

MEMORANDUM
on Transnistrian conflict settlement and
fundamental principles of organization of the
Republic of Moldova

Developed by representatives of civil society of the Republic of Moldova

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PREAMBLE

THE REPUBLIC OF MOLDOVA AND TIRASPOL ADMINISTRATION IN THE PRESENCE AND UNDER THE GUARANTEES OF OSCE, THE RUSSIAN FEDERATION, UKRAINE, THE EUROPEAN UNION AND THE UNITED STATES OF AMERICA,

NOTING that all mankind passes through one of the biggest changes in modern history that determines reshaping of national development paradigms,

CONVINCED that security and stability are preconditions required to ensure sustainable development for the benefit of all citizens,

BEING AWARE of the importance of the final settlement of the conflict in the eastern districts of the Republic of Moldova for the well-being of all Moldovan citizens and the security of the entire European continent,

CONVINCED that only an integrated state the Republic of Moldova, connected, with dignity, to contemporary integration processes, can ensure a decent future for the citizens on both banks of the river Dniester,

REASSIRTING the attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and the rule of law,

DETERMINED to ensure the economic and social progress of citizens of the integrated state the Republic of Moldova, taking into account the principle of inclusion and sustainable development and also the country's competitiveness within the global economy,

IN VIEW of further steps to be taken so that the integrated state the Republic of Moldova to be a functional one,

AGREE UPON the following steps of Transnistrian conflict settlement and fundamental principles of organization of the state the Republic of Moldova:

1. GENERAL PRINCIPLES OF REGULATION

Article 1

(1) Transnistrian conflict settlement must be achieved exclusively by peaceful political means, through negotiations, which means that all scenarios that would resort to the use of force are excluded.

Article 2

(1) Political settlement of the Transnistrian conflict involves the achievement of territorial integrity and security of the unitary state the Republic of Moldova, where the Transnistrian region (Transnistria) will have a special status adopted by organic law and strengthened in the Basic Law of the State.

(2) The special status of Transnistria must be based on the principles of sovereignty and territorial integrity of the Republic of Moldova within its borders on 1 January 1990 recognized internationally.¹

(3) Transnistria will be an autonomous territorial unit with broad competences in various fields. Transnistria will have a regional legislation that will not come into conflict with the Constitution and legislation of the Republic of Moldova. Transnistrian administration will be an integral part of the state administration, enjoying a high degree of autonomy.

(4) The integrated state the Republic of Moldova (hereafter the Republic of Moldova) is to be a democratic, viable and functional one based on rules and principles of international law, national legislation and the provisions of this Memorandum.

(5) All legal norms adopted and institutional changes carried out should implicitly lead to the strengthening of the Republic of Moldova.

Article 3

(1) The Republic of Moldova relies on values of respect for human dignity, freedom, democracy, equality, the rule of law and human rights including the rights of persons belonging to minorities.

(2) Throughout the country must be ensured social inclusion, rule of law, functioning of a socially oriented market economy, solidarity between generations and protection of child rights.

(3) The Republic of Moldova respects its rich cultural and linguistic diversity and ensures the protection and development of the national cultural heritage.

Article 4

(1) The final settlement of the Transnistrian conflict and the reintegration of the Republic of Moldova imply withdrawal of foreign troops, weapons and ammunition from the territory of the country according the Adapted Conventional Armed Forces in Europe Treaty, Final Act and OSCE Summit Declaration in Istanbul in 1999 and the present Memorandum, based on the principle of neutrality and other constitutional provisions of the Republic of Moldova,

¹ With the adjustments of the Treaty between the Republic of Moldova and Ukraine on the state border of 18 August 1999.

international commitments in the field of conventional arms control and politico-military relations between states.

(2) The integrity and functionality of the Republic of Moldova involves liquidation of the Security Zone according to the stages referred to in this Memorandum and the introduction of this jurisdiction in the constitutional field of the Republic of Moldova.

(3) The political settlement of the Transnistrian conflict should strengthen the strategic option of the European integration of the Republic of Moldova.

