

Regional partnership for a common commitment-oriented approach

TRILATERAL PLAN FOR SOLVING THE TRANSNISTRIAN ISSUE

Paper
developed by the
Moldova-Ukraine-Romania expert group

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Leading think-tanks

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Supporting the willingness of Ukraine, Romania and the Republic of Moldova (RM) to promote the values of freedom and democracy within the area from the Baltic to the Caspian Sea;

Considering that the EU and NATO are actors in the region and that the option of the countries in the region - including Ukraine and Moldova – is to move towards the common European and Euro-Atlantic space;

Stressing the importance of the Transnistrian settlement for further strengthening and consolidating of the above-mentioned space, as well as for regional security and stability;

Deeply regretting that all the previous attempts of conflict resolution have so far failed;

Recalling OSCE Istanbul commitments taken by Russia as a precondition for ratification of the Conventional Armed Forces in Europe Treaty;

Admitting that Ukraine, Romania and the Republic of Moldova face the same threats and risks generated by the conflict in Transnistria, and thus have a common interest in promoting and applying a common solution;

Stressing that the three countries should develop a joint framework of assumed commitments for promoting such a solution;

Stressing that all the tools and instruments of the three regional actors – state bodies as well as civil society actors – should be put together, with generosity, and with added values offered by other countries, in order to produce the specific, correct and sustainable solution for the Transnistrian problem;

Welcoming all international organisations to be deeper involved in the process where they can contribute added value to it;

Promoting together this common project by all means, at the level of international institutions, particularly NATO and the EU, and in relations with the USA and Russia;

Being convinced that the solution offered by the regional trilateral efforts should get the support and involvement of the EU, NATO, the USA, and Russia;

Recognising that the basis of the solution lies in the advanced democratisation of the entire Republic of Moldova, because for a successful and complete integration of its Eastern region a functional democracy in full compliance with the European criteria is needed in the Republic of Moldova as a whole;

Considering recent international and regional political developments and changes as a window of opportunity for solving this crisis.

PRESENTS to national governments, international organisations, national and international NGOs and expert community the Policy Paper and Recommendations below.

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I. Transnistrian Conflict – Overview

Before the eventual demise of the USSR Moscow made many attempts to prevent such an outcome. Among them, separatist conflicts between the majority populations of the then Soviet republics, which were becoming progressively oriented on state independence, and minority groups compactly living in certain areas, were regarded as a potent tool (based on the well-known imperial tactic of “divide and rule”). Four of these conflicts (in Abkhazia, South Ossetia, Nagorno Karabakh and the eastern-most area of Moldova) remain unresolved to date and therefore, are now called “frozen conflicts”. One of them (although differing from the three others in several important respects) – that on the territory of the Moldovan Soviet Socialist Republic – developed in its “weakest point”, now known as Transnistria. During the turbulent times of “perestroika”, this particular region, hosting an important part of soviet military-industrial complex, was one of the first to serve as a testing area for constructing a local conflict, aimed at preventing Moldova’s full-fledged independence from the USSR and general collapse of Soviet Empire. The presence of the Russian 14th Army, also of arsenals and weapons moved to Transnistria from Germany and Czechoslovakia, provided additional argument for Russia to keep the region under its own control.

As a result of these developments, the population of the Eastern districts of the Republic of Moldova passed from one totalitarian regime to another – separatist and repressive one. Short but violent and bloody conflict in between left its traumatic imprint on people’s mind.

Transnistria – the term often used nowadays – is a narrow strip of land in the eastern-most region of the Republic of Moldova, located along a major part of the Ukrainian-Moldovan border (452 km. from 1222 km.). This heavily industrialised region, with well-developed enterprises of Soviet military-industrial complex, has been populated by the same ethnic groups as the rest of Moldova, although local Russians and Ukrainians, taken together, outnumber ethnic Moldovans/Romanians. Such a situation developed over the 19th and 20th centuries as a result of shifting post-wars borders between Russia (during Soviet times – the Ukrainian Soviet Socialist Republic), and Romania, also due to the Soviet policy of migration from the other parts of the USSR to the Republic of Moldova to provide a working force for military plants and other heavy industries.

The first signs of the forthcoming conflict appeared during the final stages of Soviet “perestroika” preceding the collapse of the USSR. Successful propaganda fuelled the fears of local Russian and Ukrainian and some “Sovietised Moldovans” that in the case of Republic of Moldova’s independence through separation from the Soviet Union it would immediately join its “kin-state” Romania – the country with which the majority of inhabitants of the Republic of Moldova share a language, also cultural and historic tradition.

As a result, in 2 of September 1990 the “Dniestrian Moldovan Socialist Soviet Republic in the composition of the USSR” was proclaimed. Soon after Moldova’s declaration of state sovereignty in June 1990, the Transnistrian Supreme Soviet claimed the region’s independence from Moldova, adopted a separate constitution, elected a president and arranged an independence referendum – all the events coupled with violent aggression against the fragile legitimate structures of the Republic of Moldova. A series of small-scale

clashes occurred in late 1991 and early 1992, culminating with a short but violent battle in the town of Bender in June 1992. Intervention by the Russian 14th Army brought about a ceasefire, but also secured Transnistria's continued separatist trends.

It should be mentioned that initially, efforts to put an end to the armed conflict were undertaken within the format of the CIS (Commonwealth of Independent States), as well as by the heads of the most interested states, namely, Russia and Republic of Moldova's neighbours – Ukraine and Romania. For example, at the Kyiv meeting in March 1992, the heads of the CIS countries adopted a Declaration stating that the territorial integrity of the Republic of Moldova is the key element for stability in the entire region. Approaches to conflict settlement sought then to ensure broader international engagement, and expert level meetings included specialists from not only Moldova, Russia, Ukraine, but also from Romania.

The decisive step to stop military clashes was made by the ceasefire agreement that was signed by the Republic of Moldova and the Russian Federation after a summit in Moscow held on 21 July 1992. By this Agreement, the principles of the peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova were formulated and some control mechanisms proposed, including the setting up of a Joint Control Commission, and the establishment of a Security Zone (SZ) along the Nistru River. The agreement stipulated that its implementation has to be ensured by military contingents representing the Russian Federation and the “two parties directly involved in the conflict” – meaning the leaders of Transnistrian separatists and the legitimate authorities of the RM. Initially, the peacekeeping forces were composed mainly of Russian troops (five battalions), with a limited number of legitimate forces of the Republic of Moldova (three battalions) and Transnistrian separatists (two battalions), operating at checkpoints in three sectors of the SZ. A military observer mission was also launched in 1992, consisting of ten observers each from Russia, Republic of Moldova and the separatist region; ten Ukrainian observers were added in 1998. These agreements have been contested since they do not observe the UN and OSCE standards, do not mention the need for a genuinely multinational force or term for the mission, thus placing the Republic of Moldova in an unfavourable position in relation with its separatist part. The agreement also recognises the existence of some self-styled troops of the separatist Transnistria to be legitimate.

On 4 February 1993, the OSCE Mission to Moldova was established and started to work in Chisinau in April and on 13 February 1995 in Tiraspol – the unofficial capital of the unrecognised “Transnistrian Moldovan Republic” (TMR). From that time on, the OSCE has functioned as the only international organisation directly involved in conflict settlement processes. Thus, external “mediators of the conflict” are represented by Russia (since 1992), the OSCE (beginning from 1993), and Ukraine (since 1997). Both the Republic of Moldova and the self-proclaimed Transnistrian Republic are engaged in all negotiations as the “sides of the conflict” on equal terms and with equal rights.

The most important steps in a settlement process are usually regarded to be the following:

On 8 May 1997, the Memorandum “On the basis for the Normalisation of Relations between the Republic of Moldova and Transnistria” was signed in Moscow. The concept of a “common state” was then introduced for the first time by the Russian Foreign Minister Yevgeny Primakov. Because of a rather dubious meaning of this very term, further negotiations were blocked by attempts of interpreting and defining the legal sense of it, and

therefore, they have never reached even a point of discussing a division of competences between Moldova and the “TMR”. Because of the continuous obstruction by separatist authorities, Chisinau withdrew from negotiations between September 2001 and May 2002.

In June 2002, a new approach to conflict settlement was articulated in the so-called “Kyiv Document”, and under pressure from the three mediators, Moldova rejoined the negotiations. This document proposed a federal structure as the main basis for Chisinau – Tiraspol relations; it outlined divided and shared competences, new federal institutions, and a system of international guarantees. However, the incompatible positions of the “two parties” made any serious progress impossible (over six months, only four of forty-two articles were discussed).

