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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE CONSTITUTIONAL COURT OF MOLDOVA

CONFERENCE

**on the occasion of the 15th anniversary of the
independence of the Republic of Moldova**

**SOVEREIGNTY AND STATE STRUCTURE
OF PLURI-ETHNIC COUNTRIES**

22-23 September 2006
Chisinau, MOLDOVA

SYNOPSIS

Upon the initiative of the President of the Constitutional Court of Moldova and on the occasion of the 15th anniversary of the independence of the Republic of Moldova, the Lawyers Union of Moldova and the Constitutional Court of Moldova organised, in cooperation with the Venice Commission and with the support of the German Foundation for International Legal Cooperation (IRZ), a conference on “Sovereignty and State Structure of Pluri-ethnic States” (Chisinau, 22-23 September 2006).

The delegation of the Council of Europe was composed of Mr. Bogdan AURESCU, Romanian substitute member of the Venice Commission, Mr. Josef MARKO, Professor, University of Graz, Austria, Mr Bruno COPPIETERS, Professor of Political Science, Vrije Universiteit Brussels, Mr. Nicu POPESCU, OSI Research Fellow, Centre for European Policy Studies (CEPS), Brussels, Mr Thomas MARKERT and Mrs Tatyana MYCHELOVA, respectively Deputy Secretary and External Relations Officer of the Venice Commission.

Among the local participants were judges and staff of the Constitutional and Supreme Courts, Members of Parliament and Government, the two former presidents of Moldova, Mr Snegur and Mr Lucinschi, representatives of the Office of the Public Defender, representatives of the Russian, German and Romanian embassies in Moldova, OSCE, ABA/CEELI as well as local NGOs and academics and students. Judges from the German, French, Russian, Belarusian, Armenian and Romanian Constitutional Courts also participated in the conference.

The reports and discussions concentrated on the definition of sovereignty, the relationship between the territorial integrity of states and the principle of self-determination, legal solutions to secessionist conflicts in general and the role of Moldova in fostering of the resolution of the conflict in Transnistria in particular. The participants agreed that preserving current borders equals stability and peace. In general, a specific territorial organisation (federalism, regionalism, autonomy), power sharing at the central level (with a bicameral parliamentary system being particularly suitable) and strong constitutional guarantees of minorities’ rights are crucial for the stability of pluri-ethnic countries.

It is a big challenge for pluri-ethnic states, especially when differences between various ethnic groups are reinforced by economic inequalities, to foster a spirit of shared citizenship based on effective participation of minorities in state structures. At the same time, a balance should be struck between the integration/assimilation of minorities and their autonomy. Democracy and respect for the rule of law provide tools to reconcile diversity and equality. The principles of territorial integrity and the right to self-determination should not be seen as contradictory but rather in a balance with the former principle prevailing. As regards Transnistria, patient negotiations, the improvement of the economic and democratic development of Moldova and the strengthening of civil society in Transnistria are among the conditions required for a possible resolution of this conflict.

Media presence at the Conference was substantial as it was held shortly (5 days) after the “independence referendum” in Transnistria. Mr Markert gave an interview to the state TV channel and some news agencies.

The proceedings of the conference will be published by the Constitutional Court of Moldova.