



Organization for Security and Co-operation in Europe

The Secretariat

Department for General Affairs

OSCE Seminar

on

**INTERRELATIONSHIP BETWEEN CENTRAL
AND REGIONAL GOVERNMENTS**

Chisinau, 1-2 July 1998

Consolidated Summary

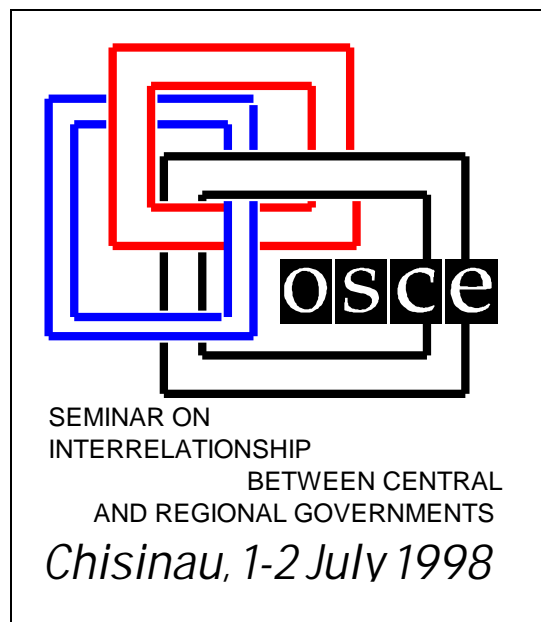


TABLE OF CONTENTS

I.	General information	3
II.	Summaries by Rapporteurs	
	Sessions 1 and 2: <i>Opening Statements and Relations Between the Central and Regional Governments: Experience in the OSCE Area</i> Rapporteur: Mr. Vidar Udjus.....	7
	Session 3: <i>The Case of the Republic of Moldova</i> Rapporteur: Mr. Oskar Wüstinger	9
	Session 4: <i>Panel Discussion: Interrelationship between Central and Regional Governments – International Tools and Mechanisms</i> Rapporteur: Mr. Sven Jurschewsky.	12
III.	List of participants	14
IV.	List of documents distributed during the Seminar	19
Annex:	Seating arrangement during the Seminar.....	21

I. GENERAL INFORMATION

1. VENUE

The Seminar was held from 1 to 2 July 1998 at the Republic's Palace, Chisinau, Moldova.

2. PARTICIPATION

2.1 Twenty OSCE participating States took part in the Seminar.

2.2 Japan, the Republic of Korea and the Mediterranean partners for co-operation were invited to participate in and contribute to the Seminar but were not represented.

2.3 From the invited international organizations and institutions the following sent their representatives: the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR), the Council of Europe, the Parliamentary Assembly of the Council of Europe, the Congress of Local and Regional Authorities of Europe, the World Bank, the European Bank for Reconstruction and Development, the Assembly of the European Regions, and the International Committee of the Red Cross.

2.4 Representatives of non-governmental organizations were able to attend and contribute to the Seminar in accordance with the relevant OSCE provisions and practices.

3. TIMETABLE AND ORGANIZATIONAL MODALITIES

3.1 The Seminar began at 9 a.m. (opening statements) on 1 July 1998 and ended with a meeting with the media representatives at 6. 30 p.m. on 2 July 1998.

3.2 The Seminar was conducted in three working sessions and a panel discussion.

3.3 Each session had a moderator and rapporteur.

3.4 In the panel discussion the following participants took part: Representative of the High Commissioner on National Minorities, Co-ordinator of OSCE Economic and Environmental Activities, Representative of the Council of Europe, and Representative of the Assembly of the European Regions.

3.5 The working languages were English and Russian. At the request of several States, interpretation was provided from and into French. At the request of the Host State and at its expense interpretation was also provided to and from another language.

3.6 Arrangements for press coverage were made. After the closure of the Seminar, the media representatives had the opportunity to meet with the Representatives of the OSCE Chairman-in-Office, the Host Country, and with the Head of the OSCE Mission to Moldova.