In 2003, some new factors at the international, European and regional level gave rise to hopes for a substantial advance in the resolution of the Transnistrian problem. They include: more international attention to this conflict; the involvement of the EU (related, perhaps, to the appearance of its Security Strategy and the first three EU civil/military missions deployed in Bosnia-Herzegovina, Macedonia and Congo); increased activity of the OSCE under the Dutch Chairmanship, and the some progress in withdrawal of Russian arms, troops and equipment from the territory of the Transnistrian region. Taken together, these developments have also had a stimulating effect on talks between Chisinau and Tiraspol, that followed some initiatives put forward by President Voronin (but perceived as unacceptable concessions to separatist authorities by the political opposition and civil society of the RM, thus deepening the internal crisis and splits within the Moldovan society).

On 16 November 2003, the positive trends mentioned above were reversed by the unilateral Moscow initiative known as the “Kozak Memorandum” (the full name of the document is “Memo on the Basic Principles of the State Structures of the Unified State”). According to the international expert assessment, the “Kozak Memorandum” “...was so riddled with problems that one wonders if the Kremlin seriously expected it to succeed” (*Dov Lynch, 2004*). The international community, including the OSCE and the CoE, expressed strong disapproval of the document and the very initiative, which was not coordinated or discussed with any other party (except the RM). Acute protests by Moldova’s political opposition and civil society, together with an overtly negative reaction by the powerful international bodies, forced President Voronin to withdraw his support for this project, and eventuated in a previously unbelievable consolidation of Chisinau central authorities and society, united for the first time in ten years by their resistance to the Russian proposal.

Stormy events of late 2004 – early 2005, related mainly to presidential and parliamentary elections in Ukraine, Romania and the Republic of Moldova, have changed the regional context of the Transnistrian conflict and created a new window of opportunities for its eventual resolution. Ukrainian proposals, first presented schematically at the GUAM Summit in Chisinau on 22 April, and then developed into the so-called “Yushchenko Plan” of May 2005, although criticised for obvious flaws and dubious points, have been accepted as a framework for developing a new approach to conflict settlement, based on the idea of democratisation of the Transnistrian region as a cornerstone of its further reintegration into the Republic of Moldova.

Over June – July 2005, Ukrainian proposals have been further developed and supplemented by a number of important legal acts and documents adopted by the Moldovan Parliament and Government. Focusing on the processes of *democratisation* and *demilitarisation*, these

documents provide convincing arguments for well advanced democratisation to precede the first local elections, which have to be prepared and carried out under the international (OSCE) aegis. Only in this case do the elections have a clear prospect of being internationally recognised and for the first time, bringing to power legitimate local authorities to represent the Transnistrian region in further negotiations concerning status problems, division of competences, etc.

Sharing in the general idea and spirit of such an approach, trilateral expert group intended to take advantage of this and a number of other initiatives while developing this Policy Paper and concluding Recommendations.

II. Changed context of the Transnistrian conflict

Recent political changes and developments necessitate a new vision and new approach to this particular “frozen conflict” in order to replace the old one, which has proven to be ineffective. While working on the proposed solution(s) for the Transnistrian problem, the trilateral expert group considers these changes as having occurred on four levels: geopolitical, regional, national, and local. Those of the utmost potential importance for conflict settlement are as follows:

II.1. Geopolitical

The recent enlargement of NATO and the European Union changed the geopolitical map of Europe and made the Transnistrian conflict, with its actual and potential security threats, closer to the borders of the member states. This resulted in increased interest in Transnistrian issues on the part of these and other major international institutions, and of such a potent world power as the USA, also of Russia.

Throughout the negotiation process, the status provided to the Transnistrian authorities as one of the “two sides of the conflict” – thus equating them with the legitimate authorities of the RM – empowered the former to pursue the policies that had led repeatedly to deadlock. Only by the end of 2002 did the EU Council start to respond, first by issuing a statement that identified Transnistrian obstruction as the main problem in the settlement talks, and in February 2003 by issuing an even stronger message, considering “...the obstructionism of the region's leadership and their unwillingness to change the status quo to be unacceptable”. As a next step, the EU Council applied sanctions against top Transnistrian leaders by introducing a travel ban for them that was also coordinated with the US. Joint EU – US sanctions have been prolonged twice – in 2004 and 2005. Although the direct practical impact of these measures on the settlement process is not yet evident, its potential and symbolic significance is of great value, and spreading of this ban to the territories of other states – not members of the EU – might be considered additional leverage for achieving real progress in the negotiation and settlement processes.

Further and deeper involvement of powerful international actors in the processes aimed at a peaceful and sustainable solution to the Transnistrian problem would be beneficial for the eventual result. The first encouraging steps already taken include agreement by the EU and

US to participate in the negotiations (although only in the status of observers), and the Border Assistance Mission established by the EU, which started its operations on 1 December 2005.

At the same time, some recent developments, connected to the eternal discrepancy between the principle of the inviolability of sovereign state borders and the right to self-determination, may have a potentially detrimental effect on the settlement of the long-lasting Transnistrian crisis. The ongoing UN-led negotiations on Kosovo status are already being used by a number of unrecognised separatist enclaves and pseudo-states as a signal to intensify efforts for gaining international recognition of their independence. This situation is often regarded as a potential threat to the fragile peace and stability in the Balkans, but it draws no less attention in the areas of the post-Soviet “frozen conflicts”, and within the Russian Federation. In this context, it is of vital importance to comprehend a major difference between the Transnistrian conflict and all the others, both in the Balkans and in the territories of former Soviet republics. This difference is the lack of a subject for self-determination in Transnistria – be it either a separate ethno-cultural entity (as, for example, in the case of Abkhazia) or a mono-ethnic minority group, compactly populating a certain region and rejecting any option of co-existence with the majority population of a legitimate state (the case of Kosovo closely resembling that of Nagorno Karabakh). Accordingly, the main ethnic groups of the Eastern Transnistrian region of the RM do not differ from those on the right bank of the Nistru River, and do not confront the latter along ethnic or religious lines. Therefore, a peaceful solution to the Transnistrian problem appears mainly to be a matter of political will and dedication by all actors involved in its settlement, but is foremost that of the most influential world powers.

II.2. Regional

At the regional level, the situation has changed in favour of establishing a more homogenous political space, comprised of countries sharing common European and Euro-Atlantic values, and moving – although with quite a different pace – in a common direction, namely, towards joining the EU and NATO.

These changes gained impetus in 2004 – 2005 after the last round of elections in Ukraine, Romania and Moldova. All of them demonstrated that the people strive for more freedom and democracy, thus confirming their European choice.

One of the impacts of these events has been the essential improvement of bilateral and trilateral relations between Ukraine, the Republic of Moldova, and Romania. Although not all of the previously accumulated tensions are already diffused, and a number of yet unsolved questions remain, an obvious improvement in the regional atmosphere is evident. The emerging trend of seeking mutual support and understanding gave rise to hopes that on this particular issue of solving Transnistrian problem, Moldova and its immediate neighbouring countries are able to develop a common vision and implement concerted and consolidated efforts to put an end to this protracted “frozen conflict”. The three regional actors should reach an accord in developing a joint, commitment-oriented solution that would be easier to promote and that would have more chances to be supported by the international community.

Enhanced attention and emerging intentions to provide assistance to such endeavours have been already expressed by the Baltic countries and a number of other Central European states – new members of the EU and NATO – thus increasing the probability of eventual success.

II.3. National

The complexity of the Transnistrian issue doesn't offer to any of the players in the region all the tools for solving the conflict. Therefore, a trilateral cooperation effort is needed, based on a commitment oriented solution, so that each of the three neighbouring countries assumes its own part of the job, while exercising a common political will to solve the Transnistrian problem.

Therefore, the three actors will make all necessary efforts to find and apply a common solution in compliance with the shared guidelines and main principles. Each party assumes, at the national level, commitments to promote such a solution by using its own opportunities, in compliance with its own policies and in regular consultations with the two other parties. All three regional actors assume some tasks aimed at promoting the changes necessary for democratisation of the Eastern districts of the RM, and preparing for the reintegration of the country.

An essential (but not at all complete or exhaustive) list of the commitments assumed at the national level might include:

For Romania:

- Intensification of „advocating” activities in favour of RM's and Ukraine's future membership in NATO and the EU.
- Blocking commercial relations with the economical agents in the Eastern region of the RM that do not observe Moldovan national legislation and licensing.

For Ukraine:

- Strict implementation and observance of bilateral intergovernmental agreements and protocols concerning regime and regulations of border and customs control, trade and economic relations with enterprises and businesses of the Transnistrian region of the RM etc.
- Continuation and intensification of the efforts to stop smuggling, trafficking and other illegal activities across the Ukrainian/Moldovan border, especially its Transnistrian section, and to curb corruption in the area.
- Using its influence on certain economic agents operating within the Eastern region of the RM (especially those with Ukrainian investors) in order to persuade them to get Moldovan licenses and observe nationally established procedures and regulations for taxation and economic activities.

