

**NATO RESEARCH FELLOWSHIPS PROGRAMME 2000/2002**

**NATO and the security in the Eastern  
countries during transition times**  
( Final Report )

Written by  
Ion Mardarovici

**Chisinau**  
***Moldova***  
**2002**

## **Contents**

<b>1. The concept of Republic of Moldova’s neutrality in the context of NATO’s eastward extension</b>	<b>2</b>
<b>2. The NATO – Russia partnership and the security in the former soviet European area</b>	<b>5</b>
<b>3. Security of the Republic of Moldova and the Transnistrian conflict</b>	<b>9</b>
<b>4. The role of international organizations in the process of localizing the Transnistrian crisis</b>	<b>36</b>
<b>5. 10 years after the Transnistrian armed conflict – problems and perspectives</b>	<b>46</b>
<b>6. Bibliography</b>	<b>77</b>
<b>7. Attachments</b>	<b>79</b>

## **1. The concept of Republic of Moldova’s neutrality in the context of NATO’s eastward extension**

Besides the fact that the dislocation of foreign military troops on the territory of the Republic of Moldova is inadmissible, the Constitution sets no other rules for being neutral.

The dictionary of international public law (Bucharest, 1982) defines “permanent neutrality” as the position of the states that, through official documents, determined by their internal legislation (ex. Switzerland) or the decision of international conferences (Switzerland, 1815, Belgium, 1831 and 1937, Luxemburg, 1867 etc.) assumed the responsibility to never participate in a war (...). Besides the fact that they are committed to not participating in a war, states that are permanently neutral are committed not to sign, during peace times, documents that in case of an armed conflict could involve them in the war. Thus, permanent neutrality assumes non participation to military alliances and the refusal to accept on the country’s territory the coming and positioning of foreign military troops.

A similar explanation is offered in other sources. The principles of Republic of Moldova’s external politics, approved by the parliament on February 8<sup>th</sup> 1995, respect almost the same definition: the Republic of Moldova promotes the politics of permanent neutrality, being committed not to participate in armed conflicts, in political, military or economic alliances that have the purpose of war preparations, not to use its territory for placing foreign military bases, not to produce, have or experiment with nuclear arms. Through a presidential decret, on April 16<sup>th</sup> 1996, a commission to establish the notion of Republic of Moldova’s neutrality was formed, but until now this notion was not defined. Thus this remains to the free and open understanding of the executive branch in the interpretation of political relations in continuous movement, and the reaction it can assume in the name of the entire country without coming into contradiction with the notion of constitutional neutrality.

The “father” of the moldovan neutrality himself, Mr. Mircea Snegur, signed in February 1995 an additional protocol to the Russian-Turkish Treaty of friendship and cooperation, that talks about “the mutual help in responding to aggression of one of the parties or both of them” (art. 3). Thus, the neutrality described in the Constitution becomes relative and it digresses to a simple phrase. Only the fact that Russia has not yet ratified the basic treaty with Moldova has saved the first president from destroying his work, maybe the most important one.

While talking during the joint session of the college MAE, in the beginning of February, President Lucinshi said that “the external politics of the Republic of Moldova will be promoted in regard to the basic documents of the republic, in which its course was already confirmed”. Asked by journalists, during Javier Solan’s visit to Chisinau, about the possibility of Moldova’s adherence to the military - political alliance CIS, in case of NATO’s eastward expansion, Mr. Mihai Popov, the head of foreign affairs at the time, declared that “the answer is in the Constitution. The Republic of Moldova is a neutral state that has no intention not now, nor in the near future, to join military-political alliances”.

The fact that in MAE the team led by Mr. Popov remained seemed to insure a continuity of the external politics of Republic of Moldova.

A slight yet noticeable movement towards Russia was made even during NATO secretary general’s visit to Chisinau. While saying the traditional phrase about Moldova’s attitude concerning NATO’s expansion Mr. Popov added something else, that was obviously in Russia’s favor: NATO’s expansion must not be done “without Russia and in its detriment” Because the

next day Iurii Baturin, the Russian secretary of Defense, was arriving in Chisinau Popov's words were looked upon as a gesture of too much respect, typical to the moldovan politicians towards Moscow.

Not long afterwards, our ambassador to Washington, Nicolae Tau, says, in Washington Post, that the Republic of Moldova does have an objection to NATO's expansion: it does not want to become a buffer region with Russian troops on its territory. Knowing that Mr. Tau is not a diplomat that talks by himself it was understood that Moldova took another role in its position towards NATO, that of Russia, one which is not at all impartial. Free Europe qualified (on March 4<sup>th</sup>) Mr. Tau's declaration "inconvenient for Romania, that has a strong desire to become a NATO member, but can serve Russia's interests that opposes NATO's expansion". The fact that our ambassador's declaration was made after President Lucinschi's first visit to Moscow proves that this declaration is a part of the complicated Moldovan appeals to NATO.

At that time, in an interview taken by the agency Infotag, the secretary of Foreign Affairs, Mihai Popov, talked about the Russian armies on the territory of Moldova as a common inheritance of Russia and Moldova as a result of the fall of the Soviet Union.

We can assume that Russia asked the Moldovan leadership for a favor ("usluga") like in the case of the memorandum signed by Mircea Snegur, with the purpose of helping Eltin in his elections. This time the Kremlin was preparing for the meeting with Bill Clinton, in Helsinki, and needed more arguments against NATO expansion. In exchange "the Russian party manifested understanding in the problems that Moldova was facing" and promised again and to reschedule Moldova's debt for natural gas and to annul the debts of Transnistria.

When coming back from a meeting with the leaders of the member of CIS, Petru Lucinschi said that president Eltin doesn't "see a problem" for the Russian military forces to move out of Moldovan territory, it's just that he wants Republic of Moldova to give a guarantee that it won't become a "country dangerous to Russia", in military terms.

This proves one more time that a problem is "not seen" but it "exists" and it is connected with Russia's anti-NATO movements. Republic of Moldova engagement with Russia was completely discovered when the Russian secretary of Foreign Affairs came to Chisinau. The anti-NATO poem told by hart by Popov in Mr. Primakov's presence met Moscow "standard" concerning this issue. The message itself is a copy of the Russian one: NATO's expansion would lead to establishing separation lines in Europe. (The same message Mr. Popov made public in his earlier voyage to Belgrade and Bucharest.)

Finally, after saying many years that NATO's expansion makes no trouble for the Republic of Moldova, the country sets some condition for the Alliance: "In case of an expansion we will ask the Alliance security guarantees, in order to avoid possible conflicts and confrontations", declared Mr. Popov. (Why weren't there asked guarantees from Russia that keeps accusing us of occupying its "area of strategic interests"?).

Besides the so-called de-blocking of the negotiations in Tiraspol (that did not mean giving up the federalization of the Republic of Moldova), how real are Chisinau's advantages in this political transaction of striking generosity (if we overlook the depreciation of the constitutional spirit)? It seems like they are only illusions. Like one of the Transnistrian leaders said "now there's another problem – where and what way will the Republic of Moldova go? This issue concerns the people in Transnistria as well as the Russians. I would suggest that Republic of Moldova joins the Union Russia Belarus. This way the Transnistrian conflict would be solved faster". (AP Flux, April 11<sup>th</sup>).

The discussions that take place concerning NATO's expansion have a greater significance than the problem itself. They are the ones that determine tomorrow's vision of Europe, the architecture of the future European security and it determines the orientation of new independent states in the newly formed situation of the East-West relation. Any declaration, any position, open or not, within this conflict is a piece of the imaginary puzzle of the European perspective.

Looked upon from this point of view Republic of Moldova’s foreign appeals do not offer the certainty of actions verified strategically.

Due to the constant lack of stability in South East Europe, a region that has only one neighboring NATO member, Hungary in the north and other three in the south, NATO has decided to try to direct attention towards cooperation in the Balkans. NATO’s South East Europe Initiative refers to that instability. The initiative was designed to build on NATO's already extensive cooperation in the region and take it to a new level. In a further area of cooperation, NATO is providing advice and expertise on the retraining of military officers made redundant by force structure reforms in Bulgaria, Croatia and Romania. NATO's South East Europe Initiative is a series of programmes and initiatives aimed at promoting regional cooperation and long-term stability in the Balkans.

NATO’s eastern expansion is possible through Romania’s admission as a member of the Alliance. That would offer Moldova a great opportunity to join the rest of Europe. It could be also very advantageous to be bordering a NATO member country. Romania’s entering in NATO could mean that a door would be open for Moldova and it would be possible for the Republic of Moldova to lessen Russian influence and control in the region.

## **2. The NATO – Russia partnership and the security in the former soviet European area**

### **2.1 Conflicts in the former communist area**

Within the laws of ethno - political development of humanity the continuous row of integration and disintegration is noticed. It is not unusual that these processes are treated with great interest by researchers, proof of that is the great number of writings on this issue.

The majority of them talk about one of the processes – integration. Statistics have shown that only in the occidental ethno – politics there were established ten principles and theories about integration and none about disintegration. The reasons are obvious. First of all, beginning with the 60's in Western Europe, North and South America the greatest tendency was that of integration and it is normal that the scientists from these countries studied this process in particular.

When talking about the former USSR we can see that there wasn't even a question about the problems of disintegration because no one thought it possible that this “Great Union” would one day fall apart. Although today we only hear about basically ideas of integration and reintegration these processes still threaten not only the former totalitarian states but also humanity itself with the possibility of blood shed. Thus the problem of solving conflicts in the world, including in the former soviet region, including within CIS, is still contemporary.

From the start the word “conflict” itself has a negative meaning and this negative meaning is taken by everything and anything that has something to do with a conflict. Even from the beginning this term creates tension and negative feelings, getting you ready for defense, and the way things will evolve in the future are unimportant.

It is natural that during any type of conflict, depending on its proportions, only negative human qualities re manifested as social properties.

The consequences of such conflicts from the past and the present, beginning with the personal ones and ending with the global ones, starting with “friendly” relations and relations between states, are convincing and eloquent, the best way to go it to prevent and liquidate states of conflict.

Sources tell us that in the last 5600 years there were 14500 wars /Montagu/. Other researchers tell us that in the last 3400 years only 286 were peaceful /Burke/. We are also informed that starting with the year 1945, 165 wars were launched (these do not include the bombing of Iraq and Yugoslavia by the USA and NATO). Only in the year 1994 there were wars in 27 regions of the world. If we took into consideration armed conflicts of a lesser importance the numbers would be much grater. In trying to represent as detailed as possible the state of armed conflicts in the world the independent center of research PIOOM Foundation in the Netherlands, counted only in the year 1992, 160 conflict of a violent character, including 32 wars, 69 armed conflicts of a lesser intensity and 59 serious armed conflicts. Many of them were characterized as internal wars or civil wars. According to the UN report about the problems of human development in the year 1994 most of these conflicts take place in the South and East of the World /United Nations Development Programme/.

Most concern is given to the social and human price of these conflicts. The most conservative data tells us that between the years 1945 and 1989 21.8 mil. people died in wars. Today the majority of victims are civilians, not the military, approximately 85% in comparison to 50% in the 50's. Only the five wars of the 80's (from Uganda, Mozambique, Angola, Afghanistan, between Iraq and Iran) 17 mil. people were became refugees from which approximately 7 mil. ran to other countries.

Research says that on the territory of the former Soviet Union there are approximately 200 conflicts concerning redistribution of political power in the new independent states, changing the



- the necessity of the state to maintain a high level of repression (with the purpose of self protection), transforms the starting social instability in the separation of the “elite”, then in “position” conflicts within the political higherarchy, and finally in the opposition of the majority, mostly ethno-political;
- the militarization of the economy (typically for Russia), that destroys society’s resources, meant for rising its wealth, leads to the slowing down of the speed of the society’s and the state’s development;
- the insufficient institutionalization of the political system in Russia, its incapacity to use all the politically active groups in society, orientation to social restructuring;
- the augmentation of the socio-cultural differences between the “elite” and the “masses”, that is basic for the conflict of values, brings down the possibility to bring together the power and society, thus the stability of the state’s political development.

### **2.1.3 The pluralist scenario of analyzing a conflict**

The pluralist scenario of analyzing conflicts in the former soviet area is obtained from the principle of prioritizing the right of a person over the collective right of ethnic groups. This way, theoretically, does solve social and ethnic contradictions and of conflicts, through their prevention while efficiently taking into consideration the rights and freedoms given by the state for each person.

The biggest flaw of this scenario, when it is used for analyzing processes that take place within CIS, is that it ignores the lack, in this area, of the socio-cultural environment necessary for “collective” implementation of the principles of the person’s priorities and the lack of the post – contemporary ideology. This situation is connected to the existence in the West of a different culture regarding social relations; its subjects (persons, groups, organizations, states) must be oriented to insuring its interests through the mechanism of reciprocal respect of each of their interests. The “intermediary” or the “negotiator” in these types of relations is a person lacking egocentrism. For creating this model of social culture, Western Europe participated during 5 years to “statutory” relations that encourages the “fighter” or the “propagandist” while in Russia, Moldova and other states in Eastern Europe the “ignorant” was encouraged.

### **2.1.4 The realist scenario of analyzing a conflict**

The realist scenario of analyzing conflicts is characteristic to the “movement” of society from a vertical (higherarchical) structural society of statutory type relations, to the horizontal one, that creates, on a personal level the “individualization” of society, on a state level its “nationalization”. The perspective of modernizing Russia, like the one of any state that hasn’t finished social modernization, cannot be solved without implementing a realist political behavior, that means the necessity that the state obtains the property to consolidate society in counterbalancing the centrism of ethnic groups and corrupt organizations, to consolidate the common political system, its property to act in front of the whole world as a whole.

The political behavior of this type means also the necessity to develop rational culture in the state’s behavior, that presumes the possibility to appreciate its national interests, forming on this basis of particular goals, according to the resources it has, choosing this way the best option of internal and external behavior, dominating in its activity the issue of external security (while the socio-economical issues are being passed on to society’s capabilities).

## **2.2 Russia – NATO relations and their influence in Moldova**

This ground-breaking new body that brought together the 19 Allies and Russia to identify and pursue opportunities for joint action is extremely important for Moldova because the bettering of the relations and even the cooperation between Russia and NATO could make Russia respect its promises made at the summit in Istanbul and withdraw the Russian army and armament from the territory of the Republic of Moldova.

The Rome Declaration builds on the goals and principles of the 1997 Founding Act on Mutual Relations, Cooperation and Security. It establishes the NATO-Russia Council as a mechanism for consultation, consensus-building, cooperation, joint decision and joint action, in which the individual Allies and Russia will work as equal partners on a wide spectrum of Euro-Atlantic security issues of common interest. Continuous political dialogue on security issues should enable the early identification of emerging problems, the determination of common approaches and the conduct of joint actions, as appropriate. One of the most successful areas of NATO-Russia cooperation has been the joint commitment to promoting peace and stability in the Balkans.

The recent meeting between the American and the Russian President meant a great deal to the whole world.

Although historically the two countries have not had close relations the joint statement signed by President Bush and President Putin proved things could change. The joint statement provides for much stronger relations and cooperation. This could prove to be advantageous for Moldova, as in NATO's case because, somehow Russia could be pressured into withdrawing from Eastern Europe. At the meeting the two presidents agreed upon the urgent necessity to solve the Transnistrian problem.

### **2.3 NATO – Ukraine relations and their importance for the Republic of Moldova**

A ground-breaking visit to Ukraine by NATO's political leadership in March 2000 injected new momentum into the Distinctive Partnership which was established in Madrid in July 1997. The meeting in Kiev of the NATO-Ukraine Commission (NUC) - the first time this body, which directs the Partnership, had met in Ukraine - was an occasion for the 19 NATO allies and Ukraine to review the full range of their cooperation.

After the surprisingly fast development of NATO – Ukraine relations the final proof of cooperation was the Ukraine's official expression of its intent to enter NATO in June 2002.

If Ukraine would enter NATO Moldova would have a lot to gain for even if it would insist to remain neutral in its politics it would have enough reassuring that Russia would not be getting involved in the state's internal politics anymore and its influence would diminish noticeably.

### 3. Security of the Republic of Moldova and the Transnistrian conflict

#### 3.1 The conflict from the Transnistrian region of the Republic of Moldova

The authors from the secessionist enclaves, situating themselves on the position of the illegal regime from Tiraspol, characterize, as a rule, the events of 1992 as “an aggression of the Republic of Moldova against “the Moldavian Republic of Nistru”. This opinion, singular in the general scenery of the tackling of the armed conflict, is contradicted by numerous authors who appreciate the events of 1992 from the Republic of Moldova as *a war of preserving the geopolitical positions of Russia in this part of Europe*.

The first symptoms of the Transnistrian conflict manifested openly during the time of the agitated events of summer 1989, when in the Socialist Soviet Republic of Moldova was formed a movement that claimed to grant the official statute to the Moldavian/Romanian language and its passing to the Latin alphabet. Actually, at the beginning it was a confrontation of two tendencies in the *perestroika* politics, initiated by the reforming wing of the Communist Party of the Soviet Union at Kishinau: the radical one and the conservative one. The radical tendency was represented by a powerful national trend, organized in the Democratic Movement for supporting the Reorganization and by the “A.Mateevici” literary circle, which appeared in spring and at the beginning of 1988.

In its essence this movement was relying on Moldavian / Romanian ethnics, who during the years of the soviet regime have been exposed to a process of profound denationalization by means of a russification process.

The conservative tendency was recruiting its advocates mainly from the environment of national minorities and on the political plane was expressed by an Internationalist Movement (from December, 1991 – the Movement for equality in rights “Unitate-Edinstvo”), named after the tradition of the Baltic republics “Interfront”. The “Interfront” from the Socialist Soviet Republic of Moldova making their option for preserving the soviet model of interethnic relationships in its basic parameters, a model according to which were being ignored, at a large extent, the specific ethno cultural characteristics of the native inhabitants, so that the Russian language, Russian history etc prevailed in the cultural and spiritual life. At the moment of creating this organization three of the leaders - A.I.Bolsacov, A.K.Belitsenko, G.F.Pologov - were directors of factories in Transnistria.

##### 3.1.1. Historical overview and the causes of the armed conflict on the Nistru River

On the 21<sup>st</sup> of July, 1992 in Moscow the Presidents of the Republic of Moldova and of the Russian Federation signed the Agreement “As regards to the principles of peaceful regulation of the armed conflict in the Transnistrian region of the Republic of Moldova”. Signing this document the government of the Republic of Moldova has accepted the Russian Federation to be the arbitrator in this conflict. In reality this means that the government of the Republic of Moldova became aware of the fact only by means of agreement with the Russian Federation the armed conflict could be stopped, because the Russian Federation was directly involved in it both with the troupes of the 14<sup>th</sup> legion of artillery battalion dislocated in Transnistria and by means of direct support, especially informational and military, of the separatists. It may be assumed that they bet on the idea that the Russian Federation is on her way of transforming into a democratic state. These presupposed future correct relations on its behalf in relation to the Republic of Moldova, the retreating of the troupes of the 14<sup>th</sup> legion of artillery battalion, renouncing to political, economical, military and informational support of the separatist regime. It cannot be

excluded the fact that the leadership of Moldova has been really waiting for Moscow to determine the separatists from the moment when the separatist regime had been supported firstly by the forces hostile to Boris Eltsin.

At the time of signing the Agreement on the 21<sup>st</sup> of July 1992 the ant constitutional regime of Tiraspol was already in possession of:

- 1) control by repressive means over a territory where in advance have been destroyed by means of force the structures of constitutional power and any political opposition;
- 2) a set of pocket political forces capable to ostentatiously attack severely any opposition;
- 3) means of mass information (press, radio, television), exposed to a severe censorship and by means of which has already been created the "image of the enemy " from the Republic of Moldova;
- 4) military troupes with a high level of preparedness and equipped with munitions from the arsenals of the 14<sup>th</sup> legion artillery battalion;
- 5) an efficient security service (by means of its close relations with the retrogressive political forces from the Russian Federation as a instrument of oppressions, of collecting information from the state structures of the Republic of Moldova, of blackmailing some state clerks from the right river bank by means of KGB files, shipped to Tiraspol in autumn of 1989, etc.). At the same time the Ministry of Security was a repressive body out of any control since the moment of its constitution on the 16<sup>th</sup> of May 1992;
- 6) industrial factories with a relatively high technological level and with close connections in the Russian Federation;
- 7) customs stations and pickets of frontier guards at the state frontiers between the Republic of Moldova and The Ukraine as well as along the Nistru river (a total distance of appreciatively 820 km)
- 8) population, mainly the one from industrial centers, with a dominating totalitarian mentality, consolidated on the basis of the slogan: ‘The Republic will defend me!’ ( *Моя Республика меня защитит!*");
- 9) political, economical, military, informational support from the Russian Federation which looked and is still looking at Transnistria as to a region of strategic interests;
- 10) the possibility to install an economical blockade of the right riverbank (to disconnect gas, to block the railway etc.);
- 11) a considerable number of supporters, including persons with influence on the right bank of Nistru;

It may come out that **the regime from Tiraspol hasn't give up any position of the one enumerated above.**

For a period of ten years the regime from Tiraspol has consistently **consolidated its positions** as regards the following components:

- 1) the regional population controlled by separatists, including a part of those who haven't supported initially the separatism, had adopted with the thought that they live in a **real state** that didn't lack problems, which wasn't internationally recognized, but which seemed more real for them than the Republic of Moldova. The advocates of the integrity of Moldova who live on the left riverbank are more and more dejected because of the lack of any progress in the direction of solving the conflict. The constitutional power from Kishinau is unable to solve any problem and cannot defend them. The advocates of separatism finished the armed conflict with the **feeling of conquerors**;
- 2) in the Eastern districts of the Republic of Moldova has been created an efficient vertical of executive power in which a dominant role is played by Igor Smirnov and by the repressive structures. The anti constitutional structures of power turned to be during these eight years much more efficient in relation with those from Kishinau as for the fight around the problem of the future of this region. For them unlike Kishinau the fight for consolidation of their own positions

in relation to Kishinau has been one for surviving, it constituted an absolute and permanent priority since 1990.

3) the region controlled by separatists has been transformed into an efficient mechanism of enriching by means of smuggling, of exploiting the lack of a firm and consistent position of the leadership of Moldova towards the statute of this region (the absence of an economical frontier on the behalf of Kishinau);

4) by means of corruption of some public clerks, politicians etc of the Republic of Moldova and of offering them financial incentives to the existing of the present anti constitutional regime, and respectively in the infinitely unsettled conflict;

5) by means of concrescence of the administrative structures of Tiraspol with the criminal structures that control the regional business; "The Ministry of Security" of Tiraspol is involved in the fight for the spheres of influence in the shady economy, including by means of physical liquidation of persons or groupings that oppose (for instance, the liquidation (16 bodies according to some data) of the members of the “Serif” firm in September-October of 1998).

There are precedents of physical liquidation of unwanted persons including in Kishinau;

6) during all times the administration of Tiraspol has promoted a consistent politics by means of a stable crew and has succeeded to obtain from the behalf of the government of the Republic of Moldova a series of **unilateral and of principle yielding**, as for instance are:

- guarantees that they will possess in future a statute of “republic”, a constitution, a legislative body, “participation in promoting the foreign politics of the Republic of Moldova in problems concerning their interest ” etc.

- the right to "foreign economical activity ", as they conceive it (without paying any money in the state budget of the Republic of Moldova );

- the Republic of Moldova, not having the entire control over a considerable portion of the frontier with The Ukraine, has offered the Transnistrian regime the right to have their own customs stamp (the pertaining to State etiquette agreement "As regards the solving of the problems that appear in the activity of the customs services of the Republic of Moldova and Transnistria" from 7<sup>th</sup> of February 1996).

*Tiraspol has ignored in the most rude way all the engagements stipulated in this document, except those which correspond to the interests of the anti constitutional regime. Consequently, by means of signing this document, **the Republic of Moldova has given up in favor of the regime from Tiraspol to one of the fundamental attributes of any real state – customs control, and has contributed decisively to the consolidation of the economical basis of the anti constitutional regime, including by means of bulky smuggling;***

- the Republic of Moldova has offered the anti constitutional regime from Tiraspol the right to certify the production ( see "Protocol decision concerning of the discussed work in matter of standardization, metrology, and certification by the Department of standards, metrology and technical supervision of the Republic of Moldova and the Committee of standardization, certification and metrology of Transnistria” from 11<sup>th</sup> of March 1996);

- a considerable part of the goods produced at the enterprises from the region unsupervised by Kishinau are duty-free at the customs offices from the Russian Federation and The Ukraine by means of the “Agreement between the government of the Republic of Moldova and the government of the Russian Federation concerning the production and technical cooperation of enterprises of defense branches” from 18<sup>th</sup> of February 1994 and the "Agreement between the ministry of industrial politics of The Ukraine and the ministry of industry and trade of the Republic of Moldova concerning the preserving of the specialization of enterprises and mutual cooperative delivery” from 13<sup>th</sup> of February 1998;

- a series of economical agents from the region unsurveyed by Kishinau who have no relations with the State budget, are registered at the State Register Chamber of the Republic of Moldova that allows them to appear abroad, outside the Republic of Moldova, including in front of potential investor, as an entirely legal corporate bodies;

- some economical agents dispose of licenses delivered by the state structures of the Republic of M ( in 1998 at least three economical agents from the region unsurveyed by Kishinau without possessing a Registration Certificate delivered by the State Register Chamber of the Republic of Moldova and not having relations with the budget of the Republic of Moldova possessed Licenses of production, stocking and wholesale trade of the alcoholic drinks ( Sovkhoz-factory "Buchetul Moldovei", License 121 from 11.05. 98; Ltd. "Vasiliou and Co", License 60 from 12.03.98; Biochemical factory from Bender, License 142 from 26.05.98;); the economical agents from Transnistria obtain without any impediments form Certificates necessary for textile goods export in the countries of the European Union (. Tirotext Association obtained in 1998 some 358 of this kind of certificates from the Department of Foreign Economical Relations, managed by Mr. Dumitru Braghîş);

- there are many cases when economic agents from Transnistria beneficiate of different advantageous conditions (TIR-driving licenses, licenses and certificates for export in the states of the European Union etc on the behalf of the state structures of the Republic of Moldova); they also use codes with bars delivered by the National Agency of Automatic Identification;

7) during this years the leaders of the anti constitutionalist regime from Tiraspol who have ignored any agreement and behaved in the most defiant way, **had been part of the official delegations of the Republic of Moldova, including at the highest level.** By this the Republic of Moldova has accepted them, including at the international level, as persons legally representative of the region unsurveyed by the authorities from Kishinau;

8) taking advantage of Kishinau’s giving ups and of the gentlemen’s support from the behalf of the Russian Federation and The Ukraine the regime from Tiraspol has signed a series of agreements with different regions form The Ukraine and subjects of the Russian Federation. By means of these the economical support offered by these countries to the anti constitutional regime of Tiraspol is legalized;

9) leaders of the anti constitutional regime from Tiraspol successfully claim the officials from Moscow a considerable share of munitions and armament that belonged to the ex-14<sup>th</sup> legion artillery battalion. There are documents signed by Cernomîrdin and Smirnov (20<sup>th</sup> of March 1998, Odessa), by means of which they are offered a part of the munitions and armament – a source of fabulous profits for the “leaders” and way of consolidating the anti constitutional armed forces (according to the data presented by some experts the patrimony of the ex-14<sup>th</sup> legion artillery battalion has been estimated to 2 billion dollars) ;

10) in the key-positions of the power structures of the anti constitutionalist regime in many cases are placed officers from the respective structures of the Russian Federation. According to some sources of information they fictitiously pass into reserve before being enrolled in Tiraspol.