2. STRUCTURE, FORM OF GOVERNMENT AND FUNCTIONALITY OF THE REPUBLIC OF MOLDOVA

2.1. Structure of the Republic of Moldova

Article 5

(1) The Republic of Moldova is a sovereign, independent, unitary and indivisible state.

(2) The form of government of the State is the Republic.

(3) The Republic of Moldova is a democratic state, governed by the rule of law, in which the dignity of people, their rights and freedoms, the open development of human personality, justice and political pluralism represent supreme values that shall be guaranteed.

Article 6

(1) In the Republic of Moldova the autonomous territorial unit with special status is based on the principles of local autonomy, decentralization of public services, eligibility of local authorities and consultation of citizens on local problems of special interest.

(2) The existence of the territorial autonomy with special status does not affect the unitary character of the state.

2.2. The special legal status of settlements on the left bank of the Dniester (Transnistria)

Article 7

(1) Transnistria is assigned a particular form of autonomy within the Republic of Moldova. Transnistria will be an autonomous administrative territorial unit with special legal status and large competences at the regional level in various fields.

(2) The special legal status of Transnistria will be reflected in the organic law and the Constitution of the Republic of Moldova.

(3) The administrative boundaries of Transnistria will be enshrined in organic law and may be amended by the Parliament of the Republic of Moldova only after consultation with the central authorities and those in Transnistria.

(4) The land, water, subsoil, flora and fauna, other natural resources on the territory of Transnistria are owned by the whole people of the Republic of Moldova being, at the same time, the economic base of Transnistria.

Article 8

(1) Upon the entry into force of this Memorandum is established a Commission, made up of Members of Parliament of the Republic of Moldova and the Transnistrian Supreme Soviet (of 5 representatives for each side) and 2 observers from the OSCE, which is responsible for drafting the Law on the Special Legal Status of Transnistria, in accordance with the Constitution and the legislation of the Republic of Moldova and provisions of this Memorandum as well.

(2) The Parliament of the Republic of Moldova of the Nineteenth Legislature adopts the Law on the Special Legal Status of Transnistria by the end of 2014.

Article 9

(1) The elections for establishing the governing bodies of Transnistria will be prepared as prescribed by this Memorandum and the Law on the Special Legal Status of Transnistria and held at the beginning of the year (2016), by an International Electoral Commission under the mandate of OSCE, with the Council of Europe monitoring and in accordance with the legislation of the Republic of Moldova.

(2) After the elections establishing the governing bodies of Transnistria in accordance with paragraph 1 of Article 9, takes place the appointment of Transnistria representatives in the central bodies of the Republic of Moldova pursuant to Articles 15 and 16 of this Memorandum.

Article 10

(1) The financial commitments of the Republic Moldova and Transnistria prior to the entry into force of the Law on the Special Legal Status of Transnistria are honored separately by the Republic of Moldova and Transnistria.

3. TRANSNISTRIA COMPETENCES AND REPRESENTATION IN CENTRAL PUBLIC ADMINISTRATION OF THE REPUBLIC OF MOLDOVA

3.1. Transnistrian administration competences

Article 11

(1) Transnistria is an autonomous territorial unit with special status which is a form of self-government of the citizens of the region, is an integral and inalienable part of the Republic of Moldova and settles, independently, within its competence, the political, economic and cultural problems in accordance with the Constitution of the Republic of Moldova and legislation in force, in the interests of the entire population.

(2) In Transnistria operates the administration of the Transnistrian region: representative and executive bodies, under the Law on the Special Legal Status of Transnistria

(3) The representative authority of Transnistria is the legislative body vested with the right to adopt laws, within the competence established by the Law on the Special Legal Status of Transnistria.

(4) In Transnistria the legislative body will develop and adopt the structure of the autonomy Executive.

Article 12

(1) The Transnistrian administration adopts its own local laws and normative acts in accordance with the provisions and regulations stipulated in the Constitution of the Republic of Moldova, national and regional legislation.

(2) Transnistria has its own symbols: flag, coat of arms, anthem that, in the region, are applied along with the symbols of the Republic of Moldova.