For the Republic of Moldova:

- Providing practical assistance and utilizing the existing framework to help enterprises located in the Eastern region obtain legal licenses for their activities.
- Enforcing internal customs control and fiscal measures.
- Advancing administrative, economic and political reforms according to European standards.

II.4. Local

Over the whole period of Transnistrian separatism and ineffective conflict settlement, ruling illegitimate authorities did their best to strengthen their grip on the population and to acquire the attributes of statehood. As a result, today the breakaway region is equipped with a president, a parliament, a court system, security bodies, police, a currency, postal stamps, a flag, an anthem, etc. It also developed a self-styled educational system based on a puzzling combination of relic Soviet-era textbooks and manuals with such innovations as “The History of Transnistria”, and “The Literature of Transnistria”. Characterising the situation in Transnistria, the report prepared by the Centre for the Independence of Judges and Courts of the International Commission of Jurists following its fact finding mission in February 2004, concluded that “the Trans-Dniester region is still firmly located in the Soviet period”.

Nevertheless, certain recent events in the area have shown that the seemingly entrenched tendencies might not be as irreversible as they may appear. These include attempts to curb presidential powers, the emergence of a political opposition to the repressive regime, a self-styled opposition media and fledgling civil society structures. The acceptance of greater involvement of the EU and the US into the negotiation process – impossible to think of even in the beginning of the century – also signifies the possibility of positive changes.

These developments are mixed with opposite, dangerous trends of using new tools and instruments, such as rather extremist and aggressive “NGOs” and public associations artificially created by the security structures to speak on behalf of the “Transnistrian people” and “civil society”.

The situation developing after the last illegitimate “elections” to the Transnistrian “Supreme Soviet”, which took place on 11 December 2005, also cannot be assessed unambiguously. As a result of these elections, a more pragmatic and perhaps more flexible clan named the “Obnovleniye” movement (representing mostly big regional businesses) won 23 out of 43 deputy mandates, and its leader Yevgeny Shevchuk replaced the former speaker Grigori Maracuta, who had held this position throughout all previous elections. Of great importance for further developments in Transnistria might have been the bilateral Moldova-Ukraine intergovernmental agreement signed by 30 December (due to go into force on January 25) and stipulating that all cargo leaving and entering Transnistria could cross the Ukrainian-Moldovan border only with Moldovan customs forms. Therefore, if the decision on the regulation of the transit of goods across the Moldovan-Ukrainian border is fully implemented and strictly observed, and the EU Border Assistance Mission functions effectively, the biggest Transnistrian businesses (in particular, the firm “Scheriff”) are likely to suffer substantial losses. These new circumstances, as well as the increased uncertainty of operating within the unrecognised and illegitimate pseudo-state, may push local politicians towards a more flexible position, liable to compromises.

Indeed, before the deadline of January 25, 50 Transnistrian enterprises got registration and obtained licenses from the RM’s Trade Chamber that allowed them to continue their economic activities as legal entities complying with the Moldova’s legislation. But quite unexpectedly, and despite the approval of the bilateral Moldova-Ukraine agreement by both the EU and US representatives, as well as by the Head of the OSCE mission to the RM

William Hill, the very day when the agreement had to be implemented Ukraine suspended it unilaterally, stating that its enforcement should be delayed. Such a move seriously compromised Ukraine's image of a reliable and predictable partner and essentially complicated the third round of negotiations in the "5 + 2" format (January 26 – 27) that have been characterized as practically "failed".

Therefore, recent events are cautioning against too much optimism regarding the prospect of quick and painless settlement of Transnistrian problem. At the same time, the new concerted and dedicated efforts of the international community and regional actors, especially if empowered by the potent support 'from below', might indeed become decisive in drawing closer the eventual reintegration of the Republic of Moldova.

III. Current stage of Moldova/Transnistria relations

After the collapse of the Soviet Union, the Republic of Moldova did not succeed yet to become a unified, viable and democratic state within the borders of the former Soviet Socialist Moldavian Republic, because during the period 1990-1992, the fragile state bodies of the Republic of Moldova were destroyed in its Eastern area by violent means.

As a result of the protracted "frozen" conflict on the left bank of the Nistru River, the presence of the Republic of Moldova as a state is reduced to six localities situated in the neighbourhood of the town of Dubăsari, under the jurisdiction of the Moldovan constitutional authorities; to eight schools, including a school in Tiraspol, which are a part of the educational system of the Republic of Moldova; to several institutions (police, penitentiary) in the town of Bender, and about 270 thousand people (a total of about 550 thousand people) who have consciously opted for Moldovan citizenship, despite the discriminatory policy promoted by Tiraspol. In addition, the Moldovan state is also represented in its Eastern area by economic entities which, despite the repressive policy pursued by the Tiraspol administration, have been registered in Chişinău according to legislation of the Republic of Moldova.

The above-mentioned forms of presence of the Moldovan state on the territory under separatist control cannot influence, at least for the time being, either the political situation in the region, or the negotiation process; ruling bodies of the Transnistrian region continue to control the population and keep a firm grip on it by using repressive means inherent to totalitarian regimes.

For the Republic of Moldova, the importance and the gravity of the Transnistrian problem stem from the following:

- in the Eastern area of the Republic of Moldova, fundamental human rights, in particular, the rights of the citizens of the Republic of Moldova, are systematically infringed, the Moldovan state being unable to defend them;
- in the Eastern area of the Republic of Moldova, the young generation is maturing within an informational environment hostile to the Republic of Moldova, established and maintained by the separatist regime. Thus, it does not identify itself with the Moldovan state and does not realise the need for the reunification of the Republic of Moldova;
- people in the area under the separatist regime do not have any experience of political democracy, as they have directly passed from control by the Soviet regime to control by the anti-democratic separatist regime. Therefore, to enable them to use consciously the tools of

political democracy, most people will need a period of adaptation to the new democratic reality, if such a reality emerges;

- the existence of an unsettled conflict, alongside with the illegal deployment of foreign troops on its territory, seriously affects the establishment of a democratic rule of law and threatens the prospects of the Republic of Moldova as a viable state;

- being a hotbed of corruption and organised crime within Moldovan society, as well as in the region, the Transnistrian conflict seriously harms the socioeconomic development of the Republic of Moldova and its prospects for further European integration.

Taking into account that the process of re-introducing the jurisdiction of the Moldovan state in the districts on the left bank of the Nistru River has not been performed yet, the solution for the Transnistrian problem should be conceived as an integral part of the process of strengthening a viable and democratic Republic of Moldova throughout its entire national territory. This process should be complemented by international guarantees for state security, by means of a tighter cooperation of the Republic of Moldova with NATO.

IV. Defining a solution for the Transnistria problem

IV.1. Main Conditions for Conflict Settlement

Taking into consideration the above-mentioned, the Transnistrian conflict settlement requires the following parallel processes:

1. Demilitarisation of Transnistria, by means of:

1.1 withdrawal of Russian troops and removal of ammunition;

1.2 dismantling the paramilitary structures of the “Transnistrian Moldovan Republic”, starting with the repressive structures (the so-called Ministry of State Security).

1.3 The previous step should be supplemented with simultaneous reintegration of the citizens of the Republic of Moldova serving in the separatist Army and Militia, providing them with proper jobs in the reunified society while respecting their dignity and professionalism, if they are not subject of actions sanctioned by the penal law.

2. Achieving preliminary conditions for democratisation of Transnistria, by means of:

2.1 ensuring the protection of fundamental human rights;

2.2 ensuring the operation of the tools of political democracy as a result of spreading the sovereignty of the Republic of Moldova over the eastern region of the country;

3. Democratisation of the reunified Republic of Moldova, by means of:

3.1 strengthening the democratic rule of law throughout the entire territory of the Republic of Moldova;

3.2 securing the reunified state by seeking international guarantees from European and Euro-Atlantic structures.

To achieve the above-mentioned goals, the following measures should be undertaken:

- setting up the legal framework required for the democratisation of Transnistria and of the reunified state;
- setting up the framework required for the provision of humanitarian, socioeconomic and legal aid and of the required guarantees to the people of Transnistria;
- setting up the legal framework for the period of transition from the present *status quo* to the final settlement of the conflict (holding local and general elections, reunification of the legal, socioeconomic, informational, educational spaces, etc.);
- taking responsibilities and performing actions under the competence of the Moldovan state in the process of country reunification.

