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Preface and Acknowledgements

Following its opening in December 1996, the “European Centre for Minority Issues” (ECMI) initiated a series of conflict workshop-type meetings called *ECMI Black Sea Seminars*. The first event was a seminar entitled “From Ethnopolitical Conflict to Inter-Ethnic Accord in Moldova,” which took place from 12 to 17 September 1997 at Flensburg, Germany’s northernmost city and seat of ECMI, and at Bjerremark, Denmark—a former farm near the town of Tønder in Southern Jutland. Participants were diplomats, politicians, university professors and businessmen from the Transdniestrian and Gagauz parts of the Republic of Moldova as well as from the capital Chişinău (*Kishinev* in Russian). To facilitate the exchange of ideas and to revitalise the stalled negotiations between the parties to the conflict, experts in international law and diplomacy from the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, and the Foreign Ministries of Denmark and Germany were also invited. The seminar language was Russian—a fact that considerably contributed to lively and sometimes emotional, but always productive discussions.

On behalf of the OSCE Chairman-in-Office—at the time of the Seminar Danish Foreign Minister Niels Helveg Petersen—Ambassador Karsten Petersen delivered a welcome address, which is included in this report.

Also included are the Recommendations by the participants of the seminar in the Russian original and in English translation. The Recommendations include a list of participants, all of whom attended and spoke in their individual capacity although many of them occupy official positions.

We gratefully acknowledge the contributions of Michael Geistlinger and Rolf Welberts who drafted the Recommendations, and of Randolph Oberschmidt, Priit Järve and Ivan Koedjikov who chaired working groups on economic, educational and status questions. Moreover, Ivan Koedjikov was instrumental in having the final version adopted by the participants. We also acknowledge the assistance of Claus Neukirch of the *OSCE Mission to Moldova* for his invaluable logistical and organisational support. Irene Kohlhaas, German Ambassador to Moldova, Gerda Maennel of the German Foreign Office, and Rolf Gossmann of the German Ministry of the Interior played a crucial role in the difficult procedure of obtaining Schengen visas for all the participants. H. P. Clausen, Danish Consul General at Flensburg and Member of the Board of ECMI, issued the visas to Denmark in a non-bureaucratic fashion and

hosted a reception for the participants. Peter Rautenberg, Chairman of the Flensburg City Council, also received the participants on behalf of the City of Flensburg. Henrik Becker-Christensen, Director of the Danish Institute for Border Region Research at Aabenraa and Member of the Board of ECMI, gave a remarkable after-dinner speech entitled “Danes and Germans in the Danish-German Border Area: Confrontation, Coexistence, Community.”

The most significant contribution to planning, preparing, and carrying out the seminar, however, was made by Valeriu Moşneaga, Professor of Political Science at Moldova State University in Chişinău and ECMI Regional Representative for Moldova. Without his indefatigable energy, deep-rooted regional experience and refined organisational skills, the seminar could hardly have taken place in the smooth manner that it did.

Priit Järve, Senior Analyst at ECMI, helped set up the agenda and prepared this report. ECMI Research Associate Farimah Daftary contributed to the report and was of great help during the seminar. ECMI takes full responsibility for this report which has not been reviewed by the participants.¹

A follow-up to this first *ECMI Black Sea Seminar* under the title “Towards a Common State: Negotiation of a Special Status for Transdnistria in Moldova” is scheduled for late 1998 at Camenca in the Transdnistrian part of Moldova.²

Stefan Troebst, Director of ECMI

Flensburg, Germany, March 1998

¹ Randolph Oberschmidt, currently a member of the *OSCE Mission to Moldova*, who participated in the Seminar, published a report of his own (“Lösung der Transnistrien-Frage in Sicht? Anmerkungen zu internationalen Vermittlungsaktionen,” *Osteuropa, Zeitschrift für Gegenwartsfragen des Ostens*, vol. 48, no. 1, January 1998, pp. 82-84), while Natal’ia Prikhodko of Chişinău covered the preparations for the Seminar and the Recommendations for a Moscow-based daily (“Kishinev i Tiraspol’ prodolzhauiut peregovory, *Nezavisimaia gazeta*, 21 June 1997, p. 3, and “Chto takoe obshchee gosudarstvo? Ob etom predstaviteli Kishineva i Tiraspolia podumaiut v Podmoskov’e,” *Nezavisimaia gazeta*, 8 October 1997, p. 3).

² Later in 1998 “ECMI Working Paper # 5” entitled “*All the Attributes of A Normal State?*”: *Separatism in Transdnistria and the OSCE* (author Stefan Troebst) will be published.

The Map of Moldova

Note on Terminology

Moldova is the Romance-language term for what, in Soviet times, was called *Moldavia* and what, historically, is Central Bessarabia—a territory between the rivers Prut in the West and Dniester in the East (cf. map). Like today's Republic of Moldova (*Republica Moldova*), its predecessor, the Moldavian Socialist Soviet Republic (*Moldavskaia Sotsialisticheskaia Sovetskaia Respublika* – MSSR), also included the Western edge Transdnistria—the region between the rivers Dniester in the West and Bug in the East. So, the present-day political unit of Transdnistria, i.e., the break-away Transdnistrian Moldovan Republic (*Pridnestrovskaia Moldavskaia Respublika* – PMR) with Tiraspol as its centre, forms only a thin slice of what geographically is Transdnistria and what today is predominantly part of the Ukraine. To make things even more complicated, the PMR claims not only the strip of territory on the left bank of river Dniester but also two territories on the right bank: the industrial city of Bendery, also called Tighina, and the adjacent Dniester loop around the monastery of Chițcani.

Slightly less confusing is the geo-terminology used for the autonomous area of Gagauzia inhabited by the Turkic-speaking ethnic group of the Gagauz in the south of the Republic of Moldova. Unlike the PMR, however, Gagauzia does not form a contingent territory: it consists of the two neighbouring districts of Comrat and Ceadâr Lunga, of the territorially not connected district of Vulcanești in Moldova's southern tip, plus several dispersed village communes.

In this report, participants from the three parts of the Republic of Moldova are identified simply as Transdnistrians, Gagauz and Moldovans. The other participants are identified as experts. This terminology does not of course imply that, for instance, ethnic Gagauz are not citizens of the Republic of Moldova, or that an ethnic Ukrainian, is not also a Transdnistrian in a regional sense of the word.

Background

In 1992, a full-fledged armed conflict broke out in the valley of the Dniester river. The army of the newly independent Republic of Moldova tried to clear the city of Bendery of guards from the breakaway Transdniestrian authorities. After a week of fierce fighting in and over this town in June 1992, the 14th Army of the Russian Federation, stationed on the Eastern bank of the Dniester, intervened and ended by force the fratricidal operations of Moldovans and Transdniestrians. This conflict traumatised the population on both sides of the river and deepened the linguistic, ethnic, economic, social, ideological and political divide between the two parts of the country. To the present day, no exact casualty figures for the co-belligerents and the civilian population exist. It is estimated that some 1,000 people were killed and some 100,000 were forced to flee their homes. In July 1992, a peacekeeping contingent of the Russian Federation was stationed along the Dniester Valley. Together with Moldovan and Transdniestrian army units, it controls a Security Zone 225 kilometres long and 4 to 15 kilometres wide. Since that time, the conflict has remained deep-frozen, though by no means resolved.

What were the reasons for the conflict and for the Battle of Bendery in 1992? When the Soviet Union collapsed in 1991, the MSSR declared its independence under the name of Republic of Moldova. While the Romance-speaking majority of its population strongly supported independence, its Slavic-speaking third of the citizens were horrified by the prospect that the new state might soon merge with neighbouring Romania because of cultural and historical reasons. Back in 1989, Russians and Ukrainians living on the left bank of the Dniester led by the local Soviet political and economic elites had proclaimed a sovereign Transdniestrian Moldovan Autonomous Soviet Socialist Republic (*Pridnestrovskaia Moldavskaia Avtonomnaia Sotsialisticheskaia Sovetskaia Respublika* – PMASSR). Later, it declared independence under the name Transdniestrian Moldovan Republic (*Pridnestrovskaia Moldavskaia Respublika*) - PMR. In 1989, another newly autonomous Soviet republic on the territory of Moldova had proclaimed its sovereignty, the *Gagauzskaia Avtonomnaia Sotsialisticheskaia Sovetskaia Respublika* (GASSR), inhabited predominantly by the ethnic group of the Turkic-speaking Gagauz in the South of the country. In 1991, it then, too, declared independence under the name Gagauz Republic (*Gagauzskaia Respublika*).

So by early 1992, prospects for the territorial integrity of the Republic of Moldova looked rather bleak. Two militant separatist movements backed

by influential political actors in Moscow were challenging the sovereignty of the newly-founded Moldovan state, one of them—the Transdnistrians—controlling some 40% of the country’s industrial resources. Yet, only two years later, the central government in the capital Chişinău had come to terms with one of the separatist entities and had started negotiations with the other. In 1994, the Gagauz leadership accepted territorial autonomy—*Gagauz Yeri* with Comrat as capital—within the Republic of Moldova, and in the same year a first round of talks on a special status for Transdnistria was initiated between Chişinău and Tiraspol.

