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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

THE PARLIAMENT OF THE REPUBLIC OF MOLDOVA

**LAW ON THE SPECIAL LEGAL STATUS
OF GAGAUZIA (GAGAUZ YER)**

THE PARLIAMENT OF THE REPUBLIC OF MOLDOVA

LAW

ON THE SPECIAL LEGAL STATUS OF GAGAUZIA (GAGAUZ YERİ)

- Guided by the principles of the Constitution of the Republic of Moldova;
- Expressing its good will and desire to preserve the good relations which have existed for centuries between the peoples;
- With a view to satisfying the national aspirations of the Gagauz people, preserving their identity, promoting their fullest possible development in every respect, enhancing their language and national culture and ensuring their political and economic autonomy;
- Considering that the original bearer of the status of Gagauzia (Gagauz Yeri - area where the Gagauzes live) is the small Gagauz people living in a compact way in the territory of the Republic of Moldova;
- Giving priority to human rights and the need to combine universal and national interests;
- Reaffirming the equality of all citizens living in the newly created autonomous territorial entity, irrespective of national affiliation or other characteristics;

The Parliament of Moldova hereby adopts the present law.

Article 1

1. Gagauzia (Gagauz Yeri) is an autonomous territorial entity with a special status as a form of the self-determination of the Gagauz, forming an integral part of the Republic of Moldova.
2. Gagauzia shall independently settle, within the limits of its jurisdiction, questions concerning political, economic and cultural development in the interests of the population as a whole.
3. Within the territory of Gagauzia all rights and freedoms provided for in the Constitution and legislation of the Republic of Moldova shall be guaranteed.
4. In the event of a change in the status of the Republic of Moldova as an independent State, the people of Gagauzia shall have the right to external self-determination.

Article 2

Administration in Gagauzia shall be conducted on the basis of the Constitution of the Republic of Moldova, the present law and other laws of the Republic of Moldova (except where otherwise provided in the present law) as well as of the Legal Code of Gagauzia and the legal Acts of the People's Assembly (Halk Toplushy) of Gagauzia, which shall be compatible with the former.

Article 3

1. The official languages of Gagauzia shall be Moldovan, Gagauz and Russian. Moreover, the use of other languages, parallel to the official languages, shall be guaranteed in the territory of Gagauzia.

2. Correspondence with the organs of public administration of the Republic of Moldova, as well as with enterprises, organisations and establishments located outside the borders of Gagauzia, shall be conducted in Moldovan and Russian.

Article 4

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

Article 5

1. Localities where Gagauzes constitute more than 50% of the population shall form part of Gagauzia.

2. Localities where Gagauzes constitute less than 50% of the population may be included in Gagauzia on the basis of the will of the majority of the electors, as freely expressed in a local referendum conducted at the request of at least one-third of the electorate of the locality in question.

3. The localities referred to in paragraphs (1) and (2) of this article shall be included in Gagauzia in the light of the results of a local referendum conducted by the Government of the Republic of Moldova in each locality.

4. Localities included in Gagauzia shall retain the right to withdraw from Gagauzia by means of a local referendum conducted at the request of at least one-third of the electorate not earlier than one year from the date of their inclusion in Gagauzia.

Article 6

Land, mineral deposits, water, flora and fauna, other natural resources and movable and immovable property situated in the territory of Gagauzia shall be the property of the people of the Republic of Moldova whilst constituting the economic basis of Gagauzia.

Article 7

The representative body of Gagauzia shall be the People's Assembly, which shall be empowered to adopt legal Acts within the limits of its competence.

Article 8

1. The People's Assembly of Gagauzia shall be elected according to territorial regions for a four-year period on the basis of universal, equal and direct suffrage and by secret and free ballot.

2. The number of deputies in the People's Assembly shall not exceed one for every 5,000 electors, but every locality shall have at least one deputy.

3. A citizen of the Republic of Moldova who has reached the age of twenty-one and who, at the time of the elections, is living in the territory of the territorial district (locality) he or she is to represent may be a deputy of the People's Assembly.

Article 9

The office of deputy of the People's Assembly of Gagauzia, which shall be remunerated, shall be incompatible with any other remunerated office in other local organs, public establishments or enterprises.

Article 10

1. At its first sitting the People's Assembly of Gagauzia shall elect the President of the People's Assembly (Halk Toplushu Bashi), and the Vice-Presidents, (Bureau) and shall adopt its Rules of Procedure.

