

Federalism, national identity and over-coming frozen conflicts: Moldova's experience

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In the Republic of Moldova struggles for independence and over national identity in the late 1980s and the early 1990s resulted in two conflicts with the Gagauz minority and separatists in the region of Transnistria. In this paper we compare and contextualize the settlement processes and pay specific attention to Chisinau's perceptions of the two conflicts. Our analysis highlights how Gagauz autonomy and Transnistrian separatism are situated in the complex relationship between geopolitics and domestic identity politics that reproduces cleavages among Moldova's political stakeholders. This is a major obstacle to a coherent position of Chisinau and the implementation of autonomy arrangements in both cases.

Keywords: Moldova, federalism, divided society, Gagauzia, Transnistria, geopolitics, conflict settlement

Introduction

The Republic of Moldova is a multi-ethnic state where roughly 25 percent of the population are ethnic minorities, and for roughly the same share Moldovan/Romanian is not the language of daily use. Struggles for independence and over national identity in the late 1980s and the early 1990s resulted in two conflicts with ethnic minorities and pro-Soviet elites. Transnistria, a small strip of land between the Nistru/Dniester River and the border with Ukraine, declared independence in 1990 and has since then *de facto* existed as a separate entity without international recognition. The conflict with the Gagauz, a Turkic-language speaking people in Moldova's south, on the other hand, could eventually be resolved peacefully by an autonomy arrangement. This special issue poses the question whether and how federalism can be a successful tool for conflict resolution in divided societies. No unequivocal answers are to be expected from literature (see Brown, 2009; Cameron, 2009; Erk & Anderson, 2009). On the one hand, institutional mechanisms – the division of powers, representation in central institutions, integration of legal systems as well as decisions over shared or separated

jurisdictions and the like (see Erk & Anderson, 2009, p. 197) – can contribute to satisfying a group’s desire of self-determination and help to accommodate grievances. On the other hand, such institutional details may be unable to “exorcise the demons” (Roeder 2009, p. 207), as they deepen and solidify the existing divisions and may foster independence and secessionist tendencies. In this paper we compare the autonomy agreement with Gagauzia and the Transnistrian settlement process in order to identify relevant factors for the different outcomes. We pay specific attention to the political context and the configuration of interests in which federalism and autonomy is discussed in each of the cases. In line with this view we contend that whether or not federalism is rewarded with success, depends on the political processes by which actors agree on, and maintain a stable institutional order (see Roeder, 2009; Protsyk, 2010).

Geography & Population

The Republic of Moldova, landlocked between Romania to the West and Ukraine, is a former Soviet republic that declared independence in August 1991. As of 1 January 2019, the resident population amounted to 2,681,735.¹ The constitution² from 1994 outlines Moldova as a unitary state (Art. 1). The Republic is administratively divided into 32 districts (raions), 5 municipalities as well as the autonomous region of Gagauzia in the country’s south and the Transnistrian region in the east, officially referred to as the “administrative-territorial units on the left bank of the Dniester River”.³

Since 2003 Gagauzia’s autonomy is guaranteed by the Moldovan constitution (Art. 111) and is regulated by the 1994 Law on the Special Legal Status of Gagauzia, granting political, socio-economic and cultural self-determination. Gagauzia has three official languages: Moldovan, Gagauz and Russian. Official languages in Transnistria are Moldovan

(written in Cyrillic script), Russian and Ukrainian.⁴ The language *de facto* spoken by the majority of the population in both entities is Russian.

Moldova is a multi-lingual and multi-ethnic country where the ethnic or linguistic boundaries do not coincide with the administrative units.⁵ According to the census from 2014, Moldovans constitute 73.7% of the country's population. The largest minority groups are Ukrainians (6.5%), Russians (4.0%), Gagauz (4.5%), Romanians (6.9%), Bulgarians (1.8%) and Roma (0.3%). In 2014 55.1% declared Moldovan their mother tongue and 53% the language of their daily use; 22.8% named Romanian as their mother tongue and 23.3% as language of their daily use. Russian, on the other hand, was the mother tongue for 9.4% and the language of daily use for 14.1%. More than one third of those who identified as Ukrainians, Gagauz or Bulgarians named Russian as their language of daily use.⁶ This historically grown importance of the Russian language not only for the ethnic Russian population but also for other ethnic groups, leads in public discourse frequently to a generalisation of all ethnic minorities under the label 'Russian-speakers' (see for example Groza et al., 2018, p. 7). The current legal status of the Russian language is ambiguous. A law from 1989 that protected Russian as language of inter-ethnic communication was declared obsolete by the Constitutional Court in June 2018. At the same time, the Court stressed the state's obligations under international law to protect the rights of national minorities.⁷

Notions of identity and community

The fact that 22.8% declared Romanian as their mother tongue does not mean that this share actually speaks a different language than those who declared Moldovan their mother tongue. The use of different names for the majority language – and, in fact, the state language – hints to conflicting notions of the majority population's national identity and, in a wider sense, of Moldova's statehood. 'Moldovanism' emphasizes the distinctiveness of a Moldovan from the

Romanian nation, discernible also by differing denominations for the respective nation's language. 'Romanianism', on the other hand, promotes the linguistic, cultural and historical ties with Romania and, in its political conception, an eventual re-union with the Romanian 'motherland'. 'Moldovan' in this conception is perceived as a geographical indicator rather than a national identity. Both notions have recourse to historical facts, but interpret them differently and subsequently use these interpretations as basis for the construction of different notions of belonging.

