ABSTRACT
Whereas territory contains a platform for units to participate internationally, it should also have
sovereignty to render relations legitimate. Sovereignty is not only dispersed or pooled but also
accumulated. Territory makes sense as long as there are attempts to strive for new nation-states
or to maintain the territorial integrity of the old ones. One may argue that the less important is
territoriality nowadays, the more complex and multifaceted the issue of sovereignty becomes. This
comparative paper draws on the parallel developments in partition processes, which gave birth
to the Turkish Republic of North Cyprus (TRNC) and Transnistria (TMR). The paper then
analyses factual sovereignty and federalisation attempts in Cyprus and Moldova, with the final
focus on recent legitimising constitutional provisions proposed in the Annan Plan and the Kozak
Plan. My argument here is that even with the best intentions to agree on shared sovereignty,
territoriality remains of primary concern for involved parties in the conflicts.

Key words: Sovereignty, territoriality, pseudo-states, conflict resolution, Cyprus, Moldova

INTRODUCTION
De-territorialisation has become a fashionable theme in contemporary discussions of inter-
national affairs as the conventional geopolitical wisdom is perceived inadequate in a truly
post-modern world (see Agnew & Corbridge 1995; O’Tuathail 1998; O’Tuathail & Dalby 1998;
Newman 1998). Indeed, sovereignty may become increasingly fictive and states may
diffuse governance but even today territory continues to play an important role in part
because it provides a locus for the exercise of political authority over a range of interests
and initiatives. This leads Murphy (1996) to conclude that we are imprisoned within the
current political-territorial order and that this fact per se is as dubious as to assume that
territory and politics are about to be entirely uncoupled.

Thus, Westphalian notions of territorial fixation and state sovereignty are not entirely falling
apart. The nation-state is not yet becoming an anachronism of the past but instead compro-
mising with the international environment (Krasner 1995). The desire for self-government
and independence are equally visible in parallel to the territorial demarcation of national home-
lands all over the world. Newman (1998) argues that state sovereignty continues to apply within
the demarcated and recognised boundaries of the state while at the same time; sovereignty
may also be expressed through some form of de facto control as contrasted with de jure inter-
national recognition. Hence, territorial dominance remains especially the order of the day
in self-proclaimed pseudo-states, which share an uncertain political status and non-recognition
by other countries (Kolossov & O’Loughlin 1998). Taiwan, the Turkish Republic of Northern
Cyprus (TRNC), Transnistria (TMR), Abkhazia, Nagorno-Karabakh, South Ossetia, Somaliland and Kosovo are some examples of political entities, which find it difficult to fit into the international legal framework.

Most self-proclaimed pseudo-states are the end products of partition rather than simple degeneration of the ways at which one political entity becomes two or more new states, each or one of which may see itself as the legitimate heir to the *raison d'être* of the unit, which existed prior to partition. According to Waterman (1987), partition is the solution of ‘last resort’ because of the way it brings about sovereignty changes. He considers partition as a meeting point between the needs for self-determination and the territorial expression of some of these needs whereas without the intervention of outside forces it is likely that the sovereignty dispute will either be solved by some less drastic measure or not at all (Waterman 1987).

Once partition has occurred the host states seek to gain territorial control over the part that seceded. One potentially successful way of dealing with these types of conflicts is federalisation with the attempt to pool sovereignty and disperse territoriality. Should one destroy territory and territoriality? Should one withdraw the grounds on which politicians perform securitisations and thus continuously reify identities (Diez 2000)? Or should one make conflicting parties believe in *win-win* games while external actors force them to accept the peace deals? Yet, sticky questions of territoriality and sovereignty continue to be at the core of conflict resolution schemes. Accordingly, the purpose of this paper is to demonstrate how difficult it is for contemporaneous polities to accept post-modern notions of sovereignty and territoriality; this thesis is illustrated by examples of territorial conflict resolution in Cyprus and Moldova.

Why Cyprus and Moldova? I have strong reasons to believe that these cases are comparable since the conflicts demonstrate similar patterns. First, both conflicts evolved from the same ground: Turkish Cypriots being dissatisfied with Greek Cypriots *irredenta* with Greece, seceded, whereas the formation of TMR was a reaction to the Moldovan language law and to the lack of self-determination guarantees in the event of Chisinau deciding to rejoin Romania. Second, both conflicts involve influential external players: TRNC relies on Turkey and TMR is supported by Russia. Third, both conflicts have been frozen for decades and various federalisation plans have contributed very little to peace making.

This comparative paper draws on the parallel developments in partition processes, which gave birth to the TRNC and Transnistria. The paper then analyses factual sovereignty and federalisation attempts in Cyprus and Moldova, with the final focus on recent legitimising of the constitutional provisions proposed in the Annan Plan and the Kozak Plan, for Cyprus and Moldova, respectively. The argument here is that both internal (zero-sum perception) and external (geopolitical interests) forces work against conflict resolution and even if parties to the conflict have the best intentions to agree on shared sovereignty, territoriality and *de facto* control over the territory remain of primary concern for both parties in the conflicts.