2. One of the Vice-Presidents of the People's Assembly shall be chosen from among the deputies whose ethnic origin is other than Gagauz.

Article 11

1. The People's Assembly of Gagauzia shall within the limits of its competence, adopt local laws by a majority of the votes of the elected deputies.

2. The Legal Code of Gagauzia shall be adopted by a two-thirds majority of the elected deputies.

Article 12

1. The People's Assembly shall have the power to adopt legal instruments mandatory in the territory of Gagauzia, as well as the Legal Code of Gagauzia.

2. The People's Assembly shall adopt local laws in the following fields:

- a. science, culture and education;
- b. housing and public services and utilities;
- c. health care, physical culture and sport;
- d. local budgetary, financial and fiscal activities;
- e. the economy and ecology;
- f. labour relations and social security.

3. In addition, the competence of the People's Assembly shall include:

- a. the regulation, in accordance with the procedure laid down by law, of questions concerning the regional planning of Gagauzia, the establishment and revision of categories of localities, boundaries of regions, towns and villages and the naming and renaming thereof;

- b. participation in the implementation of home and foreign policies of the Republic of Moldova with regard to matters affecting the interests of Gagauzia;
- c. the determination of procedure governing the organisation and activities of the organs of local public administration of Gagauzia as well as associations of citizens, with the exception of political parties and other socio-political organisations;
- d. the scheduling, organisation and conduct of elections of deputies to the People's Assembly and the ratification of the membership of the Central Electoral Commission for the conduct of elections; the scheduling of elections to Gagauz local public administration;
- e. the conduct of local referenda on questions falling within the jurisdiction of Gagauzia;
- f. the approval of regulations on the symbols of Gagauzia;
- g. the adoption of honorary titles and the approval of awards;
- h. consideration of the question of, and the submission of motions to the Parliament of Moldova concerning the declaration of a state of emergency in the territory of Gagauzia as well as the introduction in such cases of a special form of government to ensure the protection and safety of the people of Gagauzia;
- i. the right of submission to the Constitutional Court of the Republic of Moldova in accordance with the procedure prescribed by law, of the question of declaring invalid legal Acts of the legislative and executive authorities of the Republic of Moldova in case of infringement of the powers of Gagauzia;

4. Where the Constitutional Court of the Republic of Moldova has declared invalid in the territory of Gagauzia legal Acts of the Republic of Moldova or individual provisions thereof, the Parliament or the President of the Republic of Moldova shall regulate the legal aspects resulting from the implementation of such Acts;

5. Implementation of contested Acts shall be suspended pending a decision of the Constitutional Court.

6. Legal Acts of Gagauzia which contradict the Constitution of the Republic of Moldova and the present law shall be declared invalid.

Article 13

1. A local law shall be signed by the Head (Bashkan) of Gagauzia within ten days from its adoption. If the Head of Gagauzia disagrees with the law, it shall be referred back for further drafting.

2. If the local law is approved for a second time by the People's Assembly by a two-thirds majority of all the deputies, it shall be deemed adopted, and the Head shall be obliged to sign it;

3. A local law shall come into force on the date of its publication, unless otherwise provided in the text of the law itself.

4. Laws and Decrees adopted by the People's Assembly shall be forwarded to the Parliament and the Government of the Republic of Moldova for information within 10 days from their adoption.

Article 14

1. The highest official of Gagauzia shall be its Head (Bashkan). All organs of public administration shall be subordinate to him.

2. The Head of Gagauzia shall be elected for a term of four years on the basis of universal, equal and direct suffrage and by a free and secret ballot on an alternative basis.

3. The Head of Gagauzia shall be a citizen of the Republic of Moldova who has reached the age of 35 and speaks the Gagauz language.

4. The Head of Gagauzia shall be confirmed, by a decree of the President of the Republic of Moldova, as a member of the Government of Moldova.

5. No one may hold the office of Head of Gagauzia for more than two successive terms.

6. The Head of Gagauzia shall direct the activities of the organs of public administration and shall be responsible for the exercise of the powers vested in him by law.

7. The Head of Gagauzia shall, in accordance with the present law, issue mandatory decisions and orders which shall enter into force throughout the territory of Gagauzia on the day of their publication.

8. The Head of Gagauzia shall each year inform the People's Assembly of the activities of the organs of public administration of Gagauzia.