3.7 Local transportation was arranged by the host country.

3.8 Other rules of procedure and working methods of the OSCE were applied, *mutatis mutandis*, to the Seminar.

3.9 The seating arrangement is shown in the Annex.

4. AGENDA

Tuesday, 30 June 1998

8 p.m. Reception in honour of the Secretary General of the OSCE, Ambassador Giancarlo Aragona, hosted by Ambassador John M. Evans, Head of the OSCE Mission to Moldova, at the “Codru” Hotel

Wednesday, 1 July 1998

Session One

Opening Statements

Chair: Mr. Ceslav Ciobanu, Deputy Foreign Minister of the Republic of Moldova

9 a.m. — *Opening Address* by H.E. Mr. Petru Lucinschi, **President of the Republic of Moldova**
— *The OSCE Contribution to Security and Stability* – Statement by H.E. Ambassador Giancarlo Aragona, **Secretary General of the OSCE**

Relations Between the Central and Regional Governments: Experience in the OSCE Area

Moderator: Ambassador Johannes Landman, Head of Mission of **the Netherlands** to the OSCE

Rapporteur: Mr. Vidar Udjus, **Norway**

9.45 a.m. — *The Voice of the Regions* – Statement by Mr. Llibert Cuatrecasas, **Congress of Local and Regional Authorities of Europe (CLRAE), Council of Europe**
— *Support for the Regions – the EU Experience* – Statement by Mr. Erwan Fouéré, **European Commission**
— *Relations Between the Central and the Local Authorities: the Case of France* – Statement by Mr. Alain Frimigacci, **France**
— *Relations Between the Central and the Local Authorities: the Case of Ukraine* – Statement by Ambassador Ivan Hnatyshyn, **Ukraine**

11 a.m. - 11.15 a.m. Coffee break

11.15 a.m. Discussion

1 p.m. Lunch break

Session Two

***Relations Between the Central and Regional Governments:
Experience in the OSCE Area (continued)***

Moderator: Ambassador Johannes Landman, Head of Mission of **the Netherlands** to the OSCE

Rapporteur: Mr. Vidar Udjus, **Norway**

3 p.m. — *The Centre is Strong Through the Strength of the Regions* – Statement by Mr. Eduard L. Kuzmin, **Russian Federation**

— *Unity in Diversity: the Swiss Tradition* – Statement by Mr. Guillaume Scheurer, **Switzerland**

— *The Canadian Experience* – Statement by Mr. Sven Jurschewsky, **Canada**

— *Local Administration and Euro-Regions* – Statement Mr. Ioan Onisei, Under-Secretary of State, **Romania**

4.30-5 p.m. Coffee Break

Discussion

6 p.m. Session closes

Thursday, 2 July 1998

Session Three

The Case of the Republic of Moldova

Moderator: Ambassador John M. Evans, Head of the **OSCE Mission to Moldova**

Rapporteur: Mr. Oskar Wüstinger, **Austria**

9 a.m. — Statement by H.E. Mr. Ion Ciubuc, Prime Minister of the **Republic of Moldova**

- Statement by Mr. Ion Bejan, Deputy Chairman of the **Gagauz Region, Republic of Moldova**
- *Russian Federation's Peacemaking Role in Solving the Trans-Dniestrian Problem* – Statement by Mr. Igor V. Morozov, Plenipotentiary Representative of the President of the Russian Federation, **Russian Federation**
- Statement by Mr. Yevgen Levitskiy, Plenipotentiary Representative of the President of Ukraine for Negotiations, **Ukraine**
- Statement by Ambassador Marcel Dinu, **Romania**

11.30 a.m. - 12 noon Coffee break

Discussion

1 p.m. Lunch break

Session Four

3 p.m. *Panel Discussion: Interrelationship Between Central and Regional Governments – International Tools and Mechanisms*

Moderator: Mr. Witold Smidowski, Representative of the **OSCE Chairman-in-Office**
Rapporteur: Mr. Sven Jurschewsky, **Canada**

5 p.m. Coffee Break

Round-up

5.15 p.m. Summaries by the session Rapporteurs

Concluding remarks by Mr. Witold Smidowski, Representative of the **OSCE Chairman-in-Office**

Concluding remarks by Mr. Ceslav Ciobanu, Deputy Foreign Minister of the **Republic of Moldova**

6 p.m. Meeting with representatives of the mass media

II. SUMMARIES BY RAPPORTEURS

Session 1 and 2

Relations Between Central and Regional Governments: Experience in the OSCE Area

Report by Mr. Vidar Udjus, Norway

It is difficult to summarize or report on such a wide-ranging discussion, which encompassed a number of aspects connected with the relationship between central and regional governments. It is not possible to cover all aspects of the discussions, but I shall try to identify the main issues raised and to formulate some conclusions in areas where there seemed to be general agreement.