Three international actors were instrumental in bringing about this rapprochement between Chişinău and Tiraspol: the OSCE, the Russian Federation, and, more recently, the Ukraine. On 8 May 1997, these three in their capacity as mediators managed to have the two sides sign a “Memorandum on the Bases for Normalisation of Relations between the Republic of Moldova and Transdnistria” which was supplemented by a Joint Statement of the Presidents of the Russian Federation and Ukraine with the participation of the OSCE Chairman-in-Office (see Documentary Appendix of this report). The key sentence in the Memorandum read “the Parties shall build their relations in the framework of a common state within the borders of the Moldavian SSR as of January of the year 1990” (§ 11); the Joint Statement was even more explicit by defining “the status of Transdnistria as a component part of a united and territorially whole Republic of Moldova.” Yet, a week later, the Transdnistrian side disavowed its compliance by publicly interpreting the term “common state” as a confederation of two subjects of international law—the PMR and Republic of Moldova—and by stressing the fact that the Joint Statement had no importance for Tiraspol since the PMR was not a co-signatory.

This deadlock prompted the “European Centre for Minority Issues” (ECMI) to invite the chief negotiators from the two sides, Anatol Țăranu and Valerii Litskai, to discuss the future of the negotiation process under neutral auspices and in an informal atmosphere. In addition, representatives of political parties and minority organisations from both banks of the Dniester, including officials from *Gagauz Yeri*, were invited. Rectors of the universities in Chişinău, Tiraspol and Comrat, as well as managers of leading Moldovan, Gagauz and Transdnistrian wineries and distilleries also participated in order to highlight the detrimental effects of the conflict upon higher education and the export industry.

The Status of Transdniestria

The dispute over the political status of Transdniestria constitutes the core of the conflict in Moldova. The main question here is whether Transdniestria is to be regarded as an independent state or as a part of the Republic of Moldova. Tiraspol and Chişinău have held opposite views on that issue already for years. The authorities in Tiraspol claim their right to establish an independent state, whereas the government in Chişinău has rejected all such claims by arguing that this would violate the territorial integrity of the Republic of Moldova. These differences came clearly to the fore during the seminar.

At the beginning of the discussion, a Moldovan set forth the following periods in the resolution of the Moldovan-Transdniestrian conflict: 1) In 1992-1993, first steps were attempted, but the positions of the sides were impossible to reconcile. 2) From the middle of 1993 to May 1997, Transdniestria demanded state independence. 3) After the first draft Memorandum of June 1996 the mediators started to participate in the conflict resolution. Chişinău has been following the Memorandum, but Tiraspol has not, estimated the Moldovan. Explaining the pre-history of the conflict, he referred to the popular movement in 1988-1989, which led to national liberation of Moldova. He regretted that national liberation had been accompanied by extremism that induced separatism. Separatists, in turn, had started to suppress by force the state structures of Moldova in Transdniestria, causing the armed conflict of 1992 in which Russian soldiers took part. The blame was put on Moldova. So far, noted the speaker, this armed conflict remains the standing justification of separatism. He admitted that politicians of that period had made mistakes. In the Baltic States, where the politicians were more experienced, there was no conflict, asserted the Moldovan. He also admitted that mistakes were made in ethnic relations, but he refused to understand the need to create a new nation of Transdniestria.

A Transdniestrian responded that an independent state had not been an aim of Tiraspol at the beginning; rather, a free economic zone was the goal. However, the speaker elaborated, it became clear to Tiraspol later that it was impossible to protect the rights of the people without of a state of their own. Why were non-titular peoples not able to create independent states in some other former Soviet republics, he inquired, and pointed to the tradition of statehood that differentiates the PMR from Northern Kazakhstan and North-eastern Estonia where most inhabitants are Russians. The fact that Transdniestria survived the change of its leadership only means that the PMR is not an artificial entity, inferred the

speaker. As this territory has a tradition of statehood (the speaker was obviously referring to the Moldavian ASSR of 1924-1940; see also p.19 of this report), Transdniestria is now attempting to establish a state.

Another Moldovan called participants to peaceful discussion and stated that the participants cannot resolve all these issues during the seminar. Their task is the exchange of views and opinions. Excursions into history would lead astray. The majority of inhabitants, he assured, want to live in a democratic society. Moldova has made mistakes. The armed conflict was a mistake, he admitted. But it was followed by amnesty. What is important now is to harmonise the laws, using European legislation as a model. Both sides should move in that direction, he stressed. Documents, which have already been adopted, cannot be ignored. Different interpretations of the term “common state” could not be excluded, said the speaker, but the aggravation of the situation has to be avoided in order to build together the state of Moldova and strengthen stability in Europe.

The Transdniestrian explained that there are three population groups of almost equal size in the PMR. An independent state is their defence reaction to help maintain the balance of these groups. A mono-ethnic model of the state would not suit Transdniestria. In addition, people there are afraid that Moldova will merge with Romania. During this century, statehood was changed many times on the territory of Transdniestria. When the referendum on the PMR took place in Transdniestria, there were no PMR structures in its towns and villages. Fighting back the aggression in 1992 was important, but the PMR Ministry of Defence and other necessary structures were created only later. By now, the PMR has all the characteristics of a state, as well as three official languages: Russian, Moldovan and Ukrainian. At the same time, the legal systems of Moldova and the PMR are becoming more and more different from each other, stressed the Transdniestrian.

A Moldovan reminded the participants that there had been much debate on how to name Transdniestria: as a republic or a region. During the second period of conflict resolution, a number of documents were drafted, but drafts they remained. Chişinău suggested “a special status in a common state,” whereas Tiraspol wanted “two subjects – two states.” Chişinău then made a concession by adopting the term “Moldova and Transdniestria” but this only complicated matters further.

An expert suggested that there might be a way to name the PMR that would solve problems. He noted for example that France is referred to as France not as the French Republic.

The Moldovan agreed that terminology is not really a problem, although in right-bank Moldova the name of PMR has a strong negative connotation. He said that he is against such concepts which can be interpreted in many ways. For example, what is meant by “state-legal relations” (*gosudarstvenno-pravovye otnosheniya*)? Are they the relations between the centre and a region or between two states, he wondered. He concluded that the main point is the division of competencies, not deciding upon a name.

A Transdnistrian noted that the concept of “state-legal relations” allows different interpretations. But he also insisted that is not the name that is important but what is behind the name. In the Soviet Union there were many institutions that were supposed to protect individual rights but did not function in reality. People seek security that is why they need a state. Transdnistria now has all the institutions of a state, he reiterated. It had to create these new institutions out of necessity. He wondered whether they were all needed pointing to the necessity to demilitarise. In addition, he noted that the currency system needs co-ordination.

The Moldovan replied that the latter is impossible because there is no joint budget. There must be a central budget, he stressed. However, there seems to be a clear motivation in the PMR to prevent reaching a solution in the budget issue as a certain part of the economy in the PMR does not wish to end the conflict.

An expert reminded that there was a need to prepare a Concluding Document (Recommendations) of the Seminar. Therefore, certain necessary points had to be agreed upon such as the role of the OSCE as a mediator, and how to integrate this newly created part of the Republic of Moldova, the PMR, that exists *de facto* but is not a state by international standards. He stressed that as the Memorandum was signed also by the OSCE, that meant that this was no longer a working document; every word in it has international significance. It defines Transdnistria as a part of Moldova. This status must be decided by a constitutional act, he proposed.

A Transdnistrian suggested that the status of Transdnistria must be decided by a general referendum including all of Moldova. He described the OSCE Mission to Moldova as a bridge between the Government of Moldova and Transdnistria.

The Moldovan replied that a referendum must be organised when people are able to make a conscious decision. He said that the Moldovan side is grateful to the OSCE which made a huge step forward by producing the Memorandum. But this document is not perfect, he added, because it contains time bombs. Tiraspol is trying to question the right of Chişinău to be a subject under international law. He added that Tiraspol does not recognise the Joint Statement of 8 May 1997.

A Transdniestrian pointed out that the Memorandum provides a great opportunity for further developments. The most important is that the PMR has obtained the right to exist. It must be assumed, he asserted, that the PMR and Moldova as negotiating parties are equal, although with different international status. The Memorandum mentions “a common state.” To him that meant that either an agreement is reached or the PMR leaves Moldova. In Bosnia and Herzegovina the same principle of a common government was also used. Why cannot Moldova do the same as Czechoslovakia for example where one government split into two and both were recognised by the international community, asked the Transdniestrian. Further agreements are needed so that it does not happen like in the Crimea where much was done on a unilateral basis. Lack of international recognition makes the PMR different from Moldova, admitted the speaker. But what is international recognition? How many states must recognise you before you can enter the United Nations, he asked. Moldova was recognised even though there was a war on parts of its territory over which Moldova had no control. From the point of view of the PMR there is nothing new in Joint Statement. It was all said already in 1996, claimed the speaker. The PMR is not against such statements, but there must be talks, otherwise it is dictate. The PMR may recognise the Lisbon Summit Declaration of the OSCE when the appropriate conditions emerge, but the PMR does not support the principle of territorial integrity of Moldova, stated the Transdniestrian.