IV.2. Main Principles

1. The solution for the Transnistrian issue must be based, in accordance with established international law and accepted norms, on basic principles of state sovereignty and territorial integrity of the Republic of Moldova. It also must be sustainable, namely, its effects should not produce a relapse of the conflict.
2. The solution must not weaken the Republic of Moldova as a recognised state within its borders, but enhance the cohesion of this state and its ability to solve fundamental problems of society.
3. The solution must support the legal authorities to re-instate the central institutions of administration at the local level on the East bank of the Nistru. The RM must exercise the tasks of the central administration in Transnistria districts thus re-establishing its territorial integrity.
4. Since the Republic of Moldova is a recognised state and member of the international democratic community, with a clear option to join the European Union, postponement and/or a prolonged period of implementation, as well as difficulties in reaching an eventual solution to Transnistria problem should not prevent the Republic of Moldova to freely choose options for its security according to its citizens' best interests, without any outside constraint.
5. The solution regarding the desired form of administrating the local and regional authority, regarding the subsidiary principle, and the designed form of autonomy (local or regional) must take into account the will of the residents of the Eastern bank, freely expressed and qualified (according to the law of the RM). The form of autonomy should be designed in a coherent way at the level of the whole Republic of Moldova, enforced by the law according to European principles of local autonomy. This should not harm the cohesion of the state, the existence and functioning of the central administration bodies, in the entire territory, internationally recognised.
6. The Transnistria issue must be solved within the framework of a European security strategy for the Republic of Moldova. The fact that the RM is extending its relations with NATO and receives more assistance in the perspective of future admission to the Alliance offers the basis for a stable and permanent solution to RM security problems.
7. The solution has to take advantage of the existing documents on the table, in particular, the Yushchenko plan, The Decision of the Moldovan Parliament of 10 June

2005 (The Declaration on the Ukrainian Initiative Concerning the Settlement of the Transdnistrian Conflict, Appeal on the Criteria of Democratisation of the Transdnistrian Zone of the Republic of Moldova, and the Appeal concerning the Principles and Conditions of the Demilitarisation of the Transdnistrian Zone), and the Law of the Republic of Moldova “On the Basic Principles of the Special Legal Status of the Localities in the Area of the Left Bank of the Dnister River (Transnistria), # 173-XVI, July 22 2005.

8. No external solution should be imposed to the state of Republic of Moldova against the interests of its citizens and in breach of its sovereignty.

IV.3. Demilitarisation

The situation overview

At present military forces on the territory of Eastern districts of Moldova include troops that are subordinated either to the regime of the “Transnistrian Moldavian Republic” – like the Transnistrian army, Transnistrian ministry of internal affairs, Transnistrian ministry of state security, or represent Russia – the Operational Group of Russian Forces (OGRF), also the units of guardians of ammunition stocks and other units.

The Operational Group of Russian Forces, as well as the 14th Army heavy equipment in Error! No index entries found.Treaty (CFE). The process of withdrawal initiated first in 1990 and then in 1992 at the CSCE Ministerial in Stockholm, where Russia committed itself to withdraw from Moldova, in 2006 is not yet completed. Approximately 1,400 Russian military personnel are still present on this territory.

Such situation makes the settlement of the conflict complicated, involves Russian Federation into the heart of the conflict and according to the Council of Europe Opinion n°193 (1996), jeopardises the international commitments Russia has undertaken.

At the OSCE Istanbul Summit in November 1999, Russia accepted deadlines for the withdrawal or destruction of all CFE-related equipment by 2001, and the withdrawal of troops by the end of 2002. The OSCE Porto Ministerial (2002) extended the deadline for the withdrawal of the remaining troops and the remaining equipment to the end of 2003. Regrettably, the mentioned above commitments have not been fulfilled as well. Moreover, according to the Ambassador Hill report to the OSCE Permanent Council, 5 February 2004, Transnistrian authorities had in several instances failed to honour a signed agreement on destruction of ammunitions on site.

Thus a major question of the official status of the Russian military based on this territory, in particular in regard to international law, as well as the question of perspectives of the CFE Treaty in the region, remains open.

Another military force on the territory of Eastern districts of the RM is a peacekeeping structure established by the ceasefire agreement of July 1992. The peacekeeping force is under the supervision of the "Joint Control Commission" which also oversees key security and administrative operations in the Security Zone. There are strong doubts that a peacekeeping force composed of representatives of the "conflicting parties" complies with the idea of "traditional peacekeeping", which makes the issue even more complicated. Moreover,

people residing on both banks, and separated by the Security Zone, do not feel any animosity towards each other. Because in contrast to seemingly similar situations in other conflict areas, these are one and the same people, not divided along either ethnic or religious lines, and consisting of the same ethnic groups (the three main groups are represented by Moldovans, Ukrainians, and Russians) differing only in proportions. Therefore, not a single episode of violence “from below” has occurred throughout the whole period after the cease-fire agreement of 1992, and this is not at all the achievement of peacekeeping troops or other military/paramilitary structures. Quite the opposite, incidents of offences and abuses that have happened, and recently increased in number, are caused by armed personnel belonging to the illicit Transnistrian Army, militia and security services or, even more alarming, perpetrated by the mentioned “peacekeepers” themselves. Whereas nothing like insurgent or “partisan” activities have ever been observed on the part of the residents of either the RM or its separatist Eastern region.

In addition, Russia has staffed its peacekeeping forces with troops from the OGRF, establishing in such a way the inappropriate link between the Russian military and the peacekeeping forces.

The situation is getting even more complicated because of other paramilitary structures, either functioning under the umbrella of the regime of the “Transnistrian Moldovan Republic” or formed by some officers and military personnel formerly attached to the 14th Army, who remained in Transnistria after demobilisation and established their “own private armed militias”, possibly interacting with the Transnistrian troops from the local ministry of internal affairs. Such militias, according to the NATO Parliamentary Assembly Sub-Committee on Democratic Governance 1-4 March 2004 Mission Report, could be responsible for the trafficking of small arms and other weapons.

Such a background explains why a goal of complete demilitarisation of the area of this artificially constructed and purely political conflict, if achieved, would be of great help and special importance for reaching its peaceful and sustainable solution.

In this context, we would like to emphasise that by “complete” demilitarisation we understand not only finalising the withdrawal of Russian troops and arsenals in accordance with the commitments taken at the OSCE Istanbul Summit of 1999. The success of demilitarisation element of a whole plan for putting the end to Transnistrian problem depends, not to lesser extent, on dissolving the illegal paramilitary structures mentioned above, together with their gradual incorporation into and integration with the respective bodies of the Republic of Moldova. At the same time, firm social and security guarantees should be provided for personnel and servicemen, presented in Transnistrian region in excessive quantity but usually having no other employment and job opportunities.

Such guarantees have actually been articulated in the Decision of the Moldovan Parliament of 10 June 2005 (The Declaration on the Ukrainian Initiative Concerning the Settlement of the Transdnestrian Conflict, Appeal on the Criteria of Democratisation of the Transdnestrian Zone of the Republic of Moldova, and the Appeal concerning the Principles and Conditions of the Demilitarisation of the Transnistrian Zone), further developed by the law “On the basic principles of the special legal statute of the localities on the left bank of Nistru (Transnistria)” adopted in July 2005. Additional, more detailed list of social guarantees for the population of the left bank of the Nistru River was elaborated at a special sitting of Moldovan government with the participation of President Voronin on 29 July 2005. They should be further

supplemented by the RM defence and security sector reforms aimed at restructuring and reorganising its national defence and security bodies into the democratically controlled and effective structures. Such steps should also be complemented with programmes addressing the consequences and problems of the defence reform, – such as assistance programmes for retired and redundant personnel. The RM obligations in this respect should be checked and monitored by the OSCE and/or other international bodies and organisations.

Therefore, middle term strategy for demilitarising the region assumes completing partial withdrawal and partial *in situ* utilisation of the remaining Russian arsenals near Kolbasna, thus lifting the necessity of Russian troops to guard them, and substituting predominantly Russian peacekeepers by a limited contingent of international military and civil missions. Next stage would consist of changing mixed – military/civilian – format of a peacekeeping operation for a civilian one (taking as a precedent the police missions already deployed by the EU in such countries as Bosnia-Herzegovina and Macedonia, also civilian EU operation in Georgia (Rule of Law Mission).

Introducing demilitarisation element along the guidelines of the so-called “Yushchenko plan”, into the general context of seeking solution for Transnistrian problem and ensuring reintegration of the Republic of Moldova through a process of democratisation, would produce an added value in terms of regional security and stability.

The process of dismantling the Transnistrian military system has the following dimensions:

- Withdrawal of Russian troops (including the “peace-keeping forces”) and ammunition.
- Dissolution of military, paramilitary and security forces in the area on the left bank of the Nistru River.