**TERRITORIALITY, SOVEREIGNTY AND SELF-PROCLAIMED PSEUDO-STATES**

Sovereignty and territoriality are concepts not to be taken for granted but instead to be perceived as in flux (Biersteker & Weber 1996; Jacobson 1997; Murphy 2002). Sovereignty is not only dispersed or pooled but also accumulated. Territory makes sense as long as there are attempts to strive for new nation-states or to maintain the territorial integrity of the old ones. One may argue that the less important territoriality nowadays is the more complex and multifaceted the issue of sovereignty becomes.

Hence, all polities carry the idea of a single governmental jurisdiction over a single territory and look jealously on power-sharing with others. This reveals the very notion of territoriality, or a spatial strategy, which is based on affecting or influencing people and resources by controlling the territory (Sack 1986). In this conception, sovereignty comes about as a result of state interaction involving territorial practices that change over time. Independent bids for international recognition yield polities with the necessary criteria of sovereignty but not always recognition from the rest of the world. Why should recognition be given or withheld? What if the recognition is not guaranteed and
the only option would be power-sharing schemes unacceptable to conflicting parties?

A growing number of self-proclaimed pseudo-states are now becoming permanent features of the world system as a result of incomplete and contested state-formation (Newman 1998). Although internationally not recognised, they are real ‘facts’. On the one hand, one can claim that territorial division may be an efficient and equitable means of resolving disputes between competing groups – good borders make good neighbours. On the other hand, many of the world’s most intractable conflicts involve territorial partitions that have never achieved legitimacy in the eyes of the main parties. In other words, as a strategy of control or influence, territoriality often creates new conditions for conflict or imposes boundaries that generate mutual hostility. But it also sets the terms of the pseudo-statehoods.

Whereas states have worked out a variety of complex constitutional schemes to recognise substantial sovereignty for rebellious regions (Bindebir et al. 2003), there are still reasons to doubt whether federalisation is really the ‘ideal geographical solution’ to the co-existence problems of ethnic communities. One may easily agree with King (2001) that every conflicting party is actually interested in the status quo because any proposed solution could be easily translated into the language of a zero-sum game and capitalised on by domestic political forces according to their own interests. Based on this line of reasoning, the following sections elaborate on the diversity of internal factors, contested state ideas and power-sharing schemes, as well as on the variety of external actors which all in their own way have contributed to the problem of territorial integrity vis-à-vis regional separation.

WHY PARTITION IN CYPRUS AND MOLDOVA?

1955 marked the start of the serious bi-communal clashes when Greek-Cypriot guerillas began their struggle against the British and their close allies – Turkish-Cypriot police forces. After the establishment of the Republic of Cyprus in 1960, violence erupted again in 1963, when about 200 Turkish-Cypriots were killed by Greek-Cypriot extreme nationalists. The following UN intervention resulted in physical separation of the two communities by the Green Line. The Turkish-Cypriots were driven into enclaves where they continued to live intermittently until 1974, after the Turkish military intervened and took control of the northern part of the island. During a short (20 July–16 August 1974) and bloody conflict around 3,500 people were killed and 2,000 were reported as missing. Out of the total community of 574,000 some 180,000 became refugees (Kyle 1997).

1989 signifies the beginning of the emancipation process from the Soviet Union during which pro-independence Moldovans conflicted with so-called soyuzniki with a different ethnic mix (Russians, Ukrainians and Russified Moldovans) residing on the left bank of the river Dniester. The first armed clashes between the Transnistrian separatists and Moldovan police units occurred in November 1990. Fighting intensified on 19 June 1992 when a large-scale military operation involving the Russian 14th Army took control of the city Tighina/Bendery, situated on the right side of the Dniester but claimed by the TMR authorities. The fighting caused several hundreds of deaths and some 100,000 refugees and led finally to de facto partition (CSCE 1994).

In many ways, partition may be a ‘last resort’ indeed, a combination of the needs for self-determination and territorial expression as Waterman (1987) has put it. If that is the case then all the references to ‘anomaly’ with the indication that sooner or later the partitioned state will return to the former status quo, seem to be invalid (see e.g. Henderson et al. 1974). On the contrary, rapprochement seems to be the least likely stage in the development of the relations between partitioned states, for the separation acts as a factor providing peace and stability, at least for the party, which chose partition. What Greek Cypriots consider as a ‘problem of the divided island’, Turkish Cypriots see as a ‘solution for ethnic co-existence’. With a reference to the zero-sum game, Constantinou & Papadakis (2001) argue that no matter whether one or two states are recognised, the future settlement of the Cyprus conflict will have ‘disastrous consequences’ in either case for one’s side. Due to this (mis)perception, none of them will be satisfied with the final outcome.

During partition, each conflicting party seeks material support and international advocacy
from outside forces given the geostrategic importance of their territory. More often than not, geopolitical considerations have been vital for interested players in deciding whether (and when) to intervene or withdraw. But the geopolitical context may be rapidly changing. Today, the Greek Cypriot Government has joined the EU and Turkey has achieved a full candidate status with the right to start membership negotiations with the EU, while relations between Greece and Turkey are friendlier than ever before. Moldova has given up the idea of re-unification with Romania while pro-Russian communists in power leave pro-Romanian nationalists little hope to turn the tide. In both cases, involved parties should be closest to set the ‘final’ peace as the overall geopolitical context favours conflict resolution.