Representatives from France, Ukraine, the Russian Federation, Switzerland, Canada and Romania gave very thorough and interesting presentations on their national approaches to the relationship between central and regional authorities. In addition, we heard the voice of the regions through the Congress of Local and Regional Authorities of Europe and the Assembly of European Regions, in addition to which the Presidency of the European Union and the European Commission gave presentations on developments within the European Union. Furthermore, during the discussion we were given information on the systems in Germany, Italy, Austria, the United States, Spain and Poland.

All these presentations served as a useful basis for the discussion while at the same time illustrating the general trend in the direction of decentralization in the OSCE area. There was broad recognition that the time had passed when the nation State could solve all problems, and the principle of subsidiarity was emphasized. There was also broad agreement that both countries and regions would be better off if power were transferred to those bodies best suited to carry out decisions most effectively. The variety in approaches in the above-mentioned statements also demonstrated that there does not exist any one magic formula that can solve all problems for all countries. There was general agreement among participants that each country must find an approach based on its own historical experiences and its political, economic, social and geographic characteristics. Thus, a categorization of various approaches applied in Europe today was put forward, ranging from the centralized State, owing its existence to geographical or other conditions, and States with relatively small territorial divisions but nonetheless broad self-governance, to countries where regions have some legislative competence but no federal structures, and – finally – to federal States. It was stressed in this regard that the relationship between central and regional authorities is an evolutionary process rather than a situation settled once and for all. At the same time, a number of principles guiding this evolution in the relationship between the central and regional levels were emphasized, among them:

- Respect for human rights,
- Equality before the law,
- Respect for cultural diversity,
- Respect for minorities.

It was also pointed out in this connection that in countries with a number of diverging interests on the part of various regions, tolerance, fairness and respect in general were prerequisites for stability and smooth transition.

Several participants also underscored that a transfer of competence from central to regional authorities should not call into question the territorial integrity of the concerned. On the contrary, decentralization could be an effective means of preventing separatism from gaining ground. Transfer of competence from central to regional authorities was not to be seen as detrimental to the natural dominance of the State, but as an instrument for letting the State focus on its core functions. There was a discussion at this point as to how far decentralization can be developed before the territorial integrity of a State is put into question. It was recognized that there were no easy answers to the question of how to strike the best possible balance between national self-determination and maintenance of territorial integrity. One would have to live with situations where principles occasionally clashed. It was stressed that the way to find a proper balance between the two above-mentioned principles would have to be sought through political processes based on realities.

Another issue raised and discussed was the balance between regional authority and the risk of developing unacceptably big differences between various regions. The key words underlined in this connection were subsidiarity and solidarity. On the one hand, it was advocated that regional authorities are better suited to adapt to changing needs with relevance for the citizens in their region, but on the other hand, lack of co-ordination from central authorities could lead to unintended consequences. It was stated in this regard that unacceptably marked economic and social differences should be prevented, whereas cultural diversity should be stimulated. As a means of preventing excessive economic and social differences, some participants stressed the need for accompanying transfer of authority with transfer of financial resources.

As for cultural diversity, it was stressed that the right to be different was one of the distinctive features of the OSCE area. This had to be preserved so that the regions could continue their contribution to a diversified European culture. In this connection, there was a discussion as to whether globalization of the media would make it more difficult to achieve the goal of preserving local cultures. Some participants took this point of view, whereas others were of the opinion that globalization of the media had already led to a reawakening of local cultures. Still other participants emphasized the need for systems that allowed for protection of minorities and their cultures, e.g., through teaching in schools.

