

**THE "PRIDNESTROVSKAIA
MOLDAVSKAIA RESPUBLIKA":
BUILDING OF A NEW EUROPEAN
STATE AND EXPERIMENT OF
DIRECT DEMOCRACY**

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**THE
“PRIDNESTROVSKAIA
MOLDAVSKAIA
RESPUBLIKA” (PMR) :
BUILDING OF A
EUROPEAN STATE AND
EXPERIMENT OF DIRECT
DEMOCRACY**

Report from Luc MICHEL

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"Eurasian Centre for Democracy and Elections"**

**For the Mission of expertise and analysis
conducted by European lawyers in
PMR on 2-5 May 2007**

**under the direction of Mr Patrick BRUNOT
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PREFACE : A FEW WORDS OVER THIS REPORT

The nucleus of this report is the printed version of a Lecture by Luc MICHEL - titled "*A NEW EXPERIENCE OF DIRECT DEMOCRACY IN EASTERN EUROPE: THE DEMOCRATIC SYSTEM OF THE PRIDNESTROVIAN MOLDAVIAN REPUBLIC*" -

For the *INTERNATIONAL SYMPOSIUM ON DIRECT DEMOCRACY IN THE 21 CENTURY* held in Libya by the "Green Book Center " (Sehba, February 27 and 28 2007).

This text is increased with numerous texts, quotations and analysis (analyses au pluriel) from the numerous consulted sources.

It also takes into account two travels to PMR by the author :

- The first one, as organizer of a **Mission of international observers** on the occasion of the referendum of **September 2006**, where he could meet many actors of the Transdnestrian political and social life.

- The second one, in **May 2007**, within the framework of the **expert's Mission done in company of a European group of lawyers and jurists**, where he could **meet, interrogate and debate with the whole of the representatives of the institutions – Constitutional Court, Parliament, Parties, Ngos, Municipalities, Universities and Ministries – of the PMR**. Travel, which was also the occasion to assemble a vast documentation, published in PMR and which completed the first analysis.

Unlike most studies carried out on the PMR, which never quote any source from Tiraspol, Luc MICHEL exhaustively consulted and used the numerous sources available in several languages – of which French, German and English – and published by the searchers and universities of Pridnestrovie, as well by the government and the Constitutional Court of the Republic.

He also consulted and used numerous Russian, Rumanian and Moldavian sources, wishing to give the word to all the actors of the Transdnestrian Question and the PMR-Moldavia conflict.

Vladimir Grigoriev, the President of the Constitutional Court of the Pridnestrovskaja Moldavskaia Respublika, was to emphasize the high standard of this impartial report, based on an exhaustive reading of the available sources: « *We have looked through your report “The Pridnestrovskaja Moldavskaia Respublika (PMR): Building of an European State and Experiment of Direct Democracy”. We are grateful for your deep and unbiased research of democracy in Transdnestria. You have studied a large amount of literature, published in Transdnestria. We are especially grateful for using the works of the Justices of the Constitutional Court in your report (...) Our Court is ready to cooperate with you on any matters* ».

Fabrice BEAUR,
Scientific Council of EODE Ngo

INTRODUCTION :

TEAM OF EU LAWYERS IN “PRIDNESTROVIE” (PMR) TO EXAMINE STATEHOOD OF THE REPUBLIC

A team of lawyers from the European Union visited Tiraspol, PMR's capital on 2-5 may 2007, to review its claim to statehood.

“Examining the facts on the ground, legal experts from the EU now conclude that Pridnestrovie objectively meets the requirements for statehood. Based on international law, visiting lawyers were able to conclusively confirm the country's de facto independent status. International recognition is not a requirement for sovereignty”, comment the weekly TIRASPOL TIMES.

“Although unrecognized by the international community, Pridnestrovie is nevertheless a sovereign state under international law. The small country, which is popularly but incorrectly known as “*Transnistria*” (in fact the artificial name given by Fascist Romania when it occupied – in alliance with Nazi Germany – this country and Odessa area between 1941 and 1944), *meets the requirements for statehood with a permanent population, territory, government and the capacity to engage in foreign relations with other states, if they want to do so.*”

“That was the conclusion of **an extensive examination by a team of jurists and lawyers, international legal experts from the European Union.** After visiting Pridnestrovie and seeing the facts on the ground, in person, they are now urging the Foreign Ministries of their countries *to engage in a foreign policy based on an honest and realistic assessment of the actual situation.*”

" - Your state meets all requirements under international law", said **Luc MICHEL from Brussels, acting as Administrator-General of the EODE Ngo – the Eurasian Observatory for Democracy and Election (Brussels-Paris-Sofia)** - during a press conference in Tiraspol where he was flanked by Western European lawyers on both sides.

Lawyer Patrick BRUNOT (1), a counsellor to the International Criminal Court based in The Hague, Netherlands, and also lecturer at universities in New York and Paris, was the head of the delegation.

Other visitors included particularly Dominique JOURDAIN (2), French lawyer, Dominique VAN HEY, a jurist, psychologist, and university lecturer from France, and also Ukrainian lawyers.

The delegation arrived in Tiraspol to **study the legal basis for international diplomatic recognition of the Pridnestrovian Moldavian Republic**. During the visit, parliamentarians and international law experts examined the history of Pridnestrovie, its state creation under international law, and the context of the dissolution of the Soviet Union and, with it, the dissolution of the former Moldavian SSR (1990-91).

As a result of the visit, Luc MICHEL, jurist and specialist in constitutional Law, but also specialist in the problems of Direct Democracy (3), has published in English this full report – titled “**THE “PRIDNESTROVSKAIA MOLDAVSKAIA RESPUBLIKA” (PMR) : BUILDING OF A EUROPEAN STATE AND EXPERIMENT OF DIRECT DEMOCRACY**” on the team's finding and the situation in Pridnestrovie, which will be submitted to the foreign policy commissions of all European Union parliaments and to all members of the European Parliament and of the PACE.

An **edition in French** of this report will be also issued, to be submitted to all European deputies and all French and Belgian deputies and senators (including the very influent *Foreign Commission of the French Senate*).

Vladimir Grigoriev, the President of the Constitutional Court of the Pridnestrovskaja Moldavskaja Respublika, was to emphasize the high standard of this impartial report, based on an exhaustive reading of the available sources: « *We have looked through your report “The Pridnestrovskaja Moldavskaja Respublika (PMR): Building of an European State and Experiment of Direct Democracy”. We are grateful for your deep and unbiased research of democracy in Transdnestria. You have studied a large amount of literature, published in Transdnestria. We are especially grateful for using the works of the Justices of the Constitutional Court in your report (...) Our Court is ready to cooperate with you on any matters* ».

Information blackout facilitate misinformation.

Living in an unrecognized state, the people of Pridnestrovie must contend with a **barrage of propaganda against them, which seeks to isolate and demonize them.** " - *We have stayed in Pridnestrovie for two days only, but we've already seen and learned lots of things. We can say for sure that the news that we read was often not true. Many journalists fabricate their stories,*" said Patrick BRUNOT. *"I'd like to say that other experts should visit your country to have a*

chance to see things with their own eyes." Much of the information about Tiraspol is wrong, coming from third-hand sources that put their own slant on the news." - Those who strongly oppose the recognition of Pridnestrovie make every effort to promote a negative image of Pridnestrovie in Europe, since this slows down the recognition process."

By inviting the open involvement of Western lawyers and jurists, locals in Pridnestrovie hope to break stereotypes and have their claim to statehood evaluated objectively on the basis of the facts alone. Vice-Speaker of Parliament Anatoly KAMINSKY and Chairperson of PMR's Commission for foreign policy and international contacts Sergey CHEBAN, an ethnic Moldovan, had meetings with the team of lawyers and political experts from France and Belgium." - *It's of great importance to us that people visit our republic, and then write and tell about it. We need to make ourselves heard. At present we can only do it through such meetings, through direct people's democracy,"* said Anatoly KAMINSKY, Vice-Speaker of Parliament.

(1) Patrick BRUNOT is a Ph D Doctor in Law, lawyer at the Court of Paris. But also researcher and collaborator of the *Institute of the High Studies of the National Defence*, of the *Centre of the High Studies on Modern Africa and Asia* and of the *Centre of High Studies on the Armament*. He teaches in the *Centre of Diplomatic and Strategic Studies* of Paris, at the *School of High International Studies* and in several international universities, in particular in New York. International lawyer, specialized in the files of conflicts and of situations of war, He is in particular the legal consultant of Russian President Putin, of the State of Belarus and of the Government of Sudan.

(2) Dominique JOURDAIN is lawyer at the French Bar. In particular lawyer of several Libyan State Bodies, he was also the legal consultant of the "International Committee to Defend Slobodan Milosevic "(Paris).

(3) Luc MICHEL as a result of victorious appeals to the COUR D'ARBITRAGE (the Belgian Constitutional Court), has particularly made amend the « *1989 Law organising the financing of the parties by the State* », the « *1990 Law organised the Elections at the European Parliament in Belgium* » (by allowing the small formations to be really able to stand for it) and the « *1995 Law organising the vote of the Belgians residing abroad* » (by making the compulsory formalities easy).

He is also President of the **CEREDD**, the « *European Centre of Research and Studies on Direct democracy* », and Administrator-general and member of the Scientific Council of the « *Eurasian Observatory for Democracy and Elections* » (**EODE**, Paris-Brussels-Sofia).

**PART 1 :
THE
“PRIDNESTROVSKAIA
MOLDAVSKAIA
RESPUBLIKA” (PMR) :
BUILDING OF A
EUROPEAN STATE**



National Self-Determination, Peace and Human Rights, 1998: "The principle of national self-determination is simple, for it is surely better that nations should determine their own destinies than that someone else should do it for them. The concept of national self-determination appears to express the idea of democracy, according to which the people are presumed to be best qualified to govern themselves. International law also appears to recognize the right to national self-determination unreservedly."

International Covenant on Civil and Political Rights, United Nations: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

UN General Assembly, Resolution 637: "Self-determination is a prerequisite to the full enjoyment of all fundamental human rights."

UNESCO, Barcelona, 1998: "The principle and fundamental right of self-determination"

Former British Foreign Secretary Morrison (House of Commons, vol.485, col.2411) : "Recognition of a state should be accorded when the conditions by international law are, in fact, fulfilled and that recognition should not be given when these conditions are not fulfilled"

The PMR, the most industrialized zone of the former *Soviet Republic of Moldavia* and populated to two thirds with Slavs, proclaimed its independence towards Kichinev in 1992, after the dislocation of the USSR and at the end of several months of combat against the pro-Rumanian Moldavian forces.

Since, Tiraspol refuses to recognize the Moldavian sovereignty on its territory and applies an independent policy, reinforced after the referendum on the independence of 17 September 2006, very largely gained by the supporters of the unification with Russia. Within the framework of this national consultation, the

overwhelming majority of the population of this selfproclaimed republic decided for the continuation of the policy of independence of Transnistria and its union with Russia.

The PMR intend to be a full State and has more people than Luxembourg and a dozen other UN member states. In terms of land, Pridnestrovie controls a territory of 4,163 square km with an international border of over 800 km. Pridnestrovie is six times larger than Singapore or Bahrain, and nearly twice the size of Luxembourg. More than a dozen UN member countries are smaller in size than Pridnestrovie.

Often miscalled “Transnistria” (From the Romanian *Transnistria* – an artificial name used by the Romanian fascist occupation during the times Bucharest fascist regime was a close allie of Hitler), the real name of the country is in Russian: **Приднестровье/ Pridnestrovie**). PMR forms, to the east of Moldavia, a small territory of 4163 km² (seven times smaller than Belgium, but twice wider than Luxembourg) between the banks of the Nistru river in the west (*Nistru* being the name of *Dniester* in Moldavian and/or Rumanian) and the Ukrainian border in the east. The Russian name is the official name of the territory: *Pridnestrovskaiia Moldavskaiia Respublica* (or *Moldavian Republic of Pridnestrovie*). For its part, the Council of Europe uses the denomination *Transdnistrrian Moldavian Republic*.

The area, a self-proclaimed autonomous republic, accounts six districts (in Russian and Moldavian): Tiraspol, Dubossary (Dubasari), Rybnitsa (Ribnita), Grigoriopol, Kamenka (Camenca) and Slobodzeya (Slobozia). The town of Tiraspol, whose population has a Russo-Ukrainian majority, is the local capital. **Transnistria now has all appearances of a State, except for the diplomatic recognition.**

The census of 1989 established the population with 546 400 inhabitants, without the town of Tighina (estimated then at 130 000 inhabitants). One then counted 39,9 % of Moldavians, 28,3 % of Ukrainians, 25,5 % of Russians and 6,4 % for the other ethnic groups.

The last census, in date of the year 2004, revealed a population of 555 347, including the town of Tighina (or Bendery). It is the district of Tiraspol, which is populated the most (211 800), followed by Bendery (145 900). According to the census of 2004, the Slavs are majority in Transnistria with 30,4 % of Russians, 28,8 % of Ukrainians, 2 % of Bulgarian and 2 % of Poles — for a total of 63,2 % — whereas Moldavians represent only 31,8 % and Gagauzes, 2 %. Moldavians remain strongly majority in three districts: Comenca (63 %), Dubossary (89%) and Grigoriopol (76%).

However, the linguistic communities live for a good part concentrated in villages where they are relatively majority, locally. In fact the cities are more heterogeneous: there are generally found Russians, Ukrainians, Moldavians, then Gagauzes, Bulgarians and Poles. The North is more Moldavian speaking and Ukrainian speaking, whereas the South is Russian speaking and Ukrainian speaking. In a general way, Russians and Ukrainians prefer to live in the cities rather than in the countryside.

It should be noted that on September 30 2006, presidents of the Parliaments of PMR and two others *not recognized republics – but nevertheless in International law recognized like " subjects of international law " as parts to conflicts* - (Abkhazia and South-Ossetia) (1) signed an agreement instituting the parliamentary Assembly *of the Community " For the democracy and the rights of the people "*

The Community " For the democracy and Human rights ", **qualified sometimes of " CIS-2 "** (2) was established in June 2006 by the leaders of the three republics and the Treaty of friendship envisages a mutual assistance at the political and economic level, but also, in the event of aggression, a military aid.

I - "PRIDNESTROVIE" OR PMR: A HISTORICAL AND GEOPOLITICAL OUTLINE

I-1: PMR AND MOLDOVA IN FRONT OF THEIR DIFFERENT HISTORIES AND PATHS

Western media at orders speak little of the " **Priednestrovian Moldavian Republic**, "Pridnestrovie " or **PMR in Russian, self-proclaimed state following a war of independence against Moldavia** and resulting from the disintegration of the USSR in 1991.

A filiation that do not reject the leaders of Tiraspol, the capital city (it was also the capital of the ex-Soviet Republic of Moldavia under the USSR, before Kichinev), who preserved for their republic the flag and the arms of the former "*Soviet Republic of Moldavia* ", in a significant gesture.

The history of this self-proclaimed State goes up with the collapse of the USSR. At the end of the 19th century the Eastern part of the antique Rumanian province of Moldavia (current Romania results from various provinces, with divergent stories, which never made an official unity before the modern time), between the rivers Prut and Dniester, was called *Bessarabia* and belonged to the Russian empire. Current *Transnistria* – from the Rumanian name of *the Dniester* river, the "*Nistru* " - by not forming part of it and resulting from the freed territories from the Turks by Marshal Suvarov at the end of the 18th century, who founded Tiraspol.

In 1918, *Greater Romania* ally of France had annexed this territory (but not Transnistria), which was going to be taken again by the USSR during the Second World War. A part of former Bessarabia - with Transnistria- became *Soviet Moldavia*, while the North (*Bukovine*) and the South (*Dubrodjna*, the access to the sea) were given to Ukraine.

Moldavia, mainly speaking a Rumanian dialect with strong Slavic minorities, proclaimed its independence in 1991. Rumanian (and not Moldavian as the constitution proclaims it wrongfully!) became national language and the Latin alphabet official, and Transnistrians, mainly Slavic in 1991 and using the Cyrillic alphabet, seceded from it, refusing *the xenophobe logic of the fascist-like theorists of Greater-Romania*, with the support of the 14th Soviet army, at the price of violent confrontations making several hundreds of dead in particular in Bender, a Transnistrian enclave on the right bank. They thus constituted their

"republic" controlling most of the industrial potential and the principal power station. Since the conflict is "cold".

It will be noted that the aggressor was Kichinev, wanting to destroy the young state of PMR by force and that it underwent a bitter defeat.

The Army of PMR is very strong, supported by a leading military industry. It guarantees the independence of the PMR, peaceful state and without territorial claims. And a new aggression of Kichinev could cost a lot to the pro-Western leaders of the Moldavian capital. *"A military solution appears completely excluded however today. The issue of the conflict of 1992 showed the vanity of the showdown to put an end to the secession"*, wrote the Commission of the foreign Affairs, defence and armed forces of the French Senate, following a mission carried out in Moldavia in 1999.

We must insist on the fact that Moldova and PMR has no common past or history and represent two completely different entities.

Current Moldavia marks the extreme limit of the conquests of Trajan in Dacia at the beginning of the second century of our era. In spite of the invasions - concluded with the establishment of Slavs in the 5th century -, this land will remain anchored in the Latinity as attests it besides the name Rumanians given to its inhabitants.

From the 10th century is formed, to the east of the Carpates, a new State, *Moldavia*, whose territory covers current Moldavia and the Rumanian province with the same name. This country knows its greater extension under the reign of Stephen the Great (1457-1504); he resists then the Hungarian, Polish, Tatar and Turkish invaders.

At the beginning of the 16th century, Moldavia loses the control of its destiny. Subjugated and dismembered, it is during nearly five centuries the toy of the power struggle between the great powers of Central Europe.

It accepts initially the Ottoman suzerainty while preserving its autonomy. At the end of the 18th, part of Moldavia passes under the domination of Austria and takes the name of *Bukovine*. Another part, at the end of the Russo-Turkish wars, in 1812 is annexed by Russia and becomes Bessarabia.

In 1918, benefiting from the civil war between Bolsheviks and white tsarists Guards, Bessarabia unites into *Greater-Romania*.

In October 1924, the Soviet Government creates, on the left bank of Dniester (Transnistria), *the Moldavian Autonomous Socialist Soviet Republic* –**Whose current PMR is the legitimate heiress** - in order to justify her territorial claims on the whole of Bessarabia, with Balta as capital, then, since 1929, Tiraspol. With a surface of 8432 km² (today: 4163 km²), this new "autonomous" republic of Moldavia was landlocked but had an opening on the Black Sea within the

framework of the republic of Ukraine. Its population counted then 500 000 inhabitants.

Bessarabia is recovered in 1940 by the USSR. In 1940, the MASSR was attached to *the Moldavian Socialist Soviet Republic* (MSSR). Its capital became Kichinev. The current problem of Transnistria results directly from this creation by the USSR, in 1940, of a hybrid entity the *Moldavian Socialist Soviet Republic* (MSSR). This one was made up from the artificial union between Bessarabia - which had just been taken back by the Soviet Union from Romania and cut down by a quarter of its territory - and Transnistria - which then represented 60 % of the "*Moldavian Autonomous Socialist Soviet Republic*" (MASSR).

Taken again by fascist Romania of Marshal Antonesco in 1941 – who annexes Transnistria extended up to Odessa in Ukraine and imposed there a reign of occupation similar to that of his Nazi allies (the province became in particular a place of deportation for the gypsies and the Jews of Romania, approximately 300 000, of which more than a half died of cold or disease, or were liquidated by the German and Rumanian troops) -, it is finally returned to the Soviet Union in 1947 (treaty of Paris of January 1947).

On August 27, 1991, Moldavia declared its independence.

To the chances of an inconstant history were added the risks of politics – annexation of the north and the south (opening on the Black Sea) of Bessarabia into the Ukraine (whose current population has thus a strong Moldavian minority of 400 000 people) - and displacements of population: massive immigration of Russians, Ukrainians and Byelorussians (approximately 600 000 people since the post-war period).

Moldavia, because of the vicissitudes of its past, has got a diversity of its population (4,3 million inhabitants), which, at the sides of a majority of Rumanian speakers (60 %), joins together significant Russian speaking minorities of Ukrainian origin (14 %) or Russian (13 %). *the principal cities - Chisinau, Balti, Tiraspol- are mainly Russian.* The economic development of the country and the urbanization indeed has, to a large extent, rested on the immigration of the Russian speaking populations (the non-Moldavians represented before independence 52 % of the industrial labour force, 57 % of the top executives and 68 % of the executives working in the scientific field). It is also necessary to mention among the minorities, **the Gagauzes** (3,5 %), concentrated in the south of the country and heirs to the Christian Turks of Dobrudja colonized by Russia at the beginning of the 19th century.

"The Russian language occupies socially and economically decisive positions in all the large cities of Moldavia, including in the capital. The Russian language remains the principal language of communication between the citizens of

different ethnic groups in all Moldavia, and it enjoys a considerable prestige. Even the Moldavian language is very influenced by Russian (contrary to the Rumanian language) ", specifies a study of the University of Laval in Quebec.

I-2 : PMR DEFINITIVE REFUSAL : “NEVERMORE COMMON STATE WITH MOLDOVA”

Is a shared state with Moldova still possible?

With each side of the Dniester river functioning as a separate country, is there still any sense in discussing a common state? Moldova turned down **the "Kozak plan"** for such a state in 2003. And in September, 94.6% of the voters in Pridnestrovie (Transdnestr) rejected unification.

“Transnistria's parliament nixes common state with Moldova”, comment THE TIRASPOL TIMES (1/Feb/2007). "Enough is enough" was the message from the parliament of Pridnestrovie, also known informally as Transnistria. With a historic resolution Wednesday, parliamentarians annulled earlier decrees seeking a common confederation with Moldova. The move can only be overturned by a nationwide referendum. It's over: On the last day of January, parliament decided to revoke a set of earlier decrees aimed at exploring the possibility of forming a common state with the Republic of Moldova. Parliamentarians passed the resolution of the Parliament of the Pridnestrovian Moldavian Republic - also known as Transnistria - called “On annulment of some instruments enacted by the Parliament of PMR”, cancelling a number of older decrees about the possible creation of a confederation with Moldova (...) In Wednesday's session of the legislature, the first bill to get axed was a 1993 document called “On formation of the Moldavian Confederation” which envisioned a future joint state between two sides. The document had been approved on January 6, 1993, just six month after Moldovan invaders were routed in the 1992 Dniester war and a buffer zone was created between the two sides.

Another document now annulled is the resolution called “On some principles of drafting and approving the Constitution of the Federation to be formed by the Pridnestrovian Moldavian Republic and the Republic of Moldova under treaty” approved in April, 1993. In addition, PMR representatives for a joint Pridnestrovie/Moldova Commission for drafting a common "Constitution of the Federation" had been appointed. The Commission had done some valuable work from 2003 to 2005, but is no longer active. The work stopped after the Moldovan government in a surprise move passed its own "Law on Basic Provisions of the Special Legal Status of Localities from the Left Bank of the Dniester" on July 22, 2005, which unilaterally relegated Pridnestrovie's status to a a vague

'autonomous territorial unit' bereft of any confederate status within the Republic of Moldova. The law was passed without any prior consultation with Pridnestrovie, whose government felt that it was a provocation and a breach of earlier bilateral commitments which Moldova had entered into in order to respect the self-government of Pridnestrovie within a confederation.

Future status settlement talks between the two sides will be aimed at defining a set of confidence building measures that can guarantee a peaceful co-existence and increase cooperation on solving mutual problems”.

The decision to not seek common statehood with Moldova is a result of the will of the voters, explains sources in parliament. *"But at the same time, voters also understand that we have many interests in common with Moldova and it is important that we learn to sit down and work out our differences, so that we can work together on sharing a prosperous future as good neighbors." " - It doesn't mean that we'll not negotiate," said opposition-leader Yevgeny Shevchuk, 38, the current Speaker of Parliament." - We are merely updating our legislation to bring it in conformity with PMR's Constitution and our its provisions. The talks may be resumed for there are still problems on the border with Ukraine and in our relations with Moldova. But it must be a dialogue in the format complying with the Pridnestrovian legislation that is in accordance with our foreign policy objectives." "Pridnestrovie's status is that of a separate independent state as per 2 September 1990. Today the Pridnestrovskiaia Moldavskaia Respublika conducts foreign policy from the premise of a sovereign, independent, democratic, legal, and secular state. Pridnestrovie seeks to become a full subject of international law and to establish its relations with other subjects of the international system on the basis of equal rights, cooperation, mutual respect, and partnerships."*

In a nationwide referendum held 17 September 2006, voters overwhelmingly reaffirmed their wish for independence. In addition, 94% rejected a common state with the Republic of Moldova. If Pridnestrovie and Moldova will ever be joined in a future common state, this will then only be because the voters want that, and not because of any other reason, states Speaker of Parliament Yevgeny Shevchuk: *" - The document stipulates that any changes to the republic's status may be considered and approved only if an appropriate plebiscite, i.e. a referendum, is held."*

In March 2006, Moldova and Ukraine jointly introduced a new regime restricting exports and imports to and from Pridnestrovie across the Moldo-Ukrainian border. Under the new rules, all cargo had to be accompanied by customs and other trade documentation issued exclusively in Pridnestrovie's neighboring country, the internationally recognized Republic of Moldova. In Pridnestrovie, the vast majority of the population perceived that **as an economic blockade,**

designed to starve the small and unrecognized country into submission. The Pridnestrovian government made it clear that it would not be blackmailed into negotiating with a gun to its head, and announced that it would only return to the negotiating table after the trade blockade had been lifted.

In subsequent months, mediators attempted to kickstart status settlement talks. Pridnestrovie, however, made it clear that its economic survival was at stake and that it would only negotiate if Moldova would respect the conditions of a 1997 agreement signed between the two sides which allowed for Pridnestrovie to engage in foreign trade independently of Moldova, the main other party to the dispute. Moldova refused to budge, "*acting under dubious advice from outsiders who miscalculated the resolve of Transdnistria to stand its ground*," as a Western European observer puts it. After nearly a year of deepening economic warfare, stalled negotiations, and an inflexible position from Moldova, "*the writing is on the wall*," says the observer. The outcome was seen on Wednesday in Tiraspol when Parliament ruled out for good any future talks of a common state with Moldova. With Parliament's legally binding decision, a joint state with Moldova is no longer a possibility. End of story.

1-3 : COUNTRY PROFILE OF PRIDNESTROVIE

Pridnestrovie, also known as Transnistria, lies in a valley between Moldova and Ukraine. Pridnestrovskaia Moldavskaia Respublica proclaimed its independence in 1990, one year before the formation of the Republic of Moldova in 1991.

For more than 2,500 years the Dniester River marked the border between the two countries. The territory which today is home to Pridnestrovie (commonly known in English as Transnistria) has never at any time in history been part of an independent Moldova.

Caught between two dictators who were hellbent on domination, Moldova and Pridnestrovie were forced together in World War II. Despite Moldova later renouncing this act as "null and void ab initio" it still pursues a 16 year old territorial claim on Pridnestrovie.

The international community does not recognise its self-declared statehood, and the country has wrongly been smeared as a hotbed of crime.

Pridnestrovie - also known by the unofficial name, Transnistria - is a new and emerging country in South Eastern Europe, sandwiched between Moldova and Ukraine. Although widely seen as part of Moldova, historically, Pridnestrovie and Moldova were always separate. Throughout 2500 years of history, the Dniester River forming the current border has been a traditional border between Slav lands (Scythia, 450 B.C.) to the East and Romanian lands (Dacia) to the West.

At no time in history was Pridnestrovie ever part of Romania or Moldova. Pridnestrovie (then an independent Soviet Autonomous republic; M.A.S.S.R.) and Moldova (at the time a part of Romania) were forced into a joint Soviet republic in World War II when Hitler and Stalin redrew the borders of Europe. In the breakup of the Soviet Union, Moldova denounced this forced and unnatural union and Pridnestrovie declared its independence; reverting to the historical Dniester River border and not wanting to be part of an independent Moldova and possible merger with Romania. By the time the Republic of Moldova was proclaimed in 1991, Pridnestrovie had already declared independence a year before and declined to enter into the composition of the new republic. A referendum among the voters confirmed their desire for independence and their rejection of a union with Moldova.

The inhabitants of Pridnestrovie are for the most part Slavic. This is in stark contrast to Moldova, on the other side of the Dniester River, where 4/5ths of the population are of Romanian descent and where ethnic Russians and ethnic Ukrainians only make up 6 to 8 percent, respectively.

Pridnestrovie meets the requirements for sovereign statehood under international law, as it has a defined territory, a population, effective elected authority, and the capability to enter into international relations. It is currently seeking international recognition of its de facto independence and statehood.

The country has to contend with a barrage of smears which tries to demonize it by linking it to corruption, organized crime and smuggling. It has been falsely accused of conducting illegal arms sales and of money laundering, but Moldova - seen as the main opponent of the independent government in Tiraspol, PMR - has been unable to support these unsubstantiated accusations with any hard proof or evidence. Poverty is widespread although not more than elsewhere in the region.

In March 2006, the government of Pridnestrovie lodged a formal protest against the surprise introduction of new regulations requiring goods entering Ukraine from Pridnestrovie to carry a Moldovan customs stamp. Moldovan officials insisted that the new rules, unexplicably backed by the OSCE, were designed to stop smuggling. Objectively, they amounted to giving wide control of Pridnestrovie's export economy to Moldova and were targeted primarily at goods which were already being processed normally by Ukraine's customs service (thus not targeted at smuggling).

This was a political move, and rightly seen as an affront to Pridnestrovie in the context of settlement negotiations with Moldova where it is known that the two governments are at loggerheads with each other. Pridnestrovie contended that such wideranging customs changes should be worked out by mutual agreement, after dialogue and negotiations, especially given the history of animosity in the region and the potential for conflict escalation.

Facts

Population: 550,000

Capital: Tiraspol

Area: 4,163 sq km (1,626 sq miles)

Main religion: Christianity

Languages: Russian, Moldovan, Ukrainian

Currency: PMR rouble

II - THE PRIDNESTROVSKAIA MOLDAVSKAIA RESPUBLIKA: A SOVEREIGN STATE

II – 1 : THE FACTS :

PMR AS A REAL SELF-DETERMINED STATE

On December 1, 1991, after several referenda where expresses itself already what **will become the direct democracy of PMR**, Transnistria proclaims its independence with Tiraspol on Dniester as capital. In fact, this one is implemented by a series of "people's congresses" and referenda as from August 1989: the autonomy of Transnistria is declared in September 1990 under the name of "*Soviet socialist Republic of Moldavian Transnistria* " and its independence as PMR in December 1991.

The authorities of Chisinau, where the great-Rumanian theses of the fascist-like far right dominate, answer by the war and attack the young state in spring 1992. They fall flat on their face, the PMR in particular recovering the town of Bender on the right bank of the Dniester. An armistice is signed in July 1992.

Since, the PMR affirms its independence and has all the characters of a State. Even if it does not profit from any international recognition, Transnistria has its own government, led by the president-founder Smirnov, its administration and its legislation. Its resources are fuelled by the taxation applied to the companies installed on the spot.

“Sixteen years ago today, on 2 September 1990, Pridnestrovie unilaterally declared its independence and established Tiraspol as the new republic's capital. It has its own flag, currency, police and border control, passports, constitution, parliament, a president, judiciary and a proudly independent people. Only international recognition of its statehood is still missing, said THE TIRASPOL TIMES (2/Sep/2006). 16 years old today, Pridnestrovie is a real country in every way. Pridnestrovie declared its independence and refused to take orders from the central Communist authorities of Chisinau, at the time the capital of MSSR, Moldavian Soviet Socialist Republic and part of the Soviet Union (...) The country is a de facto independent state, lacking a de jure or formal recognition of its statehood. For the past 16 years, Pridnestrovie has been a separate nation-state in every sense but one: It can not have any embassies abroad because few other countries, save for other de facto states, recognize its independence. The rest of the world cling to a legal fiction that Pridnestrovie is still part of Moldova”. Although in reality, as local politicians like Grigorii Maracutsa are

quick to point out, Pridnestrovie was never part of Moldova at any time in history : " - *Historically, Pridnestrovie was never part of Moldova. It was also never a formal part of Romania. The two countries were forced together by gunpoint in the MSSR, but that was not a separate country, it was part of the Soviet Union,*" says Maracutsa. In the breakup of the Soviet Union, both Moldova and Pridnestrovie withdrew from this forced and unnatural union. " - *When the current Republic of Moldova declared independence, in August 1991, Pridnestrovie had already left and had been independent for the better part of a year,*" says the former Speaker of the Pridnestrovie's parliament, an ethnic Moldovan.

"Self-rule has paid off for the citizens of Pridnestrovie where per-capita GDP and standard of living is slightly higher than in neighboring Moldova. Today, Pridnestrovie has successfully constructed a viable nation state. Despite its lack of outside recognition, it is a fully self-governing and independent republic with a complete set of working government institutions: Parliament, Central Bank, Courts, its own Constitution, an Army, Police, Border Patrol, Health Service, Education System, and a Tax Collection administration. Earlier this year, it got a human rights Ombudsman".

Researcher Michael Garner sifted through some of the commentary and calls it "delusional". " - *Who are they kidding? Anyone who comes to PMR can see that it is a self-governing success story with all the attributes of statehood. It is not a failed state in any sense of the word, but a coherent community with a strong sense of identity. A "non-country" would be something like Kosovo, which is neither here nor there in terms of statehood and is under a U.N. protectorate. But that is not the case of PMR where the local government is in charge of its own affairs; which is by the way the first and most important characteristic of statehood.*"

"As the most widely used method of state creation under international law, the vast majority of the world's current nations came into being through unilateral declarations of independence similar to that of Pridnestrovie and its two neighbors, Moldova and Ukraine, all three invoking the right to decide their respective futures "without external interference and in keeping with the ideals and aspirations of the people." That last sentence, by the way, is borrowed from Moldova's own declaration of independence".

People and goods circulate freely between MOLDOVA and PMR. Compared to **Moldova, the "poorest country of Europe"** (classified hundred thirteenth out of a hundred and seventy seven States in the last index of the human development published by the Program of the United Nations for development), where immigration is the only massive loophole, the standard of living is much higher

in PMR, higher social protection, free studies until the University (the University of Tiraspol, trilingual, integrated into the Russian system of teaching, is famous). So, *"the school number 9 of Tiraspol, which the rare foreigners passing through the city are often proposed to visit, represents the model of a richly equipped Soviet school: manual work, dance, sports halls. In the well held corridors, one finds large panels with the memory of the "patriotic War" against Nazism, in 1941-1945, but also paying homage to the alumni of the school fallen in 1992, RFI (17/03/2005) commented on. There is even a computer room (...) underlines with pride the director, Svetlana Alexandrovna Krupko. She affirms to promote the values of tolerance and of multiethnicity to the pupils (...) Svetlana Alexandrovno adds then a point much less contestable: "15 years passed. A generation grew: they consider that their country, it is Transnistria, not Moldavia". "*

II-2 : PMR'S SOVEREIGNTY IN INTERNATIONAL LAW

The sovereignty of Pridnestrovskaja Moldavskaia Respublica in international law is sometimes challenged by defenders of the Republic of Moldova's territorial integrity. But to talk of "territorial integrity" we must first define what the territory is. In Moldova's case, this is done by determining how the Republic of Moldova was created, how its predecessor, the MSSR, was created, and Moldova's official opinion on the creation (and the borders) of the MSSR.

Facts speak louder than words. And the facts are clear: **Moldova never annexed Pridnestrovie and doesn't have a valid claim to Pridnestrovie.** If anything, it was the other way around, as the legal history shows. The two countries were independently formed as the result of the legal and (initially, at least) peaceful dissolution of the former Moldavian Soviet Socialist Republic in the days of the overall breakup of the Soviet Union.

Later, Moldova reversed its position on the matter and today pursues a highly suspect claim on Pridnestrovian territory. That claim is not backed up by international law, legal documents or historical fact. And it is undermined by a string of Moldovan parliamentary declarations; not least by the country's founding document, its own Declaration of Independence. Moldova's claim to Pridnestrovie is only supported by the international buzz-word of "territorial integrity". This concept is generally recognized, although it is not the holy grail of international law (with Yugoslavia, Czechoslovakia and half a dozen other exceptions to the rule). There is nothing inherently wrong with rooting for Moldova's territorial integrity, but the statement is meaningless until you first define just what Moldova's territory really is. And to do so it is helpful to look at

official parliamentary statements and declarations on the matter from Moldova itself.

Who annexed who? And why?

It is sometimes said that Pridnestrovie is part of Moldova or that it became part of Moldova in 1940. But a closer look at how this happened reveals that it is the other way around: Stalin invaded Moldova and annexed it to Pridnestrovie (or to the MASSR which was for its most part made up of the territory which today is Pridnestrovie). Subsequently, upon independence, Moldova itself referred to this annexation and decried it as illegal and void.

If Pridnestrovie had wanted to pursue a claim on Moldovan territory it could probably do so on the basis of the concept of territorial integrity and the Helsinki Final Act's statement on inviolability of borders. This would of course be absurd ... but not nearly as the absurd as the claim which Moldova (the annexed of the two) pursues, on the very same basis, regarding its supposed right to Pridnestrovie's territory.

The "illegal annexation" of Moldova into the MSSR was decried as early as August 31, 1989, in the official final statement of the Moldovan parliament. Speakers frequently referred to the illegal annexation of the territory in 1940, and these views were expressed in the final document adopted by the assembly, "On State Sovereignty and Our Right to the Future" (Documentul Final, p. 2) which even called for the right of secession from the Soviet Union ... something which in the definitive declaration of independence became a dissolution of the MSSR rather than outright secession.

Outsiders sometimes refer to Pridnestrovie as a "secessionist" or "breakaway" republic of Moldova. Technically speaking, that's not true.

To put a fine point on it (and that is important in international law as far as recognition of statehood is concerned), the Moldavian Soviet Socialist Republic was dissolved by overt acts of both of its two integrants, Moldova and Pridnestrovie. There was a dissolution (or a "suicide of the republic"), but not any act of secession at any time. The dissolution of a state into smaller states is a much more accepted method for creating new nation-states than either self-determination or secession. In modern times it has been the fount of several dozen new countries. In Europe itself, around the same time as the founding of Pridnestrovie, it was also the model followed by the breakup of the Soviet Union and by the peaceful dissolution of the Czech Republic and Slovakia.

By Moldova, the MSSR's dissolution was proclaimed, gradually, by that country's parliament in official state documents dated 27 August, 1989 and 16 December, 1990, which annul the Molotov-Ribbentrop pact, and culminating in its official Declaration of Independence of 27 August, 1991, again declaring the Molotov-Ribbentrop Pact of 1939 to be "null and void" and revoking the

"political and legal consequences" of the pact, referring to the annexation of Moldova as "illegal" and stating that "the establishment of the Moldavian SSR" in 1940 was without "any real legal basis".

On the Pridnestrovian side, the MSSR's dissolution was likewise proclaimed in steps. In 1990, a referendum was held asking residents to vote on the dissolution of the MSSR and the establishment of a separate self-ruling entity in Pridnestrovie. On September 2, 1990,

Pridnestrovie declared its independence from the MSSR, and on December 1, 1991, following the dissolution of the MSSR consummated by the Republic of Moldova's Declaration of Independence, another nationwide referendum on the independence of Pridnestrovie was held. The Pridnestrovian voters reaffirmed the will of the people and voted to keep the full independence of Pridnestrovskaja Moldavskaia Respublica.

Since secession is generally frowned upon in international law as a method for creating new states, both Moldova and Pridnestrovie were careful to frame their respective Declarations of Independence as statements affirming each country's sovereignty and the dissolution of their joint Moldavian SSR (MSSR).

This was legal in every way, even from the point of view of the Soviet laws which were in effect on the territories at the time. In fact, had they chosen to go as far as an outright declaration of secession, this, too, would have been legally beyond reproach. The declaration of Pridnestrovie's sovereignty was in complete conformity with the Decree of the USSR of April 3, 1990, *"About the order of solution of questions connected with secession of the Soviet Republics from the USSR"* and was implemented on the basis of a referendum and other democratic methods. There are no legal grounds on which Pridnestrovie's and Moldova's respective declarations of independence can be questioned.

From Oxford comes a clear verdict on Pridnestrovian statehood under international law, bringing a sense of maturity and diplomatic realism to the issue of Pridnestrovie's place in the new Europe.

"As democracy has grown in the world, the number of fresh new countries have been increasing for the past fifty years. And the pace is accelerating: Two dozen new ones have sprung to life since 1990 alone, comment this analysis. In international law one generally recognizes only the government which exercises effective control over a territory. This, in Pridnestrovie's case, is the democratically elected government chosen by its people. But don't tell that to Moldova: Still pursuing a stale irredentist claim after 15+ years, Moldova would like nothing better than a new go at a military invasion, preferably under NATO- or UN auspices this time so that they themselves don't have to spill the blood.

And then there's the OSCE and the Council of Europe, two groups that oscillate bafflingly between refusing to recognize Pridnestrovie as a country and pressing demands on it. It's no wonder that they call the conflict "frozen": Apparently nobody passed these guys the memo explaining that you can't make demands of an entity you don't recognize. On its own accord, however, Pridnestrovie is seeking stronger international ties and its rightful place as a good partner and neighbor in the new Europe. Unable to state its case and with no proof for any of its allegations, Moldova's propaganda campaign against Pridnestrovian independence is crumbling under its own lack of arguments. At the same time, the government of Pridnestrovie has made the issue of stronger international relations one of its main foreign policy objectives”.

When is a government not a government? We checked a text from Oxford University by Dr Stefan Talmon, the top authority behind the seminal work *Recognition of Governments in International Law*. And here are his words: “*with respect to effective but unrecognized governments in situ, it is obvious that it is not recognition that makes the government a government in the sense of international law but that the government is a government in international law because it is effective, i.e. fulfills the main criterion for governmental status.*”

Or, in other words, the validity of a government under international law depends on whether or not it actually governs the country. It does not depend in the least on international recognition or lack thereof. So according to Oxford, whose verdict matches conventional international procedure as per the Montevideo Convention, Pridnestrovie exists under international law and its government is valid because it is the sole effective government of Pridnestrovie.