(3) In Transnistria there will be as official languages : Moldovan (Romanian), in Latin script, Russian and Ukrainian.

(4) In Transnistria, secretarial work and correspondence with the public authorities of the Republic of Moldova, businesses, organizations and institutions outside Transnistria are carried out in Moldovan (Romanian), in Latin script and in Russian languages.

Article 13

(1) Transnistria establishes its own internal administrative-territorial organization and structure of local authorities in accordance with the general principles of local public administration stipulated in the Constitution of the Republic of Moldova.

(2) Transnistria has the right to establish and maintain international relations as provided for by the legislation of the Republic of Moldova, in the economic-commercial, social-humanitarian, educational, technical-scientific and cultural fields.

(3) Transnistria solves its own legal, economic, social and cultural interests, arising from the interests of the region's population delegated in its competence by the Constitution of the Republic of Moldova and national legislation.

(4) Transnistria creates, adopts and manages its own budget, extra budgetary funds, collects regional taxes and participates in national budgeting and fiscal policy.

Article 14

(1) Transnistrian administration ensures the activity of courts of law, prosecution, bar system and the notary, Information and Security Department and the Department of Internal Affairs of Transnistria, which are component parts of a single system of courts of law **and of** the single system of the law enforcement agencies of the Republic of Moldova and pursue their activities of justice administration, of ensuring rule of law and state security under the Constitution of the Republic of Moldova, national and regional legislation.

(2) Transnistrian authorities establish their own organization and functioning of the education, health, social welfare, science, sports, and culture systems under the Constitution of the Republic of Moldova, national and regional legislation.

(3) Transnistrian authorities establish their own organization and functioning of regional communication sources under the Constitution of the Republic of Moldova, national and regional legislation.

(4) Transnistrian authorities establish their own organization and functioning of roads and transport agencies at the regional level under the Constitution of the Republic of Moldova, national and regional legislation.

(5) Transnistrian authorities coordinate the activities of ethno cultural organizations under the Constitution of the Republic of Moldova, national and regional legislation.

(6) Transnistria ensures free and independent activity of mass media in its territory under the Constitution of the Republic of Moldova, national and regional legislation.

3.2. The representation of Transnistria in the Central Public Administration

Article 15

(1) Transnistria will have political representation at the highest level in the integrated state, in the Parliament of the Republic of Moldova.

- a) Transnistria will be represented in the Parliament of Moldova, ex officio, by 1 deputy whose election will be held simultaneously with the national parliamentary elections and will be regulated by the Electoral Code of the Republic of Moldova.
- b) The elected representative of Transnistria will be appointed as a member of the Permanent Bureau of the Parliament of the Republic of Moldova.

- c) Transnistria will also be represented in the Parliament of the Republic of Moldova by the Transnistrian deputies elected by parliamentary party lists.

Article 16

(1) Transnistria will have representation in all central public administration authorities of the Republic of Moldova, as follows:

- a) **The Government of the Republic of Moldova.** The head of the executive body of Transnistria is an ex officio member of the Government of the Republic of Moldova.
- b) **Constitutional Court.** A member of the Constitutional Court is appointed by the Parliament of the Republic of Moldova at the proposal of the legislative body of Transnistria.
- c) **The Superior Council of Magistracy.** The President of the Court in Tiraspol is a member of the Superior Council of Magistracy.
- d) **Court of Accounts.** A member of the Court of Accounts shall be appointed by the Parliament of the Republic of Moldova at the proposal of the legislative body of Transnistria.
- e) **Audiovisual Coordinating Council.** A member of the Audiovisual Coordinating Council is appointed by the Parliament of the Republic of Moldova at the proposal of the legislative body of Transnistria.
- f) **Central Election Commission.** A member of the Central Election Commission is appointed by the Parliament of the Republic of Moldova at the proposal of the legislative body of Transnistria.
- g) **Public Prosecution Office.** Transnistria prosecutor is appointed by the Prosecutor General of the Republic of Moldova at the proposal of the legislative body of Transnistria. At the same time the prosecutors of the territorial administrative units of Transnistria are appointed by the Prosecutor General of the Republic of Moldova at the proposal of the Transnistria prosecutor. The prosecutor of Transnistria is appointed ex officio member of the Superior Council of Prosecutors.
- h) **Information and Security Service of the Republic of Moldova.** The Head of the Information and Security in Tiraspol is appointed by the Director of Information and Security Service of the Republic of Moldova. The Head of the Information and Security in Tiraspol is a member of the College of Information and Security Service of the Republic of Moldova, confirmed by the Decree of the President of the Republic of Moldova.

