

## **APE Recommendations for Moldova's Reintegration Policy**

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The big weakness of the Moldovan authorities on the Transnistrian dimension is the lack of a credible country reintegration policy that would be approved and supported by at least the ruling parliamentary majority. In our opinion, any State policy must have a set of essential elements, namely: a vision, a strategy and means of implementation, to be able to achieve the objectives. Thus, further we will analyse the given components, presenting the facts and highlighting their main weaknesses.

### **Reintegration vision**

The vision of country reintegration is outlined in the *Law of the Parliament of the Republic of Moldova no. 173 dated 22 July 2005 on the basic provisions of the special legal status of communities on the left bank of the Nistru River* (Transnistria), passed by 100 of 101 Members of the Parliament that at that time was dominated by the Communist Party. According to this Law, to implement the policy for the reintegration of the Republic of Moldova, negotiations shall be carried out with Transnistria in view of achieving democratisation and demilitarisation of Transnistria. Only upon fulfilling the conditions on demilitarisation, especially those relating to the obligations assumed by the Russian Federation at the OSCE Summit in Istanbul (1999) on full, urgent and transparent removal of troops and weapons from the territory of the Republic of Moldova, and after creating a democratically elected power system in Transnistria, negotiations will be held to jointly develop and adopt an organic Law of the Republic of Moldova on the special legal status of Transnistria.

The basis for developing and adopting the Law of the Republic of Moldova on the special legal status of Transnistria will serve the provisions of the Law dated 22 July 2005, in particular:

1. The autonomous territorial unit with a special legal status Transnistria will be created within the Republic of Moldova;
2. Transnistria shall be an inalienable part of the Republic of Moldova;
3. The representative body of Transnistria shall be the Supreme Council - the supreme body with legislative power of Transnistria entitled to adopt local laws and other bylaws within its jurisdiction;
4. The courts, the prosecution bodies, the Department of Intelligence and Security Service and the Department of Internal Affairs of Transnistria will be component parts of a single court system and of a single law enforcement system of the Republic of Moldova and will carry out their activities related to justice, ensuring the rule of law and state security under the legislation of the Republic of Moldova;

5. Transnistria will have its own symbols, which shall apply along with the symbols of the Republic of Moldova;
6. The official languages in Transnistria shall be the Moldovan language based on Latin alphabet, and Ukrainian and Russian languages. The Republic of Moldova shall guarantee the use of other languages on the territory of Transnistria;
7. Transnistria shall settle independently, in the interests of the entire population, issues related to the legal, economic and social development given to its jurisdiction by the Constitution and other laws of the Republic of Moldova and by the Transnistria legislation;
8. Transnistria shall be entitled to establish and maintain, as provided by the legislation of the Republic of Moldova, foreign relations in the economic, scientific-technical and humanitarian fields;
9. The land, water, subsoil, flora and fauna, and other natural resources found on the territory of Transnistria shall be the ownership of all the people of the Republic of Moldova, and, at the same time, shall constitute the economic base of Transnistria;
10. Adoption of the Law of the Republic of Moldova on the special legal status of Transnistria shall be accompanied by the adoption of a national security system that will be formed on the basis of the negotiation process only after the conditions of demilitarisation and democratisation of Transnistria are met.

However, the vision on country reintegration outlined in the Law on the basic provisions of the special legal status of communities on the left bank of the Nistru River (Transnistria) no longer enjoys the joint support by the Moldovan political class, particularly the support of the largest opposition party - Communist Party – that promoted and approved it unequivocally in 2005. Moreover, this Law has been violated by its main promoter, Vladimir Voronin, the then President of the Republic of Moldova. On 18 March 2009, Vladimir Voronin, President of the Republic of Moldova and Leader of the Communist Party, signed a Joint Statement with the Transnistrian leader, Igor Smirnov, and the Russian President, Dmitry Medvedev, in Moscow, in which inter alia, the signatory parties stated the stabilising role of the current peacekeeping mission in the region, emphasising, at the same time, the objective need for transforming it into a mission of ensuring peace under the aegis of the OSCE, after the political settlement of the Transnistrian conflict. However, this contradicts the provisions of Law no. 117 dated 10 June 2005, which sets up the preconditions for the demilitarisation of the Transnistrian region, including the need for full and gradual transformation of the existing peacekeeping operation into an international mechanism of military and civilian observers, who will act under the OSCE mandate until full settlement of the conflict.