This view is supported by, among others, Switzerland's Directorate of International Law which is the Federal Administration's center of competence for general public international law. Its official position is that “*The formal recognition of a state presupposes that the state in question truly meets the requirements of international law in the matter of statehood. The prevailing doctrine imposes three requirements: a national territory, a citizenry and a state authority, i.e. an internally and externally effective and independent government embodying the sovereignty of the state. The sole criterion for assessing the quality of statehood in this context is the actual situation on the ground ('principle of effectiveness').*”

Pridnestrovie has its own Central Bank, Judiciary, Army, Police, Border Patrol, Health Service, Education System, Tax Collection, a flag, [0] its own postage stamps, national currency, license plates, passports, a Constitution, and an active, market based economy. More than a decade and a half after becoming independent, Pridnestrovie has proven its viability as a nation.

Among other things, it has:

- A defined territory, effective control of all of this territory, a government and a population
- Democratically elected president, parliament and local authorities
- Laws, a Constitution, and an independent judiciary
- Viable, self-sustaining economy
- Economic, cultural and political relations with other countries
- Law enforcement, border control and armed forces
- Observance of contemporary social and ecological standards
- Modern state-provided educational system
- Healthcare and a social safety net
- Freedom of press

A quick review of other countries in the world reveals that Pridnestrovie is much more of a nation than, say, some of the failed states in Africa. In terms of nation building excellence, the little country has even outdone its larger neighbor on the other side of the Dniester River: As shown by the fact that even ethnic Moldavians in Pridnestrovie have no wish to become part of Moldova.

That is not to say that Pridnestrovie lacks international relations. On the political, cultural and especially commercial level, Pridnestrovie maintains contacts with 99 different countries in the world. Some of them have opened representations in Tiraspol, the capital of Pridnestrovie. In 2004 the Chamber of Industry and Commerce of the Russian Federation inaugurated its permanent mission. OSCE, the Organization for Security and Cooperation in Europe, also maintains an office and a permanent delegation in Tiraspol.

II-3 : THE ELEMENTS OF A STATE UPON THE INTERNATIONAL LAW

Is Pridnestrovie a country?

Depending on who you ask, the requirements for a "real" country may vary. But no matter what the answer is, you can safely put Pridnestrovie to the test: Regardless of the requirements, it meets or beats the tests for statehood.

Pridnestrovie declared independence in 1990. As per the declarative theory of statehood (prevalent in international law), that act made it a separate independent country — the same way that neighboring Moldova's Declaration of Independence marked the founding of the independent Republic of Moldova and freed it from Soviet Union rule.

Statehood is independent of recognition by other states: The first sentence of article 3 of the Montevideo Convention explicitly states that "*The political existence of the state is independent of recognition by the other states.*"

The requirements of the Montevideo Convention for the state to be considered a subject of international law is that it possesses the following qualifications: Permanent population, defined territory, government and the capacity to enter into relations with the other states. The latter is the truest test of sovereignty and basically means that the country is not governed as a protectorate by another country.

The most basic test of statehood is to determine to what extent a country is truly sovereign in one or more of three types of sovereignty: Juridical sovereignty, Westphalian sovereignty and domestic sovereignty.

- **Juridical sovereignty and independence.** In Pridnestrovie, the law of the land is our own, starting with the most basic document, the Constitution, and all the way to detailed regulations such as municipal building codes or rules concerning environmental protection. No laws from Moldova or any other country are in effect in Pridnestrovie.

- **Westphalian sovereignty.** Pridnestrovie's political organization excludes external actors from authority structures within the territory. Like in other sovereign European states, the government is elected by its citizens. There are no outside governors, pro-consuls or outside rulers in the government.

- **Domestic sovereignty.** The formal organization of political authority within Pridnestrovie is completely in the hands of the citizens of the country itself. The democratically elected government of Pridnestrovie controls its own borders and has the full ability to exercise effective control of its own polity within its borders as well.

Pridnestrovie passes the test: By all objective measures, it is a free and separate independent country which is fully in control of its own sovereignty. So what's the solution to the Pridnestrovian problem?

The first step is to recognize that there isn't a "problem" but only an unwillingness to recognize the obvious: That when the former MSSR dissolved, it split into two separate, independent states, just like the divorce of the Czech Republic and Slovakia.

In the case of Moldova and Pridnestrovie, one of them is recognized and the other is not. The logical conclusion, of course, is just to bow to reality and recognize what is already an undeniable fact of life ... that both states exist, and that the both have the right to be recognized as valid, legal entities.

Once that is done, everything else falls into place. They can work out bilateral agreements under the established framework of international law and the "problem" of Pridnestrovie will be a thing of the past. However, until realism sets in and recognition of Pridnestrovie is obtained, the so-called problem can't be solved in any meaningful, lasting way.

Communist-ruled Moldova is the only country in the world which is strongly opposed to recognition of Pridnestrovie. Moldova's politicians can not fathom giving up their unrealistic claim on Pridnestrovie: A country which, although it has only 10% the landmass of Moldova, would represent 40% of its GDP and a whopping 90% of its power production. But as former Speaker of the Pridnestrovian Parliament, Grigory Marakutsa (an ethnic Moldavian from Pridnestrovie), said on December 19, 2005, *"Moldova should lower its ambitions and not hope that it will be possible to rule Pridnestrovie by giving orders. If they try, nothing would come out of it, and the settlement process could be drawn out to the end of time."*

In his book *"Political Construction Sites: Nation-Building in Russia and the Post-Soviet States"* analyst Pål Kolstø points out that *" - A 'state' in the full sense of the word does not appear simply because of political proclamation of independence or international recognition. A true state must have control of its own frontiers, have a monopoly of coercive powers on its own territory, be able to collect taxes and tolls, and so on."*

According to this definition, Pridnestrovie is one of the more successful examples of nation-building in the freedom of the post-Soviet world. Its people are bound together by a shared ideal in the separate nationhood, to the point where (as the OSCE reports) the ethnic Moldavians who live in Pridnestrovie have no wish ever to join Moldova and are instead firmly in favor of the continued existence of a free and independent Pridnestrovian nation. The long term prospects for Pridnestrovie look good. As Kolstø puts it: *" - If a state is to remain viable in the long term, it is essential that its people believe they have a common identity and a common destiny. They must feel linked together by allegiance to certain shared values, as well as to the same shared symbols and institutions. This need not imply that everyone must feel culturally identical. But what IS necessary is a broad agreement as to the politicogeographical map of state legitimacy and the principles underlying its structure."*

Pridnestrovie today is a strong and healthy state. There are two ways to understand the strength of a state. You can look at its institutions. Can it raise taxes? Does it have adequate health care? Do the structures of state work? Or you can look at the idea that holds the state together. Is there a consensus on who is a member of the state, and who is not? Do people understand the reason for the state's existence and agree with it?

On both counts, Pridnestrovie is strong. Pridnestrovskaja Moldavskaia Respublica has well-established state structures: its institutions have a positive impact on the individual. The idea behind it is clear, too.

To defend itself against Moldovan claims, Pridnestrovie has proposed a democratic solution: A vote on the future of the country. The Parliamentary Assembly of the Council of Europe agrees and on 16 September 2005 stated that "*any solution must accord with the popular will as expressed in fully free and democratic elections.*"

Strictly speaking, a referendum shouldn't be necessary to prove the legitimacy of Pridnestrovie as a nation. Because by all objective standards, Pridnestrovskaja Moldavskaia Respublica is as real a country as any. But the people of Pridnestrovie still welcome a vote, not least because it will send a message to Moldova's politicians to wake up and smell the coffee:

II-4 : WHICH BASIS FOR THE CLAIMS OF MOLDOVA OVER PMR ?

On August 27, 1991, Moldova declared its independence. The country based its declaration on the right to self-determination as well declaring the Molotov-Ribbentrop pact being "*null and void*", demanding that "*the political and legal consequences of the above be eliminated*". Since this was the only thing which had previously joined Pridnestrovie with Moldova, the country's declaration of independence implicitly ruled out any claim it might have to Pridnestrovian territory under international law.

The Declaration of Independence of the Republic of Moldova, in the Moldavian language, "*DECLARATIA DE INDEPENDENTA A REPUBLICII MOLDOVA*", is published in ROMANIA LIBERA, August 28 1991, p.8.

The main "political and legal consequence" of the Molotov-Ribbentrop Pact was, of course, the forced union of Moldova and Pridnestrovie. In its Declaration of Independence, Moldova implicitly renounced this union — and renounced any right to Pridnestrovie. Later, with Moldova greedily eyeing the industrial wealth of Pridnestrovie, they reverted that opinion. Less than a year later, a Moldovan invasion tried to retake Pridnestrovie by force. But by then, it was already too late. Moldova got its independence. But it didn't get Pridnestrovie, because it

never had a right to Pridnestrovie in the first place. As the saying goes, "you can't have your cake and eat it too" ...

This declaration is far from the only official document from Moldova which declares the Molotov-Ribbentrop Pact illegal. As early as August 27, 1989, during a national parliamentary session in Chisinau, Moldova, speakers frequently referred to the illegal annexation of the territory in 1940. These views were formally expressed in the final document adopted by the assembly, "*ON STATE SOVEREIGNTY AND OUR RIGHT TO THE FUTURE*" (Documentul Final, p. 2) which also called for the right of secession from the Soviet Union.

This 27 August, 1989, document is referenced in Moldova's declaration of independence, as are similar official Moldovan parliamentary declarations of 16 December, 1990 and the final act of 27 August, 1991 which also - by Moldova - annul the effects of the act by which Stalin forcefully merged Pridnestrovie and Moldova.

The record on which the entire Republic of Moldova is founded is very clear: Pridnestrovie is part of Moldova only by virtue of an act which Moldova itself has declared "*null and void*", and has asked to reverse all "*political and legal consequences*" of. Under international customary law, in order to revert this position, Moldova will need to first revert its own August 27, 1991, declaration of independence.

Later, Moldova reversed its position and today pursues a claim on Pridnestrovie's territory. **This claim was motivated by economic reasons rather than based on any legal or historical grounds.**

Despite the legal and peaceful dissolution of the MSSR, and despite the clear and unambiguous wording of Moldova's own Declaration of Independence, the country changed its mind. Why? Because of money, or rather lack of it.

As an independent nation, Moldova discovered that it was poor ... and that nearby Pridnestrovie was much richer, on a per capita basis. Despite making up just 10% of Moldova's territory, Pridnestrovie in 1990 and 1991 produced 40% of its GDP and 90% of its electricity ... a prize which the Moldovan political elite was tempted to get its hand on; regardless of the international legalities or not.

When Pridnestrovie was part of the Soviet Union, it was the most industrially developed part of the MSSR, a union republic. Heavy industry is a big export earner, and after recent market reforms and privatizations, Pridnestrovie now has commercial relations with a total of 99 countries in the world. The West is a big export market for PMR. The Tiraspol Chamber of Commerce and Industry has close ties to its sister organization in Leipzig, Germany, and much of the country's steel production goes to American buyers.

Compared to Moldova, this is "like the Riviera"

The BRITISH HELSINKI HUMAN RIGHTS GROUP has sent delegations to Pridnestrovie on a regular basis since 1991. In the words of the group's 2005 election observers, [0] Pridnestrovie *"is more socially cohesive and economically vibrant than its larger neighbour [Moldova] – a failed state if ever there was one. Much of the reason for the divergence in living standards is that the Pridnestrovians have followed a more cautious approach to economic liberalization keeping many of the social benefits that existed under Communism. Compared with its neighbor, Pridnestrovie is like the Riviera. In fact, in the past three years the capital, Tiraspol, has been spruced up — even its infamous pavements are in the process of being re-laid; new shops and restaurants have opened. And, unlike most other post-Soviet societies, local restaurants and bars are affordable to locals."*

So Moldova recognized the "right of self-determination" for itself, in its own Declaration of Independence. But refused to recognize that same right for Pridnestrovie.

Moldova also declared the Molotov-Ribbentrop Pact "null and void" in order to reverse the "political and legal consequences" of the pact if it meant independence for Moldova. But refused to recognize that the main "political and legal consequence" of the pact was the artificial marriage of Moldova and Pridnestrovie.

In its declaration of independence, Moldova called the establishment of the MSSR an infringement of "its constitutional prerogatives" of its people. But refused to recognize that this wartime law, which it had just declared independence from, was the same law which had joined Moldova and Pridnestrovie in an unnatural union imposed by Stalin and the World War II redrawing of Europe's borders.

II-5 : THE WEIGHT OF ECONOMY : TRADE RELATIONS EXPAND, INTERNATIONAL DIPLOMATIC RELATIONS

As trade relations expand, international diplomatic relations are next 99 countries already have open trade relations with the export oriented business sector in Pridnestrovie. *"Will diplomatic relations be next?, ask Jason Cooper for THE TIRASPOL TIMES (3/Jan/2007) Products which are "Made in PMR" are seen in Germany and the United States, two of the country's largest export markets KUCHURHAN (Tiraspol Times) - The trucks line up at the Kuchurhan border crossing point, one of the busiest customs stations on the border between Pridnestrovie and Ukraine. The trucks bear license plates from all over Europe,*

with some also bearing the registration of the local PMR plate with the unrecognized country's red and green national flag. The European Union states in a recent report that Pridnestrovie has "a very open economy with a high degree of trade with the EU and the US."

The economy of Pridnestrovie is a mixed market-based economy. Following a large scale privatization process, most of the companies in the country are now privately owned. The economy is export-oriented and based on a mix of heavy industry and manufacturing. According to the latest data from the nation's Customs, Pridnestrovie - which is also known as Transnistria, or Transdniester - now trades with 99 foreign countries. Of these, the main trading partners are the USA, Germany, Russia, Ukraine, Moldova, Belarus, Switzerland, Italy, Romania, Great Britain, Poland, Cyprus, and Turkey. On a per capita basis, average annual foreign trade turnover exceeded \$2,000 for the first time in 2004. This is a level which is unsurpassed in the post-Soviet economies. It is only matched by European nations like Greece or Portugal.

Modern industry is the main characteristic of PMR's economy. "Among the more-often-than-not rusting industrial assets of Eastern Europe, Pridnestrovie's manufacturing sector is proud of its more modern infrastructure. Several companies in Pridnestrovie meet ISO-9000 international quality standards. After World War II, Pridnestrovie was heavily industrialized, to the point that in 1990, it was responsible for 40% of the GDP of the Moldavian SSR, within the Soviet Union. It also produced 90% of its electricity, and the presence of a highly modern manufacturing sector was a big factor in securing the viability of the PMR economy when it declared independence as a new country in September 1990. In the waning days of the Soviet Union, it was the region which received most industrial investment. MMZ, the Rybnitsa-based steel plant, was inaugurated in 1985. Today it is still the largest and most modern in this part of Europe. Another new and modern factory, the Tiraspol-based Tirotext, is the second largest textile producer in Europe. Its products are sold worldwide, and carried in catalogs and retail outlets such as Quelle and Aldi in Germany.

And quality is not the only field where Pridnestrovie stands out. In the area of environmental protection (ISO series 14000), the government has partnered with local companies to meet these standards, too. Pridnestrovie's government has a good relationship with the Spanish power company Union Fenosa, which currently buys electricity from Pridnestrovie and sells it to Moldova. Among other things, Fenosa pays its bills ... unlike the Moldovan government, which owes Pridnestrovie \$37 million in unpaid electricity bills."

The country's president is supporting the market liberalization and seeks to integrate Pridnestrovie closer with the rest of the world's economy:

" - It's necessary to provide maximum integration of Pridnestrovie to the global economic space. Our active interaction is determined by the necessity of integration of Pridnestrovie into the world democratic community," says recently re-elected independence leader Igor Smirnov.

In 2004, Pridnestrovie's small but active stockmarket was opened. The "**Pridnestrovskiaia Stock Exchange**" was created with the participation of the Chamber of Commerce & Industry of Pridnestrovie and leading banks in the country.

Showing how Pridnestrovie is forging closer ties to other nations, the local economy is becoming increasingly more globalized. *"Based on 2005 data, the share of companies with foreign investments grew to 53.4% of the total number of private companies. This shows the pro-Western orientation of the country's economy"*.

A report from the EUROPEAN UNION INSTITUTE FOR SECURITY STUDIES called the economy open and internationally integrated. On the economy, the report stated that Pridnestrovie *"is not geographically or economically isolated from the region around it. Quite the opposite in fact: it is relatively open economically to the outside world"*.

The Chambers of Commerce and Industry of Tiraspol and Leipzig, Germany, have direct ties. And a large share of Pridnestrovie's dollar earnings come from exports to the United States.

With international trade relations firmly in place, **Pridnestrovie now has commercial ties to 99 countries worldwide**. Now, many in the new and emerging country are hoping that diplomatic relations will be next. Pridnestrovie meets the requirements for statehood under international law, and is seeking closer integration as a responsible partner with the international community.

In terms of trade, the economy which the EU calls *"a very open economy with a high degree of trade with the EU and the US"* has already made it. Now, the same openness and integration must be applied to other aspects of international relations.

III - THE INFLUENCE OF THE KOSOVO CASE

"Transnistria independence before Kosovo" says top Washington expert !

An influential Washington insider says Transnistria has a better case for independence than Kosovo (3). James Jatras is a Republican with nearly two decades of foreign policy work in the US Senate. His conclusion: Based on international law, Transnistria - not Kosovo - deserves diplomatic recognition.

"A Republican insider with 17 years Senate experience prefers PMR independence over Kosovo's. Several others in DC now agree. WASHINGTON DC (Tiraspol Times) - With a close-knit group of US State Department officials pushing for Kosovo independence, others in Washington are suggesting that Transnistria has a better case for statehood. On the basis of both history and international law, Transnistria (or Pridnestrovie, its official name) deserves it more says James Jatras, a longtime Senate foreign policy insider", comment THE TIRASPOL TIMES. " - It's time to start thinking less about precedents and more about contrasts. On each distinguishing point, the statehood claims of the disputed former Soviet entities carry more weight than Kosovo's," he says. " - First, Kosovo is indisputably part of Serbia and was before Yugoslavia was formed. The same cannot be said for Transdnestr with respect to Moldova. Simply put, these regions in their modern history have never been effectively controlled by an independent state identified with the former Soviet republics now laying claim to them. Serbia can demonstrate with respect to Kosovo a continuity of national capital and economic control, but Tbilisi, Chisinau, and Baku can make no similar showing with respect to the entities they claim."

Washington-based expert James Jatras also points out that in terms of historical legal precedent, Transnistria - which declared independence in 1990 - was never part of the Republic of Moldova, which only came into existence a year later : " - Second, Kosovo's status as part of Serbia is formalized in UN Security Council Resolution 1244, and the international presence in Kosovo and the suspension of effective Serbian control are defined by the Security Council, with Serbia's consent. This means that the international control of Kosovo is consistent with Serbian sovereignty. Conversely, the failure of Georgia, Moldova, and Azerbaijan to extend actual control over the frozen conflict zones is further evidence that the entities were never actually a part of those states. The status of the entities is (or was) defined not by the Security Council, but by the same authority by which the former Soviet republics themselves claimed statehood in

1991: the Soviet Constitution and Soviet law. With respect to Kosovo, the Yugoslav constitution had no similar provision. This means that a new UN Security Council Resolution, which Russia could block, would be needed for Kosovo to gain independence, but not for the frozen conflict zones on the territory of the former Soviet Union, which are legally entitled to claim independence on their own."

An American lawyer, James Jatras has 17 years of experience as senior foreign policy analyst for the U.S. Senate Republican Policy Committee. As a specialist in international law, he has testified at the Hague Tribunal and has close ties to Republican Senator Orrin Hatch, the Ranking Republican on the Select Committee on Intelligence.

Contrasts in favor of Transnistria, says DC policy expert : *"Adding to the differences in Transnistria's favor is the fact that Transnistria has a more socially coherent society than Kosovo and an established set of well-functioning government institutions, says Jatras. In Transnistria, unlike Kosovo, there is very little crime. To the East of the Dniester river, the population just want independence, but poses no threat to its neighbors". " - Perhaps most importantly with respect to the interests of the international community, former Soviet entities in general can boast the absence on their territory of dangerously destabilizing jihadi and organized crime elements as well as a democratic governmental mandate and a tolerable standard of civil administration," says Jatras, contrasting Kosovo's current situation with "the relative peace and tolerance in the former Soviet entities and the absence of extraterritorial claims by them."*

James Jatras says that assertions of Kosovo's supposed "uniqueness" amount to a simple propaganda ploy to help move events forward to a preconceived result. " - *If Transdnestr makes its move before Kosovo, the contrast will not be in favor of the latter. Indeed, it is not inconceivable that independence of the frozen conflict zones could proceed sooner, more smoothly, and more peacefully than anything anticipated in Kosovo,"* says the Republican Party's James Jatras.

Increasingly, several others in Washington DC are listening and agreeing with his analysis.

OSCE also anticipates partial recognition of Transnistria independence.

OSCE's Secretary General says that *if Kosovo seeks recognition unilaterally, other unrecognized countries will do the same. He points to Pridnestrovie (Transnistria) as one of the countries to benefit from this process. The recognition will be partial, placing the country in the same category as Taiwan and Israel.*

OSCE's Marc Perrin de Brichambaut sees recognition of Transdnestria as a ***realistic possibility*** - Although international recognition of the 17 year old 'de facto' independence of Pridnestrovie (Transdnestria) is still a taboo in the

Western European political establishment and Euro-Atlantic policy circles, some are now breaking ranks and at least considering the possibility or inevitability of this outcome. In a diplomatic equivalent of "Who Farted?", OSCE Secretary General Marc Perrin de Brichambaut was quoted by the Austrian press as *seriously considering a future partial recognition of the Pridnestrovian Moldavian Republic (PMR) by a number of countries.*

While not yet going as far as to positively endorse such an outcome, the French diplomat says that if Kosovo announces its independence, Russia can recognize Abkhazia and Transdnestr. In an interview to DER STANDARD newspaper in Austria, Perrin de Brichambaut said that *if Kosovo opts for an unilateral declaration of independence, Russia can recognize independence of both Abkhazia and Transdnestr*, as it is also sometimes known in English. The top OSCE diplomat stated the UN Security Council started a long stage of discussions on the Kosovo issue. *"The consultations can continue for the whole April and May, right up to the G8 summit in Germany, in which Russian President Vladimir Putin is planned to take part and where presidents and prime ministers will not manage to avoid this subject. Here the question of reciprocal action that the Russians can take is to appear,"* Brichambaut said. *" - If Kosovo pronounces itself an independent state unilaterally, it can be recognized by a number of countries,"* the OSCE secretary general believes, drawing similar parallels to the situation in Pridnestrovie where the same can happen, just with recognition from a different set of countries.

Such an outcome would place both Kosovo and Pridnestrovie in a small but not very exclusive club of partially shunned independent states which are recognized by some of the world's countries, but not by all. Israel, which is not recognized by the Arab world, is one such country, but the most famous example is Taiwan (officially: Republic of China, or ROC) which has been 'de facto' independent since 1949 but which has no membership of the United Nations and is not formally recognized as a separate, sovereign state by the majority of other countries in the world.

IV - PMR AND EUROPEAN IDENTITY

As the entire small states which try to be essential on the world recognition and which were born from a situation of distress and emergency, the foundations of the Republic of Transnistria are strongly tinted of ideology.

The made public will of the leaders of Tiraspol and President Smirnov to integrate their republic in the federation of Russia often makes forget the **European positions of Tiraspol – for a Greater-Europe, Eurasiatic, not limited to the small European Union and whose ideological horizon goes from the Atlantic to Vladivostok.**

On the official site of the Republic, one indeed refers to a "New Europe ".

PMR analysts, as those of the TIRAPOL TIMES, insist on the “Pridnestrovies European identity” : *“Pridnestrovie has a strong Western background and has historically been home to a large German immigrant population. As a former part of Poland and Lithuania, a clear sense of European identity has evolved. This is evident in the country's architecture and the outlook of its people. Later, incorporation under Imperial Russia (where French was the official language of the court) only reinforced Pridnestrovie's in its history. There is no Arab community in Pridnestrovie. Moldova, although nominally Christian, has a background as a Muslim country and still maintains a strong Arab/Muslim community in Chisinau, its capital.”*European identity. Moldova, in contrast, was under the sway of the Muslim Ottoman Empire. Pridnestrovie is 98% Christian and 2% Jewish. It has never been under Muslim rule at any time”.

One is not tender in Tiraspol for the **double standards language of the European Union**. Since the conflict of 1992, mixed "Forces of peace", including Moldavian, Russian and Transnistrian soldiers, are deployed on the line of demarcation with Moldavia. The minister of PMR Valeri Letskai refuses to speak about withdrawal of the Russian troops *"It is Moldavian propaganda "*, he exclaims *" Here, remains a thousand of soldiers of the 14th army, slightly armed, while we can mobilize 40000 men. In the event of conflict, it is we who would protect the Russian soldiers...we are ready to take again the war: remember that in 1992 "*.

**PART 2 :
THE
“PRIDNESTROVSKAIA
MOLDAVSKAIA
RESPUBLIKA” (PMR) :
EXPERIMENT OF DIRECT
DEMOCRACY**



V - THE PMR: A TRANSNATIONAL STATE

In total opposition with the propaganda of the NATO media, **one will note also that there are more Moldavians than Russians (4)**. What will not astonish besides those who know really the situation in Transnistria and the role played by Grigore **MARACOUTSA**, de facto the Moldavian n°2 of the State, who is also the architect of the Transnistrian democracy (5).

The refusal of the respect of the multicultural society by the authorities of Kichinev during the collapse of the USSR, their will to impose the only Rumanian culture weighed heavy in the uprising of Transnistria:

"In June 1990, the Moldavian Parliament voted a declaration of sovereignty founding the primacy of the Moldavian Constitution on all the territory, which included Transnistria. When the Moldavian Parliament adopted the use in fact of Rumanian as only official language of Moldavia, the Russo-Ukrainians expressed their dissatisfaction (...) Moreover, one possible reunification between Romania and Moldavia appeared unacceptable for the Russian speakers, already well forewarned since 1989 by the reintroduction of the Latin alphabet on all the territory and the Moldavian will to leave the Soviet influence. At once, the Russian-speaking (of Transnistria) and Gagauze-speaking (of Gagauzia) minorities claimed the autonomy of their region".

It should be noted that the constitution of Moldavia lays down the framework of a unitary State and does not recognize the minorities.

On the other hand, article 26 of the *Law on the languages* admits the citizens of Transnistria to choose the language of teaching for their children: *" Each citizen has the right to freely choose the language of teaching of his children and the State guarantees this inalienable right. "*

There are thus Ukrainian schools and Moldavian schools. More than 11 000 children, on a total population of 79 000 schoolboys, would be allowed in Moldavian schools of Transnistria.

VI - THE PMR: A TRILINGUAL AND MULTICULTURAL STATE

VI-1 : THREE OFFICIAL LANGUAGES IN PMR

It will be noted that the PMR is a multilingual state, where **Moldavian is one of the three official languages, and thus the only state where the Moldavian language** (dialect different from Rumanian and being written traditionally into Cyrillic – Rumanian, having given up Cyrillic for the Latin alphabet at the beginning of the 19th century) is **official language** (Moldavia using, not Moldavian as its constitution proclaims it wrongfully, but Rumanian).

The PMR is thus indeed a model multinational state, trilingual (Russian, Moldavian, Ukrainian), where citizenship – directly *issued from the Jacobin theory of the political Nation* - is not based on the language or the ethnic origin, a **political state disengaged from the tribal impulses, designed like a community of destiny**: *"Of the 660 delegated of this sixth congress, 307 deputies represented the urban councils and of district - while 353 came from the villages and the rural councils. The women, the minorities and the youth were strongly represented too. The ethnic Russians made a distinct minority. Of the three principal ethnic groups in the PMR, the Russians were represented with only 137 deputies. There were 232 ethnic Ukrainians and 250 Moldavians. The 41 remaining deputies were Jews, Bulgarians, Gagauzes, Poles, Tatars and representatives of many other nationalities which make Pridnestrovia multiethnic, the young country which proves that the "Power to the People" is not simply a hollow expression but a way of living. In spite of their differences in race, environment and languages, all were held united behind a simple goal which, in the words of a Moldavian representative, is described as " Freedom" (6).*

The final declaration of the "*mass congress for Freedom*" affirms with force this **will to live freely in a chosen community of destiny**: *"we who were born here, we ask just for freedom to determine our own future. We want to belong to no other country; whether it is Moldavia, the Ukraine or Russia. We want the right to decide freely how to live our own lives, under our own rules and our own government" (7).*

VI-2 : THE LAWS OVER USING LANGUAGES IN PMR

In public posting, only the Cyrillic alphabet is allowed. The majority of the signs are in Russian, sometimes in Moldavian, seldom in Ukrainian. One could say that public posting is 70.%, in Russian, 20 % in Moldavian and 10 % in Ukrainian. As for the road signs, it is in Russian, in Moldavian, sometimes in Ukrainian.

The linguistic policy of Transnistria is partly defined in the Constitution of Pridnestrovskaja Moldavskaia Respublica adopted at the time of the national referendum of December 24, 1995; the president of the Moldavian Republic of Transnistria signed the constitutional law on January 17, 1996. The formulation of the current Constitution includes the amendments presented on June 30, 2000 in the constitutional Law No 310. But the linguistic policy is especially defined in **the Law on the languages of 1992**.

Articles 17 and 43 of the Constitution of December 24 1995 proclaim the equality between all the citizens:

"Article 17

1) Each one has the freedom and equal rights in front of the law without distinction of sex, race, nationality, language, religion, social origin, opinion, personal and social statute.

2) The benefit and privileges can be allowed only if they are in conformity with the law and they must be compatible with the principles of social justice.

Article 43

1) Each one has the right to preserve his ethnicity, as no one can be forced to name and indicate his ethnicity (...)

3) Each one has the right to employ his mother tongue and to choose his language of communication. "

In addition, article 1 of **the Law on the languages of 1992** states the great following principles:

"Article 1

The sovereignty of the languages and civil rights

1) The Moldavian Republic of Transnistria guarantees the sovereignty of the language of the citizen, independently of his origin, social status and fortune, of the racial and national membership, of his sex, his education, his religion, his employment and other conditions.

2) Each citizen has the natural and juridically equal right to choose the language of relations freely and to employ it in all the spheres of the social activity.

3) *It is unjustifiable to limit the civil rights in the use of their mother tongue or other languages of the people of the CIS in the various political and social spheres. "*

Here for the great principles. If it is true that each one has the right to employ his mother tongue, it remains to be seen how these provisions are concretised in the facts. **The government of Transnistria proclaimed three official languages: Russian, Moldavian** written with the Cyrillic alphabet **and Ukrainian.**

Indeed, article 12 of the Constitution declares what follows:

"Article 12

The Moldavian, Russian and Ukrainian languages have the statute of official languages on an equal basis "

Moreover, the Law on the languages of 1992 declares what follows in article 3:

"Article 3

The legal statute of the languages

1) *On the territory of the Moldavian Republic of Transnistria, all the languages have an equal legal statute and are ensured of the safeguard and the identical support of the State.*

2) *The statute of official language is equally assigned with Moldavian, Russian and Ukrainian.*

3) *In the particular localities, the priority is given to each one of the aforesaid languages defined by the Republic or by decision of the local community or by a referendum held in the Republic or the corresponding territorial administrative unit "*. Article 35 of the Law on the languages provides that the three official languages can be used in Transnistria:

"Article 35 - Media

The official languages of the media of the Moldavian Republic of Transnistria (television, radio, newspapers, magazines, etc.) are Moldavian, Russian and Ukrainian. The languages of other nationalities can also be used in the media "

VII – PMR AS MULTIETHNIC REPUBLIC

VII-1 : PMR REALITY : 35 NATIONALITIES, 10 RELIGIONS

With 35 nationalities, 10 religions and a total of 3 official state languages, Pridnestrovie is truly a multiethnic republic. In Pridnestrovie, everyone is a minority. And everyone gets along: The country's diversity has resulted in a rich, multi-faceted culture based on tolerance and understanding.

Living in Pridnestrovie means peaceful coexistence and an understanding of others. There is no other way to live in a country where 35 nationalities are represented and where even the largest ethnic group is a minority. In round numbers, a third speak Russian, another third speak Ukrainian, and a third Moldavian. But throughout history the country also received a fair share of immigration from Poland, Germany, Bulgaria, Switzerland and lots of other places ... to the point where today, a total of 35 nationalities are represented in Pridnestrovie.

Throughout history, the region has always emphasized its openness to outsiders. In this, it follows the words of Simon Bolivar who said that the doors of the republic "*are open to any person who comes in peace and with good will to help us build the future of our country, irrespective of his origin or nationality.*"

Pridnestrovie is considered a great melting pot; a free country which welcomes all. In its historic willingness to incorporate foreigners, Pridnestrovie has more in common with the United States than any other country in the world. It is also a country with strong Jewish roots: In 1897, before a Romanian/Moldovan invasion and extermination campaign, 27% of Tiraspol's population were Jews.

Open and tolerant, it is **a multiethnic society with a cosmopolitan outlook.** **Intermarriage between ethnic groups is common:** 15% live in mixed marriages and multilingual households. **Xenophobia does not exist:** There is no racism or fear of foreigners in Pridnestrovie - and in fact, from the top down, some of the country's leaders originally came from abroad. Pridnestrovie's Minister of the Internal Affairs was born in Poland. Others are ethnic Russians and one is from Ukraine. But in parliament and in the government ministries as a whole, the vast majority are locals, having been born in Pridnestrovie. The posts widely represent the country's varied minority groups. As the OSCE notes, many of the top leaders are ethnic moldavians.

Whether foreign-born or local, everyone who lives and works in Pridnestrovie today and holds a government position has Pridnestrovian citizenship. In that respect, Pridnestrovie is no different from other countries where foreign-born citizens are allowed legal entry and, later, allowed to stand in politics and hold public office. In the U.S., the governor of California originally came from Austria. In Holland, some members of parliament are African-born. For a globalized world, Pridnestrovie's rich tapestry of multi-ethnic cultures is said by many to be the model of the future.

The country's constitution, like that of the United States, permits double citizenship. According to the country's citizenship law, a citizenship of the Pridnestrovie Moldavian Republic is obtained by one of two ways: Either by having been born in the country or of Pridnestrovian parents, or else by immigrating to the country and residing legally in the country for a specified period of time. Its laws on citizenship and passports are closely modelled on the similar laws of the United States of America, another country which historically has welcomed immigration and where newcomers — after complying with a time period of fixed and uninterrupted residence — have been able to opt for citizenship. Pridnestrovian passports are only available to citizens, and although double citizenship is allowed under the country's constitution, it is acquired under strict regulations on the basis on the law on residence and citizenship.

By law, Pridnestrovie affords equal treatment to speakers of all 3 official state languages: Russians, Moldavians and Ukrainians. To avoid a dominance of Russian, the Ministry of Education has made it compulsory for the country's Russian-language schools to also teach Moldavian and Ukrainian. Children studying in Pridnestrovie grow up with a working knowledge of all 3 languages and an understanding of the cultures behind them.

In terms of minority protection, Pridnestrovie has a model policy which accords full minority rights to its Moldavian and Ukrainian speaking minorities. Nearly 32% of the republic's population is ethnic Moldavian and speak a dialect of Romanian. If these people have failed to flee this "Stalinist dictatorship" to join their ethnic brothers in Moldova proper it must be because they are treated well and because life is simply better in Pridnestrovie.

Even Pridnestrovie's critics admit that few, if any, of its residents would opt for life in Moldova proper. A recent report by the INTERNATIONAL CRISIS GROUP grudgingly admits that "*Due to the poor state of its economy and its political system, the Republic of Moldova has hardly any economic attraction to the Transdnestrian population*". There is more to it than that, of course. Almost everyone in Pridnestrovie, ethnic Moldavians included, have participated with

blood and sweat and sometimes tears in building this country. It is a labor of love and there is a sense of brotherhood and fraternity which easily transcends ethnic lines.

VII-2 : RELIGIOUS FREEDOM AND TOLERANCE

Due to its historical and geographical origins as the frontline between Western and Eastern civilizations, Pridnestrovie is also religiously diverse. Here, a rich tapestry of faiths peacefully co-exist. Next to Orthodox temples you can easily find Catholic churches or Jewish synagogues. There is no religious or racial discrimination between groups in Pridnestrovie. The rate of interfaith marriages is the highest in South East Europe, as are the number of marriages between ethnic groups. This fact alone sets Pridnestrovie apart from next-door neighbor Moldova. Whereas Pridnestrovie is diverse and tolerant, Moldova, on the other hand, has organized its state along ethnic lines.

Elected leaders in Pridnestrovie welcome and encourage the multiethnic composition of the republic which in many ways considers itself an example of the new face of Europe.

" - *To be a person thinking in a pan-European manner it is not enough to beat one's breast and claim so, as our neighbors in Moldova do,*" says Igor Smirnov, Pridnestrovie's current president.

" - *It is not enough to demonstrate self-castigation. Rather, it is about the right attitude and outlook. The Pridnestrovians have for centuries formed views on life which are about diversity. They hold true and clear for any civilized society.*"

VII-3 : HUMAN RIGHTS AND LEGAL PROTECTION OF MINORITIES

Pridnestrovie has already acceded to **a number of important UN and Council of Europe conventions on human rights**. While still not a perfect record, human rights groups who are active in the country report that Pridnestrovie has been making substantial advances in the field.

Founded on the freedom of a multi-ethnic people to choose its own way of life, the country pays more than just lip service to human rights. Youth groups are active promoting reform. And as an important step in the right direction, Pridnestrovie unilaterally acceded to the most recognized standards of human rights and the protection of minorities.

Pridnestrovie's Constitution, the supreme law of the country, is a modern document committed to the fundamental principles of multi party democracy, the rule of law and respect for human rights. The nation itself was founded on

minority rights at a time when ethnic minorities were being mistreated, beaten and tortured as a result of government-sponsored hate language.

Some of that still happens today, and human rights groups in Pridnestrovie watch with concern what goes on in Moldova on the other side of the border: A country which has failed to build democracy and where torture is rampant. They also remember that an International Tribunal faults Moldova for 1992 massacres in PMR. The findings of the 1993 International Tribunal squarely put the blame at Moldova. It was found to have committed serious violations of the Geneva Conventions relating to Victims of War, such as rape and torture of civilians and intentional killings of civilians, including women and children....

VII-4 : : EQUAL RIGHTS AND FREEDOM FOR SEXUAL MINORITIES

“Tiraspol welcomes gays banned from marching in Chisinau, Moldova”, titled THE TIRASPOL TIMES (16/Apr/2007). “Come to Tiraspol and show your gay pride. That is the message from the capital of Pridnestrovie to the gay and lesbian community in the region. A march planned for next week has been banned in Chisinau, Moldova's capital. The gay, lesbian and transgender community is welcome in Tiraspol but banned in Chisinau, Moldova- The Chisinau city authorities has, for the third year running, banned a Gay Pride public event. As reported by UK Gay News, the ban on this year's Gay Pride march comes just months after the Moldovan Supreme Court ruled that last year's ban by the city authorities was illegal. Apparently unfazed, Chisinau upholds its ban and promises jail time to any gay or lesbian who marches in public. Tiraspol's city authorities has instead welcomed the gay marchers, offering the city - about an hour away from Chisinau - as an alternative venue for the public Gay Pride march which Moldova has banned.

It is unclear if the organizers are willing to move their march with just one week's prior notice. Sources with the European Parliament in Brussels say that, as a result of Moldova's ban, the public Gay Pride event in Chisinau could well turn into a protest of the violation of human rights by the Chisinau city authorities.”

The Moldovan LGBT organization GenderDoc-M has scheduled their “Rainbow over the Dniester – 2007” Gay Pride event for between April 27 and 29 2007. Elements of the event might still take place, but hidden away from public view.

" - *We are being forced back into the closet,*" says an activist affiliated with the organizers, speaking on the condition of anonymity. He did not want his name used for fear of persecution by Moldova's authorities." - *Human rights in Moldova*

today are worse than in Soviet times," he stated. "We do not have freedom of speech. Nobody can speak out. I can't. No one has any rights here."

The move by Tiraspol to open the city for gay rights is in line with Pridnestrovie's more tolerant atmosphere for its gay and lesbian communities. Transdnestr has a history of freely allowing its Lesbian, Gay, Bisexual, and Transgender community to organize public events throughout 2005 and 2006. There are no indications that 2007 will be any exception.

The EUROPEAN PARLIAMENT'S INTERGROUP website has published commentary praising the gay-friendly position of Pridnestrovie's authorities.

" - We have found Transnistria to exhibit a higher level of openness and tolerance on issues of gay and lesbian rights. We especially laud the position of Human Rights Ombudsman Vasili Kalko and his office's work with the Constitutional Law Court to ensure the conditions for a satisfactory climate of non-discrimination," explained liason officer Dieter Graf.

While the rights of gays are being denied in Moldova, many now look to Pridnestrovie for an example of the new, tolerant face of Eastern Europe.

VIII - PMR : A DEMOCRATIC STATE WITH STRONG POLITICAL AND CIVIL LIFE

VIII-1 : PMR AS MULTI PARTIES DEMOCRATIC STATE

In this young democracy, the opposition is in control of Parliament. The European Union has recognized Pridnestrovie's reform of its political system. And the most recent elections were certified as free and fair by hundreds of international observers and journalists.

Under the banner of democracy, active citizen participation and multi party democracy are alive today in Pridnestrovie

A new wind is blowing in Pridnestrovie. After fourteen elections the young country has gotten the formula right: *“Democracy is a reality on the banks of the Dniester River today”*

153 international election observers agree, as do the 112 journalists which covered the country's last election. A member of Parliament from Poland calls Pridnestrovie the *“most open and transparent”* democracy in the entire Black Sea region. The European Union calls Pridnestrovie *“open”* and recognizes the country's democratic reform.

Democratic opposition is now in control of parliament

The latest election, in December 2005, was won by the opposition party 'Renewal' [0]; defeating the ruling party 'Respublica'.

Following the win, a new generation of reformers were swept into power with the election of Yevgeny Shevchuk as chairman and Parliamentary Speaker. Eugene, as he is known to his followers, is just 37 years old and a former bank manager.

Pridnestrovie was democratically founded, by a citizen referendum to protect minority rights. And the future will be democratic, too: With continued independence or future federation proposals decided the the democratic way, by letting people vote. A people hungry for freedom and determined to shape their own destiny.