4. SECURITY AND GUARANTEES

4.1. Neutrality and demilitarization

Article 17

(1) The integrated State the Republic of Moldova is militarily neutral. The neutrality of the Republic of Moldova is guaranteed by the country's Constitution and is respected by OSCE, Russian Federation, Ukraine, the European Union and the United States of America.

(2) The Republic of Moldova complies with the international regulations on security, arms control and disarmament.

Article 18

(1) The Republic of Moldova does not admit the stationing of any foreign military troops on its territory. Not being part of any military alliance, respecting the international commitments on conventional armament, without being engaged in the construction of military projects of the nuclear strategic sector and not being part of the ABM Treaty and START III Treaty, observance of the Republic of Moldova right not to admit foreign military troops on its territory is guaranteed by the Constitution of the country and by the Adapted Treaty on Conventional Armed Forces in Europe, the Final Act and OSCE Summit Declaration in Istanbul in 1999 and can not be conditioned by the articulation of any military project in Europe.

(2) Observance of these commitments of the Republic of Moldova by third countries involves withdrawal of Russian troops and munitions from the territory of the country in a broader context of demilitarization of Transnistria.

Article 19

(1) The demilitarization of Transnistria is a complex process comprising several steps of implementation which ends up with the complete demilitarization of Transnistria, dissolution of military and paramilitary formations in Transnistria, establishment of integrated and functional armed forces of the Republic of Moldova to ensure the state security within internationally recognized borders and the security of its citizens.

Article 20

(1) Upon the entry into force of this Memorandum resumes evacuation and / or liquidation of munitions of the existing depots in Transnistria, liquidation of obsolete munitions of the Armed Forces of the Republic of Moldova and ensuring security of citizens in adjacent territories, a process that is completed by the end of 2014.

- a) A Commission made up of representatives of the Parties of the "5 +2" format inspects the state of the military arsenal in the Transnistrian region, monitors the evacuation and concludes, with a report, the full evacuation / liquidation of munitions in the area.

- b) The parties to the negotiations and represented in the Commission provide the technical and financial support for the liquidation of intractable munitions and protection of population and environment including by means of the multilateral platforms to which they are part.

(2) While welcoming the role that was played by the Russian military contingent, in the two decades since the end of the military phase of the conflict, in preventing the resumption of military hostilities and arms control, the implementation of the provisions of this Memorandum provides for the cessation of the activities of the Russian Troops Task Force in Transnistria by the end of 2015.

- a) The withdrawal of heavy military equipment of the Russian Troops Task Force in Transnistria by the end of 2014.
- b) The withdrawal of the military contingent, commandant's office and cessation of activities of the Russian Troops Task Force in Transnistria by the end of 2015.
- c) A Commission made up of representatives of the Parties of the "5 +2" format monitors the process and records in a separate protocol the completion of the withdrawal in accordance with the international commitments of the Republic of Moldova and the Russian Federation.

Article 21

(1) After termination of activities of the Russian Troops Task Force in Transnistria and withdrawal of the Russian military contingent armored equipment of the Joint Peacekeeping Forces in the Security Zone, the Republic of Moldova ratifies the Adapted Treaty on Conventional Armed Forces in Europe and promotes the resumption of negotiations on conventional arms in the context of articulating a new security architecture in Europe.

