Unworthy partner: the schools issue as an example of human rights abuses in Transdniestria

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1. Introduction

Nearly twelve years after achieving independence, the Republic of Moldova is still a divided country. The disintegration of the Soviet Union led to independence for the 15 Newly Independent States, and also to the creation of several self-proclaimed republics, namely Abkhazia and South Ossetia (Georgia), Nagorno-Karabakh (Azerbaijan), Chechnya (Russian Federation) and Transdniestria — on the territory of the Republic of Moldova. Some of these entities, with foreign help, have succeeded in creating state structures and institutions and manage to exercise control over the territory and population, mostly with the same success as the recognised states.

Perhaps the most glaring example in this sense has been the survival of the so-called ‘Dniester Moldavian Republic’ (‘DMR’). With initial backing from the ex-14th Soviet Army and subsequent tacit as well as the overt material, financial and political support of Russia, the local leadership first declared the existence of the ‘Transdniestrian Autonomous Soviet Socialist Republic’ and finally, on 2 September 1990, independence.

This article will attempt to shed some light specifically on the right to education and will demonstrate how gravely this particular right is systematically curtailed. Elucidating the policies of the ‘DMR’ authorities towards pupils of ‘Romanian’, i.e. those who prefer to study in the Latin script, as opposed to ‘Moldovan’ (in the Cyrillic script) is a complex matter compounded by the staunch denial of any wrongdoing by the de facto authorities. Their actions affect thousands of individuals and while the first generation of those who are perceived as ‘domestic enemies’ or a ‘fifth column’ is about to graduate, the issue remains precisely little exposed and can be confusing even for the initiated. It would seem that all except the victims have reconciled themselves with fate. The authors argue

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2 A territory of 4,163 sq. km (c.f. Luxembourg with 2,586 sq km) and a population of 660,000 (about 17% of Moldova’s total), wedged between Ukraine and Moldova proper.

3 On the interminable and highly politicised dispute as to whether the majority of the population is ethnically ‘Moldovan’ or ‘Romanian’ the authors are of the opinion that the majority of the population is ethnically ‘Romanian’ and the language spoken is Romanian, at best a dialect referred to as ‘Moldovan’.

4 See http://www.aiz.md/news/?id=21122, 11 October 2002. It remains a fact that the negotiations are equally stalled on many other pressing issues, including weapons disposal and Moldova is often referred to as a ‘failed state’. See: ‘Outsiders aren’t helping’, The Economist, February 15th-21st 2003, p. 48.
that violations of human rights by unrecognised entities, including the right to education, should be of concern not only to States confronted by separatism directly, but to the entire international community. The authors believe that even in a less than ideal world the impunity with which separatist authorities transgress accepted norms of behaviour should be liable to sanctions. Moreover, regimes that flout human rights standards should receive the message that their own behaviour a priori negates aspirations to statehood.\footnote{On the question of who is responsible: ‘... the de facto authorities of the Transnistrian region are fully responsible before the international community and before their own people for observing accepted human rights standards. The fact that Transnistria is an unrecognised entity does not release its authorities, including particularly those responsible for public order and the respect of rights and liberties of the population, from awareness, publicising and acting in accordance with international human rights standards.’ Former Head of OSCE Mission to Moldova, Ambassador John Evans, ‘Human Rights in the Republic of Moldova’, Chisinau 1999, p. 74.}

Gradually the ‘DMR’ established separate executive, legislative, administrative and judicial bodies and created its own economic, customs, monetary, tax as well as educational and other systems. Not recognised by any other State, the ‘DMR’ has border guards who under their own flag and with a Coat of Arms illegally demand passports at borders.\footnote{See ‘ICC Work Continues to Be Tremendously Difficult and Almost Fruitless’, http://www.azi.md/news?id=1140, 1 February 2001.} Many Soviet-era laws, some amended and supplemented, remain in force.\footnote{E.g. the 1961 Penal Procedural Code of the Moldavian Soviet Socialist Republic, the 1964 Civil Code or the 1964 Civil Procedural Code.} Most importantly the ‘DMR’ created separate law-enforcement bodies including an agile KGB-style secret police and a formidable army that according to military specialists is superior to the Moldovan one.\footnote{See Waters Trevor, ‘Instabilities in Post-Communist Europe. Moldova’, Conflict Studies Research Centre. RMA Sandhurst. January 1995, Interfax news agency, 7 August 2001, Mihai Grbincea, The Russian Policy on Military Bases: Georgia and Moldova, Oradea, 2001, pp. 217-235.} The population of the ‘DMR’ is disenfranchised and cannot participate in national elections and when allowed to elect their own ‘Parliament’ and ‘President’, international electoral standards are flouted.\footnote{The Transnistrian authorities have consistently prevented the population from participating in national elections (1994, 1998 and 2001) by prohibiting the creation of polling stations in the region. When Presidential and Parliamentary elections in Moldova were held, a ‘state of emergency’ was declared (e.g. a ‘state of emergency’ from 12 January 1996 until 1 July 1997 was declared by ‘DMR Presidential decree No. 6’). See U.S. Department of State, Country Report on Human Rights Practices for 1998, http://www.state.gov/www/global/human_rights.}

The unrecognised ‘states’ on the territory of the ex-Soviet Union owe their survival not only to foreign help. While there are indeed too many factors to elaborate upon here, suffice it to mention one: The vested interests of individuals who have monopolised power and who benefit from or depend on maintaining the status quo constitute one of the most important explanations for their continued existence. Benefits span beyond the stated political aim of statehood, as the profits