The withdrawal of Russian troops and ammunition implies the withdrawal of nearly 1,400 militaries and of 20 000 tonnes of ammunition. Such a measure enjoys a broad support of the international community and alongside with highly appreciated Russia’s agreements with Georgia, will be for the international community a prerequisite for the ratification of the adapted CFE Treaty. International financial support could possibly be provided to such an end. The Ukrainian political leadership should guarantee the process of Russian troops and munitions transit via the territory of Ukraine.

Demobilisation implies development and implementation of a programme of release-conversion, intended to guarantee the social and legal protection of militaries, and to provide other possibilities for professional re-qualification and employment for about 2000-2500 regular soldiers of the dissolved military units.

The establishment of the control on arms, equipment and other military patrimony requires the implementation of international assistance programmes aimed at collecting and neutralising arms and ammunition, as well as the conversion of military patrimony to civil ends.

Reiterating the Appeal of the Parliament of the Republic of Moldova concerning the principles and conditions for demilitarisation of the Transnistrian area, we would like to stress its importance, in particular, the following conditions for the demilitarisation of the Transnistrian area regarded as indispensable:

1. The Russian Federation shall complete the withdrawal and liquidation of its military arsenal, as well as the withdrawal of its military troops from the territory of the Republic of Moldova by the end of 2005.
2. The Russian Federation and the Republic of Moldova will recognize that military units deployed in the security zone according to the Moldavian-Russian Agreement of 21 July 1992, have already achieved their purposes and should be reduced gradually and removed completely from the territory of the country till December 31, 2006. Simultaneously, within the mentioned period, after a request made by the Republic of Moldova to the OSCE, the present formula of peacekeeping operations shall be gradually transformed into an international mechanism of military and civil observers under the mandate of the OSCE, while the Moldovan-Russian Agreement of the 21 of July 1992 will be out of force. The international mission of military and civil observers under the OSCE mandate shall operate in the Republic of Moldova up to the full political settlement of the Transnistrian problem.
3. The Republic of Moldova commits to propose, within the “Partnership for Peace” NATO Programme, and to achieve through the International Mission of Military and Civil Observers, the dissolution of military formations in the area, the liquidation of weaponry and military equipment, as well as social rehabilitation and re-qualification of persons belonging to the staff of so-called Transnistrian military forces.
4. In its turn, after the fulfilling by the Russian Federation of its obligations assumed within the Istanbul OSCE Summit (1999) on full, not delayed and transparent withdrawal of its troops and arms from the territory of the Republic of Moldova (including the contingent and armament under the Moldovan-Russian Agreement of 21 July 1992), The Parliament of the Republic of Moldova expresses its readiness to ratify the adapted Treaty of Conventional Armed Forces in Europe, which represents a fundamental element of the European security.

We believe that the approach proposed above has certain advantages and is more realistic in comparison with the recently presented plan of gradual demilitarisation of both the RM and its breakaway Transnistrian region, developed jointly by the Russian Federation and the OSCE. Any attempt of implementing the latter would instigate, beyond any doubts, large-scale public protests and civic unrest in the Republic of Moldova, thus undermining its internal stability recently achieved through a difficult accord between the main political forces, and threatening further Moldova’s progress on a path towards European and Euro-Atlantic integration. To the contrary, the approach proposed by the working group will result in securing the international community against the danger of a collapse of the whole regime of control over conventional arms in Europe, and contribute to the Transnistria problem solution.

IV.4. Successive stages of democratisation and reintegration of the Transnistrian region

Although full democratic transformation in many areas of public life in the RM are yet to be achieved, its eastern Transnistrian region is lagging far behind and needs a number of special measures to be implemented in order to prepare its residents to perform basic democratic

activities, and to appreciate a prospect of reintegration into the Republic of Moldova. We believe that:

- Democratisation is not only the freedom of voting; it involves a complex step-by-step process taking several years to prepare local population for the first free and fair local elections conducted according to internationally accepted standards and on the basis of the RM legislation.
- The democratisation process should meet several minimum criteria to ensure a qualified choice of the citizens of the Republic of Moldova residing on the East bank of the Nistru River.
- The basis of the solution stands in the full democratisation of the Republic of Moldova as a whole, because for a complete integration of the Eastern bank, a functional democracy in compliance with European criteria is needed in the whole Republic of Moldova.
- Only the inhabitants of the Republic of Moldova with residence in the Eastern region can vote in local elections, and only the citizens of Moldova can be elected. Such a process cannot be started before the return of persons who were forced to flee the region as a result of violent conflict and persecutions by Transnistrian separatists (internally displaced persons and refugees). The Republic of Moldova will grant full access to its citizenship, without any financial and technical barriers, according to the law in force, to all former inhabitants of the region on the 27 of August 1991.
- The qualification of the Republic of Moldova's citizens in the Eastern districts, in order to decide their destiny, would be acquired through "opening" Transnistria: ensuring freedom of the press, free action of the political parties and NGOs registered according to the laws of the Republic of Moldova, free debates and political alternative. Only after the basic minimum criteria for democracy will be enforced, and the first round of local elections in the Transnistrian region carried out under international control, could the next round of local elections take place in the whole Republic of Moldova thus strengthening local communities throughout the country, NGOs, and political parties. For residents of the Transnistrian region, participation in the repeated local elections on all-national level will be especially important for ensuring the first democratic reflexes of the local population and empowering the local communities.
- After two rounds of free and fair elections, the local administrative structures – functioning on the basis of RM's legislation – must decide, after a period of campaigning and debates on alternatives, if they wish a strong local administration under the direct subordination of Chisinau, or if they prefer a regional form of administration, with Tiraspol city as the centre. The local referendums will signify the freely expressed and qualified will of people favouring one of the options, in every local community. The result will establish a contiguous region that will be administered according to the selected model.
- After these steps are accomplished, the road is clear for regional elections in the defined region whose population made its choice in favour of certain status and form of administration. The elected leaders, citizens of the Republic of Moldova, are

eligible to negotiate the final distribution of competences between the central and regional administration, according to the Yushchenko plan and to the Law of Republic of Moldova “On the main principles of the special legal status of the localities of the left bank of Nistru (Transnistria)”, and to define the degree of autonomy that the established region would enjoy.

- The reinsertion of central authorities into the Transnistrian region will then be conducted in close cooperation with the democratically elected local authorities. The representatives of the central administration in the former separatist region should be trained under EU programmes for police, law enforcement agencies, judges and public administration. After graduating from such training courses, representatives of the central administration will be reinserted step-by-step, following the procedures used for instance in Macedonia: day-by-day for some hours, together with the international police mission representatives, and taking into account the local authorities’ preferences and options. Realisation of a broad Civic Education Programme would be of great help for consolidating society at large.

- The next steps should focus on the reintegration of the army and law enforcement agencies. Preparation for this difficult task might be carried out with the assistance of the EU mission to the RM and other parties willing to contribute to the eventual reintegration of the RM. Joint training courses might be needed, as well as other confidence building measures and programmes.

IV.5. Requirements of a minimum democratic climate

The basic criteria for a minimum democratic climate will certainly allow the elections to be free and fair; there are a number of preconditions that must be accomplished on the left bank of the Nistru River:

Freedom of association:

- liberal framework for people’s freedom to associate, to create and run public associations, based on international standards of registration and functioning;
- right of peaceful assembly shall be recognised, and no restrictions can be imposed on the exercise of this right other than foreseen by the legislation in force;
- free access to associate with others, i.e. joining trade unions, creating NGOs, setting up political parties;
- civic activities, including those of NGOs, shall be carried out on the basis of the domestic law and international conventions.

Free access to information:

- free exercise of the right to receive and share information that is of public interest;
- freedom of expression, including freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or by any other means;
- ban of any form of official censorship in the mass media, except in cases specifically recognised as ‘racist, xenophobic, or calling to public violence’; any propaganda of war shall be prohibited by law, as well as inciting national, racial, ethnic or religious hatred, advocating discrimination and violence;

- non-interference into free communication by electronic means.

Freedom of conscience, faith and thought:

- freedom of faith, the unrestricted right to participate in religious activities and express religious identities;
- this right includes the freedom to keep or to change a religion or belief of one's own choice, and freedom to manifest his/her religion or belief in worship, observance, practice and teaching, either individually or in community with others, in public or private;
- inter-religious and inter-confessional tolerance promoted;
- freedom to manifest one's religion or beliefs subject only to such limitations as prescribed by the domestic law (of the RM) in order to protect public safety, order, health, or morals, as well as fundamental rights and freedoms of others;
- equal rights of religious activities guaranteed and protected;
- registration of faith-based organisations (churches) ensured.

