the MSSR Russian had become the language of the urban *intelligentsia*, higher in prestige than Romanian/Moldovan – although formally Russian and Moldovan enjoyed equal status as official languages. In the MSSR Russian was the language used by the government, in higher education as well as being the language inter-ethnic communication. Since independence Moldova has struggled to reverse these dynamics, and to upgrade Romanian to a widely-recognised state language (*limba de stat*). The status of Romanian/Moldovan has been enhanced since independence but old perceptions persist – sustaining views of Russian as the language of education, business and,

generally, power.[48] Russian continues to dominate certain areas of social life in Moldova, being the language of choice of a sizeable part of the business community (one should also note Moldova's economic links with Russia). Efforts to promote the state language have varied over the years, although in the 21 years of independence of the Republic of Moldova, there have been no major changes in language legislation. The polarization of the two camps has prevented a unitary, comprehensive and effective language policy. The differences in approaches between the Communists and nationalists have already been noted; the former's efforts concentrated in particular on the recognition of Russian as an official language alongside Moldovan. In addition, the 1989 Language Law required civil servants to know both the state language and Russian by 1994. While Romanian-speakers tended to be already bilingual, many Russian-speakers have failed to become so, referring to various difficulties, including the absence of favourable conditions to acquire new language skills (such as inadequate textbooks).[49]

With these linguistic issues in the background, Moldova has had to confront the issue of ratification of the Language Charter. The Moldovan authorities stated in 2009[50] that the Language Charter was 'in preparation of ratification' by the authorities, in cooperation with civil society and minority organizations. It had previously already been included in the plan of action in human rights for 2004-2008 adopted by the Moldovan Parliament in 2004.[51] The process had still not been completed in 2013.

The reasons are likely to be linked to the sensitivity of language issues in Moldova. In particular, both language groups have noted a lack of 'respect' from the other side. Indeed, ethnographic research by Ciscel points to frustration among the Romanian-speaking population, as the state language is still not spoken by much of Moldova's population - while at the same time Russian-speakers perceive their language as being downgraded and devalued.[52] To this primary divide one has to add the divisions between the perceptions of state language (Moldovan or Romanian), adding another layer of complexity and delaying the forging a common (Moldovan) identity that can transcend linguistic fragmentation.

The case of Moldova can be contrasted to that of Latvia. Latvia has developed much more far-reaching (arguably aggressive) policies than Moldova in promoting Latvian as the state language, with periodic examinations to certify its knowledge, on which employment often depends; the intensity of Latvian language promotion has also led to cases of discrimination.[53] In comparison, the promotion of the state language is limited in scope in Moldova. However, language policies in Latvia and Moldova, although different, seem to be grounded on the dynamics of inclusion or exclusion in relation to ethnic (language) groups. In Latvia nationalism is closely connected to the Latvian language. The predominance of language in defining group cohesion is likely to impair an overarching identification for all peoples in Latvia, for example based on common history. The more moderate line of Moldova to Latvia might be linked more to practical, rather than ideological, reasons: the economic dependence on Russia, and Russia's *de facto* control over Transnistria.[54]

While Moldova has still not ratified the Language Charter, it is bound to protect the rights of persons belonging to national minorities through the FCNM. Data regarding the rights of national minorities in relation to their languages are outlined in the reports of the Moldovan government to the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), and the ACFC's Opinions on Moldova's performance in FCNM implementation.[55] The ACFC noted shortcomings in the teaching of the state language to minorities (including Russians), with reference to, among other things, the limited resources allocated to it.[56] Problems include the lack of qualified, bilingual teachers, teaching materials, as well as limited incentives and opportunities to learn the language in regions where persons belonging to minorities

are concentrated.[57] While there appears to be an increasing openness to the learning of the state language, particularly among young people,[58] the ACFC noted the lack of 'a comprehensive strategy and action plan for linguistic integration of persons belonging to national minorities who do not have an adequate command of the State language'.[59]