"The Ministry of State Security" closely collaborates with the influential political forces from the Russian Federation. There is information about the close collaboration of the Federal Service of Counter information ( ФСК ) that have in their possession an office (nr.47) in the building of the "Ministry of Security" from Tiraspol since 1995. during the elections into the State Duma of the Russian Federation from 1999 the minister of security from Transnistria together with his vice-minister figured on the candidate lists of the Liberal party and the Stalinist Block for USSR;

11) at the enterprises surveyed by Tiraspol is organized the production of munition, which is proposed to be sold in other conflict regions and it is used to consolidate the military potential of the anti constitutional regime;

12) a series of industrial enterprises from the region unsurveyed by Kishinau succeeded to assert itself on different markets, and obtained the certification in the international systems of certifying quality. In the conflict region begin to come foreign investments. The Moldavian state serves the economical interests of the anti constitutional regime by means of its international agreements;

13) the anti constitutional regime manages to provide the population with a higher level of

living standards than in the Republic of Moldova. The population from the localities on the left riverbank, subjected to Kishinau is more and more dejected by this fact;

14) the anti constitutional regime possesses military troupes more powerful in all aspects than those of the Republic of Moldova;

15) the anti constitutional regime adopted on the 24<sup>th</sup> of December 1995 a Constitution ("The Moldavian Transnistrian Republic, - independent and sovereign state ") in which it is not even mentioned the fact of the existence of the Republic of Moldova and which is absolutely incompatible with the stipulations of the Constitution of the Republic of Moldova;

16) the anti constitutional regime maintains close relations with Gagaur-Yeri, mainly with persons with radical political views. Different informational sources from the south of Moldova affirm that Tiraspol supported Mihail Chendighilean with its advocates to the local elections for the Popular Assembly. By means of them the leaders of the anti constitutionalist regime feed the separatist spirits from the south of Moldova and tries to create another hotbed of tension in order to create a common front;

### **3.1.2. Negotiation partners**

The elaboration of the concrete strategy of solving the Transnistrian conflict is impossible without characterizing the regime to which it will be applied. The restoration of sovereignty of the Republic of Moldova in conformity with the Constitution of the country may be achieved only in the case when the strategy of solving the conflict

- will take into account the essence of the anti constitutional regime;
- will lead to impossibility of realization of the interests that serve this regime;
- will liquidate the fear as a factor of consolidation of the anti constitutional regime (of the union with Romania, forced Romanization, eventual revenges on the behalf of the right riverbank etc.) among the population from the conflict region;
- will open Transnistria for freely carrying on actions of popular diplomacy;
- will create conditions for evacuating from Transnistria the persons who will not accept to live in the reunited Republic of Moldova under any circumstances;

The evolution of the situation in the Eastern districts of the Republic of Moldova during ten years, the situation with the human rights and liberties, the liberty of press, the character of the relations outside, the behavior of representative persons in relation to the problem of territorial integrity of the Republic of Moldova allow us draw some **stable conclusions** concerning the nature of the political regime installed in the Eastern districts of the Republic of Moldova.

**On the left side of Nistru and in Bender city has been installed a repressive, totalitarian political regime. Its mission is to provide the realization of interests of the Russian Federation in this region and the economical interests realized by means of criminal economical activities.**

**This regime is supported:**

- by influential political groups from the Russian Federation;
- by those clerks, policemen, military men etc., whose source of existence is made of the activity in the "state structures";
- by criminal structures that by means of this region realize different "schemes" of fiscal evasion, of smuggling and other economical crimes;
- by influential persons from the right riverbank (state persons, businessmen, journalists etc.) who support this regime for ideological reasons, or because of being involved in these "schemes";
- by influential persons from the state structures of the Republic of Moldova who are blackmailed by the "ministry of security" from Tiraspol by means of KGB files, or because of other causes, including by means of the information supplied by Federal Service of Security of the Russian Federation (FSS);

- by the population of the conflict region who sincerely support this regime out of some ideological reasons;
- by the population that is afraid of the eventual reprisals and of the revenge from the Kishinau side or of the “forced Romanization” in case of restoring the territorial integrity of the Republic of Moldova;

*The lack of possibility to perform sociological polls in the localities from the left bank of Nistru doesn't allow to estimate the weight of different groups in the society and how they and the society as a whole would behave in different situations.*

**Factors that contribute to the stability and viability of the separatist regime:**

1. the political and economical **interests** of the political forces and of the influential persons from the Russian Federation;
2. economical **interests** of some “leaders” from Tiraspol and of different persons from both banks of Nistru that materialize by making economical crimes against the Republic of Moldova;
3. **fear** of the population from the region unsurveyed by Kishinau of the consequences of an eventual reunification of the Republic of Moldova (revenge from the right riverbank, ‘forced Romanization’ etc );
4. **Fear** of the population loyal to Kishinau of the repressive structures of the anti constitutional regime;
5. the **support realized** by means of state clerks of the Republic of Moldova, journalists, businessmen loyal to the separatist regime out of some ideological reasons, or who are blackmailed by structures from the left riverbank;
6. the incapacity of the political elite from the Republic of Moldova to consolidate on the basis of necessity of territorial integrity of the Moldavian state, its incompetence, corruption and amorality;

The anti constitutional regime being a totalitarianist regime is a closed and stable system. An important mistake is the stake on the fact that this regime will democratize by itself from the interior in the nearest future. At Tiraspol the pretended opposition is held under control by the repressive machinery; “the ministry of security” is a perfect instrument for framing-up elections and referendums. In the conflict region has been created an informational surrounding, which models the public opinion in conformity with the ideology of the aggressive separatism. During a decade the Republic of Moldova is represented only as a potential aggressor, everything that happens on the right bank of Nistru is denatured and it metamorphoses into a fright for the population. The anti constitutional regime prosecutes any initiative on the behalf of nongovernmental organizations to contribute to the settling of the situation, to the restoring of the reciprocal trust among the population from the both banks of Nistru by means of popular diplomacy.

**This closed system may be disconcerted only by means of actions from outside of it that would lead to removing the factors that provides its viability and stability.**

**3.1.3. Political mistakes or imposed movements?**

The politics promoted by the Republic of Moldova has been reduced to negotiations with the Transnistrian administration and to signing of a series of documents with the contest of the Russian Federation, The Ukraine and OSCE.

The following moments are characteristic for the signed documents:

1. Increasing unilateral yieldings in favor of the anti constitutional regime. Some yieldings do not have any precedents in the international practice for any level of autonomy in a unitary of federative state and run counter to the Constitution of the Republic of Moldova;
2. The signed documents stipulate only "rights", but not obligations for the transnistrian part. They do not contain any mechanism that would grant total respect of the documents signed by the both sides;

3. The signed documents contain some primitive "traps" for the Republic of Moldova, as for instance "the synchronization of the retreating of the troops of the Russian Federation with the definite solving of the conflict", decisions mutually coordinated ("взаимно согласованные решения") in the problem of the State, "common state". By accepting such formulas Kishinau has offered Tiraspol the possibility to infinitely block any essential step in the direction of restoring the territorial integrity of the Republic of Moldova during the negotiations;

4. The main signed documents have an "interstate" character. The "Memorandum", for instance, being signed by the Presidents of the Republic of Moldova (plus the signature of the leader of the "transnistrian administration" ), Russian Federation, and The Ukraine in the presence of the president in function of OSCE, obtains an international juridical character, which, though it doesn't offer the entire transnistrian region the quality of international law subject, approaches it significantly to this statute;

Article 2 of the disposition part ("the parts will continue the efforts of settling between them juridical and state relations") consolidates the special statute of Transnistria as a **political territorial entity equal in right with the Republic of Moldova;**

5. by signing such documents as "Protocol decision concerning the coordinated work in the matter of standardization, metrology and certification by the Department of standards, metrology and technical surveyance of the Republic of Moldova and the Committee of standardization, certification and metrology of Transnistria" , "Protocol decision concerning solving the problems in the matter of customs services of the Republic of Moldova and Transnistria", which form the very beginning have been examined by the transnistrian administration only the chapters that suited them, the anti constitutional regime has obtained the possibility:

*a) to consolidate their legal economical basis;*

*b) to legalize the flood of smuggling to the prejudice of the interests of the Republic of Moldova and to provide the satisfaction of interests of those who enrich themselves by the functioning of the mechanism of economical crimes directed against the Moldavian state;*

**The moment these documents has been signed enormous damages have been produced to the budget of the Republic of Moldova (it is enough to compare the programmed incomes with the real ones after the import of the excise goods) which exceed a lot the volume of debts to pension and salaries from the budget sphere,** not saying anything about the credits volume which are expected by the Republic of Moldova from the international financial institutions. According to the official data of the Customs Department of the Republic of Moldova only in 1998 the fiscal evasion following excise goods smuggling through the mediation of Transnistria constituted at least 250 mln. USA dollars;

It may be supposed that signing those documents aimed to integrate economically the anti constitutional regime in the constitutional riverbed of the Republic of Moldova. In reality during these years the initiative in the process of negotiation belonged to the separatist leaders. All their suggestion within the frame of negotiations at different levels were following a clearly outlined goal – the consolidation of the positions, especially that of the economy, of the anti constitutional regime in prejudice of the sovereignty of the Republic of Moldova. Kishinau from dim reasons let itself attracted into this trap and in many cases has accepted to contribute itself to the consolidation of the positions of the anti constitutional regime. Those over 40 documents signed during the last four years the transnistrian regime have been carried out either only in those compartments that served to satisfaction of the interest of the regime or completely ignored them.

The sporadic signals of alarm and the suggestion arrived on the address of the leadership of the Government of the Republic of Moldova concerning the economical losses connected to the present day situation in Transnistria's problem from some Ministries and Departments during the last years remained without any reaction or respond. It was just in April 1999, that the

Government of the Republic of Moldova decided to establish along Nistru mobile fiscal posts. Their mission was to collect customs duties and TVA for the goods imported in Moldova through the territory controlled by the separatist regime. These fiscal posts began to bring incomes to the budget, but they do not provide in any way a real control over the economical frontier of the state.

Though the Constitution of Moldova stipulates that the Parliament approves all the principal directions of the foreign and home politics of the state (Art.66; p..d.), the parliamentary majority has not undertaken yet any effort oriented towards tackling and realizing of the Transnistrian problem in all its complexity which ended with the formulation in Parliament of the multidimensional state politics concerning this problem. The problem of Transnistria is sporadically, superficially, more from the viewpoint of the problem of retreating the troops if the Russian Federation and of the Ilascu's group dealt with in Parliament .

In 2000 the Parliament of Moldovei tried to reactivate the problem of the transnistrian conflict. But this has been reduces to the creation of a committee that took a dead-end pathway of supervising the respecting of the Memorandum signed on the 8<sup>th</sup> of May 1997;

The Republic of Moldova doesn't have any position of principle in this kind of fundamental problem, as it is the problem of **ownership** of all the goods from the Eastern districts of the Republic of Moldova. As a consequence of this attitude the “definite solving” of the conflict might be blocked by the other countries involved in the conflict as long as it will be necessary to pass the entire patrimony, including the land, in the ownership of natural persons and corporate bodies that stand behind the Transnistrian conflict;

Though the political and the armed confrontations have provoked the appearance of internally unreasonable persons, the Moldavian state is entirely ignoring the problems of this category of citizens, it didn't even try to tackle this problem within the frames of the negotiation process and it doesn't keep a record of them;

#### **Some findings:**

- The anti constitutional regime possesses a powerful and efficient "lobby" in the state structures of the Russian Federation. Lately Tiraspol exploits quite skillfully the competition, growing between the interests of the Russian Federation and of the Ukraine in Transnistria. For now, the anti constitutional regime doesn't aim to international recognition. Several times in Tiraspol and Bender has been exposed the idea that Transnistria has to follow the example of the Taiwan island. **The yieldings Kishinau has made allow the satisfaction of economical interests that are at the basis of this regime, without being internationally recognized.**

- The anti constitutional regime has accumulated enough potential to ignore, and it will ignore for the future time being all the “tough” declarations from outside, including those coming from any official persons from the Russian Federation ( the "summit" on 23<sup>rd</sup> of October 1997 from Kishinau, for instance). In foreseeable period of time the anti constitutional regime will have sufficient support from the influential political groups from the Russian Federation in order to survive, no matter what the evolution of the political situation from Russia might be. During those eleven years in the Russian Federation has been created the stereotype that on this territory the Russian population defends itself from the national extremism of the Moldavians. There is not a single politician from the Russian Federation who could ignore these states of minds and respectively there are no reasons for the Russian Federation to interfere toughly and restore the territorial integrity of Moldova.

#### **Politics of the Republic of Moldova is wrong because of the following reasons:**

1. Its promotion hasn't led to the restoration of the integrity of the state, to the end of the

possibilities of achieving the INTERESTS that lay at the basis of the anti constitutional regime;

2. During the elaboration of the documents that have been signed within the frames of the negotiation process hadn't been taken into account the ESSENCE of the anti constitutional regime from Tiraspol, which is a TOTALITARIST regime;

3. The actions overtaken by the Republic of Moldova, promoted during these last years had CONTRIBUTED to the consolidation of all the aspects of the anti constitutional regime. ***The continuation of this politics may have as a result the legalization of the loss of this territory.***

4. The participation of OSCE to the negotiation process as a *mediator* doesn't guarantees in any way the preserving for the future of Transnistria as part of the Moldova as a whole. The quality of the documents signed with the blessing of OSCE confirms this hypothesis. In the situation when the weapons are silent and refugees from the conflict region do not invade Europe, OSCE will easily accept the situation when Moldova in a peaceful way will have to renounce to this territory. At the same time it is unlikely that it will be a success within this international organization to adopt the documents and the creation of mechanisms that will lead to the solving of the conflict;

5. Both the bail countries are looking at the Eastern regions of the Republic of Moldova as to an area of personal interests that run counter to the interests of the Republic of Moldova. If there existed a sincere and firm political will on the behalf of these countries to contribute to the restoration of the territorial integrity of the Republic of Moldova, then by means of a common effort they could obtain this thing within a month. But the majority of the “trap”-moments, set up for Moldova, have been proposed in the process of the negotiations by the Russian Federation. The analysis of the events after the OSCE summit in Istanbul from November 1999 demonstrate that the Russian Federation and the anti constitutional regime from Transnistria promote a coordinated politics that aims to legalize the military presence of the Russian Federation on the territory of the Republic of Moldova.

It is evident that the agreements that the transnistrian regime has signed with the Ukraine's regions couldn't be signed without being accepted beforehand by the central power from Kiev. The Ukraine manifests a more and more open interest for the North regions of Transnistria, which have a prevalent Ukrainian population. In an unexplained way there have been registered cases of shipping through the frontier and territory of the Ukraine armament produced in Transnistria and which has been sold in other conflict regions (for instance Grad type rocket launchers Abkhazia). In 1999 the mediators from the Ukraine proposed a bill that was going to be approved by Kishinau and Tiraspol. The analysis of this bill demonstrates that in case it were signed it would have contributed even more to the weakening of the positions of the Moldavian states in relation to the separatist regime. Mr. Vladimir Bodnar, president of the *Association of Ukrainians in Transnistria*, visits Kiev very often and we may suppose that he tries to organize in the Ukraine a *lobby* similar to the one in Russia.

Lately we can speak of the competition of interests of these two states in Transnistria. It is not excluded the fact that the Ukraine is waiting for the Republic of Moldova to renounce to this territory and to swallow it claiming her historical rights over it. Consequently, the Russian Federation as well as the Ukraine are states that have personal interests in the transnistrian region and that cannot actually play the role of objective and impartial mediators.

6. In collaboration with the above mentioned parts the Republic of Moldova begins with a mistaken premise that somebody is sincerely preoccupied with the problems of the Republic of Moldova and it is obliged to come and solve *our problems*, starting from *our interests*.

### **3.2 Juridical analysis of the signed documents from the viewpoint of governing of the Republic of Moldova**

State appeared approximately six millenniums ago in Ancient East (Egypt, Babylon, China, India), and is considered to be a historical, political and juridical element. Defining state there appeared several opinions influenced by

we are going to try to put into words a simple and adequate definition.

Thus state is a national community determined by its past, a certain unity through which the community life of a people is achieved. One has to understand out of this definition that state is a organized human society because in it is achieved the community life of a people in geographical space or otherwise within the limits of a certain territory.

Since state is an organized society inside it has to be a juridical order to lead it.

In a narrow meaning we can define state as a combination of some elements, as population and territory, with a law element, as an organization and a power of coercion. This definition fades away from any kind appreciations about the nature and the mission of state. In this respect are eloquent the appreciations of Constantine Dissescu which say that according to classical theories state has been studied abstractly elaborating a concept which relied more on what we want it to be than on reality.

Anyway, we cannot deny the fact that state being organized aims a certain goal and well-determined functions. It is clear that the principal aim of state consists in defending the general interest (the commonwealth). In this respect Hegel was perfectly right when he has said: ‘if citizens aren’t doing well, if their subjective aim is not satisfied, and they don’t consider that the mediation of this satisfaction constitutes the state as such, the state stands on weak legs’

From this viewpoint one has to understand by state an organizational system that establishes the political management of a society, holding for this purpose the monopoly of creation and application of law.

Generalizing the above written we outline four important elements that can be call constants of the state:

- people (nation);
- territory;
- government;
- sovereignty.

### **People (nation)**

A simple definition presents people as a group of persons who live on a territory, as a concrete entity that constitutes a state. In the specialized literature this inherent element of the state is met under the term of population as well. Thus in constitutional law by population of a state in a restrained sense we understand a permanent and organized collectivity of persons who have its citizenship.

Since the term of population may become sometimes a source of ambiguities, due to the fact that in a wide sense by population we mean the ensemble of persons who live on the territory of a state and are subjects of its jurisdiction, the notion of people has a concrete meaning and is used only next to the concept of state.

In order to identify the people of a state certain concepts have been elaborated such as:

an ensemble of individuals who possess the following common traits: common historical tradition; ethnic identity; cultural homogeneousness; linguistic unity; ideological or religious affinity, a common territory; common economical life;

the ensemble of individuals has to be formed of a certain number of members;

the ensemble of individuals as a whole has to possess the willingness to be identified as a people or the conscious of being a people.

It is of no importance to the creation of a state a discussion on the minimum number of needed individuals because the main criterion of creating a state is the right to selfdetermination, which is conditioned by several factors about which we will write further on.

It has to be mentioned that the people of a state may be constituted of a single nation if it is the

only one that associated in a state. In reality, though, in the contemporary states together with the main ethnic nation live other ethnic groups that all together constitute the people. Essential is the fact that the criteria for identification of a people are specific only for the main nation that has decided to associate in a state on the basis of the right to self-determination and not for the ethnic groups.

Thus, the population of the Republic of Moldova is constituted from the main ethnic population, the Moldavians, as well as Russians, Ukrainians, Byelorussians, Orthodox Turks and others who live on the territory of the state and are considered citizens of the republic. Specific for the Republic of Moldova is the fact that the state has appeared as an impact of the political juncture: it was a necessity to constitute the political nation the basis being the citizenship. Since all the constitutive elements of the state are characterized by singleness we may conclude that on the territory of a state there cannot exist two nations. In this respect it is necessary to specify what the ethnic groups are. Thus, the ethnic groups represent a part of a main ethnic nation that associated itself in a state on another geographical space (Russians, Ukrainians, Bulgarians etc) and who under some historical factors detached from the main ethnic nation and moved, settling down compact or disperse on the ethnic territory of another people. Due to the fact that in the Republic of Moldova and in other states has appeared the problem of national minorities, they present requests that go as far as self-determination, it is necessary to give some explanations in this respect. Thus, the name “national minority” is preferred in the international treaties to the name “ethnic group” but actually it doesn’t change the juridical political nature of the subject. The principle that is the basis of the European Convention for Human Rights (1950) and for the Final Act from Helsinki (1975) is that of pre-eminence of the individual rights of the citizen. In the Final Act from Helsinki is specified by using the formula of “persons belonging to minorities” that the right are granted and are protected individually; adopting the concept according to which individuals and not ethnic groups are possessors of rights. Nevertheless, in the Declaration of principles of UNO dating from 1992 there have been made some steps to the recognition of collective rights. This formulation has been extended for comprising the right to participate to the social, economic and political life and to found associations of the national minorities in documents that engage politically but not juridical. The Declaration from 1992 in art.3 stipulates:

“the persons belonging to national minority may practice their rights, including the ones proclaimed in this declaration, individually or together with other members of the group without any discrimination”.

But, art.8 declares the pre-eminence of the territorial integrity establishing that: not a part of this declaration can be interpreted as allowing an activity against the aims and principles of the UN, including the equal sovereignty, territorial integrity and the political independence of the state.

Moreover, the Organization for Security and Cooperation in Europe (OSCE), has introduces in discussion about the protection of minorities the suggestion that this might be obtained by accepting some forms of auto administration. The Report of the Reunion from Geneva, July 1991 that took place at the level of experts, concerning minorities notes the results obtained in some states of OSCE in the local and autonomous legislation. Thus according to the additional protocol adopted at Gdansk on 12<sup>th</sup> of May 1994 by the Congress of the Federal Union of Ethnic European Communities (FUEEC), the autonomy is defined as an instrument of protection for the ethnic groups. Depending on some conditions three forms of autonomy can be outlined: Territorial autonomy, in cases when the ethnic group represents the majority in the region it lives;

Cultural autonomy, for the cases when the ethnic group doesn’t represent the majority in the region it lives;

Local self administration (local autonomy), for the cases when the members of the ethnic groups live in isolated, dispersed regions, and do not represent majority but in smaller

administrative units (regions, communes).

Thus, art. 111 from the Constitution of the Republic of Moldova, stipulates that the regions from the left side of Nistru, as well as some regions from the South of the republic may be attributed forms and special conditions of autonomy based on special statutes, it has to be clear that we speak about territorial-administrative autonomies not political ones. Out of these reasons it is impossible to even discuss the attribution of statutes that would stipulate elements of state, that regretfully hasn't been understood by the governing leaders in 1994, thus recognizing the Orthodox Turk even the right to self-determination in the Law concerning the Special Juridical Statute of Gagauy-Yeri which says that in case the Republic of Moldova changes its juridical statute, the Orthodox Turks have the right to external self-determination.

In the situation when besides the political-juridical connection there some other natural connections of living together we are in the presence of a nation. We cannot mistaken the nation with the sum of citizens that live at a certain moment on the national territory that is with the people. The nation is the one to incorporate the past, the present and the future. There are many different definitions given to nation, some of which go up to its denial. Anyway we consider that the nation expresses the history, the community especially the spiritual and the material one. We have to outline two essential elements of the concept of nation. The first element is of psychological nature, the understanding the profound and inborn unity of thought and of feelings that makes up the national consciousness and that implies the belief in a common destiny from the past. The second element, which somehow represents the sensible exteriorization of the first one, is the language. The identity of language is a proof of a secular living together in the past and denotes similarity and closeness among the individuals; it facilitates the social relations and permits the easy communication of traditions that are perpetuated as a basis of the culture. Thus we may define nation as a historical community of people, constituted along the founding of the territorial community, of the economical relations, of the common literary language, and of the specific traits of the national culture and psychology. We may notice from those written above that the nation is the result or the product generated by some objective elements such as: geography, language, customs, religion etc. according to Maurice Hauriou, the nation is a mentality, a willingness to live collectively. It is evident that the nation seen in such a light has nothing in common with the Racial-State or with the Nation-State characterized by exclusivism and national fanaticism.

Admitting the concept of nation is explained by means of the necessity to correctly appreciate the right to self-determination, the right to become a state that is possessed by the nations as well as for identification of the individual particularities of the state. During 1989-1990 Europe being caught inside the wave of transformations, of epoch-making political changes, was the witness to the fall of the soviet type of the socialist empire, and three multinational states, USSR, Yugoslavia, Czechoslovakia, disintegrated splitting into 22 new states. Together with this bloody ethnical conflicts have been unleashed (Russia - Chechnya, Georgia - Abkhazia, Armenia - Nagornii Karabakh - Azerbaijan, Moldova - Transnistria - Gagauy-Yeri, Yugoslavia - Bosnia - Herzegovina), and due to the strategic interests of larger states the solution to all problems has been seen in self-determination. The problem of self-determination is quite complicated, we would say even difficult, with different opinions that not always have a scientific background.

What has to be clear from the very beginning is the fact that the principle of self-determination is the expression of the peoples' right to dispose of their own territory aiming to found national states. Here appears the problem discussed above: who may be considered a distinct nation. We will remind the identification criteria of a people; it is an ensemble of individuals that possess the following common traits: a common historical tradition; ethnic identity; cultural homogeneousness; linguistic unity; ideological and religious affinity; a common territory; common economic life; the ensemble of individuals has to be made of a certain number of members; the ensemble of individuals as a whole has to possess a willingness to be identified as a people and the consciousness of being a people. If we closely analyze these criteria we

will be able to spotlight the following defining elements: common territory; common historical tradition; ethnic identity, cultural homogeneousness; the consciousness and willingness to be identified as a people.

Comparing these elements with the definition given to nation as a historical community of people, constituted during the creation of the territorial community, of the economical relations, of the common literary language, and the specific traits of national culture and psychology, we will notice an identity that demonstrates a close connection between the nation and people. The people cannot be viewed just as an ensemble of individuals that live on a certain territory. In case we admit such a thing we inevitably will face at a certain moment hundreds of peoples that would pretend self-determination right. In this respect a clear answer is offered by the international law, because it measures the attractive power of the principle of nationalities, viewed from the standpoint of the right of peoples to dispose of themselves, right that is called self-determination.

Self-determination refers to the fact that the states and their peoples have the right to independence from foreign domination. In this respect, the existing states that have been invaded or era clearly controlled by foreign powers have the right to self-determination. Nevertheless, this doesn't mean that any non-colonial people or minority from the inside of an existing state has already obtained the right to independence or self-determination in conformity with the international law. Moreover, the consciousness and willingness to be identified as a people cannot come from the foreboding of some leaders or prophets, but from the collective individuality of national and territorial nature.

As far as concerning the territory it is indissolubly connected to people, and is considered an ethnic territory, i.e. space where in the result of a long living together the ensemble of individuals has become a nation, self-determined itself in a state.

Thus the ethnic homogeneousness of a region of a national state cannot serve as criterion for self-determination.

The right to national sovereignty or self-determination belongs to peoples (nations) that correspond the above-mentioned criteria.

Some problems appear in cases when the territory on which a people that pretends self-determination lives is inhabited by some other minorities or in cases when on the ethnic territories of some people (the case of the Republic of Moldova), under some historical consequences, people of a different origin moved to live. In the latter case the answer is not so complicated because self-determination of foreign territories is not possible out of the reasons that the territory is indivisible and inalienable. In the former case the solving of the problem has to take place in conformity with the standards of the international law. The opinion that in the Charter of the United Nations self-determination is identified to independence is persisting. It is true that the expression contained in art. 1 and art.55 the respect of the principles of equal right and of self-determination refers to the right of people of a state to be protected from the interference of another state, the concept of equal right referring to states not individuals.

Besides, we have to take into account the fact that at the moment of appearance of the Charter of United Nations (1945) the process of decolonization was in full process, there being dependent people that were not self-governed. Beginning with 1960, the practice of the United Nations recognizes only a very limited right:

- 1) external self-determination, defined as the right to liberty obtained from an ex-colonial power;
- 2) internal self-determination, defined as the independence of the population of an entire state in front of foreign influence or interference.