Proponents of a separate Moldovan ethnic/national identity see the medieval Principality of Moldova as today's Moldova's predecessor state.⁸ 'Romanianists' claim that the Principality ceased to exist in 1859 when it united with the Principality of Wallachia and later became Romania. In their reading, from then on the Principality's history was Romanian history and since Bessarabia (the western part of today's Republic of Moldova, between the Prut and Nistru/Dniester Rivers) had been separated only by force from the Principality of Moldova in 1812, its rightful place was with Romania, too.⁹

In 1918, Bessarabia united with Romania, a decision that was never accepted neither by the Russian nor, later, the Soviet rulers. As a result of the Ribbentrop-Molotov-Pact, the Soviet Union annexed Bessarabia in 1940 and established the Moldovan Socialist Soviet Republic (MSSR). Romania, siding with Germany, re-took control over Bessarabia in 1941 and also brought the region east of the Nistru/Dniester River, including today's Transnistria, under their control. In 1944, the Red Army returned and in 1945, the Soviets re-established the MSSR within its borders of 1940 (King, 2000, pp. 91-94); it would exist until Chisinau's Declaration of Independence on 27 August 1991. The Soviet regime promoted the notion of a separate Moldovan people speaking the Moldovan language, which was written in Cyrillic script, in contrast to Latin-script Romanian. Moldovanism, the theory of 'two languages, two people' – Moldovan and Romanian – became the official ideology.

Even the notion of a *civic* Moldovan identity is therefore problematic for those who perceive *any* Moldovan identity as a Soviet invention. Moreover, traditionally the parties that promote a Moldovan identity, separate from Romanian, are the same parties that promote closer ties with Russia. Therefore, the conception of identity is not only linked to language and historiography but also (geo-)political preferences. Depending on which parties are in power, one or the other concept dominates political discussion and law-making processes. While Romanianism was indeed the driving force – at times the radical force – behind Moldova's independence, Moldovanism returned to become the dominant view in the early 1990s. The Party of Communists, the most direct heir of the Communist Party during the Soviet era, which formed the government between 2001 until 2009, as well as nowadays the Party of Socialists and their former leader President Igor Dodon, are the main proponents of this view. On the other side of the ideological spectrum are several pan-Romanian parties. Most prominent among them is the Liberal Party, which failed to make it into parliament in the 2019 elections.

The transition period

In the late 1980s, in the course of glasnost and perestroika, critics of the Soviet language ideology began to speak out publicly for the first time. In Moldova, demands were made to abandon the idea of 'two languages, two peoples' and to declare Moldovan the state language to be written with the Latin alphabet. The Moldovan Communist leadership was reluctant to meet these demands and many Russian-speakers equally feared disadvantages in a changing linguistic environment. The debate gathered additional momentum with the formation of the pan-Romanian Popular Front in May 1989. In August 1989, the Moldovan Supreme Soviet eventually adopted laws making Moldovan the state language and providing for transition to the Latin alphabet. Russian was declared the language of interethnic communication on the

territory of the MSSR.¹⁰ The Gagauz and the population in Transnistria had meanwhile formed their own (nationalist) movements and claimed they were fighting against forced Romanisation and linguistic (and thus ethnic) discrimination. The fact that the Popular Front had started to speak openly in favour of unification with Romania and developed a decidedly anti-Russian attitude exacerbated the tensions.

While the conflict with the Gagauz people eventually could be resolved peacefully, the conflict with Transnistria grew into a full scale armed conflict in spring 1992. Russian forces, in particular the 14th Army of the Soviet Red Army stationed in Tiraspol, directly intervened in the conflict on the side of the Transnistrian local leadership. In July 1992, Moldovan president Mircea Snegur and Russian president Boris Yeltsin signed a peace agreement which established a demilitarized zone between the conflict parties. The peace agreement is overlooked by a multinational peacekeeping force consisting of Russian, Moldovan and Transnistrian troops. In addition, a few thousand Russian troops remain illegally¹¹ stationed in Transnistria (Vahl & Emerson, 2004, pp. 159-162). In contrast to Russia's military and economic support for Transnistria's separatism, Gagauzia could not count on support of external actors or kin states (King, 1997, pp. 747-749). This has contributed to the positive perception of the legitimacy of Gagauzia's autonomy claims by the central authorities and the majority population.

The Autonomous Territorial Unit (ATU) Gagauzia

In the early 1990s several reforms like the opening of a Gagauz section at the Moldovan Academy of Science, the establishment of a Gagauz University in Comrat, the capital of Gagauzia, and native language education in Gagauz led to a conciliatory tone between Comrat and Chisinau (King, 1994, p. 362). A speech in the 1994 election campaign by the back then Moldovan President Mircea Snegur found strong support among ethno-lingual minorities.

Asserting a ‘Moldovanist’ viewpoint, Snegur denounced pan-Romanianism and emphasised the historical legitimacy of a Moldovan state and the distinctiveness of the Moldovan nation, thus appeasing fears of Romanianist domination (King, 1994, pp. 354-357).

In December 1994, the Moldovan Parliament adopted a Law on the Special Legal Status of Gagauzia¹² that resolved the dispute peacefully, granting Gagauzia the status of a ‘national-territorial autonomous unit’ (ATU) with the three official languages Moldovan, Russian and Gagauz. The cornerstones of the autonomy law are the establishment of the territorial boundaries of the ATU, the specification of procedures and powers with regards to the internal organization (i.e. the establishment of the Gagauz People’s Assembly and the Bashkan, the Governor of Gagauzia), and the specification of competences residing with the Gagauz authorities. The law does not grant participation in the legislative process on the federal level or other significant power-sharing mechanisms.¹³ The application of the law in the following years was not without problems. Oleh Protsyk (2010) observed that, compared to similar agreements, like the autonomy agreement for South Tyrol, the autonomy law’s content is much shorter and bears a high degree of vagueness. For example, while Article 12 specifies the policy areas of legislative competence of the ATU, it is nowhere specified what type of decision-making rights are envisioned in each of these policy areas. Furthermore, in comparison to the agreement for South Tyrol, the law does not provide Gagauz authorities with elaborate mechanisms to effect legal changes. As a result, several appeals for amendments on behalf of the Gagauz Bashkan did not find sufficient support in the Moldovan Parliament (Protsyk, 2010, p. 243).¹⁴ On the other hand, the Gagauz authorities increasingly felt encroachment of their autonomy by laws that were unilaterally passed by the central authorities and applied to the whole territory of Moldova (Protsyk, 2010, pp. 240-245).