**Internal factors** – In Cyprus, both ethnic groups were not satisfied with the outcome of independence but more keen on their respective goals of *enosis* (union) and *taksim* (partition). The *Megali* idea foresaw the reunification of various territories where Greeks lived, that had been once under Ottoman rule (Sakir 1993). After the Greek incorporation of the Dodecanese islands in 1947, Cyprus was thought to be next in line. As a defence against their would-be Hellenisation, this created resistance movements among Turkish Cypriots who claimed to have the same rights as Greek Cypriots over the island’s territory and community affairs.

In the Moldovan case, a new state was formed from the territory of a Soviet republic which consisted of two different parts – the one (Bessarabia) that was part of Romania in the inter-war period, and the other (Autonomous Soviet Socialist Republic of Moldova) that was created in 1924 within Ukraine, based on the hope of the eventual return of the areas lost to Romania at the end of the First World War (O’Loughlin et al. 1998). Things are even more complicated since Romanians consider Bessarabia as a part of the larger historical region in East Romania, called Moldavia. The territorial conflict escalated as the Russian-speaking residents in the left bank of the river Dniester resisted through fear of being reunified with Romania. Paradoxically, the separation act took place even before Moldova gained full independence from the Soviet Union.

The problem of recognition is strikingly demonstrated by the example of Cyprus, where none of the two polities have their own national anthem (Constantinou & Papadakis 2001). Each uses the anthem of their respective ‘motherland’ and displays the flags of their respective ‘motherland’ alongside the two Cypriot state ones. Moldova’s attempts to break free from the Soviet Union in 1989 gave Romanian the status of an official language, adopted the Romanian tricolor with a Moldovan coat of arms together with the Romanian national anthem. Every Moldovan (theoretically not only ethnic Moldovans, but all descendents of Romanian citizens on 28 June 1940) has today the right to apply for Romanian citizenship (Berg & van Meurs 2002).

Both Cyprus and Moldova denied the political equality between the major ethnic communities and the titular nations in the state-formation. Although bi-communality was stipulated in the 1960 Constitution of Cyprus, and minority rights were fully respected in the late 1980s Moldovan constitutional acts, both states became dysfunctional. In Greek Cypriot eyes, a Turkish minority (20% of the population) had been raised to virtual political equality and was over-represented in the institutions of state (Dodd 1993). Due to that reason, the very idea of two equal communities and proportional power-sharing in favour of the Turkish Cypriots did not work out.

In the view of Chinn & Roper (1995), it is hard to find an example in the former Soviet Union of a new elite and government, dominated by the titular nationality that was more accommodative to minorities in general and to the Russian minority in particular, than the government that took power in Moldova in 1991. Citizenship was immediately granted to all; the language policy was both moderate and patient; education was supported in a variety of languages; and political representation was available to all groups (Chinn & Roper 1995). However, Romanian identity remained strong among Moldovan intellectuals, giving those on the left bank a strong impetus to Soviet–Russian orientations and separatism.

In 1963, Turkish Cypriots withdrew from government and were forced to move into self-administered enclaves (about 3% of the island’s territory) and set up their own political
structures. In short, the government of the Republic of Cyprus came totally under Greek Cypriot control, in principle representing Turkish Cypriots but not in practice (Constantinou & Papadakis 2001). Reacting to Moldova’s declaration of independence, the Transnistrian Supreme Soviet voted to establish its own state as part of the Soviet Union on 2 September 1990, despite the fact that the majority of reluctant Russophones lived in Chisinau and Moldovans dominated in the ethnic composition of Transnistria. As Transnistria did not take part in the 1994 parliamentary elections in Moldova, the constitution adopted in 1994 was basically a right-bank document (Neukirch 2003).

Partition acts – After the Greek support of a coup in 1974 to overthrow Archbishop Makarios’ regime and to set the course to unification with Greece, Turkey intervened with the aim to re-establish the state of affairs guaranteed by the basic articles of the 1960 Constitution. Whereas Greek Cypriots represented internationally the Republic of Cyprus and denied any international role for the Turkish Cypriots, they continued to think of inter-communal relations in terms of majority-minority relationship and moved the Turkish Cypriots to a position of separation (Groom 1993).

The military conflict of 1990–1992 resulted from the Moldova’s attempt to achieve territorial control over the breakaway region, and subsequently provoked the Russian 14th Army to intervene ‘for the sake of Russophones rights in self-determination’. Following the war of 1992, Moldovan representatives aimed at restoring national unity with a special constitutional and legal status being granted to Transnistria. While categorically declining offers of territorial autonomy within Moldova as well as a federalisation of the country, Transnistrian leadership insisted on the model of a confederation consisting of two equal and independent states (Troebst 2003).