In the Pact on Civil and Political Rights and in the Pact on Economic, Social and Cultural Rights, common art.1 stipulates that all the people have the right to self-determination in the virtue of which it determines freely their political statute and follows its own economical, social and cultural development. The Final Act from Helsinki speaks of the fact that self-determination is a right of people too. Therefore it is very important to correctly appreciate the quality of a being a people, the territory on which this people has developed and who pretend self-determination. Anyway, we have to take into account the fact that in the international treaties, the right to self-determination is conditioned by the postulate that nothing can be interpreted as authorizing or encouraging any action that may dismember or divide entirely or partially the territorial or political integrity of the sovereign and independent states.

### **Territory**

The second element of the state constitutes the territory, by which it is meant a land surface good for living in permanent relation with the people. Thus the territory of a state represents the geographical space composed of land surfaces, aquatic and marine surfaces, the soil, subsoil and the air space over which the state exerts its total and exclusive sovereignty. The state territory represents one of the natural material premises that condition the existence of the state. The territory defines the spatial limits of the sovereign state existence and organization thus being a political-juridical concept. It has to be mentioned that without this element an ensemble of human beings, no matter how numerous it might be, could not constitute a state. In other words the territorial delimitation, the exact determination of the geographical space over which the state power (sovereignty) is exerted appears as an essential characteristic of the state. The state exerts over the territory a power similar to the one exerted over the people, i.e. an authority of public order that is not to be mistaken with the private relations. Nevertheless this confusion has taken place, in certain epochs, for instance in the feudal regime where the monarch was considered to be the owner of the land. After the feudalism has broken down and the national states have been formed the idea of territorial supremacy, of a state power over the territory that represents an aspect of sovereignty has been elaborated. We consider that in determining the juridical nature in the international law it is necessary to begin from the fact that the territory is:

- the space of exerting the exclusive sovereign power of the state;
- the space of realization of the right of people to self-determination;
- the object of permanent sovereignty over the national resources and wealth.

A nation, a people cannot exist without a territory. This appears as a material expression of supremacy, independence and inviolability of the state and the people that inhabits it. The Constitution of the Republic of Moldova establishes in art.3 that the territory is a constituent element of the state, specifying that it is inalienable, without the possibility of being estranged. Inalienability also means that on the territory of the Republic of Moldova cannot have the right to self-determine themselves other ethnic groups, they cannot found states, otherwise said the republic cannot be federalized in no matter aspect. Of course the territory of the states is delimited by frontiers within the fames of which the state exerts its complete sovereignty and acts to realize its tasks and functions. The state frontiers are inviolable. In the virtue of its sovereignty, the state by means of its internal standards establishes the régime of the state frontiers and takes measures to defend and supervise them. The state frontiers are those real or imaginary lines traced between different points that separate the territory of one state from the territory of another or, depending on the case, by free sea, extending in its height up to the inferior limit of the extra atmospheric space, and in depth of land up to the accessible limits of modern technologies. Thus, paragraph.2 of art.3 from the Constitution stipulates that organic law confirms the frontiers of the country. The frontiers are necessary to draw the line between the territory of the state and other states and for fixing in the space the state competence or the spatial limits of action of state sovereignty.

According to Law nr-108-XIII dating from

17<sup>th</sup> of May 1994 concerning the state frontiers of the Republic of Moldova, the republic possesses land, river and air frontiers that are traced on the land – on the distinct lines of relief, on river sectors – on the middle line of the river, on the main navigable path or on the thalweg of the river, on lakes and other water areas – on the straight line that unites the exits of the state frontiers to the bank of the lake or any other water area.

This law establishes the juridical régime of the frontier in the Republic of Moldova, including a series of general stipulations referring to: the functions of the state frontiers, the frontier passage, the protection band of the state frontier, the frontier zone, security and supervision, the right to control.

In conclusion we outline the fact that the state territory has been and is an essential element in creation and existence of people (nations), in the process of development of national states in conformity with the principles of self-determination.

### **Government**

In this chapter we have mention that Government is the element that gives the individual shape and the character to the state, providing its territorial and political integrity, and which has the function to implement the laws.

Often the implementation of law is mistaken with the concept of executive power. To practice the law is the obligation of all the subjects to law relations, all the authorities, no matter if they carry or not a public character. When we speak about the executive power we have to mention that in this syntagm the concept of power is persistent, i.e. the ability to impose a behavior. Thus, there have to be a body invested with the power to impose a behavior in practicing the laws and rules established in a state. In order to practice the laws it is necessary to organize their exertion, to prepare the material-financial, organizational and methodic frame. With a view to this, the Government has the power function whose provisions are obligatory for all the subject of law. According to art. 96 of the Constitution, the Government provides the realization of the home and foreign policy of the state and exerts the general management of the public administration. We understand by this that the Government is an integrant part of the executive power, and the providing of the home and foreign policy of the state takes place by means of organizing the exertion of laws, because the Parliament establishes the main directions of the home and foreign policy of the state (art.66 lit.d).

### **Sovereignty**

Sovereignty is an essential attribute of the state and it consists of the state power supremacy on the internal and its independence on the external plane in relation to any other force. Sovereignty manifests itself in the independence of the state in all spheres of the political, economical, social, cultural etc life and it becomes concrete in establishing and practicing its own independent home and foreign policy. The two aspects of sovereignty constitute a whole, thus giving the expression of the indissoluble connection between the home and foreign policy of the state.

Sovereignty has the following essential characteristics:

exclusiveness

fundamental and plenary character

indivisibility and

inalienability.

Exclusiveness is manifested in the fact that the territory of a state cannot be subject but to single sovereignty.

The fundamental and plenary character is determined by the fact that sovereignty belongs to the state and it is not attributed form outside, and the prerogatives of the state power contain the sum of the areas of activity – political, economical, social etc.

By the indivisible character of sovereignty we mean that it cannot be broken up, since its insignia cannot belong in a state to more holders. Thus, art.2 from the Constitution of the Republic of Moldova stipulates the concept according to which the national sovereignty

belongs to people of the Republic of Moldova who practice it by means of its representative authorities or referendum.

Inalienability denotes the fact that sovereignty cannot be abandoned or given up to other states or international organizations.

We are outlining that practicing the sovereignty insignia by the competent national authorities in the process of international collaboration and cooperation with a view to satisfying the national interests has not to be mistaken with the violation of one or another of these insignia.

Sovereignty is not only completely compatible but also requires the participation of the states in conferences, international organizations, treaties on the basis of which the states freely assume rights and obligations to promote and develop cooperation and collaboration, to maintain international peace and security.

On the basis of their sovereignty the states have the right to freely chose and promote their political, economical, social and cultural systems, to organize the political, economical, and social life according to the will and interests of the people, without any external interference, and to chose their own home and foreign policy.

In practicing its sovereignty the state behaves as an member integrated in an international society, and who as such has to respect the principles and norms of the international law, among which especially national sovereignty and independence of other states, their equality in rights, and to proceed, depending on the situation, to acts of informing and consulting with the view to finding viable solutions to the problems they confront with.

The mutual respect of the national sovereignty and independence in relations among the states, in the process of collaboration and cooperation among them constitutes the sine qua non condition of some viable normal relations, of a peace and understanding climate between nations. We have to mention that sovereignty is not absolute, uncontrollable and discretionary, it has some limits. Internally, sovereignty is limited by Constitution, which settles with austerity the attributions of the state power bodies who practice it. Nor externally is sovereignty absolute, because the national state is an element in the international system or otherwise said independence within independence of the national sovereignty in the sovereignty system.

In this respect the Constitution contains some meaningful provisions. For instance, the Constitution of the Republic of Moldova (art.8) stipulates the duty to respect the United Nations Organization’s Charter and the treaties to which he has participated. Moreover, paragraph 2 of the same article establishes that the validity of a international treaty containing provisions contrary to the Constitution will have to be preceded by a revision of it.

With the view to the fundamental rights and liberties the Constitution of the Republic of Moldova (art.4 paragraph 1 and 2) establishes that the constitutional provisions concerning the rights and liberties of citizens will be interpreted and applied in accordance with the Universal Declaration of Human Rights, with the other treaties and pacts to which they are members, and if there are any inconsistencies among the pacts and treaties concerning the fundamental human rights to which both countries are part, and the internal laws, the international settlements have priority. As far as concerning the state frontiers it has already been mentioned that they are confirmed by the organic law, which respects the fundamental principles and other generally accepted norms of the international law.

The constitutions of European countries confirm the idea that on external plane sovereignty isn’t and cannot be absolute, as well as the provision that the object of revision may constitute the independence and not sovereignty. In this respect the Constitution of the Republic of Moldova (art.142 paragraph 1) permits the revision of the provision concerning the sovereign, independent and unitary character of the state only with their approval by a referendum, with the majority suffrages of the citizens who were included on the election lists. Evidently, the possibility of revising the sovereign and independent character of the state speaks about the possibility of its liquidation, or otherwise said the settlement has to be understood in the sense

that people, in certain situations, may at will give up to dispose of the right to control their own destinies.

### **War on the Nistru River**

The Republic of Moldova is a member of UNO since March the 2<sup>nd</sup>, 1992. One of the consequences of this event was the fact that thus, implicitly, has been recognized as illegal the self-entitled formation of the Moldavian Republic of Transnistria. On the 1<sup>st</sup> of March 1992, armed Kazaks and policemen occupied the district police section from Dubasari, taking hostages 34 policemen. The separatist leaders from Tiraspol, supported by the 14<sup>th</sup> legion of Russia, unleash military actions against the constitutional authorities of the state power that constitutes the beginning of the armed conflict. The paramilitary formations helped by the representatives of the 14<sup>th</sup> army, begin, on the 6<sup>th</sup> of March, mining some positions in the conflict region (agricultural lands, the dam of the hydro-electric station from Dubasari, the bridges over Nistru, three of which have been destroyed). The policemen took out without any impediment from the genius engineer battalion # 66 situated in Parcani village, over 1000 automatic shotguns Kalashnikov, 1,5 million of cartridges, 20 grenade launchers, other armament. The infantry motorized regiment # 59 has given the separatists a lorry of KamAZ type, full of automatic shotguns, 3 lorries of ZIL type, full of cartridges and other munition. During March-April 1992, the Russian military men delivered armored equipment to separatists. They had at their disposal the entire technical arsenal of the genius engineer group from Dubasari. On the policemen position near village Cocieri, on the 26<sup>th</sup> of April, appeared 8 armored conveyors and motor tractors. On the 4<sup>th</sup> of May there were brought from Odessa to Dubasari 6 amphibians.

Moscow adopted during the middle of May 1992, the decision concerning the direct involvement of the unities of the 14<sup>th</sup> army in the conflict from Nistru. General Graciov, minister of defense of Russia has transmitted commander of the 14<sup>th</sup> army, general Netcacev, the following provision: with view to the aggravation situation in Transnistria and taking into account that this Russian land has to be defended by all accessible means and ways you are asked: to complete from the reserves for mobilization all the military units of the 14<sup>th</sup> army, dislocated in Transnistria;  
to be ready to fight with all the military units of the 14<sup>th</sup> army;  
to relieve all the military unities..

On the other hand, from the Russian region Rostov came approximately 1.000 of Kazaks and different mercenaries who participate to the fighting on the side of the separatists. The paramilitary forces occupied on the 7<sup>th</sup> of May 1992 the retranslation station of the Moldavian broadcasting stations, situated on the left side of Nistru. On the 19<sup>th</sup> of May, the commander of the 14<sup>th</sup> army emits the order of preparing the war equipment for action. Russian officers and sub officers participated in arming the paramilitary formations from Tiraspol, Ribnitsa, Bender (Tighina) and from other localities. From Tiraspol garrison have been sent tens of armored cars, ironclad cars, and mine launchers, anti-tank guns etc to the war zone.

It is meaningful in this context the attitude of the marshal Shaposhnikov, expressed within the press conference on the 20<sup>th</sup> of May. Motivating the transfer of the fighting equipment to the paramilitary formations from the Eastern regions of the Republic of Moldova, the commander-in-chief of the unified armed forces of C.I.S. has declared the following: ‘when a mass of 11 thousand of unleashed people come to the unity, many of them burring a day before relatives and close friends, I cannot exclude the fact that among officers and generals there are no such people who will desert the colors to stand by this humiliated...’ Here is how the Minister of war from Moscow supported actually the separatism from the Eastern regions of Moldova.

Appreciating events in this way, the military commissariats from the East of the Nistru River, mobilizes the recruits for the 14<sup>th</sup> legion. Mobilizing groups are formed from among the reservists within the unities and sub unities of the army. In all the regiments of infantry division # 59 is formed on armored cars company, completed with reservists from.

The president of the self-proclaimed M.R.T. - Igor Smirnov signed on the 21<sup>st</sup> of May 1992 a decree concerning passing of all the unities of the 14<sup>th</sup> legion under the jurisdiction of M.R.T. Coming back to Tiraspol, on the 24<sup>th</sup> of May, the commander-in-chief assistant of the armed forces of the Community of Independent States, general Stolearov, declares to separatist leaders that Transnistria and the 14<sup>th</sup> legion represent the geopolitical interests of Russia in this region and that Russia has permanently maintained close connection with the leader of the self-proclaimed Transnistrian Republic. Encouraged by Moscow, the policemen formations of the separatists organize a provocation in Bender (Tighina), violating the agreement of ceasing fire, previously signed. The police headquarter from this city is attacked by policemen and exposed to a extraordinary fire using different modern war means. Authorities from Kishinau, at the request of police, introduced in the city additional forces of the troupes of the Home Office and of the National Army.

As an answer to these legal acts of the power structures of the Republic of Moldova, the unities of the 14<sup>th</sup> legion of the Russian Federation take part during the period of 19<sup>th</sup> of June – 7<sup>th</sup> of July 1992, to the fighting on the side of separatists alongside the entire space of war. With a view to this are used armored cars, hard artillery, and other modern war means, including Grad M21 installations that have been prohibited by the international treaties.

On the 7<sup>th</sup> of July 1992, in Limanscoe Ukrainian locality, military representatives from Russia, the Republic of Moldova and the Moldavian republic of Transnistria, in the presence of the commander of the 14<sup>th</sup> legion, agree on the immediate ceasing of the fire and retreating the heavy caliber weapons from positions. But the policemen and the Kazaks continued to obviously and systematically violate the agreement. The night of 15<sup>th</sup> of July the Varnita post was attacked, mines from the Parcani base have been launched on them. The night of 17/18<sup>th</sup> of July the so-called self-defense detachments of Transnistria fired from shotguns and machine-guns on a medical bus, that came to Bender (Tighina) to transport to the hospital the injured policemen and volunteers. After some more ample diplomatic approaches, including the visit of the vice-president Rutskoi and Russian ministry of security of the state, Barannikov, to Kishinau and Tiraspol, in Moscow is elaborated and approved in Tiraspol, by separatists, the bill of convention between Russia and the Republic of Moldova concerning the principles of making peace in the region.

The aggression of the 14<sup>th</sup> legion may be qualified as an interference in home affairs of the Republic of Moldova on the behalf of Russia. And as long as non-interference in home affairs of a state have been confirmed as a fundamental principle of international law, together with many others such as not proceeding to force and to threatening with force, the sovereign equality of the states, in case some of these principle are violated the prejudiced state has the right to unleash the international responsibility for the act or deeds illegal from the international point of view.

### **The Moscow Convention**

The president of the republic of Moldova – Mircea Snegur and the president of the Russian federation – Boris Eltsin sign on the 21<sup>st</sup> of July 1992, the Convention concerning the principles of the peaceful settlement of the armed conflict from Transnistria, Republic of Moldova. The territory of Bender was declared a territory with high security regime, provided by the contingents of all three Parts. The Committee provided in cooperation with the local authorities, the police and the militia judicial order in

Bender. The administrative activity in the city

was performed by the local public administration, and in case of necessity by the United Committee of Control (U.C.C.). The units of the 14<sup>th</sup> legion, dislocated on the territory of the Republic of Moldova were obliged to respect strictly the neutrality. Both participants to the conflict committed themselves not attempt to this neutrality and to abstain from any illegal actions in relation with the soldiers. The status of the Legion, the order and the terms of its staggered evacuation were to settled during the negotiations between the Russian Federation and the Republic of Moldova. The parts that are in conflict considered the utilization of any sanction or blockade to be unacceptable and took the responsibility to remove without delay any obstacles that might have appeared within the circulation of goods, services and people, as well as to annul the emergency state from the territory of the Republic of Moldova. These Parts also had to urgently initiate negotiations concerning people's coming back to their homes, providing help to the population from the districts that had been damaged, the restoration of damaged living and economic objectives. The Russian Federation intended to provide the necessary help. The parts that are in conflict were to provide the free access to the territory of the international humanitarian aids. The Convention stipulated the creation of a common press within the U.C.C. having as goal the distribution of the correct information concerning the situation in the region of conflict settlement. The signatories agreed that the measures stipulated in the Convention were an important constitutive element within the process settling the conflict by means of peaceful, political methods. The Convention is operative from the moment of its signing and loses its validity with the consent of the Parts or , in case of denouncing it by one signatory, thing that includes ceasing the activity of the United Committee of Control and of the military contingents attached to it. Mircea Snegur has signed in Moscow a project of the Convention that differed in several respects from the one sanctioned by the security Supreme Council of the Republic of Moldova, because the variant developed by the Moldavian authorities was considered by the Russian administration to contain too much ideology. After all, the Convention Snegur - Eltsin in was resuming the patterns of the Dagomis Convention concerning the conflict from South Osetia, signed by E. Shevardnadze and B. Eltsin. Signing the Convention by two, but de facto by three, among the Republic of Moldova, the Russian Federation and the authorities from Tiraspol, noted the elimination of the co-members provocative for Kremlin - of Romania, and in a smaller degree, of the Ukraine - from the diplomatic dialogue, in the prejudice of the Republic of Moldova, which was to confronted on its own the Russian political, economic, ad military pressure. According to the agreement from the 21<sup>st</sup> of July, if the status of being an independent state of the Republic of Moldova was modified, Tiraspol gained the right to independently decide its own destiny. It is necessary to note that in the Communicate concerning the meeting of the two leaders in Moscow the term "Transnistrian region" used within the Convention is replaced by the term "territory from the left bank of the Nistru", thing that obviously excluded Tighina and some other localities from the right side of the river controlled by the separatist forces. Resulting from the text of the Communicate during further negotiations that aimed the development of a status for the territory from the left bank of the Nistru river within the Republic of Moldova, the authorities from Chisinau easily passed over this stipulation extremely favorable to the interests of the R.M. The Convention made official the military presence of the Russian peacekeeping troops on the Transnistrian territory, consolidating this way Russia's suzerain claims of the ex-soviet territory and creating a precedent in this respect. The text of this document doesn't stipulate the clearly expressed commitment of Russia concerning unconditioned retreat of the 14<sup>th</sup> Legion, but only a simple wish in this respect, thing that was a terrible mistake of the Moldavian diplomacy taking into consideration that fact that this Legion involved directly in the military actions against the Republic of Moldova and that the international bodies and the most important western states demanded Russia to evacuate its troops from the territory of the Republic of Moldova. As a consequence of the war, the losses of the national economy increased to approximately 12 milliard rubles ( at the 1992's rate of ruble). The restoration of the damaged localities and objectives required some more 15 milliards

rubles. For comparison, it is important to mention that the national income of the Republic of Moldova for 1991 was of 15,4 million rubles. 320 persons died and 1.180 were injured during this war.

About 108.000 people from this territory, including 51.000 from the right side of the Nistru took refuge. This war had important political repercussions for the Republic of Moldova: it recognized the idea that the young state cannot function outside the Moscow sphere; it consolidated the political position of the antinational neocommuniste forces. The administration from Tiraspol got the possibility to promote the policy of the done deal, as a result of which, two state formations separately exist within Moldova's borders recognized on an international rank. The war exposed the leaders from Kremlin, proving that the obsession of preserving the empire, no matter under what political form, is an absolute priority, for whose realization there are no rules and no moral standards, not even towards its own population. The war consolidated a pseudo-state formation - the Moldavian Republic of Transnistria, a remarkable success of the Moscow Empire.

**The contradictions existent between the documents signed by the Republic of Moldova with the cu auto proclaimed MRT and the Constitution of the Republic of Moldova**

in order to have a more thorough analysis of the signed documents we will present their full texts, considering useful their chronological analysis that would reveal the frame of negotiations that have been achieved.

In accordance with the negotiations achieved by the authorities of the Republic of Moldova and Transnistria on the 28<sup>th</sup> of April 1994, on the 21<sup>st</sup> of December 1994, and on the 15<sup>th</sup> of February 1995, considering also the approval of the leaders of the custom structures, the Protocol Decision regarding the ways of solving the problems that concern the activity of the custom services of the Republic of Moldova and Transnistria, is signed on the 7<sup>th</sup> of February 1996 in Tiraspol.

Assessing and interpreting the stipulations of this Protocol Decision it is important to outline several formulas that obviously disagree with the art. 1 paragraph 1 from the Constitution of the Republic of Moldova, thing that hindered signing this document by the high officials of the country, compromising this way the constitutional power of the Republic of Moldova. Further on we will present the arguments that support this conclusion. The progress of the leaders from Tiraspol is obvious, i.e. it allowed them to change the accents within the negotiations over the situation of the eastern districts, passing gradually from the formula “Nistrin region” of the Republic of Moldova to a new formula – the formula of negotiations achieved by the leaders of the Republic of Moldova and Transnistria, in the case of this document. Thus, it is admitted the equality between the states – the Republic of Moldova, a sovereign, independent, unitary and indivisible state, recognized by the international community and considered a subject of international law, and Transnistria - not having specified its status, but being considered in accordance with the position of the authorities from Tiraspol a state entity silently accepted by the Republic of Moldova. In this context, the stipulations of this Protocol Decision are in definite contradictions with the paragraph 1 of the art. 1 of the constitution of the Republic of Moldova, which establishes that the Republic of Moldova is a sovereign, independent, unitary and indivisible state. Under these stipulations it is necessary specify that a unit of state bodies act on the territory of a unitary state and they have the decision role in home and in foreign affairs and we definitely can't speak about an agreement of two governments on the territory of one state, because it would automatically involve the idea of a state created other basis, but a constitutional one. Thus, the paragraph 2 of this document has no legal basis. Though the paragraph 1 of this document creates a certain advantage to the economic agents of the Republic of Moldova, since they would be exempted from the custom check at the entrance of Transnistria, it also gave Transnistria the right to export its goods without any custom check. In this respect, the paragraph 3 stipulates that Transnistria is granted a new model headline stamp and seal – the Republic of Moldova. Transnistria. The custom office Tiraspol., thing that deprives the Republic of Moldova of the right of having a judicial control over the goods transported by the

economic agents from Transnistria. In this context, inserting on the stamp the word .Transnistria. the Republic of Moldova commits a terrible mistake, because the headline stamp and the seal of state bodies are done in the name of the state and not of some administrative-territorial units, thus having confirmed one again the existence of Transnistria. By creating common custom offices at the border with the Ukraine gives Transnistria the right to solve the matter of introducing import custom duties, thing that violates the constitutional principles since the custom office is a state institution, and the law that establishes this activity is an imperative law that can't be applied different on the territory of the state, thus neglecting the authority of the state.

The paragraph 5 of this Decision admits implicitly Transnistria status of state, since the Republic of Moldova gives its consent regarding Transnistria's adopting its own custom legislation in the near future. Another violation of the principles stipulated in the Constitution of the Republic of Moldova is the paragraph 8 of the regarded document, according to which both parts commit to exchange several normative documents that establish the activity of their custom services. In this context, it is necessary to mention that the custom bodies are judicial bodies and they form a unique state system, not being able to speak about the activity of two systems of custom bodies and about the existence of two categories of distinct normative documents. According to the paragraph 10 of this decision the Republic of Moldova commits to provide means of custom identification of Transnistria in the custom bodies of the CIS states, thing that confirms that the Republic of Moldova accepts the existence of Transnistria as an entity distinct of the Republic of Moldova. As a conclusion, it is important to outline that through this document the Republic of Moldova wanted to justify its political activity regarding the annulment of the custom posts between the Republic of Moldova and Transnistria, yielding unwisely on economic and constitutional plan. The protocol regarding the settled matters, signed on the 11<sup>th</sup> of March 1996 in Tiraspol

Transnistria adopts the Fundamental Law (the Constitution).

Transnistria adopts Laws and normative documents.

Transnistria has its own insignia (a flag, escutcheon, hymn).

There are three official languages in Transnistria: Moldavian, Ukrainian, and Russian.

Transnistria solves the matters regarding the economic, social, and cultural development in the interest of the population that inhabits its territory.

Transnistria has the right to establish and maintain international contracts individually in the economic, technical-scientific and cultural field and with the consent of both parts – in other fields.

The Republic of Moldova and Transnistria provide the free activity of the mass media on their territories in accordance with legislation in force.

Interpreting the documents signed between the Republic of Moldova and Transnistria, it is essential to outline the same lack of interest of the Republic of Moldova towards its eastern territory, i.e. the representative from Chisinau do not contribute to signing documents in conformity with the Constitution – the fundamental Law of the state (law from which result or on the basis of which the other laws and normative documents are adopted), but on the contrary a tergiversation of time can be observed in the process of solving the problems on a common territory of the Republic of Moldova.

The juridical interpretation of this document reveals several formulas that are obviously in contradiction with the Constitution of the Republic of Moldova.

