

A resolvable frozen conflict?
The politics of self-determination
in Moldova and Transnistria

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The Conflict



- ❑ Break-up of the Soviet Union
- ❑ National 're-assertion' and resistance
- ❑ Violence, displacement, ceasefire agreement
- ❑ The 'tragicomedy' of negotiations

The Dispute/s in Moldova

□ Transnistria—Gagauzia—Bender

- Territorial state construction: status of different entities vis-à-vis centre and each other
- Distribution of powers: between centre and entities
- Power sharing: at the centre and in entities
- Policy coordination and dispute resolution mechanisms
- Domestic and international guarantees

The Dispute/s in Moldova

□ The “Russian” dimension

- Demilitarization, neutrality, status of foreign (including Russian) troops

□ The “Romanian” dimension

- Irredentism/unification
- Identity of Transnistria

The Existing Proposals

- ❑ Report No. 13 of the CSCE Mission to Moldova (1993)
- ❑ Bratislava Declaration of the PMR (2002)
- ❑ OSCE Kiev Document (2002)
- ❑ Russian Draft Memorandum on the Basic Principles of the State Structure of a United State in Moldova (2003)
- ❑ Proposals and Recommendations of the Mediators from the OSCE, the Russian Federation, and Ukraine with regard to the Transdnistrian Settlement (2004)
- ❑ Plan for the Settlement of the Transdnistrian Problem (2005)
- ❑ Law 'On Fundamental Regulations of the Special Legal Status of Settlements on the Left Bank of the River Nistru (Transnistria)' (2005)
- ❑ Moldovan 'Package' Proposal (2007)
- ❑ The German 'non-paper' (2011)

Existing Consensus?

YES

- ❑ Transnistria as a separate territorial entity (not necessarily the only one) and to have a range of exclusive powers
- ❑ Need for coordination and dispute resolution
- ❑ Domestic and international guarantees (principle, not detail)
- ❑ Romanian dimension (option for secession, protection of identity)

NO

- ❑ Confederation—federation—federacy
- ❑ Status of Bender (boundaries of Transnistria)
- ❑ Power sharing at the centre (representation/participation)
- ❑ Russian dimension (sequence)

A Consensus-consistent Framework

- **Multiple asymmetric federacy arrangement**
 - Negotiate special status for Transnistria
 - Preserve status of Gagauzia
 - Determine status of Bender
- **Power sharing at the centre**
 - Co-opt entity officials into central government
 - Qualified/concurrent voting procedures in parliament
 - Entity representatives in constitutional court

A Consensus-consistent Framework

- Policy coordination and dispute resolution
 - Create implementation body with conciliation mandate
 - Judicial review and arbitration procedures at constitutional court
 - Establish ministerial offices to deal with entity affairs

A Consensus-consistent Framework

□ The Romanian dimension

- Preserve option for secession in case of unification with Romania
- Guarantee human and minority rights in Transnistria

□ The Russian dimension

- Grand bargain: multilateral treaty guaranteeing Moldovan sovereignty, territorial integrity, neutrality, and demilitarization

A Consensus-consistent Framework

□ Domestic guarantees

- Legal and constitutional entrenchment of settlement
- Qualified/concurrent majorities for constitutional change
- Entity consent requirement for changes to status/powers

□ International guarantees

- Multilateral treaty
- International oversight and conditional support of implementation
- International participation in conciliation body

A Consensus-conducive Environment?

- Tiraspol: new president, new constitution, new approach?
- Chisinau: no president, no urgency?
- Moscow: new opportunities?
- Brussels: the only hope?
- Vienna: new relevance?

→ Conflict *more* resolvable, but settlement not *imminent*

A Final Thought

“...the implementation of this plan depends primarily on the political will and the parties' determination...”

(The [Ukrainian] Plan for the settlement of the Transdnestrrian problem, 2005)

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