Another Moldovan recalled that, some months ago, the representatives of the Moldovan Parliament and the Transdniestrian Supreme Council met and discussed how the Memorandum should be understood. The meeting revealed that the Transdniestrian side understands it as an agreement, whereas the Moldovan side as a definition of the status. For Moldova, competencies such as customs, defence and some others are crucial, but the rest can be shared, stated the Moldovan. He called for building a common state, sphere by sphere.

Another Moldovan advised not to concentrate on disagreements, as both sides want to find a solution. What is important is the main question –

whether the relations will be regulated within one state, or between two states. There is the experience of Gagauzia where the ethnic aspect was much stronger than in this case. Moldova has never recognised the PMR and has not changed its mind on this. This conflict is political, not ethnic, which leaves room for solutions. There was no aggression, but there was suppression of state organs of Moldova in Transdniestria. The two sides have always been equal partners in the negotiations, even though they were not equal as subjects under international law, added the Moldovan. The Memorandum signed by five Parties says that the integrity of Moldova must be recognised. Article 11 of the Memorandum is a contribution by the Russian minister of foreign affairs. How can Mr. Smirnov, the leader of Transdniestria, accept the Memorandum but reject the Joint Statement? A “common state” can even be a federation, but it cannot mean two independent states, asserted the Moldovan. If the PMR claims to represent the interests of all people living on its territory, then there is a big problem because the Moldovans in the PMR are discriminated against in education, especially in language education. This is obvious from the level of the students from the PMR entering the university in Chişinău. What is needed here is a solution, not unilateral declarations, stated the Moldovan.

Problems of Language and Education

According to most linguists, the Moldovan language is practically the same as Romanian. For this reason it will be further referred to as ‘Moldovan (Romanian)’. However, the Soviets, in order to make Moldova different from Romania and buttress a special Soviet-Moldovan

identity, imposed the Cyrillic script on the language for decades. Moreover, during the Soviet years, the use of Russian as the language of inter-ethnic communication, and practically as the official state language of Moldova, resulted in a considerable decrease in the number of Moldovan (Romanian) speaking schools and pre-school institutions, especially in urban areas.

An overall decrease in the use of the Moldovan (Romanian) language in the society and a parallel increase in usage of Russian were among the elements which sparked the Moldovan national revival movement in the late 1980s, which, among other things, led to the switch from the Cyrillic back to the Latin script and the declaration of Moldovan (Romanian) as the state language of the Republic of Moldova in 1989. This boosted the number of students trained in Moldovan (Romanian). In a few years, their share in the overall number of students has reached the share of the Moldovans (65%) in the Republic's population. The introduction of the state language also started a language usage dispute between the central government in Chişinău and the authorities of Transdnistria. In 1997, the latter continued to insist that Russian be also made an official language of Moldova. In the schools of Transdnistria, Russian remained the dominant language of instruction whereas Moldovan (Romanian) was being taught in Cyrillic.

During the past years of state independence, important changes have also taken place in the post-secondary education of Moldova. Moldovan (Romanian) has become much more prominent than before as a language of instruction in Moldovan Universities, many private universities have been established, and international co-operation in higher education, including student exchange and retraining of faculty members abroad, has considerably broadened. However, in this new situation lack of money and expertise is haunting the Moldovan system of higher education. The political cleavage between the central government and the authorities in Tiraspol, coupled with different cultural orientations, is making things even more complicated by hindering co-operation among the universities of Moldova. All these issues shaped the exchanges during the seminar.

A Moldovan started the discussion by recalling that Moldova is a multi-ethnic state. The ethnic composition of the population has changed over time; moreover in recent years the population has grown considerably. Russification was taking place in schools, but it was not considered a very big problem. After the state language was established, the

Moldovans started to attend schools in the Moldovan (Romanian) language, invoking the freedom of choice of language of instruction. But there remain economic problems. Support from the Council of Europe is needed to teach the state language in Russian language schools. Many officials still do not know the state language and the deadlines for its learning are not met. Although there are many people in New York who do not speak English, as one expert remarked, in Moldova the problem of not knowing the state language is becoming, according to the speaker, a political one. Difficulties have also emerged in Transdniestria after Moldova switched alphabets. Transdniestria refused to make the switch, which the Moldovans considered not a constructive position at all. At the same time, the speaker estimated that co-operation with foreign countries such as Bulgaria, Turkey and Russian Federation, despite some difficulties with financing, has been generally successful. He noted that a private Slavic university has been opened in Moldova. At other universities there are departments with Russian as a language of instruction. The speaker then recalled that Moldova's minority policies have respected international standards. Moldova implemented a zero option citizenship policy. Furthermore, in November 1996, the European Framework Convention for the Protection of National Minorities was ratified. Since then, no special criticism has been brought against the minority policies of Moldova. However, some people raise the question of dual citizenship. Suggestions have also been made to give an official status to the Russian language, but, according to the speaker, the time has not yet come to discuss these issues. In Gagauzia and in Transdniestria, the Russian language has an official status, but it is too early for Moldova as a whole, the speaker estimated. Nevertheless, he regarded highly the opportunity to discuss these matters at the seminar table and called for it to be done in a moderate tone in order to promote optimism.

A Transdniestrian explained that the question of the Cyrillic alphabet is treated in Transdniestria as a question of maintaining the influence of Slavic culture there. He referred to a wish to establish a Slavic university with 10,000 students and 2,000 faculty members in Tiraspol, and complained about the absence of an explicitly declared nationality policy in Moldova. Articles of the Constitution, according to him, cannot be considered a policy.

Another Moldovan said that the right to open schools in the Moldovan (Romanian) language should not be considered as discrimination against the Russian language especially since there are still more Russian schools than Moldovan schools in Chişinău. The speaker claimed that there was hardly any country in the world where the language question had been so

fairly resolved on a legal basis. Schools have recently been opened in Moldova for the Ukrainians, Gagauz, Bulgarians and Jews. Lithuanians, Poles and Germans have Sunday schools. The Gagauz even have a university of their own. However, in his view, the establishment of a private Slavic University was not be the best way to proceed because there are already too many private universities in Moldova. Ten universities out of 13 are private. Moreover, negotiations have been taking place with the Russian Federation to create a Slavic university in Moldova, with Russia covering 80-90 percent of the costs. Beyond the system of education, private firms, for example, are quite free in their language preferences. Here one should neither push, nor put brakes on the actual processes, concluded the Moldovan.

A Gagauz made a clarification that there are three official languages - Gagauz, Moldovan (Romanian) and Russian - not three state languages in Gagauzia. The speaker underlined the specificity of the Gagauz: while Orthodox by religion they speak a Turkic language. The Gagauz now strongly feel the need to learn about similar experiences to theirs. There are not yet schools entirely fully in the Gagauz language which was spoken until recently mostly at home. Besides, the Gagauz share the opinion that the notion of a titular nation needs further specification.

Another Moldovan called attention to the fact that Moldova is training teachers only in Moldovan (Romanian). His research has shown that there are, *de facto*, two state languages in Moldova because everything is translated into Russian. Moreover, there are Russian language groups in all universities—both state and private. He said he was against a Slavic state university in Moldova because then all Russian groups might go over there, which would be bad. Unfortunately, some people want that. But it is even worse to make the funding of such a university dependent on the Russian Federation which would put the minorities into a hostage situation. The speaker acknowledged that there had been attempts to build a mono-ethnic state in Moldova, but it was now clear that a multi-ethnic state had to be created.

Another Transdniestrian expressed his satisfaction with the last intervention. He said that discussions about language issues sometimes contain a lot of wishful thinking. While valuing the Russian language, he considered the term “Russian-speaker” to be a negative. He suggested that participants concentrate on big issues and leave aside minor details.

One Transdniestrian participant was worried that the language situation, and especially the enforcement of the state language, might urge some

non-Moldovans to leave Moldova. A Moldovan disagreed by stressing that there is no need to leave the country for that reason as, according to the law on the functioning of languages, all official documents in Moldova are produced also in Russian.