Signing up this document disagrees with the art. 1 paragraph 1, art. 12 and art. 66 lit.c from the Constitution of the Republic of Moldova, thing that hindered signing it by the authorities of the Republic of Moldova, because it compromise the constitutional power of the country. Further on we will bring arguments that support this conclusion. This time the parts are also in relation of equality, more than that the Republic of Moldova consents that Transnistria adopts its own Constitution, laws and normative documents, as well as to have its own insignia. In this

respect, we think that the Republic of Moldova admits at once the existence of Transnistria with all its attributes as a state entity different from the Republic of Moldova. Thus, it is also important to mention that a documents like that can be signed only within a federal state, because all the states that rally to a similar form of state have the right to adopt their own Constitutions and their intern laws. But, as long as the Republic of Moldova is a sovereign, independent, unitary, and indivisible state, only one unity of laws, no matter of their category (Constitutional laws,

organic laws, ordinary laws) and only one unity of bodies that interpret and provide the unity of the legislative settlements on the entire territory of the country can function on its land. Besides the fact that the paragraph 1 and 2 of the regarded document are in total contradiction with the stipulations of the Constitution of the Republic of Moldova, since they allow Transnistria to adopt its own Constitution and intern laws, the paragraph 3 of this document disagrees with the dispositions of the art. 12 of the Constitution, which stipulates that the Republic of Moldova has a flag, an escutcheon, and a hymn, symbols that are protected by law. As we can understand that from a certain moment a part of the country (the eastern districts) possess its own insignia, one that differs from that of the Republic of Moldova. Is it that due to this negligence and this lack of professionalism the authority of this state is lost, encouraging this way the anti constitutional, separatist forces. The political-judicial evaluation and interpretation of the stipulations that are included in the document entitled “The Memorandum regarding the principles of settling the relations between the Republic of Moldova and Transnistria”, signed on the 8<sup>th</sup> of Mai 1997 in Moscow outlines several elements. The formulas included in the in the preamble part of the document as well as in its provision part are in flagrant contradiction with the art.1 paragraph 1 and art.11 of the Constitution of the Republic of Moldova, thing that definitely didn’t allow and made impossible signing this document by the high officials of the Republic of Moldova without violating the Fundamental Law of the country and compromising, in home and foreign affairs, the constitutional power of the Republic of Moldova. Further on we will bring arguments that support this conclusion. It is obvious the fact that the equality between the two states is accepted. The text of the memorandum was entirely conceived from the perspective of the bilateral relations between the two politically equal states: the Republic of Moldova, an independent state, recognized by the international community and a subject of international law, and Transnistria, state entity, independent *de facto* (according to the position adopted by the authorities from Tiraspol), though not being properly recognized on international plan, but which manifests in relations with the Republic of Moldova as a subject of international law. In this respect, it is essential to outline the fact that the Moldavian Republic of Transnistria is granted characteristics of a subject of international law, condition recognized indirectly by the officials of the Republic of Moldova through by sealing and signing the document that that stipulates the settlement of the relations between both the Republic of Moldova and the Moldavian Republic of Transnistria. Also, the juridical language used in the text of the Memorandum similar or almost identical to the one used in the development of some international agreements between the states. This fact leads to the idea that the regarded document stipulates certain relations between two states and not only declares the fundamental principles on the basis of which any conflict situation related to the juridical status of an administrative-territorial unit within the Republic of Moldova can be overcome. In order to recognize the status of entity of Transnistria at the same rank as of the Republic of Moldova, it has been resorted indirectly to a juridical formula stipulated in the preamble part of any international settlement that submits to the UNO and OSCE principles (see the paragraph 2 of the preamble part) that consist the basis of the relations between the states that are subjects of international law. Thus, in accordance with the paragraph 2 of the preamble part, the relations between Moldova and Transnistria would be settled on the basis of the fundamental principles of the international law, including the following:

1) not resorting to force and threat by force (principle stipulated in the paragraph 1 of the point 1 of the provision part);

2) the settlement of international disputes through peaceful means (principle stipulated in the point 1, paragraph 2 of the provision part);

3) rights equality of peoples and their right to decide for themselves their own fate (we shouldn't forget here the right of the people of Transnistria to auto determination, right claimed several times by the authorities from Tiraspol to which there is a swift reference in the so-called constitution of the Moldavian Republic of Transnistria.);

4) the sovereign equality of the states, the conscious performance of the assumed responsibilities etc.

it must be mentioned that the orientation and the content of the preamble part of the Memorandum authorizes legally and politically the claim and, implicitly, the legal right of Transnistria to establish state-political relations with the Republic of Moldova, in accordance with the stipulations of the point 2 of the provision part, that will finally lead to the creation of state-territorial formation called republic (paragraph 2 of point 2 of the provision part). The stipulations of the Memorandum, in this context, are in total contradictions with the Constitution of the Republic of Moldova. Thus, the point 1 of the art. 1 of the Constitution declares that the Republic of Moldova is a sovereign and independent, unitary and indivisible state. In the same time, the article 109 of the Constitution, that declares the basic principles of the local public administration, stipulates swiftly that the application of the mentioned principles can't affect the characteristic of a unitary state (point 3 of the art.109). Also the stipulations of the Memorandum are in contradiction with the article 111 point 1 of the Constitution that specifies that the localities from the left bank of the Nistru, ... special forms and autonomy terms can be attributed to them in accordance with special statuses adopted through organic laws. Though, in reality the status of state-territorial formation of the republic exceeds the competencies of an autonomy status stipulated in the point 1 of the art. 111 and, in essence it means creating a state within a state. By accepting the role of a guarantor country for Russia and the Ukraine regarding the guarantee of respecting the .republic. status of Transnistria, including solving the dissensions between the Moldavian Republic of Transnistria and the Republic of Moldova, the violation of the sovereignty and independence of the country stipulated in the art. 1, point 1 of the Constitution, as well as in the permanent neutrality status of the Republic of Moldova, proclaimed through the art. 11, point 1. is thus admitted. In this context, it is extremely important the fact that the permanent neutrality status is incompatible with the acceptance of any bilateral or multilateral agreements and commitments, that contain juridical clauses that may allow interferences, independently of their character, in the affairs that regard the sovereignty of the neutral state on the terms of guaranteeing and respecting even the statuses of the territorial-administrative units of the respective states. In the same time, accepting the point 8 of the provision part of the Memorandum concerning the necessity of creating a mechanism of guarantors in order to provide respecting the status of Transnistria, will create for an unlimited period of time legally covered possibilities for the third countries to interfere into the home affairs of the Republic of Moldova, endangering this way the image of an independent and neutral state on an external plan. Also, the preamble part as well as the provision one of the Memorandum totally avoids the fundamental obligations of the eastern region of Moldova towards respecting the constitutional order of the country, stipulating obligations only for the central authorities of the Republic of Moldova. In the situation when this document doesn't include a single stipulation regarding the fate of the paramilitary detachments, of the intern and security troops that still exist under the control of the authorities from Tiraspol, the territorial integrity of the Republic of Moldova is questioned. Signing the Memorandum without having clarified and having got the agreement of Tiraspol regarding the demilitarization of Transnistria or the transfer of these troops under the control of the central authorities would mean violating the article 108 of the Constitution that stipulates that the armed forces are exclusively subordinated to people's will for guaranteeing the sovereignty, the independence and the unity, the territorial integrity of the country and of the constitutional democracy.

Keeping in silence the existence of the Transnistrian armed forces in the text of the Memorandum may be interpreted and will certainly be interpreted as a silent agreement and even as a legalization of maintaining these forces under the control of Tiraspol by the authorities of the Republic of Moldova. It is worth to mention in this context that the absence of special stipulations concerning the fate of the Transnistrian military forces is a logical element of the skillful strategy used by the Transnistrian part (consulted and assisted permanently by the Moscow field experts) within the negotiations with the representatives of Kishinau in order to get concessions regarding specifically separated matters, that in reality are related, meaning inseparable from the general frame of solving the conflict situation from Transnistria and which had to be approached in a manner far from being separate. In consequence, the small concessions that have been made by the authorities from Kishinau regarding specific matters in order to show its good intentions and its sincere availability to identify solutions for the settlement of the Transnistrian problem (and not the Transnistrian dispute, formula intensely used, but used totally in a wrong meaning at an official level even in the Moldavian mass-media, because the term dispute is used within the international law for defining a misunderstanding between two or several states and not for characterizing a situation of conflict) are too big concessions that bring serious prejudices to the national and vital interests of the Republic of Moldova. In this case, the main goal of Transnistria is to obtain Chişinău's recognition of the juridical status of the republic, a state-territorial formation without correlating and defining the competencies of the new formation, in accordance with the Constitution of Moldova, and without taking into account its state attributes, for example its armed forces that are, as it has been written above, in flagrant contradiction with the fundamental Law of the common country in conformity with point 1 of the provision part. It is a certain thing that if the Memorandum is ratified and Transnistria obtains the juridical status of a republic, this will allow it to reject later any request of Kishinau regarding the elimination of Transnistria's auto proclaimed state competencies that disagree with the Constitution of Moldova, under the excuse that it, as a state (or as a republic), has the right to maintain the armed forces of security and other insignia of power etc. We consider that this way we won't achieve solving the Transnistrian conflict, it is more likely that we will recognize the shirk of the districts from the left side of Nistru from the incidence of the Constitution of the Republic of Moldova, thing that in fact represents exactly the objective aimed by separatists. In the same time, the existence on the territory of the Republic of Moldova of an entity that doesn't entirely submit to the control of the central authorities will represent a factor of uncertainty, instability and risk. It is obvious that the authors of the Memorandum didn't think it was necessary to refer in this context to the necessity of building and integral state from the territorial view point under the name of the Republic of Moldova, because the territorial independence and integrity of Moldova is probably not a priority objective in the compromise variants of the Memorandum. Also, in the absence some concrete stipulations in the Memorandum concerning power insignia of Transnistria and, consequently, the tacit acceptance of leaving the Transnistrian military forces under the control of Tiraspol by the authorities from Kishinau in contradiction with the art. 11 of the Constitution of the Republic of Moldova that stipulates the permanent neutrality of the country. Taking into consideration the complex situation from Transnistria, as well as the involvement of the Russian Federation and of the Ukraine as mediator and guarantors of an eventual negotiated solution, but also their specific interests in order to favor certain models of solving seen from the standpoint of some long lasting effects, it can be assumed that the sum of these elements will bring harms especially to the permanent neutrality status of the Republic of Moldova regarding the international credibility. In the same time, the presence of the 14<sup>th</sup> Legion from the territory of the country, seen from the same perspective, constitutes in its essence an absolute denial of the neutrality status of Moldova.

What should concern us from the start is what is affirmed in article 3 of the Memorandum. In

conformity with this article, Transnistria takes part to the realization of the foreign policy of the Republic of Moldova - subject to the international law -in matters that deal with its interests. The decisions concerning these matters are taken with the agreement of the both sides. The question ‘what would these matters of foreign policy in which Transnistria would be directly interested be?’ appears. No doubt that one of these matters could be connected to the presence of the mobil group of the Russian troupes on the territory of the Republic of Moldova. In this case how could Kishinau obtain the amiable agreement of Tiraspol in order to provide the evacuation of the Russian troupes and the honor the Constitution? Difficult to imagine. In case when Tiraspol, promoting its external interest which do not necessarily coincide with those of Kishinay, would want to obtain the contest of this, the preserving of the russian troupes under the form of the military base in Moldova. Therefore, article 3 doesn't drive us any closer to the day when the russian army will leave the territory of Moldova, on the contrary, it may become a source generating new faults in relations with Tiraspol, considerably underminig the force of the arguments of Kishinau during the negotiations with Moscow.

### **3.3 Military aspect in solving the conflict from the Eastern region of the Republic of Moldova**

By August 1991 on the territory of the Republic of Moldova there were approximately 30 thousand of soviet military men. The biggest part of the military units was part of the 14<sup>th</sup> army, subordinated to the Military District Odessa. The strategic objective of this military district was the operations in the Southwest, especially the Balcanic peninsula.

The military district of Odessa was also situated in the back of the “buffer-zone” made of the states of the ex-socialist block. Its structure was rather colorefull and not homogeneous. The military units dislocated in the region could be divided in two conventional categories: of reserve and of action.

The unfolded unities (less in number) were endowed up to 100% with technology and armament, had a high level of completing with force (70-80%) and possessed a permanent capacity of fighting. From this kind of unities were part units of strategic, air, anti-air, paratroopers, instruction, transmition, security, provision of driving, etc, nevertheless all these were operational units that constituted the «active force» of the army.

The main mission of the “reserve” units was to provide a high capacity of mobilisation. These units were endowed with a complete military technology and armament, but had only a minimum of force, in its majority officers and sergeants of the major commandments and states. Together with the accelarion of the process of desintegration of the USSR the strategic importance of the military units dislocated in the territory has radically changed. In the situation when the irreversible character of this process was becoming more and more obvious, and Moscow was desperately looking for levers and methods to stop it or at least curb it and manage it according to the possibilities, the armed forces, with their traditional conservative spirit, with their human, technical, and informational potential, easy to handle and manage remained to be the last hope and «the last arguement » in preserving and re-enlightening of the ex-USSR.

Out of objective as well as subjective historical reasons the independence of the Republic of Moldova prefigured with delay in relation with other unional republics. This fact permitted Moscow to remodel the strategy of action taking into account the experience of applying armed military forces during 1989-1991 in the conflict regions of the ex-USSR and firstly in the Baltic republics. One of the most important conclusions out of the attempts to counteract by force the desmembration of URSS, demonstrate that the inadequate use of the Armed Forces (both as means of reinforcement of the forces of the Home Office and independently) against the movements of national independece, against the civil population or the detachments of armed

volunteers is inefficient from the military point of view and brings serious harms on political background.

From the military standpoint this was explained by the fact that the armed forces of the ex-USSR have been conceived, constituted, endowed and created to fight in a classic war and against a «classic enemy» predetermined (with a psychological image of «enemy», with a relatively clear structure, with definite provisions, with a contact line, with classical technics and armament etc). such conditions practically didn't exist from the interior of the USSR of that period.

Moreover, even in the case when the military units obtained a temporary success in operations of the kind conquest-control of some important civil objects (such as the TV and radio stations), their success had nobody to take advantage of it and as a consequence it lost its sense.

Another side of the problem was the quick degradation of the psychological-moral state of the hired troops in this kind of operations, fact conditioned by the multinational composition of the military units, by the disoriented state fo the career militaries, especially of the young ones, after the «fighting experience » against their own people without the support of the large masses of population and the ample desertion of the militaries in term.

This experience demonstrated that the “classical” and inadequate engagement of the armed forces in the conflicts of politic character conditioned the degradation of Moscow’s image on the international arena as well as in the territory of the ex-USSR and instead of stopping the process of desmembration it contributed to the acceleration of the centrifugal tendencies.

Thus, after the analysis of the gained experience, after studying the actions and methods (including those inopinated and spontaneous) used against the armed forces (the most discouraging being the actions of the civil population, especially, that of women, old people and youth against the military units), another scenario of using the military factor with the view to maintaing the control over the territories of the ex-empire and the political dependence from Moscow has been elaborated. This scenario has been artistically implemented in the Republic of Moldova and it may be followed for confirmation in some other conflicts from the ex-sovietic space as well.

In general, the main elements of this scenario the epicenter of which was taking place in the regions with compact dislocation of important military contingents, are the following:

1. Provoking, managing and supporting the appearance and development of the separatist forces and tendencies in the interior of those unional republics whose independence, out of geopolitical, historical, cultural etc reasons, transformed them from allies into political opponents of Moscow.
2. Organization, endowing and coaching of the paramilitary forces subordinated directly to the separatist forces.
3. Provoking the military conflict between the separatist forces and the central power of these republics.
4. direct involvement of military units subjected to Moscow in the military conflict on the side of separatist forces in case of the danger of surviving of the latter.
5. Engagement of the military force for separating the parts in conflict under the pretext of launching an operation of maintaining peace.
6. Preserving of the conflict in a suspended stage under the cover of a manipulating and infinit process of «conciliation and political settlement ».
7. Assuming by Moscow the exclusiv role of «pacificator, mediator and guarant», blocarea și subminarea implicării comunității internaționale în procesul de reglementare a conflictului.
8. Support of permanent consolidation of the separatist regimes and the manipulation of the policy promoted by these, especially, in relation with the central power.
9. obtaining as a result of an major political influence from the interior of the new “independent” states.

At the indication of the Central Committee of the communist party, the estimation of the political, ideological, social, and military conditions of implementation of this scenario

has been done beforehand by the secret services of Moscow (especially by KGB and GRU). Also beforehand, at Moscow and Tiraspol, have taken place actions of step-by-step planing and «legalization» of the foundation of the future separatist forces. Thus, in 1990 at Tiraspol was created the so-called «Council of defense » in the composition of which entered the commander of the 14<sup>th</sup> army general G.Iacovlev (since 16.01.92 general I.Netcacev). The main mission of this «Council» has been to legalize the creation of military formations for the defense of the separatist regime.

Next in the spring summer of 1991, under the direct leadership of the Ministry of Defense and KGB from Moscow, through the organs of the party and of local security, the commandment of the 14<sup>th</sup> army (especially the political bodies) and the military commissariats from the territory began the selection of staff and the formation of the so-called «The Republican Guard of Transnistria» and of the detachments of territorial defense (DTD).

With the view to support these actions, immediately after the declaration of independence of the Republic of Moldova (27<sup>th</sup> of August 1991), in the military units dislocated on the left bank of Nistru has taken place an intense campaign of indoctrination of the military staff in the spirits of Russian chauvinism and hatred for the national independent movement. Thus, in September 1991, at Moscow's indication, in the Tiraspol, Dubasari and Ribnita garrisons took place meetings of the officer corps within which there have been adopted declarations of boycott to the authorities from Kishinau, of support of the separatist regime and of intention to defend it from any military entity.

The involvement of the international community in the prevention, stopping and solving of the military conflicts from different regions of the Earth represents one of the most remarkable results of creation of the United Nations Organization and of the regional security structures. Without doubting the importance and the role of these international structures as well as the imminent necessity of involving in military conflicts, regrettably it comes out that this involvement is not always successful in annihilating the conflicts or to have as a result the elaboration of a classical strategy or scenario of acting/ solving. The main reasons of these results, in some cases quite modest, are the extreme complexity of the problems that constitute the origin of the conflicts, the multitudes and diversity of the involved performers, the internal and external factors of influence, as well as the permanent disagreement between the staggering rhythm of the situation evolution in the conflict regions in relation with the difficult process of assessing, analyzing and decision taking within the international authorities.

A recent example of the international community involvement in solving the military conflicts in the European space represents the **Bosnia-Herzegovina case** and the signing of the **Agreements Dayton-Paris** (in November-December 1995). Analyses of the conflict events and of the signed documents offers the possibility to compare the principles and the mechanism promoted by the international community in relation with those used by Moscow in the case of military conflicts. Thus it comes out that initially in the period of unleashing and developing the military conflict, Bosnia-Herzegovina case presents more similarities with the Transnistrian case. But after signing the above-mentioned treaties and ceasing of fire the further evolution of the conflict from Bosnia-Herzegovina and the process of solving the military problems are totally different. This fact is owed firstly to the special attention and active involving of the international community (UNO, OSCE and some monitor-states), as well as the implementation of some international principles and mechanisms.

#### **4. The role of international organizations in the process of localizing the transnistrian crisis**

##### **4.1 OSCE involvement in solving the transnistrian conflict**

Probably the most controversial Russian mission of peace maintenance is the one from the eastern part of the Republic of Moldova (in this study I use the term “peace maintaining mission” concerning the mission in the eastern part of the county considered linguistically practical and not to characterize or classify this action as a true peace maintenance mission). On a piece of land on the left bank of the Nistru River, a part of the population, politically manipulated, in light of Moldova’s tendencies to be reunited with Romania and the loss of the Russian identity, created on September 2<sup>nd</sup> 1990 the Moldovan Nistrean Republic. The regime at power was a puppet with a repressive and totalitarian politics with a clear goal – to guard Russia’s interests in this part of Europe.

In order to understand adequately the trouble with the peace keeping operations on Moldova’s territory it is necessary to place it in its historical context of events that took place on this territory, especially during the armed conflict in the eastern part of the country.

The events in the last months of the year 1991, especially the armed conflict between the police and the armed troops of the separatist region, as well as taking armament from the Russian arsenal created an extremely tense situation. Since December 1991 it has been very difficult to define the status of the 14<sup>th</sup> Russian Army. Its commanding officer made his intention public of becoming the commander of the region’s military forces and transforming the 14<sup>th</sup> Army into its core. When the Russian volunteers and the cazacs from the Don river joined them their military forces grew stronger yet. The transnistrian authorities accumulated an impressive military might, with bullet proof vehicles and rocket shooters, “Grad” type. The rebels, including the cazacs raided the military storage in Tiraspol, with the personnel’s consent, and took 1,100 automatic guns “Kalashnikov”, 1.5 mil. ammunition, 1,300 grenades and so on. The fights began in March 1992 when the separatists attacked the police bases in three villages in the Dubasari region with the goal of eliminating the last Moldovan police base on the territory from the left bank. The reaction wasn’t long waited for. On May 15<sup>th</sup> the Ukrainian secretary of foreign affairs made a declaration expressing his unrest about the participation of cazacs from the Don river in the conflict from Moldova. The declaration categorized the cazacs that were fighting on the separatist side as mercenaries, and their involvement in the conflict being against international law. The next day the Ukrainian secretary of foreign affairs called for a cease fire and offered to be the mediator. All this time the fights went on, the initiative being on the side of the separatists. The Moldovan police forces were not able to meet the logistics, military and professional capacity of the attackers. At this time in Chisinau took place meeting that criticized President Snegur for not declaring national mobilization.

The same day Snegur declared a cease fire on the Moldovan side, but it did not stop the conflict. The protests in Chisinau grew stronger especially when it became obvious that the regime in Tiraspol received Russian aid. On March 18<sup>th</sup> the government in Chisinau disagreed with the decision of the Russian national Bank to open an account for the bank in the self proclaimed Nistrean Republic. During the conference in Helsinki Republic of Moldova protested against the activities of the forces on the left of the Nistru river. It was supported by Romania’s government that made a declaration concerning this issue. After the closing of the CSCE meeting in Helsinki the secretaries of defense of Moldova, Romania, Russia and Ukraine, on March 24, made a common declaration that mentioned the continuous efforts in creating the four party mechanism in solving the conflict in the Republic of Moldova.

These actions have not ended the conflict that in the following months increased in intensity reaching big scale fights. On March 26<sup>th</sup> Igor Smirnov signed the order of partial mobilization of

men under the age of 45. On March 29<sup>th</sup> President Snegur declared a state of emergency on the territory of Republic of Moldova asking the separatist to give in their arms and recognize the government in Chisinau. He ordered security forces to disarm and liquidate illegal formations that supported this so-called state. Snegur told the parliament that the time given to negotiations expired and it is obvious that the leaders in Tiraspol are not interested in solving this conflict peacefully. On March 30<sup>th</sup> the President warned them that the government will take all necessary steps to restore his authority in the separatist region and threatened reconsider the proposal to make this region of the state a “free enterprise zone”. The separatist authorities responded with a call to arms of the population and asked Russia for help. Eltin, at this time signed an order to place the 14<sup>th</sup> Army and so me other military troops on the territory of Moldova starting on April 1<sup>st</sup>. This order was declared illegal by the Moldovan secretary of defense, mentioning that all the military forces in Moldova, with the exception of those in Transnistria were placed under Moldovan jurisdiction.

The subordination of these troops to Russia made them that much more efficient. The declarations made by the officials in Moscow assume that Eltin was thinking about using the troops in the conflict. For exemple the Russian secretary of defense Andrei Kozarev, quoted by ITAR-TASS on April 1<sup>st</sup> said that Russia “will defend the right of the Russians in other CIS countries, this is top priority. We have to protect thair interests firmly, and we eill use force if necessary”.

Ukraine’s reaction was fast and decisive. On March 29<sup>th</sup> the Presidium of the Supreme Council of Ukraine made a declaration mentioning that the intensification of the conflict will have negative effects on the neighboring countries, including Ukraine. The experts of the ministries of foreign affairs from Romania, Moldova, Russia and the Ukraine met on March 31<sup>st</sup> at Chisinau in order to discuss the solutions of the conflict. The participants mentioned that they will be guided by the decisions made in Helsinki and will look for a peaceful solution within the territorial integrity of the republic of Moldova. These discussions were continued on April 1<sup>st</sup> but were unsuccessful. On the same day the special units of internal affairs from Moldova entered in Tighina.

In the same day the Romanian secretary of defense put a stop to the speculations of the Romanian and Russian press about the military involvement of Romania. On the other hand the Russian vice president Aleksandr Rutcoi, in his address to the members of the Russian parliament, at which he participated on April 6<sup>th</sup>, insisted on the decision of their position in the problem of the sovereignty of the “Moldovan Nistrean Republic”. In a very nationalist declaration he mentioned that the legislative power should defend Russian interests on the territory of the entire former USSR. The decision made by the congress of the Russian authorities were qualified by the Moldova Supreme Defense Council as a unlawful meddling in the internal affairs of the Republic of Moldova and an inexcusable braking of the norms and principles of the UN Book. The commanding officer of the 14<sup>th</sup> Army, the general Iurii Netcaciov said on April 6<sup>th</sup> to the press agency Moldpress that the troops are ready for separating the two fighting parties only if they have the consent of the countries that participate directly or indirectly. This declaration was supported by the first vice president of the commander of ground troops in CIS Boris Gromov, that suggested that in Moldova should be put a peace keeping operation of the type that the UN organizes and the 14<sup>th</sup> Army could be used with that purpose.

The President of Moldova, in a press conference on April 7<sup>th</sup>, qualified Rutcoi’s declarations that from Transnistria will begin the battle for Moscow and that Russia needs to defend its interest in Moldova as irresponsible. Snegur mentioned that if Russia recognizes the sovereignty of the “Moldovaan Nistrean Republic” it should also recognize the independence of Chechnya and Tatarstan.

The situation in Moldova was still very unstable. On May 9,10 and 11 there were other incidents of the not respected seize fire agreement that ended up in human losses as a result of the separatist try to gain the opening to a bridge still in Moldovan control. The President

Snegur through the UN Security Council made an appeal to the international community to get involved and stop Russian aggression in Moldova, that was the reason the authorities in Chisinau could not reach a peaceful compromise in the first place.

A couple of days later general Netcaciov withdrew his affirmation that he lost control over some of his troops. A strange declaration considering that some detachments passed under the jurisdiction of “SSRM” with all its soldiers and armament. This is what happened to the engineer battalion nr.66 deployed in the village Parcani, that was excluded from the 14<sup>th</sup> Army through and order of the Russian Ministry of Defense after passing into rebel jurisdiction. At the same time the rebel forces got a hold of 1321 automatic guns “Kalashnikov” and 1.5 mil ammunition for them, 155 guns “Markov” and “TT”, 1300 grenades “F-1” and “RGD-5”, 15 grenade throwers “RPG-7”, 30 rocket launchers ground-air and other equipment.

On May 22 an unidentified Russian speaker said that “The Russian troops were ordered to defend villages with a mostly Russian population”. In the same time the USA State Department declared that the involvement of the Russian army is disturbing and asked for a faster and real peaceful compromise.

On May 27, President Eltin, who was in Barnaul, Siberia, told the Russian public should not be worried “We will withdraw the 14<sup>th</sup> Army and will not allow Russia to get involved in a war”. This position proved to be well founded. On the same day the Russian Secretary of Defense, Pavel Graciov told media representatives that the 14<sup>th</sup> Army “can be withdrawn through a bilateral compromise but only after the conflict is solved”. Yet, President Eltin, being in contradiction with the secretary of defense admitted that some troops the rebellious forces of the “Moldova Nistean Republi” but that they did it on their own, it wasn’t his order.

In June Eltin proposed the withdrawal of the Russian Army but the plan wasn’t gladly met by the Russian military officials. They said that more than half of the fighters are original from there that want only to “defend their land” and even if it wasn’t so in case it was decided to withdraw the 14<sup>th</sup> Army they couldn’t possibly give the Russian militants that came back apartments. In addition to the uncertainty surrounding this conflict general Graciov said that “the political mistakes made by the Moldovan Leaders worsened the situation” and told president Snegur to order an immediate seize fire on the Moldovan side. It was amazing that general Graciov forgot that similar documents signed before were broken by the Russian forces located on the left bank because they tried to eliminate some bridges over the Nistru river. He also warned the Moldovan leadership that if the Moldovan side will initiate a military movement against the rebel forces and the Russian troops he will find it very difficult to control his soldiers from not getting involved. Graciov assured the Russian population that lived in Moldova that he will not leave them in “trouble”. In order to analyze the situation objectively there was a four sided group of observers from Romania, Moldova, Russia and Ukraine. This group, containing 25 officers from the four countries during 3 weeks of analyzing reached the conclusion that the seize fire agreements were broken by the separatist part.