4.2. Security Zone

Article 22

(1) The Security Zone passes through a phased process of changing the operating mechanism, implicitly by gradual changes to the Joint Control Commission and the Joint Peacekeeping Forces, until the liquidation of the zone with a special legal regime and reintegration of the territory and citizens within this jurisdiction into the constitutional field of the Republic of Moldova until the end of 2018, pursuant to Articles 23 and 24 of this Memorandum.

Article 23

(1) Upon the entry into force of this Memorandum and until the creation of the new provisional regime of the Security Zone provided for in Article 24, the mechanism to ensure security in the Security Zone is amended as follows:

- a) The Joint Control Commission changes its structure by including representatives of U.S. and European Union as observers in its activities.
- b) The Joint Control Commission in interaction with the Joint Military Command and the Military Observers Group manages de facto the entire security mechanism and contributes to the peaceful settlement of the conflict.
- c) In the activities of the Joint Control Commission increases the role of the Military Observers Group which is responsible for monitoring the zone and replaces the Joint Military Command in the presentation of periodic reports on the situation in the Security Zone.
- d) The Military Observers Group is complemented with representatives of the European Union and the United States of America and is made up of ten representatives from each side.
- e) Introducing rotating command in the administration of JPF, implicitly by introducing rotating command in the JPF General Staff, Commandant's Offices, in the Military Observers Group and at all JPF posts.
- f) The withdrawal of the armored military vehicles from the Security Zone of the Russian Federation contingent within the JPF by the end of 2014.
- g) Reducing transport equipment, infantry weapons and military contingent by 200 military for each of the three military contingents forming the current JPF mission by the end of 2014.
- h) Removing concrete blocks from the JPF posts and reducing the number of post to six by the end of 2014.
- i) Removing any obstacles and taxes, including the "customs posts" in the passage of people, goods, services and capital through the Security Zone by the end of 2014.

(2) Implementation of the provisions of subparagraphs a, b, c, d, will be further confirmed by signing Agreements in principle between the Joint Control Commission and the European Union and the United States of America. Implementation of the provisions of subparagraphs e, f, g, h, i, will be confirmed by the Minutes and other documents of internal procedure of the Joint Control Commission.

Article 24

(1) In the framework of "5 +2" format is negotiated and signed an Agreement to replace the "Agreement on the principles of peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova" dated 21 July 1992 and containing guarantees of OSCE, Russia, Ukraine, the European Union and the United States of America to implement the provisions of this Memorandum, implicitly the establishment of a new provisional regime in the Security Zone until its final liquidation.

(2) The provisional regime in the Security Zone provides for the increase of efficiency in the security mechanism until the liquidation of the special regime and entering of the whole perimeter under the administration of central and local authorities of the Republic of Moldova. Implementation of these provisions occurs gradually over a period of four years as follows:

- a) Establishment since 2015, of a new mechanism for control and management in the Security Zone, a Joint Control Commission with 7 representatives having equal rights and namely OSCE, the Russian Federation, the European Union, the United States of America, Ukraine, the Republic of Moldova and Transnistria.
- b) The Commission will take decisions by simple majority implicitly in the writing of Minutes and Periodic Reports on the situation in the Security Zone.
- c) Establishment, since 2015, of a new international mission in the Security Zone. The New International Mission of Military and Civilian Observers in Moldova will be made up of military and civilian contingents of OSCE, the Russian Federation, Ukraine, the United States of America and the European Union.
- d) During 2017, takes place the complete withdrawal of military contingents of the International Mission of Military and Civilian Observers in Moldova and its transformation into the International Mission of Civilian Observers.
- e) Cessation of the Joint Control Commission activities, of the International Mission of Civilian Observers and liquidation of the Security Zone by the end of 2018.

4.3. Armed Forces and the State Border of the Republic of Moldova

Article 25

(1) Within the integrated state the Republic of Moldova is formed a single National Army as part of the Armed Forces of the country, by the end of 2016, and is carried out the military construction in sufficient volume to ensure the military security of the state.

(2) To achieve this, the International Mission of Military and Civilian Observers in Moldova has a mandate to conduct military and paramilitary formations dissolution in Transnistria, disposal of not registered weapons and military equipment.