The last issue raised in the discussions on which I shall focus here is the question of co-operation among regions across borders and co-operation between regions and other States. Several participants stressed the advantages of cross-border co-operation between regions as a means of developing issues of mutual interests. Such co-operation contributed to developing the identity of the populace in the regions concerned and was useful in contributing to economic development. It was also stated in this regard that globalization of the economy had in many cases blurred the traditional central government responsibility for relations with other countries. A number of regions had already established offices in other countries in order to promote economic, environmental and other interests of the regions. It was noted that this development was yet another reason for developing and strengthening adequate channels of communication between central and regional authorities within a country.

Session 3

The Case of the Republic of Moldova

Report by Mr. Oskar Wüstinger

The statement by the Prime Minister of Moldova stressed the link between the political, social and economic changes that have been initiated in Moldova and the reform of public governance, including local governance. This implies also the improvement of the territorial structures of governance to ensure local regional centres and a clear-cut separation of powers between the local and central administrations. The territorial-administrative formation of the Gagauz Region can serve as an example for Transdnistria, based on the sovereignty and territorial integrity of Moldova. Chisinau has already made concessions. It is now important to have the political will to find, with the support of the mediators, a solution on a constitutional basis, in line with the interests of the population and conferring on the Transdnistrian area a status of broad autonomy.

The statement by the representative of the Gagauz Region stressed that joint considerations by central and local authorities of problems of autonomy had helped to successfully address many issues. Nevertheless, relations between the centre and the Gagauz Region still require further improvement in order to reach a delineation of functions. As the effective legislation is not compatible with the specific status of the region, a definition of spheres of competence and of areas of joint jurisdiction is required. At present, the main task is to translate many principles of autonomy into reality. This task includes the formulation of provisions for a decentralized budget in order to achieve genuine financial autonomy and substantial improvements in the electoral code governing parliamentary elections.

No representative of the Transdnistria Region, Republic of Moldova, was present, a fact regretted by the other members of the Moldovan delegation.

The statement by the Russian Federation referred to the not very favourable status of the negotiations, which are stalled, and to the threat that what has already been achieved may be lost if the parties do not take specific steps to resume the negotiations. Important provisions of the Memorandum of 8 May 1997 have not been observed or implemented. The notion of a common State, which is unfortunately mentioned in the memorandum, is being interpreted by the parties in a totally different manner. With respect to Transdnistrian insistence on guarantees, no one knows what to guarantee or how to guarantee it. The difficult task at this point is to solve concrete issues. This will be far from easy because of the lack of mutual respect for one another's interests. No regular meetings are being held. Unfortunately, Moldova did not nominate the head of its delegation. Confidence-building measures are not being implemented. The Dubossary Bridge has been renovated but has not been put into service. The process is in a state of stagnation that has lasted for four years. The restoration of the negotiation mechanism between Chisinau and Tiraspol is required. The question of territorial integrity and sovereignty of Moldova and the securing for Transdnistria the right to broad autonomy will require hard work by the mediators and parties. The hope is that concrete steps in the area of confidence-building can be achieved in the near future.

Given that one-third of the population in Transdniestria and one-seventh of the population in Moldova are Ukrainians, Ukraine took all necessary measures to limit the conflict and prevent the misuse of Ukrainian territory. Ukraine is not interfering in Moldova, but neither is it a passive observer. Among the positive results that might be mentioned are the following:

- The joint statement by the Presidents of Russia, Ukraine and Moldova,
- the Memorandum of 8 May 1997, which Ukraine initially viewed as imperfect since it was found to leave room for interpretation, and
- the Odessa agreement, regarding which President Kutschma extended an invitation to Mr. Smirnov, in view of the fact that there are concerns that provisions of this agreement are not being applied.

Ukraine is in favour of restoring a unified socio-economic space and all ties since this is the only way to finally resolve the conflict. Difficulties remain, owing to Moldova's desire to reach an agreement on a unified Moldova and Tiraspol's notion of a confederation-type of State based on equal subjects. Since there are many agreements that are being inadequately verified and poorly implemented, the first priority is to reactivate the negotiation process with a stage-by-stage settlement and a timetable for implementation. This process must first deal with the basic principles of the territorial integrity of Moldova and a special status for Transdniestria. The next step will be the definition of the areas of competence of the central authorities and of those of Transdniestria. With regard to peacekeepers, a reduction instead of an increase in their number is needed.