The interview given by the Russian secretary of foreign affairs Andrei Kozarev to the French paper “Le Monde” intensified the tension. Asked if “the eastern part of Moldova could ever become part of Russia” Korarev said that he “doesn’t ignore this possibility”. He also suggested to Moldova, Ukraine and the Baltic countries to create on their territories “special regions” that will have a different status and very close connections to Russia. On June 23 Radio Ukraine announced about the changed position of Ukraine in the Transnistrian conflict. President Kravciuk said that he thinks that the left bank of the Nistru river should be declared an autonomous republic within the Republic of Moldova. This was the first declaration made by the officials in Kiev that supported the suggestion of the “Moldova Nistean Republic” about Moldova’s federalization.

On June 24<sup>th</sup> a Russian “governmental source” told journalists that “the 14<sup>th</sup> Army was ordered to attack Moldovan forces by the Russian commandment although the purpose was to make a point, not to create war”. The commandment in Moldova admitted two days

before that almost 5,000 Russian soldiers of the 14<sup>th</sup> Army participated at the armed conflict in May. They tried to give the impression that these troops fought out of their own free will and were not commanded to do so, they did it because that's how the circumstances were. President Snegur declared for Moldovapress on June 23<sup>rd</sup> that “our country is being destroyed by Russian, cazacs and mercenaries”.

In a short while the commanding officer of the Russian airborne forces general Lebed was made the commanding officer of the Russian 14<sup>th</sup> Army. His position was very strong declaring that starting on July 1<sup>st</sup> the city Tighina “is a part of the Moldovan nistrean Republic that's just a little part of Russia”.

On July 3<sup>rd</sup> the president Eltin and Snegur met at the Kremlin with the purpose of solving the conflict. During that meeting there were approved measures meant to solve the conflict: the implementation of the cease fire agreement, creating a separation front between the fighting forces, involving a neutral peacekeeping force, giving the region on the left bank a special status, planning of the negotiation of the withdrawal of the 14<sup>th</sup> Russian Army.

These measures prepared the field so that on July 6<sup>th</sup> in Moscow, at the meeting of the CIS heads of state, the decision be made to dislocate a peacekeeping force in the region. It was supposed to have 2,000 up to 6,000 soldiers dislocated to Moldova in the following week. The purpose of the peacekeeping forces created of Russian, Ukrainian, Byelorussian, and Bulgarian soldiers was to impose and follow closely the cease fire agreement of the forces involved in the conflict.

On July 7<sup>th</sup> arrived general Vladimir Semionov, the commanding officer of the Russian ground troops in order to sign the cease fire agreement between the Moldovan vice secretary of defense, Pavel Creanga, and the commanding officer of the “Moldovan Nistrean Republic” 's guard, Stefan Chitac. The cease fire agreement came into order on Jul 8<sup>th</sup>. One day later, at the meeting of the military observers it was noticed that the Moldovan side respected everything in the cease fire agreement while on the separatist side were noticed many faults. The Supreme Council of the “Moldovan Nistrean Republic” rejected the Moldovan offer of 4 chairs in the Moldovan Parliament to represent the eastern region and asked Russia and Ukraine to be protective forces and representatives of the “Moldovan Nistrean republic”.

In spite of all the differences, on July 21 the presidents of the republic of Moldova and Russia signed the “Convention about the principles of a peaceful solution to the armed conflict in the Nistrean region of the Republic of Moldova”.

The development of the event during the armed part of the conflict in eastern Moldova proved the direct participation of the Russian Federation in the military operations. The fact that Moldova and the Russian federation signed an agreement proves that the conflict was between the Republic and Moldova and the Russian Federation and the puppet government was used to achieve Russian goals in Eastern Europe, in general and in this territory in particular. The Russian Federation has skillfully taken from the hands of the KGB member Lukianov and the group of members of the parliament “Soiuz” and finish the strategy of creating on the territory of the Republic of moldova of two autonomous regions: one on the left bank of Nistru and another in the gagauz area, where there were organized secret separatist actions under Russian influence and support. And even if the Russian officials have not accepted soon the involvement in an armed conflict with Moldova, although there are many declarations that prove it, the separatist leaders, less prepared for this kind of game or less interested in hiding the truth, gave general Lebed on February 18<sup>th</sup> 1993 the symbolic keys to the city of Tighina, as the Transnistrian media said, for his merits in “bringing the 14<sup>th</sup> Russian Army in Tighina before the arrival of the peacekeeping forces”.

Russia, as a leftover of the former USSR cannot be content and never will with the minimization of its role in the former soviet area. Russia is interested in stopping the centrifugal tendencies and the lessening of its importance in this area. This was proved by the fact that the Russian president signed the convention mentioning his “hope that the Republic of

Moldova will find time soon to be accepted as a full rights member in the Community of Independent States”. In peacekeeping missions the international law principles and the practice of international organizations (the agreement of the parties involved in conflicts that refer to national problems of peacekeeping) this fact, ideally, would mean the agreement between Moldova and the Russian Federation concerning the participation of one or the other country in the operation excluding Transnistria. Thus, if the Russian Federation found the efficient means to create a puppet state that efficiently implemented Russian interests in this part of the world, why couldn't they find the means to shut it up about the peace keeping mission and to make it respect international law in this field. Unfortunately the position of the Russian Federation and the many mistakes and compromises made by the Moldovan government in favor of the separatists, the current undecided position of the Moldovan government concerning the conflict in general and the peacekeeping operation in particular, makes it difficult for international organizations and their peacekeeping missions to get involved in the conflict without Tiraspol's consent, although it is not impossible.

During the armed conflict Republic of Moldova's leadership asked for help from international organization in stopping the conflict. As a result the UN, OSCE, NATO, USA, Great Britain and other countries asked Russia to withdraw the 14<sup>th</sup> Army from the territory of Moldova. A firm position and the continuous appeal and involvement of international community would have made it impossible the easy manipulation of the situation by the Russian Federation and its puppet. The striking change of Moldova's position and the signing of the Convention on July 21 1992 allowed Russia to keep its role of manipulating the regime in Tiraspol and its military presence on the territory of the Republic of Moldova not only through the illegal presence of the 14<sup>th</sup> Army there but now on the basis of the conditions set in the Convention of starting a peacekeeping operation.

The condition set by the Convention about peacekeeping operation broke international law, practices and documents of the mentioned international organizations. Republic of Moldova as well as the Russian Federation, being members of the UN and OSCE, broke the principals of these organizations by creating three partied peacekeeping forces with the participation of Moldova, Russia and Transnistria – parts involved directly in the conflict. In the Convention the term of the operation weren't mentioned also, although according to the practice of the same organizations peacekeeping missions have a temporary nature with a well-defined purpose, because the idea of a peacekeeping force is to help political methods of solving the conflict and to support the efforts of politically solving the difference.

The idea to organize an international operation of peace maintenance was launched during the meeting of the secretaries of internal affairs from Moldova, Russia, Ukraine and Romania on April 17<sup>th</sup> 1992 in Chisinau. The leaders of the same countries during their meeting in Istanbul on June 25 of the same year saw the necessity to analyze the problem. They also said that they would “welcome a much more active peacekeeping role from the UN in solving the problem of the eastern regions of the Republic of Moldova”, also expressing their satisfaction regarding the UN Secretary General decision to send in the conflict area an evaluation commission.

Thus there can be seen two opposite points of view of the same problem. The first one is that of the leadership of Moldova (before signing the Convention), that assumed the involvement on a large scale of international organizations in the mission of peace maintenance in Moldova. And the second one is that of the leaders of the Russian Federation, that although signed declarations as the one quoted before, was not interested in the internationalization of the regulation of the conflict, because the involvement of international organizations would have lessened Russia's importance or would have completely eliminated it from the manipulation of the conflict, and on a long term it would have been bad for its interests in the region. The Russian secretary of Foreign Affairs suggested to the Moldovan president that the 14<sup>th</sup> Army would be given the name of a peacekeeping force. Not after a long while with Maracuta's help the idea that the Russian Federation is examining the possibility to engage its troops as a

peacekeeping force without the consent is made public.

The first compromise was made by the state's leadership on July 6<sup>th</sup> during the meeting of the leaders of CIS countries when they accepted the decision of dividing in regions the common forces in order to keep the peace of Moldova, Russia, Romania, Bulgaria and Byelorussia. Back to Chisinau after the reunion of the heads of the states CIS, the President of Moldova Mircea Snegur declared that in this situation “ we returned to the decision from Istanbul to create forces of not hiring. At the reunion it was made a proposal that has to be presented to the Parliament- that the legislative forum should address an appeal to Romania, Bulgaria, Russia, the Ukraine, the Republic of Byelorussia because these states and first of all the army forces of Moldova, to create the forces of not hiring. The 7<sup>th</sup> of July 1992 the Parliament of Moldova, with the majority of the votes adopts the decision that resorts to the parliaments and presidents of the states mentioned, with the proposal to accept the participation in the operation of the keeping peace in the districts from the East of Moldova. It isn't strange that not all the states got involved in the operation. Russia fulfilled it's goal- the rejection from the process of regulation of the conflict and the operation of the keeping peace not only of the international organization but of some states and firstly of Romania that with it's participation in the operation would have been able to insist on a real mechanism. Unfortunately, the leading of the country being initially involved in a war in which was surpassed easily in the military, economical, political, diplomatic and psychological way fell in an other extreme- peace at any price, and step by step yielded in all the possible aspects, including the problem of the peace keeping. “Campania Bender” gained the informational means of Russia. The perspective of the appearance of the “Russian tanks on the streets of Chisinau”, profiled insistently in front of the politicians, after all happened and after naming the new leader of the 14<sup>th</sup> army, it was inevitable. It wasn't useless to count on the Russian parliament's compassion or on the support of the “Russian democrats”.

Opening a bracket on this subject it's necessary to mention two moments. The first one concerns the Republic of Moldova. For the RM the proposed variant was (or at least it should have been so) more alluring comparing it to the military operation of the peace keeping imposed by Russia. The implication of Romania, the Ukraine, Bulgaria and the Republic of Belorussia could have limited the transposition in life of the objectives of Russian Federation and the separatist leaders.

Secondly, and by the way the implication of these states as Romania, the Ukraine and Bulgaria without even naming Russia in the operation of the peace keeping of Moldova runs counter to the basic stipulation of the international rights and practice UN/OSCE in this sphere- the impartiality of the keeping peace forces. It's obvious that all these states have their interests in the RM and so, not being impartial they can't take part in the operation of peace keeping of Moldova. We mention that in this context speaking about interests we don't use by all means the term with a negative connotation. It's true that the neighbor countries with a history of several centuries and common borders had and will have interests for the territory next to them. This affirmation is as true even for Moldova in rapport with these states. But following this order of ideas we should separate the operation of the peace keeping from the process of regulation of the conflict. And, if the participation of the states mentioned at the operation of the peace keeping runs counter to the international rights then their take-part at the process of regulation of the conflict would be perfectly acceptable. The creation of a working group as representative as possible in the problem of elaboration of the status of the east region of Moldova under the auspices of a skillful international structure with the solution of the problems of security should become a priority in the leading of the country. However, even in these circumstances when the implication of the co-interested countries (Russia, the Ukraine, Romania, Bulgaria) doesn't formally run counter to the international rights from the moral point of view the abstention of all these states would be welcome from the participation at the process of elaboration of the state of Transnistria (the author is aware of the fragility of it's moral arguments in the context of the international relations and doesn't insist on this ideas ).

And so, signing the Convention in 1992 the RM and the Russian Federation as in the case of a common state have introduced a new page in the history of the international rights-forces to maintain the peace composed from the both parts.

Another trap that could make out of Moldova a victim and of which Russia is the author is the placing of the operation of peace keeping under the mandate of CIS and so, under Russia. It's true that CIS was recognized by UN as a regional structure and it seems that according to the UN Book it can be involved in the operation of the peace keeping. But, CIS didn't recognize the right of an authorized structure with the solution of the regional security problems.

Actually, in Europe only OSCE has this mandate and so it's the unique regional organization authorized to get involved and to participate at the resolving the transnistrian. That's why the affirmations of some officials from Moscow that the placing of the operations of peace keeping on the territory of USSR under the mandate of CIS is an ideal solution, are simply wrong.

#### **4.2 The co-operation of RM as part of the Stability Pact for South-East Europe**

The initiative of creation of the Stability Pact for South-East Europe came the 10<sup>th</sup> of June in 1999 and it's animator and sponsor being the EU. The activity of the Pact is supported by more international organizations: (World Bank, WCO like the other countries as the USA, Great Britain, Canada, Japan) etc.

The member countries of the Pact are divided into three categories: -donator countries; beneficiary countries and the countries that make easier the process, not having economical substantial resources but proceeding a political influence. For now Moldova is a beneficiary country.

The Stability Pact has some of the major objectives:

Firstly, it's about the economical reconstruction with the external assistance for the consolidation of the bilateral relations between the countries in zone, that because of some historical circumstances don't get along. That's why they wished the unification through this Pact, fact that would guarantee the stability of normal neighborhood;

Secondly, the integration in the European structures and euro- Atlantic. RM is identified as in the status of economical reform.

The adhering at the Stability Pact facilitate the access of Moldova at some substantial credits and the promotion of some national projects with regional signification.

The projects proposed by the RM are centered on the infrastructure, the most important projects will be accomplished with Romania as the closest state-member of the Stability Pact for South-East Europe.

At the integration in the European structures and the promotion of the economical interests the adhering of RM at the WCO at the 8<sup>th</sup> of May had a great success at the diplomatic activity. The obtaining of the member status as part of the Stability Pact at the 28<sup>th</sup> of June 2001.

In the context of adhering to the Stability Pact they undertook more actions in order to implement the promotions of the Pact. Therefore we mention:

It was elaborate the national mechanism of participating and implementing the different initiatives and projects of the Pact and it was advanced, in order to be approved, to the Presidency and the Govern of the Republic of Moldova.

In order to interceding the initiatives of the Stability Pact, MEA organized in co-operation with the Institute of the Public Politics some international conferences with a large participation of the experts from more country members of the Pact; the RM prepared and advanced towards the examination of the Secretary of the Stability Pact and of the donators 7 projects concerning the transport and the energy. As part of the 2nd Regional Conference of Finance in Bucharest from 25-26 October 2001, for the RM there were accepted to be financed 2 projects.

The RM initiated its support for the Check Republic as to adhere at the Stability Pact for South-East Europe.

In the contest of the integration of the RM in the European structures MEA in co-operation with the Institute of Public Politics and the Invisible College organized the international Conference “Moldova’s Way to the European Union”, that took place the 1<sup>st</sup> and the 2<sup>nd</sup> of October 2001.

The European Conference from Bruxelles, from 20 of October, was dedicated to the problem of the fighting with terrorism in which took part the Ministry of the External Affairs Nicolae Dudau.

Our country was invited at the Conference and there participated the EU, AELS, the 13 countries candidates to the adhering and 5 countries included in the Process of Stabilization and Association. The RM as the Ukraine and the Russian Federation took part at this forum as special guests. In the final Declaration the states that took place at the European Conference engaged themselves in elaborating and implementing national programs of actions against the terrorism, that would be inspired from the Plan of actions of EU.

In this period the EU showed it’s willingness to Moldova leaving in Goteborg, an invitation for our country to participate at the European Conference where usually take part only the member countries of EU and the states that are candidates to adhering.

The 20<sup>th</sup> of October 2001 Moldova was invited to take part at the European Conference where they discussed the problems of fighting with the terrorism.

#### **4.3 Conclusions**

1. The operation of maintaining the peace is illegal because it wasn’t placed, according to the promotion of the international right, under a global or regional organization’s mandate.
2. The operation of maintaining the peace in the districts from the east of the country runs counter to the international right standards and to the promotions of the international organizations (UN/OSCE);
  - a) the impartiality of keeping peace forces
  - b) the not involving in the operation of the conflictual parts
  - c) the multinational character of these forces
  - d) the temporary character of the operation
3. The Russian Federation use very insistently the idea of giving, from the international organizations, some special rights to guarantee the peace and the stability on the territory of ex-USSR. The Russian authorities following the politics of the ”complied fact” elaborates the basic principles of utilization of the keeping peace forces in the CIS space. The RM was and will be a testing polygon of this principles and of the international community’s reaction concerning these ideas.
4. The errors made by the leaders of the country concerning the problem of the transnistrian conflict and the keeping peace operation and the double position confuse the international organizations and the international community allowing to the Russian Federation to get the territories named before
5. We can’t exclude the possibility of obtaining, from the international organizations, by Russia, that now manipulates the international public opinion and uses efficiently the European and global political conjunction of the mandate so much desired in the CIS security space and so, the legalizing of the operation in Moldova
6. The actual operation of peace keeping has a negative influence on the intern situation in the republic, because it doesn’t support the efforts of resolving the dispute but, only cements the position of the Russian Federation of dividing the country and keeping the position of the separatists very strong.
7. The keeping forces of operation in Moldova and those in Georgia and Tajikistan created a negative precedent in the international practice- the involving in such

operations of the parts involved in the conflict

8. The keeping peace operation doesn't only runs counter to the international right but is an inefficient one.
9. In my opinion the current and future role of NATO in preventing regional conflicts is much higher then the one in stopping this conflicts. That is what the conflict in the Balkans is about. Stopping costs more, in material resources and human sacrifices.
10. Taking to pieces the military potential of the separatist regime is directly dependent on the political scenario of legalizing this conflict and it is clear that it won't have any chances to succeed as long as on the territory of Moldova there will be military forces of Russia under any form or status. From this point of view, rising the status level and action mandate of OSCE could destroy the last motives of Russian military forces presence on the territory of RM. Under these circumstances implementing of a perfected variant of the OSCE plan, concentrated in the politico-military area, can form the necessary circumstances for making a concept of a definite political legalization of the transnitrean conflict

The dismantling of the military potential and the separatist system is directly dependent on the political scenery of the regulation of the conflict and is more than obvious the fact that no scenery at all won't have any chance of success until on the territory of the RM will be the military troops of the Russian Federation.

In the limits of the Constitution of RM the transnistrian problem can't be resolved as part of the talks with those that took the right to represent this territory. The representatives of the anti-constitutional system have no reason for concessions to establish the sovereignty of the RM on the territory controlled by them. Even if we imagine that Igor Smirnov will yield at the talks this would mean the end of a representative person in Transnistria.

The Transnistrian regime, being a totalitarian regime, basically, cannot be “tamed”, or “convinced” to change its essence and give up its interests. At the same time, the solution cannot be found in the triangle Chisinau – Tiraspol – Moscow just because it is not there. Like there is no chance for the Russian Federation to impose itself hard enough on the Transnistrian government in order to make it become constitutional, starting with the pure attitude of the Russian Federation concerning international law. At the same time, it must be mentioned, that solving the conflict in the eastern part of Moldova makes sense just in case this solution will be found starting with the bare necessities of the citizens of Republic of Moldova, from both sides of the Nistru river.

In order to remake the Republic of Moldova territorially integer there can only be made pressures on the anti constitutional regime with firmness and continuity by international organizations with the active involvement of international structures and other states (European Union, USA, NATO), with the participation or the tacit acceptance from the Russian Federation. This could only happen in case the republic of Moldova will give up the previously signed documents with the separatist leaders and the current treaty formula.

#### **4.4 Suggestions**

1. The initiation of actions that involve the international community in the issues from Transnistria and placing the peacekeeping mission under the mandate of an international organization capable of solving security problems (UN, OSCE, NATO).
2. Writing an official appeal to international organizations in order for them to get involved in the peacekeeping mission from Moldova and for these organizations to start negotiations concerning the military and civilian operations and for them to examine the possibility to contribute financially in the development of the operation.
3. The elaboration of a political declaration concerning the suspension of the status of the Republic of Moldova on the side of the current peacekeeping operations, that brakes international law and its passing by the political forces in Moldova.

4. Denouncing the Convention containing the principles of a peaceful solution to the armed conflict in the transnistrian part of the Republic of Moldova according to Article 8 in it.
5. The elaboration and presentation of a firm position of the republic of Moldova concerning the creation of peacekeeping forces in accordance with international law.
6. Giving up any participation to a peacekeeping operation under the mandate of an international organization except for that of a host country.
7. Monitoring the process of negotiation and creation the peacekeeping forces with the purpose of ensuring neutrality and impartiality. In this sense would be welcome if regional powers with interests at stake would be kept out of the conflict like: the Russian Federation, Romania, Ukraine, Bulgaria or Turkey.
8. While starting the operation to present the negative position of the country concerning the actions of the Russian Federation to legitimize their own peacekeeping operations on the territory of the former USSR or placing them under the mandate of the CIS. Thus, there could be initiated conversations with Georgia in order to present one point of view to the international organizations.
9. Substituting the State Commission for solving the Transnistrian conflict with special organization capable with the respective powers to elaborate and coordinate the state politics concerning the Transnistrian problem. One of its first actions should be elaborating a clear state conception that includes particular measures for solving the conflict and its passing by the government and parliament. Involvement in this process, at once with the local organizations and experts, of international experts.
10. Transforming the security area in a demilitarized area and its expansion, at once with the withdrawal of the 14<sup>th</sup> Russian Army, from the entire territory east of Nistru River and complete monitoring of these conditions by international peacekeepers.

I would like to mention that the peacekeeping operation itself, even if it is strictly according to international law is not a purpose but only an instrument of speeding up the conflict solution. As it is mentioned in the final Document from Helsinki peacekeeping missions have only a complimentary purpose in the political context of solving the conflict where peacekeeping operations are meant to “support the efforts of politically solving the conflict”.

## **5. 10 years after the Transnistrian armed conflict – problems and perspectives**

The armed conflict in 1992 was, first of all an independence war fought by the Republic of Moldova against Moscow, a war in a former Russian colony, Baserabia and later SSRM (USSR was nothing but a Russian empire) – and the Russian Federation that could not accept the real independence and sovereignty of the new state. But because Moscow prepared itself in time for these kind of circumstances this war wasn't directly launched by Russia that had its own 14<sup>th</sup> Army dislocated on Moldovan territory. This was made to seem like a conflict between the central power in Chisinau that was trying to consolidate its independence of Moscow and the regional power in Transnistria, illegally taken over by the separatists of the 14<sup>th</sup> Russian army in Tiraspol. Because it was an armed conflict on the territory of the Republic of Moldova this can hardly be qualified as a civil war because it wasn't the ethnical misunderstandings between Moldovan and Russian citizens that brought it on. This is a conflict of interests between the lawful authorities in the new state, RM (Republic of Moldova) and the communist nomenclature of Russian origin in Tiraspol.

Today, 10 years after the war, knowing what happened in this while in other former communist countries, for example Georgia, but also in the former Yugoslavia, we can definitely say that to completely avoid the armed conflict was impossible for Moldova if it chose the way of independence. It's hard to imagine that the communist nomenclature and the industrial management in Transnistria, and the absolute majority of “specialists” came to activate in Moldova from different parts of the USSR that did not know the language, history, customs of the Romanian native population but benefited in the former SSRM of a privileged economic, linguistic and political status would give it up this status even if Moscow would approve. In order to manipulate and maintain its influence in former soviet countries the Russian Federation took the following steps:

- The maintenance of Russian military forces in the region;
- Encouraged the coming to the power in these countries of communist governments of Russian origin;
- Increasing economical dependence of the former colonies towards Moscow;
- Simulating tensions within the countries in order to make it unstable;
- Encouraging the deterioration of the relations between these countries and their neighbors;

The fundamental question is if the blood shed on the Nistru river could have been avoided. In my opinion there could have been only two ways to lessen the impact of the conflict in the area. The first, and most sure one, is if Moldova would have accepted to become a Russian colony again and keeping a quo-linguistic state with the domination of Russian. But there is no way the authorities would have convinced the native population to accept this solution. Another alternative would have been to implement, right after independence was obtain, democratic reforms on a large scale.

We could definitely create many scenarios. We probably should do it because the Transnistrian problem should be a major concern of the government and the political opposition.

The absence or presence of a structural strategy for solving the Transnistrian conflict could be one of the means of evaluation in the political competition. We should also always remember the year 1992 and what happened then.

In June of this year I took some interviews of people that believed they had something to say about the problem in Transnistria.

After studying the answers of the people interviewed I have reached the following conclusions:

1. There are the following unanimous opinions:
  - a) Russia is considered the main player of the game and the guilty party of the conflict that could easily put an end to it;
  - b) The fact that it was ridiculous, even stupid to make Russia and Ukraine mediators in the conflict was also unanimously agreed upon;
  - c) The necessity to solve the problem and eliminate the internal borders;
  - d) The tragic lack of consideration for human rights by the Transnistrian authorities, especially the right to study in the native language, the to free movement and the right to access to information.
2. The majority agreed upon:
  - a) The politics of the Moldovan parliament are at least not understandable, mistakes are made and the schools and the people whose rights are ignored are not supported;
  - b) The conflict had a major impact on the businesses that had connections to both sides of the Nistru river, people lost their jobs, their resting place and other businesses that went bankrupt;
  - c) The capable and right organizations to solve the conflict are OSCE, NATO and the UN;
  - d) The conflict will be finally solved;
  - e) The lack of the right to free expression and the illegality of the arrests and acts of vandalism.

Valeriu Ciobanu

Transnistria's problem is the most painful for us, the Romanians on the left side of Nistru. I personally see it like this: the times will come when we will break the reins of Russia from this region. There is no other way, we will enter in a united Europe and a Europe tolerant with everything the man has around him and inside his soul and the problems concerning totalitarianism, all this rubbish that have lately surrounded us and smothered all our personal liberties and not only will disappear with the time passing. The Smirnov regime and today Transnistria do not have a long to live, because we all have seen how the most powerful force, a dominant force in the world as USSR has been, went down and personally I don't believe that these ones will be eternal. People will be everlasting, the humanity and belief in God as well. The good things, the well being will be brought back in our souls and then we will get rid of those who are sly and bad.

Regretfully, we have too many "good-wills" and we also know that the best benefactor is malevolent too: Russia. Maybe Russians don't like it but they have come long after we have on these lands, we are natives, and whereas they are our guests and it would be a good thing for us to have a very clear position and to regain our lost dignity. It is only we who can help ourselves. I want this riverbank not to be torn, not to be estranged with any methods and means from the entire Romanian space. Sometime ago the natives from the surroundings came here from the region of Maramures, we just have to explain to people: fellows, the blood doesn't transform into water, whatever you call yourself you are a part of a large, beautiful, wise nation and this nation has to thrive, we are no more stupid than the Germans, we have in our possession rich lands, we have a very picturesque geographical background, we just have to be good managers.

**Ion Mardarovici**      *“NATO and the security in the Eastern countries during transition times”*

Mocan Valeriu, counselor, district Corjova.

To solve the problem of Transnistria, at present, means to give autonomy to Transnistria. This is much more convenient for the time being. If speaking of the referendum then I hardly can imagine how one can perform a referendum in Transnistria when the population is oppressed, frightened, they are afraid of losing their jobs. In such conditions even if observers came from those countries it wouldn't help. The problem consists in the fact that people are scared here for so many years and they are afraid to lose their jobs and that little piece of bread they have. The situation is very serious and I cannot imagine, and understand how they will do this referendum. Who is going to help us? I think the most important role is played by Russia. If the Russians wanted and if a little pressure was made on the government of Transnistria, the problem would have been solved in no time. And of course we would need the help of the European countries and of NATO, they also pressure Russians and the Russians answer back here.

