

## **THE PARLIAMENT OF THE REPUBLIC OF MOLDOVA**

### **THE LAW ON THE SPECIAL LEGAL STATUS OF GAGAUZIA (Gagauz Yeri)**

Being guided by the principles laid out in the Constitution of the Republic of Moldova;

showing goodwill and a desire to preserve good relations that have been built up for centuries among peoples;

with the aim of satisfying the national needs and preserving the national identity of the Gagauzes, bringing about their full and comprehensive development, fostering their language and national culture, and assuring their political and economic self-reliance;

taking into consideration that the original bearer of the status of Gagauzia (Gagauz Yeri - the place where Gagauzes live) is the numerically small Gagauz people residing densely on the territory of the Republic of Moldova;

considering the priority of human rights and the necessity of combining interests common to all mankind with those of the nation;

confirming the equality of rights of all citizens who live on the territory of the autonomous territorial unit, which is being created without regard to nationality or other distinctions,

the Parliament adopts the present Law.

#### Art. 1.

1. Gagauzia (Gagauz Yeri) is an autonomous territorial unit, with a special status as a form of self-determination of the Gagauzes, which constitutes an integral part of the Republic of Moldova.
2. Gagauzia shall, within the limits of its competence, resolve by itself questions of political, economic and cultural development in the interests of all its population.
3. All the rights and liberties defined in the Constitution and legislation of the Republic of Moldova shall be guaranteed on the territory of Gagauzia.
4. In case of a change of the status of the Republic of Moldova as an independent state, the people of Gagauzia shall have the right of external self-determination.

#### Art. 2.

Gagauzia shall be governed on the basis of the Constitution of the Republic of Moldova, the present Law, other laws of the Republic of Moldova (with exceptions foreseen in the present Law), and by the Code of Gagauzia and enactments of the People's Assembly (Halk Tolpushu) of Gagauzia to degree that they do not conflict with the Constitution and legislation of the Republic of Moldova.

#### Art. 3.

1. The official languages of Gagauzia shall be Moldovan, Gagauz and Russian. The use of other languages on the territory of Gagauzia shall be guaranteed alongside the official ones.
2. The correspondence with public authorities of the Republic of Moldova, and enterprises, organisations and institutions outside Gagauzia shall be in Moldovan and Russian.

Art. 4.

Gagauzia shall have its own symbols which shall be used alongside the state symbols of the Republic of Moldova.

Art. 5.

1. Gagauzia shall include localities in which Gagauzes constitute less than fifty percent of population.
2. Localities in which Gagauzes constitute less than fifty percent of population may be included in Gagauzia on the basis of the freely expressed will of a majority of the electorate revealed during a local referendum.

Art. 6.

The land, mineral resources, water flora and fauna, other natural resources, movable and real property situated on the territory of Gagauzia shall be the property of the people of the Republic of Moldova and at the same time shall represent the economic basis of Gagauzia.

Art. 7.

The representative authority of Gagauzia shall be the People's Assembly, which shall have the power, within the limits of its competence, to enact laws.

Art. 8.

1. The People's Assembly shall be elected by electoral districts for four-year terms by universal, equal, direct, secret and free vote.
2. The numerical composition of the People's Assembly shall be established as follows: one deputy for 5000 electors with the condition that each locality shall have at least one deputy.
3. A citizen of the Republic of Moldova who has attained the age of 21 and who lives on the day of the elections in the electoral district (locality) he will represent may be a deputy of the People's Assembly.

Art. 9.

The position of deputy of the People's Assembly of Gagauzia, being a paid post, is incompatible with any kind of paid post whatsoever in other local authorities, public institutions, and business organisations.

Art. 10.

1. At its first session, the People's Assembly shall elect a Chairman of the People's Assembly (Halk Toplushu Bashi), Vice-Chairmen, and a Presidium, and shall adopt rules of order for the People's Assembly.
2. One of the Vice-Chairmen of the People's Assembly shall be chosen from among the deputies of ethnic origin other than Gagauz.

Art. 11.

1. The People's Assembly of Gagauzia shall adopt, within the limits of its competence, local laws by a majority of votes of the elected deputies.
2. The Code of Gagauzia shall be adopted by two-thirds of the votes of the elected deputies.

Art. 12.

