

Dubasari farmers could be forced to pay illegal land taxes – Promo-LEX lawyer Pavel Postica

How did the situation regarding the right to freedom of movement in Transnistria change after the publication of Promo-LEX's 2008 report, which outlined the impediments to exercising this fundamental human right?

On 25 July 2008, Promo-LEX published a study on the right to the freedom of movement in the eastern region of the Republic of Moldova, in which we intended to express our opinion about the multiple problems facing the population in the Transnistrian region in what concerns the exercise of this right. We have constantly tried to bring these problems to the attention of the competent authorities and solve them, and also to raise public awareness, through mass media, press releases, interviews, etc. But today we find with regret that the situation has not changed significantly and that the problems identified in that study mostly remain to this day. The greatest part of the blame for the failure to solve these problems, we can say, should be on the constitutional authorities, because many problems are generated by the shortcomings of the legal framework existing in Moldova.

What are the areas that are most affected by these problems?

Well, the right to freedom of movement cannot be examined separately, as it is connected to many other rights guaranteed by the national legislation and international treaties. It also has to be mentioned that the exercise of this right has four components; the free movement of persons, of goods, of services, and of capital. It would not be correct to try to

compare the problems in these areas, and say that the hurdles are bigger here and smaller there. It is obvious that such a comparison would be subjective. However, today, in times of economic crisis, particular attention is paid to social safeguards and, from this perspective, it would be fair to say that the problems relating to the payment of age pensions and the problem of indexed savings are affecting quite a large part of the population in the Transnistrian region. Also, the issuing of identity documents for persons born in the region after the conflict raises rather serious concerns, and the consequences of this process are difficult to predict.

Which Moldovan laws are, in your opinion, discriminatory against the people who live on the eastern bank of the Nistru?

We have already mentioned the problems concerning the payment of age pensions, the indexation of savings, and the recognition of civil status documents. I'd also add here the problem faced by individuals when passing goods through internal customs checkpoints. For example, one person goes to Chisinau for shopping in search of bargains, and then returns to his place in Balti; no problems here, no matter how much that person paid for the goods. But when it comes to crossing the so-called administrative border that separates the territory controlled by the legitimate authorities and the Transnistrian region, one would be faced with a host of problems, and that is true both for those who reside in the nearby communities and for those who don't. Whereas for the first category, after the publication of our study, amendments were made to enable those people to transit goods under 200 euros without paying any duty, the situation for the others remains unchanged and they have to pay taxes. Of course, it is not the case to talk about the necessity to monitor that segment of territory to avoid violations of the law, but I'm sure that solutions can be found to replace prohibitive methods. For example, the selling of goods brought into the Transnistrian region by business entities without any tax must

be punished, but such violations can be detected by the law enforcement agencies without prohibiting or blocking the movement of goods in the region.

What are the problems encountered by the persons who drive cars with Transnistrian registration plates?

This is also an issue that deserves increased attention, because, in my opinion, it stems from two contradictory elements. De jure, the circulation of such automobiles on the territory of the country is forbidden, as it is forbidden on any territory outside of the Transnistrian region. But de facto, the authorities do nothing to prevent it. It should be remarked that the constitutional authorities have remained indifferent toward this problem for 19 years now, a period during which the population in the region has had to abide by the rules imposed by the separatist authorities, while some Moldovan as well as Ukrainian citizens have taken advantage of these shortcomings, and for profit, too. Let me also remark that the previous government initiated some changes to respond to this problem, but for various reasons those initiatives haven't been brought to completion; they were classified and shelved. The current government coalition should include this issue on its agenda and I hope in the near future there will be a solution to this problem, which if delayed may cause serious consequences, bearing in mind that it's the cars of 160,000 persons that we are talking about.

What is the situation of those who live in the villages under Chisinau's jurisdiction and who own farmland beyond the Ribnita-Tiraspol roadway?

From the information that we possess, the situation has not changed. There is a risk that they will be barred from farming their land. The checkpoints placed by the separatist authorities along the roadway haven't been removed. So, there is a possibility that in the 2010 farming season those wanting to work the land will be forced to pay illegitimate taxes to

be able to farm their plots.

What is the attitude of the current government toward the disrespect for the freedom of movement in Transnistria? What instruments does it have to settle the problem?

I think it is too early to conclude anything about the effects of the measures taken by the current government. What is certain is that the problems associated with the Transnistrian issue are on the authorities' agenda. To compare, the representatives of the current government are more transparent and open to the public. While the representatives of the previous government said they were discussing the settlement of the Transnistrian issue in general, today there is more specificity about which particular problems are being addressed, and it should be mentioned that the issue of the freedom of movement, together with other matters, is always present whenever the Transnistrian conflict is discussed.

Concerning the measures that should be taken to solve the problem of the freedom of movement, there is just one suggestion I would like to mention. The Transnistrian conflict is a huge aggregation of problems, which will never be solved if tackled as a whole. What's more, the problems are caused both by the separatist authorities and by the legitimate ones. Therefore, each problem must be handled separately, by identifying the causes and the circumstances that favor them and take targeted steps. Let me give one example: is there a better solution to pay pensions to the beneficiaries living in the region than to amend the legislation? Because, at present, it's the legislation that obstructs this process. The solution is simple, it remains to find will and attitude. Of course, we shouldn't neglect the financial aspect, but, in my opinion, this is not the most important thing when fundamental freedoms are at stake.

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