The ACFC has further advanced the view that Moldovan society has remained divided along language lines, as the country searched for a national and state identity,[60] and that 'linguistic divisions are used for political purposes.'[61] Indeed, there might have been cases of political manipulation, where parties seek to exploit language and identity issues to gain supporters, by fuelling grievances. This might have been the case in confrontations in the summer of 2012 in Bălți, in the North of Moldova, where Russian-speakers are concentrated. During a 'Union March' (promoting unification with Romanian), a group of (anti-unionist) statists, primarily Russian-speakers, resorted to violence against the police that had been summoned to protect the marchers.[62] There have also been tensions, albeit non-violent, around the 2011 results of secondary school examinations in Gagauzia, when persons belonging to the Gagauz minority, who had studied in Russian schools, failed to pass the Romanian-language test and were not issued diplomas.[63] The local authorities proceeded to issue their own diplomas, defying the central authorities – an act that was declared illegal by the Ministry of Education.[64] In another case, Vladimir Mișin, an ex-Communist Party member, declared in 2012 that he wished to create a party primarily for the representation of Russian-speakers.[65]

Some persons belonging to Moldova's national minorities remain in the Russian-speaking camp. One of the reasons why this occurs is that the teaching of minority languages is provided only in schools with Russian as main language of instruction.[66] As a consequence, persons belonging to national minorities study the state language as *third* language,[67] which frequently results in lack of fluency. The ACFC has argued that such an educational system can increase the tendency of some persons belonging to national minorities to identify more with the Russian-speaking group rather than their own minority group. Indeed, in some areas, such as regions with high concentrations of Ukrainians, most of the teaching takes place in Russian.[68] As in the Soviet period, minorities continue to use Russian as the language of inter-ethnic communication. It reinforces the strong polarization between the two main language groups.

An important aspect of the current conundrum in language policy is the 'hybrid' status of the Russian language in Moldova. While the Moldovan Constitution states that Moldovan, in the Latin script, is the state language, it also stipulates that 'the State shall recognize and protect the right to the preservation, development and functioning of Russian and of other languages spoken in the territory of the country'. As noted, Russian is defined in Article 3 of the Language Law as 'language of inter-ethnic communication'. Therefore, it seems to be placed in a third category between those of 'official' and 'minority' language.[69] Another example is provided by the Law on the Rights of Persons belonging to National Minorities and the Legal Status of their Organizations of 12 July 2001. Article 6(1) reads:

> The State shall guarantee the fulfilment of the rights of persons belonging to national minorities to pre-school education, primary education, secondary education (general and vocational), higher and postgraduate 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.) [italics added].[70]

Here minority languages are treated separately from Russian, which instead is referred to in the article together with the state language. The

ratification of the Language Charter would unequivocally place Russian among Moldova's 'minority languages', suggesting a drop in status compared to its current recognition as 'language of inter-ethnic communication'. Additionally, traditional Soviet expressions to designate ethnic groups did not include 'minority'[71] but rather 'nation' and 'nationality' (*natsiya*, *natsional'nost'*) and 'ethnos' (*etnos*, *etnonarod*).[72]

V. CONCLUSION

Moldova is confronted by the fact that Romanian/Moldovan is not a fully-functioning state language, and is in need of wide-ranging measures for its promotion. Many Moldovan citizens have no or poor knowledge of it, while the language also suffers from a residual post-Soviet perception of its 'inferiority' to Russian. At the same time, Russian has not become official alongside Romanian/Moldovan, despite efforts to this effect by the Communists. The two camps have acted to block each other's initiatives and remained antagonistic, with mutually exclusive approaches. Although mixed families do exist, and some Moldovan citizens may identify with both groups, overall a sharp antagonism predominates. The primary identification with one of the two language groups might impair the development of a civic form of nationalism in the shape of an overarching Moldovan consciousness.

To the exclusivity of identity (Romanian- *or* Russian-speaker) one has to add the attitudes and wishes of Russian-speakers in Moldova. Russian-speakers call for the 'respect' of their language[73] – for example through Russian being recognized as a state language alongside the Moldovan/Romanian. These frictions reinforce the language divide, which the ratification of the Language Charter may make more acute. Indeed, ratification would unambiguously classify Russian as a 'minority language' – an expression that does not convey the same prestige of the Soviet-era 'language of inter-ethnic communication'. There is perhaps an argument for an integration strategy that places a stronger emphasis on 'common history, traditions, and a shared society',[74] diverting attention from, and desensitizing, the issue of language. This might ultimately lead to the end of the tug of war between the Moldova's two main language groups.[75] Additionally, efforts may be placed on the creation of a (post-Soviet) civic consciousness that allows for non-exclusionary approaches to ethnicity and language. Until one moves away from the 'institutionalization of ethnicity', attributes of cultural, ethnic and linguistic identity will continue to be placed antagonistically to each other, rather than being perceived as potentially compatible and multi-layered.