Not only do Pridnestrovians support their nation's current independence, they also have great trust in its democratic institutions and claim that living standards are better than in Moldova. The European Union recognizes Pridnestrovie's democratic reforms and open, market-oriented economy.

The historically separate territory of Pridnestrovie must have the right freely to determine its own future in a peaceful and democratic manner and the vast majority of the people support independent statehood. This is the conclusion of a series of poll results. As reported by the INTERNATIONAL CRISIS GROUP, *"in a 1998 poll carried out jointly by Moldovan, Pridnestrovian, Russian, and U.S. researchers, 83 percent of respondents supported Pridnestrovian statehood."* In the nearly ten years since the poll, sponsored by the Carnegie Foundation, living standards have gone up and support for Pridnestrovie's statehood has increased even more: It now stands at 96+ percent.

A poll in 2000 showed that most Pridnestrovian respondents felt they live better than Moldovans. Today, six years later, it is time for the world to bow to reality and recognize that in Pridnestrovie, a separate independent and quite successful country exists and has existed for a decade and a half.

Also according to the INTERNATIONAL CRISIS GROUP, the Pridnestrovian respondents *"have shown higher trust in their state institutions than their Moldovan counterparts."*

Dr Oleh Protsyk from the European Centre for Minority Issues in Germany studied this issue, too. He says: *" - For very significant numbers of Transnistrians, their regional institutions are democratically legitimate government bodies and not simply the facades of repressive and irresponsible authoritarian rulers, as a reading of some of the Western press might suggest."*

This statement, published in 2005 in the study *"MOLDOVA'S DILEMMAS IN DEMOCRATIZING TRANSNISTRIA"*, reinforces what Pridnestrovians already know: That the country's democratic institutions work better than those of governments in neighboring countries. *" - Despite Transnistria's sinister image in the Western media, the region is not a gangsters' land where no rules and norms apply,"* Dr. Oleh Protsyk goes on to tell us in his report. He explains that Pridnestrovie has *"succeeded in building workable institutions that provide for its citizens a sense of normalcy and rule of law. For example, there is a constitutional court that routinely makes judgments on matters pertaining to the implementation of the 1995 constitution, with the court's rulings often going against the wishes of parliament and, sometimes, of the president."*

EU itself calls Pridnestrovie "open", recognizes democratic reform.

A report from the EUROPEAN UNION INSTITUTE FOR SECURITY STUDIES, also published in 2005, has similar positive words on Pridnestrovie. For starters, it applauds the democratic advances in the nation and says that the country's politics *"is moving towards more pluralism"*. In fact, it even recommends implementation of the European Neighborhood Policy Action Plan in Pridnestrovie and recognizes that *"this would be in line also with the*

Transnistrian (Pridnestrovian) parliament's own initiatives on the reform of the political system."

On the economy, the report is also positive: It states clearly that Pridnestrovie "is not geographically or economically isolated from the region around it. Quite the opposite in fact: it is relatively open economically to the outside world". This is true, of course, and underscores how Western-oriented and integrated Pridnestrovie is. For instance, the Chambers of Commerce and Industry of Tiraspol and Leipzig, Germany, have direct ties. And most of Pridnestrovie's dollar earnings come from exports to the United States.

In its summary, the EU calls Pridnestrovie "a very open economy with a high degree of trade with the EU and the US." Pridnestrovie is of the firm conviction that freedom and democracy flourish when a country and its constitution is based on an open, Western-oriented model of respect for the individual and for his or her human rights. Pridnestrovie is seeking to integrate itself in the international community and become an established, recognized partner to countries with similar views of the world.

VIII-2: AN ACTIVE CIVIL SOCIETY

"Existence of vibrant, active civil society is confirmed by new OSCE-supported study", said THE TIRASPOL TIMES (15 Feb 2007). "*Political freedom and civil society has grown strongly in Pridnestrovie since 2001, a new OSCE-funded study reveals. Political freedom is alive and well in Transdnier (Pridnestrovie), with a growing civil sector and an active plurality of non-governmental organizations (NGOs) active within the unrecognized country. OSCE, the Organization for Security and Cooperation in Europe, and Rezonans, a Tiraspol-based NGO, jointly unveiled a catalog mapping out the current state of civil society in Pridnestrovie, also known internationally under the names Transnistria and Transdnier. The findings reveal a vibrant, active civil society with a plurality of views and activities, ranging from the political to activism and religious issues*".

The NGO catalog for Pridnestrovie was published with the financial support of the OSCE, following research which took place over the past five months within the country. Most of the work was done by the CENTRE FOR DEVELOPMENT AND SUPPORT OF CIVIC INITIATIVE "REZONANS" from Tiraspol, with help from the Organization for Security and Cooperation in Europe, OSCE. " - *The past five years has seen a strong growth in civil society and the private non-profit sector,*" said According to Iuliana Abramova, the centre's director. Most of the non-governmental organisations have been

registered in the period between 2001 and 2006, “a fact which confirms the tendency of rapid development of this sector in the last few years.”

The rapid growth of political freedom and democracy since 2001 testifies to Pridnestrovie's willingness to pursue plurality and democratic and a democratic development which many independent observers believe is still deficient, but **better than neighboring Moldova**. While Pridnestrovie is improving, Moldova, Europe's poorest country, has an increasingly authoritarian government which holds the dubious world record of having lost the largest number of cases before the European Court of Human Rights on a per-capita basis.

The study includes a comprehensive list of 285 non-governmental organizations from Transdnistria. It includes data on their naming, legal organisation form, the year they were formed, their address and other contact info, leadership data, field of main activities, etc. Nearly half (127) are based in Tiraspol, followed by 86 in Bender - the country's second largest city - and just over 30 in Dubossary.

According to information published by the OSCE, the survey was carried out between August and December 2006 with the financial support of the OSCE Mission. It gathered detailed information on the NGOs active within PMR. The catalog, which contains all information in Russian and English, was distributed to the press at a presentation held 14 February 2006 at the headquarters of the OSCE Mission.

Predictably, Moldova was not happy with the publication of the latest findings. Despite overwhelming evidence to the contrary, Moldova continues to claim that there is no free and independent civil society in “*the Eastern region of Moldova*” as it often refers to Pridnestrovie, refusing even to dignify the area with a name. In Chisinau, a former Moldovan advisor to the presidency made it clear that his country won't accept as valid the existence of a civil society which is not loyal to Moldova's ruling elite: “ - *This publication is an attempt to legalise the Transnistrian regime,*” claimed Moldovan nationalist and ex-presidential spokesman Oazu Nantoi in an interview to Info-Prim-neo. “ - *It is an attempt to show that the regime has a more democratic face,*” insisted the political spin-doctor and former presidential advisor. Unwilling to accept that the people of the region has a strong opinion on their own future, he attacked the existence of NGOs which he said “*have the purpose of liquidating Moldova as a state,*” not mentioning that the Pridnestrovskaja Moldavskaia Respublica was never part of an independent Moldova at any time in history, and declared independence in 1990, one year before the Republic of Moldova came into existence.

“ - *If Moldova can't come to grips with the new findings, that is hardly our problem. They can choose to be stuck in the past, if they want. With their empty*

hate-slogans and their ideological blinders. Meanwhile, we are moving forward independently, towards a democratic future with more and more plurality and civic involvement in building a free, tolerant and independent state," declared Petru Gladchi, a civil society activist from Tiraspol.

The director of the study, Iuliana Abramova, is also affiliated with NGO World Window, a local group which has been funded by the George Soros Open Society network. (With information from IPN)

VIII- 3 : FOURTEEN ELECTIONS IN FIFTEEN YEARS IN PMR

In its first fifteen years of existence, Pridnestrovskaja Moldavskaia Respublica held a total of fourteen elections. Three for president. Four for local and municipal authorities. Three for members of parliament. And four referendums.

Following the direct democracy style of Switzerland, whenever there's an important change to decide on, the people get to decide ... not the government. so far, Pridnestrovie has four successfully held referendums to its credit:

1. First referendum put the matter of autonomy to a vote. The people voted in favor, resulting in independence from the MSSR.
2. Second, after the break-up of the USSR a referendum was held to confirm the status of Pridnestrovie: Should it join with Moldova, with the Commonwealth of Independent States, or consolidate a role as an independent country. The vote went in favor of the latter.
3. Third, a referendum was held to determine the country's official position vis-a-vis the presence of CIS peacekeepers on its territory. Remembering these peacekeepers role in negotiating a ceasefire after Moldova's bloody 1992-invasion, Pridnestrovie's voters invited them to stay.
4. Fourth, in the country's most recent referendum, a government proposition on land ownership reform was put to a vote. This time, the proposition did not find enough support among the population and the government's plan was not approved. The government of Pridnestrovie recognized the result and its proposal was scrapped.

VIII-4 : PRESS FREEDOM IN PMR

In Ukraine, a new study detects a dramatic decline in press freedom. In Moldova, OSCE and the United States express concern over censorship. But there is also a bright spot: in Transdnier, the situation is improving according to a seminar held recently by the British government.

While still claiming to want democracy and human rights, press freedom is rapidly declining in Ukraine, says a new study by French NGO REPORTERS WITHOUT BORDERS.

And in Moldova, the situation is also going from bad to worse: The Organization for Security and Cooperation in Europe (OSCE) and the U.S. Embassy have both released harsh statements criticizing the forced closure of TV and radio stations.

But one potentially bright area remains: Only in Pridnestrovie, or Transdnier as it is also known, is the situation actually improving. What was previously seen as a black spot with a reputation for a somewhat repressive media climate is becoming more and more free every day. That was the conclusion of a recent seminar held by the British government and by Moldova's Foreign Policy Association.

A recent study conducted by an international NGO indicates that press freedom in Ukraine has gotten worse over the last year, calling into question the democracy credentials of President Viktor Yushchenko and his failed Orange Revolution.

The Paris-based REPORTERS WITHOUT BORDERS, which conducts an annual international study on press freedom, revealed that press freedom has gotten worse, not better, under Orange Yushchenko.

The results of the study point to a dramatically worsening situation as Yushchenko's Western allies look the other way.

Elsa Vidal from Reporters without Borders spoke of a reduction in press freedom in Ukraine, sparked in part by physical attacks against journalists and the court system's inability to complete the murder trial of decapitated reporter Georgiy Gongadze.

Victoria Sjummar, director of the Institute of Mass Information (IMI), a Ukraine-based NGO that monitors censorship in the country, also noted a decline in Ukraine's press freedom due to violence against journalists.

" - *Press freedom has gotten worse,*" she said, citing a rise in journalist beatings and attacks throughout last year, adding that "*There has also been a rise in censorship, political and economic pressure and lawsuits against journalists.*"

" - *This so-called Orange Revolution is really just a dictatorship in disguise,*" confirmed a wellplaced Kiev journalist who asked us not to print his name out of fear of government retaliation. "*Just like in Georgia, the president is fooling the West with all his hollow democracy talk. It is just talk. In reality, they are as repressive as before, and it is becoming worse every day. Now, there is a lot which simply doesn't get printed anymore, because of fear of Ukraine's police and secret service.*"

Moldova, which never had an Orange Revolution, is instead governed by Europe's last Communist president. Although Vladimir Voronin pays lip service to Brussels and Washington, the actions of this former Soviet general and his regime are heavyhanded in a way that has the West increasingly worried.

Moldova's government closed two popular public broadcasters in the capital Chisinau, the Antena C radio station and the Euro TV channel, in what many see as a blatant attempt to silence critical voices ahead of the May local elections.

Both the Organization for Security and Cooperation in Europe (OSCE) and the U.S. Embassy have released statements criticizing the handling of the closures of the two stations, as well as a second radio broadcaster, 103.5 FM, in the city of Balti.

Among the concerns was fear of the deterioration of the free press in Moldova ahead of local elections in May 2006.

Louis O'Neill, the American head of the OSCE mission to Moldova, said last month that the situation was "*disappointing*" and spoke of "*missteps in the way the new legislation is being implemented.*"

Likewise, in an interview with RFE/RL's Romania-Moldova Service and the BBC conducted in Chisinau on February 16, U.S. Deputy Assistant Secretary of State Colleen Graffy said the closures represent a serious challenge to media freedom. " - *The development of free independent and pluralistic broadcasting media is vital for the establishment of a functioning democracy in Moldova,*" Graffy said. "*And therefore, examples such as Antena C and 103.5 FM give us grave concern.*" " - *We believe that this presents a serious challenge to freedom of the press in Moldova and to the diversity of opinion and ideas available to the Moldovan public,*" continued Graffy. "*The [U.S.] Embassy, together with members of the international community, really deplore this arbitrary manner in which the radio was reorganized and its staff fired.*"

In a commentary, the news agency INFO-PRIM NEO called the reorganization "*the most far-reaching attack on the press and journalists who are inconvenient to the ruling party since 2004*" - the year another critical station was liquidated by the Moldovan parliament in a move critics said was an attempt to eliminate government critics.

The commentary accuses the government of trying to manipulate the outcome of the May 2007 local elections by eliminating some of the few media outlets that were critical of its policies. To make matters even worse, the Committee to Protect Journalists reports that Moldova applies censorship to both local and foreign media. And despite an agreement to the contrary, the country won't let Pridnestrovie's newspapers and magazines be sold in Moldova ... despite the fact that the opposite happens and the Moldovan press is freely available in Pridnestrovie.

While far from perfect, the media situation in Pridnestrovie is fast improving. In fact, say journalists who work there, it is probably one of the few bright spots in an otherwise blighted region.

" - *Personally, I have worked exclusively on PMR issues for almost a year now and have experienced no censorship of any kind,*" says Jason Cooper, a reporter and assistant staff editor for THE TIRASPOL TIMES & WEEKLY REVIEW. *"We are free to write whatever we want, and sometimes we do put some bite into the articles. Just to see if they are asleep at the switch. And personally, I have to be honest - I don't think there even is a switch anymore. They left it a long time ago. The contents of the local press proves it: Today, the PMR press can freely write what it wants, and it often does. It is refreshing, especially in comparison with Moldova and Ukraine."* " - *There are two very practical ways to gauge press freedom,*" says Cooper. *"The first is to be a reader: Look at the content in all the Transdnistria papers and see how free/lively/critical it is. The proof is in the pudding."* " - *The second way is to ask yourself: Have any newspapers been banned or closed? Are there any journalists in jail? Persecuted? Harrassed? Exiled? The short and simple answer is no, no, no and no. I don't mean to sound like an apologist,*" explains the journalist, *"but again, the proof is in the pudding. You can't really argue with reality. And despite Moldovan claims to contrary, Transdnestr is a place where press freedom is on the up."*

A seminar organized by the British Embassy and MOLDOVA'S FOREIGN POLICY ASSOCIATION in September 2006 concluded that a relatively free press exists which is independent from authority. Around fifty foreign policy analysts and journalists examined the current situation of freedom of speech and free expression in Pridnestrovie. They took particular issue with a Moldovan-created stereotype that the press in Pridnestrovie is state controlled and managed by heavy-handed, Stalinist methods, with so-called "voices of freedom" being suppressed.

As concluded by the analysts, the opposite is true: It turned out, said the summary of the seminar, that the press is in fact relatively free from state security control and that it voices opinions which are independent of the government led by current president Igor Smirnov. The report quoted *"the presence of certain courage, professionalism and adherence to [journalistic] principles"* and concluded that the press does not blindly transmit the government's viewpoint.

According to Internet-based sources, this conflicts with an earlier report by OSCE which claims that the media climate in both Moldova and Pridnestrovie is restrictive and that authorities engage in a number of efforts to silence the opposition. These efforts are not detailed by the OSCE and local journalists

interviewed by Tiraspol Times are unaware of what the OSCE might be referring to. One even went as far as to suggest that the OSCE has a credibility problem.

In Pridnestrovie, however, an indirect gag on the press was arguably present through a requirement in the local press law that journalists were responsible for fact checking their stories. Ostensibly, the rule was put in place to promote truth in media. In practice, it worked to put a damper on journalistic freedom, with reporters using caution on reporting rumors and other claims that couldn't immediately be fact-checked.

In early February, PMR's parliament took steps to remove the fact-check rule. Although journalists are of course still urged to get their facts straight, they can no longer be held legally responsible or fined for articles that don't check out. *"This is a relief to those of us who work with tight deadlines,"* says journalist Roman Konoplev, editor in chief of news agency PMR NEWS and the internet portal www.tiras.ru, based in Tiraspol, Pridnestrovie's capital.

American State Department officials seem to agree that Pridnestrovie, alone in the region, is moving in the right direction when it comes to media freedom. During her February 2007 visit to the region, U.S. Deputy Assistant Secretary Graffy held a series of roundtables and meetings with members of the Moldovan media. According to an official press release issued by the U.S. Embassy, *"the tour also included a lively discussion with Transnistrian journalists in Tiraspol"*, Pridnestrovie's capital.

In the Moldovan/Romanian version of the press release, the local translator took liberty with the original text and omitted the word "lively."

Apparently, censorship is rampant among Moldovan-speakers in Chisinau. Even among the locals hired by the U.S. Embassy to translate. (With information from Kyiv Post, RFE/RL)

Fifty participants joined the conference from both sides of the Dniester river, among journalists, cabinet ministers, representatives of political parties, as well as NGO and civil society activists.

British Ambassador John Beyer participated in the conference, along with Moldovan cabinet minister Vasile Sova and Oazu Nantoi, a former presidential advisor now turned spin-doctor.

One of the main themes of the conference was the so-called "info war", or information warfare, between Chisinau and Tiraspol. This subject was covered extensively in a roundtable discussion with leading journalists and members of the Moldovan press side by side with their colleagues from Pridnestrovie. The findings revealed that journalists can easily fall victims to stereotypes which they themselves help shape. Moldovan journalists acknowledged that when it comes to their coverage of PMR, there are a number of things which are simply

taken at face value, and where critical analysis is suspended. They accepted the need to check their premises and reconsider many of their basic assumptions.

Another stereotype was that "*Pridnestrovie's propaganda is better*" and that "*the population of Pridnestrovie are zombies*." The assembled journalists from Tiraspol explained that a large part of the population had turned away from newspapers and TV as their primary information sources, and that following the new customs regime - which is seen in Pridnestrovie as an economic blockade by Moldova - there have been a tendency for the media from both sides of the Dniester to be less trusted.

Meanwhile, the media is fighting an information war with increasing decibels of hate on both sides. Many journalists, especially in Tiraspol, want to move to a new stage in press coverage. Victoria Gladkowski, editor in chief of the Tiraspol office of news agency NEW REGION, explained that "*the current general tendency, from both the left and the right bank, is that the other side is 'the enemy'. But this is a perception that we need to get rid of.*" Opposition journalist Andrei Safonov, an advocate of unification with Moldova, admitted that there is currently very little interest in Pridnestrovie for any kind of unification with Moldova. "*But the image of Moldova needs to be made more attractive in Pridnestrovie,*" he felt, and "*if Moldova would grow economically, and if the prosperity of its citizens would grow, then integration could be possible.*"

MOLDOVA'S FOREIGN POLICY ASSOCIATION, co-organizer of the event along with the British Embassy, has a high-powered board of directors which includes former Moldovan minister Ion Sturza, the Public Policy Institute's Arkady Barbarosie, Moldova's Ambassador to the United States Nicolae Chirtoaca, anti-Communist MPs Oleg Serebrian and Anatoly Tseranu, among other public figures. The Foreign Policy Association publishes weekly digests on the Moldova-Pridnestrovie territorial dispute as well as on the foreign policy of Moldova. (With information from vremea.net)

VIII-4 : PMR'S DEMOCRACY ASPIRES TO SWISS MODEL

"Pridnestrovie is no Switzerland. But it is a young democracy where the opposition is in control of Parliament and where the government respects referendum-results even when its own proposals are voted down. The country is copying its older, larger role-model: And today, it is an example to the world of how a formerly oppressed people — through democracy — can create a free and successful nation, write journalist Jason Cooper. For countries emerging into freedom, democracy comes in fits and starts and Pridnestrovie is no exception. After gaining its freedom when the Soviet regime fell, Pridnestrovie

had no previous experience in democracy. But after fifteen years of free and direct elections the country has gotten the formula right. With the humble dream of maybe one day becoming as stable and democratic as Switzerland, it has a strong preference for citizen referendums and always respecting the rule of law, even when it goes against the government's wishes.

Democratic reforms are everywhere today in Pridnestrovie, thanks to liberalizing initiatives by the reform-minded majority in the country's parliament. A law on local administration, stipulating that the chairmen of raion and city councils have to be elected by the councils by secret vote, was adopted on 18 May 2005 at first reading. Local and national government is democratic, on the basis of universal, equal and direct suffrage by secret ballot. Voters elect their officials for a term of five years. All citizens over the age of 18 have the right to vote, with no discrimination based on sex, race, ethnic background, language, religion or other discrimination of any kind."

On the other side of the river, bad news for democracy ! Observers called Communist-party boss Voronin's election in Moldova "*the worst since 1991*"

Whereas the situation in PMR is improving, on the other side of the Dniester river, Moldovan democracy is circling the drain. Both the U.S. State Department and U.S.-based Freedom House in their annual reports on human rights abuses are watching the situation with grave concern. According to the latest report, domestic and international observers highlighted numerous deficiencies. Going on record, some described the most recent elections as "*the worst since 1991.*" Owing to the alleged misuse of state resources, the observed imbalances in the state media's coverage, and other signs of deterioration in Moldova's electoral processes, the country's rating in this category worsened. And as if that wasn't enough, Moldova's independent trade unions were under attack too: State officials interfered in their activities, using threats, fiscal controls, and other methods to sabotage their work. Moldova's latest presidential election on 8 March 2005 came under the strongest criticism ever and could hardly be called democratic by any stretch of the word. The observer mission from the Organization for Security and Cooperation in Europe documented abuses on election day and pointedly noted that the campaign had been tainted by misuse of state resources for the Communist Party's benefit and overwhelmingly pro-government coverage of the Communists on both state- and state-controlled television. Kimmo Kiljunen, the Finnish chief of the observer mission, was quoted as saying that there were "*many efforts to prevent the election from unfolding in a fully free and competitive manner.*" When asked which side of the river the people of Pridnestrovie prefer to live on, the choice is easy: In an emerging democracy with freedom, rising living standards and the rule of law.

IX - THE PRIEDNESTROVIAN EXPERIENCE OF DIRECT DEMOCRACY

More astonishing – but not so, if we see the aspiration for Swiss Democracy model - still is the introduction and the defence of the Direct Democracy (8), conceived like the "power of the people".

In this field, the experience of Tiraspol –where one often makes reference to the Swiss direct Democracy – is to be followed with attention by all those who intend to bring an alternative to the general bankruptcy of the bourgeois participacy.

IX-1 : THE DIRECT DEMOCRACY IN ACTION IN TIRASPOL

Presented as "*the direct Democracy in action in Tiraspol* ", the central institution of the "power of the people" in Pridnestrovie is the "*mass congress for Freedom*". Daily newspaper TIRASPOL TIMES (9) thus presented the 6th Congress of April 2006:

"In Tiraspol, an enormous meeting of democracy became now an annual institution. It brings together successfully the elected civil servant of all the levels to decide the future of Pridnestrovie. Moldavians exceeded in a number the ethnic Russians and were determined to go ahead with the independence of the republic. 660 elected representatives of all the sectors celebrated the democracy in Pridnestrovie in March and April 2006, when the country held its 6th national congress of the deputies of all the levels. The congress, which opened in Tiraspol on March 31, 2006, gathered the elected civil servant of all the republic and of all the levels: Councils of village, and councils of the city and the "raion"(NDT: district), and the 43 elected deputies of the national parliament "

For all those who know the **haughty arrogance of caste of the Western members of Parliament**, one will note the spirit of total equality which intends to erase any difference in level between the elected officials of all levels: "*A total of 660 legislators took part in this "Festival of the democracy", with equal voting rights and equal time [of speech] for each one, each one of them like representatives of the administrations at the national level or the municipal level and of district. "*

IX-2 : THE REFERENDUM AS MAJOR TOOL OF THE DIRECT DEMOCRACY IN PMR

On September 17, 2006, the inhabitants of Transnistria decided at 97,1% for their annexation into Russia at the time of a new referendum.

Moldavia had let know that it would not recognize the results of this poll (sic), also denounced by the European Union and the United States, not very concerned of democratic legitimacy when it is not useful with the expansionist aims of NATO in the East. One will still note that NATO organized exactly at the same time operations (of intimidation) at the borders of the PMR, in Moldavian territory. And that the many demonstrations organized by the anti-NATO forces of Moldavia, which protested against this obvious violation of Moldavian neutrality (proclaimed in the constitution), were all prohibited and repressed. Where is the democracy in this end 2006, in Kichinev or in Tiraspol?

Piotr Denisenko, head of the electoral commission of the PMR, declared that *97,1% of the voters had approved the annexation of Transnistria into Russia. Only 2,3% voted against.* The voters also had to say if they wished to give up the way started sixteen years ago towards independence. P. Denisenko specified that *94,6% of the inhabitants of the area had voted against the union with Moldavia.* Two questions were subjected to referendum: "*Do you support the policy towards independence of the Transnistrian Moldavian Republic and its voluntary annexation into the Russian Federation?*" and "*Do you consider possible the renouncement of independence and further annexation of the Transnistrian Moldavian Republic into Moldavia?* ".

As for Russia, it wants to see the result of the referendum recognized as **the expression of the democratic will of the region.** Nearly 79% of the 390.000 voters took part in the referendum "*Hundreds of observers of the CIS and of Europe could see with their own eyes the people of Transnistria express their will* ", declared the head of the Russian diplomacy S. Lavrov. He added to the address of Brussels: "*it is doubtful that it is correct and politically perspicacious to scorn and, all the more reason, not to respect this form of expression of the will of the people* ".

The international observers in Transnistria signed a joint conclusion confirming the absence of violations of the principles of the universal suffrage, direct and equal. The observers did not note a case of pressure on the activities of the electoral institutions on behalf of the bodies of the power of State of the Transnistrian Moldavian Republic and of the local authorities, the declaration indicates. During the vote, Transnistria respected the principles of free and equitable elections, the principle of opening of the referendum; information relating to it was opened to all the interested people, according to the observers.

More than 130 international observers from the countries of the CIS (the Community of the independent States) and from Western Europe, come from France, Belgium and Italy) followed the referendum.

"Thanks to Russia, peace and the interethnic harmony have reigned for several years in the area, all the inhabitants of Transnistria, independently of their nationality, have a pro-Russian mentality ", declared Igor Smirnov, president of the Republic of Transnistria. "The referendum which was held last Sunday constituted the logical end of tragic ordeals and blockades of any kind, economic and informational, as well as other challenges and threats which we underwent these last years. The people of Transnistria determined themselves and see their future in an alliance with Russia ", he affirmed during a press conference in Moscow" We choose Russia. Russia was always present on our ground, since the formation of the first State on this territory. The capital of our republic was founded by Suvorov (famous Russian field marshal having led victorious wars against Turkey at the end of the 18th century., nota). "I am sure that the choice that our people made on September 17 was correct. Our people showed themselves enough wise to preserve their identity ", added the president of the self-proclaimed republic.

IX-3 : THE ADHERENCE OF THE PEOPLE TO THE REPUBLIC

The adherence of the population, all ethnic groups mixed together (and where the mixed marriages are in a majority), with the ideology of the State of PMR is a constant. One will remember that in March 1995, the inhabitants of Transnistria voted already at 81% in favour of a new Constitution for independence. That same day, 93,3% of the population (which counted then quite 40% of Moldavians) pronounced themselves in favour of the maintenance of the troops of the Russian army on the Transnistrian territory.

The political parties and the NGO of the self-proclaimed republic of Transnistria, **all tendencies united**, thanked the citizens for the choice in favour of independence and an alliance with Russia at the time of the referendum of Sunday September 17: *"On September 17, we achieved our choice: to live in an independent State and to build relationship with the Federation of Russia. We, representatives of the parties and public associations, we express our gratitude to our people for the responsibility, patriotism and fidelity of which they made proof in the name of the well-being of each family and the generations to come. Together, we will arrive at the recognition of our republic ", can one read in the message of the political parties and the NGO to the people of Transnistria." In spite of the declarations of certain international organizations in which they refused to recognize the results of our referendum and the exercises jointly*

carried out by the United States and NATO in Moldavia with an aim of intimidating Transnistrians, the citizens of the republic expressed their unit and cohesion in the fight for independence, having taken a very active part with the popular consultation ", said the authors of the document.

the vast majority of the people support independent statehood. This is the conclusion of a series of poll results. As reported by the INTERNATIONAL CRISIS GROUP, *"in a 1998 poll carried out jointly by Moldovan, Pridnestrovian, Russian, and U.S. researchers, 83 percent of respondents supported Pridnestrovian statehood."* In the nearly ten years since the poll, sponsored by the CARNEGIE FOUNDATION, living standards have gone up and support for Pridnestrovie's statehood has increased even more: It now stands at 96+ percent. A poll in 2000 showed that most Pridnestrovian respondents felt they live better than Moldovans. Today, six years later, it is time for the world to bow to reality and recognize that in Pridnestrovie, a separate independent and quite successful country exists and has existed for a decade and a half.

Also according to the INTERNATIONAL CRISIS GROUP, the Pridnestrovian respondents *"have shown higher trust in their state institutions than their Moldovan counterparts."* Dr Oleh Protsyk from the European Centre for Minority Issues in Germany studied this issue, too. He says: *" - For very significant numbers of Transnistrians, their regional institutions are democratically legitimate government bodies and not simply the facades of repressive and irresponsible authoritarian rulers, as a reading of some of the Western press might suggest."*

This statement, published in 2005 in the study "MOLDOVA'S DILEMMAS IN DEMOCRATIZING TRANSNISTRIA", reinforces what Pridnestrovians already know: That the country's democratic institutions work better than those of governments in neighboring countries. *" - Despite Transnistria's sinister image in the Western media, the region is not a gangsters' land where no rules and norms apply,"* Dr. Oleh Protsyk goes on to tell us in his report. He explains that Pridnestrovie has *"succeeded in building workable institutions that provide for its citizens a sense of normalcy and rule of law. For example, there is a constitutional court that routinely makes judgments on matters pertaining to the implementation of the 1995 constitution, with the court's rulings often going against the wishes of parliament and, sometimes, of the president."*

The population in Pridnestrovie want to normalize relations with Moldova through what is the obvious peaceful solution: A free and fair, democratic vote to let the people have a say.

Luc MICHEL (April-May 2007)

NOTES AND REFERENCES OF PARTS 1 AND 2:

(1) **Abkhazia (capital Sukhumi)** ex-autonomous republic of Soviet Georgia since 1931, fought the Georgian forces from 1992 to 1994, shortly after the dissolution of the USSR in December 1991. Sukhumi does not recognize the sovereignty of Tbilissi on its territory and applies a policy aiming at reaching an independence recognized by the international community.

Ex-autonomous region of Georgia according to the administrative division of the USSR, **South-Ossetia (capital Tskhinvali)** proclaimed its independence on September 20, 1990. Tbilissi then counteracted and the military operations made thousands of deaths on both sides from 1990 to 1992. At the time of the first referendum of January 1992, shortly after the disappearance of the USSR, South-Ossetia massively expressed in favour of its independence towards Georgia. The South-Ossetians put the course on the bringing together with North-Ossetia, republic of the North Russian Caucasus, noting that Ossetians, whether North or South, voluntarily integrated Russia in 1774, about thirty years before Georgia. Nearly 99% of the South-Ossetians said " yes " to the referendum organized this 12 November 2006 by the separatist authorities and proposing to make of the region an independent State. Tskhinvali does not hide its strategic objective of reunification with North-Ossetia , a Russian republic of the North Caucasus, and categorically refuses to recognize the Georgian sovereignty on its territory.

" frozen conflicts " last around these republics, that, with the support of NATO and of Washington, one tries to destroy by force. In Abkhazia and South-Ossetia attacked by Georgia, combat ceased only after the intervention of an international force of maintenance of peace. PMR has claimed for 16 years its independence from Moldavia, through several referenda, and houses a Russian contingent of peace in spite of the Moldavian opposition.

(2) *“Unrecognized countries seek integration, closer partnerships”, comment the TIRASPOL TIMES & WEEKLY REVIEW (<http://www.tiraspoltimes.com>) :*
“The flags of Pridnestrovie and Abkhazia flying next to each other in Tiraspol, where Abkhazia recently opened an embassy. Three de facto independent sovereign states are seeking closer collaboration and international integration as they help each other achieve diplomatic recognition of their statehood. Pridnestrovie, South Ossetia and Abkhazia - all located on the post-Soviet space - declared independence following the fall of Communism and the breakup of the

Soviet Union. Although their independence has not been recognized by the United Nations, they operate as de facto independent countries with their own flags, constitutions, defined borders, armies and law enforcement, currencies, and national anthems.

For the most part, they also have democratically elected governments and multi-party political systems, with Abkhazia and Pridnestrovie leading in democratic development and South Ossetia still lagging behind.

During a meeting Wednesday, the foreign ministers of the three republics agreed to consolidate their efforts to resolve their protracted conflicts with metropolitan states Moldova and Georgia, both of whom lay claim to the territories of these states and have earlier gone to war over them.

The largest country in the region, Russia, has supported the regions' bids for independence, and Russian forces help with peacekeepers, participating alongside other countries with providing troops to oversee cease-fires in the conflict zones as part of international peacekeeping forces since the bloody conflicts that followed the independence declarations”.

The result is the “**Community for Democracy and Human Rights**”.

In June of 2006, the presidents of Abkhazia, South Ossetia and Pridnestrovie - Sergey Bagapsh, Eduard Kokoity and Igor Smirnov - founded the Community for Democracy and Human Rights, a joint international effort to speak with a common voice in the United Nations and other international venues where the rights of self-determination are often neglected.

Two months ago, the organization launched a website at the Internet domain www.community-dpr.org with information about its member states and their desire for closer international relations with the world community. The website is part of a public diplomacy effort which also involves a common information and news agency to cover the situation in the new and emerging countries. The agency will have bureaus in all three of the republics' capitals.

Between them, the three republics are exchanging diplomatic representatives and opening ties for trade and people-to-people collaboration. Last December, Abkhazia opened an embassy in Tiraspol, Pridnestrovie's capital. In return, Pridnestrovie opened a diplomatic representation in Abkhazia, and is currently planning more such offices abroad.

The parties agreed to hold a meeting in Sukhumi, the capital of Abkhazia, in the near future. Pridnestrovie's Foreign Minister Valery Litskai said that further steps will depend on a decision that will be made on the status of Kosovo, a separatist region in Serbia with a predominantly Albanian population.

(With information from RIA Novosti)

(3) Kosovo case is directly linked to Transnistria independence.

UN's Kosovo mediator says Kosovo should be independent and called it "*the only viable option*". "Residents of Tiraspol immediately compared his report to their own situation. Having been a 'de facto' independent country for 17 years, many of the recommendations also apply to Transnistria", comment Jason Cooper, (27/Mar/2007). "*Independence for Kosovo, currently part of Serbia, is recommended by U.N. mediator Martti Ahtisaari. " - Independence is the only viable option for a politically stable and economically viable Kosovo," special envoy Martti Ahtisaari said in a report to the United Nation's Security Council.*

"In Tiraspol, the capital of unrecognized Transnistria (officially named Pridnestrovie), similar aspirations abound. Many locals found echoes of their own situation, and felt that Ahtisaari was describing their own struggle with Moldova when he called independence "the only viable option." Independence of the Kosovo province is fiercely opposed by Serbia but supported by much of the West, led by an influential group within the United States State Department. Serbia rejects independence for Kosovo as a violation of international law, arguing that territorial integrity trumps the principle of self-determination. The United States does not agree, with US Assistant Secretary of State Daniel Fried having made it clear that in the bigger picture, there are more important issues than a blind adherence to a territorial integrity which for all practical purposes has already been rendered moot by events on the ground. "

Fried, who has worked closely with Elliott Abrams of Iran-Contra fame, has links to a number of neoconservative groups and has been labelled "'an Iraq war-hawk" by human rights activists. Part of an influential group of foreign policy makers aligned with Israel, his recent advocacy for Kosovo independence has brought him some unusual bedfellows.

Although Ahtisaari's Kosovo recommendations are closely studied in Transnistria, the president of this new and emerging country believes that his country has a much better historical and legal justification for independence than Kosovo. Kosovo rejects a common state with the country that it is formally part of. While his country's Ministry of Foreign Affairs initiated a study comparing the advice of the Kosovo report to Transnistria's own quest for international recognition, President Igor Smirnov, 65, prefers to point out the differences instead of the similarities between the two. "*Of course they are different. Look to international law, and look to the history of this land. Pridnestrovie has a much stronger legal and historical basis for recognized sovereignty than Kosovo,"* says Smirnov, referring to Transnistria by its official, constitutional name; Pridnestrovie. "*We do not overestimate the impact of Kosovo resolution, but if Kosovo is recognized as independent, then obviously that adds some more arrows to the quiver of our diplomats."*

The United States, in what some see as a preference for politics over international law, has given no indication that it will apply a "Kosovo precedent" as a way to solve post-Soviet frozen conflicts. But in Transnistria, public opinion is increasingly contemptuous of perceived Western double-standards: non-Slav independence movements like that in Kosovo receive generous support on their path to independence despite evidence of massive corruption and ethnic cleansing, but Slavic or pro-Russian separatists are treated as pariahs.

The official, but somewhat contradictory position of the US State Department, is that Kosovo is unique and that although the territorial integrity principle can be broken in one part of Europe, it must be upheld in another part of Europe. For now, official State Department policy is to insist that Transnistria is part of Moldova and must not be allowed to choose its own future, despite the strongly held desire of more than 90% of its population for independence.

" - *Kosovo's status is only for Kosovo. Period,*" insisted Daniel Fried. In an attempt to explain why, the US Assistant Secretary of State argued that there could be no comparison between Kosovo and Transnistria because the latter situation had not, as he put it, led to an "international war." The implicit message was that independence must only be granted if NATO attacks another country to promote separatism.

With Europe's most expensive peacekeeping operation taking place in Kosovo, the West is in a hurry to settle the issue this year. The peacekeeping operation has received mixed reviews and has been largely unable to protect Kosovo's Serbian minority from attacks by Albanian nationalists.

Despite a NATO-led force of 16,500 peacekeepers, Kosovo flare-ups are a regular occurrence and fatalities are common in the region. Most of the deaths are caused by violence between those who support independence and those who don't. In contrast, the five-sided multilateral peacekeeping force in Transnistria has only 1,200 peacekeepers and has been successful in preventing violence since 1992. During the fifteen years of its mission, not a single life has been lost to any violent incidents. The local peacekeeping mission, which includes troops and military observers from Moldova, Transnistria, Russia, Ukraine and the OSCE, was established following the signing of a cease-fire agreement which ended Moldovan attacks on Transnistrian towns and cities. NATO has ruled out any involvement, and most of the countries in the peacekeeping arrangement - with the notable exception of Moldova - believe that the current format is a successful guarantee against renewed outbreaks of violence.

Transnistria, which already has a full independence in every way except on paper, has no ethnic violence or attacks against minority groups. Its Slavic majority does not attack the Moldovan minority, and most of the Moldovans who live in Transnistria are in favor of independence as well. According to a 2006

survey, the majority of Moldovans in Transnistria prefer independent statehood rather than joining their ethnic brothers across the Dniester river in a common state.

(4) *“Ethnic Moldovans in Pridnestrovie prefer independence over unification with Moldova”*, titled THE TIRASPOL TIMES (10 Sep 2006) ; *“If given the choice, most ethnic Moldovans prefer independence for "Transnistria" rather than joining with Moldova - "I would die for this country," says Vlad Leșco, ready to sign up as volunteer for Pridnestrovie if there is ever a war on the border again. Vlad is an ethnic Moldovan. He speaks Moldovan, a variant of Romanian. But he was born in Pridnestrovie, a country which is known as Transnistria in his own language. Like most ethnic Moldovans on this side of the Dniester river, he rejects talk of unification with the Republic of Moldova. "We are better off if we can strengthen our independence here in Pridnestrovie," he says.*

Both Pridnestrovie and Moldova are ethnically mixed. In Moldova, 78% of the population are ethnic Moldovans or Romanians (just 14% are Slavs). In Pridnestrovie, 32% are ethnic Moldovans or Romanians (and almost two-thirds are Slavs.)

This opposite mix of majorities and minorities make the people of Pridnestrovie unique and different in almost every way, separate from Moldova. A UN-report talks about the two sides' "very different historical past", while the OSCE-mission recognizes the "distinct feeling" of Pridnestrovie's separate "identity going beyond ethnic lines."

Following International studies: Ethnic Moldovans refuse Moldova :

According to the Organization for Security and Co-operation in Europe, ethnic Moldovans who live in the PMR have a distinct feeling of Pridnestrovian identity going beyond ethnic lines. And they prefer being governed by Pridnestrovie rather than by Moldova. As OSCE writes in a report: *"Many ethnic Moldovans living on the left bank have an aversion against being governed directly from the centre [...] and do not consider themselves as "Bessarabians". Several prominent political figures in the self-proclaimed PMR are ethnic Moldovans."*

Other international experts and scholars agree.

" - In PMR, most citizens do not want to rejoin the territory which is today the Republic of Moldova," says geopolitical scholar John O'Loughlin, author of a study of PRIDNESTROVIE, NATIONAL CONSTRUCTION, TERRITORIAL SEPARATISM, AND POST-SOVIET GEOPOLITICS IN THE TRANSDNIESTER MOLDOVAN REPUBLIC. *"Perhaps surprisingly to outsiders, this includes at least nine out of every ten of even the ethnic Moldovans who live in Pridnestrovie."*

Opinion polls reveal the same result. As reported by the INTERNATIONAL CRISIS GROUP, *"in a 1998 poll carried out jointly by Moldovan, Pridnestrovian, Russian, and U.S. researchers, 83 percent of respondents supported Pridnestrovian statehood."* In the nearly ten years since the poll, sponsored by the US-based CARNEGIE FOUNDATION, the de facto independence of Pridnestrovie has consolidated itself and support for Pridnestrovie's statehood has increased even more: It now stands at 96+ percent, with nine out of ten of the ethnic Moldovans supporting an independent Pridnestrovie, too.