Romania sees in the current situation in Transdniestria a matter of serious concern. Owing to the large military arsenals there and the lack of predictability and responsibility, the Transdniestrian zone is today a favourite area and starting point for international organized crime; illegal trafficking in drugs, weapons and stolen cars; and illegal immigration. In the light of the main ideas and principles of the OSCE for the settlement of the conflict, the following elements are unacceptable:

- separatism, an alternative being broad administrative autonomy for the local government,
- the idea of peaceful coexistence of structures with different social and political systems,
- a link between a peaceful solution and the withdrawal of foreign troops.

Romania believes that a new sustained effort to move forward the negotiating process is needed, with:

- new possible confidence-building measures to overcome the tremendous lack of mutual trust,
- an increase in the direct participation of the guarantor States in the OSCE mechanism,
- real transparency in the withdrawal process,
- a larger role of the OSCE Mission in the Republic of Moldova in the negotiating process, since this is one way of injecting the necessary degree of realism and reason into the talks,
- respect for human rights. A solution of the Ilascu case would have a positive effect on the political climate as a whole.

There are direct links between the local authorities in Romania and the local authorities in the Republic of Moldova. Romania is prepared to establish similar direct links with the local authorities in the eastern part of the Republic of Moldova, once the matter of Transdniestria has been settled.

The subsequent discussions focused on the following topics:

- distribution of tax revenues between the Gagauz Region and the centre,
- the aspect of self-determination, where each instance is different and requires a politico-legal process specific to the situation,
- common interests between Moldova and Transdniestria. The representative of the World Bank outlined present and potential areas of common interest such as energy, transport/communication and trade;
- withdrawal of foreign troops.

Moldova's position is that the absence of weapons and military personnel would facilitate the negotiation process.

Russia referred to the significant amount of weapons that had accumulated over decades and that would require a major logistic effort to withdraw. In general, however, withdrawal, as a very complex matter, is being dealt with in accordance with the obligations Russia has undertaken.

Panel Discussion

Interrelationship Between Central and Regional Governments – International Tools and Mechanisms

Report by Mr. Sven Jurschewsky

Mr. Witold Smidowski, Representative of the OSCE Chairman-in-Office, chaired the panel discussion. The panelists were Mr. Nenad Klapcic of the Assembly of European Regions; Mr. Tom Price, Co-ordinator of OSCE Economic and Environmental Activities; Mr. Jakob Haselhuber, Adviser to the OSCE High Commissioner on National Minorities; and Mr. Ivan Koedjikov, Political Adviser in the Directorate of Political Affairs in the Council of Europe.

Mr. Klapcic reiterated the philosophy of the Assembly of European Regions, laying emphasis on the principle of subsidiarity as set out in the European Charter on Local Autonomy.

Mr. Koedjikov drew attention to the lack of correlation between the discussions during the first and second day of the Seminar. The first day had been devoted to the “Experience in the OSCE Area”, while the second day had focused on “The case of the Republic of Moldova”. He concluded that there appeared to be no recipes, no ready-made solutions to the problems of separatism. A learning process on relations between central and regional governments was in train in Europe. In the final analysis, the subject of the Seminar could be resolved in issues relating to “good governance”. In concluding, Mr. Koedjikov noted that the right to national self-determination had been developed in the period of de-colonization and had been intended to speed that process. Council of Europe lawyers had concluded that this principle had no application to the States of the former Soviet Union.

Mr. Price pointed out that there were few international tools and instruments available to resolve tensions and problems in the economic sphere between central and regional governments. Both centripetal and centrifugal processes are underway. While sub-State entities were sometimes assuming foreign policy roles, larger integrative processes, as exemplified by NAFTA and the “Common Foreign and Security Policy” of the EU, are underway. He noted, by way of example, that dealing with environmental problems often called for innovative sorts of groupings, particularly those which involve grass-roots local organizations and national or even multi-national NGOs, which might provide models for activities in other areas.