Currently, the communist leader, Vladimir Voronin, is openly promoting the idea of granting the Transnistrian Region the status of a republic within the Republic of Moldova and is denying the formula of the autonomous territorial unit with a special legal status, as provided for in Article 3 of the Law dated 22 July 2005 on basic provisions of the special legal status of communities on the left bank of the Nistru River (Transnistria). On the other hand, the position of the parties in the current Pro-European Ruling Coalition (the Liberal Democratic Party, the Democratic Party and the Liberal Reformatory Party) is ambiguous. Although the parties are officially supporting to grant broad autonomy to the Transnistrian region, this goal is not reflected in the

Government's Action Programme for 2013-2014. Moreover, they avoid deciding on political conditionality set out in Law dated 22 July 2005, which, according to unofficial sources, restrict the room for manoeuvre for Chisinau at the negotiating table. The position of the Liberal Party, which remained outside the Pro-European Ruling Coalition, is also unclear, and it has repeatedly expressed its dissatisfaction with the step-by-step policy in relation to Tiraspol administration initiated by the former Prime Minister, Vlad Filat.

### **Reintegration strategy**

The Law of the Moldovan Parliament no. 173 dated 22 July 2005 on the basic provisions of the special legal status of communities on the left bank of the Nistru River (Transnistria) remained largely a declarative document, without any practical effects. It was not followed by the development of a Strategy for country reintegration which would guide all state institutions and society in the implementation of its provisions. It is true that the Office for Reintegration of the State Chancellery developed a *draft Concept on the settlement of the Transnistrian conflict and reintegration of the Republic of Moldova* in February 2012. This concept was to be publicly debated in March the same year, and then approved by the Government. None of the two steps had been taken. The Russian Federation and Transnistrian administration threatened the Moldovan authorities that they would not attend the meetings in the 5+2 format, if the concept was approved by the Government. Not to jeopardise the re-launching of the dialogue with Tiraspol administration and the meetings in the 5+2 format, Chisinau has decided to postpone the examination and approval of such a document.

The *draft Concept on the settlement of the Transnistrian conflict and reintegration of the Republic of Moldova* defines the origin and the nature of the conflict; it reflects the importance of its settlement; reiterates the objectives, principles and mechanisms of the political settlement; highlights the role of confidence-building measures, of the civil society and of the international community; provides the policy objectives and principles of the reintegration policy; outlines the sources of funding the reintegration policies; and describes the institutional and the regulatory and legal frameworks of the reintegration policy. However, the concept would not meet the need for a national policy for country reintegration as it bears a rather declarative character. It does not contain a SWOT analysis of the political and socio-economic situation in Transnistrian region. It does not reflect the main challenges, threats and opportunities of the conflict settlement and country reintegration. It does not assess the potential settlement and reintegration costs, and the sources of funding are just statements of intent. The document does not contain any progress indicators. It does not assess the potential impact of conflict settlement and country reintegration. And the responsibilities for coordinating and implementing the country's reintegration policy are formulated in general terms. Above all, the Concept does not contain any action plan that would engage all the governmental institutions in its implementation.

### **Reintegration policy means**

The means of the country reintegration policy are either underdeveloped or they are virtually inexistent. It is true that the Government has now a set of institutional tools to implement the country reintegration policy, namely:

1. The *Governmental Commission for Reintegration*, which ensures and coordinates the promotion of a single country reintegration policy by all national institutions of the Republic of Moldova;
2. The *Deputy Prime Minister for Reintegration* is in charge for implementing policies in this field. He has the status of the political representative of Chisinau constitutional authorities in the settlement of the Transnistrian conflict, he leads the delegation of the Republic of Moldovan in the negotiations on the settlement of the Transnistrian conflict, including during the official rounds of negotiations in the “5+2” format;
3. The *Office for Reintegration of the State Chancellery*, which has the status of a General Division, is in charge of country reintegration policies;
4. The *sector working groups* are mandated to help to strengthen the confidence and security between both banks of the Nistru River in the context of Transnistrian conflict settlement and the provision of social assistance to citizens of the Transnistrian region’s communities.

These institutions, however, have structural weaknesses undermining the efficiency of their activities and making them some fake empty forms. Thus, the *Governmental Committee for country reintegration* is coordinating a policy which is virtually inexistent without any strategy and without any consolidated action plan to channel the attention, efforts and resources of local and central authorities. Consequently, its meetings, in general, are only to inform the institutions about the latest developments at the negotiating table in the security zone and in the sector working groups, and the decisions made are rather tactical aimed at coordinating some positions, attitudes, and actions related to the current situation.