In Chisinau, the capital of Moldova, parliamentarian and former spokesman for Moldova's Ministry of Foreign Affairs, Oleg Serebrian, says the same thing. According to the chairman of the Social-Liberals, more than 90 percent of the population of PMR will vote for independence. Even among ethnic Moldovans, the majority are in favor of separate statehood for Pridnestrovie and want no future within Moldova.

Preference for independence "makes sense".

"Ethnic Moldovans are in no hurry to join their brothers on the other side of the Dniester river, in the Republic of Moldova. In fact, given the choice, they would rather stay in Pridnestrovie and would rather have Pridnestrovie continue its course towards more independence, integration and international recognition. " - In a way, this makes sense," says Leșco. "Because look at Switzerland, another small country with many minorities and with three main languages. The German Swiss and French Swiss are perfectly happy not being part of Germany or France."

As with any rule, there are exceptions. Around Dubossary, and on the Eastern bank of the Dniester, the dominantly Moldovan-inhabited villages of Dorotcaia, Cosnita, Cocieri, Malovata, Pohrebea, and Piritia in Pridnestrovie have preferred Moldovan jurisdiction. Although these left bank locations were never part of Moldova historically, the government of Pridnestrovie has respected the will of their pro-Moldovan inhabitants.

Likewise, the historically Moldovan city of Bender (Tighina in Romanian) and the villages of Kitskani, Mereneshti and Gyska on the right bank of the Dniester are today part of Pridnestrovie because their inhabitants made that choice in rural assemblies and an earlier independence referendum. Since 1990, these right bank areas have been under the exclusive jurisdiction of Pridnestrovie and the local population has steadfastly refused to obey any laws or decrees originating from Chisinau, the capital of Moldova.

"By drawing the borders this way, Pridnestrovie respects the popular will of the people who live here. This, rather than imposing rules from the outside by use of force, is in line with proposals made by the Council of Europe. On 16 September

2005, referring to the settlement of the Pridnestrovie's status, the Parliamentary Assembly of the Council of Europe noted that that "any solution must accord with the popular will as expressed in fully free and democratic elections."

In Pridnestrovie, the majority of ethnic Moldovans like the fact that the Dniester river marks the border and have no wish to change that. "Moldovans have always had a place in Pridnestrovie, and for the vast majority of them, that place is apparently comfortable enough for them to want to stay there.

Even the official name of the country is a nod to its large minority: Pridnestrovskaja Moldavskaia Respublica, when translated, is the Pridnestrovian Moldovan Republic.

The Moldovan language is established as one of the three official languages in Pridnestrovie's constitution. In schools, all children learn three languages: Bilingual education is mandatory, and from the second grade onwards, a foreign language is also taught.

Pridnestrovie declared independence on 2 September 1990, a year before the formation of today's Republic of Moldova. Its territory has never been part of an independent Moldova at any time in history, and had already left the Soviet-imposed MSSR (Moldavian Soviet Socialist Republic) by the time the Republic of Moldova came into existence.

Ask the ethnic Moldavians who live in Pridnestrovie if they would want to unite with Moldova and the answer, in nine cases out of ten, is not just "No" but "Hell No!"... In fact, for anyone to still propose a union of these two very different entities is to either be deliberately misleading or else completely unaware of the reality on the ground. Forcing to two to merge is a stillborn idea".

(5) Nativeborn ethnic Moldovan leadership is also a reality.

For all of Pridnestrovie's 16 year existence, much of the top leadership has been in the hands of ethnic Moldovans. Right from the start, in 1990, the vice-president, the chairman of Parliament, the minister of the interior, the minister of defense, and many of the members of parliament were ethnically Moldovan. Some of the ethnic Moldovans in Pridnestrovie's leadership include the country's first vice-president Alex Karaman and one of the founding fathers of the nation, Grigori Maracutsa.

Valerianus Tulgar, an ethnic Moldovan, is a member of Pridnestrovie's parliament and also president of the Union of Moldovans in Pridnestrovie, the country's largest federation of clubs and organizations supporting the rights of ethnic Moldavians. The organization reflects the majority view of its members whose statements have consistently supported independence and sovereign statehood for Pridnestrovie.

(6), (7), (9) "*Direct democracy in action in Tiraspol*", Published on PRIDNESTROVIE.NET: <http://pridnestrovie.net>

(8) How to define the " Direct democracy " at the dawn of the 21st century? The Symposium on " DIRECT DEMOCRACY: The ALTERNATIVE OF the 21e CENTURY " organized by the MEDD (Movement for European Direct Democracy), under the direction of Luc MICHEL, July 31 2005 (La Roche - Wallonia), with participants from 18 European, African and Arab countries, intended to answer this question and to expose the "*theories and praxis of the Direct Democracy vis-a-vis the crisis of Western parliamentarism*". To know:

- **European sources of Direct Democracy** (Switzerland – Robespierre/1793 – the commune of Paris/1870 – Soviets – the Referendum);
- **the Libyan pilot experience** (the Green Book of Moammar Kadhafi - the Jamahiriyan system);
- **the Direct Democracy in Africa** (the experience of Thomas Sankara).
- **experiences of Popular Justice** in the USSR, socialist Albania and Libya ("Justice, social Order and Direct Democracy");
- **experiences of municipal autonomy** (Libya, socialist Albania, Cuba, ba'athist Iraq).

For the first time in the history of the studies on the subject, this Symposium approached – all the theories and praxis of Direct Democracy in Europe and their contributions or relationship with the pilot experiences of Africa and Latin America.

The participants in particular lengthily approached **the related topics with the Direct Democracy** like:

- the armament of the people ("*the fundamental alternative is between armed citizens and disarmed voters*" said the theorists of Direct Democracy),
- the social property of the means of production,
- trade-union self-management and the central place of the trade unions in the Direct Democracy,
- and popular Justice.
-

As lecturer underlined it in his communication of introduction, "*Direct Democracy is the true and original popular power form of the people of Europe*", direct democracy is the natural form of government of the European

people.

Direct democracy rests on a basic concept, it is the mode of the responsible and committed nation which is ready to risk its life for the community. The sovereign people are people in arms. For the theorists of the direct democracy the armament of the people is a basic concept.

Direct democracy will survive in only one state, after year 1000 it is precisely Switzerland Switzerland escapes feudality, it is a whole of Cantons one could say now a whole of the municipalities (obviously the women are excluded from it, but in the majority of the societies of antiquity the woman is regarded neither as a full citizen nor even like an active member of the community, the woman is often regarded as an object, goods or a minor). In Switzerland, to have the right to vote, make decisions, one returns to the concept of armed people, it is necessary to submit to the assembly of citizens with a weapon, it should be proven that one is ready to defend the fatherland. It should not be believed that the Swiss system will last until the current time. It is a degeneration and it will be transformed into a semi-feudal system quickly. But the Swiss, at the end of an evolution, quickly as soon as feudality will be cut down in 1789, will remember their experiences and will go back to a partial system of direct democracy which is a model in Europe.

For certain European theorists of the modern direct democracy, *Switzerland is in Europe the only state which can say that it has a democratic legitimacy, Switzerland is the only country in Europe – with in modern age Yugoslavia of Tito and socialist Albania - where the people is armed*, it is the only state in the world, because even Libya did not adopt this system, where the citizens have their armament of war on their premises including the heavy armament, the Swiss have at home their rifles of attack, the ammunition and for some heavy machine guns.

DATES AND FACTS - CHRONOLOGICAL HISTORY OF THE MOLDOVA-TRANS-DNIESTER CONFLICT

Historically distinct, Pridnestrovie was never part of an independent Moldova. The two countries were forcibly joined in 1940 under a secret Nazi-pact with Stalin. In 1990, they found freedom and became independent of each other again.

450 B.C.: As documented by the ancient Greek historian Herodotus, in the 5th century BC the area just east of the Dniester is inhabited by Sarmatians, descendants of Scythians. Herodotus describes the Sarmatians' physical appearance as blond, stout and tanned. In the Greek geographer Strabo's 17-volume work Geographica he calls them "Celtic Scythians" and language studies have since shown that the Celts did play a significant role in Slavic ethnogenesis at the time.

100 B.C.: A hundred years before the birth of Jesus, Pridnestrovie is formally part of Sarmatia; itself confederated with Scythia. The Dniester River forms the Western-most reaches of Sarmatia. [1] On the other side is Dacia, the forerunner to today's Romania and Moldova and wholly separate in culture, language, ethnicity and way of life.

850: In the early Middle Ages, Pridnestrovie is populated by peaceful Slavic tribes and Turkic nomads. The Bulgarian Khanate reaches all the way up to the Dniester river. Then, as now, the Dniester marks a clear separation from the lands to the west).

1359: On the other side of the Dniester, the Principality of Moldavia is formed. It lasts until 1512. The principality in its greatest extent stretched from Transylvania in the west to the Dniester River in the east. A separate country in all respects, it never included any of Pridnestrovie. The two lands have always had distinct people and cultures.

1450: Pridnestrovie becomes a formal part of the Grand Duchy of Lithuania in the 15th century. Strong influences from Northern Europe can still be seen in

Pridnestrovie's culture and architecture, as a result of the Polish-Lithuanian union which included Pridnestrovie. The border was marked by the Dniester river. Moldavia, on the other side of the river, was never part of the union.

1792: The Russian Empire incorporates the area, with Pridnestrovie's Dniester river representing the southwest border of Russia. Bender is a fortress to defend Russian borders, while the fortress in Tiraspol is being built. Under the sway of the Ottoman Empire, Moldavia never lays claim to any of the territory of Pridnestrovie.

1897: A census in Tiraspol shows that a full 27% of the city's population are Jews. Pridnestrovie, although mostly Christian, is also a country with strong Jewish roots.

1924: Under the new Soviet Union, Pridnestrovie becomes the Moldavian ASSR which also incorporates parts of Ukraine but none of Moldavia. The Dniester river is still respected as the natural border between the two countries. Moldavia, in 1924, is part of Romania.

1939: Leading to World War II, the Molotov-Ribbentrop Pact is signed with a secret protocol dividing Romania (and much of the rest of Europe) between dictators Adolf Hitler and Josef Stalin.

1940: Under the Molotov-Ribbentrop Pact, Stalin invades Romania and takes Moldavia which is annexed to Pridnestrovie (the MASSR). The resulting area becomes known as the Moldavian Soviet Socialist Republic. By force, and as an act of war, the two distinct lands of Pridnestrovie and Moldova are joined despite their will and despite the natural border of the Dniester River.

1941: Fighting on the side of Hitler's Germany, Romanian fascists, supported by Hitler's Germany, retake Moldavia and continue into Pridnestrovie. An artificial geographic term, Transnistria [1], is created by Romanian Fascists to designate a territory of about 16,000 square miles, designated for the annihilation of Jews. Most of Pridnestrovie's large Jewish population perish under the Romanian/Nazi-occupation.

1941: The understanding that the Dniester River has always represented a natural international border was clear even in the minds of the Nazis and their Romanian collaborators: Although Romania and Nazi Germany held Pridnestrovie from July 1941 to April 1944, it is a known fact that "there was never any attempt to annex the occupied territory beyond the Dniester" (historical source: Charles

King, 'The Moldovans', p.93). Pridnestrovia, even to the Romanian fascist leadership, was always a very separate, very distinct land and they had no wish to join it with Moldova or Romania proper.

1944: Soviet forces retake the area that was established in 1940 by Stalin's and Hitler's wartime border-redrawing. The unnatural marriage of Pridnestrovia and Moldova continue under Stalin's orders.

1988: Under glasnost, more freedom and self-rule is given to regions of the Soviet Union. In Moldova, advocacy groups for re-unification with Romania take the first steps of violence against minorities who oppose such a re-unification. They contest the human rights and civil rights of ethnic minorities [2] in the MSSR (Moldavian Soviet Socialist Republic).

1989: Populist leaders in Moldova launch a campaign of ethnic hatred [3] against the country's minority of ethnic Russian speakers under the slogan "Suitcase – Trainstation – Russia!"

1990: Referendum on the autonomy of PMR is held. In Rybnitsa, 91.9% vote for the formation of the PMR as an independent republic. In Tiraspol, the proposal wins by 96%.

1990: First independent congress of people's deputies of city, regional and rural assemblies of Pridnestrovia is held on 2 June 1990 in the village of Parkany. 673 deputies from all over Pridnestrovia attend. They pass the Declaration of the social and economic development of Pridnestrovia and decide to proceed with preparations for a statewide referendum on whether or not to form an independent republic.

1990: In Chisinau, Moldova's Parliament annuls the 1940 Molotov-Ribbentrop Pact which annexed Moldova to the Soviet Union. However, it is this same pact which joined Pridnestrovia and Moldova, too. So by declaring the pact null and void, Moldova also implicitly renounces its claim under international law to sovereignty over the Tiraspol, Bender, Grigoriopol, Dubossary, Rybnitsa, Slobodzeya and Kamenka districts of the dissolved MSSR. The call for an end to the "political and legal" consequences of the Pact is later repeated in Moldova's Declaration of Independence [3], August 27 1991.

1990: Following the Tiraspol and Rybnitsa votes, referendums on possible independence are held in Bender, Grigoriopol, Dubossary and Slobozia. Total voter turnout is 79%, and 95.8% of the vote supports the creation of an

independent Pridnestrovian state. Throughout the assemblies, town hall meetings and referendums, it is notable that even the ethnic Moldavians living in Pridnestrovia support the idea of creating an independent Pridnestrovian republic, separate from Moldova proper.

1990: Based on the 95.8% favorable vote and the support by all ethnic groups, the 673 deputies decide to declare independence. On 2 September 1990, at the second extraordinary congress of deputies, Pridnestrovia officially proclaims its founding. The republic is created by the most democratic way known to man: By free and fair vote and according to the will of the people in a popular referendum based on the human right of self-determination as set forth in the UN charter.

"the political and legal consequences of the above be eliminated". [3] Since this was the only thing which had previously joined Pridnestrovia with Moldova, the country's declaration of independence implicitly annuls its claim to Pridnestrovian territory.

1991: Despite this, just two days after Moldova's declaration of independence, undercover agents from the Moldovan Secret Police arrest Igor Smirnov, [3] one of the leaders of newly independent Pridnestrovia. He is taken to Chisinau and held *incomunicado* as the country's first political prisoner.

1991: A nonviolent protest against the imprisonment of Igor Smirnov is started by women who blocked the main railroad, stopping the trains between Chisinau and Odessa. At the beginning there are 10, after that 20, 100, then 1,000. Day and night, they sit down on the railroad tracks to protest. This peaceful protest leads to Smirnov's release a month later.

1991: On 1 December, a nationwide referendum on the independence of PMR is held. The Pridnestrovian voters reaffirm the will of the people and vote to keep the full independence of Pridnestrovskaya Moldavskaya Respublika.

1991: Adoption of the first Constitution of Pridnestrovia. This constitution, influenced by the Soviet constitution, does not allow for a market-based economy or wide political freedoms.

1991: First presidential election in Pridnestrovia. Only two candidates stand, with recently released political prisoner Igor Smirnov winning the race.

1992: In an armed incursion Moldova tries to retake Pridnestrovia, the territory which it had earlier given up by renouncing the Molotov-Ribbentrop Pact. In

Dubossary and Bender, 600+ civilian lives are lost in bombings and air raids carried out by Moldovan forces.

1992: Despite the heavy loss of lives, PMR gathers volunteers who unite to fight off the Moldovan forces. On the Pridnestrovian side, improvised teams of fighters are made up of volunteer units, the old and the youth, men and women, regular military men, irregulars, veterans, Cossacks, Moldavians living in PMR, Russians, Ukrainians, Bulgarians, Germans, Jews, Poles. All, united on impulse, defend their Republic. They do not invade Moldova but merely take up defensive positions on their own side of the Dniester river, in PMR.

1992: Moldova fights back with air-raids and bombings of Bender and parts of Tiraspol. By now, nearly one thousand civilians lie dead in the streets of Pridnestrovie. As the bloodshed intensifies, [4] the Russian 14th army steps in to put a quick end to the conflict and negotiate a ceasefire.

1992: Under the supervision of Boris Yeltsin, a ceasefire agreement is signed with Moldova. As part of the agreement, a Russian peacekeeping operation is stationed along the Dniester river to prevent the resumption the conflict or a renewed Moldovan invasion of the lawfully declared independent Pridnestrovian state.

1992: Creation of the Ministry of Foreign Affairs [4] of Pridnestrovie.

1993: Establishment of Pridnestrovie's own law enforcement, security services and armed forces under the newly created Ministry of Internal Affairs [5] and the Defense Ministry.

1994: Pridnestrovie puts its own currency, the PMR Rouble, [5] into circulation. Bank notes and coins carry the symbols of the young state. Export agreements are signed with German and U.S. companies.

1995: Transition to a democratic market based economy requires modifications to Pridnestrovie's constitution. A referendum is held on the changes, introducing a new, multi-party constitution which allows for an open, market-based economy and a wide range of economic and political freedoms, freedom of expression, human rights, and the adherence to international agreements. [5]

1996: The country's new post-Soviet Constitution [5] takes effect. It codifies the new nation's commitment to a market-based economy, multi-party democracy, adherence to the UN charter and respect for human rights.

1996: Igor Smirnov re-elected president of the republic, with 71.9% of the voting electorate in his favor. Even though allegations of vote-fraud are apparently unsubstantiated, the country's parliament decides on changes to voting procedures and that the next elections will involve more transparency and the presence of international observers.

1999: The death penalty is abolished in Pridnestrovie by Decree no. 263, signed 6 July 1999.

2000: Elections for parliament. The president's party, Respublica, wins a majority of the seats. 122 international observers participate, pronouncing the elections democratic and free of fraud.

2001: Igor Smirnov re-elected president a second time, with 81.8% of the votes. Democratic oversight, 134 international observers participate. No allegations of fraud.

2002: Creation of Pridnestrovie's Supreme Court. [6]

2005: A comprehensive set of foreign policy objectives [6] is established, guiding the republic's relations with other nations and opening the possibility for diplomatic representation.

2005: Elections for parliament. 153 registered international observers participate along with 112 accredited journalists from 46 newspapers and television stations. Opposition party Renewal [6] wins a majority. The election process is pronounced completely free and fair by all of the organizations who sent international observers. [6] In contrast, only the groups who did not send observers declare the process to be undemocratic.

2006: Pridnestrovie's Central Bank announces best-ever economic figures [6] and the lowest inflation [7] of the past decade.

2006: Moldova and Ukraine tighten the rules on customs processing despite a 1997 agreement granting the right to independent foreign trade to Pridnestrovie. This move leads to losses and a reversal of the rosy economic figures.

2006: Pridnestrovie's parliament establishes the independent institution of a human rights Ombudsman.

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He also consulted and used numerous Russian, Rumanian and Moldavian sources, wishing to give the word to all the actors of the Transdnestrian Question and the PMR-Moldavia conflict.

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PART 3 : APPENDICES



APPENDIX 1 :

TRANSDNIESTER BETWEEN MYTHS AND REALITY

(by Sergei Markedonov, published on RIA Novosti, 01/Aug/2007)

Foreign policy expert Sergei Markedonov is head of the inter-ethnic relations section at Russia's Institute for Political and Military Analysis.

Myths about Transdnester could fill a book, says foreign policy expert Sergei Markedonov in this column. But to achieve progress in lasting and permanent conflict settlement it is essential that we leave the fantasy world behind and start dealing solely with reality from now on.

By Sergei Markedonov, 01/Aug/2007

On July 27, Transdnestr celebrated the 15th anniversary of the arrival of a peacekeeping force in this troubled corner of the post-Soviet space. Unfortunately, today's approaches to examining the present state of and future prospects for this republic show the absolute inadequacy of the major world players.

In Russia, Transdnestr is seen as a matter of domestic policy. After 1991, many politicians and experts in Russia viewed Transdnestr as a sort of socialist paradise lost to the rest of the former Soviet Union, a desirable utopia for Communists and an alternative to Gaidar-type privatization.

Unfortunately, this image, cultivated in newspapers like *Sovetskaya Rossiya*, was readily and successfully exploited by Chisinau and then "brought to the notice" of Brussels and Washington. In Europe and the United States, any movement that advocated the fall of the U.S.S.R. was automatically considered democratic. Since it was Moldova that came out against the Soviet Union in 1989-1991, and Transdnestr that supported the central authorities, Chisinau, rather than Tiraspol, was branded "democratic". Hence the choice of a pattern for settlement by which Chisinau is to play the key role, while Tiraspol is forced to accept a secondary role, agreeing to whatever its wise advisers tell it to do.

However, to debunk the myths about Transdnestr, you only need to make a

couple of trips to the region and regularly read publications on the subject.

The first myth concerns Transdnestr as a "Communist preserve". Yet neither the local presidential administration nor its parliament has any Communists in them. Two local Communist parties are in opposition. In "democratic" Moldova, by comparison, Communists make up the ruling majority in parliament, and Communist leader Vladimir Voronin has been elected president of this "rapidly Europeanizing country". It might also be added that his predecessor was Petru Lucinschi, a former first secretary of the Communist Party of Moldova.

To understand the "Communist" and "Soviet" nature of the Transdnestrian movement it is necessary to recall the conditions that attended its birth. The separatist movement sprang up in 1989 in response to Moldova's official decision to Latinize the Moldovan language, proclaim it Romanian, renounce the use of Russian as a state language, and change state symbols. The movement was no more "Soviet" than any other in the former U.S.S.R. Romanization of Soviet Moldova was a utopia from the very start. The breakup of the U.S.S.R. revealed that newly ascendant ethnic elites gave up the Soviet past but did not mind using such Soviet heritage as artificial borders drawn up by Moscow, and the territories it carved up.

In this sense, the only "Soviet" aspect of the movement was an appeal to central authorities to help them not to become a dispossessed and non-indigenous nation. Set up as opposition organizations, strike committees on the left bank of the Dniester, then the United Council of Working Collectives and later the authorities of the unrecognized republic resisted the attempts by party committees to suppress ground-roots activity.

Igor Smirnov, the current leader of Transdnestr, is no liberal. He believes in a state-directed economy and has little faith in the benefits of a multi party system. But if Europe showed more understanding in dealing with Transdnestr, new leaders with wider perspectives on democracy and the liberal market could appear on the left bank. Tiraspol takes care to emphasize that in the conflict with Moldova in 1992, ethnic Moldovans defended, and died defending, Transdnestr.

An equally dangerous myth is the view of Transdnestr as nothing more than a Russian vassal. Today, Tiraspol genuinely links its hopes for the future with Russia. Smirnov's flirtations with Ukraine in the spring and summer of 1991 are now well forgotten. At that time, many on the left bank of the Dniester hoped for a separation from Moldova with Kiev's help. Probably afraid of setting a

precedent for its Crimean and Donbass provinces, Ukraine decided against restoring the former "Moldovan ASSR". This made a pro-Russian orientation the only viable option for Tiraspol. Nevertheless, it is enough to recall conflicts between the republic's leadership and the commanders of the Russian 14th army - Yuri Netkachev, Alexander Lebed, Valeri Yevnevich, and sharp words spoken by Transdnestrian leaders against Russian politicians, to understand that Smirnov is not a Kremlin-appointed governor.

Myths about Transdnestr could fill a book.

But the main problem is not so much the debunking of Russian and European dogmas. Political conflicts on former Soviet territory should be addressed in a new way, discarding the obsolete "Communist / Anti-Communist" dichotomy.

For how much longer can any Russian initiative be seen as "imperial re-integration", and any show of pro-Russian sympathy as a "rebirth of Communism" and "totalitarianism"?

In settling conflicts, one should be guided by compromise, rather than playing "for one team" and giving priority to the "most democratic" one.

APPENDIX 2 : CONSTITUTION OF THE PRIDNESTROVSKAIA MOLDAVSKAIA RESPUBLIKA

The Constitution of the Pridnestrovskaja Moldavskaja Respublika was adopted on December 24, 1995 at the national referendum and signed by the President of the Pridnestrovskaja Moldavskaja Respublika on January 17, 1996.

The current wording in accordance with changes and additions made by the constitutional laws of the Pridnestrovskaja Moldavskaja Respublika from December 15, 1998 No. 128-KЗД, from June 30, 2000 No. 310-KЗИД, from July 13, 2005 No. 593-KЗИД-III, from February 10, 2006, No. 1-KЗИД-IV.

We, multinational people of the Pridnestrovskaja Moldavskaja Respublika,

- united by the common fortune on our land;
- maintaining human rights and freedoms, as well as free development of a person;
- proceeding from the responsibility for our Motherland before the current and future generations;
- confirming our commitment to the common to all mankind values, striving for life in peace and harmony with all peoples according to generally recognized principles and norms of international law;
- establishing the legal state, which would ensure the rule of law as an expression of will of the people;
- honoring the memory of our ancestors, who have passed us love and respect to our Motherland,
- wishing to ensure well-being and prosperity to Pridnestrovskaja Moldavskaja Respublika, adopt the Constitution of the Pridnestrovskaja Moldavskaja Respublika.

SECTION I. PRINCIPLES OF THE CONSTITUTIONAL SYSTEM

Article 1

The Pridnestrovskaja Moldavskaia Respublika shall be a sovereign, independent, democratic, legal state.

Its people shall be the bearer of sovereignty and the only source of power in the Pridnestrovskaja Moldavskaia Respublika.

The people shall exercise its power directly, as well as through organs of state power and institutions of local self-government.

Referendum and free elections shall be the highest direct expression of the power of the people.

No one can assume power in the Pridnestrovskaja Moldavskaia Respublika. Seizure of power and appropriation of powers of authority shall be the gravest crime against the people.

Article 2

The Constitution of the Pridnestrovskaja Moldavskaia Respublika shall be of highest legal force and direct action. Organs of state power and administration, institutions of local self-government, officials, public associations and citizens must observe the Constitution and laws of the Pridnestrovskaja Moldavskaia Respublika.

Article 3

Citizenship of the Pridnestrovskaja Moldavskaia Respublika shall be granted and forfeited in accordance with the constitutional law, and be equal for all citizens irrespective of the reasons for its acquiring.

A citizen of the Pridnestrovskaja Moldavskaia Respublika may not be deprived of his citizenship or of the right of changing it. A citizen of the Pridnestrovskaja Moldavskaia Respublika can have a citizenship of another state, i.e. - double citizenship.

Unless otherwise provided by law, foreign citizens and stateless persons shall enjoy rights and freedoms exercised by citizens of the Pridnestrovskaja Moldavskaia Respublika.

Article 4

State, private, and other forms of ownership shall be recognized in the Pridnestrovskaja Moldavskaia Respublika.

All forms of ownership shall be equally protected by the state.

Article 5

Soil, entrails of the earth, waters, forests, airspace, as well as other natural resources shall be objects of exclusive ownership of the state. Plots can be in the lifelong use of citizens with the right of succession, with their maximum size and the order of using stipulated by law.

Article 6

State power in the Pridnestrovskaia Moldavskaia Respublika shall be exercised on the basis of its division to legislative, executive, and judicial. Organs of legislative, executive, and judicial powers, within their own competences, shall be independent.

Article 7

In the Pridnestrovskaia Moldavskaia Respublika, a local self-government shall be recognized and ensured, consisting of Soviets of People's Deputies and organs of territorial public self-government, which shall directly, or through their elected organs, independently tackle social, economic, political, and cultural issues of local importance, proceeding from the state interests and interests of the population of their respective administrative territorial formation.

Article 8

The state, its organs and officials shall act in the conditions of democratic diversity of political institutions and opinions.

The state shall regulate relations between social, national and other communities on the basis of principles of equality and respect for their rights and interests.

The activity of public formations, their organs and representatives shall be prohibited, which is aimed against sovereignty of the Republic, at forcible change of foundations of the constitutional system, undermining security of the state, establishment of illegal armed formations, stirring up racial, national or religious discord.

Article 9

The Pridnestrovskaia Moldavskaia Respublika shall be a secular state. No religion may be established as a national or obligatory one.

Religious associations shall be separated from the state and be equal before the

law.

Article 10

Foreign policy of the Republic shall proceed from the principles of sovereign equality of states, non-use of force, peaceful settlement of disputes, non-interference in internal affairs of other states.

Universally recognized principles and norms of international law, as well as international treaties of the Pridnestrovskaja Moldavskaia Respublika, shall be the basis for relations with other states and the constituent part of the legal system.

Article 11

To defend sovereignty and independence of the Pridnestrovskaja Moldavskaia Respublika, the Armed Forces shall be established.

The order of establishment and activity of the Armed Forces shall be determined by law.

Article 12

The status of the official language on an equal basis shall be given to the Moldavian, Russian, and Ukrainian languages.

Article 13

The Pridnestrovskaja Moldavskaia Respublika shall have its own national flag, National Emblem and state anthem, which shall be symbols of the Republic and be approved by law.

The capital of the Pridnestrovskaja Moldavskaia Respublika shall be the city of Tiraspol.

Article 14

The Pridnestrovskaja Moldavskaia Respublika shall consist of: the following towns - Bendery (with villages - Varnitsa, Ghyska, Protyagailovka), Dubossary, Rybnitsa, Tiraspol; and Grigoriopol, Dubossary, Kamenka, Slobodzea, Rybnitsa regions.

The borders and the territory of the Pridnestrovskaja Moldavskaia Respublika shall be established by law.

Article 15

Provisions of this Section of the Constitution shall constitute the principles of the constitutional system of the Pridnestrovskaja Moldavskaia Respublika and may not be changed otherwise than provided by the current Constitution. Other provisions of the Constitution cannot be inconsistent with the principles of the constitutional system of the Pridnestrovskaja Moldavskaia Respublika.

SECTION II. RIGHTS, FREEDOMS, RESPONSIBILITIES
AND GUARANTEES OF A PERSON AND A CITIZEN

Article 16

A person, his rights and freedoms shall be of supreme value to the society and the state. The responsibility of the state shall be to protect rights and freedoms of a person and a citizen. Basic human rights and freedoms shall be inalienable and belong to everybody from birth.

Article 17

Everybody shall have equal rights and freedoms and be equal before the law without distinction as to sex, race, nationality, language, religion, social origin, views, personal and social status. Benefits and privileges can be established only by the law and should be consistent with the principles of social justice.

Article 18

Restriction of rights and freedoms of a person and a citizen shall be allowed only in cases provided by the law, in the interests of national security, public order, protection of morality, of people's health, rights and freedoms of other individuals. No one can enjoy benefits and privileges inconsistent with the law.

Article 19

Everybody shall have the right to life. The state shall protect the right to life of a person from any infringement.

The capital punishment, until it is abolished, can be applied according to the law as an exceptional punishment for committing grave crimes against life and only according to the sentence passed.

Article 20

Everybody shall have the right to liberty and security of a person.

No one can be arrested or detained otherwise than provided by the law.

A detainee shall have the right to judicial review of lawfulness of his detention or arrest.

Article 21

No one can be subjected to torture, cruel, inhuman or degrading treatment and punishment, as well as be object of medical or other experiments without his own consent.

Article 22

A person accused in committing a crime shall be innocent until proven guilty in accordance with the established by the law procedure and the sentence of guilty passed and come into legal force. An accused shall not be bound to prove his innocence.

Article 23

No one must testify against himself, his spouse, close relations, whose circle is determined by the law.

Evidence obtained with violation of the law shall not have any legal force.

Article 24

Everyone shall have the right to protection of his good name, protection against infringement on his honour and dignity, against interference with his private life; as well as the right to personal and family secret, and to inviolability of the home.

No one shall have the right of visit and search of the house, to violate the secrecy of correspondence and telephone conversations otherwise than in the cases and in the order provided by law.

Article 25

The citizens of the Pridnestrovskaja Moldavskaja Respublika shall have the right to freedom of movement and residence within the Republic, to leave it and to come back unimpededly.

Article 26

Maternity and childhood, as well as family shall be under protection of the state. Care for children and their upbringing shall be an equal right and duty for parents. Able to work children, who have reached the age of 18, must take care of their disabled parents.

Article 27

Everyone shall have the right on the freedom of thought, speech and opinion. Everyone shall have the right in any legal way to seek, receive and spread any information, except for the one directed against existing constitutional system, or being State secret. List of information being State secret shall be determined by the law. Everybody shall be ensured the freedom of opinion and expression.

Article 28

The media shall not be subjected to censorship.

Article 29

The citizens of the Pridnestrovskaja Moldavskaja Respublika shall be ensured the right to get keep and spread full, reliable and timely information concerning activity of state organs, of public associations, concerning political, economic, and international life, the state of environment. The organs of state power and administration, institutions of local self-government, and their officials must provide a citizen of the Pridnestrovskaja Moldavskaja Respublika with the possibility to get acquainted with documents and materials concerning his rights and legitimate interests, unless otherwise provided by the law.

Article 30

Freedom of conscience shall be ensured to everybody. Everybody shall have the right to profess any religion or not to profess any. Any forced implanting religious views shall be inadmissible.

Article 31

The citizens of the Pridnestrovskaja Moldavskaia Respublika shall have the right to participate in running public and state affairs both directly and through their representatives. This participation shall be carried out through the local self-government, holding referenda, and democratic formation of state organs.

The citizens of the Pridnestrovskaja Moldavskaia Respublika can freely elect and be elected into state organs on the basis of universal, equal and direct suffrage by secret ballot.

Article 32

The state shall ensure the freedom of assembly, rallies, street processions, demonstrations and pickets, which do not violate law and order, as well as rights, of other citizens of the Pridnestrovskaja Moldavskaia Respublika. The order of holding the abovementioned activities shall be determined by the law.

Article 33

The citizens of the Pridnestrovskaja Moldavskaia Respublika shall have the right to join in trade unions, political parties and other associations, to participate in mass movements not prohibited by the law.

Article 34

Judges, prosecutor's office personnel, personnel of organs of interior affairs, of the committee of state control, of security organs, as well as servicemen may not be members of political parties and other public associations set to achieve political goals.

Article 35

Labour shall be free. Everybody shall have the right to freely use his abilities to work, to choose the kind of his labour activity and occupation.

Forced labour shall be prohibited.

Everybody shall have the right to work in the conditions meeting the requirements of security and hygiene, to be rewarded for labour without any discrimination and not less than the established by the law minimum level of salary; as well as the right to protection against unemployment.

The right shall be recognized to individual and collective labour disputes with the use of established by the law ways of their resolution, including the right to strike.

Everybody shall have the right to rest. An employee shall be ensured the length of working time, holidays and red-letter days, paid annual leave, established by the law.

Article 36

Everyone shall have the right to freely use his abilities and property for business and another, not prohibited by the law, economic activity.

Article 37

The state shall ensure the right of property to everyone.

The owner shall, at his own discretion, possess, enjoy and dispose the property belonging to him.

No one can be deprived of his property otherwise than under a court's decision.

Exercising the right of property should not damage the environment, historic and cultural values, infringe upon rights and protected by the law interests of other individuals or the state. The right of succession shall be ensured.

Article 38

Everyone shall have the right to social security in his old age, in case of disability, as well as in case of loss of a bread-winner, and in other cases provided by the law.

Pensions, benefits and other types of social assistance maynot be less than a level officially determined by the state.

Article 39

The citizens of the Pridnestrovskaja Moldavskaia Respublika shall be ensured the right to health protection, including free medical service and treatment in state public health institutions.

Article 40

Everybody shall have the right to secure for life and health environment and to compensation of the harm caused by violation of this right.

Article 41

Everybody shall have the right to education.

The citizens shall be ensured free general secondary education and free high professional education in state educational institutions.

Everybody shall have the right, on a competitive basis according to his abilities, to get free higher education in state educational institutions.

General secondary education shall be compulsory.

The Pridnestrovskaja Moldavskaia Respublika shall establish state educational standards, support different forms of education and self-education.

Article 42

Every citizen of the Pridnestrovskaja Moldavskaia Respublika shall have the right to housing. No one can be arbitrary deprived of housing.

The organs of state power shall encourage house-building, create conditions for exercising the right to housing.

Poor people and other mentioned in the law citizens, who are in need of housing, shall be provided with it free of charge or for reasonable pay from the state or other housing funds according to norms provided by the law.

Article 43

Everybody shall have the right to maintain his ethnicity, as well as nobody can be forced to name and indicate his ethnicity.

Insult of national dignity should be punished as provided by the law.

Everybody shall have the right to use his mother tongue and to choose a language of communication.

Article 44

The citizens of the Pridnestrovskaja Moldavskaia Respublika shall have the right to freedom of artistic, scientific, and technical creative work.

Intellectual property shall be protected by the law.

The state shall take care of cultural, scientific, and technical development of society.

Article 45

The state shall ensure rights and freedoms of the citizens laid down in the Constitution. The list of rights and freedoms, given in the Constitution, should not be interpreted as negation or derogation of other universally recognized rights and freedoms.

Article 46

Everybody shall be ensured judicial defense of his rights and freedoms, as well as the right to appeal to the court against illegal decisions and actions of state organs, officials, and public associations.

Article 47

Exercising rights and freedoms shall be inseparable from fulfillment by a citizen and a person his duties before the society and the state.

Article 48

Defense of the Pridnestrovskaja Moldavskaia Respublika shall be a sacred duty for everybody. The law shall establish universal military service.

Article 49

Everybody must observe the Constitution and laws, as well as respect rights, freedoms, honour and dignity of other people.

Article 50

Everybody must take care of the environment.

Article 51

Everybody must protect cultural and spiritual heritage of the people of the Pridnestrovskaja Moldavskaia Respublika.

Article 52

Everybody must pay taxes and local duties determined by the law.

SECTION III. THE PRINCIPLES OF STATE ADMINISTRATION

CHAPTER 1. THE DEVELOPMENT OF PRINCIPLES
OF THE CONSTITUTIONAL SYSTEM

Article 53

1. Everybody shall have the right on compensation by the state, local self-government, of the harm caused by illegal commission (or omission) of organs of state power, of local self-government, or of their officials.
2. Respect for human dignity, as well as full, unconditional and immediate protection of rights and freedoms of a person and a citizen, and providing conditions for free development of citizens shall be the responsibility of organs of state power, of local self-government and officials.
3. Any normative legal acts affecting rights, freedoms and duties of a person and a citizen maynot be applied without being published officially for general knowledge.

Article 54

1. In conditions of state of emergency or martial law, under the constitutional law, constitutional rights and freedoms of a person and a citizen stipulated in Articles 4, 20, 24, 25, 27, 28, 31, 32, 33, 35, 36, 37 of the current Constitution may be restricted.

In conditions of state of economic emergency, under the constitutional law, the constitutional rights and freedoms of a person and a citizen stipulated in Articles 4, 35, 37 of the current Constitution may be restricted.

Restrictions of constitutional rights and freedoms of person and citizen mentioned in the given Article may be established with mentioning limits and terms of them being in force. Other constitutional rights and freedoms of a person and a citizen may not be restricted.

2. State of emergency, martial law or economic emergency state on the territory of the Pridnestrovskaja Moldavskaja Respublika may be declared under the circumstances and in the order provided by the constitutional law.

Article 55

1. The Pridnestrovskaja Moldavskaja Respublika shall be a presidential republic.
2. Competences of two or three branches of power maynot be concentrated in the hands of one organ or one person. The legislative power maynot belong to one person. Executive organs of state power maynot be given competences to issue laws; and the legislative power maynot be given administrative competences for operational management of organs and institutions of executive and judicial organs of state power.
Each of the organs of state power shall be given controlling functions within its respective competences provided by the current Constitution and the law.
3. Judicial authority shall be exercised by courts, whose decisions shall be taken on behalf of the Pridnestrovskaja Moldavskaja Respublika.

Article 56

The Pridnestrovskaja Moldavskaja Respublika as a sovereign state through establishment, in the order provided for by the current Constitution and legislation, of organs of state power and administration, as well as state officials, shall undertake to perform the following main functions:

- a) creating and preserving a favourable environment;
- b) providing public health services;
- c) establishing and functioning of social security and public protection systems, as well as a system of employment of able-bodied population;
- d) development of science, culture, as well as providing education opportunities for the population;
- e) conducting the foreign policy;
- f) forming and ensuring operation of financial system of the state;
- g) ensuring development of national economy;
- h) functioning both internal and external trade;
- i) providing conditions for operation of transport and communication as single systems;
- j) providing conditions for functioning the agricultural sector of economy aimed at satisfaction of needs of the population;
- k) preserving and rational exploitation of the natural resources;
- l) providing conditions for operation of industry and power engineering;
- m) ensuring defense capability of the state;
- n) ensuring domestic security for normal functioning of the state;
- o) exercising law-enforcement activity for security and benefit of the population;
- p) ensuring operation of justice organs;

q) other matters requiring a uniform solving and application on the territory of the Pridnestrovskaja Moldavskaia Respublika for ensuring welfare and well-being of the population.

Article 57

If an international treaty of the Pridnestrovskaja Moldavskaia Respublika establishes other rules than provided for by the legislation of the Republic, it may be ratified by the Supreme Soviet only after adoption (or simultaneously with adoption) a law by it, introducing amendments into the legislation currently in force according to the international treaty of the Pridnestrovskaja Moldavskaia Respublika, which is subject to ratification.

Article 58

Unless it leads to restriction of rights and freedoms of a person and a citizen provided for by Section II of the current Constitution and is inconsistent with the principles of the constitutional system, the exercising of certain competencies of organs of state power may be delegated through passing a constitutional law in the order stipulated in Article 57 of the current Constitution to another state or supranational institutions, to the extent, to which it will not mean for the Pridnestrovskaja Moldavskaia Respublika a refusal from its sovereignty.

**APPENDIX 3:
ANALYSIS FROM REVIEW
"PRIDNESTROVIE"
“OUR ELECTIONS DEMOCRATIC
AND TRANSPARENT”
(by V. Grigoriev. Chairman of the
Constitutional Court, 30.11.2005, № 226
(2752))**

On December 11th, 2005 elections of Deputies of the Supreme Soviet of the Pridnestrovskaja Moldavskaia Respublika shall take place. These are the fourth elections to the representative and sole legislative organ of the state power in the history of our country. The special attention is drawn to the elections this year when the leaders of the Republic of Moldova and the mission of OSCE in Moldova have declared about absence of democracy in Pridnestrovie and about the necessity of active democratization of political and public processes in our Republic. Taking into account the given circumstances, on the eve of the elections to the Supreme Soviet of the Pridnestrovskaja Moldavskaia Respublika, we consider it necessary to remind of separate aspects of the history of our elections and to apply to the international voting standards and, using the constitutional norms and norms of the Voting Code of the Pridnestrovskaja Moldavskaia Respublika to show the true democratic character of our legislation on elections. Any state, which considering to become the full member of the world community of states, shall coordinate its legislation with the requirements of the international standards. It means, that rights and freedoms of a person have appreciably left the limits of the pure internal competence of the state and have become the subject of the international care.