1. The authority of the People's Assembly shall include adoption of enactments that shall be binding on the territory of Gagauzia, and the Code of Gagauzia.
2. The People's Assembly shall adopt laws in the field of:
  - a. science, culture, education;
  - b. housing management and urban planning;
  - c. health services, physical culture and sports;
  - d. local budget, financial and taxation activities;
  - e. economy and ecology;
  - f. labour relations and social security.
3. The competence of the People's Assembly shall also include:
  - a. solution in a legal manner of questions of the territorial organisation of Gagauzia, the establishment and alteration of the categories of localities, the borders of the regions, towns and villages, and their naming;
  - b. participation in the implementation of the internal and external policy of the Republic of Moldova connected with the interests of Gagauzia;
  - c. defining the structure of the organisation and activity of local public administrative authorities of Gagautia and of citizens' associations, with the exception of parties and other voluntary political organisations;
  - d. setting, organising and conducting elections of deputies for the People's Assembly and approving the composition of the Central Election Committee for carrying out the elections; setting elections for local public administrative authorities of Gagauzia;
  - e. conducting local referendums concerning questions that are within the competence of Gagauzia;
  - f. adoption of regulations on the symbols of Gagauzia;
  - g. creation of titles of honour and institution of decorations;
  - h. examination of the question and initiation of a proposal to the Parliament of the Republic of Moldova concerning the declaration of a state of emergency on the territory of Gagauzia and the introduction under such circumstances of a special form of administration in order to ensure the protection and security of the inhabitants of Gagauzia;
  - i. the right to appeal in a manner fixed by law to the Constitutional Court of the Republic of Moldova with a case concerning the voiding of enactments by the legislative and administrative authorities of the Republic of Moldova if they

- j. infringe on the authority of Gagauzia.
4. In case the Constitutional Court of the Republic of Moldova should declare void on the territory of Gagauzia enactments of the Republic of Moldova or any of their provisions, the legal relationships which arose as a result of the action of these enactments will be settled by the Parliament of the President of the Republic of Moldova.
5. The validity of a contested enactment shall be suspended until the respective decision of the Constitutional Court is made.
6. Enactments by Gagauzia that conflict with the Constitution of the Republic of Moldova and the present Law shall be declared null.

Art. 13.

1. An adopted local Law shall be signed by the Governor (Bashkan) of Gagauzia within a period of 10 days. In case of disagreement with the adopted Law, the Governor of Gagauzia shall return it for refinement.
2. Should a Law be once again approved in the People's Assembly by the votes of two-thirds of the total number of deputies, it shall be considered adopted and shall be signed by the Governor.
3. A local law shall enter into force on the day of publication if not otherwise stated in the law.
4. Laws and regulations adopted by the People's Assembly shall be brought to the attention of the Government of the Republic of Moldova within 10 days from the date of adoption.

Art. 14.

1. The highest official of Gagauzia shall be the Governor (Bashkan). All public administrative authorities in Gagauzia are subordinate to him.
2. The Governor of Gagauzia shall be elected on a contested basis for 4 years by universal, equal, direct and free vote.
3. The Governor of Gagauzia must be a citizen of the Republic of Moldova who has reached 35 years of age and who has a command of the Gagauz language.
4. The Governor of Gagauzia shall be appointed as a member of the Government of the Republic of Moldova after a decree by President of the Republic of Moldova.
5. No person shall be elected to the office of Governor of Gagauzia more than twice in a row.
6. The Governor of Gagauzia shall direct the activity of the public administrative authorities and shall be responsible for carrying out the powers vested in him by law.
7. The Governor of Gagauzia shall, in conformity with the present Law, issue decrees and orders that shall be carried out on the whole territory of Gagauzia and that shall be carried out on the whole territory of Gagauzia and shall come into force on the day of their publication.
8. The Governor of Gagauzia shall provide the People's Assembly on an annual basis reports on the activity of the public administrative authorities in Gagauzia.
9. The functions of the Governor of Gagauzia shall be suspended before his term expires in the event he does not observe the Constitution of the Republic of Moldova, the present Law, local laws, and the resolutions of the People's Assembly.
10. A decision to remove the Governor of Gagauzia from office shall be adopted by two-thirds vote of the elected deputies of the People's Assembly, but a decision to remove other officials of public administrative authorities shall require a majority of the votes of the deputies of the People's Assembly.

Art 15.

1. In case the Governor of Gagauzia is unable to discharge the powers and duties of his office because of health or other objective reason, the First Vice-Chairman of the Executive Committee (Bakannik Komiteti) of Gagauzia shall temporarily assume the duties of the office.
2. In case of removal of the Governor of Gagauzia from office or his resignation, his duties shall be delegated to the First Vice-Chairman of the Executive Committee.
3. Elections for a new Governor of Gagauzia shall be held no later than three months from the date of the vacancy.

Art. 16.

1. The permanent executive authority of Gagauzia shall be the Executive Committee, which shall be appointed by the People's Assembly at its first session for the duration of its mandate.
2. On the proposal of the Governor of Gagauzia the People's Assembly shall approve, by a vote of the majority of the deputies, the membership of the Executive Committee of Gagauzia.

Art. 17.