In February 2014, as a response to the initialling of the Association Agreement with the EU, Gagauzia held a referendum in which the vast majority voted for Moldova to join the

Russian-led Eurasian Customs Union, and declare independence of Gagauzia if Moldova was to lose its sovereignty.¹⁵ The referendum was declared illegal by the central authorities and condemned by the centre-right parties in Chisinau. The referendum effected the establishment of an inter-parliamentary working group, composed by representatives of the Gagauz People's Assembly and the Moldovan Parliament. The major objectives of the working group were to strengthen the legal basis of Gagauz autonomy, clarify the distribution of competences, and strengthen Gagauzia's economic activities (Berbeca, 2017).¹⁶ One of the major achievements of the continued dialog was the creation of a Gagauzia Regional Development Agency which should help to strengthen the socio-economic situation of the ATU. In terms of much-needed amendments to the autonomy law the results are rather meagre. By 2018 the working group had passed 11 proposals for amending legislation but only four of them found support in the Moldovan Parliament (CMI, 2018). The meagre results are owed to a conceptual shortcoming concerning the set-up of the working group. Instead of being directly enacted – for example by the Moldovan government – the legal changes proposed by the working group were subject to ordinary legislative procedures in the Moldovan parliament and as such exposed to the usual pro and contra bargaining among the political stakeholders. During this procedure, changes to the proposals were made without consultations of the working group and the Gagauz authorities and the Gagauz representatives in the working group withdrew their support.¹⁷

The Transnistrian settlement process

The Transnistrian conflict is substantially more complicated, as it not only roots in majority-minority relations but a convolution of factors, including self-serving Transnistrian political elites, and continuing Russian military and economic support for the Transnistrian region (Kaufmann, 2001, Chapter 5). The notion of a 'Transnistrian people' did not exist prior to the

comprehensive identity-building project pursued by the Transnistrian leadership, specifically the first ‘President’ Igor Smirnov. Instead of rapprochement between Chisinau and Tiraspol, secessionist claims were emphasized and even naturalized throughout the 1990s and early 2000s (Cojocaru, 2006). While the autonomy arrangement for the Gagauz falls under the category of ethnofederalism¹⁸ with some particularities¹⁹, the territorial borders of Transnistria are mainly defined by geography (the Nistru/Dniester River). From the outset, claims were voiced that there was nothing to distinguish Transnistria from the rest of the country, as Transnistria is ethnically composed by roughly one third Moldovans, one third Ukrainians and one third Russians, like other parts of right-bank Moldova. The first assessment by the international community in 1993, the CSCE Mission to Moldova, came to the conclusion that autonomy claims were legitimate on the grounds of a distinct feeling of identity. The distinctiveness did not rest on ethnic features but existed in lingual and historical terms and was politically manifest by “a deeply-rooted distrust of Chisinau in many unofficial Transdnistrians” (CSCE, 1993, p. 3), including ethnic Moldovans. The CSCE argued that Transnistria could neither be successfully governed within a centralized state, nor was their claim for international recognition or a confederation justified (CSCE, 1993, p. 1). This assessment framed the future debate on federalism around concepts like ‘asymmetric federation’, ‘special status’ and ‘territorial autonomy’ in which two territorial units – Gagauzia and Transnistria – were to be granted autonomy rights. Cases of reference were the asymmetrical federal arrangement of South Tyrol/Italy and the Åland Islands/Finland. In 1992 ‘The permanent conference on political issues in the framework of the negotiating process for Transdnistriian settlement’ was set up. It initially included the conflict parties, Transnistria and Moldova, as well as the OSCE (former CSCE), Russia and Ukraine as mediators. In 2005 the EU and the USA joined the negotiations as observers on Chisinau’s initiative. The format became known as the ‘5+2’ negotiations.

In the early 2000s the political context in Chisinau turned favourable for a resolution of the conflict. Moldova's President Vladimir Voronin, whose Party of Communists won a landslide victory in the 2001 parliamentary elections, promoted the idea that Moldova should turn into a federal state and that Transnistria should become the co-author of a future Moldovan constitution (Protsyk 2005, p. 74). The so-called Kiev Document was presented in July 2002 by the mediators.²⁰ It set out Moldova as democratic federal state on a contractual basis in which state-territorial units were to be established. It stood in rather sharp contrast to the constitution of 1994 that defines Moldova as a centralized unitary state. The division of power between the state authorities and the authorities of the state-territorial units was to be ensured by lists of exclusive competences for the state territorial units and joint competences between the territorial units and the state authorities. However, the proposal had several weaknesses (International Crisis Group, 2003, pp. 16-24; Coppieters & Emerson, 2002). For example, it missed to specify the number of state-territorial units, leaving the question whether Moldova was to become an asymmetric or a symmetric federation untouched; other issues were the excessive list of joint competences, which made future conflicts between the central authorities and the state-territorial units likely. However, it was not the institutional details outlined in the proposal that caused major reservations in Chisinau – also among Vladimir Voronin's Communists – but the idea of a 'federation on contractual basis' between two equal subjects, as it was perceived as implying the recognition of Transnistria as a subject of international law (International Crisis Group, 2003, pp. 8-13).