Elections shall be a democratic way of formation of the organs of the state power with the help of voting. Elections represent the institute and the process of adoption of political and legal decisions which subject shall be the society on behalf of its capable citizens. Article 21 of the General Declaration on Human Rights reads that each person shall have the right to take part in management of

the country directly or through freely elected representatives. Elections shall not only legitimate (recognize legal, justified in the representations of the citizens) the state power, but shall perform it as one of the significant ways of its legalization (legal certification). By means of the constitutional elections there shall be realized the public political reproduction of the state, namely: social rotation or redistribution of the legislative and governmental functions and powers. During the elections there shall be carried out selection and education of political leaders, there shall be determined officials who shall perform the management of the state and the participation in the elections shall raise political and legal culture of the citizens. Thus, elections shall be one of the major characteristics of the political life, one of the major events in the life of the society and shall provide the formation of the democratic civil society and legal state.

Elections are one of the most ancient institutes of the human society, and their historical roots lead back to the primitive-communal, patrimonial system. In ancient Greece and Ancient Rome elections were already a significant form of organization of the state power. The institute of the suffrage was fully developed in medieval Europe, especially, for example, in England considered the native land of parliamentarism. Nevertheless, activities of such organs of "people's democracy" as the veche of Kiev, Novgorod and other old russian towns, actively promoted the development of the Russian suffrage which became the fundamentals for the formation of the voting legislation in the Pridnestrovskaja Moldavskaja Respublika.

The periodical free, unforged elections shall demonstrate indisputable advantage of democracy of any state system. Thus it is impossible to forget that voting shall not determine the course of events as it shall only predetermine who shall determine the given course of events. At the same time it is conventional that elections are the unique race in which the majority shall participate and win. Unfortunately, in practice, especially in the developing countries, the majority participates, but nevertheless loses, as the procedure of formation of the organs of power is organized so that, after voting the people quite often in general lose their votes. In this connection the statement of the President of Nicaragua Anastasio Somoza (1896-1956) who adressed to the people of his country with the following, " you have won the elections, and I have won the calculation of votes" has received wide popularity

It's true that people are quite often pleased that only one of a number of politicians candidates has won elections. The fact is that bad authorities, as a

rule, are elected by good citizens who do not vote. However, in any case, at estimation of democracy it is impossible not to remember the wise saying of the British politician Winston Churchill: " Democracy is the worst form of government if not to mention the rest" .

Elections shall be one of few institutes of the constitutional law concerning which there have been worked out and recognized uniform international standards and actually these are the fundamental principles of elections stipulated in Articles 2, 3, 4 of the Voting Code of the Pridnestrovskaja Moldavskaja Respublika. These principles are: the general equal and direct suffrage at ballot; free elections; personal voting; citizens' possession of the active and passive suffrage. The given standards are directly connected with the conditions of formation and democratic functioning of the political regime in the state, and they act as "the skeleton of modern democracy", therefore the voting legislation of the Pridnestrovskaja Moldavskaja Respublika having proclaimed itself the democratic, legal state (Article 1 of the Constitution of the Pridnestrovskaja Moldavskaja Respublika) shall meet these standards.

The declared in Article 2 of the Voting Code principle of free elections is directly connected with the active suffrage and means that the citizens of the Pridnestrovskaja Moldavskaja Respublika shall elect deputies freely, that is the voters can independently, by their own internal views form their will without extraneous influence and can realize their will at voting. Participation in elections should take place without any compulsion. Any violence, threats, deceit, payoff and other actions interfering with free formation and free revealing of will of a voter shall be forbidden.

The violence in the given case shall mean the use of physical force for the purpose of deprivation or restriction of freedom, compulsory withdrawal from a citizen of his passport or any other document necessary for reception by him of the ballot. The threat in this case shall be the mental influence on the victim for the purpose of hindrance to him in realization of his suffrage. The deceit shall be the deceit of the citizen concerning the valid phenomena directly concerning the realization by the citizen his suffrage, or concerning conducting the pre-election campaign. The payoff shall be the way of counteraction to free realization by the citizen of the suffrage or conducting of the pre-election campaign. The payoff shall be the declination of the person by granting or the promise of material compensation (money, material assets or services) to committing certain actions connected with realization by the citizen of the suffrage, conducting pre-election campaign (to voting pro or contra a concrete candidate, to removal by the

candidate of the nominee from balloting, refusal of a member of the voting commission to take part in the work of the voting commission, falsification of documents, etc.). It is necessary to specify, that payoff can take place concerning a voter, a member of the voting commission, the candidate to deputies, and also his authorized representative, official representative or against any person participating in the voting.

The requirement of personal voting by a voter at the elections, stipulated in Article 2 of the Voting Code purposes the two goals. First, it shall be the important means of maintenance of ballot. Second, personal voting shall act as one of the major remedial guarantees of fair and valid elections as it complicates the opportunities of manipulation ballots at carrying out calculation of votes. The given requirement is concretized in Article 80 of the Voting Code which stipulates, that ballots shall be filled by the voter, and voting instead of other voters shall be forbidden, which shall provide realization of the principle of personal voting of a voter at the elections.

The General Declaration on Human Rights of the United Nations of 1948 in Article 21 (item 3) specifies, that the will of people should be the basis of the authority of the government; the given will should be shown in periodical and unforged elections which should be carried out at the general and equal suffrage by ballot or through other equal forms providing the freedom of voting. The European Convention on Protection of Human Rights and Fundamental Freedoms of 1950 (Record No. 1 from March 20th, 1952) provides, that the states shall carry out free elections with reasonable periodicity ballot under the conditions providing the people free reveal of the opinion during the elections of the legislative power. The international pact on civil and political rights of 1966, stipulates that each citizen shall have the right and the opportunity to take part in conducting state affairs both directly, and through freely elected representatives; to vote and to be elected at true periodic elections carried out on the basis of the uniform and equal suffrage at ballot. The Convention on Standards of democratic elections, suffrages and freedoms in states – participants of the Commonwealth of Independent States from October 7th, 2002, in Article 1 stipulates the standards of democratic elections. Democratic elections shall be one of the supreme direct expressions of the power and people's will, the basis of activity of elected organs of the state power and local self-management, other organs of people's representatives, elective officials.

These universal international standards have the general character, they together with the regional international voting standards shall serve the important

guarantee of recognition and practical realization of suffrage of a citizen in each state, a member of the world community. Strict observance of the requirements formulated in the above mentioned international legal documents, specifying the requirements of free, fair and valid elections, shall be obligatory so that elections shall be recognized legitimate.

Thus, free elections shall be the elections characterized with the absence of pressure on voters. It shall be inadmissible to intimidate voters for the purpose of influence the choice of a candidate at voting and to prevent the voters from participation in elections. The important guarantee of carrying out free elections shall be independence of the judicial power, capable to protect suffrage of the citizens.

The fair elections shall be the elections carried out on the basis of observance of the democratic principles of suffrage – general, equal, direct elections at ballot. The validity of elections shall provide legitimacy of the results of the elections received during the voting.

The valid elections shall be the elections at which the voters shall be provided with the real right to choose. They should be carried out on the basis of, first of all, political pluralism, ideological variety at observance of the right to the freedom of thought and speech, free expression of views and belief. The valid elections shall give the opportunity to the voter to make on his own discretion the reasonable and unbiased choice out of a number of candidates.

The international standards the organization of elections have been legislatively stipulated not only in the Voting Code, but also in the Constitution of the Pridnestrovskajaia Moldavskajaia Respublika which adoption has stipulated the normative fundamentals for the further development of the institute of elections in accordance with the modern requirements. The indicator of the elective problematics stipulated in the Constitution of our state, have become the following notions "people", "power", "a person", "a citizen", "rights and freedoms of a person and a citizen", "national will", "elections". They shall be not only fundamental knowledge of democratic and electoral problematics, but shall be determining elements for understanding of essence and purpose of elections to the organs of the state power.

The fundamental principles on which there shall be based the realization of rights of citizens to vote and to be elected have been stipulated in Article 31 of the Constitution of the Pridnestrovskajaia Moldavskajaia Respublika: "The citizens

of the Pridnestrovskaja Moldavskaja Respublika can freely vote and be elected to the state organs on the basis of the general, equal, direct suffrage at ballot". It is necessary to specify, that the Constitution stipulates the above mentioned principles of the suffrage universal as they are related by the Fundamental Law to all kinds of elections. Declaration of the principles of general, equal, direct suffrage at ballot as constitutional basis of the voting system testifies to the democratic character of formation of elective organs of the state power in the Pridnestrovskaja Moldavskaja Respublika, the democratic character of the constitutional system and strengthenings of the fundamentals of the true democracy in the state, conformity of the voting legislation in our Republic to the highest international requirements and standards.

In conclusion it is necessary to specify that the democratic voting process can allow to participate official observers both from the candidates to deputies, and from foreign states and the international organizations. The participation of observers in elections shall be an attribute of true democratic and transparent elections and shall be considered by the state as the right but not the duty. According to Article 15 of the Convention on Standards of democratic elections, suffrages and freedom in the states – participants of the Commonwealth of Independent States from October 7th, 2002, the presence of international observers shall promote to openness and publicity of elections. By the way, the given order fully corresponds to the Document of the Copenhagen Meeting of the Conference on Human Measurement of OSCE (Part One, item 8) which specifies that the presence of observers, both foreign, and national can increase authoritativeness of the elective process for the states in which the elections are carried out Therefore they invite observers from different states, corresponding private establishments and organizations wishing to observe the process of national elections in the volume admitted by the law. Hence, the activity of the international observers shall be regulated by laws of a host country, and so they shall get the entry visa on territory of the state, the corresponding accreditation, the certificate of the established sample and so forth in the order established by the legislation. The international observers shall carry out their activity independently and freely but shall be entirely obliged to observe the laws of a host country.

In accordance with the norms of the international law the observers from the foreign states, international organizations shall have the right to be present at the meetings of candidates, their authorized representatives, pre-election meetings, meetings, sessions of the elective commissions, get acquainted with the materials of pre-election campaign, be present at polling districts during voting

and at calculation of votes, make photo, film, audio and videorecordings. Besides they can express their suggestions on the organization of elections and improvement of the legislation on the account of the international experience, carrying out of press conferences with observance of requirements of the legislation of a host country. The given list of competences of foreign observers is wide enough, but it is necessary to specify, that it does not give the right to foreign observers to recognize or not to recognize the elections held in this or that state. The recognition of the elections shall be the exclusive power of voters, people of the country where they are held and in case the corresponding voting commission declares elections taken place (in the elections in the Pridnestrovskaja Moldavskaja Respublika not less than 25 percent of the citizens listed as voters shall take part) then the elections shall be considered recognized, and the elected power shall become legitimate and lawful.

Our elections – democratic and transparent, shall be carried out in accordance with the Constitution of the Pridnestrovskaja Moldavskaja Respublika adopted at nationwide referendum on December 24th, 1995, the Voting Code of the Pridnestrovskaja Moldavskaja Respublika corresponding to the conventional principles and norms of the international suffrage, international legal documents providing democratization of political and public processes in the society.

**APPENDIX 4:
“THE ROLE AND PLACE OF THE
CONSTITUTIONAL COURT OF
THE PRIDNESTROVSKAIA
MOLDAVSKAIA RESPUBLIKA IN
THE PROCESS OF THE
DEVELOPMENT OF STATE
SYSTEM OF THE
PRIDNESTROVSKAIA
MOLDAVSKAIA RESPUBLIKA”
(By V. Grigoriev, Chairman of the
Constitutional Court, in The Collection
of the documents of the Conference of
the Pridnestrovian State University
named after T.G. Shevchenko, 13
october 2004)**

The new Constitution of the Pridnestrovskaja Moldavskaja Respublika adopted at the all-nation Referendum on December 24th, 1995 stipulates that the Pridnestrovskaja Moldavskaja Respublika shall be the democratic and legal state (Article 1), the state its organs and officials shall carry out the activity under the conditions of democratic variety of political institutes and opinions (Article 8), rights and freedoms of a person shall be the supreme value of the society and state. (Article 16). The Constitution shall be the legal basis of the state and social activity in the country. It shall be the centre of the legal system and shall be the basis of the mechanism of legality. That is why the formation of the legal

state assumes the strict observance of all constitutional requirements. The special place in the given process shall be given to the Constitutional Court. As there has stated the President of the Pridnestrovskaja Moldavskaia Respublika I.N. Smirnov on June 12th, 2002 at the session of the Supreme Soviet on the occasion of taking the oath by the Judges of the Constitutional Court: "The Constitutional Court has become the instrument actually protecting established by our Constitution democratic state system ..." and what is most important the rights and freedoms of a person and a citizen [1].

The Constitutional Court is absolutely new for our state legal institution. In accordance with the Constitution it shall be the organ of the constitutional control. In our country there has for the first time appeared the state organ capable on the basis of the law to restrict both legislative and executive powers. The processes of institutionalism of the court constitutional control in the Pridnestrovskaja Moldavskaia Respublika have got the legal basis of their realisation only in the year 2000 when the new amendments to the Constitution were adopted. In accordance with the changes made by the constitutional law on June 30th, 2000 the legal requirement the order of formation and powers of the Constitutional Court.. Thus, Article 86 of the Constitution specifies that the Constitutional Court of the Pridnestrovskaja Moldavskaia Respublika shall guarantee the supremacy of the Constitution maintain the observance of the principle of the division of powers shall guarantee the responsibility of the state under a citizen and a citizen under the state.

The given Article shall regulate the procedure of the formation of the Constitutional Court according to which the Court consists of six Judges each two appointed by the President, the Supreme Soviet and the Congress of Judges of the Pridnestrovskaja Moldavskaia Respublika. The term of authorities of the Judges of the Constitutional Court - shall be 7 years.

At appointment of the Judge of the Constitutional Court there shall be accounted the requirements stipulated by the Constitution. Firstly, the Judges of the Constitutional Court shall have higher education in law and job seniority in juridical speciality or activity in the sphere of law at least ten years (Article 82). Secondly, the position of the Judge shall be inadmissible with enterpreneur or another activity, except for teaching, scientific and another creative activity. During the term of their office the judges may not be members of political parties, and public associations set to achieve political goals. Performing duties of a judge is inadmissible with performing those of a deputy (Articles 34, 82). Thirdly, in the process of administering justice, the judges shall be independent

and subordinate only to the Constitution and the Law of the Pridnestrovskaja Moldavskaja Respublika (Article 81).

The Constitutional Court of the Pridnestrovskaja Moldavskaja Respublika shall be considered the only authority for deciding constitutional disputes in the country. It shall be independent as to any organ of power, shall never substitute for any other organs of power and shall never interfere their competence. It shall occupy its own firm and definite place in the system of organs of state power. On the one hand it shall be independent, on the other its decisions shall influence their activity. And the Constitutional Court as the organ of the constitutional control shall be the higher authority whose goal shall be the maintenance of the supremacy of the Constitution in the legal system of the country and its observance by all state organs, organisations and citizens.

In accordance with Article 87 of the Constitution of the Pridnestrovskaja Moldavskaja Respublika regarding the realisation of the constitutional control the Constitutional Court shall decide the cases on constitutionality of laws, legal enactments adopted by the Supreme Soviet, President, Ministries, Departments and other organs of state power, international treaties, legal proceedings. As to complaints about infringement of the constitutional rights and freedoms of citizens and on the appropriate requests of courts, the Constitutional Court shall verify the constitutionality of a law applied or being a subject to application in a specific case with the Constitution of the Pridnestrovskaja Moldavskaja Respublika. Besides, regarding realisation of constitutional control, the Constitutional Court makes resolution on the observance of the established order of bringing a charge against individuals holding top state position, about constitutionality of signed international treaties before their ratification or confirmation, inconsistency of law with universally recognised principles and norms of international law, or with regulations of a ratified international treaty. The Resolutions of the Constitutional Court shall be final and not subjected to application.

In this respect specifically great significance shall be given to the control carried out by the Constitutional Court regarding the constitutional laws adopted by the Supreme Soviet and the laws of the President of the Pridnestrovskaja Moldavskaja Respublika for the purpose of development actually legal state and maintenance of the purity of the legal space.

"As the legal space of the state, according to the Chairman of the Supreme Soviet of the Pridnestrovskaja Moldavskaja Respublika G.S. Marakutsa who

specified in his speech at the international scientific and practical conference "Constitutional Control on the Borders of the Centuries: Actual Problems and Perspectives of Development", - "shall serve the basic goals and perspectives of the state - development and strengthening of the sovereignty and independence of the state, development of the economy of the state, development of the social sphere of the state, improvement of the welfare of the people living in the given state". [2] In accordance with the Constitutional (Article 87) the Constitutional Court on the requests of the President, the Supreme Soviet, the Plenums of the Supreme Court and the Court of Arbitration as well as the Procurator of the Pridnestrovskajaia Moldavskajaia Respublika shall decide the cases on constitutionality of legislative and other legal statutory enactments. During the two years of its activity the Constitutional Court has decided eight requests of the President and two requests of the Supreme Soviet.

These are the requests of the President: on the verification of constitutionality of item 15 Article 6 of the Law of the Pridnestrovskajaia Moldavskajaia Respublika "About the Account Chamber of the Pridnestrovskajaia Moldavskajaia Respublika" Articles 2317 of the Code of the Pridnestrovskajaia Moldavskajaia Respublika about administrative infringements, Part Two Item 1 Article 3 of the Law of the Pridnestrovskajaia Moldavskajaia Respublika "About the protection of rights and juridical persons and persons including individual entrepreneurs at carrying out state supervision". On the results of the decision of the case the Constitutional Court has admitted not-corresponding to the Constitution the disputed statutory enactments as the controlling organs of the Supreme Soviet of the Pridnestrovskajaia Moldavskajaia Respublika "The Account Chamber" have no competence to decide the cases about administrative infringements and accordingly shall have no right to apply the measures of state compulsion regarding imposing penalty sanctions;

About the interpretation of Article 6 of the Constitution of the Pridnestrovskajaia Moldavskajaia Respublika regarding the definition of the status of the Procurator's Office of the Pridnestrovskajaia Moldavskajaia Respublika in the system of organs of state power and government. The analysis of the constitutional requirements has made it possible for the Constitutional Court to come to the conclusion that the the Procurator's Office of the Pridnestrovskajaia Moldavskajaia Respublika simultaneously carries out the functions of the executive and judicial branches of power which shall be inadmissible and the Constitutional Court has recommended the Supreme Soviet and the President legislatively to determine the status of the Procurator's Office in the system of organs of state power without infringing the constitutional principle of the division of powers.

About the verification of constitutionality of subitem "c" Article 1 and Section "A" of the Supplement № 3 of the Law of the Pridnestrovskaya Moldavskaya Respublika "About the Budgetary Classification of the Pridnestrovskaya Moldavskaya Respublika", Supplements № 3, 3-a to the Law of the Pridnestrovskaya Moldavskaya Respublika "About the Republican Budget for the Year 2003", Articles 1, 4 and Supplement № 10 of the Law of the Pridnestrovskaya Moldavskaya Respublika "About the Budgetary Classification of the Pridnestrovskaya Moldavskaya Respublika", item 9 Article 1 of the Law of the Pridnestrovskaya Moldavskaya Respublika "About separate Articles (requirements) of the Law of the Pridnestrovskaya Moldavskaya Respublika "About the Republican Budget for the Year 2003". The Constitutional Court has specified that the division of powers in the budgetary process shall be based on the principle of the division of competence between the organs of legislative and executive powers. The Constitutional Court has not found in the actions of the Supreme Soviet the observance of the principle of the division of powers reflected in reducing of financing of the concrete executive organs of state power and government. The Constitutional Court has also established that the Supreme Soviet has infringed the procedure of entry consideration and adoption of the project of the Law of the Pridnestrovskaya Moldavskaya Respublika "About the Budgetary Classification of the Pridnestrovskaya Moldavskaya Respublika". And hence the disputed statutory enactments has been admitted not-corresponding to the Constitution.

About the verification of constitutionality of the Resolution of the Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika "About gratuitous transfer of the state enterprise RybkhozDnestr from state into municipal property." On the results of the consideration of the case the Constitutional Court has admitted not-corresponding to the Constitution the above-mentioned Resolution of the Supreme Soviet as the Supreme Soviet shall have the right to adopt decisions about the change of the form of property of state property solely on the initiative or by the agreement of the President. The given requirement has not been carried out and hence the change of the form of property at the transfer of the state enterprise RybkhozDnestr from state into municipal has led to the impossibility of efficient realization of the functions of the state by the appropriate executive organ of power and at the same time has lead to incapability of the organs of local self-government to charge independently the given property directly. The Constitutional Court has specified that in accordance with the Civil Code of the Pridnestrovskaya Moldavskaya Respublika of the Order of transfer of the state property into municipal and municipal

property into state shall be regulated by the law however the appropriate law has not been till present adopted

About the verification of constitutionality of the legal proceedings of the Supreme Court of the Pridnestrovskaja Moldavskaja Respublika at consideration of criminal and civil cases in cassation order and in the order of supervision after July 22th, 2002. In the given decision the Constitutional Court has specified that criminality and punishment shall be determined by the criminal law acting during committing the crime except the cases when the law reduces the punishment. Hence, the given legal enactments can be applied solely at consideration of the cases on accusation of the persons who committed the crime before the Criminal Code of the Pridnestrovskaja Moldavskaja Respublika. Has come into force, that is before July 22th, 2002. Taking into consideration the fact that at carrying out the procedure on the criminal cases there has been carried out the law of criminal procedure acting during investigation, preliminary examination or consideration of the case by the court after July 22th, 2002 the courts of general jurisdiction shall apply the code of the criminal procedure of the Pridnestrovskaja Moldavskaja Respublika irrespective the time of committing the crime. Taking into consideration that the functioning of legal enactments shall be limited on the territory of the state the Constitutional Court has admitted inadmissible to apply the legal enactments of the Republic of Moldova and other states on the territory of the Pridnestrovskaja Moldavskaja Respublika

About the verification of constitutionality of Part Six Article 31 of the Law of the Pridnestrovskaja Moldavskaja Respublika about security of labour, Paragraph eight subitem "b" item 1 Article 4 and subitem "i" item 1 Article 6 of the Law of the Pridnestrovskaja Moldavskaja Respublika "About State Fund of obligatory social insurance of the Pridnestrovskaja Moldavskaja Respublika". On the results of the consideration of the case the Constitutional Court admitted the disputed statutory enactments not-contradicting the Constitution as the Supreme Soviet determining the payment of lump-sum allowance (grant) to disable workers and to the families of the workers killed at work established that the given payment shall be realised by the executive administration of the State Fund of the Pridnestrovskaja Moldavskaja Respublika and the imposing of the payments of enterprisers guilty in the accident or a professional disease shall be realised in indisputable order by the administration of the State Fund of the Pridnestrovskaja Moldavskaja Respublika. Thus, the state shall guarantee to disable workers and to the families of the workers killed at work the timeliness of payment of lump-sum allowance (grant) independently the terms of coming

of the appropriate sums to the given fund on behalf of guilty enterprisers and thus shall provide the realisation of the constitutional rights of a person and a citizen stipulated in Article 38 of the Constitution

About the verification of constitutionality of item d) Article 8 of the Law of the Pridnestrovskaja Moldavskaia Respublika "About Customs Tariff". On the results of the consideration of the case the Constitutional Court admitted the disputed statutory enactment not-contradicting the Constitution as the Supreme Soviet shall have the right to give financial release, that is the advantages for economic subjects which has been stipulated in item d) Article 8 of the Law of the Pridnestrovskaja Moldavskaia Respublika "About Customs Tariff".

About the verification of constitutionality of the Law of the Pridnestrovskaja Moldavskaia Respublika "About Entry of Changes and Additions into Part One of the Civil Code of the Pridnestrovskaja Moldavskaia Respublika". On the results of the consideration of the case the Constitutional Court admitted the disputed Law contradicting the Constitution as it shall give the state establishments fully financed from the state budget the authorities to realise the governing functions of the state. At the same time the President of the Pridnestrovskaja Moldavskaia Respublika according to the given law shall be only given the right to determine the order of dividing their authorities. Thus, the President shall be eliminated the right to authorise independently the state establishments on realisation the governing functions of the state which shall inadmissibly reduce his constitutional powers.

And two requests of the Supreme Soviet on constitutionality of the Orders of the President. These are the requests: about the verification of constitutionality of the order of the President of the Pridnestrovskaja Moldavskaia Respublika "About the Tariff Salaries of the heads of Ministries, Departments and other executive organs of power and government reorganise in connection with the formation of the cabinet of Ministers", the Order of the President "About Entry of the addition into the President of the Pridnestrovskaja Moldavskaia Respublika "About the Tariff Salaries of the heads of Ministries, Departments and other executive organs of power and government reorganise in connection with the formation of the cabinet of Ministers". On the results of the consideration of the case the Constitutional Court admitted the disputed statutory enactments not - contradicting the Constitution as the established by the disputed Orders of the President grades of the Tariff Salaries of the heads of Ministries, Departments and other executive organs of power and government do not correspond to the grades of the Tariff Salaries established by the Law

about the salaries of the workers of state power, procurator's office and the organ formed by the Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika in the order of realisation of their controlling functions". At adopting the decision the Constitutional Court grounded on the fact that the orders of the president shall never contradict the Constitution and the laws; About the verification of constitutionality of the Order of the President of the Pridnestrovskaya Moldavskaya Respublika "About Entry of Changes and Additions into the Order of the President of the Pridnestrovskaya Moldavskaya Respublika from September 12th, 2000 No. 401" About conformation of the status, structure and Staff schedule of the Ministry of Industry". The Constitutional Court established that the given Order in a separate part lost force in connection with the issue of the Order of the President of the Pridnestrovskaya Moldavskaya Respublika "About the regulation of a number of legal statutory enactments of the President and the government of the Pridnestrovskaya Moldavskaya Respublika" on the ground of which in the given part the Constitutional Court has terminated the proceedings on the case. And subitem b) item 1 of the disputed order stipulating the additional financing out of the means of the Republican Budget has been adopted not-corresponding to Article 96 of the Constitution. The rest of the requirements of the order regarding the entry of changes in the structure and staff schedule of the Ministry of Industry of the Pridnestrovskaya Moldavskaya Respublika has been admitted not-contradicting the Constitution of the Pridnestrovskaya Moldavskaya Respublika as in accordance with item Two Article 73 of the Constitution of the Pridnestrovskaya Moldavskaya Respublika for the purpose of efficient realisation of the functions of the state the President of the Pridnestrovskaya Moldavskaya Respublika shall have the right to make decisions concerning the formation of Ministries, Departments and other organs of state government and hence shall have the right to make necessary changes in the structure and staff schedule of Ministries, Departments.

Besides, it should be necessary to specify that the Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika in accordance with the constitution (Article 87) shall consider the petitions of the citizens on the infringement of rights and freedoms of a person and a citizen as the result of application of a law or statutory enactment. The constitutional right of the citizens for court protection of their constitutional rights and freedoms in the Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika shall not be the declaration but shall be the actual right confirmed by the activities of the Constitutional Court.

Thus, on the petitions of the citizens the Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika has already considered two petitions

and has adopted the appropriate decisions. These are the decision on the verification of constitutionality of the Order of the President of the Pridnestrovskaya Moldavskaya Respublika "About the Provision on cash" on the complaint of the citizen Davydov A.A. On the results of consideration of the petition of the citizen the Constitutional Court has admitted that the separate requirements of the disputed statutory legal enactment do not correspond to the Constitution as the Order of the President shall give the Republican Bank of Pridnestrovie and Tax Inspections the right to impose independently without the decision of court organs fine sanctions on enterprisers establishments and organizations which shall lead to elimination of a part of monetary means of the economic subject which means elimination of a part of its property. At the same time Article 37 of the Constitution directly stipulates that no one can be eliminated its property otherwise on court decision.

The second decision on verification of constitutionality of item 4 Article 17 of the Law of the Pridnestrovskaya Moldavskaya Respublika "About Small Privatization" on the complaint of a citizen O.A.Zakharchuk. On the results of consideration of the petition of the citizen the Constitutional Court has admitted that the disputed legal enactment does not correspond to the Constitution as it shall establish the requirement at which the termination of the term of the contract of rent the object of small privatization without the consent of the tenant or without cancelation of the contract with him shall not be subjected to privatization. The given legal requirement shall restrict the appropriators in the right for property what shall contradict Article 37 of the Constitution.

The protection of rights and freedoms of a person and a citizen in the Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika, the decision by the Constitutional Court of the cases on constitutionality of the laws, legal statutory enactments adopted by the Supreme Sovie, by the President, by the Ministries, Departments and other organs of state power, international agreements, legal proceedings shall be actual evidences of the development of the democratic legal state system in our country. "And the formation of the Constitutional Court", as there has specified the President of the Pridnestrovskaya Moldavskaya Respublika I.N. Smirnov in his report at the international scientific and practical conference "Constitutional Control on the Border of the Centuries: Actual Problems and Perspectives of Development, -" has become the next and I am confident the right step on the road of development of the state system of our republic and it has become a novel firm basis in the sphere of the further state construction" [3].

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- V.A. Grigoriev, Chairman of the Constitutional Court
of the Pridnestrovskaja Moldavskaia Respublika,

**APPENDIX 5:
“ABOUT THE QUESTION OF
CONTINUITY OF THE
CONSTITUTION OF THE
PRIDNESTROVSKAIA
MOLDAVSKAIA RESPUBLIKA
REGARDING THE CONSTITUTION
OF THE MOLDAVIAN
AUTONOMOUS SOVIET SOCIALIST
REPUBLIC”
(by L. Malskaia, LAW AND SOCIETY,
No. 1 (5), 15.02.2004)**

The Constitution, first of all, shall be the juridical document, the basis of the state system, legality and legal order. The Constitution (from Latin "establishment") means the fundamental law of the state possessing the supreme juridical force and direct action. The given law shall stipulate the fundamental principles of the state system, the supreme legal guarantees of rights and freedoms of a person and a citizen and, besides, the structure and interrelations between the organs of state power and government. The Constitution shall determine the range of the functions of the state and shall establish the fundamentals of its relations with a person and the society.

At the same time the Constitution shall be the enactment of great social significance and it explains its basic character properties and functions. The constituent function shall be conditioned by its main role: the adoption of a new constitution as a rule shall be connected with great changes in the social and state system, and the constitution shall stipulate them in its statutory enactments. On the other hand, the constitution itself enters new orders establishing the new

territorial organization of the state, the system of its organs proclaiming the new rights of the citizens.

The constitution shall be the most significant political document. It shall be its main political function. The principle value of the constitution in this quality shall be the stipulation of the antagonism, the compromise, the unity of different social forces and groups of population, the protection of interests and rights of working people, the division of powers, etc.

The constitution shall be the ideological document. It shall be based on the definite ideological postulates and shall express them. It shall be the main ideological function of the constitution, that is the official expression of the ideology adopted by the society.

The organizational function of the constitution shall mean the ordering of the basic social relations and their interrelations. It shall create the very skeleton within which the given relations shall develop and improve.

Examining today the question of continuity of the Constitution of the Pridnestrovskaja Moldavskaia Respublika regarding the Constitution of the Moldavian Autonomous Soviet Socialist Republic from the point of view of state system, constitutionality and taking into consideration the conventional properties, functions and features characteristic to constitutions in general it would be desirable to pay attention of the readers to the following.

The Moldavian people started the creation of their Soviet state system at the end of 1917 and at the beginning of 1918 with the establishment of the Soviet power in our region. The great assistance in creation of the national state system has been made by the Great Russian and the Ukrainian peoples who assisted in the restoration of the industry and agriculture in education of national skilled specialists. By the end of the regenerative period there have been carried out the activities for the purpose of political self determination of the Moldavian people. The preparation of the first Moldavian Congress of the Soviets of Working, Peasant and Soviet Deputies was carried out by the revolutionary committee together with the organizational bureau of the CC, of the CP (b) of the Ukraine allround Moldavia. The first Moldavian Congress of Soviets was called on April 9th, 1925 in Balta. Carrying out the will of the working people of the entire Moldavia concerning the establishment of free forms of their national state association in the structure of the Ukrainian Soviet Socialist Republic on the basis of the voluntary and friendly union and through it with all-working people

united into the union of SSR in consciousness of a generality of the great historical tasks facing the proletariat at that crucial moment, on April 23rd, 1925 the first Moldavian Congress of the Soviets of Working, Peasant and Soldiers Deputies decided to adopt the Constitution of the Moldavian Autonomous Soviet Socialist Republic and to present it for the final statement of the nearest All-Ukrainian Congress of the Soviets of Working, Peasant and Soldiers Deputies.

It was the second significant event in the life of the Moldavian people since the time of admittance by the III-rd Session of All-Ukrainian Central Executive Committee of the Resolution about the formation of the MASSR, which capital was proclaimed the city of Balta. The Constitution of the Moldavian Autonomous Soviet Socialist Republic was written in the full conformity with the Constitutions of the USSR and Ukr. SSR. The Constitution of MASSR of 1925 legislatively reflected the victories gained by the working people of Moldavia under the leadership of the Communist Party.

The given legal enactment has stipulated the Moldavian Soviet State system and assisted the development of the maximum favorable conditions for the successful development of the economy and to national inform and socialist in contests culture of the Moldavian people. It spoke about the voluntary unity of MASSR in the structure of the Ukr. SSR and in the sense of Article 4 of the Constitution of Ukr. SSR there has been admitted the right of secession from the structure of the Ukraine. The first Constitution of the MASSR comprised 7 Chapters:

1. General Statements
2. About the Supreme Organs of Power of MASSR
3. About the Soviet of People's Commissars of MASSR
4. The organization of local power in MASSR
6. About the Budget of MASSR
7. About the Emblem and Flag of MASSR.

The same as any other Constitution of that period the Constitution of the Moldavian Autonomous Soviet Socialist Republic was intravertional, entirely

devoted to the functioning of state and law in the country. The state power in the foreign policy was considered as completely different from the power in the country. That is why it practically was monopolized by the executive power.

A significant principle of the Constitution of the Moldavian Autonomous Soviet Socialist Republic was the principle of the proletariat internationalism, equality and friendship among all nationalities. In this historical aspect there has been carried out the right of the moldavian people for the political self-determination, brightly shown the Lenin national policy which proclaimed the equality of all nationalities of the Soviet state.

The Constitution of the Moldavian Autonomous Soviet Socialist Republic has stipulated in the Republic the dictatorship of the proletariat and the power of the Soviets taken by the working people of Moldavia as a result of the victory of the Great October Soviet Socialist Revolution. Article 2 of the Constitution of the Moldavian Autonomous Soviet Socialist Republic of 1925 read: "The power of the working people of Moldavia shall be carried out on the entire territory of the Moldavian Autonomous Soviet Socialist Republic though the Soviets of Working, Peasant and Soldiers Deputies and Congresses and Organs of Power formed by them." [1]

Determining the structure of the supreme organs of the state power and government of the Moldavian Autonomous Soviet Socialist Republic the Constitution in general reproduced those requirements which determined the structure, competence and at the same time regulated the activity of organs of the state power and government in the numerous autonomous republics comprising the RSFSR.

The Supreme organ of state power and exactly representative organ of the Moldavian people according to the Constitution has been the Congress of the Soviets of Working, Peasant and Soldiers Deputies of Moldavia which embodied the full power of the overwhelming majority of the population of the republic. The Congress of the Soviets was formed on the ground of the most democratic in that concrete historical conditions elective systems and maintained the attraction to the constant and decisive participation in the government of the wide groups of people.

By Articles 9 and 10 of the Constitution there has been stipulated that mostly wide spread languages in the Moldavian Autonomous Soviet Socialist Republic there have been admitted the following languages: Moldavian, Ukrainian,

Russian. The languages of all the nationalities living on the entire territory of the Moldavian Autonomous Soviet Socialist Republic shall be equal. Each citizen in the Moldavian Autonomous Soviet Socialist Republic was given "the opportunity in his relations with the state organs and in the relations of state organs with him to use his native language and to use the same language in sessions of the congresses of the Soviets, at any other congresses, committees and various public meetings" [2].

The disintegration of the USSR has created rather uncertain legal situation for the international community: with the liquidation of the Union State there has been abolished its legal basis according to which different territories had the status of the union republics [3].

In the Charter of the United Nations there has been stipulated the fundamental principle of the equality of peoples - the right of people to self-determination: friendly relations between nations shall develop on the basis of respect of the principle of equality and self-determination of peoples. The Charter relates the realization of the given question with the questions of social and economic and cultural progress in the world and the observance of rights and freedoms of a person and basic freedoms for all without distinction of race, gender, language and religion.

The right of the people of self-determination has been stipulated in the general declaration of human rights (1948) proclaiming that no one shall be kept in slavery and in dependent condition. Two international pacts of 1966 - the pact about economic, social and cultural rights and the pact about civil and political rights - shall be based on the right of the people for self-determination which shall be of the uniform character. They shall provide that the peoples realizing the right to self-determination "... shall freely establish their political status and shall freely maintain their economic social cultural development". Therefore all the states participating in them "... shall in accordance with the regulations of the Charter of the United Nations encourage the realization of the right to self-determination and respect this right".

One of the fundamental documents on which there has been grounded the modern international law shall be the declaration about the principles of international law adopted by the United Nations in October 24th, 1970. Among the seven basic principles the declaration names the principle of equality and self-determination and the carrier of the right to self determination shall be the people but not the state. The forms in which the given right shall be realized can

be different: the formation of a sovereign and independent state; free unity with an independent state; the establishment of any other political status freely determined by the people. On its own behalf the state shall be obliged firstly to assist individual and group attempts to realize the principle of equality and self-determination of people, and, secondly, never apply violent actions depriving the people their right to self-determination, freedom and independence.

Speaking about legal aspects of transformation of the former Union Republics of the disintegrated USSR into the independent states and connected with the above-mentioned process attempts to form locally independent state formations we cannot but mention that the later appeared exclusively on the territories with historical, geographical, economical and cultural peculiarities as a rule different from the given union republic to which the given territory had been united. First of all it concerns the traditions of the statehood. Namely the own statehood serves in the far or most close past one of the most powerful grounds for the modern state self-determination. Therefore, after the disintegration of the USSR and with the formation on September 2nd, 1990 of the Pridnestrovskaja Moldavskaja Respublika the successor the Pridnestrovskaja Moldavskaja Respublika, the twelfth session of the first Calling of the Supreme Soviet of the Pridnestrovskaja Moldavskaja Respublika on September 2nd, 1991 the first Constitution of the Pridnestrovskaja Moldavskaja Respublika was adopted. For the purpose of development of a sovereign, independent democratic legal state on December 24th, 1995 at the all nation Referendum the Second Constitution of the Pridnestrovskaja Moldavskaja Respublika was adopted.

As a result of adoption by the Supreme Soviet of the Pridnestrovskaja Moldavskaja Respublika into the given Constitution of two blocks of amendments (December 2nd, 1998 and June 30th, 2000) there has been changed the structure of the organs of state power: the two Chamber Supreme Soviet has been changed into one Chamber; there has been changed the system of the executive power - the joined organ the Government has been changed into the Cabinet of Ministers; the system of judicial organs of power has been entered by the constitutional Court of the Pridnestrovskaja Moldavskaja Respublika the organ of the constitutional control of the Pridnestrovskaja Moldavskaja Respublika. The given amendments have brought the changes into the financial and the budget systems of state, there appeared a new chapter devoted to defense, security and law enforcement activity of the state.

The formation of the Pridnestrovskaja Moldavskaja Respublika the same as the formation of the Moldavian Autonomous Soviet Socialist Republic has taken

place in accordance with the will of the people living on the given territory. In accordance with Article 2 of the Constitution of the Moldavian Autonomous Soviet Socialist Republic the power of the people of Moldavia was carried out on the territory of the Republic through the Soviets of Working, Peasant and Soldiers Deputies of Moldavia their congresses and organs formed by them.

Part 2 of Article 1 of the Constitution of the Pridnestrovskaja Moldavskaia Respublika has stipulated that the people shall be the carrier of the sovereignty and shall be the sole source of the power in the Pridnestrovskaja Moldavskaia Respublika. At the same time the above mentioned certifies that the Constitution of the Pridnestrovskaja Moldavskaia Respublika considerably expands the democratic rights and freedoms of people living on the given territory. Besides the Constitution of the Pridnestrovskaja Moldavskaia Respublika has kept not only the principle of the equality of all nationalities stipulated in Article 10 of the Constitution of the Moldavian Autonomous Soviet Socialist Republic and the equal and legal regime of the three languages: Moldavian, Ukrainian, Russian (Article 12 of the Constitution of the Pridnestrovskaja Moldavskaia Respublika). The development and preservation of which shall be maintained with the protection and support of the state.

As against the Constitution of the Moldavian Autonomous Soviet Socialist Republic the current Constitution of our state contains Section 2 which stipulates the conventional rights, freedoms, duties and guarantees of a person and a citizen. In accordance with norms of international law and Article 16 of the Constitution of the Pridnestrovskaja Moldavskaia Respublika a person his rights and freedoms shall be the supreme value of the society and state in the Pridnestrovskaja Moldavskaia Respublika.

The Constitution of the Pridnestrovskaja Moldavskaia Respublika shall have the supreme juridical force and direct action. The organs of state power and government, local self-government, officials, public groups and citizens shall observe the Constitution and Laws of the Pridnestrovskaja Moldavskaia Respublika.

Thus, the principles and fundamentals of the formation of the construction of the pridnestrovian statehood and national policy shall be directed on preservice of the traditions of inter-ethnic consent, equality in use of the native language in official relations, public and cultural life, the revival and development of the variety of national cultures stipulated in the Constitution of the Moldavian Autonomous Soviet Socialist Republic have found the continuation and further

development, legislative stipulation in the Constitution of the Pridnestrovskaaia Moldavskaaia Respublika.