Footnotes

[1] European Charter for Regional or Minority Languages, ETS No. 148, adopted 5 November 1992, entered into force 1 March 1998.
[2] Framework Convention for the Protection of National Minorities, ETS No. 157, adopted 1 February 1995, entered into force 1 February 1998. It was signed by Moldova in 1995 and ratified in 1996.
[3] This working paper excludes a specific discussion on the Transnistrian breakaway region and the autonomous region of Gagauzia, as they are beyond the scope of this analysis.
[4] Polish, Romani or others/undeclared.
[5] ACFC, (Third) Report by Moldova, ACFC/SR/III(2009)001, 29 February 2009.
[6] On the fuzzy contours of Moldovan identity, see: Ciscel, M.H. 2006. "A Separate Moldovan Language? The Sociolinguistics of Moldova's Limba de Stat", *Nationalities Papers*, 34(5), 575-597. Ciscel, M.H. 2007. *The Language of the Moldovans: Romania, Russia, and Identity in an Ex-Soviet Republic*. Lanham, MD, Lexington Books. Ciscel, M.H. 2008. "Uneasy Compromise: Language and Education in Moldova", *International Journal of Bilingual Education and Bilingualism*, 11(3-4), 373-395. Ciscel, M.H. 2010. "Reform and Relapse in Bilingual Policy in Moldova", *Comparative Education*, 46(1), 13-28. King, C. 1999. *The Moldovans: Romania, Russia and the Politics of Culture*. Stanford, CA, Hoover Institution Press.
[7] Bessarabia (the part of current Moldova west of the river Dniestr/Nistru) was unified with Romania in 1918, after being part of the Russian Empire. It was annexed by the Soviet Union in 1940. The part of Moldova East of the river, instead, became part of the USSR in 1924 as the 'Moldovan Autonomous Soviet Socialist Republic' (MASSR), a region inside Soviet Ukraine.
[8] King, *op. cit.* note 6.
[9] On Soviet 'Moldovanization', see King (*ibid*).
[10] On Moldovan identity as a construct, see Win van Meurs 1998. "Carving a Moldovan Identity out of History". *Nationalities Papers*, 26(1), 39-56.
[11] The issue of a Moldovan identity, separate from the Romanian one, has also been subject of debate. This approach has been supported by *Moldovan* nationalists in reaction to the pan-Romanians. In 1994, (then) President Mircea Snegur asked historians and linguists to study Moldovan independent identity. King, *op. cit.* note 6, at 4.
[12] Ciscel (2006), *op. cit.* note 6.
[13] *Ibid*.
[14] Moldova became an independent state in 1991.
[15] In the legislation the expression used is 'Moldovan' (or 'the state language'), rather than 'Romanian'.
[16] Over the years the issue of the Latin versus the Cyrillic alphabet has also caused tensions between Chisinau and the breakaway region of Transnistria.
[17] No. 3464-XI of 31 August 1989.
[18] No. 3465-XI of 1 September 1989. Although these laws were originally adopted as laws of the MSSR, they remain in force after Moldova's independence, insofar as they do not contradict the 1994 Constitution of Moldova. The Constitution stipulates at Article 13 that '[t]he State language of the Republic of Moldova shall be Moldovan, using the Latin script.'
[19] King, *op. cit.* note 6, at 3.
[20] *Ibid*, at 4.
[21] Even through the legislation of the breakaway region recognizes not only Russian as official language of Transnistria, but also Moldovan (in the Cyrillic alphabet) and Ukrainian. In addition to Transnistria, the Bălți district in Northern Moldova is a predominantly Russian-speaking area. Gagauz and Bulgarian are also spoken in the South of the country. The 1994 Moldovan Constitution guarantees autonomy to Gagauzia, as well as to Transnistria. In addition, in 1994 Moldova adopted the 'Law on the Special Status of Gagauzia'.
[22] This year the Democratic Agrarian Party gained a majority.
[23] Protsyk, O. & Osoian, I. 2000. "Ethnic or multi-ethnic parties? Party competition and legislative recruitment in Moldova", *ECMI Working Paper No.47*, March 2010, at 8. http://www.ecmi.de/uploads/tx_lfpubdb/working_paper_47_en.pdf.