Introducing the discussion on the system of higher education at the Seminar, a Moldovan pointed out that even in established democracies the main problem of education is funding. He reminded the participants that the country inherited its educational system from the Soviet Union. In 1991 it started to create a new system, which included de-politicisation of universities as an important element of change so that political parties are no longer permitted to work in institutions of higher learning and ideologically loaded courses have been removed from the curricula. The new system of higher education in Moldova is being shaped on the model of the European one. However, a document on mutual recognition of educational diplomas has not yet been signed. Co-operation with other countries in the form of special programmes has been initiated, continued the Moldovan participant. The preparation of specialists for the market economy has already started. Annually, around 300 to 400 faculty members go abroad for re-training courses. "Brain drain" is not generally observed, though some technical specialists have left Moldova, he admitted. To promote the constitutional right of people in Moldova to choose their language of education, there are parallel courses in Moldovan (Romanian) and in Russian at the Moldova State University in Chişinău. As far as the military conflict of 1992 is concerned, its repercussions have definitely been felt in the educational system, in the speaker's view. He cited, for example, that the laws of Moldova, including the law of 1989 on changing to the Latin script, have not yet been implemented in Transdniestria. Ten percent of the recruitment of new students at the Moldova State University in Chişinău is nevertheless reserved for young people from Transdniestria. But there are difficulties because people have received their education according to different curricula at the secondary schools of Transdniestria and obtained different diplomas. To adjust themselves to the university requirements in Chişinău they need additional instruction. A commission has therefore been set up to work on the implementation of the Memorandum on Education. The aim of Moldova in the sphere of university education is integration with Europe, summarised the speaker.

A Transdniestrian agreed that universities were centres of extremism and needed de-politicisation. More spheres of life should be taken out of politics, he suggested.

Another Transdniestrian elaborated on the effects of the dissolution of the Soviet Union upon the educational system. He maintained that the concept of “titular nationality” has led to discrimination against other national groups in Moldova. He expressed the hope that the Taras Shevchenko State University of Tiraspol can be brought to the international level with the help of the numerous scientists who have migrated to Transdnistria from other former Soviet republics. As a matter of serious concern, he admitted that the conflict between Moldova and Transdnistria has led to an overall degradation of educational levels. Concerning the reluctance of Transdnistria to switch to the Latin script for the Moldovan (Romanian) language, the speaker explained that the Latin script is perceived in Transdnistria as a symbol of the Moldova’s affinity with Romania.

A Gagauz explained that the University of Comrat, Gagauzia, was established thanks to donations from local individuals and village communities. He underlined the importance of co-operation with other countries such as Turkey (where Gagauzia sends annually 20 students), the Ukraine and the Russian Federation. Turkey was characterised as an active partner in this co-operation; during the last two years it has donated funds to the University. Bulgaria is also supportive. As regards the preferences of the students from Gagauzia, some 20-30 percent of these students were said to have opted for their own university in Comrat which has enrolled 2,000 students already, while around 60 percent have been absorbed by universities elsewhere in Moldova.

An expert pointed out that according to OSCE Report No. 13 the “Special Region” (i.e., Transdnistria) has the right to its own university. But the expert was not sure whether it should be a general university, or whether it should specialise in certain areas only. It seemed to him that it would be better if each university in Moldova had a specialisation. As he noted, the key issue would then be how to finance such universities - from the regional budget, because they are located in regions, or from the common budget, because they would serve the needs of the whole country.

The Ukrainian Minority

The Republic of Moldova is unique among the former Soviet republics in the sense that, besides the Moldovan majority of 65 percent of the total population of 4,359,100 according to the 1989 census, the largest minority there was not Russian but Ukrainian. Ukrainians constituted 13.8 percent, or 601,600 and Russians – 13 percent, or 566,700 of the total population. However, in Transdnistria the share of the Ukrainians is larger, amounting to 28 percent of its population of 546,400 according to the 1989 census, compared with 25 percent of Russians and 40 percent of Moldovans. The higher concentration of Ukrainians in Transdnistria is explained by the immediate proximity of the Ukraine.

As emphasised during the seminar, the closeness of the ethnic homeland has had in the course of history a definite impact on Ukrainians living in Transdnistria and made them different from the Ukrainians elsewhere in Moldova. A participant from Transdnistria said that there are now more than 250 thousand Ukrainians in this region. They live on the land of their ancestors that was once a part of the Ukraine. The Ukrainians of the right bank have had a different history. After the take-over by Romania in 1917-1918, the Ukrainians of the right bank were persecuted and within a few decades their mind-set changed, making them different from the left bank Ukrainians who maintained close ties with the Ukraine. However, the speaker noted, the Ukrainians on the left bank have also experienced difficult times. In 1924, the Moldavian Autonomous Soviet Socialist Republic (MASSR) was created as a part of the Ukraine, following Communist Party orders from Moscow. Regardless of the fact that Ukrainians constituted almost half of its population, their schools, newspapers etc. were gradually closed. In 1940, the Moldavian Soviet Socialist Republic was created and MASSR was dissolved into it. However, the differences between left and right bank Ukrainians persisted. These differences came to the fore in 1989-1993 with decisive effects. During the national awakening of the Moldovans, the Ukrainians even participated at first, only to be belittled and humiliated later when they were called migrants, occupants and the like. Today, according to the speaker, a renaissance of the Ukrainian people is taking place in Transdnistria. There are again Ukrainian schools, the only Ukrainian-language newspaper in all of Moldova is being published there, there are radio and TV broadcasts in Ukrainian, and Ukrainian creative artists are at work.

The exchange of opinions that followed focussed on the history of Transdnistria and the identity problems of Ukrainians who live there. It was revealed that in 1990 there was an all-Moldovan cultural association of the Ukrainians, but now there are no longer such associations uniting left and the right bank Ukrainians.

One Moldovan agreed that there are differences in the mind-sets of left and right bank Ukrainians. However, despite these dissimilarities, they face a common problem of preserving their culture, he argued.

Another Moldavian suggested that going deep into history would be unproductive. Instead, he urged, the discussion should proceed from today's realities. One should look for what unites different population groups, as people in the German-Danish border area do. Global historical interventions, he claimed, miss the point.

A Transdniestrian disagreed with such an approach. He insisted that historical factors must be taken into account when relations between different nationalities are discussed. How else can one explain the fact that Ukrainians in Transdnistria exhibit different loyalties: some of them are citizens of Moldova, while others have become citizens of the Ukraine. However, he could not convince his Moldovan interlocutors that the Ukrainians in Transdnistria have a claim to the territory on which they live. The Moldovans qualified such claims as territorial pretensions.

An expert made a generalising comment that history very often disunites people. He suggested that the participants try to look into the future and attempt to define the guarantees that are needed for the resolution of the conflict in Moldova.

The Experience of Gagauzia

On 23 December 1994 the Parliament of Moldova adopted the law on the special status of Gagauzia, which was constituted as an autonomous territorial unit, a form of self-determination of the Gagauz people within Moldova. A Gagauz emphasised that this was an important historic event, and an act of wisdom by the peoples of Moldova and Gagauzia which was highly appreciated in Europe as a breakthrough in the domestic affairs of Moldova. Since then, the autonomous region has been busy constituting itself. There are 182,500 people in Gagauzia today, of which 78.7 percent are ethnic Gagauz. The People's Assembly of Gagauzia has passed more than 50 local laws. A Gagauz Constitution is now under preparation. Special attention has been paid to the promotion of the market economy. The renaissance of Gagauz culture and language occupies a prominent place in the new autonomy, with Moldovan

(Romanian) and Russian also acting as official languages. The Gagauz language and literature are being converted to the Latin script but there have been problems. There have also been great difficulties in setting up a regional radio and TV because of the lack of funds. The speaker considered the avoidance of massive bloodshed and violence in Gagauzia as the most important achievement. Today the people of Gagauzia live in a democratic state – the Republic of Moldova. At the same time, he stressed, a number of important laws of Moldova have not yet been brought into line with the law “On the Special Legal Status of Gagauzia.” This has been hindering economic development in Gagauzia. The speaker was also concerned that some extremists plan to establish six districts for the management of religious matters in Moldova. These may serve as a basis for separatism and conflict in the future, warned the Gagauz.

In the exchange of opinions that followed a positive attitude toward the experience of Gagauzia clearly prevailed. Several participants expressed their satisfaction that a solution to the problem of Gagauzia had been found.

An expert noted that the law on Gagauzia is important but implementation is even more important. He also considered it significant that Turkey and Russia have opened local representations in Gagauzia.

A Transdniestrian asked whether there is a political opposition in Gagauzia and inquired about the relations of Gagauzia with Turkey, especially in the sphere of education.

The Gagauz explained that there is a political opposition in Gagauzia. Concerning relations with Turkey, he noted that the style of life in a Muslim state is very different from life in predominantly Orthodox Gagauzia. However, those specialists who cannot get the education they need at home are sent to Turkey. So far, all the female students have come back home after studies in Turkey. There is also co-operation in publishing: Gagauzia prints in Turkey what it cannot print in Comrat or in Chişinău. It is difficult to use original Turkish textbooks in Gagauzian schools.