(3) The Republic of Moldova and the Transnistrian authorities commit themselves to actively contribute to the dissolution of military units in the Transnistrian region, disposal of weapons and military equipment and also to socially rehabilitate and retrain people belonging to the Transnistrian military and paramilitary formations.

Article 26

(1) The Armed Forces of the Republic of Moldova are subordinated solely to the will of the people, in order to guarantee the sovereignty, independence, unity and territorial integrity of the country and of the constitutional democracy as well.

(2) The military infrastructure of the Republic of Moldova, structure and staffing of Armed Forces, their equipping and preparation are determined by the character of the potential military threat, do not exceed but can not be any lower than necessary for the organization of an effective defense of the state.

(3) The only foreign missions of the Armed Forces of the Republic of Moldova are participating in international peacekeeping missions, in the spirit of the partnerships the Republic of Moldova will sign with relevant international organizations.

4) The National Army will not be involved in ensuring public order in the country.

Article 27

(1) The military security of borders of the Republic of Moldova is ensured by the Armed Forces of the Republic of Moldova.

(2) The border guard, the regime of entry and exit from the country and customs administration are the exclusive prerogative of the Border Police and Customs Service of the Republic of Moldova

(3) After taking over the management of the borders by the relevant institutions of the Republic of Moldova, The EUBAM mission ceases its activity. The borders of the Republic of Moldova and the entire system of entry and exit from the country are managed according to the national legislation adjusted to the European Union standards in terms of border management.

(4) The National Army will not be involved in ensuring public order in the country.

4.4. Guarantees

Article 28

(1) The settlement of the Transnistrian conflict and ensuring the integrity of the state the Republic of Moldova under this Memorandum is guaranteed by OSCE, Russian Federation, Ukraine, the European Union and the United States of America.

Article 29

(1) The neutrality of the Republic of Moldova is stipulated in the Basic Law of the State and is related to the demilitarization of Transnistria and the whole Transnistrian conflict settlement mechanism provided for in this Memorandum.

(2) Following the signature of the present Memorandum, if the final and sustainable settlement of the Transnistrian conflict does not occur in accordance with the provisions of this document, or one of the parties of the "5 +2" format does not fully honor its commitments under the Memorandum, the Republic of Moldova may renounce at its status of neutrality and rethink its security strategy.

Article 30

(1) If the Republic of Moldova changes its status as an independent state, the population of Transnistria has the right to external self-determination.

Article 31

(1) The Republic of Moldova and the Transnistrian administration assume responsibility to refrain from any action or statement likely to generate tensions, prevent or drag out the Transnistrian conflict settlement in accordance with the provisions of this Memorandum.

Article 32

(1) The control over compliance with the Constitution and laws of the Republic of Moldova in Transnistria is exercised by the President of the Republic of Moldova, as the guarantor of sovereignty, national independence, unity and territorial integrity of the country, and by the Government as well.

(2) The control over compliance with the provisions of this Memorandum and the Law on the Special Legal Status of Transnistria is exercised by the President of the Republic of Moldova.

(3) To do this, The President of the Republic of Moldova appoints a Special Representative of the President for Transnistria.

Article 33

(1) In order to achieve the implementation of the provisions of this Memorandum and ensure the functionality of the integrated State the Republic of Moldova, will be set up a Reintegration Fund, a financial instrument that will include national contributions by establishing a share in the state budget, and also external ones from the international assistance funds and contributions of prospective donors.

(2) Transnistria will be eligible for all development projects for the Republic of Moldova and funded by the Official Assistance for Development and the external assistance will benefit all citizens.

5. FINAL PROVISIONS

Article 34

(1) This Memorandum shall enter into force upon signature.

(2) With the entry into force of this Memorandum, all previous documents and agreements contrary shall become void.

Article 35

(1) This Memorandum is signed in triplicate, in Moldovan (Romanian), Russian and English languages, with all copies having the same legal value.

ON BEHALF OF THE REPUBLIC OF MOLDOVA

**ON BEHALF OF TIRASPOL
ADMINISTRATION**