Although TRNC and TMR have not obtained international recognition during the last decades, both have most of the attributes of an independent state such as legislative, executive and judicial powers, an army and an independent central bank (in TMR). For security reasons, Turkey has kept its troops on the territory of TRNC (30,000) and Russia has secured its involvement in the peace-keeping forces in TMR (2,500). A large immigrant community from mainland Turkey clearly contributes to the preservation of the ‘Turkish dimension’ of Northern Cyprus (Morvaridi 1993). The same tendency appears in TMR where its residents emphasise the multiethnic character shaped by Russian influences (O’Loughlin et al. 1998).

It is not by accident that TMR’s identity management portrays Transnistria as a Slavic bulwark at the crossroads of Europe and Asia. While partly surrounded with potentially antagonistic blocs, such as NATO or the Black Sea Economic Co-operation (BSEC) countries, Transnistria (see Figure 1) has strived for becoming a sovereign CIS republic, a third partner in the Belarusian-Russian Federation, or even obtaining the status of ‘second Kalingrad oblast’, i.e. to become part of the Russian Federation (Troebst 2003). In the view of TRNC leadership, the island of Cyprus is represented as being inhabited by two equal communities who have both lived there for centuries. Its geographic position places it squarely in Turkey’s interest sphere. Consequently the representation of the Turkish part of Cyprus is identical with the one of mainland Turkey – at the crossroads between Europe and Asia (Diez 2000). TRNC could be incorporated into Turkey, strive for independence, or fit into some sort of confederation or federation scheme with Cyprus (Groom 1993). But the prolongation of the status quo, as an unrecognised pseudo-state, might be an appealing perspective for both the TRNC, as for the TMR.

External actors – Geopolitical incentives of external players have favoured partition in Cyprus and Moldova. This brings us to Turkish interests in Cyprus, which aim at protecting the Turkish Cypriots against the much larger Greek Cypriot community (Alemdar 1993). It is equally important to secure the country’s southern coastline as Turkey’s only ‘secure supply line’. With plans to build a pipeline to carry oil and gas from Azerbaijan and Central Asia to the southern Turkish bay of Ceyhan, the strategic importance of Northern Cyprus for Turkey has increased (Tank 2002). It is thus impossible to allow the island to become ‘hostile territory’, which Greek control could mean (Diez 2000).
In 1997, Turkey and TRNC released a joint statement announcing that they would be deepening their co-operation to the extent that the TRNC becomes an autonomous part within Turkey (Larrabee 1998).

The key outside player in Moldova is Russia and to a large extent, the continuation of Transnistrian secession will depend on the negotiations between Russia, Ukraine and Romania. Russia is interested in keeping Moldova in its sphere of influence that has traditionally served as Russia’s gateway to the Balkans and remains vital considering the events in former Yugoslavia (O’Loughlin et al. 1998). Romania’s hidden ambition is largely based on the integration of Moldova into the Romanian state. Radical Romanian nationalists would also like to reclaim Bessarabia. The interests of the Ukraine in Transnistria largely focus on the protection of the ethnic Ukrainian population, as well as maintaining peace along its Southwestern borders.

The warming of relations between Turkey and the EU, directly influenced by the Greco-Turkish rapprochement, has in Tank’s (2002) view been a key factor in reopening the discussion on Cyprus. The parliamentary victory of the Moldovan Communist Party in 2001 (Roper 2004) and because of the international pressure on Russia to withdraw its troops and munitions from Transnistria (Neukirch 2003) has resulted in heightened expectations on conflict resolution in Moldova. Yet, despite the favourable geopolitical circumstances at the moment, the process of conflict resolution seems to be trapped in the rooted perceptions and continuing geopolitical interests.

Source: Triin Laur, Regio Ltd.

Figure 1. Moldova’s breakaway region of Transnistria (TMR).
At the level of identity politics, the basic questions ‘Who are we?’ and ‘Where do we belong to?’ are constantly being re-established and reconfirmed in the process of state-building in TMR and TRNC, which leave little ground for accommodation with the dominant discourse of the host states. The strategic location of TMR and TRNC – at the crossroads between Europe and Asia – transforms their small territories into geopolitical projections of the clashing interests of external actors. The on-going partition reveals more about separating factors than unifying actors, which may rightfully pose the question: Which facts sustain sovereignty and foster international recognition?

**QUEST FOR SOVEREIGNTY**

The recognition of sovereignty depends upon the state having a territorial basis and is usually granted to states that exercise authority over state affairs. These criteria for statehood were laid down in Article 1 of the Montevideo Convention on the Rights and Duties of States, 1933. Recognition is subsequent and consequential to the entity’s possessing criteria for statehood (Necatigil 1993). Entities behave as sovereign states because other states allow them to do so. By accepting them as equals they make recognition a pivotal element in the institution of sovereign statehood.