Asked about the relations between the Gagauz and Bulgarians in Gagauzia, the Gagauz participant explained that they live normally together in the south of Moldova. The Bulgarians, who constitute 5.5 percent of the population of Gagauzia, did not take part in the autonomy referendum. Some of them even want autonomy within Gagauzia.

However, there is no language problem, and cases of human rights violations are unknown.

One expert claimed that the experience of Gagauzia and that of the Baltic States seemed to corroborate an observation that the higher the share of the titular nation (especially if it is over 75 percent as in the case of Gagauzia), the lower the inter-ethnic tension. The opposite seems to hold for Transdnistria where no ethnic group constitutes a majority.

Explaining the other reasons behind the more favourable situation in Gagauzia, a Gagauz stressed the goodwill of the leaders, and the striving of the population for a better standard of living. Moreover, Gagauzia is not afraid of "Romanisation." Although now President Lucinschi and the Parliament of Moldova are negotiating with the PMR, it is not clear whether the future leaders of Moldova will want to negotiate. Therefore, Gagauzia must look at the issues which can be solved today. There is a consensus in Gagauzia on a common state. However, discovery of natural gas in the area could create additional problems, apprised the speaker.

Summing up the lessons of the Gagauz experience, a Transdnistrian attempted to outline the main reasons for the successful solution in Gagauzia as follows: 1) favourable geopolitics; 2) Gagauzia and Moldova were never at war; 3) Gagauzia was given more rights than it had before the law on Gagauzia was enacted. Another Transdnistrian added that Gagauzia received more support during its confrontation with Chişinău, in the form of food supplies from Transdnistria for example.

The Consequences of the Conflict for the Economy

The economy of Moldova is facing all the typical challenges of the post-Soviet transition from a planned to a market economy such as privatisation, structural readjustments, insufficient investment, opening up to competition on world markets, introducing new technologies and managerial skills, and, last but not least, conversion of several industrial enterprises. The former Soviet republics were typically non-autonomous economic complexes; they made sense only as parts of the whole Soviet economy. After the latter disintegrated, many enterprises in Moldova found themselves short of supplies and cut off from their traditional markets. In 1996 Moldova experienced a fall in its GDP by 8 percent, with both agricultural and industrial output declining. What made things even worse was the internal conflict which separated heavily industrialised Transdnistria, which is said to contain up to 40 percent of the economic potential of Moldova, from the rest of the country and

especially from its agricultural regions, creating additional difficulties for both sides. Dependence on Russian energy has heavily indebted all parts of Moldova to Gazprom, the Russian provider of natural gas. The country has also incurred debts for other imports. Trade with other CIS countries dropped considerably at the beginning of 1997, after the Ukraine imposed transit tariffs on exports from Moldova.

Introducing the discussion, an expert indicated three core problems of the economy of Moldova – an overall difficult economic situation, high foreign debt, and near-bankruptcy of the agricultural sector.

A Moldovan started the discussion by pointing out that the economy needs much investment while current fiscal policy and lawmaking are hindering economic development. A Transdnistrian saw the problem in the disruption of the former economic ties. During the Soviet period, Moldova produced for the Russian and Ukrainian markets. In many cases, the supplies of raw materials were also coming from there, which is no longer the case. There are shortages of raw materials in the enterprises of Transdnistria today. Economic ties have also been severed between the left and right bank regions of Moldova. Deliveries from Moldova to the PMR are officially forbidden, noted the Transdnistrian. The Moldovan customs border pushes the production costs up. Additional problems are caused by the fact that Moldova did not join the CIS customs system in the beginning. As a result, the PMR and Moldova have different foreign trade treaties already.

A Gagauz explained that after the Law on the Special Status of Gagauzia was adopted, the regional economic strategy started to change in 1995. He spoke about one factory in Chirsova, which, following that change, was privatised, managed to acquire new technology from abroad and obtain credits, and is now competing on the market. From this story it became clear that, at least in Gagauzia, the resolution of political problems has clearly facilitated the economic development of some enterprises.

A Transdnistrian estimated that there are alarming developments under way in the economy. Scores of plants and factories were built on the left bank during the Soviet years, but the agriculture there is insufficiently developed to provide enough food for the local population. Also, in Moldova, privatisation was carried out too fast, which was unacceptable for the PMR. There appeared the idea and the demand for a free economic zone to be created in Transdnistria. In 1991 there was a common budget with Moldova, an achievement so far unsurpassed. Later,

everything fell apart because of different currencies, customs barriers, and so on. As a result, the PMR ended up in isolation. The ties were disrupted and economic co-operation with Moldova, measured by trade, fell to six percent. The PMR is oriented toward the CIS, while Moldova is between East and West. Last year the debt was divided. The Transdniestrian asked whether integration was possible in such conditions. He stressed that preconditions for economic integration are that the infrastructures be put back in operation again and financial relations, together with mutual payments, be decided upon. So far, payments have been made in the so-called 'grey zone'.

A Moldovan underlined that it is impossible to restore the economic ties of the Soviet period. Instead, new ties have to be developed. According to his estimates, on the right bank region of Moldova, the market economy is being developed with many mistakes under the control of international organisations; while in Transdniestria, privatisation has been very slow and the enterprises of the former military industrial complex continue to work for the Russian army. A common budget has to be put together, and the liability for loans must be shared. There must also be centres for reform management. The Moldovan economy has changed very much since Soviet times and today the country is influenced by European economic trends, remarked the Moldovan. He then made an important point by saying that it would be difficult to resolve the economic problems of Moldova before a political solution to the conflict has been found. This is because the conflict in Moldova is first of all a political, not an ethnic conflict. However, as he explained further, behind this political conflict stand certain economic appetites that the regime of Transdniestria has developed. Regardless of present difficulties, he expressed his optimism about the future because people have a strong wish to escape from poverty, which is possible only when economic co-operation is progressing. However, by his estimate, the positions of the two sides are still quite far apart from each other.

Another Transdniestrian said that everybody around him tries to survive as he or she can. He maintained that Moldova had imposed an economic blockade on Transdniestria, but believed that this strategy would not succeed since the Transdniestrian economy has already started functioning properly. The question that now arises is one of economic guarantees because political guarantees are insufficient, concluded the speaker.

One more Transdniestrian disagreed with the view that political and economic problems must be solved together. He argued instead that the

economy must drag politics out of the conflict. There is no point in slamming doors when you can make a good economic deal, he stated.

The first Transdnistrian remarked, with some disappointment, that seven years ago emotions and hopes were much higher; however, by now it has become clear that Russia will not help Transdnistria in economic matters. Still, as a positive development, he noted that the Prime Ministers of Moldova and Transdnistria have started to meet each other and several practical problems have been resolved, which only shows that specialists can work together normally. He concluded by insisting that the sides should not wait for major political breakthroughs but go ahead with solutions to economic problems.

Conclusions and Adoption of Recommendations

From the point of view of the Moldovan side, the main conclusions of the seminar were the following: 1) the resolution of conflict in Moldova must not stagnate; 2) statements which allow different interpretations, should be avoided; 3) international sanctions against separatism must be efficient. A sovereign Moldova with internal state relations would be a bad precedent for Europe.

From the Transdnistrian point of view, there are four groups of issues to be resolved: 1) a constitutional act is needed to establish a co-ordinating framework for further legislation; 2) in the sphere of security, Transdnistria needs guarantees and structures of force; 3) in the economic sphere, problems of ownership, budget and taxes must be settled; 4) the participation of Transdnistria in the foreign policy of Moldova has to be defined. All these issues need to be resolved during the negotiations in appropriate documents.

The participants from different sides agreed that there is a lack of joint efforts to modernise and promote education in Moldova.

An expert noted that the future constitutional hierarchy between Moldova and Transdniestria is not clear yet. Here, a division of competencies can be suggested but not resolved during this seminar. However, the name for Transdniestria would not be a big problem after the competencies are decided. What needs further discussion is on which level this can be done. The expert drew attention to the following main points of the seminar: 1) we are sitting here as parties of a past conflict; 2) as to the future constitutional arrangement, the OSCE Report No. 13 proposes a distribution of competencies, but this will be a task which we cannot solve at this seminar and it is not our mandate; 3) there is a lot of flexibility in some areas such as terminology, but there seems to be a consensus that it is more important to decide on competencies; 4) the form of the agreement between the two sides must be discussed further, but he would not agree that such an agreement is usually concluded on the constitutional level, as another expert had suggested.

During the final plenary session when the text of the Recommendations of the Seminar was discussed, a Moldovan raised the problem of the Ilaşcu group. He said that without explicitly mentioning the problem of Ilaşcu and calling for his release from the Transdniestrian prison, the Recommendations of the Seminar would lead nowhere.