Another proposal, the so-called Kozak Memorandum²¹, was put forward by the Russian side in 2003. It outlined Moldova as a neutral, demilitarised asymmetric federation consisting of the territories of Transnistria, Gagauzia and the truncated rest of Moldova. Similar to the Kiev Document, power-sharing was to be ensured by a list of joint and exclusive competences for the federal states and central authorities. Most importantly, both

documents envisaged a bi-cameral system on the federal level in which the second chamber (called Senate in the Kozak Memorandum and Chamber of Legislators in the Kiev Document) would ensure participation on the federal level. Due to overrepresentation of Transnistria and Gagauzia in the second chamber, the Kozak Memorandum would have ensured veto-power for both entities together on federal legislation (Art. 9). The Kiev Document specified that federal states should be represented by an equal number of votes (Art. 26), but the overrepresentation and the actual influence on legislation was unclear as the number of federal states was not specified. The question how much power should reside with the federal units was highly relevant. Many political stakeholders in Chisinau were extremely sceptical towards Transnistrian influence in Chisinau, as it invoked fear to opening a ‘back door’ for Russia’s influence on Moldova’s legislature (International Crisis Group, 2003, p. 15). From a Transnistrian perspective, on the other hand, the Kiev Document did not go far enough in terms of influence on the federal level.

The major debate on federalism in the context of the Transnistrian settlement process was, whether federalism would include a significant degree of power-sharing on the federal level, as suggested by the Kiev-Document or the Kozak Memorandum, or whether it was to be understood as an autonomy arrangement, where powers are devolved to the federal units but where no significant participation on the federal level is granted. Apart from the political arguments that were put forward against Russian back-door influence, literature has deemed power-sharing arrangements with two or three federal units as unlikely to be very stable (Erk & Anderson, 2009, p. 197; McGarry & O’Leary, 2009, pp. 19-20). Indeed, Transnistria or truncated Moldova would likely turn into “proto-nation states” (Roeder, 2009, p. 204) within the larger state. This would bring to the fore the secession-enabling character of federalism, or at least the risk to ‘institutional blockage’ à la Bosnia (see Keil & Bieber, 2009). In the same vein, O’Leary (2001) argues in favour of majoritarian federation²² if a core ethnic group is

present and if the number of federal units is relatively small. His argument is that such dominant groups feel secure to live with concessions, and possess the demographic strengths to resist minority groups' secessionist tendencies (McGarry & O'Leary, 2009, p. 15). The autonomy arrangement with Gagauzia would here be a case in point, as the majority population was indeed willing to grant significant autonomy rights. However, as argued above, without any specific procedures of how to amend the autonomy agreement, Gagauzia was inadequately equipped to counteract gradual encroachment. Gagauzia therefore closely follows negotiations with Transnistria and holds the view that there should be no differences between the autonomy granted to Gagauzia and an eventual autonomy agreement with Transnistria (Cojocari, 2019).

Neither President Voronin's federalisation initiative, nor the settlement proposals were supported by right and centre-right parties, nor was there broad consensus among the political stakeholders on how to deal with the Transnistrian issue at all. Voronin's ability to garner support for a solution of the Transnistrian issue as undermined by concerns about the legitimacy of Transnistria's independence claims and the lack of democracy in the region. Many stakeholders and civil society representatives viewed Transnistria as an authoritarian and criminal entity in which elites pursued their own self-serving interests with Russian support (Protsyk, 2005, p. 76). Hence, the slogan 'democratization, decriminalization and demilitarization' (the 3Ds), elaborated by the influential think tank Institute for Public Policy (IPP) in Chisinau, became a slogan among the opposition parties (Protsyk, 2005, p. 77). While the Kiev Document and the Kozak Memorandum envisaged significant representation and participation of the federal units on the federal level, later proposals, such as the framework law No. 173 from July 2005 'On Fundamental Regulations of the Special Legal Status of Settlements on the Left Bank of the River Nistru (Transnistria)'²³ emphasize the 3D-

principle and the idea of a constitutionally entrenched special status for Transnistria (for a comparison of the settlement proposals see Wolff, 2011).

Law No. 173/2005 was the result of the initiative of the newly elected Ukrainian President Viktor Yushchenko²⁴. It stipulated that a law ‘On Special Legal Status of Transnistria’ will be negotiated after a process of demilitarization (i.e. the withdrawal of Russian troops in accordance with the OSCE summit declaration from 1999) and democratic elections in Transnistria (Art. 1). However, negotiations on such law never started as the preconditions were not fulfilled. Law No. 173/2005 remains the legally binding basis for the engagement with Transnistria to date.

Starting with the late 2010s, the difficulty to solving the Transnistrian conflict by a ‘grand deal’, potentially involving the re-drafting of the constitution, became evident. In 2012 the mediators agreed within the ‘5+2’ format to embark on a new strategy which sought to depoliticise the negotiations. The idea was to agree on the solution of minor technical issues (so-called protocol decisions) that would simplify the everyday life of the people affected by the conflict and build trust among the conflict parties. The negotiations were conducted in working groups and comprised three ‘baskets’ (Wolff, 2012, p. 17).²⁵ In such an open-ended process the implementation of the protocol decisions was constantly reviewed in the ‘5+2’ meetings and new issues could be added if progress was achieved.²⁶ The period between 2012 and 2015 saw interim results but also periods of stalemate (Chirilă, 2015). During the OSCE chairmanships of Germany (2016), Austria (2017), and Italy (2018) the so-called Berlin-plus-package, a bundle of eight issues that were under negotiation since 2012, was finalized with the signing of respective protocol decisions.²⁷ This package includes:

- Ensuring the proper functioning of the Latin-script schools in Transnistria
- Issues related to the free movement of people and goods and specifically the opening of the Gura Bicului-Bychok Bridge

- The issue of apostilisation of educational documents issued in Transnistria
- The issue of the use of vehicles with number plates issued in Transnistria in the international road traffic; Vehicle Registration Offices are functional in Transnistria as of 2018
- The restitution of farmland on territory currently under the control of Transnistrian authorities and access of farmers residing outside that territory to their lands
- The issue of criminal cases, including issues of law enforcement; exchange of updated lists of existing criminal cases is ensured
- The reintegration of telecommunication networks (GSM) and landlines between the two river banks
- Ecological issues concerning the Nistru/Dniester River basin²⁸

While the mediators, including Russia, welcomed the agreement, it was received with mixed feelings in Chisinau. The then governing Democratic Party and President Igor Dodon supported the Berlin-plus-package whereas sceptical voices came mainly from oppositional parties to the right of the political spectrum (i.e. the pro-European, liberal reform bloc ACUM and the openly pan-Romanian parties like the National Unity Party or the Liberal Party). They view the agreement as insignificant or even as a surrender of the Moldovan negotiators (Stefarta, 2018, pp. 6-9). The 2019 parliamentary elections brought a power change in Moldova. The Democratic Party led by Vladimir Plahotniuc²⁹ was replaced by a rather experimental collaboration between the Party of Socialists and the pro-European reform bloc ACUM. The new government is divided over the future strategy towards Transnistria. On the one hand, the team around Prime Minister Maia Sandu (ACUM) views the lack of transparency and allegedly illegal activities of the Transnistrian authorities as the major hindrance to a settlement (Moldovan PM, 2019; Barbăroşie, 2019). On the other hand, the Party of Socialists and the new Minister for Reintegration, Vasile Şova (who has previously

been Igor Dodon's advisor on reintegration), push for the opening of the third basket – the negotiations on a comprehensive settlement – for the first time since 2012 (Mocanu, 2019). As a result, the '5+2' negotiation round in 2019 in Bratislava could not be successfully concluded with a new protocol decision signed between the parties.³⁰ Maia Sandu's government was ousted in November 2019 and replaced by a coalition government of the Party of Socialists and the Democratic Party.

On parts of Transnistria three factors can be identified that facilitated the agreement on the Berlin-plus-package: First, domestic politics in Transnistria changed substantially since 'President' Smirnov's 'clan' lost power in elections in 2011. Economically and politically Transnistria is now controlled by the Sheriff Group and its political arm, the party Obnovlenie (Renewal). The new leadership has strong economic interests, is politically pragmatic and does not oppose opening towards the West and dialog with Chisinau (Kosienkowski, 2012). On the other hand, the region still remains in the hands of an oligarchic regime build on the politico-economic monopoly of the Sheriff Group. In this context it is unclear to which degree the swift agreement on the Berlin-plus-package was facilitated by economic interests of, and back-door deals between the two Oligarchs Vlad Plahotniuc and Sheriff-boss Viktor Gusan (Interview of the Head of the OSCE Mission, 2018; Transnistria and Moldova talk 'business', 2017). Second, while Russia still uses Transnistria as a bargaining chip of its geopolitical objectives in Moldova (Beyer & Wolff, 2016), neither support for, nor control over Transnistria are unchallenged. Following the economic downturn in Russia and increasingly expensive engagement in Ukraine, Russia's resources to 'buy' Transnistrian loyalty are limited (Calus, 2013; Puiu, 2015). Finally, economic and trade-related aspects became an increasingly important factor in the relations between Transnistria and central authorities in Chisinau. Given the export oriented economy in Transnistria, engagement with the EU is

crucial for Transnistria's economic survival and is the major leverage on parts of Chisinau and the EU (Wolfschwenger, 2017).

Conclusion

Following the view that the success of federalism as a conflict management tool depends on the political processes by which actors agree on, and maintain a stable institutional design, the case of Gagauzia can be considered a successful case. While the autonomy agreement from 1994 has significant shortcomings, there is a sluggish dialog between the Gagauz leadership and the authorities in Chisinau that accommodates grievances on both sides. In contrast, the case of Transnistria clearly demonstrates the limits of what federalism can achieve in terms of conflict resolution. The proposals that were put forward were far from closing the gap between the Transnistrian leadership's strives for independence – at least in public statements – and the central authorities' insistence on Moldova's territorial integrity.

Our analysis highlights two major factors that contributed to the lack of success in the case of Transnistria. First, the ambiguous role of external actors and the tense geopolitical environment (see also Walsh & Doyle, 2018): On the one hand, international mediation within the '5+2' format has maintained a dialog between Tiraspol and Chisinau and resulted in small steps of rapprochement between 2012 and 2019. On the other hand, Russia's continuous military, economic and political support allowed Transnistria to assert and maintain separatist claims. On a related point, the management of interethnic relations in Moldova is significantly mediated by the stakeholders' geopolitical considerations. Diverging foreign policy preferences of Moldovan political actors resonate with, and thereby reproduce social, cultural and political cleavages (see also Beyer & Wolff, 2016; Groza et al., 2018; Petsinis, 2020). These rifts become apparent in the highly politicised debate and often incoherent strategies of the central authorities in the settlement negotiations on Transnistria.