In this reading, it is not only facts that take the lead in formal recognition of the statehood but rather norms that create the facts (Aalberts 2004). Today, most of the self-proclaimed pseudo-states fulfil the *de facto* sovereignty criteria while being more ‘sovereign’ than their host states, but they nevertheless receive no formal recognition from other states. For example, Moldova and Cyprus have been granted recognition by world actors, unlike TMR and TRNC, although the sovereignty of these host states is in some sense perhaps fragile and more questionable than that of TMR and TRNC. To demonstrate this fact, it would be useful to have a glance at the degree of sovereignty these partitioned host states have according to different criteria.

**Territory and population** – Turkish Cypriot government administers 37.5 per cent of the island’s territory and approximately 20 per cent of the population. After independence, the UK retains absolute sovereignty over two enclaves, totalling three per cent of the island’s territory, which contain the military bases of Akrotiri and Dhekelia. Finally, another three per cent constitutes a ‘no-mans-land’, which is a buffer zone separating the conflicting parties (see Figure 2). In many respects the situation in Moldova resembles that of Cyprus. The area east of the Dniester River accounts for 12 per cent and 17 per cent of Moldova’s population. Only seven villages located on the left bank are administrated by the Republic of Moldova, the rest being under the control of TMR. Both Cyprus and Moldova do not have access to certain territories and human resource potential being officially under their possession. As an industrial core, the share of TMR amounts to 35 per cent of the total national income, rendering Chisinau dependent on the heavy industries and electricity production and giving nothing to the state budget.

The right of self-determination belongs to the people of Cyprus as a whole, but Cyprus represents a state without a state nation. Both communities in Cyprus identify with other national populations – those of Greece and Turkey (Tamkoc 1988). What makes the situation even more complex is the fact that the population has increased mainly due to immigration from Turkey and Greece. Moldovans could be easily considered as Romanians, as they share the same language, practice the same faith and have the same history. Yet, Moldova remains a territory without its own separate nation, a political notion rather than an ethnic reality (Berg & van Meurs 2002). One hundred years of contradictory Romanian and Russian/Soviet efforts to shape and remould the identity of the local Romance population have made the current Moldavian nation and state-identity rather fragile and subject of a seemingly endless debate.

**Government and independence** – Since 1963, after the collapse of the 1960 Constitution, there has been no legitimate government representing the Republic of Cyprus internationally. The other view is that the Republic of Cyprus ceased to exist and has been replaced, not merely by two governments, but by two states, one of the Greek Cypriots, and the other of the Turkish Cypriots (Necatigil 1993). Actually, both views imply that the Republic of
Cyprus is a state without a government, at least in international affairs. Since the 1974 Turkish intervention, Cyprus hosts two separate states with different jurisdiction and administrative capabilities. Similarly to Cyprus, in Moldova two separate state structures began to develop simultaneously, however, the creation of the two equal states was never granted constitutionally. Although civic nation-building in Moldova is in progress as well as state-formation – the majority of Moldovans rejected the re-unification with Romania in the 1994 referendum – the Chisinau government still does not have sovereignty over the TMR.

It is often asserted that invasion and continued occupation by Turkey nullifies Cyprus’ independence. The same is true with Moldova, where the Russian 14th Army along with the separatist paramilitary troops invaded the western coast of the river Dniestr. Therefore, one could conclude that both Moldova and Cyprus are not entirely independent states, although enjoying international recognition. By the same logic, the pseudo-states of TMR and TRNC are far from having valid grounds for international recognition either but they may acquire one if the presence of foreign troops is accepted internationally as peace-keeping forces. Would power-sharing schemes and federalisation plans satisfy their aspirations for legitimised self-governance or on the contrary, drive them even further apart from the host state?

**FEDERALISATION VIS-À-VIS PARTITION**

Federalism is dealing with the division of power between levels of government. In a federation, the fields of government are vertically divided...
between a federal level and at least two federated entities. The federal and the federated level draw their competencies directly from the constitution. In this respect, a federation differs from a confederation, where the division of power is horizontally organised on the basis of the sovereignty of the constituent parts, and it also differs from a regionalised or decentralised system, where the devolution of power is only weakly developed (Coppieters & Emerson 2002).

Federations that develop from unitary states as a response to alleviate threats of secession or rebuilding of nations, grant subunits shared sovereignty (Roper 2004). A federal solution has been justified in some cases (e.g. Belgium or Spain) while pseudo-states tend to remain on the world’s political map in the absence of coordinated external pressure to settle territorial compromises (Kolossov & O’Loughlin 1998). Moreover, the federal constitution does not seem to do more for the sake of formal reintegration than granting the status de jure that unrecognised entities already enjoy de facto.

Bi-communality for whom? – Although both communities in Cyprus recognise the necessity of federal solution, these perspectives differ significantly from each other (Bindebir et al. 2003). The Greek Cypriots support a federal state whereas the Turkish Cypriots are in favour of confederation. This is mainly because Turkish Cypriots are concerned with becoming an impoverished minority while the Greek Cypriots fear that the TRNC becomes a sovereign state. In addition, Greek Cypriots have not been assured that a bi-communal federation would include the withdrawal of the Turkish troops and settlers from the north.