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L. Malskaia,

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**APPENDIX 6:
 “THE CONSTITUTION SHALL BE
 THE BASIS OF THE
 DEMOCRATIC LEGAL STATE
 SYSTEM”**

**(Interview with the Chairman of the
 Constitutional Court of the
 Pridnestrovskaja Moldavskaia
 Respublika V.A. Grigoriev -
 «Pridnestrovie» № 255, 23.12.2004)**

1. Vladimir Anatolievich, what in Your opinion shall be the role in significance of the Constitution of the Pridnestrovskaja Moldavskaia Respublika for the development of our state strengthening its sovereignty and independence?

The Constitution of the Pridnestrovskaja Moldavskaia Respublika adopted at the all-nation Referendum on December 24th, 1995 shall be the fundamental law of our state. It proclaims that the Pridnestrovskaja Moldavskaia Respublika shall be the sovereign, independent democratic and legal state. It shall stipulate the social and political system and establish the fundamentals of the legal system of our state. The Constitution shall have the supreme juridical force and direct action, establish the fundamental rights and freedoms of the citizens and guarantee their realization. The Constitution shall be the instrument of legalization of state power, legal basis of the state system and the source of establishment of state and legal relations in the society.

2. Shall the Constitution stipulate the mechanism of its security and protection?

In accordance with Article 70 of the Constitution the President of the Pridnestrovskaja Moldavskaia Respublika shall be the guarantor. The function of the guarantor of the Fundamental Law shall state the specific role of the

President as the Head of the state. As the guarantor of the Constitution the President shall have the rights and duties to demand its observance by all the organs of the state power, organs of local self-government, organizations, citizens and their associations. The President as the guarantor of the Fundamental Law shall possess the responsibility for the efficient action of the mechanism of its security as the President whom the pridnestrovian people have given the mandate of confidence shall bare the constitutional duty to protect the interests of the whole state and guarantee the legal order on the entire territory of the country.

The powers of the guarantor of the Constitution regarding the maintenance of the correspondence of the laws and other legal enactments of the Constitution shall bare the Constitutional Court of the Pridnestrovskaja Moldavskaia Respublika. It shall be the Court, the independent collegiate body of the constitutional control, which in accordance with Article 86 of the Constitution of the Pridnestrovskaja Moldavskaia Respublika shall guarantee the supremacy of the Constitution maintain the observance of the principle of the division of powers shall guarantee the responsibility of the state under a citizen and a citizen under the state.

3. Vladimir Anatolievich, tell us, please, about the role of the Constitutional Court of our state.

The Constitutional Court is a comparatively new for our state legal institution which in accordance with the Constitution shall be the organ of the constitutional control. As there has stated the President of our state I.N. Smirnov at the ceremony of taking the oath by the Judges of the Constitutional Court, for the first time in our country has appeared the organ capable on the basis of the law to restrict both legislative and executive powers. The basic goals of the Constitutional Court shall be the guarantee of the supremacy of the Constitution on the entire territory of the Republic the protection of rights and freedoms of the citizens independently of their social status and political outlook, nonadmissibility of exceeding of competence by any division of power. The decisions of the Constitutional Court shall be the efficient instrument of improvement of the legal system averting of possible conflicts between the divisions of power and besides they shall influence the whole legal mechanism in Pridnestrovie.

Who usually petitions the Constitutional Court and how many decisions have already been made?

For the period of its activity the Constitutional Court has made more than 20 decisions concerning the protection of the constitutional rights and freedoms of a person and a citizen elimination of legal collisions in the legislation, interpretation of the constitutional norms and verification of constitutionality of court legal proceedings. The subjects of the petitions to the Constitutional Court have not only been the President and the Supreme Court but the citizens of our state and this fact confirms the democratic character of our Constitution and the correspondence to the fundamental principles of the legal state.

It is necessary to specify that in different states, for example, in Bulgaria, the citizens have no right to petition the Constitutional Court. The participants of the international scientific and practical conference on the problems of the constitutional control which took place in June of the current year in the City of Tiraspol have specified the exclusive importance and necessity of giving the citizens the right to petition the Constitutional Court as it shall assist the maintenance of protection of their constitutional rights and freedoms and the development of the democratic legal state.

5. On what problems do the citizens of our Republic petition the Constitutional Court?

Lately the main significance for the citizens have become the questions of realization of their economic rights and freedoms particularly the protection of their constitutional rights and property, their right for independent use of their abilities and property for entrepreneur and other economic activity not abolished by the law. The Constitutional Court only during the current year has considered three petitions of the kind and has made the appropriate decisions for the protection for the constitutional rights of the citizens.

Besides, in their complaints the citizens request for the protection of their labour rights about unfulfilment of the contract duties, about return of money. In specific cases the citizens complaint on the actions of the concrete state organs and officials and petition for reconsideration or elimination of the decisions of the courts of common jurisdiction. Taking into consideration, that the given questions are not the competence of the Constitutional Court the petitioners are transmitted the appropriate replies.

On the given occasion I would like to recommend the citizens wishing to petition the Constitutional Court to apply to the Secretariat of the Constitutional

Court who monthly carries out the reception of the citizens and explains the order of petition to the Constitutional Court.

6. Vladimir Anatolievich, for the development of our young state there shall be very significant the international relations. Tell us, please, what activities does the Constitutional Court carry out for the establishment of the professional contacts with the organs of constitutional control of other states.

The Constitutional Court since its very formation has been constantly carrying out the work on activization of the international cooperation and establishment of professional contacts with the same state structures of other states. Today it is possible to specify that with more than thirty organs of constitutional control of the countries of near and far abroad we have adjusted the correspondence, the exchange of scientific and practical documents in the sphere of constitutional justice. The letters and the documents are transmitted in Russian, English, German and French. I am confident that the information about the Constitutional Court and Pridnestrovie given in the languages of international communication shall be assimilated by the foreign colleagues with great attention and interest. From 2005 we are planning the yearly Bulletin of the Constitutional Court edited in English, German and French and on the occasion of the 10th anniversary of the Constitution of the Pridnestrovskaja Moldavskaja Respublika there shall be issued the book in which the Constitution of our state shall be published in the six languages: Moldavian, Russian, Ukrainian, English, German and French. All the given materials have already been placed in the six languages in the site of the Constitutional Court which has been successfully functioning and often used by our foreign colleagues.

I would like to specify that the establishment of the international professional relations shall not be the self goal, our main goal is to be admitted in the international community of the organs of constitutional justice and for this goal we shall work at the level of international standards. I am confident that the admission of the Constitutional Court of our Republic at the international level shall bring great significance in establishing and strengthening of the Pridnestrovian state system. It, by the way, has been specified by the participants of the international scientific and practical conference carried out by the Constitutional Court in June of the current year.

7. Tell us, please, about the work of the Conference.

The international scientific and practical conference "Constitutional Control on the Border of the Centuries: Actual Problems and Perspectives of Development" devoted to the second anniversary of the formation of the Constitutional Court of the Pridnestrovskaja Moldavskaia Respublika was held on 10th-12th June 2004 in the City of Tiraspol. The organizer of the conference has been the Constitutional Court in assistance with our President I.N. Smirnov.

In the work of the conference there have participated the Judges of the Supreme organs of court power and legal scientists from 10 states and besides the Chairman of the Supreme Soviet of the Pridnestrovskaja Moldavskaia Respublika G.S. Marakutsa, ministers and deputies of the Supreme Soviet. At the Conference there have been made 24 reports on the problems and perspectives of development of the constitutional control. The work of the conference has been actively reported in the local and foreign mass media. I would like to thank the creative group of the State Television of the PMR for the breaking reports of the work of the conference and the documentary film made on the results of the work of the conference. The film has been translated into English and German. It has been made in DVDdiscs and transmitted to the participants of the conference and our colleagues from other states.

8. Vladimir Anatolievich, You have carried out the conference at the high international level and have invited the guests from other states. We know that the program of the conference included the visiting of museums and a number of enterprisers of Tiraspol. Tell us, please, why haven't You invited them to visit the building of the Constitutional Court?

It's a pity but the house in which the Constitutional Court has been working for more than two years and a half does not correspond to the sanitary norms and requirements. Today a single official of our department takes two times and a half less of the established by norms square space, saying nothing about the computers. Today the Judges of the Constitutional Court at preparation on the case have no real possibility to meet with experts and representatives of the parts for the reason of extremely small space in their rooms. Taking into consideration that our foreign colleagues have other conditions of work we haven't invited the participants of the conference to the House of the Constitutional Court.

9. Tell us, please, when will the reconstruction of the building of the Constitutional Court be finished?

We know that it has been made more than year and a half.

The reconstruction of the house of the Constitutional Court is carried out very slowly. The reason is insufficient budgetary financing of the objects. Taking into consideration the given situation and remembering about the long reconstruction of the Drama Theatre I would not like for our building to repeat the same. It is not a secret that the long building works needs too more financial resources and the efficiency and quality of the work becomes worth.

In case of sufficient financing the reconstruction will be possible to be finished during the eight month and then the conditions of work of the officials of the Constitutional Court would be worthy its high status and our state by the 15th anniversary of its formation will have got a new modern building in the central part of the city and it will decorate the capital and become the pride of our Republic.

10. In conclusion we would like to know where easy possible to get information about the activity of the Constitutional Court and its decisions?

As I have already specify the Constitutional Court has its official site and any user of internet can get acquainted with the Constitution of our Republic and besides with the information about the activity of the Constitutional Court and its decisions in sex languages. The site of the Constitutional court is dynamic and actual and the information appears on the site on the day of the event happening.

The decisions of the Constitutional Court are published in the Collection of legislative enactments of the Pridnestrovskaja Moldavskaja Respublika, the paper "Pridnestrovie" and besides in the yearly official edition of the Constitutional Court the Bulletin of the Constitutional Court of the Pridnestrovskaja Moldavskaja Respublika.

On the given occasion I would like on behalf of the Constitutional Court to congratulate all the citizens of our state on the 9th anniversary of the Constitution of the Pridnestrovskaja Moldavskaja Respublika safely protecting the rights and freedoms of a person and a citizen corresponding the uniform principles and norms of international law and the firm basis of the development of actually democratic legal state.

APPENDIX 7: “MOLDOVA IS A DISAPPEARING STATE”: INTERVIEW WITH TRANSDNESTR POLITICAL EXPERT ROMAN KONOPLYOV (for REGNUM agency)

Head of the secretariat of the International Coalition “For the Sovereignty and Recognition of Transdnestr,” political expert Roman Konoplyov
Head of the secretariat of the International Coalition “For the Sovereignty and Recognition of Transdnestr,” political expert Roman Konoplyov comments to REGNUM on the results of the Oct 18 Odessa consultations on the Transdnestr conflict settlement

REGNUM: The parties to the Transdnestr peace process – Transdnestr, Moldova, Russia, Ukraine, the OSCE, the US and the EU – had meetings in Odessa this week. What do you think about their results?

In fact, these were consultations for resuming the talks between Moldova and Transdnestr. The sides met with their “seconds” but not with each other. So, it means there were no talks. All that is happening between the conflicting sides is important. Moldova is warring with Transdnestr with ultra-modern arms at all fronts – in economy, politics and information. True, there are no military actions, but Moldova is causing a huge damage to Transdnestr’s economy, and peaceful Transdnestr residents are suffering from it. The fact of blockade is evident. Moldova and its partners from the anti-Transdnestr coalition are making active economic and foreign political efforts to destroy our republic.

“A monitoring group” – in fact, soldiers of the anti-Transdnestr bloc – is deployed along the Ukrainian-Transdnestr border. In this light, all these “meetings” in Odessa look as elementary propaganda tricks, an attempt to “crush” the disobedient, to make the Transdnestrians bow. The Moldavian leaders might as well continue meeting with their allies in Chisinau — without

organizing this propaganda extravaganza in Odessa and making a barn-burner of it.

Moldova has some “national interests” formed by its present leaders and having no single common ground with the interests of the Transdnestr people. Their goal is to destroy our republic. Today, Transdnestr and Moldova have absolutely no cooperation even in the least political spheres, particularly, law enforcement. This means that any murderer, rapist or pimp can hide in Moldova from Transdnestr justice. The border between Moldova and Transdnestr is a frontline with all ensuing consequences.

The change of host countries and cities for such “consultations” will change nothing. The key negotiator from the Moldavian side, Reintegration Minister Vasili Sova has been and is against Transdnestr. His work is to give lessons of hatred for Transdnestr. Meanwhile, Moldova is changing. Moldova is disappearing. Every day tens of thousands of Moldavians obtain Romanian passports. The press in both Romania and Moldova is actively discussing Bessarabia’s reunification with its Motherland. Today, the only stumbling stone is the administration of President Voronin. There can be no talks, in principle – Moldova is not an adequate party in the negotiating process. In fact, it is just a fragment of the broken “post-Moldavian space,” and Transdnestr is also a fragment of it. The present Chisinau administration is stretching its hands for Transdnestr exclusively for economic reasons. Reunification with Romania will cost Moldova a pretty penny. What the anti-Transdnestr bloc wants is to get the Transdnestr industry. Without it, Bessarabia will be too big a burden for Romania.

REGNUM: Settlement plans are discussed separately with Moldova and Transdnestr. How effective is this form of negotiating process?

This is not a negotiating process. The Moldavian side does not need any negotiations. Such consultations do not require the presence of the real conflicting parties in one and the same place. They might as well be held separately in Chisinau and Tiraspol. It is like the proverb says: “The dogs bark, but the caravan goes on.” That is, the sides consult for years separately with Transdnestr and Moldova, but when there is no understanding on such obvious positions as the economic blockade of Transdnestr, when there is an evident attempt at physical annihilation of a state, any deeper discussion has no prospect. Whatever the sides discuss, their positions will remain unchanged. Sova’s position is quite tough – there is no such state as Transdnestr. His

speeches serve the interests of the Moldavian president and the business of his family. They need the Transdnestr property. They need no talks with the Transdnestr authorities.

REGNUM: You have said that Moldova is moving towards joining Romania. Can Moldova's geo-policy change if its leadership is changed?

Very soon over 50% of Moldavians will have Romanian citizenship. This is an absolutely inevitable factor that will determine the country's future for many decades ahead. Moldavian President Vladimir Voronin is well aware of it and is trying to use various administrative measures to prevent emigration. If the Voronin clan continues resisting Moldova's integration with Romania, Moldova may be punished: they will build a high wall round the country and will force poor people to work for \$10 a month – to pay off the debts to international credit organizations.

The people of Moldova, the Romanian people want to live in peace with Europe, to go to work to Europe and to send their children to study there: nobody wants to live in a feudal country. That's why I am sure that Moldova's future belongs to unionist, pro-European forces and democratic politicians, irrespective of their relations with Russia. People want to have a worthy life, they want to work. They don't need Voronin's yoke. They are tired of corruption. Besides, many of them have relatives in Europe: they visit them and see with their own eyes the difference in living standard and human rights protection. And they treat Voronin appropriately. Voronin is a politician of the past, a politician of the past epoch.

REGNUM: Why was Ukraine so anxious to organize these consultations and was, in fact, the initiator of their conduct in Odessa?

Ukraine has long lost the initiative in the Transdnestr peace process. In the last 1-2 years that country has wasted all the political trumps the Yushchenko administration could enjoy if they just neutrally supported the talks. Unfortunately, they chose a different policy – in one instance the Ukrainian elite renounced their own national interests, the interests of the Ukrainian society and business.

Perhaps, today Ukraine's involvement in the process is becoming topical because Yushchenko needs new trumps in his fight with the internal political opponents. Yushchenko has problems with rating. All that is left from his

initiatives is the recollections of some “plan of Yushchenko” — everybody has long forgotten what it was about but many remember that it recognized the Transdnestr Moldavian Republic. The rest is not important. Perhaps, Ukraine will yet bring us good news. We in Transdnestr still hope for Kiev’s good sense.

REGNUM: After the consultations Ukraine’s special representative for the Transdnestr conflict Andrey Veselovsky said he was not authorized to make Ukraine’s position known before his late Oct visit to Moscow. And immediately news agencies quoted EU High Representative for Common External and Security Policy Javier Solana as saying that Ukraine’s position on the Transdnestr peace process will be a test of the country’s ability to integrate with Europe...

Lack of position is also a position. And Transdnestr has noted Ukraine’s position. Transdnestr also has partners. Russia will certainly use its levers to influence Ukraine as a GUAM member and, likewise, to exert economic and political pressure on Moldova so as to make things easier for the Transdnestrians. In fact, Russia is their only hope against Chisinau.

REGNUM: Can the GUAM state do something to prevent the recognition of the independent states?

Here they can go as far as Russia will allow them to. I don’t think that Russia will close its eyes on some tough actions on their part. It will react immediately. The capacities of the bloc are restricted by the will of the Kremlin.

REGNUM: During the last meeting of the GUAM Parliamentary Assembly, Moldova – just like the other member states – refused to support Georgia in its conflict with Russia. Why did it do it?

I think that the Moldavian elite is returning to its initial state, i.e. to the state of a person having, at least, some elementary logic. Whole Moldova knows what is going on in their wine making industry and agriculture – nobody needs their products. They all know what is happening to their financial system, with their population – everybody is running away. That’s why Chisinau is getting less angry with Russia. This may sound funny – but this is true.

REGNUM: Some Russian political experts say that, unless Transdnestr consults Ukraine’s interests, it has absolutely no political chances. Is Ukraine’s opinion actually so important, if there is a clear position of Russia?

All the sides should seek a compromise. What we see today is war, and Transdnestr is a party to this war. Sooner or later, all the sides will have to change their behavior – sooner or later, somebody will put an end to this war. It doesn't matter how much time it will take Chisinau to get wiser and to solve all problems. We will have to work out forms of civilized relations even if, one day, we find out that we are neighbor to EU states. There is nothing bad in it, after all – this may have quite a healthy effect on Transdnestr. Perhaps, Ukraine will also get closer to Europe. Perhaps, they will reduce their corruption, particularly, in the customs service and the interior ministry.

All the sides, all the people living in the region want elementary things – to cross borders without problems with customs officers – without being robbed by them. If the only way to this end is Ukraine's cooperation with Europe — why not? Transdnestrans, Moldavians, Ukrainians, Romanians, they all want to live like them in the rich Russian regions, like they in the former Soviet Union lived and they in the present European Union live today – to cross the border without standing in queues for hours. Sooner or later, all the sides will have to accept the wish of their people to come to a compromise. Transdnestr will be recognized and will probably have democratic Romania developing at its side, Romania without chauvinists, mafia and avengers for the defeat in the war with Transdnestr.

REGNUM: Experts say that the new customs regime on the Ukrainian-Transdnestr border, which has led to the economic blockade of Transdnestr, was the result of the involvement of the US and EU in the Transdnestr peace process. What do you think about the role of the US, EU and OSCE in the negotiating process?

Even if the US, EU and OSCE were not in the process, and the talks were held exclusively between Moldova and Transdnestr, the Moldavian leaders would, nevertheless, consult the US, EU and OSCE without asking for anybody's permission. Their formal involvement is just an ordinary psychological pressure, and we should give no attention to it. Now that Europe itself is facing quite unpleasant events, this finger-shaking looks quite ridiculous.

REGNUM: What do you think about the prospects of the Transdnestr peace process? The press service of the Moldavian Reintegration Ministry says that the Moldavian side is ready to resume talks on the basis of the settlement scenario proposed by Ukraine in May 2005 and supplemented by the documents

approved by the Moldavian Parliament in June-July 2005 – the law on the basic principles of the legal status of Transdnestr. At the same time, Mr. Sova says that Transdnestrians live normally under economic blockade and start businesses in Moldova.

I don't think that Mr. Sova wakes up every morning thinking about the negotiating process. Moldova is thawing before our very eyes. We better wait until Bessarabia becomes Romania's province and odious political figures like Vasili Sova, Voronin family and his advisor Mark Tkachuk melt into thin air. We will not have to wait long.

REGNUM: You mean that representatives of Transdnestr and Moldova will just meet, say they are glad they have met, shake hands and says good-bye?

I can hardly imagine Vladimir Voronin singing to any concession to Transdnestr. The elderly Moldavian President is much more likely to blow a gasket and to start "a small winnable war." I doubt that it will end in a victory banquet. The post-Moldavian space on the other bank of Dniestr is a deeply feudal political system allowing no single move to the right or to the left. Everything is stable – they accept no new visions of Bessarabia's future. We have just to wait a bit until the body of the dead enemy floats by ... into the EU, until the long-suffering Moldavian people scatters all over Europe and Bessarabia turns into a desolate borderline steep.

APPENDIX 8: THE FOUR PILLARS OF PRIDNESTROVIE'S STATEHOOD PUBLISHED ON PRIDNESTROVIE.NET (<http://pridnestrovie.net>)

In the breakup of the Soviet Union in the early 1990s, freedom and independence for Pridnestrovie was not just viable but virtually inevitable. The country bases its existence as a nation on self-determination, its separate history, its actual distinctiveness, and on the reversal of the Molotov-Ribbentrop pact.

For the past decade and a half, Pridnestrovskaja Moldavskaia Respublica has existed as state separate from its larger neighbor, Moldova. Pridnestrovie today exhibits all the signs of a healthy, well functioning country: A market economy, a financial system, its own president, parliament, civic community, independent media, and different TV channels (both public and private) who express different points of view with no apparent censorship.

Pridnestrovie's independence as a nation is based on four main pillars -

1. Self-determination;
2. Pridnestrovie's separate history;
3. Actual distinctiveness;
4. Reversal of Molotov-Ribbentrop pact.

Standing alone, each one would be enough to justify the existence of a separate Pridnestrovian nation. Combined, they show that freedom and independence for Pridnestrovie was not just viable but virtually inevitable following the breakup of the Soviet Union in the early 1990s.

legal [0] in the waning days of the Soviet Union: So unlike other countries in the world where self-determination might not always be enough to justify secession, the declaration of Pridnestrovie was built upon a moral and a legal basis. (For more on that, read the USSR law [0] which governed this on the territory of Pridnestrovie in 1990).

The United States, and the majority of other nations in today's world, were founded on the principle of self-determination [0] and Pridnestrovie is no

exclusion ... although in the case of Pridnestrovie, the case for sovereignty is much stronger than "mere" self-determination. In the case of Pridnestrovie, self-determination represents just one of the four tenets on which the nation is founded; the other three being its history, its distinctiveness from Moldova, and the nullification of the Molotov-Ribbentrop Pact (representing the dissolution of the MSSR which Pridnestrovie was a part of until 1990).

Like the four corners of this Pridnestrovian flag, the PMR is supported by four main principles.

Prince Hans-Adam II of Liechtenstein, speaking to the International Institute for Strategic Studies on 25 January 2001, had a few words of praise for self-determination, specially in cases such as those of the Moldavian SSR where "present borders have not been established in a democratic process":

"- Restrictions on self-determination cannot be the answer but rather the extension of democracy and self-determination. A restrictive interpretation of the right of self-determination has in the past led to violence, civil wars, ethnic cleansing and the break up of states. I am convinced that if the international community accepts the principle of democracy and the right of self-determination, we will be able to eliminate wars and to a large extent the oppression of minorities. We will not be able to create paradise here on earth but at least improve the political and economical situation of most people here on our planet."

His speech, dealing with Self-determination and the Future of Democracy, spoke to the heart of Pridnestrovie's experience under the forced Soviet-era shotgun marriage to Moldova:

" - Let us accept the fact that states have lifecycles similar to those of human beings who created them. Hardly any Member State of the United Nations has existed within its present borders for longer than five generations. The attempt to freeze human evolution has in the past been a futile undertaking and has probably brought about more violence than if such a process had been controlled peacefully. Restrictions on self-determination threaten not only democracy itself but the state which seeks its legitimation in democracy."

» More on self-determination

Historically distinct, Pridnestrovie was attached to the territory that became Moldova when Stalin redrew borders in 1940.

Pridnestrovie wasn't part of Moldova before then. From 1940 to 1990, Pridnestrovie and Moldova were forced to artificially be together as a single entity, the Moldavian SSR (MSSR), which was in turn was part of the Soviet Union. The name "Moldavia" was taken from a regional ASSR within the Soviet Union which included Pridnestrovie but NOT Moldova (which was part of

Romania at the time). Existing as a region of the Soviet Union from 1922 to 1940, the capital of this "Moldavian ASSR" was Tiraspol, today the capital of Pridnestrovie. From 1940 to 1990, when the two countries were artificially joined as one, they were never independent from Soviet rule.

» More on Pridnestrovie's separate history host of other differences that make them incompatible in almost all ways: history, culture, religion, languages, government, economy, and more.

» More on actual distinctiveness

automatically annulled all the consequences of that pact -- including the pact's unnatural annexation of Pridnestrovie and Moldova as a result of Stalin's push to redraw Europe's borders during World War II.

Today, with democracy on the rise, it is almost normal for "artificial countries" to split in two. It happened with Czechoslovakia, an artificial creation of the power-politics of a wartorn Europe. Today, Slovakia is one country and the Czek Republic is another. Following a civilized divorce, today both of these new countries are EU members and responsible participants in the international community.

In the same manner, Estonia and the other Baltic states left the Soviet-imposed union with Russia. Likewise Yugoslavia, another artificial bundling of incompatible states, split into several new and prosperous smaller countries.

The Soviet-imposed marriage between Pridnestrovie and Moldova ended with the fall of the Soviet Union. The "Moldavian Soviet Socialist Republic" was dissolved, and Pridnestrovie and Moldova split off as separate countries each with its own Declaration of Independence. Pridnestrovie, although small, is not too small to be an independent country. In territory, it is twice the size of Luxembourg. Population-wise, is has double the inhabitants of Iceland.

New, dynamic states which reflect the true will of the people are carved from old, artificial Cold War structures. In the international community today, the basic human right to self-determination carries more weight than a rigid unflexible defense of the principle of territorial integrity.

Croatia and Slovenia shows that. East Timor is another example, obtaining independence despite the wish of its former ruler, Indonesia. The same is true is Bosnia and Herzegovina. And then there's Kosovo, where self-rule is becoming a result of the wish of a people for independence even against the wish of the leaders of the country which it formerly was part of.

All of these states have either gained recognition or are in the process of gaining recognition. In some cases, recognition will be more selective than in other cases — and will follow the model of Taiwan which after nearly fifty years of existence is still not recognized by the majority of the world's other nations.

Even so, there is no denying that the country exists. And as Taiwan has clearly shown, non-recognition does not prevent it from having one of the most prosperous economies in Asia. As a member of the World Trade Organization and a wealthy multi-party democracy, Taiwan is clearly one of the success stories of the region. Taiwan is moving forward with or without the stamp of approval of major world powers. The same is true for Pridnestrovie. No one can deny that the country exists. It bases its existence as a nation on self-determination, its separate history, its actual distinctiveness, and on the reversal of the Molotov-Ribbentrop pact.

Source URL:

<http://pridnestrovie.net/fourpillars.html>

Links:

[1] http://pridnestrovie.net/moldova_declaration_of_independence.html

[2] <http://pridnestrovie.net/moldova-differences.html>

[3] <http://pridnestrovie.net/birthofanation.html>

[4] <http://pridnestrovie.net/internationalties.html>

[5] http://pridnestrovie.net/montevideo_convention.html

[6] <http://pridnestrovie.net/taxonomy/term/36>

[7] <http://pridnestrovie.net/taxonomy/term/42>

[8] <http://members.icdiss.org/pmr/b219.pdf> target=outside

[9] <http://members.icdiss.org/pmr/b219.pdf> target=outside

APPENDIX 9: BLACK PROPAGANDA: ANTI-INDEPENDENCE MISINFORMATION (published on Pridnestrovie.Net)

As a young, small nation still seeking its place in the international community, PMR has to contend with a barrage of negative misinformation. Moldovan anti-independence propaganda calls it the "black hole" of Europe. But look beyond the sensationalist headlines and a whole different picture emerges. Despite having to contend with a barrage of ill-intentioned propaganda, folks in Pridnestrovie are optimistic on their young country's future. Here, children born after independence celebrate Independence Day. After failing in its 1992-invasion of Pridnestrovie, Moldova launched a new kind of war: An information war designed to isolate Pridnestrovie by portraying it as an outcast country and, presumably, deter other countries from establishing relations.

The tactic works, but only until the facts are examined. Foreign diplomats say reports of smuggling from Pridnestrovie are wildly exaggerated and attribute them to Moldovan pressure. EU and OSCE officials say that there is "not a shred of evidence" to back up the allegations. There is no drug involvement either: Here, too, Western officials rule out Pridnestrovie's participation. And despite persistent allegations, there is no evidence either (unlike in Moldova) of sex slavery or human trafficking. Experts now admit that PMR doesn't export any weapons and don't make them either. The first report from an international round of arms inspection visits produced a clean bill of health for Pridnestrovie: No evidence of weapons manufacture or other arms involvement in any of the inspected factories. Other analysts agree. After first having been misled by Moldova, a group funded by the British government visited PMR to verify and is now producing an updated report for the United Nations Development Program, stating the truth about the accusations against Pridnestrovie. In a misguided attempt to defend a so-called territorial integrity which legal experts say does not exist, the U.S. Embassy in Moldova pays for propaganda by lobbyists who want to turn back the clock on Pridnestrovie's independence. But do a little in-country research and it is easy to separate truth from fiction. Visit Pridnestrovie and judge for yourself what life is really like in this new corner of Europe. It's clean, open, crime-free and forward-looking.

**APPENDIX 10:
THE PMR CASE IN RELATION
WITH THE KOSOVO FILE
"MEDIA GETS IT WRONG ON
DISPUTED TERRITORIES"
(Published on Tiraspol Times & Weekly
Review, By Michael Averko, 11 Feb
2007)**

Among those singled out by Averko: 'Der Spiegel', which took the position that adhering to a U.N. resolution "is unrealistic"

On Saturday 10 February, Russian President Vladimir Putin said that the United States ignores the basic principles of international law and is striving to impose its own rules on other countries.

" - We are seeing increasing disregard for the fundamental principles of international law," the Russian president calmly noted as an undisputed matter of fact during a weekend gathering in Munich.

Saturday's Feb. 10, BBC telecast to the US portrayed an "aggressive" Russian President Vladimir Putin "lashing out" at the US during a weekend gathering in Munich. The White House was then quoted as being "disappointed" with Putin's comments. This BBC segment had an excerpt of an interview it conducted with Russian Defense Minister Sergei Ivanov. Ivanov claimed a one sided American approach to handling global trouble spots.

No example was given to support Ivanov's view. The BBC frequently utilizes this tact, leaving not so informed viewers with unanswered points of relevance. To fill in the blank on this particular: an American official recently visited Moscow with the brazen attitude that Kosovo could be independent and that the basis for such didn't apply to pro-Russian former Soviet territories in dispute, including Transdniester (or Pridnestrovie, its official name). There's nothing "aggressive" about that stance? Forget about the BBC doing a comparative breakdown to review whether Kosovo has the best case for independence (which it doesn't, as those familiar with my previous commentary [1] know).

The mentioned BBC segment ended with Arizona Senator John McCain welcoming Putin's candor, while believing that the Russian president was aggressive. Talk about role reversal! Those on the Russocentric side who are familiar with McCain, are well aware of his overtly Russia and Serbia unfriendly statements over the course of time.

A Sunday Feb. 11, New York Times article [2] uncritically described CIA Director Robert Gates' statement after Putin's address as taking a high road for seeking an end to what Gates termed was Cold War language on Putin's part. This makes no sense whatsoever. With two competing superpowers during the Cold War, there was less of a uni-polar world. Putin's Munich commentary is against one power dictating to the rest of the world (not to be misread as Putin seeking a return to the intense bi-polar rivalry of the Cold War).

At the Munich meeting, Putin firmly stated that any solution on Kosovo must have the full support of Serbia. Too bad he didn't add that Trans-Dniester should receive prompt international recognition as an independent state. How many times have the Bush Administration and leading American foreign policy pundits claimed that Kosovo has a "unique" case for independence unlike Trans-Dniester and some of the other disputed former Soviet territories?

Ever since the breakup of Yugoslavia, German mass media at large has been decidedly anti-Serb in its slant. Arguably more so than what's evident in Anglo-American mass media. The Serb population in Germany is small when compared to that country's Croat and Muslim populations. Germany's being on the losing side in two world wars against Serbia might further explain the bias as well.

This slant was shown in a recent Der Spiegel interview [3] with Russian Foreign Minister Sergei Lavrov. When Lavrov noted how UN Resolution 1244 calls for a return of Serb border personnel to Kosovo, Der Spiegel shot back with the opinion that it was "not realistic". The interview left that point without follow-up. To fill in the blank: it's not unreasonable for Serbia to have border troops and government staff on Serb territory. UN Resolution 1244 calls for both. Kowtowing to the law of the jungle is a bad model (in this instance, basing one's decision on how Albanian nationalists will behave if they don't see their agenda supported).

A related bias is shown in the Western non-sympathy for Trans-Dniester's view. Romania is a recently inducted EU member which actively backs Moldova's hypocritically applied Soviet era border claim on Trans-Dniester. Unlike Trans-Dniester, Romania was an ally of Germany during World War II.

In the background of these biases is the Berlin-Moscow relationship. The present reveals how the two can be on relatively good terms with each other, while maintaining different historical sympathies towards some others on the

European continent. The last decade saw Germany re-ignite its WW II relationship with Croatia as Russia showed its historical favoritism with Serbia. In some instances, the vestiges of two world wars appear to linger on.

The Tiraspol Times' integrity has come into question by several Russia unfriendly sources. Why? Where has it been factually wrong? One can easily find material in The Tiraspol Times which is straight forwardly critical of Trans-Dniester's government. In comparison, just how accurate are other English language sources covering Trans-Dniester? I defy anyone to come up with the goods. Rather than do this, is the out of sight, out of mind mode employed by many a media powerbroker.

For calculated reasons, a number of establishment venues selectively prop certain sources over others. Over time, the promoted sources acquire "acceptance" with this method. Related to this mechanism is how "the other side" (as in the one being unfairly represented) is periodically given limited space. As I've communicated elsewhere, Soviet propaganda failed in believability because of its overtly one sided approach. The sophisticated propagandist is adept at formulating a believable enough (at least for some) image of objective reporting.

Michael Averko [4] is a New York based independent foreign policy analyst and media critic. In addition to The Tiraspol Times [5], his commentary has appeared in the Action Ukraine Report [6], Eurasian Home [7], Intelligent.ru [8], Johnson's Russia List [9], Russia Blog [10], Serbianna [11] and The New York Times [12].

See also:

- » The former Moldavian SSR: A non-country which broke in two [13]
- » Kosovo precedent takes shape as USA rules out return to the past [14]

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[10]

<http://www.discovery.org/scripts/mt/mt-search.cgi?IncludeBlogs=5&search=%22Michael+Averko%22>

[11] <http://www.serbianna.com/columns/averko/001.shtml>

[12]

http://query.nytimes.com/search/query?d=nytdsection%2b&o=e%2b&v=Opinion%2b&c=a%2b&query=%22Michael+Averko%22&date_select=full

[13] <http://www.tiraspoltimes.com/node/484>

[14] <http://www.tiraspoltimes.com/node/565>

APPENDIX 11: IGOR SMIRNOV: "WE HAVE A STRONGER CASE FOR STATEHOOD THAN KOSOVO" (published on THE TIRASPOL TIMES, 06/Mar/2007)

International recognition of Pridnestrovie's independence is among the new and emerging country's top priority, says its President, Igor Smirnov. Re-elected in a landslide in December 2006, the independence leader also explains that historically and under international law, his country's claim to statehood is much stronger than Kosovo's.

By Times staff, 06/Mar/2007

Igor Smirnov, Pridnestrovie's President, is ready to leave as soon as his life's work is done: International recognition of PMRTIRASPOL (Tiraspol Times) - Igor Smirnov, 65, got re-elected in a landslide in December for a new term as President of Pridnestrovie. The former political prisoner and independence leader is one of the "fathers of the republic", having played a leading role in Pridnestrovie's declaration of independence, 2 September 1990. His own father was imprisoned by Stalin, and he himself launched his political career by facing off against the official candidate from the Communist Party of the Soviet Union in the first free elections under 'perestroika'. Later that year, he led Pridnestrovie to independence. Some say that he is to blame for the failure of the new and emerging country to achieve international diplomatic recognition over the past nearly 17 years. Others say that he has made it his life's work to ensure that Pridnestrovie will stay independent.

Hated in Chisinau, misunderstood in Brussels, and treated with ambivalence in Moscow, his personal popularity with local voters is high. In December 2006, facing three challengers, he was re-elected to the presidency for a third time in an election which observers and international journalists, who were present during the elections, declared free and fair.

On the other hand, international organizations who sent no observers and who were not present to oversee the election process, declared the vote unfree without having seen it.

Smirnov is in charge of a country with a population the same size of Montenegro, the latest member state to join the United Nations. But unlike Montenegro, which has access to international institutions and receives support from the international community, being the President of the Pridnestrovskiaia Moldavskaia Respublica (PMR) is hard work: Shunned by the outside world, and with his country not even appearing on the map, Igor Smirnov has faced an uphill battle for the past seventeen years. He he talks about the challenges of running a country which has all the attributes of statehood but which for political reasons is still not integrated into the rest of Europe.

With Kosovo's proposed independence in the headlines, Smirnov explains how Pridnestrovie is already much more of a sovereign state than Kosovo, and how it has a better legal and historical support for its statehood.

Igor Smirnov, what is the main task for this presidential period?

" - International recognition of Pridnestrovie's independence and diplomatic relations with other countries. And actively informing the international public opinion about the reality, about what is in fact really going on here. In Pridnestrovie, many different ethnic groups reside. Moldovans, Russians, Ukrainian, Bulgarians, Jews. All of them freely went to the polls on 17 September 2006 to choose their own future. They voted in favor of strengthening the independence of Pridnestrovie and of seeking ties to Russia."

" - I need to point out that after the dissolution of the Soviet Union, we here in Pridnestrovie have already offered various forms of coexistence with the Republic of Moldova as part of a common state. But all these confederate, federal projects, and others plans, drafts, proposals and ideas, have been turned down one after another by the leaders in Chisinau. Even the Kozak Memorandum of 2003 was rejected by Moldova, even though we in theory had already accepted it.

So by now, let us be clear. Chisinau has chosen its own path, and we have been forced to choose another. Now, the task before us is to put the quality of life of our own citizens first. Listen to what they want, and carry out their wishes. And it is easy to see from the results of the independence referendum that they don't want Moldova."

Will the "Kosovo precedent" happen? Washington claims that Kosovo and Pridnestrovie are different...

" - Of course they are different. Look to international law, and look to the history of this land. Pridnestrovie has a much stronger legal and historical basis

for recognized sovereignty than Kosovo. And economically, we currently trade with 94 countries [99, according to data from the PMR Chamber of Commerce, ed.]. We do not overestimate the impact of Kosovo resolution, but if the independence of Kosovo is recognized, then obviously that adds some more arrows to the quiver of our diplomats."

What is next for the unrecognized countries, like Pridnestrovie, Abkhazia, Nagorno-Karabakh, etc.?

" - First of all, I wouldn't call us unrecognized countries. The term increasingly used internationally is that we are de facto independent republics. To work on issues common to all, three of us established an international framework - the Community for Democracy and Human Rights - in June of 2006. It includes a Parliamentary Assembly and a permanent secretariat. This also led to Pridnestrovie opening an embassy in Abkhazia in December of 2006. I see an expansion of international relations as the next logical step."

And Russia's role?

" - In the summer of 1992, intervention by Russia to keep the two sides apart was enough to end the bloodshed and get Moldova to agree to a ceasefire. Since then, Russia has overseen that this ceasefire is respected by both sides. No one wants the war to flare up again. And Russia does not want earlier agreements to be violated, including the 1997 memorandum which gives Pridnestrovie the right to conduct foreign trade freely and independently of Moldova. Last year, in March, Moldova launched a customs blockade with Ukraine, and in response Russia helped Pridnestrovie with aid to avoid a humanitarian catastrophe. It is obvious that we would also like for Russia to recognize Pridnestrovie diplomatically. But we understand that we can only ask for this, we can not demand it."

In May 2006, Russia and PMR signed a cooperation and trade protocol, yet some of your products - such as Kvint brandy - have been denied access to Russian markets. Does that make sense?

" - Indeed, it is nonsense! With one hand, Russia provides aid to help us face the economic blockade and economic war which Moldova is waging against us. With the other hand, Russia bars entry of our products. I can not understand this, and I frequently bring it up. In Abkhazia, I got confirmation that Abkhazia is allowed to supply wine to Russia separate from Georgia."

Presidents Putin and Voronin met in late 2006 and since then, Moscow has eased its attitude to Moldova. Does this mean that Moldova will in return ease its attitude to Transnistria?

" - I was not been present at the meeting between Putin and Voronin. But I know one thing: The latter had nothing, and he was just bluffing. As I already said, Moldova turned its back on the 2003 Kozak Memorandum, broke the 1997 Primakov Memorandum, and basically violated all of our other negotiated arrangements. Even today, the Moldovan side still thinks that the smart thing to do is to keep up its longstanding policy of insults, coercion and economic blackmail against Pridnestrovie. Under such conditions, negotiations within the old format are pointless. First, we need the mediator countries, Russia and Ukraine, to guarantee our long-established right to free trade. This was agreed upon in 1997 and has been respected by everyone involved until Moldova did an about-face in 2006. Next, we must work out the best way for Pridnestrovie and the Republic of Moldova to relate to each other, based on the wishes and desires of the inhabitants of both of the affected sides."

Moldova wants NATO troops to serve as peacekeepers in Pridnestrovie. Will that happen?

" - If you think that the United States is doing a good job of bringing peace to Afghanistan and Iraq, I beg to differ. A peacekeeping operation is only successful when it is agreed upon by both sides. Both. This is why here, in our case, we haven't had a single loss of life in more than fourteen years. So there is absolutely no objective, logical reason why this very successful peacekeeping mission should be replaced by an unknown entity that at least one of the sides to the conflict is not in agreement with. This is a guarantee for instability and possible bloodshed, as much as we are all committed to nonviolence. And such an adventure is simply not in the interest of the people of Pridnestrovie, nor in the interest of the people of Moldova."

You can't stay on as President forever. Will your son Oleg succeed you? Or Vice President Alex Korolev?