Political Freedoms:

- liberalisation of political activities, i.e. registration of political parties or movements on the basis of internationally recognised regulations and laws of the Republic of Moldova;
- prohibition of intervention of local and state security bodies into political and electoral processes;
- free and equitable access to media for all political forces guaranteed by national and international monitoring of the process;
- national/linguistic minorities should have an effective mechanism of representation at both the local and national level (to be developed);
- citizens shall have the right and opportunities to take part in the conduct of public affairs, to vote and be elected in regular elections recognised by domestic law (of the RM), which shall be held by universal and equal suffrage, secret ballots, guaranteeing to all persons equal and effective protection against any sort of discrimination on any ground, such as race, color, sex, language, religion, political preferences, ethnic or social origin, property status, etc.

Mass Media Freedom:

- opening media space for Moldovan printed and electronic media;
- adoption of appropriate regulations to run the local/regional audiovisual sector, including local public broadcasting, in conformity with the *European Convention of Human Rights*;
- free and equitable access to media by NGOs and other civil society actors;
- appropriate laws protecting the right of journalists to not disclose their sources of information.

Local self-government:

- empowerment of local governments with local autonomy rights, i.e. incorporation of the European Charter of Self-Government, including financial, self-organisation, and property rights;
- financial autonomy guaranteed and non-interference with the local public affairs of bodies other than local self-government elected authorities.

Anti-extremist laws

- prohibition of the functioning of xenophobic, racist or other extremist organisations, proved as such by judiciary decisions based on national legislation and international conventions;
- monitoring of hate-speech and other forms of propaganda in the local/regional mass media.

Free movement of individuals:

- free movement of persons and services on the whole territory of the Republic of Moldova, i.e. elimination of artificial obstacles hindering communication between the left and right banks of the Nistru River;
- every law-abiding person staying permanently or temporarily on the territory of the Moldovan state shall have the right to freedom of movement and freedom to choose the place of residence;
- elimination of taxes, any restrictions, the “black list” of persons prevented from entering the Transnistrian region.

Functioning of an independent judiciary:

- status of judiciary to be strengthened and linked to the organisation of independent judiciary in Moldova;
- extended competence of the general prosecutor’s office has to be limited and counterbalanced by an independent judiciary;
- any sort of interference by security services and/or the administration in the work of the judiciary shall be avoided and further monitored.

Human Rights and Minority Protection:

- full and effective equality of all citizens, irrespective to national belonging or social status before the courts and tribunals; everybody shall be entitled to a fair and public hearing by a competent, independent and impartial court, established by law of the RM;
- right to individual liberty and security of individuals; no one shall be subjected to arbitrary arrest or detention, while those arrested or detained on a criminal charge shall be brought before a judge authorised by law to exercise judicial power, and shall be entitled to a trial within a reasonable time or be released;
- full access to effective remedies if there are some human rights violation; such remedies shall be determined and applied by a competent judicial, administrative or legislative authority;
- awareness-raising on human rights issues among the staff of law-enforcement agencies should be continued in cooperation with human rights NGOs;
- imprisonment for political views shall be banned and prosecuted, and no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;
- full observance of the PACE and Venice Commission recommendations on national/ethnic minorities rights shall be ensured.

Realisation of the proposed solution would require pulling together all tools and instruments of the three regional actors on the level of both state bodies and NGO’s. If strengthened by the support provided by other countries and international organisations, this plan would lead

to the eventual success of the described solution to the Transnistrian problem which we regard as correct and sustainable.

Also, we strongly believe that all international actors should join their efforts in order to promote and support elaboration and implementation of a vast Civic Education Program in the Eastern districts of the Republic of Moldova aimed at familiarization of the population with the basic principles of democracy, the rule of law, functioning of a democratically established state, the place and role of the political democracy and of political parties under a multiparty system, the Constitution of the Republic of Moldova and its political system, the Electoral code, the basic rights and freedoms that citizens of Moldova are enjoying.

V. Specific Issues to be addressed

V.1. Actions on the Republic of Moldova side

On 16 – 17 May 2005, Ukraine launched a Plan for the Transnistrian conflict settlement which proposes, as a key-element, the democratisation of the region, followed by local elections conducted under international supervision and the establishment, in such a way, of a new Transnistrian partner in the negotiation process. This idea enjoyed the support of many participants in the negotiation process. At the same time, there are contradictory visions concerning the democratisation criteria. The Republic of Moldova has set a legal frame which aims at democratisation of Transnistria by means of accommodating the political process in the area into the constitutional space of the Republic of Moldova.

On 10 June 2005, the Parliament of the Republic of Moldova passed Decision no. 117-XVI on the Ukrainian Initiative Concerning the Settlement of the Transnistrian Conflict and Measures for Democratisation and Demilitarisation of the Transnistrian Zone. It includes Declaration on the Ukrainian Initiative, Appeal on the Criteria of Democratisation of the Transnistrian Zone of the Republic of Moldova, and Appeal Concerning the Principles and Conditions of the Demilitarisation of the Transnistrian Zone. The document points out that “free and democratic elections could not be held in the Transnistrian area as long as the Constitution of the Republic of Moldova and the international democratic standards are disregarded, the political pluralism and freedom of speech are lacking, and attitudes different from the ones imposed by force are repressed”. Such a provision sets clearly the conditions for the implementation of the democratisation process and for conducting elections in the Transnistrian area according to the Constitution of the Republic of Moldova and to the criteria set by the Parliament of the Republic of Moldova.

Among other important measures defined, these documents call for:

- liquidation of the political police (the so-called Ministry of State Security) which suppresses any manifestation of freedom and eliminates the political opponents to the separatist regime thus hindering the preparation and organisation of free and democratic elections in compliance with OSCE and Council of Europe standards;
- reformation of so-called judicial power in the Transnistrian area;
- releasing political prisoners illegally detained in the prisons of the Transnistrian area, according to the European Court of Human Rights decision of 8 July 2004;

- removal of the obstacles to free activity of political parties in the Republic of Moldova on the territory of the Transnistrian zone;
- holding elections in the Transnistrian area under the exclusive supervision of an International Electoral Committee, under the OSCE mandate, with the largest representation of the member-states within it;
- monitoring of democratic standards by the International Electoral Committee, at least five months before the elections.

At the same time, the Parliament of the Republic of Moldova sets the requirement that: “the international monitoring of the democratic standards in the Transnistrian area, as well as the implementation of the electoral process by the International Electoral Committee cannot entail any consequence on the recognition of this entity under the international law”.

On 22 July 2005, based on the Ukrainian Plan for the Transnistrian Conflict Settlement, the Parliament of the Republic of Moldova passed Law no. 173-XVI “On the basic principles of the special legal status of the localities in the area on the left bank of the Nistru River (Transnistria)”. The law provides for some competences of Transnistria within the Republic of Moldova which, according to the Ukrainian Plan, must be defined before holding democratic elections in Transnistria.

Among the obligations taken by the RM are:

The Republic of Moldova must diversify the sources of information available for the people of Transnistria, especially by launching special programmes on radio and TV channels with coverage in the Transnistrian area.

The Republic of Moldova must modify the present legal frame with a view to simplify the procedure of registration of non-governmental organisations from the East Bank by central fiscal bodies.

V.2. Necessity to modify the electoral system of the Republic of Moldova in view of the state reunification

Granting the residents of Transnistria with the possibility to elect and be elected deputies of the legislative body of a reunified Moldova within a special constituency would be a step towards the settlement of the Transnistrian conflict. This implies updating of the electoral system.

Since 1993, Moldova applies a totally proportional system: one country – one electoral constituency. This system is subject to much criticism, since the MPs from the capital city are usually overrepresented in the legislature, whereas the MPs from the field are underrepresented. The representation ratio is 70:30, while the number of voters in the capital city counts at about 25%. Therefore, the Venice Commission of the Council of Europe as well as OSCE/ODIHR recommended to the Republic of Moldova to modify the single electoral constituency and to set a system of local constituencies with multi-mandate constituencies for the territorial-administrative units with a special status, according to article 111 of the Constitution of the Republic of Moldova.

A draft law intended to make such amendments has already been developed. Passing this law is a matter of political will. The implementation of the limited proportional system with several multi-mandate constituencies will raise the problem of regional parties. Article 38 of

the Constitution of the Republic of Moldova provides for equal treatment of all political parties.

This means that amendments to only the Law on Parties would not be enough to help solve the problem. The solution should include liberalisation of the Law on Parties by lowering the minimal number of required members and the number of territorial-administrative units where parties are compelled to have branches with a minimal share of members.

V.3. Issue of dual citizenship

In general, the issue of citizenship for residents of the Transnistrian region of the RM is a complicated one and not to be solved easily.