Since 1975, when inter-communal talks began in Cyprus, both parties have continuously declared that they seek an independent, non-aligned, bi-communal federal republic where the independence and territorial integrity should be adequately guaranteed against union in whole or in part with any other country and against any form of partition or secession (Groom 1993). Meanwhile, Turkish Cypriots have acknowledged that the territory controlled by their community could be reduced to some 29 per cent. They have agreed on the settlement with a single sovereignty and international personality as well as on a single citizenship, with the state independence and territorial integrity safeguarded. Greek Cypriots have made compromises in accepting two politically equal communities in a bi-communal and bi-zonal federation.

If the two federated states were to have identical powers and functions, they were according to the 1992 draft proposal, allowed to enter into agreements with foreign governments and international organisations in their areas of competence. As to power sharing the lower house was then seen as bi-communal with a 70:30 Greek Cypriot/Turkish Cypriot ratio whereas the upper house had 50:50 ratio representing the two federated states. Among many other issues, Turkish Cypriot displaced persons currently residing in the area that would come under Greek Cypriot administration were offered compensation, and Greek and Turkish contingents of equal size were allowed for stationing in Cyprus (Groom 1993).

If so much had been granted in 1977 and later on in 1992, Kyle (1997) has wondered why there is still no agreed constitution. When it came to making a peace deal, in his view the difficulty lay in the sensitivity of the Greek Cypriots to anything which might be held to constitute a recognition of the state of North Cyprus and the sensitivity of the Turkish Cypriots to anything which might seem to recognise the right of the Greek Cypriot authorities to call themselves the Government of Cyprus (Kyle 1997). Paradoxically enough, where a peace deal is at stake, both sides contradict their sovereignty claims by willingly handing over functions of sovereignty to their ‘mother states’ (Constantinou & Papadakis 2001).

Which federal solution? – Although the specifics of the various peace proposals, memoranda and draft agreements have changed, the nature of the debate between the parties in Moldova, such as whether the plan should be conceived as a federal or confederal solution, has remained the same (Roper 2004). While in the beginning Moldovan leaders insisted on territorial integrity, the break-away republic spoke out in favour of a contractual federation consisting of two equal-right states (Neukirch 2003). Nonetheless, one of the first reports of conflict
mediators (CSCE 1993) outlined a solid basis for talks between both parties in the conflict.

The CSCE Mission proposed the setting up of a Special Region of Transnistria, seeing TMR as an integral part of the Republic of Moldova. In the case of Moldova choosing to give up statehood or merge with another country (e.g. Romania), the Special Region of Transnistria would be granted the right of external self-determination. In 1995, a special legal statute of autonomy with considerable rights for self-government was presupposed for the TMR. But the TMR leadership had moved a step further by this time, while ‘devoting to methods and ways of constructing sovereign states within a unified space’.

Memorandum on the bases for normalisation of relations between the Republic of Moldova and Transnistria (1997) stipulated that the parties would develop ties within a single state existing inside Moldova’s January 1990 borders but the special status of the TMR had still to be negotiated (Vahl & Emerson 2004). Moldovans agreed on TMR participation in the conduct of foreign policy on questions touching its interests. They also gave the right for the TMR to unilaterally establish and maintain international contacts in the economic, scientific-technical and cultural spheres. TMR, on the other hand, emphasised equality, mutual respect and stable agreements with Moldova. It foresaw the status of the TMR as being part of an integrated state and based on the new Constitutional Act (Presidential site 1997).

At a meeting in Kiev, in 2002, the mediators for the Moldovan-Transnistrian conflict proposed a new draft agreement on the constitutional system that would regulate the distribution of competencies between Chisinau and Tiraspol. It defined the Republic of Moldova as a ‘federal state’. Since it was unclear what kind of federation it would be (symmetric/asymmetric) or how a long list of shared competencies would make the federation functional, it was doubtful whether the proposed draft agreement could be used in the conflict resolution (Coppieters & Emerson 2002). Unfortunately, the draft agreement did not provide anything but a strengthened secessionist potential in Transnistria and the permanent involvement of the external guarantors in the political decision-making on all levels of the federation.

MAKING ‘FINAL’ PEACE IN CYPRUS AND MOLDOVA

Since independence, both Cyprus and Moldova have been divided far longer than they have been united. The internationally recognised governments that play host to these unrecognised entities in Cyprus (TRNC) and in Moldova (TMR) have continually called for outside help in settling disputes. Intermittent partial agreements on specific issues have been reached but only some have been partially implemented. The UN General Assembly has adopted countless resolutions, so have the European Parliament and the Organisation for Security and Cooperation in Europe (OSCE) (see e.g. the European Stand on the Cyprus Problem 2001). Principles have been laid down, sometimes agreed upon. Moments of peace have come and gone. All of this has led to nothing. Despite the committed efforts of negotiators in the field, none of these disputes is really any closer to being resolved. In some ways, the situation is worse, because over this period the separatist regions have consolidated their statehood (O’Loughlin & Kolossov 1998).