The Party of Communists of the Republic of Moldova gained 49.9% of the votes in April 2001 (and 71 of 101 parliamentary seats), remaining in power until 2009. In the parliamentary elections of April 2009 the Communist Party won 49.48% of the votes. The electoral results were disputed and demonstrations followed. In August 2009, a governing coalition was formed between four other parties (the Liberal Democratic Party, the Liberal Party, the Democratic Party and Our Moldova Alliance), causing the Communist Party to become an opposition party. President (since 2001) Vladimir Voronin resigned in September 2009 and, the parliament having failed to elect a new president, Mihai Ghimpu became acting president. The parliament was dissolved in September 2010 after a constitutional referendum on a reform proposed by Ghimpu, which failed to support the reform. Marian Lupu was elected Speaker of the Parliament in September 2010, and also served as acting president. In March 2012 Nicolae Timofti was finally elected president in a parliamentary vote.

[24] For example, the Socio-Political Movement "Ravnopravie" [Equal Rights] (SPMR), and Gagauz parties.

[25] Protsyk & Osoian, *op. cit*. note 23, at 9.

[26] *Ibid*, at 9-10. The Communist Party between 1994 and 2009 had on average 61.65% Moldovan/Romanian MPs and 35.92 minorities (Ukrainian, Russian, Gagauz and others), through inclusive recruitment – while centre right parties had 100% Moldovan/Romanian MPs. Russians have been over-represented in the Moldovan parliament (8.20% representation for a 5.90% population). Protsyk & Osoian, *op. cit*. note 23, at 11-19.

[27] Ciscel (2010), *op. cit.* note 6.

[28] See the state language logo 'ro' on the government's website: http://www.gov.md/homepage.php?l=ro.

[29] Protsyk & Osoian, *op. cit*. note 23, at 14-15.

[30] They were followed by street demonstrations. Ciscel (2010), *op. cit.* note 6, at 24.

[31] Protsyk & Osoian, *op. cit*. note 23, at 16.

[32] "Chirtoacă: Limba română în Constitvuție - o chestiune de timp" [Chirtoacă : Romanian language in the Constitution – a matter of time], 31 August 2012, *Unimedia.* http://unimedia.info/stiri/video-chirtoaca-limba-romana-in-constitutie---o-chestiune-de-timp-51657.html.

[33] Speaker of the Moldovan Parliament and leader of the Democratic Party. Lupu was acting president of Moldova between December 2010 and March 2012.

[34] "Lupu spune „Nu" limbii române" [Lupu says "No" to the Romanian language], *JurnalTV*, 25 September 2012. http://www.jurnaltv.md/ro/news/lupu-spune-nu-limbii-romane-396153/.

[35] 7.6% said the state language should be 'Moldovan', specifying 'Romanian' in brackets; 2% believed that the state language should simply not be mentioned in the Constitution. "Moldovenii vor ca limba oficială a RM să fie moldovenească" [Moldovans want the official language of Moldova to be Moldovan], *JurnalMd*, 20 November 2012, http://www.jurnal.md/ro/news/bop-moldovenii-vor-ca-limba-oficiala-a-rm-sa-fie-moldoveneasca-doc-674766/.

[36] On Russian ethnic and asymmetric federalism, see, among others, Bowring, B. 2010, "The Russian Constitutional System: Complexities and Asymmetry". In *Asymmetrical State Design as a Tool in Ethnopolitical Conflict Resolution*, M. Weller, ed., University of Pennsylvania Press, at 48-74.

[37] Hirsch, F. 2005. *Empire of Nations: Ethnographic Knowledge and the Making of the Soviet Union.* Ithaca, Cornell University Press, at 267.

[38] *Ibid*, pp.316-7. See also Brubaker, R. 1994 "Nationhood and the National Question in the Soviet Union and post-Soviet Eurasia: An Institutionalist Account", *Theory and Society*, 23(1), 47-78.