For over 15 years, the residents of Transnistria were deprived of the right to choose their citizenship freely. The separatist regime, whose leaders themselves keep Russian citizenship, promotes by all means increasing the number of Russian citizens in the area. This is often seen by the inhabitants of Transnistria as a way out of a quite uncomfortable situation of being “the citizens of the TMR” only – a status providing no citizenship rights anywhere beyond the territory controlled by the Tiraspol regime, – or just keeping the old Soviet passports. As a result of Russian policies in the area, fully supported by the illegitimate Transnistrian authorities, over 100.000 Transnistrian residents have Russian citizenship. Nevertheless, despite facing numerous obstacles artificially imposed on them, 270.000 people (out of a total of about 550.000) have managed to realise their conscious choice of getting Moldovan citizenship, thus clearly signifying their willingness (and readiness) to rejoin the Republic of Moldova.

The situation was further complicated by Ukraine, which over the last few years granted, according to different estimations, Ukrainian citizenship to between 50.000 and 60.000 ethnic Ukrainians residing in Transnistria area. Recent statements by some Ukrainian authorities may indicate that Ukraine intends to further encourage inhabitants of the Eastern districts of the Republic of Moldova, claiming Ukrainian ethnicity, to gain Ukrainian citizenship and to ease the existing procedure for this.

Taking into consideration that Ukrainian legislation (the Constitution as well as the Law on Citizenship), in contrast to that of Moldova, but in accordance with that of the majority of European states, does not provide for dual or multiple citizenship, such steps will certainly create in the future essential obstacles to the participation of this part of the population of the Eastern Districts in public and political life of the reintegrated Republic of Moldova – in particular, by preventing them to be elected to representative bodies of power, join political parties, take part in referendums, etc.

A significant part of Moldovans residing on the right bank of the Nistru River acquired Romanian citizenship, which is becoming increasingly appealing in view of Romania’s forthcoming entry into the EU. This fact can be regarded as contributing to the division between the population inhabiting, respectively, the Transnistrian region and the rest of the RM, and may influence the country’s prospect for reintegration. In addition, a prevalent European trend to limit citizenship to a single country and to make national legislations even more restrictive in this regard (as, for example, recent amendments to the citizenship law in Germany), should also be taken into consideration.

Although no simple solution can be immediately identified, we believe that regular consultations and coordination of citizenship policies between the governments of the Republic of Moldova, Romania and Ukraine (with the engagement, if possible, of Russia) would be welcome, with the objective to set a legal frame compliant with European standards.

VI. The role of Russia in the common effort

All three parties recognise that Russia is an important actor with the legitimate interests in the region. Russia could also make an important contribution to the solution of the conflict that would have an added value.

At the same time its influence should be manifested through the means of negotiations, and the principle of *Pacta sunt servanda* is to be observed at all times. Therefore, we invite Russia to assume the principles agreed between the three parties, and to contribute to the solution offered by the present documents and according to the free and qualified will of the citizens of the Republic of Moldova living on the East Bank.

Russia should comply with its commitments of the Istanbul 1999 OSCE final statement regarding the withdrawal of weapons and ammunition from the East bank, the retreat of its soldiers – guardians of ammunition stocks, peacekeepers, or its citizens acting as members of local militia, security and military illegitimate bodies.

The democratisation of the separatist region and the path towards a functional democracy in the whole Republic of Moldova is a guarantee for the protection of all citizens living in the Eastern districts that will enjoy their rights according to European standards and regardless of their ethnic identity. The best proof for this is the very existence of the quite sizable Russian minority on the West Bank of Nistru that benefits from human rights observance on equal terms with other citizens of Moldova, and whose members are not discriminated in any way.

The Russian language has a large circulation and there is no discrimination related to using this language on the streets and everywhere. There are no regulations to oblige the children to learn only in Moldovan, and on the contrary, all children learn also Russian as a foreign language. At the decision-making level, members of the Russian minority have a larger representation in all bodies than the quota of population they represent.

Therefore, the three parties believe that there are no legitimate interests of Russia that cannot be resolved within the framework of just and friendly relations with the Republic of Moldova.

Any claims put forward by Russia should be discussed and negotiated with the central authorities of the Republic of Moldova using proper bilateral mechanisms; there is no precedent when legitimate claims were rejected.

On the other hand, Russia should rely on the legitimate authorities of the Republic of Moldova for dealing with the internal matters of the country, on the basis of its sovereignty recognised by Moscow as well as by all international community, also within the framework

of the bilateral interstate agreement ratified by both countries. In this respect, Russia should recognise the right of the Republic of Moldova to choose the best security solution and the best way of economic development for its citizens, including the will to adapt and reform the country in order to be able to join European and Euro-Atlantic institutions.

It is very important for Russia, that officially recognises the borders and the sovereignty of Republic of Moldova, to support its legitimate authorities in their endeavours to take full responsibility for the entire country, and in particular, to reinsert central authorities representatives into the separatist region. According to the international agreement in force, Moscow should no longer attempt to promote the independence of Transnistria.

Although Russia might be invited to take part in future peacekeeping multinational operation, it should also be taken into consideration that this country was recognised as the side of the Transnistrian conflict by the decision of the European Human Rights Court on the case “Ilascu and others versus Moldova and Russia” (8 July 2004). Russia observed this decision in the part concerning paying of the compensation to the liberated political prisoners previously kept in the Transnistrian prison. This fact may compromise further active engagement of Russia in the new peacekeeping operations or civil/military missions.

The three parties agree that all the actors should look for a suitable and comprehensive package of stimulants and benefits clearly presented and explained to Russian leaders, to the establishment and to the population of the Russian Federation. This effort should be shared in order to ease the political costs of the assumed changes in Russia’s attitudes towards the region. Russian Federation should realise the advantages in terms of acquiring more credibility, added political weight and status among countries of the world by the gesture of support for the proposed solution for the Transnistria region, thus proving the new spirit of the Kremlin and demonstrating its openness, generosity and acceptance of the values shared by the international community.

VII. The added value of further introducing of European standards

All three parts agreed about the role of the democratisation and introducing more European standards within the Republic of Moldova. The added value of those processes could help to improve the situation and give a solid perspective of development and welfare to all the citizens of the Republic of Moldova.

Since the society was never split along ethnical or religious lines, even in the time of the armed conflict, restoration of trust and rebuilding of the country is easier to achieve once the major sources of the conflict are eliminated. It is here the ground for the projects connected to the EU-Moldova Action Plan, the TACIS programmes and other special programmes financed by donors to provide the relief.

We propose to establish a special fund for the reintegration and reconstruction of the Eastern districts, to finance projects of confidence building, civic education, inclusion and tolerance, also for re-structuring the main institutions of the separatist region. This programme should

by consistent with the existing EU-Moldova Action Plan in order to synchronize the development of the whole Republic of Moldova.

The EU has a vast experience in state building. Since Democratisation and Europeanisation processes would greatly contribute to the solution to the conflict, therefore, we urge the UE to consider playing a more active role in Moldova, beginning with the transfer of expertise in the fields of border guards, border police and local police, also strengthening of justice system, local administration, central institutions, etc.

RECOMMENDATIONS

To the UN, OSCE, CoE and the EU

- Elaborate a joint, clear-cut position reconfirming that any solution to the Transnistrian problem can only be based upon the recognition of, and full respect for, the Republic of Moldova's state sovereignty and territorial integrity and that its Eastern (Transnistrian) region has no prospect of being recognised by the international community as an independent state.
- Emphasise that if a decision is reached on the status of Kosovo, it is irrelevant to the case of Transnistria – irrespective of its form and content.

To the EU

- Reevaluate assessments and commitments in view of the risks and security threats that the 'frozen' conflict in Transnistria represents for the EU member states and the region as a whole.
- Consider replacing the existing peacekeeping forces in Transnistria with a multinational EU or OSCE-led mission consisting of civil (police) and military personnel, using the experience gained by the EU missions deployed in Bosnia-Herzegovina, Macedonia, and the Democratic Republic of Congo.
- Fully implement the mandate of the EU Border Assistance Mission with special emphasis on site inspections to be conducted without any kind of prior announcement. Consider extending the EU Border Assistance Mission mandate in order to monitor all illicit border trade according to international law and the bilateral Ukraine – Moldova Declaration signed by the two Prime Ministers on 30 December 2005.
- Emphasise, from the public diplomacy point of view, not only the inspection part, but also the capacity-building aspect of the EU Border Assistance Mission in order to increase the popularity of the Mission, thus enhancing cooperation between the border guards and customs police personnel and gain the support of society as a whole.

To the EU & US

- Consider strengthening the EU and US role in the negotiation process, aimed at the further transformation of a "5 + 2" format into a fully-fledged format of "7".