Mr. Haselhuber noted that the period of nation-building, that the events of 1989 had ushered in, had also been marked by the re-emergence of ethnic questions. The range of responses shared the characteristic of a search for modalities of involvement. He urged overcoming the “ethnic principle” and replacing it with the “civic principle”. In concluding, he emphasized that the High Commissioner on National Minorities deals with those cases that may lead to disorder.

The discussion that followed the presentations of the panelists was wide-ranging and free-wheeling.

The Head of the OSCE Mission to Moldova, Ambassador Evans, summarized the panel discussion as follows: There are no ready-made solutions; there are few tools; there is the possibility of third-party intervention, but there are good practices. He cited the Valletta Document as setting out a list of tried and true dispute-resolution mechanisms. A representative of an intergovernmental organization stressed the dangers of ethnicity. The granting of autonomy posed risks to democracy. Indeed, he argued, true democracy obviated minority problems. A national representative noted the various federalist experiences that had been outlined in the course of the Seminar, and added South Africa as an example of the application of political will to find solutions to the problems of diversity. Another national representative underscored the need to permit expression of the popular will. How far can national governments go in ensuring national interests without stifling peoples' will, he asked. The representative of the United Nations Development Programme (UNDP) reported on his organization's activities in Moldova. For the purpose of strengthening local governments, UNDP (under the auspices of a project financed by the Netherlands) had assisted the Government of Moldova in drafting a new law on territorial administration. Another national representative pointed out that the solution that had been applied to the Gagauz Region could provide a model for efforts concerning Transdnistria. An exchange between two representatives of the Gagauz people underlined most effectively the emergence of local politics in the Gagauz Region. The discussion concluded with a number of interventions by NGO representatives.

III. LIST OF PARTICIPANTS

OSCE Participating States

Germany

Ms. Irene KOHLHAAS

Ambassador to Moldova

United States of America

Mr. Fred BONKOWSKY

Professor, US Delegation to the OSCE

Mr. John MADDEN

US Embassy to Moldova

Austria/European Union

Mr. Oskar WÜSTINGER

First Secretary, MFA

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Mr. Vasile UZUN	Deputy Chairman of the Executive Committee of Gagauz Yeri
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Ms. Amalia METZLER	Parliament
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Mr. Vidar UDJUS	Delegation of Norway to the OSCE
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Plenipotentiary Representative of MFA