When the EU officially opened membership negotiations with the Republic of Cyprus in March 1998, a widespread assumption in both EU and academic circles was that these negotiations would have a catalytic effect on the Cyprus conflict and a federation would finally materialise because the EU structures would provide the right framework for solving the Cyprus problem (Diez 2000). At the same time, Moldova has not succeeded in enjoying the same international attention compared to Cyprus, not even being considered as a candidate country to start membership negotiations with the EU in the near future. On the contrary, Russia has done everything to maintain its primary role in the conflict resolution in Moldova and thus eliminating other actors, such as the UN and the EU from the peace process. Recently this trend found approval again when Moscow drafted the federalisation plan for Moldova whereas the last attempt for conflict resolution in Cyprus was strictly handled by the UN only.

The Annan Plan – The Annan Plan (proposed by UN General Secretary Kofi Annan) for
Cyprus went through four versions starting in November 2002 until it ended up with a fifth version and 9,000 pages of federal laws. That version was agreed as a basis for the negotiations, which resumed on 19 February 2004, and was eventually put to a referendum in both parts of partitioned Cyprus on 24 April 2004. Most importantly, the Annan Plan provided territorial integrity allowing Cyprus to speak and act with one voice internationally, and to fulfil its obligations as a EU member state (DeSoto 2004).

The Plan provided for a United Cyprus Republic with a single international personality, sovereignty and citizenship, safeguarding its independence and territorial integrity, and comprising two politically equal constituent states in a bi-communal and bi-zonal federation (United Nations 2004). It excluded union with any other country or any form of partition or secession but did not apply to EU membership. On governance, it provided for a form of government at the centre which reflects and guarantees the political equality of Greek Cypriots and Turkish Cypriots but also represents the significantly larger numbers of Greek Cypriot citizens in a democratic manner.

On citizenship, the Plan provided for a single Cypriot citizenship, with all Cypriot citizens also enjoying state citizenship. Citizenship of the United Cyprus Republic were to be granted to those who had citizenship in 1963 and their descendants, as well as those whose names were contained on a list of up to 45,000 persons from each side. On territory, the Plan allowed a majority of displaced Greek Cypriots to return to their homes under Greek Cypriot administration while minimising the adverse impact upon the lives of Turkish Cypriots (see Figure 3). The transfer of territory was to proceed for three and a half years.

While the Plan outlined certain transitional limitations on property purchases and residency, as well as safeguards relating to immigration, these restrictions were not to divide Cypriots (DeSoto 2004). Rather, they aimed to prevent either side from being overrun by unrestricted establishment of residence, unfettered immigration or unlimited property purchases, particularly in the delicate early years. They sought to ensure that the identity of Cyprus and its constituent states is maintained. But this did not convince the Greek Cypriots who decided to reject the Annan Plan in the referendum with 80 per cent of voters saying ‘no’ to the federal solution.

The Kozak Plan – In the end of 2003, the Deputy Head of the Russian Presidential Administration, Dmitry Kozak introduced a new draft memorandum on the basic principles of the state structure of a United State of Moldova (Russian Draft Memorandum 2003). According to this proposal, the territory of the federation was composed of the territory of ‘federal subjects’ (Transnistria and Gagauzia1) and federal territory (the rest of Moldova). The ‘federal subjects’ had the right to leave the federation if a decision was taken to unite the federation with another state and/or in connection with the federation’s full loss of sovereignty.

The federation was considered as a subject of international law but ‘federal subjects’ could also be members of international organisations, in which de jure recognition was not a mandatory condition, maintain international relations, conclude international treaties on their own and establish representation in other states that did not have the status of diplomatic representations or consular establishments. The status of the TMR was upgraded compared to earlier proposals. It was supposed to become a state entity within the federation, which formed its own state structures, had its own constitution, state property, independent budget and tax system, and also its own state symbols and other attributes of statehood.

Under the Kremlin’s Memorandum, the representation of Gagauzia (4 senate mandates per 100,000 citizens) and Transnistria (9 mandates per 400,000 citizens) in the Senate, the most important institution of the would-be asymmetric federation, would be seven and four times higher than that of Chisinau (13 mandates per 2,400,000 citizens). In addition, the draft Memorandum provided for a ten-year transition period, wherein asymmetry would be applied not only in Senate representation, but also in decision-making, i.e. by a majority of 75 per cent of the total number of mandates. Therefore, Tiraspol on its own would be able to veto any legal act.
Moscow’s draft Memorandum allowed some political analysts to make rather pessimistic remarks, pointing out that the TMR and Gagauzia would get the chance to decide on how long the transition was to last on the federal territory (see Adept 2003) because federal structures would not have any control mechanism over the federation subjects, since the law enforcement powers would coincide with the separate units. As a consequence, Chisinau would be in a position to ask the Memorandum authors in Moscow to interfere and compel federation subjects to comply with the Memorandum provisions. Bearing this in mind, large protest actions began to rally across the country with considerable support from the OSCE and the EU to reject the Kremlin’s unilateral peace deal, after which the Moldavian President Voronin declined to sign.

**DISCUSSION**

This paper has demonstrated that territoriality still shapes the political map in the so-called post-modern world through the analysis of the two standstill conflicts in Moldova and Cyprus. Each being *de facto* partitioned into two separate states with functioning administrative apparatuses and economies, Moldova and Cyprus on the one hand, and TMR and TRNC on the other hand, have not been able to reach compromise on the territorial and administrative arrangement.

