

Ukrainian plan for settling the Transdniestrian conflict

The Republic of Moldova and Transdniestria (hereinafter referred to as parties to the negotiation process),

With participation of the mediators from the Russian Federation, Ukraine, and the Organization for Security and Cooperation in Europe;

In the presence of representatives of the European Union and the United States of America;

Being determined to define the core objectives, principles and stages of settling the Transdniestrian conflict in order to establish the rule of law and ensure respect for fundamental human freedoms, while upholding Moldova's territorial integrity and sovereignty;

Being aware that the implementation of this plan depends primarily on the political will and the parties' determination to strictly observe the commitments under this document;

Welcoming international efforts toward achieving a speedy and comprehensive solution of the Transdniestrian conflict;

Being committed to energizing the political dialogue and achieving specific results already in the nearest future;

Have signed this Plan for settling the Transdniestrian problem and agree to the following:

I. Objectives of the Transdniestrian settlement

1. Reintegration of the Republic of Moldova based on a unified common territory and governmental authority, as well as a democratic political system.
2. A comprehensive and definitive settlement of the Transdniestrian problem that would preserve Moldova's constitutional system and grant Transdniestria a special legal status as a constituent part of Moldova.
3. Preservation of Moldova's independence, sovereignty and territorial integrity within its internationally recognized borders, while ensuring the residents of Transdniestria shall have the right for self-determination solely if Moldova loses its sovereignty and independence.
4. Ensure respect for fundamental human rights and freedoms, regardless of nationality, religious and political beliefs, residence or other distinctions.

Create conditions conducive to cultural and ethnic development of all nationalities living on both sides of the Dniester river.

5. Create a single, unified legal, economic, defense, social, customs, humanitarian, and other space for government activity. This space would pool material and spiritual resources to further resolve common economic and social problems in order to build through joint efforts a modern, democratic and prosperous society.
6. Ensure civil and interethnic which would strengthen peace and stability in this part of Europe.
7. Conclusively eliminate all consequences of the conflict and establish a multilevel system of international and domestic guarantees.

II. Settlement principles

1. A status for Transdnistria shall be worked out solely by peaceful political means based on Moldova's Constitution, via legislative initiatives of Moldova's and Transdnistria's representative authorities, which must be supported by Moldova's entire civil society and be in line with the principles of democracy, integrity, and security of a single state – the Republic of Moldova – defined by the borders of the Moldovan Soviet Socialist Republic as it existed on January 1, 1990.
2. The Transdnistrian problem shall be settled in strict compliance with the principles of territorial integrity, inviolability of state borders, respect for fundamental human rights and freedoms and the people's right to self-determination.
3. The conduct of early free, transparent and democratic elections to the Transdnistrian Supreme Soviet, under international control and based on Transdnistria's legal status as defined by a Moldovan law is essential for Moldova's recognition of the Supreme Soviet as a legitimate representative authority of the Transdnistrian region of the Republic of Moldova.
4. The legal process to define Transdnistria's special status within Moldova shall consist of three stages. These stages shall constitute a period of transition, leading to a final settlement. Each stage may not exceed six months, but the parties may agree to shorter periods.
5. The Parliament of Moldova shall draft all relevant laws of the Republic of Moldova during the first stage, while the succeeding stages shall be handled by a Parliamentary Committee, which shall consist of authorized members of the Moldovan Parliament and the newly democratically of the Transdnistrian Supreme Soviet.
6. The parties shall refrain from unilateral actions which may impede a peaceful settlement of the Transdnistrian conflict and reaffirm their commitment to earlier agreements referred to in this plan.

III. Settlement stages:

Stage 1. The legal foundations of Transnistria's status within the Republic of Moldova

a) In order to establish the preconditions for restoring Moldova's territorial integrity, the Parliament of Moldova, in conformity with the provisions of the Moldovan Constitution, and acting no later than July of 2005 – shall enact the "Law on the Basic Provisions of the Status of the Transnistrian region of the Republic of Moldova (Transnistria)," which shall legally fix the provisions of Transnistria's special status agreed upon earlier:

1. The Republic of Moldova is the sole subject of international law.
 2. Transnistria is a special administrative-territorial unit in the form of a republic within the Republic of Moldova.
 3. Transnistria shall adopt and apply its own Basic Law (Constitution), which must be in line with the Moldovan Constitution after the "Law on the Special Legal Status of the Transnistrian region of the Republic of Moldova (Transnistria)" has been adopted.
 4. Transnistria shall have its own insignia (a flag, coat-of-arms, anthem), which shall be used along with the insignia of the Republic of Moldova.
 5. Transnistria's official languages will be Moldovan, Ukrainian, and Russian. All residents of Transnistria shall have a guaranteed right to use their mother tongue as well as have proper conditions for studying and promoting it.
 6. Transnistria shall participate in the conduct of Moldova's foreign policy on issues affecting its interests. The parties shall agree on the form of this participation.
 7. Transnistria has the right to establish and maintain foreign relations in the economic, scientific, technical, and humanitarian spheres as provided for by Moldova's legislation.
- b) The Law on the Basic Provisions of the Status of the Transnistrian region of the Republic of Moldova shall provide for a subsequent adoption of a system of guarantees, which shall include, inter alia, the following:
1. Transnistria has the right to secede from Moldova if Moldova merges with another state or ceases to be the subject of international law.
 2. Transnistria's secession from Moldova shall be monitored internationally and shall be based on a decision taken by the majority of Transnistria's registered residents in a region-wide referendum. This referendum may be organized in conformity with the current legislation and solely if there are grounds for such secession.
- c) Based on the Law on the Basic Provisions of the Status of Transnistria, free and democratic elections to the Transnistrian Supreme Soviet shall be conducted no later than October or November of 2005.

An International Committee to Prepare and Conduct the Elections to the Supreme Soviet of the Transdnistria shall be set up with the consent of the OSCE to prepare and conduct the elections. The elections shall be controlled by international observers representing the EU, OSCE, Council of Europe, the U.S., Russia, Ukraine, and other democratic countries.

Stage 2. Division of powers and competences between the central authorities of the Republic of Moldova and the authorities of Transdnistria. Enacting the Law on the Special Legal Status of the Transdnistrian region of the Republic of Moldova (Transdnistria).

- a) The newly elected members of Transdnistria's Supreme Soviet, on the basis of the Law on the Basic Provisions of the Status of the Transdnistrian region of Moldova (Transdnistria), shall enact a corresponding legislative act.
- b) For the purposes of drafting the Law on the Special Legal Status of the Transdnistrian region of the Republic of Moldova, Transdnistria's Supreme Soviet shall delegate its authorized deputies of the regional representative authority to the Parliamentary Committee of the Republic of Moldova responsible for drafting this legislation. Based on the Law on the Basic Provisions of the Status of Transdnistria, this document shall include clauses that would divide powers and competences between the central authorities of the Republic of Moldova and the authorities of Transdnistria.

The mediators from the Russian Federation, Ukraine, and the OSCE, as well as representatives of the United States of America, the European Union and the Council of Europe, shall render assistance in drafting this legislation, provided the parties solicit their assistance.

- c) The Parliament of Moldova shall enact the Law on the Special Legal Status of the Transdnistrian region of the Republic of Moldova (Transdnistria), as drafted by the Moldovan Parliamentary Committee.
- d) In order to implement the Law on the Special Legal Status of the Transdnistrian region of the Republic of Moldova, Transdnistria's Supreme Soviet will adopt a corresponding legislative act

Stage 3. A complete settlement of the Transdnistrian conflict. The legal guarantees of Transdnistria's special status within Moldova.

- a) In parallel, the parties, together with the future guarantor-countries – Russia and Ukraine - as well as the OSCE, with the assistance from the United States of America and the European Union, shall work out an Agreement between the Republic of Moldova, the Russian Federation, Ukraine and the OSCE, regarding the guarantees of Moldova's compliance with the Law on the Special Legal Status of the Transdnistrian region of the Republic of Moldova (Transdnistria).

- b) The Law on the Special Legal Status of the Transdnistriean region of the Republic of Moldova shall go into effect after the Moldovan parliament has passed the aforementioned Agreement.

Transdnistria's Supreme Soviet shall adopt the Constitution of the Transdnistriean region of the Republic of Moldova (Transdnistria).

- c) In order to facilitate the overcoming of possible disagreements over the parties' adherence to or interpretation of the Law on the Special Legal Status of the Transdnistriean region of the Republic of Moldova (Transdnistria), a Conciliation Committee shall be set up, to which the Republic of Moldova and Transdnistria shall each delegate two representatives, while Ukraine, Russia, and the OSCE shall each delegate one representative. A representative of the United States of America and a representative of the European Union may participate in the work of this Committee. The parties shall agree on how long the committee shall remain active.

VI. Final provisions

Should either of the parties fail to adhere to the provisions of this Plan, the Russian Federation, Ukraine, and the OSCE reserve the right to take relevant international legal steps, based on commonly recognized norms and principles of international law.

Done in the city of _____ on this _____ day 2005 in seven copies, each in the Russian and English languages.

On behalf of the Republic of Moldova

On behalf of Transdnistria

With participation of

The Russian Federation

Ukraine

the OSCE

In the presence of

The European Union

The United States of America