" - This is not for me to decide. We have a dozen political parties in Pridnestrovie. Some of them will launch their presidential candidates. I have already declared that I am leaving the post of President as soon as we are internationally recognized as a sovereign state. Then someone else will take over, and that person will be whoever the people elect. You can write that."

APPENDIX 12: THE FOURTH WORLD: INVISIBLE COUNTRIES (By John Moynihan, published on The Tiraspol Times, 11 May 2007)

A hundred years ago, Poland - one of the largest countries in Europe - did not exist. At the time, Poland had not existed for more than a century. Its borders had been removed from the maps in 1795, when it was partitioned among Russia, Austria, and Prussia. Poland only reappeared in 1918, thanks to postwar agreements between the Great Powers. And yet, to the Poles, Poland had always been entirely real.

Today, the United Nations has 192 countries as full-fledged member states. Among them are countries that have lasted for centuries, and there are countries recognized as recently as two years ago. And one, Montenegro, isn't even a year old.

Poland, which didn't exist a hundred years ago, is actually a veteran among UN members. The vast majority are even younger than Poland: More than two-thirds of all countries in the United Nations are less than fifty years old.

What's not on the list are the states that are waiting to be born. Scots, Palestinians, Transnistrians, Abkhazians, and many more, are all patiently (and not so patiently, sometimes) anticipating the day when their nations will become fully recognized states. Some of them, like Transnistria, already have their countries - officially called the Pridnestrovskajaia Moldavskaia Respublica, or PMR for short, Transnistria was founded in 1990 and has governed itself independently ever since. Transnistria has the general qualifications required for statehood (a permanent population, defined territory, government and the capacity to enter into relations with other states). For political reasons, the rest of the world prefers to think of it - incorrectly, at least for the past 17 years - as a part of Moldova.

Others, like the Palestinians or the Kosovars, are not so far ahead on the road to statehood. But what they all have in common is a burning desire for independence. They are peoples with common cultures, or histories, or languages, who seek to rule themselves entirely, to govern and legislate and tax and trade independently, to define their own borders and exercise power over

who may cross those lines. This is the Fourth World: the stateless and the unrecognized.

The final arbiter of these notions, of course, is power. There is little complexity, in the end, to the question of how a state is made: the powerful's interests trump the powerless's sovereignty. There are conceptual arguments about what a state really is, but for most of the stateless, the proof is in the lines on the ground. In Georgia, along the Black Sea, the ancient Abkhaz nation currently fighting for independence dates the original sketching of its own lines to tribes back almost as far as the sixth century BC.

“Amazing Abkhazia!” as the Russian writer Isaac Babel called it, and later, “the fertile and enchanted garden,” was sovereign by the eighth century and saw its independence live, die, and be reborn over and over until the 20th century, when it became subject to Soviet Georgia. When the Soviet Union dissolved in 1991, Abkhazia declared its independence again. “But will Georgia give up Abkhazia?” asked the Polish journalist Ryszard Kapuscinski at the time. “There are four million Georgians and only 100,000 Abkhazians. It is easy to predict the chances.”

Neither Georgia nor the United Nations has agreed to recognize the Abkhazian notion as a thing. War between the Abkhazians and the Georgians began in 1992 and lasted through 1993, with sporadic violence following; in August 2004, the Georgian coast guard fired on a vessel heading for Abkhazia, and hardline President Mikhail Saakashvili - a militant hawk, and a darling of Washington - announced that Georgia would sink all unauthorized ships headed for the breakaway nation's shores. Abkhazia, unsurprisingly, broke off peace talks that were being overseen by the UN.

Georgian historians deny Abkhazia's history; Abkhazians counter by pointing out the historical Soviet and Georgian efforts to erase it from the earth. Indeed, Abkhazians possess a history, a culture, an ethnicity, and a language (one with 68 consonants, many of which can communicate whole concepts, and sounds including a trill and a buzz); they also have a land that they know belongs to them. Fifteen years ago, Abkhazia established its own government, with the force of more than a thousand years of history behind it. But who will recognize it? The existence of a nation requires little besides the nation's belief in its own existence.

There is little agreement on how to treat the invisible. So it is hardly any wonder, then, that the invisible feel that to be seen, they must make a noise.

**APPENDIX 13:
 KONSTANTIN ZATULIN: "THERE
 EXISTS A GROUP OF COUNTRIES
 READY TO RECOGNIZE PMR"
 (Interview for Gudok.ru, Translation by
 By Helen Pestruhina, Weekly Review,
 01/Aug/2007)**

It is necessary in the process of international negotiations to gather a unique "club" of countries that could recognize Pridnestrovie, South Ossetia and Abkhazia. So says Russian Influential Duma-MP Konstantin Zatulin, a specialist on the democratic right to self-determination. In this interview, he adds that such countries already exist.

shouldn't necessarily be the first country to recognize Pridnestrovie and the other 'de facto' states on the post-Soviet space, believes influential Duma deputy Konstantin Zatulin. Instead, it will be necessary to bring together a small group of countries who will be ready to recognize Pridnestrovie and the others. As Zatulin confirms in this interview, these countries already exist.

Now is the time to work on preparing this group of countries for what will happen after Kosovo's expected independence declaration. Russia will address the long-pending status settlement issues surrounding Pridnestrovie, Abkhazia and South Ossetia, which in the opinion of Konstantin Zatulin should have been recognized as independent states a long time ago. Konstantin Zatulin is an influential Russian MP and foreign policy specialist. Apart from being a deputy to the State Dume, Russia's lower house, he is also director of the Institute of the Commonwealth of Independent States, CIS. He is also a frequent visitor to Pridnestrovie and familiar with the internal situation of the largest of the unrecognized countries in the former Soviet Union.

Will Kosovo be a precedent for the recognition of the independence of Abkhazia, South Ossetia or Pridnestrovie?

" - Regardless of how much the West might claim that "Kosovo is unique" and sui generis, any recognition of the independence of the province against the will of Serbia is a clear and obvious precedent.

There are clear parallels with the unrecognized countries of the former USSR: Ethnic conflicts emerged in the process of disintegration of the previously existing state, wars erupted which now present an obstacle to a political solution, and the outside interest of third parties can not be excluded. Kosovo is only "unique" in the sense that the Kosovo Albanians never fought alone for their independence - they were able to state their independence claim with the backing of NATO convoys.

From the very beginning, the political goal was always to dismember Yugoslavia and its geopolitical role, and NATO's military actions against Yugoslavia followed this purpose. If we look at history, Germany has always tried to prevent a strong Slavic state from existing in the Balkans. The other day, the German Ambassador to Serbia issued a threat: allegedly, if the Serbs won't accept the independence of Kosovo, a number of other "problem areas" will appear such as Vojvodina (where there is a Hungarian minority) and the country in general will disintegrate.

For the United States, Yugoslavia became a convenient pretext to strengthen its military presence in Europe. In Kosovo they built the largest American military base in the world, outside of the United States (Camp Bondsteel, ed.). Perhaps this foreign occupation is the reason for the insistence of the recognition of "independence" of the Kosovo?

In words, Russia has always condemned the NATO war against Yugoslavia, but the actions of Russia have not always been consistent. After prime minister Primakov initially sent friendly airplanes to Yugoslavia as a sign of protest against the NATO bombings, Russia was then represented in its negotiations on Yugoslavia by Victor Chernomyrdin, who wanted to demonstrate his loyalty to Western policy.

Now it is different: Russia will not waiver from its opinion that he independence of Kosovo is only possible with Serbian consent. We possess veto rights, and no UN resolution on the independence of Kosovo will pass. This has provided encouragement for the Serbian people. Pro-Western politicians within Serbia can not, even if they want to, announce their capitulation on this issue because they will immediately become political corpses.

In this situation, the West will begin the scenario of unilateral recognition of an independent Kosovo. First, Albania will recognize Kosovo. Then, perhaps, some third country, followed in quick succession also by recognition from the USA and European countries. And inevitably, Russia is bound to raise the question of recognizing the independence of the post-Soviet republics. This is an additional fact which impels Russia to stand firm on the Kosovo issue."

Please explain...

" - In Russia there is no complete consensus regarding the timeliness of recognition of the unrecognized countries. There is a desire to delay and draw out the moment until it is necessary to take a decision on them. I personally think that they should have already been recognized as independent states, and that this recognition is now overdue. Because South Ossetia, Abkhazia, Pridnestrovie and Nagorno-Karabakh, I might add, have more historical, legal, and political grounds for independence than Kosovo.

Historically, South Osetia and Abkhazia have never been part of the composition of the State of Georgia. These territories (without the consent of the inhabitants!) were included within the administrative boundaries of the Georgian SSR in Soviet times. Ossetia, as a single whole, was part of the Russian Empire, and only in the Soviet period was it divided into north and south. Under Soviet law, Soviet republics (SSRs) could secede from the Union but in this case the autonomous republics (ASSRs) had the right to decide by a referendum to leave or to stay. This right of Abkhazia and South Osetia to self-determination has been trampled. Georgia tried to conquer the autonomous territories by force, and in response both the Abkhaz and the Ossetians defended their right to independence. Pridnestrovie has also independently maintained its military defense. Whatever the opponents might say, it is a fact that the Russian army did not take part in the conflicts in these territories.

Since the collapse of the Soviet Union, Abkhazia, South Ossetia and Pridnestrovie have not found themselves under someone else's jurisdiction. Ever since the Soviet Union disintegrated, they have 'de facto' been governing themselves independently. Most of the inhabitants of these republics have over the years adopted Russian citizenship. An overwhelming majority. So Russia is responsible for the safety of its citizens."

If Russia recognizes the independence of Abkhazia, South Ossetia and Pridnestrovie, then this will complicate its future relations not just with Georgia and Moldova, but also with the West. Doesn't this worry you?

" - This is the main argument used by enemies of official recognition. But from a legal standpoint, any unilateral recognition of the independence of Kosovo by Western countries will open the possibility for Russia to also recognize the sovereign status of the unrecognized countries in the former Soviet Union.

With regard to relations with Georgia, they are already at a freezing point and this is not the fault of Russia. Some in our leadership adhere to a dubious thesis: Reward your enemies, because for your friends the reward is the friendship itself. According to this logic, we lost a lot in Georgia: We did not intervene during the Ajarian conflict, and we withdraw our military bases. In return, we didn't even obtain as much as a thank-you.

The authorities of Georgia have always behaved dishonorably both with respect to the Russian peacekeepers and against the inhabitants of the unrecognized countries. Frankly speaking, the issue is a matter of international law and not in relations with Georgia and Moldova. But here's how much of the Russian establishment reaches its decisions: Avoid confronting the world's superpower on occasions which are not central to Russia's interests. Instead, it is desirable for Russia to assert itself with the West in order to restore the sovereignty of our country. This doesn't mean that Russia can't re-emerge without US-EU agreement. Only that if they constantly interfere with us and trigger conflicts - and the West has this option - the economic development of Russia will be slower and will cost us more."

If the preservation of Yugoslavia wasn't important enough for Russia, why do the unrecognized countries matter?

" - I am certain that if, after Kosovo, Russia does not recognize post-Soviet republics, we will have a problem for ourselves in the years ahead in the Russian North Caucasus and the general negative attitude among voters to the leadership inside the Russia itself. Our people are extremely sensitive to situations where they perceive injustice and betrayal, and will not accept any half-finished remedies.

I propose a way for us to prepare for recognition which will minimize the diplomatic fallout. Under the current circumstances we should first of all talk about the recognition of South Ossetia and Abkhazia, which both border on Russia, and then secondly about Pridnestrovie.

And I am not convinced that Russia is obligated to recognize them first. It is necessary in the process of international negotiations to gather a unique "club" of countries that could recognize them, and such countries already exist. For instance, Belarus or Venezuela, whose parliament, by the way, sent election observers to Tskhinvali.

Of course, the West will launch a shitstorm of criticism against Russia. So what? We will not cut them off from our oil and gas. It is time to stop being worried about the inferiority complex which is so obviously present among Russian politicians. Everyone knows: America is brave and patriotic against enemies which it knows are weak but tries not to engage those who can stand up to it since that comes at a higher price." (Translated from Gudok.ru)

**APPENDIX 14:
HISTORIOGRAPHY
“THE PRIDNESTROVIAN
MOLDAVIAN REPUBLIC:
RECOGNIZED HISTORIOGRAPHY
OF UNRECOGNIZED STATES”
(by Nikolai Babilunga, Head of the
department of history at the Institute of
history, state and law at PSU named
after T.G. Shevchenko)**

In March, 2007 in Japan the series of regional researches on transnational analysis of developing Eurasian Slavic territories at the post communist stage of development was carried out under supervision of Professor Osamu Ieda, the Slavic Research Centre of Hokkaido University.

Within its framework of the project “Non-recognized states in former socialist states: a comparative and multi-layer approach” has been launched. An anthology “Historiographies around Unrecognized States: Pridnestrovie, Nagorno Karabakh, Armenia, South Ossetia and Georgia” edited by Kimitaka Matsuzato, Professor at the Slavic Research Centre at Hokkaido University is a part of the project. It is sponsored by the Centre of Excellence of the 21st century. The project is based on the principle of involvement of historians of both parties to the conflict as a step towards peaceful co-existence.

A research paper “The Pridnestrovian Moldavian Republic: a recognized historiography of a non-recognized state” by Head of the department of history at the Institute of history, state and law

at PSU named after T.G. Shevchenko Nikolai Babilunga was published.

THE PRIDNESTROVIAN MOLDAVIAN REPUBLIC: A RECOGNIZED HISTORIOGRAPHY OF A NON-RECOGNIZED STATE

As it's known due to an endless rewriting of books in history, an update and interpretation of historic events depending on the policy pursued by party leaders under the rule of the communist ideology the world community regarded the Soviet Union as an amazing state with "the unpredictable past".

Even in the mid-20th century a series of articles *Rewriting of Russian History*. NY. 1956, ed 1962 edited by Leo Yarosh was issued; the authors showed how the Soviet historiography change interpretation of the most important historic issues of Russia and the USSR depending on the political conjuncture. Has anything changed since then?

A forced disintegration of the USSR didn't put an end to such a shameful practice but it gave a new powerful spur to it. The independent states having emerged from the ruins of the Soviet super-power suffered a real boom in review of the historic past of peoples. After overthrowing dogmas of historic materialism a hasty rewriting of history began and it was often based not on true historic facts of social importance, not on deep and detailed impartial research but on national myths, folk stories, ballads, legends, and even jokes. The political order and booking of newly created national histories didn't add true scientific objectivity to them but they even became far from reality than the Soviet historiography was.

ATTEMPTS TO ROMANIZE THE MOLDOVAN AND PRIDNESTROVIAN HISTORIOGRAPHIES

On starting studies of the history of the region right after proclamation of the Pridnestrovian Moldavian Republic (September 2, 1990, before the collapse of the USSR) a small group of researchers considered that history should not be used to settle political problems. The development of Pridnestrovie's historiography was necessitated by crucial issues arisen at that very moment. First of all, it concerned the system of education. The point is that in the end of the 1980's the Republic of Moldova withdrew the course of USSR History (History of Fatherland) from school and university curriculum. History of the Moldavian SSR which had a mark of that time was also banned. It was full of

main semi-official doctrines and “achievements” of the Soviet historiography of the Brezhnev epoch and it was full of such terms as “a developed socialism”, “a new historic community”, “a constellation of sister republics”, “steadily growing well-being”, “a full-scale building of communism” and others. At the same time lots of dramatic and tragic pages of history were under veil. Thus, after-war hunger years, so-called golodomor and mass victims as well as the Stalin totalitarian system – anarchy, deportation of people, etc. “dropped” from the history.

However, the mass criticism of Moldova’s historiography in the media didn’t lead to cleansing changes and a detailed research into the history of the people but to replacement of one doctrine with another one. In the early 90’s the course on history of Romanians identifying Moldovans with Romanians as an axiom requiring no proof and setting out key elements of a new model of Moldova’s historiography replaced a standard approved by high-rank officials. The key elements are as follows: the Romanian nation didn’t arise in the 19th century when the independent Romanian state emerged, but during Roman colonization of the Balkan and Danube territories that was accompanied by Romanization of barbaric tribes; throughout the history Romanians’ greedy neighbours, mainly “eastern barbarians” and “Slavic nomads”, made attempts to “tear the Romanian community as well as its territory apart”; this community, that is the Romanian nation, throughout its multi-century history had been struggling heroically for creation of the united great state whose foundation was laid even in the pre-Christian age and included many independent states of Europe where allegedly Romanian (that is Thracian) tribes lived.

Of course, the only criteria of progressive nature and moral justification for either historic fact or personality in such a frame of reference is how much it facilitated the resolution of the super-task – the integration of all Romanians and Romanian territories since the old days up to the present moment. The Moldavian state, the Moldavian culture and the Moldavian history with its unique character is regarded as an unfortunate mistake that broke the integrity of the Romanian ethnos, a sovereignty of the Romanian state that existed before 1359 (that is before formation of the Moldavian feudal principality) as somewhat desired ideal. Heterogeneous and not connected with each other facts from the history of Moldavia, Wallachia, Transylvania and Romania itself combined in a chaotic mosaic. All the Slavs and especially pre-revolution Russia and the USSR were shown as a natural and ominous enemy of the Moldavians (called “Bessarabian Romanians” in historiography of Moldova). However, the scientific world remains rather skeptical about the thesis of full identity of all

eastern Romans as a conception of formation of the Romanian ethnos and its statehood from time immemorial.

Probably, propaganda efforts aimed at changing a traditional ethnic identity of Moldovans had low effect in recent years. According to the referendum “Moldova – our common home” which was held in 1995 as well as the last population census only a few percent of people identify themselves with Romanians. Most of the Moldavians still identify themselves as an independent nation different from neighbouring nations whose language, culture and history are both similar and quite different to theirs. The attempts to Romanize Pridnestrovie have even less effect. Local Moldavians refused to transfer to the Latin alphabet and to “clear it up” in Latin. The Moldavian language in PMR preserves the traditional Cyrillic alphabet that the Moldavians have used for five centuries and is one of three official languages of PMR. One third of Pridnestrovie’s population is the Moldavians; together with the Ukrainians and Russians they form a basis of Pridnestrovie’s poly-ethnic community, so withdrawal of history of Moldavia from the curriculum met with negative response of the people of Pridnestrovie. No person wanted their children to study textbooks and according to the curriculum designed by Kishinev’s historians.

FROM AN ETHNOCENTRIC TO A REGIONAL APPROACH – CREATION OF THE PRIDNESTROVIAN HISTORIOGRAPHY

Half a year after declaration of independence of PMR (March 12, 1991) the supreme legislature, the Supreme Council adopted a resolution on top-priority measures to preserve the moldavian ethnos, language and culture. Stating that “lately the process of Romanization of the Moldavian nation has become active in the SSR of Moldova” and “an anti-national policy of burying the Moldavian identity, culture, language, traditions in oblivion is underway”, Parliament outlined a series of measures to preserve the Moldavian identity and culture. The decision was taken to set up a scientific research laboratory for studying the history of Moldavia and Pridnestrovie at the Pridnestrovian University, to task authors to write textbooks on history of Moldavia and Pridnestrovie. The plan was to write an objective and detailed history of Pridnestrovie from the ancient to present times.

Such is a prehistory of the development of the Pridnestrovian historiography. Unlike many other republics that emerged from ruins of the Soviet Union Pridnestrovie’s authorities didn’t dictate official doctrines and postulates.

Moreover, there could be no such “truth” for the history of Pridnestrovie was rather obscure and unclear. Even high-skilled experts in history have fragmentary knowledge and there were reasons for this. There were no summary papers on the history of the region because the statehood was determined in the 20th century. In pre-revolutionary Russia and Ukraine, Poland, Turkey and Romania there were no special works on the history of left bank regions. For half a century period of development of historiography only a few papers on various issues relating to the history in the period of existence of the Moldavian Autonomous Soviet Socialist Republic as a part of the Ukraine between 1924 and 1940 or during the civil or the Great Patriotic wars were published (papers by S. Aftenuk, Z. Ivanov, A. Lazarev, A. Repida, K. Stratievski and others). Then several research papers in history of Tiraspol and the Armenian colonies of Grigoriopol, also social and economic development of left-bank Pridnestrovie in the 19th century (papers by Zh. Avanyan, I.A. Antsupov, Y. I. Druzhinina, I.I. Zharkutski, V. M. Kabuzan and others).

The main focus of historians’ interest was on two periods:
 during active exploration and colonization of Novorossiia in Northern Prichernomorie (Black Sea region) (late 18th century) when Pridnestrovie was one of the most densely populated regions of the Russian Empire;
 after the October revolution and occupation of Bessarabia by Romanian forces Pridnestrovie served as a testing area of the Moldavian Soviet statehood – an autonomy within the Ukrainian SSR was formed. Before 1924 no statehood existed on those Cossack lands and the borders of the Moldavian principality didn’t extend to the east to the Dniester.

The Moldavian researchers of the feudal period took no interest in this region. Ukrainian historians were not interested in this region’s history for Pridnestrovie had become a part of other Union republic – the Moldavian SSR since 1940. At the moment of creation of the independent statehood (the 1990’s) whole periods of history remained unveiled. It’s abnormal and surprising for the Pridnestrovian lands were of great importance in Eurasia, a contact zone for various civilizations and cultures. The Dniester banks are one of the most interesting regions of Europe with more ancient archeological Slavic sites than even in Central Russia.

For centuries Pridnestrovie has been an arena for struggle of various nations trying to rule on these lands. The people who lived here but didn’t create their own statehood was an object of policy of more powerful states and a victim of their bloody conflicts.

During the Slavic colonization the lands of Pridnestrovie served as a borderline between two powerful unions of Slavic tribes – the Ants and the Sklavins. Then they joined the Kievan Rus and turned into rather a densely populated region of the Old Russian state. After the breakup of the Kievan Rus Pridnestrovie was a part of the eastern Slavic Galich – Volyn principality....

In 1569 the northern part of Pridnestrovie was a part of Rech Pospolitaya whereas the southern part occupied by Crimean Tartars became a western border of the Crimean Khanate, a vassal of the Ottoman Empire. For many centuries Pridnestrovie has remained a territory where the interests of powerful hostile states – catholic Rech Pospolitaya, Muslim Crimean khanate and orthodox Moldavian principality subordinate to the Ottoman Empire clashed. For they waited help from nowhere, self-defense was the only way to survive. The late 18t century was the longest peaceful period in the history of Pridnestrovie. When the border was transferred from the Dniester to the Prut Pridnestrovie didn't serve as a geopolitical border zone any more; the land were inhabited by Ukrainians, Moldavians, Russians, Bulgarians, Armenians, Germans, Jews and others. The Pridnestrovian social community is notable for the ethnic and religious tolerance and friendliness that was promoted by inter-ethnic marriages. There have never been an ethnic majority that could have claims on supremacy in the region. The main ethnic elements of the Pridnestrovian community - Moldavians, Ukrainians, Russians – are almost equally represented in the region. That's why the Pridnestrovians are so suspicious and oppose strongly the attempts of Kishinev authorities to proclaim the Bessarabian Romanians to be the main masters of these lands and the others to be “aliens” and “occupants”. The Dniester retrieved its role of a geopolitical border zone Bessarabia's annexation to Romania in 1918.

In the mid 1920's the Bolsheviks formed the Moldavian ASSR in this part of Ukraine despite the fact that only one third of the population were Moldavians, more than half of the population were Ukrainians.

There were no ethnic conflicts for a 16-year existence of the Moldavian autonomy in the Pridnestrovian region of Ukraine. In the early August, 1940 the Moldavian autonomy was annulled. The Pridnestrovian part of MASSR as well as Bessarabian regions mostly populated by Moldavians was annexed to a new republic of the Soviet Union – the Moldavian SSR. The state existed successfully within the Soviet Union (up to its breakup) over 50 years. The collapse of the Soviet Union promoted by nationalistic elites of former union republics, including Moldova, can't but provoke the breakup of a number of

sovereign states artificially created by Stalin's regime that could exist artificially only within the borders of the USSR. When nationalistic forces came to power and proclaimed the republic "an occupied Romanian land" and "unlawful entity" created by the Soviet occupational regime, when an inter-ethnic tension in Moldova increased and there was an outburst of civil conflicts, the leadership of Moldova made statements about withdrawal from the Soviet Union it provoked a response of the people of Pridnestrovia. The idea to restore their statehood was widely spread among the people; they saw it as the only chance to avert the worst course of events, genocide, thousands of victims and hundreds of thousands of refugees.

DIFFICULTIES IN DEVELOPMENT OF THE PRIDNESTROVIAN HISTORIOGRAPHY

In 1990 after the referendums it was the second attempt of the people of Pridnestrovia to build their own statehood – the Pridnestrovian Moldavian Republic. It was a guarantee of survival, safety, freedom and non-violent approach to the settlement of controversial issues and arising disagreement. The bloody conflict on the Dniester in Bendery and Dubossary in 1991-1992 gave an idea to the Pridnestrovians that they should obtain full independence from a hostile state. Constant attempts to suppress the Pridnestrovian statehood by blockades – financial, informational, customs, communicational, economic and others – proves that the people have chosen the right course for independence from the neighbouring state. The Pridnestrovians are sure that their choice should be understood and accepted adequately by the world community; their right to self-determination is immanent, the right to create their own statehood requires no sanctions by Moldova, Russia, Ukraine, Romania or any other country.

While studying different historic periods researchers have to go beyond its limits, to study history of other states and nations. It is one of the peculiar features of the development of the Pridnestrovian history school...

The Pridnestrovian historiography faced another problem. The Archives of PMR were established only after creation of the republic. So the researchers have to use the Archives and libraries of Western and Eastern Europe, the Balkans and Asia. Moldova as well as Rumania also has no documents relating to the Middle Ages.

The sources relating to the northern part of Pridnestrovie are available in Latin and Polish. The documents relating to the history of southern part of Pridnestrovie are mostly available in Tartar, Turkish and Arabian and are kept in Istanbul and other centers to which there's no easy access for researchers. Lots of source available in Slavic, Old Moldavian, Lithuanian, Armenian, Jewish, Belarusian, Greek and Ukrainian even those published in the late 19th – early 20th centuries are real rarities and are stored in archives of different states...

In other words the Pridnestrovian historiography began with a blank page.

There's no experienced staff in our republic. It could have taken years to train the staff. The last decade of the 20th century notable for such events as the breakup of the Soviet Union, the collapse of the financial system of the state and putting national currencies into circulation, an economic crisis, blockades and hostilities was not beneficial for the work of scientists and development of the historic conception. Besides, historians trained by the Marx material school could hardly go beyond the limits. But after a thorough examination Pridnestrovie's history is rather paradoxical far beyond all known theories. For instance, we can trace the elements of the so-called Moldavian feudalism and special republican relations among Cossacks and other types of feudal relations. Being an arena for wars Pridnestrovie had no opportunity to develop like neighboring states. External and often occasional reasons might lead to cardinal changes for a short period of time. So the historian had to refuse from division of the historic past of the region into periods on the basis of the evolution of the formational structure of the society that can't be traced in Pridnestrovie. They decided to base the division into periods on important milestones and events having an impact on the history such as mass migration of the population, the change of ethnos, civilizations and cultures, military campaigns and others.

Realizing the scale of the task and hurdles they could face the researchers of the scientific and research laboratory "Pridnestrovie's history" established at the Pridnestrovian State University in 1991 (Head – N.V. Babilunga, leading researcher – B.G. Bomeshko, senior researcher – V.Y. Grosul) began formulating a conception and a strategy of writing a fundamental three-volume paper on history of the Pridnestrovian Moldavian Republic. To write a three-volume work was a super task alongside with other researches that united highly-skilled experts in different issues and periods of South-Eastern European history as well as beginners, experts in regional studies, even students. A series of lectures on history of Moldavia, a collection of papers "Bessarabian issue and formation of the Pridnestrovian Moldavian Republic", a commemorative

reference book “The Book of memory of defenders of Pridnestrovie”, brochures “Bendery – shot but unconquered”, “Dubossary – a bleeding wound of Pridnestrovie”, “Pridnestrovian conflict: historic, demographic, political aspects”, a collective monograph “Pridnestrovie’s phenomenon” and many others.

The annual historic anthology of Pridnestrovie played a key role in development of the Pridnestrovian anthology. This democratic and deeply scientific project, the anthology found its readers and became very popular within and outside the republic.

International conferences produced good results. The first one “Pridnestrovie: past, present, future” was organized by the laboratory in Tiraspol in 1992 soon after the cease of hostilities. General A.I. Lebed’s words “You can hardly imagine how important the conference is for your future!” can’t but be regarded as prophetic.

Pridnestrovian historians jointly with experts from Russia, Moldova, Gagauzia, the USA and other states and regions joined research projects in sociology, conflict resolution, political science and other areas. The results of researches were published both in PMR and foreign states.

Such conferences and symposiums uniting scientists’ efforts to study historic and modern problems of the Pridnestrovian region are held twice a year. The material of some conferences was published and became a real fount of collective wisdom, a way to resolve problems by “an intellectual storm”. Our researchers often go abroad to take part in scientific forums.

ATTEMPTS TO CREATE COMMON HISTORIOGRAPHY WITH MOLDOVA

The wish of the OSCE mission to Moldova to promote mutual understanding between the new Pridnestrovian historiography and Kishinev pro-Romanian historiography is rather demonstrative. The attempts were not successful.

After the breakup of the USSR the common information space within which our peoples lived, scientific researches were conducted and scientific schools arose was broken. It led to the loss of lots of scientific material and even to the collapse of some scientific institutions. Boundless flows of information were cut off by national borders of newly-emerged states. But unlike a football or hockey team the science can’t be national by definition.

What was the result? The “national renewal” proclaimed in the late 80’s turned to an unprecedented collapse of the national culture and spirituality of most nations torn out from the favourable environment and placed to nationally limited reservations where there’s no place for science, education and even elementary literacy.

As for the quality of life of the population living in post-Soviet republics, it’s well-known. Moldova occupies one of the last places. Having successfully divided the public property, oligarchic clans run the republic and make profits, steal foreign investments and grants given by the West.

Unlike Moldova Pridnestrovie’s situation is quite different, though it faces huge economic, financial and social hurdles, most of which are created artificially as a result of blockades. Our state has preserved its economic potential which is steadily developing. Most of people trust and support the leaders of the republic. Every PMR citizen is protected by the Constitution and legislation of PMR from any infringement on dignity and rights, from any discrimination as to nationality, language, beliefs, etc. No scientific institution was closed or staff was fired as to language, ethnos or political criteria. New scientific institutions are open. Setting up the Pridnestrovian state university (PSU) was among the first decisions taken by the leadership of the new republic.

So the question arises: is there a chance to establish and promote informational cooperation between researchers from Moldova and Pridnestrovie who live under so different regimes? Is it necessary? The scientific and research laboratory at PSU named after T.G. Shevchenko accumulated more than 15-year experience in cooperation with scientists from Moldova and other states. So we can draw some conclusions as to ways to optimize and develop it. After Kishinev’s historiography change its course and the history of Moldavia was replaced with pseudo-scientific doctrine of “history of Romanians”, when the Moldavian history school was destroyed at scientific and educational institutions of Moldova, lots of scientists continued studying the history of the Moldavian state though they had to go underground. Many of those courageous people despite a serious threat to their wellbeing and even life became the researchers of our laboratory and being highly skilled experts they collaborated on two-volume History of PMR, Pridnestrovie’s phenomenon and others. These are such outstanding historians as I. A. Antsupov, L.E. Repida, I.D. Chobanu, P.M. Shornikov, A.P. Lisovina, A.Y. Skvortsova, E.A. Bognibov, etc.

Nevertheless it is incorrect to suppose that such a close cooperation with Kishinev's scientists is a rule; quite the contrary, considering huge pressure of pro-Romanians on politics, public life and consciousness. Over those years they enjoyed an ideology of aggressive Romanism: course, programs and textbook were designed to conceal the unique character of the Moldavian nation, were full of pro-Romanian and even pro-fascist propaganda. Any opposition to pro-Romanian official course was suppressed. The writing of such scientific and methodological literature was sponsored by local and foreign funds. It is not surprising that a whole generation of historians for whom it is rather suitable. Having a control over finances that are spent on these purposes, the group is somewhat like a clan that does not allow any competition. They'd rather led society to a new stage of the civil conflict than allow pro-Moldavians to change plans, subjects and direction of scientific researches as well as school and university curriculum. There's no chance to reach a compromise with them. The attempts of Mr. Gotfrig Hanne, the officer of the OSCE mission to Moldova, to bring historians from Moldova and Pridnestrovia together in studying and teaching the history of native land failed.

Over several years there were seminars in Kishinev and Tiraspol, the Coordinating Committee for school education was set up. After long discussions with our colleagues from Kishinev they drew up a plan of the work of working groups that was not put into practice despite a sincere wish to reach an agreement and all efforts of diplomats.

I think that noble efforts of the OSCE Mission to Moldova to establish the Internal Moldavian historic commission for designing textbooks with the purpose to promote better understanding between the parties and to find solutions to controversial issues on the history of Moldavia was doomed to failure. Unfortunately, the supporters of the modern counter-history of the Republic of Moldova, patriots of Moldavia and pro-Moldavians were not involved into the work of the Commission. It's of no use to make attempts to reach a compromise with those who reject the existence of Moldavia, for whom it is unprofitable to study the history of the native land. It was proved by the seminar "Teaching history in Moldova" held in Kishinev in September, 2002 and organized by the Information Bureau of the Council of Europe to Moldova, RM Education Ministry and the OSCE Mission to Moldova. There was much debate and disputes between a clan of monopolists and independent researchers, the members of the Association of scientists named after Milesku-Spataru, also teachers from Moldova and Gagauzia. The latter was indignant at the behaviour of Kishinev pro-Romanians who pursued the only goal to consecrate

curriculums in history designed by them and to receive a pardon for pro-Romanian zombing of a young generation of Moldavians. However, there is a group of relatively independent historians in Moldova ready to exchange the information and the results of researches and even cooperation with their colleagues from Pridnestrovia though they are not supporters of Pridnestrovia or are neutral. In 1998 the researchers of our laboratory participated in the implementation of the project “National processes, language relations and identity” initiated by Professor of Stanford University David Laytin co-authored by deputy Director of the Institute of Ethnology and Anthropology of the Russian Academy of Science, Professor Mikhail Guboglo. Jointly with the Centre for studying inter-ethnic relations at the Russian Academy of Science with which the scientific and research laboratory of Pridnestrovia cooperates under the contract the scientists from Moldova under the aegis of the Department of ethnic relations and language functioning and the National Assembly of Gagauzia took part in the sociological research. It resulted in lots of publications in scientific journals of Pridnestrovia, Moldova, Russia, the USA and other states. The research demonstrated that striving for impartiality and conscientiousness of researchers having different political views and beliefs could unite people and promote progress in science.

Another example of informational cooperation is the international research project “The outlook for the settlement of the conflict between Moldova and Pridnestrovia: a role of building a civil society supported by the Research Support Scheme” of the Institute of open society (Prague). The project was led by Vladimir Kolosov, Doctor in Geography, director of the Centre for geopolitical research at the Geography Institute of the Russian Academy of Science, participants – D.V. Zayats and A.D. Krindach (Moscow), L. Drumya (Kishinev), N.V. Babilunga (Tiraspol). The results of researches were published in different states in different languages and are available in the Internet, were commented in periodicals. In other words, a sensible pragmatism and political impartiality could produce good results and increase chances to success.

In September, 2002 the web-journal “Moldova academic review” was presented in Kishinev (editor PhD in history O. Gaushchnko). The first issue was devoted to Pridnestrovia and it was called “Pridnestrovia – from the past to the future”. The journal is unique for it serves as a tribune open for representatives of both parties to the conflict. Experts in history, political science, sociology, philology and other sciences were given a chance to express their views on the past, the future of our region and possible solutions. It’s hard to judge if a reader who is not well-informed may have a clear picture of history and events happening in

the region. An occasional visitor could hardly take an interest in this site (<http://www.iatp.md/academicreview>), but a qualified reader will give his due to the editor and authors of the journal. The key task of the Moldova Academic Review and similar media is to present information about processes happening on the Dniester to the world community.

It's hard to judge now if the integration of Moldova and Pridnestrovie is still possible. The wounds are still bleeding, criminals who unleashed this massacre are still not punished and they are in power. Is there any need for this artificial merger of different economies, cultures and mentalities (though with similar historic roots)? At present geopolitical and political goals of our state systems and views on human rights and freedoms and other value have little in common. But the informational cooperation with historians from Kishinev is possible. We can suppose two possible scenarios depending on the geopolitical vector to be chosen by the leaders of this state. If Moldova chooses to strengthen and democratize its state system, the contacts will be extended. If it incorporates into Romania, the cooperation field will be limited.

MODERN STAGE OF HISTORIOGRAPHY

After the collapse of the communist ideology the church and the religion was steadily reviving. I can't but note a fruitful influence of the Russian Orthodox Church on modern Pridnestrovian historiography. Annual readings having been organized by Tiraspol and Dubossary Eparchy and the Pridnestrovian State University gave a spur to regional studies. Seven books were published: lecturers, students, experts in regional studies conducted researches on the church history.

The development of the Pridnestrovian history school is accompanied by a real renaissance of regional studies which involves lecturers, museum and archives workers, journalists as well as students and schoolchildren. Lots of historic papers have been published over the last years. However, amateur scientists having their own views on history and a wish to thrust them upon the public may distort the scientific picture, impede and even put obstacles to researches. The publication of the historic Atlas of PMR whose authors (A.Z. Volkova, I.I. Krisko, A.A. Temnikov and others) made an unsuccessful attempt to write the history of the region within the present borders of PMR without a regard to processes happening in those states whose part Pridnestrovie was in different periods of history. This Atlas is not an Atlas though, and the number of historic,

orthographic and other mistakes is unrivalled. The main danger of works of the kind is their claim on academic, politically topical and official character.

Having no opportunity to give a detailed analysis of the development of history school of Pridnestrovie, I'd like to dwell on the level that it had reached by the early 21st century. In 2000-2001 the scientific and research laboratory "Pridnestrovie's history" published a three-volume research paper "History of the Pridnestrovian Moldavian Republic" co-authored by tens of scientists from Pridnestrovie, Russia, Moldova and Ukraine. The first volume's focus is on ancient times starting from first settlements on the Dniester and primitive communal relations, Pridnestrovie's joining the Kievan Rus, Galych-Volyn principality, the Golden horde, the Great Lithuanian and Russian principality, the Polish Kingdom, Rech Pospolitaya, the Crimean khanate, the Russian empire up to February revolution and formation of a democratic republic and the first Soviets.

The second volume presents the Soviet epoch – the Soviets' coming into power in the region, the civil war and creation of the Moldavian statehood on the left bank of the Dniester as a part of the Ukrainian SSR, occupation during the Great Patriotic war and the post-war history of Pridnestrovian lands as a part of the Moldavian SSR up to the breakup of the USSR and the disintegration of Moldavia in the late 80's and the early 90's of the 20th century. The last volume describes the dramatic events aimed at restoration of the statehood in Pridnestrovie, proclamation of PMR, heroic defense of PMR from external aggression, Pridnestrovie's everyday life during the modern period of history of Pridnestrovie, its economic, social, political and cultural development.

The publication of the book has become a significant event in the public and political life of the republic, an important stage in development of historiography and history school of an unrecognized state. In accordance with this work the conception of the historical education as well as school textbooks in native history has been designed. Currently history of Pridnestrovie is taught in all PMR institutions of secondary and higher education in native languages. The history of Moldavia is included in the curriculum in Moldavian schools, the history of Ukraine – in Ukrainian schools.

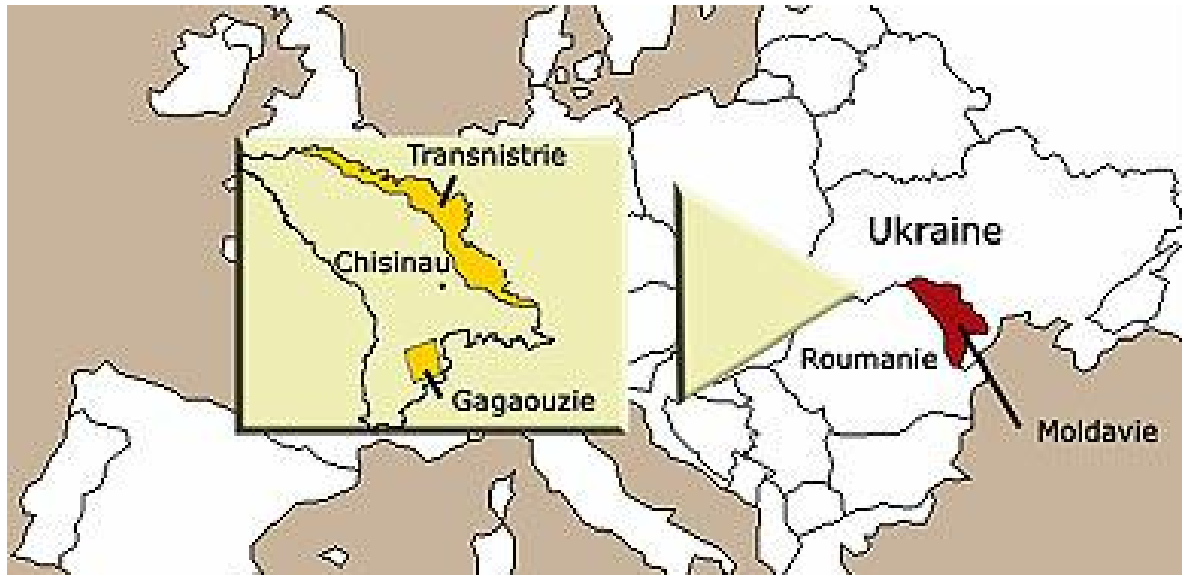
The Moldavian history is not taught in the Republic of Moldova; it was replaced with a doubtful course History of Romanians. The children of Pridnestrovie study the native history as well as the history of Moldavia. It's hard to predict the further course of Moldova as an independent state or a Romanian province. But we have grounds to believe that a recognized historiography has developed

in the unrecognized state. We hope it will promote recognition of our state in the near future.

