



CENTRE FOR INTERNATIONAL CRISIS
MANAGEMENT & CONFLICT RESOLUTION

Is there a federal solution for the Transnistria conflict?

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Overview

- What is a federal arrangement (and what is it not)?
- Some examples of federal solutions to separatist conflicts
- Lessons learned from federal experiences
- What could work for Moldova and Transnistria?

What is a federal arrangement?

- A constitutionally entrenched form of **territorial self-governance** as a model of state construction: e.g., Belgium, Bosnia, Switzerland, Canada, Russian Federation
- Entire territory divided into separate political units, enjoying **exclusive executive, legislative and judicial powers independent of the central government**

What is it not?

- Federal arrangements are distinct from four other forms of **territorial self-governance**

– Confederation

– **Federation**

– Autonomy

– Devolution

– Decentralisation

↑ + Maximum power of self-governing entities

↓ + Maximum power of central government

What is it not?

- Confederation
 - **Voluntary** association of **sovereign member states**
 - **Some competences** (defence, foreign affairs, currency) are **pooled by treaty** without normally giving executive power to the confederal level
 - Examples:
 - Serbia and Montenegro (2003-6), Switzerland (1291-1848)
 - Belgium? EU?

What is it not?

- Autonomy
 - Most similar in terms of **constitutionally entrenched** public policy functions exercised independently of central government
 - Does not need to cover entire state territory, i.e., is normally applied in otherwise **unitary states**
 - Examples: Denmark (Greenland, Faroe Islands), Finland (Åland Islands), Portugal (Azores, Madeira), Spain (Catalonia), Ukraine (Crimea)

What is it not?

- Devolution
 - Also normally applied to selected territories in an otherwise **unitary state**
 - Tends to involve **fewer** exclusive public policy **functions**
 - **Weaker protection** by regular, rather than constitutional laws
 - Example: United Kingdom

What is it not?

- Decentralisation
 - Guided by the principle of **subsidiarity**: delegation of **executive and administrative powers** to local levels of government
 - **Rarely involves** legislative or judicial powers or constitutional entrenchment
 - Examples: France, Macedonia

Some examples of federal solutions to separatist conflicts

- Belgium:
 - Decade-long process of federalisation involving “regions” and “communities”
 - Now increasingly confederal tendencies
- Bosnia and Herzegovina:
 - Two “entities”: RS and Federation
 - Strong centrifugal tendencies

Some examples of federal solutions to separatist conflicts

- Canada:
 - Century-long process of federalisation
 - Ongoing, “living federation”
- Switzerland:
 - Gradual evolution from confederation into federation
 - Stable equilibrium balancing linguistic and religious groups

Lessons learned?

- Centralisation or decentralisation of powers
 - Clearly and meaningfully **divide** powers
- Symmetry or asymmetry
 - Allow for **flexible differentiation** of powers between entities
- Constitutional entrenchment
 - Create mechanisms and procedure to **enforce** protected status
- Coordination
 - Ensure that **policy and legislation** are coordinated among entities and with centre
- Financial arrangements
 - Money follows **function**
 - Redistribution/equalisation of **national wealth**

What could work for Moldova and Transnistria?

- **A differentiated federal structure...**
 - Two, three or more (self-determined) entities
 - Relationships with centre individually 'negotiated'
- **...based on firm commitments to a common state...**
 - From the centre: to respect and protect federal arrangements
 - From the entities: to participate in common state
- **...and backed by international guarantees and support**
 - Respect of sovereignty, territorial integrity, and non-interference
 - Treaties with Russia, Romania and Ukraine affirming above principles and good neighbourly relations and confirming existing borders
 - International commitments to assist in building a common state



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