

SPECIAL STATUS

**Can the Moldovan-Transnistrian Conundrum
be Resolved by Consociational Democracy?**

**Karl Cordell, University of Plymouth, UK
Stefan Wolff, University of Birmingham, UK**

The Conflict



- **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 “Russian” dimension**
 - Demilitarization, neutrality, status of foreign (including Russian) troops
- **The “Romanian” dimension**
 - Irredentism/unification
 - Identity protection for all communities



A Consociational Perspective

What it is

- Theory of conflict management in divided societies

What it can do

- Describe institutions of conflict management, predict their emergence, explain their stability

What it is not

- Theory of democracy

What it cannot do

- Offer a blue-print for successful conflict management

A Consociational Perspective

Lijphart

- Four main features: grand coalition, segmental autonomy, minority veto, proportionality
- Empirical basis: sovereign consociations, initially predominantly in western and northern Europe

McGarry and O'Leary

- Two main features: power sharing ('meaningful jointness') and autonomy
- Empirical basis: broader and including regional consociations, primary cases Northern Ireland and Iraq

A Consociational Perspective

- Relative **demography**: compact groups in historically delineated territories → territorial self-governance
- Relative **heterogeneity**: diverse self-governing territories → local power sharing
- Relative **significance**: significant territories/population groups → central power sharing
- **PLUS**: coordination and dispute resolution, external context, guarantees

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 Transdniestrian Settlement (2004)
- ❑ Plan for the Settlement of the Transdniestrian 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 across whole of Moldova

□ 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?

- ❑ The principal calculation: AA + DCFTA or EU- Ukraine?
- ❑ Tiraspol: new approach?
- ❑ Chisinau: new strategy?
- ❑ Brussels: new priority?
- ❑ Moscow: new obstacles?
- ❑ Vienna: new opportunities?

→ Conflict *still* 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 Transdniestrian problem, 2005)

SPECIAL STATUS

**Can the Moldovan-Transnistrian Conundrum
be Resolved by Consociational Democracy?**

Karl Cordell

k.cordell@plymouth.ac.uk

Stefan Wolff

stefan@stefanwolff.com

www.stefanwolff.com

[@stefwolff](https://twitter.com/stefwolff)