Ion Isaicov, mayor of district Cocieri

I have been occupying the position of the mayor for three years now and the problem of Transnistria is very painful personally for me. It is a problem that makes us and the whole population from the left riverbank of Nistru think and it began making think the entire government of our Republic. These problems are very serious, and very difficult to solve. From my point of view I would like to say that we bump into different problems concerning the village administration, and the public institutions from the territory of the town hall of Cocieri: goods shipment and transportation, financial-banc work, we are subdue in regard with gas and energy, we are subdued to Dubasari, which today practically doesn't use the Moldavian ley and we are looking for different ways to pay our debts to them. The situation we find ourselves in is very difficult if we are speaking about stopping gas and energy delivery, we are looking for different methods on tensions over the Moldavian part which is today in Transnistria. Nevertheless, we are optimistic deep inside our souls and we hope to better, because all the population of Moldova will hear us, and the high officials will hear us too that we should make peace in Transnistria and everything will be nice and well.

Together with the Transnistrian conflict we have lost the administration of Todercani, the ex-kolkhoz “Patria” (“Homeland”), because a large part of the economy of this village has remained on the left side of the river Nistru together with the ex-complexes from Dubasari district. When I speak about the complexes I mean the zoo technical ones, the orchard that has been planted on money of all the farms, of those on the left side as well. Economically the investments have been made on the left river bank at that time more than on the right side of the river. I want to say that a cattle farm remained that was in Holercani too, but almost 500 animals remained in the complexes of the left side at that moment. Almost 800 of pigs remained there too... if we transform this in money that circulated at that time this would've gone up to 6 millions of Russian rubles. Many people from our farms have been working at that time on this side at these complexes and they have lost their jobs and material welfare. The kolkhoz had on its account at that moment some 12 millions, 6 millions of which were for this side.

I.M. – With the help of mediators or of the international bodies or NATO, OSCE, UNO, who could involve and solve the problem?

Of course I see the role here only through understanding; people have already begun to

understand each other, because they have relatives on the both sides. The international organizations should bring their contribution for the unification of these sides from the both river banks too. They should do it in such a way that there wouldn't exist anymore these dilemmas, these bridges, these control places, because it is the population that is at loss: both the left bank and the right bank of the river. People practically don't see any perspective of developing further. The investors, well you see we live here in a very picturesque region... Some time ago the Republic of Moldova took the direction of developing the tourism, but now people just don't want to come to this region.

As a native inhabitant of Dubasari of course, I come from Holercani, when the Transnistrian conflicted has started I have taken part in the events right from the first day and moments. I have spoken on the tribune in Dubasari, during all the united meetings of Soviet and during those of the district, as well as city meetings in order not to get to this conflict, because it has been obvious for a long time. On the 2<sup>nd</sup> of March 1992 I was occupying the position of the mayor of Holercani and I felt that evening that the police would be taken to Dubasari. In November, we have gone together and to tell you the truth I have taken part to all those moments, even to the armed conflict as a volunteer and I have even been shot. They do not pay the attention the people who have fought deserve. The people are seeking for a connection between the left and the right river banks all by themselves, but the government forgets about these kinds of things, because even during that time mistakes have been made, nevertheless it is difficult to find those tangential moments for uniting them back together.

I would like to begin with the affirmation that the problem of Transnistria can be solved out. In order to solve this conflict some essential moments have to be clarified here:

1. The essence of the regime that functions on the left bank of Nistru is determined by the means it has been established with. The establishment of this regime has been accompanied by violence, demagogy, misleading the population. The fact that this regime has been established through violence and misleading the population determines its political essence: it is a totalitarian regime. I would like to draw the attention to the fact that this is not an exaggeration; this corresponds to the reality from the left bank of the Nistru. We have the so-called MGB that removes from the start any political opposition that terrorizes the population that influences the pro-fascist youth organizations, that censors mass-media etc. The so-called elections that are held on the left bank of the Nistru are a set-up show, because the same MGB submits before the elections the leaders of the industrial units, the local leaders and taking over the style of KGB from the soviet times it manipulates people in order to shut up people, in order to exclude any opposition and finally the elections take place according to the principle emitted by Stalin – it doesn't matter how people vote, it matters who counts the votes. Therefore a conclusion can be drawn: if we deal with a totalitarian regime, what is the purpose of negotiating with this regime? To which he is accepted as being an equal partner with the constitutional power from Chisinau.

If we consider the interests of the Republic of Moldova the reality has already proved for a period of more than ten years that these negotiations are meaningless. Because the negotiations are a perfect cover for their attempts to consolidate their position, these are convenient to the separatist regime only. There is another moment that is worth to be taken into consideration when speaking about this regime: we have to make public the interests that are being accomplished under its cover. We talk about criminal interests in the first place. The so-called the Transnistrian Moldavian Republic is just a political cover for an entire network of international organized crimes. There is evidence, there are facts, there are proofs that the volume of smuggling from this zone outruns at least half billion US\$. I possess these documents and I can prove that this is not overreacting. Thus, if we want to solve the problem we need to

create the situation during which the criminal interests will not be realized, the totalitarian regime will be democratized and will be developed a certain formula of negotiations that would please the interests of both the Russian Federation and of the Ukraine which compete in this zone. When I speak about democratizing this regime I certainly do not mean creating NGOs with the participation of Igor Smirnov and of collaborators of the Ministry of Security. The criminal elements, starting with Igor Smirnov, that arrived together with the Kazaks and other criminal elements (the last two having been sent by the Russian federation in 1991-1992 in order to kill the citizens of the Republic of Moldova) on the territory of the Soviet Socialist Moldavian Republic in 1987 is territory have to be removed. Their state of freedom on the territory of the

Republic of Moldova is incompatible with the notion of “state”. Therefore, the Russian Federation must provide correct conditions for their repatriation. It’s not about revenge or about chasing them as the Jew state was chasing the Nazi criminals in the entire world; it’s about removing these criminal elements from the territory. The formula of peace keeping forces must be definitely modified. What we have today, starting with the July 21<sup>st</sup>, 1992, is not a peace keeping force, but a force of preserving the conflict, force that has transformed in frontier guard troops of this separatist regime. It is necessary to have another peacekeeping force formula that would fill in the requirements of the United Nations’ organizations, but this is a very important moment that concerns the excessive militarization of this region. The Russian troops and the munitions from Colbasna must be definitely evacuated and the zone must be demilitarized under international supervision. A key-question appears here: how to achieve this happy end. Because today we are witnessing the fact that these negotiations with the participation of guarantee countries – the Russian Federation and the Ukraine – and OSCE as a mediator aren’t working, probably, we don’t really have what to choose. For now there is single structure within which the political will is completed by the military potential. In the case of Transnistria the operation is not similar to that which has been performed in Iraq and there is no need of processing one similar to that from in Afghanistan. It is a practically symbolic action of the impact, meaning of the military factor, but as symbolic as it is this action must really take place in order to stabilize the situation in this transition period. When under international supervision this certain transition stage on the left bank of Nistru will be ensured and if Europe grants some financial resources for the realization of a Marshal plan for a united Moldova our small Moldova might overcome the crisis and will remember that it is situated in Europe not only geographically. I want to state a thing very important to me as a citizen of the Republic of Moldova: because of the violence, of the aggressive soviet principles combined with that “Homus-sovieticus” not a single special judicial statute is a basis for a special judicial statute. We can be malleable, we must be malleable, we must be democratic concerning the transition period for calming the situation and for reintegrating Transnistria within the territory of the Republic of Moldova, not only formally, but also from the psychological point of view. Of course, we can’t expect that over the night everyone there will speak Romanian, especially taking into consideration the fact that those vice-presidents in the parliament of the Republic of Moldova who do not know the official language.

It would have been a non-sense to expect and require this but we must fairly admit: it is the Constitution of the Republic of Moldova; nobody has ever accused the Republic of Moldova of having a Constitution that is against the fundamental human rights, so dear inhabitants of Transnistria, your wish of having your human rights protected can be perfectly fulfilled by the Constitution of the Republic of Moldova. The Republic of Moldova is an artificial state, created through the Molotov-Ribentrop pact; Stalin and Hitler are the parents, the founders of this state and this thing can be easily observed in people’s psychology and if we, under the excuse of solving the Transnistrian conflict, create something again artificial under the name of common state this will continually be not a state, but the headache of Europe and a place where people will run from the rest of the world. I want to draw the attention to the fact that there are no universal solutions to the conflict. What we have now in Moldova is on one hand a favorable situation for solving the problem and on the

to the fact that it is dangerous to apply some models borrowed from other states. Moldova, an unitary democratic state, with a pretty flexible linguistic politics depending on the zone, but without any special judicial statute.

Mihai Spea

- You cannot be pessimist till now, because we have been living in these conditions for ten years and being pessimistic till now is somehow ridiculous. Nevertheless the conflict should be solved starting with the respect shown towards human rights. It doesn't matter when it will be solved, maybe now, maybe in ten or twenty years, but firstly we have to respect the human rights, otherwise we get what we have today – a form of apartheid, because practically in today's situation, if speaking about the problem with our children, our Moldavian school, it looks like this: Russian children have very good conditions and have the right to everything and vice versa our children practically have no right and find themselves in such a situation when all the information, the press, the school books are in Russian and they don't have any right. Take into account the modality of solving the problem with the schools: the Romanian ones are withdrawn outside the city. If we go back to the way that this problem should be solved then first of all they should begin with taking into account the human rights. This is the main principle that is a universal one from which should one start and it is this principle could be a good start of solving the conflict, otherwise you see they negotiate different problems that lead to nothing at all. Almost nobody assumes responsibility and it would be normal to begin with the human rights.

I.M. – How do mediators seem to you?

M.S. – Mediators, well we have tried to attract the embassies of Russia and Ukraine, we addressed several times to them, but no official answer came back. When they had come, they tried to present this conflict we have with the local authorities, they have tried to present it as a local conflict with a local importance and not as human rights violation as we have tried to present the information. As in regard to OSCE, as a mediator, yes, they try all the possibilities but again not beginning with a certain principle. They are just mediators since they do not involve in this with some consultations or something else. When I have mentioned this form of apartheid I meant there should be more than one international body to monitor the whole situation. OSCE – is just a mediator in our problem, but the problem is much more complicated, it has deeper roots than it shows. If we go back in the times that passed not so long ago, when Soviet Union still existed, everything that has been created here, all these big cities, everything has been created as a condition for a long lasting ethnicity. If let's say all the surrounding villages are Romanian than we have a Russian population. Though we have got many documents against apartheid, they had good salaries, apartments etc and there has a form of apartheid in our case too, when 60% of the inhabitants of Gigorovca were Romanian, but the leaders in the government were chosen only Russians or any other nationality but Moldavians. And even if Moldavians got to the government they are just installed there to continue this kind of governing further on. That is why what we have today is nothing else but a prolongation of the politics led by the Soviet Union. There's nothing new in the fact that we have been marginalized, it is just a prolongation on the Soviet Union's politics. That is why it would be really good for us if the international organizations monitored this thing.

Leonora Cecavschi, Grigoriopol

In 1989, when the law of the official language has been adopted, our school started to teach in

Latin alphabet on the 1<sup>st</sup> of September 1989. We have studied using the Latin alphabet in school up to 1992. In 1992, after Transnistria has been occupied forced, with the help of the 14<sup>th</sup> Army artillery battalion that belonged to Russia, all the schools with teaching in Romanian language have been compelled to start teaching with Cyrillic alphabet. Among these 47 schools has been the School 1 from Grigoriopol. Armed Kazaks had come into the school and started shooting with automatic guns Kalashnikov the letters of the Latin alphabet. The principle of that time, Mrs. Saiinsus Claudia, has been fired from her position and in her place, as a principle of the school a military came, Ivan Arsenev. All the teacher staff that had tried to oppose to this has practically been kneeled and imposed such conditions that they didn't have a choice: they had either to continue working and execute their orders, or they could be fired. During that period I had worked as a teacher of Romanian language in a Russian school and because I didn't want to listen to those orders I have been fired and practically since 1992 up to 1996 I didn't have a job. This was one of their methods to isolate people who had opinions different than their own, people who didn't want to submit to separatism. In 1996 a law was adopted by the Supreme Soviet of Transnistria, according to which it is allowed to open some non-governmental schools in Transnistria, with teaching in any language: English, French, etc Romanian was among them too. We, I mean the parents, having found out about this law but having not read it because it has been hidden far away from people's eyes, started to organize this kind of school. We gathered 640 petitions from 720 children that were in school, petitions from parents who wanted their children to study in Romanian language. The local authorities instead of trying to solve out this problem began to stop this wave of national rebirth applying force and with the help of the Kazaks who had come from Russia and who circled the school, threw the children and the teachers with the initiative out of it and had arrested me and other three teachers who had been more active. We have been kept in a prison from Tiraspol for a week and one night they threw us outside and sent us home. They didn't bother to ask if we had any money to depart, they simply threw us in the street and later they had fired me from my work place, i.e. in 1996 I was restored back in my position as a teacher but on the 26<sup>th</sup> of September of the same year I was fired again. The parents and the teachers made a claim to the Ministry of Education from Kishinau, Mr. Gaugas was the minister back then, according to which they were asking to be allowed to use secretly the Latin alphabet in school teaching. Their petition has been accepted and for a period of five years we brought books for the school in Grigoriopol and the risk was big because teachers assumed responsibility. Because there were no school books and even today they are lacking, there are no books at least in Cyrillic alphabet, the Transnistrian authorities do not publish such books, they brought some old books somewhere from Odessa. The books were 20-25 years old and they put them in front of the children for them to study from these manuals but we, with the help of the parents brought every year books published in Kishinau. And even though the teachers receive a symbolic payment for their job in September our school will celebrate six years of being a clandestine school. Last year there has been made a new attempt with the international organizations of OSCE and UNO, where has been discussed the problem of the Transnistrian authorities that do not allow the native inhabitants study in the alphabet they want to use. The Transnistrian authorities sustained that it was not the fact that they are not allowed to do this but that there no such people, that is everybody in Transnistria want to study in Cyrillic alphabet, answer which seems to be absurd. As I was present at this meeting I told that our petition from 1996 is registered here and sent to the Ministry, and now we addressed with the request to be allowed to use the Latin alphabet, as it is stipulated in the national curriculum of the Republic of Moldova. Beginning with the last year, from 2001 till now, we are in a permanent conflict with the Ministry of Education from Tiraspol and with the local authorities. They are doing everything in their power to stop the opening of this school. In regard with the bail-countries, I would like to say we are not at all satisfied by them, because they do not solve out the problem and practically do not involve in solving the existing conflict. We have addressed more than one petition to the president of the Russian Federation and to the

president of Ukraine and we haven't received any answer. After this we addressed a petition to the ambassadors of Russia and Ukraine, which are bail-countries for solving the existing problem. Regretfully, we haven't received any answer from them either and that is why I think these countries do not perform their duty and we, who are suffering, don't trust them anymore. I think that the country government and the Council of Europe and the other European countries maybe should draw a higher attention to this Transnistrian conflict, because this is the main problem: the violation of the human rights and mainly the child's rights! The children are afraid to write and even hold a book written with Latin alphabet, because he or she might be hit or the book may be torn, destroyed by anyone. For ten years these children live with this fear. They are frightened everyday that someone might be punished. I think that this is an extremely deep problem and it should be taken some urgent measures as quickly as possible in regard to this problem so that it would be solved during the nearest time. It is no longer possible to live with this nightmare and fear anymore! Talking about Chechnya, the Chechens are terrorists, them who are the Kazaks who have come from Russia and Ukraine? Aren't they the same terrorists? And why are Russia and Ukraine the bail-countries in this conflict since everybody knows that Smirnov is a citizen of Russia who governs this ghostlike country which is Transnistria? I cannot believe that Putin is not capable to take some rough measures in regard with his citizens. The most painful fact is that the government doesn't have a serious attitude towards the problem! Even today we don't know the official position of the government of the Republic of Moldova towards the problem of Transnistria. This fact concerns all the citizens of the Republic of Moldova: what is their position towards this problem!

We had some meetings concerning the school: there have been four meetings with the prime-minister and every time they promised to solve the problem in the nearest time, but till now nobody has given us a concrete answer, as we asked every time the following question: we would like to know what is the position of the government of the Republic of Moldova towards the seven schools from Transnistria, plus the Boarding School from Tighina and what will be done by the government of the Republic of Moldova so that beginning with the 1<sup>st</sup> of September these eight schools begin the education process normally. We don't have the answer to this question for now.

M.S. Has been discussed: about the meeting with the prime-minister in regard with the problem of the schools in Transnistria.

Svetlana Jintariuc, director assistant/ School 1

As somebody has said before, pessimism destroys the man; anyway we are optimistic because there is no other way of surviving. We are figuratively or even directly put in a situation-limit through the situation in which we are and I have read somewhere, in some fables, a paraphrase of the Latin expression 'dum spiro spero' as 'I am afraid as long as I hope', but anyway we remain with optimism and we hope it will be the last to die, much later after us and we are optimistic because we have to do this for the future of our children. We have our own children, we have the ones who stand behind us now and who are waiting for a future, but their future is our oldness and the future of our country, the liaison with the traditions, customs, with the spiritual values we have inherited from our predecessors. Actually all my life I try to teach children the love for everything that is beautiful, human, eternal. Many times I have been accused of pro Romanian propaganda. The words Romanian, Latin alphabet here for the local authorities and for many of the inhabitants are scarecrow number one. Now people convinced themselves of some things, they understand that there is no future for their children and practically all the children who graduate the school go to continue their education to Kishinau, or in Romania and they see this is

their future and that the things they do with us is a real genocide, it is nothing else but exploitation of man by man, it is a violation of the international right. Though we are told that we have rights, this is a democratic state, we have three official languages, Russian and Ukrainian are respected whereas this law is categorically disrespected, because even when they make some dispositions for us not to want anything more or to be able to continue further with the solving the problem with the school. The dispositions are read in the Russian language and if we are offenders who have violated the state law then you are the ones who come with dispositions in Russian in a Moldavian school; so you are offenders and we are the ones who obey the dispositions, we obey the regulation; we do everything as you want it to be. If referring to our situation I can say we are punished for any thought which might seem freer, for any tendency to liberty, we are punished through senseless dispositions, through firing us from our jobs. For instance, in 1999 because we were invited to Kishinau with the children, I am a teacher of music and I practice choral art, and we have been invited with a group of children to take part in Kishinau and after a month I have been called to the principle and accused of betraying the interests of our homeland, and they sustained that I went there to thank that president. I have told them I didn't go for that, it was the children who performed on the stage, they were the nicest and we even have been shown on TV, I think this was our sin – the fact that we have been the best, better than others. Just for this event I have been fired, they made me write a petition at my will. The ridiculous situation consists in emitting dispositions without even realizing that they are violating laws, they are contradicting themselves. Nowadays I had a meeting with the representatives of the High Commissariat of OSCE, where the time came to tell them about the disposition that has been emitted a day before, referring to the organization of the so-called school, in which they accused us of lying and they told us lies and all the appeals we are taking for solving the problem, they always try to postpone the dates, and they do everything so that we wouldn't want to continue. This time we are stubborn and we will not give up because it is not the case. We need all the support we may get and I believe we will change something.

Domnica Croleivet – teacher

I would like to mention that I don't think there may be more serious violations as in our school on the behalf of local authorities in the world. In regard to the child's rights, if a child wants to write using Latin alphabet, I think he has the right to do this, but through the controls from the local authorities it is absolutely impossible to realize this. I would like to give some examples that have happened lately in our school. On the 15<sup>th</sup> of February, out of some certain motives, I missed my first class. Then the chief of the district department came with a group of workers to perform a control in the school. She entered my classroom where there were the chief of the department and two parents who came with some school problems. Entering the classroom she didn't even bother to greet them, she handled them roughly and threw them out of the room. When one of the parents reproached her that he has every right to come and see what are the successes of their children, the lady threatened the mother of the child saying she might loose her job. She remained with the children who were writing a composition on the topic “The last month of winter” and seeing that the children are writing with Latin alphabet she began asking them questions about the reason they are using Latin alphabet and took the notebook of one of the girls. After the lesson a protocol on me has been written saying that I was the one to be blamed that the children are taught to write like that. She took five notebooks from the children that had been sent to the prosecutor's office. Several days after I have been cited to the prosecutor's office in Grigoriopol, where I have been told that I violate the law and I have been reproached that I use the ten points system of assessing the children's knowledge and that I allow them to write like this. It is not normal since there is a law which says that everybody has

the right to write the way he or she wants, let's respect the law. After that those notebooks have been sent to police where I have been invited again, even the policeman came and took from home. There they told me that they made a record on me. They said they agreed with me but still we have to respect the law. They proposed me to write an explanation on why the children were writing like that. I told them to call the parents that have been present, because I have already written an explanation on why I was missing and they told me they will not allow me leave the room until I write it. I asked them if I was being arrested and they said I wasn't but they had the right to keep me there for three hours. I said I would write an explanation in my language, they said it would be preferable to write in Russian. I said if they want an explanation in Russian I would bring it the next morning, because I needed time to write it in Russian. Finally they allowed me to do that and I left for home, I wrote an explanation. They made me write if the petitions have really been written by the parents, and told them that there are 21 petitions and they really have been written by the parents. They asked why they were at the parents and not with me and I said that the children were theirs and they decide what to do. With this they closed the record because they had no enough proofs to accuse me of something. To the question why we were not allowed to use school books in Latin alphabet since books in Cyrillic are lacking they said it was absolutely impossible to allow us work with books in Latin alphabet and they brought us the list from the District Department where we saw that only the book of science may be taken to be used from the Republic of Moldova, because this book hasn't been published in any alphabet. Other manuals are strictly forbidden! It is very difficult to work and we live with the hope that the problem of violating the child's rights will be solved. We, as teachers, sometimes close our eyes to some things that are happening outside, but the hope is the last to die and we have to hope.

M.S. Has been discussed: about violation of human rights; the lack of access to information in Romanian language; violation of child's rights.

D.C. Has been discussed: about violation of child's rights, about the lack of the access to information.

E.C. Has been discussed: about violation of child's rights.

M.S. Has been discussed: about violation of human rights.

S.J. Has been discussed: about violation of human and child rights.

Alexandru Gorgan, ex-vice-minister of defense for the period 1992-1995

I have been a participant of the war of defending the territorial integrity of the Republic of Moldova, at present I am a military pensioner. For me it is especially painful the situation that has been created today in the Transnistrian region of the Republic of Moldova, as a native inhabitant, as a person who has defended with the weapon in my hands this land and these ten years that had passed after the well-known events are very painful, because in reality the problem has remained quite the same in a stagnation of the events since 1992. nobody shoots, but the war is still prolonging. It is an informational war, an intellectual war, a war of denationalization of the native population through different methods of the separatist system of Tiraspol, backed up directly by the chauvinistic forces from Moscow. I would like to speak especially about the problem of denationalization that has certain continuity. For the last 200 years this territory has been under the oppression of the tsarist regime, later under the oppression of the imperial politics of the Soviet Union and if in Bassarabia the school, the church, other

bodies have activated using the Romanian language for a longer period of time, and here in school they began speaking in the language of the natives since 1918. during this period, since 1918 till today, for 4 times has the alphabet been changed, fact that speaks about a very complicated situation. During the last ten years, since 1989 schools began to use the Latin alphabet, but in 1992, after the war that took place on this territory there has been forcedly imposed the come back to the Cyrillic alphabet, later seven schools could obtain through fighting a half the right to activate on the basis on using the Latin alphabet and today again the same problem appeared, it is done everything possible not to give the possibility to these schools to activate, and the children of the natives study in Russian. At present, only 40% of native children study in their native language, the other 60% study in the Russian language. And out of those 40% only 7 schools activate on the basis on the Latin alphabet. The other 32 Moldavian schools, as they call them, activate on the basis on the Cyrillic alphabet and 15 are mixed schools, but there are some more 47 schools). This regime does everything possible for the natives to degrade, to loose their national identity, to become people without nationality, without a past and a future. That is why this is a very painful problem. Besides the permanent pressure of the Tiraspol regime, one can feel here a total indifference of the government of Kishinau: a lot of talk, precaution in words, but in reality practically nothing has changed. Today is the same as ten years ago. I have seen some four times on television and heard on the radio that principles from Transnistrian schools have been invited. There are 7 schools that activate on the basis of using the Latin alphabet, but nothing has changed ever since! Nothing! Moreover: the situation has worsened even more. Another very painful fact is that people had sacrificed their lives, they made efforts for the stability of the Republic of Moldova, and today they are if not completely forgotten – there is a support in words – but in reality there is no law concerning the participants and the veterans of war. They don't have a statute, they are not even declared officially war participants, but we who have taken part to the war that we has fought with the 14<sup>th</sup> Army artillery battalion, the brave sons of the nation, who without weapons, with their bare hands, with the wish to defend their land, with the patriotic feeling have tried to do important things, regretfully, they couldn't realize those aims, dreams, but they didn't give up either. The regime that has been here and farther, with the entire wish, every enormous effort of that period, they didn't succeed to extend on the territory. Moreover: 11 localities from Dubasari district among which 7 on the left side of the Nistru, at present are subordinated to the political power of Kishinau. All the others are subordinated to the regime of Tiraspol. Moreover: even some localities on the right side are subordinate to the regime of Tiraspol.

Tudor Cazacu, Tighina, architect.

T.C. – My family lives in three Romanian countries: I live in Transnistria, my wife in Moldova and my two children in Romania.

I.M. – How comes and how do you get along?

T.C. – Ok. We are brothers, aren't we, there are three Romanian countries, and we have to get along.

I.M. – What is your opinion about these countries, about their division? Is it normal? Do you think it may be solved somehow sometimes?

T.C. – Yes. It would solve out because there is no other way it can be. Worldwide the problems are solved: in Germany it has been solved; it will be solved here too. May be this will not happen nowadays, but our children will have it done or perhaps our grandchildren will, anyway it will be

solved sooner or later.

I.M. – what do you think has to be done by this side and that side in order to get to a solution? For instance, what should Moldova do? Moldova’s government.

T.C. – It has to show recognition and wisdom, because otherwise it won’t work.

I.M. – How do you think who has to play the role of rescuer? Is it possible that Russia or USA or NATO or OSCE be it? Who can solve the problem?

T.C. – Only OSCE and NATO.

Tudor Serbov, mayor of “Varnita” village,

We have lost it. We lost it not only from the point of view of information, but also from the point of view of the entire generation education, this is if we take into consideration all the events that took place in this small country of ours. Regretfully on the opposite side, that is the left side of Nistru, as we call it today because we do not recognize either the Moldovan Republic of Transnistria or Transnistria, this is the resolution of the present government that it is the South-East part or the left side of Transnistria of which is spoken more often, where an extraordinary informational propaganda has been held...

I.M. - ... a psychological war ...

T.S. – Yes, they have worked psychologically. Can you imagine that the 10-year-old child who is now 20, in 10 years received an education in the spirit of ...?

T.C.- ... an anti Moldovan spirit...