9. The powers of the Head of Gagauzia may be terminated prematurely in the event of his failure to observe the Constitution of the Republic of Moldova, the present law, local legislation or decisions of the People's Assembly or in the event of his committing a criminal offence.

10. A decision to dismiss the Head of Gagauzia shall be taken by a two-thirds majority of the elected deputies of the People's Assembly; decisions to dismiss other officials of organs of public administration shall be taken by a simple majority of the deputies of the People's Assembly.

Article 15

1. If, for reasons of health or other objective reasons, the Head of Gagauzia is unable to perform his duties, the temporary performance of his duties shall be entrusted to the First Vice-Chairman of the Executive Committee (Bakannyk Komiteti) of Gagauzia.

2. In the event of the dismissal or resignation of the Head of Gagauzia, his duties shall be entrusted to the First Vice-Chairman of the Executive Committee.

3. New elections shall be held within three months from the date on which the office of Head of Gagauzia falls vacant.

Article 16

1. The permanent executive organ of Gagauzia shall be the Executive Committee, which shall be set up by the People's Assembly at its first sitting for the duration of its mandate.

2. On a proposal from the Head of Gagauzia, the membership of the Executive Committee shall be confirmed by a majority vote of deputies of the People's Assembly.

Article 17

1. The Executive Committee of Gagauzia shall have responsibility for:

- a. the implementation and observance of the Constitution and laws of the Republic of Moldova as well as of the legal Acts of the People's Assembly;
- b. participation in the activities of the organs of central public administration of the Republic of Moldova regarding matters affecting the interests of Gagauzia;
- c. in accordance with the law, throughout the territory, regulation of property relations, management of the economy, social and cultural system, local budgetary and financial arrangements, social security, remuneration, local taxation, protection of the environment and the rational use of natural resources;
- d. the definition of the structure and priority objectives of economic development and scientific and technological progress;
- e. the drawing up of programmes for economic, social and national-cultural development and, the protection of the environment, as well as the implementation thereof 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 settlement of questions concerning ecological safety, rational use, protection and reproduction of natural resources, introduction of quarantine and declaration of natural disaster areas;
- h. drawing up and implementation of programmes in the fields of education, culture, public health, physical education and sport, social security as well as the protection and use of historical and cultural monuments;
- i. equality of rights and freedoms between citizens, civil and national consensus, rule of law and maintenance of public order;
- j. drawing up and implementation of a scientifically based demographic policy and the establishment of programmes for town planning and development of housing and public services;
- k. functioning and development of national languages and cultures in the territory of Gagauzia;

2. The Executive Committee shall have a right of legislative initiative in the People's Assembly;

3. Decisions and orders of the Head of Gagauzia and the Executive Committee shall be forwarded, for information, to the Government of the Republic of Moldova within ten days from their adoption.

Article 18

1. The budget of Gagauzia shall consist of such receipts as shall be determined by the legislation of the Republic of Moldova and by the People's Assembly.

2. Relationship between the budget of Gagauzia and the State budget shall be determined in accordance with the laws of the Republic of Moldova on the budgetary system and on the State budget for the relevant year and shall take the form of fixed amounts deriving from the various taxes and revenues.

Article 19.

On a proposal from the Head of Gagauzia, the heads of the respective branch departments shall be members of colleges of ministries and other relevant bodies of the Republic of Moldova.

Article 20

1. The Court of Gagauzia shall be a court of second instance in relation to the lower courts and shall deal as a court of first instance with most complicated civil, administrative and criminal cases.

2. The judges of the judicial authorities of Gagauzia shall be appointed by a decree of the President of the Republic of Moldova on a proposal from the People's Assembly, in agreement with the Higher Council of the Judiciary.

3. The President of the Court of Gagauzia shall be an ex officio member of the Supreme Judicial Chamber.

Article 21

1. The office of the Procurator of Gagauzia shall perform its functions in accordance with the law on the office of the Procurator of the Republic of Moldova, except where otherwise provided in the present law.

2. The Procurator of Gagauzia shall be appointed by the Procurator General of the Republic of Moldova on a proposal from the People's Assembly and shall be an ex officio member of the College of the Office of the Procurator General of the Republic of Moldova.

3. Lower standing procurators of Gagauzia shall be appointed by the Procurator General of Moldova, in agreement with the People's Assembly.