- Intensify political dialogue with Russia, persuading the latter to comply with international norms and standards concerning Transnistria issues.
- Suspend trade relations with those economic agents of Transnistria that fail to comply with internationally recognised customs regulations and Moldovan legislation.
- Reconfirm that ratification of the adopted Conventional Armed Forces in Europe Treaty be conditional upon the complete withdrawal of Russian troops and munitions from the RM.
- Suggest to Ukraine that it coordinates its policy of dealing with high level representatives of the Transnistrian administration with the EU and the US, especially with regards to the ban on entering the US and EU member states.

To all actors involved in the Transnistrian conflict settlement:

- Take all possible measures to assist in enforcing the full observance of the ceasefire agreement between the RM and Russia of 21 July 1992 (signed in the presence of Igor Smirnov), especially the point concerning the unrestricted movement of people, goods and services in order to prevent and redress such incidents as, for example, blocking the pedestrian traffic on the Dubossary Hydro-Electric Power Plant dam for villagers on both banks of the Nistru River (31 January 2006), also to abolish the illegal border and customs controls imposed by the illegitimate Transnistrian authorities at the “internal border”.
- Insist on denouncing any customs duties for Moldovan goods entering the territory of the Transnistrian region introduced unilaterally and illegally by the separatist authorities.

To the OSCE

- Provide further support for the Common Initiative of the Moldovan and Ukrainian Presidents concerning the creation of an OSCE Assessment Mission for the Transnistrian region in order to define appropriate criteria for democratic elections and for monitoring their observance.
- Reconfirm that the advanced democratisation of the region is a long-term process that should precede any internationally recognised elections.
- Intensify collaboration with international experts and civil society actors for assessing progress in regional democratisation.
- Continue the efforts aimed at completing the withdrawal of Russian troops and removal of munitions and equipment still stored in the Transnistrian region of the RM.
- Until this objective is reached, ensure broader international support for carrying out regular unhindered inspections of Russian weapons and arsenals near Kolbasna station.
- Develop, in collaboration with the EU, a detailed proposal on a civil/military mission to replace the existing peacekeeping forces (the Joint Peacekeeping Troops) that do not meet international (UNO) standards and are unable to cope with the situations of emergency.
- Raise the question of the demilitarisation of the Eastern districts of the RM at the CFE Treaty states-parties conference within the framework of The Forum for Security Cooperation in May 2006.

To NATO:

- Include the Transnistrian issue into the NATO-Russia policy dialogue agenda.
- NATO Parliamentary Assembly: support and reconfirm the recent document signed by the foreign ministers of all 26 NATO member states, emphasising the need to resume and complete the withdrawal of Russian troops and equipment from the territory of Moldova as soon as possible.
- NATO Parliamentary Assembly: consider the relevance of the recent initiative on monitoring the withdrawal of Russian troops and ammunition from Georgia to the Moldova/Transnistria situation.

To national and international donor & sponsor organizations:

- Establish a clearinghouse for better coordination of programmes, projects, and planning of different forums in order to avoid duplication and sometimes even “rivalry” for partnership and cooperation with a still limited number of Transnistrian NGOs involved in democratisation and integration activities.
- Focus on joint, re-integrative projects for the Republic of Moldova (including Transnistrian NGOs), instead of supporting those projects dealing separately with Transnistrian NGOs.
- Encourage regional cooperation projects involving civil society actors from Moldova/Transnistria and a number of Central and Eastern European countries, especially those actively supporting the “Community of Democratic Choice” initiative, taking into particular account the experience accumulated on these matters by the Soros East-East Program.
- Pay special attention to trilateral projects involving the Republic of Moldova and its two neighbouring countries – Ukraine and Romania – as the parties most committed to a successful resolution of the Transnistrian conflict, and therefore willing and able to make an important contribution to strengthening regional cooperation in areas of security, human rights, ecology and other issues.
- Support initiatives “from below” aimed at sharing the experience of contributing to the peaceful settlement of “frozen conflicts” and developed by independent experts and civil society activists from GUAM countries.

To Romania:

- Support the aspirations of both the Republic of Moldova and Ukraine for the European and Euro-Atlantic integration.
- Continue efforts on the international level advocating the urgency of solving the Transnistrian problem, which threatens regional security and stability, on the basis of the RM state sovereignty and territorial integrity.
- As a neighbouring country on the verge of EU membership, negotiate involvement in the EU Border Assistance Mission.
- Consider providing border and customs management assistance and training, and sharing experience on implementing anti-corruption programmes, within the framework of activities of the EU Border Assistance Mission.
- Coordinate its policy of providing Romanian citizenship to residents of the Republic of Moldova with the governments of the Republic of Moldova and Ukraine according to European standards and keeping in mind the need for consolidating and strengthening Moldovan statehood and the prospect of that country’s reintegration.
- Launch a public awareness campaign stressing the Republic of Moldova’s reintegration as the main objective and the eventual result of the resolution of the

Transnistrian conflict, thus dispelling the idea of decoupling the Transnistrian region from Moldova, advocated by some marginal Romanian political figures.

To Ukraine:

- Use the opportunity to strengthen Ukraine–EU cooperation by developing coordinated policies with regard to Transnistrian issues.
- Ensure full-fledged collaboration with the EU Border Assistance Mission and a concerted effort to stop the trafficking of weapons, small arms, drugs, and people across the Ukraine-Moldova border, particularly its Transnistrian section, as well as the illicit flow of goods from Transnistria not licensed and registered according to RM rules and regulations.
- Cease official bilateral relations with leaders of the “TMR” as they are not subjects of international relations, and reduce to an absolute minimum unofficial meetings and talks; make them transparent and subject to previous consultations with the RM authorities and the EU missions to Ukraine and Moldova.
- Reconfirm that any solution to the Transnistrian problem should be based exclusively on the reintegration of the Republic of Moldova, and that the Transnistrian conflict resolution efforts would contribute to regional security and stability, and therefore correspond with the objectives of the Ukraine-EU Action Plan, Ukraine – NATO Action Plan and Ukraine – NATO Annual Target Plans.
- Revise its policy of encouraging mass and unconditional acquisition of Ukrainian citizenship by residents of the Transnistrian region of the Republic of Moldova.
- Encourage those ethnic Ukrainians who are residents of the Transnistrian region of the RM and have no intention of leaving the area, to gain Moldovan citizenship, at the same time providing them with support to satisfy their ethno-cultural needs in full compliance with European norms, standards and international treaties, to which both Ukraine and Moldova are signatories.
- Implement without any further delay the bilateral Ukraine-Moldova Declaration from 30 December 2005 on the import/export of Transnistrian goods across the border, unilaterally suspended at noon on the day of its coming into force (January 25), and terminate commercial relations with firms and agents located on the territory of the Transnistrian region that fail to observe Moldova’s legislation and internationally recognised customs regulations.

To Moldova:

- Strengthen cooperation with the EU and NATO in order to promote domestic administrative, economic and political reforms.
- Provide enterprises located in Transnistria with a practical and accessible framework for acquiring legal licenses for their activities.
- Request a preferential visa regime with the EU that would have the added value of enhancing the attractiveness of Moldovan citizenship for residents of the Transnistrian region.
- Develop a long-term strategy aimed at the consolidation of the entire citizenry of the Republic of Moldova into a modern political nation, while supporting and promoting ethno-cultural and religious identities, and observing the rights of minority groups.
- Adopt as soon as possible legislative acts providing political, social and security guarantees to residents of the Transnistrian region within the reintegrated Republic of Moldova.

To Ukrainian & Moldovan authorities

- Intensify closer bilateral cooperation between national legislatures and regional/local representative bodies.
- Ensure better coordination of state policies aimed at European and Euro-Atlantic integration, engaging support and assistance from the new EU member states and candidate countries within the framework of the “Community of Democratic Choice”.
- Ensure enforcement of bilateral intergovernmental agreements for a mutual, “symmetric” approach to observing the rights of national minorities according to European standards and the recommendations of the Venice Commission particularly with respect to the role of kin states; promote the engagement of civil societies in both countries, as well as NGOs from neighbouring states, into the monitoring and implementation of such agreements.

To Russia:

- Complete the withdrawal of troops and munitions from Moldova, in compliance with the 1999 Istanbul commitments.
- Reconsider its policy of promoting unrestricted acquisition of Russian citizenship by residents of the Transnistrian region of the Republic of Moldova.
- Abolish the practice of issuing licenses for goods produced in Transnistria by the Russian Chamber of Commerce.
- Apply the same oil and gas prices for all regions of Moldova, including its eastern (Transnistrian) region, in a transparent way and in accordance with the WTO regulations.
- Use its leading position and influence within the Eurasian space to ensure an eventual peaceful and sustainable solution to the Transnistrian problem.