T.S. - ... yes, in an anti Moldovan spirit, which says, that Romanian people has come altogether with Romanization. Even for our natives who live there is hard to believe in reality, in the fact that we are who we are...It is a very big problem, a very big one and mainly because we lost in our propaganda. Moreover we lost the informational war too. The job has not been done! The security has not performed its job, the parliaments have not done their job either, and they all took advantage of the left side together with Russia, Ukraine and other countries from Europe in order to make money here. They made big money, and even today they do, but if there are money there has to be an economy as well, there are money and politics, it is very difficult to argue and get to a result because as you know all the countries make money here: Russia and Ukraine too... How can one speak about pacifism when they rule all these things and when all the illegal traffic is done through Transnistria and the same is with Ukraine? It is difficult to speak today about how and who will do the reconciliation. The elder brother will never reconcile us nor Ukrainians will do this because they are the same Slavs and have no interest, or better to say have no other interest in this region, except the economical one as they see it, because they developed a sale market all between Ukraine and Pamaraz. Today on the left side of Nistru are all the productions, everything that belongs to Ukraine. You know, where there is economy and money, politics comes in the middle ground. It’s no use to expect help from these countries. It is not clear why the country government proceeded to all these things and removed Romania, this country had at least some real proposals and maybe with their help more problems would have

been solved, because they viewed them with more realistic eyes. The only thing the separatists do in such cases was to exclude all the people included in the list, scholars who were deeply familiar with the whole situation and were able to solve it, but the change of any member of the committee has brought to the ground every effort, because the new member was unfamiliar with all the facts. Regretfully again the Transnistrian side are the same today as they were from the very beginning. The only thing that changed was that they doubled, and other members were added to the committee. If to speak about the person who might solve all these problems then I would like to quote comrade Smirnov who said: *‘Maybe ten or one hundred years after we will unite, when people will understand we need each other. Today we don’t need each other, we have our own economy, they have theirs; they have their debts of milliards, we don’t have any. They owe us for gas, they owe us for everything, they owe us, they owe us, they owe us...Meanwhile we our job and enhance the republic, increase the economy, and things are going better with us.’* It is clear that it’s not quite like this; we better know the fact that the Sheriff is today stopped. The sheriff is tied up, and if to speak more concretely he is under the guidance of Ukraine and of Russia too. The allocated money are all destined for paying off the debts; they have big debts, two months for the pensions, they salaries haven’t been paid and there are some regions where people didn’t receive their pensions for 10 years. So they have nothing to boast with in their economy, but in reality I remember when the ex-ex-president of the Republic of Moldova, Mr. Snegur said that ‘yes, today only the representatives of the countries that are not involved in the conflict can reconcile us and bring peace here’ and NATO was in their view etc, which, regretfully, Mr. Snegur as I think has drawn back; I don’t know what frightened him if we take into consideration the fact that mass media and the foreign countries stood up for it. Even today if we analyze the governing of the ex-president, Lucinschi, we see that he was not interested at all in this kind of affairs, he had no interest to create peace and unity, he was driven by his own economical reasons. Maybe, and God is my witness, only watching the pictures of Mr. Lucinschi arm in arm with Smirnov and his sons in America and other countries, there being secrets for the Romanian country, for our Moldovan country, we realized who and where they go. It is not a secret that only a foreign country is able to put everything in order all the stupid things done today. They speak about an economic embargo, but there is no such thing, it is more like a stoppage of recognizing the country they live in and which does not suits them. Only through concrete actions of the European Council, NATO, and actions of Americans, Germans or whoever would come to help us get rid of the Slavs who live here and who have concrete benefits here, and would never make peace in this region. The pacifist soldiers receive high salaries in all countries whereas in our country he gets some 10-15 ley, an officer some 60-70 \$, in comparison with Russians who receive 300-500-700, and Ukrainians with 700\$! Would they leave this place if we take into consideration the fact that they also receive salaries in their native countries too? And there is no danger for them! Nobody attack them, nobody shoot them, nobody frighten them; moreover they kindly take away with echelons our goods for almost nothing in exchange and carry it in their country where they make business with it, and these are also Russian, Ukrainian etc representatives. Once again we convince ourselves that this side will never make peace in this region. It is convenient for them the way it is, and we, since we are Moldavians and they have taught us to bend our heads in every matter for the sword to cut them easier, have lowered our heads once more and think: who is going to be the next one to come and do what we had to do? Regretfully, and I go turn again to history, we have tried to defend our dignity in this region at all, we haven’t started an attack to conquer them, we wanted to preserve our self-respect, the dignity of our nation, we wanted to protect what we had. For this matter we have been betrayed, we have lost thousands and thousands of citizens, hundreds of them are completely lost and we don’t even know where they rest etc. Is this why we brought Russians to reconcile us? If you take today not the mass media of the Republic of Moldova, but the one from the left regions, Tiraspol, Bender etc and analyze it you will quite clearly see what is with the 14<sup>th</sup> Army artillery battalion, the armored car, the

officers, what was the role played by Gregorev-Lebedev (from the Russian *lebedi* ‘swan’) who had come under the name of Grigorev and later has become *White Swan*, and then *Black Swan*, that is he himself has recognized that Russians had not been correct in their actions towards our republic, our citizens, our Moldavians, but now they are not those aggressors that he had seen when he has been sent to fight here with us. It is very correct to say that we haven’t fought with Transnistria, as the left side of Nistru has been named. We have fought with the 14<sup>th</sup> Army artillery battalion, with a regular army that allowed like criminals to divide on forms of women, of children the weapons and munitions from the kazaks who were coming or better to say were sent from Russia, Leningrad, Moscow, Krasnodar, from wherever you want, many of those arrested and verified by us were former prisoners, former employees of the Russian army or had come as pensioners via our country. We precisely know how many armored cars there have been in this region, in reality we didn’t even possess armored cars, but speaking about present if you started off for a battle either you fight or you run, or don’t even interfere with it. We remained with our running away from the region that has been occupied by us, not occupied but in our control, in the control of the Republic of Moldova, the governmental officials, of course I don’t know what they took after, Mr. Snegur with his assistants, his sufleurs, who gave the command of retreating, it is clear that this was done, from our suppositions, under Russia’s influence, where they discussed that in an hour they would be in Iasi if it were needed. Maybe I am not correct saying these words, but it hasn’t been spoken on the Republic of Moldova’s behalf but on that of Transnistria’s, Tiraspol’s, 14<sup>th</sup> Army artillery battalion, even Russia, that is from colonies, generals which are known and if there has existed a region where we had contacts with them it was because of this that we didn’t have so many attacks. There have been attacks and quite a lot, but when they had to retreat and it was imposed that all the people from this region should have retreated to Bolboaca, we had remained with a small group and the armored cars haven’t come here yet, that is their aggressiveness was much weaker, but still we have been bombed. This was their war technique they promoted, but on the Nistru bank there were anti-tank guns, and dynamites that belonged to the 14th Army artillery battalion as far as one could see. The actions we want to achieve today are boiling in our souls for years, but firstly we didn’t have the necessary support from the mayor who was saying: ‘if you have to, do it!’. Today I have been being a mayor for three years and for three years I rack my brain and still the idea is present but the financial support is lacking. It’s not a problem with the ideas, we held many ideas in our souls, but with no financial support what could be done? You can only limit yourself to debating the ideas. Today we have some support from many localities where the guys are already ready, the county is ready to stand for us, we also have talked to Mr. Tarlev to whom we presented the ideas and I think he will support us as well; I spoke with the people in the territory and they will give us their support, there are even more than ten thousands of leys raised, what means that we are already ready to begin some project works. We hope to evolve if we start and if we are active. And the first stone, on the 19<sup>th</sup> of July, ten years afterwards we want to be laid in a notorious place of the country. And again we come back to the informative war: hundreds of monuments have been raised on the left side of Nistru. Meanwhile we haven’t been able to raise a crucifix for those boys who died in war. Even if good willed people had raised a crucifix here and there in the town on the places where the boys died, they have been removed and thrown away. And it is very painful because this idea had to come not from the town hall but from the government of the Republic. Nevertheless let’s keep in memory those who with their courage and heroism did everything for us to preserve what we had. But regretfully everyone keeps silent I don’t know why that even Europe will gossip about us; great is the mourn but what can we do? We have to keep on going, we are optimistic!

T.S. – Again you make turn strictly with my face to everything we have. If we have to speak about Varnita locality then I would say that we try to collaborate with them because we have common electrical nets, common gas nets, as well as common telephone nets and aqueducts, but regretfully a great part of them, for instance, the aqueduct of which 75 – 80% of water the city receives from Varnita. Whether you want it or not when times come and we have to perform some fitting out works which has to be done by the enterprises that are situated in the region the answer is the same: ‘But why do we have to do it?’ This five-storied house in the center belongs today partially to Bender city. Is it normal to be it like this? It’s not! If it’s a town hall it has to remain a town hall! And they answer like this: ‘Mr. Mayor, (they speak to me only with “mister”) according to the Constitution of the Moldovan Republic of Prednitstrovia, article 14, Varnita belongs to the Moldovan Republic of Prednitstrovia. Do you want to make troubles?’ I say: “ok, them give some help, let’s do...” “No, in Chisinau”. “Let’s build the road...” “We don’t have money.” “How comes that you cry loudly you have money since you have a locality!”. A district from north belongs to Bender city. We have 13 enterprises, the JBT factory, the JBEPKD factory, Timu etc that are situated on the territory of Varnita, but they want them to be considered as theirs. Is this normal? They do not pay the taxes, and they don’t help us with anything! They do not refuse nor do they give! The town says it cannot, that it has no money. I have concrete analyses: how much they have to pay for water, how much for the electric net, how much should they pay for many other expenses... I have declared the situation to highest officials but today, regretfully, we are blocked and we don’t have the right to force these enterprises to subdue to local public administration. And all the incomes should go directly in the Republic of Moldova’s budget. It’s a paradox! On one hand nothing has been done on the left side of Nistru, on the other hand there have been destroyed everything that belonged to Moldova 1. nobody even bothered to ask; and 2. joint venture have been created: Moldova with Romania, with MRP, but they still closed them! There is the so-called *Smirnov’s ukaz: do not permit to pass on the MRP territory any transport or other that is Romanian!* Not even transit is allowed through MRP! Voila, this is the reality! And we want to have something in common with them! God forbid! Where millions are circulating, you won’t find a common stand with the millionaires!

I.M. – What is your name and what can you say about the locality?

T.S. – I am a citizen of the Republic of Moldova, a patriot of our nation, fighter in the wartime and fighter for justice; I am the mayor of this village. I have been elected in a courageous fight, years spent in trials with the opposite part. My name is Tudor Serbov. I was born in 1947. I was a general director at the joint-stock company “Mecanizatorul” till now. The village has 6 150 inhabitants, there are 785 school-children of which some two-hundred are refugee from Parcani, Bender, Tiraspol, North Quarter, and from other villages from which they come to study here. The school is too small for our children and we have to rent something on the territory of the village, which again is absurd! There is the Russian school of Bender city in the North Quarter, which we rent for the Moldavian, Romanian kids who live in the North Quarter and respectively in that part of the village. It is very hard for us and they request payment for it. The problem is that we cannot find ways of solving this situation. Last year we started to feed the children; we restored the refectory, bought food and for a month and a half fed the children whom we are obliged to feed. We have approximatively 400 children that have to be fed obligatorily. On the 1<sup>st</sup> of September we began to feed them with normal food: tea, milk, porridge, sandwiches, bread, two times per week meat... it means that we try. Later in October-November we started to feed some more 90 children from poor families. We strengthened our forces and after the winter vacation we began to feed the 200 refugee children and dissatisfaction arose because we feed these strange children and ours we don’t, so we limited here and there our expenses and from the 1<sup>st</sup> of February all the children from the 1<sup>st</sup> to the 11<sup>th</sup> grades benefit of a 100\$ food. We have

had troubles because of this aids because we directed them towards the little children, later other troubles came on our behalf.

Melenciuc Ecaterina, teacher of French, School 19, Bender.

“I am the mother of two school children, two pupils at a secondary school, who are forced to study in the afternoon, from 1 p.m. till 4:40 p.m., because they don’t have a place to study. The school in itself doesn’t have a building as a normal school should have, we are distributed in three buildings, two of which are called auxiliary because a kindergarten and moreover the forest fold cannot stand for a school at all. The main school is a boarding school and since their children have lessons there in the morning we are forced to have lessons only between 1 p.m. and 4:40 p.m because at 5 p.m the children come to coaching and we don’t have any possibility to study beyond the curricula, to create and do some extracurricular activities and some consultations or simply meet with the children, because we want to and the children are willing to but we don’t have a proper space for this.”

I.M. – Mrs. Melenciuc, what is your opinion about solving the conflict, are you optimistic? Do you think the mediator forces play any role in solving this problem? Who do you think from the international bodies like NATO, OSCE, UNO will be able to make order here?

M.E. – You asked me about optimism and I would like to say that I am an optimistic person but regretfully during a period of ten years my optimism decreased and I think it will be soon equal to none. When all these conflicts aroused my children were in the 4<sup>th</sup> grade and in the 3<sup>rd</sup> grade and I thought: ‘ok, if not this year it might be the next year, if not in two years then in three years it will be better and we will achieve something good. Nevertheless, nothing has been solved out, and my opinion is that as long as Moscow has its own interests here and will interfere in Moldova’s affairs the situation won’t be solved because everything comes from Moscow. This is my opinion. It hurts me that nobody from the government, from the parliament, from the country’s officials, even it was Snegur and Lucinschi and Mr. Voronin today, or maybe he wants to be called “comrade”, nobody stands up to say loudly that Moscow interferes in the Republic of Moldova’s affairs. There is nobody to do the same thing Shevardnadze does in Georgia or others do in order to solve their problems. I don’t understand why we have to subdue to others since we call ourselves an Independent Republic. Yes, we are friends; we are comrades, but nothing more than this. This is my opinion. I don’t know, I cannot see anything done for now. It was a time when we were thinking of help from the international bodies, but it seems to me that even they won’t be able to do anything for us. So many meetings have been held, so many negotiations have taken place and we still aren’t moving forward; nothing is evolving to something good. The compromises that are done are on the Republic of Moldova behalf in favor of Transnistria; meanwhile Transnistria stubborn and doesn’t give us a thing, absolutely none!

I.M. – What do you think should Kishinau’s government do in order to solve the conflict?

M.E. – I have already told you what the first step should be: persons entirely devoted to our nation should rule our country. Someone like Stephan the Great but whom I really don’t think we’ll have ever. I really don’t know what should be done; everybody is playing Moscow’s cards.

Angela Chiperi, director assistant in a primary school.

- I have already told you that the school is distributed in three buildings. There are some 1

900 children in the school, this is almost 2 000, of whom 650 are first-graders. The primary school holds its lessons here, in the kindergarten. We may compare the situation we are in, for instance, not far from us there is school 18, a Russian school. It is a typical school with a sports ground, a swimming pool, well-equipped classrooms, whereas we don't have at least something of the things they have: we don't have a refectory, the children are small and their health has already suffered and we are not able to give them at least a hot tea with a sandwich or something. Moreover children have to take a trolleybus or the school bus in order to reach the school. The school buses are taking children to school from allover the town. A seven-year-old child has to wake at 6 o'clock in the morning in order not to be late to school. Sometimes the buses have to make to routs in order to bring all the children to school. There are children who study in our school whose both parents are Russians but they wish to study here. This year there are already three classes formed and the fourth is on its way. So this is the situation here.

I.M. – How about your optimism?

A.C. – Well, in regard to optimism of course it should be present, otherwise I don't see a solution to the existing situation. I think it should be solved with the help of the international bodies, for example, with the help of OSCE there has been adopted a project of repairing the kindergarten building, its roof and interior, changing the heat system, the water system. We hope to move slowly step by step to something bigger. Hope is the last one to die.

I.M. – How do you imagine yourself the solving of the conflict? What should happen or maybe you have already lost your hope in a solution?

A.C. – It will be solved, I don't know how concretely it will, but it has to be solved.

I.M. – What is your opinion of an eventual frontier? Actually, we may say that the two states have been already formed. May it be a good idea to abandon the special status of Transnistria that is very popular on this side of the river and is not accepted by Transnistria, or maybe if Transnistria doesn't accept the statute of federation, it's better to create two separate states?

A.C. – No, certainly no!

I.M. – Why? Do believe this may be seen as a giving up?

A.C. – Yes, it's clear. I don't even imagine that we can get to such a situation; today we give up here, tomorrow there since it's not for the first time in our history, and what remains is what remains...

I.M. – Does this mean you will not accept a yielding? Would you consider it senseless to raise a frontier?

A.C. – No, I cannot imagine a frontier, no... Though there is one now, people hope for an elucidation of the situation and I refer not only to Moldavians but to the Russians who live in cities as well. You can notice that those who have come a long time ago and are senior now have a totally different opinion from the one of the youth. The situation in the city doesn't allow

people express directly all their thoughts about it.

Ruslan, pupil I

Firstly, we didn't have access to information, to literature; the situation is like this. There are 30-31 children in a class whereas places only for 20. There is a gym but it is only for those in Secondary School. Kids from the primary and gymnasium classes do not have access to it. Anyway the conditions in the gym are not so as they should be and our human rights are violated. We are obliged to speak Russian more than Romanian in the city. Romanian is only for school and for home, you know.

I.M. – What University will you go to?

R. – I'm not sure yet. I believe, to the Academy of Economic Studies in Kishinau.

Olga Sarbu, pupil II.

- I spent my school time less nicely than children from other schools. Our school is divided in three buildings and they are not situated near each other; that is why we are now in the boarding school. There we have a gym, there some conditions there, but the children from the 5<sup>th</sup>-7<sup>th</sup> grades study in the forest farmstead where there are no conditions at all: they don't have gyms, or grounds, there is absolutely nothing, not even computers. We have had access, teachers helped us, informed us about olympiads, organized trips for us to Kishinau, to theatres...

I.M. – Where will you continue your education?

O.S. – In Kishinau, at the State University, Faculty of International Affairs.

R. – That school in town is a modern project, but they are not able to finish it for 10 years now; in this school the circumstances are less favorable for studying.

Pupil I – The greatest support we have comes from our teachers. They do everything in their power to make us understand the taught material, because it is rather difficult. We go on trips according to our possibilities; we have fun...

Pupil II– Our parents support us financially very much.

I.M. – Do you have a feeling as if being in a strange country?

R. – Yes, there is even customs, you go and you cannot enter or leave without an ID. Not long time ago we paid a fine of 50 leys at the customs.

Pupil II – Yes, sometimes you may be stopped when you speak Romanian in the street as well as they may ask you to present your ID...

Pupil I – I have paid a fine of 50 leys for not having the identity card on me. I was walking on the bridge and speaking Moldavian and they said it was nonsense what I was saying.

R. – Yes, there three official languages: Ukrainian, Romanian, and Russian. Meanwhile all the officials, the police, justice bodies speak only Russian, you cannot speak Ukrainian or Romanian

at all.

Pupil I – They said you don’t have the right to speak when walking in Moldavian; it is better to keep silent at all.

I.M. – You sustain it’s sentimental you live in a country as weird as this one...

Pupil II – Yes, all the educational support is in Russian and if it happens to be in Romanian then it’s written in Cyrillic alphabet. We don’t have access to all the sources of information.

Pupil I – Russian schools have more access to information than we do.

I.M. – Don’t you think it will be much more difficult for you in Kishinau if you are accepted at an institution?

R. – No, I don’t. We have worked here for three years, those from Kishinau do not work s we do here. We come to school in the afternoon at 1 p.m. I don’t know but is there a normal secondary school in Kishinau that has its lessons beginning with 1 p.m.? They all go to school in the morning. When you go to school at 1 pm you are already tired and you’re not up to learning anything. But have worked hard and I think we will succeed without any problems. Some children from our school went to study even in Romania and they resist and deal with it quite well.

Meeting. The discussed topics were:

- Assuming the headquarters;
- Beginning of repairing it.

Teacher 1

We will never finish the reparation. They will again thwart us and we won’t pull it through. Let’s start it and they will not be able to stop us. The money has been earmarked for the school, what else do they want?

The principal

The law of preserving has taken on one side, has given on the other and it is a miracle that we can still pay for the water and other services, but if you don’t pay for them, the authorities close the school and there is no way you can work. And how are you supposed to get the license, if nobody signs it. Even if we have a rent contract, neither the demiological station, nor the firemen would sign the receive document, because the building is in fact not repaired and it is far too small for 700 children.

Alexandru Gorgan

You know that Smirnov has been missing for a long period. Some people say that has rested, , other that he has followed a medical treatment, but I know something else, that in Moscow he has been proposed to leave from here having a certain offer in Russia. Putin has told him that this

**Ion Mardarovici**      *“NATO and the security in the Eastern countries during transition times”*

way he will naturally disappear. It is really the way he has been directly and toughly told. He is convinced to leave, because Putin, who has western, European visions doesn't need this situation. The matter of Transnistria has been discussed with the president of the USA. It has become international and some people say that Cubreacov appeared as a result of this discussion. So, these are pretty complicated things that become international, but can't be seen at the surface. Today these are some attempts of letting people know that it is starting to end. Russians don't need that! Not all of them, I speak about Putin and others that have more western, European visions, after all they are being accused by Europe, by the West of not fighting the separatism, the terrorism and of supporting Transnistria.

Teacher 2

This is a story, they have stricken their roots and you there's nothing that can help us to pull them out. Only being together with those from Chisinau, only uniting we can resist, but only with the help of international bodies. The Russia itself won't solve a thing, because it has other interests. Russia is forced to accept what it is being told by Europe. We should not really hope that the actual government will help us. But we have to hold on; we don't have other solution, do we?

Teacher 2

Yes, look at us, we are holding on for already 10 years, we are being patient, patient, patient... and still nothing changes!

A.G. – if there is another solution, let's do it, but there is no other solution! We must be more active in the internationalization too. That step from May 31<sup>st</sup> when all those from Tiraspol became softer is a proof that something is definitely going on, we don't know it, but something is going on. Being a native I personally care about what happens in Transnistria, and because I have been for a while in that high state medium I can't be indifferent. I can't detach myself from what's happening as long as people are being flouted. We must knock for help at the door and of our Romanian brothers and at other doors.

The principal

But you know, something is starting to change for better. Even the fact that we celebrated the anniversary of 10 years a year later; we, the administration together with the parents thought about it carefully. We should have celebrated on September 1<sup>st</sup>, but we did it on the 31<sup>st</sup> in order to attract the attention, to show that we exist. And when we did so, those from the international organizations really softened. Mr. Gorgan told us that we should address Romania, we did that: we went to the Parliament, we went to the Senate, and we went to the president. We informed them about all these problems. And they told us one thing: we want to help you with all our heart and body, but the government of the Republic of Moldova tells us that this is interfering with the home affairs of the country. There would be another way through the non-governmental organizations, we've tried, but the results can't be seen immediately. But still our existence depends on the fight we are ready to perform. If we give up, nobody is going to come and help us. The political situation is changing.

Teacher 3

I understood that they don't intend to look for any solution to our problem; we have simply tried

all the possible choices. We could have obtained the 40<sup>th</sup> kindergarten, thing that we had worked for but they didn't let us. But still they see a certain force in us, they see that they cannot change our conceptions, and they think about other ways of doing that. This matter troubles me a lot, because what do the Transnistrian authorities do? Only through lies! What they say is right, but if you try to open your mouth they say, “that's it, you are making things worse”. And there is something more that I have noticed: in April we were invited at the Ministry of Education and the School 19 from Bender, the school from Rabnita, the Boarding School were also there. I was surprised a lot that they are seeking all the ways of destroying us and they expressed clearly enough that it is not acceptable that the Boarding School that is situated on the territory of Transnistria admits children from both Moldova Tiraspol, who gives them the recommendation to come to this place? Urgent measures should be taken!” So this is a step of destroying School 19, because they are united, they have something in common. We are next on the list and the method is very simple: wherever we go they say that the School 20 from Tiraspol never produced any documents and if they do they are not drawn up properly”. And we had a lot of troubles with these documents. You go to one place and you are told one thing, you go to another place and you are told another thing. And they still say that the license of the School 19 is not good. These are all lies, because School 19 deals with the same problems. It is obvious that we have to maintain our position and I think there is no one in our staff who would make us changes it. But you know when reporters came from FLUX; I personally didn't want to issue any statement, to give any interview, because everything remains only on the paper. I am disappointed and I have lost my hope! I trust only our own forces and the meeting we had on the 31<sup>st</sup>, when Mr. Han was saying that we insisted on obtaining the kindergarten 40, because it is convenient from many points of view: it is close to the School 22 and our children are from the territory, but as Mr. Han said they insisted on giving us the kindergarten 34. If we motivated that it is too far, they said that it was not that bad, because they had considered the fact that the children can take the trolleybus and they had calculated the time and they had reached to the conclusion that 500 m is not that far and if parents really want it is not that complicated. When he studied in Czech, he had to change three buses and needed 2 hours for that. I wanted to interfere, but they didn't let me. Let him get on the trolleybus, you are left without clothes and anything. The trolleybuses are coming from 15 to 15 minutes and they are so agglomerated that if you try to get on it and go to school, you are crushed. Finally it is not that big the problem of getting somehow to school. The biggest problem is the School 22, which is very close, because there the conditions are artificial; there they have no normal attitude towards these children. Their conditions are poor and are created on purpose in order to fool the people. The children can't even read and the level of teaching is also very poor. After some 5 years there will be no Moldavian school at all.

A.G. – Do you know what Russians from here say? That Moldavians tire too fast. They mean during a fight. It is true but only for a short time.

Teacher 2

I think that the government of Moldova is tired to fight Transnistria for 10 years! It simply gave up!

A.G. – That's not it! Watch Israel, if it is a strong state it fights. Moldova has neither the possibilities nor the desire of accomplishing its purposes. Moldova can't do it.

Teacher 3

**Ion Mardarovici**      *“NATO and the security in the Eastern countries during transition times”*

We have only 7 schools and we don't have so many graduates as they say that we have filled the world with our graduates. When our children go to Chisinau they are abandoned everywhere and they find themselves in the cruelest conditions. At graduation exam they are already given certificates that they are students at this University.

The principal

We have discussed the problem of the Cyrillic writing in schools. We have asked that 10 % of the Transnistrian schools to be stated and named in the official document as schools with teaching in Romanian. And they promised that it would happen.

Teacher 3

Let's see what happened last year: the majority of children from the republic, all having grades of 5 transferred to schools from Romania but only one of our students became a student of the lyceum.

The principal

They have only 10s in our country, but it is very hard to receive a 10. Later they found another solution. As we had classes in every corner of the city, they started restriction and not expansion. We moved to this building and they intend to remove us from here too. As it is said: Moscow is big, but you can't give back.

Teacher 2

I come from Garagasi every day and I take my children with me all the time because the study in different halves of the day, so they stay here from 7 until 3 o'clock. Now both of my children are sick, because they weren't eating from 7 and how long do you think a parent can hold on to his position?

Teacher 1

It is really very hard. When speaking about sight problems, the first place in the town belongs to us. The children have a medical record. I noticed that my kid is not reading properly when we passed the medical investigation it was 0,4 can you imagine? How long can this last? After all you start to be tired of all of this. You think about your kid, about other's kids, but our children are dear to us too.

The principal

I totally agree, but we must endure a little in the situation that has occurred. If we start saying that we are tired, we simply give up. It's true we have been slightly supported by the authorities from Chisinau, I repeat slightly! Only through international organizations! Only through this we can survive!

A.G. – Mr. Principal, being present is one thing, but it has to be wanted by the government of the Republic of Moldova too. During all the seminars we attended they admit that there are problems but the government of the Republic of Moldova has never officially appealed to any international organization for solving the problem. When they are convinced and want to solve it, they will. If

**Ion Mardarovici**      *“NATO and the security in the Eastern countries during transition times”*

they look with one eye at Moscow and with another eye at I don't know what, they will not work this out. You can receive help if you seek help. If you don't want any help you won't get it. They wanted to solve the problem in Yugoslavia? They did it.

The principal

During all the sessions I attended all the deputies of the city Committee were thrusting at me with their fists. We have been through so much; we have survived only through words. According to Transnistrian laws, laws that are recognized by no one, we have rights to the existence of schools with teaching in our native language. Even according to their laws we have these rights. But how for many times I have been called at the prosecutor...