[39] Slezkine, Y. 1994. "The USSR as a Communal Apartment, or How a Socialist State Promoted Ethnic Particularism", *Slavic Review*, 53(2), 413-452. However, schools in titular languages continued to decrease in number throughout the Soviet Union. See Gorenburg, D.P. 2003. *Minority Ethnic Mobilization in the Russian Federation.* Cambridge, Cambridge University Press.

[40] At the same time, while minority languages were promoted through education, Russian tended to dominate in most spheres of language use, as it served as language of inter-ethnic communication throughout the Soviet Union. Tishkov, V. 1997. *Ethnicity, Nationalism, and Conflict in and after the Soviet Union: The Mind Aflame.* London, Sage, at 84.

[41] Brubaker, *op. cit.* note 38, at 49.

[42] *Ibid*, at 49.

[43] *Ibid*, at 53. See also Tishkov, *op. cit.* note 40.

[44] Brubaker, *op. cit.* note 38, at 59.

[45] The traditional distinction between civic (liberal and inclusive) and ethnic (illiberal and exclusive) forms of nationalism is drawn from Kohn's seminal work (Kohn, H. 1944. *The Ideal of Nationalism. A Study in its Origins and Background*. New York, Collier Books). One should note, however, that the distinction between 'civic' and 'ethnic' nationalism is not always clear-cut: there is some blurring and overlapping between the two. See Brubaker, R. 1999, "The Manichean Myth: Rethinking the Distinction between 'Civic' and 'Ethnic' ". In *Nation and National Identity. The European Experience in Perspective*. H. Kriesi et al., eds., Zurich, Ruegger.
[46] Opalski, M. 2001. "Can Will Kymlicka Be Exported to Russia? Western Political Theory and Ethnic Relations in Eastern Europe", in *Can Liberal Pluralism Be Exported?*, W. Kymlicka & O. Oracheva, eds., Oxford, Oxford University Press, at 301.
[47] Tolz, V. 1998. "Forging the Nation: National Identity and Nation-Building in Post-Communist Russia". *Europe-Asia Studies*, 50(6), 993-1022, at 993.
[48] Ciscel (2006), *op. cit.* note 6, at 584; Ciscel (2008), *op. cit.* note 6, at 380.
[49] Chinn, J. 1994. "The Politics of Language in Moldova", *Demokratizatsiya*, 309-315, at 309. By 2013 there had been only moderate progress. Among the initiatives in this area is the project 'The Language Training Programme for Public Servants in Minority Populated Areas of Moldova', implemented by the organization ANTEM in cooperation with the Moldovan authorities and with the support of the OSCE High Commissioner for National Minorities. See ACFC, (Third) Opinion on Moldova, ACFC/OP/III(2009)003, 11 December 2009, para. 146.
[50] ACFC, (Third) Report by Moldova, ACFC/SR/III(2009)001, 29 February 2009, at 12.
[51] Enactment No. 415-XV 24 October 2004. It included in the plan the 'preparation for the ratification of the European Charter of regional languages and the national minorities languages (2006)'. ACFC, (Second) Report by Moldova, ACFC/SR/II(2004)005, 14 May 2004.
[52] Ciscel (2007), *op. cit.* note 6. Chinn notes: 'the Romanian population […] is becoming increasingly frustrated with its inability to use its own language for everyday activities such as calling a taxi or making a purchase in a store.' Chinn, *op. cit.* note 49, at 309.
[53] See for example ACFC, (First) Opinion on Latvia, ACFC/OP/I(2008)002, adopted 9 October 2008.
[54] This was also recognized by the European Court of Human Rights in its judgements *Ilaşcu and Others v. Moldova and Russia*, Application No. 48787/99, 8 July 2004, and *Catan and Others v. the Republic of Moldova and Russia*, Application Nos. 43370/04, 8252/05 and 18454/06, 19 October 2012.
[55] These are part of the FCNM's monitoring procedure.
[56] ACFC, (Third) Opinion on Moldova, *op. cit.* note 49.
[57] *Ibid*, para. 147.
[58] *Ibid*, para. 146.
[59] *Ibid*, para. 148.
[60] *Ibid*, para. 73.
[61] *Ibid*, para. 21.
[62] "Violențe la Bălți!" (Violence in Balti), *jurnal.md*, 5 August 2012, http://www.jurnal.md/ro/news/violen-e-la-bal-i-video-live-text-224673/
[63] "Absolvenții din Găgăuzia, care au picat la română, nu vor primi diplome de BAC" [Graduates of Gagauzia who failed Romanian will not receive secondary school diplomas], *Unimedia*, 27 July 2004. http://unimedia.info/stiri/absolventii-din-gagauzia--care-au-picat-la-romana--nu-vor-primi-diplome-de-bac-37041.html
[64] See Ciurea, C. 2011. *Linguistic Policies of Chisinau in Relation to UTA Gagauzia. Policy Brief*. Chisinau, Moldova.
[65] "Mişin: În Parlament trebuie să răsune limba rusă!" [In Parliament the Russian language must resound], *Unimedia*, 7 June 2012, http://unimedia.info/stiri/video-misin-In-parlament-trebuie-sa-rasune-limba-rusa-48629.html; "Mişin: Vom readuce limba rusă în Parlament" [We will bring the Russian language back in the Parliament], 7 June 2012, http://politicom.moldova.org/news/miin-vom-readuce-limba-rus-n-parlament-230866-rom.html.
[66] As in the example of Gagauzia above. In 2008, 280 schools had the state language as main language of instruction, while 145 schools operated in Russian but also taught one minority language and the state language (ACFC, (Third) Opinion on Moldova, *op. cit.* note 49, para. 136). According to the Activity Report of the Ministry of Education for the year 2011, 79% of students who received secondary school diplomas had studied in the state