The second factor our analysis highlights is the complicated relationship between federalism and national identity formation which manifests itself in lacking consensus among political actors in Chisinau over the institutional organization of the state (Stepan, 1999; Bunce, 2004; Bunce & Watts, 2005; Stepan, Linz & Yadav, 2010). Parties to the right or centre-right of the political spectrum advocate political unitarism, or what Stepan, Linz & Yadav (2010, p. 52) called “nation-state policies”, favouring a dominant position of the majority population rather than protecting or even promoting cultural and lingual diversity. In their view, demilitarization and democratisation are necessary preconditions to negotiations about the future constitutional status of Transnistria. They also consider federalism, specifically power-sharing on the federal level, as disadvantaging Moldova’s Romanian-speaking majority and blocking Moldova’s way towards European integration. The left-wing parties, on the other hand, in particular the Party of Socialists and President Igor Dodon, are open to discuss federalization. In their view, Transnistria is an inalienable part of the Moldovan state. They also see Russia’s role less critical and opt for a balanced foreign policy vector between the West and Russia. From the mediator’s perspective trust building through protocol decisions within the ‘5+2’ format is a promising way forward in an otherwise entrenched conflict.

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References

Barbăroșie, L. (2019, October 9). Maia Sandu: ‘Dacă va fi un angajament pe reforma justiției, atunci o să mergem mai departe’ [Maia Sandu: ‘If there is commitment to justice

reform, we will continue’]. *Radio Free Europe*.

<https://moldova.europalibera.org/a/maia-sandu-dac%C4%83-va-fi-un-angajament-pe-reforma-justi%C8%9Biei-atunci-o-s%C4%83-mergem-mai-departe-/30207599.html>

Berbeca, V. (2017). *The Gagauz issue: From confrontation to dialog* (Policy Brief). Friedrich Ebert Stiftung and IDIS Viitorul. http://fes-moldova.org/fileadmin/user_upload/SocialPolicyBriefs/DOSARUL_GAGAUZ-ENG.pdf

Beyer, J., & Wolff, S. (2016). Linkage and leverage effects on Moldova’s Transnistria problem. *East European Politics*, 32(3), 335-354.
<https://doi.org/10.1080/21599165.2015.1124092>

Brown, G. (2009). Federalism, Regional Autonomy and Conflict: Introduction and Overview. *Ethnopolitics*, 8(1), 1-4. <https://doi.org/10.1080/17449050902738887>

Bunce, V. (2004). Federalism, Nationalism and Secession: The Communist and Postcommunist Experience. In U. Amoretti & N. Bermeo (Eds.), *Federalism, Unitarism and Territorial Cleavages* (pp. 417-440). Baltimore: Johns Hopkins University Press.

Bunce, V., & Watts, S. (2005). Managing Diversity and Sustaining Democracy in the Postcommunist World. In P. Roeder & D. Rothchild (Eds.), *Sustainable Peace: Power and Democracy After Civil Wars* (pp. 133-158). Ithaca, NY: Cornell University Press.

Calus, Kamil. (2013). *An aided economy - The characteristics of the Transnistrian economic model* (OSW Periodical 108). OSW Center for Eastern Studies.
<https://www.osw.waw.pl/en/publikacje/osw-commentary/2013-05-16/aided-economy-characteristics-transnistrian-economic-model>

Cameron, D. (2009). The Paradox of Federalism: Some Practical Reflections. *Regional & Federal Studies*, 19(2), 309-319. <https://doi.org/10.1080/13597560902753644>

- Chirilă, Victor. (2015). *Reglementarea Transnistreană în Impas* [Transnistrian settlement at an impasse] (Policy Analysis). Foreign Policy Association.
<http://www.ape.md/2015/04/policy-paper-ape-reglementarea-transnistreana-a-n-impas-ape-fee-30-04-2015/>
- CMI. (2018). *Gagauzia Dialogue 2015-2018*. Crisis Management Initiative. <http://cmi.fi/wp-content/uploads/2018/11/GagauziaParliamentaryDialogueEnglish.pdf>
- Cojocari, V. (2019, October 18). Irina Vlah: Găgăuzia trebuie să aibă același statut pe care-l va obține Transnistria [Irina Vlah: Gagausia has to have the same status that Transnistria will obtain]. *Deschide.md*. <https://deschide.md/ro/stiri/politic/55458/Irina-Vlah-G%C4%83g%C4%83uzia-trebuie-s%C4%83-aib%C4%83-acela%C8%99i-statut-pe-care-l-va-ob%C8%9Bine-Transnistria.htm>
- Cojocaru, N. (2006). Nationalism and Identity in Transnistria. *The European Journal of Social Science Research*, 19(3-4), 261-272.
<https://doi.org/10.1080/13511610601029813>
- Coppieters, B., & Emerson, M. (2002). *Conflict Resolution for Moldova and Transdnierstria through Federalisation?* (Policy Brief No. 25). Centre for European Policy Studies.
<http://aei.pitt.edu/11721/>
- CSCE Mission to Moldova. (1993). *Report No 13 by the CSCE Mission to Moldova*. CSCE.
<https://www.osce.org/moldova/42307/>
- Erk, J., & Anderson, L. (2009). The Paradox of Federalism: Does Self-Rule Accommodate or Exacerbate Ethnic Divisions? *Regional & Federal Studies*, 19(2), 191-202.
<https://doi.org/10.1080/13597560902753388>
- Groza, I., Jopp, M., Pistrinciuc, V., Popov, A., Kulminski, V., Popescu, A., & Rusu, I. (2018). *Strengthening social cohesion and a common identity in the Republic of Moldova*