A.G. – it is clear that you are little bit subjective. Not all of the people understood these things; there is a whole new situation today. How many people have told me that they are both Russians and they have 2 children that study in your school. It is your accomplishment it is true, they fear the harvest that you are going to have.

The principal

They used our schools and they obtained political money on the backs of our schools, of our fight, but they surely forgot about us. I think they have committed a crime by doing this and that is why I appealed to Mesager and they couldn't find a man to shoot. I have been told to shoot this myself and send them the tape and maybe they would show our celebration. So the principal of the School 20 should trouble himself with how to send the information when they are the ones when need it.

A.G. – Starting with '95 I was appointed as a presidential security counselor. One day I was called by a person who told me that there was a man who had been president of the kolkhoz for 60 years in Grigoriopol and that it would be nice if the government of the Republic of Moldova would thank him somehow. And I went to Snegur and said to him: “Mr. President, I propose to decorate this person with something”. “But who will go hand him this decoration?” I say, “I will”. And I really took it, I went to him, I met with him, I insisted, I came, and I found a way. And he shed tears of pain and of joy. They handed him in Tiraspol the medal of the Soviet Union but he said, “I have got three more of these”. But I handed him the Order of the Republic.

When 10 years passed from the day when the law concerning the functioning of languages, decorations was given to teachers from Todercani and to no teacher from Transnistria

Teacher 3

The principal reached the age of 50. Why wasn't he decorated?

Teacher 1

The teachers are staying in queues for apartments. We do not have that right and we don't even have the dream of getting an apartment one day. We have one room in a hostel, we live there with 2-3 children and they are taking you out of there too, but we pay enormous sums of about 200leis only for the communal services. So what is our future?

The principal

So our children, Moldavian’s children live in hostels. We are still young, but our lives go on and there will be a time when we retire and who will pay you the retired pay then? Will the young pay it to you? There are certain advantageous conditions, but we do not benefit of them.

A.G. – The solution is that we influence the situation in order to have at the head of our state people that would be besides us with their hearts and souls. Because we are teachers we should enlighten people’s minds in order to help them take the right decision and only then the Parliament would also find the solution for the teachers by sanctioning a normal law for them, for the children... there is no other solution.

Sooner or later these two banks will unite. Today we can’t solve the problem of making the school from Transnistria to be recognized. It means that the last and the only solution are to be united, to support each other and not to create any conflict among the members of the staff and among students. If it is necessary, we will rise together with our parents and children in front of the school and we’ll stay there as long as it takes. There is no other solution to this problem.

Teacher 3

I’m bothered by the fact that we do not have children. We do everything we can and we have results, almost all of our graduates are students. Those who graduated are already having problems with the employment. My daughter who is a student at the University of Medicine from Chisinau, told me: “mom, I won’t be able to come for the third practice in Tiraspol, because these from the university say that the practice performed in Tiraspol and other cities but the district centers isn’t accepted. So everything is somehow blocked here. As long as we do not work the problem appears: they don’t come with the heart and that enthusiasm that start alerting me. Parents do not want their children to study here.

Teacher 4

Parents wait for the problem to be solved and then they give their children to school.

Teacher 3

They never consider the fact that children need 40 minutes to get to our school from another corner of the town and at 7:30 they already sit at their desk. In my classroom the 2<sup>nd</sup>, the 7<sup>th</sup> and the 8<sup>th</sup> grades have lessons and you can only imagine the desks they sit at. Their feet hurt, they suffer from scoliosis, and it is very difficult. We have no 10 minutes break, all our breaks are of 5 minutes, the lessons last 35 minutes and God knows how I’ve spent thinking about the way of placing 35 classes in 11 classrooms, about the way of making the schedule of the teacher so that he would work in both the second and the third shift and so that there wouldn’t be any gaps. When the weather is nice it is realizable, but when it rains and when the first shift isn’t over yet, but the second shift has already arrived the atmosphere is awful. And parents also fear for their children’s health and it is very difficult. That is why we knock at everybody’s door that is why we want to accomplish something. Me for example, I have nothing against about moving with

the elder students to that kindergarten, and let the younger ones stay here. Having two buildings in two different corners of the town would be the perfect solution. But there are people with big hearts and I think we will have two first grade classes and at least here we will do whatever we can

Teacher 1

The kid knows one thing: if one promises something, that person has to respect his promise.

There is also the problem of enterprises. Our staff was made up of 19 chiefs. The number of Moldavian professionals has decreased because of the problem with the school. If the problem with the school will be solved, the problems with the other enterprises will be solved too.

The principal

It is quite interesting that we have been put all together: the prison from Bender, the School 19, the School 20, and the boarding School...

Elizaveta Afanasiuc, Romanian language and literature teacher.

I worked there during the war and we used to sit only in the basements or cellars. On March the 2<sup>nd</sup> the first parents was killed. Later, on May the 20<sup>th</sup> the three-year-old daughter of that man and an 8<sup>th</sup> grade boy were killed. When bombing began, we used to sit between the doors in order to not let something happen to the children. All people left for Romania, for other places, only we together with the children continued our lessons until the 20<sup>th</sup> of May. On the 24<sup>th</sup> of May they took because the racket broke in front of the house and I had an appendicitis attack. I was taken to Dubasari. There they didn't have anesthesia and I was transported to Tiraspol. I was forced to lie about my work place; I didn't say I was a teacher of Romanian and that I was a member of the Popular Front. And I said that I worked at the factory of manufacture from Dubasari, and that's what they wrote in my medical certificate. I returned home but it still wasn't over. On the 1<sup>st</sup>-2<sup>nd</sup> of June I was back home but we were still living in the cellar and when autumn came the whole village was divided into parts: one with Moldova, one with Transnistria. They came and ordered us to get out of school because the school was with Moldova. The principal was fired and I was threatened and summoned from several times to a committee of 15 people and I was told that I had two choices: whether I deny Romanian as a citizen of Transnistria, or I write my resignation. They came at school with dogs and they forced us to get out of the school and they took us to the House of Culture, so that it would be unanimous. We, all the teachers were defending the school, the village, but there were people who rose to put us down. So the school was taken to Dubasari, the principal was dismissed and I was expelled. Not after a long time my husband was killed by separatists because he was a teacher of Romanian too. My children didn't want to leave me in that village where I had built a house, where I had spent all my youth and that's why I came to town. My children are grown-ups, my daughter lives in Causani, she is married and has two children, the other daughter lives in Chisinau, and she works together with her husband at the Kindergarten 41.

I.M. – So what keeps you here?

E.A. – My son-in-law always asks me: “why did you come to “wonderland”? Why didn't you come to Chisinau?” I could have definitely left and after all that had happened, I mean after my husband had been killed and I had been threatened and fired, I could have received an apartment

**Ion Mardarovici**      *“NATO and the security in the Eastern countries during transition times”*

there, but I have an elder sister here and my children brought me here, because they had been afraid to leave me because I could have been killed too. I have remarried and my husband doesn't let me go anywhere. That's why I remained to live in Tiraspol.

I.M. – But you have preserved your beliefs.

E.A. – Yes I have preserved my beliefs.

I.M. –How do you think, will these conflicts ever end?

E.A. – I don't know, I don't know, it is difficult to say. I have been working in this school for 8 years and since then I have been a leader. The staff, everyone seemed to be very excited about the strike against the government, everyone spoke but nobody wanted to go. I was sick, I had a fever, but still only the principal and me from our school participated at the strike. There were problems with the salary those days and all the schools went so we went too, because we still belong to this Ministry and we had to go.

I.M. – How do you think is it possible that being mediators Russia and the Ukraine will somehow solve something?

E.A. – Maybe, but this is only talking. They need too much time for reaching a compromise and really solve something.

I.M. – What about UNO, OSCE, NATO, will they be able to do something?

E.A. – if they wanted, they could, they would do. If they had wanted, they would have done it long time ago. They have been coming for eight years, but still nothing changes.

Ion Muta/the president of the parents committee /the 20<sup>th</sup> School/Tiraspol

I am a teacher of Physics and Mathematics, but life has forced me to work for many years at the plant from Tiraspol. I have been advanced and the line of my advancement started with master and ended with the production director's assistant. Now, I'm unemployed, because the political situation has driven to the moment when we 12 people were all dismissed from their jobs, the majority of them being Moldavians with high education, with an experience of about 23-25 years of working at the plant. This was a result of the state politics according to which all the Moldavians were dismissed from their jobs. Yes, we were promised to be given other jobs, we were sent to the personnel office, but we wrote petitions, we quitted and the boss, the general director said: “you are free, guys! You'll be drinking for the next two months, and then you'll beg me to take you back”. Well, he was wrong, because as long as he is the director we are not going back. We will be unemployed; we'll find other jobs in Moldova or here. Now, of course, it is very difficult to find a job in Transnistria, because when you write your nationality it is very hard. Even if many persons say it doesn't matter, I speak from my experience.

I.M> - But as a parent, how did you decide to bring your children in Moldavian school, how do you hold on and what problems occur because of this?

I.M. – You know we are a Moldavian family, we were born on the bank of Prut, in Leuseni, my parents and my brother live there and we have never even considered the idea of giving our children in a Russian school. Even when they were little, they weren't yet studying, we had only

one idea: our children will study in Moldavian, Romanian schools because in our family only Moldavian is spoken. There are cases when between us the son or the daughter of Russians asks us something in Moldavian. We answer them in the same language, even if they are Russians. I sometimes reprove them and if there is someone who doesn't understand, they are stupid because they don't know Moldavian language and we are smart because we know more languages. That was the solution: to give them in Moldavian schools. Now we are having very big problems, because as every parent would like, we want our kids to study in a beautiful school equipped with a sports room, with a Hall, with a canteen where they could. We want that in order for our children to study normally, to study in maximum 2 shifts, not in three or in four. And this is no comfort. Excuse me please, but the same toilet for so many children! It is impossible; I mean the smell and everything else. I spoke for many times, I proposed them to give us the School 4, which is situated in the yard, in order for us to make it a Moldavian one, if they say there is no politics. But let these children go to other schools for us to see that in Tiraspol we are Moldavians, that we have come on our land and not on a foreign one. I also proposed them to give us the building of the Ministry of Education; I mean why would they need a building that big? Move the ministry in here and let us have our school there, because in that building had been a school, the boarding school. But the problem is they want us out of here. This is not going to work because we don't give in so fast. For all these years Moldova has been humiliated, has been subdued to the process of russification; there are many cases when both parents are Moldavians but their children don't know a bit of Moldavian. Politics is big and big are the problems, they are very big. We won't be able to solve them on our own, but if we unite it is possible. Two Germanys have united, but when we speak about two banks it is much easier, isn't it?

Padurean Raisa/ principal assistant /School 20/parent

As a vice principal and as a mother of two children that are studying in this school, I'm worried about their future, because after having worked for so many years in this school and because I'm a teacher, I have chosen this profession I can't quit, I never will. As I have already said, I'm worried about my kids. My elder boy has graduated from the 9<sup>th</sup> form and the question is where should he continue his studies? As much as I have thought we have no other solution. I can't send him anywhere because I can't afford it. Here he will have big problems because he has studied Romanian and here all the institutions of education are Russian

The principal of the School 20

The school exists for about 10 years and during all these years we fought for existence in the most severe conditions, because the local authorities as well as other organizations were against this school, because they understood that the studies here are very serious and that we summon our children to love their language, their people and to understand where they come from and where they head to. In fact, here in Transnistria the school is an oasis of Latinity, is a pillar of romanianship. As the leaders say, the Transnistrian conflict has an ethnical basis. It is not correct! The main thing occurred, because even at the beginning of the '90s people started to understand that the Soviet Empire was going to crash sooner or later. So, they did their best in order to create the Transnistrian Moldavian Republic. The existence of our school is constantly bothering someone. School 20 is an oasis of Latinity.

Being in Tiraspol and not knowing the language, they came to take the guns in their hands in order not to lose their good positions and not to learn some Romanian words. I think that sooner

or later the Transnistrian conflict will be solved and the Republic of Moldova will develop and will become a democratic, independent state, an incorruptible state similar to the European states, a state with transparent borders. It will become a state ruled by law, where the human rights, the citizen's rights, the children's rights will be above all, because here is the place where all these rights are violated. The children's right to learn their native language, the right to information, the right of life is all being violated. Together with the parents we will protect the rights of these kids, the rights of the majority of the population, because not the rights of Russians, Ukrainians but the rights of natives, of Moldavians are being violated. If the process of russification will go on, if schools that are called “Moldavian”, but study in the Ceridian writing will continue to exist, sooner or later the native population from the eastern part of the Republic of Moldova will disappear “, because would prefer to give their children to a Russian school or to leave the zone, than give their children to such institutions. In some 10-15 years there will be no problems and only Romanian will be spoken here, as it is spoken on the territory of the ex Autonomous Soviet Socialist Moldavian Republic, as in districts like Balta and other. That's why we don't have the right to give up and we will defend our children's and Moldavian's interests.

Rotaru Dorin, pupil, lyceum “Prometeu”, the chairman of the strike committee

We have started this strike and our protest action being convinces that the recently promoted ideas in our Republic are directed against the national majority from the Republic of Moldova and we decided as is befitting that only participating in the strike, a form of protest, and being in the square our option will get to the those who govern. We didn't do this thing for political reasons, because for now we don't belong to any political party, we did this out of my conviction and for the idea according to which I have been educated and in which I strongly believe. We didn't promote actions of violence, though even other Moldavian friends, not speaking of Russians, have provoked us. It hasn't been us who provoked violence and certainly haven't promoted it in any way. As far as it concerns that it is has been declared for instance that we are not supported by the majority of population this thing is firstly due to the fact that in the country, outside Kishinau city, the only TV channel that could reflect our actions in the square has been the National Television, which reflected our actions in a bad and incorrect light and therefore even relatives of mine still believe that the communist idea is the best and they promote the idea that if 20 ley have been added to the pension everything will be OK. In reality even before this there have existed economical problems, either can we sustain that they were lacking before the coming of communists, but their promises are unreal and we have already achieved the defaulting threshold, so we cannot speak of a progress. As far as concerning the problem of the history of Moldova and of the Moldavian language, I interpret them as follows: they have been created just for attracting the attention over the social aspect and to avoid discussions about the precarious economical situation. This is how the entire attention of Europe has been driven to this protests more and they delayed the time a little in order to improve the situation.

There have been many provocations though we have tried not to react to them and further on, even after some time the protests had been over we still are being provoked. The left-wing press is still publishing articles that use absurd terms about our lyceum and implicitly about me. Nevertheless we will be anytime ready to answer back, because our arguments are logical and originate in a profound knowledge of all the aspects of this problem. Those who have been in the square, spending their practically all the nights when the strike was held non-stop, have talked to many of the present people, the majority of them being pupils or adults with a good conscious and who were realizing quite well about the actions they were doing, but those who have been against us couldn't find arguments but swearing at us or something of the kind.

I.M. – To what extent do you think the children’s participation to these events has been justified?

R.D. – Since I am a graduate these decisions practically haven’t affected me, but anyway for my colleagues, for those who came behind the undertaken actions have been first of all against the pupils and it has been normal that the teachers stood beside their pupils in these actions of protest, because those who really see the real face of the situation cannot accept a history of Moldova that is an integrated part of the history of Romanians, as the problem has been presented. We all would have to study a history of Cainari, a history of Kishinau etc, finally a history of the region place we live in. nevertheless, the history of an ethnicity, the History of Romanians, the fact that we are living separated for some time, cannot make us forget the past, the past must never be denied. We have to accept the present for what it is and try to do the best we can, we have to activate in the conditions we have now.

I.M. – What have revolted you mostly as far as concerning the language problem? If you were in the 9<sup>th</sup> grade and you had to study the Russian language, would you study it?

R.D. – As far as concerning the Russian language the fact that revolted us mostly was the obligatory character of studying it. Every language has the right to exist. The Russian language had to be put on the same scale as the English, French etc languages. If the pupil wants to study the Russian language the better for him – he may study it. If he wants to study English, he studies English. The option liberty has to exist. As long as it is not the native language, because if it were the native language then it wouldn’t be a problem to study it beginning with the first grade.

I.M. – Don’t you think that with these events that look like being provoked, the government who was the first to begin with its decision had the intention to split the society? Because during this crisis we have to look for elements that would bring us together, that would unite us.

R. D. – Surely this was their main purpose. You have probably noticed that after these actions a polarization of opinion occurred and it led to an intensification of the tensions through the fact that some people have taken part to the protest and others haven’t. Somebody at least agreed with the given idea, but many people look at us with criminal, maybe hostile eyes, though we have tried to make our actions as peaceful as we could. Even though some say sometimes these actions had an ultimate character, anyway at a certain point they discovered that this ultimatum might reach the ears of the governing officials, because they have never tried to appear on the square for a fair dialog. They avoided the dialog whatever it took and then this ultimatum came up. They were testing our patience and then we tried to find an answer in 24 hours.

I.M. – The Ministry of Education was very concerned with the classes you have missed while being in the square. To what extent has this fact influenced your results at the end of the school year? Do you have any regrets about what has happened in the square?

R.D. – We have discussed this topic with the minister Sima, who has been to our lyceum and I have told then and I repeat the same today: we have prepared twelve years for these exams and the accumulated knowledge permitted us to give the baccalaureate even in April. The results themselves reflect the fact that these actions haven’t influenced in any way our preparation for the baccalaureate. Those who possessed knowledge were the ones who have participated more actively in the protests and now, when meet them I hear they sustained the exams very well. The ones who have been afraid and even went to classes gave the exams worse than we did. Again the results speak for themselves. If it were not possible to declare this before the baccalaureate now we are saying it openly and with our heads up.

I.M. – Does it mean you don't regret a single thing?

R.D. – Absolutely nothing. It has been a period when everybody has shown his personality and there have been such moments I will never feel sorry for and yet it has been a crucial moment for the Republic of Moldova, as well as for me, because it was then that everybody showed his verticality.

I.M. – Anyway, do you think you have learned your lesson from this?

R.D. – Personally for me participating to the protests has been a life lesson.

Tabarcea Dumitru, vice-president of the strike committee of the pupil from lyceum “Prometeu”

Referring to the actions in the square: speaking about them I would like to begin with the premises that have led to them and concretely it has been that democratic vote invoked by the leading party, pretending that it has been voted by the majority and that is how they obtained the power in their hands. If we compare the persons who have voted and the ones who in their majority participated to the protests, we see the evident difference, because at protests were present mainly pupils who have no right to vote, but we are that generation that hasn't been raised in the spirit of communism as our parents and grandparents had and I think it is we who have a democratic mind, a mind which is uncontrolled and personal. Referring to these actions and the involvement of the lyceum in them, we have been criticized and the official newspapers published numerous articles that sustained that the pupils are compelled to go there and that it was not their free choice, but the choice of others, it has been written even that the pupils were doing this not for themselves but for Rosca. I consider these statements absurd, because the majority who has taken part to the actions of protest did that for themselves, they did that for the ideals inoculated to them, for the fundamental human rights that have been violated and because of those decisions of the government to introduce a history of Moldova, which cannot exist as a history outside the history of Romanians, and of that Russian language imposed as an instruction language beginning with the second grade. It is absurd and my opinion is that Russian may be introduced as an optional language, as the second foreign language beside German, Italian or Spanish and it wouldn't have been a problem. Those who wished to study this language would have studied it anyway. As far as concerning these proper decisions of the governing party as well as other decisions, my opinion is that these decisions aimed to splitting on the internal plan both of the ideas and of population, and there were decisions that led to a worsening of the relationships with Romania. Considering the crises in the relations with Romania, I believe they were directly leading to the isolation of the Republic of Moldova on the international plane, I guess it was a wish of theirs, because when the relations with Romania were worsening the relations with Europe were worsening too and the only opened door faced Russia and the ISC countries.

I.M. – To what extent do you believe in the future of a communist Moldavian state?

T.D.- I believe that the idea of communism is an old-fashioned one. Communism belongs to history as Nazism and fascism does. To my mind the Republic of Moldova has no thriving future as a communist state.

I.M. – What measures should the international bodies overtake? Do they have to listen to you, to take attitude towards your protests? What kinds of help are you waiting for and who should

provide it? As far as I know there have been taken some decisions in favor of protesters.

T.D. – These decisions have been taken by the international bodies and have been imposed to the governing party, it stays only to see how they are implemented, thing that the leading party is not hurrying up to do and which is expected by us, the participants to the protests. We expect the international bodies to fairly evaluate both our requests and those violations produced, we expect them to take a correct decision, which I am sure will be in our favor, and I think that at a possible extent the international bodies should interfere and not let the Republic of Moldova become a barrier between Eastern and Western Europe.

I.M. – How about the admission to Euro-Asia, from September-October we have all the chances to have Russian frontier officers at the frontier between Romania and Moldova. How do you think, will this time, when you are coming of age, people go on a strike again? Could there be a problem that will get us out in the street again?

T.D. – To my mind this Euro-Asian union is a parody to the European Union. It is one thing the abolition of the frontiers between the countries-members of the European Union and the trading and the goods traffic among these states, the majority of which are highly industrialized and well-developed and it is completely different the situation of this Euro-Asian union, where the majority of the states have a transition economy and are low-developed, as the Asiatic states that possess some mineral resources, as for instance states rich in petrol. This union is not indicated at all.

R.D. – We should specify our situation in the context of the Euro-Asian Union. Nevertheless, the legal frame should be set in a national referendum. Because though the communists affirm that they represent the option of the majority of the population, they should open their eyes and if we carried out an experiment of taking some 100 prisoners and name them communists, in the countryside the information would reach already mutilated and they would vote for them anyway just for the name of communists, because there still persist some memories 10-12 years old and some affirm that they had had a good life back then. In reality they do not represent the option of the nation, they would better do a referendum and would set two options: European Union and Euro-Asian Union and if this problem were largely made public as well as the referendum, and arguments for European and Euro-Asian Union were presented we would see what option would people chose. If they do this without consulting the nation, by themselves I think this act would have to face a strong wave of protests and this thing would lead to an unparalleled destabilization for the last 10-12 years, because this action would practically lead to a discontinuous development, which evidently is very painful and difficult to pass for the majority of population in the period of transition, but which is necessary for achieving prosperity. A future communist state is seen in my imagination as a state which will end sooner or later, which has already been demonstrated: they needed 70 or 80 years to demonstrate that communism falls anyway and that it is not viable in market economy reality. I'm sorry, but I don't have so much time to tolerate it until it will be demonstrated that this thing has to be stopped now.

I.M. – As I see it from what you are saying is that you set the problem categorically: either Europe, or Asia?

R.D. – There cannot be a golden mean, because as long as you are in the middle you cannot lose but neither can you win anything and therefore we have to choose the correct, the best and the most thriving path and everybody has to express his option.

I.M. – Do you believe the Transnistrian conflict will ever be solved?

R.D. – I’m not sure I will live to see the solving of the Transnistrian conflict since it is convenient for too many people. Maybe I don’t possess the knowledge needed to affirm it will end or it won’t, but what is seen from aside doesn’t have a solution even if there have been some OSCE or other international bodies’ actions, in reality absolutely nothing is done. Everything is on the paper, and there it remains.

## **6. Bibliography**

- 1. Lisenco V. N., Regional conflict in the CIS countries: the experience of solving them. Polis, 1996, nr.2**
- 2. Babilunga N. V., Bomescio B. G., The Transnistrian conflict: historical, demographical and political aspects. RIO PGU, Tiraspol, 1998; The Transnistrian Phenomenon, RIO PGU, Tiraspol, 2000.**
- 3. Budeanu Gh., Transnistria on fire (the reports of a war journalist). Universitas, Chisinau, 1993;**
- 4. Barsan V., The Massacre of the innocent: The war in Moldova March 1<sup>st</sup> – July 29<sup>th</sup> 1992. Editura Fundatiei Culturale romane, Bucharest, 1993;**
- 5. Gribnicea M., Russian troops in the Republic of Moldova. Stabilizing factor or a source of danger? Civitas, Chisinau, 1998;**
- 6. The Russian politics of military bases. Moldova and Georgia. Civitas, Chisinau, 1999;**
- 7. Cojocaru Gh., Separatism on the job of the Empire, Civitas, Chisinau, 2000;**
- 8. Republic of Moldova in the years 1989-1991: a look from the outside (daily digest of international press). Stiinta, Chisinau, 1992;**
- 9. Piotrovshii R., Moldova in the post war period. Linguistic issues – in: The Transnistrian Conflict: the truth as it is. The Materials of the political scientific conference “State interests and the role of internal organizations in insuring constitutional order and the human rights and freedoms in the eastern part of the Republic of Moldova”, Logos, Chisinau, 1993;**
- 10. Smirnov I. N., To live on our land. Soviet writers, Moscow, 2001;**
- 11. Nedelciuc V., The Republic of Moldova. Universitas, Chisinau, 1992;**
- 12. The Decisions of the extraordinary meeting of the second leadership members from all levels (September 2<sup>nd</sup>)//The issue in Basarabia and the creation of the Moldovan Nistrean Republic. Book of official documents. RIO PGCU, Tiraspol, 1993;**
- 13. How Lukianov created the Transnistrian Republic. Interview with Pavel Lutenco, detective in very important issues in the General Attorney’s office// Independent Moldova, May 26<sup>th</sup> 1992;**
- 14. Andreeva G. S., Women in Transnistria. Uprpolitrafizdat, Tiraspol, 2000;**
- 15. The Constitution of the Republic of moldova. Moldpress Edition, Chisinau 1994;**

- 16. Ion Stici, The political wish of the republic of moldova to enter Europe**
- 17. Eugen Vizitei, Moldova at the European Council, Law and liafe, nr.8 from 1999;**
- 18. Constantin Solomon, Interparliamentary Relations, Moldova and the World, nr.2000**
- 19. Alexandru Buruiana, International Relations, Chisinau, 2000;**
- 20. Alexandru Buruiana, Power politics, Bucharest, 1998;**
- 21. Alexandru Buruiana, National Journal, nr. From 11 09 2001;**
- 22. Ion Datecu, History of international relations and diplomacy, Bucharest 1991;**
- 23. Ion Anghel, The diplomatic and counselor law, Lumina Lex, Bucharest 1991;**
- 24. Ion Deaconu, International Public Law, the editing house Bucharest, 1995;**
- 25. S. Negut, I. Nicolae, World states, Meronia, Bucharest, 1995;**
- 26. The Institute of Public Politics, Evaluating the process of integration of the Republic of Moldova in the European Union;**
- 27. Gheorghe E. Cojocaru, The External politics of the republic of Moldova, Chisinau,1999;**
- 28. Dictionary of International Public Law, Stiinta and Enciclopedia, Bucharest, 1982**
- 29. S. Tomas, Political Dictionary, Democratic and cultural institutions, Bucharest, 1996**
- 30. Small encyclopedic dictionary, Bucharest 1972;**
- 31. Moldova in the context of international political relations, Treaties, 1992;**
- 32. International treaties Moldova is a part of, 1990-1998, 28 volumes, official edition Moldpress, Official Monitor of the Republic of Moldova, Chisinau 1998, 1999, 2002;**
- 33. Official press of the Republic of Moldova, newspapers, journals.**

## **7. Attachements**

**7.1. Video Materials regarding the Transnistrian conflict (VHS, attachment nr.1)**

**7.2. Pictures with people included in the reports about the Transnistrian conflict (CD, attachment nr.2)**

**7.3. Selected materials scanned in the original language, signed by the parties involved and the mediators of the Transnistrian conflict (CD, attachment nr.3)**