Article 22

1. The Head of the Department of Justice of Gagauzia shall be appointed and dismissed by the Minister of Justice of the Republic of Moldova on a proposal from the People's Assembly.

2. The Head of the Department of Justice of Gagauzia shall be an ex officio member of the College of the Ministry of Justice of the Republic of Moldova.

Article 23

1. The Head of the Department of National Security of Gagauzia shall be appointed and dismissed by the Minister of National Security of the Republic of Moldova on a proposal from the Head of Gagauzia after its approval by the People's Assembly.

2. The Head of the Department of National Security of Gagauzia shall be an ex officio member of the College of the Ministry of National Security of the Republic of Moldova.

Article 24

1. The Head of the Department of the Interior of Gagauzia shall be appointed and dismissed by the Minister of the Interior of the Republic of Moldova on a proposal from the Head of Gagauzia in agreement with the People's Assembly.

2. The Head of Department of the Interior of Gagauzia shall be an ex officio member of the College of the Ministry of the Interior of the Republic of Moldova.

3. Commissioners of the police commissariats of Gagauzia shall be appointed and dismissed by the Head of the Department of the Interior of Gagauzia acting on behalf of the Minister of the Interior of the Republic of Moldova.

4. The head of the municipal police of the Department of the Interior of Gagauzia shall be appointed and dismissed by the Head of Gagauzia on a proposal from the Head of the Department of the Interior of Gagauzia to whom he shall be operationally subordinate.

5. The commander of the unit of carabinieri (internal forces) shall be appointed and dismissed by the Minister of the Interior of the Republic of Moldova on a proposal from the Head of Gagauzia.

Article 25.

The Republic of Moldova shall be the guarantor of full and unconditional exercise of the powers of Gagauzia as defined in the present law.

Article 26.

The administrative centre of Gagauzia shall be determined by local referendum.

Article 27

1. The present law shall be an organic law.

2. Amendments and additions to the present law shall require the support of a three-fifths majority of the elected deputies of the Parliament of the Republic of Moldova.

The President of the Parliament
Petru Luchinski

Chisinau, 23 December 1994
No. 344-XIII

THE PARLIAMENT OF THE REPUBLIC OF MOLDOVA

RESOLUTION

**on the entry into force of the Law on the Special Legal Status
of Gagauzia (Gagauz Yeri)**

The Parliament hereby adopts the present resolution.

Article 1. The Law on the Special Legal Status of Gagauzia (Gagauz Yeri) shall enter into force on the day of its publication.

Article 2. Within one month of the date of publication of the Law, the Government:

shall present to the Parliament proposals for bringing current legislation into conformity with the said law;

shall bring its legal Acts into conformity with the said law;

shall ensure that ministries and departments review and amend their legal Acts which conflict with the said law;

shall draw up and adopt temporary regulations on a local referendum;

shall draw up and adopt temporary regulations on the election of the Head of Gagauzia and temporary regulations on elections to the People's Assembly of Gagauzia on the basis of the Law on Local Elections.

Article 3. The Government shall, by 1 February 1995, form a joint commission from its own representatives and representatives of organs of local public administration of certain localities in the south of the Republic of Moldova for the purpose of:

- supervising the bringing into force of the said law;
- organising and conducting a local referendum in certain localities in the south of the Republic of Moldova in accordance with Articles 5 and 26 of the said law;
- organising and conducting elections to the People's Assembly and the election of the Head of Gagauzia.

Article 4. The Government shall, by 1 February 1995 set aside from the State budget the financial resources required for implementing the provisions of Article 3 of the present resolution.

Article 5. This resolution shall enter into force on the day of its adoption.

THE PRESIDENT OF PARLIAMENT
Petru Luchinski

Chisinau, 23 December 1994
No. 345-XIII.

THE PRESIDENT OF THE REPUBLIC OF MOLDOVA

DECREE

**on the promulgation of the Law on the Special
Legal Status of Gagauzia (Gagauz Yeri)**

In application of Article 93 of the Constitution of the Republic of Moldova,

The President of the Republic of Moldova decrees, as follows:

Article 1. Law No. 344-XIII of 23 December 1994 "on the special legal status of Gagauzia (Gagauz Yeri)" shall be promulgated.

Article 2. The present decree shall enter into force on the day of its publication.

The President of the Republic of Moldova
MIRCHA SNEGUR

Chisinau, 13 January 1995
No. 10-R