A Transdniestrian replied that Ilaşcu is not just being held in prison, but that he has been sentenced to death because of terrorism during the armed conflict of 1992. If the authorities of Moldova can produce evidence that Ilaşcu belonged to Moldovan armed or security forces, the Transdniestrian side will release him in accordance with mutual agreements on the exchange of prisoners of war. But so far such evidence is missing and Ilaşcu remains in prison. The Transdniestrian explained that their side has hosted three international commissions that have reviewed the case of Ilaşcu as there have been doubts about the fairness of his trial. However, these review missions have not resulted in the reopening of Ilaşcu's case; and no further legal action has been taken neither in Transdniestria, nor abroad.

Another Moldovan proposed to use more general expressions in the Recommendations, without mentioning any names. After a prolonged break, during which the participants discussed the issue very informally, this proposal was accepted.

Finally, after scrutinising the text of the Recommendations of the Seminar word by word, the participants adopted it by consensus and the Seminar was declared closed.

**Recommendations of the Seminar
“From Ethnopolitical Conflict to Inter-Ethnic Accord in
Moldova”**

*Flensburg, Germany, and Bjerremark, Denmark,
12 to 17 September 1997*

(Office Translation of the Russian Original)

The participants of the Seminar (cf. Appendix) organised by the Danish-German European Centre for Minority Issues have evaluated the possibility of continuation along the road from ethnopolitical conflict to inter-ethnic accord in Moldova. They have examined the possibilities of application of the proposals set forth in the Memorandum on the Bases for Normalisation of Relations Between the Republic of Moldova and Transdnistria of 8 May 1997 and in the Joint Statement of the Presidents of the Russian Federation and Ukraine in the presence of the Acting Head of the OSCE in Connection with the Signing of the Memorandum of the same day, while further developing the principles enunciated in Report

No. 13/93 of the OSCE Mission to Moldova of 13 November 1993, and giving consideration to the experience gained from the resolution of the Gagauz problem.

The organisers of the seminar offer the following recommendations:

1. As emanates from Article 2 of the Memorandum, the Parties shall continue the establishment between them of state-legal relations within the framework of a single subject under international law: the Republic of Moldova.

2. In accordance with Article 11 of the Memorandum, the Parties have agreed to build their relations in the framework of a common state. The common state, the Republic of Moldova, consists of right-bank Moldova together with Gagauzia, and of Transdniestria. The statehood of Transdniestria shall be recognised according to the internal state law of the Republic of Moldova. The extent of its statehood shall be defined by a special constitutional law, adopted by the Republic of Moldova and Transdniestria, which shall implement the provisions of the agreements between the Parties. The observance of this constitutional law by both Parties could be monitored by a special organ created for this purpose on a parity basis. The Court of Conciliation and Arbitration of the OSCE could fulfil this role on the international level. The statehood of Transdniestria as an integral part of the Republic of Moldova is an expression of the internal self-determination of the population of Transdniestria. As is stated in Report No. 13/93, in case of a change in the statehood of the Republic of Moldova without consent from both Parties, the population of Transdniestria has the right to external self-determination.

3. In accordance with Transdniestria's right to statehood under the internal state law of the Republic of Moldova, it can be organised as a state-territorial formation in the form of a republic. It ensues from this right that the special constitutional law shall reaffirm the right of Transdniestria to its own constitution and to its own legislative, executive and judicial powers. The Constitution of Transdniestria shall not contradict the Constitution of the Republic of Moldova. The laws of Transdniestria shall not contradict the Constitution and the laws of the Republic of Moldova. The constitutions and laws of both Parties shall not contradict the special constitutional law on the special status of Transdniestria as an integral part of the Republic of Moldova. Within the framework of the constitutions, laws and agreements, the decisions of the courts located on the territory of Transdniestria are subject to the control

of the Constitutional and Supreme Courts of the Republic of Moldova to the extent specified in Report No. 13/93. With respect to Gagauzia, the Statute of Gagauz Yeri shall not contradict the Constitution of the Republic of Moldova. At the same time, the central authorities of the Republic of Moldova must guarantee the conditions for the practical realisation of normative acts adopted by the organs of self-rule of Gagauzia.

4. As an example of the distribution of power between the common state and Transdniestria, the Memorandum mentions foreign policy. In Article 3 of the Memorandum it is stated that Transdniestria shall participate in the conduct of the foreign policy of the Republic of Moldova - a subject of international law. It ensues from this provision that a concrete mechanism for the participation of Transdniestria in the conduct of the foreign policy of the Republic of Moldova must be worked out.

5. It is written in Article 3 of the Memorandum that Transdniestria has the right to unilaterally establish and maintain international contacts in specified spheres. This provision was also included in Report No. 13/93. This Report is based on the state-legal principle that the scope of international competencies conforms to the scope of internal state competencies. Report No. 13/93 proposes, for example, that in the field of internal economic competencies the common state will carry out monetary and financial policy on the entire territory of the Republic of Moldova. This signifies that only the common state can be a member of international financial organisations. But within the framework of the common state's regulation of the bases for economic and social life, Transdniestria must have the right to direct participation in international trade and other forms of economic co-operation. This provision also concerns Gagauzia. The economic self-rule of Transdniestria, in a system which, until privatisation has taken place, will continue to be based upon state ownership, presupposes in principle ownership by the Republic of Transdniestria.

6. Article 2 of the Memorandum states that the document defining the status of Transdniestria shall be based on the principles of mutually agreed decisions, including the division and delegation of competencies, and mutually assured guarantees. In Article 7, the Parties direct a request to the OSCE to continue its assistance in the compliance of the agreements between them. There is an informal proposal which was made by the Swiss delegation at the Kiev Seminar in the summer of 1996. It consists of three fundamental elements:

- OSCE observer headquarters on site

- A special commission with the participation of the OSCE to monitor implementation of the agreements
- Role of the OSCE Court of Conciliation and Arbitration in the resolution of disputes regarding implementation of the agreements.

In addition, in case of a crisis, according to Chapters 7 and 8 of the Charter of the United Nations, the Security Council can decide upon measures if called on by any member of the United Nations.

7. With respect to the state and official languages, the statehood of Transdniestria according to the internal state law of the Republic of Moldova entails that Transdniestria has the right to designate republic languages on the territory of Transdniestria in addition to the Moldovan language which is the state language on the entire territory of the Republic of Moldova. The settlement of the use of the state language or of the state languages is ascribed to the common state, as was already proposed by the OSCE Mission in Reports Nos. 11/93 and 13/93.

8. Regarding national minorities, Transdniestria has the right to adopt and implement for the benefit of national minorities legislative acts, which shall not contradict European and other international legal acts in this context.

9. The Seminar participants are convinced that the successful resolution of the conflict must be founded on the development of economic ties between the Parties on the basis of the formation of a single customs space eliminating dual taxation on the territory of the common state of the Republic of Moldova, and on the basis of the development of concrete mechanisms for the rapprochement of the banking systems and for a step-by-step transition to a single monetary system.

10. During the discussion on the situation of higher education, the Seminar participants set forth concrete proposals for the expansion of the university sphere and for the development of ties between institutions of higher learning in various regions of the Republic of Moldova. They stressed the importance of retaining cadres in institutions of higher learning and improving their qualifications also through international ties. Transdniestria and Gagauzia must have the right to establish their own universities. From this ensues the right to recognition of the diplomas of Transdniestrian and Comrat universities by the common state and on the international level according to international agreements.

11. The Seminar participants have agreed to co-operate in the resolution of problems which includes adopting and implementing legal acts on amnesty for persons involved in the armed conflict which would contribute to the consolidation of measures of confidence and mutual understanding between them.

The Seminar participants share the opinion that the search for a political solution to the Transdniestrian conflict could be based on the above-mentioned principles.

The participants believe that the continuation of the Seminar would be extremely helpful. They are grateful to the European Centre for Minority Issues and to the governments of Denmark, Germany and Schleswig-Holstein for their hospitality.