- (Policy Paper). IPRE, IPIS and IEP. <https://www.ipis.md/wp-content/uploads/2018/02/Social-Cohesion-and-Common-Identity-EN.pdf>
- International Crisis Group. (2003). *Moldova: no quick fix* (ICG Europe Report 147). <https://www.crisisgroup.org/europe-central-asia/eastern-europe/moldova/moldova-no-quick-fix>
- Interview of the Head of the OSCE Mission to Moldova Claus Neukirch to the news agency NewsMaker. (2018, October 26). *NewsMaker.md*. <https://www.osce.org/mission-to-moldova/401225/>
- Kaufman, S. J. (2001). *Modern Hatreds. The Symbolic Politics of Ethnic War*. Ithaca, London: Cornell University Press.
- Keil, S., & Bieber, F. (2009). Power-Sharing Revisited: Lessons Learned in the Balkans? *Review of Central and East European Law*, 34(4), 337-360. <https://doi.org/10.1163/092598809X12474728805778>
- King, C. (1994). Moldova's Identity and the Politics of Pan-Romanianism. *Slavic Review*, 53(2), 345-368. <https://doi.org/10.2307/2501297>
- King, C. (1997). Minority policy in the post-Soviet republics. The case of the Gagauzi. *Ethnic and Racial Studies*, 20(4), 738-756. <https://doi.org/10.1080/01419870.1997.9993987>
- King, C. (2000). *The Moldovans*. Stanford, CA: Hoover Institution Press
- Kosienkowski, M. (2012). *Transnistria's Foreign Policy after the 2011 Presidential Elections*. Lublin: The Catholic University of Lublin Publishing House.
- McGarry, J., & O'Leary, B. (2009). Must Pluri-national Federations Fail? *Ethnopolitics*, 8(1), 5-25. <https://doi.org/10.1080/17449050902738838>
- Mocanu, D. (2019, October 18). Transdniestrian Impasse: What Happened in Bratislava and Who's Setting Up the Sandu Government? *Regional Trends Analytics*.

- <https://regtrends.com/en/2019/10/18/transdnestrian-impasse-what-happened-in-bratislava-and-who-s-setting-up-the-sandu-government/>
- Moldovan PM. (2019, August 25) Moldovan PM: People ‘Will Never Approve Federalization’. *Radio Free Europe*. <https://www.rferl.org/a/moldovan-pm-people-will-never-approve-federalization-/30128270.html>
- O’Leary, B. (2001). An iron law of nationalism and federation?: A (neo-Diceyan) theory of the necessity of a federal Staatsvolk, and of consociational rescue. *Nations and Nationalism*, 7(3), 273-296. <https://doi.org/10.1111/1469-8219.00017>
- Petsinis, V. (2020). Geopolitics, Ethnopolitics and the EU: The Cases of Serbia and Latvia. *Ethnopolitics* 19(2), 107-124. <https://doi.org/10.1080/17449057.2019.1630943>
- Protsyk, O. (2005). Federalism and Democracy in Moldova. *Post-Soviet Affairs* 21(1), 72-90. <https://doi.org/10.2747/1060-586X.21.1.72>
- Protsyk, O. (2010). Gagauz Autonomy in Moldova The Real and the Virtual in Post-Soviet State Design. In M. Weller & K. Nobbs (Eds.), *Asymmetric Autonomy and the Settlement of Ethnic Conflicts* (pp. 231-251). Philadelphia: University of Pennsylvania Press.
- Puiu, V. (2015, February 18). Can Russia Afford Transnistria? *Eurasianet*. <https://eurasianet.org/can-russia-afford-transnistria/>
- Roeder, P. G. (2009). Ethnofederalism and the Mismanagement of Conflicting Nationalisms. *Regional & Federal Studies*, 19(2), 203-219. <https://doi.org/10.1080/13597560902753420>
- Stefarta, S. (2018, April). *Synthesis and Foreign Policy Debates* (Monthly Bulletin 144). Friedrich Ebert Stiftung and Foreign Policy Association. <http://www.afe.md/en/2018/04/newsletter-april-2018/>

- Stepan, A. (1999). Federalism and Democracy: Beyond the U.S. Model. *Journal of Democracy*, 10(4), 19-33. <https://doi.org/10.1353/jod.1999.0072>
- Stepan, A., Linz, J. J., & Yadav, Y. (2010). The Rise of 'State-Nations'. *Journal of Democracy* 21(3), 50-68. <https://doi.org/10.1353/jod.0.0187>
- Transnistria and Moldova talk 'business' [Приднестровье и Молдавия поговорили по-деловому]. (2017, November 27). *Kommersant.ru*.
<https://www.kommersant.ru/doc/3479847/>
- Vahl, M., & Emerson, M. (2004). Moldova and the Transnistrian Conflict. In Coppieters, B., Emerson, M., & Huysseune, M. (Eds.), *Europeanization and conflict resolution: Case studies from the European periphery* (pp.149-190). Gent: Academia Press.
- Walsh, D., & Doyle J. (2018). External Actors in Consociational Settlements: A Re-examination of Lijphart's Negative Assumptions. *Ethnopolitics*, 17(1), 21-36.
<https://doi.org/10.1080/17449057.2017.1305646>
- Wolff, S. (2011). A resolvable frozen conflict? Designing a settlement for Transnistria. *Nationalities Papers*, 39(6), 863-870. <http://dx.doi.org/10.1080/00905992.2011.617363>
- Wolff, S. (2012). *The Transnistrian issue: moving beyond the status-quo* (Study commissioned by the Directorate General for External Policies of the EU).
[http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO-AFET_ET\(2012\)457135](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO-AFET_ET(2012)457135)
- Wolfschwenger, J. (2017). The EU Governance Approach to the Transnistrian Conflict: A Powerful Tool for Conflict Management? In B. Bellak, J. Devdariani, B. Harzl, & L. Spieker (Eds.), *Governance in Conflict. Selected Cases in Europe and Beyond* (pp. 65-101). Vienna: Lit-Verlag.