In turn, the *Deputy Prime Minister for Reintegration* does not have the needed leverages to implement the reintegration policies that exist almost exclusively in the public discourse and are almost inexistent at the level of the approved programmatic documents of the ministries, Government or Parliament. Although country reintegration is a major priority of their activity, ministries are not developing sector reintegration plans, if such were to be implemented in the next 10 years. The lack of financial resources to implement confidence-building measures, about which the central authorities speak so much, are left almost entirely by the Government to the European partners, who already finance them almost exclusively. Moreover, the political negotiations in the 5+2 format and the dialogue with Tiraspol administration occupies most of the *Deputy Prime Minister for Reintegration*’s time, which is the chief negotiator on behalf of Chisinau at the negotiating table in the 5+2 format. However, it does not allow him to fully concentrate on the development and implementation of reintegration policies that would not

depend on the will of Tiraspol. Moreover, in our opinion, his dual position of chief negotiator and the main person in charge of reintegration policies can limit the freedom of action on the latter dimension.

The *Office for Reintegration of the State Chancellery* mandated to assist the Deputy Prime Minister for Reintegration in the political settlement of the conflict and implementation of country reintegration policies lacks institutional capacities to fulfil these tasks. Of the 13 members of the Office, six are young people with little experience in the field, and other two are directly involved in the activity of the Joint Control Commission (JCC) that is in charge of implementing the Agreement on peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova signed by the Republic of Moldova and the Russian Federation on 21 July 1992. In addition, the Office has insufficient expertise to develop strategies, policies, plans and regulatory and reintegration mechanisms.

As to the *sector working groups*, Chisinau authorities do not have their own pro-active medium-term action plans that would channel their activities towards creating objective prerequisites for building single economic, transportation, educational, commercial, social, tourist, customs and other settings between both banks of the Nistru River. As a result, their agendas are reactive, circumstantial, and spontaneous, without any systemic approach and often sabotaged by conflicting issues imposed by Tiraspol administration.

Moreover, the Republic of Moldova does not have its own plan to promote confidence-building measures on both banks of the Nistru River; nor has it assessed the reintegration costs so far, and the budgetary resources provided for this purpose are poor compared to the objectives set. For 2013, the Government had allocated about MDL 15 million (about Euro 850,000) for reintegration activities being spent almost entirely on small projects for socio-economic development of the communities in the security zone under the jurisdiction of Chisinau central authorities. Meanwhile, the confidence-building measures at the level of civil society, local authorities, business community, academia, etc. are not covered by budgetary resources.

## **Recommendations**

Relying almost exclusively on the political settlement of the conflict in the 5+2 format and on the promotion of confidence-building measures is not enough to prepare the country for the eventual reintegration of the Transnistrian region. The Republic of Moldova urgently needs to develop and implement a credible medium- and long-term reintegration policy that would establish the objectives, tasks, responsibilities, mobilise the financial resources and would launch the active communication with the society on both banks of the Nistru River. In this context, we consider appropriate to make the following recommendations, and namely:

1. Reconfirm the political support by all parliamentary parties for the political settlement principles stipulated in the *Law of the Parliament of the Republic of Moldova no. 173*

*dated 22 July 2005 on the basic provisions of the special legal status of communities on the left bank of the Nistru River (Transnistria);*

2. Develop a strategy for country reintegration that would guide all state institutions and society in the implementation of its provisions. It would include a SWOT analysis of the political, social and economic situation in the Transnistrian region; reflect the main challenges, threats and opportunities of the settlement and reintegration; determine the exact funding sources; assess the possible impact of reintegration; expressly provide mechanisms for coordinating and implementing the country reintegration policy;
3. Approve an Action Plan that would engage all the governmental institutions in the implementation of the Reintegration strategy. The Action Plan would establish progress indicators and assign responsibilities of all involved institutions;
4. The ministries should develop sector medium- and long-term reintegration policies that would provide the objectives, implementation actions, assess the costs and identify the funding resources;
5. The sector working groups in Chisinau should develop their own pro-active action plans that would channel their activities towards creating objective prerequisites for building single economic, transportation, educational, commercial, social, tourist, customs, etc. settings between both banks of the Nistru River;
6. The Ministry of Finance in cooperation with the line ministries should assess the potential costs of reintegration and put forward concrete financing options/tools. In this context, it is worth analysing the experience of financing the unification of Germany and South Korea and of the reunification policy, respectively. Germany unification cost Euro 1.3 trillion of the German budget, of which 185 billion was collected from German citizens based on the “solidarity tax” introduced by the German Government in 1991. In turn, South Korea created the County Unification Fund in 2012 that will accumulate the financial resources from governmental funds and private donations. In Korea, the Korean Fund for unification is seen primarily as a symbol of preparations for reunification as well as an effort to mobilise the society to support the reunification policy.
7. The Government should launch a comprehensive communication campaign on the Transnistrian settlement to inform Moldovan citizens about its Reintegration policy (vision, objectives and strategy), as well as to prepare them to the potential political compromises and implications that the future political settlement of the conflict might entail.

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