1. The Executive Committee of Gagauzia shall ensure:
  - a. the implementation and observance of the Constitution and of the laws of the Republic of Moldova and of the enactments of the People's Assembly;
  - b. participation in the functioning of specialised central administrative authorities of the Republic of Moldova in matters relating to the interests of Gagauzia.
  - c. The regulation in conformity with law on the whole territory of Gagauzia of property rights and the management of the economy, social and cultural development, the local budget and financial system, social security, remuneration, local taxation, environmental protection and the rational use of the natural resources;
  - d. the definition of the framework and priorities for economic development and scientific and technical progress;
  - e. the working out of programmes of economic, social, and national-cultural development and of environmental protection, and their implementation after approval by the People's Assembly.
  - f. the drawing up of the budget of Gagauzia, its submission to the People's Assembly for approval, and its execution;
  - g. the resolution of questions of ecological security, the rational use, protection and regeneration of natural resources, the setting of quarantines, and the declaration of zones affected by natural disasters;
  - h. the drawing up and carrying out programmes in the areas of education, culture, public health, physical culture and sports, social security, as well as protection and use of the historical and cultural monuments;
  - i. equal civil rights and liberties, national and civic harmony, and protection of legality and of public order;
  - j. the drawing up and promotion of a scientifically-valid demographic policy, and a programme of urban development and housing management;
  - k. the use and development of the national languages and cultures on the territory of Gagauzia.
2. The Executive Committee shall enjoy the right of initiating legislation in the People's Assembly.

3. Decrees and orders of the Governor of Gagauzia and of the Executive Committee shall be brought to the attention of the Government of the Republic of Moldova within a 10-day period from the date of adoption.

Art. 18.

1. The local budget shall include any type of payment fixed by legislation by the Republic of Moldova and by the People's Assembly.
2. The mutual relationships of the budget of Gagautia and of the state budget shall be established in conformity with the laws of the Republic of Moldova on budgetary system and on the state budget for the corresponding year in the form of fixed payments out of all forms of taxes and payments.

Art. 19.

On the recommendation of the Governor of Gagauzia the directors of the corresponding branch departments shall become members of the boards of ministries and of departments of the Republic of Moldova.

Art. 20.

1. The Tribunal of Gagauzia shall be a court of second instance in relation to inferior courts and shall examine, in the capacity of a court of first instance, the most complicated civil, administrative and penal cases.
2. Judges of the judicial bodies of Gagauzia shall be appointed by a decree of the President of the Republic of Moldova on the recommendation of the People's Assembly of Gagauzia, with the agreement of the Superior Council of Magistrates.
3. The Chairman of the Tribunal of Gagauzia shall be an ex officio member of Supreme Court of Justice.

Art. 21.

1. The Office of the Prosecutor of Gagauzia shall carry out its duties in accordance with the Law on Prosecutor's Office of the Republic of Moldova (with the exceptions foreseen in the present Law).
2. The Prosecutor of Gagauzia shall be appointed by the General Prosecutor of the Republic of Moldova on the recommendation of the People's Assembly, and shall be an ex officio member of the Board of the Prosecutor General of the Republic of Moldova.
3. Subordinate prosecutors shall be appointed by the Prosecutor General of the Republic of Moldova on the recommendation of the Prosecutor of Gagauzia, with the
4. agreement of the People's Assembly.

Art. 22.

1. The Chief of the Department of Justice of Gagauzia shall be appointed and dismissed by the Minister of Justice of the Republic of Moldova on the recommendation of the People's Assembly.
2. The Chief of the Department of Justice shall be an ex officio member of the Board of the Ministry of Justice of the Republic of Moldova.

Art. 23.

1. The Chief of the Department of National Security of Gagauzia shall be appointed and dismissed by the Minister of the National Security of the Republic of Moldova on the recommendation of the Governor of Gagauzia, after agreement by the People's Assembly.
2. The Chief of the Department of National Security of Gagauzia shall be an ex officio member of the Board of the Ministry of National Security of the Republic of Moldova.

Art. 24.

1. The Chief of the Department of Internal Affairs of Gagauzia shall be appointed and dismissed by the Minister of Internal Affairs of the Republic of Moldova on the recommendations of the Governor of Gagauzia, with the agreement of the People's Assembly.
2. The Chief of the Department of Internal Affairs of Gagauzia shall be an ex officio member of the Board of the Ministry of Internal Affairs of the Republic of Moldova.
3. Commissars of the police commissariats of Gagauzia shall be appointed and dismissed by the Chief of the Department of Internal Affairs of Gagauzia on behalf of the Minister of Internal Affairs of the Republic of Moldova.
4. The Chief of the municipal police of the Department of Internal Affairs of Gagauzia shall be appointed and dismissed by the Governor of Gagauzia on a proposal by the Chief of the Department of Internal Affairs of Gagauzia and shall operate subordinate to the latter.
5. The Commander of the sub-unit of the Carabineer troops (Interior forces) shall be appointed and dismissed by the Minister of Internal Affairs of the Republic of Moldova on the proposal of the Governor of Gagauzia.

Art. 25.

The Republic of Moldova shall be the guarantor of the complete and unconditional implementation of the powers of Gagauzia defined in the present Law.

Art. 26.

The administrative centre of Gagauzia shall be determined as the result of a local referendum.

Art. 27.

1. The present Law shall be an organic law.
2. Changes and amendments to the present Law require three-fifth of the elected deputies of the Parliament of the Republic of Moldova.

Speaker of the Parliament

*Petru Lucinschi*

Cisinau, 23 December 1994.

No. 344-XIII

[Source: OSCE Mission to Moldova, Office translation]