Endnotes

- ¹ See <http://statistica.gov.md/newsview.php?l=ro&idc=168&id=6416> (these are provisional numbers and do not include the population of the Transnistrian region)
- ² See <http://www.presedinte.md/eng/constitution>
- ³ “*Unitățile administrativ-teritoriale din stînga Nistrului*”, see <http://www.moldova.md/ro/content/organizarea-administrativ-teritoriala>
- ⁴ See <http://www.mfa-pmr.org/ru/konstitutsia>
- ⁵ With the exceptions of Gagauzia where the ethno-lingual boundaries roughly coincide with the borders of the autonomous territorial unit and the district (raion) Taraclia where ethnic Bulgarians constitute two thirds of the population (66.1%).
- ⁶ See <http://www.statistica.md/pageview.php?l=ro&idc=479&>
- ⁷ See <http://www.constcourt.md/public/ccdoc/hotariri/ro-h1720189a20180a9e9.pdf>
- ⁸ The Moldovan Principality extended from the Eastern Carpathians to the Nistru/Dniester River and from the fortress of Hotin (today Ukraine) in the north to the Black Sea Coast in the south. In 1812, the Russian Empire formally annexed Bessarabia, the Principality’s eastern region between the Prut and Dniester Rivers. In January 1859, the principalities of Moldova (the remaining part west of the Prut River) and Wallachia united and later became Romania. Bessarabia remained under Russian rule until 1918, when it united with Romania.
- ⁹ In this conception, links to Transnistria derive only from the shared history since 1940/1944 with the formation of the MSSR and from the Romanian-speaking population in Transnistria.
- ¹⁰ See <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=313124&lang=1> and <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=312813><http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=312813>
- ¹¹ Moldova does not grant basing rights to Russian forces. Furthermore, the OSCE Istanbul Document from 1999 explicitly calls for the withdrawal of all Russian troops except those which are part of the peacekeeping force.
- ¹² An English translation of the ‘Law on the Special Legal Status of Gagauzia’ (henceforth: autonomy law) is available here: <http://www.e-democracy.md/files/elections/law-special-legal-status-gagauzia-23-12-1994-en.pdf>
- ¹³ However, it ensures participation in the executive branch: The Bashkan is member of the Moldovan cabinet and the head of the Gagauz Court of Appeal as well as other key ministers are members of the collegium of the respective institutions on the federal level (see Art. 14 and 20-24 of the autonomy law)
- ¹⁴ Changes in the Law on the Special Legal Status of Gagauzia requires a three fifth majority in the Moldovan Parliament (Art. 27 of the autonomy law).

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- ¹⁵ In this context the ‘loss of sovereignty’ paraphrases unification with Romania and integration with the European Union and nurtures sentiments against pan-Romanianist and pro-European political actors in Chisinau. Article 1 (4) of the autonomy law, however, already includes Gagauzia’s right to self-determination if Moldova was to lose its status as an independent state.
- ¹⁶ In 2015 the Crisis Management Initiative (CMI) was mandated to perform the function of ‘good offices’ and establish a permanent dialog between Comrat and Chisinau.
- ¹⁷ Author’s interviews with a government official in Chisinau in July 2018 and a civil society representative in Comrat in March 2020.
- ¹⁸ We speak about ethnofederalism where the boundaries of federal or autonomous units coincide with the settlement areas of ethnically distinct groups (see Roeder 2009).
- ¹⁹ The autonomy law stipulates that all settlements with a Gagauz population of 50% or more are automatically part of Gagauzia. Settlements where the Gagauz constitute less than 50% of the entire population can become part of Gagauzia by popular vote expressed in a referendum. Moreover, settlements also have the option to vote for leaving the autonomous region (Art. 5 of the autonomy law).
- ²⁰ An unofficial translation of the Kiev Document can be found in Coppieters and Emerson (2002).
- ²¹ An unofficial translation of the Kozak Memorandum is made available by Professor Stefan Wolff: <http://www.stefanwolff.com/files/Kozak-Memorandum.pdf>
- ²² By a majoritarian system O’Leary (2001, endnote 5) means a federation in which “standard consociational devices to temper majority rule are not significantly applied”.
- ²³ An unofficial translation of law No. 173/2005 is available on the OSCE website: <https://www.osce.org/pc/16208?download=true>
- ²⁴ An unofficial translation of the so-called Yushchenko Plan is available on the website of the European Parliament: http://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/dmd20050621_07/dmd20050621_07en.pdf
- ²⁵ These three baskets were: (1) socio-economic issues; (2) general legal issues and human rights; (3) comprehensive settlement including the future status of Transnistria.
- ²⁶ Author’s interview with a representative of the OSCE Mission to Moldova in October 2019.
- ²⁷ See the Berlin Protocol from 2016 (<https://www.osce.org/moldova/244656>), the Vienna Protocol from 2017 (<https://www.osce.org/chairmanship/359196>) and the Rome Protocol from 2018 (<https://www.osce.org/chairmanship/382885>).
- ²⁸ See <https://www.osce.org/mission-to-moldova/425141?download=true>
- ²⁹ Vladimir Plahotniuc was until June 2019 the chairman of the Democratic Party which was part of the ruling coalition since 2014 and supplied the Prime Minister since 2016. Although Mr.

Plahotniuc did not hold a political office, he is said to have established a situation of ‘state-capture’ over Moldova. He is an oligarch and owner of influential media outlets in Moldova.

³⁰ See OSCE press release: <https://www.osce.org/chairmanship/435392>