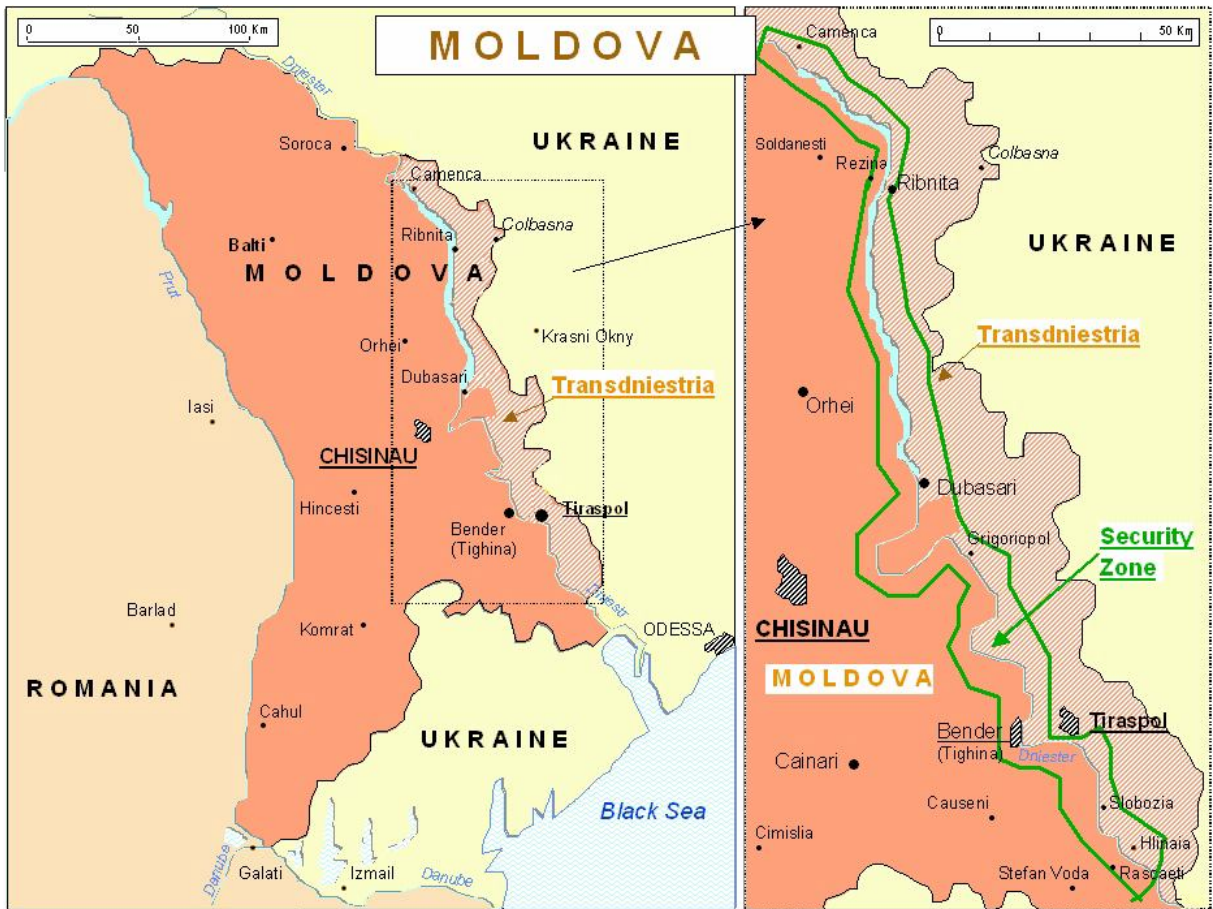
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APPENDIX 15: MAPS OF PRIDNESTROVIE IN EUROPE AND HISTORY

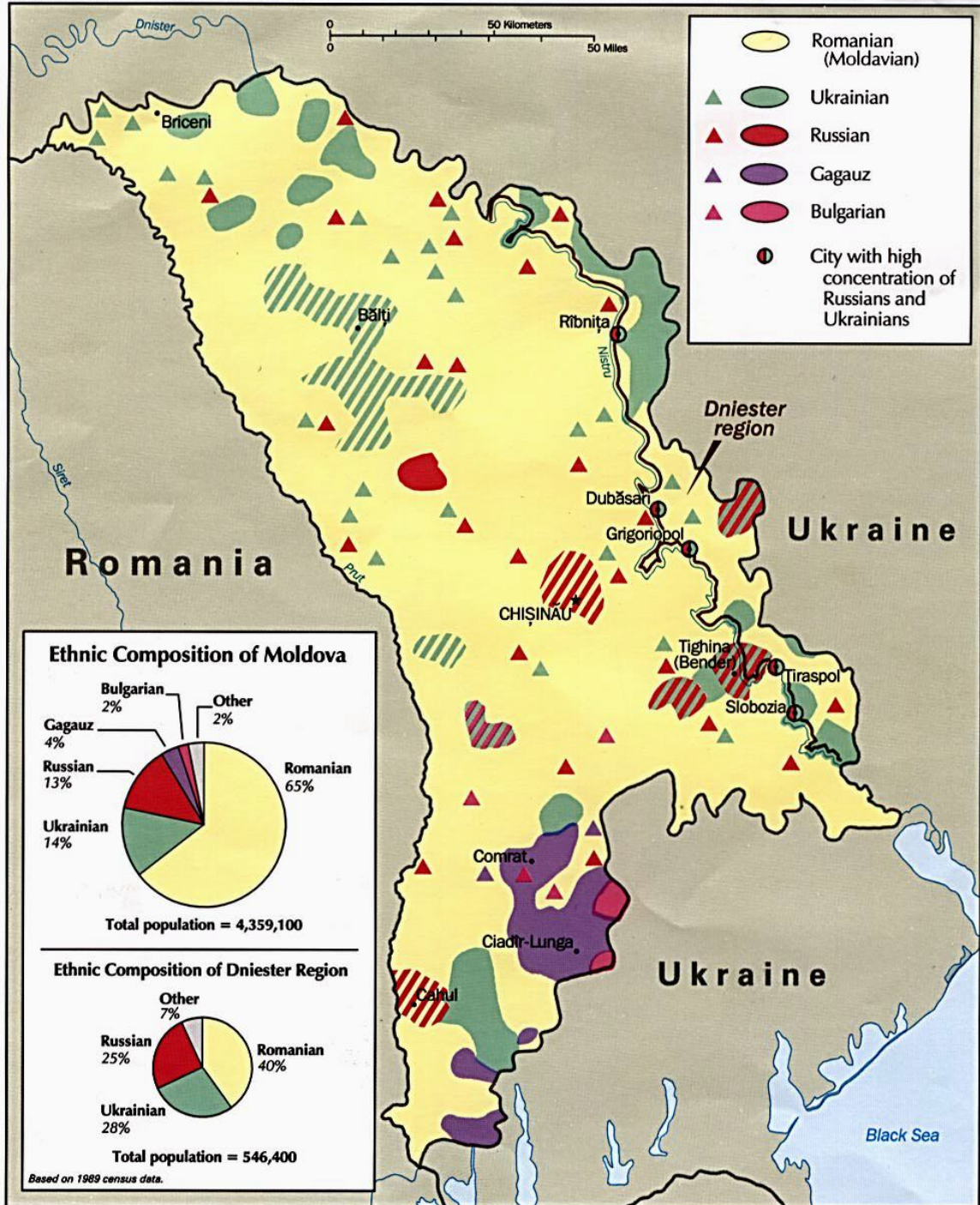




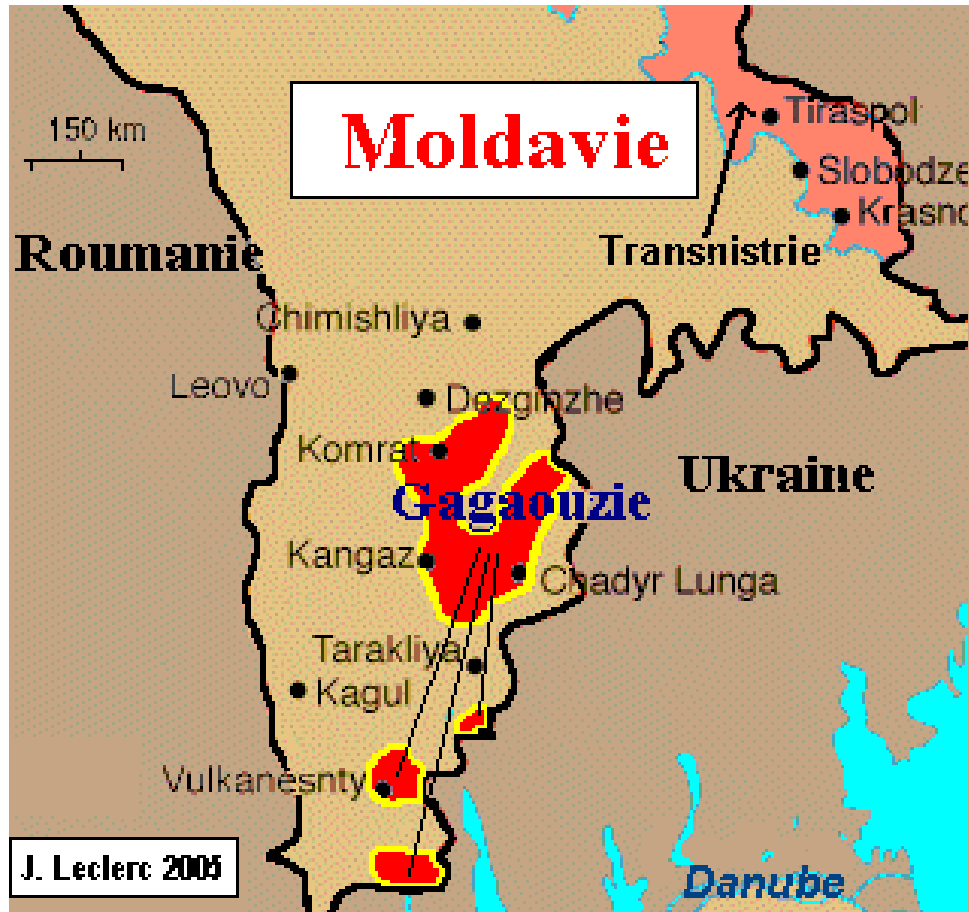


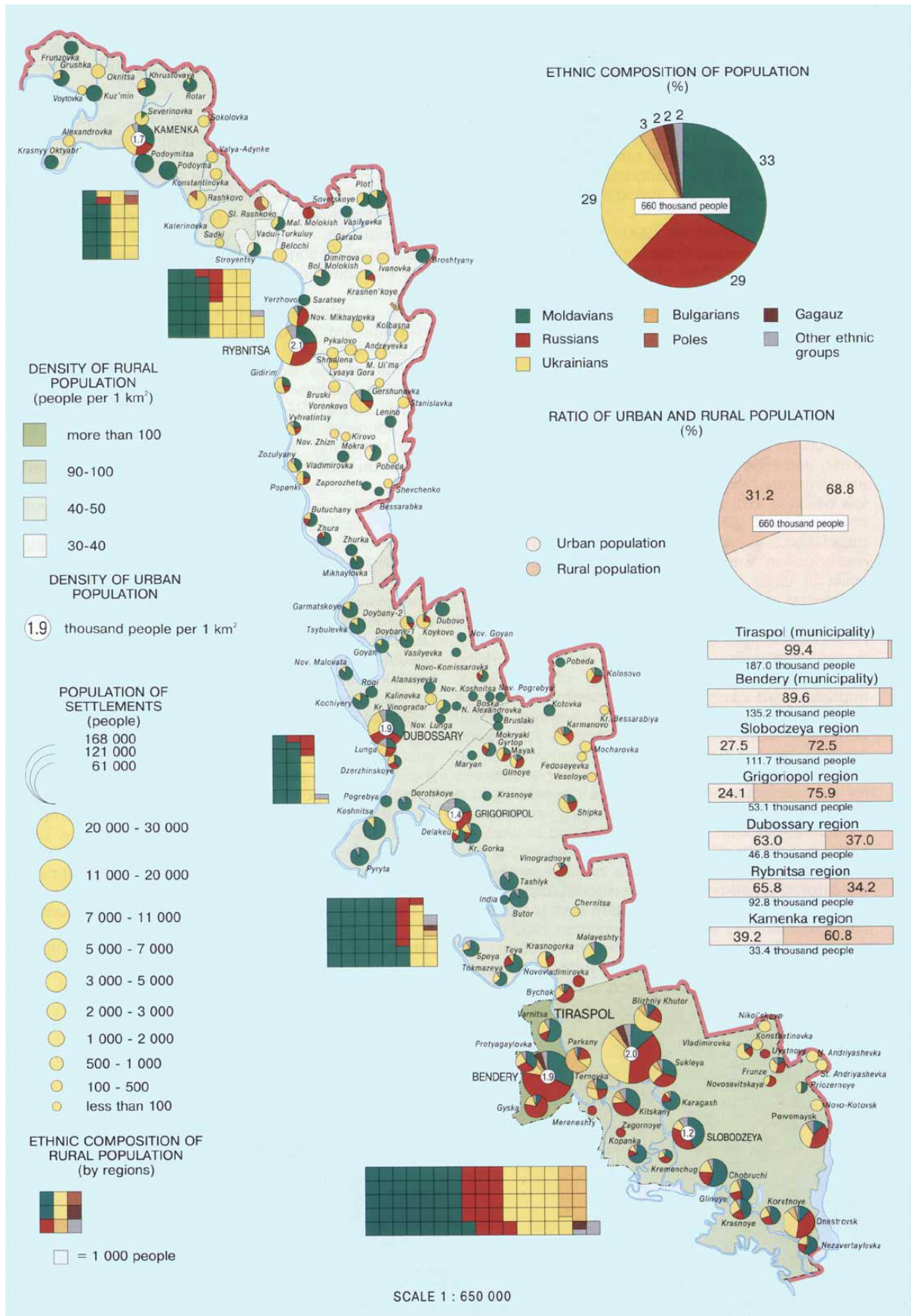


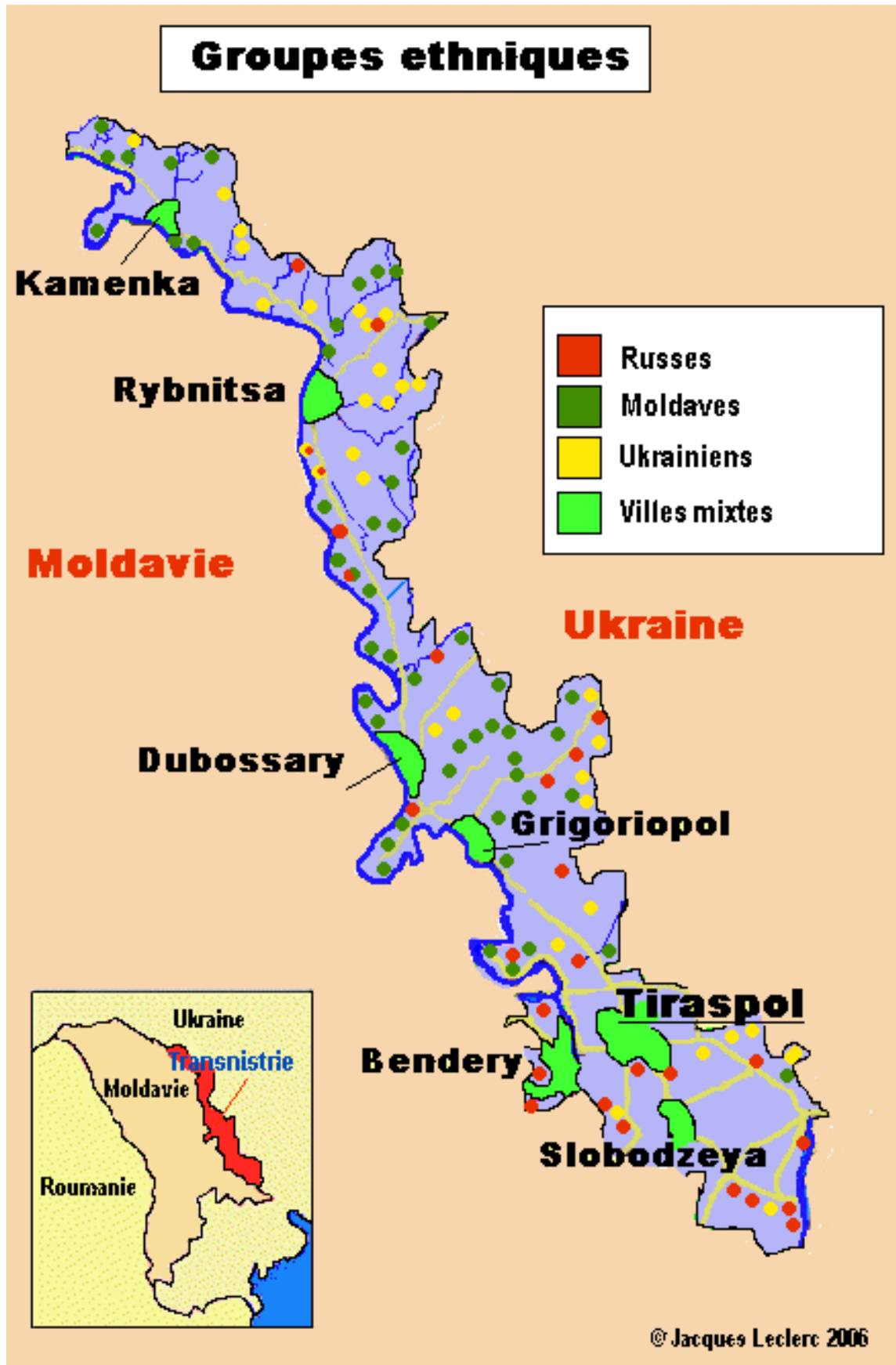
Major Ethnic Groups in Moldova

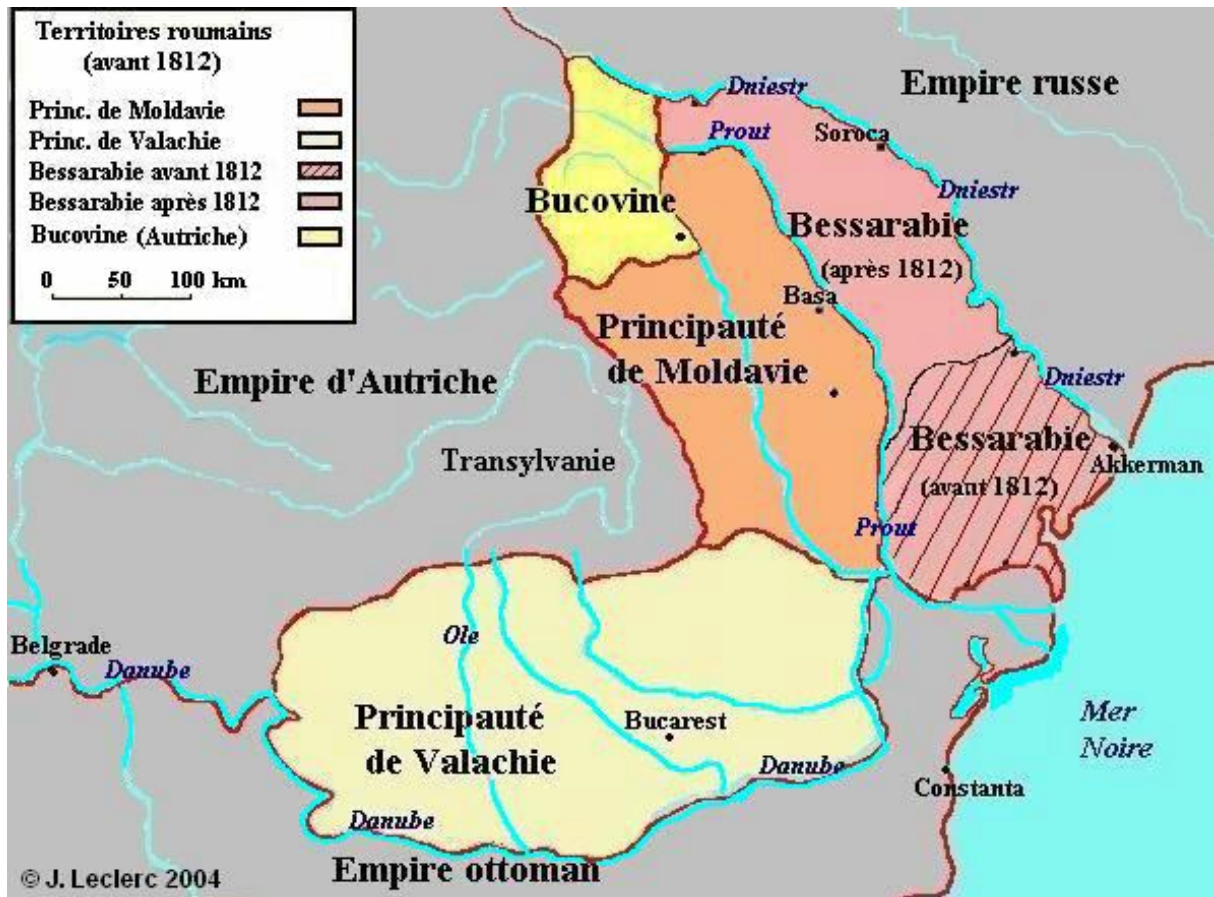


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**EODE Report on the PMR – 2d issue 2010
Building of a New European State**

ENGLISH SUMMARY : E.O.D.E. NGO PUBLISHES AN "EXPERT'S REPORT OVER PRIDNESTROVIE " (OR "TRANSDNIESTER")

A team of lawyers and jurists from the European Union visited Tiraspol, PRIDNESTROVIE'S (or "Transdnierster") capital on an EXPERT'S MISSION on May 2-5, 2007, to review the claims of the PMR to statehood. Examining the facts on the ground, the legal experts of the EU concluded that Pridnestrovie objectively fulfills the requirements necessary for statehood. Basing themselves on the International Law, the lawyers and jurists could confirm in a conclusive way the de facto statehood of the country.

The delegation had arrived in Tiraspol to study the existing legal basis for international diplomatic recognition of the " Pridnestrovian Moldavian Republic. ". During the visit, the members of Parliament and international law experts met the actors of the political and civil life and examined the history of Pridnestrovie, its creation as State in accordance with the international law, and the context of the dissolution of the Soviet Union and, with it, of the dissolution of the ex-SSR of Moldavia in 1990-91.

The international recognition is not a condition for sovereignty. Although not recognized by the international community, Pridnestrovie is nevertheless a sovereign state in accordance with the International Law. The small country, which popularly but inaccurately is known as "*Transnistria* " (in fact, the artificial name given by fascist Romania when it occupied – in alliance with Nazi Germany – this country and the area of Odessa between 1941 and 1944), *fulfills the requirements for statehood with a permanent population, a territory, a government and the capacity to engage in foreign relations with other states, if they want to do so..*

It is the conclusion **of an extensive examination by this team of jurists and lawyers, international legal experts of the European Union.** After having visited Pridnestrovie and having seen the facts on the ground, in person, they now invite the foreign ministries of their countries *to engage in a foreign policy based on an honest and realistic evaluation of the real situation.*

"- *Your State answers all the requirements in accordance with the international law*", indicated **Luc MICHEL** from Brussels, Administrator-General of **EODE Ngo – the Eurasian Observatory for Democracy and Elections (Brussels-Paris-Sofia)** – at the time of a press conference in Tiraspol on May 4, 2007 where he was surrounded by lawyers from Western Europe.

The international lawyer Patrick BRUNOT, a consultant to the International Criminal Court based in The Hague, Netherlands, also lecturer at the universities of New York and Paris and adviser in particular of President Putin, was the head of the delegation.

Following this expert's mission, Luc MICHEL, jurist and specialist in constitutional Law, but also specialist in the problems of Direct Democracy (He is also President of the **CEREDD**, the "*European Centre of Research and Studies on the Direct Democracy*".), **published in English a detailed REPORT entitled:**

"THE " PRIDNESTROVSKAIA MOLDAVSKAIA RESPUBLIKA "(PMR): BUILDING OF A EUROPEAN STATE AND EXPERIMENT OF DIRECT DEMOCRACY.

This report has been just transmitted

- to the Commissions of foreign affairs of all the Parliaments of the European Union,
- to all the members of the European Parliament
- and of the PACE (Parliamentary Assembly of the Council of Europe).

It will be submitted to all the European deputies and to all the French and Belgian deputies and senators (including the very influential *Foreign Affairs Commission of the French Senate* which already organised a Symposium in Paris on Transdniester).

Vladimir Grigoriev, the President of the Constitutional Court of Pridnestrovskaja Moldavskaia Respublika, was to underline the high

standard of this impartial report, based on an exhaustive reading of the available sources: *"We examined your report" Pridnestrovskaia Moldavskaia Respublika (PMR): Building of a European State and Experiment of Direct Democracy "*. We are grateful for your major and objective research on the democracy in Transdniester, You studied a significant quantity of literature, published in Transdniester. We are especially grateful to have used the works of the Justice of the Constitutional Court in your report " .

EODE ngo

Eurasian Observatory for Democracy and Elections

***LA "PRIDNESTROVSKAIA MOLDAVSKAIA RESPUBLIKA" (PMR) :
CONSTRUCTION D'UN NOUVEL ETAT EUROPEEN ET EXPERIENCE
DE DEMOCRATIE DIRECTE***

PDF de la version française en téléchargement

Gratuit sur: <http://www.eode.org/report.htm>

RESUMEN ESPAÑOL : LA ONG E.O.D.E. PUBLICA UN "BALANCE SOBRE LA PRIDNESTROVIA" (O "TRANSDNIESTRIA")

Un grupo de abogados y de juristas de la Unión europea ha visitado en MISION DE PERITOS Tiraspol, la capital de PRIDNESTROVIA (o "Transdnestria ") los 2-5 mayo 2007, para pasar en revista las pretensiones de la PMR al estatuto de Estado. Al examinar los hechos sobre el terreno, los peritos jurídicos de la UE concluyeron que Pridnestrovia responde objetivamente a las exigencias requeridas para el estatuto de Estado. Refiriéndose al Derecho internacional, los abogados y juristas pudieron confirmar de manera definitiva el estatuto de independencia de facto del país.

La delegación había llegado en Tiraspol para estudiar la base jurídica existente para el reconocimiento diplomático internacional de la " República Moldavia de Pridnestrovia ". Durante la visita, los diputados y los peritos en derecho internacional se entrevistaron a los actores de la vida política y civil y examinaron la historia de Pridnestrovia, su creación como Estado según las normas del derecho internacional y el contexto de la disolución de la Unión Soviética y, con ella, de la disolución de la ex-RSS de Moldavia en 1990-91.

El reconocimiento internacional no es una condición para la soberanía. Aunque no reconocida por la comunidad internacional, Pridnestrovia es sin embargo un estado soberano según el Derecho internacional. El pequeño país, conocido comúnmente pero inexactamente como " *Transnistria*" (de hecho, el nombre artificial dado por la Rumania facista cuando ocupaba - junto con la Alemania nazi - este país y la región de Odessa entre 1941 y 1944), responde a las exigencias para el estatuto de Estado con una población permanente, un

territorio, un gobierno y la capacidad de comprometerse en relaciones extranjeras con otros estados, si quieren hacer eso. Es la conclusión **de un examen extensivo de este grupo de juristas y de abogados, expertos jurídicos internacionales de la Unión europea.** Después de visitar Pridnestrovia y de haber comprobado en persona los hechos en el terreno, invitan ahora los ministerios de asuntos exteriores de su país ***a compromertse en una política extranjera basada en una evaluación honrada y realista de la situación autentica.***

"- *Vuestro Estado responde a todas las exigencias en virtud del derecho internacional* ", indicaba **Luc MICHEL** de Bruselas, Administrador-general de la **Ong EODE - el Observatorio Eurasiático para la Democracia y las Elecciones (Bruselas-París-Sofía)** - durante una conferencia de prensa en Tiraspol el 4 de mayo de 2007, en la que le rodeaban abogados de Europa occidental.

El abogado internacional **Patrick BRUNOT**, consejero al Tribunal Penal Internacional de La Haya, Países Bajos, también conferenciante en las universidades de Nueva York y París y particularmente Consejero del Presidente Putin, era el jefe de la delegación.

Después de esta misión de peritos, Luc MICHEL, jurista y especialista del Derecho constitucional, pero también especialista de las problemáticas de la Democracia Directa (y también Presidente del **CEREDD**, el "*Centro Europeo de Investigaciones y de Estudios sobre Democracia Directa* "), **ha editado en inglés un INFORME circunstanciado intitulado :**

***THE "PRIDNESTROVSKAIA MOLDAVSKAIA RESPUBLIKA"
(PMR) : BUILDING OF AN EUROPEAN STATE AND
EXPERIMENT OF DIRECT DEMOCRACY.***

Este informe ha sido transmitido

- a las Comisiones de política extranjera de todos los parlamentos de la Unión europea,
- a todos los miembros del Parlamento europeo
- y de la APCE (Asamblea Parlamentaria del Consejo de Europa)

La edición francesa del Informe de Luc MICHEL " LA " PRIDNESTROVSKAIA MOLDAVSKAIA RESPUBLIKA": CONSTRUCCION DE UN ESTADO EUROPEO NUEVO Y EXPERIENCIA DE DEMOCRACIA DIRECTA " será publicada - edición digital pdf y edición imprimida.

Se someterá a todos los diputados europeos y a todos los diputados y senadores franceses y belgas (incluyendo la muy influyente *Comisión de los Asuntos exteriores del Senado francés*, que había organizado ya un coloquio en París sobre Transdnietría).

Vladimir Grigoriev, el Presidente de la Consejo Constitucional de la Pridnestrovskaia Moldavskaia Respublika, subrayó el alto alcance de este informe imparcial, basado en una lectura exhaustiva de las fuentes disponibles :
" *Hemos examinado su informe "La Pridnestrovskaia Moldavskaia Respublika (PMR): Construcción de un Estado europeo y Experiencia de Democracia Directa "*. Les agradecemos su investigación profunda y objetiva sobre la democracia en Transnistria. Han estudiado una cantidad importante de literatura, publicada en Transnistria. Les agradecemos especialmente su utilización de los trabajos de la justicia del Consejo Constitucional en su informe ".

EODE ngo

Eurasian Observatory for Democracy and Elections

***THE "PRIDNESTROVSKAIA MOLDAVSKAIA RESPUBLIKA
"(PMR): BUILDING OF A EUROPEAN STATE AND EXPERIMENT OF
DIRECT DEMOCRACY.***

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**Addenda (2010)
to the Report**

**SCENARIOS FOR
THE FUTURE OF THE
“MOLDOVAN REPUBLIC
OF TRANSJNIESTER”**

**By Luc MICHEL
Lecture for the Green Book Study Center
(Tripoli, Libya, January 2009)**

While the republics of South Ossetia and Abkhazia have been recognized by Moscow after the war of summer 2008 with Georgia, uncertainty continues to weigh on the fate of the "Moldovan Republic of Transdniestria" (PMR).

And this fate is in a dimension far beyond the small republic and directly affects the security of Russia.

As a reminder, Pridnestrovie or Transdniestria (PMR, capital Tiraspol), the most industrialized area of the former Soviet Republic of Moldavia and two-thirds populated by Slavs, declared its independence from Kishinev in 1992 after the collapse of the USSR and after several months of fighting against the pro-Romanian Moldovan forces. From 1989, the Tiraspol authorities had proclaimed and organized their rejection of the anti-Russian policy led by the far right nationalists of the People's Front of Moldova, which took office in Kishinev. Since then, Tiraspol refuses to recognize the sovereignty of Moldova on its territory and has an independent policy, strengthened after the referendum on independence in September 2006, largely won by supporters of rapprochement with Russia. A peacekeeping contingent composed of Russian, Moldovan and Transdniestrian soldiers is deployed in the conflict zone. International negotiations, with the mediation of Russia, Ukraine, OSCE, the United States and the European Union, were suspended in February 2006.

The Russian-Georgian conflict has changed the situation on the Dniester.

Where goes the PMR in the year 2009?

SCENARIO N° 1:

NEUTRALIZATION OF MOLDOVA FOR NATO, TOWARDS A "MOLDOVO-TRANSDNIESTRIAN" STATE?

Two scenarios are sketched: the first is the return of PMR in a federalized MOLDOVA, with effective control of the leaders of PMR on the new federal state, its armed and security forces.

This also raises the status of the armed forces of PMR (more important and better armed than Moldova, state in virtual bankrupt).

The very anti-Russian JURNAL DE CHISINAU evokes so with fear PMR "which can quickly mobilize tens of thousands of reservists to solve alone, without the overwhelming support of Moscow, any military dispute with Chisinau." The armed forces who are the guarantors of the protection of citizens of PMR for 20 years.

This following the outline of the Russian plan to resolve the conflict in 2003, said "Memorandum Kosaak" that some seem to reactivate in the Kremlin in late 2008.

"This document called for the reunification of the country on the basis of a confederation, and granting Transnistria the right to self-determination if Moldova loses its sovereignty (by including Romania). It also planned to maintain a Russian military presence in Moldova, commented VEDOMOSTI (04 / 09 / 2008). Will it be presented to the parties in its previous form or with changes? This was not specified". "In the conflict between Moldova and the breakaway region of Transnistria, the Kremlin favors a political settlement," commented the COURRIER INTERNATIONAL (Paris, August 2008).

In this case, Moldova, actually neutralized, would escape permanently from NATO and would be part of a policy of cooperation with Russia (especially since hundreds of thousands of Russians live in both PMR and Moldova). "Chisinau suggested it was ready to give up forever to join NATO, and willing to become a reliable ally of Moscow, said the NEZAVISSIMAYA GAZETA (02/09/2008). The last summits of GUAM (NDLA: anti-Russian association, initiated by Washington, which includes Georgia, Ukraine, Azerbaijan and Moldova) have even occurred in the absence of the Moldovan President".

This scenario obviously strongly dislikes NATO, the United States but also Romania and the pro-Romanian and anti-Russian nationalist forces of Moldova that increase the demonstrations against the large Russian minority in Moldova. And present it, fully integrated into Moldova - there are more Russians in Kishinev, where dominates this language than in PMR - as a "fifth column", according to the pro-Romanian nationalist newspaper TIMPUL DE DIMINEATA (22.08. 08): "No Russian tank will appear in Chisinau, because Moscow does not need it. Russia has there a force more powerful than a column of tanks: the "fifth column", which consists of the elite part of the Russian-speaking population which can not fit into the life of the Republic linguistically and culturally. "

“TRANSDNIESTERISATION” OF ALL MOLDOVA: TOWARDS THE “FUTURE MOLDAVO-TRANSDNIESTRIAN STATE?

In NATO as in Bucharest, they denounce the "Russian peace" that would reverse the "transnistrianisation" of all Moldova and stop the advance of NATO to the East. For the press of Bucharest, the decision was even a "scent of capitulation."

The pro-Romanian and pro NATO nationalists of the JURNAL DE CHISINAU (Chisinau, September 4, 2008) denounce what they call the "surrender" to Moscow and the "transdniestrisation" of Moldova, "the Russians have no illusion and do not trust the Moldovan President. They strongly prefer the idea of a federation or confederation formed on an equal footing between Chisinau and Tiraspol, with the blessing of the international community. Moreover, they insist the presence of their troops to be confirmed on paper. For now, the Kremlin is mainly concerned with the creation of two outposts of its empire against Europe and the Muslim world. The first should be the future Moldovo-Transdniestrian state, to serve as a buffer zone between Russia and NATO, and the second would consist of the Georgian breakaway territories of Abkhazia and South Ossetia, which on one hand would protect Moscow of a possible Islamization of the northern Caucasus, and on the other hand would discourage the pro-Western aspirations of Georgia, Azerbaijan and Armenia. Failing to find a compromise of its taste between Chisinau and Tiraspol, Moscow will keep indefinitely Transdnier in a state of "frozen conflict"."

SCENARIO N° 2 :

TOWARDS THE FUTURE RECOGNITION OF PMR BY MOSCOW?

The second scenario is the failure of the negotiations and the future recognition of PMR by Moscow to protect its citizens from a scenario "as in Georgia." In this case, PMR would be an outpost of Russia and a flaw in the system of NATO in the Black Sea, capable of catching in a pincer movement a NATO Ukraine. This solution has the support of the citizens of PMR who have expressed in repeated referendums their desire to remain independent from Moldova and eventually join the Russian Federation. In particular, on 17 September 2006, a referendum was held in PMR, and, as part of this national consultation, the overwhelming majority of the population of the self-proclaimed republic voted for continuing the policy of independence of Transnistria and its union with Russia.

The Moscow daily NEZAVISSIMAYA GAZETA (10/10/2008) analyzes the consequences of this second scenario and said that "Russia will have to defend its citizens in Transnistria": "If the situation does not improve soon in the conflict in Transdnier, where Russia plays the role of chief mediator, Dmitri Medvedev will probably keep his promise to defend, if necessary, the Russian citizens living there (...) The anti-Russian actions organized by far right parties continue since last Sunday in Moldova. They are accompanied by clashes between pro-Romanian Moldovan nationalists and Russian-speaking citizens.

Obviously, the provocative tactic of Mikheil Saakashvili in inducing Russia to use force pleased the Moldovan extremists.

The current situation is particularly alarming because it recalls the late 80s and early 90s, when everything had also started with tense explanations between supporters of Russia and Romania. Even the slogans are identical: it is proposed to "Romanians" to migrate beyond the Prut River (which marks the border between Moldova and Romania) and Russians, beyond the Dniester. In 1992, Russia was forced to introduce a peacekeeping contingent in the conflict zone to end the armed confrontation. Now Moldovan nationalists demand its withdrawal. "

The NEZAVISSIMAYA GAZETA bet so the failure of the negotiations aiming to return PMR into a federalized Moldova: "In these circumstances, it is impossible to expect a resumption of negotiations between Chisinau and Tiraspol, resumption Moscow guaranteed yet openly until recently: leaders of Transnistria have always advanced as a sledgehammer argument, a possible alliance between Chisinau and Bucharest. Whatever the course of events, Russia will be guilty if it neglects what is happening today in Moldova as well as if it is making efforts to defend Russian citizens living there. "

The pro-American Ukrainian newspaper DEN (30.09.08) analyzes, for its part, the consequences of a PMR maintaining its independence: "First, it is a good position to deploy forces in the guise of peacekeepers and occupy a strategic position in the event of a confrontation with Romania and Ukraine. Second, the separatists of Transnistria can put pressure on Moldova and Ukraine. There is still a "hot" point, where the temperature can rise at any moment. "

BETWEEN MOSCOW AND NATO: THE SINUOUS GEOPOLITICAL LINE OF THE VORONIN REGIME

The essential element is the line at least sinuous of the VORONIN regime - the leader of the Moldovan Communists returned to power, himself ex-KGB general - in power in Chisinau. Voronin needs the votes of Russian speakers to win the 2009 elections and stay in power. He also needs customs revenues in particular from PMR to restore the Moldovan finances in bankrupt (the country lives with money brought home by the third of Moldovans working abroad, a situation reminiscent of the economy of the Third World). But he is also under pressure from NATO, of neighboring Romania (which still has designs on Moldova annexed to "Greater Romania" from 1918 to 1939). And he needs the aid of the

European Union. Consequently he leads a maneuvering policy between Russia and the West.

For Moscow, the problem lies thus in the fact that Moldovan President is not a reliable ally. According to the Transnistrian political analyst Alexander Porojane, "for now, we can not trust Moldova (...) The situation will be clearer after the parliamentary elections of March 2009, he said. Moldovan Communists play with Moscow, they are still trying to establish close relations with the EU and the U.S., but understand that they are unable to win the next election without Russia. The West has already refused to support them. Moscow on its side seems to have bet again on the Communists. "

Thus, as pointed GAZETA.RU of Moscow, the negotiations between Chisinau and Tiraspol have "been somewhat frustrated by the Georgian-Ossetian conflict. Indeed, the authorities in Tiraspol do not appreciate that Chisinau is on the side of the European Union and said they would suspend their relations with the Moldovan government if it did not denounce the Georgian aggression against South Ossetia. " RIA Novosti analyzed so this new sidestep of the Voronin regime: "The Moldovan government ruled Friday against the international recognition of Abkhazia and South Ossetia, going so openly against the line of the Kremlin , which now more than ever needs support in the international arena (...) The consequences were not long in coming ... the leader of Transdnistria Igor Smirnov said he considered the recognition of the self-proclaimed republic as the only way to overcome the crisis with Moldova. "

While courting Moscow, Voronin continues to flirt with NATO. This Oct. 30, the secretary-general of NATO visited Chisinau. "Moldova and the North Atlantic Alliance are ready to sign a new Individual Partnership Action Plan (IPAP 2)", told journalists in Chisinau, Moldovan President Vladimir Voronin at the end of a meeting with NATO Secretary General Jaap de Hoop Scheffer. "Any dialogue with NATO is based on the principle of neutrality of Moldova" (sic), said Voronin. "This principle is enshrined in the Moldovan Constitution, we understand and accept" (resic), said the secretary general of the Alliance.

"APOCALYPTIC SCENARIOS" FOR NATO!

Whatever the scenario, the future is seen very dark by the supporters of NATO. Thus the JURNAL DE CHISINAU (Chisinau, September 4, 2008) refers to "apocalyptic scenarios" that "are taking shape for our country (...)as the result of a transaction with Moscow, President Vladimir Voronin accepts the idea of a federation in which he gives in to Tiraspol important decision-making

prerogatives of the new common state in exchange for a return to the bosom of Moldova. Therefore, the entire Moldova is going to "transdniestrise", the Kremlin winning so a Russian enclave extended to the borders of the European Union and NATO. Under such conditions, Moldova is now de facto replaced by a "Socialist Republic of Moldova" [as it was called at the time of the USSR]. "

And the possible fall of the Voronin regime that threaten electorally in future elections the Liberals and the far right pro-Romanian nationalists, where they speak loudly of theses related to the "Greater Romania", could only lead to our scénario N°2.

Note also that NATO maybe after the defeat of its Georgian ally in the Caucasus is not – or no more - ready to embark on a new adventure on the Dniester. With regard to the Transnistrian problem, de Hoop Scheffer noted during his visit on 30 / 10 / 2008 in Chisinau, the Moldovan capital, that "NATO was not mandated to resolve the conflict in Transnistria." This is for those in Chisinau or in Bucharest, like yesterday in Tbilisi, wrongly believe that NATO would provide more security ...