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Mr. Alojz MIKUSIAK

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Mr. Jelle MARSEILLE

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Mission Member

International and Intergovernmental Organizations

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American Bar Association

Mr. Dorin TUDORAN

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Ms. Vlada LYSENKO

Okno v Mir

Mr. Taras GRABOVSKI

Institute for Investigation of Human
Developments

Mr. Tatiana GRABOVSKI

Institute for Investigation of Human
Developments

Mr. Nicolae CHIRTOACA

North Atlantic Centre

Mr. Petru ESHANU

Alliance for Peace

Interpreters

Mr. Alexei B. FEDOROV

Mr. Dmitry N. GOLYBIN

Mr. Roman A. NAZAROV

Mr. Andrei V. TSYBENKO

Mr. Alexander G. YUDENKO

Mr. Valery V. ZAITSEV

IV. LIST OF DOCUMENTS DISTRIBUTED DURING THE SEMINAR^(*)

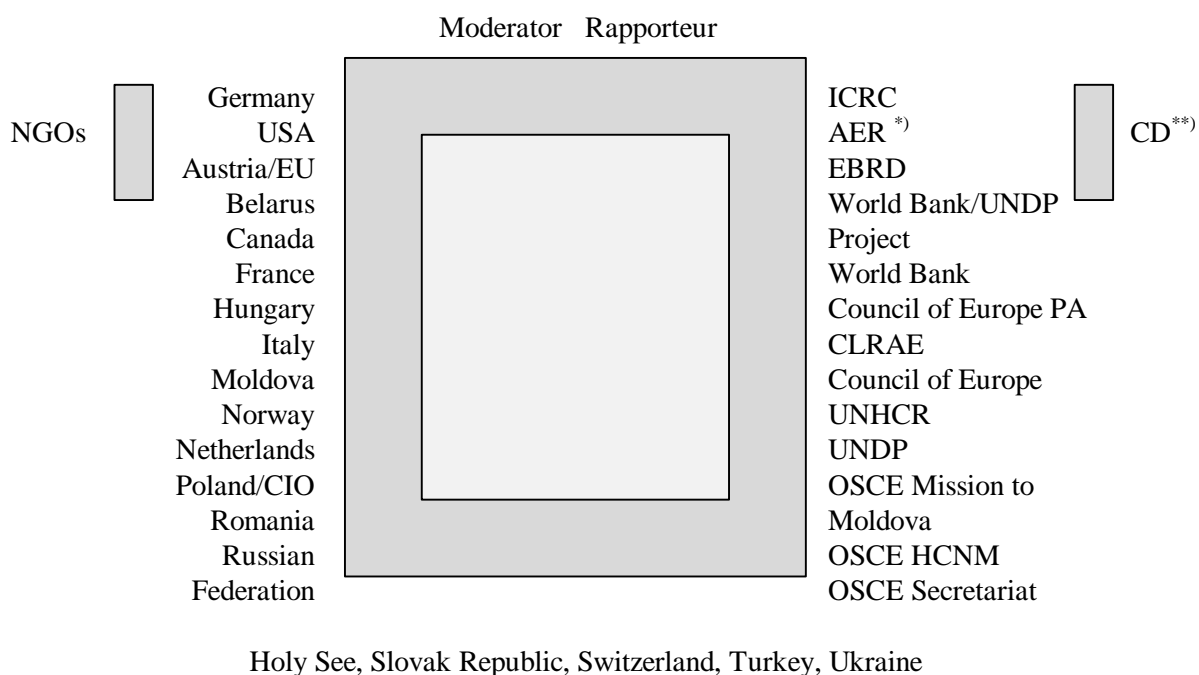
No.	Date	Delegation, Author	Subject
001	30.06.98	OSCE Secretariat	Agenda
002	30.06.98	OSCE Secretariat	List of Participants
003	30.06.98	OSCE Secretariat	Letter of information
004	01.07.98	European Union	Intervention
005	01.07.98	Switzerland, Guillaume Scheurer	Statement: "Unite dans la diversite"
006	01.07.98	Netherlands, Amb. Landman	Statement: The Netherlands: Natio at national and regional level
007	01.07.98	Moldova, N.Tabacaru, Foreign Minister	Opening Statement
008	01.07.98	Moldova, H.E. Mr. Petru Lucinschi, President	Statement
008a	01.07.98	Moldova, H.E. Mr. Petru Lucinschi, President	Statement
009	01.07.98	Council of Europe, Llibert Cuatrecasas	A la réunion organisée par l'OSCE sur les régions
010	01.07.98	European Commission	Statement
011	01.07.98	France, Alain Frimigacci	Statement: Les relations entre le p autorités locales: Le cas de la Frai
012	01.07.98	Ukraine, Ivan Gnatishin, Ambassador	Statement
013	01.07.98	Canada	Statement: Federal – Provincial R Experience
014	01.07.98	OSCE, Secretary General Ambassador Giancarlo Aragona	Statement: The OSCE Contributio Stability
015	01.07.98	Poland	Information bulletin
016	01.07.98	Russian Federation, V. Kuzmin	Statement
017	02.07.98	OSCE Mission	Letter of I. Smirnov, Head of Trai Administration

018	02.07.98	Moldova, H.E. Ion Ciubuc, Prime Minister	Statement
018 a	02.07.98	Moldova, H.E. Ion Ciubuc, Prime Minister	Statement
019	02.07.98	Ukraine, Yevgenii Levitsky	Statement
020	02.07.98	Romania, Marcel Dinu, Ambassador	Statement: The Case of the Reput
021	02.07.98	OSCE Secretariat	List of participants in the Seminar
022	**)	Italy, Diego Vecchiato	The Italian Regional System
023	**)	Moldova, Ceslav Ciobanu, Vice Minister of Foreign Affairs	The resume of conclusions of the Interrelationship between Central

(*) Documents are available on request from Documents Distribution.

(**) Document made available after the Seminar

Annex: Seating arrangement



*) Assembly of the European Regions
 **) Diplomatic Corps