Co-chairmen of the Seminar

ROLF WELBERTS

PROF. DR. MICHAEL GEISTLINGER

With the participation of

The Director of the European Centre for Minority Issues
DR. STEFAN TROEBST

The Political Advisor of the Directorate of Political Affairs of the Council
of Europe
IVAN KOEDJIKOV

The Head of Section of the OSCE Co-ordination Unit of the Danish
Ministry of Foreign Affairs
CHRISTIAN DONS CHRISTENSEN

The Chairman of the Seminar's Working Group on Higher Education
DR. PRIIT JÄRVE

The Chairman of the Seminar's Working Group on Foreign Trade
DR. RANDOLF OBERSCHMIDT

Bjerremark, Ubjerg/Tønder
16 September 1997

APPENDIX

List of Participants of the Seminar "From Ethnopolitical Conflict to Inter-Ethnic Accord in Moldova"

*Flensburg, Germany, and Bjerremark, Denmark,
12 to 17 September 1997*

Baev, Oleg

Director of Tiraspol Wine and Brandy Factory "KVINT", Tiraspol

Beril, Stepan

Prof. Dr., Rector of Tiraspol State University "Taras Shevchenko",
Tiraspol

But, Aleksandr

Head of Camenka District Administration, Chairman of the "Union of
Ukrainians of Transdnistria", Camenca

Çolak, Ilia

Director of "Chirsova" Winery, Chirsova

Christensen, Christian Dons

Head of Section of the OSCE Coordination Unit, Danish Ministry of
Foreign Affairs, Copenhagen

Daftary, Farimah

Research Associate, ECMI, Flensburg

Diacov, Dumitru

Member of the Parliament of Moldova, Chişinău

Geistlinger, Michael

Prof. Dr., Institute on International Law of the University of Salzburg,
Salzburg

Järve, Priit

Dr., Senior Analyst, ECMI, Flensburg

Koedjikov, Ivan

Political Adviser, Directorate of Political Affairs of the Council of Europe, Strasbourg

Litskai, Valerii

Secretary of State, Tiraspol

Moşneaga, Valeriu

Prof. Dr., Moldova State University in Chişinău, ECMI Regional Representative

Oberschmidt, Randolph

Dr., Lecturer at the Baltic Academy, Lübeck-Travemünde

Paşali, Pyotr

Chairman of the Gagauz People's Assembly "Halk Topluşu", Comrat

Rusnac, Gheorghe

Prof. Dr., Rector of Moldova State University in Chişinău

Seicaş, Gheorghe

Commercial Director of Hînceşti Winery, Hînceşti

Țaranu, Anatol

Dr., Adviser in Special Affairs to the President of Moldova, Chişinău

Troebst, Stefan

Dr., ECMI Director, Flensburg

Varban, Stepan

Prof. Dr., Rector of Comrat University, Comrat

Welberts, Rolf

Counsellor of the Permanent Mission of Germany to the United Nations, New York

**Рекомендации Семинара
“От этнополитического конфликта к межэтническому
согласию в Молдове”**

*Фленсбург, Германия, и Бьерремарк, Дания,
12-17 сентября 1997 года*

Участники Семинара (см. приложение), организованного датско-германским Европейским Центром по Делах Меньшинств, обсудили возможности продолжения пути от этнополитического конфликта к межэтническому и политическому согласию в Молдове. Были рассмотрены возможности применения положений Меморандума об основах нормализации отношений между Республикой Молдова и Приднестровьем от 8 мая 1997 года и Совместного заявления Президентов Российской Федерации и Украины при участии Действующего Председателя ОБСЕ в связи с подписанием Меморандума от того же дня, при дальнейшем развитии принципов доклада № 13/93 Миссии ОБСЕ в Молдова от 13 ноября 1993 года и учитывая опыт решения гагаузской проблемы.

Организаторы Семинара предлагают следующие рекомендации:

1. Исходя из ст. 2 Меморандума, стороны будут продолжать становление между ними государственно-правовых отношений в рамках единого субъекта международного права: Республика Молдова.

2. Согласно ст. 11 Меморандума стороны договорились строить свои отношения в рамках общего государства. Общее государство Республика Молдова состоит из правобережной Молдовы, вместе с Гагаузией, и Приднестровья. Признается государственность Приднестровья по внутри-государственному праву Республики Молдова. Объем государственности определяется особым конституционным законом, принятым Республикой Молдова и Приднестровьем, который будет имплементировать положения соглашений между сторонами. Соблюдение этого конституционного закона обеими сторонами могло бы контролироваться особым органом, создаваемом для этой цели на паритетной основе. На международном уровне в этой роли мог бы выступать арбитражный суд ОБСЕ. Государственность Приднестровья в составе Республики Молдова является формой внутреннего самоопределения населения Приднестровья. Как изложено в докладе № 13/93 в случае несогласованного изменения государственности Республики Молдова население Приднестровья имеет право на внешнее самоопределение.

3. Согласно праву Приднестровья на государственность по внутригосударственному праву Республики Молдова, она может быть организована как государственно-территориальное образование в форме республики. Из этого права следует, что в особом

конституционном законе будет подтверждено право Приднестровья на собственную Конституцию и на собственную законодательную, исполнительную и судебную власть. Конституция Приднестровья не должна противоречить Конституции Республики Молдова. Законы Приднестровья не должны противоречить Конституции и законам Республики Молдова. Конституции и законы обеих сторон не должны противоречить особому конституционному закону об особом статусе Приднестровья в составе Республики Молдова. В рамках Конституций, законов и соглашений решения судов на территории Приднестровья подлежат в объеме, изложенном в докладе № 13/93, контролю Конституционного и Верховного Судов Республики Молдова. Что касается Гагаузии, Уложение Гагауз Ери не должно противоречить Конституции Республики Молдова. Одновременно центральные власти Республики Молдова должны обеспечивать условия для практической реализации нормативных актов принятых органами самоуправления Гагаузии.

4. Как пример разграничения полномочий между общим государством и Приднестровьем Меморандум упоминает внешнюю политику в ст. 3. Там сказано, что Приднестровье участвует в осуществлении внешней политики Республики Молдова - субъекта международного права. Из этого положения следует потребность выработки сторонами конкретного механизма участия Приднестровья в осуществлении внешней политики Республики Молдова.

5. В ст. 3 Меморандума написано, что Приднестровье имеет право самостоятельно устанавливать и поддерживать международные контакты в определенных областях. Это положение было включено также в доклад № 13/93. Этот доклад следует государственно-правовому принципу, что объем международных компетенций соответствует объему внутри-государственных компетенций. Доклад № 13/93 предлагает, например, в области внутренних экономических полномочий, что общегосударственная власть будет осуществлять денежно-финансовую политику на всей территории Республики Молдова. Это означает, что только общее государство может быть членом международных финансовых организаций. Но в рамках общегосударственного урегулирования основ экономической и социальной жизни Приднестровье должно иметь право непосредственно участвовать в международной торговле и других формах экономического сотрудничества. Это положение относится и к Гагаузии. В системе, которая до приватизации основывается еще на государственной собственности, экономическое самоуправление Приднестровья предполагает, что в принципе собственность принадлежит Приднестровской Республике.

6. В ст. 2 Меморандума изложено, что документ, определяющий статус Приднестровья, основывается на принципах взаимно-согласованных решений, включая разграничение и делегирование полномочий и взаимно-обеспеченных гарантий. В ст. 7 стороны об-

ращаются к ОБСЕ с просьбой продолжить содействие соблюдению договоренностей между ними. Существует неформальное предложение, которое Швейцарское председательство предложило в рамках Киевского семинара летом 1996 года. Оно включает три принципиальных элемента:

- штаб наблюдателей ОБСЕ на месте;
- особая комиссия с участием ОБСЕ для контроля имплементации соглашений;
- роль арбитражного суда ОБСЕ для решения споров об имплементации соглашений.

Кроме этого Совет Безопасности ООН по апелляции любого члена ООН может решать, в случае кризиса, меры по главам 7 и 8 Устава ООН.

7. Что касается государственного и официальных языков - из государственности Приднестровья по внутри-государственному праву Республики Молдова следует, что Приднестровье имеет право добавить республиканские языки на территории Приднестровья рядом с молдавским языком, который действует как государственный язык повсюду на территории Молдовы. Урегулирование употребления государственного языка или государственных языков относится к общему государству, как уже предложила Миссия ОБСЕ в докладах №№ 11/93 и 13/93.

8. Что касается национальных меньшинств Приднестровье имеет право принимать и реализовать законодательные акты в пользу национальных меньшинств, которые не противоречат европейским и другим международно-правовым актам в этом отношении.

9. Участники Семинара убеждены в том, что успешное урегулирование конфликта должно опираться на развитие экономических связей сторон на основе образования единого таможенного пространства с исключением двойного налогообложения на территории общего государства Республики Молдова и разработки конкретных механизмов для сближения банковских систем и поэтапного перехода на единую денежную систему.

10. При обсуждении положения о высшем образовании участники Семинара высказали конкретные предложения по расширению университетского пространства, развитию связей между вузами разных регионов Республики Молдова. Была подчеркнута важность сохранения научно-педагогических кадров вузов, повышения их квалификации, используя для этой цели и международные научные связи. Приднестровье и Гагаузия должны иметь право учреждать собственные университеты. Из этого следует право на признание дипломов Приднестровского и Комратского университетов общим

государством и на международном уровне и согласно международным соглашениям.

11. Участники Семинара условились содействовать решению проблем, в том числе принятию и реализации актов об амнистии в отношении лиц, участвовавших в военном конфликте, которые способствовали бы укреплению мер доверия и взаимопонимания между ними.

Участники Семинара разделяют мнение, что поиск политического решения Приднестровского конфликта мог бы быть основан на вышеупомянутых принципах.

Участники считают, что продолжение Семинара было бы весьма полезным. Они благодарны Европейскому Центру по Делах Меньшинств и правительствам Дании, Германии и Шлезвиг-Гольштейна за гостеприимство.