The processes of conflict resolution in Moldova and Cyprus have two facets, where both internal and external factors play an important part. When it comes to the internal dimension, each side in both conflicts securitises the status quo as well as perceives the

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**Figure 3. Territorial adjustments according to the Annan Plan.**

*Source:* Triin Laur, Regio Ltd.
future outcome of the conflict resolution as a zero-sum game. In other words, being *de facto* partitioned is perceived as a threat to the internal security and state identity of Moldova and (Greek) Cyprus but at the same time any reunification attempts increase insecurity of TMR and TRNC. As for external plans, the federalisation attempts recently proposed in the Annan and the Kozak Plans as possible solutions, have failed to materialise.

As for the external dimension, geopolitics still seems to remain a major factor in these two conflicts where the interests of the external actors – Turkey and Russia in the cases of Cyprus and Moldova, respectively – are indirectly tied to the prospect of an independent TRNC and TMR, or at least to the preservation of the status quo.

In the case of Cyprus, the external factors have recently become seemingly more favourable for the conflict resolution. It was expected that with Cyprus joining the EU, an agreement on the reunification of the Greek and Turkish parts of the island would finally be achieved. However, the concerns about internal security, such as the replacement of the Turkish immigrant population as well as the withdrawal of Turkish troops, affected the outcome of the referendum conducted in the Greek part of the island.

In the case of Moldova, on the contrary, the internal situation seemed to favour the achievement of the federal solution due to the pro-Moscow communist political forces currently in power in both parts. There was a big hope that both conflicting parties could find a common language and finally agree on reunification. However, as the Kozak Plan was drafted unilaterally by Moscow, offering a highly asymmetric federal arrangement in favour of TMR and granting it the status of a legal entity, it did not receive the support of the OSCE and the EU. Both Plans had great potential to finally settle the conflicts in Moldova and Cyprus but they failed despite favourable circumstances.

The federalisation process brings along the pooling of sovereignty, which as a consequence, diminishes the importance of territoriality. But the question still remains: Who should govern this particular territory of the federation, or federal sub-units? Can the federal model lead to the diminishing importance of territoriality, which has been the basis of *de facto* control by the separatist TMR and TRNC? Can the federal model result in the actual pooling, or spreading of sovereignty, which has been the basis for legal claims and the superiority of the Moldovan and Greek Cypriot central governments in the international arena?

One might assume that the reason for the failure of the federalisation attempts lies in the fact that TMR and TRNC were not willing to abandon control over their territories in return for the legal recognition from the Moldovan and Greek Cypriot central governments, respectively; as it has been demonstrated, these separatist republics had *de facto* sovereignty over their state affairs. In fact, the situation was the opposite: it was the host states that rejected the federalisation Plans. With the implementation of the federal structure, the central governments of Cyprus and Moldova would have to grant legal status to and reduce their future control over the federal entities of TRNC and TMR. Although Nicosia and Chisinau presently do not have any control over the separated territories, they are not willing to settle for an agreement granting legal status to TMR and TRNC with a risk of not having full control perpetuating their separateness and prefer to keep the unrealistic option of full control of the total territory open.

The geopolitical factor also may account for the standstill in the conflict resolution: the strong support that Turkey and Russia show for TRNC and TMR, may result in an increased perception of a threat by the Greek Cypriot and Moldovan governments, who may as a result see all proposals for conflict resolution with increased suspicion and fear of ending up on the losing side. De-securitisation of the conflicts that involve the geopolitical spheres of influence of Turkey and Russia may also have been the reason why Moldova and the Greek Cyprus have been seeking the participation and support of international organisations such as the UN, the EU and OSCE.

One may conclude that territories of Northern Cyprus and Transnistria in a way reflect a wider geopolitical context. According to the postmodernist logic, territoriality especially that of the pseudo-states such as TMR and TRNC is in flux, constantly changing and increasingly diminishing in its importance. While sovereignty becomes an increasingly complex and
multifaceted notion as the host states demonstrated, should not then pseudo-states that fulfil the criteria of sovereignty be treated equally with other sovereign states and granted recognition in the international arena?

What we can see from the North Cyprus and Transnistrian examples, however, is that territoriality and de facto control over the territory remain essential for the Moldovan and Cypriot polities and their notion of sovereignty. Both sides’ zero-sum perceptions of the federalist arrangements as well as the geopolitical interests of the external actors concerned are most likely to lead to the failure in conflict resolution through federalisation. In a situation, where essential state interests and identities of both sides collide, de jure recognition as state of the separatist regions, which have de facto been independent for decades, may bear much more fruitful results for the conflict resolution than federalisation.

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Note

1. Gagauzia or Gagauz Yeri is an ethnic homeland of Turkish-speaking Orthodox population in the Republic of Moldova. Since 1995 it has enjoyed considerable autonomy over internal affairs and has therefore been considered a close ally to the Transnistrian separatists.

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