language and 21% in Russian. In higher education, 78,4% studied in Romanian, 19,5% in Russian, 1,3% in English and 0,8% in other languages.

[67] The teaching of the state language is compulsory in all schools.

[68] ACFC, (Third) Opinion on Moldova, *op. cit.* note 49, paras. 136-7.

[69] Instead, the ACFC in its Opinions refers to Russian as the language of a national minority.

[70] Almost the same wording is present in Article 18 of the Language Law, which says that the State 'shall guarantee the right to pre-school education, general secondary education, specialized secondary education, technical-vocational education and higher education in *Moldovan and Russian*, and shall create the necessary conditions for fulfilling the right of citizens belonging to other nationalities, living in the republic, to education and instruction in the mother tongue (Gagauz, Ukrainian, Bulgarian, Hebrew, Yiddish, etc.)' [italics added]. On the right to education, see also Article 35(2) of the Constitution, guaranteeing the right to choose the language of education; and Article 8 of the 1995 Law on Education: '[t]he State shall ensure [...] the right to choose the language of education and instruction at all levels and stages of education'.

[71] With few exceptions. See Malakhov, V. & Osipov, A. 2006. "The Category of Minorities in the Russian Federation: A Reflection on Uses and Misuses". In *International Obligations and National Debates: Minorities Around the Baltic Sea*, S. S. Åkermark, ed., Marienhamn, Åland: The Åland Islands Peace Institute, at 509.

[72] Sokolovskii, S.V. 2004. *Perspektiva Razvitii Kontseptsii Etnonatsional'noi Politiki v Rossiiskoi Federatsii* [Perspectives for the Develpment of Ethnonational Policy in the Russian Federation]. Moscow, Russian Academy of Sciences.

[73] Ciscel (2007), *op. cit.*, note 6.

[74] This was the ACFC's recommendation in commenting on the Estonian Integration Strategy 2008-2013:

> The new Strategy […] appears to centre around the Estonian language as the main symbol of common statehood and, consequently, seems to focus on the insufficient State language proficiency of persons belonging to national minorities as a main impediment of integration. […]. The Advisory Committee therefore considers that more should be done to promote other symbols of common identity than citizenship and language, such as *common history, traditions, and a shared society*. […] There should be more concrete measures targeting Estonians to promote their openness and willingness to accept an integrated society. [emphasis added]

ACFC, (Third) Opinion on Estonia, ACFC/OP/III(2011)004, 7 November 2011, paras. 67-69.

[75] In the case of Moldova, the ACFC has also recommended to the Moldovan authorities that, in legislating or developing policies in the field of languages, they fully consider the specific features of the linguistic situation in Moldova and 'the sensitivities of the groups concerned' (ACFC, (Third) Opinion on Moldova, *op. cit.* note 49, para. 116); and that school education and the media promote tolerance and intercultural dialogue, including through public debates (paras. 87; 132).