Со-председатели Семинара

РОЛЬФ ВЕЛЬБЕРТС

ПРОФ. Д-Р МИХАЭЛ ГАЙСТЛИНГЕР

При участии

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Д-Р СТЕФАН ТРЁБСТ

Политического советника Управления политических дел Совета Европы
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Председателя рабочей группы Семинара по вопросам высшего
образования
Д-Р ПРИЙТ ЯРВЕ

Председателя рабочей группы Семинара по вопросам внешней
торговли
Д-Р РАНДОЛЬФ ОБЕРШМИДТ

Бьерремарк, с. Уберг при Тёндере
16 сентября 1997 г.

ПРИЛОЖЕНИЕ

Список участников Семинара “От этнополитического конфликта к межэтническому согласию в Молдове”

*Фленсбург, Германия, и Бьерремарк, Дания,
12-17 сентября 1997 года*

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DOCUMENTARY APPENDIX

Greetings from the OSCE Chairman-in-Office

The following “Greetings from the OSCE Chairman-in-Office” were conveyed to the participants of the Seminar on 13 September 1997 in Flensburg by Ambassador Karsten Petersen, Chief of Staff in the OSCE Co-ordination Unit of the Danish Ministry of Foreign Affairs:

Excellencies, Ladies and Gentlemen,

The Chairman-in-Office of the OSCE, Danish Minister for Foreign Affairs Niels Helveg Petersen has entrusted me with conveying cordial greetings to all those present, and I perform this task with pleasure.

The title of this most important seminar “From Ethno-political Conflict to Inter-ethnic Accord” appears to me well chosen due to its topicality. Because the development of relations between Chisinau and Tiraspol has proven one of the most encouraging elements within the area covered by the OSCE during the period so far of the Danish Chairmanship. And the OSCE may justly be pleased at having made its contribution to this. Permit me in this connection to express the appreciation of the Chairman-in-Office for the tireless efforts of the OSCE Mission. As you may be aware, the Minister was present in his capacity of Chairman-in-Office at the signature of the key documents “Memorandum on the Bases for Normalization of Relations between the Republic of Moldova and Transdnistria” and the associated “Joint Statement” in Moscow on 8 May. In his press release the Minister expressed hope that this event would mark the commencement of the final negotiations towards a comprehensive political solution to the conflict.

As will probably also be known to the seminar participants, article 21 of the Lisbon Summit Declaration of last December directs the Chairman-in-Office to present to the Ministerial Meeting in Copenhagen next December a report on progress achieved regarding this conflict. It is clear that serious problems have yet to be resolved, before all expectations contained in article 21 can be said to be fulfilled. During the planned visit by the OSCE Troika in Moldova – both East and West of the Dniestr – in the beginning of October I envisage an all-round elucidation of the situation, and a discussion of the possibilities for the OSCE to contribute to further progress. Already before then, these issues will be taken up by the Danish side during consultations at ambassadorial level in Moscow in the coming week.

With this seminar the European Centre for Minority Issues has taken a commendable initiative. The choice of subject for the seminar seems all the more natural, as the Director of the Centre, Dr. Troebst, has from his own service with the OSCE Mission acquired a deep insight in the complex of themes. A number of articles, which have been read with benefit in Copenhagen, testify to this.

From the Danish side, we take a sympathetic view of the work of the Centre. There is no concealing that the Centre is physically located in a region which was formerly the object of bitter antagonism between Denmark and a powerful neighbour. But without false modesty I venture to assert that this bilateral relationship has today attained a level and a content which may serve as an inspiration to other parts of our world.

With these words, on behalf of the Chairman-in-Office I wish the seminar success. Thank you for your attention.

MEMORANDUM

on the Bases for Normalization of Relations Between the Republic of Moldova and Transdniestria

“The leadership of the Republic of Moldova and Transdniestria, hereinafter referred to as the Parties,

Proceeding from the necessity for the fastest and full solution of relations between the Republic of Moldova and Transdniestria exclusively through peaceful political means;

Reaffirming their commitment to the principles of the UN, OSCE, and generally recognized norms of international law, and also the agreements reached previously between the Republic of Moldova and Transdniestria;

Recognizing the responsibility for securing civil peace, international concord, the strengthening of stability and security in this area of Europe;

According prime importance to the realization of basic human rights and freedoms of the individual, notwithstanding ethnic origin, religious belief, political tenets, place of residence and other differences;

Considering that unity of their spiritual and material resources will speed the decision of common economic and social problems and will open the possibility for constructing a modern flourishing society through joint efforts;

Through the mediation of the Russian Federation, Ukraine and the OSCE Mission,

Have agreed to the following:

1. The Parties reaffirm their commitment not to resort to the use of force or the threat of force in their mutual relations. Any differences shall be resolved exclusively by peaceful means, through negotiations and consultations with the assistance and mediation of the Russian Federation and Ukraine, as guarantor States for the fulfilment of agreements achieved; of the OSCE and the assistance of the CIS.
2. The Parties shall continue the establishment between them of state-legal relations.

The Document, defining these relations, the status of Transdniestria, shall be based on the principles of mutually agreed decisions, including the division and delegation of competencies, and mutually assured guarantees.

The Parties will proceed to the elaboration of this document immediately after the signing of this Memorandum, giving consideration to all previously achieved principled agreements, including those achieved on 17 June 1996.

3. Transdniestria shall participate in the conduct of foreign policy of the Republic of Moldova – a subject of international law -- on questions touching its interests. Decision of such questions shall be taken by agreement of the Parties. Transdniestria has the right to unilaterally establish and maintain international contact in the economic, scientific-technical and cultural spheres, and in other spheres by agreement of the Parties.

4. The Parties direct a request to the Russian Federation, Ukraine, and the OSCE to continue their mediating efforts for the achievement of a lasting and comprehensive normalization of relations between the Republic of Moldova and Transdniestria.

5. The Republic of Moldova and Transdniestria will act as mutual guarantors of the full and unconditional fulfilment of the agreements on relations between them.

6. The Parties welcome the declaration of the Russian Federation and Ukraine about their readiness to act as Guarantor States for the observance and the provisions set forth in the respective documents about the status of Transdniestria and the agreement set forth in the present Memorandum.

7. The Parties direct a request to the OSCE to continue its assistance for the compliance of the agreement between them.

8. The Parties declare the necessity to elaborate a mechanism of guarantees by all the participants in the negotiating process.

9. The Parties reaffirm that activities for maintaining peace, carried out by the Joint Peace-keeping forces in the Security Zone in accordance with the agreement between the presidents of the Republic of Moldova and the Russian Federation dated 21 July 1992 “On the Principles of Peaceful

Settlement of the Armed Conflict in the Transdniestrian Region of the Republic of Moldova” shall be continued.

10. In the event of a violation of these agreements, the Parties have the right to address themselves to the Guarantors for the carrying out of consultations with the goal of taking measures for normalizing the situation.

11. The Parties shall build their relations in the framework of a common state within the borders of the Moldavian SSR as of January of the year 1990.

For the Republic of Moldova

(signed)
P. Lucinschi

For Transdniestria

(signed)
I. Smirnov

By the Guarantor States

For the Russian Federation

(signed)
B. Yeltsin

For Ukraine

(signed)
I. Kuchma

In the presence of the Chairman-in-Office of the OSCE

(signed)
N. Helveg Petersen

City of Moscow
8 May 1997

JOINT STATEMENT

of the Presidents of the Russian Federation and Ukraine in Connection
with the Signing of the Memorandum on the Bases for Normalization of
Relations Between the Republic of Moldova and Transdniestria

“The Presidents of the Russian Federation and Ukraine, as heads of mediator States in the political process for the peaceful settlement of the Transdniestrian conflict, with the participation of the Chairman-in-Office of the Organization for Security and Co-operation in Europe,

Welcome the signing of the Memorandum on the Bases for normalization of relations between the Republic of Moldova and Transdniestria as an important step toward the just and comprehensive settlement of the Transdniestrian problem and the strengthening of mutual trust, stability, and security in the whole region,

Declare that the provisions of the Memorandum cannot contradict the generally accepted norms of international law, and also will not be interpreted or acted upon in contradiction with existing international agreements, decisions of the OSCE, the Joint Declaration of 19 January 1996 of the Presidents of the Russian Federation, Ukraine, and the Republic of Moldova, which recognise the sovereignty and territorial integrity of the Republic of Moldova,

Note their intention together with the OSCE to intensify the mediation efforts and call upon the parties to immediately initiate negotiations in order to complete in the near future an accord on a comprehensive document on the final settlement of the conflict and also a mechanism of appropriate guarantees,

Affirm the readiness of their countries, the Russian Federation and Ukraine, with the assistance of the OSCE, to act as guarantors for the compliance with the provisions set forth by the corresponding documents on the status of Transdniestria as a component part of a united and territorially whole Republic of Moldova.

(signed)
B. Yeltsin

(signed)
I. Kuchma

(signed)
With the Participation of the Chairman-in-Office of the OSCE
N. Helveg Petersen

City of Moscow
8 May 1997